

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

JOINT RESOLUTION

TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (INITIATIVE AND REFERENDUM)

Introduced By: Senators Cote, Picard, Raptakis, and Gee

Date Introduced: January 18, 2017

Referred To: Senate Special Legislation and Veterans Affairs

1 RESOLVED, That a majority of all members elected to each house of the general
2 assembly voting therefor, the following amendment to the constitution of the state be proposed to
3 the qualified electors of the state in accordance with the provisions of Article XIV of the
4 constitution for their approval and that it take the place therein of Article VI Sections 1 and 2
5 which are hereby amended to read as follows:

6 ARTICLE VI

7 OF THE LEGISLATIVE POWER

8 **Section 1.** ~~Constitution supreme law of the state~~ Constitution is supreme. -- This
9 Constitution shall be the supreme law of the state, and any law inconsistent therewith shall be
10 void. ~~The general assembly shall pass all laws necessary to carry this Constitution into effect.~~ The
11 legislative power of the state shall be vested in a general assembly, consisting of a senate and a
12 house of representatives, both to be elected by the people, but the people reserve to themselves
13 the power to propose laws and amendments to the constitution and to enact or reject the same at a
14 general election without the approval of the general assembly, and also reserve the power at their
15 own option to approve or reject at a general election any act, section or part of any act of the
16 general assembly.

17 **Section 2.** ~~Power vested in general assembly—Concurrence of houses required to enact~~
18 ~~laws—Style of laws.~~ Power to enact legislation. -- Enactment and style of laws. -- Power of the
19 general assembly. — Initiative and referendum. -- A. The legislative power, under this

1 Constitution, and subject to the reservations set forth in Section 1 hereof, shall be vested in two
2 houses, the one to be called the senate, the other the house of representatives; and both together
3 the general assembly. The concurrence of the two houses shall be necessary to the enactment of
4 laws. The style of their laws shall be, It is enacted by the general assembly as follows:

5 B. The people reserve the right to themselves the power to propose laws and amendments
6 to the constitution and to adopt or reject the same. Qualified voters shall have the power through
7 petition to enact statutes and to amend the constitution at general elections. This power shall be
8 known as initiative and referendum. No initiative shall be permitted which shall abridge the civil
9 rights or liberties, including those guaranteed by Article I of the Rhode Island Constitution, or
10 attempt to preclude the expansion of civil rights, of any individual or group of individuals and no
11 initiative shall be permitted which would repeal or amend this sentence. The superior court shall
12 have original jurisdiction to hear complaints arising under this section on an expedited basis. Any
13 individual shall have standing to bring an action at any time to enforce this section.

14 C. This article does not permit the proposal of any constitutional amendment that
15 appropriates state revenue. This article does not permit the proposal of any constitutional
16 amendment that diminishes state revenues by the reduction or limitation of a tax or fee. This
17 article does not permit the proposal of any constitutional amendment that affects the generation or
18 expenditure of state revenues through the ordinary legislative budget process.

19 D. This article does not permit the proposal of any statute or statutory amendment that
20 makes an appropriation or otherwise requires the expenditure of money, unless such statute or
21 amendment also enacts a commensurate increase in revenues and/or decreases in revenue
22 appropriations, not prohibited by the constitution; provided, however, that this requirement shall
23 not apply to a proposal for the appropriation or expenditure of less than five hundred thousand
24 dollars (\$500,000), which amount shall be adjusted annually, commencing with the fiscal year
25 beginning on or after July 1, 2019, to reflect changes in the cost-of-living as determined by the
26 United States government. This article does not permit the proposal of any statute or any statutory
27 amendment that diminishes state revenue, unless such statute or statutory amendment also enacts
28 a commensurate increase in revenues and/or decreases in revenue appropriations to accommodate
29 the projected reduction in state revenue. Any initiative affecting the state budget must be
30 prospective in nature and may not be effective prior to the fiscal year subsequent to the general
31 election.

32 E. To be eligible to be placed on a general election ballot a statutory initiative petition
33 shall be signed by at least a number of qualified voters equal to five percent (5%) of the total
34 number of votes cast for the office of governor at the last preceding general election for that

1 office, and a petition to amend the constitution shall be signed by at least a number of qualified
2 voters equal to ten percent (10%) of the total number of votes cast for the office of governor at
3 the last preceding general election for that office. To qualify for certification, signatures from at
4 least fifty percent (50%) of the cities and/or towns, of which four (4) must be cities, must meet
5 the above percentage requirements.

6 F. For certified initiative petitions, initiative petitioners shall have three hundred sixty-
7 five (365) days from the date the secretary of state has date and time stamped, assigned a petition
8 reference number, and issued the first initiative petition forms to collect and file with the local
9 canvassing authorities the requisite number of signatures, and such signatures may be filed
10 separately with the authorities as they are collected by the petitioners. The local canvassing
11 authorities shall certify the authenticity of the initiative petition signatures and advise the
12 secretary of state within thirty (30) business days of receipt of each initiative petition form.

13 G. (1) An initiative shall be approved by a majority of the qualified voters voting thereon.
14 If so approved, it shall become part of the statutory law of the state or part of the constitution as
15 the case may be and shall take effect from and after the official declaration of the vote thereon by
16 proclamation of the state board of elections, or its successor, but in no event later than thirty (30)
17 days after the vote has been certified unless otherwise provided in the initiative petition.

18 (2) The veto power of the governor shall not extend to an initiative by the voters.

19 (3) If any provisions of constitutional amendments and/or laws approved by the people at
20 the same election are in conflict with each other, then the provisions which received the largest
21 number of affirmative votes at such election shall govern; and in any other case an initiative
22 approved by the voters shall supersede any conflicting law.

23 (4) The general assembly shall provide such funds as may be required to implement an
24 approved initiative.

25 (5) The general assembly shall not, within four (4) years after passage, repeal or alter any
26 such statutory initiative unless by three-fourths (3/4) vote of both houses.

27 (6) Unless an initiative which has a singular or exclusive impact on any city or town is
28 approved by a majority of those voting in that city or town, said initiative shall not take effect.

29 H. The provisions of Article XIV of this constitution shall not be construed to deny, limit
30 or disparage the people's right to propose or amend the constitution through initiative and
31 referendum.

32 I. The general assembly shall enact implementing legislation for this section.

33 RESOLVED, That the said proposition of amendment shall be submitted to the electors
34 for their approval or rejection at the next statewide general election. The voting places in the

1 several cities and towns shall be kept open during the hours required by law for voting therein;
2 and be it further

3 RESOLVED, That the secretary of state shall cause said proposition of amendment to be
4 published as a part of this resolution in the newspapers of the state prior to the date of the said
5 meetings of the said electors; and the said proposition shall be inserted in the warrants or notices
6 to be issued previous to said meetings of the electors for the purpose of warning the town, ward,
7 or district meetings, and said proposition shall be read by the town, ward or district clerks to the
8 electors in the town, ward, or district meetings to be held as aforesaid; and be it further

9 RESOLVED, That the town, ward, or district meetings to be held aforesaid shall be
10 warned, and the list of voters shall be canvassed and made up, and the said town, ward, or district
11 meetings shall be conducted in the same manner as now provided by law for the town, ward, and
12 district meetings for the statewide general election.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

J O I N T R E S O L U T I O N

TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF
AMENDMENT TO THE CONSTITUTION OF THE STATE (INITIATIVE AND
REFERENDUM)

- 1 This joint resolution would propose an amendment to the state constitution, by
- 2 establishing a voter initiative process to allow voters to initiate proposed legislation which would,
- 3 upon a majority vote of the electorate, become law.

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