



SPONSOR: Sen. Buckson & Rep. Ramone
Sen. Pettyjohn; Reps. Gray, Lynn, Shupe, Michael Smith

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 79

AN ACT PROPOSING AN AMENDMENT TO ARTICLE II AND ARTICLE III OF THE DELAWARE CONSTITUTION RELATING TO TERM LIMITS.

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

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

3 § 3. Qualifications of ~~members~~; members; term limits.

4 Section 3.

5 (a) No person shall be a Senator who shall not have attained the age of twenty-seven years and have been a citizen
6 and inhabitant of the State three years next preceding the day of his or her election and the last year of that term an
7 inhabitant of the Senatorial District in which he or she shall be chosen, unless he or she shall have been absent on the public
8 business of the United States or of this State. No person shall be a Representative who shall not have attained the age of
9 twenty-four years, and have been a citizen and inhabitant of the State three years next preceding the day of his or her
10 election, and the last year of that term an inhabitant of the Representative District in which he or she shall be chosen, unless
11 he or she shall have been absent on the public business of the United States or of this State.

12 (b) No person may be elected a fifth time to be a Senator or an eighth time to be a Representative.

13 Section 2. Amend § 21, Article III of the Delaware Constitution by making deletions as shown by strike through
14 and insertions as shown by underline as follows:

15 § 21. Election and term of office for certain state officers.

16 Section 21. The terms of the Office of the Attorney General, the Insurance Commissioner, the Auditor of Accounts
17 and the State Treasurer shall be 4 years; years and these officers may not be elected a third time to the same office. These
18 officers shall be chosen by the qualified electors of the State at general elections, and be commissioned by the Governor.

19 Section 3. This Act applies beginning with the next election held for an office that is subject to this Act. A term
20 served before the enactment of this Act may not be included in determining a candidate's eligibility for election to an office
21 that is subject to this Act.

SYNOPSIS

This Act is the first leg of a constitutional amendment that would create term limits for legislators and the Attorney General, Insurance Commissioner, Auditor of Accounts, and State Treasurer.

Specifically, this Act provides that an individual may not be elected to be the Attorney General, Insurance Commissioner, Auditor of Accounts, or State Treasurer more than 2 times, a Senator more than 4 times, or a Representative more than 7 times.

The earliest this Act could apply would be following its passage in the 153rd General Assembly and, therefore, Section 3 of this Act makes clear that this Act applies prospectively beginning with the next election held for the office. A term served before the enactment of this Act may not be included in determining a candidate's eligibility for election to an office that is subject to 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 Buckson