

2023 -- S 0380 SUBSTITUTE A

LC001393/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO ELECTIONS -- STATEWIDE REFERENDA ELECTIONS

Introduced By: Senators McKenney, Britto, Burke, LaMountain, and Kallman

Date Introduced: February 16, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-5-1.1, 17-5-3 and 17-5-5 of the General Laws in Chapter 17-5
2 entitled "Statewide Referenda Elections" are hereby amended to read as follows:

3 **17-5-1.1. Special referenda elections.**

4 Any proposition of amendment of the Constitution or any other public question submitted
5 to the electors of the state at any election not a general election pursuant to § 17-1-2(2) shall be
6 held on the first Tuesday next after the first Monday of any month and shall be voted upon at town,
7 ward, and district meetings, in accordance with the following procedure:

8 (1) When an act of the general assembly is passed authorizing the submission of a question
9 to all of the electors of the state, the secretary of state is authorized to rephrase the question to
10 appear on the ballot in a manner that would clearly apprise the voters of the question to be voted
11 upon and to cause the ballot to contain a concise caption of the question, and the full text of the
12 question as adopted by the general assembly need not appear on the ballot except for proposed
13 amendments to the Constitution of the state of Rhode Island, ~~but shall:~~

14 (i) Require that the question shall be stated in plain language reasonably calculated to be
15 understood by persons with an eighth-grade reading level; and

16 (ii) The secretary of state shall cause each question appearing on the ballot prepared by him
17 or her to be designated by number, the first question to be designated by the numeral I and
18 additional questions shall follow numbered so that all questions submitted to all the electors of the
19 state and appearing upon the ballot are numbered consecutively; provided that local questions shall

1 be printed on a distinctive colored background.

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

- 7 (i) The designated number of the question appearing on the ballot;
- 8 (ii) A brief caption of the question appearing on the ballot; and
- 9 (iii) A brief explanation of the measure being the subject matter of the question.

10 (3) Voting on a proposition of amendment of the Constitution or of a public question of
11 statewide impact shall be by means of optical-scan voting equipment and computer ballots
12 authorized pursuant to this title.

13 **17-5-3. Publication of questions to be submitted to voters.**

14 (a) Prior to each general election at which public questions are to be submitted, the
15 secretary of state shall cause to be printed and shall send one copy of the full text of each legislative
16 act to be acted upon and applicable to the state at large, or the secretary of state may substitute a
17 description of the text of each act in lieu of the full text, to each residential unit in Rhode Island
18 together with the following information:

- 19 (1) The designated number of the question;
- 20 (2) A brief caption of the question;
- 21 (3) A brief explanation of the measure that is the subject matter of the question [stated in](#)
22 [plain language reasonably calculated to be understood by persons with an eighth-grade reading](#)
23 [level](#); and

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

27 (b) If the public question involves the issuance of bonds or other evidence of indebtedness
28 or any other long term financial obligation such as a lease, the notice required by subsection (a) of
29 this section shall also include at least the following information to be provided by the agency or
30 department for which the bonds or other evidence of indebtedness or any other long term financial
31 obligation is intended:

- 32 (1) The estimated total cost of the project or program, including financing (using a
33 reasonable assumed rate of interest), legal, and other costs.
- 34 (2) The estimated useful life of the project, and the term of the bonds, other indebtedness,

1 or other obligation.

2 (3) A reasonably detailed description of the project or program, its purposes, and a project
3 timetable.

4 **17-5-5. Language contained on computer ballots.**

5 (a) Notwithstanding the authority of the secretary of state to determine the design and
6 content of the computer ballots by rules and regulations, all computer ballots shall contain a clear
7 and concise statement of the nature of each question [stated in plain language reasonably calculated](#)
8 [to be understood by persons with an eighth-grade reading level](#), presented without the necessity of
9 repeating the full text of the question as adopted by the general assembly; provided, that in the case
10 of proposed amendments to the Constitution of the state of Rhode Island, the full text as adopted
11 by the general assembly shall be reprinted on the computer ballots. The secretary of state shall
12 cause each question appearing on the computer ballot prepared by the secretary to be designated
13 by number, the first question to be designated by the number I, and additional questions shall be
14 submitted with numbers in consecutive order.

15 (b) Notwithstanding the foregoing, in the general election to be held on November 2, 2004,
16 in order to avoid a two-sheet statewide ballot, given the number of public questions to be submitted
17 to the electors at such general election, the secretary of state may prepare the ballot in such manner
18 that the statewide public questions involving the issuance of bonds or other evidence of
19 indebtedness, or other long-term financial obligation, shall appear on the ballot with only a caption
20 and the amount of financial obligation to be incurred, but without the clear and concise statement
21 of each question, as otherwise required. Provided, however, that such clear and concise statement
22 of such question shall instead appear in a conspicuous location within each privacy voting booth at
23 each polling place with additional copies thereof available at each polling place; and for mail ballot
24 voters, each such ballot sent to a mail ballot voter shall be accompanied by a clear and concise
25 statement of each question printed on a separate sheet of paper.

26 (c) Notwithstanding the foregoing, in the general election to be held on November 4, 2014,
27 in order to avoid a multiple page statewide ballot, given the number of public questions to be
28 submitted to the electors at such general election, the secretary of state may prepare the ballot in
29 such manner that the statewide public questions involving the issuance of bonds or other evidence
30 of indebtedness, or other long-term financial obligation, shall appear on the ballot with only a
31 caption and the amount of financial obligation to be incurred, but without the clear and concise
32 statement of each question, as otherwise required; provided, however, that such clear and concise
33 statement of such question shall instead appear in a conspicuous location within each privacy voting
34 booth at each polling place with additional copies thereof available at each polling place; and for

1 mail ballot voters, each such ballot sent to a mail ballot voter shall be accompanied by a clear and
2 concise statement of each question printed on a separate sheet of paper.

3 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO ELECTIONS -- STATEWIDE REFERENDA ELECTIONS

- 1 This act would amend certain election statutes to require ballot questions be written in plain
- 2 language reasonably calculated to be understood by persons with an eighth-grade reading level.
- 3 This act would take effect upon passage.

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