

2010 -- S 2103

LC00009

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO ELECTIONS -- INITIATIVE AND REFERENDUM

Introduced By: Senators Cote, Picard, E O'Neill, Pinga, and Lenihan

Date Introduced: February 04, 2010

Referred To: Senate Constitutional & Regulatory Issues

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 17 of the General Laws entitled "ELECTIONS" is hereby amended by
2 adding thereto the following chapter:

3 CHAPTER 5.1

4 INITIATIVE AND REFERENDUM

5 **17-5.1-1. Presentation of petition. --** (a) Any natural person or persons who propose to
6 begin an initiative and referendum process shall obtain an application petition form and summary
7 of the initiative and referendum process from the secretary of state. The person or persons who
8 file for said application petition shall be deemed the proponent of the initiative measure.

9 (b) To begin the initiative and referendum process, at least fifty (50) qualified voters must
10 sign the application petition obtained from the secretary of state containing the initiative measure
11 in its entirety, and the proponent shall submit same to the secretary of state for certification.

12 (c) An initiative measure embracing more than one subject may not be submitted to the
13 electors or have any effect. Separate initiatives must be filed for different subjects. A measure
14 shall be deemed to embrace more than one subject if its parts are not both reasonably germane to
15 each other and functionally related.

16 **17-5.1-2. Certification of application petition. --** (a) Within ten (10) days of receipt of
17 the application petition, the secretary of state shall certify: (1) Whether or not a sufficient number
18 of qualified voters have signed the application petition; (2) Whether the application petition
19 complies with the requirements of Article VI, Section 2(b) of the state's constitution; and (3)

1 Whether the application petition complies with section 17-5.1-1 of this chapter.

2 (b) Upon certification, the secretary of state shall, within fifteen (15) business days of
3 receiving the proposed initiative, prepare a draft ballot text for the initiative in conformity with
4 section 17-5.1-3 and a concise and impartial statement summarizing the measure and its major
5 effect.

6 **17-5.1-3. Ballot text and summary.** -- (a) The ballot text of any statutory initiative shall
7 consist of: (1) A caption which reasonably identifies the subject of the measure; and (2) A
8 question which plainly phrases the chief purpose of the measure so that an affirmative response
9 corresponds to an affirmative vote on the measure. Such ballot text shall be as brief and concise
10 as possible totaling no more than one hundred and twenty-five (125) words.

11 (b) The ballot text of an initiative to amend the state’s constitution shall consist of: (1) A
12 caption which reasonably identifies the subject of the measure; and (2) The text of the proposed
13 constitutional language in its entirety.

14 (c) Immediately upon the preparation of the ballot text and summary of an initiative
15 petition, the secretary of state shall transmit forthwith copies of the text of the measure and
16 summary to the proponent. If the proponent or a majority of the proponents if there be more than
17 one proponent approves the ballot text and summary, the secretary of state shall immediately
18 transmit the same to the reading clerk of the house of representatives and of the senate. The
19 appropriate committee in the house of representatives and in the senate may hold public hearings
20 on the subject of the measure; provided, that nothing in this section shall be construed as
21 authority for the general assembly to alter the measure or prevent it from appearing on the ballot.

22 (d) If the proponent or a majority of the proponents if there be more than one proponent
23 objects to the ballot text and/or summary prepared by the secretary of state, the proponent shall so
24 notify the secretary of state within five (5) business days of receipt. The secretary of state shall
25 thereupon attempt to accommodate the concerns of the proponent or a majority of the proponents
26 if there be more than one proponent, and the proponent or a majority of the proponents if there be
27 more than one proponent shall determine whether the ballot text and summary shall be
28 transmitted to the general assembly.

29 (e) The secretary of state shall, within ten (10) business days of the proponent’s receipt
30 and approval of the draft ballot text and summary statement, assign a petition reference number
31 and shall prepare and make available to the proponent the circulation petition for voter signatures
32 pursuant to section 17-5.1-4. The secretary of state shall place at the top of each petition in
33 addition to the ballot text the following notice in bold type: “The purpose and intent of this
34 initiative shall be maintained. However, this proponent may later amend the initiative measure

1 set forth in this petition before it appears on the ballot if the amendments are consistent with this
2 initiative’s purpose and intent.” Petitioners may, at their own expense, have petition papers
3 duplicated.

4 **17-5.1-4. Petition papers and signatures.** -- (a) The name and address of each signatory
5 must be printed legibly preceding the signature on each line of the circulation petition. Any
6 individual who signs a circulation petition with any name other than his/her own shall be guilty of
7 a felony and may be punished by imprisonment for a term up to two (2) years and/or may be
8 fined up to two thousand dollars (\$2,000). Any individual who knowingly signs a circulation
9 petition more than once shall be guilty of a misdemeanor and may be punished by imprisonment
10 for a term of up to one year, and/or may be fined not more than five hundred dollars (\$500).

11 (b) Each circulation petition shall be limited to signatures from one municipality.

12 (c) Circulation petitions shall be circulated only by persons who are at least eighteen (18)
13 years of age at the time the petition is circulated. All circulators who are not to be paid for
14 circulating petitions concerning ballot issues shall display an identification badge issued by the
15 petitioners, meeting design standards set by the secretary of state that includes the words
16 “VOLUNTEER CIRCULATOR” in bold-faced type which shall be clearly legible. All
17 circulators who are to be paid for circulating petitions concerning ballot issues shall display an
18 identification badge issued by the petitioners, meeting design standards set by the secretary of
19 state that includes the words “PAID CIRCULATOR” in bold-faced type which shall be clearly
20 legible, and the name and telephone number of the individual and/or firm employing or making
21 payments to the circulator. Provided, however, that any compensation to a paid circulator based
22 on a per signature basis shall be prohibited. Each solicitor circulator shall carry and offer for
23 review by each prospective initiative petition signer the complete text of the initiative and a copy
24 of all such campaign finance reports relating to the initiative as may be required by law. Any
25 individual who violates these stipulations shall be guilty of a misdemeanor and may be punished
26 as provided for in subsection (a) herein.

27 **17-5.1-5. Campaign finance laws applicable.** -- (a) Rhode Island campaign finance
28 laws pertaining to contributions, expenditures and reporting requirements shall apply to any
29 campaign in support of or in opposition to any initiative. In addition to any other reporting
30 requirements required by law, reports of contributions and expenditures shall be required of the
31 proponents of any initiative, commencing with the first Monday after the original circulation
32 petition papers have been provided to the proponents, and at fourteen (14) day intervals
33 thereafter, until certification by the secretary of state that the requisite number of signatures have
34 been obtained to place the measure on the general election ballot.

1 (b) Exclusive of payment made to or received by paid circulators, any individual or group
2 who gives or receives payment or anything of value for a signature shall be guilty of a
3 misdemeanor.

4 **17-5.1-6. Certification of circulation petition. --** Within four hundred twenty-five (425)
5 days from the date the secretary of state has assigned a petition reference number and issued the
6 first initiative petition forms, the secretary of state shall certify whether or not a sufficient number
7 of qualified voters have signed the circulation petition and, if so, that the initiative has qualified
8 for the ballot.

9 **17-5.1-7. Presentation to general assembly. --** (a) Any circulation petition certified on
10 or before March 1 in any calendar year shall be delivered immediately by the secretary of state to
11 the reading clerk of the house of representatives and of the senate.

12 (b) Any circulation petition certified after March 1 in any calendar year shall be retained
13 by the secretary of state until the second legislative day of the next following January session of
14 the general assembly, at which time the said petition shall be delivered by the secretary of state to
15 the reading clerk of the house of representatives and of the senate.

16 (c) Immediately upon receipt of an initiative petition, the presiding officer in the house of
17 representatives and the senate, respectively, shall refer the petition to a standing committee of the
18 body, which committee shall conduct a public hearing on the merits of the petition and, by a
19 recorded vote of its members, recommend to approve or disapprove the initiative, within fifty
20 (50) days of its referral.

21 (d) Within sixty (60) days of delivery of the initiative petition to the general assembly by
22 the secretary of state, the proponent or a majority of the proponents if there be more than one
23 proponent may amend the initiative, provided that the amendments further the purposes and intent
24 of the initiative, by submitting such amendments in writing to the secretary of state for review.

25 (e) The secretary of state shall determine, within ten (10) business days of receipt of the
26 amended petition, whether such amendments further the purposes and intent of the initiative and
27 notify the proponent and the general assembly in writing.

28 (f) The proponent or a majority of the proponents if there be more than one proponent
29 shall have ten (10) business days to cure any deficiencies and to deliver the amended initiative to
30 the appropriate committee in the house of representatives and the senate.

31 (g) No later than one hundred (100) days after the secretary of state has delivered the
32 certified initiative to the general assembly, each of the legislative committees to which the
33 initiative has been referred shall, by a recorded vote of its members, recommend to approve or
34 disapprove the amended initiative.

1 (h) No later than one hundred and twenty (120) days after the secretary of state has
2 delivered the certified initiative to the general assembly, the house of representatives and the
3 senate shall take a recorded vote of its members on the provisions of the initiative.

4 (i) If, within the one hundred and twenty (120) day period following delivery by the
5 secretary of state of a statutory initiative that has qualified for the ballot, a majority of the
6 members in each house approves the initiative, or approves an amended version of the initiative
7 which is endorsed by the proponent or a majority of the proponents if there be more than one
8 proponent, the measure shall be presented to the governor and, if the governor signs it into law or
9 allows it to become law without his or her signature, thereupon it shall become operative.

10 (j) If a statutory initiative is not so approved by the general assembly and the governor,
11 the secretary of state shall then submit the measure at the next general election following the
12 expiration of the one hundred and twenty (120) day period following delivery of the certified
13 initiative by the secretary of state to the general assembly. Each legislator's name, party
14 affiliation, electoral district, residence, and vote cast on the initiative, as well as the vote of each
15 house by total membership and by party affiliation, shall appear in the voter information
16 handbook in addition to the complete text of the measure.

17 (k) Upon the expiration of the one hundred and twenty (120) day period following
18 delivery by the secretary of state to the general assembly of an initiative to amend the
19 constitution, the secretary of state shall then submit the measure, or an amended version of the
20 measure which is endorsed by the proponent, or by a majority of the proponents if there be more
21 than one proponent, at the next general election.

22 **17-5.1-8. Expenditure of public money. --** (a) If the enacted initiative petition would
23 involve expenditure of public money by the state, reduction of state revenues or raising of funds
24 by the state by imposing any tax or incurring any indebtedness, the secretary of state, the general
25 treasurer and the director of administration, in consultation with the senate and house fiscal
26 advisors, shall estimate the amount of direct expenditure, direct reductions in expenditure, direct
27 reduction in state revenues, direct tax revenue or indebtedness and interest which will be required
28 to meet the provisions of the initiative. The estimate shall state the recurring annual amount
29 involved or, if the initiative does not involve a recurring annual amount, the total amount.

30 (b) The officials named shall also estimate the aggregate amount of direct expenditure,
31 direct reduction of expenditure, direct reduction on revenues, direct tax revenue or indebtedness
32 and interest which will be required by all cities and towns to meet the provisions of the initiative.

33 (c) The estimates shall be printed in the voter information handbook and on the ballot
34 unless the measure involves only state agency expenses not exceeding one hundred thousand

1 dollars (\$100,000) per year.

2 The estimates shall be expressed both in absolute dollar terms and as a percentage of the
3 total current state budget. If practicable in the judgment of the general treasurer, the estimates
4 shall be projected to reflect costs in future fiscal years.

5 (d) If the officials named determine that the measure, if it is enacted, will have no
6 financial effect except as described in the previous paragraph, the words “no financial effect”
7 shall be printed in the voter information handbook and on the ballot.

8 (e) Final authority and responsibility for providing the financial estimates provided
9 within this section shall rest with the general treasurer.

10 (f) The voter information handbook distributed in connection with any ballot that
11 contains more than one initiative proposal involving the expenditure of public money by the state,
12 the reduction of state revenues, or the raising of funds by the state imposing any tax or incurring
13 any indebtedness shall include an estimate of the combined cost impact which would occur if all
14 such initiative proposals were to be approved.

15 **17-5.1-9. Severability. --** If any provision of this chapter or the application thereof to
16 any person or circumstance is held invalid, such invalidity shall not affect other provisions or
17 applications of the chapter, which can be given effect without the invalid provision or application,
18 and to this end the provisions of this chapter are declared to be severable.

19 SECTION 2. Chapter 9-1 of the General Laws entitled "Causes of Action" is hereby
20 amended by adding thereto the following section:

21 **9-1-53. Actions involving voter initiative petitioners and procedures. --** (a) The
22 superior court shall have original jurisdiction over actions arising under chapter 17-5.1 of the
23 general laws.

24 (b) The running of any time period established by any section of chapter 17-5.1 shall be
25 tolled during the pendency of such action.

26 SECTION 3. Severability. If any provision of this act or the application thereof to any
27 person or circumstances shall be held invalid, such invalidity shall not affect other provisions or
28 applications of the act, which can be given effect without the invalid provision or application, and
29 to this end the provisions of the act are declared to be severable.

30 SECTION 4. This act shall take effect upon ratification of a constitutional amendment
31 entitled “JOINT RESOLUTION TO APPROVE AND PUBLISH, AND SUBMIT TO THE
32 ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE
33

1 STATE (INITIATIVE AND REFERENDUM).”

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ELECTIONS -- INITIATIVE AND REFERENDUM

1 This act would provide a detailed process by which a proponent of a voter initiative and
2 referendum proposal would present the proposal to the secretary of state, the general assembly
3 and the governor.

4 This act would take effect upon ratification of a constitutional amendment entitled
5 “JOINT RESOLUTION TO APPROVE AND PUBLISH, AND SUBMIT TO THE ELECTORS
6 A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE
7 (INITIATIVE AND REFERENDUM).”

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