

STATE OF RHODE ISLAND
WASHINGTON COUNTY

SUPERIOR COURT

<p>DAVID M. ROTH LINDA H. ROTH, and ES710 LLC,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>STATE OF RHODE ISLAND and THE RHODE ISLAND COASTAL RESOURCES MANAGEMENT COUNCIL,</p> <p style="text-align: center;">Defendants.</p>	<p>C.A. No. _____</p>
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COMPLAINT

Plaintiffs David Roth, Linda Roth, and ES710 LLC (“Plaintiffs”) bring this Complaint against Defendants the State of Rhode Island and the Rhode Island Coastal Resources Management Council (collectively, “Defendants”), for injunctive and declaratory relief because General Assembly bill H. 5174, entitled “An Act Relating to Waters and Navigation—Coastal Resources Management Council” (the “Act”), violates the separation of powers doctrine embodied in Article V to the Rhode Island Constitution and constitutes a taking without just compensation in violation of Article I, Section 16 to the Rhode Island Constitution and the Fifth Amendment to the United States Constitution, applicable to the States through the Fourteenth Amendment.

INTRODUCTION

1. By this action, Plaintiffs challenge the constitutionality of a recently-enacted state statute that both violates the separation of powers doctrine and improperly takes Plaintiffs’ properties.

2. Plaintiffs own adjoining beachfront properties located on East Beach in Westerly, Rhode Island. The properties border the Atlantic Ocean and encompass areas of dry sandy beach.

3. Under the Rhode Island Constitution, the boundaries of privately-owned shorefront property, like Plaintiffs' properties, extend to the mean high tide ("MHT") line, while beach areas lying seaward of the MHT line are held in public trust and open to public use. The MHT line is defined as the average of high water heights observed over an 18.6-year cycle; it is distinct from, and located seaward of, the water line denoting peak tides.

4. Plaintiffs hold title to, and pay property taxes on, the dry sandy beach located within their property boundaries and landward of the MHT line. Their property rights include the right to use and enjoy the land, and to exclude non-owners.

5. The Act, signed into law on June 26, 2023, confiscates land owned by Plaintiffs in violation of the State and Federal constitutions by moving the point of demarcation between publically-accessible beach areas and private property from the MHT line to a new upland location that belongs to Plaintiffs and others similarly situated.

6. Specifically, the Act declares that the public's beach rights extend to a point located 10 feet *inland* of the "recognizable high tide line" (the "RHT line"), defined as the line on the beach that is demarcated by seaweed, scum or debris, and that indicates the "maximum height reached by a rising tide."

7. The Act seeks to overrule by legislative fiat the Rhode Island Supreme Court's long-standing determination that the MHT line constitutes the landward boundary of the shore under Article I, Section 17. The Act therefore violates the separation of powers doctrine embodied in Article V of the Rhode Island Constitution.

8. The Act also takes Plaintiffs' properties by granting the public the right to occupy and use the portion of their properties lying inland of the MHT line. Since the Act went into effect, individuals acting under color of the Act have trespassed on Plaintiffs' land.

9. The Act constitutes a *per se* physical taking of Plaintiffs' properties in violation of the Fifth and Fourteenth Amendments to the United States Constitution and Article 1, Section 16 of the Rhode Island Constitution, and enforcement of the Act amounts to an ongoing constitutional violation.

PARTIES

10. Plaintiffs David M. Roth and Linda H. Roth (the "Roths"), husband and wife, are individuals who reside at 50 Whetten Road in West Hartford, Connecticut. The Roths own beachfront property at 3 Niantic Avenue in Westerly, Rhode Island.

11. Plaintiff ES720 LLC (the "LLC") is a Florida limited liability company with a place of business of 50 Whetten Road in West Hartford, Connecticut. The LLC owns the adjoining beachfront property at 7 Niantic Avenue in Westerly, Rhode Island.

12. Defendant The State of Rhode Island (the "State") is a State and body politic located in the United States of America.

13. Defendant Rhode Island Coastal Resources Management Council ("CRMC") is a State agency created under Chapter 46-23 of the General Laws.

JURISDICTION AND VENUE

14. This Court has jurisdiction to hear this dispute under R.I. Gen. Laws §§ 8-2-13, 8-2-14, and 9-30-1 *et seq.*

15. Venue is proper before this Court pursuant to R.I. Gen. Laws § 9-4-2.

FACTS

A. Plaintiffs' Properties

16. In 1988, the Roths acquired a 3.62 acre parcel of property at 3 Niantic Avenue in Westerly, Rhode Island.

17. In 2011, the LLC – the members of which are the Roths' two children – acquired an adjoining 13.79 acre parcel of parcel of property at 7 Niantic Avenue in Westerly. The two properties are located on Westerly's East Beach, which borders the Atlantic Ocean.

18. The boundaries of each property encompass an upland area where residential buildings and other improvements are located, as well as dunes and a section of private beach that Plaintiffs use for personal and family enjoyment. Each property's deed designates the Atlantic Ocean as the property's southerly boundary.

B. The MHT Line Demarcates the Boundary Between Public and Private Beaches

19. In Rhode Island, the public's privilege to access the area below the landward boundary of the shore is governed by Article I, Section 17 of the state Constitution ("Section 17").

20. Section 17 provides, in relevant part:

The people shall continue to enjoy and freely exercise all the rights of fishery, and the *privileges of the shore*, to which they have been heretofore entitled under the charter and usages of this state, including but not limited to fishing from the shore, the gathering of seaweed, leaving the shore to swim in the sea and passage along the shore; and they shall be secure in their rights to the use and enjoyment of the natural resources of the state with due regard for the preservation of their values

R.I. Const. art. I, § 17 (emphasis added).

21. The Rhode Island Constitution does not define the meaning of the term "shore," as used in Section 17. However, in 1982, in State v. Ibbison, 448 A.2d 728 (R.I. 1982), the

Rhode Island Supreme Court interpreted Section 17 and established the MHT line – defined by the Court as “the arithmetic average of high-water heights overserved over an 18.6-year Metonic [lunar] cycle” – as “the landward boundary of the shore for the purposes of the privileges guaranteed to the people of this state” under Section 17. Id. at 732. The Supreme Court held that the MHT line is the “point at which the land held in trust by the state for the enjoyment of all of its people *ends* and private property belonging to littoral owners *begins*.” Id. at 729 (emphasis added).

22. In Ibbison, the Supreme Court expressly declined to set the “shore” boundary for purposes of Section 17 at the high water mark left by “spring tides,” which are peak tides reached during a new or full moon. Id. at 732. The Court held:

[W]e feel that our decision best balances the interests between littoral owners and all the people of the state. Setting the boundary at the point where spring tides reach would unfairly take from littoral owners land that is dry for most of the month.

Id.

23. Accordingly, with respect to Plaintiffs’ properties, the public enjoys privileges to the shore area *below* the MHT line under Section 17, while the area *above* the MHT line is owned by Plaintiffs and subject to their exclusive possession and control.

C. **Rhode Island’s 1986 Constitutional Convention**

24. Ibbison remains the law of the land in Rhode Island as to the interpretation of Section 17.

25. Four years after the Ibbison decision, in 1986, Rhode Island held a constitutional convention (the “1986 Convention”), during which the Convention considered amendments to the Rhode Island Constitution.

26. As relevant here, the Convention’s Committee on the Executive Branch and Independent Agencies proposed a resolution to amend Section 17 to define the “shore” as “that area below the tidal high water or vegetation line” Exhibit A, a true and accurate copy of Resolution 86-0069, “A Resolution Relating to Shore Access and Preservation.” The resolution was rejected, however. In its Annotated Edition of the Rhode Island Constitution, published in 1988, the Office of the Rhode Island Secretary of State explained that, although the 1986 Convention “considered clarifying the definition of the term ‘shore’ as used in the Constitution,” after a period of “long deliberation, *the committee left the definition of the term ‘shore’ for judicial determination.*” Exhibit B, a true and accurate copy of *Annotated Edition: Constitution of the State of Rhode Island and Providence Plantations*, The Office of Secretary of State (1988), at 10 (emphasis added).

27. Commenting further, the Office of the Rhode Island Secretary of State acknowledged that in Ibbison, the Rhode Island Supreme Court “determined that the landward boundary of the shore is the mean high tide line as is determined by the average of the high tide lines over an 18.6 year cycle, and *not at the highest tide ever reached along the shore.*” Id. at 9 (emphasis added).

D. The Act Is Signed Into Law

28. Bill H. 5174, entitled “An Act Relating to Waters and Navigation—Coastal Resources Management Council,” was passed by the Rhode Island Senate on June 14, 2023, and by the Rhode Island House of Representatives on June 15, 2023. The Governor signed the Act into law on June 26, 2023.

29. The Act amends Chapter 46-23 of the General Laws entitled “Coastal Resources Management Council” to add the Act as Section 26 of Chapter 46-23. Chapter 46-23 governs

the CRMC, and R.I. General Laws § 46-23-7 authorizes the CRMC (through its Commissioner and “staff”) to enforce the provisions of Chapter 46-23, including the Act, and remedy any violations thereof. Chapter 46-23-7.1-7.3 provide for certain administrative and criminal penalties for violations of any provisions of Chapter 46-23, including the Act.

30. The Act purports to discard the MHT line as the boundary between public and private property along beach areas, and expands the public beach area inland to a line 10 feet landward of the RHT line. As such, the Act confiscates Plaintiffs’ properties, as well as the property of other owners of shorefront property in Rhode Island.

31. The Act provides, in relevant part, “the public’s rights and privileges of the shore may be exercised, where shore exists, on wet sand or dry sand or rocky beach, ***up to ten feet (10’) landward of the recognizable high tide line . . .***” H. 5174(2)(c) (emphasis added).

32. The Act defines the RHT line as:

a line or mark left upon tidal flats, beaches, or along shore objects that indicates the intersection of the land with the water’s surface level ***at the maximum height reached by a rising tide***. The recognizable high tide line may be determined by a line of seaweed, oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, or other suitable means that delineate the general height reached by the water's surface level at a rising tide. If there is more than one line of seaweed, oil, scum, fine shell, or debris, then the recognizable high tide line means the most seaward line. In the absence of residue seaweed or other evidence, the recognizable high tide line means the wet line on a sandy or rocky beach. ***The line encompasses the water's surface level at spring high tides and other high tides that occur with periodic frequency***, but does not include the water's surface level at storm surges in which there is a departure from the normal or predicted reach of the water’s surface level due to the piling up of water against a coast by strong winds, such as those accompanying a hurricane or other intense storms.

H. 5174(2)(b) (emphasis added).

33. Thus, under the Act, the boundary between public and private property along beach areas is no longer the MHT line, representing an average high tide, but the more inland point located 10 feet beyond the line created by peak tides.

34. The Act states that the “coastal resources management council (CRMC) in collaboration with the department of environmental management (DEM), shall develop and disseminate information to educate the public and property owners about the rights set out in this section.”

35. The Act further provides that “the CRMC in collaboration with the DEM, and the attorney general, shall determine appropriate language and signage details for use at shoreline locations.”

E. The Act Is Unconstitutional

36. Plaintiffs own all of the land above the MHT line abutting their properties.

37. Rhode Island, through the Act, seeks to seize Plaintiffs’ properties by declaring that the public has a right of access to all land between the MHT line and 10 feet inland of the RHT line.

38. The Act unconstitutionally takes Plaintiffs properties.

39. The Act does not provide for or otherwise authorize the compensation of owners of private beachfront lands for the property taken under the Act.

40. Since the Act went into effect, individuals acting under color of state law have trespassed on Plaintiffs’ properties by crossing the MHT line and entering the beach area 10 feet inland of the RHT line.

41. By enacting the Act and implementing the Act, the State—in violation of the separation of powers doctrine—overruled through legislation the Rhode Island Supreme Court’s

determination that under the Rhode Island Constitution the MHT line is the “the landward boundary of the shore for the purposes of the privileges guaranteed” by Section 17, and that use of the MHT line “best balances the interests between littoral owners and all the people of the state.” Ibbison, 448 A.2d at 732. In other words, the Rhode Island Supreme Court determined that beachfront owners including Plaintiffs own to the MHT line under the Rhode Island Constitution, and the State cannot alter the Constitution through this type of legislation.

42. Additionally, the Act constitutes an unconstitutional taking of Plaintiffs’ properties without just compensation, in violation of the Fifth and Fourteenth Amendments to the United States Constitution and Article I, Section 16 of the Rhode Island Constitution.

COUNT I
(against the State)
THE ACT VIOLATES THE SEPARATION OF POWERS DOCTRINE.

43. Plaintiffs incorporate the foregoing paragraphs by reference as though fully set forth herein.

44. Article V of the Rhode Island Constitution provides: “The powers of the government shall be distributed into three separate and distinct departments: the legislative, executive and judicial.”

45. The scope of the powers vested in the three branches of government are set forth in Articles VI-X of the Rhode Island Constitution. Article VI, Section 2 vests the “legislative power” of the State “in two houses, the one to be called the senate, the other the house of representatives; and both together the general assembly.” Article IX, Section 1 vests the chief executive power of the State “in a governor, who, together with a lieutenant governor, shall be elected by the people.” Article X, Section 1 vests the judicial power of the State in “one supreme

court, and in such inferior courts as the general assembly may, from time to time, ordain and establish.”

46. Article VI, Section 1 declares that the Rhode Island “Constitution shall be the supreme law of the state, and any law inconsistent therewith shall be void.”

47. Article V is self-executing. See In re Request for Advisory Opinion from House of Representatives (Coastal Res. Mgmt. Council), 961 A.2d 930, 936 (R.I. 2008).

48. Article V embodies the separation of powers doctrine, which the Rhode Island Supreme Court has emphasized as “an inherent and integral element of the republican form of government,” In re Advisory from the Governor, 633 A.2d 664, 674 (R.I. 1993), that “prohibits the usurpation of the power of one branch of government by a coordinate branch of government,” Moreau v. Flanders, 15 A.3d 565, 579 (R.I. 2011) (quoting Town of East Greenwich v. O’Neil, 617 A.2d 104, 107 (R.I. 1992)).

49. Under Rhode Island law, a violation of Article V can occur in two ways: “One branch may interfere impermissibly with the other’s performance of its constitutionally assigned function. Alternatively, the doctrine may be violated when one branch assumes a function that more properly is entrusted to another.” Quattrucci v. Lombardi, 232 A.3d 1062, 1065–66 (R.I. 2020) (quoting Woonsocket School Committee v. Chafee, 89 A.3d 778, 793 (R.I. 2014)).

50. In State v. Ibbison, the Rhode Island Supreme Court determined that Article I, Section 17 of the State Constitution establishes the MHT line as “the landward boundary of the shore for the purposes of the privileges guaranteed to the people of this state.” 448 A.2d at 732.

51. The Act seeks to overrule the Court’s decision in State v. Ibbison and to amend the State Constitution by declaring through legislation that the public’s beach rights extend to a point located 10 feet inland of the RHT line. The Supreme Court’s determination regarding the

reach of a constitutional provision cannot be overruled by legislation. Instead, the State was required to follow the constitutional requirements to amend Article I, Section 17 of the Rhode Island Constitution set forth in Article XIV.

52. It is a fundamental principle of constitutional law and the separation of powers that the interpretation of the Federal and state constitutions is reserved for the judiciary, not the legislature. As the Rhode Island Supreme Court has stated, “[c]onstruing provisions in the state’s constitution is the function of this Court The General Assembly enacts law; it does not interpret or construe the constitution—that is the function of this Court.” Benson v. McKee, 273 A.3d 121, 133-34 (R.I. 2022); see Lemoine v. Martineau, 115 R.I. 233, 238 (1975) (“Since the adoption of our state’s constitution in 1842, it has been a well established and accepted principle that the General Assembly cannot rightfully exercise judicial power. That power is conferred only upon the courts and is necessarily prohibited to the Legislature.”); Taylor v. Place, 4 R.I. 324, 341, 361 (1856) (“[N]either the convention which framed the constitution, nor its members, nor the members of the general assembly, nor even the general assembly itself, can, authoritatively, expound the constitution, but only the courts.” (emphasis removed)); see also State v. Town Council of S. Kingstown, 18 R.I. 258, 27 A. 599, 601 (1893) (“It is the province of the legislature, however, to pass laws, and of the courts to construe the constitution and the laws.”).

53. The Rhode Island Supreme Court has already spoken with respect to the definition of the landward boundary of the shore under Section 17. It held that the MHT line is the boundary. The State cannot overrule through legislation the Rhode Island Supreme Court’s determination that under the Rhode Island Constitution the MHT line is the “the landward

boundary of the shore for the purposes of the privileges guaranteed” by Section 17. The Act therefore violates the separation of powers doctrine embodied in Article V of the Rhode Island Constitution.

54. As alleged elsewhere in this Complaint, the State’s unconstitutional act has injured Plaintiffs and affected the Plaintiffs’ property rights.

55. A justiciable controversy exists as to whether the Act violates the separation of powers doctrine embodied in Article V.

56. A declaratory judgment as to whether the Act amounts to a violation of the separation of powers doctrine will clarify the rights and legal relations between Plaintiffs and the State with respect to the Act.

57. A declaratory judgment as to the constitutionality and legality of the Act will give the parties relief from the uncertainty and insecurity giving rise to this controversy.

58. Plaintiffs are therefore entitled to a declaration that the Act is unconstitutional under Article V of the Rhode Island Constitution.

COUNT II
(against both Defendants)
THE ACT CONSTITUTES AN UNCONSTITUTIONAL TAKING

59. Plaintiffs hereby incorporate the foregoing paragraphs by reference as though fully set forth herein.

60. Article I, Section 16 of the Rhode Island Constitution provides: “Private property shall not be taken for public uses, without just compensation.”

61. Article I, Section 16, is a self-executing constitutional amendment. See Pellegrino v. Rhode Island Ethics Comm’n, 788 A.2d 1119, 1128 (R.I. 2002) (Flanders, J., concurring).

62. Under Section 16, Plaintiffs have a constitutional right to be free from the uncompensated taking of their right to the exclusive possession and use of their properties.

63. Plaintiffs own title to their properties extending landward of the MHT line. By expanding the public's right of beach access beyond the MHT line, the Act authorizes the taking of Plaintiffs' properties.

64. The Act does not provide for or otherwise authorize the payment of any compensation—let alone just compensation—to Plaintiffs for the taking. Nor does the Act demonstrate “that funds are set aside, that payment therefrom is obligatory, and that a procedure is available to the property owners for obtaining such payment.” Rhode Island Econ. Dev. Corp. v. The Parking Co., L.P., 892 A.2d 87, 96–97 (R.I. 2006) (citations and quotations omitted). As a result, Plaintiffs have no adequate remedy at law to obtain the requisite just compensation.

65. By or through their actions enacting, implementing, administering, and/or otherwise enforcing the Act, Defendants are subjecting, or causing to be subjected, Plaintiffs to the deprivation of their rights secured by Section 16.

66. A justiciable controversy exists as to whether the Act amounts to a taking of Plaintiffs' properties for public use, without just compensation, under Article I, Section 16 of the Rhode Island Constitution.

67. A declaratory judgment as to whether the Act unconstitutionally takes Plaintiffs' properties will clarify the legal relations between Plaintiffs and Defendants with respect to the Act.

68. A declaratory judgment as to the constitutionality and legality of the Act will give the parties relief from the uncertainty and insecurity giving rise to this controversy.

69. Plaintiffs are therefore entitled to a declaration that the Act is unconstitutional under Article I, Section 16 of the Rhode Island Constitution.

COUNT III
(against both Defendants)
THE ACT VIOLATES THE FEDERAL CONSTITUTION

70. Plaintiffs hereby incorporate the foregoing paragraphs by reference as though fully set forth herein.

71. The Fifth Amendment to the United States Constitution, applicable to the States through the Fourteenth Amendment, provides: “Nor shall private property be taken for public use, without just compensation.” U.S. Const. amend. V.

72. The takings clause of the Fifth Amendment is self-executing. First Eng. Evangelical Lutheran Church of Glendale v. Los Angeles Cnty., Cal., 482 U.S. 304, 315 (1987).

73. Under the Fifth Amendment, Plaintiffs have a constitutional right to be free from uncompensated physical takings of their properties.

74. The State commits a taking within the meaning of the Fifth Amendment when it “physically takes possession of property without acquiring title to it.” Cedar Point Nursery v. Hassid, 141 S. Ct. 2063, 2071 (2021).

75. A property owner’s right to exclude others is “one of the most essential sticks in the bundle of rights that are commonly characterized as property.” Dolan v. City of Tigard, 512 U.S. 374, 385 (1994).

76. “[G]overnment-authorized invasions of property—whether by plane, boat, cable, or beachcomber,” are *per se* physical takings requiring just compensation. Cedar Point Nursery, 141 S. Ct. at 2074.

77. Plaintiffs own title to their properties extending landward of the MHT line. By expanding the public's right of beach access beyond the MHT line, the Act authorizes the taking of Plaintiffs' properties.

78. The Act does not provide for or otherwise authorize the payment of just compensation to Plaintiffs for the taking, and Plaintiffs have no adequate remedy at law to obtain such compensation.

79. By or through their actions enacting, implementing, administering, and/or otherwise enforcing the Act, Defendants are subjecting, or causing to be subjected, Plaintiffs to the deprivation of their rights secured by the Fifth and Fourteenth Amendments.

80. A justiciable controversy exists as to whether the Act amounts to a taking of Plaintiffs' properties for public use, without just compensation, under the Fifth Amendment to the United States Constitution.

81. The Court should declare the Act unconstitutional under the Federal Constitution to clarify the legal relations between Plaintiffs and Defendants with respect to the Act and to give the parties relief from the uncertainty and insecurity giving rise to this controversy.

COUNT IV
(against all Defendants)
INJUNCTIVE RELIEF

82. Plaintiffs hereby incorporate the foregoing paragraphs by reference as though fully set forth herein.

83. Plaintiffs have no adequate remedy at law to address the unconstitutional taking and deprivation of their properties effected by the Act and under color of state law.

84. There is a substantial likelihood that Plaintiffs will succeed on the merits of their claims that the Act was enacted in violation of the separation of powers doctrine embodied in

Article V of the Rhode Island Constitution, and that the Act unconstitutionally takes their properties without just compensation in violation of Article I, Section 16 of the Rhode Island Constitution and the Fifth Amendment to the United States Constitution.

85. Defendants are responsible for enacting, implementing, administering, and/or otherwise enforcing the Act, which violates the separation of powers doctrine and authorizes the physical taking of Plaintiffs' properties for public use without just compensation. Plaintiffs have been and will continue to be imminently and irreparably damaged by the taking of their properties. Plaintiffs will be required to permit public trespassers to enter their properties under the authority of the Act. Plaintiffs cannot avoid those events without judicial relief, and will suffer irreparable injury absent a preliminary injunction restraining Defendants from enforcing the Act.

86. Plaintiffs' injury—the immediate, unconstitutional, and illegal taking of property interests for the benefit of the State—outweighs any harm the injunction might cause Defendants.

87. Accordingly, Plaintiffs are entitled to injunctive relief preliminarily and permanently enjoining the Defendants from enforcing the Act.

COUNT V
(against the State)
INVERSE CONDEMNATION PURSUANT TO
ARTICLE I, SECTION 16 OF THE RHODE ISLAND CONSTITUTION

88. Plaintiffs hereby incorporate the foregoing paragraphs by reference as though fully set forth herein.

89. As an alternative claim for relief, Plaintiffs plead that Defendants are liable for inverse condemnation because the Act has caused the serious and substantial impairment of Plaintiffs' use and enjoyment of their properties.

90. Article I, Section 16 of the Rhode Island Constitution provides: “Private property shall not be taken for public uses, without just compensation.”

91. The Act, and Defendants’ enactment, implementation, administration, and/or enforcement of the Act, constitutes a physical taking under Article I, Section 16 of the Rhode Island Constitution requiring just compensation.

92. By failing to compensate Plaintiffs for this taking, or alternatively failing to cease the taking of their properties, Defendants’ have violated Plaintiffs’ rights under Article I, Section 16 of the Rhode Island Constitution.

93. As alleged above, Plaintiffs have no adequate remedy at law to obtain the “just compensation” required by the Defendants’ taking under Section 16.

94. As a result of the Act, Plaintiffs will be required to permit public trespassers to enter their properties under the authority of the Act. This physical trespass has and will continue to seriously and substantially impair the Plaintiffs’ use and enjoyment of their properties.

95. Should the Court deny the relief requested in Counts I-IV and determine that a remedy at law exists to determine the amount of the required just compensation and to provide for the same, Plaintiffs plead in the alternative that Defendants are liable for inverse condemnation because Defendants’ conduct has caused the serious and substantial impairment of Plaintiffs’ use and enjoyment of their properties.

WHEREFORE Plaintiffs respectfully request that the Court:

- a. Declare the Act is an unconstitutional violation of the separation of powers doctrine under Article V of the Rhode Island Constitution;
- b. Declare the Act deprives Plaintiffs of their right to exclude non-owners from private beachfront property without just compensation, in violation of the Fifth and Fourteenth

Amendments of the United States Constitution and Article I, Section 16 of the Rhode Island Constitution;

c. Declare the Act unconstitutionally takes Plaintiffs' properties for public use without just compensation, in violation of the Fifth and Fourteenth Amendments of the United States Constitution and Article I, Section 16 of the Rhode Island Constitution;

d. Preliminarily and permanently enjoin Defendants from enforcing the Act;

e. Alternatively, should the Court deny the relief requested in Counts I-IV, award just compensation to Plaintiffs for the taking of their properties; and

f. Grant such other and further relief as this Court finds just.

Notice of Constitutional Question

Pursuant to R.I. Gen. Laws § 9-30-11 and Superior Court Rule 24(d), a copy of this Complaint will be served upon Rhode Island Attorney General Peter F. Neronha contemporaneously with service of process upon the named Defendants.

Respectfully submitted,

DAVID M. ROTH
LINDA H. ROTH
ES710 LLC

By their attorneys,

Date: September 25, 2023

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Exhibit A

STATE OF RHODE ISLAND
IN CONSTITUTIONAL CONVENTION
JANUARY SESSION, A.D. 1986

A RESOLUTION
RELATING TO SHORE ACCESS AND PRESERVATION

Introduced By: David M. Chmielewski
Date Introduced: March 5, 1986
Referred To: Executive Branch and Independent Agencies

It is resolved by the Constitutional Convention as follows:

SECTION 1. Section 1 of Article XXXVII of the Amendments to the Rhode Island Constitution entitled, "Conservation" is hereby amended to read as follows:

"Sec. 1. PRESERVATION OF NATURAL RESOURCES. - Article I, § 17 of the state constitution is hereby amended by striking out this said section as it now appears and inserting in place thereof the following new section:

"§ 17. The people shall continue to enjoy and freely exercise all the rights of fishery, and the privileges of the shore, to which they have been heretofore entitled under the charter and usages of this state; ~~and they~~ including but not limited to fishing from the shore, the gathering of seaweed, leaving the shore to swim in the sea, and passage along the shore. The shore, that area below the tidal high water or vegetation line, is to be held in trust by the state for the access, use and enjoyment of the people of the state. The people of the state

shall be secure in their rights to the use and enjoyment of the natural resources of the state with due regard for the preservation of their values; and it shall be the duty of the general assembly to provide for the conservation of the air, land, water, plant, animal, mineral and other natural resources of the state, and to adopt all means necessary and proper by law to protect the natural environment of the people of the state by providing adequate resource planning for the control and regulation of the use of the natural resources of the state and for the preservation, regeneration and restoration of the natural environment of the state."

SECTION 2. This resolution shall take effect upon voter approval.

E X P L A N A T I O N

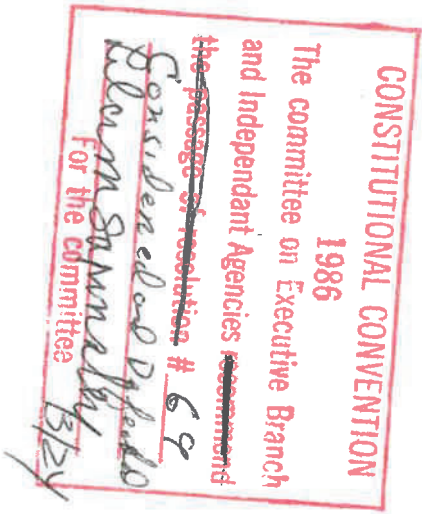
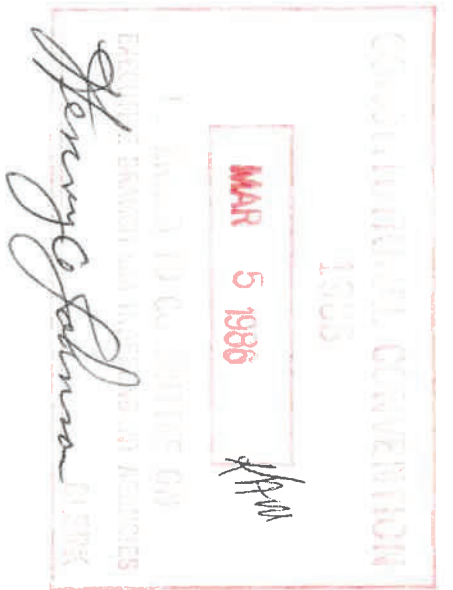
By

Convention Legal Services

This resolution would preserve to the citizens of Rhode Island certain shore access rights: fishing or swimming from the shore, gathering of seaweed, and passage along the shore.

This resolution would take effect upon voter approval.

JM-050 *



85-00069

STATE OF RHODE ISLAND

IN CONSTITUTIONAL CONVENTION

JANUARY SESSION, A.D. 1986

A RESOLUTION
RELATING TO SHORE ACCESS AND
PRESERVATION

Introduced By: David M. Chmielewski

Date Introduced: March 5, 1986

Referred To: Executive Branch and Independent Agencies

David M. Chmielewski, Director 79

Exhibit B



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Annotated Constitution of the State of Rhode Island and Providence Plantations

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ANNOTATED EDITION

CONSTITUTION
OF THE
STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS



DONE IN CONVENTION
AT PROVIDENCE ON THE
FOURTH DAY OF DECEMBER, A.D. 1986

Published by:
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1988

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1986 RHODE ISLAND CONSTITUTION - ANNOTATED

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State of Rhode Island and Providence Plantations
OFFICE OF THE SECRETARY OF STATE
STATE HOUSE
PROVIDENCE
02903



Kathleen S. Connell
Secretary of State

Greetings:

I am pleased to present this annotated edition of the Rhode Island Constitution.

In a democracy, the Constitution is the source and determining legal structure for governing a free people. It is not a static document, but rather it has the flexibility to change with the times.

As a result of the 1986 Constitutional Convention, the Rhode Island Constitution of 1843 was modernized and amended. This document contains and incorporates all of the democratic concepts that have gone before, and takes into account the present needs of Rhode Islanders as determined and approved by the electorate. The commentary has been included to provide additional explanation regarding new or altered sections.

This is truly a living document, established by and for the people of this great State.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen S. Connell".

Kathleen S. Connell
Secretary of State

FOREWORD

For over three centuries Rhode Island government was guided by two basic documents. From the days of Roger Williams until 1843 the King Charles Charter served as the constitution of the colony and state. The political turmoil of the Dorr War led to the adoption of a new document which, much amended, served the state until 1986. On November 4, 1986, Rhode Island entered a new era of constitutional history with the adoption by the voters of the redrafted and revised Constitution of 1986.

After one-hundred forty-three years the Rhode Island Constitution had accumulated more than forty amendments, nullifying much of the original document and many of early amendments. The result was a document difficult to read even for scholars and professionals in the law. Among the tasks taken up by the 1986 Constitutional Convention, then, was a redrafting of the Constitution, deleting sections nullified by amendment or court decision. The Convention also directed its Committee on Style and Drafting to rewrite each article in gender neutral language, and to reorder the sections and articles in appropriate sequence.

The most important work of the convention, of course, was to adopt substantive proposals for submission to the voters. The Convention, through its committees, sifted through more than two-hundred ninety resolutions and ultimately adopted twenty-six for submission to the people. These were combined by common category into fourteen ballot questions. On election day the voters approved the redrafted document and seventeen substantive resolutions for change contained in eight of the fourteen ballot questions.

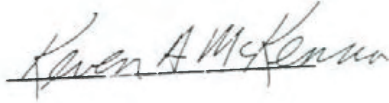
This constitution making combined the best direct and indirect democracy. The delegates of the people deliberated and argued, sometimes with great emotion, in deciding which of the scores of ideas presented were important enough to present to the electorate. The will of the people made the final choices for a new constitution.

Analyses of the popular will are always risky, but one may draw some tentative conclusions from the election results. The voters seem to have been skeptical about making structural changes in their government. Resolutions concerning the process of judicial selection, voter initiative, four year terms, and local government were all defeated. On the other hand they were prepared to approve new ideas concerning the practice of government. Resolutions concerning campaign finance, ethics, citizen rights and felon voting and office-holding were approved on election day.

When the Convention reconvened for the last time after the election, the delegates accepted and signed a final version of the redrafted document which incorporated the approved resolutions into the Constitution. In this way the 1986 Constitutional Convention presented to the people of Rhode Island not simply an series of amendments, but a new and modern Constitution.

The convention staff has here prepared an annotated version of the new Constitution which compares the new document with the 1843 Constitution, noting the similarities and differences and providing some commentary on those sections that have been added or altered. It is my hope that public officials and private citizens of the state will find it a useful guide and companion to the 1986 Constitution.

Democracy is a demanding system which requires strong commitment and constant attention from its citizens. There is nothing in the process of democratic government more important than the drafting of constitutions. There is little in the work of democracy that is more satisfying to its participants. The delegates to the 1986 Constitutional Convention worked for uncounted hours, without compensation, from January to December. That year carried them through agenda meetings and public hearings in every corner of the state, long and difficult committee deliberations, plenary sessions and public information forums. They served the demands of democratic citizenship with great distinction. In a world in which democracy is easier to attack than to sustain, the delegates of the Convention and the voters of Rhode Island have honored this state's long and cherished democratic tradition. I am most proud to have been associated with them in this enterprise.



Keven A. McKenna,
President of the Convention

1986 RHODE ISLAND CONSTITUTION — ANNOTATED

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INTRODUCTION

The 1986 Constitutional Convention and the voters in the election of November 4, 1986 have given the State of Rhode Island a new constitution. This volume presents that constitution with notes and explanatory comments so that scholars, professionals in the law and interested citizens might have a reference guide to the new document.

When the convention met in its final plenary session on December 4, 1986, it concluded a process that has begun two years earlier. In accordance with Article of Amendment XLII of the 1843 Rhode Island Constitution, the question was placed on the ballot for the November election in 1984 - "Shall there be a convention to amend or revise the constitution?" The voters answered yes by a margin of 159,801 to 137,096. As a result the general assembly enacted legislation of June 27, 1985 providing for a special election to choose delegates for the convention and directing that proposed amendments be submitted to the people at the general election in November, 1986. (P.L. 1985, Ch.326).

On November 5, 1985 delegates were elected on a non-partisan basis to carry out the mandate. Gathering in the chamber of the house of representatives on January 5, 1986, the first important action of the delegates was to elect Keven A. McKenna of Providence to be president of the convention. On January 27, President McKenna announced the membership of convention committees. These included six "issues" committees as well as "non-issue" committees. The first included committees on 1. Citizen Rights, 2. Ethics, 3. Executive Branch and Independent Agencies, 4. General Assembly and Elections, 5. Judicial Branch, and 6. Local Government. The non-issue committees included Rules, which had been named earlier, Style and Drafting, Public Information, and Delegate Services.

Also on January 27 rules were adopted and the other officers were elected as follows: First Vice-president A. Robert Rainville of West Warwick, Second Vice-president Douglas DeSimone of Pawtucket, Third Vice-president Claudette Linhares of Tiverton, Secretary James R. Langevin of Warwick, and Treasurer Karen J. Kolek of Pawtucket.

Early in February the delegates began a series of what were called Agenda Hearings around the state. Eventually nine meetings were held to hear what people thought about the existing constitution, what they wanted preserved and what they wanted changed. Originally five such meetings were scheduled, but they proved to be so popular and useful that the number was extended.

While the agenda hearings wound to a close the committees began to deliberate on the resolutions which had already been submitted to the convention. Before the process was complete the committees would consider two-hundred ninety-two resolutions for constitutional change.

As the first of the resolutions were readied, the convention met in plenary session for first passage consideration. Between March 20 and June 26 the delegates voted to recommend to the electorate twenty-five proposals for constitutional change combined into fourteen ballot questions. Of these, eight questions were approved, embracing eighteen of the resolutions approved by the convention and included in the new constitution. Those which failed to receive voter approval were proposals for judicial selection and discipline, legislative pay, four year terms with recall, voter initiative and non-partisan constitutional convention elections, home rule, and paramount right to life.

The first question proposed to the voters called for the approval of a so-called neutral rewrite of the existing constitution and was approved overwhelmingly. The 1843 Constitution

had accumulated forty-four amendments which modified or nullified parts of the original document and some of which nullified earlier amendments. The result was a constitutional maze difficult to negotiate even for professionals. The work of rewriting belonged to the Committee on Style and Drafting.

In weekly meetings from late February through June the Committee on Style and Drafting met to hammer out the rewrite. (It has as well to deal with resolutions which survived first passage.) The committee decided early that in addition to deleting repealed sections and those rendered obsolete by court decision, it should also render the document gender neutral. This was done throughout the document except in the references to God in the Preamble. Some delegates who agreed to retain the original wording were heard to say that they believed She would not mind.

The committee also decided to retain as much of the original wording of the constitution as possible out of respect for tradition and to avoid inadvertently altering the meaning of the constitution by stylistic changes.

The rewrite was combed continuously for accuracy and consistency and presented to plenary session on three occasions. Its final passage came on June 26. After the November election the Committee on Style and Drafting met twice to finish the work of incorporating the passed resolutions into their proper place in the constitution and approving a final copy of the document. The final draft of the constitution renumbered the existing and new articles of the document for appropriate sequence. That final draft was approved in plenary session on December 4, 1986.

The pages that follow 1) describe each section of the new constitution in its relation to the 1843 Constitution if it is a surviving section; 2) list the chronology and electoral history of each section added by amendment from 1843 to 1986; 3) record the convention history of each section added by the 1986 convention and election; 4) report the intent expressed at the time the sections were approved by committee. Where it was possible in the time available, legal and other background notes were also supplied. New language added by resolutions approved by the voters, including the neutral rewrite, is underlined.

For more detailed background on the making of the constitution, an abundance of sources exist. The 1986 Rhode Island Constitutional Convention was a very thoroughly documented and recorded event. In addition to journals of the plenary sessions, a stenographic record and video record of those sessions were made. Stenographic record was also kept of all agenda hearings and all committee meetings at which substantive issues were deliberated. Files were maintained for every resolution submitted to the convention, for committee documents and drafts, all committee reports on resolutions approved by the committees and of research reports prepared by the staff. The records and correspondence of the convention were ordered by the delegates to be deposited in the state archives and copies sent to the Law Library of the Supreme Court and to the Providence College Library.

This annotation benefited from the help of many, but could not have been produced without the extraordinary work of Joan Crowley and Norma Marcello in preparing the manuscript, attorney Robert Suglia, and especially Paul Redkovich, whose attention to the details of this work was marked by tireless energy and great care.

1986 Rhode Island
Constitutional Convention

Mario R. DiNunzio,
Coordinator of Research

CONSTITUTION
OF THE
STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

PREAMBLE

We, the people of the State of Rhode Island and Providence Plantations, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and to transmit the same, unimpaired, to succeeding generations, do ordain and establish this Constitution of government.

[Comment: The term "people" means all the inhabitants of the state. In re Incurring State Debts (1896) 19 RI 610, 37 A 14; State v. Kofines (1911) 33 RI 211, 80 A 432.]

ARTICLE I

Declaration Of Certain
Constitutional Rights and Principles

In order effectually to secure the religious and political freedom established by our venerated ancestors, and to preserve the same for our posterity, we do declare that the essential and unquestionable rights and principles hereinafter mentioned shall be established, maintained, and preserved, and shall be of paramount obligation in all legislative, judicial and executive proceedings.

[Comment: This section is unchanged from the 1843 Rhode Island Constitution.]

Section 1. In the words of the Father of his Country, we declare that "the basis of our political systems is the right of the people to make and alter their constitutions of government; but that the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all."

[Comment: This section is unchanged from the 1843 Rhode Island Constitution.]

Section 2. All free governments are instituted for the protection, safety, and happiness of the people. All laws, therefore, should be made for the good of the whole; and the burdens of the state ought to be fairly distributed among its citizens. No person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied equal protection of the laws[Convention Resolution 86-00032]. No otherwise qualified person shall,

solely by reason of race, gender or handicap be subject to discrimination by the state, its agents or any person or entity doing business with the state. Nothing in this section shall be construed to grant or secure any right relating to abortion or the funding thereof.

[Convention Resolutions 86-00002A and 86-00008].

[Comment: This section was amended by Resolutions 86-00032, concerning due process and equal protection, and 86-00002A, and 86-00008, concerning discrimination. Resolution 86-00032 was introduced on February 13, 1986 and referred to the Committee on Citizens Rights. Deliberations were held and the resolution was passed by the Committee on April 22, 1986 by a vote of 13-1 (Journal No. 8, p.17). First plenary passage was by a vote of 81-1 on June 3, 1986. (Journal No. 9, p2). Second plenary passage was by a vote of 96-0 on June 26, 1986 (Journal No. 13, p.6).

Resolution 86-00002A was introduced on January 27, 1986 and referred to the Committee on Citizen Rights. It was passed by a vote of 9-7 by the Committee on Citizen Rights on April 24, 1986 (Journal No. 7, p. 21). First plenary passage 58-37 on June 5, 1986 (Journal #11, p. 8). Resolution 86-00008A was introduced on January 27, 1986 and referred to the Committee on Citizen Rights. It was passed by a vote of 12-2 by the Committee on Citizen Rights on April 24, 1986 (Journal No. 7, p. 21). First plenary passage was by a vote of 77-2 on May 15, 1986 (Journal No. 7, p. 6). Resolutions 86-00002A and 86-00008 were combined by the Committee on Style and Drafting as Resolution 86-00002B and were approved by that committee on June 16, 1986. Second plenary passage was by a vote of 59-5 on June 26, 1986. (Journal No. 13, p. 6).

Prior to the addition of equal protection, due process, and anti-discrimination clauses in the Constitution, it was held that Article I, Section 2 was advisory and not mandatory in nature and that it was addressed to the general assembly as advice and direction rather than to the courts as a restraint on the legislative power. Sepe v. Daneker, 76 RI 160, 68 A.2d 101 (1949).

The intent of the resolution was to include the due process and equal protection language of the 14th Amendment to the U. S. Constitution in the Rhode Island Constitution. The Committee Report stated that including these protections in the state Constitution "would create an independent state foundation for individual rights. One advantage of including the due process and equal protection clauses in the Constitution would be to protect the citizens of the state if the federal judiciary adopted a narrow interpretation of the 14th Amendment." (Committee Report, p. 6)

It was also the intent of the Committee that the state should not permit discrimination on the basis of gender or race and that such discrimination is untenable in a democratic society. However, because of the concerns of some of the Committee members, a provision was added which specifically stated that nothing within the resolution should be construed as granting a right to abortion. Implicitly, homosexual rights are not to be included because the word "gender" was not interpreted by the Committee on Citizen Rights as including sexual preference (Committee Report, p. 5-6).

In drafting Resolution 86-00008, as amended, the Committee used wording identical to that found in 29 USC, Section 794 (Section 505 of the Rehabilitation Act of 1973) which bans discrimination against the handicapped by federally funded programs. It was the Committee's intent that such a ban be expanded to state and local governments and businesses contracting with those governments. Moreover, it was the intent of the Committee that the interpretations,

judicial decisions, and regulations relating to 29 USC, Section 794 and Chapter 42- 87-1 et seq. of the Rhode Island General Laws serve as the basis for the broadest judicial interpretation of Resolution 86-00008, as amended.

In particular, the Committee intended that the following definition of terms contained in 28 CFR, Part 39 and 84 CFR, Part 45 should be utilized in determining the meaning and scope of Resolution 86-00008, as amended:

“Handicapped Individual” means: any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. As used in this definition, the phrase:

“(1) ‘physical or mental impairment’ includes: (i) any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or (ii) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term ‘physical or mental impairment’ includes but is not limited to such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, and drug addiction and alcoholism.”

“(2) ‘Major life activities’ includes functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, and working.”

“(3) ‘Has a record of such an impairment’ means has a history of or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.”

“(4) ‘Is regarded as having an impairment’ means: (i) has a physical or mental impairment that does not substantially limit major life activities but is treated by the agency as constituting such a limitation; (ii) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such an impairment; or (iii) has none of the impairments defined in subparagraph (1) of this definition but is treated by the agency as having such an impairment.”

“Qualified handicapped individual” means:

“(1) With respect to employment, a handicapped person who, with reasonable accommodations, can perform the essential functions of the job in question;

(2) With respect to any program or activity, a handicapped person who meets the essential eligibility requirements for participation in or receipt of benefits from the program or activity.

‘Handicap’ means any condition or characteristic that renders a person a handicapped person, as defined in the beginning.”

It was the Committee’s intent that the phrase “the state, its agents, or any person or

entity doing business with the state" refer to the State of Rhode Island and Providence Plantations, its municipalities or other political entities, and its instrumentalities or any public or private agency, institution, or organization that does business with public agencies.

The discriminating acts against a handicapped person that are prohibited include but are not limited to those acts banned by Section 42-87-3 of the Rhode Island General Laws (1984), as amended, and those acts otherwise banned by 29 USC 794, as amended.

This resolution was meant to self-enforcing, and it was the Committee's intent that a handicapped person should receive judicial, legislative, and executive support for these rights.

Resolutions 86-00032, 86-0002A and 86-00008 were grouped in Ballot Question 8 which was approved by the voters on November 4, 1986 by a margin of 160,137 (58%) to 115,730 (42%).]

Section 3. Whereas Almighty God hath created the mind free; and all attempts to influence it by temporal punishments or burdens, or by civil incapacitations, tend to beget habits of hypocrisy and meanness; and whereas a principal object of our venerable ancestors, in their migration to this country and their settlement of this state, was, as they expressed it, to hold forth a lively experiment that a flourishing civil state may stand and be best maintained with full liberty in religious concernments; we, therefore, declare that no person shall be compelled to frequent or to support any religious worship, place, or ministry whatever, except in fulfillment of such person's voluntary contract; nor enforced, restrained, molested, or burdened in body or goods; nor disqualified from holding any office; nor otherwise suffer on account of such person's religious belief; and that every person shall be free to worship God according to the dictates of such person's conscience, and to profess and by argument to maintain such person's opinion in matters of religion; and that the same shall in no wise diminish, enlarge, or affect the civil capacity of any person.

[Comment: Gender references have been replaced with neutral language.]

Section 4. Slavery shall not be permitted in this state.

[Comment: This section is unchanged from the 1843 Rhode Island Constitution.]

Section 5. Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which may be received in one's person, property, or character. Every person ought to obtain right and justice freely, and without purchase, completely and without denial; promptly and without delay; conformably to the laws.

[Comment: Gender references have been replaced with neutral language.]

Section 6. The right of the people to be secure in their persons, papers and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but on complaint in writing, upon probable cause, supported by oath or affirmation, and

describing as nearly as may be, the place to be searched and the persons or things to be seized.

[Comment: This section is unchanged from the 1843 Rhode Island Constitution.]

Section 7. Except in cases of impeachment, or in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger, no person shall be held to answer for any offense which is punishable by death or by imprisonment for life unless on presentment or indictment by a grand jury, and no person shall be held to answer for any other felony unless on presentment or indictment by a grand jury or on information in writing signed by the attorney-general or one of the attorney-general's designated assistants, as the general assembly may provide and in accordance with procedures enacted by the general assembly. The general assembly may authorize the impaneling of grand juries with authority to indict for offenses committed any place within the state and it may provide that more than one grand jury may sit simultaneously within a county. No person shall be subject for the same offense to be twice put in jeopardy. Nothing contained in this article shall be construed as in anywise impairing the inherent common law powers of the grand jury.

[Comment: This section was added to the 1843 Rhode Island Constitution by Article of Amendment XL, Section 1 adopted on November 6, 1973 by a margin of 60,400 to 35,808. Section 2 of the amendment provided for this section to Replace Article I, Section 7, and nullified all inconsistent provisions.]

Section 8. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted; and all punishments ought to be proportioned to the offense.

[Comment: This section is unchanged from the 1843 Rhode Island Constitution.]

Section 9. All persons imprisoned ought to be bailed by sufficient surety, unless for offenses punishable by imprisonment for life or for offenses involving the use or threat of use of a dangerous weapon by one already convicted of such an offense or already convicted of an offense punishable by imprisonment for life or for an offense involving the unlawful sale, distribution, or delivery of any controlled substance punishable by imprisonment for ten years or more, when the proof of guilt is evident or the presumption great [Convention Resolution 86-00153B]. Nothing in this section shall be construed to confer a right to bail, pending appeal of a conviction. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion, the public safety shall require it; nor ever without the authority of the general assembly.

[Comment: this section was amended by Resolution 86-00153, introduced on March 24, 1986 and referred to the Committee on the Judicial Branch.

Resolution 86-00153 was originally rejected by the Committee on the Judicial Branch on April 30, 1986, and then referred to subcommittee. On May 14, 1986, action on 86-00153A was postponed indefinitely. On May 28, 1986, the Committee on the Judicial Branch voted to consider the resolution. On May 31, 1986, the committee approved the resolution by a vote of 10-6 (Journal No. 12, p. 41). First plenary passage was by a vote of 49-39 on June 11, 1986 (Journal No. 12, p. 16). Language was approved by Style and Drafting June 12, 1986. A vote to

recommend to the convention for second plenary passage failed by a 5-5 tie on June 16, 1986, and was the resolution was recommended to the Committee on the Judicial Branch. On June 24, 1986, the Committee on the Judicial Branch approved 86-00153B by a vote of 13-2. The Committee on Style and Drafting forwarded the resolution as approved to the convention for second passage on June 24, 1986. Second plenary passage was by a vote of 76-20 on June 26, 1986. (Journal No. 13, p. 19-20). Section 9 is derived from Article I, Section 9 of the 1843 Constitution, Amendment XLIV, as approved by the voters 200,556 to 101,857 on November 5, 1984, and the changes contained in Resolution 86-0053B. The courts have stated that two conditions must be met before an accused may be denied bail prior to trial. The first condition is that the accused be charged with an offense for which bail may be denied. The second condition is that "the proof of guilt is evident of the presumption great", Fontaine v. Mullen, 117 RI 262, 366A. 2d 1138 (1976). This amendment would add a third category of offense which would satisfy the first condition. The conviction of the Committee in passing this resolution was that (1) drugs and drug dealers in particular are a menace to society, and (2) that the police and the judiciary need more effective tools in the effort to combat this problem.

To allay the fears of those concerned with the erosion of the rights of the accused, the Committee cited language "when the proof of guilt is evident or the presumption great", already existing in this section. It also stated that the discretionary rather than mandatory denial of bail would allow judges to use their powers to incarcerate major dealers rather than all accused of drug-related offenses punishable by a sentence of ten years or more (Committee Report, p. 8-11).

This resolution, presented as Ballot Question 12 on November 4, 1986, was approved by a vote of 177,977 (64.3%) to 96,896 (35.7%).]

Section 10. In all criminal prosecutions, accused persons shall enjoy the right to a speedy and public trial, by an impartial jury; to be informed of the nature and cause of the accusation, to be confronted with the witnesses against them, to have compulsory process for obtaining them in their favor, to have the assistance of counsel in their defense, and shall be at liberty to speak for themselves; nor shall they be deprived of life, liberty, or property, unless by the judgment of their peers, or the law of the land.

[Comment: Gender references have been replaced with neutral language.]

Section 11. The person of a debtor, when there is not strong presumption of fraud, ought not to be continued in prison, after such person shall have delivered up property for the benefit of said person's creditors, in such manner as shall be prescribed by law.

[Comment: Gender references have been replaced with neutral language.]

Section 12. No ex post facto law, or law impairing the obligation of contracts, shall be passed.

[Comment: This section is unchanged from the 1843 Rhode Island Constitution.]

Section 13. No person in a court of common law shall be compelled to give self-criminating evidence.

[Comment: Gender references have been replace with neufral language.]

Section 14. Every person being presumed innocent, until pronounced guilty by the law, no act of severity which is not necessary to secure an accused person shall be permitted.

[Comment: Gender references have been replace with neutral language.]

Section 15. The right of trial by jury shall remain inviolate. In civil cases the general assembly may fix the size of the petit jury at less than twelve but not less than six.

[Comment: The second sentence of this section was added to the 1843 Rhode Island Constitution by Article of Amendment XLIII, entitled "Petit Jury", adopted November 2, 1976 by a vote of 188,003 to 117,029.]

Section 16. Private property shall not be taken for public uses, without just compensation. The powers of the state and of its municipalities to regulate and control the use of land and waters in furtherance of the preservation, regeneration, and restoration of the natural environment, and in furtherance of the protection of the rights of the people to enjoy and freely exercise the rights of fishery and the privileges of the shore, as those rights and duties are set forth in Section 17, shall be an exercise of the police powers of the state, shall be liberally construed, and shall not be deemed to be a public use of private property.

[Comment: This section was amended by Resolution 86-00004A, introduced on January 27, 1986 and referred to the Committee on the Executive Branch and Independent Agencies.

Resolution 86-00004A was passed by the Committee on the Executive and Independent Agencies by a vote of 18-0 on March 24, 1986 (Committee Report, p. 6). First Plenary passage was on April 3, 1986 by a vote of 90-1 (Journal No. 5, p. 4). Resolution language was approved by Committee on Style and Drafting June 14, 1986. Second plenary passage was on June 26, 1986 by a vote of 88-6 (Journal No. 13, p. 6). Prior to the passage of this amendment, it was held by the court that "ecological or environmental legislation may constitute a taking when all beneficial use of the property is denied to the landowner to the benefit of the public welfare, Annicelli v. Town of South Kingstown, RI 463A.2d 133 (1983).

Resolution 86-00004A directly responds to the Annicelli case. The court in this case found that an environmental restriction which was enforced by the Town of South Kingstown so as to deny a building permit to the owner of barrier beachfront property constituted an exercise of "inverse condemnation". The town was accordingly ordered to pay the applicant damages reflective of the full market value of buildable beachfront property.

The Rhode Island Supreme Court has recognized that environmentally-related use regulations which are reasonably necessary to protect the public health and safety are permissible exercises of the police power which do not require compensation. See Milardo v. Coastal Resources Management Council of Rhode Island, RI 434 A2d 266, 268 (1981).

In the Annicelli case, however, the court implied that even such permissible exercises of the police power will be deemed acts of “inverse condemnation” if the determination is made that the property owner loses “all beneficial use” of the affected property (463 A2d at 139). The court also stated that the overall purpose of the permit denial in Annicelli was “to benefit the public welfare by protecting vital resources” and was not to regulate where “uncontrolled use would be harmful to the public” (Ibid. at p. 139-140).

The court found that the regulation constituted “a taking for the public good rather than a taking to prevent a public harm” (Ibid. at 141).

This amendment was designed to reverse the precedential value of the Annicelli case and promote the adoption of a more environmentally progressive trend by the court in future consideration of similar cases.

By amending Section 16 of Article I, as proposed, the Committee defined the regulatory powers contained in Article XXXVII of the Amendment of the 1843 Constitution so as to create the presumption that such regulations and actions constitute exercises of the police power of the state. The Committee intended that the powers of the state in such regulation shall be “liberally construed” to the limits allowed by the Federal Constitution when constitutional challenges are posited.

In this regard, the Committee recommended that actions taken pursuant to these provisions be overturned only upon a finding that the state action was “arbitrary and capricious” and further recommended that the regulation imposed only be found invalid upon proof by clear and convincing evidence.

For detailed Committee findings and recommendations on Resolution 86-00004A, see the Committee Report and Appendix.

Resolution 86-00004A was included in Ballot Question 9 and was approved by the voters on November 4, 1986 by a margin of 183,021 (67.5%) to 88,046 (32.5%).]

Section 17. The people shall continue to enjoy and freely exercise all the rights of fishery, and the privileges of the shore, to which they have been heretofore entitled under the charter and usages of this state, including but not limited to fishing from the shore, the gathering of seaweed, leaving the shore to swim in the sea and passage along the shore [Convention Resolution 86-00003]; and they shall be secure in their rights to the use and enjoyment of the natural resources of the state with due regard for the preservation of their values; and it shall be the duty of the general assembly to provide for the conservation of the air, land, water, plant, animal, mineral and other natural resources of the state, and to adopt all means necessary and proper by law to protect the natural environment of the people of the state by providing adequate resource planning for the control and regulation of the use of the natural resources of the state and for the preservation, regeneration and restoration of the natural environment of the state.

[Comment: This section was added to the Rhode Island Constitution by Article of Amendment XXXVII, entitled “Conversation”, adopted November 3, 1970 by a vote of 138,741 to 80,160. Section 2 of that amendment provided for this section to replace Article I, Section 17, and annulled all inconsistent provisions. Resolutions 86-00003 was passed by the Committee

on the Executive and Independent Agencies by a vote of 18-0 on March 24, 1986 (Committee Minutes, March 24, 1986, p. 2). At plenary session on April 3 the amendments was approved by a vote of 90-3 (Journal No. 5, p. 3). Clarifying language was approved by Committee on Style and Drafting June 14, 1986. Second plenary passage by a vote of 88-6 took place on June 26, 1986 (Journal No. 13, p. 4).

The court has determined that the landowned boundary of the shore is the mean high tide line as is determined by the average of the high tide lines over an 18.6 year cycle, and not at the highest tide ever reached along the shore, State v. Ibbison, RI 448A.2d 728 (1982).

The committee was concerned with the absence of constitutional definition of the "privileges of the shore" to which Rhode Islanders are entitled. The matter was first addressed in the Charter of King Charles II, July 8, 1663, which reads as follows: "...our express will and pleasure is, and we do, by those presents, for us, our heirs and successors, ordain and appoint that these presents, shall not, in any manner, hinder any of our loving subjects, whatsoever, from using and exercising the trade of fishing upon the coast, in any of the seas thereunto adjoining, or any arms of the seas, or salt water, rivers and creeks, where they have been accustomed to fish; and to build and set upon the wasteland belonging to the said Colony and Plantations, such wharves, stages and workhouses as shall be necessary for the salting, drying and keeping of their fish, to be taken or gotten upon coast..."

Attuned to the significance of public shore privileges, the framers of the 1843 Constitution adopted the following language in Section 17 of Article I: "The people shall continue to enjoy and freely exercise all the rights of fishing and privileges of the shore, to which they have been heretofore entitled under the charter and usages of this state. But, no new right is intended to be granted, nor any existing right impaired, by this declaration."

In 1970, Article of Amendment XXXVII, "Conservation", was passed by the voters but did not clarify the rights and privileges referred to in Section 17.

Resolution 86-00003 delineates as specifically acknowledged shore privileges the following: (1) fishing from the shore, (2) the gathering of seaweed, (3) leaving from the shore to swim in the sea, and (4) passage along the shore. The committee intended that shore privileges should not be construed as limited to the above but should include all other privileges which the people may have historically enjoyed.

The case of Jackvony v. Powell, 67 RI 218, 21 A.2d 554 (1941) was central to the deliberations of the committee. The court specifically recognized a public right of passage along the shore, at least for certain "proper purposes" and went on to note other rights which "have been frequently claimed by the public or have been described by authors who have discussed the law pertaining to rights in the shore and rights of fishing from the shore, taking seaweed and drift stuff therefrom, going therefrom into the sea for bathing, and also, as necessary for the enjoyment of any of these rights and perhaps as a separate and independent right, that of passing along the shore."

The committee strongly affirmed that the Jackvony case accurately reflected those shore privileges which have been in place in Rhode Island historically. The resolution reflected that sentiment.

The committee also considered clarifying the definition of the term "shore" as used in the Constitution. After long deliberation, the committee left the definition of the term "shore" for judicial determination.

Resolution 86-00003 was included in Ballot Question 9 and was approved by the voters on November 4, 1986 183,021 (67.5%) to 88,046 (32.5%).]

Section 18. The military shall be held in strict subordination to the civil authority. And the law martial shall be used and exercised in such cases only as occasion shall necessarily require.

[Comment: This section is unchanged from the 1843 Rhode Island Constitution.]

Section 19. No soldier shall be quartered in any house in time of peace, without the consent of the owner; nor, in time of war, but in manner to be prescribed by law.

[Comment: This section is unchanged from the 1843 Rhode Island Constitution.]

Section 20. The liberty of the press being essential to the security of freedom in a state, any person may publish sentiments on any subject, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, unless published from malicious motives, shall be sufficient defense to the person charged.

[Comment: This section is unchanged from the 1843 Rhode Island Constitution.]

Section 21. The citizens have a right in a peaceable manner to assemble for their common good, and to apply to those invested with the powers of government, for redress of grievances, or for other purposes, by petition, address, or remonstrance. No law abridging the freedom of speech shall be enacted.

[Comment: Resolution 86-00033, which adds a freedom of speech clause, was introduced February 13, 1986, and referred to the Committee on Citizen Rights. It was passed by the Committee on Citizen Rights by a vote of 16-0 on April 1, 1986 (Journal No. 5, p. 12). First plenary passage as by a vote of 81-8 on April 3, 1986 (Journal No. 5, p.6). Resolution language was approved by the Committee on Style and Drafting on June 26, 1986. Second plenary passage was by a vote of 96-0 on June 26, 1986 (Journal No. 13, p. 7).

The intent of the committee was twofold: (1) to place in the Rhode Island Constitution a right guaranteed by the U.S. Constitution, and (2) to protect this right in Rhode Island in case of an erosion of the principle of free speech in federal court interpretations.

Resolution 86-00033 was part of Ballot Question 8, approved by the voters on November 4, 1986 160,137 (58.0%) to 115,730 (42%).]

Section 22. The right of the people to keep and bear arms shall not be infringed.

[Comment: This section is unchanged from the 1843 Rhode Island Constitution.]

Section 23. A victim of crime shall, as a matter of right, be treated by agents of the state with dignity, respect and sensitivity during all phases of the criminal justice process. Such person shall be entitled to receive, from the perpetrator of the crime, financial compensation for any injury or loss caused by the perpetrator of the crime, and shall receive such other compensation as the state may provide. Before sentencing, a victim shall have the right to address the court regarding the impact which the perpetrator's conduct has had upon the victim.

[Comment: This section was added to the Constitution by Resolution 86-00140, introduced on March 20, 1986 and referred to the Committee on the Judicial Branch. The resolution was passed by the committee by a vote of 10-4 on May 7, 1986 (Journal No. 8, p. 10). First plenary passage was on May 29, 1986 by a vote of 87-2 (Journal No. 8, p.2). Resolution language was approved by the Committee on Style and Drafting June 16, 1986. Second plenary passage on June 26, 1986 was by a vote of 93-1 (Journal No. 13, p. 7). The committee was sympathetic to the argument for greater support for victims of crime. The committee believed that enforcement of the present statutory rights of victims was inadequate.

The rights of victims of crime in Rhode Island are presently enumerated in R.I.G.L., Section 12-28-3. No less than fourteen individual rights are enumerated by statute. One problem with the statute is that all parts of the criminal justice system must cooperate to afford victims their rights. The Judiciary Committee concluded that while the general assembly has addressed the problem of victim rights, enforcement has been inadequate. The committee, therefore, resolved to mandate enforcement, while leaving specific provisions or mechanisms to the determination of the general assembly and the courts.

Resolution 86-00140, part of Ballot Question 8, was approved by the voters on November 4, 1986 160,137 (58%) to 115,730 (42%).]

Section 24. The enumeration of the foregoing rights shall not be construed to impair or deny others retained by the people. The rights guaranteed by this Constitution are not dependent on those guaranteed by the Constitution of the United States.

[Comment: Resolution 86-00171 was introduced on March 24, 1986 and referred to the Committee on Citizen Rights. It was approved by the committee by a vote of 8-6 on April 22, 1986 (Journal No. 8, p. 17). First plenary passage was on May 29, 1986 by a vote of 49-36 (Journal No. 8, p. 7). Resolution language was approved by the Committee on Style and Drafting on June 16, 1986. Second plenary passage was by a vote of 87-6 on June 26, 1986 (Journal No. 13, p. 7-8). The underlined sentence was added to the original Section 23 which was renumbered.

This resolution adds to the Constitution a concept that the state Constitution is to be interpreted as expanding and not limiting individual rights, even though similar rights in the federal Constitution may be more narrowly defined. The resolution also reaffirms the principle

of state sovereignty within the federal system by declaring that rights guaranteed by the state enjoy an existence separate from the federal Constitution.

Resolution 86-00171, part of Ballot Question 8, was approved by the voters on November 4, 1986 by a vote of 160,137 (58%) to 115,730 (42%).]

ARTICLE II Of Suffrage

Section 1. Every citizen of the United States of the age of (18) eighteen years or over who has had residence and home in this state for thirty (30) days next preceding the time of voting, who has resided thirty (30) days in the town or city from which such citizen desires to vote, and whose name shall be registered at least thirty (30) days next preceding the time of voting as provided by law, shall have the right to vote for all offices to be elected and on all questions submitted to the electors, except that no person who has been lawfully adjudicated to be non compos mentis shall be permitted to vote. No felon shall be permitted to vote until completion of such felon's sentence, served or suspended, and of parole or probation regardless of a nolo contendere plea. Upon such completion, such person's right to vote shall be restored. The general assembly may provide by law for shorter state and local residence requirements to vote for electors for president and vice president of the United States.

[Comment: This section was amended by Convention Resolution 86-00149A, which was introduced on March 24, 1986 and referred to the Committee on Ethics.

Article II of the Rhode Island Constitution was originally entitled "Of the Qualification of Electors" and consisted of six sections. Article II and the previous amendments made thereto were annulled in to by Article Amendment XXXVIII, entitled "Of Suffrage", adopted November 6, 1973 by a margin of 72,065 to 30,258. Section 1 above was Section 1 of Amendment XXXVIII. Resolution 86-00149A specifying the voting rights of felons was passed unanimously by the Committee on Ethics on May 14, 1986 (Committee Report, p. 1-2). First plenary passage was on May 29, 1986 by a vote of 82-6 (Journal No. 8, p. 1-2). The Committee on Style and Drafting revised language and approved the resolution on June 14, 1986. Second plenary passage was on June 26, 1986 by a vote of 88-0 (Journal No. 13, p. 10).

Prior to the adoption of this 1986 amendment, "persons otherwise qualified to vote who are convicted of felonies and have served time in this or any jurisdiction..." were disqualified from voting until such right was restored by an act of the general assembly, Bailey v. Baronian, 120 RI 389, 394A. 2d 1338 (1978). The Committee on Ethics believed that the right of felons to vote should be restored automatically without action by the general assembly after the person has paid his debt to society by serving the sentence imposed by the court. The committee determined that the disqualification from voting should apply to those convicted of felonies whether by guilty plea, trial, or nolo contendere plea whether or not the person served time in prison. The committee decided not to make the disqualification applicable to persons convicted of misdemeanors.

The resolution was part of Ballot Question 10 and was approved by the voters on November 4, 1986 by a margin of 164,863 (62%) to 101,262 (38%).]

Section 2. The general assembly shall provide by law for the nomination of candidates; for a uniform system of permanent registration of voters; for the exemption from such registration of persons in the active service of the nation and their families absent from the state because of such service, and, in time of war, members of the Merchant Marine; for absentee and shut in voting; for the time, manner and place of conducting elections; for the prevention of abuse, corruption and fraud in voting; and may define by law residence for voting purposes, but no person shall acquire such residence merely by being stationed or assigned in this state in the active service of the United States.

[Comment: This section was added to the constitution by Section 2 of Article of Amendment XXXVIII approved by the voters on November 6, 1973.]

ARTICLE III Of Qualification For Office

Section 1. No person shall hold any civil office unless that person be a qualified elector for such office.

[Comment: This article appeared as Article IX in the 1843 Constitution and was given its present position and renumbered by the Committee on Style and Drafting on December 1, 1986, and approved by the Convention in plenary session on December 4, 1986.

Section 1 was added to the 1843 Rhode Island Constitution by Article of Amendment XXXIX, Section 1, entitled "Qualifications for Office", adopted November 6, 1973. Section 2 of Amendment XXXIX directed that this section should replace Section 1 of Article IX. Gender references have been replaced with gender neutral language.]

Section 2. An elector shall be disqualified as a candidate for elective or appointive state or local office or from holding such office if such elector has been convicted of or plead nolo contendere to a felony or if such elector has been convicted or plead nolo contendere to a misdemeanor resulting in a jail sentence of six months or more, either suspended or to be served. Such elector shall not, once so convicted, attain or return to any office until three years after the date of completion of such sentence and of probation or parole.

[Comment: Resolution 86-00025B substituted this section for the original Section 2 of Article IX of the 1843 Constitution. The resolution was introduced on February 13, 1986 and referred to the Committee on Ethics. It was approved by the Committee on Ethics by a vote of 11-1 on March 18, 1986. First plenary passage was on April 3, 1986 by a vote of 76-14 (Journal No. 5, p. 5). Revised language was approved by Committee on Style and Drafting on June 12, 1986. Second plenary passage was by a vote of 84-9 on June 26, 1986 (Journal No. 13, p.10).

The Rhode Island Supreme Court has on several occasions considered the right of a person convicted of a crime to run for or hold public office. In Bailey v Burns, 118 R.I. 428, 375 A. 2d 203 (1977), the court held that the secretary of state could not be compelled to administer the oath of office to a member-elect whom the other members of the house of representatives had determined was not a qualified elector.

In a subsequent case, the court interpreted the provision contained in Article of Amendment XXXVIII of the 1843 Constitution which disfranchised persons who have served a prison sentence "on final conviction of a felony". In Gelch v. State Board of Elections, RI 482 A. 2d 1204 (1984), the court considered the challenge to the candidacy of Vincent A. Cianci who had resigned from the office of mayor of Providence and was seeking to run for that office again in the special election scheduled to fill the vacancy. The court acknowledged that the United States Supreme Court had held that states "have discretion to establish conditions under which the right of suffrage may be exercised and the right to hold public office determined". Lassiter v. Northampton County Board of Elections, 360 U. S. 45, 50, 79 S. Ct. 985, 989, 3 L. Ed. 2d 1072, 1076 (1959). Although the court's decision depended on its interpretation of the provision of the Providence Home Rule Charter, the court also acknowledged that Section 2 of the Fourteenth Amendment to the U. S. Constitution expressly grants the states the power to disfranchise convicted felons.

In another case, the court determined that a Johnston councilman, Joseph Voccola, was not disqualified from holding his office as a result of his incarceration in a federal prison. This decision was based on the fact that Voccola was convicted of a misdemeanor under federal law and Article of Amendment XXXVIII of the Rhode Island Constitution disfranchises persons from voting (and consequently from holding office) only if they serve time in prison following conviction of a felony. Violet v. Voccola, RI 497 A.2d 709 (1985).

The court noted that the attorney-general had suggested that Voccola had vacated his office by reason of his inability to serve while in prison. The court determined that it did not have the power to declare an office vacant because of the holder's temporary disability. The court argued, "if the people of the State of Rhode Island, through their constitution, desire to disqualify a person from holding public office if that person is convicted of any offense that results in incarceration for any period of time, they would undoubtedly have the power to do so. Violet v. Voccola, RI 497 A. 2d 713 (1985). The court stated that the only criterion for disqualifying an individual from holding office at that time was conviction of a felony and subsequent imprisonment. Thus, Voccola was permitted to retain his office during the term of his incarceration.

The Committee on Ethics debated at length the question whether only conviction of a felony should result in disqualification from office or whether a higher standard should be set. The committee decided that conviction of a felony with or without a jail sentence should result in disqualification from office. However, the committee members did not believe that conviction of a misdemeanor without a jail sentence should result in disqualification. They concluded that an individual convicted of a misdemeanor and sentenced to jail for six months or more, whether the sentenced is served or suspended, should be disqualified from office.

The Rhode Island Supreme Court has addressed the applicability of Amendment XXXVIII to felonies committed outside Rhode Island and has held that the meaning of felony in the amendment applies to a felony committed anywhere. Bailey v. Baronian, RI 39, 4A.2d 1338, 1343 (1978). The committee recognized that the alternatives were to (1) disqualify only persons convicted of a crime in Rhode Island, or (2) disqualify persons convicted of a crime anywhere, or (3) disqualify persons convicted of a crime in another jurisdiction which is a felony under Rhode Island law. The committee recognized the drawbacks of each of these choices but believed on balance that the standard of offenses set forth in the Rhode Island General Laws should be adopted.

The committee believed that disqualification should commence upon conviction and should last for a period of three years beyond the successful completion of any sentence or probationary period.

Resolution 86-00025B was included in Ballot Question 10 and was approved by the voters on November 4, 1986 by a margin of 164,863 (62%) to 101,263 (38%).]

Section 3. All general officers shall take the following engagement before they act in their respective offices, to wit: Youbeing by the free vote of the electors of this state of Rhode Island and Providence Plantations, elected unto the place of do solemnly swear (or, affirm) to be true and faithful unto this state, and to support the Constitution of this state and of the United States; that you will faithfully and impartially discharge all the duties of your aforesaid office to the best of your abilities, according to law: So help you God. [Or: This affirmation you make and give upon the peril of the penalty of perjury.]

[Comment: This section is unchanged from the 1843 Rhode Island Constitution.]

Section 4. The members of the general assembly, the judges of all the courts, and all other officers, both civil and military, shall be bound by oath or affirmation to support this Constitution, and the Constitution of United States.

[Comment: This section is unchanged from the 1843 Rhode Island Constitution.]

Section 5. The oath or affirmation shall be administered to the governor, lieutenant governor, senators, and representatives by the secretary of state, or, in the absence of the secretary of state by the attorney-general. The secretary of state, attorney-general, and general treasurer shall be engaged by the governor, or by a justice of the supreme court.

[Comment: Gender references have been replace with neutral language.]

Section 6. No person holding any office under the government of the United States, or of any other state or country, shall act as a general officer or as a member of the general assembly, unless at the time of taking such engagement that person shall have resigned the office under such government; and if any general officer, senator, representative, or judge shall, after election and engagement, accept any appointment under any other government, the office under this shall be immediately vacated; but this restriction shall not apply to any person appointed to take depositions or acknowledgment of deeds, or other legal instruments, by the authority of any other state or country.

[Comment: Gender references have been replace with neutral language.]

Section 7. The people of the State of Rhode Island believe that public officials and employees must adhere to the highest standards of ethical conduct, respect the public trust and the rights of all persons, be open, accountable and responsive, avoid the appearance of

impropriety and not use their position for private gain or advantage. Such persons shall hold their positions during good behavior.

[Comment: see comment at Section 8.]

Section 8. The general assembly shall establish an independent non-partisan ethics commission which shall adopt a code of ethics including, but not limited to, provisions on conflicts of interest, confidential information, use of position, contracts with government agencies and financial disclosure. All elected and appointed officials and employees of state and local government, of boards, commissions and agencies shall be subject to the code of ethics. The ethics commission shall have the authority to investigate violations of the code of ethics and to impose penalties, as provided by law; and the commission shall have the power to remove from office officials who are not subject to impeachment.

[Comment: Sections 7 and 8 were added by Resolution 86-00060A introduced on March 3, 1986 and referred to the Committee on Ethics. The resolution was passed by the Committee on Ethics by a vote of 10-0 on May 22, 1986. First plenary passage was on June 4, 1986 by a vote of 71-2 (Journal No. 10, p.2). Revised language was approved by the Committee on Style and Drafting on June 14, 1986 and again on June 26, 1986. Second plenary passage was on June 26, 1986 by a vote of 92-2 (Journal No. 13, p. 10).

The resolution contained a general statement of the standards expected by the citizens of the state from their elected and appointed officials. (Section 7 above).

The current conflict of interest statute specifies prohibited activities. (6A R. I. Gen. L., 1956 (1984 reenactment) 36-14-4)

The committee determined that the ethics commission authorized by this resolution should have the power to removed from office all individuals covered by the code of ethics except officials subject to impeachment. Removal would be appropriate, the committee believed only for serious violation of the code of ethics. The general assembly is expected to provide penalties by law for violations of the code.

The resolution was part of Ballot Question 6 and was approved by the voters on November 4, 1986 143,973 (53.3%) to 125,964 (46.7%).]

ARTICLE IV Of Elections And Campaign Finance

Section 1. The governor, lieutenant governor, secretary of state, attorney-general, general treasurer, and senators and representatives in the general assembly, shall be elected on the Tuesday next after the first Monday in November, biennially in even numbered years, and shall severally hold their offices for two years from the first Tuesday of January next succeeding their election and until their successors are elected and qualified.

[Comment: This article appeared as Article VIII, "Of Elections" in the 1843 Constitution and was amended as indicated below. It was relocated, retitled, and renumbered

by the Committee on Style and Drafting on December 1, 1986 and approved by the Convention in plenary session on December 4, 1986. The original Article VIII, Sections 1 through 9 and the previous amendments made thereto were annulled in total by Article of Amendment XI, Section 12.

Section 1 of Article of Amendment XVI of the 1843 Constitution, entitled "Biennial Elections" was proposed by the general assembly on March 30, 1910. It was approved and ordered published on April 20, 1911 (Public Laws, Ch. 675) and ratified by the voters on November 7, 1911 by a vote of 27,149 to 14,176.

The words "in even numbered years" were substituted for the words A.D. 1912 in the amendment by the Committee on Style and Drafting on December 1, 1986 and approved by the Convention in plenary session on December 4, 1986.

Sections 9 and 10 of Article of Amendment XI, have been deleted from Article IV as transitional provisions.]

Section 2. In all elections held by the people for state, city, town, ward or district officers, the person or candidate receiving the largest number of votes cast shall be declared elected.

[Comment: This section is unchanged from the 1843 Rhode Island Constitution as amended by Article of Amendment X, Section 1, entitled "Election by Plurality." The amendment was proposed by the general assembly on March 30, 1893 (Resolution No. 1, January Session). It was approved and ordered published on June 1, 1893 (Public Laws, Ch. 1258) and adopted November 28, 1893 by a vote of 26,703 to 3,331. Section 2 of Amendment X directed that this section replace Section 10 of Article VIII. This section has been renumbered as Section 2.]

Section 3. When the governor-elect shall die, remove from the state, refuse to serve, become insane, or be otherwise incapacitated, the lieutenant governor-elect shall be qualified as governor at the beginning of the term for which the governor was elected. When both the governor and lieutenant governor-elect, or either the lieutenant governor, secretary of state, attorney-general, or general treasurer elect, are so incapacitated, or when there has been a failure to elect any one or more of the officers mentioned in this section, the general assembly shall upon its organization meet in grand committee and elect some person or persons to fill the office or offices, as the case may be, for which such incapacity exists or as to which such failure to elect occurred. When the general assembly shall elect any of said officers because of the failure of any person to receive a plurality of the votes cast, the election in each case shall be made from the persons who received the same and largest number of votes.

[Comment: This section was added to the 1843 Rhode Island Constitution by Article of Amendment XI, Section 3, entitled "Elections and Terms of Officers," was proposed by the general assembly on February 9, 1900 (Resolution No. 1). It was approved and ordered published on June 13, 1900 (Public Laws, Ch. 789) and ratified by the voters on November 6, 1900 by a vote of 24,351 to 11,959. This amendment provided for the filling of certain offices because of vacancy or incapacity. In re Railroad Commissioner, 28 RI 602, 67 A. 802 (1907). Gender references have been replaced with neutral language.]

Section 4. In case of a vacancy in the office of secretary of state, attorney-general, or general treasurer from any cause, the general assembly in grand committee shall elect some person to fill the same; provided, that if such vacancy occurs when the general assembly is not in session the governor shall appoint some person to fill such vacancy until a successor elected by the general assembly is qualified to act.

[Comment: This section was added to the 1843 Rhode Island Constitution by Article of Amendment XI, Section 5.]

Section 5. When a senator or representative-elect shall die, remove from the state, refuse to serve, become insane, or be otherwise incapacitated, or when at an election for any senator or representative no person shall receive a plurality of the votes cast, a new election shall be held. A vacancy in the senate or house of representatives shall be filled at a new election. The general assembly shall provide by general law for the holding of such elections at such times as to insure that each town and city shall be fully represented in the general assembly during the whole of every session thereof so far as is practicable. Every person elected in accordance with this section shall hold office for the remainder of the term or for the full term, as the case may be, of the office which that person is elected to fill, and until a successor is elected and qualified.

[Comment: This section was added to the 1843 Rhode Island Constitution by Article of Amendment XI, Section 6. Gender references have been replace with neutral language.]

Section 6. In elections by the general assembly in grand committee the person receiving a majority of the votes shall be elected. Every person elected by the general assembly to fill a vacancy, or pursuant to Section 3 of this article, shall hold office for the remainder of the term or for the full term, as the case may be, and until a successor is elected and qualified.

[Comment: This section was added to the 1843 Rhode Island Constitution by Article of Amendment XI, Section 7. Gender references have been replace with neutral language.]

Section 7. A quorum of the grand committee shall consist of a majority of all the members of the senate and a majority of all the members of the house of representatives duly assembled pursuant to an invitation from one of said bodies which has been accepted by the other, and the acceptance of which has been communicated by message to the body in which such invitation originated, and each house shall be attended by its secretaries and clerks. No act or business of any kind shall be done in grand committee other than that which is distinctly specified in the invitation by virtue of which such grand committee is assembled, except to take a recess or to dissolve; provided, that the grand committee may appoint a subcommittee of its own members to count any ballots delivered to it and report the result of such count.

[Comment: This section was added to the 1843 Rhode Island Constitution by Article of Amendment XI, Section 8.]

Section 8. It shall not be necessary for the town or ward clerks to keep and transmit to the general assembly a list or register of all persons voting for general officers; but the general

assembly shall have power to pass such laws on the subject as it may deem expedient.

[Comment: This section was added to the 1843 Rhode Island Constitution by Article of Amendment I, proposed by the general assembly at the January session in 1854 (Acts and Resolves, p. 276). It was approved and ordered published at the June session 1854 (Acts and Resolves II, p. 17) and approved by the voters on November 7, 1854 by a vote of 3,229 to 2,051. This section has been placed in Article IV as an addition to the provisions on elections.]

Section 9. The general assembly shall require each candidate for general office in any primary, general or special election to report to the secretary of state all contributions and expenditures made by any person to or on behalf of such candidate, provided however, that the general assembly may limit such disclosure to contributions or expenditures in excess of such an amount as the general assembly shall specify.

[Comment: This section was added to the Rhode Island Constitution by Article of Amendment XXXVIII, Section 2, adopted November 6, 1973. The section was placed in Article IV on December 1, 1986 by the Committee on Style and Drafting and approved by the Convention in plenary session on December 4, 1986.]

Section 10. The general assembly shall adopt limitations on all contributions to candidates for election to state and local office in any primary, general or special election and shall provide for the adoption of a plan of voluntary public financing and limitations on total campaign expenditures of campaigns for governor and such other general officers as the general assembly shall specify.

[Comment: Section 10 was added by Resolution 86-00145A, introduced on March 20, 1986 and referred to the Committee on Ethics. It was approved by the Committee by a vote of 10-0 on May 21, 1986 (Committee Report, p. 1-3). First plenary passage was on June 4, 1986 by a vote of 74-0 (Journal No. 10, p.2). Revised language was approved by the Committee on Style and Drafting on June 14, 1986. Second plenary passage was on June 26, 1986 by a vote of 86-12 (Journal No. 13, p.10).

In 1976 the Supreme Court in Buckley v. Valeo, 424 U.S. 1, 46 L. Ed. 2d 659, 96 S.Ct. 612 (1976) determined that it was unconstitutional to limit a candidate's use of his own money in a political campaign, to limit a candidate's total expenditures and to limit independent expenditures to promote or defeat a candidate. The court decided that it was constitutional to limit the size of individual contributions to a campaign, to impose reporting and disclosure requirements, and to provide for the public financing of campaigns.

The Committee on Ethics acknowledged that it would be unconstitutional to prohibit contributions to political campaigns unless there was strong proof that a prohibition was required to reduce corruption. However, the committee regarded a limitation on the amount of contributions including those from vendors, to be an effective means of reducing the impression of corruption created by the influence of money on political campaigns. The committee decided to leave to the general assembly the establishment of dollar limits by statute so that such limits could be modified to account for inflation or changing circumstances.

This resolution, part of Ballot Question 6, was approved by the voters on November 4, 1986 143,973 (53.3%) to 125,964 (46.7%).]

ARTICLE V Of The Distribution Of Powers

The powers of the government shall be distributed into three departments: the legislative, executive and judicial.

[Comment: This Article appears as Article III in the 1843 Rhode Island Constitution. It was renumbered by the Committee on Style and Drafting on December 1, 1986 and approved by the Convention in plenary session on December 4, 1986.]

ARTICLE VI Of The Legislative Power

Section 1. This Constitution shall be the supreme law of the state, and any law inconsistent therewith shall be void. The general assembly shall pass all laws necessary to carry this Constitution into effect.

[Comment: This article appears as Article IV in the 1843 Rhode Island Constitution. It was renumbered by the Committee on Style and Drafting on December 1, 1986 and approved by the Convention in plenary session on December 4, 1986. Section I is unchanged.]

Section 2. The legislative power, under this Constitution, shall be vested in two houses, the one to be called the senate, the other the house of representatives; and both together the general assembly. The concurrence of the two houses shall be necessary to the enactment of laws. The style of their laws shall be, It is enacted by the general assembly as follows:

[Comment: This section is unchanged from the 1843 Rhode Island Constitution.]

Section 3. There shall be a session of the general assembly at Providence commencing on the first Tuesday of January in each year. The senators and representatives shall severally receive the sum of five dollars, and the speaker of the house of representatives ten dollars, for every day of actual attendance, and eight cents per mile for traveling expenses in going to and returning from the general assembly; provided that no compensation or mileage shall be allowed any senator or representative for more than sixty days attendance in any calendar year. The general assembly shall regulate the compensation of the governor and of all other officers, subject to the limitations contained in the Constitution.

[Comment: This section was proposed as an article of amendment to the 1843 Constitution by the general assembly on February 9, 1900 (Resolution No. 1 January Session). It was approved by the voters on November 6, 1900 by a margin of 24,351 to 11,959. It was added to the constitution as Article of Amendment XI added to the 1843 Rhode Island and annulled Article IV, Section 3 and the previous Amendments thereto. Also see in re Opinion to the Governor 35 RI 166,85 A 1056 (1913).

Section 4. No member of the general assembly shall take any fee, or be of counsel in any case pending before either house of the general assembly, under penalty of forfeiture of seat, upon proof thereof to the satisfaction of the house in which the member sits.

[Comment: Gender references have been replaced with neutral language.]

Section 5. The persons of all members of the general assembly shall be exempt from arrest and their estates from attachment in any civil action, during session of the general assembly, and two days before the commencement and two days after the termination thereof, and all process served contrary hereto shall be void. For any speech in debate in either house, no member shall be questioned in any other place.

[Comment: Gender references have been replaced with neutral language.]

Section 6. Each house shall be the judge of the elections and qualifications of its members; and a majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner, and under such penalties, as may be prescribed by such house or by law. The organization of the two houses may be regulated by law, subject to the limitations contained in this Constitution.

[Comment: This section unchanged from the 1843 Rhode Island Constitution.]

Section 7. Each house may determine its rules of proceeding, punish contempts, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member; but not a second time for the same cause.

[Comment: This section unchanged from the 1843 Rhode Island Constitution.]

Section 8. Each house shall keep a journal of its proceedings. The yeas and nays of the members of either house shall, at the desire of one-fifth of those present, be entered on the journal.

[Comment: This section unchanged from the 1843 Rhode Island Constitution.]

Section 9. Neither house shall, during a session, without the consent of the other, adjourn for more than two days, nor to any other place than that in which it may be sitting.

[Comment: This section unchanged from the 1843 Rhode Island Constitution.]

Section 10. The general assembly shall continue to exercise the powers it has heretofore exercised, unless prohibited in this Constitution.

[Comment: This section unchanged from the 1843 Rhode Island Constitution.]

Section 11. The assent of two-thirds of the members elected to each house of the general assembly shall be required to every bill appropriating the public money or property for local or private purposes.

[Comment: Sections 11, 12, and 13 of Article IV to the 1843 Rhode Island Constitution have been annulled. The above section was formerly Section 14 of Article IV. The renumbering and placement in this Article of this and the following sections was done by the Committee on Style and Drafting on December 1, 1986 and approved by the Convention in plenary session on December 4, 1986.]

Section 12. The general assembly shall, from time to time, provide for making new valuations of property, for the assessment of taxes, in such manner as it may deem best.

[Comment: The above section was originally Article IV, Section 15 of the 1843 Rhode Island Constitution. The second sentence has been deleted as obsolete language, referring to a one-time event which had previously occurred.]

Section 13. The general assembly may provide by law for the continuance in office of any officers of election or appointment, until other persons are qualified to take their places.

[Comment: This section was originally Article IV, Section 16 of the 1843 Rhode Island Constitution.]

Section 14. The general assembly may provide by general law for the creation and control of corporations; provided, however, that no corporation shall be created with the power to exercise the right of eminent domain, or to acquire franchises in the streets and highways of towns and cities, except by special act of the general assembly upon a petition for the same, the pendency whereof shall be notified as may be required by law.

[Comment: Section 17 of Article IV of the 1843 Constitution was superseded by Article of Amendment IX, Section 1, entitled "General Corporation Laws". The amendment was introduced by the general assembly on March 29, 1892 (Resolution No. 2, January Session). It was approved and ordered published on June 23, 1892 (Public Laws, Ch. 1126). The amendment was approved by the voters on November 8, 1892 by a margin of 17,959 to 10,632. Section 2 of Amendment IX provided for this language to replace Article IV, Section 17. This section has been renumbered as Section 14.]

Section 15. All lotteries shall be prohibited in the state except lotteries operated by the state and except those previously permitted by the general assembly prior to the adoption of this section, and all shall be subject to the ^{prescription} and regulation of the general assembly.

[Comment: This section was added to the 1843 Rhode Island Constitution by Article of Amendment XLI, Section 1, entitled "Lotteries", adopted November 6, 1973 by a margin of 83,757 to 25,840. Section 2 of Amendment XLI directed that this provision be inserted at Article IV, Section 12. The section has been renumbered as Section 15.]

Section 16. The general assembly shall have no powers, without the express consent of the people, to incur state debts to an amount exceeding fifty thousand dollars, except in time of war, or in case of insurrection or invasion; nor shall it in any case, without such consent, pledge the faith of the state for the payment of the obligations of others. This section shall not be construed to refer to any money that may be deposited with the state by the government of the United States.

[Comment: See comment at Section 17. This section was added to the 1843 Rhode Island Constitution by Article of Amendment XXXI, Section 1, entitled "Borrowing Power", adopted June 28, 1951. Section 3 of Amendment XXXI directed that this section be inserted at Section 13 of Article IV. Section 4 of the Amendment directed that the Amendment shall take effect when approved by the voters. This section has been renumbered as Section 16.]

Section 17. Notwithstanding the provisions of Section 16 of this article the general assembly may provide by law for the state to borrow in any fiscal year, in anticipation of receipts from taxes, sums of money not exceeding twenty per cent of the receipts from taxes during the next prior fiscal year, and, in anticipation of receipts from other sources, additional sums of money, not exceeding ten per cent of the receipts from such other sources during the said next prior fiscal year; provided, that the aggregate of all such borrowings shall not exceed a sum equal to thirty per cent of the actual receipts from taxes during the said next prior fiscal year. Any money so borrowed in anticipation of such receipts shall be repaid within the fiscal year of the state in which such borrowings take place. No money shall be so borrowed in anticipation of such receipts in any fiscal year until all money so borrowed in all previous fiscal years shall have been repaid.

[Comment: Sections 1 and 17 were added to the 1843 Rhode Island Constitution by Article of Amendment XXXI, proposed at a limited constitutional convention held on June 1-3, 1951. The amendment was approved by the voters on June 28, 1951 by a margin of 30,874 to 24,438.]

Section 18. The clearance, replanning, redevelopment, rehabilitation and improvement of blighted and substandard areas shall be a public use and purpose for which the power of eminent domain may be exercised, tax moneys and other public funds expended and public credit pledged. The general assembly may authorize cities, towns, or local redevelopment agencies to undertake and carry out projects approved by the local legislative body for such uses and purposes including the acquisition in such areas of such properties as the local legislative body may deem necessary or proper to effectuate any of the purposes of this article, although temporarily not required for such purposes, and the sale or other disposition of any such properties to private persons for private uses or to public bodies for public uses.

[Comment: This section was added to the 1843 Rhode Island Constitution by Article of Amendment XXXIII proposed by a limited constitutional convention on June 20, 1955. The amendment was approved by the voters on July 12, 1955 by a margin of 29,383 to 14,698.

Section 19. The general assembly may authorize the acquiring or taking in fee by the state, or by any cities or towns, of more land and property than is needed for actual construction in the establishing, laying out, widening, extending or relocating of public

highways, streets, places, parks or parkways; provided, however, that the additional land and property so authorized to be acquired or taken shall be no more in extent than would be sufficient to form suitable building sites abutting on such public highway, street, place, park or parkway. After so much of the land and property has been appropriated for such public highway, street, place, park or parkway as is needed therefor, the remainder may be held and improved for any public purpose or purposes, or may be sold or leased for value with or without suitable restrictions, and in case of any such sale and lease, the person or persons from whom such remainder was taken shall have the first right to purchase or lease the same upon such terms as the state or city or town is willing to sell or lease the same.

[Comment: This section was added to the 1843 Rhode Island Constitution by Article of Amendment XVII proposed by the general assembly on May 1, 1914. It was approved and ordered published on April 23, 1915 (Public Laws, Ch. 1224) and approved by the voters on November 7, 1916 by a margin of 31,709 to 6,786.]

Section 20. The general assembly may authorize cities and towns to acquire property by eminent domain, or otherwise for the establishment and construction of off-street parking facilities and to maintain and operate or lease the same. Without limiting the generalities of the foregoing, any of the powers or authorities consistent with the provisions of this article for the provision of off-street parking now vested in public bodies by law, shall continue in existence and may be exercised by said public bodies, except as such powers and authorities may be modified, or repealed by the general assembly.

[Comment: This section was added to the 1843 Rhode Island Constitution by Article of Amendment XXXII, proposed at the limited constitution convention of 1951. It was approved by the voters on June 28, 1951 by a margin of 39,291 to 16,844.]

Section 21. The general assembly, in order to insure continuity of state and local governmental operations, including the judicial functions, in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate duty to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, to enact legislation permitting the convening of the general assembly at any place within or without the State of Rhode Island, and to adopt such other measures as may be necessary and proper for insuring the continuity of governmental operations during the period of said emergency. Any law enacted under this section shall apply to all cities and towns regardless of their form of charter. During said period of emergency the general assembly shall have the power to incur state debts exceeding the limitation set forth in Sections 16 and 17 of this article. The powers granted and the laws enacted under this section shall not be effective after two years following the inception of an enemy attack.

[Comment: This section was added to the 1843 Rhode Island Constitution by Article of Amendment XXXVI, proposed by the general assembly on April 20, 1960 (Resolution No. 260), and approved and ordered published on May 29, 1961 (Public Laws Ch. 90). It was approved by the voters on November 6, 1962 by a margin of 96,071 to 60,983.]

ARTICLE VII Of The House Of Representatives

Section 1. The house of representatives shall never exceed one hundred members, and shall be constituted on the basis of population. The general assembly may, after any new census taken by the authority of the United States or this state, reapportion the representation. The representative district shall be as nearly equal in population and as compact in territory as possible.

[Comment: This article appears in the 1843 Rhode Island Constitution as Article V. It was renumbered by the Committee on Style and Drafting on December 1, 1986 and approved by the Convention in plenary session on December 4, 1986.]

Section 1 was added to the 1843 Constitution by Article of Amendment XIII, proposed by the general assembly on April 10, 1908 (Resolution No. 1). It was approved and ordered published by the assembly on May 4, 1909. (Revised Public Laws, Ch. 422) and approved by the voters on November 2, 1909 by a margin of 25,920 to 12,898. Language has been deleted which did not comply with the "one man-one vote" principle of Reynolds v. Sims 377 U. S. 533 (1964), as applied in this State by Sweeney v. Notte. 95 RI 68,183 A2d 296 (1962).]

Section 2. The house of representatives shall have authority to elect its speaker, clerks, and other officers. The senior member from the City of Newport, if any be present, shall preside in the organization of the house.

[Comment: The word "Town" was changed to "City" to reflect the current municipal status of the City of Newport.]

ARTICLE VIII Of The Senate

Section 1. The senate shall consist of the lieutenant governor and senators from the senatorial districts in the state. The general assembly may after any presidential election reapportion the senate. Such districts shall be as nearly equal in population and as compact in territory as possible.

[Comment: This article appears in the 1843 Rhode Island Constitution as Article VI. It was renumbered by the Committee on Style and Drafting on December 1, 1986 and approved by the Convention in plenary session on December 4, 1986.]

Section 1 was added to the 1843 Constitution by Article of Amendment XIX, proposed by the general assembly on March 12, 1926 (Resolution No. 1). It was approved and ordered published on April 13, 1927 (Public Laws, Ch. 1046) and approved by the voters on November 6, 1928 by a margin of 63,202 to 19,754. Certain language has been deleted to comply with the Fourteenth Amendment to the United States Constitution. See Opinion to the Governor, 101 RI 203 (1966).]

Section 2. The lieutenant governor shall preside in the senate and in grand committee. The presiding officer of the senate and grand committee shall have a right to vote in case of equal division, but not otherwise.

[Comment: This section was added to the 1843 Rhode Island Constitution by Article of Amendment XIV, proposed by the general assembly on April 10, 1908 (Resolution No. 1). It was approved and ordered published on May 4, 1909 (Revised Public Laws, Ch. 412). The Amendment was approved by the voters on November 2, 1909 by a margin of 27,390 to 9,151. The amendment replaced Section 2 of Article VI of the 1843 Constitution.]

Section 3. If by reason of death, resignation, absence, or other cause, the lieutenant governor is not present, to preside in the senate, the senate shall elect one of its own members to preside during such absence or vacancy; and until such election is made by the senate, the secretary of state shall preside. The presiding officer of the senate shall preside in grand committee and in joint assembly.

[Comment: This section was added to the 1843 Rhode Island Constitution by Article of Amendment XIV, Section 2, and replaced Article VI, Section 3.]

Section 4. The secretary of state shall, by virtue of office, be secretary of the senate, unless otherwise provided by law, and the senate may elect such other officers as it may deem necessary.

[Comment: This section is unchanged from the 1843 Rhode Island Constitution.]

ARTICLE IX Of The Executive Power

Section 1. The chief executive power of this state shall be vested in a governor, who, together with a lieutenant governor, shall be elected by the people.

[Comment: This article appears as Article VII in the 1843 Rhode Island Constitution. It was renumbered by the Committee on Style and Drafting on December 1, 1986 and approved by the Convention in plenary session on December 4, 1986.

The word "annually" has been deleted from this section to reflect the biennial election provision of Article of Amendment XVI.]

Section 2. The governor shall take care that the laws be faithfully executed.

[Comment: This section is unchanged from the 1843 Rhode Island Constitution.]

Section 3. The governor shall be captain general and commander in chief of the

military and naval forces of this state, except when they shall be called into the service of the United States.

[Comment: Gender references have been replaced with neutral language.]

Section 4. The governor shall have power to grant reprieves, after conviction, in all cases, except those of impeachment, until the end of the next session of the general assembly.

[Comment: Gender references have been replaced with neutral language.]

Section 5. The governor may fill vacancies in office not otherwise provided for by this Constitution or by law, until the same shall be filled by the general assembly, or by the people.

[Comment: Gender references have been replaced with neutral language.]

Section 6. In case of disagreement between the two houses of the general assembly, respecting the time or place of adjournment, certified by either, the governor may adjourn them to such time and place as the governor shall think proper; provided, that the time of adjournment shall not be extended beyond the day of the next stated session.

[Comment: Gender references have been replaced with neutral language.]

Section 7. The governor may, on extraordinary occasions, convene the general assembly at any town or city in this state, at any time not provided for by law; and in case of danger from the prevalence of epidemic or contagious disease, in the place in which the general assembly is by law to meet, or to which it may have been adjourned, or for other urgent reasons, the governor may by proclamation convene said assembly at any other place within this state.

[Comment: Gender references have been replaced with neutral language.]

Section 8. All commissions shall be in the name and by authority of the State of Rhode Island and Providence Plantations; shall be sealed with the state seal, signed by the governor, and attested by the secretary.

[Comment: This section is unchanged from the 1843 Rhode Island Constitution.]

Section 9. In case of vacancy in the office of governor or of the governor's inability to serve, impeachment, or absence from the state, the lieutenant governor shall fill the office of governor, and exercise the powers and authority appertaining thereto, until a governor is qualified to act, or until the office is filled at the next election.

[Comment: Gender references have been replaced with neutral language.]

Section 10. If the offices of governor and lieutenant governor be both vacant by reason of death, resignation, impeachment, absence, or otherwise, the speaker of the house of representatives shall in like manner fill the office of governor during such absence or vacancy.

[Comment: Resolution 86-00246 was introduced on March 31, 1986 and referred to the Committee on the General Assembly and Elections on March 31, 1986. The intent of the resolution was to resolve an apparent inconsistency in the 1843 Constitution which provided for the possibility of two successors, the president pro-tem of the senate and a successor chosen by the grand committee. (See Article VIII Section 4 and Article of Amendment XI Section 4 in the 1843 Constitution.) The resolution was passed by the Committee on General Assembly and Elections by a vote of 12-4 on April 2, 1986 (Committee Minutes, April 12, 1986, p. 1). First plenary passage was on May 1, 1986 by a vote of 65-23 (Journal No. 6, p. 14). Language was approved by the Committee on Style and Drafting on June 12, 1986. Second plenary passage was on June 26, 1986 by a vote of 60-34 (Journal No. 13, p. 5-6). This resolution, part of Ballot Question 7, was approved by the voters on November 4, 1986 173,010 (64.8%) to 92,435 (35.2%).]

Section 11. The compensation of the governor and lieutenant governor shall be established by law, and shall not be diminished during the term for which they are elected.

[Comment: This section is unchanged from the 1843 Rhode Island Constitution.]

Section 12. The duties and powers of the secretary, attorney-general and general treasurer shall be the same under this Constitution as are now established, or as from time to time may be prescribed by law.

[Comment: This section is unchanged from the 1843 Rhode Island Constitution.]

Section 13. The governor, by and with the advice and consent of the senate, shall hereafter exclusively exercise the pardoning power, except in cases of impeachment, to the same extent as such power is now exercised by the general assembly.

[Comment: This section was added to the Rhode Island Constitution by Article of Amendment II, proposed by the general assembly as January Session, 1854 (Acts and Resolves, p. 276). It was approved and ordered published at June Session, 1854 (Acts and Resolves 2, p. 17) and approved by the voters on November 7, 1854 by a margin of 3,893 to 1,408. In the Opinion of Judges (1857), 4 RI 583.]

Section 14. Every bill, resolution, or vote (except such as relate to adjournment, the organization or conduct of either or both houses of the general assembly, and resolutions proposing amendment to the Constitution) which shall have passed both houses of the general assembly shall be presented to the governor. If the governor approve it the governor shall sign it, and thereupon it shall become operative, but if the governor does not approve it the governor shall return it, accompanied by the governor's objections in writing to the house in which it originated, which shall enter the governor's objections in full upon its journal and proceed to reconsider it. If, after such reconsideration, three-fifths of the members present and

voting in that house shall vote to pass the measure, it shall be sent with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by three-fifths of the members present and voting in that house, it shall become operative in the same manner as if the governor had approved it, but in such cases the votes of both houses shall be determined by ayes and nays and the names of the members voting for and against the measure shall be entered upon the journal of each house, respectively. If the measure shall not be returned by the governor within six days (Sundays excepted) after it shall have been presented to the governor the same shall become operative unless the general assembly, by adjournment, prevents its return, in which case it shall become operative unless transmitted by the governor to the secretary of state, with the governor's disapproval in writing within ten days after such adjournment.

April 10, 1908 → [Comment: Gender references have been replaced with neutral language. This section was added to the Rhode Island Constitution by Article of Amendment XV, proposed by the general assembly on April 10, 1908 (Resolution No. 1). It was approved and ordered published on May 4, 1909 (Rev. Public Laws, Ch. 413) and approved by the voters on November 2, 1909 by a margin of 30,149 to 6,267.]

Section 15. The governor shall prepare and present to the general assembly an annual, consolidated operating and capital improvement state budget.

[Comment: This new section was added to Article IX by Resolution 86-00222, proposed on March 31, 1986 and referred to the Committee on the Executive Branch and Independent Agencies. It was approved by the committee by a vote of 17-2 on April 28, 1986 (Journal No. 7, p. 9). First plenary passage was by a vote of 85-0 on May 15, 1986 (Journal No. 7, p. 2). Language was approved by the Committee on Style and Drafting on June 12, 1986. Second plenary passage was by a vote of 71-19 on June 26, 1986 (Journal No. 13, p. 5).

The intent of this resolution was to make the preparation of an annual budget a constitutional duty of the governor.

This resolution, part of Ballot Question 7, was approved by the voters on November 4, 1986 by a margin of 173,010 (64.8%) to 92,435 (35.2%).]

ARTICLE X Of The Judicial Power

Section 1. The judicial power of this state shall be vested in one supreme court, and in such inferior courts as the general assembly may, from time to time, ordain and establish.

[Comment: This section is unchanged from the 1843 Rhode Island Constitution.]

Section 2. The supreme court shall have final revisory and appellate jurisdiction upon all questions of law and equity. It shall have power to issue prerogative writs, and shall also have such other jurisdiction as may, from time to time, be prescribed by law. A majority of its judges shall always be necessary to constitute a quorum. The inferior courts shall have such

jurisdiction as may, from time to time, be prescribed by law.

[Comment: This section was added to the 1843 Rhode Island Constitution by Article of Amendment XII, Section 1, proposed by the general assembly on April 1, 1902 (Resolution No. 1). It was approved and ordered published on February 24, 1903 and approved by the voters on November 3, 1903 by a margin of 23,344 to 7,821.]

Section 3. The judges of the supreme court shall give their written opinion upon any question of law whenever requested by the governor or by either house of the general assembly.

[Comment: This section was added to the 1843 Rhode Island Constitution by Article of Amendment XII, Section 2. (See comment for Section 2 above).]

Section 4. The judges of the supreme court shall be elected by the two houses in grand committee. Each judge shall hold office until that judge's place be declared vacant by a resolution of the general assembly to that effect; which resolution shall be voted for by a majority of all the members elected to the house in which it may originate, and be concurred in by the same majority of the other house. Such resolution shall not be entertained at any other than the annual session for the election of public officers; and in default of the passage thereof at said session, the judge shall hold that place as is herein provided.

[Comment: The last sentence of this section in the 1843 Rhode Island Constitution was deleted because it was rendered obsolete by the new provisions of Article XI, Section 3 concerning impeachment approved by the voters on November 4, 1986. The deletion was made by the Committee on Style and Drafting on December 1, 1986 and approved by the Convention in plenary session on December 4, 1986.]

Section 5. In case of vacancy by death, resignation, removal from the state or from office, refusal or inability to serve, of any judge of the supreme court, the office may be filled by the grand committee, until the next election, and the judge then elected shall hold office as before provided. In case of impeachment, or temporary absence, or inability, the governor may appoint a person to discharge the duties of the office during the vacancy caused thereby.

[Comment: This section is unchanged from the 1843 Rhode Island Constitution.]

Section 6. The judges of the supreme court shall receive a compensation for their services, which shall not be diminished during their continuance in office.

[Comment: This section is unchanged from the 1843 Rhode Island Constitution.]

Section 7. The towns of New Shoreham and Jamestown may continue to elect their wardens as heretofore. The other towns and the city of Providence may elect such number of justices of the peace, resident therein, as they may deem proper. The jurisdiction of said

justices and wardens shall be regulated by law. The justices shall be commissioned by the governor.

[Comment: This section is unchanged from the 1843 Rhode Island Constitution.]

ARTICLE XI Of Impeachments

Section 1. The house of representatives shall have the sole power of impeachment. A resolution of impeachment shall not be considered unless it is signed by twenty-five members. For the purpose of impeachment, the general assembly and committees thereof shall have the power to compel the attendance of witnesses and production of documents. A vote of sixty-seven members shall be required for an impeachment of the governor. Any officer impeached shall thereby be suspended from office until judgment in the case shall have been pronounced.

[Language added by Resolution 86-00047A which added subpoena power and the requirement of twenty-five signatures. For a more complete explanation of the resolution's history, see explanation at the end of Article XI.]

Section 2. All impeachments shall be tried by the senate; and when sitting for that purpose, they shall be under oath or affirmation. No person shall be convicted except by vote of two-thirds of the members elected. When the governor is impeached, the chief or presiding justice of the supreme court, for the time being, shall preside, with a casting vote in all preliminary questions.

[Comment: This section is unchanged from the 1843 Rhode Island Constitution.]

Section 3. The governor and all other executive and judicial officers shall be liable to impeachment. The governor or any other executive officer shall be removed from office if, upon impeachment, such officer shall be found incapacitated or guilty of the commission of a felony or crime of moral turpitude, misfeasance or malfeasance in office. Judges shall be removed if, upon impeachment, they shall be found incapacitated or guilty of the commission of a felony or crime of moral turpitude, misfeasance or malfeasance in office or violation of the canons of judicial ethics. Judgment of incapacity or guilt in a case of impeachment shall not extend further than to removal from office. The person convicted shall, nevertheless, be liable to indictment, trial and punishment, according to laws.

[Comment: Resolution 86-00047A adds standards for impeachment, as well as the aforementioned changes in Section 1. It was introduced on February 13, 1986 and referred to the Committee on Ethics. It was approved by the committee by a vote of 11-0 on March 25, 1986 (Committee Minutes, March 25, 1986, p. 2). First plenary passage was on May 15, 1986 by a vote of 84-0 (Journal No. 7, p. 7). Revised language was approved by the Committee on Style and Drafting on June 14, 1986. Second plenary passage was on June 26, 1986 by a vote of 91-1 (Journal No. 13, p. 9-10. Members of the boards of canvassers are not executive officers subject to impeachment under this article, Molloy v. Collins, 66 RI 251, 18 A2.d 639 (1941).

Language of the second and third sentences of this section were recast for proper usage by the Committee on Style and Drafting on December 1, 1986 and approved by the Convention in plenary session on December 4, 1986.

This resolution, part of Ballot Question 6, was approved by the voters on November 4, 1986 by a margin of 143,973 (53.3%) to 125,964 (46.7%).]

ARTICLE XII Of Education

Section 1. The diffusion of knowledge, as well as of virtue among the people, being essential to the preservation of their rights and liberties, it shall be the duty of the general assembly to promote public schools and public libraries, and to adopt all means which it may deem necessary and proper to secure to the people the advantages and opportunities of education and public library services.

[Comment: New language concerning libraries was added by Resolution 86-00098. On June 11, 1986 a discharge petition was filed at a plenary session of the Convention. On the initial vote, the petition failed by a vote of 56-24, short of the two-thirds required by the rules. Upon appeal to the chair, and citation of the Open Meetings Law, which indicates that an item can be placed on the calendar by a majority vote, Resolution 86-00098 was discharged to the plenary session. First plenary passage was by a vote of 55-19 (Journal No. 12, p. 17-21). Language was approved by the Committee on Style and Drafting on June 16, 1986. Second plenary passage was on June 26, 1986 by a vote of 79-14 (Journal No. 13 p. 9).

This section recognizes and guarantees the right to education in Rhode Island: Exeter-West Greenwich Regional School District v. Teachers' Association, RI 489 A2d 1010 (1985). The state exercises supreme responsibility in the area of education National Education Association v. Garrah, 589F. Supp. 1374 (1984).

The resolution, Ballot Question 11, was approved by the voters by a margin of 182,931 (67.6%) to 87,494 (32.4%) on November 4, 1986.]

Section 2. The money which now is or which may hereafter be appropriated by law for the establishment of a permanent fund for the support of public schools, shall be securely invested and remain a perpetual fund for that purpose.

[Comment: This section is unchanged from the 1843 Rhode Island Constitution.]

Section 3. All donations for the support of public schools, or for other purposes of education, which may be received by the general assembly, shall be applied according to the terms prescribed by the donors.

[Comment: This section is unchanged from the 1843 Rhode Island Constitution.]

Section 4. The general assembly shall make all necessary provisions by law for carrying this article into effect. It shall not divert said money or fund from the aforesaid uses, nor borrow, appropriate, or use the same, or any part thereof, for any other purpose, under any pretence whatsoever.

[Comment: This section is unchanged from the 1843 Rhode Island Constitution except that the word "It" in the second sentence replaced "They for purposes of agreement.]

ARTICLE XIII Home Rule For Cities and Towns

Section 1. It is the intention of this article to grant and confirm to the people of every city and town in this state the right of self government in all local matters.

[Comment: This article was added to the Rhode Island Constitution by Article of Amendment XXVIII proposed by a limited constitutional convention held June 1-3, 1951 and approved by the voters on June 28, 1951 by a margin of 48,638 to 7,999. ~~All sections of this article remain unchanged from the 1843 Constitution.~~]

Section 2. Every city and town shall have the power at any time to adopt a charter, amend its charter, enact and amend local laws relating to its property, affairs and government not inconsistent with this Constitution and laws enacted by the general assembly in conformity with the powers reserved to the general assembly.

Section 3. Notwithstanding anything contained in this article, every city and town shall have a legislative body composed of one or two branches elected by vote of its qualified electors.

Section 4. The general assembly shall have the power to act in relation to the property, affairs and government of any city or town by general laws which shall apply alike to all cities or towns, but which shall not affect the form of government of any city or town. The general assembly shall also have the power to act in relation to the property, affairs and government of a particular city or town provided that such legislative action shall become effective only upon approval by a majority of the qualified electors of the said city or town voting at a general or special election, except that in the case of acts involving the imposition of a tax or the expenditure of money by a town the same shall provide for the submission thereof to those electors in said town qualified to vote upon a proposition to impose a tax or for the expenditure of money.

Section 5. Nothing contained in this article shall be deemed to grant to any city or town the power to levy, assess and collect taxes or to borrow money, except as authorized by the general assembly.

Section 6. Every city and town shall have the power to adopt a charter in the following manner: Whenever a petition for the adoption of a charter signed by fifteen percent of the qualified electors of a city, or in a town by fifteen percent, but not less than one hundred in number, of those persons qualified to vote on any proposition to impose a tax or for the expenditure of money shall be filed with the legislative body of any city or town the same shall be referred forthwith to the canvassing authority which shall within ten days after its receipt determine the sufficiency thereof and certify the results to the legislative body of said city or town. Within sixty days thereafter the legislative body of a city shall submit to its qualified electors and the legislative body of a town shall submit to the electors of said town qualified to vote upon a proposition to impose a tax or for the expenditure of money the following question: "Shall a commission be appointed to frame a charter?" and the legislative body of any city or town shall provide by ordinance or resolution a method for the nomination and election of a charter commission to frame a charter consisting in a city of nine qualified electors and in a town of nine electors of said town qualified to vote upon a proposition to impose a tax or for the expenditure of money who shall be elected at large without party or political designation and who shall be listed alphabetically on the ballot used for said election. Such ordinance or resolution shall provide for the submission of the question and the election of the charter commission at the same time. Upon approval of the question submitted the nine candidates who individually receive the greater number of votes shall be declared elected and shall constitute the charter commission.

Section 7. Within one year from the date of the election of the charter commission the charter framed by the commission shall be submitted to the legislative body of the city or town which body shall provide for publication of said charter and shall provide for the submission of said charter to the electors of a city or town qualified to vote for general state officers at the general election next succeeding thirty days from the date of the submission of the charter by the charter commission. If said charter is approved by a majority of said electors voting thereon, it shall become effective upon the date fixed therein.

Section 8. The legislative body of any city or town may propose amendments to a charter which amendments shall be submitted for approval in the same manner as provided in this article for the adoption of a charter except that the same may be submitted at a special election, and provided further that in the case of a town, amendments concerning a proposition to impose a tax or for the expenditure of money, shall be submitted at a special or regular financial town meeting.

Section 9. Whenever the legislative body of any city or town consists of more than one branch, a petition for the adoption of a charter as provided in this article may be filed with either branch of said legislative body.

Section 10. Duplicate certificates shall be made setting forth the charter adopted and any amendments approved and the same shall be signed by a majority of the canvassing authority; one of such certified copies shall be deposited in the office of the secretary of state and the other after having been recorded in the records of the city or town shall be deposited among the archives of the said city or town and all courts shall take judicial notice thereof.

Section 11. The judicial powers of the state shall not be diminished by the provisions of this article.

ARTICLE XIV Constitutional Amendments and Revisions

Section 1. The general assembly may propose amendments to the Constitution of the state by a roll call vote of a majority of the members elected to each house. Any amendment thus proposed shall be published in such manner as the general assembly shall direct, and submitted to the electors at the next general election as provided in the resolution of approval; and, if then approved by a majority of the electors voting thereon, it shall become a part of the Constitution.

[Comment: This section was added to the 1843 Rhode Island Constitution by Article of amendment XLII, Section 1, entitled "Constitutional Amendments and Revisions", adopted November 6, 1973. Section 3 of Article XLII directed that this section replace Article XIII. This article has been renumbered Article XV by the revision of the Constitution.]

Section 2. The general assembly, by a vote of a 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. If the question be not submitted to the people at some time during any period of ten years, the secretary of state shall submit it at the next general election following said period. Prior to a vote by qualified electors on the holding of a convention, the general assembly, or the governor if the general assembly fails to act, shall provide for a bi-partisan preparatory commission to assemble information on consitutional questions for the electors. If a majority of the electors voting at such election on said question shall vote to hold a convention, the general assembly at its next session shall provide by law for the election of delegates to such convention. 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 members of the house of representatives. No revision or amendment of this Constitution agreed upon by such convention shall take effect until the same has been submitted to the electors and approved by a majority of those voting thereon.

[Comment: This section was added to the 1843 Rhode Island Constitution by article of amendment XLII, proposed by a limited constitutional convention held in 1973 and approved by the voters on November 6, 1973 by a margin of 56,072 to 34,953.

This section provides a new procedure for constitutional revision in that the general assembly is no longer the sole and exclusive originator of a call for a constitutional convention. In a 1935 advisory opinion, the Rhode Island Supreme Court recognized the general assembly as the sole and exclusive originator of a convention call. In re The Constitutional Convention, 55 RI 56, 178 A 433 (1935). The 1973 Constitutional Convention was faced with a movement by some delegates to ignore restrictions on the convention agenda and duration placed in the legislative call. Litigation in the state superior court after enactment of R.I. Public Law, Ch. 98 calling for a limited convention, ultimately led to the opinion of the supreme court in Malinou v. Powers, 114 RI 399, 333 A2d 420 (1975), which stated that the issue of the validity of

restrictions on the convention agenda was moot. Earlier, the attorney general of the state had delivered this opinion to the delegates that the convention was the judge of its own mandate. Before the convention ended the matter was resolved when the forces favoring unrestricted agenda and duration and those favoring a limited convention supported the adoption of a resolution which ultimately became Section 2 above.]

ARTICLE XV General Transition

Section 1. The rights and duties of all public bodies shall remain as if this Constitution had not been adopted with the exception of such changes as are contained in this Constitution. All laws, ordinances, regulations and rules of court not contrary to, or inconsistent with, the provisions of this Constitution shall remain in force, until they shall expire by their own limitation or shall be altered or repealed pursuant to this Constitution.

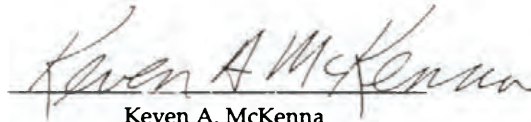
Section 2. The validity of all public and private bonds, debts and contracts, and of all suits, actions, and rights of action, shall continue as if no change had taken place.

Section 3. All officers filling any office by election or appointment shall continue the duties thereof, until the end of the terms to which they were appointed or elected, and until their offices shall have been abolished or their successors elected and qualified in accordance with this Constitution or laws enacted pursuant thereto.

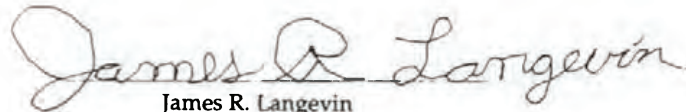
Section 4. On or before June 1, 1988, the general assembly shall adopt implementing legislation for Article III, Sections 7 and 8, and for Article IV, Section 10.

[Comment: The provisions of this section were originally contained in the resolutions amending the articles indicated. This section was placed in Article XV by the Committee on Style and Drafting on December 1, 1986 and approved by the Convention in plenary session on December 4, 1986.]

**DONE IN CONVENTION
AT PROVIDENCE THIS
FOURTH DAY OF DECEMBER, A.D. 1986**



Keven A. McKenna
President
District 10



James R. Langevin
Secretary
District 30

Delegates

District
1 Maryellen Goodwin
Maryellen Goodwin
2 Bruce G. Sundlun
Bruce G. Sundlun
3 Lila M. Sapinsley
Lila M. Sapinsley
4 Melvyn M. Gelch
Melvyn M. Gelch
5 Donald J. Lopes
Donald J. Lopes
6 Edmund R. Berardinelli
Edmund R. Berardinelli
7 Michael T. Napolitano
Michael T. Napolitano
8 Mary E. Batastini
Mary E. Batastini
9 Brian G. Reddy
Brian G. Reddy
11 Kenneth H. Phillips
Kenneth H. Phillips
12 Olga B. Torvi
Olga B. Torvi
13 Anthony Caprio
Anthony Caprio
14 Robert Donley
Robert Donley
15 Robert G. Huckins
Robert G. Huckins

District
16 Frank J. Williams
Frank J. Williams
17 Matthew B. Smith, Jr.
Matthew B. Smith, Jr.
18 Angela Smith
Angela Smith
19 Allene R. Maynard
Allene R. Maynard
20 Roberto Gonzalez
Roberto Gonzalez
21 Alfred A. Izzo
Alfred A. Izzo
22 John E. Lanni, Jr.
John E. Lanni, Jr.
23 Thomas J. Izzo
Thomas J. Izzo
24 Frank J. Montanaro
Frank J. Montanaro
25 Abraham Baker
Abraham Baker
26 Raymond Durfee
Raymond Durfee
27 Kenneth F. McGinagle, Jr.
Kenneth F. McGinagle, Jr.
28 Rose Ellen A. Reynolds
Rose Ellen A. Reynolds
29 Henry A.L. Brown
Henry A.L. Brown

Delegates

District

31 Edward W. Dodd
Edward W. Dodd

32 Constant L. Simonini
Constant L. Simonini

33 Robert F. Ward
Robert F. Ward

34 Douglas J. Munroe
Douglas J. Munroe

35 Alfred A. Gemma
Alfred A. Gemma

36 Lincoln D. Chafetz
Lincoln D. Chafetz

37 Vincent Marzilli
Vincent Marzilli

38 Eugene J. Girard, Jr.
Eugene J. Girard, Jr.

39 Norman J. King
Norman J. King

40 John F. Sullivan
John F. Sullivan

41 James W. Bell
James W. Bell

42 Edward N. Smallman
Edward N. Smallman

43 J. William Corr, Jr.
J. William Corr, Jr.

44 Evandro R. Radoccia, Jr.
Evandro R. Radoccia, Jr.

District

45 Marguerite Neubert
Marguerite Neubert

46 Kenneth Carter
Kenneth Carter

47 Duncan H. Doolittle
Duncan H. Doolittle

48 James E. Cavanaugh
James E. Cavanaugh

49 Richard A. Johnson
Richard A. Johnson

50 Mark J. O'Donnell
Mark J. O'Donnell

51 Keith H. Lang
Keith H. Lang

52 Rodney D. Driver
Rodney D. Driver

53 Virginia A. Soucy
Virginia A. Soucy

54 Erik S. Wieselquist
Erik S. Wieselquist

55 Mary Cerra
Mary Cerra

56 Ronald T. Webster
Ronald T. Webster

57 Angelo R. Iannitelli, Jr.
Angelo R. Iannitelli, Jr.

58 Rene R. Menard
Rene R. Menard

Delegates

District
59 Charles E. McDevitt
Charles E. McDevitt

60 Mary B. Prendergast
Mary B. Prendergast

61 Richard H. Leclerc
Richard H. Leclerc

62 Steven J. Lopes
Steven J. Lopes

63 Martin P. Crowley, Jr.
Martin P. Crowley, Jr.

64 Camillo A. Pierannunzi
Camillo A. Pierannunzi

65 Wilfred Godin
Wilfred Godin

66 Charles F. Gould
Charles F. Gould

67 Richard L. Dupre
Richard L. Dupre

68 Roger C. Milette
Roger C. Milette

69 William J. Flynn
William J. Flynn

70 Lorena W. Murphy
Lorena W. Murphy

71 Shawn R. Donahue
Shawn R. Donahue

72 Thomas Lazieh
Thomas Lazieh

District
73 Marie A. Brousseau
Marie A. Brousseau

74 Danielle A. Paquette
Danielle A. Paquette

75 Laurence Dolan
Laurence Dolan

76 Douglas DeSimone
Douglas DeSimone

77 George P. Anderson
George P. Anderson

78 Karen J. Kolek
Karen J. Kolek

79 David M. Chmielewski
David M. Chmielewski

80 M. Frances Campbell
M. Frances Campbell

81 Ronald J. Sweeney
Ronald J. Sweeney

82 Raymond E. Anderson
Raymond E. Anderson

83 Joseph F. Brown
Joseph F. Brown

84 Patrick S. Anlon
Patrick S. Anlon

85 George W. Redman
George W. Redman

86 Stephen G. Kass
Stephen G. Kass

Delegates

District

87 Eleanor O'Neill
Eleanor O'Neill

88 Anthony DeSisto
Anthony DeSisto

89 Alexander E. Vitullo
Alexander E. Vitullo

90 George L. Sisson
George L. Sisson

91 Paul G. Afonso
Paul G. Afonso

92 Claudette Linhares
Claudette Linhares

93 Patricia D. Soares
Patricia D. Soares

District

94 Allen D. Wiant
Allen D. Wiant

95 John E. Garrett
John E. Garrett

96 Kathleen Managhan
Kathleen Managhan

97 Margaretta K. Landry
Margaretta K. Landry

98 Clifton R. Largess, Jr.
Clifton R. Largess, Jr.

99 Paul L. Gaines
Paul L. Gaines

100 A. Claire Dias
A. Claire Dias