



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. 131

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE 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:

Section 1. Amend Chapter 9, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 914. Procedure for notice to the public of a proposed amendment to the Delaware Constitution.

(a) For purposes of this section:

(1) "Newspaper of general circulation" means a newspaper that meets all of the following:

a. Is published at least on a weekly basis.

b. Is distributed throughout a county.

c. Is published in the language most commonly spoken in the area in which it circulates.

(2) "Newspaper of general circulation" does not include any of the following:

a. A newspaper intended primarily for members of a particular professional or occupational group.

b. A newspaper whose primary function is to carry legal notices.

(3) "Proposed amendment" means the full text of the legislation proposing an amendment to the Delaware Constitution.

(b) The notice required for a proposed amendment under § 1 of Article XVI of the Delaware Constitution must occur as follows:

(1) The proposed amendment must be published not more than 120 days before the next general election and not less than 90 days before the next general election in at least 1 newspaper of general circulation in each county.

(2) The proposed amendment must be posted for at least the 90 days before the next general election prominently on the Department of Election's and General Assembly's websites.

(c) The individual responsible for ensuring dissemination of the proposed amendment under subsection (b) of this section is as follows:

(1) The Secretary of the Senate, for an amendment proposed by a Senate bill.

(2) The Chief Clerk of the House of Representatives, for an amendment proposed by a House bill.

(d) The Secretary of the Senate, Chief Clerk of the House of Representatives, State Election Commissioner, and Director of the Division of Research shall review and approve the notice to be disseminated under subsection (b) of this section.

(e)(1) The individual responsible for dissemination under subsection (c) of this section shall provide immediate notice of doing so to all of the following:

a. The Governor.

b. The members of the General Assembly.

c. The Director and Legislative Librarian of the Division of Research of Legislative Council.

d. The State Archivist and Records Administrator.

(2) The notice provided under paragraph (e)(1) of this section must include all of the following:

a. A list of the newspapers in which the publication of the proposed amendment required under subsection (b)(1) of this section occurred and the date of publication in those newspapers.

b. The place within the websites in which the posting required under subsection (b)(2) of this section is to be found and the date of the posting.

Section 2. This Act takes effect on the date of final passage of an act of the 152nd General Assembly concurring in the amendments to the Delaware Constitution proposed by House Bill No. 130 of the 151st General Assembly. The Director of the Division of Research shall provide written notice to the Registrar of Regulations that the contingency in this section has been fulfilled. The Registrar shall publish the notice in the Register of Regulations.

SYNOPSIS

This Act implements the procedure for the notice of a proposed amendment to the Delaware Constitution authorized by the amendment to § 1 of Article XVI of the Delaware Constitution proposed by House Bill No. 130 by doing the following:

(1) Making the Secretary of the Senate ("Secretary") and Chief Clerk of the House of Representatives ("Chief Clerk") responsible for ensuring that a proposed amendment by their respective house is disseminated to the public as required by § 1 of Article XVI of the Delaware Constitution and this Act.

(2) Requiring the notices be published in at least 1 newspaper of general circulation in each county and posted on the Department of Election's and General Assembly's websites.

(3) Requiring the Secretary, Chief Clerk, State Election Commissioner, and Director of the Division of Research to review and approve the notice to be disseminated.

(4) Requiring the Secretary and Chief Clerk to provide notice of, and certain information about, the dissemination of the notice of a proposed amendment.

Because the next General Assembly must concur in the proposed amendment to the Delaware Constitution, this Act does not take effect until the passage of the second leg of the constitutional amendment in the 152nd General Assembly.