

Delaware Constitution

The state does not have the statewide initiative process and so therefore the following provisions discuss the procedures used by the state legislature to place constitutional amendments on the ballot.

Article XVI.

§1. Proposal of Constitutional amendments in General Assembly; procedure.

Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and if the same shall be agreed to by two-thirds of all the members elected to each House, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the Secretary of State shall cause such proposed amendment or amendments to be published three months before the next General Election in at least three newspapers in each county in which such newspapers shall be published; and if in the General Assembly next after the said election such proposed amendment or amendments shall upon yea and nay vote be agreed to by two-thirds of all the members elected to each House, the same shall thereupon become part of the Constitution.

§2. Constitutional conventions; procedure; compensation of delegates; quorum; powers and duties; vacancies.

The General Assembly by a two-thirds vote of all the members elected to each House may from time to time provide for the submission to the qualified electors of the State at the general election next thereafter the question, "Shall there be a Convention to revise the Constitution and amend the same?" and upon such submission, if a majority of those voting on said question shall decide in favor of a Convention for such purpose, the General Assembly at its next session shall provide for the election of delegates to such convention at the next general election. Such Convention shall be composed of forty-one delegates, one of whom shall be chosen from each Representative District by the qualified electors thereof, and two of whom shall be chosen from New Castle County, two from Kent County and two from Sussex County by the qualified electors thereof respectively. The delegates so chosen shall convene at the Capital of the State on the first Tuesday in September next after their election. Every delegate shall receive for his services such compensation as shall be provided by law. A majority of the Convention shall constitute a quorum for the transaction of business. The Convention shall have power to appoint such officers, employees and assistants as it may deem necessary, and fix their compensation, and provide for the printing of its documents, journals, debates and proceedings. The Convention shall determine the rules of its proceedings, and be the judge of the elections, returns and qualification of its members. Whenever there shall be a vacancy in the office of delegate from any district or county by

reason of failure to elect, ineligibility, death, resignation or otherwise, a writ of election to fill such vacancy shall be issued by the Governor, and such vacancy shall be filled by the qualified electors of such district or county.

§3. Receiving, tallying and counting votes for or against Convention; return of vote; enabling legislation.

The General Assembly shall provide for receiving, tallying and counting the votes for or against a Convention, and for returning to the General Assembly at its next session the state of such vote; and shall also enact all provisions necessary for giving effect to this Article.

§4. Approval of bills or resolutions under this article; exemption from Article III, Section 18.

No bill or resolution passed by the General Assembly under or pursuant to the provisions of this Article, shall require for its validity the approval of the Governor, and the same shall be exempt from the provisions of Section 18 of Article III, of this Constitution.

§5. Separate ballots on question of Convention.

In voting at any general election, upon the question, shall there be a Convention to revise the Constitution and amend the name?" the ballots shall be separate from those cast for any person voted for at such election, and shall be kept distinct and apart from all other ballots.