

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

JOINT RESOLUTION

JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION - PROVISIONS OF STATE CONSTITUTION DECLARED TO BE PRESUMPTIVELY JUDICIALLY ENFORCEABLE BY PARTIES ALLEGEDLY AGGRIEVED BY VIOLATIONS THEREOF

Introduced By: Representative P. Morgan

Date Introduced: February 17, 2023

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 amendments to the Constitution of the state be proposed
3 to the qualified electors of the state in accordance with the provisions of Article XIV of the
4 Constitution, for their approval, and that it adds an additional section to Article 1, which is hereby
5 amended, effective January 1, 2025, to read as follows:

6 Section 25. Provisions are presumptively judicially enforceable.

7 The provisions of this state constitution are hereby declared to be presumptively
8 judicially enforceable by parties allegedly aggrieved by violations thereof. Such parties may seek
9 and obtain traditional common law and equitable remedies from the appropriate courts, including
10 damages, injunctions, and declaratory relief, for any proven violation of a constitutional
11 provision, without the need for any further legislative authorization or enactment and without the
12 need for the legislative creation of a new cause of action for aggrieved parties to obtain judicial
13 relief for their alleged injuries due to such constitutional violations.

14 RESOLVED, That said proposition of amendment shall be submitted to the electors for
15 their approval or rejection at the next statewide general election. The voting places in the several
16 cities and towns shall be kept open during the hours required by law for voting therein for general
17 officers or members of the general assembly of the state; and be it further

18 RESOLVED, That the secretary of state shall cause the said proposition of amendments

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

6 RESOLVED, That the town, ward, and district meetings to be held aforesaid shall be
7 warned, and the list of voters shall be canvassed and made up, and the said town, ward, and
8 district meetings shall be conducted in the same manner as now provided by law for the town,
9 ward, and district meetings for the election of general officers of the state.

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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

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- 1 This Joint Resolution would propose to the voters of the state a constitutional amendment
- 2 which would provide that the provisions of the state constitution would be declared to be
- 3 presumptively judicially enforceable by parties allegedly aggrieved by violations thereof.

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