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## STATE OF RHODE ISLAND

### IN GENERAL ASSEMBLY

#### **JANUARY SESSION, A.D. 2016**

#### JOINT RESOLUTION

TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION -- ELIMINATION OF OFFICE OF LIEUTENANT GOVERNOR

Introduced By: Senator John A. Pagliarini

Date Introduced: February 10, 2016

Referred To: Senate Special Legislation and Veterans Affairs

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 Constitution for their approval and that this amendment take the place of Article III, Section 5; 4 5 Article IV, Sections 1 and 3; and Article IX, Sections 1, 9, 10 and 11, which Articles and Sections are hereby amended, effective January 1, 2019, to read as follows: 6 7 ARTICLE III OF QUALIFICATION FOR OFFICE 8 9 Section 5. Administration of oaths. -- The oath or affirmation shall be administered to the governor, lieutenant governor, senators, and representatives by the secretary of state, or, in the 10 absence of the secretary of state by the attorney-general. The secretary of state, attorney-general, 11 12 and general treasurer shall be engaged by the governor, or by a justice of the supreme court. 13 ARTICLE IV OF ELECTIONS AND CAMPAIGN FINANCE 14 15 Section 1. Election and terms of governor, lieutenant governor, secretary of state, attorney-general, general treasurer, and general assembly members. -- The governor, lieutenant 16 17 governor, secretary of state, attorney-general, general treasurer shall be elected on the Tuesday after the first Monday in November, quadrennially commencing A.D. 1994 2018, and every four 18

(4) years thereafter, and shall severally hold their offices, subject to recall as provided herein, for

four (4) years from the first Tuesday of January next succeeding their election and until their successors are elected and qualified. No person shall serve consecutively in the same general office for more than two (2) full terms, excluding any partial term of less than two (2) years previously served. The senators and representatives in the general assembly shall be elected on the Tuesday after the first Monday in November, biennially in even numbered years, and shall severally hold their offices for two (2) years from the first Tuesday of January next succeeding their election and until their successors are elected and qualified. Recall is authorized in the case of a general officer who has been indicted or informed against for a felony, convicted of a misdemeanor, or against whom a finding of probable cause of violation of the code of ethics has been made by the ethics commission. Recall shall not, however be instituted at any time during the first six (6) months or the last year of an individual's term of office. Such a recall may be instituted by filing with the state board of elections an application for issuance of a recall petition against said general officer which is signed by duly qualified electors equal to three percent (3%) of the total number of votes cast at the last preceding general election for that office. If, upon verification, the application is determined to contain signatures of the required number of electors, the state board of elections shall issue a recall petition for circulation amongst the electors of the state. Within ninety (90) days of issuance, recall petitions containing the signatures of duly qualified electors constituting fifteen percent (15%) of the total number of votes cast in the last preceding general election for said office must be filed with the state board of elections. The signatures to the application and to the recall petition need not all be on one (1) sheet of paper, but each such application and petition must contain an identical statement naming the person to be recalled, the general office held by said person, and the grounds for such recall set forth in a statement of one hundred (100) words or less approved by the board of elections. Each signatory must set forth his or her signature as it appears on the voting list, the date of signing, and his or her place of residence. The person witnessing the signatures of each elector on said petition must sign a statement under oath on said sheet attesting that the signatures thereon are genuine and were signed in his or her presence. If the requisite number of signatures are not obtained within said ninety (90) days period, the recall effort shall terminate. Upon verification of the requisite number of signatures, a special election shall be scheduled at which the issue of removing said office holder and the grounds therefor shall be placed before the electors of the state. If a majority of those voting support removal of said office holder, the office shall be immediately declared vacant and shall be filled in accordance with the constitution and laws of the state. The person so removed shall not be eligible to fill the unexpired portion of the term of office. The general assembly shall provide by statute for implementation of the recall process.

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Section 3. Filling vacancy caused by death, removal, refusal to serve, or incapaci	ity of
ected officers Election when no candidate receives plurality When the governor-elect	shall
e, remove from the state, refuse to serve; become insane, or be otherwise incapacitated	l, <del>the</del>
eutenant governor-elect secretary of state-elect shall be qualified as governor at the beginni	ng of
the term for which the governor was elected. When both the governor and lieutenant governor	<del>rnor-</del>
ect secretary of state-elect, or either the lieutenant governor, secretary of state, attorney-ge	neral,
general treasurer-elect, are so incapacitated, or when there has been a failure to elect any	y one
more of the officers mentioned in this section, the general assembly shall upon its organiz	zation
eet in grand committee and elect some person or persons to fill the office or offices, as the	case
ay be, for which such incapacity exists or as to which such failure to elect occurred. Whe	n the
eneral assembly shall elect any of said officers because of the failure of any person to rece	eive a
lurality of the votes cast, the election in each case shall be made from the persons who rec	eived
ne same and largest number of votes.	
ARTICLE IX	
OF THE EXECUTIVE POWER	

Section 1. Power vested in governor. -- The chief executive power of this state shall be vested in a governor, who, together with a lieutenant governor, shall be elected by the people.

Section 9. Vacancy in office of governor. -- If the office of the governor shall be vacant by reason of death, resignation, impeachment or inability to serve, the lieutenant governor secretary of state shall fill the office of governor, and exercise the powers and authority appertaining thereto, until a governor is qualified to act, or until the office is filled at the next election.

Section 10. Vacancies in both offices of governor and lieutenant governor secretary of state. -- If the offices of governor and lieutenant governor secretary of state be both vacant by reason of death, resignation, impeachment, or inability to serve, the speaker of the house of representatives shall in like manner fill the office of governor during such vacancy.

Section 11. Compensation of governor and lieutenant governor secretary of state. -- The compensation of the governor and lieutenant governor secretary of state shall be established by law, and shall not be diminished during the term for which they are elected.

RESOLVED, That this amendment take, in the Constitution of the state, the place of Article III, Section 5; Article IV, Sections 1 and 3; and Article IX, Sections 1, 9, 10 and 11, of the Constitution; and be it further

RESOLVED, That the said proposition of amendment shall be submitted to the electors for their approval or rejection at the next statewide general election to be held in November,

2016. The	voting	places	in th	ne severa	al cities	and	towns	shall	be	kept	open	during	the	hour
required b	y law fo	r voting	ther	ein for m	embers	of th	e state	gener	al a	ssemb	oly; an	d be it i	urth	er

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

RESOLVED, That the town, ward and district meetings to be held aforesaid shall be warned, and the list of voters shall be canvassed and made up, and the said town, ward and district meetings shall be conducted in the same manner as now provided by law for the town, ward and district meetings for the next general election of members to the state general assembly and such other general officers of the state as may be up for election.

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# **EXPLANATION**

## BY THE LEGISLATIVE COUNCIL

OF

# JOINT RESOLUTION

TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION -- ELIMINATION OF OFFICE OF LIEUTENANT GOVERNOR

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1	This resolution would propose a constitutional amendment eliminating the office of
2	lieutenant governor to be submitted to the electors for their approval or rejection at the next
3	statewide general election to be held in November 2016.
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