
**BI-PARTISAN PREPARATORY COMMISSION TO
ASSEMBLE INFORMATION ON
CONSTITUTIONAL QUESTIONS IN
PREPARATION FOR A VOTE BY THE QUALIFIED
ELECTORS ON THE HOLDING OF A
CONSTITUTIONAL CONVENTION IN
ACCORDANCE WITH ARTICLE XIV SECTION 2
OF THE RHODE ISLAND CONSTITUTION**

August 19, 2014 – Meeting Notes

I. Call Meeting to Order:

The meeting was called to order by Co-Chairman McCaffrey. A quorum of members was noted as present.

II. Public Testimony: The commission heard from the following:

(1) Pablo Rodriguez, Citizens for Responsible Government– Dr. Rodriguez testified in opposition to the need for a Constitutional Convention.

Dr. Rodriguez testified as to his negative experience with the 1986 Convention with regards to two (2) proposed amendments that sought to negatively impact reproductive rights. He testified that one of the two amendments sought to define life as beginning at conception, which he stated was in direct conflict with the U.S. Supreme Court decision in Roe v. Wade. Although that proposed amendment was voted down by voters, another amendment related to limiting reproductive rights passed.

Dr. Rodriguez testified further regarding his concern that the selection of delegates and funding by powerful organizations out of state would potential harm the individual liberties of Rhode Islanders. In this regard, Dr. Rodrigues testified that in a

special election in a non-election year, voter turnout would be low; which would increase the potential for influence by sources from outside Rhode Island.

Dr. Rodriguez concluded his remarks with a suggestion that the Commission include in its report the potential cost of holding a Constitutional Convention, as the state currently holds a deficit of \$400 million dollars and the electorate should be fully informed as such.

In response to a question from Mr. Frias, Dr. Rodriguez acknowledged that the 1986 proposed amendment that was in direct conflict with the U.S. Supreme Court decision in Roe v. Wade, when placed on the ballot and subject to voter approval, was voted down by the voters by a 2 to 1 margin.

Co-Chair McCaffrey noted that the fiscal officers of the General Assembly were actively working an analysis regarding the potential cost of a Constitutional Convention and that the results of that analysis would be disseminated as soon as completed.

(2) Steve Ahlquist, Humanists of RI- Mr. Ahlquist testified consistent with written testimony that he submitted in opposition to holding a Constitutional Convention. Mr. Ahlquist testified that his opposition is rooted in his concern that a Constitutional Convention would not preserve or expand human rights. Specifically, he testified that the holding of a Constitutional Convention would invite “big money” from outside sources that would seek to influence particular issues. E.g., he asked whether “we really need to re-litigate marriage equality?” and whether we “should be putting basic human rights up to a vote?”

(3) Barry Schiller – Mr. Schiller testified in favor of the holding of a Constitutional Convention. He testified that the holding of a Constitutional Convention should be viewed as an opportunity to strengthen democracy. He testified that Rhode Islanders' lack of faith in government would be positively impacted by a Constitutional Convention as it would improve and encourage civic engagement. He testified that Rhode Island was not the sort of state where anyone should worry about the eroding of basic human rights as a consequence of the holding of a Constitutional Convention.

Mr. Schiller further testified as to three issues that the commission should recommend for inclusion as topics for a Constitutional Convention. Those issues included: a voter initiative proposal, the expansion of basic human rights (the right to an education, the rights of the terminally ill), strengthening anti-corruption laws (ethics commission) and a line-item veto.

Mr. Schiller further testified that there were other issues that could be addressed by a Constitutional Convention that some may not contemplate. For example, he referenced that the General Assembly's own rules, specifically a roll-call vote, could be addressed at a Constitutional Convention to ensure that the rules are never suspended in an effort to avoid transparency.

In response to question from Rep. Giarrusso, Mr. Schiller testified that Rhode Islanders will be able to gauge the risks and rewards of the varying proposals that could come out of a Constitutional Convention. In response to a question from Rep. Ruggiero, Mr. Schiller acknowledged that delegates would be free to set their own agenda but reiterated that no real threat to basic civil rights existed in a state like Rhode Island.

Ms. Jones then commented on the distinction as to what might be appropriate as an issue to be taken up at a Constitutional Convention versus whether or not a Convention should be seen a “fix-all”.

Finally, Mr. Frias thanked Mr. Schiller for noting in his testimony that: (1) Massachusetts passed a voter initiative that has worked well, (2) the existing case law will determine whether amendments are permissible, and (3) voters eventually would decide whether any proposed amendments should pass.

(4) Steven Brown, RI ACLU – Mr. Brown testified consistent with his written testimony in strong opposition to the calling of a Constitutional Convention. In addition to the written submission, Mr. Brown testified that a convention, with delegates who meet for a couple of months, constitutes a poor substitute for the structure and safeguards of the General Assembly, with two legislative bodies meeting for far greater lengths of time each year.

Mr. Brown further testified that he was deeply troubled by the potential of confusion of the voters by the bundling of amendments proposed by a Constitutional Convention. He cited to the 1986 Convention and the 25 proposed Constitutional Amendments that were eventually bundled into 14 ballot questions, which led to inherent confusion for the electorate.

In response to a question from Ms. Jones, Mr. Brown agreed that the impact of lobbying was a real concern considering the \$934 Million dollars that he testified was given to ballot measure committees across the country in the 2012 election year.

In response to a question from Mr. Frias, Mr. Brown testified that while a bundling of proposed amendments could happen by General Assembly action (e.g. the 1994 amendment that sought to decrease the size of the General Assembly but also increased the pay of legislators), that such an example of bundling by the General Assembly paled in comparison to the 1986 convention.

In response to additional questions from Mr. Frias, Mr. Brown further testified out of state lobbying can play a role in General Assembly proposed amendments (e.g. the Casino ballot question) but did not agree that anything positive came out of the 1986 Convention, to include the ethics commission amendment as the language of the amendment, in his view, was so ambiguous that it is still litigated to this day.

Richard Harris, National Association of Social Workers – submitted written testimony in opposition to the holding of a Constitutional Convention.

III. Next meeting.

Co-chair McCaffrey noted that the commission would next meet on August 21 at the same time and location.

V. Adjournment

Co-chairman McCaffrey then adjourned the commission meeting.