



SPONSOR: Sen. Sokola & Sen. Townsend & Sen. Lockman &
Sen. Hocker & Sen. Pettyjohn & Rep. Schwartzkopf &
Rep. Longhurst & Rep. Minor-Brown & Rep. Ramone &
Rep. Yearick

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 38

AN ACT CONCURRING IN AN PROPOSED AMENDMENT TO § 1, ARTICLE XVI OF THE DELAWARE CONSTITUTION RELATING TO THE PROCEDURE FOR NOTICE TO THE PUBLIC OF A PROPOSED AMENDMENT TO THE DELAWARE CONSTITUTION.

1 WHEREAS, an amendment to the Delaware Constitution was proposed in the 151st General Assembly, being
2 Chapter 147 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 151st
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 152nd 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 § 1, Article XVI of the Delaware Constitution by making deletions as shown by strike through
13 and insertions as shown by underline as follows:

14 § 1. Proposal and concurrence of Constitution amendments in General Assembly; procedure.

15 Section 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of
16 Representatives; and if the same shall be agreed to by ~~two-thirds~~ two-thirds of all the members elected to each House, such
17 proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and ~~the~~
18 ~~Secretary of State shall cause such proposed amendment or amendments to be published three months~~ must be
19 disseminated to the public not more than 120 days before the next general election and not less than 90 days before the next
20 general election in at least three newspapers in each county in which such newspapers shall be published; as provided for
21 by an act of the General Assembly; and if in the General Assembly next after the said election such proposed amendment or

- 22 amendments shall upon ye and nay vote be agreed to by two thirds of all the members elected to each House, the same
- 23 shall thereupon become part of the Constitution.

SYNOPSIS

This Act is the second leg of an constitutional amendment to the Delaware Constitution to enable the General Assembly to designate who is responsible for providing notice of a proposed amendment to the Constitution and how the notice is disseminated. This change gives the General Assembly flexibility in the dissemination of the notice, particularly as technology advances. This Act also changes the timeframe of dissemination from 3 months to between 120 and 90 days. The first leg of the constitutional amendment was House Bill No. 130 of the 151st General Assembly, which became Chapter 147 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

House Bill No. 131 of the 151st General Assembly, codified in § 914 of Title 29 of the Delaware Code, implements the procedure for notice of a proposed amendment to the Delaware Constitution based on the authority granted by this Act and takes effect on the enactment of this Act.

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.

Author: Senator Sokola