
**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 21, 2014 – Meeting Notes

I. Call Meeting to Order:

The meeting was called to order by Co-Chairman Keable. A quorum of members was noted as present. Co-Chair Keable noted that the commission would meet another day to discuss the draft of the final report, so that commission members could raise any concerns regarding its content before submission. Co-Chair Keable set the additional meeting date for Tuesday August 26th at 3:30 p.m. in Room 101 at the State House. He further noted that the meeting would not be open for public comment, but only to allow commission members to voice their opinion on the report.

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

(1) James Parisi, RI Federation of Teachers and Health Professionals - Mr. Parisi testified in opposition to the need for a Constitutional Convention. He testified that a Convention could negatively impact the mission of laborers and unions as a whole. Mr. Parisi also testified that the Commission should fully inform voters of the cost of a Constitutional Convention. Finally, he testified as to his concerns that there would be no

restraint on delegates and that substantial funding from special interest groups outside of Rhode Island would unfairly impact workers' rights.

(Chair Keable then noted that finance officers from both the House and Senate were putting together projected costs and expected those to be available soon).

In response to a question from Mr. Deal, Mr. Parisi acknowledged that establishing education as a fundamental right is a worthwhile goal but noted that such a goal could be accomplished by the General Assembly. He then acknowledged that the legislature had yet to act on the issue but stated that legislation can take years to accomplish. In response to additional questions, he noted that he was opposed to voter initiative measures.

(2) John Partridge, Esq. – Mr. Partridge testified from his written testimony which he submitted to the Commission. He testified at length about his experience as a member of the 1973 Preparatory commission and offered a thorough history of the setting in which the Constitutional Convention came about. He guided the Commission that they should stay to the language of the enabling act that they are to “assemble information on constitutional questions for the electors” and not to take a stand in either direction.

Mr. Partridge testified that the commission should include as a topic for a Constitutional Convention: (1) ensuring that General Assembly members not be allowed to act as delegates at a Constitutional Convention, (2) create a run-off election for any scenario in which a General Officer election is won by a candidate with less than 40% of the vote, (3) create a line-item veto, (4) establish education as a fundamental right under the constitution, (5) strengthen the language on the Judicial nominating commission to not allow governors to ignore time-tables, (6) ensure that Magistrates are chosen by the

Judicial Nominating Commission, (7) address the Ethics Commission's power to enact laws, and (8) restore ethics commission jurisdiction over the General Assembly.

In response to a question from Mr. Frias, Mr. Partridge agreed that costs of a convention could be controlled by the General Assembly vis- a- vis budget appropriations. He testified that in 1973 the convention was held over a month for a cost of \$25,000. He stated that the cost of the 1986 Convention was driven up by the protracted length of that Convention. In response to another question from Mr. Frias, Mr. Partridge agreed that the cost of the 1973 Convention was clearly dwarfed by the ultimate passage of the amendment that removed the bar on lotteries, an amendment which came out of that 1973 Convention.

In response to follow up questions from Mr. Frias and Ms. Jones, Mr. Partridge agreed that the General Assembly had never introduced legislation in support of a line-item veto and testified further that electors should choose the sort of delegates that they want at a convention.

Rep. Lally commented that the line-item veto had its pros and cons as the recent example of the Texas Governor who was indicted for improperly using the line-item veto showed.

(3) Arem Garabedian – Mr. Garabedian testified in favor of the holding of a Constitutional Convention. He testified that a Constitutional Convention should be viewed as a “people’s convention” and that the public should have nothing to fear as every aspect of the convention would be public.

Mr. Garabedian further testified that term-limits for legislators and the banning of moral obligation bonds were issues that could well be addressed by a Constitutional

Convention. He further testified as to his faith in organizations to be heard at a Convention on issues important to them no matter their party or affiliation.

In response to question from Senator Hodgson, Mr. Garabedian testified that moral obligation bonds could be defined clearly in a proposed amendment and then just as clearly banned in the same language.

Co- Chair McCaffrey noted that Mr. Garabedian was as sharp as he was when he served in the General Assembly with Co-Chair McCaffrey and the Co-Chair's father.

(4) Jennifer Norris, Citizens for Responsible Government– Ms. Norris testified consistent with her written testimony in opposition to the calling of a Constitutional Convention. Ms. Norris also read from the written testimony of Roberto Gonzalez, Esq. which was also submitted to the commission. Mr. Gonzalez was also in opposition to the holding of a convention based on his experiences as a delegate in 1986. In response to a question from Mr. Deal, Ms. Norris indicated that Mr. Gonzalez was unable to be present for the meeting.

(5) Tim Duffy, Rhode Island Association of School Committees – Mr. Duffy testified in favor of the holding of a Constitutional Convention. Mr. Duffy provided the commission with copies of recent RI Supreme Court decisions in the area of education. He testified, as a result of those decisions, that a Convention should be held to propose an amendment that would establish the right to an education as a fundamental right in the Rhode Island Constitution.

(6) John Marion, Common Cause – Mr. Marion testified that the Board at Common Cause had taken the position not to advocate either for or against the holding of a constitutional convention. Rather, they decided that educating Rhode Island voters was

their paramount concern. To that end, Mr. Marion provided the commission with the following documents: (1) a diagram that sets out the entire process of how the Convention occurred in 1986, (2) a synopsis of all Constitutional Issues introduced by the General Assembly since 2004, and (3) a campaign finance report of the delegates who ran for a convention seat back in 1986.

In response to a question from Ms. Jones, Mr. Marion confirmed that Common Cause was planning online workshops to educate the public as well. In response to a question from Mr. Frias, Mr. Marion confirmed that the average amount spent by a candidate for a delegate seat in 1986, when converted to 2014 dollars, was likely still less than the average amount spent by a candidate for the General Assembly in the last election cycle.

(7) Mike Stenhouse, RI Center for Freedom and Prosperity - Mr. Stenhouse testified consistent with his previous testimony in favor of the holding of a Constitutional Convention. He noted that a Constitutional Convention would provide balance to taxpayers. He further testified to what he viewed as the hypocrisy of special interest groups objecting to a convention due to other special interests group playing a prominent role at a convention. No member of the commission posed a question to Mr. Stenhouse.

(8) Gio Ciccone, Stephen Hopkins Center for Civil Rights - Mr. Ciccone testified consistent with the legal brief he submitted, along with a reported RI Supreme Court decision. Mr. Ciccone testified as to his view that the law bars members of the general assembly from serving as delegates. He further offered, in addressing a prior witnesses' testimony on moral obligation bonds, that the language necessary to effectuate a ban should address the issue from a taxpayer standing perspective.

(9) Lori Archambault, Move to Amend RI - Ms. Archambault testified consistent with her written testimony in favor of the holding of a constitution for the sole purpose of addressing the issue of “corporate personhood” after the Supreme Court decision in Citizens United. Co-Chair Keable agreed with her view on the court case but noted the legislature’s limitation in imposing law that is in direct contradiction with a holding of the United States Supreme Court.

(10) Tom Dickinson Esq. – Mr. Dickinson testified in favor of the holding of a Constitutional Convention. He testified from his experience as the Deputy Attorney General from 1993 to 1999 and his role in the Separation of Powers debate.

In a response to a question from Co-Chair Keable, Mr. Dickinson agreed that the passage of Separation of Powers was brought about by General Assembly action but noted that such action came as a result of the peoples’ will. He testified as to other historical examples of the people effecting constitutional change in this regard.

Mr. Dickinson offered the following as topics for inclusion at a Constitutional Convention: (1) creating a line-item veto, (2) restoring the ethics commission’s jurisdiction over legislators, (3) addressing Governor and Lt. Governor running as a ticket, (4) eliminating the office of Lt. Governor, and (5) creating a 5th General office in an independent Auditor.

(11) Jaime Rhodes, RI Planned Parenthood – Mr. Rhodes testified in opposition to the holding of a constitutional convention. He testified that Rhode Islanders would likely be impacted by significant financial effort from out of state influences in an off-election year. He testified that voters needed to be educated as to the real potential that a convention could be used to negatively impact the reproductive rights of women, as

happened at the 1986 Convention. He encouraged the commission to play a role in educating voters regarding same.

In response to a question from Mr. Frias, Mr. Rhodes acknowledged that whatever came out of a constitutional convention would be on the 2016 ballot (a presidential election) but noted that the election of delegates would be in an off election cycle (2015). In response to a follow-up question by Mr. Frias, Mr. Rhodes agreed that whatever came out of a constitutional convention would be subject to voter approval.

(12) Grant Delgarian – Mr. Delgarian testified in favor of the holding of a Constitutional Convention. He testified regarding his recollections of the 1973 Convention and its application now. He then testified as to the following issues that should be included as topics for a Constitutional Convention: (1) ensuring in the Constitution that the RI General Assembly records individual votes (as House and Senate rules can be suspended), (2) clarifying the time involved for posting notice for hearings at the General Assembly, and (3) creating a line-item veto. In response to a question from Mr. Frias, Mr. Delgarian testified that he was in favor of a convention for only those issues fundamental to the Rhode Island Constitution.

(13) Randall Rose – Mr. Rose testified in favor of the holding of a Constitutional Convention. Consistent with his previous testimony, Mr. Rose testified that a convention was necessary for our system of checks and balances and further that a convention could encourage accountability on ethics matters. Finally, he testified that the commission should remind voters of their own responsibilities regarding the convention.

(14) Robert Flanders, Esq. ReNew RI – the former Supreme Court justice submitted written documents on behalf of his organization but did not testify.

With testimony concluded, Co-Chair Keable invited the commission members to offer any opinions or comment. In response to a question from Mr. Frias, Co-Chair Keable confirmed that the final report of the commission would not be placed in the voter handbook but that language consistent with the voter handbook in 1984, 1994 and 2004 would likely be used. He noted further that the final report would be posted on the General Assembly website.

III. Next meeting.

Co-chair Keable reiterated that the commission would next meet on August 26 at the same time and location.

V. Adjournment

Co-chairman Keable then adjourned the commission meeting.