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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO ELECTIONS -- INITIATIVE AND REFERENDUM

Introduced By: Senators Cote, and Picard

Date Introduced: January 11, 2018

Referred To: Senate Special Legislation and Veterans Affairs

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 17 of the General Laws entitled "ELECTIONS" is hereby amended by
2 adding thereto the following chapter:

3 CHAPTER 5.1

4 INITIATIVE AND REFERENDUM

5 **17-5.1-1. Presentation of petition.**

6 (a) Any natural person or persons who propose to begin an initiative and referendum
7 process shall obtain an application petition form and summary of the initiative and referendum
8 process from the secretary of state. The person or persons who file for said application petition
9 shall be deemed the proponent of the initiative measure.

10 (b) To begin the initiative and referendum process, at least fifty (50) qualified voters must
11 sign the application petition obtained from the secretary of state containing the initiative measure
12 in its entirety, and the proponent shall submit same to the secretary of state for certification.

13 (c) An initiative measure embracing more than one subject may not be submitted to the
14 electors or have any effect. Separate initiatives must be filed for different subjects. A measure
15 shall be deemed to embrace more than one subject if its parts are not both reasonably germane to
16 each other and functionally related.

17 **17-5.1-2. Certification of application petition.**

18 (a) Within ten (10) days of receipt of the application petition, the secretary of state shall
19 certify:

1 (1) Whether or not a sufficient number of qualified voters have signed the application
2 petition;

3 (2) Whether the application petition complies with the requirements of Art. VI, Section
4 2(B) of the state's constitution; and

5 (3) Whether the application petition complies with §17-5.1-1.

6 (b) Upon certification, the secretary of state shall, within fifteen (15) business days of
7 receiving the proposed initiative, prepare a draft ballot text for the initiative in conformity with
8 §17-5.1-3 and a concise and impartial statement summarizing the measure and its major effect.

9 **17-5.1-3. Ballot text and summary.**

10 (a) The ballot text of any statutory initiative shall consist of:

11 (1) A caption which reasonably identifies the subject of the measure; and

12 (2) A question which plainly phrases the chief purpose of the measure so that an
13 affirmative response corresponds to an affirmative vote on the measure. Such ballot text shall be
14 as brief and concise as possible totaling no more than one hundred and twenty-five (125) words.

15 (b) The ballot text of an initiative to amend the state's constitution shall consist of:

16 (1) A caption which reasonably identifies the subject of the measure; and

17 (2) The text of the proposed constitutional language in its entirety.

18 (c) Immediately upon the preparation of the ballot text and summary of an initiative
19 petition, the secretary of state shall transmit forthwith copies of the text of the measure and
20 summary to the proponent. If the proponent or a majority of the proponents if there be more than
21 one proponent approves the ballot text and summary, the secretary of state shall immediately
22 transmit the same to the clerk of the house of representatives and of the senate. The appropriate
23 committee in the house of representatives and in the senate may hold public hearings on the
24 subject of the measure; provided, that nothing in this section shall be construed as authority for
25 the general assembly to alter the measure or prevent it from appearing on the ballot.

26 (d) If the proponent or a majority of the proponents, if there be more than one proponent,
27 objects to the ballot text and/or summary prepared by the secretary of state, the proponent shall so
28 notify the secretary of state within five (5) business days of receipt. The secretary of state shall
29 thereupon attempt to accommodate the concerns of the proponent or a majority of the proponents
30 if there be more than one proponent, and the proponent or a majority of the proponents if there be
31 more than one proponent shall determine whether the ballot text and summary shall be
32 transmitted to the general assembly.

33 (e) The secretary of state shall, within ten (10) business days of the proponent's receipt
34 and approval of the draft ballot text and summary statement, assign a petition reference number

1 and shall prepare and make available to the proponent the circulation petition for voter signatures
2 pursuant to §17-5.1-4. The secretary of state shall place at the top of each petition in addition to
3 the ballot text the following notice in bold type: "The purpose and intent of this initiative shall be
4 maintained. However, this proponent may later amend the initiative measure set forth in this
5 petition before it appears on the ballot if the amendments are consistent with this initiative's
6 purpose and intent." Petitioners may, at their own expense, have petition papers duplicated.

7 **17-5.1-4. Petition papers and signatures.**

8 (a) The name and address of each signatory must be printed legibly preceding the
9 signature on each line of the circulation petition. Any individual who signs a circulation petition
10 with any name other than their own shall be guilty of a felony and may be punished by
11 imprisonment for a term up to two (2) years and/or may be fined up to two thousand dollars
12 (\$2,000). Any individual who knowingly signs a circulation petition more than once shall be
13 guilty of a misdemeanor and may be punished by imprisonment for a term of up to one year,
14 and/or may be fined not more than five hundred dollars (\$500).

15 (b) Each circulation petition shall be limited to signatures from one municipality.

16 (c) Circulation petitions shall be circulated only by persons who are at least eighteen (18)
17 years of age at the time the petition is circulated. All circulators who are not to be paid for
18 circulating petitions concerning ballot issues shall display an identification badge issued by the
19 petitioners, meeting design standards set by the secretary of state that includes the words
20 "VOLUNTEER CIRCULATOR" in bold-faced type which shall be clearly legible. All circulators
21 who are to be paid for circulating petitions concerning ballot issues shall display an identification
22 badge issued by the petitioners, meeting design standards set by the secretary of state that
23 includes the words "PAID CIRCULATOR" in bold-faced type which shall be clearly legible, and
24 the name and telephone number of the individual and/or firm employing or making payments to
25 the circulator. Provided, however, that any compensation to a paid circulator based on a per
26 signature basis shall be prohibited. Each circulator shall carry and offer for review by each
27 prospective initiative petition signer the complete text of the initiative and a copy of all such
28 campaign finance reports relating to the initiative as may be required by law. Any individual who
29 violates these stipulations shall be guilty of a misdemeanor and may be punished as provided for
30 in subsection (a) of this section.

31 **17-5.1-5. Campaign finance laws applicable.**

32 (a) Rhode Island campaign finance laws pertaining to contributions, expenditures and
33 reporting requirements shall apply to any campaign in support of or in opposition to any
34 initiative. In addition to any other reporting requirements required by law, reports of contributions

1 and expenditures shall be required of the proponents of any initiative, commencing with the first
2 Monday after the original circulation petition papers have been provided to the proponents, and at
3 fourteen (14) day intervals thereafter, until certification by the secretary of state that the requisite
4 number of signatures have been obtained to place the measure on the general election ballot.

5 (b) Exclusive of payment made to or received by paid circulators, any individual or group
6 who gives or receives payment or anything of value for a signature shall be guilty of a
7 misdemeanor.

8 **17-5.1-6. Certification of circulation petition.**

9 Within four hundred twenty-five (425) days from the date the secretary of state has
10 assigned a petition reference number and issued the first initiative petition forms, the secretary of
11 state shall certify whether or not a sufficient number of qualified voters have signed the
12 circulation petition and, if so, whether the initiative has qualified for the ballot.

13 **17-5.1-7. Presentation to general assembly.**

14 (a) Any circulation petition certified on or before March 1 in any calendar year shall be
15 delivered immediately by the secretary of state to the clerk of the house of representatives and of
16 the senate.

17 (b) Any circulation petition certified after March 1 in any calendar year shall be retained
18 by the secretary of state until the second legislative day of the next following January session of
19 the general assembly, at which time the said petition shall be delivered by the secretary of state to
20 the clerk of the house of representatives and of the senate.

21 (c) Immediately upon receipt of an initiative petition, the presiding officer in the house of
22 representatives and the senate, respectively, shall refer the petition to a standing committee of the
23 body, which committee shall conduct a public hearing on the merits of the petition and, by a
24 recorded vote of its members, recommend to approve or disapprove the initiative, within fifty
25 (50) days of its referral.

26 (d) Within sixty (60) days of delivery of the initiative petition to the general assembly by
27 the secretary of state, the proponent or a majority of the proponents if there be more than one
28 proponent may amend the initiative, provided that the amendments further the purposes and intent
29 of the initiative, by submitting such amendments in writing to the secretary of state for review.

30 (e) The secretary of state shall determine, within ten (10) business days of receipt of the
31 amended petition, whether such amendments further the purposes and intent of the initiative and
32 notify the proponent and the general assembly in writing.

33 (f) The proponent or a majority of the proponents if there be more than one proponent
34 shall have ten (10) business days to cure any deficiencies and to deliver the amended initiative to

1 the appropriate committee in the house of representatives and the senate.

2 (g) No later than one hundred (100) days after the secretary of state has delivered the
3 certified initiative to the general assembly, each of the legislative committees to which the
4 initiative has been referred shall, by a recorded vote of its members, recommend to approve or
5 disapprove the amended initiative.

6 (h) No later than one hundred twenty (120) days after the secretary of state has delivered
7 the certified initiative to the general assembly, the house of representatives and the senate shall
8 take a recorded vote of its members on the provisions of the initiative.

9 (i) If, within the one hundred twenty (120) day period following delivery by the secretary
10 of state of a statutory initiative that has qualified for the ballot, a majority of the members in each
11 house approves the initiative, or approves an amended version of the initiative which is endorsed
12 by the proponent or a majority of the proponents if there be more than one proponent, the
13 measure shall be presented to the governor and, if the governor signs it into law or allows it to
14 become law without their signature, thereupon it shall become operative.

15 (j) If a statutory initiative is not so approved by the general assembly and the governor,
16 the secretary of state shall then submit the measure at the next general election following the
17 expiration of the one hundred twenty (120) day period following delivery of the certified
18 initiative by the secretary of state to the general assembly. Each legislator's name, party
19 affiliation, electoral district, residence, and vote cast on the initiative, as well as the vote of each
20 house by total membership and by party affiliation, shall appear in the voter information
21 handbook in addition to the complete text of the measure.

22 (k) Upon the expiration of the one hundred twenty (120) day period following delivery by
23 the secretary of state to the general assembly of an initiative to amend the constitution, the
24 secretary of state shall then submit the measure, or an amended version of the measure which is
25 endorsed by the proponent, or by a majority of the proponents if there be more than one
26 proponent, at the next general election.

27 **17-5.1-8. Expenditure of public money.**

28 (a) If the enacted initiative petition would involve expenditure of public money by the
29 state, reduction of state revenues or raising of funds by the state by imposing any tax or incurring
30 any indebtedness, the secretary of state, the general treasurer and the director of administration, in
31 consultation with the senate and house fiscal advisors, shall estimate the amount of direct
32 expenditure, direct reductions in expenditure, direct reduction in state revenues, direct tax
33 revenue or indebtedness and interest which will be required to meet the provisions of the
34 initiative. The estimate shall state the recurring annual amount involved or, if the initiative does

1 not involve a recurring annual amount, the total amount.

2 (b) The officials named shall also estimate the aggregate amount of direct expenditure,
3 direct reduction of expenditure, direct reduction on revenues, direct tax revenue or indebtedness
4 and interest which will be required by all cities and towns to meet the provisions of the initiative.

5 (c) The estimates shall be printed in the voter information handbook and on the ballot
6 unless the measure involves only state agency expenses not exceeding two hundred thousand
7 dollars (\$200,000) per year.

8 The estimates shall be expressed both in absolute dollar terms and as a percentage of the
9 total current state budget. If practicable in the judgment of the general treasurer, the estimates
10 shall be projected to reflect costs in future fiscal years.

11 (d) If the officials named determine that the measure, if it is enacted, will have no
12 financial effect, except as described in the previous paragraph, the words "no financial effect"
13 shall be printed in the voter information handbook and on the ballot.

14 (e) Final authority and responsibility for providing the financial estimates provided
15 within this section shall rest with the general treasurer.

16 (f) The voter information handbook distributed in connection with any ballot that
17 contains more than one initiative proposal involving the expenditure of public money by the state,
18 the reduction of state revenues, or the raising of funds by the state imposing any tax or incurring
19 any indebtedness shall include an estimate of the combined cost impact which would occur if all
20 such initiative proposals were to be approved.

21 **17-5.1-9. Severability.**

22 If any provision of this chapter or the application thereof to any person or circumstance is
23 held invalid, such invalidity shall not affect other provisions or applications of the chapter, which
24 can be given effect without the invalid provision or application, and to this end the provisions of
25 this chapter are declared to be severable.

26 SECTION 2. Chapter 9-1 of the General Laws entitled "Causes of Action" is hereby
27 amended by adding thereto the following section:

28 **9-1-55. Actions involving voter initiative petitioners and procedures. –**

29 (a) The superior court shall have original jurisdiction over actions arising under chapter
30 5.1 of title 17.

31 (b) The running of any time period established by any section of chapter 5.1 of title 17
32 shall be tolled during the pendency of such action.

33 SECTION 3. Severability. If any provision of this act or the application thereof to any
34 person or circumstances shall be held invalid, such invalidity shall not affect other provisions or

1 applications of the act, which can be given effect without the invalid provision or application, and
2 to this end the provisions of the act are declared to be severable.

3 SECTION 4. This act shall take effect upon ratification of a constitutional amendment
4 entitled "JOINT RESOLUTION TO APPROVE AND PUBLISH, AND SUBMIT TO THE
5 ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE
6 STATE (INITIATIVE AND REFERENDUM)."

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ELECTIONS -- INITIATIVE AND REFERENDUM

1 This act would provide a detailed process by which a proponent of a voter initiative and
2 referendum proposal would present the proposal to the secretary of state, the general assembly
3 and the governor.

4 This act would take effect upon ratification of a constitutional amendment entitled
5 "JOINT RESOLUTION TO APPROVE AND PUBLISH, AND SUBMIT TO THE ELECTORS
6 A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE
7 (INITIATIVE AND REFERENDUM)."

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