

BALLOT QUESTION NO. 2

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JUDICIAL SELECTION AND DISCIPLINE

2 Shall the action of the Constitutional Convention in amending the Constitution in the following manner be ratified and approved?

JUDICIAL SELECTION AND DISCIPLINE

Shall a non-partisan, independent commission be established to nominate judges for appointment by the general assembly in the case of supreme court vacancies and for appointment by the governor in the case of vacancies in other courts? Shall the commission have authority to discipline or remove all judges? Shall judges appointed hereafter be required to retire at 72 years of age? Shall the duty of the supreme court to give advisory opinions be abolished?

(Resolution 86-00080-A)

THE CONSTITUTION NOW:

The Rhode Island Constitution provides that the general assembly, meeting as the grand committee, elects supreme court judges. The general assembly has empowered the governor to appoint all other state judges with the advice and consent of the senate. The Constitution does not mention a nominating process.

Judges are subject to impeachment, but the Constitution does not clearly provide for any other way of disciplining judges, although a board of judicial tenure and review does exist.

The Constitution says nothing about retirement of judges at any age.

The supreme court is required to give advisory opinions to the governor and general assembly when asked to do so.

HOW WOULD IT CHANGE:

This amendment would provide for the establishment of an independent judicial commission to nominate judges. The actual appointing power would not change, but the governor or the grand committee would have to appoint or elect judges from among a minimum of three candidates nominated by the commission.

The commission would be comprised of citizens who hold no public office or political party office. The governor would appoint four members, the senate would appoint two, and the house would appoint three. There would have to be a mix of lawyers and non-lawyers.

The commission would also have the power to investigate charges of judicial wrongdoing or disability and to "reprimand, censure, suspend, remove or recommend impeachment of any judge." (New impeachment standards are covered in Question 6.)

Judges appointed hereafter would be required to retire at age 72.

The supreme court would no longer be required to give advisory opinions to the governor or general assembly.

CONVENTION ACTION:

Resolution 86-00080-A, Judicial Selection and Discipline, was approved 69-25.

BALLOT QUESTION NO. 5



5 Shall the action of the Constitutional Convention in amending the Constitution in the following manner be ratified and approved?

VOTER INITIATIVE

Shall voters be empowered to petition certain laws and/or constitutional amendments onto the ballot for voter approval or rejection? Shall future constitutional convention candidates be elected on a non-partisan basis?
(Resolutions 86-00001-B, 86-00136)

THE CONSTITUTION NOW:

- A. There is no provision for voter initiative in the Constitution.
- B. The Constitution is silent about whether delegates to constitutional conventions should be elected by party labels or on a non-partisan basis. (The candidates for the 1986 convention did not run under party labels.)

HOW IT WOULD CHANGE:

A. Rhode Island voters would be allowed, by petition, to place proposed laws and constitutional amendments on a general election ballot and vote on them. There are some topics that would not be the subject of voter initiative, such as judicial decisions, collective bargaining agreements, taxes, and the structure of government. For a full explanation of the exceptions please read Resolution 86-00001-B, in *Constitution Rewrite and Resolutions Approved by the 1986 Rhode Island Constitutional Convention*.

Key steps in voter initiative include the following:

1. The collection of 1,000 voter signatures would be sufficient to introduce a bill into the general assembly.
2. A petition signed by 7% of the number of voters in the previous gubernatorial election would place a proposal for a new law on the ballot.
3. A petition signed by 12% of such voters would place a proposal for a constitutional amendment on the ballot.
4. The governor could not veto proposals approved by the people, and the general assembly could not repeal such proposals without voter approval for a period of three years.

- B. Delegates for future constitutional conventions would be elected without party labels.

CONVENTION ACTION:

Resolution 86-00001-B, Voter Initiative, passed 87-10.
Resolution 86-00136, Non-Partisan Conventions, passed 70-26.

BALLOT QUESTION NO. 6



6 Shall the action of the Constitutional Convention in amending the Constitution in the following manner be ratified and approved?

ETHICS IN GOVERNMENT

Shall more specific impeachment standards be established? Shall an ethics commission be established with authority to adopt a code of ethics and to discipline or remove public officials and employees found in violation of that code? Shall the general assembly adopt limits on campaign contributions and shall the general assembly enact a voluntary system of public campaign financing, coupled with limitations on total campaign spending by participating candidates?
(Resolutions 86-00047-A, 86-00060-A, 86-00145-A)

THE CONSTITUTION NOW:

- A. The house of representatives can vote to impeach the governor, other executive officers and judges. The senate tries cases of impeachment; conviction by the senate results in removal from office.
- B. The Constitution does not provide for a commission on ethics or a code of ethics.
- C. The Constitution does not limit political campaign contributions or spending, although it directs the general assembly to require candidates and others to report contributions and expenses.

HOW IT WOULD CHANGE:

- A. *Impeachment*: The amendment would expand the powers of the house by empowering it to compel attendance by witnesses and to subpoena documents. It also specifies grounds for removal from office, including felonies, moral turpitude, incapacity, misfeasance and malfeasance in office and violation of judicial ethics. The amendment would leave the basic system of impeachment intact.
- B. *Ethics Commission*: The general assembly would be directed to establish a non-partisan ethics commission that would enforce a code of ethics for all public officials, state and local, elected and appointed. The commission would have power to investigate charges, impose penalties and to remove officials who are not subject to impeachment.
- C. *Campaign Finances*: The general assembly would be directed to adopt a voluntary system of public campaign financing, which could provide some public funds to candidates who choose to participate. The general assembly could also establish limits on private contributions to political campaigns.

CONVENTION ACTION:

Resolution 86-00047-A, Impeachment, passed 91-1.
Resolution 86-00060-A, Ethics Commission, passed 92-2.
Resolution 86-00145-A, Campaign Financing, passed 84-12.

BALLOT QUESTION NO. 7

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★ **BUDGET POWERS** ★
★ **AND EXECUTIVE** ★
★ **SUCCESSION** ★
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7 Shall the action of the Constitutional Convention in amending the Constitution in the following manner be ratified and approved?

BUDGET POWERS AND EXECUTIVE SUCCESSION

Shall the governor be constitutionally empowered to present an annual budget? Shall the speaker of the house become governor if both the governor and lieutenant governor die or are unable to serve?
(Resolutions 86-00222, 86-00246)

THE CONSTITUTION NOW:

- A. The Constitution does not mention the state budget, although in practice the governor's office prepares an annual budget and presents it to the general assembly for action.
- B. There is a potential conflict in the Constitution concerning who will serve as governor if both the governor and lieutenant governor cannot serve. Section 10 of Article VII provides for the presiding officer of the senate to serve, while Section 4 of Amendment XI empowers the grand committee of the general assembly to fill the vacancy.

HOW IT WOULD CHANGE:

- A. The amendment would specifically direct the governor to prepare an annual state budget and present it to the general assembly.
- B. The succession amendment would make the speaker of the house next in line if both the governor and lieutenant governor could not serve.

CONVENTION ACTION:

Resolution 86-00222, State Budget, passed 71-19.
Resolution 86-00246, Succession, passed 60-34.

BALLOT QUESTION NO. 8



8 Shall the action of the Constitutional Convention in amending the Constitution in the following manner be ratified and approved?

RIGHTS OF THE PEOPLE

Shall free speech, due process and equal protection clauses be added to the Constitution? Shall the state or those doing business with the state be prohibited from discriminating against persons solely on the basis of race, gender or handicap? Shall victims of crime have constitutionally endowed rights, including the right to compensation from perpetrators? Shall individual rights protected by the state constitution stand independent of the U.S. Constitution?

(Resolutions 86-00033, 86-00032, 86-00140, 86-00002-B, 86-00171)

THE CONSTITUTION NOW:

- A. The Constitution does not now contain a free speech or a due process and equal protection clause as does the U.S. Constitution.
- B. There is no direct reference to discrimination on the basis of race, gender or handicap.
- C. There are no provisions in the Constitution for victims of crime, although some laws on victims' rights do exist.
- D. There is no statement in the Rhode Island Constitution that the rights guaranteed in it stand independent of the federal Constitution.

HOW IT WOULD CHANGE:

- A. No law could be passed restricting the freedom of speech, and the due process and equal protection clause of the federal Constitution would be added to the R.I. Constitution, declaring that no one can be denied life, liberty or property without due process of law.
- B. The state and persons doing business with the state would be prohibited from discriminating solely on the basis of race, gender or handicap.
- C. Victims of crime would be guaranteed certain rights, including the right to compensation from perpetrators for injury or loss, and the right to speak in court before sentencing.
- D. Rights protected by the R.I. Constitution would stand independent of the U.S. Constitution.

CONVENTION ACTION:

- Resolution 86-00033, Free Speech, passed 96-0.
- Resolution 86-00032, Due Process, passed 96-0.
- Resolution 86-00140, Victims of Crime, passed 93-1.
- Resolution 86-00002-B, Discrimination, passed 59-35.
- Resolution 86-00171, Independent Standing, passed 87-6.

BALLOT QUESTION NO. 9

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★ **SHORE USE AND** ★
★ **ENVIRONMENTAL** ★
★ **PROTECTION** ★
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9 Shall the action of the Constitutional Convention in amending the Constitution in the following manner be ratified and approved?

SHORE USE AND ENVIRONMENTAL PROTECTION

Shall rights of fishery and privileges of the shore be described and shall the powers of the state and local government to protect those rights and the environment be enlarged? Shall the regulation of land and waters for these purposes not be deemed a public use of private property? (Resolutions 86-00003, 86-00004-A)

THE CONSTITUTION NOW:

Section 16 of Article I guarantees compensation for private property taken for public uses.
Section 17 of Article I protects the public rights of fishery and privileges of the shore.

HOW IT WOULD CHANGE:

Section 16 would be changed to assert the powers of government to regulate and control land and water use to protect the environment, and to protect the right of the people to enjoy rights of fishery and the privileges of the shore. The exercise of the powers described in this section would not be considered a public use of private property; however, the provision for compensation for the taking of private property for public uses would not be altered by this amendment.
Section 17 would be changed to specify the rights of fishery and privileges of the shore. Those rights would include fishing from the shore, gathering seaweed, swimming off the shore and passing along the shore.

CONVENTION ACTION:

Resolution 86-00003 and 86-00004-A, Shoreline Privileges, passed 88-6.

BALLOT QUESTION NO. 11



11 Shall the action of the Constitutional Convention in amending the Constitution in the following manner be ratified and approved?

LIBRARIES

Shall it be a duty of the general assembly to promote public libraries and library services?
(Resolution 86-00098)

THE CONSTITUTION NOW:

The Rhode Island Constitution says nothing about public libraries.

HOW IT WOULD CHANGE:

Article XII on the promotion of education would be amended to make it a duty of the general assembly to promote public libraries and public library services.

CONVENTION ACTION:

Resolution 86-00098, Public Libraries, passed 79-14.

BALLOT QUESTION NO. 12



12 Shall the action of the Constitutional Convention in amending the Constitution in the following manner be ratified and approved?

BAIL

Shall the courts be authorized to deny bail to persons accused of the unlawful sale or distribution of controlled substances punishable by a sentence of ten years or more? (Resolution 86-00153-B)

THE CONSTITUTION NOW:

Section 9 of Article I gives accused persons the right to bail. However, a judge may deny bail for offenses punishable by life imprisonment or for offenses involving the use of a dangerous weapon by a person previously convicted of such a crime.

HOW IT WOULD CHANGE:

Judges would also be allowed to deny bail to those accused of crimes involving unlawful sale or distribution of controlled substances that carry sentences of ten or more years.

CONVENTION ACTION:

Resolution 86-00153-B, Bail, passed 74-20.

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BALLOT QUESTION NO. 13



13 Shall the action of the Constitutional Convention in amending the Constitution in the following manner be ratified and approved?

HOME RULE

Shall cities and towns with charters have more authority over local affairs, within the limits of the General Laws, including the power to tax and borrow with local voter approval (unless overridden by a three-fifths vote in the general assembly); to protect public health, safety, morals and the environment; to regulate local businesses and local planning and development? Shall new or increased tax exemptions pertaining to cities and towns be subject to local voter approval? Shall cities and towns be reimbursed for certain state-mandated programs? Shall charter adoption and amendment procedures be simplified?
(Resolution 86-00196-B)

THE CONSTITUTION NOW:

Amendment XXVIII of the Constitution discusses powers for cities and towns. These provisions:

1. allow self-government in certain local matters;
2. guarantee a local legislative body;
3. authorize the general assembly to legislate by general law concerning cities and towns;
4. authorize the general assembly to pass legislation concerning a particular city or town, subject to voter approval;
5. permit local taxation and borrowing, as authorized by the general assembly;
6. prescribe procedures for adopting and revising local charters by the voters.

HOW IT WOULD CHANGE:

The legislative powers of cities and towns with charters would be expanded and would not need prior approval by the general assembly. The general assembly could set limits on local powers by general law, but within those limits cities and towns could legislate to regulate business, to protect public safety, morals, the environment, and for municipal planning.

With the approval of two-thirds of the voters, a city or town with a charter could enact local taxes and fees (except income and sales taxes), and borrow money. These laws could be overturned by a three-fifths vote of the general assembly.

The option would be guaranteed for cities and towns with charters to include in those charters provisions for voter initiative for local laws (such as the initiative process described for state laws in Ballot Question 5).

New or increased local tax exemptions would have to be approved by local voters.

The general assembly, within limits it would set, would have to reimburse municipalities for expenses

incurred by most state mandated programs. (Some reimbursement is now required by law.)

New and easier methods governing the adoption and amendment of local charters would be specified.

This resolution is several pages long. For full details of its provisions, read Resolution 86-00196-B in *Constitution Rewrite and Resolutions Approved by the 1986 Rhode Island Constitutional Convention*.

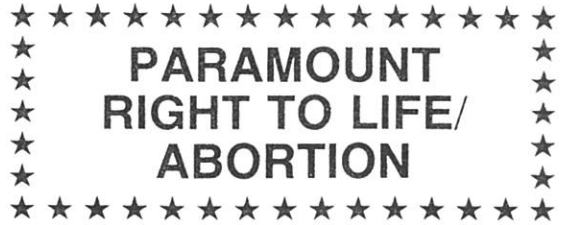
CONVENTION ACTION:

Resolution 86-00196-B, Home Rule, was passed Section by

Section:

Section I	72-22	Section VII	87-9
Section II	86-6	Section VIII	85-9
Section III	92-5	Section IX	90-6
Section IV	84-8	Section X	84-10
Section V	63-23	Section XI	88-3
Section VI	82-12	Section XII	91-3

BALLOT QUESTION NO. 14



14 Shall the action of the Constitutional Convention in amending the Constitution in the following manner be ratified and approved?

PARAMOUNT RIGHT TO LIFE/ABORTION

To the extent permitted by the U.S. Constitution, shall all persons, including their unborn offspring, without regard to age, health, function or condition of dependency, be endowed with an inalienable and paramount right to life; and to the extent permitted by the U.S. Constitution, shall abortion be prohibited, except that justified medical procedures to prevent the death of a pregnant woman shall be permitted? Shall the use of government monies to fund abortions be prohibited by the Constitution? (Resolution 86-00212-A)

THE CONSTITUTION NOW:

The Constitution makes no reference to a "paramount right to life" or to abortion. It does not mention public funding of abortions, although an executive order now prohibits the use of state funds to pay for abortions.

HOW IT WOULD CHANGE:

To the extent permitted by the U.S. Constitution, all persons, including the unborn, would be protected in their inalienable and paramount right to life, "without regard to age, health, function or condition of dependency."

To the extent permitted by the U.S. Constitution, the amendment would prohibit abortions except that the justified use of medical procedures to prevent the death of a pregnant woman or her unborn offspring would be permitted.

The ban on abortions would not become effective unless the U.S. Supreme Court altered its 1973 decision that permitted abortions (Roe Vs. Wade), or unless the U.S. Constitution were amended.

The use of government funds to finance abortions would be prohibited.

CONVENTION ACTION:

Resolution 86-00212-A, Paramount Right to Life, passed 52- 44.

1986 RHODE ISLAND CONSTITUTIONAL CONVENTION

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1st Vice President – A. Robert Rainville
2nd Vice President – Douglas DeSimone
3rd Vice President – Claudette Linhares
Secretary – James Langevin
Treasurer – Karen Kolek

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Providence
2. Bruce G. Sundlun
Providence/East Providence
3. Lila M. Sapinsley
Providence
4. Melvyn M. Gelch
Providence
5. Donald J. Lopes
Providence
6. Edmund R. Berardinelli
Providence/North Providence
7. Michael T. Napolitano
Providence/North Providence
8. Mary E. Batastini
Providence
9. Brian G. Reddy
Providence
10. Keven A. McKenna
Providence/North Providence
11. Kenneth H. Phillips
Providence/Johnston
12. Olga B. Torvi
Providence/Johnston
13. Anthony Caprio
Providence/Cranston
14. Robert Donley
Providence
15. Robert G. Huckins
Glocester/Smithfield
16. Frank J. Williams
Hopkinton/Richmond/Charlestown
17. Matthew B. Smith, Jr.
Providence
18. Angela Smith
Providence
19. Allene R. Maynard
Providence
20. Roberto Gonzalez
Providence
21. Alfred A. Izzo
Cranston
22. John E. Lanni, Jr.
Cranston

DISTRICT

23. Thomas J. Izzo
Cranston
24. Frank J. Montanaro
Cranston/Scituate/Coventry
25. Abraham Baker
Cranston/Warwick
26. Raymond Durfee
Cranston
27. Kenneth P. McGunagle, Jr.
Cranston
28. Rose Ellen A. Reynolds
Cranston
29. Henry A. L. Brown
Warwick
30. James R. Langevin
Warwick
31. Edward W. Dodd
Warwick
32. Constant L. Simonini
Warwick
33. Robert F. J. Ward
Warwick
34. Douglas J. Munroe
Warwick
35. Alfred Gemma
Warwick
36. Lincoln D. Chafee
Warwick
37. Vincent Marzilli
Warwick
38. Eugene J. Girard, Jr.
West Warwick
39. Norman J. King
West Warwick/Coventry
40. A. Robert Rainville
West Warwick
(Deceased June 20, 1986)
Vincent Marzullo
(June 24 to July 13)
John F. Sullivan
41. James W. Bell
Coventry
42. Edward N. Smallman
Coventry

DISTRICT

43. J. William Corr, Jr.
East Greenwich
44. Evandro R. Radoccia, Jr.
North Kingstown
45. Marguerite Neubert
North Kingstown
46. Kenneth Carter
North Kingstown/South Kingstown/
East Greenwich/Exeter
47. Duncan H. Doolittle
Narragansett/South Kingstown
48. James E. Cavanaugh
Narragansett/South Kingstown
49. Richard A. Johnson
South Kingstown
50. Mark J. O'Donnell
Westerly
51. Keith H. Lang
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West Greenwich
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55. Mary Cerra
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56. Ronald T. Webster
Johnston
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Smithfield
58. Rene R. Menard
Lincoln/Smithfield
59. Charles E. McDevitt
Lincoln
60. Mary B. Prendergast
Burrillville
61. Richard H. Leclerc
North Smithfield/Burrillville
62. Steven J. Lopes
Woonsocket/North Smithfield
63. Martin P. Crowley, Jr.
Woonsocket
64. Camillo A. Pierannunzi
Woonsocket/North Smithfield
65. Gerald J. Bouley
Woonsocket
(Deceased March 14, 1986)
Wilfred Godin
66. Charles F. Gould
Woonsocket
67. Richard L. Dupre
Cumberland/Woonsocket
68. Roger C. Milette
Cumberland
69. William J. Flynn
Cumberland
70. Lorena Ward Murphy
North Providence

DISTRICT

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North Providence
72. Thomas Lazieh
Central Falls/Lincoln
73. Marie A. Brousseau
Central Falls/Cumberland
74. Danielle A. Paquette
Pawtucket/Lincoln
75. Laurence Dolan
Pawtucket
76. Douglas DeSimone
Pawtucket
77. George P. Anderson
Pawtucket
78. Karen J. Kolek
Pawtucket/Central Falls
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Pawtucket
80. M. Frances Campbell
Pawtucket
81. Ronald J. Sweeney
Pawtucket
82. Raymond E. Anderson
East Providence
83. Joseph F. Brown
East Providence
84. Patrick Scanlon
East Providence
85. George W. Redman
East Providence
86. Stephen G. Kass
East Providence
87. Eleanor O'Neill
Barrington/East Providence
88. Anthony DeSisto
Barrington
89. Alexander E. Vitullo
Warren
90. George L. Sisson
Bristol/Warren
91. Paul G. Afonso
Bristol
92. Claudette Linhares
Tiverton
93. Patricia D. Soares
Portsmouth/Bristol
94. Allen Wiant
Little Compton/Portsmouth/Tiverton
95. John E. Garrett
Middletown/Portsmouth
96. Kathleen Managhan
Middletown/Portsmouth
97. Margaretta K. Landry
Newport/Middletown
98. Clifton R. Largess, Jr.
Jamestown/Newport
99. Paul L. Gaines
Newport/Middletown
100. A. Claire Dias
Newport

TEAR OFF AND TAKE TO THE POLLS

**USE THIS SHORT FORM AS A GUIDE
ON ELECTION DAY**

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|--------------------|-------------------------------------------------|-----|--------------------------|----|--------------------------|
| BALLOT QUESTION 1 | REWRITE OF CONSTITUTION | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| BALLOT QUESTION 2 | JUDICIAL SELECTION AND
DISCIPLINE | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| BALLOT QUESTION 3 | LEGISLATIVE PAY & MILEAGE | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| BALLOT QUESTION 4 | FOUR-YEAR TERMS & RECALL | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| BALLOT QUESTION 5 | VOTER INITIATIVE | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| BALLOT QUESTION 6 | ETHICS IN GOVERNMENT | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| BALLOT QUESTION 7 | BUDGET POWERS AND
EXECUTIVE SUCCESSION | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| BALLOT QUESTION 8 | RIGHTS OF THE PEOPLE | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| BALLOT QUESTION 9 | SHORE USE AND
ENVIRONMENTAL PROTECTION | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| BALLOT QUESTION 10 | FELON OFFICE HOLDING
AND VOTING | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| BALLOT QUESTION 11 | LIBRARIES | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| BALLOT QUESTION 12 | BAIL | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| BALLOT QUESTION 13 | HOME RULE | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| BALLOT QUESTION 14 | PARAMOUNT RIGHT TO
LIFE/ABORTION | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |