

2021 -- H 5595

LC001128

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

JOINT RESOLUTION

TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (INITIATIVE AND REFERENDUM)

Introduced By: Representatives Perez, Vella-Wilkinson, and Shanley

Date Introduced: February 12, 2021

Referred To: House State Government & Elections

1 RESOLVED, That a majority of all members elected to each house of the general
2 assembly voting therefor, the following amendment to the constitution of the state be proposed to
3 the qualified electors of the state in accordance with the provisions of Article XIV of the
4 constitution for their approval and that it take the place therein of Article VI Sections 1 and 2
5 which are hereby amended to read as follows:

6 ARTICLE VI

7 OF THE LEGISLATIVE POWER

8 **Section 1.** ~~Constitution supreme law of the state~~ Constitution is supreme. -- This
9 Constitution shall be the supreme law of the state, and any law inconsistent therewith shall be
10 void. ~~The general assembly shall pass all laws necessary to carry this Constitution into effect. The~~
11 legislative power of the state shall be vested in a general assembly, consisting of a senate and a
12 house of representatives, both to be elected by the people, but the people reserve to themselves
13 the power to propose laws and amendments to the constitution and to enact or reject the same at a
14 general election without the approval of the general assembly, and also reserve the power at their
15 own option to approve or reject at a general election any act, section or part of any act of the
16 general assembly.

17 **Section 2.** ~~Power vested in general assembly—Concurrence of houses required to enact~~
18 ~~laws—Style of laws.~~ Power to enact legislation. -- Enactment and style of laws. -- Power of the
19 general assembly. – Initiative and referendum. – (a). The legislative power, under this

1 Constitution, and subject to the reservations set forth in Section 1 of this article, shall be vested in
2 two houses, the one to be called the senate, the other the house of representatives; and both
3 together the general assembly. The concurrence of the two houses shall be necessary to the
4 enactment of laws. The style of their laws shall be, It is enacted by the general assembly as
5 follows:

6 (b) The people reserve the right to themselves the power to propose laws and
7 amendments to the constitution and to adopt or reject the same. Qualified voters shall have the
8 power through petition to enact statutes and to amend the constitution at general elections. This
9 power shall be known as initiative and referendum. No initiative shall be permitted which shall
10 abridge the civil rights or liberties, including those guaranteed by Article I of the Rhode Island
11 Constitution, or attempt to preclude the expansion of civil rights, of any individual or group of
12 individuals and no initiative shall be permitted which would repeal or amend this sentence. The
13 superior court shall have original jurisdiction to hear complaints arising under this section on an
14 expedited basis. Any individual shall have standing to bring an action at any time to enforce this
15 section.

16 (c) This article does not permit the proposal of any constitutional amendment that
17 appropriates state revenue. This article does not permit the proposal of any constitutional
18 amendment that diminishes state revenues by the reduction or limitation of a tax or fee. This
19 article does not permit the proposal of any constitutional amendment that affects the generation or
20 expenditure of state revenues through the ordinary legislative budget process.

21 (d) This article does not permit the proposal of any statute or statutory amendment that
22 makes an appropriation or otherwise requires the expenditure of money, unless such statute or
23 amendment also enacts a commensurate increase in revenues and/or decreases in revenue
24 appropriations, not prohibited by the constitution; provided, however, that this requirement shall
25 not apply to a proposal for the appropriation or expenditure of less than five hundred thousand
26 dollars (\$500,000), which amount shall be adjusted annually, commencing with the fiscal year
27 beginning on or after July 1, 2023, to reflect changes in the cost-of-living as determined by the
28 United States government. This article does not permit the proposal of any statute or any statutory
29 amendment that diminishes state revenue, unless such statute or statutory amendment also enacts
30 a commensurate increase in revenues and/or decreases in revenue appropriations to accommodate
31 the projected reduction in state revenue. Any initiative affecting the state budget must be
32 prospective in nature and may not be effective prior to the fiscal year subsequent to the general
33 election.

34 (e) To be eligible to be placed on a general election ballot a statutory initiative petition

1 shall be signed by at least a number of qualified voters equal to five percent (5%) of the total
2 number of votes cast for the office of governor at the last preceding general election for that
3 office, and a petition to amend the constitution shall be signed by at least a number of qualified
4 voters equal to ten percent (10%) of the total number of votes cast for the office of governor at
5 the last preceding general election for that office. To qualify for certification, signatures from at
6 least fifty percent (50%) of the cities and/or towns, of which four (4) must be cities, must meet
7 the above percentage requirements.

8 (f) For certified initiative petitions, initiative petitioners shall have three hundred sixty-
9 five (365) days from the date the secretary of state has date and time stamped, assigned a petition
10 reference number, and issued the first initiative petition forms to collect and file with the local
11 canvassing authorities the requisite number of signatures, and such signatures may be filed
12 separately with the authorities as they are collected by the petitioners. The local canvassing
13 authorities shall certify the authenticity of the initiative petition signatures and advise the
14 secretary of state within thirty (30) business days of receipt of each initiative petition form.

15 (g) (1) An initiative shall be approved by a majority of the qualified voters voting
16 thereon. If so approved, it shall become part of the statutory law of the state or part of the
17 constitution as the case may be and shall take effect from and after the official declaration of the
18 vote thereon by proclamation of the state board of elections, or its successor, but in no event later
19 than thirty (30) days after the vote has been certified unless otherwise provided in the initiative
20 petition.

21 (2) The veto power of the governor shall not extend to an initiative by the voters.

22 (3) If any provisions of constitutional amendments and/or laws approved by the people at
23 the same election are in conflict with each other, then the provisions which received the largest
24 number of affirmative votes at such election shall govern; and in any other case an initiative
25 approved by the voters shall supersede any conflicting law.

26 (4) The general assembly shall provide such funds as may be required to implement an
27 approved initiative.

28 (5) The general assembly shall not, within four (4) years after passage, repeal or alter any
29 such statutory initiative unless by three-fourths (3/4) vote of both houses.

30 (6) Unless an initiative which has a singular or exclusive impact on any city or town is
31 approved by a majority of those voting in that city or town, said initiative shall not take effect.

32 (h) The provisions of Article XIV of this constitution shall not be construed to deny, limit
33 or disparage the people's right to propose or amend the constitution through initiative and
34 referendum.

1 (i) The general assembly shall enact implementing legislation for this section.

2 RESOLVED, That the said proposition of amendment shall be submitted to the electors
3 for their approval or rejection at the next statewide general election. The voting places in the
4 several cities and towns shall be kept open during the hours required by law for voting therein;
5 and be it further

6 RESOLVED, That the secretary of state shall cause said proposition of amendment to be
7 published as a part of this resolution in the newspapers of the state prior to the date of the said
8 meetings of the said electors; and the said proposition shall be inserted in the warrants or notices
9 to be issued previous to said meetings of the electors for the purpose of warning the town, ward,
10 or district meetings, and said proposition shall be read by the town, ward or district clerks to the
11 electors in the town, ward, or district meetings to be held as aforesaid; and be it further

12 RESOLVED, That the town, ward, or district meetings to be held aforesaid shall be
13 warned, and the list of voters shall be canvassed and made up, and the said town, ward, or district
14 meetings shall be conducted in the same manner as now provided by law for the town, ward, and
15 district meetings for the statewide general election.

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