

2010 -- S 2390

=====
LC01856
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

JOINT RESOLUTION

TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF
AMENDMENT TO THE CONSTITUTION OF THE STATE (GENERAL ASSEMBLY)

Introduced By: Senators Pinga, E O'Neill, Cote, Raptakis, and Maher

Date Introduced: February 11, 2010

Referred To: Senate Constitutional & Regulatory Issues

1 RESOLVED, That a majority of all members elected to each house of the general
2 assembly voting therefore, the following amendment to the Constitution of the state be proposed
3 to 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 IV Section 1 and Article VIII,
5 Section 1 which is hereby amended to read as follows:

6 Section 1. Election and terms of governor, lieutenant governor, secretary of state,
7 attorney-general, general treasurer, and general assembly members.

8 The governor, lieutenant governor, secretary of state, attorney general and general
9 treasurer shall be elected on the Tuesday after the first Monday in November, quadrennially
10 commencing A.D. 1994, and every four (4) years thereafter, and shall severally hold their offices,
11 subject to recall as provided for herein, for four (4) years from the first Tuesday of January next
12 succeeding their election and until their successors are elected and qualified. No person shall
13 serve consecutively in the same general office for more than two (2) full terms, excluding any
14 partial term of less than two (2) years previously served.

15 The senators and representatives in the general assembly shall be elected on the Tuesday
16 after the first Monday in November, biennially in even numbered years, and shall severally hold
17 their offices for two (2) years from the first Tuesday of January next succeeding their election and
18 until their successors are elected and qualified. Provided, further that no representative or senator
19 shall serve for more than five (5) two (2) year terms.

1 Recall is authorized in the case of a general officer who has been indicted or informed
2 against for a felony, convicted of a misdemeanor, or against whom a finding of probable cause of
3 violation of the code of ethics has been made by the ethics commission. Recall shall not, however
4 be instituted at any time during the first six (6) months or the last year of an individual's term of
5 office.

6 Such a recall may be instituted by filing with the state board of elections an application
7 for issuance of a recall petition against said general officer which is signed by duly qualified
8 electors equal to three percent (3%) of the total number of votes cast at the last preceding general
9 election for that office. If, upon verification, the application is determined to contain signatures of
10 the required number of electors, the state board of elections shall issue a recall petition for
11 circulation amongst the electors of the state. Within ninety (90) days of issuance, recall petitions
12 containing the signatures of duly qualified electors constituting fifteen percent (15%) of the total
13 number of votes cast in the last preceding general election for said office must be filed with the
14 state board of elections.

15 The signatures to the application and to the recall petition need not all be on one sheet of
16 paper, but each such application and petition must contain an identical statement naming the
17 person to be recalled, the general office held by said person, and the grounds for such recall set
18 forth in a statement of one hundred (100) words or less approved by the board of elections. Each
19 signatory must set forth his or her signature as it appears on the voting list, the date of signing,
20 and his or her place of residence. The person witnessing the signatures of each elector on said
21 petition must sign a statement under oath on said sheet attesting that the signatures thereon are
22 genuine and were signed in his or her presence.

23 If the requisite number of signatures are not obtained within said ninety (90) days period,
24 the recall effort shall terminate. Upon verification of the requisite number of signatures, a special
25 election shall be scheduled at which the issue of removing said office holder and the grounds
26 therefor shall be placed before the electors of this state. If a majority of those voting support
27 removal of said office holder, the office shall be immediately declared vacant and shall be filled
28 in accordance with the constitution and laws of the state. The person so removed shall not be
29 eligible to fill the unexpired portion of the term of office. The general assembly shall provide by
30 statute for implementation of the recall process.

31 RESOLVED, That this amendment shall take, in the Constitution of the state, the place of
32 Article IV, Section 1 of the Constitution; it is further

33 RESOLVED, That said proposition of amendment shall be submitted to the electors for
34 their approval or rejection at the next statewide general election to be held in November, 2010.

1 The voting places in the several cities and towns shall be kept open during the hours required by
2 law for voting therein for the general officers of the state; and be it further

3 RESOLVED, That the secretary of state shall cause the said proposition of amendment to
4 be 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 purposes of warning the town, ward,
7 or district meetings, and said proposition shall be read by the town, ward, or district meetings to
8 be held as aforesaid; and be it further

9 RESOLVED, That the town, ward, and 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, and
11 district meetings shall be conducted in the same manner as now provided by law for the town,
12 ward, and district meetings for the election of general officers of the state.

=====
LC01856
=====

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 (GENERAL ASSEMBLY)

1 This resolution would provide for a referendum to be submitted to the electors of the state
2 at the general election in November, 2010 which would provide that representatives and senators
3 would not serve for more than five (5) two (2) year terms.

4 The resolution would take effect upon passage. The Constitutional amendment would
5 take effect upon approval of the majority of qualified electors.

=====
LC01856
=====