

2011 -- S 0349

LC00113

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO ELECTIONS -- STATEWIDE REFERENDA ELECTIONS

Introduced By: Senators E O'Neill, Cote, Hodgson, Metts, and Algieri

Date Introduced: February 16, 2011

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-5-3 of the General Laws in Chapter 17-5 entitled "Statewide  
2 Referenda Elections" is hereby amended to read as follows:

3 **17-5-3. Publication of questions to be submitted to voters.** -- (a) Prior to each general  
4 election at which public questions are to be submitted, the secretary of state shall cause to be  
5 printed and shall send one copy of the full text of each legislative act to be acted upon and  
6 applicable to the state at large, or the secretary of state may substitute a description of the text of  
7 each act in lieu of the full text, to each residential unit in Rhode Island together with the  
8 following information:

9 (1) The designated number of the question;

10 (2) A brief caption of the question;

11 (3) A brief explanation of the measure being the subject matter of the question; ~~and~~

12 (4) [Statements in support of and opposition to measures prepared in accordance with the](#)  
13 [requirements of section 17-5-3.1; and](#)

14 (5) A notice that voter fraud is a felony and the penalty for voter fraud. This notice shall  
15 be in conspicuous lettering and shall contain the following language: "You must be registered to  
16 vote from your actual place of residence."

17 (b) If the public question involves the issuance of bonds or other evidence of  
18 indebtedness or any other long term financial obligation such as a lease, the notice required by  
19 subsection (a) shall also include at least the following information to be provided by the agency

1 or department for which the bonds or other evidence of indebtedness or any other long term  
2 financial obligation is intended:

3 (1) The estimated total cost of the project or program, including financing (using a  
4 reasonable assumed rate of interest), legal, and other costs;

5 (2) The estimated useful life of the project, and the term of the bonds, other  
6 indebtedness, or other obligation; and

7 (3) A reasonably detailed description of the project or program and the purposes of it,  
8 and a project timetable.

9 SECTION 2. Chapter 17-5 of the General Laws entitled "Statewide Referenda Elections"  
10 are hereby amended by adding thereto the following two sections:

11 **17-5-3.1. Statements in support of and opposition to measures submitted to the**  
12 **electorate. -- (a) Whenever the general assembly submits any measure to the voters of the state,**  
13 **the prime sponsor in each house and no more than one other person appointed by each prime**  
14 **sponsor may draft a statement in support of the adoption of the measure. If there is only one**  
15 **prime sponsor, then the sponsor and no more than three (3) other persons appointed by the prime**  
16 **sponsor may draft the statement. If the measure is contained in a budget article, then the**  
17 **chairperson of the house finance committee, and no more than three (3) other persons appointed**  
18 **by the chairperson may draft the statement in support of the measure. As an alternative, the**  
19 **prime sponsor(s) of the measure or the house finance chairperson may appoint four (4) persons to**  
20 **draft the statement. The supporting statement shall not exceed four hundred (400) words in**  
21 **length. The names of the drafters shall appear at the bottom of the statement.**

22 **(b) One member of each house who voted against the measure shall be appointed by the**  
23 **presiding officers of the respective houses, at the same time as appointments to draft a supporting**  
24 **statement, to write a statement in opposition to the measure. In no case shall more than four (4)**  
25 **persons draft the opposing statement. These drafters may appoint substitute drafters. The**  
26 **opposing statement shall not exceed four hundred (400) words. If those drafting a statement**  
27 **against the measure so choose, each may write a separate opposing statement, but the combined**  
28 **length of the two (2) statements shall not exceed four hundred (400) words. The names of the**  
29 **drafters shall appear at the bottom of the statement.**

30 **(c) In the event that no member of the house votes against a measure to be submitted to**  
31 **the electorate for its approval, the presiding office of each chamber shall appoint a member to**  
32 **draft a statement in opposition to be submitted to the secretary of state in accordance with this**  
33 **chapter.**

34 **(d) Statements prepared by legislators and their appointees shall be submitted to the**

1 secretary of state not later than a date to be designated by the secretary of state.

2 (e) Rejection of improper statements. The secretary of state shall reject a statement or  
3 other matter not allowed to be sent through the mail. Such statements shall not be filed or printed  
4 in the voter information handbook.

5 (f) A ballot statement shall not be accepted under this chapter unless accompanied by the  
6 printed name and signature or printed names and signatures of the person or persons submitting it,  
7 or, if submitted on behalf of an organization, the name of the organization and the printed name  
8 and signature of at least one of its principal officers.

9 (g) All statements concerning measures filed pursuant to this section shall be  
10 accompanied by a statement substantially the same as contained in the following form; to be  
11 signed by each proponent and by each author, if different, of the statement:

12 "The undersigned proponent(s) or author(s) of the statement (circle one) in favor  
13 of/against ballot question (insert ballot name or number) at the (circle one) general/special  
14 statewide election for the State of Rhode Island to be held on (insert date of election)  
15 hereby state that this statement is true and correct to the best of (circle one) his/her/their  
16 knowledge and belief.

17 Signed: \_\_\_\_\_ Date: \_\_\_\_\_

18 Signed: \_\_\_\_\_ Date: \_\_\_\_\_

19 Signed: \_\_\_\_\_ Date: \_\_\_\_\_

20 Signed: \_\_\_\_\_ Date: \_\_\_\_\_"

21 (h) Notwithstanding any other provisions of this chapter, whenever any ballot statements  
22 for or against any measure submitted to the voters for approval are authorized, these statements  
23 may be withdrawn in writing by their proponents prior to the final day fixed for filing statements.

24 (i) The secretary shall promulgate such rules and regulations as the secretary deems  
25 necessary concerning these submissions and printing of said statements.

26 (j) The following disclaimer shall be printed at the bottom of each page of a printed  
27 statement. "The secretary of state is not responsible for the contents, objectivity or accuracy of  
28 statements written by the proponents and opponents of this measure."

29 **17-5-3.2. Severability.** -- If any provision of this chapter or the application thereof to any  
30 person or circumstances is held invalid, such invalidity shall not affect other provisions or  
31 applications of this chapter, which can be given effect without the invalid provisions or  
32 applications, and to this end the provisions of this chapter are declared to be severable.

1 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO ELECTIONS -- STATEWIDE REFERENDA ELECTIONS

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1           This act would provide a procedure for statements for and against statewide referenda  
2 ballot measures and would require that they be included with the publication of questions  
3 submitted to voters.

4           This act would take effect upon passage.

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