



SPONSOR: Rep. Cathcart & Sen. McBride;
Reps. Maier, Valihura; Sens. Cloutier,
Still

HOUSE OF REPRESENTATIVES

141st GENERAL ASSEMBLY

HOUSE BILL NO. 431

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO ADVISORY INITIATIVES.

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

1 Section 1. Amend Title 29 of the Delaware Code to add a new part to read as follows:

2 "PART XII. Advisory Initiative

3 CHAPTER 120. ADVISORY INITIATIVE

4 §12001. Legislative Findings.

5 The legislative authority of the State is vested in the General Assembly. However, the General Assembly
6 recognizes its obligation to the people of Delaware and the fact that it is from the people by which it is ultimately
7 granted legislative authority. Given this recognition, the people of Delaware possess the right to advise the
8 General Assembly of their will through advisory initiative whereby the people shall have authority to advise the
9 General Assembly whether they desire, approve of or reject any statute, law, resolution, item or section, or any
10 part of an Act or Resolution of the General Assembly.

11 § 12002. Initiative

12 (a) Registered voters of this State may, by written petition in a form prescribed by Legislative Council, propose
13 legislation to the General Assembly for its consideration. Such initiative petition may be directed or
14 addressed to either House of the General Assembly by filing a draft of the petition with the State Election
15 Commissioner (the 'Commissioner') as signed by a number of registered voters equal to not less than 1/10%
16 of the total number of voters registered to vote in the general election immediately preceding the filing of
17 such draft petition, and shall be filed not later than three months prior to the commencement of the following
18 year's legislative session. The draft petition shall identify the name, address and phone number of its
19 original initiator(s).

- 20 (b) The Commissioner, after verifying the signatures on the draft petition, shall transmit the petition to
21 Legislative Council. The Commissioner shall verify the draft petitions signatures within two weeks after the
22 filing of the petition. All signatures not challenged and disallowed within such time shall be deemed
23 verified and shall not be subject to challenge thereafter. If the Commissioner finds that the draft petition
24 does not contain the required number of valid signatures, the petition shall be immediately returned to its
25 initiator(s) for correction.
- 26 (c) Each verified draft petition shall be reviewed by Legislative Council for legality and constitutionality.
27 Legislative Council shall, then, draft a formal petition which shall be directed back to the initiator(s) within
28 15 days of its receipt of the same.
- 29 (d) Upon receiving the formal petition from Legislative Council, the initiator(s), may propose it for legislation
30 to the General Assembly by filing it with the State Election Commissioner as signed by a number of
31 registered voters equal to not less than 1/2% of the total number of electors registered to vote in the general
32 election immediately preceding the filing of such formal petition.
- 33 (e) The Commissioner, after verifying the signatures of the formal petition, shall transmit the petition to the
34 Senate or to the House of Representatives. The Commissioner shall verify the petition signatures within two
35 weeks after filing of the petition. If the Commissioner has not verified the petition signatures within two
36 weeks from the filing of the petition the Commissioner shall make and retain a true copy and forward the
37 original petition, by mail or by personal delivery, to the House to which the petition is directed by delivery
38 to its presiding officer. If within a week after the petition has been forwarded, the Commissioner finds that
39 the petition does not contain the required number of valid signatures, the petition shall be immediately
40 returned to its initiator(s) for correction.
- 41 (f) At the expiration of one week from the time the petition has been forwarded from the Commissioner, all
42 signatures not challenged and disallowed shall be deemed verified, and shall not be subject to challenge
43 thereafter. Each verified formal petition shall be introduced, as legislation, in the House to which it has been
44 directed. Any initiative petition for the raising of revenue shall be directed only to the House of
45 Representatives. The House in which the legislation is to be introduced shall, upon receipt, present it to
46 Legislative Council which shall prepare it as legislation for introduction. When introduced, the primary or
47 principal sponsor of the proposed legislation shall be 'by Initiative'. The Chairs of the respective Senate and

48 House Committees into which the proposed legislation is placed shall have primary responsibility to act as
49 the legislation's primary sponsor. Any legislator may add his/her name as a co-sponsor, but co-sponsors are
50 not necessary. The General Assembly may enact or fail to enact the initiated legislation; may amend the
51 initiated legislation; or may enact separate legislation relating to the primary intent or subject matter
52 contained in the initiated legislation, which may include placing the initiative on the ballot of the next
53 general election for consideration by the electorate at large.

54 (g) The Commissioner shall have authority to promulgate all rules and regulations necessary to satisfy his duties
55 as indicated in this Chapter.”

56 Section 2. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such
57 invalidity shall not affect other provisions nor applications of this Act which can be given effect without the invalid
58 provision or application, and to that end the provisions of this Act are declared to be severable.

SYNOPSIS

This Act provides for advisory initiative whereby registered voters can introduce legislation in the General Assembly for consideration by it.