



LAWS OF DELAWARE
VOLUME 85
CHAPTER 323
153rd GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 264

AN ACT PROPOSING AN AMENDMENT TO ARTICLE III OF THE DELAWARE CONSTITUTION RELATING TO FILLING A VACANCY IN THE OFFICE OF THE LIEUTENANT GOVERNOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend § 19, Article III of the Delaware Constitution by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 19. Lieutenant Governor; election, term, and qualifications; President of the Senate; ~~compensation.~~ compensation;
vacancy; tenure of office of individual elected to fill vacancy.

(a) A Lieutenant Governor shall be chosen at the same time, in the same manner, for the same term, and subject to the same provisions as the Governor; the Lieutenant Governor shall possess the same qualifications of eligibility for office as the Governor; the Lieutenant Governor shall be President of the Senate, but shall have no vote unless the Senate be equally divided.

(b) The Lieutenant Governor, for services as President of the Senate, shall receive the same compensation as the Speaker of the House of Representatives; the Lieutenant Governor for services as a member of the Board of Pardons and for all other duties of the office which may be provided by law, shall receive such compensation as shall be fixed by the General Assembly.

(c)(1) Except as provided in paragraph (c)(2) of this Section, if there is a vacancy in the office of Lieutenant Governor, by reason of failure to elect, ineligibility, death, resignation, or otherwise, the Governor shall, within 10 days of the creation of the vacancy, issue a writ of election, or, in case of necessity, in such other manner as provided by law.

(2) A writ of election may not be issued, and an election may not be held, to fill the vacancy in the office of the Lieutenant Governor if all of the following apply:

a. The vacancy in the office of Lieutenant Governor occurs in a year in which the Lieutenant Governor is to be chosen under subsection (a) of this Section at a general election or during the period between that general election and the date the Lieutenant Governor's term begins under subsection (a) of this Section.

b. The timing of the vacancy requires a special election to be held between July 1 and the date the Lieutenant Governor's term begins under subsection (a) of this Section.

(3) The individual chosen as Lieutenant Governor at the election under paragraph (c)(1) of this Section holds office for the residue of the term.

First leg of amendment to the Constitution approved June 24, 2026