



SPONSOR: Sen. McBride & Reps. Valihura, Reps. Maier, Wagner

DELAWARE STATE SENATE
144th GENERAL ASSEMBLY

SENATE BILL NO. 13

AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO CONSTITUTION AMENDMENTS, AND PROVIDING THAT CONSTITUTIONAL AMENDMENTS BE RATIFIED AT THE POLLS.

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

Section 1. Amend Article XVI of the Constitution of the State of Delaware by striking Section 1 thereof in its entirety, and substituting in lieu thereof the following:

“§1. Constitutional Amendments; Ratification by Voters

Section 1. (a) An amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and if the same be agreed to by two-thirds of all the members elected to each House, such proposed amendment or amendments shall be entered on their respective journals, with both yeas and nays taken thereon, and the Secretary of State shall cause such proposed amendment or amendments to be published three months prior to the next general election in each county by at least three newspapers published in the county, or having a general circulation in the county.

(b) In the general election next following the General Assembly in which the amendment or amendments to this Constitution were agreed to by two-thirds of all members elected to each House, such proposed amendment or amendments shall be submitted to the qualified electors of this State. When two or more amendments are submitted to the electors at the same election, they shall be so prepared and distinguished, by numbers or otherwise, that each is voted on separately. Each amendment which is approved by a majority of the votes cast thereon shall become effective on the first day of January next following the election, unless a different effective date is set forth in the Act proposing the Constitutional Amendment. Where an amendment is not approved by the voters, neither such proposed amendment nor one which is in effect the same, nor any amendment which makes substantially the same change in the Constitution shall be submitted to the people less than three years thereafter.”

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

SYNOPSIS

At present, almost all States provide for the ratification of constitutional amendments. In Delaware, a proposed constitutional amendment must be approved by two General Assemblies. It is the purpose of this Act to provide that, after a constitutional amendment is passed by the General Assembly, it shall be submitted to the voters at the next following general election for ratification. If the proposed amendment is approved; it becomes a part of the Constitution. If the voters reject the proposed amendment, it cannot be re-submitted for a period of three years.

Author: Senator McBride