



SPONSOR: Sen. Sokola & Sen. Townsend & Sen. Lockman &  
Sen. Mantzavinos

DELAWARE STATE SENATE  
153rd GENERAL ASSEMBLY

SENATE RESOLUTION NO. 2

RELATING TO THE RULES OF THE DELAWARE STATE SENATE.

1 BE IT RESOLVED by the Senate of the 153rd General Assembly of the State of Delaware that the Rules of the  
2 Senate are, until further action of the Senate, as follows:

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79 **Part I. Convening and Order of Business**

80 **Rule 1. Convening of Senate; Proceedings Public.**

- 81 (a) Unless otherwise ordered by the concurrence of a majority of all the members elected to the Senate or by the  
82 President Pro Tempore, the Senate shall convene during the regular session as follows on days established by act of  
83 Legislative Council:

84 (1) During regular session in a month other than June, Tuesday at 2 p.m.; Wednesday at 4 p.m., to allow for  
85 committee meetings; and Thursday at 2 p.m.

86 (2) During regular session in the month of June, on the days and at the times under paragraph (a)(1) of this  
87 rule, except that the Wednesday convening of the Senate may occur at 3 p.m.

88 (3) On June 30, as directed by the President Pro Tempore.

89 (b) During the regular session but on days not established for the convening of the Senate by an act of Legislative  
90 Council, the Senate shall convene as follows:

91 (1) On the day and at the time directed by the President Pro Tempore.

92 (2) On the day and at the time ordered by the concurrence of a majority of all the members elected to the  
93 Senate or requested in a written request directed to the President Pro Tempore and signed by a majority of the members  
94 elected to the Senate.

95 (c) During a special session called under § 4 of Article II or § 16 of Article III of the Delaware Constitution, the  
96 Senate shall convene as follows:

97 (1) Immediately, if on June 30.

98 (2) On any other day, as follows:

99 a. On the day and at the time directed by the President Pro Tempore.

100 b. On the day and at the time requested in a written request directed to the President Pro Tempore and  
101 signed by a majority of the members elected to the Senate.

102 (d) Except as otherwise permitted under § 11 of Article II of the Delaware Constitution, proceedings of the Senate  
103 are public. The proceedings of the Senate and the Senate's standing committees must be broadcast on the General  
104 Assembly's website. A technological failure that prevents, or a technological limitation that limits, public access otherwise  
105 required under this subsection does not invalidate a meeting of the Senate or the Senate's committees or an action taken at a  
106 meeting of the Senate or the Senate's committees.

107 **Rule 2. Order of Business.**

108 After the convening of the Senate, the order of business proceeds as follows:

109 (1) Calling of the Senate to order.

110 (2) Prayer or reflection.

111 (3) Salute to the flag.

112 (4) Roll call.

113 (5) Reading of the minutes.

- 114 (6) Presentation of petitions, memorials, or communications.
- 115 (7) Reports from Standing and Special Committees.
- 116 (8) Reporting by the Secretary of the Senate (“Secretary”) of prior filed bills, resolutions, and tributes,  
117 including the President Pro Tempore’s pre-filed list under Rule 25.
- 118 (9) Introductions of all other bills and resolutions by members.
- 119 (10) Agenda for the day.
- 120 (11) Miscellaneous business.

121 **Rule 3. Roll Calls.**

- 122 (a) Each legislative day before the Senate proceeds to the consideration of any business, the Secretary shall call the  
123 names of the members in alphabetical order.
- 124 (b) The Secretary shall post the results of each roll call not later than the conclusion of the legislative day in which  
125 the roll call was taken.
- 126 (c) If a member is marked absent on the calendar day on which a legislative day begins, the member may not be  
127 marked present for that legislative day on a subsequent calendar day.

128 **Rule 4. Contents of Journal; Reading of Minutes.**

- 129 (a) The Secretary shall briefly and accurately state the proceedings of the Senate in the Journal. The Journal must  
130 include all of the following:
- 131 (1) Messages to the Governor in full.
- 132 (2) The titles of all bills and resolutions.
- 133 (3) Except for a motion for adjournment, each motion with the name of the member making the motion.
- 134 (4) The names of the members voting on all roll calls.
- 135 (5) The rules of the Senate.
- 136 (b) The Secretary shall read the minutes of the preceding legislative day following the roll call required by Rule  
137 3(a). Following the reading of the minutes, the Senate shall, by order, approve or correct the minutes.

138 **Rule 5. Petitions, Memorials, and Communications.**

- 139 (a) After the minutes are read, the Presiding Officer shall lay before the Senate communications and messages  
140 from the Governor, reports and communications from Departments or State Boards and other communications addressed to  
141 the Senate, and such bills, concurrent and joint resolutions, and other messages from the House of Representatives that are  
142 undisposed of and on the Presiding Officer’s table.

143 (b) When petitions, memorials, and other papers addressed to the Senate are presented by the President of the  
144 Senate or a member, the contents must be briefly stated.

145 (c) Messages from the Governor or from the House of Representatives may be received at any stage of  
146 proceedings with the concurrence of the Presiding Officer, except while the minutes are being read, while a question of  
147 order or a motion to adjourn is pending, or while a bill is on the floor.

148 (d) When a message is brought to the Senate by the Governor or the Governor's messenger, or by a member of the  
149 House of Representatives or any officer of the House of Representatives, the members shall stand, if directed by the  
150 Presiding Officer.

## 151 **Part II. Senate Officers and their Duties**

### 152 **Rule 6. Senate Officers.**

153 (a) Under § 19 of Article III of the Delaware Constitution, the Lieutenant Governor is the President of the Senate.

154 (b) Under § 7 of Article II of the Delaware Constitution, the Senate shall choose a member to be President Pro  
155 Tempore.

156 (c) The Senate shall elect a Secretary and appoint an Assistant Secretary and other officers as the Senate  
157 determines necessary.

### 158 **Rule 7. Presiding Officer; Duties.**

159 (a) The President of the Senate is the Presiding Officer. In the absence of the President of the Senate, the President  
160 Pro Tempore, or a member appointed by the President Pro Tempore, serves as the Presiding Officer.

161 (b) The Presiding Officer shall preside and have general direction over the Senate Chamber and shall preserve  
162 order and decorum, including in the Senate gallery under Rule 62.

### 163 **Rule 8. Acting President Pro Tempore.**

164 (a) If the office of President Pro Tempore is vacant, the majority leader serves as Acting President Pro Tempore  
165 until the Senate chooses a member to be President Pro Tempore.

166 (b) If the President Pro Tempore is unable to discharge the powers and duties of the President Pro Tempore's  
167 Office, the majority leader serves as Acting President Pro Tempore until the President Pro Tempore is able to discharge the  
168 powers and duties of the President Pro Tempore's Office.

### 169 **Rule 9. Order and Decorum.**

170 (a) When a member desires to speak, the member shall rise and address the Presiding Officer, and may not proceed  
171 until recognized. The Presiding Officer shall recognize the member that first addresses the Presiding Officer.

172 (b) A member may not interrupt another member in debate without the other member's consent. To obtain the  
173 other member's consent the member shall first address the Presiding Officer.

174 (c) A member may not speak more than 3 times on any 1 question in debate on the same day without leave of the  
175 Senate. Leave of the Senate is to be determined without debate.

176 (d) A member in debate may not, directly or indirectly, by any form of words, impute to another member any  
177 conduct or motive unworthy or unbecoming a member.

178 (e) If any member, in speaking or otherwise, transgresses the rules of the Senate, the Presiding Officer shall, or any  
179 member may, call the member to order. When a member is called to order, the member shall sit down and not proceed  
180 without leave of the Senate, which, if granted, must be on motion that the member be allowed to proceed in order. Leave of  
181 the Senate is to be determined without debate.

182 (f) If an individual who is not a member is granted the privilege of the floor for the purpose of addressing the  
183 Senate, the individual and the members shall accord each other the same courtesies and respect that is required among  
184 members.

185 (g) The Presiding Officer shall call for the respectful observation of a prayer, reflection, salute to the flag, or other  
186 solemn observance.

187 **Rule 10. Question of Order.**

188 (a) A question of order may be raised at any stage of the proceedings and, unless submitted to the Senate under  
189 subsection (d) of this rule, must be decided by the Presiding Officer without debate, subject to an appeal to the Senate.

190 (b) When an appeal is taken, any subsequent question of order which may arise before the decision on the appeal  
191 must be decided by the Presiding Officer without debate.

192 (c) An appeal may be laid on the table without prejudice to the pending proposition. If an appeal is laid on the  
193 table, it is held as affirming the decision of the Presiding Officer.

194 (d) The Presiding Officer may submit a question of order to the Senate for a decision.

195 **Rule 11. Signing of Bills and Joint Resolutions.**

196 The President Pro Tempore shall sign all bills and joint resolutions passed by the Senate.

197 **Rule 12. Appointment of Committees.**

198 (a) The President Pro Tempore shall appoint the Senate members of all standing and joint committees created by  
199 these rules, order of the Senate, mutual agreement of the Senate and House, or law of this State.

200 (b) The President Pro Tempore, at the Pro Tempore's own initiative or on order of the Senate, may appoint special  
201 or select committees and may appoint the members of special or select committees.

202 (c) The President Pro Tempore shall appoint a chair for each committee created under these rules. The President  
203 Pro Tempore may appoint a vice chair for a committee.

204 **Rule 13. Assignment of Bills and Joint Resolutions to a Standing Committee.**

205 The President Pro Tempore shall determine the principal objective of a bill or joint resolution and assign the bill or  
206 joint resolution to the appropriate standing committee.

207 **Rule 14. Charge and Supervision of Legislative Space.**

208 (a) When the Senate is in session, the Presiding Officer has general charge and supervision of the Senate Chamber  
209 and gallery.

210 (b) Except as otherwise provided under subsection (c) of this rule, the President Pro Tempore has general charge  
211 and supervision of the following space in Legislative Hall:

212 (1) When the Senate is not in session, the Senate Chamber and gallery.

213 (2) Senate committee rooms.

214 (3) Senate member and staff offices.

215 (4) Adjoining and connecting hallways and passages.

216 (c) The Legislative Council has general charge and supervision of the following space in Legislative Hall:

217 (1) Main hallways on the ground, first, and second floors including the walls of the main hallways.

218 (2) First and second floor atrium.

219 (3) Legislative cafeteria.

220 (4) Joint Finance Committee room.

221 (5) The offices assigned to the media.

222 (6) The loading dock and interior loading dock areas.

223 (7) The offices and storage rooms assigned to the Division of Facilities Management.

224 (8) The offices assigned to the Capitol Police.

225 (9) The offices assigned to the Division of Legislative Services.

226 (10) The offices assigned to the Office of Controller General.

227 (11) Space assigned to the Governor and Lieutenant Governor by Legislative Council.

228 (d) The President Pro Tempore shall allocate parking spaces for members and staff.

229 (e) Notwithstanding subsection (a) of this rule, the President Pro Tempore shall allocate the desks on the floor of  
230 the Senate and provide space for members of the press under Rule 58(b).

231 **Rule 15. Delivery of Legislation and Messages from the Senate; Duties of Secretary.**



232 (a) The Secretary or a member or other officer of the Senate directed by the Presiding Officer shall deliver  
233 messages to the House of Representatives.

234 (b) Before delivery, the Secretary shall certify the determination of the Senate on all bills, joint resolutions, and  
235 other resolutions which may be communicated to the House or in which its concurrence may be requested.

236 (c) The Secretary shall certify and deliver to the Governor legislation and other communications which may be  
237 directed to the Secretary by the Senate.

238 (d)(1) Subject to paragraph (d)(2) and (d)(3) of this rule, the Secretary shall present all Senate bills and Senate  
239 joint resolutions to the Governor not later than each third Friday of September.

240 (2) If the President Pro Tempore and Senate prime sponsor notify the Secretary to not present a Senate bill or  
241 Senate joint resolution, the Secretary may not present the Senate bill or Senate joint resolution until the earlier of the  
242 following:

243 a. The date the President Pro Tempore and Senate prime sponsor notify the Secretary to present the  
244 Senate bill or Senate joint resolution.

245 b. 14 days before the earlier of the following for each legislative session of a General Assembly:

246 1. Tuesday next after the first Monday in November.

247 2. Final adjournment.

248 (3) If a Senate bill or Senate joint resolution is passed by the General Assembly after the third Friday of  
249 September, the Secretary shall present the bill or joint resolution as soon as practicable after enrollment. Paragraph  
250 (d)(2) of this rule does not apply to a bill or joint resolution that is passed by the General Assembly after the third  
251 Friday of September.

### 252 **Part III. Rights and Duties of the Members**

#### 253 **Rule 16. Attendance of Members.**

254 (a) A member shall be in the member's place at the time to which the Senate stands recessed.

255 (b) A member may not be absent from the service of the Senate without notifying the President Pro Tempore.

#### 256 **Rule 17. Rules of Legislative Conduct.**

257 (a) A member is subject to discipline by the Senate for a violation of any of the following, which are deemed to  
258 constitute "disorderly behavior" within the meaning of § 9 of Article II of the Delaware Constitution:

259 (1)a. Restrictions relating to "personal or private interests" within the meaning of § 20 of Article II of the  
260 Delaware Constitution and Chapter 10 of Title 29 of the Delaware Code, as follows:

261 1. Except as otherwise provided in paragraph (a)(1)a.2. of this rule, a member who has a personal or  
262 private interest in a measure or bill pending before the Senate shall disclose the fact and may not participate in  
263 the debate or vote on the measure or bill.

264 2. A member who has a personal or private interest in a measure or bill pending before the Senate  
265 may do the following:

266 A. On the request of another member, respond to questions concerning the measure or bill.

267 B. Add factual matter to the debate which the member believes will correct wrong or false  
268 information.

269 3.A. A personal or private interest in a measure or bill is an interest which tends to impair a  
270 member's independence of judgment in the performance of the member's legislative duties with respect to  
271 that measure or bill.

272 B. A member has an interest which tends to impair the member's independence of judgment in  
273 the performance of the member's legislative duties with regard to a measure or bill if any of the following  
274 apply:

275 I. The enactment or defeat of the measure or bill would result in a financial benefit or  
276 detriment to accrue to the member or a close relative to a greater extent than the benefit or detriment  
277 would accrue to others who are of the same class or group of persons.

278 II. The member or a close relative has a financial interest in a private enterprise which  
279 enterprise or interest would be affected by a measure or bill to a greater extent than like enterprises or  
280 other interests in the same enterprise.

281 III. A person required to register as a lobbyist under Chapter 58 of Title 29 of the Delaware  
282 Code is a close relative of the member and that person acts to promote, advocate, influence, or  
283 oppose the measure or bill.

284 4.A. If a member who has a personal or private interest in a measure or bill pending before the Senate  
285 is present when the measure or bill is voted on, the disclosure required under paragraph(a)(1)a.1. of this rule  
286 must be made in open session as follows:

287 I. If the measure or bill is considered by a committee to which the member is appointed,  
288 before the consideration of the measure or bill by the committee.

289 II. If the measure or bill is considered by the Senate, before the vote on the measure or bill  
290 by the Senate.

291 B. If a member who has a personal or private interest in a measure or bill pending before the  
292 committee or the Senate is absent when a measure or bill is voted on which would have required  
293 disclosure required under paragraph (a)(1)a.1. of this rule, the member shall make the required disclosure  
294 as soon as possible on returning to the committee or Senate.

295 C. Disclosure under paragraph (a)(1)a.4. of this rule may be made by written statement  
296 submitted to the Chair of a committee or the President Pro Tempore and read in open session in the  
297 committee or the Senate, as applicable.

298 b. For the purposes of this rule:

299 1. "Close relative" means a member's parents; spouse; children, whether natural, adopted, or by  
300 marriage; and siblings of the whole and half-blood.

301 2.A. "Private enterprise" means any activity, whether conducted for profit or not for profit, and  
302 includes the ownership of real or personal property.

303 B. "Private enterprise" does not include any activity of the State of Delaware, a political  
304 subdivision, or an agency, authority, or instrumentality of the State or a political subdivision.

305 3. "Financial interest in a private enterprise" means one of the following:

306 A. A legal or equitable ownership interest in the enterprise of more than 10%, or of more than  
307 1% in the case of a corporation whose stock is regularly traded on an established securities market.

308 B. A member is associated with the enterprise and received from the enterprise during the last  
309 calendar year or might reasonably be expected to receive from the enterprise during the current or the  
310 next calendar year income in excess of \$5,000 for services as an employee, officer, director, trustee, or  
311 independent contractor.

312 C. A member is a creditor of a private enterprise in an amount equal to 10% or more of the debt  
313 of that enterprise, or 1% or more in the case of a corporation whose securities are regularly traded on an  
314 established securities market.

315 4. "Person" means an individual, partnership, corporation, trust, joint venture, and any other  
316 association of individuals or entities.

317 (2) Receiving a bribe in violation of § 1203 of Title 11 of the Delaware Code.

318 (3) Receiving unlawful gratuities in violation of § 1206 of Title 11 of the Delaware Code.

319 (4) Engaging in conduct constituting official misconduct in violation of § 1211 of Title 11 of the Delaware  
320 Code.

- 321 (5) Profiteering in violation of § 1212 of Title 11 of the Delaware Code.
- 322 (6) Obstruction of justice in violation of § 1244A of Title 11 of the Delaware Code.
- 323 (7) Failing to comply with the campaign finance disclosure requirements under Chapter 80 of Title 15 of the  
324 Delaware Code.
- 325 (8) Failing to comply with the financial disclosure requirements under Chapter 58 of Title 29 of the Delaware  
326 Code.
- 327 (9) Appearing for, representing, or assisting another in respect to a matter before the General Assembly or one  
328 of its committees for compensation other than that provided by law.
- 329 (10) Releasing, without authorization of the Rules & Ethics Committee, any confidential matter pertaining to  
330 proceedings of the Committee.
- 331 (11) Knowingly filing a false statement with the Rules & Ethics Committee or the Senate in connection with  
332 any proceeding involving this rule.
- 333 (12) Engaging in conduct constituting a violation of Rule 18 (regarding harassment) and filed as a formal  
334 complaint under Rule 18(c)(4).
- 335 (13) Engaging in conduct which the Senate determines brings the Senate into disrepute or reflects adversely  
336 on the member's fitness to hold legislative office.
- 337 (b) A member is subject to sanction for any disorderly behavior occurring after the member is elected to the  
338 Senate.
- 339 (c) A complaint alleging a violation of this rule must be filed in writing by a member with the Rules & Ethics  
340 Committee for investigation and recommendation to the Senate as to disposition. A complaint must be accompanied by a  
341 written statement signed by an individual sworn under oath, setting forth the facts supporting the complaint. The complaint  
342 may not be considered by the Senate before its consideration and recommendation by the Rules & Ethics Committee.
- 343 (d)(1) If the Rules & Ethics Committee recommends disciplinary action with respect to a complaint, the Rules &  
344 Ethics Committee shall request that the Senate conduct a proceeding to consider the matter.
- 345 (2) If the Rules & Ethics Committee votes to dismiss a complaint, and there are no votes against dismissal in  
346 the Rules & Ethics Committee, the Senate may not take action with respect to the complaint.
- 347 (3) If the Rules & Ethics Committee votes to dismiss a complaint, but there are 1 or more dissenting votes in  
348 the Rules & Ethics Committee, the Senate may consider the matter on the motion of a member, approved by a majority  
349 vote of the Senate.

350 (e) In a proceeding before the Senate involving an alleged violation of this rule, the accused member has all of the  
351 following rights:

352 (1) To receive notice of the complaint against the member.

353 (2) To be given an opportunity to be heard after receiving notice of the complaint.

354 (3) To be advised and assisted by legal counsel.

355 (4) To produce witnesses.

356 (5) To offer evidence and to cross-examine witnesses.

357 (f) A transcript of a proceeding before the Senate involving an alleged violation of this rule must be made and  
358 retained by the Secretary.

359 (g) Rules of procedure for ethics violations adopted by the Senate apply to a proceeding before the Senate  
360 involving an alleged violation of this rule.

361 (h) If the Senate finds by a majority vote that a member has violated this rule, the Senate may impose disciplinary  
362 action as the Senate deems appropriate, however, a member may not be suspended or expelled without a vote of two-thirds  
363 of the members concurring in the suspension or expulsion.

364 **Rule 18. Anti-Harassment Policy and Training.**

365 (a) Statement of Policy. The Senate is committed to providing a safe and respectful workplace that is free of sexual  
366 harassment and harassment based on any protected characteristics. Members are expected to conduct themselves in a  
367 manner that is free of harassment and to discourage and report all harassment. Allegations of harassment involving a  
368 member will be taken seriously, investigated in a timely and confidential manner, and addressed in accordance with this  
369 rule. Retaliation against any member of the Senate or House of Representatives or employee of the General Assembly for  
370 reporting a violation of this rule will not be permitted.

371 (b) Definitions. As used in this rule:

372 (1) "Employee of the General Assembly" means any employee of the Senate, House of Representatives,  
373 Division of Legislative Services, or Office of the Controller General. "Employee of the General Assembly" includes  
374 full and part-time staff, per diem staff, caucus attorneys, attachés, fellows, and interns.

375 (2) "Harassment" means "sexual harassment" and "workplace harassment."

376 (3) "Protected characteristics" means age, race, color, sex, sexual orientation, gender, gender identity, national  
377 origin, disability, creed, religion, marital status, and any other basis prohibited under state or federal law.

378 (4) "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or  
379 physical conduct of a sexual nature where any of the following occurs:

380 a. Submission to the conduct is made either explicitly or implicitly a term or condition of an  
381 individual's employment.

382 b. Submission to or rejection of the conduct by an individual is used as a basis for employment  
383 decisions affecting such individual.

384 c. The conduct has the purpose or effect of unreasonably interfering with an individual's work  
385 performance or creating an intimidating, hostile, or offensive work environment.

386 (5) "Workplace harassment" means unwelcome conduct that is based on an individual's protected  
387 characteristic in the form of treatment or behavior that, to a reasonable person, creates an intimidating, hostile, or  
388 offensive work environment.

389 (c) Reporting procedures.

390 (1) Harassment by a member should be reported to one of the following as soon as practicable:

391 a. The Chief of Staff for the Majority Caucus.

392 b. The Chief of Staff for the Minority Caucus.

393 c. The Secretary of the Senate.

394 (2) All complaints of harassment and the identities of the accused and the complainant must be kept  
395 confidential in accordance with this rule. The victim of the alleged harassment may choose to proceed with informal  
396 reporting or a formal complaint under this subsection.

397 (3) Informal reporting.

398 a. An individual who believes that the individual may have been subjected to harassment may simply  
399 want particular conduct to stop but may not wish to go through a formal complaint process. The informal reporting  
400 process is designed and intended to meet that need.

401 b. A member of the Senate or House of Representatives or an employee of the General Assembly who  
402 believes they have been subject to harassment by a member may report the behavior to an individual listed in  
403 paragraph (c)(1) of this rule. The report may be made verbally or in writing and should include the following  
404 information:

405 1. The name of the reporting party.

406 2. The name of the member alleged to have engaged in harassment.

407 3. The names of all parties involved, including witnesses.

408 4. The date, time, and location of the alleged harassment. If the harassment occurred on electronic or  
409 social media, the platform for the harassment.

410                           5. A detailed description of the alleged harassment.

411                           6. A description of the desired remedy.

412                           c. An individual listed in paragraph (c)(1) of this rule who receives an informal reporting of harassment  
413 shall take the following steps:

414                           1. Notify the Leader of the caucus to which the member accused of harassment belongs, unless the  
415 member accused of harassment is the Leader of the caucus.

416                           2. Notify the President Pro Tempore that an informal reporting has occurred, unless the President Pro  
417 Tempore is the subject of the informal reporting.

418                           d. The Leader of the caucus to which the member accused of harassment belongs shall take appropriate  
419 action to ensure that the reporting party has a safe and non-hostile work environment. If the member who is  
420 alleged to have engaged in harassment is the caucus Leader, the President Pro Tempore, on being notified, shall  
421 inform the Whip of that member's caucus. The Whip shall then take appropriate action to ensure the reporting  
422 party has a safe and non-hostile work environment.

423                           e. The Leader of the caucus to which the member accused of harassment belongs shall inform the  
424 member that an informal reporting has been received and the Leader shall counsel the member against any further  
425 harassment and that retaliation is prohibited. If the member who is alleged to have engaged in harassment is the  
426 caucus Leader, the President Pro Tempore shall inform the member of the informal reporting and counsel the  
427 member against any further harassment and that retaliation is prohibited.

428                           (4) Formal complaint.

429                           a. A member of the Senate or House of Representatives or an employee of the General Assembly who  
430 believes they have been subject to harassment by a member may, within 1 year of the date of harassment, initiate a  
431 formal complaint by submitting a complaint to an individual listed in paragraph (c)(1) of this rule. A formal  
432 complaint must be in writing and include all of the following:

433                           1. The name of the complainant.

434                           2. The name of the member alleged to have engaged in harassment.

435                           3. The names of all parties involved, including witnesses.

436                           4. The date, time, and location of the alleged harassment. If the harassment occurred on electronic or  
437 social media, the platform for the harassment.

438                           5. A detailed description of the alleged harassment.

439                           6. A description of the desired remedy.

440                   b. An individual listed in paragraph (c)(1) of this rule who receives the formal complaint shall take the  
441 following steps:

442                   1. Notify the Leader of the caucus to which the member accused of harassment belongs, unless the  
443 member accused of harassment is the Leader of the caucus.

444                   2. Notify the President Pro Tempore that a formal complaint has been made, unless the President Pro  
445 Tempore is the subject of the complaint.

446                   c. The Leader of the caucus to which the member accused of harassment belongs shall take appropriate  
447 action to ensure that the complainant has a safe and non-hostile work environment. If the member who is alleged  
448 to have engaged in harassment is the caucus Leader, the President Pro Tempore, on being notified, shall inform the  
449 Whip of that member's caucus. The Whip shall then take appropriate action to ensure the complainant has a safe  
450 and non-hostile work environment.

451                   d. The Leader of the caucus to which the member accused of harassment belongs shall inform the  
452 member that a formal complaint has been received and the Leader shall counsel the member against any further  
453 harassment and that retaliation is prohibited. If the member who is alleged to have engaged in harassment is the  
454 caucus Leader, the President Pro Tempore shall inform the member of the complaint and counsel the member  
455 against any further harassment and that retaliation is prohibited.

456                   e. The President Pro Tempore on receipt of the complaint shall send a letter to the Chair of the Rules &  
457 Ethics Committee requesting an investigation into the complaint as soon as practicable. If the President Pro  
458 Tempore is the individual accused in the complaint, the Majority Leader shall request an investigation of the  
459 complaint. If the Chair of the Rules & Ethics Committee is the individual alleged to have engaged in harassment,  
460 the President Pro Tempore shall designate another member to act as the Chair of the Rules & Ethics Committee for  
461 the purposes of investigation into the complaint.

462                   f. The Rules & Ethics Committee on receipt of the request made under paragraph (c)(4)e. of this rule shall  
463 convene as soon as practicable. The Rules & Ethics Committee shall proceed on the formal complaint as provided  
464 under these rules and other rules adopted by the Senate to govern a complaint under these rules.

465                   g. All members and employees of the General Assembly involved in an investigation of a formal  
466 complaint shall cooperate with the investigation and keep information regarding the investigation confidential.

467                   h. The Rules & Ethics Committee shall notify the member alleged to be involved in the harassment that a  
468 formal complaint has been received and an investigation initiated.



469 i. If a member of the Rules & Ethics Committee is the complainant or the individual alleged to have  
470 engaged in harassment, that member may not participate in any proceedings relating to the complaint and the  
471 President Pro Tempore shall designate another member to act as a member of the Rules & Ethics Committee,  
472 unless the President Pro Tempore is the individual alleged to have engaged in harassment. If the President Pro  
473 Tempore is alleged to have engaged in harassment, then the Majority Leader shall designate another member to act  
474 as a member of the Rules & Ethics Committee.

475 (d) The Senate shall provide training to members and Senate staff regarding the prevention of sexual harassment  
476 and workplace harassment.

477 (1) The Senate shall provide the training required by this subsection to members and Senate staff within 8  
478 months of Election Day.

479 (2) The Senate shall ensure members and Senate staff complete the training required by this subsection once  
480 each General Assembly if not trained under paragraph (d)(1) of this rule.

481 (3) The training provided under this subsection shall include all of the following:

482 a. That sexual harassment and workplace harassment are prohibited by this rule and State law.

483 b. The definition of sexual harassment and workplace harassment using examples.

484 c. The legal remedies and complaint process available to the members and Senate staff.

485 d. Directions on who to contact to file a complaint under this rule.

486 e. The legal prohibition against retaliation.

487 (e) Members, employees of the General Assembly, and investigators shall keep the details of any ongoing  
488 investigation confidential, including the identity of the complainant.

489 **Rule 18A. Implicit Bias and Cultural Competency Training.**

490 Each member shall attend and successfully complete implicit bias and cultural competency training at least once  
491 during this General Assembly. The Secretary shall provide for the training.

492 **Rule 19. Rules & Ethics Committee.**

493 (a) The Rules & Ethics Committee is a standing committee of the Senate.

494 (b) The Rules & Ethics Committee's powers and duties are as follows:

495 (1) Recommend to the Senate, from time to time, rules of conduct for members.

496 (2) On request of a member, issue a written advisory opinion as to the applicability of a rule of legislative  
497 conduct under Rule 17 to a particular fact situation.

498 (3) Investigate an alleged violation by a member of a rule of legislative conduct under Rule 17 and, after  
499 notice and hearing, recommend to the Senate, by resolution, disciplinary action if deemed appropriate by the  
500 Committee.

501 (4) Report to the appropriate federal or State authorities substantial evidence of a violation by a member of a  
502 law involving a rule of legislative conduct under Rule 17 that may come to the Committee's attention in connection  
503 with a proceeding whether advisory or investigative.

504 (5) Maintain a file of the Committee's proceedings and advisory opinions with a view toward achieving  
505 consistency of opinions and recommendations.

506 (6) On request of a member who sought an advisory opinion, publish the advisory opinion.

507 (7) Follow rules of procedure for ethics violations as may be adopted by the Senate and establish procedural  
508 rules for the Committee that are not inconsistent with the rules adopted by the Senate.

509 (8) Act only with a majority vote of the Committee's members.

510 (9) Retain counsel to assist the Committee with any of the Committee's powers or duties.

511 (10) Other duties and responsibilities as may be assigned by the Senate.

512 (c)(1) A proceeding before the Rules & Ethics Committee in connection with an advisory opinion is confidential,  
513 subject to the following:

514 a. The member who requested the advisory opinion may waive the privilege of confidentiality.

515 b. If the member who requested the advisory opinion acts in disregard of the advisory opinion, the  
516 proceedings are no longer confidential and may be made public in any subsequent disciplinary proceeding.

517 c. The Rules & Ethics Committee shall maintain records of its proceedings and advisory opinions which  
518 must be available for reference by the Committee, a subsequent Committee, and the Committee's staff.

519 d. Reports to the appropriate federal or State authorities under paragraph (b)(4) of this rule.

520 (2) A member who acts in good faith reliance on a written advisory opinion of the Rules & Ethics Committee  
521 rendered to that member is not subject to discipline by the Senate with respect to the matters covered by the advisory  
522 opinion, if the member fully disclosed to the Rules & Ethics Committee all facts necessary for the opinion.

523 (d) A member of the Rules & Ethics Committee is ineligible to participate as a member of the Committee in a  
524 Committee proceeding relating to the member's legislative conduct under Rule 17.

525 (1) If a member is ineligible under this subsection, the President Pro Tempore shall appoint a member who  
526 belongs to the same caucus as the ineligible member to act as a member of the Committee in a Committee proceeding  
527 relating to the legislative conduct of the ineligible member. If the member who is ineligible under this subsection is the

528 President Pro Tempore, the Majority Leader shall appoint a member who belongs to the same caucus as the President  
529 Pro Tempore to act as a member of the Committee.

530 (2) A member of the Committee found by the Senate to have violated a rule of legislative conduct under Rule  
531 17 is ineligible to serve as a member of the Committee.

532 (e) A member of the Rules & Ethics Committee may seek disqualification from participating in an investigation of  
533 the legislative conduct of a member if the member submits an affidavit of disqualification, in writing and under oath,  
534 stating that the member cannot render an impartial and unbiased decision in the case in which the member seeks  
535 disqualification. If the Committee approves and accepts the affidavit of disqualification, the Chair shall notify the President  
536 Pro Tempore and request that the President Pro Tempore appoint a member to act as a member of the Committee in a  
537 Committee proceeding relating to the investigation. If the President Pro Tempore is the subject of the investigation, the  
538 Chair shall notify the Majority Leader and the Majority Leader shall appoint a member who belongs to the same caucus as  
539 the disqualified member to act as a member of the Committee.

540 (f) The Rules & Ethics Committee may function without regard to periods of recess or adjournment.

541 **Part IV. Preparation of Bills, Resolutions, and Amendments**

542 **Rule 20. Required Parts of Bills, Resolutions, and Amendments.**

543 The Secretary may not accept legislation lacking any of the following:

544 (1) For a bill or resolution, a brief statement of the purpose of the bill or resolution, which is known as the  
545 title.

546 (2) For a bill or resolution, an appropriate enacting or resolving clause.

547 (3) For a bill, resolution, or amendment, the text of the bill, resolution, or amendment in full.

548 (4) At the end of each bill, resolution, or amendment, a brief synopsis of the intent of the bill, resolution, or  
549 amendment.

550 (5) In the lower left-hand corner of each page of a bill, resolution, or amendment, the following:

551 a. The initials of the caucus or nonpartisan office preparing the bill, resolution, or amendment.

552 b. The initials of the legislative attorney or employee of the Office of Controller General who drafted the  
553 bill, resolution, or amendment.

554 c. The initials of the typist who assisted the individual under paragraph (5)b. of this rule.

555 d. The document identification number.

556 **Rule 21. Sponsors; Replacing Sponsor After Introduction.**

557 (a)(1) The first name listed after “SPONSOR” on the upper right-hand corner of the first page of the bill,  
558 resolution, or amendment is the “prime” sponsor.

559 (2) Other members of the Senate or House of Representatives may be included as “co-prime” sponsor, and so  
560 listed after the prime sponsor and joined by “&” in the sponsorship line, or as “co-sponsor”, and so listed after the  
561 prime sponsor and co-prime sponsors.

562 (b) Once a bill, resolution, or amendment has been pre-filed or introduced, the addition or deletion of a sponsor is  
563 not cause for the bill, resolution, or amendment to be reprinted. The Secretary shall note the change in sponsorship in the  
564 calendar, on the jacket of the original bill, resolution, or amendment and on the first page of the original bill, resolution, or  
565 amendment.

566 (c)(1) On the expulsion, death, or resignation of a member, a Senate bill or resolution not yet acted on by the  
567 Senate which has the member as the only Senate sponsor is automatically, without motion, stricken. If the member who was  
568 expelled, died, or resigned was the prime sponsor and there are additional Senate sponsors on the bill or resolution, the  
569 President Pro Tempore shall do one of the following:

570 a. Designate one of the sponsors to be the prime sponsor if a request has been made by one or more  
571 sponsors to be the prime sponsor.

572 b. If a request is not made under paragraph (c)(1) of this rule within 3 legislative days of the expulsion,  
573 death, or resignation of the member, strike the bill or resolution.

574 (2) A member who was expelled, died, or resigned and has been removed as prime sponsor under paragraph  
575 (c)(1) of this rule must be listed as a co-prime sponsor.

576 **Rule 22. Bills or Resolutions Creating a Task Force.**

577 A bill or resolution introduced in the Senate that establishes a committee, commission, task force, or similar public  
578 body (“task force”) either for a specified period of time or on a permanent statutory basis, must include all of the following,  
579 if applicable:

580 (1) The purpose of the task force.

581 (2) The date on which a report is due.

582 (3) To whom the report is to be presented.

583 (4) Who appoints an individual to the task force. A nongovernmental individual or entity may not be given  
584 authority to appoint an individual to a task force.

585 (5) Who is to chair the task force or provide for a temporary chair to enable the task force to commence its  
586 duties and choose its own chair. In drafting a bill which amends the Delaware Code, the designation of a temporary  
587 chair does not need to be made part of the Delaware Code.

588 (6) Who will provide staff for the task force.

589 (7) The quorum for the task force.

590 (8) Authority for the task force to adopt rules necessary for its operation and that if the task force does not  
591 adopt rules or if the adopted rules do not govern a situation, the current edition of *Mason's Manual of Legislative*  
592 *Procedure* controls the operation or situation.

593 (9) That the task force must provide the following information to the Director of the Division of Legislative  
594 Services:

595 a. Meeting notices, agendas, and minutes. Meeting notices must be provided at least 10 days before a task  
596 force meeting to permit the Director to post notice of the meeting on the General Assembly's website.

597 b. All reports produced by the task force.

598 c. At the conclusion of the task force's work, all other documents produced by the task force.

599 **Rule 23. Preparation And Custody of Bills, Resolutions, and Amendments.**

600 (a) The original bill, resolution, or amendment must be printed or stenciled on permanent rag content bond paper,  
601 be properly backed, contain no erasures or interlineations, and be produced in a manner approved by the State Archivist and  
602 Director of the Division of Legislative Services.

603 (b) A bill, resolution, or amendment must be introduced with one original and one backed copy.

604 (c) The original must at all times remain in the custody of the Chair of the committee to which it is referred or the  
605 Secretary, as applicable.

606 (d) One backed copy must be delivered to the Division of Legislative Services.

607 (e) The Secretary shall provide each member with an unbacked copy of each bill, resolution, and amendment.

608 (f) The original used to produce a bill, resolution, or amendment, together with a minimum 160 true copies must  
609 be delivered to the Division of Legislative Services and made available on the General Assembly's website immediately  
610 after the introduction of the bill, resolution, or amendment.

611 **Rule 24. Requirements for Introduction.**

612 A bill or amendment that amends the Delaware Code must be drafted with reference to the statutes or parts of  
613 statutes contained in the Delaware Code and comply with § 109(d) of Title 1 of the Delaware Code.

614 **Part V. General Procedure Applicable to Legislation**

615 **Rule 25. Methods of Introduction of Legislation; Striking of Legislation.**

616 (a) A bill or resolution may only be introduced by a member, group of members, order of the Senate, or report of a  
617 committee. An amendment may only be introduced by a member.

618 (b) A bill, resolution, or amendment may be introduced by any of the following methods:

619 (1) Filing of the bill, resolution, or amendment with the Secretary, when not placed on the President Pro  
620 Tempore's pre-filed list under paragraph (b)(3) of this rule.

621 a. A bill, resolution, or amendment may be introduced by being filed with the Secretary at any time while  
622 the General Assembly is meeting and must be entered by the Secretary on a docket kept for that purpose.

623 b. A bill, resolution, or amendment that is presented to the Secretary while the Senate stands in recess, in  
624 adjournment, or is not otherwise meeting may be given a number by the Secretary and entered by the Secretary on  
625 a docket kept for that purpose.

626 c. As soon as may be practicable following the filing of a bill, resolution, or amendment with the  
627 Secretary under paragraph (b)(1)a. or (b)(1)b. of this rule, the Reading Clerk shall read the bill, resolution, or  
628 amendment number and title of all bills, resolutions, and amendments filed with the Secretary and entered on the  
629 docket under paragraph (b)(1)a. or (b)(1)b. of this rule before the convening of the Senate which have not been  
630 previously read.

631 d. The reading of the bill, resolution, or amendment by the Reading Clerk constitutes the first reading of  
632 the bill, resolution, or amendment.

633 e. Following the first reading, the Secretary shall distribute copies of the bill, resolution, or amendment  
634 under Rule 23(e).

635 f. Following the first reading, the President Pro Tempore shall assign the bill or joint resolution to a  
636 standing committee under Rule 13 and shall place an amendment to a bill or resolution with the bill or resolution.  
637 Following the first reading, the President Pro Tempore may assign a simple or concurrent resolution to a standing  
638 committee.

639 (2) Introduction from the floor while the Senate is in session.

640 a. On introduction from the floor, the Reading Clerk shall read the bill, resolution, or amendment by  
641 number and title.

642 b. The reading of the bill, resolution, or amendment by the Reading Clerk constitutes the first reading of  
643 the bill, resolution, or amendment.

644 c. Following the first reading, the President Pro Tempore shall assign the bill or joint resolution to a  
645 standing committee under Rule 13 and shall place an amendment to a bill or resolution with the bill or resolution.  
646 Following the first reading, the President Pro Tempore may assign a simple or concurrent resolution to a standing  
647 committee. The Secretary shall distribute copies of the bill, resolution, or amendment under Rule 23(e).

648 (3) By being placed on the President Pro Tempore's pre-filed list.

649 a. The President Pro Tempore may place a bill, resolution, or amendment filed with the Secretary on the  
650 "President Pro Tempore's pre-filed list".

651 b. When a bill, joint resolution, or amendment is placed on the President Pro Tempore's pre-filed list, the  
652 President Pro Tempore shall assign the bill or joint resolution to a committee under Rule 13 or place the  
653 amendment to a bill or resolution with the bill or resolution. Following the first reading, the President Pro  
654 Tempore may assign a simple or concurrent resolution to a standing committee.

655 c. The Secretary shall distribute copies of the President Pro Tempore's pre-filed list to the members  
656 before the list is read by the Reading Clerk.

657 d. The Reading Clerk shall read the President Pro Tempore's pre-filed list as soon as practicable under  
658 Rule 2. The reading of the President Pro Tempore's pre-filed list constitutes the first reading of a bill, resolution,  
659 or amendment included in the list.

660 (c) Only the prime sponsor of a bill, resolution, or amendment, or a member authorized by the prime sponsor in  
661 writing, may strike the bill, resolution, or amendment. If a request to strike a bill, resolution, or amendment is made outside  
662 of a Senate floor session, the request must be directed to the Secretary. If a request to strike a bill, resolution, or amendment  
663 is made during a Senate floor session, the request must be directed to the Presiding Officer.

664 **Rule 26. Ready List; Agendas.**

665 (a) A bill or resolution reported out of committee is to be placed on the ready list, unless the bill or resolution is  
666 immediately placed on an agenda.

667 (b) A Senate bill or resolution on the ready list may be placed on the agenda by the prime sponsor. A House bill or  
668 resolution on the ready list may be placed on the agenda by the floor manager. The floor manager of a House bill or  
669 resolution is the Chair of the standing committee from which the bill or resolution was reported or the Chair's designee.

670 (c) At the end of each day the Senate is in session, the Secretary shall do all of the following:

671 (1) Announce the proposed agenda of bills and resolutions to be considered on the next legislative day.

672 (2) Publish the agenda for the next legislative day.

673 (3) Distribute a copy of the agenda to each member.

674 (d) A bill or resolution placed on an agenda by the prime sponsor of a Senate bill or resolution or floor manager of  
675 a House bill or resolution, without otherwise limiting the right of any member to put a bill or resolution on the agenda,  
676 stands in the same order of preference for consideration by the Senate unless otherwise ordered by it.

677 **Rule 27. Consideration of Bills and Resolutions.**

678 (a) Unless a bill or resolution has been placed on a President Pro Tempore's pre-filed list under Rule 25, the bill or  
679 resolution, when introduced, must be read one time by title only, after which the bill or resolution is to be assigned to the  
680 proper standing committee under Rule 13.

681 (b) A Senate bill or resolution may not be considered in the absence of the prime sponsor who introduced it, unless  
682 the prime sponsor's written consent is given, or on the same legislative day the bill or resolution is reported out of  
683 committee.

684 (c) After a bill or resolution has reached its order of preference on the agenda, the bill or resolution may be  
685 deferred twice to the end of the agenda. After it has been deferred twice, it must be considered when its order of preference  
686 is next reached or removed to the ready list by the Secretary. If the bill or resolution is removed to the ready list, the bill or  
687 resolution may not again be placed on the agenda for the same or next legislative day.

688 (d) When considered, each bill or resolution is to be given its final reading by title only.

689 (e) A bill or resolution that has been tabled may not be lifted from the table for further consideration until the bill  
690 or resolution is first placed on an agenda, unless the bill or resolution is lifted for further consideration on the same  
691 legislative day the bill or resolution is tabled.

692 (f) A Senate bill or resolution returning from the House may not be acted on by the Senate unless the bill or  
693 resolution is first placed on an agenda.

694 **Rule 28. Fiscal Notes and Fee Impact Statements.**

695 A bill or joint resolution required to have a fiscal note under Chapter 19 of Title 29 of the Delaware Code or a fee  
696 impact statement under § 913 of Title 29 of the Delaware Code may not be considered by the Senate or a standing  
697 committee unless accompanied by the fiscal note or fee impact statement, as applicable.

698 **Rule 29. Assignment of Legislation to Finance Committee; Assignment of Legislation Drafted by Joint**  
699 **Committee to a Standing Committee.**

700 (a) If first assigned to a standing committee other than the Finance Committee, a bill or joint resolution, whether  
701 introduced in the Senate or the House, that contains an appropriation or that involves a financial loss to or obligation of the  
702 State of \$100,000 or more in 1 of the next 3 years must be referred to the Finance Committee after being reported out of its  
703 initial committee. A bill or joint resolution referred to the Finance Committee under this rule is not subject to Rule 42.



704 (b) A bill or joint resolution drafted by a joint committee and assigned to a standing committee is not subject to  
705 Rule 42 if the bill or joint resolution is a Senate bill or Senate joint resolution or has not been amended by the House of  
706 Representatives if the bill or joint resolution is a House bill or House joint resolution.

707 (1) As used in this subsection, “drafted by a joint committee” means a bill or joint resolution prepared under  
708 the authority of any of the following:

709 a. Joint Finance Committee.

710 b. Joint Committee on Capital Improvement.

711 c. Joint Legislative Oversight and Sunset Committee.

712 (2) A bill or joint resolution drafted by a joint committee must include an indication in its synopsis of that  
713 fact.

## 714 **Part VI. Special Procedures Applicable to Legislation**

### 715 **Rule 30. Substitute Bills.**

716 (a) A Senate substitute bill may be introduced by the prime sponsor of the Senate bill to be substituted.

717 (b) A Senate substitute bill is an amendment that takes the place of the Senate bill wherever the Senate bill is in the  
718 Senate process.

719 (c) Once introduced, the Senate substitute bill amends the Senate bill to be substituted. If the prime sponsor of the  
720 Senate substitute bill strikes the Senate substitute bill, the Senate bill takes the place of the Senate substitute bill wherever  
721 the Senate substitute bill is in the Senate process.

722 (d) The title of a Senate substitute bill must be identical to the title of the Senate bill to be substituted.

### 723 **Rule 31. Amendments.**

724 (a) An amendment may not amend the title of a bill or resolution.

725 (b) The changes made by an amendment attached to a bill or resolution in the Senate or House of Representatives  
726 may be removed from the bill or resolution by an amendment that directs that the specific attached amendment be stricken  
727 in its entirety.

728 (c) An amendment attached to a bill or resolution in the Senate or House of Representatives may be amended by  
729 citing directly to the lines and text of the amendment itself.

730 (d) The Senate shall act on an amendment to a bill or resolution before taking final action on the bill or resolution.

731 (e) The Senate shall act on amendments in the Senate’s possession in numerical order.

732 (f) The passage of an amendment to a bill or resolution requires an affirmative vote of a majority of all of the  
733 members elected to the Senate.

734 **Rule 32. Consent Agenda.**

735 (a) A member may propose a bill or joint resolution to the President Pro Tempore for inclusion on a Consent  
736 Agenda for the purpose of a final reading. A bill or joint resolution may not be included on a Consent Agenda if a Senate  
737 amendment to the bill or joint resolution is proposed.

738 (b) The President Pro Tempore shall compile and then forward the bills and joint resolutions for inclusion on a  
739 Consent Agenda to the Secretary.

740 (c) On receipt of the bills and joint resolutions under subsection (b) of this rule, the Secretary shall prepare the  
741 Consent Agenda noting each inclusion on the Consent Agenda and present the Consent Agenda to the members, noting the  
742 legislative day designated.

743 (d) All bills and joint resolutions included on a Consent Agenda must be read and voted on collectively as a single  
744 group.

745 (e) All bills and joint resolutions included on a Consent Agenda do not need to have the same vote requirement for  
746 passage. A Consent Agenda must receive the greatest vote required by any bill or joint resolution on the Consent Agenda.  
747 The Consent Agenda must state, or the Presiding Officer must announce, if a bill or joint resolution on the Consent Agenda  
748 requires that the Consent Agenda receive a vote greater than a majority of the members elected to the Senate.

749 (f) A bill or joint resolution may be removed from the Consent Agenda for individual action if a member objects to  
750 the inclusion of the bill or joint resolution.

751 **Rule 33. Consent Calendar.**

752 (a) A member may propose a Senate Resolution, Senate Concurrent Resolution, or House Concurrent Resolution  
753 for inclusion on a Consent Calendar for the purpose of a final reading. A Senate Resolution, Senate Concurrent Resolution,  
754 or House Concurrent Resolution may not be included on a Consent Calendar if a Senate amendment is proposed.

755 (b) A proposal by a member for inclusion of a Senate Resolution, Senate Concurrent Resolution, or House  
756 Concurrent Resolution on a Consent Calendar must be made to the Secretary.

757 (c) On receipt of the proposal, the Secretary shall prepare the Consent Calendar noting each inclusion on the  
758 Consent Calendar and present the Consent Calendar to the members at an appropriate time during each legislative day.

759 (d) All resolutions included on the Consent Calendar must be read and voted on collectively as a single group.

760 (e) A resolution may be removed from the Consent Calendar for individual action if a member objects to the  
761 inclusion of the resolution.

762 **Rule 34. Executive Committee Consent Calendar.**

763 (a) The Chair of the Executive Committee may propose a group of nominations for inclusion on an Executive  
764 Committee Consent Calendar. The Chair of the Executive Committee may only include the names of nominees who are  
765 being re-appointed to their current position.

766 (b) The proposal by the Chair of the Executive Committee for an Executive Committee Consent Calendar must be  
767 made to the Secretary.

768 (c) On receipt of the proposal, the Secretary shall prepare the Executive Committee Consent Calendar, noting each  
769 nomination to be included, and present the Executive Committee Consent Calendar to the members at an appropriate time  
770 during each legislative day.

771 (d) All nominations included in the Executive Committee Consent Calendar must be read and voted on  
772 collectively as a single group.

773 (e) A nomination may be removed from an Executive Committee Consent Calendar for individual action if a  
774 member objects to the inclusion of the nomination.

775 **Rule 35. Special Order of Business.**

776 A subject may, without objection by a member, be made a special order. When the time fixed for the subject's  
777 consideration arrives, the Presiding Officer shall lay it before the Senate.

778 **Rule 36. Tributes.**

779 (a) A member is granted the privilege to issue tributes, in the categories or classifications available, if the  
780 procedures prescribed by this rule are followed.

781 (b) Tributes invoking the entire Senate as a body are to be sequentially numbered by the Secretary and made a part  
782 of the permanent record of the Senate.

783 (c) Each tribute, before becoming an official document of the Senate, must be signed by the sponsor or sponsors,  
784 the President Pro Tempore, and the Secretary.

785 (d) When the Senate is in session under § 4 of Article II of the Delaware Constitution, the President Pro Tempore  
786 shall cause to be read into the permanent record of the Senate, for informational and archival purposes, on a legislative day,  
787 the tributes filed with the Secretary by topical notation along with the name of the chief sponsor of the tribute.

788 (e) A tribute does not require an official vote; however, at the time the tribute is officially read into the record, a  
789 member may comment, elaborate, or simply expand on the content of the tribute.

790 (f) Tributes requested and issued by members when the Senate stands in recess or adjournment are to be  
791 administratively managed by the Secretary who, in performing the Secretary's duty to compile the Journal, shall cause the  
792 tributes to be made a part of the Journal.

793 **Part VII. Motions, Voting, and Reconsideration**

794 **Rule 37. Motions.**

795 (a) If requested by the Presiding Officer or by a member, a motion must be reduced to writing and must be read  
796 before being debated.

797 (b) A motion or resolution may be withdrawn or modified by the mover at any time before a decision, amendment,  
798 or ordering of the yeas and nays.

799 (c) A motion to amend a title to a bill or resolution to correct typographical errors is in order at any time.

800 (d) When a question is pending, only the following motions may be made:

801 (1) To adjourn.

802 (2) To adjourn to a certain day.

803 (3) To take a recess.

804 (4) To proceed to the consideration of executive business.

805 (5) To lay on the table.

806 (6) To postpone indefinitely.

807 (7) To postpone to a certain day.

808 (8) To commit to a committee.

809 (9) To amend.

810 (e) The motions listed in subsection (d) of this rule have precedence as listed. A motion to adjourn, to take a  
811 recess, to proceed to the consideration of executive business, or to lay on the table must be decided without debate.

812 **Rule 38. Voting.**

813 (a) The passage of a bill, resolution, or amendment is to be decided by a roll call vote.

814 (b) Unless otherwise required by the Delaware Constitution or the United States Constitution, the passage of a bill,  
815 resolution, or amendment requires the concurrence of a majority of all the members elected to the Senate.

816 (c) During a roll call vote, the names of the members are to be called alphabetically and each member shall,  
817 without debate, answer "Yes" or "No" or "Not Voting".

818 (d) A member may not vote after the roll call is announced by the Secretary, but a member may change the  
819 member's vote before the roll call is announced.

820 (e) A member may not be granted privilege of the floor from the time the Secretary has announced the roll call to  
821 the time the roll call is declared by the Presiding Officer.

822 (f) A roll call may not be laid on the table.

823 **Rule 39. Reconsideration.**

824 (a) A motion for reconsideration may be made if the motion is made by a member who voted on the prevailing  
825 side of the votes cast and the motion is made within 3 legislative days following the original action. For purposes of this  
826 rule, "Not Voting" is considered a "No" vote.

827 (b) When a motion for reconsideration is granted, there can be no further consideration until the prime sponsor or  
828 floor manager rescinds the roll call and takes appropriate action.

829 **Rule 40. Procedure When Bill or Other Matter Sought to be Reconsidered is Sent to the House of**  
830 **Representatives or the Governor.**

831 (a) When a bill, resolution, report, amendment, order, or message, on which a vote has been taken has gone out of  
832 the possession of the Senate and been communicated to the House of Representatives, the motion to reconsider must be  
833 accompanied by a motion to request the House of Representatives to return it. The motion to request return may be in the  
834 form of a Senate resolution.

835 (b) When a bill or joint resolution on which a vote has been taken has gone out of the possession of the Senate and  
836 been communicated to the Governor, the motion to reconsider must be accompanied by a motion to request the Governor to  
837 return it. The motion to request return must be in the form of a Senate concurrent resolution.

838 (c) A motion to request return must be acted on immediately, and without debate, and, if determined in the  
839 negative, is a final disposition of the motion to reconsider.

840 **Part VIII. Committees**

841 **Rule 41. Standing Committees.**

842 The standing committees are as follows:

- 843 (1) Agriculture.
- 844 (2) Banking, Business, Insurance & Technology
- 845 (3) Capital Improvement.
- 846 (4) Corrections & Public Safety.
- 847 (5) Education.
- 848 (6) Elections & Government Affairs.
- 849 (7) Environment, Energy & Transportation.
- 850 (8) Executive.
- 851 (9) Finance.
- 852 (10) Health & Social Services.

- 853 (11) Housing & Land Use.
- 854 (12) Judiciary.
- 855 (13) Labor.
- 856 (14) Legislative Oversight & Sunset.
- 857 (15) Rules & Ethics.
- 858 (16) Veterans Affairs.

859 **Rule 42. Standing Committee Deliberative Process Required.**

860 (a) A bill or resolution assigned to a standing committee must pass through a deliberative process before being  
861 brought to the floor of the Senate.

862 (b) The deliberative process required by this rule must include preannounced meetings at which the standing  
863 committee does all of the following:

864 (1) Allows testimony from the general public, including those affected by the proposed legislation. The Chair  
865 of a standing committee shall strive to provide all individuals who have pre-registered to provide testimony with an  
866 opportunity to provide testimony. Notwithstanding this paragraph (b)(1), the Chair of a standing committee may  
867 impose reasonable time, place, and manner restrictions on the length of the period for testimony from the general  
868 public and the amount of time allotted for comment by each individual.

869 (2) Considers an analysis of the proposed legislation, including a fiscal note or fee impact statement prepared  
870 by the Office of the Controller General.

871 (3) After notice to the sponsor, makes time available for the sponsor to explain the legislation and answer  
872 questions from the standing committee.

873 (c) A bill or resolution must be acted on by the appropriate standing committee within 12 legislative days  
874 following assignment. A bill or resolution not acted on by or reported out from the appropriate standing committee within  
875 12 legislative days following assignment may be petitioned out of committee under Rule 47.

876 (d) The Secretary shall provide for an e-mail address for each standing committee. The e-mail address is to be used  
877 by the standing committee for receiving written testimony from the general public. Written testimony received through the  
878 e-mail address must be simultaneously forwarded to all members of the standing committee on receipt of the written  
879 testimony. The Chair of the standing committee shall establish a deadline for the receipt of written testimony under this  
880 subsection.

881 **Rule 43. Standing Committee Scheduling.**

882 (a) Regular standing committee meetings may be held as follows:

883 (1) From January through May, until 4 p.m. on Wednesdays the Senate is in session.

884 (2) During June, until 3 p.m. on Wednesdays the Senate is in session.

885 (3) On dates and at times as permitted by the President Pro Tempore.

886 (b) The President Pro Tempore shall coordinate with the Secretary to schedule regular standing committee  
887 meetings for each standing committee.

888 (c) Nothing in this rule precludes the Chair of a standing committee from canceling a regular or special meeting or  
889 calling additional meetings when necessary.

890 (d) All standing committee meetings must be scheduled in a space large enough to accommodate everyone  
891 reasonably anticipated to attend, if such space is available. If there are more attempting to attend a committee meeting than  
892 the space can accommodate, the Chair of the standing committee shall move the meeting to a different space which is large  
893 enough to accommodate those wishing to attend, if such space is available.

894 **Rule 44. Standing Committee Chair's Duties; Vacancy.**

895 (a) The Chair of a standing committee shall preside and have general direction over the committee meeting and  
896 shall preserve order and decorum.

897 (b) If the Chair is absent from a standing committee meeting, the Vice Chair shall preside. If the standing  
898 committee does not have an appointed Vice Chair, the Chair shall designate a member of the committee to preside in the  
899 Chair's absence.

900 **Rule 45. Standing Committee Meeting Notice and Minutes.**

901 (a)(1) Except as provided under paragraph (a)(2) of this rule, at least 5 days before a meeting, a standing  
902 committee must release a Committee Agenda, which must include all of the following:

903 a. All matters to be considered by the committee at its next meeting.

904 b. Any announcements from the committee including the times, places, and dates of future meetings.

905 c. The e-mail address for the standing committee to which the public may submit written testimony under  
906 Rule 42(d) and the deadline for the receipt of written testimony by the standing committee.

907 (2) Nominations are exempt from the 5-day notice requirement.

908 (b) Minutes must be taken at each standing committee meeting, and the results of a committee vote must be  
909 recorded. A committee member who dissents from a committee decision may state the member's dissent and reasoning in  
910 the minutes. Minutes must be posted to the General Assembly's website.

911 (c) The Chair of a standing committee may post draft minutes to the General Assembly's website or otherwise  
912 share the draft minutes publicly. The Chair shall cause the draft minutes to be identified as "draft minutes". The Chair shall

913 distribute the draft minutes to the members of the standing committee 7 days before the draft minutes are posted on the  
914 General Assembly's website or otherwise shared publicly.

915 (d)(1) The Chair of a standing committee shall publish minutes of the standing committee's final committee  
916 meeting of a regular session within 30 days of the meeting.

917 (2) Before publishing the minutes, the Chair shall distribute the minutes to the members of the standing  
918 committee and request the members of the standing committee concur in the publishing of the minutes.

919 a. If a majority of the members of the standing committee concur, the Chair shall publish the minutes.  
920 The Chair shall note in the minutes that the minutes were approved by the standing committee.

921 b. If a majority of the members of the standing committee do not concur, the Chair shall publish draft  
922 minutes as provided for under subsection (c) of this section. The Chair shall note in the minutes that the minutes  
923 were not approved by the standing committee.

924 c. For purposes of this subsection, a member's concurrence must be in writing, including by e-mail, to the  
925 Chair.

926 (3) The Chair shall publish the minutes on the General Assembly's website.

927 **Rule 46. Standing Committee Quorum; Signing Backer; Voting.**

928 (a) A quorum is not required to constitute a standing committee meeting.

929 (b) For a bill or resolution to be reported out of a standing committee, a majority of the members of the standing  
930 committee must sign the backer of the bill or resolution. A member who signs the backer of the bill or resolution must  
931 indicate the member's position on the bill or resolution as favorable, on its merits, or unfavorable, all of which count  
932 towards the required number of signatures for reporting the bill or resolution out of the committee.

933 (c) If a standing committee member is unable to attend a preannounced committee meeting, the member may  
934 subsequently affix the member's signature to legislation considered at the meeting.

935 (d) The Chair of a standing committee shall release a bill or resolution when a majority of the members of the  
936 committee sign the backer of the bill or resolution.

937 (e) The Chair shall return the bill or resolution to the Secretary not later than 1 legislative day after a majority of  
938 the members of the standing committee sign the backer of the bill or resolution.

939 (f)(1) Except as provided under paragraph (f)(2) of this rule, a vote taken by a standing committee requires a  
940 majority of the members of the committee for passage.

941 (2) If a vote is to approve minutes of a meeting at which a majority of the members of the standing committee  
942 were not present, the vote requires a majority of the members present at the meeting to approve the minutes.



943 **Rule 47. Petition Out of Standing Committee.**

944 On written request signed by the majority of the members elected to the Senate and directed to the Presiding  
945 Officer, a bill, resolution, or other business that has been in a standing committee for a period exceeding 12 legislative days,  
946 except those assigned to the Capital Improvement or Finance Committees, must be reported to the Senate.

947 **Rule 48. Application of Rules to Committees.**

948 The Senate Rules apply to the conduct of a standing committee created under Rule 12(a) and a special or select  
949 committee created under Rule 12(b), so far as may be applicable.

950 **Part IX. Amendment, Suspension, and Printing of the Rules**

951 **Rule 49. Change Or Suspension of Rules.**

952 A rule of the Senate may be changed or suspended with the concurrence of a majority of all the members elected  
953 to the Senate.

954 **Rule 50. Rules of Order.**

955 All questions of parliamentary procedure not covered or provided for by the Rules of the Senate or the Delaware  
956 Constitution are to be decided in accordance with the current edition of *Mason's Manual of Legislative Procedure*.

957 **Rule 51. Printing of Rules.**

958 These rules are to be printed by the Division of Legislative Services, on adoption, in a pocket-sized edition which  
959 is to contain all of the following:

- 960 (1) A list of the officers of the Senate.  
961 (2) The membership of the standing committees of the Senate.  
962 (3) The constitutional vote requirements for passage of legislation.  
963 (4) Requirements set forth elsewhere directly relating to Senate action, such as the fiscal note requirement.  
964 (5) A table of contents for these rules.

965 **Part X. Virtual Meetings**

966 **Rule 52. Virtual Meeting Document Signing**

967 If a Senate standing committee is meeting under Rule 53, or the General Assembly adopts rules of procedure for  
968 conducting virtual meetings during an emergency and the President Pro Tempore and Speaker of the House of  
969 Representatives authorize the Senate to convene and conduct a virtual meeting due to an emergency under those rules of  
970 procedure, the following apply:

- 971 (1)a. A member may authorize, in writing or electronically, the Chair of a standing committee to which the  
972 member is appointed to convey all of the following to the Secretary:

973 1. The member's desire to sign the backer of a bill or resolution the member desires reported out of  
974 the standing committee.

975 2. The member's position on the bill or resolution to be reported out of the standing committee,  
976 whether favorable, on its merits, or unfavorable.

977 b. The Chair of the standing committee shall collect the authorizations made under paragraph (1)a. of this  
978 rule and provide a verification of the information to the Secretary.

979 c. The Secretary shall make the authorized notations on the backer and maintain a record of the  
980 information provided under paragraph (1)b. of this rule.

981 (2) A member may authorize, in writing or electronically, the Secretary to affix the member's signature to a  
982 document required to be signed by the member under these rules. The Secretary shall maintain a record of  
983 authorizations made under this paragraph (2).

984 **Rule 53. Virtual Meetings of a Senate Committee.**

985 (a) As used in this rule:

986 (1) "Anchor location" means the physical location within this State that is open to the public and at which 1 or  
987 more members of a Senate committee attend a virtual meeting.

988 (2) "Chair" means an individual who presides over and maintains order and decorum of a Senate committee.

989 (3) "Senate committee" means 1 of the following:

990 a. A standing committee of the Senate.

991 b. A task force or similar entity created by bill or resolution of the General Assembly.

992 c. An entity within the Senate created under Rule 12(b) or by other action of the Senate.

993 (4) "Remote participation" means taking part in a Senate committee meeting as though physically present at  
994 the meeting.

995 (5) "Virtual meeting" means a meeting that meets the requirements under subsection (c) of this rule.

996 (b) The President Pro Tempore may issue an order authorizing a Senate committee to hold a virtual meeting. The  
997 virtual meeting may be held with or without an anchor location. If the order authorizes a Senate committee to hold a virtual  
998 meeting, the order must be filed with the Secretary. The order must specify if the virtual meeting may be held with or  
999 without an anchor location or must be held with an anchor location and if the remote participation of Senate committee  
1000 members, witnesses, or Senate committee members and witnesses is allowed.

1001 (c) If an order under subsection (b) of this rule is issued, the Chair of a Senate committee may hold a meeting of  
1002 the Senate committee at which a member or witness participates through the use of any means of electronic communication  
1003 by which all of the following occur:

1004 (1) The identity of a member or witness is verified, and the actions of a member are authenticated, in a manner  
1005 satisfactory to the Chair.

1006 (2) During the meeting, all participating Senate committee members and witnesses simultaneously hear or  
1007 read the comments of each member or witness who is recognized by the Chair.

1008 (3) A document that is used during the meeting by a Senate committee member or witness and that is accepted  
1009 by the Chair is immediately transmitted to each member and witness participating in the meeting.

1010 (4) Except as provided under subsection (d) of this rule, the public is able to do all of the following:

1011 a. Contemporaneously access materials presented at the meeting.

1012 b. Monitor the proceedings.

1013 c. Provide public comment, if the Senate committee is required to accept, or provides an opportunity for,  
1014 public comment.

1015 d. Review a recording of the meeting within a reasonable time after the meeting concludes.

1016 (d)(1) Paragraph (c)(4) of this rule does not apply if the Senate committee has voted to close the meeting to the  
1017 public as otherwise permitted by these rules or other law of this State.

1018 (2) A technological failure that prevents, or a technological limitation that limits, public access otherwise  
1019 required under paragraph (c)(4) of this rule does not invalidate a virtual meeting or an action taken at a virtual meeting.

1020 (e) All actions taken during a virtual meeting have the same legal effect as if the Senate committee members were  
1021 physically present at the same physical location.

1022 (f) For the purposes of determining quorum for a Senate committee meeting, a Senate committee member  
1023 participating in a virtual meeting at a location other than an anchor location is considered present as if the member were  
1024 physically present at the meeting.

1025 (g) For the purposes of voting during a meeting of a Senate committee, a Senate committee member participating  
1026 in a virtual meeting at a location other than an anchor location is able to vote as if the member were physically present at  
1027 the meeting.

1028 (h) The Chair shall cause a Senate committee member or witness participating in a virtual meeting at a location  
1029 other than an anchor location to be muted on entry into the meeting.

1030 (i)(1) To be recognized to speak by the Chair, a Senate committee member or witness participating in a virtual  
1031 meeting at a location other than an anchor location shall use a technological function that enables the member or witness to  
1032 be recognized. If a technological failure occurs, the Chair may adopt an alternative method for the member or witness to be  
1033 recognized.

1034 (2) The Chair shall cause the member or witness recognized to speak to be unmuted.

1035 (3) On being recognized to speak, the recognized member or witness shall state their name each time before  
1036 addressing the virtual meeting.

1037 (j) Attendance at a virtual meeting must be taken by roll call.

1038 (k) The Chair shall interpret and apply all rules of the Senate that presume or require the physical presence or act  
1039 of members or witnesses in such a manner to accomplish the same purposes for which the rules were adopted.

1040 **Rule 54. Remote Participation in a Senate Session by a Member or Witness.**

1041 (a) As used in this rule, “participate remotely” means to take part in a Senate session as though physically present  
1042 at the Senate session.

1043 (b) If the Senate is not meeting under rules of procedure adopted by the General Assembly for conducting virtual  
1044 meetings during an emergency, the President Pro Tempore may authorize a member or witness to participate remotely in a  
1045 Senate session.

1046 (c) The President Pro Tempore may authorize a member to participate remotely if a quorum of the Senate meets in  
1047 a location established under § 5 of Article II of the Delaware Constitution.

1048 (d) If a member desires to participate remotely or to have a witness for the member participate remotely, the  
1049 member shall submit a written request to the President Pro Tempore not later than noon on the day for which the member  
1050 desires to participate remotely or to have a witness for the member participate remotely. The member shall include in the  
1051 request the reason for the request. The President Pro Tempore shall provide a written response approving or denying the  
1052 request.

1053 (e) If the President Pro Tempore authorizes a member or witness to participate remotely in a Senate session, the  
1054 President Pro Tempore shall file the authorization with the Secretary.

1055 (f) If an authorization under subsection (b) of this rule is issued, a member or witness authorized to participate  
1056 remotely in a Senate session may participate through the use of any means of electronic communication by which all of the  
1057 following occur:

1058 (1) The identity of a member or witness participating remotely is verified, and the actions of a member  
1059 participating remotely are authenticated, in a manner satisfactory to the Presiding Officer.

1060 (2) During the meeting, all participating members and witnesses simultaneously hear or read the comments of  
1061 each member or witness who is recognized by the Presiding Officer.

1062 (g) All actions taken by a member participating remotely in a Senate session have the same legal effect as if the  
1063 member was physically present.

1064 (h) For the purposes of voting during a Senate session, a member participating remotely is able to vote as if the  
1065 member were physically present.

1066 (i) The Presiding Officer shall cause a member or witness participating remotely to be muted on entry into the  
1067 meeting.

1068 (j)(1) To be recognized to speak by the Presiding Officer, a member or witness participating remotely shall use a  
1069 technological function that enables the member or witness to be recognized. If a technological failure occurs, the Presiding  
1070 Officer may adopt an alternative method for the member or witness to be recognized.

1071 (2) The Presiding Officer shall cause the member or witness recognized to speak to be unmuted.

1072 (3) On being recognized to speak, the recognized member or witness shall state their name each time before  
1073 addressing the virtual meeting.

1074 (k) The Presiding Officer shall interpret and apply all rules of the Senate that presume or require the physical  
1075 presence or act of members or witnesses in such a manner to accomplish the same purposes for which the rules were  
1076 adopted.

## 1077 **Part XI. Miscellaneous Rules**

### 1078 **Rule 55. Election and Qualification of Members.**

1079 The Senate is the sole judge of the election of its members. A contest for a seat in the Senate is to be referred to the  
1080 Rules & Ethics Committee to take testimony and report the facts and evidence to the Senate.

### 1081 **Rule 56. Supervision of Staff.**

1082 The President Pro Tempore shall determine how officers, attachés, and employees of the Senate are to be  
1083 supervised in the performance of the duties of their respective offices.

### 1084 **Rule 57. Privilege of the Floor.**

1085 (a) Except for the following, an individual who is not a member may not be granted the privilege of the floor, or be  
1086 seated, stand, or allowed to proceed in that area in front of the rear line of the last row of members' seats from the rostrum,  
1087 to the left of the right line of the farthest right row of members' seats, as facing the rostrum, and to the right of the left line  
1088 of the farthest left row of members' seats as facing the rostrum, while the Senate is in session:

1089 (1) The Governor of this State.

- 1090 (2) The Secretary of State of this State.
- 1091 (3) Former Governors of this State.
- 1092 (4) Former Lieutenant Governors of this State.
- 1093 (5) Former Members of the General Assembly.
- 1094 (6) Members of the Congress of the United States.
- 1095 (7) Former Members of the Congress of the United States.
- 1096 (8) Members of the House of Representatives of this State.
- 1097 (9) Attorneys, Officers, and Employees of the Senate.
- 1098 (10) Attorneys, Officers, and Employees of the House of Representatives of this State.
- 1099 (11) The staff of the Division of Legislative Services and the Office of the Controller General.

1100 (b) Notwithstanding subsection (a) of this rule, an individual may be granted the privilege of the floor, or of being  
1101 seated or to stand in front of the rear line of the last row of member seats as indicated under subsection (a) of this rule, by  
1102 and with the consent of the Senate.

1103 **Rule 58. News Media.**

1104 (a) Members of the press who wish to access space assigned for the press in the Senate Chamber or record audio or  
1105 video before, during, or after a legislative session must be credentialed under the Legislative Hall Media Credentialing  
1106 Policy adopted by Legislative Council.

1107 (b) The President Pro Tempore shall provide space in the Senate Chamber for members of the press credentialed  
1108 under the Legislative Hall Media Credentialing Policy adopted by Legislative Council.

1109 **Rule 59. Application of Freedom of Information Act.**

1110 (a) All members and staff of the Senate shall adhere to and comply with the requirements of Delaware's Freedom  
1111 of Information Act, Chapter 100 of Title 29 of the Delaware Code, relating to the examination and copying of public  
1112 records under § 10003 of Title 29 of the Delaware Code and open meetings under § 10004 of Title 29 of the Delaware  
1113 Code, to the extent that the requirements apply to the Senate and do not otherwise conflict with these rules.

1114 (b) Section 10006A of Title 29 of the Delaware Code does not apply to the Senate. The Senate's ability to hold  
1115 virtual meetings or permit remote participation by members or witnesses is governed by Rules 53 and 54 and any rules of  
1116 procedure adopted by the General Assembly for conducting virtual meetings during an emergency.

1117 **Rule 60. Power of Subpoena; Administration of Oaths or Affirmations; Penalties for Noncompliance.**

1118 (a)(1) The Senate may require the attendance of a person or production of documents by a person by subpoena  
1119 issued under this rule by a majority vote of its members. The President Pro Tempore shall sign, and the Secretary shall  
1120 attest, a subpoena issued under this paragraph (a)(1).

1121 (2) The Chair of a standing or special committee of the Senate or a task force or similar entity created by the  
1122 Senate or action of the General Assembly may require the attendance of a person or production of documents by a  
1123 person by subpoena. To be valid, the President Pro Tempore must sign, and the Secretary must attest, a subpoena  
1124 issued under this paragraph (a)(2).

1125 (b) A subpoena issued under this rule must be in writing.

1126 (c) A member may administer oaths or affirmations to witnesses in connection with a hearing or investigation  
1127 conducted by the Senate or a committee to which the member is appointed.

1128 (d) Whoever having been summoned as provided in subsection (a) of this rule willfully makes default or whoever,  
1129 having appeared, refuses to answer any question pertinent to the question under inquiry or whoever having possession of  
1130 records required in a subpoena fails to produce the same is to be fined not more than \$1,000, or imprisoned not more than  
1131 12 months, or both.

1132 (e) Nothing in this section is to be construed as a waiver by the Senate of its inherent right to issue subpoenas and  
1133 to punish for contempt of the Senate without the intervention of a court.

1134 **Rule 61. State Mail, E-Mail, Postage, and Mailing Production or Distribution Limitations.**

1135 (a) A member or staff member of the Senate may not use state mail services or state-paid for postage for the  
1136 member's or employee's own personal use.

1137 (b) A member or staff member of the Senate may not use state funds, state materials, or state equipment to do any  
1138 of the following:

1139 (1) Distribute 50 or more pieces of substantially identical material during the period beginning 60 days before  
1140 the date of the general election or the period beginning 30 days before the date of a special election or a primary  
1141 involving the member.

1142 (2) Distribute 50 or more substantially identical e-mails during the period beginning 14 days before the date of  
1143 the general election or the period beginning 14 days before the date of a special election or a primary involving the  
1144 member.

1145 (c) Subsection (b) of this rule does not apply to the following, when not done for a political election campaign  
1146 purpose:

1147 (1) Answers to communications.

1148 (2) Actions taken under a specific law, resolution, or regulation that authorizes or directs the action to be  
1149 taken.

1150 (3) E-mails sent to address an urgent community need or issue, with the approval of the President Pro  
1151 Tempore.

1152 **Rule 62. Conduct in the Senate gallery.**

1153 (a) For the purpose of keeping the doors of the Senate open, as provided in Section 11 of Article II of the Delaware  
1154 Constitution, individuals may be admitted to the Senate gallery for the sole purpose of observing the proceedings of the  
1155 Senate.

1156 (b) An individual admitted to the Senate gallery shall at all times remain quiet, act in an orderly manner, and  
1157 respect the decorum of the Senate.

1158 (c) An individual admitted to the Senate gallery may not do any of the following:

1159 (1) Engage in any conduct that expresses or that may be considered to express support for or opposition to any  
1160 matter before the Senate or that may come before the Senate, without the permission of the Presiding Officer.

1161 (2) Disruptive use of any audio or video device to record, photograph, film, videotape, or in any way depict  
1162 the proceedings on or about the Senate floor

1163 (3) Use of professional audio or video device to record, photograph, film, videotape, or in any way depict the  
1164 proceedings on or about the Senate floor, without the permission of the Presiding Officer or under Rule 58.

1165 (4) Engage in any behavior that the Presiding Officer determines does not respect the decorum of the Senate  
1166 or that hinders the right of members to participate in proceedings in the Senate.

1167 (5) Lean over or put any object over the balcony.

1168 (6) Stand in the Senate gallery, except for prayer or pledge of allegiance, to enter or leave the Senate gallery,  
1169 or as otherwise permitted by the Presiding Officer.

1170 (7) Talk on cell phones.

1171 (8) Exhibit public displays or demonstrations.

1172 (9) Display signs or placards.

1173 (10) Any other behavior that is deemed to be disruptive by the Presiding Officer.

1174 (d)(1) An individual who violates subsection (c) of this rule may be removed from the Senate gallery and not be  
1175 allowed admittance to the Senate gallery for a period of 24 hours.

1176 (2) An individual who violates subsection (c) of this rule a second time during this General Assembly may be  
1177 removed from the Senate gallery and not be allowed admittance to the Senate gallery until one of the following:



1178 a. If in the first session of this General Assembly, until the second Tuesday of January of the second  
1179 session of this General Assembly.

1180 b. If in the second session of this General Assembly, until the second Tuesday of January of the first  
1181 session of the next General Assembly.

1182 (3) An individual who violates subsection (c) of this rule a third time during this General Assembly may be  
1183 removed from the Senate gallery and not be allowed admittance to the Senate gallery for the remainder of this General  
1184 Assembly.

1185 (4) An individual who violated subsection (c) of this rule 2 or more times in the previous General Assembly  
1186 may be denied admittance to the Senate gallery for a period of time in this General Assembly as determined by the  
1187 President Pro Tempore.

#### SYNOPSIS

This Resolution enacts the Rules of the Senate for the 153rd General Assembly until further action of the Senate.

Author: Senator Sokola