



SPONSOR: Sen. Hoffner & Rep. Baumbach & Rep. Dorsey Walker
Sens. Gay, Huxtable, S. McBride, Paradee, Pettyjohn;
Reps. Morrison, Parker Selby, Romer, Wilson-Anton

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 230

AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO COMMUNITY CANVASSING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 318, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 318. Restrictive covenants.

(g) (1) No covenant, restriction, or condition contained in a deed or declaration, including a declaration under the Unit Property Act [Chapter 22 of this title], for residential property may impose a restriction or may form the basis for a rule that does any of the following:

a. Prohibits the access of elected officials from entering the community for the purpose of meeting with their constituents.

b. Prohibits candidates for public office, their staff or volunteers, or representatives from registered political parties from entering the community for any of the following purposes:

i. Registering residents to vote.

ii. Meeting with prospective voters or community members for the purposes of garnering opinions.

iii. Seeking the votes of residents for an upcoming election.

(2) Meetings protected under this subsection may include residents' place of residence.

(3) A covenant, restriction, or condition contained in a deed or declaration under the Unit Property Act or any rule based thereon may set reasonable times of day for access under this subsection, as long as access is not restricted during daylight hours.

Section 2. Amend § 7018, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7018. Rules.

(d) A community owner may not make a rule or take any action which does any of the following:

22 a. Prohibits the access of elected officials from entering the community spaces for the purpose of meeting
23 with their constituents.

24 b. Prohibits candidates for public office, their staff or volunteers, or representatives from registered
25 political parties from entering the community for any of the following purposes:

26 i. Registering residents to vote.

27 ii. Meeting with prospective voters or community members for the purposes of garnering opinions.

28 iii. Seeking the votes of residents for an upcoming election.

29 (2) Meetings protected under this subsection may include residents' place of residence.

30 (3) A rule may set reasonable times of day for access under this subsection, as long as such a rule does not restrict
31 access during daylight hours.

32 Section 3. Amend §§ 81-320, Title 25 of the Delaware Code by making deletions as shown by strike through and
33 insertions as shown by underline as follows:

34 §§ 81-320. Rules.

35 (j) (1) No rule may do any of the following:

36 a. Prohibit the access of elected officials from entering the community for the purpose of meeting with
37 their constituents.

38 b. Prohibit candidates for public office, their staff or volunteers, or representatives from registered
39 political parties from entering the community for any of the following purposes:

40 i. Registering residents to vote.

41 ii. Meeting with prospective voters or community members for the purposes of garnering opinions.

42 iii. Seeking the votes of residents for an upcoming election.

43 (2) Meetings protected under this subsection may include residents' place of residence.

44 (3) In accordance with subsection (e) of this section, a rule may set reasonable times of day for access under this
45 subsection, as long as such a rule does not restrict access during daylight hours.

SYNOPSIS

This Act clarifies that elected officials may not be prevented from engaging in constituent relations and that candidates for public office or staff or volunteers may not be prevented from engaging in election-related or similar activities in residential communities.

Author: Senator Hoffner