

CHAPTER 226
FORMERLY
HOUSE BILL NO. 244
AS AMENDED BY
HOUSE AMENDMENT NO. 1

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

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

Section 1. Amend Title 14, §1074 (a) by inserting after the last sentence the following:

“The department shall also post the notices on its website for 21 days prior to the election.”.

Section 2. Amend Title 14, §1074(b) by striking the last sentence in the aforesaid subsection in its entirety and inserting in lieu thereof the following:

“For elections conducted under the provisions of Chapters 20 and 21 of this title, such notices shall plainly set forth the amount of the bonds proposed to be issued, the purposes and reasons for the bond issuance, the amount of each annual tax increase that would be imposed as a result of the proposed bond issuance, the application of any gifts or any other money on hand which are not required by law to be used for some other purpose to any major capital improvement project or project for which the bonds may be issued, and the date, time and place or places of the election. The school district shall also post the notices of elections conducted under the provisions of Chapters 19, 20 and 21 of this title on its website for 21 days prior to the election. The department conducting the elections shall also post the notice on its website for 21 days prior to the election.”.

Section 3. Amend Title 14, §1074 (c) by striking the first sentence in the aforesaid subsection in its entirety and substituting in lieu thereof the following:

“(c) The notices to be placed on each school building as required by subsections (a) and (b) of this section shall be posted on or near the front door of each school building in the school district in which an election is being held at least 21 days prior to the date of the election.”

Section 4. Amend Title 14, §1074 by adding a new subsection “(e)” as follows thereto:

“(e) At least 40 days prior to the date of an election to be conducted under Chapter 19, 20 or 21 of this title, school districts shall provide to the Department of Elections conducting the election a certified copy of the notice required by subsection (b) of this section and an affidavit signed by the Superintendent of the school district that the notice complies with the provisions of subsection (b) of this section. The Department of Elections shall determine whether the notice contains the information required by subsection (b) of this section and shall promptly notify the school district of any omission in the notice. If, at least 30 days before the date of the election, the school district has failed to cure any omission, the Department of Elections shall be authorized to cancel the election and such cancellation, if any, shall be effective upon written notice to the Superintendent of the school district.”

Section 5. Amend Title 14, §1075 (d) by striking the second and third sentences in their entirety and substituting in lieu thereof the following:

“The notices shall be published at least 1 time per week during the three weeks prior to the filing deadline.”.

Section 6. Amend Title 14, §1081 (c) by inserting as the last sentence the following:

“School districts that receive affidavits from a department shall return them to the department no later than 90 days after receiving them.”

Section 7. Amend Title 14, §1085 by inserting the following after the word “subchapter” where it first appears in the section:

“, or having once voted, votes or attempts to vote or offers to vote again, or”.

Approved February 01, 2010