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The following are submitted as examples of changes to the Rhode Island Constitution that should be proposed to and debated by delegates to the Constitutional Convention. I personally believe that many or all of them, if worded appropriately, could improve our democracy and society.

1. **Legislative Immunity, Article VI, Section 5** in the Rhode Island constitution, is too broad. Delegates should consider including limits such as those in the U.S. Constitution (Article I, Section 6), which excludes "'treason, felony or breach of the peace". Delegates should also propose to the voters that Article 6, section 5 of the Rhode Island Constitution be made explicitly subordinate to article 3, section 8, thereby re-establishing Ethics Commission jurisdiction over the general assembly.

Rhode Island Constitution, Article VI, Section 5:

Immunities of general assembly members. -- The persons of all members of the general assembly shall be exempt from arrest and their estates from attachment in any civil action, except Treason, Felony and Breach of the Peace, during the session of the general assembly, and two days before the commencement and two days after the termination thereof, and all process served contrary hereto shall be void. For any speech in debate in either house, no member shall be questioned in any other place, except by the ethics commission as set forth in Article III, section 8 of the Constitution.

2. **Ethics commission, Article III, Section 8**, should similarly establish its supremacy over other conflicting sections explicitly:

Rhode Island Constitution, Article III, Section 8:

Ethics commission – Code of ethics -- Jurisdiction. – The general assembly shall establish an independent non-partisan ethics commission which shall adopt a code of ethics including, but to limited to, provisions on conflicts of interest, confidential information, use of position, contracts with government agencies and financial disclosure. All elected and appointed officials of state and local government, of boards, commissions

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and agencies shall be subject to the code of ethics and the jurisdiction of the ethics commission. The ethics commission shall have the jurisdiction and authority to investigate and adjudicate all alleged violations of the code of ethics, including acts otherwise protected by Article VI, Section 5, and to impose penalties, as provided by law; and the commission shall have 16 the power to remove from office officials who are not subject to impeachment. Where this section is found to be in conflict with any other sections in this constitution, this section will obtain.

3. **Line item veto, Article IX, Section 14:** According to the National Conference of State Legislatures, 44 states currently allow a line item veto. Line item veto can be a critical element of separation of powers. Rhode Island's constitutional convention should deliberate whether Rhode Island's constitution should be brought in line with other state constitutions as follows:

Rhode Island Constitution, Article IX, Section 14

Section 14. Veto power of governor -- Veto overrides by general assembly -- Acts effective without action by governor. -- Every bill, resolution, or vote (except such as relate to adjournment, the organization or conduct of either or both houses of the general assembly, and resolutions proposing amendment to the Constitution) which shall have passed both houses of the general assembly shall be presented to the governor. If the governor approve it the governor shall sign it, and thereupon it shall become operative. If any bill presented to the Governor contains items of appropriations of money, she or he may object to one of more of such items, while approving other portions of the bill, and thereupon the bill shall become operative except for the objected items. ~~, but if~~ If the governor does not approve it the governor shall return it, accompanied by the governor's objections in writing to the house in which it originated, which shall enter the governor's objections in full upon its journal and proceed to reconsider it. If, after such reconsideration, three-fifths of the members present and voting in that house shall vote to pass the measure, it shall be sent with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by three-fifths of the members present and voting in that house, it shall become operative in the same manner as if the governor had

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approved it, but in such cases the votes of both houses shall be determined by ayes and nays and the names of the members voting for and against the measure shall be entered upon the journal of each house, respectively. If the measure shall not be returned by the governor within six days (Sundays excepted) after it shall have been presented to the governor the same shall become operative unless the general assembly, by adjournment, prevents its return, in which case it shall become operative unless transmitted by the governor nor to the secretary of state, with the governor's disapproval in writing within ten days after such adjournment.

4. **Jury trial, Article I, Section 15:** The section in the constitution describing rights to a jury trial could be considered broad and vague. Delegates should consider and propose to the voters whether the constitution should guarantee a right to a trial by jury for criminal and civil matters, but allow exceptions for administrative matters such as fines imposed by the Ethics Commission, especially where other avenues exist such as an administrative appeals process, as in:

Rhode Island Constitution, Article I, Section 15. Trial by jury. -- The right of trial by jury shall remain inviolate in all criminal and civil actions, except administrative actions where a defined appeals process exists. In civil cases the general assembly may fix the size of the petit jury at less than twelve but not less than six. Nothing in this section shall be deemed to infringe on Ethics Commission jurisdiction as outlined in Article III, section 8.

5. **Ban on Moral Obligation Bonds, Article III, Section 16:** Delegates should put forth an amendment that would limit the ability of the legislature to approve obligations of the taxpayers to debts that are not approved by the voters in a referendum, and such language could be explicitly added as in:

Rhode Island Constitution, Article III, Section 16

Section 16. Borrowing power of general assembly. -- The general assembly shall have no powers, without the express consent of the people, to incur state debts to an amount

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exceeding fifty thousand dollars, except in time of war, or in case of insurrection or invasion; nor shall it in any case, without such consent, pledge the faith of the state for the payment of the obligations of others. The legislature shall not issue moral obligation bonds without the consent of the voters in a referendum. This section shall not be construed to refer to any money that may be deposited with the state by the government of the United States.

6. **Voter initiative, Rhode Island Constitution, Article VI, Section 2:** Twenty-four states currently have a form of “direct democracy”, where voters can put items on the ballot by petition either directly or indirectly. Delegates to the constitutional convention in Rhode Island should consider and debate an amendment that would allow legislative statute and/or constitutional amendments to be made directly or directly by voter initiative:

Rhode Island Constitution, Article VI, Section 2

Section 2. Power vested in general assembly -- Concurrence of houses required to enact laws -- Style of laws. -- The legislative power, under this Constitution, shall be vested in two houses, the one to be called the senate, the other the house of representatives; and both together the general assembly. The concurrence of the two houses shall be necessary to the enactment of laws, provided, That the authority hereby conferred upon the legislature shall not be construed to grant to the legislature any exclusive power of lawmaking nor in any way limit the initiative and referendum powers reserved by the people. The style of their laws shall be, It is enacted by the general assembly as follows:

Sample language from Washington state constitution:

(a) Initiative: The first power reserved by the people is the initiative. Every such petition shall include the full text of the measure so proposed. In the case of initiatives to the legislature and initiatives to the people, the number of valid signatures of legal voters required shall be equal to eight percent of the votes cast for the office of governor at the last gubernatorial election preceding the initial filing of the text of the initiative measure with the secretary of state. Initiative petitions shall be filed with the secretary of state not

less than four months before the election at which they are to be voted upon, or not less than ten days before any regular session of the legislature. If filed at least four months before the election at which they are to be voted upon, he shall submit the same to the vote of the people at the said election. If such petitions are filed not less than ten days before any regular session of the legislature, he shall certify the results within forty days of the filing. If certification is not complete by the date that the legislature convenes, he shall provisionally certify the measure pending final certification of the measure. Such initiative measures, whether certified or provisionally certified, shall take precedence over all other measures in the legislature except appropriation bills and shall be either enacted or rejected without change or amendment by the legislature before the end of such regular session. If any such initiative measures shall be enacted by the legislature it shall be subject to the referendum petition, or it may be enacted and referred by the legislature to the people for approval or rejection at the next regular election. If it is rejected or if no action is taken upon it by the legislature before the end of such regular session, the secretary of state shall submit it to the people for approval or rejection at the next ensuing regular general election. The legislature may reject any measure so proposed by initiative petition and propose a different one dealing with the same subject, and in such event both measures shall be submitted by the secretary of state to the people for approval or rejection at the next ensuing regular general election. When conflicting measures are submitted to the people the ballots shall be so printed that a voter can express separately by making one cross (X) for each, two preferences, first, as between either measure and neither, and secondly, as between one and the other. If the majority of those voting on the first issue is for neither, both fail, but in that case the votes on the second issue shall nevertheless be carefully counted and made public. If a majority voting on the first issue is for either, then the measure receiving a majority of the votes on the second issue shall be law.

(b) Referendum. The second power reserved by the people is the referendum, and it may be ordered on any act, bill, law, or any part thereof passed by the legislature, except such laws as may be necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions, either by petition signed by the required percentage of the legal voters, or by the legislature as

other bills are enacted: *Provided, That the legislature may not order a referendum on any initiative measure enacted by the legislature under the foregoing subsection (a). The number of valid signatures of registered voters required on a petition for referendum of an act of the legislature or any part thereof, shall be equal to or exceeding four percent of the votes cast for the office of governor at the last gubernatorial election preceding the filing of the text of the referendum measure with the secretary of state.*

7. **Women’s rights, equal pay for equal work, right to abortion, Article I, Section 2:** Delegates should consider whether women’s rights are sufficiently guaranteed in the Rhode Island Constitution, since abortion is explicitly excluded as a right, and equal pay for equal work based on gender is not explicitly recognized as a form of discrimination. Although in *Roe v. Wade* (1973) the U.S. Supreme Court ruled that the 14th amendment ensured women’s freedom of reproductive choice, that ruling could be over turned. Delegates should propose to the voters that the constitution be modified so that women’s freedom of reproductive choice is explicitly granted, and gender discrimination in the workplace is prohibited, as follows:

Rhode Island Constitution, Article I, Section 2

Laws for good of whole -- Burdens to be equally distributed -- Due process -- Equal protection -- Discrimination -- ~~No right to abortion granted.~~—All free governments are instituted for the protection, safety, and happiness of the people. All laws, therefore, should be made for the good of the whole; and the burdens of the state ought to be fairly distributed among its citizens. No person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied equal protection of the laws. No otherwise qualified person shall, solely by reason of race, gender or handicap be subject to discrimination, and all people shall enjoy the right to equal pay for equal work regardless of gender, by the state, its agents or any person or entity doing business with the state. The right of the people to freedom of reproductive choice shall not be infringed. ~~Nothing in this section shall be construed to grant or secure any right relating to abortion or the funding thereof.~~

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8. **Equal access to voting, Article II, Section 1:** Rhode Island's voter identification law has the potential to disenfranchise lower income voters and minority voters and was enacted without any evidence of voter fraud and is therefore unnecessary. Furthermore, there have been examples where polling places were inadequate in lower income neighborhoods and sometimes were closed with many voters still waiting in line to vote. The delegates to the convention should propose to the voters that equal access to polling places be ensured throughout the state. Rhode Island's Constitution could be modified as follows:

Rhode Island Constitution Article II, Section 1.

Persons entitled to vote. -- Every citizen of the United States of the age of eighteen years or over who has had residence and home in this state for thirty days next preceding the time of voting, who has resided thirty days in the town or city from which such citizen desires to vote, and whose name shall be registered at least thirty days next preceding the time of voting as provided by law, shall have the right to vote for all offices to be elected and on all questions submitted to the electors, except that no person who has been lawfully adjudicated to be non compos mentis shall be permitted to vote. All registered voters shall be deemed eligible to vote and no additional requirements other than being registered to vote shall be made at polling places. Voters in every district shall have equal access to polling places. No person who is incarcerated in a correctional facility upon a felony conviction shall be permitted to vote until such person is discharged from the facility. Upon discharge, such person's right to vote shall be restored. The general assembly may provide by law for shorter state and local residence requirements to vote for electors for president and vice president of the United States.