SPONSOR: Rep. Ramone & Sen. Peterson

HOUSE OF REPRESENTATIVES
145th GENERAL ASSEMBLY

HOUSE BILL NO. 214

AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO NEW CASTLE COUNTY.

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

Section 1. Amend § 1141, Chapter 11, Title 9, Delaware Code by redesignating subsection "(e)" as "(d)" and by deleting subsections (a)-(d) in their entirety and substituting in lieu thereof the following:

"(a) For any general or special election prior to and including the general election of 2010, the County Council shall consist of thirteen (13) members. Twelve (12) of these members shall be elected from council districts. The 13th member shall be elected at-large from New Castle County and shall serve as the President of the County Council.

(b) Notwithstanding any law to the contrary, following the 2010 general election, and to become effective for the 2012 general election and all subsequent elections, the County Council shall consist of seven (7) members. Six (6) of these members shall be elected from council districts. The 7th member shall be elected at-large from New Castle County and shall serve as the President of the County Council.

(c) Notwithstanding any law to the contrary, except for the President of County Council, the terms of officials of the county governing body elected in the 2008 general election and any special election held after the 2008 general election but prior to the 2012 general election shall terminate on the 1st Wednesday in November following the 2012 general election. Notwithstanding any law to the contrary, the terms of the officials of the county governing body elected in the 2010 general election and any special election held following the 2010 general election to fill a vacancy in a seat elected in the 2010 general election shall terminate on the 1st Wednesday in November following the 2012 general election. The President of County Council shall always be elected in the presidential election year.".

Section 2. Amend § 1165(a), Chapter 11, Title 9, Delaware Code by deleting paragraph (2) and substituting in lieu thereof the following:

"(2) To accomplish the redistricting commencing with the 2010 decennial census the County Council shall, within 60 days after the official reporting of the census by the President to Congress, appoint 13 qualified voters of the County who shall comprise a Redistricting Commission. The members of this Redistricting Commission shall be appointed 1 from each of the 12 council districts of the county and 1 at-large, and shall not be employed by the county in any other capacity.

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No more than 7 of the members shall be affiliated with the same political party. Within 90 days after appointment by County Council, the Redistricting Commission shall file with the Clerk of County Council a report containing the recommended plan for adjusting the council district boundaries of districts one (1) through six (6) council districts to comply with the following specifications:

(a) Each district shall contain contiguous territory; and

(b) Each district shall contain nearly as possible the same number of inhabitants and no district shall deviate in population more than 15% from the average population for all districts, the average to be obtained by dividing the number six (6) into the total population of the County according to the last census.".

Section 3. Amend § 1165(a), Chapter 11, Title 9, Delaware Code by adding a new paragraph to read as follows:

"(3) To accomplish the redistricting commencing with the 2020 decennial census, and each decennial census thereafter, the County Council shall, within 60 days after the official reporting of the census by the President to Congress, appoint seven (7) qualified voters of the County who shall comprise a Redistricting Commission. The members of this Redistricting Commission shall be appointed one (1) from each of the six (6) council districts of the County and one (1) at-large, and shall not be employed by the County in any other capacity. No more than four (4) of the members shall be affiliated with the same political party. Within 90 days after appointment by County Council, the Redistricting Commission shall file with the Clerk of County Council a report containing the recommended plan for adjusting the council district boundaries of districts one (1) through six (6) to comply with the following specifications:

(c) Each district shall contain contiguous territory; and

(d) Each district shall contain nearly as possible the same number of inhabitants and no district shall deviate in population more than 15% from the average population for all districts, the average to be obtained by dividing the number six (6) into the total population of the County according to the last census.".

Section 4. Amend § 1166(b), Chapter 11, Title 9, Delaware Code by striking said subsection in its entirety and substituting in lieu thereof the following:

"(b) The official elected to district 7 shall serve a term of four (4) years and shall be elected in presidential election years.".

Section 5. Amend § 1156(d), Chapter 11, Title 9, Delaware Code by striking the second sentence in its entirety and substituting in lieu thereof the following:

"The County Council may, within 30 days thereafter, reconsider the same; if after such reconsideration two-thirds of all of the members of the County Council shall vote to pass the ordinance, the same shall take effect notwithstanding the objections of the County Executive, unless a greater number of members are necessary according to the provisions of this

subchapter for the original passage of the ordinance, in which case unless as many members as are requisite for the original passage of the ordinance shall vote to pass the ordinance, it shall not take effect.".

Section 6. Amend § 1157, Chapter 11, Title 9 of the Delaware Code by striking the third sentence in its entirety and substituting in lieu thereof the following:

"An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least two-thirds of all the members of the County Council shall be required for adoption.".

Section 7. The provisions of Sections 4, 5 and 6 shall become effective as of the 2012 general election.

SYNOPSIS

This bill reduces the number of New Castle County Council members from 13 to 7. There would be 6 members elected from districts, and 1 member elected as County Council President from the County at-large.