



SPONSOR: Rep. Baumbach & Sen. Sturgeon & Sen. Pettyjohn
Reps. Morrison, Phillips, Romer, K. Williams; Sens.
Hoffner, Huxtable, Mantzavinos

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 88

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO CANDIDACY FOR SCHOOL BOARD MEMBER.

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

1 Section 1. Amend § 1075, Title 14 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 1075. Filing of candidacy for school board member; withdrawal of candidacy.

4 (a)(1)a. No later than 4:30 p.m. on the first Friday in March, candidates for election to a board of education shall
5 file a notice of candidacy on the form promulgated by the Commissioner of Elections for that purpose with the Department
6 of Elections responsible for conducting the election. If the last day of filing is a legal holiday, the last day for a person to
7 file is the first business day next that is not a Saturday, Sunday, or a legal holiday.

8 b. A candidate must request the background checks required under § 209 of this title and provide proof
9 that the background checks have been requested under § 309 of Title 31 with the notice of candidacy under
10 paragraph (a)(1)a. of this section.

11 c. A candidate who files a notice of candidacy under paragraph (a)(1)a. of this section is considered a
12 provisional candidate for election to a board of education until the Commissioner of Elections has made the
13 determination under paragraph (a)(4)a. of this section.

14 (4)a. The Commissioner of Elections must determine that an individual is qualified under § 209 and § 1052 of
15 this title before the individual may be considered a candidate for election to a board of education.

16 b. The Commissioner of Elections must disclose the names of provisional candidates under paragraph
17 (a)(1)c. of this section.

SYNOPSIS

Under Senate Substitute No. 2 for Senate Bill No. 78 (151st), the Commissioner of Elections (Commissioner) must determine that an individual does not have any disqualifying convictions before the individual can be a candidate for election to a school board. This Act clarifies that an individual who meets the filing deadline for candidates for a school board election are provisional candidates until the Commissioner determines if the individual is eligible to be a candidate and requires the Commissioner to disclose the names of provisional candidates.