



SPONSOR: Sen. Paradee & Rep. Lynn
Sens. Gay, Hansen

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 177

AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend § 7555, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7555. Candidates; eligibility; declaration of candidacy.

(d) A candidate for municipal office shall file a Certificate of Intention or a Statement of Organization establishing a campaign committee with the State Election Commissioner no later than 7 days after declaring ~~that~~ the candidate's candidacy.

(1) ~~A The candidate shall file a Certificate of Intention is submitted by a candidate when~~ if 1 of the following apply:

a. the ~~The~~ yearly salary for the office for which ~~that~~ the candidate has filed a Declaration of Candidacy is less than ~~\$1,000~~ \$1,000.

b. or who ~~The candidate~~ does not intend to receive more than ~~\$2,000~~ \$5,000 in contributions or expend more than ~~\$2000~~ \$5,000 for campaign expenses during the campaign ~~pursuant to~~ under § 8004 of this title.

(2) ~~Otherwise, If paragraph (d)(1) of this section does not apply, the candidate shall notify the Commissioner and file a Statement of Organization no later than 7 days after making expenditures or receiving contributions on behalf of the candidate or committee, the candidate shall notify the Commissioner and file a Statement of Organization.~~ committee.

Section 2. Amend § 8004, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8004. School boards and offices paying under \$1,000.

Notwithstanding ~~anything provided elsewhere in this chapter, no~~ § 8003 of this title, or any other provision of this chapter, a candidate for election to ~~any~~ a school board or to any other public office that pays less than \$1,000 per year ~~shall be is not~~ required to form a candidate committee if ~~that~~ the candidate signs under penalty of perjury a ~~statement~~ statement.

in a form prepared by the Commissioner, certifying that ~~such~~ the candidate does not intend ~~nor~~ or expect that the candidate's campaign will receive ~~nor~~ or spend, from the date of the first contribution or expenditure on behalf of ~~such~~ the candidate's election until the end of the year in which the election for ~~such~~ the office is held, more than ~~\$2,000~~ \$5,000. If, notwithstanding the execution of ~~such a~~ the statement, ~~such~~ the candidate's campaign nevertheless receives more than ~~\$2,000~~ \$5,000 in contributions or expends more than ~~\$2,000~~ \$5,000, including any contributions or expenditures by the ~~eandidate~~ candidate, before the end of the year in which the election for ~~such~~ the office is held, the candidate ~~shall~~ shall, within 7 days ~~thereafter~~, so after the receipt or expenditure in excess of \$5,000, notify the ~~Commissioner~~, Commissioner and ~~shall~~ cause to be filed all reports that would otherwise have been required ~~therefore~~ under this chapter.

Section 3. Amend § 8030, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8030. Reports of political committees.

(c) (1) Each report required by paragraph (b)(1) of this section ~~shall either be:~~ must a. Filed be filed by the political committee using the Department's campaign finance reporting system and received by the Commissioner by ~~4:30 p.m.~~ 11:59 p.m. of the twentieth day after the end of the reporting period which is not a state holiday under Chapter 5 of ~~Title 1;~~ Title 1.

~~b. Mailed to the Commissioner and postmarked by the political committee by the end of the twentieth day after the end of the reporting period which is not a state holiday under Chapter 5 of Title 1.~~

(2) Each report required by paragraph (b)(2) of this section ~~shall either be:~~ must a. Filed be filed by the political committee using the Department's campaign finance reporting system and received by the Commissioner by ~~4:30 p.m.~~ 11:59 p.m. of the second day after the end of the reporting period which is not a state holiday under Chapter 5 of ~~Title 1;~~ Title 1.

~~b. Mailed to the Commissioner and postmarked by the political committee by the end of the second day after the end of the reporting period which is not a state holiday under Chapter 5 of Title 1.~~

(3) Each report required by paragraph (b)(3) of this section ~~shall~~ must be filed by the political committee using the Department's campaign finance reporting system and received by the Commissioner by ~~4:30 p.m.~~ 11:59 p.m. of the second day after the end of the reporting period which is not a State holiday under Chapter 5 of Title 1.

Section 4. Amend § 3002, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3002. Unaffiliated candidates.

(b) ~~No individual shall~~ A candidate may not be listed as an unaffiliated candidate on any general election ballot unless ~~such individual shall have filed~~ the candidate files, on forms promulgated by the State Election Commissioner, on or before the close of the official business day on September 1 of the general election year, a sworn declaration with the State Election Commissioner, if a statewide candidate, or the Department office for the county where the candidate resides, if a nonstatewide candidate, stating that the candidate has not been affiliated with any political party for at least ~~3 months prior~~ to 90 days before the filing of the declaration, as required by this title. By September 1 of a general election year, the candidate shall file nominating petitions, as prescribed in this chapter, signed by not less than 1% of the total number of voters registered, as of December 31 of the year immediately preceding the general election year in the State, or if a nonstatewide candidate, of those voters registered to vote for that office which such individual seeks. To be removed from a general election ballot, the candidate must withdraw the nominating petitions on or before 4:30 p.m. on the first Friday after the certificate of nomination is submitted.

Section 5. Amend § 3301, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3301. Certificates of nomination.

(e) For minor political parties not required to select candidates under Chapter 31 of this title, each party shall select its candidates at the party's state or county nominating convention held on or before August 1 in the year of a general election and shall file the certificates of nomination of the selected candidates within 10 business days of the nominating convention. To be removed from a general election ballot, the candidate must withdraw the certificate of nomination on or before 4:30 p.m. on the first Friday after the day the certificate of nomination is submitted.

Section 6. Amend § 3303, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3303. Time of filing certificates.

~~(a)(1) Certificates of nomination for statewide office to be filed with the State Election Commissioner, and certificates of nominations for nonstatewide offices to be filed with the Department office for the county where the nominee resides, as the case may be, Except as provided under paragraph (a)(2) and (a)(4) of this section and §§ 3002(b) and 3301(e) of this title, a certification of nomination must be filed before the close of the official business day on or before September 1 of the year of any general election, as follows:~~

a. For statewide office, with the State Election Commissioner.

b. For nonstatewide office, with the Department office for the county in which the nominee resides.

81 (2) ~~and if~~ If September 1 is a Sunday or legal holiday, ~~then~~ a certificate of nomination under paragraph (a)(1)
82 of this section must be filed on the next official business day.

83 (3) ~~Certificates~~ A certificate of nomination must be on the form specified by the State Election Commissioner.

84 (4) ~~However, when there is a national nominating convention, the nominees from the~~ A nominee nominated
85 for office by a national nominating convention must be named on a certificate of nomination to be filed before 12:00
86 noon on the earlier of the following:

87 (1)~~a.~~ The Tuesday following the national nominating convention.

88 (2)~~b.~~ September 15 of the election year.

89 (b) Except as provided under §§ 3002(b) and 3301(e) of this title, to be removed from a general election ballot, a
90 nominee must withdraw the certificate of nomination on or before 4:30 p.m. of the first Friday after the deadline for filing
91 the certificate under subsection (a) of this section.

SYNOPSIS

This Act makes the following changes to election law:

(1) Increases the contribution or expenditure threshold for requiring a candidate for a public office, including a municipal office, to form a candidate committee, or file a statement of organization, with the State Election Commissioner from \$2,000 to \$5,000.

(2) Changes the deadline to file campaign finance reports from 4:30 p.m. to 11:59 p.m. and makes clear that the reports are required to be filed electronically using the Department of Elections' campaign finance reporting system.

(3) Provides a deadline by which a candidate must withdraw to be removed from the general election ballot.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

This Act requires a greater than majority vote for passage because § 1 of Article IX of the Delaware Constitution requires the affirmative vote of two-thirds of the members elected to each house of the General Assembly to amend a municipal charter.

Author: Senator Paradee