

2023 -- H 6288

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

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A N A C T

AUTHORIZING BONNET SHORES FIRE DISTRICT TO HOLD A SPECIAL ELECTION

Introduced By: Representative Carol Hagan McEntee

Date Introduced: April 19, 2023

Referred To: House Municipal Government & Housing

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 2, 3, 6 and 9 of the Act to Incorporate the Bonnet Shores Fire
2 District, as passed at the January Session A.D. 1932 as amended, is hereby further amended to read
3 as follows:

4 Sec. 2. ~~Every firm, corporation, unincorporated association and every person irrespective~~
5 ~~of sex, of the age of eighteen (18) years, who is possessed in his or her own right of real estate in~~
6 ~~said district of the value of four hundred (\$400) dollars over and above all encumbrances being an~~
7 ~~estate in fee simple, fee tail, for the life of any person, or an estate in reversion or remainder, the~~
8 ~~conveyance of which estate shall, if by deed, have been recorded at least ninety (90) days, shall~~
9 ~~thereafter have a right to vote at all meetings of the corporation. Any such firm corporation,~~
10 ~~unincorporated association having title to real estate as aforesaid, shall be entitled to cast one (1)~~
11 ~~vote through its duly authorized representative for such purposes. The duly authorized~~
12 ~~representative shall present to the clerk before casting its vote and obtaining a ballot, an~~
13 ~~authorization by the firm, corporation or unincorporated association, which authorization by the~~
14 ~~firm, corporation or unincorporated association, which authorization shall be notarized and clearly~~
15 ~~identify the person authorized to vote on behalf of said firm, corporation, or unincorporated~~
16 ~~association holding title to real estate.~~

17 ~~Every person or firm qualified to vote as aforesaid shall vote in person, except that a person~~
18 ~~in common ownership to real estate may vote as the proxy of the other person who has been verified~~
19 ~~as being in common ownership in said real estate, provided that such proxy shall be in writing and~~

~~1 filed with the clerk at the meeting at which such proxy shall be used. The proxy shall be in a form
2 to be furnished by the clerk or otherwise approved by the clerk. All voting shall be by ballot, unless
3 waived by unanimous consent of those present at the meeting and qualified to vote, and the action
4 of a majority at any meeting at which a quorum is present shall bind the district.~~

5 (a) All persons who reside in the Bonnet Shores Fire District, and who are duly registered
6 with, and eligible to vote in general or special elections in the Town of Narragansett, shall have the
7 right to vote for all offices to be elected and on all questions submitted to the electors of the Bonnet
8 Shores Fire District.

9 (b) In addition, every citizen of the United States of the age of eighteen (18) or over, who
10 while not domiciled in the Bonnet Shores Fire District has resided in a seasonal residence in the
11 Bonnet Shores Fire District for at least sixty (60) days in the twelve (12) month period next
12 preceding the time of an election, who is residing in said residence at the time of voting, and whose
13 name shall be registered with the duly appointed Bonnet Shores Fire District election canvasser at
14 least thirty (30) days next preceding the time of an election, shall be entitled to vote for all offices
15 to be elected and on all questions submitted to the electors of the Bonnet Shores Fire District. As
16 used in this paragraph, "residence" shall have its ordinary meaning and shall mean a location for
17 which a certificate of occupancy has been issued by the applicable local agency

18 (c) All persons qualified to vote in the Bonnet Shores Fire District elections who wish to
19 vote shall vote in person, or personally by such other means as may be approved by the Bonnet
20 Shores Fire District Council. No person may cast a ballot on behalf of another person.

21 (d) Nothing in this Section shall bar the Bonnet Shores Fire District Council from
22 establishing methods to allow qualified Bonnet Shores Fire District voters, as defined in this
23 section, to cast their ballots prior to the date of a Bonnet Shores Fire District election, or to cast
24 their ballots while absent from the Bonnet Shores Fire District, provided that:

25 (1) No such method may expand or alter the voter qualifications imposed in this section;
26 and

27 (2) No such method may permit a voter to cast a ballot on behalf of another.

28 SECTION 3. The first meeting of the district shall be held at some convenient place within
29 the district on the second Wednesday in May, 1932, at 7 o'clock P.M. eastern standard time (or 8
30 o'clock P.M. daylight saving time). The annual meeting of the district (if established) to be held in
31 1933 shall be held on the second Wednesday in May in that year, and thereafter the annual and
32 special meetings of the district shall be held in said Town of Narragansett at such time as shall be
33 specified in the by-laws of the district. Notice of the first meeting shall be given by two or more of
34 the persons qualified to vote within the district and said notice shall state the time and place of

1 meeting and shall be published in some newspaper published in the city of Providence, once a week
2 for two successive weeks, the last publication to be at least five days next before the date of said
3 first meeting. Notice of subsequent annual meetings of the district shall be given in a manner as
4 prescribed in the by-laws of the district. A quorum at the first meeting of the district and at any
5 subsequent meeting, whether annual or special, shall consist of at least fifty voters qualified as
6 aforesaid, present in person, ~~or by proxy (as to those cases where voting by proxy is permitted in~~
7 ~~accordance with the provisions of Sec. 2 hereof)~~. All voting shall be by ballot unless waived by
8 unanimous consent of those present at the meeting, and qualified to vote, and the action of a
9 majority at any meeting at which a quorum is present shall bind the district.

10 SECTION 6. The district may elect a clerk, three assessors of taxes, a collector of taxes,
11 one or more elections canvassers, a district council ~~or~~ of not less than three and no more than seven
12 qualified voters, one or more fire wardens, one or more police officers and such other officers and
13 committees as said, district may require for its corporate purposes. Such officers and committees
14 may be elected at the first meeting of the district to hold office until the first annual meeting
15 thereafter; and at such annual meeting and at each subsequent annual meeting of the district officers
16 and committees may be elected in such manner and for such terms of office as may be prescribed
17 in the by-laws. If the by-laws shall so provide, the members of the district council may be divided
18 into groups, one group to be elected annually to hold office for not more than three years. Vacancies
19 in any office may be filled at any annual meeting of the district, or at any special meeting called
20 for that purpose. The district council shall have general supervision and management of the
21 business and affairs of the district and, together with other officers and committees, shall have such
22 further powers and duties as may be created or imposed in the by- laws of the district. The fire
23 wardens shall have such powers and duties as are generally exercised in fire districts within the
24 state, with such additional powers and duties as may be created or imposed in the by-laws of the
25 district.

26 SECTION 9. This act shall take effect from and after its acceptance by ballot as aforesaid
27 and when there shall have been filed with the secretary of state a certificate of the clerk of the
28 district which shall disclose such acceptance.

29 In the event that said district shall be established as provided in section 4 hereof, no
30 amendment of this act shall be effective as to said district unless and until the same shall be accepted
31 by the affirmative vote of a majority of the voters of said district present ~~(or represented by proxy~~
32 ~~as provided in section 2 hereof)~~ at a special or annual meeting of said district duly held within two
33 years after the passage of such amendment, at which meeting a quorum shall be present, and in the
34 notice of which meeting there shall be contained the statement that the acceptance or rejection of

1 such amendment is to be voted upon, and until there shall have been filed with the secretary of state
2 a certificate of the clerk of the district that such amendment has been accepted as aforesaid.

3 SECTION 2. The Act to Incorporate the Bonnet Shores Fire District, as passed at the
4 January Session AD. 1932, as amended, is hereby further amended by adding thereto the following
5 section:

6 SECTION 11. This act shall take effect from and after their acceptance by ballot by the
7 residents and qualified voters of the Bonnet Shores Fire District, and when there shall have been
8 filed with the secretary of state a certificate of the Clerk of the Bonnet Shores Fire District which
9 shall disclose such acceptance. The election to approve or reject these amendments shall be
10 conducted in the following manner:

11 (a) Electorate: The electorate for this election shall include:

12 1. All persons who, at the time of said election, reside in the Bonnet Shores Fire District,
13 and who are duly registered with, and eligible to vote in general or special elections in, the Town
14 of Narragansett; and

15 2. Every citizen of the United States of the age eighteen (18) or over, who, while not
16 domiciled in the Bonnet Shores Fire District, has resided in a seasonal residence in the Bonnet
17 Shores Fire District for at least sixty (60) days in the twelve (12) month period next preceding the
18 time of said election, who is residing in said residence at the time of voting, and whose name shall
19 be registered with the duly appointed Bonnet Shores Fire District election canvasser at least thirty
20 (30) days next preceding the time of said election. As used in this paragraph, "residence" shall have
21 its ordinary meaning and shall mean a location for which a certificate of occupancy has been issued
22 by the applicable local agency.

23 (b) The electorate shall not include:

24 1. Corporations, trusts, partnerships, LLCs, or other corporate entities; or

25 2. Individuals who do not reside in the Bonnet Shores Fire District and who do not
26 otherwise qualify to vote as set forth above.

27 (c) Date: Said election shall be held at a Special Meeting of the Bonnet Shores Fire District,
28 which Special Meeting shall be held before the next Annual Meeting of the Bonnet Shores Fire
29 District.

30 SECTION 3. This act shall take effect upon passage and the provisions of which be subject
31 to acceptance by ballot by the residents and qualified voters of the Bonnet Shores Fire District.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would amend the Act to Incorporate the Bonnet Shores Fire District to determine
2 the electorate for the corporation and is an accurate and true representation of the amendments
3 provided to the General Assembly by the Bonnet Shores Charter Revision Committee at their
4 request.

5 This act would take effect upon passage and the provisions of which be subject to
6 acceptance by ballot by the residents and qualified voters of the Bonnet Shores Fire District.

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