

Special Election Fact Sheet

This information is accurate through December 31, 2015.

Delaware Code, Title 15, Chapter 71 tells how to fill a vacancy in the General Assembly.

The General Assembly is in session. Therefore, the presiding officer of the house where there is a vacancy issues a Writ of Election. The presiding officer issues the Writ no later than 10 days after the vacancy.

The Writ sets the date of the election. It can be between 30 and 35 days after he or she issues the Writ.

Candidates for a Special Election:

1. A political party county committee that could put candidates on the most recent general election ballot can nominate a candidate. A party submits its nomination to the Department of Elections at least 25 days before the election.
2. Persons running as unaffiliated file a petition with the Department of Elections at least 25 days before the election. The petition must have the signatures of at least 1% of registered voters in the district as of the first day of the month before the month during which the vacancy occurred.
3. A person may declare candidacy as a write-in candidate as provided in Delaware Code, Title 15, Chapter 34. He or she submits the declaration to the Department of Elections at least 8 days before the election.

The last day to register to vote before a Special Election is 10 days before the election.

The Department uses the usual polling places if available.

The Department conducts the election as a General Election.

Superior Court, as the Board of Canvass, certifies the results two days after the election.

The person elected to fill the vacancy serves for the remainder of the term.