



Comments on Your Government

A SPECIAL PUBLICATION OF THE RHODE ISLAND PUBLIC EXPENDITURE COUNCIL

Constitutional Conventions in Rhode Island

This RIPEC “Comments on Your Government” brief presents information on constitutional conventions in Rhode Island with a focus on the upcoming November 2014 ballot referenda question. It discusses background information on the implementation of constitutional conventions, and provides issues that voters may consider as they prepare to vote.

Introduction

On November 4th, 2014, voters will be asked to vote on seven referenda questions. As outlined in an earlier RIPEC [publication](#), four of these referenda questions (questions 4-7) relate to the long-term borrowing of the state. Questions 1-2 on the ballot relate to state constitutional approval for gaming at Newport Grand, including an amendment to the Constitution. Question 3, however, asks voters one of the most important referenda questions in years—whether a state constitutional convention should be held to propose changes to the Rhode Island Constitution.

Question Three asks “Shall there be a convention to amend or revise the Constitution?” A constitutional convention is a gathering of elected delegates who deliberate and propose revisions or amendments to a constitution. If Question Three is approved by voters, the General Assembly will likely establish rules for the special election of delegates, set an election timeline, and appropriate funds for the convention. In accordance with Article XIV, one delegate will be elected from each

***“Shall there be a convention
to amend or revise the
Constitution?”***

existing district of the House of Representatives.

If a convention is approved by voters, precedent from the most recent Rhode Island constitutional convention held in 1986 suggests that the elected delegates may form committees, collect testimony, hold public hearings, and consider various amendments or revisions to the Constitution. According to the Rhode Island Constitution, any changes to the Constitution approved by the delegates at a constitutional convention must be submitted to voters as ballot questions at the next general election. A majority of voters must then approve each of these amendments or revisions for them to take effect.

The following section outlines background information related to constitutional conventions, including Rhode Island’s

history with constitutional conventions; the frequency with which constitutional conventions are held in other states; and the likely process for a 2015 or 2016 constitutional convention, including election considerations and campaign finance laws.

Background

The Rhode Island Constitution can be amended through two methods. First, the General Assembly may propose an amendment, or amendments, to appear before voters at the next general election. For this to occur, legislation must be approved by a majority of the members of each chamber of the General Assembly.

The second method of amending the Rhode Island Constitution is to amend it through a constitutional convention. Constitutional conventions can be pursued two ways. First, the General Assembly may at any time approve legislation that places a question on the ballot at the next general election seeking voter authorization for a constitutional convention. Second, Article XIV of the Rhode Island Constitution stipulates that voters must be asked at least once every ten years if they wish to convene a constitutional convention. Therefore, if ten years passes since the last time the question was posed to voters, and the General Assembly does not approve legislation placing the question on the ballot, the Rhode Island Secretary of State is directed by the Constitution to place the question on the ballot at the next general election.¹

¹ Rhode Island Constitution, Article XIV. See Appendix A.

History

Rhode Island has convened a total of eleven limited and unlimited constitutional conventions.² A limited convention refers to a constitutional convention where only certain topics approved by the General Assembly may be debated. All four of the limited constitutional conventions that Rhode Island has held occurred between 1944 and 1958.³ By contrast, an unlimited convention is one where any component of the constitution may be debated or amended. Since 1964, the state has held three unlimited constitutional conventions (1964, 1973, and 1986), but voters rejected ballot questions in 1994 and 2004 that would have convened additional unlimited conventions.⁴ The most recent constitutional convention held by Rhode Island, in 1986, was the first time that the state convened a convention as a result of the automatic ballot referral, which was added to the Constitution following the 1973 convention.

Although limited constitutional conventions have occurred previously, the existing

<u>Unlimited Conventions</u>		<u>Limited Conventions</u>
1824	1964	1944
1834	1973	1951
1841	1986	1955
1842		1958

SOURCE: RI State Library

² Elliot Andrews, Thomas R. Evans, and Kenneth Carlson, Rhode Island Constitutional Convention History, Rhode Island State Library and Rhode Island State Archives. See Appendix D.

³ Ibid.

⁴ Ibid.

Table 2
Process of 1986 Constitutional Convention

November 6, 1984	RI voters approve ballot question calling for a constitutional convention
June 27, 1985	RI General Assembly approves legislation establishing convention timeline and rules for electing delegates
November 5, 1985	Special election is held to select delegates
January 6, 1986	Convention meets for the first time
November 4, 1986	14 ballot questions containing amendments passed at the convention are placed before voters at the general election

SOURCE: RI State Librarian

Rhode Island Constitution is silent as to whether they may be held today. Article XIV does not differentiate between the two types of conventions and states only that the question that must be posed to voters every ten years is “Shall there be a convention to amend or revise the constitution?”

The 1986 Rhode Island constitutional convention resulted in the approval of fourteen different amendments that were placed before voters in that year’s general election. The amendments approved at the convention dealt with numerous issues ranging from changes to the judicial nomination process; the establishment of a state ethics commission; the public promotion of libraries; and a prohibition on abortion.⁵ One amendment authorized the adoption of an entirely rewritten state constitution that accounted for the numerous revisions that had been made to the document since it was first adopted in 1843.⁶ Appendix B of this report provides a full list of the fourteen amendments that were approved at the convention. Eight of the fourteen proposed amendments were

⁵ Keven A. McKenna, Voters’ Guide to Fourteen Ballot Questions for Constitutional Revision; Election Day November 4, 1986.

⁶ Ibid.

approved by voters during the 1986 general election while six were rejected.⁷

Comparative

Across the United States, the process for convening a constitutional convention varies by individual state. According to the Council of State Governments, as of 2010, the constitutions of 41 states included specific provisions for how a convention may be convened.⁸ However, a constitutional convention is only one possible method for amending or revising a state constitution and all states allow changes to be made through either legislative action or ballot initiative. In New England, four states (Connecticut, Maine, New Hampshire, and Rhode Island) have provisions in their state constitutions that allow for conventions to be convened while two states (Maine and Massachusetts) do not.

Of the 41 states that have constitutional provisions for convening a convention, all with the exception of Florida⁹ require approval from a majority or supermajority of the elected members of each chamber of the state legislature. Furthermore, 36 states require the popular approval of voters to convene a constitutional convention. Fourteen states have provisions that require

⁷ Elliot Andrews, Thomas R. Evans, and Kenneth Carlson, Rhode Island Constitutional Convention History, Rhode Island State Library and Rhode Island State Archives. See Appendix D.

⁸ “Procedures for Calling Constitutional Conventions,” The Book of the States, 2010. Lexington, KY: Council of State Governments, 2010. See Appendix E.

⁹ In Florida, the power to convene a constitutional convention is reserved to the people by petition.

the automatic ballot referral of a question asking voters if they wish to convene a constitutional convention. The time period for doing so ranges from once every nine years in Hawaii to once every twenty years in eight states (Connecticut, Illinois, Maryland, Missouri, Montana, New York, Ohio, and Oklahoma). In Michigan, the question must be asked once every sixteen years. Alaska and New Hampshire are the only states aside from Rhode Island that require the question to be put before voters once every ten years.¹⁰

Process

On June 18, 2014, Governor Chafee signed Senate bill 2538 into law, which placed the convention ballot question before voters at the upcoming general election. Had the General Assembly not approved this type of legislation, the Secretary of State would have been required to place the question before voters because the last time that the question appeared on the ballot was in 2004.

Bi-Partisan Preparatory Commission

Before voters are presented with the constitutional convention ballot question, the Rhode Island Constitution requires that the General Assembly establish a bi-partisan preparatory commission, which must issue a report including possible topics that may be discussed at the convention. In accordance with this requirement the General Assembly approved, and Governor Chafee signed into law, Senate bill 2537 Substitute A to create a twelve member commission consisting of

legislators and private citizens of both major political parties. This commission issued a final report on September 3, 2014, and the issues that the report lists as possible topics for discussion at a convention are outlined in the next section of this report. It should be noted that Rhode Island’s constitutional conventions are not bound by the issues contained in bi-partisan preparatory commission reports, and topics raised by the commission may or may not be discussed at an actual convention. Table 3 illustrates the difference between the 1986 bi-partisan preparatory commission and the amendments approved by the Convention.

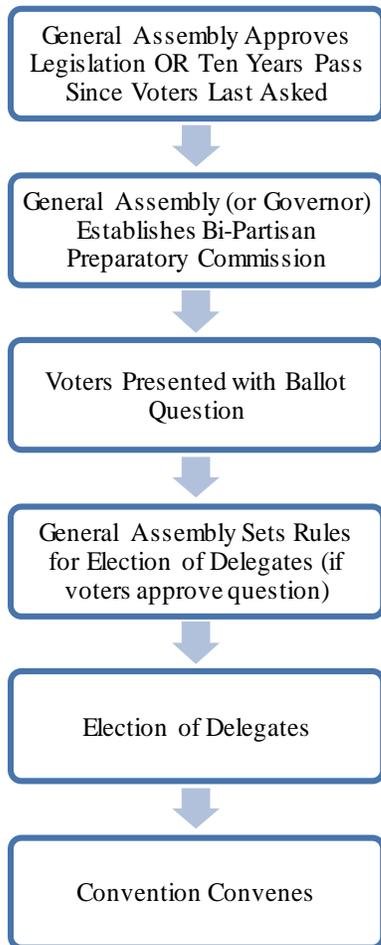
Table 3
Comparison of Issues in 1984 Bi-Partisan Preparatory Commission Report and Amendments Approved at 1986 Constitutional Convention

Bi-Partisan Preparatory Commission Report	Constitutional Convention
N/A	Rewrite of the Present Constitution
Selection of Supreme Court Justices; Tenure for Supreme Court Justices	Judicial Selection and Discipline
Legislative Pay	Legislative Pay and Mileage
Four-Year Terms for Elected Officials	Four-Year Terms and Recall
Voter Initiative and Referendum	Voter Initiative
N/A	Ethics in Government
N/A	Budget Powers and Executive Succession
Ensure Rights of Women and the Handicapped	Rights of the People
N/A	Shore Use and Environmental Protection
N/A	Felon Officeholding and Voting
N/A	Libraries
N/A	Bail
N/A	Home Rule
N/A	Paramount Right to Life/Abortion
Elect Governor and Lieutenant Governor on Single Ticket	N/A
Appointment of General Treasurer and Secretary of State	N/A
Line-item Veto for Governor	N/A
Size of the Legislature; Length of Legislative Sessions	N/A
Independent Redistricting Commission	N/A

SOURCE: 1984 Report of the Bi-Partisan Preparatory Commission; 1986 Constitutional Convention Voter Handbook

¹⁰ “Procedures for Calling Constitutional Conventions,” *The Book of the States*, 2010. Lexington, KY: Council of State Governments, 2010. See Appendix E.

Chart 1
Steps Leading to Rhode Island
Constitutional Convention



SOURCE: Article XIV, Rhode Island Constitution

Election of Delegates

If a majority of voters approve Question Three in the general election, the Rhode Island Constitution directs the General Assembly to enact legislation in its next session that provides for the election of delegates to the convention. The sole constitutional requirement imposed on the General Assembly with regards to the election of delegates is that the total number of delegates must be the same as the number of members in the House of Representatives

and that they must be apportioned in the same manner.¹¹

The legislation approved by the General Assembly in 1985 included specific rules outlining the election process of delegates to the convention. Delegates to the convention were to be elected on a non-partisan basis and were required to submit nomination papers containing the signatures of at least 50 voters from their respective districts. They were also required to submit a declaration of candidacy to the local election board, including information about their address, place of birth, and length of residency in the state, certification that they had never served a prison sentence resulting from a felony conviction, and also certification that they had never been found legally of unsound mind. Most other voting procedures from regular elections, such as the use of mail ballots, and campaign finance requirements, were kept in place.¹²

Rules Regulating Convention Proceedings

Once the delegates are elected, the Rhode Island Constitution does not include guidance relating to the rules that govern the proceedings of a constitutional convention. This has previously led to disputes between the General Assembly and convention delegates over who was responsible for setting the rules.

For example, in 1985, the legislation adopted by the General Assembly to provide for the election of delegates to the convention also included provisions that

¹¹ Rhode Island Constitution, Article XIV

¹² Public Law 1985, Chapter 326. See Appendix C.

sought to regulate the convention's proceedings. These provisions included:

- setting the date and time of the convention's first meeting;
- designating the convention as a public body subject to open meetings laws;
- defining what constituted a quorum of delegates;
- designating the governor as the chairman pro tempore until the delegates elected a presiding officer;
- allowing the convention to seek advisory opinions from the Rhode Island Supreme Court if a majority of delegates voted in favor of doing so; and
- requiring that votes made by each delegate at the convention be recorded in a journal that was to be provided to the Secretary of State after the end of proceedings.¹³

Some delegates at the 1986 convention disputed the constitutionality of these provisions and the parliamentarian ruled that the body was a sovereign body free to adopt its own rules and not subject to restrictions from the General Assembly.¹⁴

At its first meeting, the delegates of the 1986 constitutional convention established a Rules Committee responsible for drafting the rules that would regulate the proceedings. The Rules Committee presented a package of 77 rules to the full convention at its second meeting. These

rules, which were adopted in their entirety by the delegates, required the election of several officers, established committees to oversee matters of different subject matter, and established the process by which delegates could propose amendments or revisions to the Constitution. In addition, the rules required that delegates abide by state statutes such as conflict of interest provisions and that all proceedings be open to the public.¹⁵

Rules Regulating Constitutional Amendments

The rules adopted at the 1986 convention created a process for delegates to introduce proposed amendments or revisions to the Constitution. Under the process adopted at the convention, individual delegates or committees could introduce resolutions, also referred to as proposals, containing the constitutional amendment or revision. In addition, a procedure existed for delegates to introduce resolutions at the request of qualified electors from their district. Resolutions were then referred to a committee by the president of the convention for consideration; resolutions were reported out of committee to the full convention by a majority vote of the committee members or through a majority vote of all the members of the convention. For the convention to approve a constitutional amendment or revision, a majority of the delegates elected to the convention (51 delegates in 1986) had to vote in favor of doing so.

¹³ Public Law 1985, Chapter 326. See Appendix C.

¹⁴ State of Rhode Island, Constitutional Convention, Volume 1, January 6, 1986, pp. 16-22

¹⁵ Journal of the 1986 Constitutional Convention, Volume 1, No. 2, pp.2-9

The Rhode Island Constitution does not outline specific operating procedures that a constitutional convention must follow to approve revisions or amendments. In 1986, the convention delegates opted to organize committees to review amendments based on subject matter. Over 280 resolutions proposing amendments or other revisions to the Constitution were introduced and 25 of these were approved by a majority of the delegates at the convention. The convention combined the 25 proposed amendments by topic into fourteen ballot questions. Voters in the 1986 general election were presented with these fourteen ballot questions and chose to approve eight while rejecting six.

Campaign Finance Law

Under Article XIV of the Rhode Island Constitution, the General Assembly has the power to enact legislation regulating the election of delegates to a constitutional convention. Because of this power, it may opt to require individuals seeking to be elected as delegates to abide by state campaign finance law. The legislation approved by the General Assembly regulating the election of delegates to the 1986 constitutional convention did just that; all candidates seeking to be elected as delegates were required to obey campaign finance law. Furthermore, individuals and organizations seeking to influence the outcome of the election of delegates or the ballot questions that were ultimately placed before voters were also subject to state campaign finance law.¹⁶

¹⁶ Public Law 1985, Chapter 326. See Appendix C.

Should voters approve Question Three, the General Assembly will have the option of applying the state's campaign finance law to individuals seeking election as delegates to the convention. Current Rhode Island campaign finance law places limits on the amount of money that individuals or political action committees may contribute to an individual candidate (\$1,000 annually) as well as placing aggregate limits on the amount that individuals (\$10,000 annually) or political action committees (\$25,000 annually) may contribute to all candidates. However, the United States Supreme Court's 2014 ruling in *McCutcheon v. Federal Election Commission* led the Board of Elections to recommend that the General Assembly repeal the state's aggregate contribution limits. The status of legislation that would do so is currently unclear. It remains illegal for corporations to make direct contributions to candidates for office. Furthermore, candidates seeking elected office are required to periodically submit reports outlining financial contributions and expenditures made by their campaigns to the Board of Elections.

A notable change in campaign finance law that has occurred since the 1986 constitutional convention is the state's 2006 adoption of the Rhode Island Ballot Question Advocacy and Reporting Act. Under the Act, individuals or organizations advocating the approval or rejection of any ballot question, including those that propose constitutional amendments, are subject to disclosure requirements overseen by the Rhode Island Board of Elections. The Act requires that these individuals or organizations disclose the names and

addresses of any individuals that contribute \$1,800 or more in a single election cycle. In addition, the law makes it illegal for any individual to attempt to create corporations or other legal entities in an attempt to disguise the true origin of any funds used to advocate for or against ballot questions.¹⁷

Potential Policy Deliberations

In addition to the process and implementation of a convention, it is also important for voters to understand the types of policy issues that would be debated at a convention. One source that sheds light on potential agenda topics is the bi-partisan preparatory commission’s report. Prior to the November 2014 ballot question, Rhode Island’s bi-partisan preparatory commission met multiple times and heard testimony from a variety of individuals and organizations. The commission’s final report, published on September 3, 2014, estimates the total cost of the convention to be \$2.5 million and notes a number of possible topics for policy deliberation, as displayed in Table 4. However, as previously noted, the report is only informational and a convention would not be bound to discuss the topics that it includes.

Other Groups

In addition to the potential agenda articulated by the bi-partisan preparatory commission, numerous stakeholder groups have discussed potential constitutional convention topics. One coalition, which claims that a convention will “restore confidence in our democratic institutions,

protect basic rights and ensure fairer, more accountable and effective government in Rhode Island,”¹⁸ has articulated support for many of the policy changes mentioned by the bi-partisan preparatory commission, including reforming: the legislature, moral obligation bonds, and education. A number of other organizations support the convening of a convention to address institutional reforms such as term limits, the line-item veto for budgetary issues, and ethics reform.

Alternatively, other groups oppose the constitutional convention for reasons including: the potential threats posed to civil

Table 4	
Constitutional Reform Issues Cited by the 2014 Bi-Partisan Preparatory Commission	
Elections	<ul style="list-style-type: none"> -Allow voter initiative or referenda petitions -Create an independent redistricting commission -Ensure equal access to voting -Require run-off elections in some instances
Executive Branch	<ul style="list-style-type: none"> -Establish the line-item veto for the Governor -Eliminate the office of Lieutenant Governor -Create an Independent Auditor's office
Legislative Branch	<ul style="list-style-type: none"> -Establish term limits for state legislators -Extend the jurisdiction of the Ethics Commission to include state legislators -Prohibit state-backed moral obligation bonds -Require the recording of legislators' individual votes -Strengthen state sunshine laws -Strengthen public access to open meetings
Judicial Branch	<ul style="list-style-type: none"> -Require state magistrates be selected via the Judicial Nominating Commission (JNC) -Ban lobbyists from serving on JNC -Clarify right to a jury trial for appeals of Ethics Commission decisions
Miscellaneous	<ul style="list-style-type: none"> -Establish a fundamental right to education -Ensure women's rights such as equal pay or reproductive rights
SOURCE: 2014 Report of the Bi-Partisan Preparatory Commission	

¹⁷ RIGL § 17-25.2

¹⁸ "Members." *RenewRI*. N.p., n.d. Web. 29 Oct. 2014.

rights and social issues; the risk of special-interest and out-of-state funding on the convention campaigns; the adequacy of the General Assembly to propose constitutional amendments and reform; and the cost of the convention.¹⁹

RIPEC Questions for Consideration

Whether to hold a constitutional convention has been a subject of great attention in Rhode Island's recent public discourse. The divided nature of this debate highlights the important nature of Question 3 on the November 2014 ballot. The decision to authorize a review of Rhode Island's constitution must not be taken lightly, as opening the Constitution to review is not without risk. Each individual voter must determine whether there are sufficient safeguards in place to control the level of risk associated with this process, and whether the potential rewards of reform merit the risk.

While RIPEC will not take a position on Question 3, the following questions should be considered by voters on November 4, 2014:

- Will a constitutional convention divert the attention of elected state officials from other pressing issues, such as addressing Rhode Island's relatively weak economy?
- If a convention is approved by voters, what process for electing delegates will the General Assembly adopt? Will the election be non-partisan, as it was in 1986? Will state

campaign finance laws apply to candidates seeking election as delegates?

- Delegates at a convention would not be required to limit debate to the issues identified by the bi-partisan preparatory commission. Is it acceptable to voters that any topic relating to state or local government may be subject to debate?
- Will this process's non-partisan nature and the absence of legislative approval allow for the consideration of a wider array of issues? Similarly, are there certain reforms that will likely only be adopted through this process?
- What impact will outside special interest groups have on the convention? Because no other state has held a constitutional convention since Rhode Island in 1986, what would the potential risks be if national special interest groups seek to use it as a test case for influencing future conventions in other states?
- Opponents of a convention have expressed concern that the process of the convention poses a risk to the basic rights of minority and individual groups concerned with, for example, social issues. Are there sufficient safeguards in place, such as campaign finance requirements, to protect against these risks?
- Alternatively, proponents of a convention have expressed the need to establish a more effective and accountable government through good government reforms. To what

¹⁹ "Statement of Principles." *Reject Question 3*. N.p., n.d. Web. 29 Oct. 2014.

extent is there consensus on the reform agenda to be pursued at a convention, and would the process of a convention lend itself to scrutiny of these issues?

- What are the unintended consequences of reform? For example, the institution of a line-item veto has been mentioned as a prominent reform issue to address at a convention. To what extent will the delegates be able to consider the potential unintended implications of this type of reform, such as the role that politics may play in the response of the legislature to a change in the balance-of-power?
- How closely has the cost of implementing a potential convention been analyzed, and is there a role for technology to assist in a more efficient implementation of a convention?
- The rules governing the proceedings at a convention would be decided by the delegates themselves. Will the delegates, for example, adopt rules that require the convention to abide by open meetings and public records laws?
- Should voters consider this proposal in light of whether the ballot questions resulting from a convention would be presented to them at a special or general election?

ARTICLE XIV

CONSTITUTIONAL AMENDMENTS AND REVISIONS

Section 1. Procedure for proposing and approving amendments. -- The general assembly may propose amendments to the constitution of the state by a roll call vote of a majority of the members elected to each house. Any amendment thus proposed shall be published in such manner as the general assembly shall direct, and submitted to the electors at the next general election as provided in the resolution of approval; and, if then approved by a majority of the electors voting thereon, it shall become a part of the constitution.

Section 2. Constitutional conventions. -- 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. 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 questions for the electors. If a majority of the electors voting at such election on said question shall vote to hold a convention, the general assembly at its next session shall provide by law for the election of delegates to such convention. The number of delegates shall be equal to the number of members of the house of representatives and shall be apportioned in the same manner as the members of the house of representatives. No revision or amendment of this constitution agreed upon by such convention shall take effect until the same has been submitted to the electors and approved by a majority of those voting thereon.

Appendix B

Table A
Amendments Approved by the 1986 Rhode Island Constitutional Convention

Amdt. #	Amendment Title	Summary of Amendment	General Election Result
1	Rewrite of the Present Constitution	Should a rewritten version of the state constitution be adopted to account for amendments and revisions that occurred since it was adopted in 1843?	Approved
2	Judicial Selection and Discipline	Should an independent, non-partisan commission be established to nominate judges, discipline or remove judges; should judges be required to retire at age 72; should the supreme court's ability to give advisory opinions be abolished?	Rejected
3	Legislative Pay and Mileage	Should members of the General Assembly be paid the same as the average weekly wage of manufacturing workers in Rhode Island; should mileage compensation be equal to the rate paid to U.S. government employees?	Rejected
4	Four-Year Terms and Recall	Should the state's general officers serve four-year terms and be subject to voter recall?	Rejected
5	Voter Initiative	Should voters have the power to petition laws or constitutional amendments onto the ballot; should future constitutional convention candidates be elected on a non-partisan basis?	Rejected
6	Ethics in Government	Should more specific impeachment standards be established; should an ethics commission be established; should limits on campaign contributions be limited; should a voluntary system of public campaign financing be established?	Approved
7	Budget Powers and Executive Succession	Should the governor be constitutionally empowered to present an annual budget; should the speaker of the house become governor if the governor and lieutenant governor die or are unable to serve?	Approved
8	Rights of the People	Should free speech, due process, and equal protection clauses be adopted; should the state be prohibited from discriminating based on race, gender, or handicap; should victims of crime have constitutionally endowed rights; should individual rights protected by the state constitution stand independent of the U.S. Constitution?	Approved
9	Shore Use and Environmental Protection	Should rights of fishery and privileges of the shore be adopted; should state and local powers to protect those rights and the environment be strengthened; should the regulation of land and waters for these purposes not be deemed a public use of private property?	Approved
10	Felon Officeholding and Voting	Should felons be banned from holding office for three years after completion of sentence and probation or parole; should felons' voting rights be restored after completion of sentence and probation or parole?	Approved
11	Libraries	Should the General Assembly be required to promote public libraries and library services?	Approved
12	Bail	Should the courts be allowed to deny bail to individuals accused of the unlawful sale or distribution of controlled substances punishable by ten years or more in prison?	Approved
13	Home Rule	Should cities and towns have more control over their local affairs; should new tax exemptions related to cities or towns be subject to local voter approval; should cities and towns be reimbursed for certain state-mandated programs; should charter adoption and amendment processes be simplified?	Rejected
14	Paramount Right to Life/Abortion	Should all persons, including unborn offspring, be endowed with a right to life; should abortion be prohibited except to prevent the death of a pregnant woman; should the use of public money to fund abortions be prohibited?	Rejected

SOURCE: 1986 Constitutional Convention Voter Handbook

Appendix C

20-2-25. Scallop license. — Commercial: ~~twenty-five dollars (\$25); one hundred (\$100.00) dollars.~~ Such license shall only be issued to a resident of this state and shall be valid only for the reason for which issued.

SECTION 2. This act shall take effect upon passage.

CHAPTER 326

85-H 6125 am

Effective Without the Governor's Signature

Jun. 27, 1985.

AN ACT CALLING FOR A CONSTITUTIONAL CONVENTION OF THE PEOPLE OF THE STATE OF RHODE ISLAND FOR THE PURPOSE OF AMENDING OR REVISING THE CONSTITUTION AND MAKING AN APPROPRIATION THEREFOR

It is enacted by the General Assembly as follows:

SECTION 1. Special election of delegates. — A special election shall be held on November 5, 1985, for the purpose of electing delegates to a constitutional convention in accordance with the provisions of this act.

SECTION 2. Time and place of convening — Selection of permanent meeting place. — The convention shall convene at state expense in the city of Providence at 7:00 p.m. eastern standard time on January 6, 1986, in the house of representatives' chambers in the state capitol, for the purpose of organizing and choosing a permanent meeting place thereafter to adjourn to the permanent meeting place selected by them, to consider whether the constitution of the state should be revised or amended in accordance with the approval of the voters in the November, 1984, general election of the question "Shall There be a Convention to Amend or Revise the Constitution?"

SECTION 3. Number and apportionment of nonpartisan delegates. — The number of delegates to be elected to the convention shall be one hundred (100). The qualified electors of each of the then existing one hundred (100) representative districts shall elect one delegate on a nonpartisan basis from each such district. No person shall be a candidate for delegate from a representative district unless that person is a qualified elector of said district.

SECTION 4. Applicability of election laws — Nonpolitical affiliation — Nomination papers. — The provisions of the general laws of Rhode Island relating to elections and any and all other provisions of the laws of the state of Rhode Island relating to the qualifications of electors, registration, the manner of voting, the duties of election officials and to the preparation for, conducting and management of elections, shall govern insofar as they may be applicable, excepting those provisions which are inconsistent with this special act, and in such case the provisions of this special act shall control.

found to be invalid, for any reason in law, or forged, then such signature shall not be counted.

All such nomination papers shall be filed in the office of the secretary of state, not later than two (2) days after the certification of said nomination papers.

When nomination papers have been duly filed, they shall be conclusively presumed to be valid, unless written objections thereto are made as to the eligibility of the candidate or the sufficiency of the nomination papers or the signatures thereon. All such objections shall be filed in the office of the local board by four (4) o'clock on the next business day after the last day fixed for filing such nomination papers.

A person nominated as a candidate may withdraw his name from such nomination prior to the election for constitutional delegates by a request signed and duly acknowledged by him setting forth the reason for the withdrawal, that the same is the candidate's own free act and deed, and that the same is not executed as the result of any threat or promise made to the said candidate. Such certificate of withdrawal shall be filed in the local board not later than five (5) weeks before the date said election for convention delegates is to be held.

The provisions of chapter 17-20 of the general laws, "Mail ballots," shall be given application to the election of delegates to the constitutional convention provided for herein.

The combination of voting districts as provided for in section 17-11-1.1 is prohibited for the election of delegates to the constitutional convention.

Names shall be arranged on the ballot for election as delegate to the constitutional convention by lot to be drawn by the secretary of state. The name first drawn by lot shall be placed first upon the ballot for the district from which said candidate is a voter, the name drawn second for said district shall appear second and so on until all the names of all the candidates have been drawn and placed in order by lot upon the ballot for the district from which said candidate is a voter.

Names shall be placed upon the ballot in horizontal order.

In those cities and towns having regularly scheduled elections on the same day as the election for constitutional delegates the names of candidates for the constitutional convention shall appear on the top of the ballot and above those matters for which the local election is being held.

If a delegate shall die or become otherwise incapacitated and unable to serve as a delegate to the convention, then the candidate for delegate to the convention from the same district receiving the next greatest number of votes shall serve in his stead.

In the event a delegate has been elected unopposed and shall die or otherwise become incapacitated and unable to serve as a delegate, then the members of the convention shall elect a delegate from his district to serve in his stead.

SECTION 5. Conduct of the convention. — The delegates of the convention shall be called to order by the governor who shall act as chairman pro tempore until the convention shall have elected a permanent presiding officer. The secretary of state shall serve as secretary pro tempore until the convention shall have

ed, then such signature shall not
office of the secretary of state,
of said nomination papers.

they shall be conclusively pre-
to are made as to the eligibility
nomination papers or the signature
office of the local board by four
t day fixed for filing such nomi-

raw his name from such nomina-
ates by a request signed and duly
or the withdrawal, that the same
t the same is not executed as the
aid candidate. Such certificate of
later than five (5) weeks before
to be held.

al laws, "Mail ballots," shall be
the constitutional convention pro-

ed for in section 17-11-1.1 is pro-
tutional convention.

ection as delegate to the constitu-
ecretary of state. The name first
ot for the district from which said
r said district shall appear second
tes have been drawn and placed in
1 which said candidate is a voter.

zontal order.

cheduled elections on the same day
names of candidates for the consti-
the ballot and above those matters

ncapacitated and unable to serve as
ate for delegate to the convention
test number of votes shall serve in

opposed and shall die or otherwise
t delegate, then the members of the
ict to serve in his stead.

— The delegates of the convention
shall act as chairman pro tempore
manent presiding officer. The secre-
pore until the convention shall have

ected a permanent secretary. Upon the call of the roll and the determination of
a quorum, the convention shall proceed to organize by choosing a presiding officer,
secretary and such other officers and committees as they shall see fit, and by
establishing rules of procedure. A majority of the elected qualified delegates shall
constitute a quorum for the transaction of business and may adjourn the conven-
tion from time to time. The delegates may consider any question dealing with
revision or amendment of the constitution. They may appoint and engage such
aides, consultants, secretaries and other assistants as they shall determine neces-
sary. The convention shall be a "public body" as that term is used in chapter 38-2
of the general laws, as amended (Access to Public Records) and shall be subject to
all of the provisions of said chapter. The convention shall also be a "public body"
as that term is defined in chapter 42-46 of the general laws (Open Meetings) and
shall be subject to all of the provisions of said chapter.

All candidates seeking office as a delegate to the convention, and all persons,
groups or organizations promoting or opposing candidates, issues and the ultimate
questions submitted to the voters for ratification, shall be subject to the provi-
sions of chapter 17-25 of the general laws as amended. (Rhode Island Campaign
Contributions and Expenditures)

The vote of each delegate on issues before the convention shall be recorded and
entered into its journals. The actions of the convention shall be certified by the
presiding officer and the secretary; and the journals and papers of the convention
shall be deposited in the office of the secretary of state who shall cause to be
advertised copies of the proposed amendment or amendments in all daily newspa-
pers published in Rhode Island having general circulation in a specific county or
in the state of Rhode Island, at least once prior to the special election described in
section 7 of this act. Delegates shall receive no compensation for attendance upon
said convention.

SECTION 6. Request of the supreme court — Advisory opinions. — The con-
vention by a majority vote of the delegates may request advisory opinions from
the supreme court of the state of Rhode Island.

SECTION 7. Subpoena power. — Any twenty-five (25) delegates of the conven-
tion shall have full power and authority to compel the attendance of absent mem-
bers and to call upon any sheriffs or deputy sheriffs to execute the orders thereof.
For these purposes the authority of such sheriffs or deputy sheriffs shall extend
throughout the state.

SECTION 8. Adoption of amendments by the people of the state. — Any
amendment or amendments to the constitution proposed and approved by the con-
vention in accordance with this act shall be submitted to the people for their rati-
fication and adoption at the general election to be held in November, 1986.

The proposition or propositions of amendment submitted to the electors at such
election shall be submitted in conformity with chapter 17-5, entitled "Statewide
Referenda Elections," as amended.

Such election shall present to the people the amendment or amendments
approved by said convention as one (1) single proposition or as separate proposi-
tions, the single proposition or each of the separate propositions shall be preceded
by the words "Shall the action of the constitutional convention in amending the

constitution in the following manner be ratified and approved?" If a majority of the electors voting thereon shall approve the single proposition, or in each case in which a majority of the electors voting thereon approve one of the separate propositions, all such propositions so approved shall be and become a part of the constitution of the state of Rhode Island and shall go into effect at such time and in such manner as the constitution has determined.

SECTION 9. Appropriations. — For the purpose of this act, the sum of fifty thousand dollars (\$50,000) shall be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, and the state controller is hereby authorized and director to draw his orders upon the general treasurer for the payment of said sum, or so much thereof, as may be required from time to time upon receipt by him of properly authenticated vouchers.

SECTION 10. Severability. — If the provisions of this act, or any subdivision thereof, or the application therefor to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 11. This act shall take effect upon passage.

CHAPTER 327

85-H 6499 am

Effective Without the Governor's Signature

Jun. 27, 1985.

**AN ACT PROVIDING FOR MAJOR CAPITAL IMPROVEMENTS TO THE
PAWTUCKET WATER SYSTEM AND AUTHORIZING THE FINANCING
THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$250,000
BONDS THEREFOR**

It is enacted by the General Assembly as follows:

SECTION 1. The city of Pawtucket is hereby authorized, in addition to authority previously granted, to issue bonds to an amount not exceeding \$250,000 from time to time under its corporate name and seal or a facsimile of such seal. The first installment of principal shall be paid not later than one year and the last installment to be paid not later than twenty years after the date of the bonds.

SECTION 2. The bonds shall be signed by the city treasurer and by the manual or facsimile signature of the mayor and shall be issued and sold at not less than par and accrued interest in such amounts as the city council may determine. The manner of sale, denominations, maturities, interest rates and other terms, conditions, and details of any bonds or notes issued under this act may be fixed by the proceedings of the city council authorizing the issue or by separate resolution of the city council, or to the extent provisions for these matters are not so made, they may be fixed by the officers authorized to sign the bonds or notes. Interest

Appendix D

Rhode Island Constitutional Convention History

1824: *1st Convention Approved* - At the January Session, 1824, the General Assembly passed “*An Act to authorize the holding a Convention for the purpose of forming a written Constitution of Government for this State*”. The Convention convened at Newport (June 21 – July 3, 1824) and drafted a Constitution. On October 11, 1824, the Freemen electorate rejected the proposed State Constitution, *1,668 yeas to 3,206 nays*.

1834: *2nd Convention Approved* - At the June Session, 1834, the General Assembly passed an Act calling for a Convention to be held in Providence on the first Monday in September. This Convention adjourned without agreement on a draft Constitution.

1841: *3rd Convention Approved* - On February 6, 1841, the General Assembly approved an Act calling for a Constitutional Convention to convene in Providence on November 1, 1841. On February 19, 1842, this Convention adopted a Constitution that is referred to as the “*Landholder's Constitution*”. Between March 21 and March 23, 1842, the electorate voted on this Constitution and rejected it, *8,013 yeas to 8,689 nays*. (By this point in Rhode Island's history, only 40% of the free white men in the State were eligible to vote)

In October of 1841, the *Dorrites*, a suffrage movement led by Thomas Wilson Dorr, held an extralegal Convention and on November 18, approved a “*People's Constitution*”. During the period from December 27 – December 29, the “*People's Constitution*” was approved by a vote of *13,944 yeas to 52 nays*. An analysis of the voting shows that 4,960 Freemen voted for approval and 8,984 votes for approval were cast by persons ineligible to vote under the Charter government.

1842: *4th Convention Approved* - In June of 1842, the General Assembly, bowing to increasing unrest, met in Newport and passed an Act calling for a Constitutional Convention. In August, delegates are elected. In September, the Convention delegates meet and draft a Constitution. **This Constitution, after voting conducted on November 21 – 23, is approved by a vote of 7,032 yeas to 59 nays and goes into effect on May 2, 1843.**

1853: General Assembly proposal to hold a Constitutional Convention is rejected by a vote of *3,778 yeas to 7,618 nays* on June 28, 1853.

1882: Voters reject another call for a Constitutional Convention.

1883: The Rhode Island Supreme Court issues an advisory opinion (*In Re Constitutional Convention*, 19 RI 649), stating the Rhode Island Constitution cannot be amended by a Constitutional Convention.

1883 – 1934: The Constitution is amended by separate amendments put to a vote of the electorate.

1936: At a special election held on March 10, voters reject a proposal for a Constitutional Convention, *88,401 yeas to 100,488 nays*.

1944: *5th Convention Approved* - On March 14, the voters approve holding a Limited Constitutional Convention by a vote of *15,683 yeas to 524 nays*. The Convention meets on March 28 at Rhode Island College in Providence, for the purpose of drafting an amendment relating to **voting rights for members of the armed forces and merchant marine**. Amendment subsequently approved by the voters on April 11, 1944 by a vote of *7122 yeas to 119 nays*.

1951: *6th Convention Approved* - On May 25, the voters approve the holding of a Limited Constitutional Convention by a vote of 16,737 yeas to 4,183 nays. The Convention meets from June 1 – 3, 1951 and approves the following proposals to be considered by the voters at a special election on June 28, 1951. Six of the eight ballot questions are approved by the voters.

- (1) **Poll Tax Repeal** (*Approved – 41,120 yeas to 15,075 nays*)
- (2) General Assembly Pay Raise (*Rejected – 18,979 yeas to 36,998 nays*)
- (3) **Home Rule for Cities and Towns** (*Approved – 48,638 yeas to 7,999 nays*)
- (4) **Permanent Registration of Voters** (*Approved – 48,314 yeas to 8,612 nays*)
- (5) **Veterans' Exemption** (*Approved – 44,754 yeas to 10,936 nays*)
- (6) **Increasing Borrowing Power of the State** (*Approved – 30,874 yeas to 24,438 nays*)
- (7) Life Tenure for Supreme and Superior Court Judges (*Rejected – 26,937 yeas to 28,949 nays*)
- (8) **Off-street Parking** (*Approved – 39,291 yeas to 16,844 nays*)

1955: *7th Convention Approved* – On June 9, 1955, the voters approve the holding of a Limited Constitutional Convention by a vote of 17,847 yeas to 14,060 nays. The Convention is held on June 20, 1955. Three amendments are approved for submission to the voters at a special election on July 12, 1955.

- (1) General Assembly Pay Raise (*Rejected – 15,385 yeas to 29,451 nays*)
- (2) Life Tenure for Supreme and Superior Court Judges (*Rejected – 13,126 yeas to 31,220 nays*)
- (3) **Redevelopment for Off-street Parking** (*Approved – 29,383 yeas to 14,968 nays*)

1958: *8th Convention Approved* – A Limited Constitutional Convention is approved by the voters on January 22, 1958, 12,476 yeas to 1903 nays. The Convention meets on January 31 and February 7, 1958, and approves two questions for submission to the voters at a special election held on February 27, 1958.

- (1) **Voting by Absentee and Disabled Voters** (*Approved – 17,973 yeas to 1,592 nays*)
- (2) **Repeal Biennial Census of Registered Voters** (*Approved – 16,087 yeas to 2,564 nays*)

1964 – 1969: *9th Convention Approved* - Convention authorized by Public Law 1963, Chapter 211, approved June 12, 1963: “**An Act Inviting the People to Assemble, by Their Delegates, in Special Convention for the Purpose of Revising, Altering, or Amending the Constitution, of Framing a New Constitution.**” Placed on the ballot at the general election held November 3, 1963, question approved by the voters, 158,241 yeas to 70,975 nays. Convention with 100 delegates convened at the Veterans’ Memorial Auditorium in Providence, December 8, 1964 with Dennis J. Roberts chosen as chairman and August P. LaFrance serving as permanent secretary. The convention with twelve committees met for a period of four years, approving a revised Constitution on December 4, 1967. Brought before the electorate at a special election held April 16, 1968, **proposed Constitution overwhelmingly rejected** by a vote of 17,615 yeas to 69,110 nays. The Convention officially adjourned on February 17, 1969.

1973: *10th Convention Approved* – The calling of a Limited Constitutional Convention is approved by the voters on August 7, 1973 by a vote of 21,302 yeas to 21,210 nays. The Convention meets during the period from September 4 – October 4, 1973. Nine ballot questions are submitted to the voters at a special election held on November 6, 1973.

- (1) **Suffrage** (*Approved – 72,065 yeas to 30,258 nays*)
- (2) **Qualifications for Office** (*Approved – 77,884 yeas to 24,720 nays*)
- (3) **Grand Jury** (*Approved – 60,400 yeas to 35,808 nays*)
- (4) **Lotteries** (*Approved – 83,757 yeas to 25,840 nays*)
- (5) **Amending the Constitution** (*Approved – 56,072 yeas to 34,953 nays*)

- (6) Four Year Terms for General Officers (*Rejected – 52,332 yeas to 55,998 nays*)
- (7) General Assembly Pay Increase (*Rejected – 50,310 yeas to 51,050 nays*)
- (8) **Industrial Building Authority** (*Approved – 77,152 yeas to 26,186 nays*)
- (9) **Recreational Building Authority** (*Approved – 69,007 yeas to 28,344 nays*)

Question 5 amended the Constitution to require that a ballot question calling for a convention to amend or revise the Rhode Island Constitution be placed on the ballot at least every ten (10) years. If the General Assembly fails to place the question on the ballot at some time during any period of ten years, then the Secretary of State must place the question on the ballot at the next general election after the expiration of the ten-year period. Question 5 also added the requirement that the General Assembly, prior to the electorate voting on the holding of a Constitutional Convention, create a bi-partisan preparatory commission to assemble information on constitutional questions for the electors. The Governor is authorized to create the commission if the General Assembly fails to act. (See 1994 entry).

1983: The General Assembly passes Resolution 255, creating a Bi-partisan Preparatory Commission to assemble information for a Constitutional Convention and placing the Constitutional Convention Question on the Ballot for November 6, 1984.

1984: The Bi-partisan Preparatory Commission issues its report on July 5, 1984. The Commission recommended that a Constitutional Convention be called to study the following issues: (1) **Four Year Terms for General Officers;** (2) **Governor and Lt. Governor Running as a Team;** (3) **Line-item Veto Power for the Governor;** (4) **Four Year Terms for General Assembly;** (5) **Legislative Compensation;** (6) **Size of the General Assembly;** (7) **Length of General Assembly Sessions;** (8) **Reapportionment of the General Assembly;** (9) **Equal Rights for Women and Handicapped Persons;** (10) **Voter Initiative and Referendum;** (11) **Manner of Selecting Supreme Court Justices.**

1984: *11th Convention Approved* - On November 6, 1984, the voters approve the holding of a Constitutional Convention by a vote of *159,801 yeas to 137,096 nays.*

1985: The General Assembly enacts 1985 Chapter 326, calling for the election of delegates to a Constitutional Convention and regulating their proceedings. 100 delegates, based on the 100 Representative districts, are elected on November 5, 1985.

1986: Beginning on January 6, the Constitutional Convention meets. 288 Resolutions proposing amendments are introduced. The Convention Committees eventually reduce these resolutions into fourteen (14) ballot questions to be decided by the voters on November 4, 1986.

- (1) **Rewrite of the Present Constitution** (*Approved – 188,082 yeas to 96,453 nays*)
- (2) **Judicial Selection and Discipline** (*Rejected – 126,542 yeas to 147,578 nays*)
- (3) **Legislative Pay and Mileage** (*Rejected – 98,845 yeas to 178,775 nays*)
- (4) **Four-Year Terms and Recall** (*Rejected – 116,379 yeas to 166,777 nays*)
- (5) **Voter Initiative** (*Rejected – 129,309 yeas to 139,314 nays*)
- (6) **Ethics in Government** (*Approved – 143,973 yeas to 125,964 nays*)
- (7) **Budget Powers and Executive Session** (*Approved – 173,010 yeas to 92,435 nays*)
- (8) **Rights of the People** (*Approved – 160,137 yeas to 115,730 nays*)
- (9) **Shore Use and Environmental Protection** (*Approved – 183,021 yeas to 88,046 nays*)
- (10) **Felon Office Holding and Voting** (*Approved – 164,863 yeas to 101,262 nays*)
- (11) **Libraries** (*Approved – 182,931 yeas to 87,494 nays*)
- (12) **Bail** (*Approved – 177,977 yeas to 96,896 nays*)
- (13) **Home Rule** (*Rejected – 84,757 yeas to 182,002 nays*)

(14) Paramount Right to Life / Abortion (*Rejected – 102,633 yeas to 197,520 nays*)
Question 1 provided for the re-writing of the Constitution to include all of the constitutional amendments approved since 1843.

1994: Secretary of State Barbara Leonard places a Constitutional Convention question on the November 8, 1994 Ballot as Question Number 4. Governor Bruce Sundlun issues Executive Order 20 on November 7, 2004. This Order would have created a Bi-partisan Preparatory Commission to Assemble Information on Constitutional Issues. Ballot Question Number 4, calling for a Constitutional Convention, is rejected on November 8, 1994 by a vote of *118,545 yeas to 173,693 nays*.

2004: The General Assembly enacts 2004 Resolutions 286 and 287, providing for a Bi-partisan Preparatory Commission and placing the Constitutional Convention question on the November 2, 2004 Ballot. The Bi-partisan Preparatory Commission issues a ten page report on the following constitutional issues: (1) **Judicial Selection, Performance and Budgetary Control;** (2) **Voter Initiative;** (3) **Abolish Term Limits for General Officers;** (4) **Term Limits for Legislators;** (5) **Bracket Election of Governor and Lt. Governor;** (6) **Constitutional Reapportionment Commission;** (7) **Voter Qualifications / Felon Voting Rights;** (8) **Line-Item Veto for Governor;** (9) **Full-time General Assembly with Term Limits;** (10) **Make General Assembly Subject to Open Meetings Law;** (11) **Gambling;** (12) **Define Marriage;** (13) **Increase Majority Required to Ratify Constitutional Amendments;** (14) **Create General Office of Auditor/Inspector General;** (15) **Clarify Certain Citizen's Rights.** Ballot Question Number 2, calling for a Constitutional Convention, is rejected on November 2, 2004 by a vote of *162,296 yeas to 175,601 nays*.

2013: Senate Bill 107, calling for the creation of a Bi-partisan Preparatory Commission, is introduced by Senator Paul Fogarty (D) and is held for further study in the Senate Special Legislation and Veterans Affairs Committee.

2014: 2014 Senate Bill 2357 A, providing for a Bi-partisan Preparatory Commission: Became 2014 Resolution 391. 2014 House Bill 8061, providing for a Bi-partisan Preparatory Commission: Became 2014 Resolution 392. The Bi-partisan Preparatory Commission issued its Report on September 3, 2014. Question will appear on the November 4, 2014 Ballot.

Appendix E

STATE CONSTITUTIONS

Table 1.4
PROCEDURES FOR CALLING CONSTITUTIONAL CONVENTIONS
Constitutional Provisions

<i>State or other jurisdiction</i>	<i>Provision for convention</i>	<i>Legislative vote for submission of convention question (a)</i>	<i>Popular vote to authorize convention</i>	<i>Periodic submission of convention question required (b)</i>	<i>Popular vote required for ratification of convention proposals</i>
Alabama.....	Yes	Majority	ME	No	Not specified
Alaska.....	Yes	No provision (c)(d)	(c)	10 years; 2002 (c)	Not specified (c)
Arizona.....	Yes	Majority	(e)	No	MP
Arkansas.....	No	No			
California.....	Yes	2/3	MP	No	MP
Colorado.....	Yes	2/3	MP	No	ME
Connecticut.....	Yes	2/3	MP	20 years; 2008 (f)	MP
Delaware.....	Yes	2/3	MP	No	No provision
Florida.....	Yes	(g)	MP	No	3/5 voting on proposal
Georgia.....	Yes	(d)	No	No	MP
Hawaii.....	Yes	Not specified	MP	9 years; 2008	MP (h)
Idaho.....	Yes	2/3	MP	No	Not specified
Illinois.....	Yes	3/5	(i)	20 years; 2008	MP
Indiana.....	No	No			
Iowa.....	Yes	Majority	MP	10 years; 2000	MP
Kansas.....	Yes	2/3	MP	No	MP
Kentucky.....	Yes	Majority (j)	MP (k)	No	No provision
Louisiana.....	Yes	(d)	No	No	MP
Maine.....	Yes	(d)	No	No	No provision
Maryland.....	Yes	Majority	ME	20 years; 1990	MP
Massachusetts.....	No		No		
Michigan.....	Yes	Majority	MP	16 years; 1994	MP
Minnesota.....	Yes	2/3	ME	No	3/5 voting on proposal
Mississippi.....	No	No			
Missouri.....	Yes	Majority	MP	20 years; 2002	Not specified (l)
Montana.....	Yes (m)	2/3	MP	20 years; 1990	MP
Nebraska.....	Yes	3/5	MP (o)	No	MP
Nevada.....	Yes	2/3	ME	No	No provision
New Hampshire.....	Yes	Majority	MP	10 years; 2002	2/3 voting on proposal
New Jersey.....	No	No			
New Mexico.....	Yes	2/3	MP	No	Not specified
New York.....	Yes	Majority	MP	20 years; 1997	MP
North Carolina.....	Yes	2/3	MP	No	MP
North Dakota.....	No	No			
Ohio.....	Yes	2/3	MP	20 years; 1992	MP
Oklahoma.....	Yes	Majority	(e)	20 years; 1970	MP
Oregon.....	Yes	Majority	(e)	No	No provision
Pennsylvania.....	No	No			
Rhode Island.....	Yes	Majority	MP	10 years; 2004	MP
South Carolina.....	Yes	(d)	ME	No	No provision
South Dakota.....	Yes	(d)	(d)	No	(p)
Tennessee.....	Yes (q)	Majority	MP	No	MP
Texas.....	No	No			
Utah.....	Yes	2/3	ME	No	ME
Vermont.....	No	No			
Virginia.....	Yes	(d)	No	No	MP
Washington.....	Yes	2/3	ME	No	Not specified
West Virginia.....	Yes	Majority	MP	No	Not specified
Wisconsin.....	Yes	Majority	MP	No	No provision
Wyoming.....	Yes	2/3	ME	No	Not specified
American Samoa.....	Yes	(r)	No	No	ME (s)
No. Mariana Islands.....	Yes	Majority (t)	2/3	10 years	MP and at least 2/3 in each of 2 senatorial districts
Puerto Rico.....	Yes	2/3	MP	No	MP

See footnotes at end of table.

PROCEDURES FOR CALLING CONSTITUTIONAL CONVENTIONS—Continued

Constitutional Provisions

Source: John Dinan and The Council of State Governments.

Key:

MP — Majority voting on the proposal.

ME — Majority voting in the election.

(a) In all states not otherwise noted, the entries in this column refer to the proportion of members elected to each house required to submit to the electorate the question of calling a constitutional convention.

(b) The number listed is the interval between required submissions on the question of calling a constitutional convention; where given, the date is that of the most recent submission of the mandatory convention referendum.

(c) Unless provided otherwise by law, convention calls are to conform as nearly as possible to the act calling the 1955 convention, which provided for a legislative vote of a majority of members elected to each house and ratification by a majority vote on the proposals. The legislature may call a constitutional convention at any time.

(d) In these states, the legislature may call a convention without submitting the question to the people. The legislative vote required is two-thirds of the members elected to each house in Georgia, Louisiana, South Carolina and Virginia; two-thirds concurrent vote of both branches in Maine; three-fourths of all members of each house in South Dakota; and not specified in Alaska, but bills require majority vote of membership in each house. In South Dakota, the question of calling a convention may be initiated by the people in the same manner as an amendment to the constitution (see Table 1.3) and requires a majority vote on the question for approval.

(e) The law calling a convention must be approved by the people.

(f) The legislature shall submit the question 20 years after the last convention, or 20 years after the last vote on the question of calling a convention, whichever date is last.

(g) The power to call a convention is reserved to the people by petition.

(h) The majority must be 50 percent of the total voted cast at a general election or at a special election, a majority of the votes tallied which must be at least 30 percent of the total number of registered voters.

(i) Majority voting in the election, or three-fifths voting on the question.

(j) Must be approved during two legislative sessions.

(k) Majority must equal one-fourth of qualified voters at last general election.

(l) Majority of those voting on the proposal is assumed.

(m) The question of calling a constitutional convention may be submitted either by the legislature or by initiative petition to the secretary of state in the same manner as provided for initiated amendments (see Table 1.3).

(n) Two-thirds of all members of the legislature.

(o) Majority must be 35 percent of total votes cast at the election.

(p) Convention proposals are submitted to the electorate at a special election in a manner to be determined by the convention. Ratification by a majority of votes cast.

(q) Conventions may not be held more often than once in six years.

(r) Five years after effective date of constitutions, governor shall call a constitutional convention to consider changes proposed by a constitutional committee appointed by the governor. Delegates to the convention are to be elected by their county councils. A convention was held in 1972.

(s) If proposed amendments are approved by the voters, they must be submitted to the U.S. Secretary of the Interior for approval.

(t) The initiative may also be used to place a referendum convention call on the ballot. The petition must be signed by 25 percent of the qualified voters or at least 75 percent in a senatorial district.