



SPONSOR: Rep. Baumbach & Rep. Hensley & Rep. Ramone & Rep. K. Williams & Sen. Gay & Sen. Wilson  
Reps. Harris, Hilovsky, Lambert, Morrison, Osienski, Romer, Schwartzkopf, D. Short, Michael Smith, Wilson-Anton, Yearick; Sens. Hansen, Hoffner, Huxtable, Lawson, Lockman, Pinkney, Richardson, Sokola, Sturgeon

HOUSE OF REPRESENTATIVES  
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 77

AN ACT CONCURRING IN A PROPOSED AMENDMENT TO § 3, ARTICLE II OF THE DELAWARE CONSTITUTION RELATING TO THE RESIDENCY OF THE MEMBERS OF THE GENERAL ASSEMBLY.

1 WHEREAS, an amendment to the Delaware Constitution was proposed in the 151<sup>st</sup> General Assembly, being  
2 Chapter 362 of Volume 83 of the Laws of Delaware (“proposed amendment”); and

3 WHEREAS, the proposed amendment was adopted by two-thirds of all members elected to each house of the 151<sup>st</sup>  
4 General Assembly; and

5 WHEREAS, following adoption by the General Assembly, the proposed amendment was publicized in accordance  
6 with the Delaware Constitution; and

7 WHEREAS, when the 152<sup>nd</sup> General Assembly concurs in the proposed amendment, the amendment will become  
8 part of the Delaware Constitution.

9 NOW, THEREFORE:

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

12 Section 1. Amend § 3, Article II of the Delaware Constitution by making deletions as shown by strike through and  
13 insertions as shown by underline as follows:

14 § 3. Qualifications of members.

15 Section 3. (a) No person shall be a Senator who shall not have attained the age of twenty-seven years and have  
16 been a citizen and inhabitant of the State three years next preceding the day of his or her election and the last year of that  
17 term an inhabitant of the Senatorial District in which he or she shall be chosen, unless he or she shall have been absent on  
18 the public business of the United States or of this State. No person shall be a Representative who shall not have attained the  
19 age of twenty-four years, and have been a citizen and inhabitant of the State three years next preceding the day of his or her  
20 election, and the last year of that term an inhabitant of the Representative District in which he or she shall be chosen, unless  
21 he or she shall have been absent on the public business of the United States or of this State.

22           (b) A Senator shall continuously reside in the Senatorial District in which the Senator was chosen during the  
23 Senator's term of office. A Representative shall continuously reside in the Representative District in which the  
24 Representative was chosen during the Representative's term of office. A Senator or Representative who does not  
25 continuously reside in the District in which the Senator or Representative was chosen is deemed to have resigned the office.

26           (c) If, as a result of legislative redistricting, a sitting Senator or Representative is required to change the Senator's  
27 or Representative's residence in order to maintain residency in the district in which the Senator or Representative represent,  
28 subsection (b) of this section does not apply.

29           (d) If, by reason of an event that can be neither anticipated nor controlled, a Senator or Representative is unable to  
30 continue to maintain residency in their district, subsection (b) does not apply.

#### SYNOPSIS

This Act is the second leg of a constitutional amendment to the Delaware Constitution that would require legislators to remain domiciled in the districts they represent for the entirety of their term of office. The first leg of this constitutional amendment was House Bill No. 395 of the 151st General Assembly, published in Chapter 362 of Volume 83 of the Laws of Delaware. On passage of this second leg by this General Assembly this amendment will become part of the Delaware Constitution.

Subsection (b) of this Act does not apply to sitting legislators who desire to change their residence to within the newly established district lines in order to continue to represent their district in the upcoming election.

This Act requires a greater than majority vote for passage because § 1 of Article XVI of the Delaware Constitution requires the affirmative vote of two-thirds of the members elected to each house of the General Assembly when the General Assembly amends the Delaware Constitution.