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DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 191

AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE DELAWARE CONSTITUTION RELATING TO EQUAL RIGHTS.

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

1 Section 1. Amend § 21, Article I of the Delaware Constitution by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 Section 21.

4 Equality of rights under the law shall not be denied or abridged on account of race, color, national origin, or sex.

SYNOPSIS

Since the 14th Amendment to the United States Constitution was adopted on July 9, 1868, with Delaware ratifying it in 1901, at least 15 states have added a provision to their state constitution that prohibits the denial or abridgement of equal rights under the law based on race, color, or national origin.

In 2019, Delaware amended the state constitution to prohibit the denial or abridgement of equal rights under the law based on sex, but no such prohibition exists as to race, color, or national origin.

This Act is the first leg of a constitutional amendment to add race, color, and national origin to the Article I, § 21 of the Delaware Constitution to explicitly declare that protection against discrimination based on race, color, and national origin is one of Delaware's fundamental rights.

This Act requires a greater than majority vote for passage because Article XVI, § 1 of the Delaware Constitution requires the affirmative vote of two-thirds of the members elected to each house of the General Assembly when the General Assembly amends the Delaware Constitution.

Author: Senator Brown