

2018 -- H 7744

LC004650

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

JOINT RESOLUTION

TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE OF RHODE ISLAND (FOUR-YEAR TERMS FOR GENERAL ASSEMBLY)

Introduced By: Representatives Marshall, Cunha, Costantino, Casey, and Edwards

Date Introduced: February 28, 2018

Referred To: House Judiciary

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 this amendment take the place of Article IV, Section I,
5 which Article and Section is hereby amended, effective on January 1, 2019, to read as follows:

6 ARTICLE IV

7 OF ELECTIONS AND CAMPAIGN FINANCE

8 SECTION 1. Election and terms of governor, lieutenant governor, secretary of state,
9 attorney-general, general treasurer, and general assembly members.

10 The governor, lieutenant governor, secretary of state, attorney general and general
11 treasurer shall be elected on the Tuesday after the first Monday in November, quadrennially
12 commencing A.D. 1994, and every four (4) years thereafter, and shall severally hold their offices,
13 subject to recall as provided for herein, for four (4) years from the first Tuesday of January next
14 succeeding their election and until their successors are elected and qualified. No person shall
15 serve consecutively in the same general office for more than two (2) full terms, excluding any
16 partial term of less than two (2) years previously served.

17 The senators and representatives in the general assembly shall be elected on the Tuesday
18 after the first Monday in November, biennially in even numbered years, and shall severally hold
19 their offices for two (2) years from the first Tuesday of January next succeeding their election and

1 until their successors are elected and qualified-; provided, that commencing with the election to
2 be held on the Tuesday after the first Monday in November, 2020, and on every such Tuesday in
3 every fourth year thereafter, they shall be elected for four (4) year terms and shall severally hold
4 their offices for four (4) years from the first Tuesday of January next succeeding their election
5 and until their successors are elected and qualified.

6 Recall is authorized in the case of a general officer who has been indicted or informed
7 against for a felony, convicted of a misdemeanor, or against whom a finding of probable cause of
8 violation of the code of ethics has been made by the ethics commission. Recall shall not, however
9 be instituted at any time during the first six (6) months or the last year of an individual's term of
10 office.

11 Such a recall may be instituted by filing with the state board of elections an application
12 for issuance of a recall petition against said general officer which is signed by duly qualified
13 electors equal to three percent (3%) of the total number of votes cast at the last preceding general
14 election for that office. If, upon verification, the application is determined to contain signatures of
15 the required number of electors, the state board of elections shall issue a recall petition for
16 circulation amongst the electors of the state. Within ninety (90) days of issuance, recall petitions
17 containing the signatures of duly qualified electors constituting fifteen percent (15%) of the total
18 number of votes cast in the last preceding general election for said office must be filed with the
19 state board of elections.

20 The signatures to the application and to the recall petition need not all be on one (1) sheet
21 of paper, but each such application and petition must contain an identical statement naming the
22 person to be recalled, the general office held by said person, and the grounds for such recall set
23 forth in a statement of one hundred (100) words or less approved by the board of elections. Each
24 signatory must set forth his or her signature as it appears on the voting list, the date of signing,
25 and his or her place of residence. The person witnessing the signatures of each elector on said
26 petition must sign a statement under oath on said sheet attesting that the signatures thereon are
27 genuine and were signed in his or her presence.

28 If the requisite number of signatures are not obtained within said ninety (90) days period,
29 the recall effort shall terminate. Upon verification of the requisite number of signatures, a special
30 election shall be scheduled at which the issue of removing said office holder and the grounds
31 therefor shall be placed before the electors of the state. If a majority of those voting support
32 removal of said office holder, the office shall be immediately declared vacant and shall be filled
33 in accordance with the constitution and laws of the state. The person so removed shall not be
34 eligible to fill the unexpired portion of the term of office. The general assembly shall provide by

1 statute for implementation of the recall process.

2 RESOLVED, That this amendment take, in the Constitution of the state, the place of
3 Article IV, Section I of the Constitution; and be it further

4 RESOLVED, That the said proposition of amendment shall be submitted to the electors
5 for their approval or rejection at the next statewide general election to be held in November,
6 2018. The voting places in the several cities and towns shall be kept open during the hours
7 required by law for voting therein for members of the state general assembly; and be it further

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

J O I N T R E S O L U T I O N

TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF
AMENDMENT TO THE CONSTITUTION OF THE STATE OF RHODE ISLAND (FOUR-
YEAR TERMS FOR GENERAL ASSEMBLY)

- 1 This resolution proposes a constitutional amendment which, if approved, would give
- 2 members of the general assembly four-year terms commencing in January, 2021.

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