2019 -- H 5201

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

JOINT RESOLUTION

TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE-OF ELECTIONS AND CAMPAIGN FINANCE

Introduced By: Representatives Phillips, Solomon, Hawkins, Serodio, and Morin

Date Introduced: January 25, 2019

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 it take the place of Article IV, Section 1, which is hereby 5 amended to read as follows: ARTICLE IV 6 OF ELECTIONS AND CAMPAIGN FINANCE 7 Section 1. Election and terms of governor, lieutenant governor, secretary of state, 8 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

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. Commencing in November, 2020, and thereafter, senators and representatives from even numbered districts shall be elected for a term of four (4) years, and the remaining members from odd numbered districts shall be elected for a two (2) year term. Provided, however, commencing in November, 2022, and thereafter, senators and representatives from odd numbered districts shall be elected for a term of four (4) years. There shall be no limit to the number of terms the senators and representatives in the general assembly may be elected.

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

1	in accordance with the constitution and laws of the state. The person so removed shall not be
2	eligible to fill the unexpired portion of the term of office. The general assembly shall provide by
3	statute for implementation of the recall process.
4	RESOLVED, That this amendment shall take, in the Constitution of the state, the place of
5	Section 1, Article IV of the Constitution;
6	It is further
7	RESOLVED, That the said proposition of amendment shall be submitted to the electors
8	for their approval or rejection at the next statewide general election. The voting places in the
9	several cities and towns shall be kept open during the hours required by law for voting therein for
10	general officers of the state; and be it further
11	RESOLVED, That the secretary of state shall cause the said proposition of amendment to
12	be published as a part of this resolution in the newspapers of the state prior to the date of the said
13	meetings of the said electors; and the said proposition shall be inserted in the warrants or notices
14	to be issued previous to said meetings of the electors for the purpose of warning the town, ward,
15	or district meetings, and said proposition shall be read by the town, ward or district meetings to
16	be held as aforesaid; and be it further
17	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 election of general officers of the state.

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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 OF THE STATE-OF ELECTIONS AND CAMPAIGN FINANCE

1	This joint resolution would propose a constitutional amendment authorizing four (4) year
2	terms for members of the general assembly, elected members from even numbered districts would
3	begin to be elected to four (4) year terms commencing in November, 2020, while members in off
4	numbered districts would begin to be elected to four (4) year terms commencing in November,
5	2022.
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