

## Delaware Legislative Update

Monday, September 29, 2025

### Delaware Strengthens Protections for Free Speech Rights

To protect the public's right to engage in activities protected by the First Amendment without the threat of abusive, retaliatory litigation, Delaware Governor Matt Meyer signed [Senate Bill 80](#) into law on September 15, 2025, enacting the Uniform Public Expression Protection Act (the "Act") to provide greater protections against strategic lawsuits against public participation, or "SLAPP." The Act replaces Delaware's prior anti-SLAPP statute (10 *Del. C.* §§ 8136-8138), which had been criticized for protecting only "public applicants or permittees." Delaware's anti-SLAPP statute now provides expansive protections for persons exercising their rights to free speech on matters of public concern. It has already received an A+ grade from the [Institute of Free Speech](#).

Delaware's former anti-SLAPP law, which was regarded as a "Petition Clause," offered relatively limited protection against SLAPP, as demonstrated by the D-minus rating it had received from the Institute for Free Speech. By contrast, the Act, which applies to civil actions filed or causes of action asserted in a civil action on or after September 15, 2025, is a so-called "Speech Clause" that applies to the broad "exercise of the right of freedom of speech or of the press, the right to assemble or petition, or the right of association, guaranteed by the United States Constitution or Delaware's Constitution, on a matter of public concern." Del. S.B. 80, 153 Gen. Assem. § 5 (2025); 10 *Del. C.* § 6002(b)(2-3). The Act allows litigants to make special motions for expedited relief, which automatically stay all other proceedings between the parties upon filing, including discovery. *Id.* §§ 6003-6004. It also provides for expedited resolution of anti-SLAPP motions, the right to an interlocutory appeal of an adverse ruling, mandatory fee-shifting to the prevailing party, and an award of punitive damages to the moving party upon a demonstration that "the responding party's cause of action was commenced or continued for the purpose of harassing, intimidating, punishing, or otherwise maliciously inhibiting the moving party's free exercise of speech, petition, or association rights." *Id.* §§ 6005(a), 6009-6010.

The Act extends anti-SLAPP protections to all Delaware citizens, including its corporate citizens and their directors and officers. The Act, along with recently enacted amendments to the Delaware General Corporation Law earlier this year, provides further clarity and protection for Delaware's corporate constituents.

