SPONSOR: Rep. Baumbach & Rep. Hensley & Rep. K. Williams & Sen. Gay & Sen. Wilson
Reps. Morrison, Osienski, D. Short, Michael Smith, Wilson-Anton, Yearick; Sens. Hansen, Lawson, Lockman, Paradee, Pinkney, Sokola, Sturgeon

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 395

AN ACT PROPOSING AN AMENDMENT TO § 3, ARTICLE II OF THE DELAWARE CONSTITUTION RELATING TO THE RESIDENCY OF THE MEMBERS OF THE GENERAL ASSEMBLY.

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 § 3, Article II of the Delaware Constitution by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3. Qualifications of members.

Section 3. (a) No person shall be a Senator who shall not have attained the age of twenty-seven years and have 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 term an inhabitant of the Senatorial District in which he or she shall be chosen, unless he or she shall have been absent on the public business of the United States or of this State. No person shall be a Representative who shall not have attained the 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 election, and the last year of that term an inhabitant of the Representative District in which he or she shall be chosen, unless he or she shall have been absent on the public business of the United States or of this State.

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

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

SYNOPSIS

This Act is the first leg of an 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. 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 to amend the Delaware Constitution.