



SPONSOR: Rep. Schwartzkopf & Sen. Sokola  
Reps. Longhurst, Mitchell, D. Short, Dukes; Sens.  
Townsend, Lockman, Hocker, Pettyjohn

HOUSE OF REPRESENTATIVES  
151st GENERAL ASSEMBLY

HOUSE BILL NO. 130

AN ACT PROPOSING AN AMENDMENT TO § 1, ARTICLE XVI OF THE DELAWARE CONSTITUTION  
RELATING TO THE PROCEDURE FOR NOTICE TO THE PUBLIC OF A PROPOSED AMENDMENT TO THE  
DELAWARE CONSTITUTION.

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

3           § 1. Proposal and concurrence of Constitution amendments in General Assembly; procedure.

4           Section 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of  
5 Representatives; and if the same shall be agreed to by ~~two-thirds~~ two-thirds of all the members elected to each House, such  
6 proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and ~~the~~  
7 ~~Secretary of State shall cause~~ such proposed amendment or amendments ~~to be published three months~~ must be  
8 disseminated to the public not more than 120 days before the next general election and not less than 90 days before the next  
9 general election in at least three newspapers in each county in which such newspapers shall be published; as provided for  
10 by an act of the General Assembly; and if in the General Assembly next after the said election such proposed amendment or  
11 amendments shall upon ye and nay vote be agreed to by two thirds of all the members elected to each House, the same  
12 shall thereupon become part of the Constitution.

SYNOPSIS

This Act is the first leg of an amendment to the Delaware Constitution to enable the General Assembly to designate who is responsible for providing notice of a proposed amendment to the Constitution and how the notice is disseminated. This change gives the General Assembly flexibility in the dissemination of the notice, particularly as technology advances. This Act also changes the timeframe of dissemination from 3 months to between 120 and 90 days.

House Bill No. 131 implements the procedure for notice of a proposed amendment to the Delaware Constitution based on the authority granted by this Act.

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.