



SPONSOR: Sen. Sokola & Rep. Baumbach
Sens. Ennis, Paradee, Pinkney, Townsend; Rep. Osienski

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 27

AN ACT PROPOSING AN AMENDMENT TO ARTICLE II OF THE DELAWARE CONSTITUTION RELATING TO THE COMPOSITION OF THE HOUSE AND SENATE.

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

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

§ 2. Composition of House and Senate; terms of office; districts; election.

Section 2. (a) The House of Representatives shall be composed of ~~thirty-five~~ 41 members, ~~plus such additional members as shall be provided pursuant to Section 2A of this Article~~, who shall be chosen for ~~two~~ 2 years.

(b) The Senate shall be composed of ~~twenty-one~~ 21 members, who shall be chosen for ~~four~~ 4 years. The terms of office for the Senators shall be staggered at the first biennial general election following reapportionment and redistricting as follows:

(1) Ten Senators are elected for a term of 2 years.

(2) Eleven Senators are elected for a term of 4 years.

(c) The General Assembly shall, insofar as is possible, use the following criteria in determining the boundaries of the representative and senatorial districts within the State:

(1) Be formed of contiguous territory.

(2) Be nearly equal in population.

(3) Be bounded by major roads, streams, or other natural boundaries.

(4) Not be created so as to unduly favor any person or political party.

(d) The General Assembly shall redistrict the State, wherever necessary after the reporting of each federal decennial census.

(e) The General Assembly shall enact general laws providing for the rules and procedures for redistricting.

~~The State is hereby divided into thirty-five Representative Districts. There shall be such additional Representative~~

Districts as shall be provided pursuant to Section 2A of this Article. From each Representative District there shall be chosen, by the qualified electors thereof, one Representative. The State is also hereby divided into twenty-one Senatorial Districts, from each of which shall be chosen, by the qualified electors thereof, one Senator. In New Castle County there shall be seven Senatorial Districts, numbered from one to seven inclusive; in Kent County, seven Senatorial Districts, numbered from one to seven inclusive; and in Sussex County, seven Senatorial Districts from one to seven inclusive.

The Representative Districts in New Castle County are and shall be as follows:

Number One. All that portion of the City of Wilmington included within the Second and Fourth Wards, and those parts of the Sixth and Eighth Wards, respectively, lying south of and bounded by the central line of Eighth street.

Number Two. All that portion of the said city included within the Ninth Ward, and those parts of the Sixth and Eighth Wards, respectively, lying north of and bounded by the central line of Eighth street.

Number Three. All that portion of the said city included within the Seventh Ward, and that part of the Fifth Ward lying north of and bounded by a straight line including the central line of Eighth street.

Number Four. All that portion of the said city included within the First and Third Wards, and that part of the Fifth Ward lying south of and bounded by the central line of Eighth street, east of and bounded by the central line of Adams street, and west of and bounded by the central line of Market street.

Number Five. All that portion of the said city included within the Tenth, Eleventh and Twelfth Wards, and that part of the Fifth Ward lying south of and bounded by a straight line including the central line of Eighth street, west of and bounded by the central line of Adams street, and bounded on the west by the westerly boundary line of the said city.

Number Six. Brandywine Hundred.

Number Seven. Christiana Hundred.

Number Eight. Mill Creek Hundred.

Number Nine. White Clay Creek Hundred.

Number Ten. New Castle Hundred.

Number Eleven. Pencader Hundred.

Number Twelve. Red Lion Hundred.

Number Thirteen. St. Georges Hundred.

Number Fourteen. Appoquinimink Hundred.

Number Fifteen. Blackbird Hundred.

The Representative Districts in Kent County are and shall be as follows:

Number One. Duck Creek Hundred.

Number Two. Little Creek Hundred and the first Election District of East Dover Hundred.

Number Three. Kenton Hundred.

Number Four. West Dover Hundred and all that portion of East Dover Hundred lying next to West Dover Hundred and separate from the rest of East Dover Hundred by the following boundary lines: beginning at the middle of the public road leading from the Horsehead road to Kenton at the point of intersection of Kenton Hundred and East Dover Hundred, thence running along the middle of the said road to the Horsehead road, thence running in a westerly direction along the middle of the said Horsehead road a short distance to a short road leading from the said Horsehead road to the road from Dover to Hazletville, known as the Hazletville road, thence running along the middle of the said short road from the Horsehead road to the said Hazletville road, thence running in a westerly direction along the middle of the said Hazletville road a short distance to the road leading therefrom to Wyoming, thence running along the middle of the said road leading from the said Hazletville road to Wyoming to the point of intersection of East Dover Hundred and North Murderkill Hundred.

Number Five. All that portion of East Dover Hundred not included in Districts numbers two and four.

Number Six. Parts of North Murderkill, South Murderkill and Mispillion Hundreds included within the following boundary lines: beginning at the intersection of the southern line of South Murderkill Hundred with the State of Maryland, thence running along the division line between Mispillion Hundred and South Murderkill Hundred to the public road leading from Whiteleysburg to Harrington, thence running in a southeasterly and easterly direction along the middle of said public road to the public road leading from Masten's Corner to Vernon, at or near White's Church, thence running in a northeasterly direction along the middle of said public road leading from Masten's Corner to Vernon, a short distance to the public road leading therefrom to the town of Harrington, being a continuation of the road leading from Whiteleysburg to Harrington, thence running in a southeasterly direction to the intersection of West street in the town of Harrington, thence running in a northerly direction along the middle of said West street to the middle of Wolcott street in said town of Harrington, thence running in an easterly direction along the middle of said Wolcott street to the middle of Dorman street in said town of Harrington, thence running in a northerly direction along the middle of said Dorman street to Brown's Branch, thence running in an easterly direction with the course of said Branch to the Delaware Railroad, thence running in a northerly direction along said Delaware Railroad to Beaver Dam Branch in South Murderkill Hundred, thence following the course of said Beaver Dam Branch in a northwesterly direction to the public road leading from Felton to Whiteleysburg, thence running in a northeasterly direction along the middle of the said public road from Felton to Whiteleysburg to the Owl's Nest road, thence running in a northerly direction along the middle of the said Owl's Nest road to the intersection of the Cowgill road from Woodside to Petersburg, thence running in a northerly direction along the middle of the said Cowgill

road to the Reed road running from Woodside to DuPont's school house, thence running in a northwesterly direction along the middle of the said Reed road to DuPont's school house, thence running in a northerly direction along the middle of the public road leading from Willow Grove to Camden, a short distance to Stubb's Corner, thence running in a westerly and northwesterly and westerly direction along the middle of the public road leading from DuPont's school house to the Almshouse to Gray's Corner, thence continuing in a direct westerly line to the southern boundary line of West Dover Hundred, thence following the southern boundary line of West Dover Hundred in a westerly direction to the State of Maryland, thence running in a southerly direction along the eastern boundary line to the State of Maryland to the place of beginning.

Number Seven. All that portion of North Murderkill Hundred not included in District number six.

Number Eight. All that portion of South Murderkill Hundred not included in District number six.

Number Nine. All that portion of Mispillion Hundred not included in District number six.

Number Ten. Milford Hundred.

The Representative Districts in Sussex County are and shall be as follows:

Number One. Cedar Creek Hundred.

Number Two. All that portion of Nanticoke Hundred which lies north and west of Gravelly Branch, beginning at a point where the said Gravelly Branch intersects the dividing line between Georgetown and Nanticoke Hundreds and running in a southwesterly course to what was formerly known as Rest's Old Mill, thence along said branch to what was formerly known as Collins' Mills, to its mouth being at the head of Middleford Mill Pond; together with North West Fork Hundred.

Number Three. All that portion of Nanticoke Hundred which lies south and east of said Gravelly Branch, beginning at a point where the said Gravelly Branch intersects the dividing line between Nanticoke and Georgetown Hundreds, running in a southwesterly course to what was formerly known as Rest's Old Mill, thence along said branch to what was formerly known as Collins' Mills, to its mouth at the head of Middleford Mill Pond; together with Seaford Hundred.

Number Four. Broad Creek Hundred.

Number Five. Little Creek Hundred.

Number Six. Dagsboro and Gumboro Hundreds.

Number Seven. Baltimore Hundred.

Number Eight. Indian River Hundred.

Number Nine. Georgetown Hundred.

Number Ten. Broadkilm and Lewes and Rehoboth Hundreds.

The Senatorial Districts in New Castle County are and shall be as follows:

Number One. All that portion of the City of Wilmington lying north of and bounded by a straight line including the central line of Eighth street extending from the Delaware River to the westerly boundary of said city.

Number Two. All that portion of the said City lying south of and bounded by the straight line aforesaid including the central line of Eighth street.

Number Three. Brandywine Hundred, together with all that portion of Christiana Hundred lying north of and bounded by the central line of Lancaster Turnpike.

Number Four. Milk Creek Hundred, together with all that portion of Christiana Hundred lying south of and bounded by the central line of the Lancaster Turnpike.

Number Five. White Clay Creek Hundred, Red Lion Hundred and New Castle Hundred.

Number Six. Pencader Hundred and St. Georges Hundred.

Number Seven. Appoquinimink Hundred and Blackbird Hundred.

The Senatorial Districts in Kent County are and shall be as follows:

Number One. The first and second Representative Districts.

Number Two. The third and fourth Representative Districts.

Number Three. The fifth and seventh Representative Districts.

Number Four. The sixth and ninth Representative Districts.

Number Five. The eighth and tenth Representative Districts.

Number Six, at Large. The first, second, fifth, seventh and eighth Representative Districts.

Number Seven, at Large. The third, fourth, sixth, ninth and tenth Representative Districts.

The Senatorial Districts in Sussex County are and shall be as follows:

Number One. The first and second Representative Districts.

Number Two. The third and fourth Representative Districts.

Number Three. The fifth and sixth Representative Districts.

Number Four. The seventh and eighth Representative Districts.

Number Five. The ninth and tenth Representative Districts.

Number Six, at Large. The first, second, third, fourth and fifth Representative Districts.

Number Seven, at Large. The sixth, seventh, eighth, ninth and tenth Representative Districts.

140 The first Senators elected from the Sixth Senatorial Districts of Kent and Sussex Counties shall serve for a two
141 year term only, thereafter their successors shall serve for a full four year term.

142 All territory which shall hereafter be added to and included within the City of Wilmington shall become part of the
143 Representative Districts in New Castle County, as follows:

144 All lying east of a straight line including the central line of Market street, below Eighth street, as the said two
145 streets now exist, and south of a straight line including the central line of Eighth street, as the same now exists, shall
146 become part of Representative District number one.

147 All lying north of a straight line including the central line of Eighth street, as the same now exists, extending from
148 the northeasterly side of Brandywine Creek to the Delaware River, or north of the Brandywine Creek, westerly from the
149 point of intersection of the said straight line with the northeasterly side of the said Creek, shall become part of
150 Representative District number two.

151 All lying north of a straight line including the central line of Eighth street, as the same now exists, south of the
152 Brandywine Creek, and west of the central line of Market street, as the same now exists, shall become part of
153 Representative District number three.

154 All lying between a straight line including the central line of Market street extended southerly and a straight line
155 including the central line of Washington street extended southerly shall become part of Representative District number four.

156 All lying south of a straight line including the central line of Eighth street, as the same now exists, and west of a
157 straight line including the central line of Washington street, as the same now exists, shall become part of Representative
158 District number five.

159 In case of any change in the boundary line between this State and the State of Pennsylvania any of the said
160 Senatorial and Representative Districts in New Castle County affected thereby shall conform to any new boundary line
161 between the said States.

162 All territory which shall hereafter be added to and included within the City of Wilmington shall become part of the
163 Senatorial Districts in New Castle County as follows:

164 All lying north of a straight line including the central line of Eighth street, extended from the Delaware River
165 westwardly, shall become part of Senatorial District number one.

166 All lying south of a straight line including the central line of Eighth street, extended from the Delaware River
167 westwardly shall become part of Senatorial District number two.

168 Whenever by the extension of the limits of the City of Wilmington territory forming part of any Representative or
169 Senatorial District, as hereby established, shall be included within the limits of the said city, such Representative or
170 Senatorial District shall thereafter consist of the residue thereof, not so included within said limits.

171 The several Representative and Senatorial Districts in the State shall, except as herein otherwise provided,
172 continue to be bounded, described and defined by the lines of the hundreds, wards, election districts, public roads, railroad
173 and other boundaries herein mentioned, as the same are now established and located.

174 Section 2. Section 2A, Article II of the Delaware Constitution is hereby repealed.

175 Section 3. Section 2B, Article II of the Delaware Constitution is hereby repealed.

SYNOPSIS

This Act is the first leg of a constitutional amendment that repeals the provisions regarding legislative districts that were found unconstitutional in the 1960s by the Supreme Court of the United States and the United States District Court for the District of Delaware. Sections 2 and 2A of Article II of the Delaware Constitution are unconstitutional because these sections do not apportion seats in the General Assembly so that each vote is equal. This constitutional amendment also repeals § 2B of Article II of the Delaware Constitution because the only purpose of § 2B is to clarify that § 2A of Article II does not impact how delegates are elected to a Constitutional Convention under § 2 of Article II.

This Act replaces the unconstitutional provisions with the existing redistricting requirements established under Chapter 8 of Title 29, which meet the requirements under the Constitution of the United States. Specifically, the requirements for legislative districts are as follows:

1. The House of Representatives is comprised of 41 members, chosen for 2-year terms.
2. The Senate is comprised of 21 members, chosen for 4-year terms, except that terms are staggered at the first biennial general election following redistricting so that 10 Senators are elected for 2-year terms and 11 Senators are elected for 4-year terms.
3. The General Assembly must determine the boundaries of legislative districts using the following criteria: contiguous territory; nearly equal in population; bounded by major roads, streams, or other natural boundaries; and do not unduly favor any person or political party.
4. The General Assembly must redistrict whenever necessary after each federal decennial census.

This Act also repeals the obsolete process in the Constitution that has the Governor and chairs of 2 political parties conduct the redistricting. Current law does not provide a specific process by which the General Assembly redistricts legislative districts, so this Act provides the General Assembly with the power to enact general laws establishing rules and procedures for redistricting.

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

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

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