

STATE OF RHODE ISLAND

REPORT

Of the

BI-PARTISAN PREPARATORY
COMMISSION FOR A CONSTITUTIONAL
CONVENTION

September 3, 2014

WHY THIS REPORT IS BEING SENT TO RHODE ISLAND VOTERS

In the November election, Rhode Island voters will be asked to decide whether there should be a convention held to amend or revise the Rhode Island Constitution. This report is offered to assist voters by providing important information before they cast their votes. The information in this report was compiled by the Bi-Partisan Preparatory Commission for a Constitutional Convention after receiving testimony from the public at multiple commission hearings.

THE COMMISSION AND ITS CHARGE

The Commission was created pursuant to Article XIV, Section 2 of the Constitution of the State of Rhode Island, which provides that:

“The general assembly, by a vote of the 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 not be 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. Prior to a vote by the qualified electors on the holding of a convention, the general assembly, or the governor if the general assembly fails to act, shall provide for a bi-partisan preparatory commission to assemble information on constitutional question for the electors.”

Pursuant to this provision, the General Assembly passed a resolution in the 2014 session that provided for the placement of the question regarding the calling of a convention on the November 2014 ballot, as well as for the creation of the mandated Preparatory Commission. Thereafter, the following individuals were appointed to the commission:

Representative Cale Keable (District 47)	Co-Chair
Senator Michael McCaffrey (District 29)	Co-Chair

Representative Donald Lally (District 33)
Representative Deborah Ruggiero (District 74)
Representative Antonio Giarrusso (District 30)
Senator Mary Ellen Goodwin (District 1)
Senator Roger Picard (District 20)
Senator Dawson Hodgson (District 35)
Tom Kane, Public Member
Steven Frias, Public Member
Judy Jones, Public Member
John Deal, Jr., Public Member

GATHERING INFORMATION ON CONSTITUTIONAL ISSUES

Consistent with its charge “to assemble information on constitutional questions for the electors” (2014 – H 8061 and 2014 – S 2537 Sub A), the commission met for the purposes of hearing testimony on constitutional questions that might be appropriate for a convention, if held. The Commission met on multiple dates in July and August, 2014 and heard or received testimony from a host of individuals and civic organizations, including: Operation Clean Government, Common Cause, the American Civil Liberties Union (ACLU), Citizens for Responsible Government, Humanists of Rhode Island, the National Association of Social Workers (NASW), the Rhode Island Center for Freedom and Prosperity, Planned Parenthood, RI Federation of Teachers and Health Professionals, ReNew RI, Move to Amend RI, the Rhode Island Association of School Committees and the Women’s Health & Education Fund.

Witnesses testified and offered written testimony as to whether or not a Constitutional Convention should be held, who should be eligible to serve as a delegate and the manner in which delegates to a Constitutional Convention should be elected. In addition, many individual witnesses and civic organizations testified and offered written testimony on their views of the specific issues that should be addressed at a Constitutional Convention if held.

CONSTITUTIONAL REFORM ISSUES OFTEN CITED

The following list of suggestions for constitutional change, which were all subjects of testimony at the Commission's public hearings, illustrates the wide range of complex issues that might be presented to delegates at a constitutional convention. This list reflects those items that have been suggested to the Commission as proposals for potential additions or amendments to our state constitution.

- *Elections* – create voter initiative or referenda petitions to allow voters to propose or nullify legislation; create an independent redistricting commission; ensure equal access to voting; create a run-off election for any result of a General Officer election where a candidate wins with less than 40% of the vote.
- *Executive* – establish a line-item veto for the Governor for specific budgetary matters; eliminate the office of Lt. Governor; create an Independent Auditor as a 5th General Office in Rhode Island.
- *Legislative* – establish term limits for members of the General Assembly; extend the jurisdiction of the Ethics Commission over legislators; create a ban on state-backed 'moral obligation' bonds; require that legislators' individual votes are recorded; strengthen sunshine laws; strengthen public access to open meetings.
- *Judiciary* – require Rhode Island magistrates to be selected in the same manner as judges via the Judicial Nominating Commission (JNC); ban lobbyists from serving on the JNC; clarify the right to a jury trial for appeals of Ethics Commission decisions.

- *Miscellaneous* – include the fundamental right to an education; ensure women’s rights (equal pay, reproductive rights).

CONVENTION EXPENSE

Many of those who testified at the public hearings encouraged the Commission to consider the cost of holding a Constitutional Convention. Although delegates to a Constitutional Convention will be volunteers, the expenses incurred to carry out their duties must be paid. A convention in 2016 would not only require a substantial staff to work with delegates, it would unquestionably require the use of experts, legal counsel, consultants and researchers as volunteer-delegates must be provided with the information and resources needed to carry out their responsibilities.

Identifying a likely total cost for a Constitutional Convention in 2016 this early in the process is fraught with uncertainty. There are substantial unknowns that will affect costs, e.g., the location and total number of meetings to be held, the expense of the experts, and the size of staff necessary to assist delegates in carrying out their duties. The Constitutional Convention in 1973 was held at a total cost to taxpayers of approximately \$20,000. The Constitutional Convention in 1986 was held at a total cost to taxpayers of \$891,000. After adjusting 1986 costs for inflation and in consideration of the factors listed above, a similarly conducted convention in 2016 would be approximately Two and One-half Million Dollars, (\$2.5M). However, as many of the parameters of a Constitutional Convention would be decided by the General Assembly and the elected delegates to the Convention, the cost could be considerably higher.

CONCLUSION

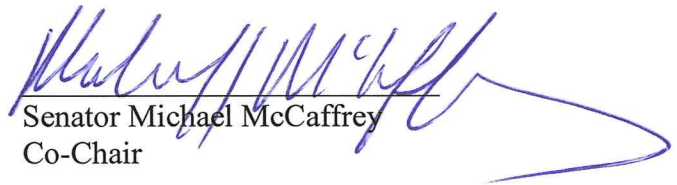
This report is offered to educate and help Rhode Island voters identify the issues involved with holding a Constitutional Convention. It remains true that a constitutional convention is only one of the methods to amend our Constitution. If a convention is not approved by the voters in 2014, the General Assembly may, by a majority vote, place the Constitutional Convention question on the ballot at the next general election or propose amendments to our Constitution during any legislative session. Rhode Island's Constitution enjoys a flexible amendment and revision process that provides for more than one method of securing constitutional reform.

ACKNOWLEDGMENT

The Commission expresses its appreciation to the staff for their hard work and assistance in all aspects of the Commission's meetings and the preparation of this report. The Commission further thanks the members of the public who attended the meetings and participated in this important process.



Representative Cale Keable
Co-Chair



Senator Michael McCaffrey
Co-Chair