



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):

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

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

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

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

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

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

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

13 (1) Be formed of contiguous territory.

14 (2) Be nearly equal in population.

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

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

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

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

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

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

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

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

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

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

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

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

39 Number Six. Brandywine Hundred.

40 Number Seven. Christiana Hundred.

41 Number Eight. Mill Creek Hundred.

42 Number Nine. White Clay Creek Hundred.

43 Number Ten. New Castle Hundred.

44 Number Eleven. Pencader Hundred.

45 Number Twelve. Red Lion Hundred.

46 Number Thirteen. St. Georges Hundred.

47 Number Fourteen. Appoquinimink Hundred.

48 Number Fifteen. Blackbird Hundred.

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

50 Number One. Duck Creek Hundred.

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

52           Number Three. ~~Kenton Hundred.~~

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

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

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

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

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

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

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

92 Number Ten. Milford Hundred.

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

94 Number One. Cedar Creek Hundred.

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

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

105 Number Four. Broad Creek Hundred.

106 Number Five. Little Creek Hundred.

107 Number Six. Dagsboro and Gumboro Hundreds.

108 Number Seven. Baltimore Hundred.

109 Number Eight. Indian River Hundred.

110 Number Nine. Georgetown Hundred.

111 Number Ten. Broadkilm and Lewes and Rehoboth Hundreds.

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

113 Number One. All that portion of the City of Wilmington lying north of and bounded by a straight line including

114 the central line of Eighth street extending from the Delaware River to the westerly boundary of said city.

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

116 the central line of Eighth street.

117 Number Three. Brandywine Hundred, together with all that portion of Christiana Hundred lying north of and

118 bounded by the central line of Lancaster Turnpike.

119 Number Four. Milk Creek Hundred, together with all that portion of Christiana Hundred lying south of and

120 bounded by the central line of the Lancaster Turnpike.

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

122 Number Six. Pencader Hundred and St. Georges Hundred.

123 Number Seven. Appoquinimink Hundred and Blackbird Hundred.

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

125 Number One. The first and second Representative Districts.

126 Number Two. The third and fourth Representative Districts.

127 Number Three. The fifth and seventh Representative Districts.

128 Number Four. The sixth and ninth Representative Districts.

129 Number Five. The eighth and tenth Representative Districts.

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

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

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

133 Number One. The first and second Representative Districts.

134 Number Two. The third and fourth Representative Districts.

135 Number Three. The fifth and sixth Representative Districts.

136 Number Four. The seventh and eighth Representative Districts.

137 Number Five. The ninth and tenth Representative Districts.

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

139 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.

Author: Senator Sokola