



SPONSOR: Rep. K. Williams & Sen. Peterson  
Reps. Baumbach, Bolden, Briggs King, Keeley, Kowalko;  
Sens. Cloutier, Lavelle

HOUSE OF REPRESENTATIVES  
148th GENERAL ASSEMBLY

HOUSE BILL NO. 359

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE FREEDOM OF INFORMATION ACT.

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

Section 1. Amend § 10002, Title 29 of the Delaware Code by making deletions as shown by strike through and additions as shown by underline as follows:

§ 10002 Definitions.

As used in this chapter:

(g) "Meeting" means the formal or informal gathering of a quorum of the members of any public body for the purpose of discussing or taking action on public business either in person or by video-conferencing. No member may appear or vote by proxy.

Section 2. This Act shall take effect upon its enactment into law.

SYNOPSIS

This bill expressly provides that, for purposes of the Freedom of Information Act, a member of a public body must appear in person or by video-conferencing, rather than by proxy. As with the common law rule regarding voting by proxy for municipal and charitable corporations, membership in a public body is coupled with no pecuniary interest and is of the nature of a personal trust. *See, e.g., Walker v. Johnson*, 17 App. D.C. 144, 162, (D.C. Cir. 1900). The right to vote is committed to the discretion of the member of the public body as an individual and should not be susceptible to exercise through delegation.