

SHOULD RHODE ISLAND HOLD A CONSTITUTIONAL CONVENTION?

Frequently Asked Questions about the Alternative Process for Amending the Constitution

Q What is a Constitutional Convention?

A The convention is a process established in the Rhode Island Constitution to bypass the General Assembly when voters think it has failed to address important issues. Delegates are elected for a single duty—to consider possible amendments to the Constitution. Delegates are not paid but have lawyers and staff to help them draft sound constitutional language.

Q Can a Constitutional Convention actually amend the Rhode Island Constitution?

A No. The convention only proposes amendments and places them on the statewide ballot. No amendment takes effect until voters approve.

Q How would delegates be elected?

A The Rhode Island Constitution requires one delegate from each of the 75 state representative districts. For the last convention in 1986, the General Assembly passed legislation that mandated a non-partisan election of delegates.

Q Will candidates running for delegate to a convention have to file campaign finance reports?

A Yes, candidates must report contributions and expenditures to the Board of Elections. All candidates for public office must file reports of campaign income and expenses.

Q When would delegates be elected? When would a convention be held?

A If voters approve, the General Assembly would schedule the election. The last delegates were elected in November 1985. They deliberated through the spring of 1986, and their questions went to voters on the 1986 statewide ballot. A similar schedule seems likely again.

Q Who won election as delegates to the 1986 Constitutional Convention?

A A broad mix of people from political novices to seasoned statewide campaigners. Among them were several former legislators, a brain surgeon, a radio talk show host, and the president of an international relief agency. Homemakers, firefighters, a bus driver, and a sculptor became delegates, along with ten college students and a dozen retirees. Seven former legislators, four close relatives of legislators, and two State House lobbyists were elected.

Q Are voters likely to approve all the amendments passed by convention delegates?

A Probably not. In 1986, the Constitutional Convention placed fourteen amendments on the ballot, and voters rejected six. Although Rhode Island was America's most heavily Roman Catholic state, nearly two-thirds rejected Question 14 that would have outlawed most abortions, and 64 per cent of the voters said no to Question 3 that would have granted a legislative pay raise without ending legislative pensions. Voters also rejected both Question 4, four-year terms for legislators and statewide general officers, and Question 5 a voter initiative process that reform groups said had been gutted in the convention. Voters approved Question 6, an amendment establishing the strongest Ethics Commission in the nation, Question 8,

prohibiting discrimination and assuring the right of crime victims to speak in court before sentencing of those who harmed them, Question 9, guaranteeing public access to the shore, and Question 13, which strengthened home rule of cities and towns.

Q Could a Constitutional Convention take away citizens' rights?

A No. The delegates must vote publicly for any question, and only voters can approve any amendment to the Constitution. History shows that 2/3 of state voters rejected the 1986 Question 14 that would have severely restricted abortions. Voters approved Question 10, which appeared to liberalize voting by allowing felons who had previously needed an act of the legislature to vote again. It restored the vote after probation and parole, but longer probation and parole imposed by judges had the effect of disenfranchising many. Advocates persuaded the General Assembly to place Question 2 on the 2006 ballot to restore the vote upon an inmate's release from prison. Voters approved. In any event, no change proposed by the convention or approved by voters could diminish any rights that the U.S. Constitution protects.

Q Can we limit secret money from out-of-state interests that might try to hijack the convention or the election for their own purposes?

A The U.S. Supreme Court has recently thrown out campaign finance restrictions that date from the Tillman Act of 1907, post-Watergate reforms of 1974, and the Bipartisan Campaign Reform Act of 2002, often called McCain-Feingold. But Rhode Island enacted a strong Ballot Advocacy Law in 2006 that outlaws efforts to disguise the "true origin of funds" and creates penalties up to triple the amounts spent in violation of the law or not reported. A 2012 law established rigorous standards for disclosure of independent expenditures and electioneering communications, including names of the top five donors paying for any commercial. These serve as deterrents to deceptive ads on TV, radio, the Internet, and other media.

Q How much would a constitution convention cost?

A If voters approve a convention, the General Assembly would set its budget. Calculating for inflation from the cost of \$891 thousand for the 1986 convention, that cost would be approximately \$1.9 million in today's dollars in a state budget of \$8.8 billion per year, a one-time expense of roughly \$1.80 for each Rhode Islander. By contrast the General Assembly appropriated \$38 million on its own operations for the fiscal year that began on July 1, approximately \$36 per person.

Q What issues have been proposed for a possible convention?

A In hearings before the Bipartisan Preparatory Commission, witnesses proposed issues that the General Assembly has been unwilling or unable to address: (1) restoring the Ethics Commission's jurisdiction over the General Assembly, (2) insulating the selection of judges and magistrates from political deal-making, (3) improving fiscal accountability with a line-item veto, (4) guaranteeing constitutional rights even when the General Assembly fails to pass enabling legislation, (5) establishing an independent process for redrawing legislative and congressional districts, and (6) ensuring equal opportunities for education of all children.

Q What safeguards will the public have?

A The Rhode Island Constitution allows voters to approve a convention, and it gives them important responsibilities. The people must decide (1) whether



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to hold a convention, (2) who will represent their communities as convention delegates, and (3) whether to approve any constitutional amendments proposed by a convention. This is not foolproof, but it puts power in the hands of voters.