



SPONSOR: Sen. Blevins & Rep. Smith

DELAWARE STATE SENATE

142nd GENERAL ASSEMBLY

SENATE BILL NO. 107  
AS AMENDED BY  
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO PUBLIC SCHOOL ELECTIONS.

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

Section 1. Amend § 1066A (a) (4), Title 14 of the Delaware Code by striking the words “shall be nominated” in their entirety and substituting in lieu thereof the words “shall file his or her candidacy”, by striking the word “nominee” and substituting in lieu thereof the word “candidate”, and by striking the word “nominating”.

Section 2. Amend § 1066A (a), Title 14 of the Delaware Code by striking subsection (5) in its entirety.

Section 3. Amend § 1069 (c) (8), Title 14 of the Delaware Code by striking the words “Nominations for” as they appear in the first sentence in their entirety and substituting in lieu thereof the words “The notice of candidacy filed by”.

Section 4. Amend § 1069 (c) (8), Title 14 of the Delaware Code by striking the word “Nominations” as it appear in the second sentence and substituting in lieu thereof the word “Filings”.

Section 5. Amend § 1069 (c) (8), Title 14 of the Delaware Code by striking the word “nominated” as it appears in the third sentence and substituting in lieu thereof the word “filed”.

Section 6. Amend § 1069 (c) (8), Title 14 of the Delaware Code by striking the fourth sentence in its entirety and substituting in lieu thereof the following:

“If in a given year when notices of candidacy may be filed for members living in a specific area and no filings are so made, and if during that given year a notice of candidacy may also be filed for a member to serve “at large,” the member “at large” living in the area receiving the highest number of votes shall be declared duly elected to the position of school board member; if the same candidate should also have received the highest number of votes of all candidates who

had filed a notice of candidacy to serve “at large”, then the person receiving the second highest number of votes shall be declared duly elected to the position “at large” in the school district.”

Section 7. Amend § 1069 (c) (9), Title 14 of the Delaware Code by striking the words “nominations may be made and board members” in their entirety and substituting in lieu thereof the words “board members shall be”.

Section 8. Amend § 1070 (4), Title 14 of the Delaware Code by striking the words “Nominations for” as they appear in the first sentence in their entirety and substituting in lieu thereof the words “The notice of candidacy filed by”.

Section 9. Amend § 1070 (4), Title 14 of the Delaware Code by striking the word “Nominations” as it appears in the second sentence and substituting in lieu thereof the word “Filings”.

Section 10. Amend § 1070 (4), Title 14 of the Delaware Code by striking the word “nominated” as it appears in the third sentence and substituting in lieu thereof the word “filed”.

Section 11. Amend § 1070 (4), Title 14 of the Delaware Code by striking the fourth sentence in its entirety and substituting in lieu thereof the following:

“If in a given year when notices of candidacy may be filed for members living in a specific area and no filings are so made, and if during that given year a notice of candidacy may also be filed for a member to serve “at large,” the member “at large” living in the area receiving the highest number of votes shall be declared duly elected to the position of school board member; if the same candidate should also have received the highest number of votes of all candidates who had filed a notice of candidacy to serve “at large,” then the person receiving the second highest number of votes shall be declared duly elected to the position “at large” in the school district.”

Section 12. Amend § 1070 (5), Title 14 of the Delaware Code by striking the words “nominations may be made and board members” in their entirety and substituting in lieu thereof the words “board members shall be”.

Section 13. Amend § 1071 (b), Title 14 of the Delaware Code by inserting as subsections (4) and (5) the following:

“(4) “Public school election” means an election to elect one or more members to a board of education and any election conducted in accordance with chapters 19, 20 or 21 of this title.

(5) “Department of Elections conducting the election” means the Department of Elections in the county in which the office of the superintendent of a public school district is located and which is responsible for conducting elections in

accordance with chapters 10, 19, 20 and 21 of this title for that school district, except that public school elections in the Milford and Smyrna School Districts shall be conducted by the Department of Elections for Kent County and public school elections in the Woodbridge School District shall be conducted by the Department of Elections for Sussex County.”

Section 14. Amend § 1072 (b), Title 14 of the Delaware Code by striking the words “appropriate Department of Elections office” wherever they shall appear in their entirety and substituting in lieu thereof the words “Department of Elections conducting the election”, and by inserting as subsections (1) and (2) the following:

“(1) The reorganized school district for which an election is being conducted under this subchapter shall provide school district buildings designated as polling places and/or as election officer training sites by the Department of Elections conducting the election to that Department of Elections without charge for use or fee for custodial services.

(2) The Department of Elections conducting an election may establish one or more polling places for that election outside of the boundaries of the reorganized school district for which the election is being conducted as deemed necessary and proper by that Department of Elections.”

Section 15. Amend § 1073, Title 14 of the Delaware Code by striking the section in its entirety and substituting in lieu thereof the following:

“§ 1073. Election officers.

The Department of Elections conducting an election under the provisions of this title shall appoint an inspector, and two (2) election officers for every voting machine assigned to a polling place. Two of the aforesaid election officers shall be designated as judges and the remaining election officers shall be designated as clerks. The Department of Elections conducting the election may assign additional clerks to polling places as deemed necessary.

(1) The inspector shall be the person responsible for the set up, operation and closing of the polling place and make all decisions regarding the aforesaid except for questions regarding voter eligibility.

(2) The inspector and both judges shall by majority vote decide all questions of voter eligibility.”

Section 16. Amend § 1074, Title 14 of the Delaware Code by striking subsections (a) and (b) in their entirety and substituting in lieu thereof the following:

“(a) The Department of Elections conducting a public school election for the purpose of electing members to a board of education shall give notice of such election by notices placed on each school building and by notices published in at least one newspaper with countywide circulation, or a combination of newspapers that cover the area(s) in the county where the school board seats are up for election. The notices shall be published at least one time per week during the four weeks prior to the date of the election. The last publication shall be not more than 3 days before the day of the election. Such notices shall plainly set forth the office(s) to be filled, the date, the time and the place(s) of the election.

(b) School districts shall give notice of elections conducted in accordance with chapters 19, 20 and 21 of this title by notices placed on each school building and by notices published in at least one newspaper with countywide circulation, or a combination of newspapers that cover the area(s) in the county where the school board seats are up for election. The notices shall be published at least one time per week during the four weeks prior to the date of the election. The last publication shall be not more than 3 days before the day of the election. For elections conducted under the provisions of Chapter 19, such notices shall plainly set forth the amount to be raised, the proposed rate of taxation, the purpose or purposes for the proposed additional taxes, the date, the time and the place(s) of the election. For elections conducted under the provisions of Chapters 20 or 21, such notices shall plainly set forth the amount of the bonds proposed to be issued, the purposes and reasons therefor, the date, the time and the place(s) of the election.

(c) The notices to be placed at each school building as required in subsections (a) and (b) of this section shall be delivered to the respective school district offices at least 40 days prior to the date of an election and the respective school district shall cause the notices to be posted on or near the front door of each school building no later than 28 days prior to the election. The notices shall remain posted until the day following the election."

Section 17. Amend § 1075, Title 14 of the Delaware Code by striking said section in its entirety and substituting in lieu thereof:

“§ 1075. Filing of candidacy for school board member; withdrawal of candidacy.

(a) No later than 4:30 p.m. on the first Friday in March, candidates for election to a board of education shall file a notice of candidacy on the form promulgated by the Commissioner of Elections for that purpose with the Department of Elections responsible for conducting the election. If the last day of filing is a legal holiday, the last day for a person to file shall then be the first business day next that is not a Saturday, Sunday or a legal holiday

(b) In the event that there is only one candidate for the election of a school board member, the Department of Elections conducting the election shall declare the candidate elected, shall not hold an election for that seat, and shall issue a certificate of election to that candidate.

(c) A person may withdraw as a candidate by filing the form promulgated by the Commissioner of Elections for that purpose with the Department of Elections conducting the election.

(1) If the withdrawal creates a circumstance where there is no contest for a school board seat and there are no other school board seats or questions on the ballot, the Department of Elections conducting the election shall cancel the election.

(2) If there are at least two remaining candidates for the office and/or there are other offices or questions on the ballot, the Department of Elections conducting the election shall, time permitting, make new ballots.

(3) If time does not permit to make new ballots, the Department of Elections conducting the election shall take such action as is possible to inform the voters at the polling place of the withdrawal.

(4) If there are two remaining candidates for the office and there are seven (7) or more days prior to the date of the election, the Department of Elections conducting the election shall mail new absentee ballots to all persons who had voted by absentee ballot or had not returned absentee ballots mailed to them. If the replacement ballots are not returned by the close of the polls on the day of the election, the earlier ballot shall be counted. Votes shall not be tallied for persons who have withdrawn their candidacy.

(5) Any votes cast for a person who has withdrawn as a candidate shall be considered null and void and shall not be tallied, canvassed or reported.

(d) The county Departments of Elections shall give notice of the deadline for filing as a candidate for a seat on a board of education by notices published in at least 1 newspaper with countywide circulation or a combination of newspapers that cover the area(s) in the county where the school board seats are up for election. The first publication of the aforesaid notice shall be no later than February 1. Subsequent publication of the aforesaid notice shall be at least once a week during each week before the filing deadline. The last publication of the aforesaid notice shall be not more than 3 days before the filing deadline. Such notices shall plainly set forth the office(s) to be filled, the deadline for filing a notice of candidacy, and the location at which candidates shall file their notice of candidacy.”

Section 18. Amend § 1076 (b), Title 14 of the Delaware Code by striking the words “appropriate Department of Elections for each county” in their entirety and substituting in lieu thereof the words “Department of Elections conducting the election” and by striking the word “levers” in its entirety and substituting in lieu thereof the words “selection device”.

Section 19. Amend § 1076 (b) (1), Title 14 of the Delaware Code by striking the words “persons nominated” in their entirety and substituting in lieu thereof the words “filed candidates”.

Section 20. Amend § 1076 (b), Title 14 of the Delaware Code by inserting subsection (3) as follows:

“(3) For elections conducted in accordance with chapters 19, 20, or 21 the appropriate selection language.”

Section 21. Amend § 1076 (c), Title 14 of the Delaware Code by striking the words “appropriate Department of Elections” in their entirety and substituting in lieu thereof the words “Department of Elections conducting the election”

Section 22. Amend § 1076 (d), Title 14 of the Delaware Code by striking the words “for the county in which the reorganized school district is located.” and substituting in lieu thereof the words “conducting the election.”

Section 23. Amend § 1076 (e), Title 14 of the Delaware Code by striking the words “and publication of notices” in their entirety, and by striking the words “for the county in which the reorganized school district is located” in their entirety and substituting in lieu thereof the words “conducting the election”.

Section 24. Amend § 1076, Title 14 of the Delaware Code by striking subsection (h) in its entirety.

Section 25. Amend § 1078, Title 14 of the Delaware Code by striking the phrase “election officers” in the second sentence and substituting in lieu thereof the phrase “inspector and both judges”.

Section 26. Amend § 1078, Title 14 of the Delaware Code by striking the phrase “election officers” in the fifth sentence and substituting in lieu thereof the phrase “inspector and both judges”.

Section 27. Amend Title 14 of the Delaware Code by inserting a new § 1079 as follows:

“§ 1079 Bribery.

(a) No person who receives or accepts or offers to receive or accept, or pays, transfers or delivers, or offers or promises to pay, transfer or deliver, or contributes or offers or promises to contribute to another to be paid or used, any money or other valuable thing as a compensation, inducement or reward for giving or withholding or in any manner influencing the giving or withholding a vote at any public school election, shall vote at such election unless such person

being challenged for any of said causes takes and subscribes to the oath or affirmation as provided for in Delaware Code, Title 15, § 4940.

(b) Such oath or affirmation shall be conclusive evidence to the election officers of the truth of such oath or affirmation, but if any such oath or affirmation shall be false, the person making the same shall be guilty of perjury, and no conviction thereon shall bar any prosecution under § 8 of Article V of the Constitution of this State. Such oath or affirmation, when signed and attested as provided in this section shall be competent evidence in any proceeding against the party making the same.”

Section 28. Amend § 1080, Title 14 of the Delaware Code by inserting a subsection (c) as follows:

“(c) The voter expresses his or her intent on an absentee ballot as follows:

(1) Making a distinct mark in the square provided to the right of the name of the candidate or response to a question.

(2) If the voter indicates his or her choice in a manner other than the manner specified in subsection (1) above the election officers shall attempt to determine the intent of the voter. If it is not possible to determine a voter’s choice for an office or response to a question, the ballot shall not be counted for that office or question but shall be counted for all other offices and questions on the ballot where the voter’s intent can be determined.

(3) If a ballot is marked for more names or responses than are permitted, it shall not be counted for that office or question but shall be counted for all other offices or questions on the ballot.

(4) If a ballot has been defaced or torn by a voter so that it is impossible to determine the voters choice for one or more offices or questions, it shall not be counted for such offices or questions but shall be counted for all other offices and questions on the ballot.”

Section 29. Amend Title 14 of the Delaware Code by adding a new section § 1081as follows:

“ § 1081. Official record.

(a) The Commissioner of Elections, in consultation with the county Departments of Elections, shall promulgate a Voter Eligibility Affidavit for Public School Elections that all voters in public school elections shall complete before voting. The aforesaid affidavit shall be printed as a one-part form. The Commissioner of Elections and the county Departments of Elections shall at least once every two years meet to review the Voter Eligibility Affidavit for Public

School Elections. Upon approval of a new version of the affidavit, existing supplies of affidavits shall be used until exhausted.

(b) As soon as possible after the close of a public school election the Department of Elections conducting the election shall check for persons who voted more than once by putting the completed Voter Eligibility Affidavits for Public School Elections into alphabetic order. The department shall refer any instances of persons voting more than once in a public school election to the Attorney General.

(c) The Department of Elections conducting the election shall make the affidavits available to the respective school district upon request and at no cost. The department may satisfy this requirement by providing a copy of the affidavits to the school district.

(d) The affidavits and all other records of a public school election shall be retained for one year and then destroyed.”

Section 30. Amend § 1082, Title 14 of the Delaware Code by striking said section in its entirety and substituting in lieu thereof the following:

“§ 1082. Procedure at the polling place.

(a) Upon arriving at a polling place, a person shall complete a Voter Eligibility Affidavit for Public School Elections attesting to his or her eligibility to vote in the public school election and then present the aforesaid affidavit and proof of his/her identity and address as required in § 1078 of this title to an election officer.

(b) Upon being presented an affidavit and proof of his/her identity by a person, the election officer shall then legibly print the name of the person onto a poll list, determine whether or not the person is eligible to vote in the election, and then annotate the affidavit as to whether or not the person shall be permitted to vote. If the person does not offer reasonable proof of identity and address as required in § 1082 of this title, the person may be permitted to vote by majority vote of the inspector and both judges. Poll lists created as required above shall be retained by the Department of Elections that conducted the election for one-year following the day of the election. At the end of the aforesaid year, the poll lists shall be destroyed.

(c) If the election officer determines that the person is not eligible to vote in the election, he/she shall refer the person to the inspector and both judges. The inspector and both judges after hearing and considering evidence shall by



majority vote determine whether or not to permit the person to vote. Upon making the decision, the inspector shall appropriately annotate the affidavit and poll list. If the person is not permitted to vote, the inspector shall direct the person to depart the polling place and then the inspector shall file the affidavit in the appropriate place.

(d) If a person's eligibility to vote is challenged by anyone for any reason, the inspector and both judges shall immediately hear and consider the evidence and then by majority vote decide whether or not the person is eligible to vote. Once the inspector and both judges have made their decision, there is no appeal at the polling place. The person shall either be permitted to vote, or shall not be permitted to vote and directed to depart the polling place. A person who has not been permitted to vote may appeal the decision of the inspector and both judges to the administrative director or in his or her absence to the deputy administrative director for the Department of Elections conducting the election.

(e) Upon hearing the evidence of an appeal by a voter, the administrative director or deputy administrative director for the Department of Elections conducting the election shall rule on the appeal. A person whose appeal is successful shall be permitted to vote at the polling place or by absentee ballot at the Department of Elections conducting the election."

Section 31. Amend § 1083 (a), Title 14 of the Delaware Code by striking said subsection in its entirety and substituting in lieu thereof the following:

"(a) The Department of Elections conducting an election in accordance with this title shall compile and announce the unofficial results as soon as possible after the close of the election. No later than 15 days following the close of a public school election, the Department of Elections conducting the election shall canvass the vote and certify the results of the election as provided in subsection (d) below. For the election of school board members, the persons receiving the highest number of votes shall be declared duly elected to the position of school board member. The Department of Elections conducting the election shall keep the certificate of the results of each public school election conducted under this title as a public record in their offices."

Section 32. Amend § 1083 (c), Title 14 of the Delaware Code by striking the words "appropriate Department of Elections" in their entirety and substituting in lieu thereof the words "Department of Elections conducting the election".

Section 33. Amend § 1083 (d), Title 14 of the Delaware Code by striking said subsection in its entirety and substituting in lieu thereof the following:

“(d) Certification requirements.

(1) In the case of an election pursuant to Chapter 10 or 19 of this title, the Department of Elections that conducted the election shall present certification of the results to the superintendent of the respective school district no later than the 16 days following the day of the election. If the 16th day is a Saturday, Sunday or holiday, such presentation shall be made no later than 4:30 p.m. on the next business day.

(2) In the case of an election pursuant to Chapters 20 or 21 of this title, the Department of Elections that conducted the election shall present certification of the results to the superintendent of the respective school district and to the Secretary of Education no later than 16 days following the day of the election. If the 16th day is a Saturday, Sunday or holiday, such presentation shall be made no later than 4:30 p.m. on the next business day.

(3) In the case of an election to determine a consolidation, division or change of boundaries of a reorganized school district, the Department of Elections that conducted the election shall present certification of the results to the superintendent of the respective school district and to the Secretary of Education no later than 16 days following the day of the election. If the 16th day is a Saturday, Sunday or holiday, such presentation shall be made no later than 4:30 p.m. on the next business day.”

Section 34. Amend § 1083, Title 14 of the Delaware Code by inserting subsection (e) as follows:

“(e) Within 96 hours following the certification of a public school election, 25 or more persons who voted in the aforesaid public school election may petition the Department of Elections that conducted the election for a recompilation of the results, if the difference in the election of a school board member or in an election conducted in accordance with titles 19, 20 or 21 of this title was less than 10 votes or 1/2 of one percent of the total vote whichever is larger. The petition shall contain the printed name, signature and the voting location of each petitioner. The recompilation shall be conducted no later than five (5) business days after the verification of the petition. The Department of Elections that conducted the elections shall:

(1) Examine the voting machine tape from each voting machine used in the election and determine if the results were properly reported. The department shall then correct any results that were incorrectly reported.

(2) Examine the absentee vote tally sheets and determine if errors were made in reporting the absentee vote. The department shall then correct any errors in the reporting of the absentee votes.

(3) Count or cause to be counted all absentee ballots that were cast in the election and correct any errors in the tally that had been reported.

(4) Certify or, if necessary, recertify the recompiled results as required by this title.”

Section 35. Amend § 1084 (a), Title 14 of the Delaware Code by inserting the words “, in consultation with the county Departments of Elections,” after the words “Commissioner of Elections”.

Section 36. Amend § 1086 (b), Title 14 of the Delaware Code by striking the first sentence in its entirety and substituting in lieu thereof:

“The Commissioner of Elections, in consultation with the Department of Elections for the counties, shall promulgate an absentee voting system that shall include envelopes and instructions similar to those provided for in Chapter 55 of Title 15. The Department of Elections responsible for conducting a public school election within a reorganized school district shall prepare the appropriate absentee ballots for any election conducted in accordance with this title.”

Section 37. Amend § 1086 (c), Title 14 of the Delaware Code by striking the said subsection in its entirety and substituting in lieu thereof the following:

“(c) All absentee ballots received by the Department of Elections conducting the election prior to the close of the polls on the day of the election shall remain sealed and held within that Department of Elections until such time that the absentee votes are to be counted.

(d) The Department of Elections conducting the election may appoint one or more boards of election officers to tally the absentee votes for a public school election within the offices of that Department of Elections and/or designate one or more polling places to tally the aforesaid absentee ballots. The tallying of the absentee ballots may commence no earlier than 10 a.m. on the day of the election. The absentee tally shall remain secret until after the close of the polls on the day of the election at which time the results shall be added to the election results. Anyone violating that secrecy shall be punished as provided by law.

(e) All absentee voting records, materials, and ballots shall be retained by the Department of Elections conducting the election for one year following the close of the elections. At the end of the said year, the ballots, materials and other absentee voting records shall be destroyed.”

Section 38. Amend Title 14 of the Delaware Code by adding a new § 1087 as follows:

“§ 1087. Electioneering.

Electioneering as described in Title 15, § 4942 is prohibited in any public school election.”

Section 39. Amend Title 14 of the Delaware Code by adding a new § 1088 as follows:

“§ 1088. Persons permitted in the voting room.

(a) No persons, other than members or employees of the Department of Elections conducting the election who shall be identified by a badge issued by that Department of Elections, the Commissioner of Elections and/or employees of the Office of the Commissioner of Elections who shall be identified by a badge issued by the Commissioner of Elections, appointed election officers, authorized challengers in accordance with § 1089 of this title, or persons voting or waiting to vote, shall be admitted within the voting room. Other persons necessary to the conduct of the election may be admitted within the voting room or within 50 feet of the entrance thereof upon first obtaining consent from the inspector, except as provided in subsection (b) below.

(b) Person or persons with other business within the building in which a polling place for a public school election is located may pass through the polling place area or by the room in which the polling place is located so as not to interfere with the conduct of the election. Such person or persons shall not loiter within 50 feet of the polling place, talk to any person or persons waiting to vote, promote any candidate or side to an issue, or in any other manner interfere with voters or disrupt the polling place. The inspector shall take those steps necessary to maintain order within the polling place as well as enforce § 1087 and § 1088 (a) of this title.

(c) A voter may be accompanied by one (1) or more children not more than 16 years of age. Any challenge to the age of any child shall be resolved by the voter signing an affidavit certifying that the child in question is not more than 16 years of age.”

Section 40. Amend Title 14 of the Delaware Code by adding a new § 1089 as follows:

“§ 1089. Challengers and challenges.

(a) For school board member elections, each candidate on the ballot may appoint and accredit one or more suitable persons as challengers. One challenger from each candidate on the ballot may be present inside each polling place to observe the conduct of the election and all election records. The challengers may be changed and their places filled in

like manner during the day. Each challenger shall present a challenger authorization for that particular election signed by the candidate before being permitted to sit as a challenger.

(b) For all other public school elections, five (5) persons at a time may act as challengers. Persons desiring to sit as a challenger shall ask the inspector in the polling place for permission to serve as a challenger. If fewer than 5 persons are sitting as challengers, the person shall be seated after completing the challenger identification form. If 5 persons are already seated, no person shall be seated until one of the seated persons has left the polling place. Any challenger who leaves the polling place for any reason shall immediately surrender his/her challenger badge to the inspector and shall be replaced by a person waiting to be seated as a challenger.

(c) A person serving as a challenger shall be issued a challenger badge that he/she shall wear while in the polling place. If the person leaves the polling place he/she shall surrender the badge to the inspector and for school board member elections retrieve the challenger authorization from the inspector.

(d) Challengers shall be peace officers with the same powers of preserving the peace as election officers and the challengers shall be protected in the discharge of their duty by the election officers; provided, however, the challengers shall not create any disturbance or obstruction and shall not unreasonably prolong any challenge or inquiry. The inspector shall have the duty to caution the challengers concerning the foregoing and, if a challenger persists in objectionable behavior, he/she may be ejected by the inspector. Nothing in this subsection shall prevent the substitution of another challenger for one who has been ejected.

(e) If an inspector willfully ejects a challenger without cause, that inspector shall be deemed to have knowingly and willfully violated his/her official duty.

(f) Anyone legally within the polling place may challenge any voter for identity, address or bribery. The inspector and both judges shall hear each challenge immediately and before the person so challenged enters a voting machine. Once the inspector and both judges vote on the challenge, the matter is decided and the challenged person will either be permitted to vote or not permitted to vote depending on the decision. A person denied permission to vote shall leave the polling place immediately. A person challenged for bribery may take and subscribes to the oath as provided in Title 15, § 4940. Once the person has taken and subscribed to the oath, he/she shall be permitted to vote.”

Section 41. Amend § 1903, Title 14 of the Delaware Code by striking the words “the usual place or places for holding school elections in the district” in their entirety and substituting in lieu thereof the words “the polling place(s) designated by the Department of Elections conducting the election”.

Section 42. Amend § 1904, Title 14 of the Delaware Code by striking said section in its entirety.

Section 43. Amend § 1905, Title 14 of the Delaware Code by striking the number “1079” in its entirety.

Section 44. Amend § 1906, Title 14 of the Delaware Code by striking said section in its entirety.

Section 45. Amend § 1908 (c), Title 14 of the Delaware Code by striking said subsection in its entirety and substituting in lieu thereof the following:

“(c) The Department of Elections conducting the election shall provide a sufficient number of voting machines necessary to carry out the election hereunder, and the cost of transportation of the voting machines and other necessary charges for use of the voting machines shall be borne by that Department of Elections.”

Section 46. Amend § 1909 and § 1910, Title 14 of the Delaware Code by striking said sections in their entirety.

Section 47. Amend § 1915, Title 14 of the Delaware Code by striking everything after the word “board” in its entirety and substituting in lieu thereof the words “of education shall call an election as provided in § 1903 of this title, and the result of such election shall be binding until another election”.

Section 48. Amend § 2004, Title 14 of the Delaware Code by striking the words “next to the appropriate levers” in their entirety.

Section 49. Amend § 2105, Title 14 of the Delaware Code by striking the words “Commissioner of Elections pursuant to § 2123” in their entirety and substituting in lieu thereof the words “the Department of Elections conducting the election pursuant to § 1083 (d) (2)”.

Section 50. Amend § 2122 (a), Title 14 of the Delaware Code by striking everything after the first sentence in its entirety.

Section 51. Amend § 2122 (b) and (c), Title 14 of the Delaware Code by striking the aforesaid subsections in their entirety.

Section 52. Amend § 2122 (d), Title 14 of the Delaware Code by striking the number “1079” in its entirety.

Section 53. Amend § 2122 (e), Title 14 of the Delaware Code by striking said subsection in its entirety.

Section 54. Amend § 2122 (j), Title 14 of the Delaware Code by striking said subsection in its entirety and substituting in lieu thereof the following:

“(j) The Department of Elections conducting the election shall provide a sufficient number of voting machines necessary to carry out the election hereunder, and the cost of transportation of the voting machines and other necessary charges for use of the voting machines shall be borne by that Department of Elections.”

Section 55. Amend § 2123, Title 14 of the Delaware Code by striking said subsection in its entirety and substituting in lieu thereof the following:

“§ 2123. Election results, publication of results.

(a) If at an election called under § 2122 (a) of this chapter a majority of the vote cast shall be for the bond issue, then bonds to the amount voted upon shall be issued as provided for by this chapter, but if at such election a majority of the votes cast shall be against the bond issue, then the bond issue proposed shall not be made.

(b) Within 10 days of the certification of the results of the election in accordance with § 1083 (a) of this title, the Department of Elections conducting the election shall declare the results of the election by an advertisement published on two consecutive days in at least one newspaper of the county with countywide circulation or a combination of newspapers whose circulation covers the area of the school district.

(c) The Department of Elections conducting the election shall make a certificate of the result of such vote which shall be filed and kept in the offices of that Department of Elections as a public record.”