

STATE OF RHODE ISLAND

REPORT

Of the

BI-PARTISAN PREPARATORY

COMMISSION FOR A CONSTITUTIONAL CONVENTION

August 28, 2024

Why This Report is Being Sent to Rhode Island Voters

In the upcoming November election, Rhode Island voters will be asked to decide whether there should be a convention held to make amendments or revisions to the Rhode Island Constitution. The following report is offered to assist voters in making that decision. The information contained in this report was gathered and compiled by the Bi-Partisan Preparatory Commission for a Constitutional Convention (“Commission”), after receiving testimony from the public at a number of hearings and through a dedicated email address.

The Bi-Partisan Preparatory Commission and its Charge

The Commission was created pursuant to Article XIV, Section 2 of the Constitution of the State of Rhode Island, which in relevant part, provides as follows:

“The general assembly, by a vote of the majority of the members elected to each house, may at any general election submit the question, ‘Shall there be a convention to amend or revise the Constitution?’ to the qualified electors of the state. . . Prior to a vote by the qualified electors on the holding of a convention, the general assembly. . . shall provide for a bi-partisan preparatory commission to assemble information on constitutional questions for the electors.”

Pursuant to this provision in the Constitution, the General Assembly passed a resolution during the 2024 legislative session that provided for the placement of the question, “Shall there be a convention to amend or revise the Constitution?” on the upcoming November ballot. *See*, 2024 RI Res. 400 and 2024 RI Res. 401. The General Assembly also established the Commission to hear from the public as required by the RI Constitution. *See*, 2024 RI Res. 398 and 2024 RI Res. 399.

The following individuals were appointed to the Preparatory Commission:

Representative Robert E. Craven, Sr. (District 32)	Co-Chair
Senator Dawn Euer (District 13)	Co-Chair
Senator Robert Britto (District 18)	
Representative Arthur J. Corvese (District 55)	
Senator Jessica de la Cruz (District 23)	
Representative Raymond A. Hull (District 6)	
Senator Matthew L. LaMountain (District 31)	
Representative David Place (District 47)	
Stephen Iannazzi	Public Member
Joseph Larisa, Jr.	Public Member
Daniel Reilly	Public Member
Deborah Ruggiero	Public Member

Gathering Information on Constitutional Issues

Consistent with its charge to “assemble information on constitutional questions for the electors” the Commission met for the purposes of hearing testimony on constitutional questions that may be appropriate for a convention, if held, as well as testimony relating to whether a convention should be held at all. The Commission also took notice of the reports that were issued by the three previous Bi-Partisan Preparatory Commissions in 1984, 2004, and 2014.

The Commission provided the public with a variety of ways to participate in its fact finding, by offering multiple opportunities for public testimony on several dates in July and August 2024, and at different times so as to accommodate the state’s diverse constituency. The Commission also established a dedicated email address to accept written testimony from individuals and groups who could not attend a meeting in person. Every hearing was televised on Capitol TV and recordings of those hearings are available to view at the following URL:

<https://capitolvtvri.cablecast.tv/search?query=bi-partisan%20preparatory%20commission&site=1>.

The Commission heard or received written testimony from numerous individuals and civic organizations including:

- Build RI
- Coalition Radio Network
- Common Cause RI
- Independentvoting.org
- RI ACLU
- RI AFL-CIO
- RI Atheists
- RI Black Business Association
- RI Commission on Human Rights
- RI Federation of Teachers and Health Professionals

Individual witnesses were asked to restrict their testimony to the benefits and/or concerns of holding a Constitutional Convention as well as what topic areas, if any, should be included in the Preparatory Commission’s report as possible issues for consideration at a Constitutional Convention, if convened. Written testimony and other documents provided to the Commission have been posted on the General Assembly’s website and are accessible at the following URL: <https://www.rilegislature.gov/commissions/CCC/Pages/members.aspx>.

Topics Most Cited by Proponents of a Constitutional Convention

A wide variety of potential amendments to the RI Constitution were offered by witnesses who testified in support of holding a Constitutional Convention. It is important to note that once a Convention is called, the delegates will determine their own agenda. The Convention will not be required to address issues that may have been discussed during the Commission’s hearings. The delegates may choose to take up or reject any proposal, even ones that were not brought before

this Commission. Finally, any proposed changes to the RI Constitution recommended by the Constitutional Convention must be submitted to the voters for final approval.

The following list represents potential revisions to the RI Constitution cited by proponents in their testimony before the Commission, in no particular order, grouped by topic:

Civil Rights

- Establishing a fundamental right to education
- Creation of a legal remedy for constitutional torts
- Insertion of stronger Second Amendment language
- Reversal of Rhode Island's statutory ban on magazines over 10 rounds
- Limitations on solitary confinement

Elections and Voting

- Same day voter registration
- Ranked-choice voting or other non-plurality voting systems
- Citizen ballot initiatives and voter referenda
- Nonpartisan open primary system
- Term limits for elected officials
- Recall procedures for elected officials
- Changes to campaign finance disclosure laws for candidates and ballot measures

Government Structure

- Removal of lifetime tenure for Supreme Court justices
- Increasing local control over municipal budgets
- School choice
- Line-item veto
- Legislative veto of agency rulemaking
- Establishment of an Office of Inspector General
- Expansion of public access to government records

Concerns Cited by Opponents to a Constitutional Convention

Opponents to a Constitutional Convention were generally concerned with the impact that a convention could have on civil rights. Accordingly, their testimony focused on how the Convention might be used to undermine the rights of Rhode Islanders rather than responding to the topics raised by proponents.

Impact on Existing Rights

- Changes proposed could undermine long-established civil rights
- Potential to weaken protections of minorities and marginalized groups
- Risk to reproductive healthcare rights
- Risk to worker protections and labor rights
- Risk to voter access protections

Outside Influence

- Potential impact of significant out-of-state financial influence on the convention process and delegate election
- Potential influence of special interest groups, particularly national interests
- Lack of reporting of certain campaign expenditures

Process

- Expense to taxpayers associated with holding a Constitutional Convention including special election(s)
- Lack of political accountability of delegates who do not face re-election
- The Convention process is not as deliberative as the legislative process and could lead to the absence of a full public vetting of constitutional amendments
- Lack of representation due to delegate selection in a low turnout special election

Questions and Issues Related to Holding a Constitutional Convention

Because the RI Constitution is silent as to how a Constitutional Convention should be organized, the Commission invited the expert testimony of representatives from the RI Board of Elections and the Office of the Secretary of State to discuss the topics of ballot question advocacy and the special election of delegates. Their presentations are summarized below.

Ballot Question Advocacy and Reporting

According to testimony offered by the Board of Elections, anyone (including advocacy groups, corporations and unions) is permitted to advocate for or against a convention. Unlike the limits for individual candidates, there is no limit to the amount or source of funds that advocates for or against a convention may use to persuade voters. Further, there is no requirement to register with Board of Elections as a political action committee (“PAC”) before such advocacy begins. Instead, reporting on sources of funds raised and money spent is only required once the threshold amount of one thousand dollars (\$1,000.00) has been surpassed. Most importantly, unlike campaigns for elected office, anyone inside or outside of the state can spend an unlimited amount of money advocating for their position.

Special Election for Constitutional Delegates

Upon the approval by the voters to hold a Constitutional Convention, the RI Constitution provides that the General Assembly at its next session shall provide for the election of delegates to such convention. The RI Constitution further provides that the number of delegates shall be equal to the number of members of the house of representatives and shall be apportioned in the same manner as the house of representatives. There are 75 representative districts in the house of representatives, therefore, there would be 75 delegates to a Convention

If the people approve the question of whether to hold a convention, the General Assembly, as required by the RI Constitution, would establish the procedures related to the convention, including whether delegates will be selected on a partisan or nonpartisan basis, the calendar and procedures for any election(s), the qualification of delegates, any appropriation of funds, and the time and place that the convention would first convene.

Estimated Expense of Holding a Constitutional Convention

If the voters were to approve a Constitutional Convention this November, the state would likely incur expenses over at least the next two years executing that mandate. This includes the election of delegates in a special off-year election in 2025, as well as the conduct of the convention itself in the year that follows, culminating with the presentation of proposed amendments to the voters on the 2026 ballot.

Previous commissions have included such estimates but have taken different approaches to addressing the issue. The 2014 report cited the \$0.9 million cost incurred and offered a \$2.5 million estimate that reflected prior costs and consideration of likely expenses with an emphasis on the uncertainty of multiple factors.

The House Fiscal Advisory Staff provided the following information for the Commission’s consideration at the hearing held on August 21, 2024.

Pricing the potential elements of a convention by component, with no specific guidance on the actual conduct of it, suggests a range of \$2.6 million to \$4.8 million, with a midpoint of \$3.7 million. These values now contain the \$1.3 million estimate for a 2025 special election provided by the Office of the Secretary of State to the Commission. They remain subject to significant revision depending on decisions as to both the conduct of the election of convention delegates and how the delegates will be supported once selected including direct payments, staff, contracted expertise and other operations.

The table below attempts to price these expense areas and the likely range given the variable nature of them. Not included in the range is an estimate if delegates were compensated similar to legislators or a time frame that is significantly longer or shorter than the prior convention.

Expense Areas	Low	High
Delegate Expenses	\$ 225,000	\$ 750,000
Staff Support (Legal/Clerical/Policy/Technical)	750,000	1,375,000
Experts/Consultants	125,000	625,000
2026 Referenda Costs - Proposed Amendments	100,000	200,000
Miscellaneous	100,000	500,000
Subtotal	\$ 1,300,000	\$ 3,450,000
<i>Special Election (2025)*</i>	<i>\$ 1,320,000</i>	<i>\$ 1,320,000</i>
Total - Including Special Election	\$ 2,620,000	\$ 4,770,000

**Secretary of State provided detailed estimate of state and local expenses to Commission*

Finally, advocates for excluding potential expenses in this report believed that citing such costs may be seen as an attempt to influence voters to reject the question. Related concerns suggested that potential financial benefits could be realized from some proposals that may be selected for voters to consider and therefore should be addressed. However, given the infinite number of potential changes and the vast range of related costs and benefits, the Commission is not in a position to offer any guidance quantifying this to the voters. Conversely, it is both practical and reasonable to report that the process of conducting a Constitutional Convention will involve the expenditure of public funds. The voters will have the opportunity to decide from there.

Summary

This report is intended to help Rhode Island voters understand the issues involved with holding a Constitutional Convention.

The upcoming vote in November is not the only method to amend our state constitution. If a convention is not approved by the voters in 2024, the General Assembly may at any time, by a majority vote, place the Constitutional Convention question on the ballot of a general election. In addition, the General Assembly may also propose amendments to our constitution during any legislative session to be placed on the ballot and to be voted on by the people at the following general election.

The Commission hopes that voters find the information contained in this report will be helpful and allow them to make an informed choice on November 5th. For more information regarding the work of this Commission, please visit the General Assembly's website at the following URLs:

- For submitted testimony:
<https://www.rilegislature.gov/commissions/CCC/Pages/members.aspx>



- For video recordings of the Commission's hearings:
<https://capitolvri.cablecast.tv/search?query=bipartisan%20preparatory%20commission&site=1>



Acknowledgement

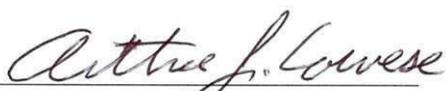
The Commission expresses its appreciation to the staff for their hard work and assistance in all aspects of the Commission's meetings and preparation of this report. The Commission further thanks the members of the public who attended the meetings and participated in this important process.



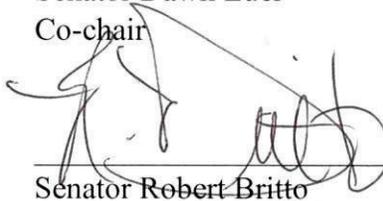
Representative Robert E. Craven, Sr.
Co-chair



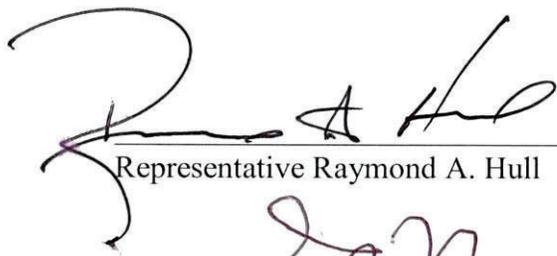
Senator Dawn Euer
Co-chair



Representative Arthur J. Corvese



Senator Robert Britto



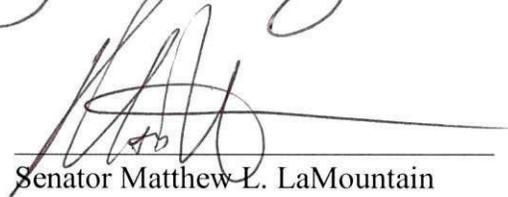
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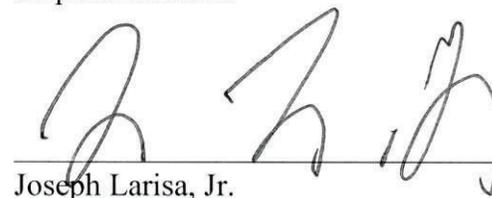
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