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July 1, 1994

Mrs. Barbara Leonard
State of Rhode Island
Office of Secretary of State
218 State House
Providence, RI 02903-1105

Dear Ms. Spruance:

This letter is in response to your inquiry regarding the interpretation of Article 14, Section 2 of the Rhode Island State Constitution. Specifically, you have asked whether Section 2 requires the Secretary of State to submit the question "Shall there be a convention to amend or revise the Constitution?" to the voters at the next general election to be held on November 8, 1994. It is our opinion, based on a review of the applicable constitutional provisions and the legislative history, that Section 2 requires the Secretary of State to submit the question to the voters at the upcoming general election.

Article 14, Section 2, provides in relevant part:

The General Assembly, by a vote of a majority of the members elected to each House, may at any general election submit the question, "shall there be a convention to amend or revise the constitution?" to the qualified electors of the State. If the question be not submitted to the people at some time during any period of ten years, the Secretary of State shall submit it at the next general election following said period.

In interpreting a constitutional provision, a court will look first at the plain language of the provision. If the words are unambiguous, a court will not look further because the words themselves express the intention of the drafters. If, however, the language is ambiguous, a court will look to legislative history and past usage for guidance in order to discern the legislative intent. In this case, both the plain language of Article 14, Section 2, and the legislative history and past usage support our opinion.

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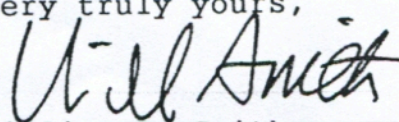
Section 2 was added to the Constitution during the constitutional convention of 1973. On August 7, 1973, a special election was held to approve or reject the call for a limited constitutional convention. The voters approved the question by a vote of 21,302 to 21,210. (See Exhibit A attached hereto.) Following the convention, on November 6, 1973, Proposal 48 was ratified by the electorate by a vote of 56,072 to 34,953, and became Article 14, Section 2, of the Constitution.

During the 10-year period following November 6, 1973, the General Assembly did not pass a resolution submitting the question "Shall there be a convention to amend or revise the Constitution?" to the voters. The next general election following the 10-year period was held on November 6, 1984. As required by Article 14, Section 2, the Secretary of State placed the question on the ballot during this general election. The authority for doing so, Article 14, Section 2, was cited on the ballot question. (See Exhibit B attached hereto). This is significant when one compares this stated authority with the other questions on the ballot which cited a resolution of the General Assembly. A review of relevant documents in the Secretary of State's archives, including the minutes from the 1973 Constitutional Convention in which Proposal 48 was debated, and all resolutions passed by the General Assembly from 1973 to the present, support the conclusion that the question should be placed on the ballot this year. In addition, there is no case law which supports a contrary interpretation of Article 14, Section 2.

Both the plain language and the legislative history demonstrate that the question "Shall there be a convention to amend or revise the Constitution?" should be placed on the November 1994 ballot. The question was last submitted to the voters on November 6, 1984. The 10-year period will elapse on November 6, 1994. The next general election following the 10-year period will be held on November 8, 1994. The General Assembly thus far has failed to pass a resolution submitting the question to the voters. Therefore, by virtue of Article 14, Section 2, the Secretary of State must submit the question to the voters during the next general election to be held on November 8, 1994.

I hope this information is helpful. Please feel free to give me a call if you have any questions.

Very truly yours,


William E. Smith

cc: Ms. Hope Spruance ✓