



SPONSOR: Rep. Smyk & Sen. Lawson  
Reps. Briggs King, Collins, Morris, Spiegelman, Yearick;  
Sen. Wilson

HOUSE OF REPRESENTATIVES  
150th GENERAL ASSEMBLY

HOUSE BILL NO. 357

AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE AND THE LAWS OF DELAWARE RELATING TO  
PRESIDENTIAL ELECTORS.

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

1 Section 1. Amend § 4301, Title 15 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows:

3 § 4301. Presidential electors; ~~election~~; election; ~~manner of appointing~~.

4 (a) Electors of a President and Vice President ~~Vice President~~ of the United States shall be chosen at the general  
5 election held in the year of a presidential election. The election of such electors shall be conducted in the same places,  
6 ~~manner~~ manner, and form and by the same persons and officers, and under the same regulations in all respects, as the  
7 general election for the same year.

8 (b) After a general election held in the year of a presidential election, the Governor shall determine the number of  
9 votes for each presidential slate in each county of this State to produce a countywide popular vote total for each presidential  
10 slate.

11 (c) For each county the Governor shall designate the presidential slate with the largest popular vote total as the  
12 countywide popular vote winner.

13 (d) The Governor shall certify the appointment of a presidential elector for each county based on the countywide  
14 popular vote winner for that county.

15 (e) A presidential elector appointed under this section must reside in the county that the elector is to represent.

16 Section 2. Chapter 43A, Title 15 of the Delaware Code is repealed in its entirety.

17 Section 3. Amend § 5711, Title 15 of the Delaware Code by making deletions as shown by strike through and  
18 insertions as shown by underline as follows:

19 § 5711. Electors for President and Vice President; announcements and certifications of election [~~Effective unless~~  
20 ~~Chapter 43A of this title governs a U.S. presidential election; see 82 Del. Laws, c. 7, § 6~~].

21 ~~The Governor, after receiving the certificates under the seal of the Superior Court, of the results of the election in~~  
22 ~~each county for electors of President and Vice President of the United States, shall without delay examine the certificates~~

23 and ascertain the electors chosen, and make known the same by proclamation, and cause notice of the elector's election to  
24 be transmitted to each elector. The Governor shall also cause 3 lists of the names of the electors, duly made and certified, to  
25 be delivered to the electors, according to the Act of Congress in that behalf on or before the day appointed for their  
26 meeting. The Governor shall, without delay, do all of the following to appoint the electors of President and Vice President  
27 of the United States:

- 28 (1) Examine the certificates under the seal of the Superior Court.  
29 (2) Appoint electors under § 4301 of this title.  
30 (3) Make known the appointment of electors by proclamation.  
31 (4) Transmit notice of the elector's election to each elector.  
32 (5) Deliver 3 lists of the names of the electors, duly made and certified, to the electors, according to the Act of  
33 Congress in that behalf on or before the day appointed for their meeting.

34 Section 4. Amend § 7704, Title 15 of the Delaware Code by making deletions as shown by strike through and  
35 insertions as shown by underline as follows:

36 § 7704 Election, how conducted; results, how ascertained.

37 (a) Except as otherwise provided in this chapter, the election of delegates must be conducted and the results  
38 thereof ascertained and certified in the same manner as in the case of the election of electors of President and Vice  
39 President in this State during elections in which ~~subchapter I of Chapter 43A of this title does not govern.~~ State.

40 (b) The Governor shall, without delay, examine the certificates and ascertain the delegates to such convention  
41 chosen and make known the same by proclamation and cause notice to be given to each delegate so elected of the  
42 delegate's election as a delegate. All provisions of the laws of this State relative to elections, except as far as inconsistent  
43 with this chapter, shall be applicable to such election.

44 Section 5. Section 4, Chapter 7, Volume 82 of the Laws of Delaware is repealed in its entirety.

#### SYNOPSIS

In 48 states, the presidential candidate winning the majority of the popular vote is awarded that state's total electoral votes.

However, the U.S. Constitution does not specify how individual states must apportion these votes.

The predominant "winner take all method" is deeply flawed in that the outcome is often not an accurate representation of a state's diversity of opinion.

This measure corrects this inequity in Delaware. The proposed reform would divide the state's three electoral votes equally among its three counties. The popular vote in each would determine how that county's single electoral vote would be allocated. Such a system would be unique and proportional, better reflecting the will of the individual Delawarean with greater accuracy and independent strength of geographic location for all Delawareans, not just those in the densely populated areas in this nation or State.