



SPONSOR: Rep. Baumbach & Rep. Bolden & Sen. Gay
Rep. Wilson-Anton; Sen. Sokola

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 258

AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO CERTIFICATES OF NOMINATION
FOR MINOR POLITICAL PARTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

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

Part III. Primary Elections and Nominations of ~~Candidates~~ Candidates for Primary and General Elections

Section 2. Amend § 3001, Title 15 of the Delaware Code by making deletions as shown by strike through and
insertions as shown by underline as follows:

§ 3001. Political parties.

No political party shall be listed on any general election ballot ~~unless, 21 days prior to the date of the primary
election,~~ unless by August 1 in the general election year, there shall be registered in the name of that party a number of
voters equal to at least ~~10/100~~ one-tenth of 1 percent of the total number of voters registered in the State as of December 31
of the year immediately preceding the general election year.

Section 3. Amend § 3101, Title 15 of the Delaware Code by making deletions as shown by strike through and
insertions as shown by underline as follows:

§ 3101. Nomination, withdrawal and primary election dates.

The following schedule shall apply for all ~~candidates:~~ candidates in primary elections:

(1) Notification of candidacy shall be on or before 12:00 noon of the fourth Tuesday in February.

(2) Such notification of candidacy may be withdrawn on or before 4:30 p.m. on the first Friday after the fourth
Tuesday in February. In the event the first Friday after the fourth Tuesday in February is a legal holiday, then the final
day to withdraw shall be the next day which is not a Saturday, ~~Sunday~~ Sunday, or a legal holiday.

(3) Primary elections for all political parties shall be conducted on the fourth Tuesday in April.

Section 4. Amend Chapter 33, Title 15, by making deletions as shown by strike through and insertions as shown
by underline as follows:

Chapter 33. Nominations of Candidates by Parties for General Elections

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

25 § 3301. Certificates of nomination.

26 (e) For minor political parties not required to select candidates under Chapter 31 of this title, each party shall select
27 its candidates at the party's state or county nominating convention held on or before ~~the fourth Tuesday in April~~ August 1
28 in the year of a general election and shall file the certificates of nomination of the selected candidates within 10 business
29 days of the nominating convention.

30 Section 6. This Act takes effect as follows:

31 (1) If House Bill No. 30 is enacted, this Act takes effect on January 2, 2024.

32 (2) If House Bill No. 30 is not enacted, this Act does not take effect.

SYNOPSIS

 This Act provides an August 1 deadline for minor political parties to nominate candidates for a general election. This change is necessary because under current law, the deadline for notification for candidacy for general elections is the same as the deadline for nomination of candidacy from primary elections. Thus, when House Bill No. 30 changes the date for primary elections from September to April, the deadline for minor political parties to nominate candidates for a general election also changes.

 This Act extends the deadline for minor political parties who are not required to nominate candidates for primary elections until August 1 in the year before the general election. It also revises the names of Part III and Chapter 33 so it is clear which elections are governed by each.

 This Act takes effect on January 2, 2024, the day after House Bill No. 30 is enacted, and does not take effect if House Bill No. 30 is not enacted. As such, this Act is drafted using the versions of the statutes as amended by House Bill No. 30.

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