

Roger Williams University  
SCHOOL OF LAW

## A Constitutional Convention for Rhode Island?

Janikies Theatre, Unistrukture, Bryant University, 1150 Douglas Pike, Smithfield, Rhode Island 02917

### AGENDA

Symposium Leader- **Professor Diana Hassel**, Professor of Law and Associate Dean for Academic Affairs,  
Roger Williams University School of Law

8:30 a.m.     **Registration**

9:00 a.m.     **Introduction to the Rhode Island Constitutional Convention Process**  
**John Marion**, Executive Director, Common Cause Rhode Island

9:30 a.m.     **State Constitutional Conventions: The National Perspective**

**Professor Robert Williams**, Distinguished Professor of Law and Associate Director of the  
Center for State Constitutional Studies, Rutgers University School of Law-Camden

**Professor G. Alan Tarr**, Distinguished Professor of Political Science and Director of the  
Center for State Constitutional Studies at Rutgers University-Camden

10:30 a.m.    **The Case For and Against a Constitutional Convention in Rhode Island.**  
Moderator: **Gary Sasse**, Founding Director of the Hassenfeld Institute, Bryant University

**Justice Robert Flanders Jr.**, former Associate Justice of the Rhode Island Supreme Court,  
Partner at Hinckley Allen

**Steven Brown**, Executive Director, Rhode Island ACLU

**Professor Jared Goldstein**, Professor of Law, Roger Williams University School of Law

11:30 a.m.    **Break and Lunch**

12:00 p.m.    **Question & Answer with all speakers including Professors Robert Williams and G.  
Alan Tarr**

Moderator: **Professor Diana Hassel**, Professor of Law and Associate Dean for Academic  
Affairs, Roger Williams University School of Law

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*Legislative initiated constitutional change in Rhode Island: the last 10 years*

Prepared for 'A Constitutional Convention for Rhode Island?'

March 29, 2014



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## Introduction

On November 4<sup>th</sup>, 2014 the citizens of Rhode Island will find a question on the ballot that reads; "Shall there be a convention to amend or revise the Constitution?" If a simple majority of voters answer yes, Rhode Island will be thrust into a process it hasn't seen in three decades. The purpose of this document is to provide information about some of the possible amendments that might be raised at that convention.

This list is not meant to be exhaustive; surely there will be other issues raised. Issues are categorized as Legislative, Executive, Fiscal, and Other issues. Of course, like our government itself, the categories aren't mutually exclusive.

The list of topics was created by examining all resolutions by members of the General Assembly proposing constitutional amendments in the last 10 legislative sessions. In two instances amendments were proposed as part of the state budget rather than as standalone resolutions. We will be expanding this document to include state-by-state comparisons for each of these issues and posting the information at [www.commoncauseri.org/concon](http://www.commoncauseri.org/concon) in the coming weeks.

We hope you find this document useful as you consider what your answer will be on November 4<sup>th</sup>.

## Legislature

In the last three decades there have been considerable changes to the Rhode Island General Assembly. Legislative pensions were abolished (1994, but some grandfathered in), pay changed from per diem to a set salary and benefits (1994 effective in 2003, with some grandfathered in), the legislature was downsized (1994 effective in 2003), the Lieutenant Governor was removed as presiding officer of the Senate and the office of Senate President was created (1994 effective in 2003), a merit selection process for all judges was created removing the Grand Committee's role in choosing members of the Rhode Island Supreme Court (1994), legislators were removed from boards and commissions with passage of the Separation of Powers amendments (2004), and the plenary powers clause was removed (2004).

In the last decade there have been no changes made impacting the legislative branch despite a wide variety of proposals. Some of the proposed changes are a continuation of previous reforms to compensation and composition, while others seek to restrict legislative power.

### **Legislative compensation and benefits**

#### *Full time legislature (2008 S 2258, 2010 S 2095)*

Twice proposals to create a full-time legislature have been proposed. The amendment would pay legislators \$85,000 per year, and legislative leaders \$124,000.

#### *Legislative pay tied to cost of living adjustment for pension recipients (2013 H 5226)*

After the high-profile 2011 changes to the pension system a proposal was put forward that would only allow for legislators to receive their cost of living adjustment if pension recipients were receiving their COLA.

#### *Contribution to health insurance (2007 H 5836, 2008 H 7699, 2009 S 98, 2010 S 2098, 2011 S 197, 2013 H 5089, 2013 H 5198, 2013 S 103, 2014 S 2113)*

The 1994 changes to legislative pay exchanged pension benefits for "the same health insurance benefits as full-time state employees." As health insurance costs have increased, proposals to require legislators to pay a share have proliferated. The percentage has increased from 5% in 2007 to a proposal in 2014 requiring a 20% contribution.

## **Legislative composition**

### *Downsizing (2008 H 7781)*

The Rhode Island House downsized from 100 to 75 members and the Rhode Island Senate from 50 to 38 members in 2003. In 2008 a proposal was introduced to downsize again to 30 and 15 members respectively.

### *Nesting (2011 H 5443, 2011 H 5473)*

The decennial redistricting process spurs ideas for how to better draw legislative lines. In 2011 a proposal was introduced to require two House districts be drawn inside each Senate district. Accordingly the proposal called for the number of Representatives to increase to 76.

### *Gender equity (2014 H 7458)*

In a novel proposal, in 2014 an amendment has been introduced to require the election two Representatives for each House district, one being a man and the other one a woman. The number of districts is reduced to 50.

### *Term limits (2008 H 8039, 2009 H 5860, 2010 H 7628, 2012 S 2302, 2013 H 5064, 2013 H 5104, 2013 S 234, 2014 H 7024)*

The wave of legislative term limits that swept many states in the 1990s passed Rhode Island by. Nonetheless the implementation of term limits, most often coupled with the lengthening of legislative terms from two to four years, has been a popular proposal.

## **Legislative session**

### *Length of legislative sessions (2006 H 7514, 2007 S 359)*

Rhode Island is among a minority of states with no limits on the length of legislative sessions. Two proposals would use a formula to limit the number of calendar days the legislature could meet in a single year.

### *Supermajorities for tax increases (2005 H 5134, 2005 S 30)*

In many institutional reforms California has been a model for the nation. A 2005 proposal to require a supermajority of the legislature to approve any tax increase is similar to the requirement in the Golden State.

## **Other**

*Ethics jurisdiction (2009 H 6070, 2010 H 7357, 2010 S 2391, 2011 H 5410, 2011 S 634, 2012 H 7603, 2012 S 2369, 2013 H 5498, 2013 S 337, 2014 H 7593, 2014 S 2034)*

The 1986 Constitutional Convention created the Rhode Island State Ethics Commission. A 2009 Rhode Island Supreme Court decision ruled that legislators were immune from prosecution by the Commission for their “core legislative acts.” A proposal that would reverse that decision passed the House of Representatives in 2010.

## Executive

The changes to the executive branch since 1986 have been less dramatic. The most significant changes have been expansion from two to four year terms and imposition of term limits (1992, effective 2004), removal of the Lieutenant Governor from the role of presiding officer of the state Senate (1994, effective 2003), and providing exclusive authority to the Governor to select members of boards and commissions with passage of the Separation of Powers amendments (2004).

Since the Lieutenant Governor was removed as presiding officer of the Senate a decade long effort has been made to do something with that office, including bracket it with the governor in elections and eliminate it altogether. Advocates of a stronger executive have proposed a number of initiatives, including a line-item veto, in the last decade.

## **Election**

*Bracketing Governor and Lieutenant Governor (2005 H 5328, 2006 H 7478, 2007 H 5888, 2008 H 7656, 2009 H 5485, 2009 H 5867, 2009 S 458, 2010 H 7316, 2010 H 7389, 2010 H 7779, 2011 H 5177, 2011 S 373, 2011 S 487, 2012 H 7462, 2012 H 7465, 2014 S 2040, 2014 S 2115, 2014 S 2417)*

The most popular proposed amendment of the last decade would require the Governor and Lieutenant Governor to run on the same ticket as occurs in the majority of states.

*Runoff (2011 H 5409, 2013 H 5495)*

In the wake of the 2010 four-way gubernatorial election a proposal to require a runoff if no candidate receives a majority of the votes cast in all elections for the general officers and members of the General Assembly was introduced in 2011. A similar proposal to require runoff elections for just the general officers was proposed in 2013.

*Length of term (2010 H 7187)*

Despite the recent change in 1994 from two to four year terms for general officers, a resolution was introduced in 2010 to reverse that amendment.

*Special election (2005 S 232, 2006 S 2228, 2007 S 8, 2008 S 2042, 2013 S 328, 2014 S 2111)*

Currently under certain circumstances vacancies among the general officers are filled by a vote of the General Assembly sitting in Grand Committee, similar to what



was done prior to 1994 to make appointments to the Supreme Court. Numerous amendments have been proposed to replace that process with a special election.

*Line of succession (2008 H 7012, 2008 H 7110, 2008 S 2389)*

In 2008 amendments were proposed to clarify the line of succession for the general officers under certain circumstances.

### **Other**

*Eliminate office of Lieutenant Governor (2007 H 7765, 2010 H 7765, 2011 H 5414, 2011 H 5442)*

With the Lieutenant Governor stripped of the role of presiding officer of the Senate in 2003, numerous proposals have been introduced to eliminate the office and name the Secretary of State next in the line of succession.

*Line-item veto (2007 H 5650, 2014 S 2033)*

Twice amendments have been introduced that would grant the governor line-item veto authority over appropriations. Governors in the majority of states enjoy similar powers.

## Fiscal

In 2006 a proposal that would bolster the state's 'rainy day fund' was put on the ballot via an article of state budget was approved by the voters in the November election. That same year voters rejected a proposed destination casino in West Warwick. In 2011 a budget article was again used to put a question before the voters authorizing table games at Twin River and Newport Grand. While the statewide question passed, a local question in Newport was defeated.

### *Budget reserve account (2006 H 7120 Article 37)*

The amendment, introduced as part of the 2006 budget, increased funding for the budget reserve accounts. It was ratified by the voters in the 2006 general election.

### *Biennial budget (2011 H 5481)*

This 2011 proposal would require the legislature to produce a budget on a biennial basis. It counters the trend away from biennial budgets as more states have annual sessions.

### *Restrictions on expenditures (2005 H 6033, 2005 S 502, 2006 H 7485, 2006 H 7493, 2006 S 2694, 2007 H 5844, 2010 H 7309, 2012 H 7311)*

This popular proposal would tie increases in state expenditures to the consumer price index.

### *Casino gambling (2006 H 7935, 2006 H 8132, 2009 H 5783, 2009 S 97, 2011 H 5894 Article 25)*

In 2006 a proposal passed to create a destination resort casino in West Warwick and was ultimately rejected by the voters at the polls. A rival proposal to create a destination casino did not make it to the ballot.

In 2009 a proposal to allow expansion of Twin River and Newport Grand to full-scale casinos did not make it on the ballot, but were eventually included in the 2011 budget. The 2011 proposal was passed by the voters statewide. Local questions passed in Lincoln but failed in Newport.

## Other

In 2006 an amendment was placed on the ballot to automatically restore voting rights to felons on probation and parole. The question was approved on the November ballot. A 2009 resolution resulted in a 2010 ballot question to change the name of the state from "State of Rhode Island and Providence Plantations" to simply "Rhode Island". It was defeated.

## **Constitutional amendments**

*Voter initiative (2005 H 5243, 2005 H 6127, 2005 S 124, 2006 H 7475, 2006 H 7585, 2006 H 7827, 2006 H 7828, 2006 S 2478, 2006 S 2692, 2007 H 5638, 2007 S 37, 2008 H 7423, 2008 H 7476, 2009 H 5735, 2009 S 167, 2009 S 345, 2010 2097, 2011 H 5347, 2011 S 372, 2011 S 749, 2012 S 2166, 2013 S 151, 2014 S 2039)*

The most frequently proposed constitutional amendment of the last decade would create a system for voter initiative that would create a mechanism for putting issues on the ballot via a petition process.

*Second passage (2010 S 2511)*

This proposal would require the General Assembly to pass a resolution in two consecutive years before a constitutional amendment would be placed on the ballot.

*Supermajority passage (2005 S 862, 2005 S 386)*

With this change a constitutional amendment would need to garner the votes of 2/3<sup>rd</sup>s of the members of both chambers of the General Assembly instead of the current simple majority.

## **Voting rights**

*Legal permanent resident—Right to vote (2012 H 7853, 2012 S 2806)*

This amendment would extend the right to vote in state and local residents to legal permanent residents.

*Restoration of voting rights (2005 H 6280, 2005 H 6579, 2005 S 458)*

This amendment restores the right of convicted felons to vote once they have served their terms. It was placed on the ballot in 2006 and passed.

## **Education**

*Board of Regents (2009 S 699)*

This proposal would replace the appointment process with statewide elections for members of the now-defunct Board of Regents.

*Education equity (2005 H 6240, 2005 H 6310, 2005 S 893, 2006 H 7765, 2006 S 2923, 2007 H 6377, 2007 S 987, 2008 H 7688, 2010 S 2394, 2014 H 7896)*

These amendments, using a variety of different proposals, would put a right to an adequate education into the constitution.

## **Marriage**

*Marriage between one man and one woman (2009 H 5068, 2009 S 29, 2010 H 7288, 2010 S 2699, 2011 H 5260, 2011 S 162, 2011 S 115)*

The proposals would define a marriage as one man and one woman.

*Marriage between one man and one woman with civil unions (2013 S 96)*

This amendment would define marriage as between one man and one woman but would recognize same sex civil unions.

*Same sex marriage (2013 S 708)*

This referendum would allow for same sex marriage.

## **Other changes**

*Self-executing (2005 H 5195, 2005 S 762, 2006 H 7073, 2006 S 2266, 2007 H 5914, 2007 S 304)*

In the wake of the 2004 Separation of Powers amendments and the resulting controversies over reconfiguring boards and commissions, amendments were introduced declaring the constitution to be self-executing in nature.

*Change name of the state (2005 H 5646, 2005 H 5187, 2008 H 8151, 2008 S 2435, 2009 H 5291, 2009 H 5929, 2009 S 26, 2009 S 701)*

This amendment changed the name of the state. It was placed on the 2010 ballot but did not pass.

*Municipal employees (2012 H 7713)*

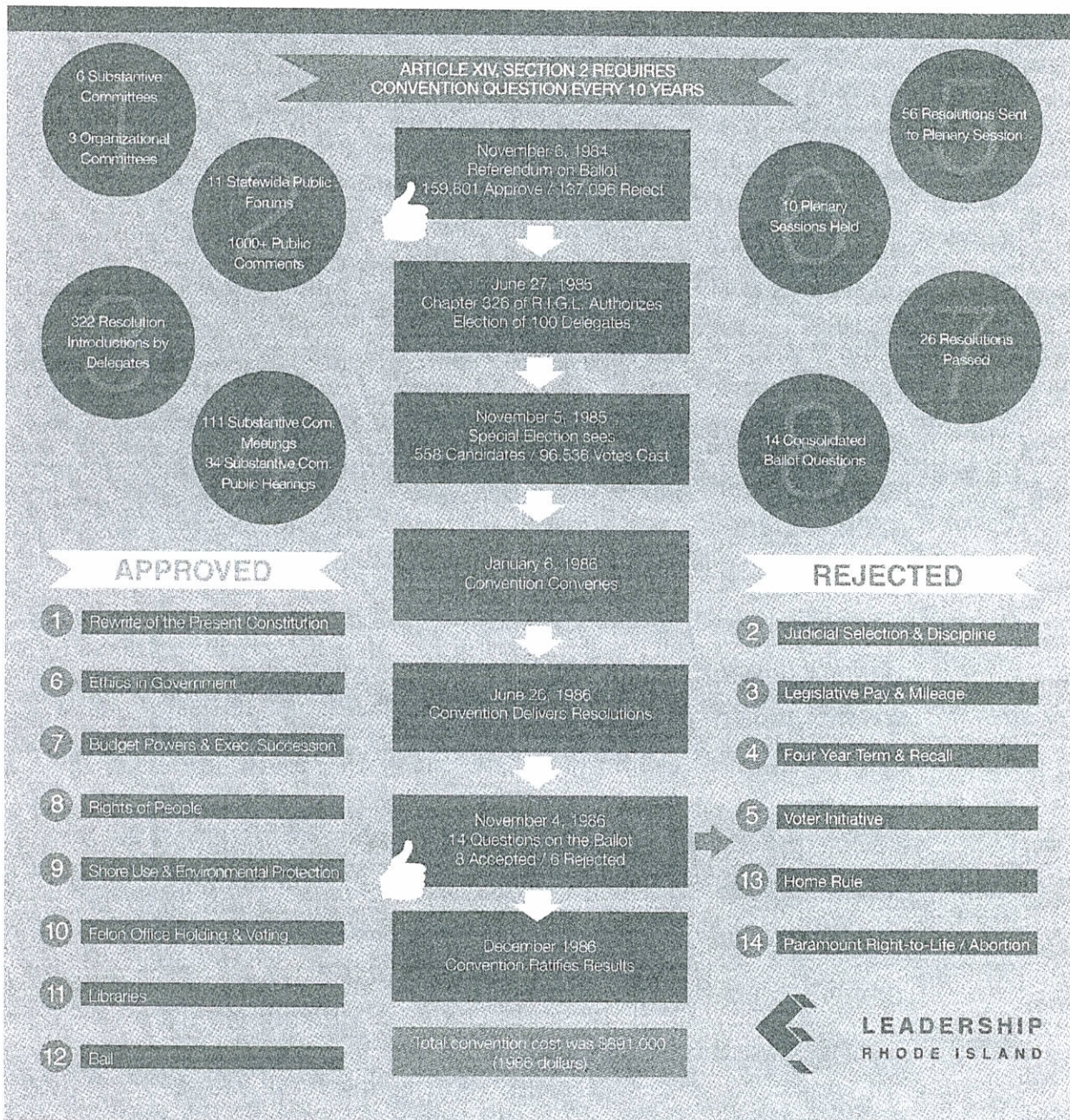
This amendment prohibits municipalities from providing benefits to state employees that are more generous than those provided to state employees.

*Death Penalty (2012 S 2213)*

In the wake of a dispute over state and federal jurisdiction, this amendment would restore the death penalty in Rhode Island.



Rhode Island  
Constitutional Convention  
1984 - 1986



## Fact sheet on the 1986 Constitutional Convention

558 candidates

96,536 ballots cast

11 public hearings held throughout the state

1000+ members of the public testified

322 resolutions introduced

6 substantive committees

111 committee meetings

34 public committee hearings

43 committee reports

3 organizational committees

38 committee meetings

4 public committee hearings

56 resolutions sent to the plenary sessions

10 plenary sessions

\$891,000 spent (1986 dollars)

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A summary of campaign finance from the election of  
delegates to the 1986 Constitutional Convention

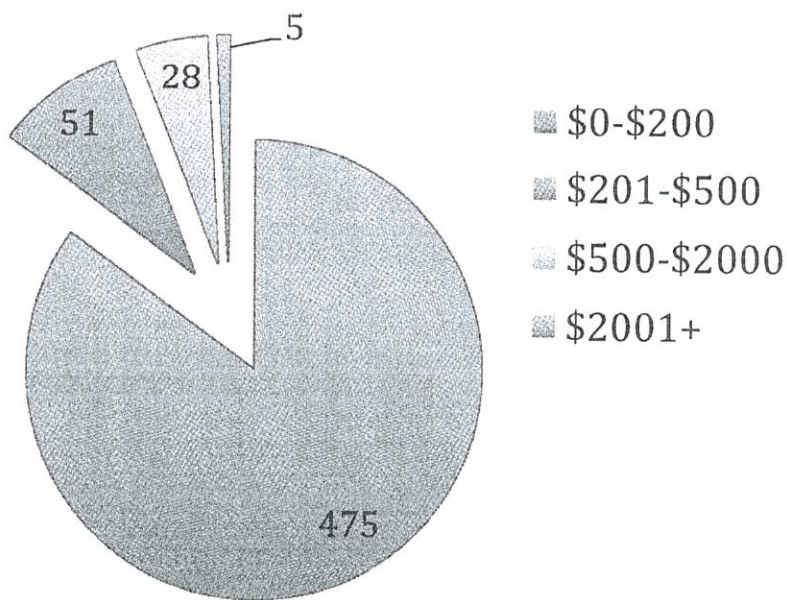
Prepared by Matthew Kleyla  
for Common Cause Rhode Island

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Every ten years, Rhode Islanders are provided with the opportunity to change our State Constitution through a referendum, and we are facing this question again this November. 1986 was the most recent time that the State Constitution was modified; a Convention was held after voters passed a referendum two years prior. Even though the election of Constitutional Delegates is held on a special “off-year”, the race garnered a large number of candidates. Of the 100 different districts in the Convention race, 558 people appeared on ballots. The average number of votes cast per district was 956, although there was significant variance among districts. Analyzing the financial records of this election can paint an incomplete picture of just how much it might cost to run for delegate should the people authorize a convention this November. This is a particularly difficult set of data to analyze, simply because such a large chunk of it is missing data. 477 of the total 562 did not report any spending, which impacted the

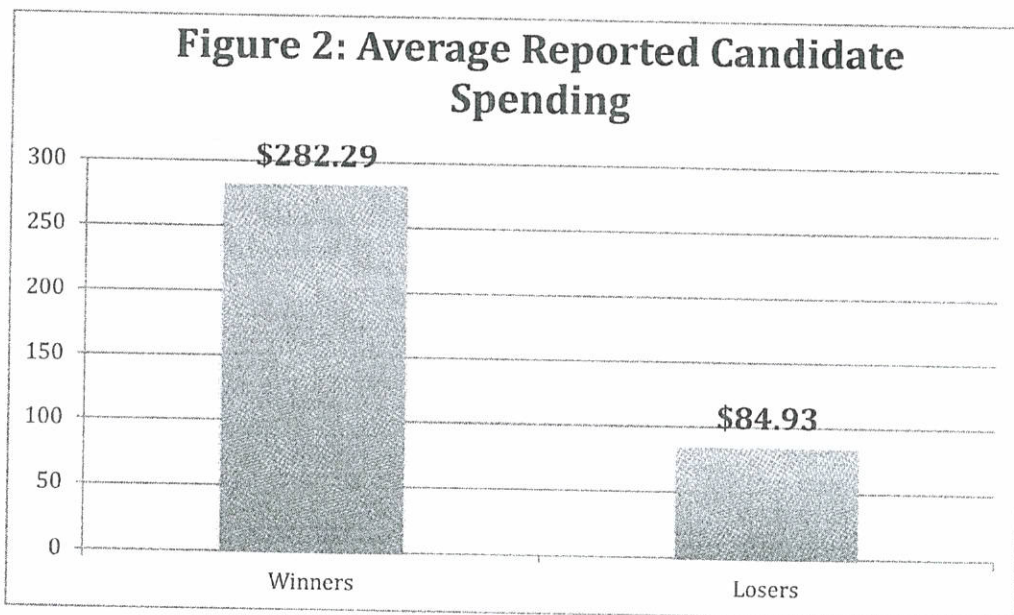
**Figure 1: Number of candidates categorized by reported spending**



effectiveness of this report.

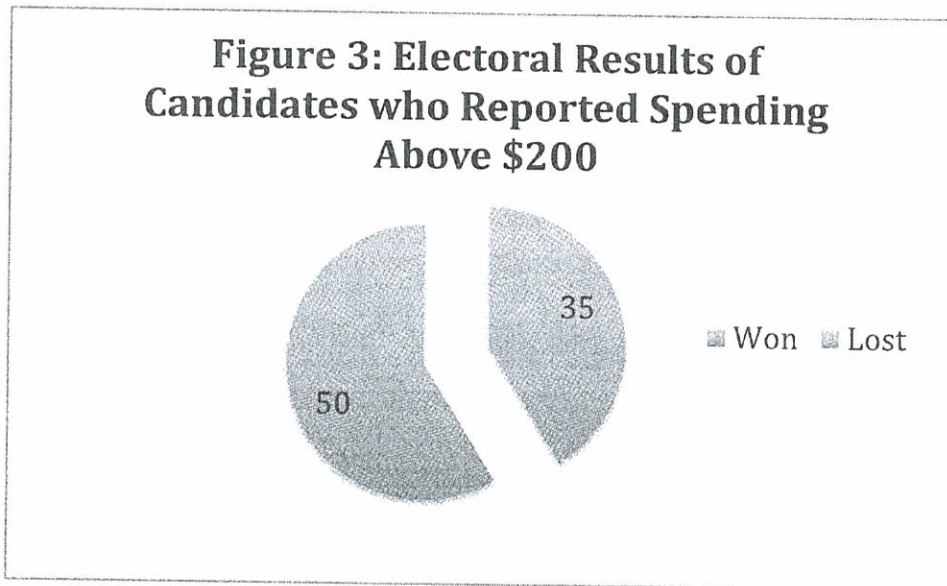
In 1986, the total reported cost of the Constitutional Convention campaigns was \$67,383.81. Adjusted for current dollars the total amount of reported spending would be \$146,264.68. While this number does not come close to rivaling the spending we currently see for other Rhode Island elections, it is important to note that the Board of Elections, through state statute, only required candidates to file financial reports if their total spent was larger than \$200. While compiling the information for this report, it became evident that the system for tracking campaign finance was flawed in 1986. Many candidates who dropped out were forced to file campaign finance reports, while a few who appeared on the ballot did not file at all. There were 641 people who gave financial reports while only 558 appeared on the ballot.

Although there were only 85 candidates of the total 558 who reported any money spent, there is a large difference between the average amount spent by winners and losers.



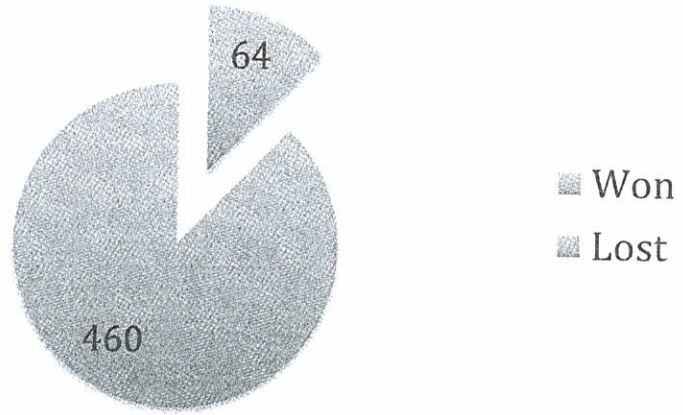
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As shown in Figure 2, winners reported spending an average of \$282.29 on their elections, while compared to \$84.93 for losers. There were significant outliers when it came to spending, however. District 2 winner, and later Governor, Bruce Sundlun spent twice that of the next closest fundraiser, totaling in at a whopping \$7,915.04, which inflated the average spending for winners.



One of the most intriguing portions of this election is that, of the candidates who reported spending money, it is difficult to pinpoint a relationship between success rate and the amount that they spent. Of the top 15 spenders in the election, eight of them won their respective elections. Figure 3 looks at all of the candidates who reported any money spent, and shows that 35 out of 85, or 41% prevailed in their race. Figure 4 shows that 64 of 524, or 12%, of candidates who reported no spending won their race. When reviewing this information however, it is important to note that 66%, or two-thirds, of the winners reported no spenders.

**Figure 4: Electoral Results of Candidates  
Who Reported No Spending**



#### Quick Facts:

- Of the top 15 spenders in the election, eight of them won their respective elections.
- 100 different districts
- 641 people gave financial reports even though only 558 appeared on the ballot
- Bruce Sundlun : Highest spender in race, spent nearly twice that of his closest financial competitor: 7,915.04
- Edward Buccelato: Spent the 2<sup>nd</sup> highest amount of money, \$3,858
- Of the top 15 spenders, 8 of them won their respective elections
- Only 85 people spent more than \$200
- Of these 85, 35 were winners, 41.17% of the people who spent more than \$200 won their races
- Campaign total in 1986: \$67,383.81
- Campaign total in 2014 dollars: \$146,264.68
- 66%: Percent of winners who did not report spending more than \$200.
- 475 People spent \$0-\$200
- 51 people spent \$201-\$500
- 28 people spent \$501-\$2000
- 5 people spent \$2001+

## Rhode Island Constitutional Convention History

**1824:** *1<sup>st</sup> Convention Approved* - At the January Session, 1824, the General Assembly passed “*An Act to authorize the holding a Convention for the purpose of forming a written Constitution of Government for this State*”. The Convention convened at Newport (June 21 – July 3, 1824) and drafted a Constitution. On October 11, 1824, the Freemen electorate rejected the proposed State Constitution, *1,668 yeas to 3,206 nays*.

**1834:** *2<sup>nd</sup> Convention Approved* - At the June Session, 1834, the General Assembly passed an Act calling for a Convention to be held in Providence on the first Monday in September. This Convention adjourned without agreement on a draft Constitution.

**1841:** *3<sup>rd</sup> Convention Approved* - On February 6, 1841, the General Assembly approved an Act calling for a Constitutional Convention to convene in Providence on November 1, 1841. On February 19, 1842, this Convention adopted a Constitution that is referred to as the “*Landholder's Constitution*”. Between March 21 and March 23, 1842, the electorate voted on this Constitution and rejected it, *8,013 yeas to 8,689 nays*. (By this point in Rhode Island's history, only 40% of the free white men in the State were eligible to vote)

In October of 1841, the *Dorrites*, a suffrage movement led by Thomas Wilson Dorr, held an extralegal Convention and on November 18, approved a “*People's Constitution*”. During the period from December 27 – December 29, the “*People's Constitution*” was approved by a vote of *13,944 yeas to 52 nays*. An analysis of the voting shows that 4,960 Freemen voted for approval and 8,984 votes for approval were cast by persons ineligible to vote under the Charter government.

**1842:** *4<sup>th</sup> Convention Approved* - In June of 1842, the General Assembly, bowing to increasing unrest, met in Newport and passed an Act calling for a Constitutional Convention. In August, delegates are elected. In September, the Convention delegates meet and draft a Constitution. **This Constitution, after voting conducted on November 21 - 23, is approved by a vote of 7,032 yeas to 59 nays and goes into effect on May 2, 1843.**

**1853:** General Assembly proposal to hold a Constitutional Convention is rejected by a vote of *3,778 yeas to 7,618 nays* on June 28, 1853.

**1882:** Voters reject another call for a Constitutional Convention.

**1883:** The Rhode Island Supreme Court issues an advisory opinion (*In Re Constitutional Convention*, 19 RI 649), stating the the Rhode Island Constitution cannot be amended by a Constitutional Convention.

**1883 – 1934:** The Constitution is amended by separate amendments put to a vote of the electorate.

**1936:** At a special election held on March 10, voters reject a proposal for a Constitutional Convention, *88,401 yeas to 100,488 nays*.

**1944:** *5<sup>th</sup> Convention Approved* - On March 14, the voters approve holding a Limited Constitutional Convention by a vote of *15,683 yeas to 524 nays*. The Convention meets on March 28 at Rhode Island College in Providence, for the purpose of drafting an amendment relating to **voting rights for members of the armed forces and merchant marine**. Amendment subsequently approved by the

voters on April 11, 1944 by a vote of 7122 yeas to 119 nays.

**1951:** *6<sup>th</sup> Convention Approved* - On May 25, the voters approve the holding of a Limited Constitutional Convention by a vote of 16,737 yeas to 4,183 nays. The Convention meets from June 1 – 3, 1951 and approves the following proposals to be considered by the voters at a special election on June 28, 1951. Six of the eight ballot questions are approved by the voters.

- (1) **Poll Tax Repeal** (*Approved – 41,120 yeas to 15,075 nays*)
- (2) **General Assembly Pay Raise** (*Rejected – 18,979 yeas to 36,998 nays*)
- (3) **Home Rule for Cities and Towns** (*Approved – 48,638 yeas to 7,999 nays*)
- (4) **Permanent Registration of Voters** (*Approved – 48,314 yeas to 8,612 nays*)
- (5) **Veterans' Exemption** (*Approved – 44,754 yeas to 10,936 nays*)
- (6) **Increasing Borrowing Power of the State** (*Approved – 30,874 yeas to 24,438 nays*)
- (7) **Life Tenure for Supreme and Superior Court Judges** (*Rejected – 26,937 yeas to 28,949 nays*)
- (8) **Off-street Parking** (*Approved – 39,291 yeas to 16,844 nays*)

**1955:** *7<sup>th</sup> Convention Approved* – On June 9, 1955, the voters approve the holding of a Limited Constitutional Convention by a vote of 17,847 yeas to 14,060 nays. The Convention is held on June 20, 1955. Three amendments are approved for submission to the voters at a special election on July 12, 1955.

- (1) **General Assembly Pay Raise** (*Rejected – 15,385 yeas to 29,451 nays*)
- (2) **Life Tenure for Supreme and Superior Court Judges** (*Rejected – 13,126 yeas to 31,220 nays*)
- (3) **Redevelopment for Off-street Parking** (*Approved – 29,383 yeas to 14,968 nays*)

**1958:** *8<sup>th</sup> Convention Approved* – A Limited Constitutional Convention is approved by the voters on January 22, 1958, 12,476 yeas to 1903 nays. The Convention meets on January 31 and February 7, 1958, and approves two questions for submission to the voters at a special election held on February 27, 1958.

- (1) **Voting by Absentee and Disabled Voters** (*Approved – 17,973 yeas to 1,592 nays*)
- (2) **Repeal Biennial Census of Registered Voters** (*Approved – 16,087 yeas to 2,564 nays*)

**1964 – 1969:** *9<sup>th</sup> Convention Approved* - Convention authorized by Public Law 1963, Chapter 211, approved June 12, 1963: “**An Act Inviting the People to Assemble, by Their Delegates, in Special Convention for the Purpose of Revising, Altering, or Amending the Constitution, of Framing a New Constitution.**” Placed on the ballot at the general election held November 3, 1963, question approved by the voters, 158,241 yeas to 70,975 nays. Convention with 100 delegates convened at the Veterans’ Memorial Auditorium in Providence, December 8, 1964 with Dennis J. Roberts chosen as chairman and August P. LaFrance serving as permanent secretary. The convention with twelve committees met for a period of four years, approving a revised Constitution on December 4, 1967. Brought before the electorate at a special election held April 16, 1968, **proposed Constitution overwhelmingly rejected** by a vote of 17,615 yeas to 69,110 nays. The Convention officially adjourned on February 17, 1969.

**1973:** *10<sup>th</sup> Convention Approved* – The calling of a Limited Constitutional Convention is approved by the voters on August 7, 1973 by a vote of 21,302 yeas to 21,210 nays. The Convention meets during the period from September 4 – October 4, 1973. Nine ballot questions are submitted to the voters at a special election held on November 6, 1973.

- (1) **Suffrage** (*Approved – 72,065 yeas to 30,258 nays*)
- (2) **Qualifications for Office** (*Approved – 77,884 yeas to 24,720 nays*)
- (3) **Grand Jury** (*Approved – 60,400 yeas to 35,808 nays*)



- (4) **Lotteries** (*Approved – 83,757 yeas to 25,840 nays*)
- (5) **Amending the Constitution** (*Approved – 56,072 yeas to 34,953 nays*)
- (6) **Four Year Terms for General Officers** (*Rejected – 52,332 yeas to 55,998 nays*)
- (7) **General Assembly Pay Increase** (*Rejected – 50,310 yeas to 51,050 nays*)
- (8) **Industrial Building Authority** (*Approved – 77,152 yeas to 26,186 nays*)
- (9) **Recreational Building Authority** (*Approved – 69,007 yeas to 28,344 nays*)

Question 5 amended the Constitution to require that a ballot question calling for a convention to amend or revise the Rhode Island Constitution be placed on the ballot at least every ten (10) years. If the General Assembly fails to place the question on the ballot at some time during any period of ten years, then the Secretary of State must place the question on the ballot at the next general election after the expiration of the ten-year period. Question 5 also added the requirement that the General Assembly, prior to the electorate voting on the holding of a Constitutional Convention, create a bi-partisan preparatory commission to assemble information on constitutional questions for the electors. The Governor is authorized to create the commission if the General Assembly fails to act. (See 1994 entry).

**1983:** The General Assembly passes Resolution 255, creating a Bi-partisan Preparatory Commission to assemble information for a Constitutional Convention and placing the Constitutional Convention Question on the Ballot for November 6, 1984.

**1984:** The Bi-partisan Preparatory Commission issues its report on July 5, 1984. The Commission recommended that a Constitutional Convention be called to study the following issues: (1) **Four Year Terms for General Officers;** (2) **Governor and Lt. Governor Running as a Team;** (3) **Line-item Veto Power for the Governor;** (4) **Four Year Terms for General Assembly;** (5) **Legislative Compensation;** (6) **Size of the General Assembly;** (7) **Length of General Assembly Sessions;** (8) **Reapportionment of the General Assembly;** (9) **Equal Rights for Women and Handicapped Persons;** (10) **Voter Initiative and Referendum;** (11) **Manner of Selecting Supreme Court Justices.**

**1984:** *11<sup>th</sup> Convention Approved* - On November 6, 1984, the voters approve the holding of a Constitutional Convention by a vote of *159,801 yeas to 137,096 nays.*

**1985:** The General Assembly enacts 1985 Chapter 326, calling for the election of delegates to a Constitutional Convention and regulating their proceedings. 100 delegates, based on the 100 Representative districts, are elected on November 5, 1985.

**1986:** Beginning on January 6, the Constitutional Convention meets. 288 Resolutions proposing amendments are introduced. The Convention Committees eventually reduce these resolutions into fourteen (14) ballot questions to be decided by the voters on November 4, 1986.

- (1) **Rewrite of the Present Constitution** (*Approved – 188,082 yeas to 96,453 nays*)
- (2) **Judicial Selection and Discipline** (*Rejected – 126,542 yeas to 147,578 nays*)
- (3) **Legislative Pay and Mileage** (*Rejected – 98,845 yeas to 178,775 nays*)
- (4) **Four-Year Terms and Recall** (*Rejected – 116,379 yeas to 166,777 nays*)
- (5) **Voter Initiative** (*Rejected – 129,309 yeas to 139,314 nays*)
- (6) **Ethics in Government** (*Approved – 143,973 yeas to 125,964 nays*)
- (7) **Budget Powers and Executive Session** (*Approved – 173,010 yeas to 92,435 nays*)
- (8) **Rights of the People** (*Approved – 160,137 yeas to 115,730 nays*)
- (9) **Shore Use and Environmental Protection** (*Approved – 183,021 yeas to 88,046 nays*)
- (10) **Felon Office Holding and Voting** (*Approved – 164,863 yeas to 101,262 nays*)
- (11) **Libraries** (*Approved – 182,931 yeas to 87,494 nays*)

(12) **Bail** (*Approved – 177,977 yeas to 96,896 nays*)

(13) **Home Rule** (*Rejected – 84,757 yeas to 182,002 nays*)

(14) **Paramount Right to Life / Abortion** (*Rejected – 102,633 yeas to 197,520 nays*)

Question 1 provided for the re-writing of the Constitution to include all of the constitutional amendments approved since 1843.

**1994:** Secretary of State Barbara Leonard places a Constitutional Convention question on the November 8, 1994 Ballot as Question Number 4. Governor Bruce Sundlun issues Executive Order 20 on November 7, 2004. This Order would have created a Bi-partisan Preparatory Commission to Assemble Information on Constitutional Issues. Ballot Question Number 4, calling for a Constitutional Convention, is rejected on November 8, 1994 by a vote of *118,545 yeas to 173,693 nays*.

**2004:** The General Assembly enacts 2004 Resolutions 286 and 287, providing for a Bi-partisan Preparatory Commission and placing the Constitutional Convention question on the November 2, 2004 Ballot. The Bi-partisan Preparatory Commission issues a ten page report on the following constitutional issues: (1) **Judicial Selection, Performance and Budgetary Control**; (2) **Voter Initiative**; (3) **Abolish Term Limits for General Officers**; (4) **Term Limits for Legislators**; (5) **Bracket Election of Governor and Lt. Governor**; (6) **Constitutional Reapportionment Commission**; (7) **Voter Qualifications / Felon Voting Rights**; (8) **Line-Item Veto for Governor**; (9) **Full-time General Assembly with Term Limits**; (10) **Make General Assembly Subject to Open Meetings Law**; (11) **Gambling**; (12) **Define Marriage**; (13) **Increase Majority Required to Ratify Constitutional Amendments**; (14) **Create General Office of Auditor/Inspector General**; (15) **Clarify Certain Citizen's Rights**. Ballot Question Number 2, calling for a Constitutional Convention, is rejected on November 2, 2004 by a vote of *162,296 yeas to 175,601 nays*.

**2013:** Senate Bill 107, calling for the creation of a Bi-partisan Preparatory Commission, is introduced by Senator Paul Fogarty (D) and is held for further study in the Senate Special Legislation and Veterans Affairs Committee.

**2014:** 2014 Senate Bill 2357 A, providing for a Bi-partisan Preparatory Commission: Became 2014 [Resolution 391](#). 2014 House Bill 8061, providing for a Bi-partisan Preparatory Commission: Became 2014 [Resolution 392](#). The Bi-partisan Preparatory Commission issued its [Report](#) on September 3, 2014. Question will appear on the November 4, 2014 Ballot.



# BALLOT QUESTION NO. 1

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★ **REWRITE OF THE** ★  
★ **CONSTITUTION** ★  
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**1** Shall the action of the Constitutional Convention in amending the Constitution in the following manner be ratified and approved?

**REWRITE OF THE PRESENT CONSTITUTION**

Shall the Constitution of 1843 and the 44 amendments ratified since then be adopted as rewritten, in proper order, with annulled sections removed? Shall the Constitutional Convention publish the Constitution in proper form, including new amendments, if they are approved by the voters? (Resolution 86-00042-B)

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**THE CONSTITUTION NOW:**

The Rhode Island Constitution, passed in 1843, has been amended 44 times. In this process amendments have cancelled the language of some of the original articles and the language of other amendments, yet the old language remains, making the Constitution very difficult to read. One must read the entire document or rely on editors' notes to know if a given section is still in effect.

**HOW IT WOULD CHANGE:**

The 1986 Convention has approved a rewritten version of the Constitution that deletes language cancelled by amendments or court decisions, but *makes no substantive changes* in the Constitution. Amendments still in effect were placed in the proper articles of the Constitution.

In addition, the rewrite eliminates any reference to gender in the use of pronouns except in the Preamble. The complete text of the rewrite appears in *Constitution Rewrite and Resolutions Passed by the 1986 Rhode Island Constitutional Convention*. Approval of this resolution would authorize the Convention to publish the constitution with all the the changes approved by voters in November.

**THE REWRITE DOES NOT CONTAIN THE LANGUAGE OF THE AMENDMENTS IN THE OTHER 13 QUESTIONS. THE AMENDMENTS WOULD BE INCORPORATED AFTER THE ELECTION ONLY IF APPROVED BY THE VOTERS. APPROVAL OF QUESTION 1 WOULD HAVE NO BEARING ON THE OTHER 13 BALLOT QUESTIONS PERTAINING TO THE CONSTITUTION. EACH OF THE 14 QUESTIONS STANDS ALONE AND MUST BE APPROVED SEPARATELY IN ORDER TO BECOME PART OF THE CONSTITUTION.**

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**CONVENTION ACTION:**

Resolution 86-00042-B, The Rewrite of the Constitution, was approved 89-0.

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## BALLOT QUESTION NO. 2

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### JUDICIAL SELECTION AND DISCIPLINE

**2** Shall the action of the Constitutional Convention in amending the Constitution in the following manner be ratified and approved?

#### JUDICIAL SELECTION AND DISCIPLINE

Shall a non-partisan, independent commission be established to nominate judges for appointment by the general assembly in the case of supreme court vacancies and for appointment by the governor in the case of vacancies in other courts? Shall the commission have authority to discipline or remove all judges? Shall judges appointed hereafter be required to retire at 72 years of age? Shall the duty of the supreme court to give advisory opinions be abolished?

(Resolution 86-00080-A)

#### THE CONSTITUTION NOW:

The Rhode Island Constitution provides that the general assembly, meeting as the grand committee, elects supreme court judges. The general assembly has empowered the governor to appoint all other state judges with the advice and consent of the senate. The Constitution does not mention a nominating process.

Judges are subject to impeachment, but the Constitution does not clearly provide for any other way of disciplining judges, although a board of judicial tenure and review does exist.

The Constitution says nothing about retirement of judges at any age.

The supreme court is required to give advisory opinions to the governor and general assembly when asked to do so.

#### HOW WOULD IT CHANGE:

This amendment would provide for the establishment of an independent judicial commission to nominate judges. The actual appointing power would not change, but the governor or the grand committee would have to appoint or elect judges from among a minimum of three candidates nominated by the commission.

The commission would be comprised of citizens who hold no public office or political party office. The governor would appoint four members, the senate would appoint two, and the house would appoint three. There would have to be a mix of lawyers and non-lawyers.

The commission would also have the power to investigate charges of judicial wrongdoing or disability and to "reprimand, censure, suspend, remove or recommend impeachment of any judge." (New impeachment standards are covered in Question 6.)

Judges appointed hereafter would be required to retire at age 72.

The supreme court would no longer be required to give advisory opinions to the governor or general assembly.

#### CONVENTION ACTION:

Resolution 86-00080-A, Judicial Selection and Discipline, was approved 69-25.

## BALLOT QUESTION NO. 3

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★  
★ LEGISLATIVE PAY ★  
★ AND MILEAGE ★  
★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

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**3** Shall the action of the Constitutional Convention in amending the Constitution in the following manner be ratified and approved?

### LEGISLATIVE PAY AND MILEAGE

Shall the daily pay of general assembly members be established at a sum equal to the average weekly wage of Rhode Island manufacturing workers, divided by a four-day legislative week (about \$76), the speaker receiving twice that amount; and shall mileage compensation be equal to the rate paid U.S. government employees, such pay and mileage to be limited to 60 days per year? (Resolution 86-00094-B)

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#### THE CONSTITUTION NOW:

State senators and representatives are paid five dollars a day for a maximum of sixty days each year, and the speaker of the house gets ten dollars a day. They also receive eight cents a mile in traveling expenses. These have been in effect since 1900.

#### HOW IT WOULD CHANGE:

The 60-day limit on pay and mileage would remain. Pay per day would be set at a rate equal to the average weekly earnings of Rhode Island manufacturing workers, divided by a four-day legislative week. The speaker of the house would receive twice that amount.

The R.I. Department of Employment Security each year calculates the average weekly pay for manufacturing workers, and that figure would be the basis for determining legislators' pay. At present the average weekly pay for R.I. manufacturing workers is about \$306, so under the proposed formula, the daily pay for senators and representatives would be about \$76.

As is the case now, a legislator would only be paid for each day of actual attendance.

Mileage compensation would be the same as that given federal employees (which varies among federal agencies between 20-24 cents per mile).

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#### CONVENTION ACTION:

Resolution 86-00094-B, Legislative Pay and Mileage, was approved 80-11.

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# BALLOT QUESTION NO. 4

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★ **FOUR-YEAR TERMS** ★  
★ **AND RECALL** ★  
★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

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**4** Shall the action of the Constitutional Convention in amending the Constitution in the following manner be ratified and approved?

**FOUR-YEAR TERMS AND RECALL**

Beginning in 1988, shall the governor, lieutenant governor, secretary of state, attorney general, general treasurer and members of the general assembly be elected to four-year terms and be subject to recall by voters?  
(Resolution 86-00028-A)

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**THE CONSTITUTION NOW:**

General officers (governor, lieutenant governor, secretary of state, attorney general and general treasurer) and members of the general assembly hold office for two years. There is no provision for recall of elected officials.

**HOW IT WOULD CHANGE:**

Beginning with the 1988 elections, the governor, lieutenant governor, secretary of state, attorney general, general treasurer, state senators and state representatives, would be elected for four-year terms.

In addition, voters could, by petition and special election, recall any state official serving a four-year term. The recall process could not be started during the first six months or the last year of an official's term.

Recall is a two-step process. First, a certain percentage of voters must sign a petition. If enough signatures are gathered, a recall election is held. If the official is successfully recalled, then a new election to replace that official is held.

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**CONVENTION ACTION:**  
Resolution 86-00028-A, Four-Year Terms and Recall,  
passed 60-36.

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# BALLOT QUESTION NO. 5



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**5** Shall the action of the Constitutional Convention in amending the Constitution in the following manner be ratified and approved?

### VOTER INITIATIVE

Shall voters be empowered to petition certain laws and/or constitutional amendments onto the ballot for voter approval or rejection? Shall future constitutional convention candidates be elected on a non-partisan basis? (Resolutions 86-00001-B, 86-00136)

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#### THE CONSTITUTION NOW:

A. There is no provision for voter initiative in the Constitution.

B. The Constitution is silent about whether delegates to constitutional conventions should be elected by party labels or on a non-partisan basis. (The candidates for the 1986 convention did not run under party labels.)

#### HOW IT WOULD CHANGE:

A. Rhode Island voters would be allowed, by petition, to place proposed laws and constitutional amendments on a general election ballot and vote on them. There are some topics that would not be the subject of voter initiative, such as judicial decisions, collective bargaining agreements, taxes, and the structure of government. For a full explanation of the exceptions please read Resolution 86 00001-B, in *Constitution Rewrite and Resolutions Approved by the 1986 Rhode Island Constitutional Convention*.

Key steps in voter initiative include the following:

1. The collection of 1,000 voter signatures would be sufficient to introduce a bill into the general assembly.
2. A petition signed by 7% of the number of voters in the previous gubernatorial election would place a proposal for a new law on the ballot.
3. A petition signed by 12% of such voters would place a proposal for a constitutional amendment on the ballot.
4. The governor could not veto proposals approved by the people, and the general assembly could not repeal such proposals without voter approval for a period of three years.

B. Delegates for future constitutional conventions would be elected without party labels.

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#### CONVENTION ACTION:

Resolution 86-00001-B, Voter Initiative, passed 87-10.  
Resolution 86-00136, Non-Partisan Conventions, passed 70-26.

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# BALLOT QUESTION NO. 6



6 Shall the action of the Constitutional Convention in amending the Constitution in the following manner be ratified and approved?

### ETHICS IN GOVERNMENT

Shall more specific impeachment standards be established? Shall an ethics commission be established with authority to adopt a code of ethics and to discipline or remove public officials and employees found in violation of that code? Shall the general assembly adopt limits on campaign contributions and shall the general assembly enact a voluntary system of public campaign financing, coupled with limitations on total campaign spending by participating candidates?  
(Resolutions 86-00047-A, 86-00060-A, 86-00145-A)

#### THE CONSTITUTION NOW:

- A. The house of representatives can vote to impeach the governor, other executive officers and judges. The senate tries cases of impeachment; conviction by the senate results in removal from office.
- B. The Constitution does not provide for a commission on ethics or a code of ethics.
- C. The Constitution does not limit political campaign contributions or spending, although it directs the general assembly to require candidates and others to report contributions and expenses.

#### HOW IT WOULD CHANGE:

- A. *Impeachment:* The amendment would expand the powers of the house by empowering it to compel attendance by witnesses and to subpoena documents. It also specifies grounds for removal from office, including felonies, moral turpitude, incapacity, misfeasance and malfeasance in office and violation of judicial ethics. The amendment would leave the basic system of impeachment intact.
- B. *Ethics Commission:* The general assembly would be directed to establish a non-partisan ethics commission that would enforce a code of ethics for all public officials, state and local, elected and appointed. The commission would have power to investigate charges, impose penalties and to remove officials who are not subject to impeachment.
- C. *Campaign Finances:* The general assembly would be directed to adopt a voluntary system of public campaign financing, which could provide some public funds to candidates who choose to participate. The general assembly could also establish limits on private contributions to political campaigns.

#### CONVENTION ACTION:

- Resolution 86-00047-A, Impeachment, passed 91-1.
- Resolution 86-00060-A, Ethics Commission, passed 92-2.
- Resolution 86-00145-A, Campaign Financing, passed 84-12.

## BALLOT QUESTION NO. 7

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★  
★ **BUDGET POWERS** ★  
★ **AND EXECUTIVE** ★  
★ **SUCCESSION** ★  
★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

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**7** Shall the action of the Constitutional Convention in amending the Constitution in the following manner be ratified and approved?

### BUDGET POWERS AND EXECUTIVE SUCCESSION

Shall the governor be constitutionally empowered to present an annual budget? Shall the speaker of the house become governor if both the governor and lieutenant governor die or are unable to serve?  
(Resolutions 86-00222, 86-00246)

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#### THE CONSTITUTION NOW:

- A. The Constitution does not mention the state budget, although in practice the governor's office prepares an annual budget and presents it to the general assembly for action.
- B. There is a potential conflict in the Constitution concerning who will serve as governor if both the governor and lieutenant governor cannot serve. Section 10 of Article VII provides for the presiding officer of the senate to serve, while Section 4 of Amendment XI empowers the grand committee of the general assembly to fill the vacancy.

#### HOW IT WOULD CHANGE:

- A. The amendment would specifically direct the governor to prepare an annual state budget and present it to the general assembly.
- B. The succession amendment would make the speaker of the house next in line if both the governor and lieutenant governor could not serve.

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#### CONVENTION ACTION:

Resolution 86-00222, State Budget, passed 71-19.  
Resolution 86-00246, Succession, passed 60-34.

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# BALLOT QUESTION NO. 8



**8** Shall the action of the Constitutional Convention in amending the Constitution in the following manner be ratified and approved?

### RIGHTS OF THE PEOPLE

Shall free speech, due process and equal protection clauses be added to the Constitution? Shall the state or those doing business with the state be prohibited from discriminating against persons solely on the basis of race, gender or handicap? Shall victims of crime have constitutionally endowed rights, including the right to compensation from perpetrators? Shall individual rights protected by the state constitution stand independent of the U.S. Constitution?  
(Resolutions 86-00033, 86-00032, 86-00140, 86-00002-B, 86-00171)

#### THE CONSTITUTION NOW:

- A. The Constitution does not now contain a free speech or a due process and equal protection clause as does the U.S. Constitution.
- B. There is no direct reference to discrimination on the basis of race, gender or handicap.
- C. There are no provisions in the Constitution for victims of crime, although some laws on victims' rights do exist.
- D. There is no statement in the Rhode Island Constitution that the rights guaranteed in it stand independent of the federal Constitution.

#### HOW IT WOULD CHANGE:

- A. No law could be passed restricting the freedom of speech, and the due process and equal protection clause of the federal Constitution would be added to the R.I. Constitution, declaring that no one can be denied life, liberty or property without due process of law.
- B. The state and persons doing business with the state would be prohibited from discriminating solely on the basis of race, gender or handicap.
- C. Victims of crime would be guaranteed certain rights, including the right to compensation from perpetrators for injury or loss, and the right to speak in court before sentencing.
- D. Rights protected by the R.I. Constitution would stand independent of the U.S. Constitution.

#### CONVENTION ACTION:

- Resolution 86-00033, Free Speech, passed 96-0.
- Resolution 86-00032, Due Process, passed 96-0.
- Resolution 86-00140, Victims of Crime, passed 93-1.
- Resolution 86-00002-B, Discrimination, passed 59-35.
- Resolution 86-00171, Independent Standing, passed 87-6.

# BALLOT QUESTION NO. 9



**9** Shall the action of the Constitutional Convention in amending the Constitution in the following manner be ratified and approved?

### SHORE USE AND ENVIRONMENTAL PROTECTION

Shall rights of fishery and privileges of the shore be described and shall the powers of the state and local government to protect those rights and the environment be enlarged? Shall the regulation of land and waters for these purposes not be deemed a public use of private property? (Resolutions 86-00003, 86-00004-A)

#### THE CONSTITUTION NOW:

Section 16 of Article I guarantees compensation for private property taken for public uses.  
Section 17 of Article I protects the public rights of fishery and privileges of the shore.

#### HOW IT WOULD CHANGE:

Section 16 would be changed to assert the powers of government to regulate and control land and water use to protect the environment, and to protect the right of the people to enjoy rights of fishery and the privileges of the shore. The exercise of the powers described in this section would not be considered a public use of private property; however, the provision for compensation for the taking of private property for public uses would not be altered by this amendment.

Section 17 would be changed to specify the rights of fishery and privileges of the shore. Those rights would include fishing from the shore, gathering seaweed, swimming off the shore and passing along the shore.

#### CONVENTION ACTION:

Resolution 86-00003 and 86-00004-A, Shoreline Privileges, passed 88-6.

## BALLOT QUESTION NO. 10



**10** Shall the action of the Constitutional Convention in amending the Constitution in the following manner be ratified and approved?

### FELON OFFICEHOLDING AND VOTING

Shall felons and certain misdemeanants be banned from holding office for three years after completion of sentence and probation or parole? Shall felons' voting rights, removed upon conviction, be restored upon completion of sentence and probation or parole?  
(Resolutions 86-00025-B, 86-00149-A)

#### THE CONSTITUTION NOW:

- A. The Constitution only prohibits felons who have served jail time and have not had their voting rights restored from holding office.
- B. Felons with jail sentences automatically lose their voting privileges and it takes a special act of the general assembly to restore each felon's voting right after release from prison. The Constitution is not clear about the voting rights of felons who receive suspended sentences, nor is it clear concerning those who plead nolo contendere.

#### HOW IT WOULD CHANGE:

- A. No person convicted of or pleading nolo contendere to a felony or a misdemeanor carrying a prison term of six months or more could be a candidate for elective office until three years after completion of sentence, including parole or probation.
- B. A felon's right to vote would be taken away upon conviction, even in the case of suspended sentence, and would be automatically restored upon completion of the entire sentence, including suspended portions, probation and parole. The voting ban would apply also to those pleading nolo contendere.

#### CONVENTION ACTION:

Resolution 86-00025-B, Felon Officeholding, passed 84-9.  
Resolution 86-00149-A, Felon Voting, passed 88-0.



# BALLOT QUESTION NO. 11



## LIBRARIES

**11** Shall the action of the Constitutional Convention in amending the Constitution in the following manner be ratified and approved?

### LIBRARIES

Shall it be a duty of the general assembly to promote public libraries and library services?  
(Resolution 86-00098)

#### THE CONSTITUTION NOW:

The Rhode Island Constitution says nothing about public libraries.

#### HOW IT WOULD CHANGE:

Article XII on the promotion of education would be amended to make it a duty of the general assembly to promote public libraries and public library services.

#### CONVENTION ACTION:

Resolution 86-00098, Public Libraries, passed 79-14.

# BALLOT QUESTION NO. 12



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**12** Shall the action of the Constitutional Convention in amending the Constitution in the following manner be ratified and approved?

### BAIL

Shall the courts be authorized to deny bail to persons accused of the unlawful sale or distribution of controlled substances punishable by a sentence of ten years or more? (Resolution 86-00153-B)

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#### THE CONSTITUTION NOW:

Section 9 of Article I gives accused persons the right to bail. However, a judge may deny bail for offenses punishable by life imprisonment or for offenses involving the use of a dangerous weapon by a person previously convicted of such a crime.

#### HOW IT WOULD CHANGE:

Judges would also be allowed to deny bail to those accused of crimes involving unlawful sale or distribution of controlled substances that carry sentences of ten or more years.

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#### CONVENTION ACTION:

Resolution 86-00153-B, Bail, passed 74-20.

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# BALLOT QUESTION NO. 13



**13** Shall the action of the Constitutional Convention in amending the Constitution in the following manner be ratified and approved?

### HOME RULE

Shall cities and towns with charters have more authority over local affairs, within the limits of the General Laws, including the power to tax and borrow with local voter approval (unless overridden by a three-fifths vote in the general assembly); to protect public health, safety, morals and the environment; to regulate local businesses and local planning and development? Shall new or increased tax exemptions pertaining to cities and towns be subject to local voter approval? Shall cities and towns be reimbursed for certain state-mandated programs? Shall charter adoption and amendment procedures be simplified?  
(Resolution 86-00196-B)

#### THE CONSTITUTION NOW:

Amendment XXVIII of the Constitution discusses powers for cities and towns. These provisions:

1. allow self-government in certain local matters;
2. guarantee a local legislative body;
3. authorize the general assembly to legislate by general law concerning cities and towns;
4. authorize the general assembly to pass legislation concerning a particular city or town, subject to voter approval;
5. permit local taxation and borrowing, as authorized by the general assembly;
6. prescribe procedures for adopting and revising local charters by the voters.

#### HOW IT WOULD CHANGE:

The legislative powers of cities and towns with charters would be expanded and would not need prior approval by the general assembly. The general assembly could set limits on local powers by general law, but within those limits cities and towns could legislate to regulate business, to protect public safety, morals, the environment, and for municipal planning.

With the approval of two-thirds of the voters, a city or town with a charter could enact local taxes and fees (except income and sales taxes), and borrow money. These laws could be overturned by a three-fifths vote of the general assembly.

The option would be guaranteed for cities and towns with charters to include in those charters provisions for voter initiative for local laws (such as the initiative process described for state laws in Ballot Question 5).

New or increased local tax exemptions would have to be approved by local voters.

The general assembly, within limits it would set, would have to reimburse municipalities for expenses



incurred by most state mandated programs. (Some reimbursement is now required by law.)

New and easier methods governing the adoption and amendment of local charters would be specified

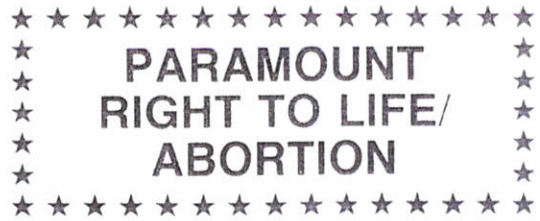
This resolution is several pages long. For full details of its provisions, read Resolution 86-00196-B in *Constitution Rewrite and Resolutions Approved by the 1986 Rhode Island Constitutional Convention*.

**CONVENTION ACTION:**

Resolution 86-00196-B, Home Rule, was passed Section by

Section:		Section VII	87-9
Section I	72-22	Section VIII	85-9
Section II	86-6	Section IX	90-6
Section III	92-5	Section X	84-10
Section IV	84-8	Section XI	88-3
Section V	63-23	Section XII	91-3
Section VI	82-12		

# BALLOT QUESTION NO. 14



**14** Shall the action of the Constitutional Convention in amending the Constitution in the following manner be ratified and approved?

### PARAMOUNT RIGHT TO LIFE/ABORTION

To the extent permitted by the U.S. Constitution, shall all persons, including their unborn offspring, without regard to age, health, function or condition of dependency, be endowed with an inalienable and paramount right to life; and to the extent permitted by the U.S. Constitution, shall abortion be prohibited, except that justified medical procedures to prevent the death of a pregnant woman shall be permitted? Shall the use of government monies to fund abortions be prohibited by the Constitution? (Resolution 86-00212-A)

#### THE CONSTITUTION NOW:

The Constitution makes no reference to a "paramount right to life" or to abortion. It does not mention public funding of abortions, although an executive order now prohibits the use of state funds to pay for abortions.

#### HOW IT WOULD CHANGE:

To the extent permitted by the U.S. Constitution, all persons, including the unborn, would be protected in their inalienable and paramount right to life, "without regard to age, health, function or condition of dependency."

To the extent permitted by the U.S. Constitution, the amendment would prohibit abortions except that the justified use of medical procedures to prevent the death of a pregnant woman or her unborn offspring would be permitted.

The ban on abortions would not become effective unless the U.S. Supreme Court altered its 1973 decision that permitted abortions (Roe Vs. Wade), or unless the U.S. Constitution were amended.

The use of government funds to finance abortions would be prohibited.

#### CONVENTION ACTION:

Resolution 86-00212-A, Paramount Right to Life, passed 52- 44.

## 1986 RHODE ISLAND CONSTITUTIONAL CONVENTION

### OFFICERS

President – Keven A. McKenna  
1st Vice President – A. Robert Rainville  
2nd Vice President – Douglas DeSimone  
3rd Vice President – Claudette Linhares  
Secretary – James Langevin  
Treasurer – Karen Kolek

### DELEGATES

#### DISTRICT

1. Maryellen Goodwin  
Providence
2. Bruce G. Sundlun  
Providence/East Providence
3. Lila M. Sapinsley  
Providence
4. Melvyn M. Gelch  
Providence
5. Donald J. Lopes  
Providence
6. Edmund R. Berardinelli  
Providence/North Providence
7. Michael T. Napolitano  
Providence/North Providence
8. Mary E. Batastini  
Providence
9. Brian G. Reddy  
Providence
10. Keven A. McKenna  
Providence/North Providence
11. Kenneth H. Phillips  
Providence/Johnston
12. Olga B. Torvi  
Providence/Johnston
13. Anthony Caprio  
Providence/Cranston
14. Robert Donley  
Providence
15. Robert G. Huckins  
Glocester/Smithfield
16. Frank J. Williams  
Hopkinton/Richmond/Charlestown
17. Matthew B. Smith, Jr.  
Providence
18. Angela Smith  
Providence
19. Allene R. Maynard  
Providence
20. Roberto Gonzalez  
Providence
21. Alfred A. Izzo  
Cranston
22. John E. Lanni, Jr.  
Cranston

#### DISTRICT

23. Thomas J. Izzo  
Cranston
24. Frank J. Montanaro  
Cranston/Scituate/Coventry
25. Abraham Baker  
Cranston/Warwick
26. Raymond Durfee  
Cranston
27. Kenneth P. McGunagle, Jr.  
Cranston
28. Rose Ellen A. Reynolds  
Cranston
29. Henry A. L. Brown  
Warwick
30. James R. Langevin  
Warwick
31. Edward W. Dodd  
Warwick
32. Constant L. Simonini  
Warwick
33. Robert F. J. Ward  
Warwick
34. Douglas J. Munroe  
Warwick
35. Alfred Gemma  
Warwick
36. Lincoln D. Chafee  
Warwick
37. Vincent Marzilli  
Warwick
38. Eugene J. Girard, Jr.  
West Warwick
39. Norman J. King  
West Warwick/Coventry
40. A. Robert Rainville  
West Warwick  
*(Deceased June 20, 1986)*  
Vincent Marzullo  
*(June 24 to July 13)*  
John F. Sullivan
41. James W. Bell  
Coventry
42. Edward N. Smallman  
Coventry

**DISTRICT**

43. J. William Corr, Jr.  
East Greenwich
44. Evandro R. Radoccia, Jr.  
North Kingstown
45. Marguerite Neubert  
North Kingstown
46. Kenneth Carter  
North Kingstown/South Kingstown/  
East Greenwich/Exeter
47. Duncan H. Doolittle  
Narragansett/South Kingstown
48. James E. Cavanaugh  
Narragansett/South Kingstown
49. Richard A. Johnson  
South Kingstown
50. Mark J. O'Donnell  
Westerly
51. Keith H. Lang  
Westerly/New Shoreham
52. Rodney D. Driver  
Richmond/Exeter/Hopkinton/  
West Greenwich
53. Virginia A. Soucy  
Foster/Coventry
54. Erik S. Wieselquist  
Scituate/Johnston
55. Mary Cerra  
Johnston
56. Ronald T. Webster  
Johnston
57. Angelo R. Iannitelli, Jr.  
Smithfield
58. Rene R. Menard  
Lincoln/Smithfield
59. Charles E. McDevitt  
Lincoln
60. Mary B. Prendergast  
Burrillville
61. Richard H. Leclerc  
North Smithfield/Burrillville
62. Steven J. Lopes  
Woonsocket/North Smithfield
63. Martin P. Crowley, Jr.  
Woonsocket
64. Camillo A. Pierannunzi  
Woonsocket/North Smithfield
65. Gerald J. Bouley  
Woonsocket  
(Deceased March 14, 1986)  
Wilfred Godin
66. Charles F. Gould  
Woonsocket
67. Richard L. Dupre  
Cumberland/Woonsocket
68. Roger C. Milette  
Cumberland
69. William J. Flynn  
Cumberland
70. Lorena Ward Murphy  
North Providence

**DISTRICT**

71. Shawn R. Donahue  
North Providence
72. Thomas Lazieh  
Central Falls/Lincoln
73. Marie A. Brousseau  
Central Falls/Cumberland
74. Danielle A. Paquette  
Pawtucket/Lincoln
75. Laurence Dolan  
Pawtucket
76. Douglas DeSimone  
Pawtucket
77. George P. Anderson  
Pawtucket
78. Karen J. Kolek  
Pawtucket/Central Falls
79. David M. Chmielewski  
Pawtucket
80. M. Frances Campbell  
Pawtucket
81. Ronald J. Sweeney  
Pawtucket
82. Raymond E. Anderson  
East Providence
83. Joseph F. Brown  
East Providence
84. Patrick Scanlon  
East Providence
85. George W. Redman  
East Providence
86. Stephen G. Kass  
East Providence
87. Eleanor O'Neill  
Barrington/East Providence
88. Anthony DeSisto  
Barrington
89. Alexander E. Vitullo  
Warren
90. George L. Sisson  
Bristol/Warren
91. Paul G. Afonso  
Bristol
92. Claudette Linhares  
Tiverton
93. Patricia D. Soares  
Portsmouth/Bristol
94. Allen Wiant  
Little Compton/Portsmouth/Tiverton
95. John E. Garrett  
Middletown/Portsmouth
96. Kathleen Managhan  
Middletown/Portsmouth
97. Margaretta K. Landry  
Newport/Middletown
98. Clifton R. Largess, Jr.  
Jamestown/Newport
99. Paul L. Gaines  
Newport/Middletown
100. A. Claire Dias  
Newport

TEAR OFF AND TAKE TO THE POLLS

**USE THIS SHORT FORM AS A GUIDE  
ON ELECTION DAY**

- |                    |   |                              |                             |
|--------------------|---|------------------------------|-----------------------------|
| BALLOT QUESTION 1  | REWRITE OF CONSTITUTION .....                   | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| BALLOT QUESTION 2  | JUDICIAL SELECTION AND<br>DISCIPLINE .....      | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| BALLOT QUESTION 3  | LEGISLATIVE PAY & MILEAGE .....                 | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| BALLOT QUESTION 4  | FOUR-YEAR TERMS & RECALL .....                  | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| BALLOT QUESTION 5  | VOTER INITIATIVE .....                          | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| BALLOT QUESTION 6  | ETHICS IN GOVERNMENT .....                      | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| BALLOT QUESTION 7  | BUDGET POWERS AND<br>EXECUTIVE SUCCESSION ..... | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| BALLOT QUESTION 8  | RIGHTS OF THE PEOPLE .....                      | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| BALLOT QUESTION 9  | SHORE USE AND<br>ENVIRONMENTAL PROTECTION ..... | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| BALLOT QUESTION 10 | FELON OFFICE HOLDING<br>AND VOTING .....        | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| BALLOT QUESTION 11 | LIBRARIES .....                                 | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| BALLOT QUESTION 12 | BAIL .....                                      | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| BALLOT QUESTION 13 | HOME RULE .....                                 | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| BALLOT QUESTION 14 | PARAMOUNT RIGHT TO<br>LIFE/ABORTION .....       | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

PUBLIC LAWS  
OF THE  
STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS  
PASSED AT THE  
GENERAL ASSEMBLY  
AT THE  
JANUARY SESSION, A.D., 1985  
VOLUME II  
CHAPTERS 246 THROUGH 534  
AND AT THE  
JANUARY SESSION, A.D., 1984  
CHAPTERS 270 AND 442



JOINT COMMITTEE ON LEGISLATIVE AFFAIRS  
SPEAKER MATTHEW J. SMITH, CHAIRMAN

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LAW REVISION

1985

RHODE ISLAND STATE LIBRARY

**20-2-25. Scallop license.** — Commercial: ~~twenty-five dollars (\$25)~~ one hundred (\$100.00) dollars. Such license shall only be issued to a resident of this state and shall be valid only for the reason for which issued.

SECTION 2. This act shall take effect upon passage.

CHAPTER 326

85-H 6125 am

Effective Without the Governor's Signature

Jun. 27, 1985.

**AN ACT CALLING FOR A CONSTITUTIONAL CONVENTION OF THE PEOPLE OF THE STATE OF RHODE ISLAND FOR THE PURPOSE OF AMENDING OR REVISING THE CONSTITUTION AND MAKING AN APPROPRIATION THEREFOR**

**It is enacted by the General Assembly as follows:**

SECTION 1. Special election of delegates. — A special election shall be held on November 5, 1985, for the purpose of electing delegates to a constitutional convention in accordance with the provisions of this act.

SECTION 2. Time and place of convening — Selection of permanent meeting place. — The convention shall convene at state expense in the city of Providence at 7:00 p.m. eastern standard time on January 6, 1986, in the house of representatives' chambers in the state capitol, for the purpose of organizing and choosing a permanent meeting place thereafter to adjourn to the permanent meeting place selected by them, to consider whether the constitution of the state should be revised or amended in accordance with the approval of the voters in the November, 1984, general election of the question "Shall There be a Convention to Amend or Revise the Constitution?"

SECTION 3. Number and apportionment of nonpartisan delegates. — The number of delegates to be elected to the convention shall be one hundred (100). The qualified electors of each of the then existing one hundred (100) representative districts shall elect one delegate on a nonpartisan basis from each such district. No person shall be a candidate for delegate from a representative district unless that person is a qualified elector of said district.

SECTION 4. Applicability of election laws — Nonpolitical affiliation — Nomination papers. — The provisions of the general laws of Rhode Island relating to elections and any and all other provisions of the laws of the state of Rhode Island relating to the qualifications of electors, registration, the manner of voting, the duties of election officials and to the preparation for, conducting and management of elections, shall govern insofar as they may be applicable, excepting those provisions which are inconsistent with this special act, and in such case the provisions of this special act shall control.

The election of delegates to the convention shall be on a nonpartisan basis and there shall be no party mark or designation upon any ballot nor upon any declaration of candidacy, nomination petition or list of candidates.

The nomination papers of each candidate for nomination as a delegate from a representative district shall be signed by at least fifty (50) qualified electors of such representative district. There shall be no primary election preceding the special election.

During the first ten (10) days of September, 1985 each voter desiring to be a candidate for election as delegate at the constitutional convention to be held in January, 1986 shall on such form as shall be provided by the secretary of state, sign his name as the name appears on the voting list and file not later than four P.M. (4:00 P.M.) of the last day of filing with the local board of the place of his voting residence a declaration of his candidacy which shall include the following information:

1. His name and address as the same appears on the voting list, place and date of birth, and length of residence in the state and in the town or city where he resides.
2. A certification that he has not served a prison sentence on final conviction of a felony in Rhode Island or in any other state unless his right to vote has been restored by an act of the general assembly.
3. A certification that he has not been lawfully adjudicated to be non compos mentis, of unsound mind.

The local board shall retain each declaration of candidacy and after three (3) days of the final day for filing declarations of candidacy, shall deliver nomination papers to the proper candidate or to such persons as he in writing designates to receive them.

At the head of the space on the nomination papers where voters are to endorse their approval of the candidates shall be printed the following:

Each of the signers of this paper by so signing severally certifies that he is a voter in the area from and for which the candidate seeks to be elected.

Each such nomination paper shall be submitted before four (4) o'clock on the seventh (7th) day following the delivery of nomination papers to the candidate or to such persons as he in writing has designated to receive them to the local board of the city or town where the signers appear to be voters. Each local board shall proceed forthwith to check signatures, on each nomination paper filed with it, against the voting list as last canvassed or published according to law. Within three (3) days after the submission of said nomination paper the local boards shall certify a sufficient number of names appearing thereon that are in conformity with the requirements of section 17-14-8 to qualify such candidate for a position on the ballot and after considering any challenge under this section and, if necessary, certifying any additional valid names, shall file such nomination papers. If any candidate questions the validity or authenticity of any signature on such nomination paper, the local board shall forthwith and summarily decide the question, and for this purpose, shall have the same powers as are conferred upon the board by the provisions of section 17-14-14, if any challenged signature is



found to be invalid, for any reason in law, or forged, then such signature shall not be counted.

All such nomination papers shall be filed in the office of the secretary of state, not later than two (2) days after the certification of said nomination papers.

When nomination papers have been duly filed, they shall be conclusively presumed to be valid, unless written objections thereto are made as to the eligibility of the candidate or the sufficiency of the nomination papers or the signatures thereon. All such objections shall be filed in the office of the local board by four (4) o'clock on the next business day after the last day fixed for filing such nomination papers.

A person nominated as a candidate may withdraw his name from such nomination prior to the election for constitutional delegates by a request signed and duly acknowledged by him setting forth the reason for the withdrawal, that the same is the candidate's own free act and deed, and that the same is not executed as the result of any threat or promise made to the said candidate. Such certificate of withdrawal shall be filed in the local board not later than five (5) weeks before the date said election for convention delegates is to be held.

The provisions of chapter 17-20 of the general laws, "Mail ballots," shall be given application to the election of delegates to the constitutional convention provided for herein.

The combination of voting districts as provided for in section 17-11-1.1 is prohibited for the election of delegates to the constitutional convention.

Names shall be arranged on the ballot for election as delegate to the constitutional convention by lot to be drawn by the secretary of state. The name first drawn by lot shall be placed first upon the ballot for the district from which said candidate is a voter, the name drawn second for said district shall appear second and so on until all the names of all the candidates have been drawn and placed in order by lot upon the ballot for the district from which said candidate is a voter.

Names shall be placed upon the ballot in horizontal order.

In those cities and towns having regularly scheduled elections on the same day as the election for constitutional delegates the names of candidates for the constitutional convention shall appear on the top of the ballot and above those matters for which the local election is being held.

If a delegate shall die or become otherwise incapacitated and unable to serve as a delegate to the convention, then the candidate for delegate to the convention from the same district receiving the next greatest number of votes shall serve in his stead.

In the event a delegate has been elected unopposed and shall die or otherwise become incapacitated and unable to serve as a delegate, then the members of the convention shall elect a delegate from his district to serve in his stead.

SECTION 5. Conduct of the convention. — The delegates of the convention shall be called to order by the governor who shall act as chairman pro tempore until the convention shall have elected a permanent presiding officer. The secretary of state shall serve as secretary pro tempore until the convention shall have

elected a permanent secretary. Upon the call of the roll and the determination of a quorum, the convention shall proceed to organize by choosing a presiding officer, secretary and such other officers and committees as they shall see fit, and by establishing rules of procedure. A majority of the elected qualified delegates shall constitute a quorum for the transaction of business and may adjourn the convention from time to time. The delegates may consider any question dealing with revision or amendment of the constitution. They may appoint and engage such aides, consultants, secretaries and other assistants as they shall determine necessary. The convention shall be a "public body" as that term is used in chapter 38-2 of the general laws, as amended (Access to Public Records) and shall be subject to all of the provisions of said chapter. The convention shall also be a "public body" as that term is defined in chapter 42-46 of the general laws (Open Meetings) and shall be subject to all of the provisions of said chapter.

All candidates seeking office as a delegate to the convention, and all persons, groups or organizations promoting or opposing candidates, issues and the ultimate questions submitted to the voters for ratification, shall be subject to the provisions of chapter 17-25 of the general laws as amended. (Rhode Island Campaign Contributions and Expenditures)

The vote of each delegate on issues before the convention shall be recorded and entered into its journals. The actions of the convention shall be certified by the presiding officer and the secretary; and the journals and papers of the convention shall be deposited in the office of the secretary of state who shall cause to be advertised copies of the proposed amendment or amendments in all daily newspapers published in Rhode Island having general circulation in a specific county or in the state of Rhode Island, at least once prior to the special election described in section 7 of this act. Delegates shall receive no compensation for attendance upon said convention.

SECTION 6. Request of the supreme court — Advisory opinions. — The convention by a majority vote of the delegates may request advisory opinions from the supreme court of the state of Rhode Island.

SECTION 7. Subpoena power. — Any twenty-five (25) delegates of the convention shall have full power and authority to compel the attendance of absent members and to call upon any sheriffs or deputy sheriffs to execute the orders thereof. For these purposes the authority of such sheriffs or deputy sheriffs shall extend throughout the state.

SECTION 8. Adoption of amendments by the people of the state. — Any amendment or amendments to the constitution proposed and approved by the convention in accordance with this act shall be submitted to the people for their ratification and adoption at the general election to be held in November, 1986.

The proposition or propositions of amendment submitted to the electors at such election shall be submitted in conformity with chapter 17-5, entitled "Statewide Referenda Elections," as amended.

Such election shall present to the people the amendment or amendments approved by said convention as one (1) single proposition or as separate propositions, the single proposition or each of the separate propositions shall be preceded by the words "Shall the action of the constitutional convention in amending the

constitution in the following manner be ratified and approved?" If a majority of the electors voting thereon shall approve the single proposition, or in each case in which a majority of the electors voting thereon approve one of the separate propositions, all such propositions so approved shall be and become a part of the constitution of the state of Rhode Island and shall go into effect at such time and in such manner as the constitution has determined.

SECTION 9. Appropriations. — For the purpose of this act, the sum of fifty thousand dollars (\$50,000) shall be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, and the state controller is hereby authorized and director to draw his orders upon the general treasurer for the payment of said sum, or so much thereof, as may be required from time to time upon receipt by him of properly authenticated vouchers.

SECTION 10. Severability. — If the provisions of this act, or any subdivision thereof, or the application therefor to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 11. This act shall take effect upon passage.

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CHAPTER 327

85-H 6499 am

Effective Without the Governor's Signature

Jun. 27, 1985.

**AN ACT PROVIDING FOR MAJOR CAPITAL IMPROVEMENTS TO THE PAWTUCKET WATER SYSTEM AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$250,000 BONDS THEREFOR**

**It is enacted by the General Assembly as follows:**

SECTION 1. The city of Pawtucket is hereby authorized, in addition to authority previously granted, to issue bonds to an amount not exceeding \$250,000 from time to time under its corporate name and seal or a facsimile of such seal. The first installment of principal shall be paid not later than one year and the last installment to be paid not later than twenty years after the date of the bonds.

SECTION 2. The bonds shall be signed by the city treasurer and by the manual or facsimile signature of the mayor and shall be issued and sold at not less than par and accrued interest in such amounts as the city council may determine. The manner of sale, denominations, maturities, interest rates and other terms, conditions, and details of any bonds or notes issued under this act may be fixed by the proceedings of the city council authorizing the issue or by separate resolution of the city council, or to the extent provisions for these matters are not so made, they may be fixed by the officers authorized to sign the bonds or notes. Interest

# RHODE ISLAND CONSTITUTIONAL CONVENTION

19  86

**GET THE FACTS**  **KNOW THE ISSUES**

Shall the action of the Constitutional Convention in amending the Constitution in the following manner be ratified and approved?

<p><b>1</b> <b>REWRITE OF THE PRESENT CONSTITUTION</b>  <input type="checkbox"/> YES <input type="checkbox"/> NO                  Shall the Constitution of 1843 and the 44 amendments ratified since then be adopted as rewritten, in proper order, with annulled sections removed? Shall the Constitutional Convention publish the Constitution in proper form, including new amendments, if they are approved by the voters? (Resolution 86-00042 B)</p>	<p><b>8</b> <b>RIGHTS OF THE PEOPLE</b>  <input type="checkbox"/> YES <input type="checkbox"/> NO                  Shall free speech, due process and equal protection clauses be added to the Constitution? Shall the state or those doing business with the state be prohibited from discriminating against persons solely on the basis of race, gender or handicap? Shall victims of crime have constitutionally endowed rights, including the right to compensation from perpetrators? Shall individual rights protected by the state constitution stand independent of the U.S. Constitution? (Resolutions 86-00033, 86-00032, 86-00140, 86-00002 B, 86-00171)</p>
<p><b>2</b> <b>JUDICIAL SELECTION AND DISCIPLINE</b>  <input type="checkbox"/> YES <input type="checkbox"/> NO                  Shall a non-partisan, independent commission be established to nominate judges for appointment by the general assembly in the case of supreme court vacancies and for appointment by the governor in the case of vacancies in other courts? Shall the commission have authority to discipline or remove all judges? Shall judges appointed hereafter be required to retire at 72 years of age? Shall the duty of the supreme court to give advisory opinions be abolished? (Resolution 86-00080 A)</p>	<p><b>9</b> <b>SHORE USE AND ENVIRONMENTAL PROTECTION</b>  <input type="checkbox"/> YES <input type="checkbox"/> NO                  Shall rights of fishery and privileges of the shore be described and shall the powers of the state and local government to protect those rights and the environment be enlarged? Shall the regulation of land and waters for these purposes not be deemed a public use of private property? (Resolutions 86-00003, 86-00004A)</p>
<p><b>3</b> <b>LEGISLATIVE PAY AND MILEAGE</b>  <input type="checkbox"/> YES <input type="checkbox"/> NO                  Shall the daily pay of general assembly members be established at a sum equal to the average weekly wage of Rhode Island manufacturing workers, divided by a four-day legislative week (about \$76), the speaker receiving twice that amount; and shall mileage compensation be equal to the rate paid U.S. government employees, such pay and mileage to be limited to 60 days per year? (Resolution 86-00094 B)</p>	<p><b>10</b> <b>FELON OFFICE HOLDING AND VOTING</b>  <input type="checkbox"/> YES <input type="checkbox"/> NO                  Shall felons' voting rights, removed upon conviction, be restored upon completion of sentence and probation or parole? Shall felons and certain misdemeanants be banned from holding office for three years after completion of sentence and probation or parole? (Resolutions 86-00149 A, 86-00025 B)</p>
<p><b>4</b> <b>FOUR-YEAR TERMS AND RECALL</b>  <input type="checkbox"/> YES <input type="checkbox"/> NO                  Beginning in 1988, shall the governor, lieutenant governor, secretary of state, attorney general, general treasurer and members of the general assembly be elected to four-year terms and be subject to recall by voters? (Resolution 86-00028 A)</p>	<p><b>11</b> <b>LIBRARIES</b>  <input type="checkbox"/> YES <input type="checkbox"/> NO                  Shall it be a duty of the general assembly to promote public libraries and library services? (Resolution 86-00098)</p>
<p><b>5</b> <b>VOTER INITIATIVE</b>  <input type="checkbox"/> YES <input type="checkbox"/> NO                  Shall voters be empowered to petition certain laws and/or constitutional amendments onto the ballot for voter approval or rejection? Shall future constitutional convention candidates be elected on a non-partisan basis? (Resolutions 86-00001 B, 86-00136)</p>	<p><b>12</b> <b>BAIL</b>  <input type="checkbox"/> YES <input type="checkbox"/> NO                  Shall the courts be authorized to deny bail to persons accused of the unlawful sale or distribution of controlled substances punishable by a sentence of ten years or more? (Resolution 86-00153 B)</p>
<p><b>6</b> <b>ETHICS IN GOVERNMENT</b>  <input type="checkbox"/> YES <input type="checkbox"/> NO                  Shall more specific impeachment standards be established? Shall an ethics commission be established with authority to adopt a code of ethics and to discipline or remove public officials and employees found in violation of that code? Shall the general assembly adopt limits on campaign contributions and shall the general assembly enact a voluntary system of public campaign financing, coupled with limitations on total campaign spending by participating candidates? (Resolutions 86-00047 A, 86-00060 A, 86-00145 A)</p>	<p><b>13</b> <b>HOME RULE</b>  <input type="checkbox"/> YES <input type="checkbox"/> NO                  Shall cities and towns with charters have more authority over local affairs, within the limits of the General Laws, including the power to tax and borrow with local voter approval (unless overridden by a three-fifths vote in the general assembly); to protect public health, safety, morals and the environment; to regulate local businesses and local planning and development? Shall new or increased tax exemptions pertaining to cities and towns be subject to local voter approval? Shall cities and towns be reimbursed for certain state-mandated programs? Shall charter adoption and amendment procedures be simplified? (Resolution 86-00196 B)</p>
<p><b>7</b> <b>BUDGET POWERS AND EXECUTIVE SUCCESSION</b>  <input type="checkbox"/> YES <input type="checkbox"/> NO                  Shall the governor be constitutionally empowered to present an annual budget? Shall the speaker of the house become governor if both the governor and lieutenant governor die or are unable to serve? (Resolutions 86-00222, 86-00246)</p>	<p><b>14</b> <b>PARAMOUNT RIGHT TO LIFE/ABORTION</b>  <input type="checkbox"/> YES <input type="checkbox"/> NO                  To the extent permitted by the U.S. Constitution, shall all persons, including their unborn offspring, without regard to age, health, function, or condition of dependency, be endowed with an inalienable and paramount right to life; and to the extent permitted by the U.S. Constitution, shall abortion be prohibited, except that justified medical procedures to prevent the death of a pregnant woman shall be permitted? Shall the use of government monies to fund abortions be prohibited by the Constitution? (Resolution 86-00212 A)</p>

**VOTE**  
 ON THE CONSTITUTIONAL QUESTIONS  
**TUESDAY, NOVEMBER 4th**