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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

50 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  
51 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  
52 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  
53 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  
54 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  
55 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  
56 and any year thereafter shall commence on January 2 following such member's election.”.

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

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

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

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

65 “Effective in the year 2010, the election in the year 2010 for any position on the school boards of the Brandywine  
66 School District, the Christina School District, the Colonial School District and the Red Clay Consolidated School District  
67 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  
68 2011 for any position on the schools boards of the Brandywine School District, the Colonial School District and the Red  
69 Clay Consolidated School District which term ends in the year 2011 shall be for a 5 year term and for each term thereafter a  
70 4 year term, the election in the year 2011 for any position on the school board of the Christina School Board which term  
71 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  
72 any position on the school boards of the Brandywine School District, the Christina School District, the Colonial School  
73 District and the Red Clay Consolidated School District which term ends in the year 2012 shall be for a 4 year term and for  
74 each term thereafter 4 years, the election in the year 2013 for any position on the school boards of the Brandywine School  
75 District, the Christina School District, the Colonial School District and the Red Clay Consolidated School District which  
76 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  
77 boards of the Brandywine School District, the Christina School District, the Colonial School District and the Red Clay  
78 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”.

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

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

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

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

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

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

152           Section 36. Amend §3002, Chapter 30, Title 15 of the Delaware Code by adding a new subsection (g) as follows:  
153           “(g) The requirements of this section shall not apply to school board elections.”.

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

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

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

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

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

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

165           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.