

2011 -- H 5347

LC00590

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

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: Representatives Valencia, Hearn, Newberry, Trillo, and Ehrhardt

Date Introduced: February 15, 2011

Referred To: House Judiciary

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 of Article VI Sections 1 and 2 which are
5 hereby amended to read as follows:

6 ARTICLE VI

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

15 **Section 2.** ~~Power vested in general assembly—Concurrence of houses required to enact~~
16 ~~laws—Style of laws.~~ Power to enact legislation. -- Enactment and style of laws. -- Power of the
17 general assembly. – Initiative and referendum. -- A. The legislative power, under this
18 Constitution, and subject to the reservations set forth in Section 1 hereof, shall be vested in two
19 houses, the one to be called the senate, the other the house of representatives; and both together

1 the general assembly. The concurrence of the two houses shall be necessary to the enactment of
2 laws. The style of their laws shall be, It is enacted by the general assembly as follows:

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

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

17 D. This article does not permit the proposal of any statute or statutory amendment that
18 makes an appropriation or otherwise requires the expenditure of money, unless such statute or
19 amendment also enacts a commensurate increase in revenues and/or decreases in revenue
20 appropriations, not prohibited by the constitution; provided, however, that this requirement shall
21 not apply to a proposal for the appropriation or expenditure of less than five hundred thousand
22 dollars (\$500,000), which amount shall be adjusted annually commencing in fiscal year
23 2011/2012 to reflect changes in the cost-of-living as determined by the United States government.
24 This article does not permit the proposal of any statute or any statutory amendment that
25 diminishes state revenue, unless such statute or statutory amendment also enacts a commensurate
26 increase in revenues and/or decreases in revenue appropriations to accommodate the projected
27 reduction in state revenue. Any initiative affecting the state budget must be prospective in nature
28 and may not be effective prior to the fiscal year subsequent to the general election.

29 E. To be eligible to be placed on a general election ballot a statutory initiative petition
30 shall be signed by at least a number of qualified voters equal to five percent (5%) of the total
31 number of votes cast for the office of governor at the last preceding general election for that
32 office, and a petition to amend the constitution shall be signed by at least a number of qualified
33 voters equal to ten percent (10%) of the total number of votes cast for the office of governor at
34 the last preceding general election for that office. To qualify for certification, signatures from at

1 least fifty percent (50%) of the cities and/or towns, of which four (4) must be cities, must meet
2 the above percentage requirements.

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

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

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

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

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

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

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

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

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

30 RESOLVED, That the said proposition of amendment shall be submitted to the electors
31 for their approval or rejection at the next statewide general election. The voting places in the
32 several cities and towns shall be kept open during the hours required by law for voting therein;
33 and be it further

34 RESOLVED, That the secretary of state shall cause said proposition of amendment to be

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

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

=====
LC00590
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
JOINT RESOLUTION
TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF
AMENDMENT TO THE CONSTITUTION OF THE STATE (INITIATIVE AND
REFERENDUM)

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

=====
LC00590
=====