

Mark Welch

From: Michael Narducci
Sent: Tuesday, August 26, 2014 10:21 AM
To: Campellone, Paul
Cc: Mark Welch
Subject: FW: survey of the 14 states with periodic constitutional convention referendums and a question for you

This has to do with the proposed language that was sent yesterday then pulled back last night. He is saying that we should not put the cost of the convention in the booklet as it could persuade voters as to how to vote. In researching we put it in 2004 we had the language in the book. 1984 and 1994 we did not. Maybe the final language today will not have the dollar amount?

From: Flanders, Robert G. [<mailto:rflanders@hinckleyallen.com>]
Sent: Tuesday, August 26, 2014 9:30 AM
To: Michael Narducci
Subject: RE: survey of the 14 states with periodic constitutional convention referendums and a question for you

Dear Mr. Narducci:

The statute pertaining to the submission of public questions to voters at a general election provides, in pertinent part, as follows:

“SECTION 17-5-3 [bold italic added to highlight relevant text]

§ 17-5-3 Publication of questions to be submitted to voters. – (a) Prior to each general election at which public questions are to be submitted, the secretary of state shall cause to be printed and shall send one copy of the full text of each legislative act to be acted upon and applicable to the state at large, or the secretary of state may substitute a description of the text of each act in lieu of the full text, to each residential unit in Rhode Island together with the following information:

- (1) The designated number of the question;
- (2) A brief caption of the question;
- (3) A brief explanation of the measure that is the subject matter of the question; and
- (4) A notice that voter fraud is a felony and the penalty for voter fraud. This notice shall be in conspicuous lettering and shall contain the following language: "You must be registered to vote from your actual place of residence."

(b) **If the public question involves the issuance of bonds or other evidence of indebtedness or any other long term financial obligation such as a lease, the notice required by subsection (a) of this section shall also include at least the following information to be provided by the agency or department for which the bonds or other evidence of indebtedness or any other long term financial obligation is intended:**

- (1) The estimated total cost of the project or program, including financing (using a reasonable assumed rate of interest), legal, and other costs.**
- (2) The estimated useful life of the project, and the term of the bonds, other indebtedness, or other obligation.
- (3) A reasonably detailed description of the project or program, its purposes, and a project timetable. “ (Emphasis added).

The question of whether to hold a constitutional convention does not involve “the issuance of bonds or other evidence of indebtedness or any other long term financial obligation.” So, on what basis can such a statement be included? In my opinion, any insertion of estimated costs or expenses in holding such a convention is not only unauthorized and illegal, but an attempt to put a negative thumb on the voters' scale.

Robert G. Flanders, Jr.

Partner

Hinckley Allen

50 Kennedy Plaza, Suite 1500

Providence, RI 02903-2319

p: 401-457-5184 | f: 401-277-9600

rflanders@hinckleyallen.com

Assistant: Donna M. Falcoa | p 401-274-2000 x 5634 | dfalcoa@hinckleyallen.com

Robert G. Flanders, Jr.

Partner

Hinckley Allen

50 Kennedy Plaza, Suite 1500

Providence, RI 02903-2319

p: 401-457-5184 | f: 401-277-9600

rflanders@hinckleyallen.com

Assistant: Donna M. Falcoa | p 401-274-2000 x 5634 | dfalcoa@hinckleyallen.com