

CHAPTER 232  
FORMERLY  
HOUSE BILL NO. 209

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:

Section 1. Amend § 3301, Title 15 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 3301. Certificates of nomination.

(a) Candidates for political parties who must file for election in accordance with § 3101 of this title, and who either receive the majority vote at the subsequent primary election or are unopposed in the party for the office for which the candidate has filed shall be considered nominated.

(b) The presiding officer and secretary of the state convention or committee of each political party eligible to place candidates on the ballot shall submit certificates of nomination for electors of President and Vice-President of the United States together with the name of the candidates for President and Vice-President to the State Election Commissioner.

(c) The presiding officer and secretary of the state convention or committee of each political party eligible to place candidates on the ballot may submit a candidate for federal and statewide offices by submitting a certificate of nomination to the State Election Commissioner:

(1) For any office for which no candidate has filed in accordance with § 3101 of this title, or

(2) For any office for which candidates are selected by the state nominating convention of a minor political party.

(d) The presiding officer and secretary of the county committee of each political party eligible to place candidates on the ballot shall submit a certificate of nomination for candidates for the General Assembly, county and municipal offices to the department of elections in the county in which the contests are to be held:

(1) For any office for which no candidate has filed in accordance with § 3101 of this title, or

(2) For any office for which candidates are selected by the state nominating convention of a minor political party.

(e) In the case of minor political parties not required to select candidates pursuant to Chapter 31 of this title, each party shall select their 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. ~~No later than 4:30 p.m. on August 15 in the year of a general election, a minor party shall deliver a copy of each nominating resolution, which shall be certified as true and correct by the party's secretary, to the State Election Commissioner for each statewide office and to the respective department of elections for all other offices. The resolution shall include the name and address for the candidate and the office for which the candidate was nominated. When the resolution is for a legislative district whose boundaries includes territory in 2 or more counties, the resolution shall be delivered to the department of elections for the county in which the nominee is domiciled. The resolution shall be on the form specified by the State Election Commissioner. If August 15 is a Saturday, Sunday or holiday, the deadline shall be at 4:30 p.m. the first business day thereafter. This requirement is in addition to the nominating certificates required elsewhere in this title.~~

(f) Nominating certificates shall be in writing and, in each case, shall contain the name of each person nominated, the person's residence and the office for which the person is nominated, other than the names of the candidates for President and Vice-President for which no residence need be given. The persons making such certificates shall add to their signatures their respective places of residence and shall acknowledge such certificate before an officer duly authorized to take acknowledgments of deeds, and a certificate of such acknowledgment shall be fixed to the instrument.

(g) No such state nominating convention shall have completed its business relative to such nominations until such time as 1 nominee for each of the aforesaid offices shall have received a vote greater than 50% of the total number of eligible delegate votes at such convention, which polled vote shall be considered final.

(h) The State Election Commissioner shall verify that the nominations of candidates submitted to the State Election Commissioner and the eligibility of each political party to make such nominations conform to the requirements set forth in this title. Each department of elections shall do the same concerning certificates of nomination submitted to it.

(i) The State Election Commissioner shall forthwith send a copy of each certificate of nomination submitted to the Commissioner to each department of elections. Each department of elections shall forthwith send a copy of each certificate of nomination submitted to it to the State Election Commissioner.

(j) Notwithstanding anything else set forth herein to the contrary, a candidate for office nominated by a party under this section must be a registered member of the party nominating such candidate at the time of such nomination the certificate of nomination is filed, as shown on the voter rolls of the department of elections (except in the case of presidential and vice-presidential nominees, who need not be registered voters in the State).

(j) Notwithstanding anything else set forth herein to the contrary, a candidate for office nominated by a party under this Section upon the filing of a certificate of nomination must be a registered member of the party nominating such candidate at the time of such nomination, as shown on the voter rolls of the Department of Elections (except in the case of presidential and vice-presidential nominees, who need not be registered voters in the State of Delaware).

Section 2. Amend § 2049, Title 15 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 2049. Change of party designation; procedure.

(a) Any duly registered voter may apply to change that registered voter's political affiliation by completing and submitting a voter registration application to the department of elections in the county in which the registered voter resides except in the year of a general election during the period from the last Saturday in May through the day of the primary election. The application shall be upon a form provided by the Commissioner and shall be signed by the registrant and returned by mail or delivered to the office of the department. An appropriately addressed envelope shall be supplied by the department for return of the executed application. Upon receipt of the executed application, the department shall cause the signature to be compared with the original registration record of such applicant, and if such signature appears to be the same, such change of affiliation shall be made on the original and duplicate records and the applicant shall be immediately notified by mail of the change so made. If the department is not satisfied as to the signature on the application, the applicant shall be notified by mail to appear at the office of the department to answer under oath such questions as may be deemed necessary. If the applicant fails to appear as notified, no such change of affiliation shall be made. If the application is made to the registration officers, they shall forward the completed application to the department at the same time as they forward other registration records at the close of registration, and the department shall cause appropriate notations thereof to be made upon the applicant's registration record in the County Master File and the applicant's record in the Election System data base.

(b) Applications received that change a person's political party affiliation during a period in which a person may not change that person's own political party affiliation in accordance with provisions of this title shall be held by the department of elections receiving the application and processed when the period to change a person's political party affiliation reopens.

(c) Notwithstanding subsection (a) of this section a person may change his or her party affiliation in the year of a general election during the period from ~~March 31~~ the last Saturday in May through September 1 if:

(1) The statewide and county chair of a political party provide a written affidavit to the department of elections stating that such person has asked or agreed to be a candidate for office of that political party and the statewide and county chair of a political party want the person to be a candidate for office representing the political party; and

(2) The person provides an affidavit to the department of elections stating that such person is changing political parties to be a candidate for office of the political party providing the affidavit described in paragraph (c)(1) of this section and a withdrawal form for any other candidacies.

Section 3. Amend § 3303, Title 15 of the Delaware Code by making insertions as shown by underlining as follows:

§ 3306. Supplemental certificates of nomination.

(a) Whenever it shall be determined, subsequent to the dates specified in § 3301 and § 3303 of this title, that a duly nominated candidate will be unable to serve if elected because of death, physical, mental or other incapacity, the state, county or city (if a municipality holds its election at the time of the general election) committee shall convene within 24 hours of said determination to authorize the filing of a supplemental certificate of nomination for a substitute candidate, or to decline to issue such a certificate. However, in the case of the death of a candidate, said committee may convene within a reasonable period of time sufficient to have the new candidate's name placed on the ballot, but in no case later than 5 days from the date of death.

(b) Such certificate, if issued, shall be delivered to the officer or officers to whom the original certificate was submitted no later than 12:00 noon of the day following that meeting at which the certificate was authorized. However, if said meeting shall occur within 5 days of the day of election, the certificate shall be delivered immediately.

Approved May 28, 2014