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Mulrooney Oberle Plant Ramone Schooley Schwartzkopf
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HOUSE OF REPRESENTATIVES
145th GENERAL ASSEMBLY

HOUSE BILL NO. 117

AN ACT TO AMEND TITLES 14 AND 15 OF THE DELAWARE CODE RELATING TO SCHOOL BOARDS AND
SCHOOL BOARD ELECTIONS.

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

1 Section 1. Amend §1045(a), Chapter 10, Title 14, of the Delaware Code by deleting the word “July” as it appears
2 therein and substituting in lieu thereof “January”.

3 Section 2. Amend §1052(b), Chapter 10, Title 14 of the Delaware Code by deleting subsection (b) in its entirety
4 and substituting in lieu thereof the following:

5 “(b) Each member shall be 18 years of age or over, a citizen of the State and a resident of the school district in
6 which elected or appointed and shall meet these requirements at the time of such election or appointment.”.

7 Section 3. Amend §1052(c), Chapter 10, Title 14 of the Delaware Code by inserting at the end of the section the
8 following language “However, beginning in the year 2014 at least 2 school board members shall be elected during the
9 general election and at least 2 school board member members shall be elected biennially thereafter.”.

10 Section 4. Amend §1052(d), Chapter 10, Title 14 of the Delaware Code by inserting between the language “5
11 years” and the word “except” the language “, until the year 2010,”.

12 Section 5. Amend §1052(d), Chapter 10, Title 14 of the Delaware Code by inserting at the end of the subsection
13 the following language:

14 “Effective in the year 2010, the election in the year 2010 for the position on the school board which term ends in
15 the year 2010 shall be for a 4 year term and all successive elections for that position on the school board shall be for 4
16 years, the election in the year 2011 for the position on the school board which term ends in the year 2011 shall be for a 5
17 year term and for all terms thereafter a 4 year term, the election in the year 2012 for the position on the school board which
18 term ends in the year 2012 shall be for a 4 year term and for each term thereafter 4 years, the election in the year 2013 for
19 the position on the school board which term ends in the year 2013 shall be for a 3 year term and for each term thereafter 4

20 years. The position on the school board which term ended in the year 2009 and for which an election was held in the year
21 2009 shall be for a 5 year term and for each election thereafter shall be for a 4 year term. The term of office for elections
22 held in the year 2010 and any year thereafter shall commence on January 2 following such school board member's
23 election.”.

24 Section 6. Amend §1054(b), Chapter 10, Title 14 of the Delaware Code by deleting the language “for the
25 remainder of the fiscal year” and substituting in lieu thereof the language “until January 2 following the next school board
26 election”.

27 Section 7. Amend §1054(b)(4), Chapter 10, Title 14 of the Delaware Code by deleting the language “second
28 Friday in February” and inserting in lieu thereof the language “first Friday in July”.

29 Section 8. Amend §1065(b), Chapter 10, Title 14 of the Delaware Code by inserting after the word
30 “consolidation” and before “, elect” the language “until the year 2010”.

31 Section 9. Amend §1065(b), Chapter 10, Title 14 of the Delaware Code by inserting at the end of the subsection
32 the following language:

33 “Effective in the year 2010, the election in the year 2010 for a position on a school board which term ends in the
34 year 2010 shall be for a 4 year term and all successive elections for that position on the school board shall be for 4 years,
35 the election in the year 2011 for a position on a school board which term ends in the year 2011 shall be for a 5 year term
36 and for all terms thereafter a 4 year term, the election in the year 2012 for a position on a school board which term ends in
37 the year 2012 shall be for a 4 year term and for each term thereafter 4 years, the election in the year 2013 for a position on a
38 school board which term ends in the year 2013 shall be for a 3 year term and for each term thereafter 4 years. The position
39 on a school board which term ended in the year 2009 and for which an election was held in the year 2009 shall be for a 5
40 year term and for each election thereafter shall be for a 4 year term. The term of office for elections held in the year 2010
41 and any year thereafter shall commence on January 2 following such school board member's election.”.

42 Section 10. Amend §1066(c), Chapter 10, Title 14 of the Delaware Code by inserting after the language
43 “succeeding 5 years” and before the period “.” the language “until the year 2010”.

44 Section 11. Amend §1066(c), Chapter 10, Title 14 of the Delaware Code by inserting after the language
45 “division” and before the “, elect” the language “until the year 2010”.

46 Section 12. Amend §1066(c), Chapter 10, Title 14 of the Delaware Code by inserting at the end of the subsection
47 the following language:

48 “Effective in the year 2010, the election in the year 2010 for a position on a school board which term ends in the
49 year 2010 shall be for a 4 year term and all successive elections for that position on a school board shall be for 4 years, the

election in the year 2011 for a position on a school board which term ends in the year 2011 shall be for a 5 year term and for all terms thereafter a 4 year term, the election in the year 2012 for a position on a school board which term ends in the year 2012 shall be for a 4 year term and for each term thereafter 4 years, the election in the year 2013 for a position on a school board which term ends in the year 2013 shall be for a 3 year term and for each term thereafter 4 years. The position on a school board which term ended in the year 2009 and for which an election was held in the year 2009 shall be for a 5 year term and shall be for a 4 year term for each election thereafter. The term of office for elections held in the year 2010 and any year thereafter shall commence on January 2 following such member's election."

Section 13. Amend §1066A(a)(2), Chapter 10, Title 14 of the Delaware Code by inserting after the language "5 years" and before the period "." the language "until the year 2010".

Section 14. Amend §1066A(a)(2), Chapter 10, Title 14 of the Delaware Code by inserting after the language "on June 30" and before the word "and" the language "until the year 2010".

Section 15. Amend §1066A(a)(2), Chapter 10, Title 14 of the Delaware Code by inserting after the language "any June 30" and before the period "." the language "until the year 2010".

Section 16. Amend §1066A(a)(2), Chapter 10, Title 14 of the Delaware Code by inserting at the end of the paragraph the following language:

"Effective in the year 2010, the election in the year 2010 for any position on the school boards of the Brandywine School District, the Christina School District, the Colonial School District and the Red Clay Consolidated School District which term ends in the year 2010 shall be for a 4 year term and for each term thereafter 4 years, the election in the year 2011 for any position on the schools boards of the Brandywine School District, the Colonial School District and the Red Clay Consolidated School District which term ends in the year 2011 shall be for a 5 year term and for each term thereafter a 4 year term, the election in the year 2011 for any position on the school board of the Christina School Board which term ends in the year 2011 shall be for a 3 year term and for each term thereafter a 4 year term, the election in the year 2012 for any position on the school boards of the Brandywine School District, the Christina School District, the Colonial School District and the Red Clay Consolidated School District which term ends in the year 2012 shall be for a 4 year term and for each term thereafter 4 years, the election in the year 2013 for any position on the school boards of the Brandywine School District, the Christina School District, the Colonial School District and the Red Clay Consolidated School District which term ends in the year 2013 shall be for a 3 year term and for each term thereafter 4 years. Any position on the school boards of the Brandywine School District, the Christina School District, the Colonial School District and the Red Clay Consolidated School District which term ended in the year 2009 and for which an election was held in the year 2009 shall

79 be for a 5 year term and shall be for a 4 year term for each election thereafter. The term of office for elections held in the
80 year 2010 and any year thereafter shall commence on January 2 following such member's election.”.

81 Section 17. Amend §1068(f), Chapter 10, Title 14 of the Delaware Code by inserting after the language “3 years”
82 and before the language “, said” the language “until the year 2010”.

83 Section 18. Amend §1068(f), Chapter 10, Title 14 of the Delaware Code by inserting at the end of the subsection
84 the following language:

85 “Effective in the year 2010, the election in the year 2010 for the positions on the school board which terms end in
86 the year 2010 shall be for 4 year terms and all successive elections for those positions on the school board shall be for 4
87 years, the election in the year 2011 for the positions on the school board which terms end in the year 2011 shall be for a 3
88 year term and for all terms thereafter a 4 year term. The positions on the school board which terms end in the year 2009 and
89 for which an election was held in the year 2009 shall be for 3 year terms and shall be for 4 year terms for each election
90 thereafter. The term of office for elections held in the year 2010 and any year thereafter shall commence on January 2
91 following such school board member's election.”.

92 Section 19. Amend §1069(c)(7), Chapter 10, Title 14 of the Delaware Code by inserting after the language “5
93 years” and before the period “.” the language “until the year 2010”.

94 Section 20. Amend §1069(c)(7), Chapter 10, Title 14 of the Delaware Code by inserting after the language
95 “following the election” and before the period “.” the language “until the year 2010”.

96 Section 21. Amend §1069(c)(7), Chapter 10, Title 14 of the Delaware Code by inserting at the end of the
97 paragraph the following language:

98 “Effective in the year 2010, the election in the year 2010 for a position on the school board which term ends in the
99 year 2010 shall be for a 4 year term and all successive elections for that position on the school board shall be for 4 years,
100 the election in the year 2011 for a position on the school board which term ends in the year 2011 shall be for a 5 year term
101 and for all terms thereafter a 4 year term, the election in the year 2012 for a position on the school board which term ends in
102 the year 2012 shall be for a 4 year term and for each term thereafter 4 years, the election in the year 2013 for a position on
103 the school board which term ends in the year 2013 shall be for a 3 year term and for each term thereafter 4 years. A position
104 on the school board for which the term expired in the year 2009 and for which an election was held in the year 2009 shall
105 be for a 5 year term and shall be for a 4 year term for each election thereafter. The term of office for elections held in the
106 year 2010 and any year thereafter shall commence on January 2 following such school board member's election.”.

107 Section 22. Amend §1070(3), Chapter 10, Title 14 of the Delaware Code by inserting at the end of the paragraph
108 the following language:

109 “Effective in the year 2010, the election in the year 2010 for the at large position on the school board which term
110 ends in the year 2010 shall be for a 4 year term and all successive elections for that position on the school board shall be for
111 4 years, the election in the year 2011 for the Area C and at large positions on the school board which terms end in the year
112 2011 shall be for 5 year terms and for all terms thereafter a 4 year term, the election in the year 2012 for the Area D and at
113 large positions on the school board which terms end in the year 2012 shall be for 4 year terms and for each term thereafter 4
114 years, the election in the year 2013 for the Area A and at large positions on the school board which terms end in the year
115 2013 shall be for 3 year terms and for each term thereafter 4 years. The Area B position on the school board which term
116 ends in the year 2009 and for which an election was held in the year 2009 shall be for a 5 year term and shall be for a 4 year
117 term for each election thereafter. The term of office for elections held in the year 2010 and any year thereafter shall
118 commence on January 2 following such school board member’s election.”.

119 Section 23. Amend §1071, Chapter 10, Title 14 of the Delaware Code by adding a new subsection “(c)” to read as
120 follows:

121 “(c) To the extent that any provision of this subchapter is inconsistent with any provision contained in Title 15,
122 Title 15 shall govern.”.

123 Section 24. Amend §1072(a), Chapter 10, Title 14 of the Delaware Code by deleting the language “, for whatever
124 purpose” and substituting in lieu thereof the language “pursuant to Chapter 19, 20, or 21 of this title or to determine a
125 consolidation, division or change of boundaries of a reorganized school district”.

126 Section 25. Amend §1072(a), Chapter 10, Title 14 of the Delaware Code by inserting at the end of the subsection
127 the following language “School elections for the election of school board members shall be held between the hours of 7
128 a.m. and 8 p.m. prevailing local time during which time the polls shall remain open.”.

129 Section 26. Amend §1072(c), Chapter 10, Title 14 of the Delaware Code by deleting the word “annually”.

130 Section 27. Amend §1072(c), Chapter 10, Title 14 of the Delaware Code by deleting the phrase “second Tuesday
131 of May” and substituting in lieu thereof the “first Tuesday after the first Monday in November”.

132 Section 28. Amend §1072(e), Chapter 10, Title 14 of the Delaware Code by deleting subsection (e) in its entirety.

133 Section 29. Amend §1073, Chapter 10, Title 14 of the Delaware Code by adding a new subsection (3) as follows:
134 “(3) To the extent any provision of this section as it relates to school board elections conflicts with Title 15, Title 15 shall
135 govern.”.

136 Section 30. Amend §1075(a), Chapter 10, Title 14 of the Delaware Code by deleting the language “4:30 p.m. on
137 the first Friday in March” and substituting in lieu thereof the language “12:00 noon of the last Friday in July”.

Section 31. Amend §1075(d), Chapter 10, Title 14 of the Delaware Code by deleting the word "February" as it appears therein and substituting in lieu thereof the word "June".

Section 32. Amend §1077, Chapter 10, Title 14 of the Delaware Code by inserting after the words "school election" and before the words "in the" the language "pursuant to Chapter 19, 20, or 21 of this title or to determine a consolidation, division or change of boundaries of a reorganized school district".

Section 33. Amend §1077, Chapter 10, Title 14 of the Delaware Code by creating a subsection (a) and placing the text of §1077 into subsection (a).

Section 34. Amend §1077, Chapter 10, Title 14 of the Delaware Code by creating a new subsection (b) to read as follows:

"(b) Every citizen 18 years of age or over, a resident of the reorganized school district, and a registered voter pursuant to Title 15 at an address within the reorganized school district shall be eligible to vote at the school board election in the reorganized school district in which the citizen resides."

Section 35. Amend §1083(b)(1), Chapter 10, Title 14 of the Delaware Code by deleting the language "June following the May" and substituting in lieu thereof "December following the November".

Section 36. Amend §3002, Chapter 30, Title 15 of the Delaware Code by adding a new subsection (g) as follows:

"(g) The requirements of this section shall not apply to school board elections."

Section 37. Amend §4502, Chapter 45, Title 15 of the Delaware Code by adding a new subsection (f) to read as follows:

"(f) Candidates for school board member of a school district shall be placed on the ballot."

Section 38. Amend §8004, Chapter 80, Title 15 of the Delaware Code by deleting from the title of §8004 the language "School boards and" and capitalizing the word "offices".

Section 39. Amend §8004(a), Chapter 80, Title 15 of the Delaware Code by deleting the language "to any school board or to any other" and inserting in lieu thereof the language "to any".

Section 40. Amend §8004(a), Chapter 80, Title 15 of the Delaware Code by inserting after the words "public office" and before the word "that" the language ", other than a school board member,".

Section 41. School board members elected prior to 2010 shall have their terms extended to allow for the commencement of office on January 2 as opposed to July 1.

Section 42. This bill shall become effective on February 1, 2010.

SYNOPSIS

This bill will save the State of Delaware money by having school board elections on the date of the general election and it will increase the voter turnout for school board elections. Currently, school board elections are held on the second Tuesday of May and can occur in any year. The bill will: (1) set school board election to coincide with the general election; (2) align the terms of school board members so their terms expire during a general election year; (3) provide that only registered voters can vote in school board elections; (4) place school board member on the ballot during the general election; and (5) provide that campaign finance laws apply to school board elections.