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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CONSTITUTIONAL CONVENTION

SIXTH DAY

SEPTEMBER 25, 1973

SIXTH DAYTUESDAY, SEPTEMBER 25, 1973

The CHAIRMAN. The convention will please come to order. We are graced this evening by the attendance of Rev. Brooks Walker, minister of the First Unitarian Church of Providence. He has accepted our invitation to lead us in the continuing search for divine guidance in all our deliberations, and I'm sure you will agree with me that his ready acceptance of our invitation serves to point up the purpose for which we were appointed. The convention will please attend Rev. Walker deliver his invocation.

(Invocation by Rev. Brooks Walker, First Unitarian Church of Providence.)

The CHAIRMAN. Thank you, Reverend, and now the convention will attend to the salute to the flag.

(Salute to the flag.)

The CHAIRMAN. Be seated. The secretary will proceed to call the roll, and as in the past if you have proposals please make that known. Also, if you have motions or resolutions, please make that known, and we will go back alphabetically, but we will take up the proposals to be introduced first, and then when we get to motions and resolutions, we will take them

up in the order in which they were received. So with these words, the secretary will proceed to call the roll.

(Roll call taken.)

(The following delegates were absent at the time of the roll call:)

Anthony J. Brosco	Charlotte M. Gleeson
Joseph A. Caliri	Donald W. Lister
Salvatore Cesaro	Robert J. McKenna
Guistina Colafrancesco	Arthur W. Murphy
Edward Denis Costello	Laurence T. O'Brien
Ethel L. DeAngelis	William J. Peotrowski
James J. Federico, Jr.	John E. Small
John Paul Garan	Paul O. Vadenais
	David Veloso, Jr.

(The following delegates indicated their desire to present proposals:)

Ann R. Baker	Robert K. Kaufmann
Robert H. Breslin, Jr.	Robert A. Mauro
M. Christine Byrnes	Ilse I. Messina (2)
Willfrid L. Godin	Michael W. Miller
Kathleen J. Hawkins	Robert V. Salvatore
	Marilyn A. Thetonia

(The following delegates indicated their desire to present resolutions:)

John R. Cioci	Stephen A. Jenkins
	Robert V. Salvatore

Mr. CONLEY. Has anyone entered since the call of the roll? Anyone that was missed on the roll? Mr. Chairman, there are 83 members present and 17 members absent.

Mr. KAUFMANN. Robert Kaufmann, District 9.

I would like to speak on personal privilege.

Mr. CONLEY. The gentleman has the floor.

Mr. KAUFMANN. Thank you, Mr. Chairman.

Mr. Chairman and fellow delegates, before we get into the business of tonight's meeting, there is something I would like to say in observation of the last Thursday meeting, and that is that when a resolution of the importance of Senator Taylor's is introduced, the chair give those wishing to debate the measure a fair and equal chance as the person making the proposal or the resolution.

I left this convention last Thursday night in a rage as many delegates know, because of the fact that during the so-called debate, I wasn't allowed to speak, as was my desire, in debate of the issue. Other delegates also weren't able to speak. I only wanted to state that in view of the large number of proposals in some committees, and also the timing of public hearings by these committees, that it might be necessary to work one, possibly two, weeks beyond October 4, 1973 to insure a finished product that could be submitted to the people of Rhode Island with pride.

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I would hope, Mr. Chairman, in the future of this convention each delegate will be recognized as equal whether he is a delegate for the ninth Senatorial district or from the forty-ninth Senatorial district.

I don't think any delegate will argue that the majority rule of this convention on any proposal or resolution so long as it is proper, pro and con debate was held on the measure; however, one-sided debate is not only undemocratic, but it is unacceptable behavior by any elected body that hopes to have the public accept its proposals.

It has been my position on every issue and proposal before this convention to carefully search my own mind, and in doing so, try to reflect what I believe is in the best interests of the citizens of this state. I have not been a delegate to look around the delegation to see who is standing before deciding how I will vote, and perhaps that is politically stupid of me.

However, I seek to hold my actions to this convention accountable to the people in my district and I will let them judge my record at this convention

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in any future bid for office I may make. Thank you very much.

The CHAIRMAN. You are more than welcome. The chair sincerely regrets that you were not afforded an opportunity to be heard on Senator Taylor's resolution. It probably is as you stated it to be, that you had asked to be recognized and failed in your quest, but that was an oversight of the chair which I regret.

You also advised me, Mr. Kaufmann, that one of the reasons you wished to speak on a point of personal privilege was that you were a victim of cat calls. On the basis of that I assured you that you would have the opportunity to call on that, and that you would not be out of order. If there were, the chair is not honestly aware of any ruling in connection with what debate there was on that issue, but if there was any unruliness, the chair regrets its failure to control.

There is a quorum present. The next order of business is the journal of the previous session. Are there any errors or omissions to be called to the attention of the convention?

Mr. GELFUSO. Alan Gelfuso, District 15. Mr.

Chairman, on Page 4, the resolution which was -- proposal rather -- which was introduced No. 58 by Delegate McAllister, myself and others, the Journal says it was referred to Legislative Compensation, I believe in fact it was referred to the Committee on Elections.

Mr. CONLEY. That is correct, Mr. Gelfuso. It was referred to Elections Committee and the Journal reports it as Legislative Compensation. That is a correction for the Journal, the Journal will be so corrected. Thank you.

Any other errors or omissions or corrections? I have one typographical error, Mr. Chairman, Page 3, second column, Delegate Conley, Proposition 49, it should be Composition of the General Assembly, not compensation for the General Assembly. There may be a necessity there to make the necessary correction. Any others? Hearing no others, the Journal of the previous session as corrected stands approved.

(Journal of previous session
stands approved as corrected)

Mr. FOLCARELLI. Giovanni Folcarelli, District 22. May I request a recess at this time? I move that we have a recess at this time, Mr. Chairman.

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Mr. MCATEE. William McAtee, District 33. I second the motion.

Mr. TAYLOR. Erich O'D. Taylor, District 49. I second the motion.

The CHAIRMAN. The chair will call a recess for 15 minutes if the motion carries. As many as are in favor will say "Aye"; opposed "No."

The chair is in doubt, as many as are in favor, please rise. Be seated. Will those opposed please rise.

(Rising vote)

The CHAIRMAN. There are 58 votes in favor of the motion for a recess and 2 opposed.

(Motion to recess passes)

The CHAIRMAN. The chair recognizes Mr. Capaldi.

Mr. CAPALDI. John Capaldi, District 36 I wish to be recognized for purposes of an announcement.

The CHAIRMAN. The motion for a recess carried before announcing it. Yes, Mr. Capaldi?

Mr. CAPALDI. There will be a caucus of the democrats in the House Lounge.

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Mr. McATEE. William McAtee, District 33. I second the motion.

Mr. TAYLOR. Erich O'D. Taylor, District 49. I second the motion.

The CHAIRMAN. The Chair will call a recess for 15 minutes if the motion carries. As many as are in favor will say "Aye"; opposed "No."

The chair is in doubt, as many as are in favor, please rise. Be seated. Will those opposed please rise.

(Rising vote)

There are 58 votes in favor of the motion for a recess and 2 opposed.

(Motion to recess passed)

The CHAIRMAN. The Chair recognizes Mr. Capaldi.

Mr. CAPALDI. John Capaldi, District 36. I wish to be recognized for purposes of an announcement. The motion for a recess carried before announcing it.

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The CHAIRMAN. The convention will attend. The order of business is reports of standing committees and the chair recognizes Joseph H. O'Donnell, Jr., Chairman of the Committee on Administration.

Mr. O'DONNELL. Joseph O'Donnell, District 30. Mr. Chairman, the Committee on Administration met just before this convention and our expenditures to date are: for the Director of Administration, \$1155; four secretaries, \$495; Research directors, \$1065; Research assistants, \$1327; pages (7), \$260; Sargeant-at-Arms, \$100; Assistant Sargeant-at-Arms, \$60.00, for a total including the payroll tax of \$496, of \$5458.

Under our contractual services: stenographer, (5 sessions) \$2160; Equipment rental, \$135; Supplies, \$150; Printing (5 journals) \$1245, for another total of \$3690; Total expenditures to date, \$9148 which comprises 45.7% of the appropriation.

Also brought before the Committee on Administration was.....

The CHAIRMAN. Just a moment, the chair would like to get attention for you. The convention will please attend.

Mr. O'DONNELL. Thank you, Mr. Chairman. The

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Public Information Committee submitted a budget report and the Committee on Administration is taking this under advisement. They are proposing a one-week campaign, commencing Tuesday, a week prior to voting day, of 50 thousand flyers to be distributed at the cost of \$1650; newspaper advertising, 6 inserts in the Providence Journal, 2 in the Pawtucket Times, 2 in the Pawtuxet Valley Times, 2 in the Newport Daily News, and 2 in the Westerly Sun, for a total of \$6400.

They have specified in this expenditure the size of the ads and have given us a contingency that by reducing ads they can come to a cost of \$1300 or \$1400. Reducing frequency may also cut costs. The smaller ads would bring them to an estimated total cost, including the flyers, of \$4646.

The Committee on Administration has accepted this report and has taken it under advisement, and will report to this convention later on. That is the report.

The CHAIRMAN. Thank you, Mr. O'Donnell. Are there any comments? Hearing none, the Report of the Committee on Administration is received and approved.

(Report of Committee on Administration is received)

The CHAIRMAN. The secretary suggested that it

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might be advisable at this point to check and see if there were any delegates who were late in arriving and would like to be recorded, and should be recorded, as present. Is that the case?

Mr. CONLEY. Charlotte Gleeson, do you wish to be recorded as present?

Ms. GLEESON. Charlotte Gleeson, District 21.
Yes. (so noted)

The CHAIRMAN. Very well, we will proceed with the reports of standing committees, and the chair recognizes Delegate Zygmunt Friedemann, Chairman of Legislative Compensation Committee.

Mr. FRIEDEMANN. Zygmunt Friedemann, District 18. The regular Tuesday meeting of the Committee on Legislative Compensation was ^{re-} scheduled for Wednesday, September 25. Since the last session of the convention, the Committee on Legislative Compensation held two public hearings: one in Wakefield on Friday the 21st and the other in Warwick on the 24th.. It is a sad experience and commentary to the public interest surrounding this convention to have to report to you and to the fellow delegates that in Wakefield, the Committee was confronted by three, and in Warwick by eight, citizens who cared to offer com-

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ments on the issue and the need for a more equitable and just compensation for the State Legislators. Undismayed however, the Committee is scheduled to call three more public hearings as announced. The committee is about to make tentative decisions on pending motions after the special meeting on Wednesday, the 26th. Thank you, Mr. Chairman.

The CHAIRMAN. Are there any further comments? Hearing none, the report of the Committee on Legislative Compensation is received and approved as read.

(Report of the Committee on
Legislative Compensation re-
ceived and approved as read)

The CHAIRMAN. The Chair recognizes Chairman Ronald Gagnon of the Committee on Lotteries.

Mr. GAGNON. We have had no substantial committee meetings since our last report. However, I would like to take this opportunity to remind the members of the Committee on Lotteries that we are having public hearings scheduled for tomorrow evening at eight o'clock and there is a committee meeting at seven o'clock, all in Room 211. Thank you, Mr. Chairman.

The CHAIRMAN. The Committee on Election Revisions. The Chair recognizes the Chairman of that Committee, Delegate William T. Murphy.

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Mr. MURPHY (Providence). The Committee on Elections held public hearings on the length of terms for general offices in the General Assembly last night September 24. We heard eight witnesses. We had James Jerue, Legal Counsel for the Governor; we heard Senator William Corr, Minority leader of the Senate; Representative Jeffrey Teitz, Newport; Representative Aram Garabedian of Cranston; Mrs. Mary Hazeltine, President of the State League of Women Voters; Mr. David Talan of Providence; Mr. Grant Dulgarian of Providence; Mr. Donald Henshaw of Pawtucket.

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After the hearing, the Elections Committee held a meeting on the suffrage proposals considered at our hearing of September 17. At this meeting, the Committee considered the substantive points involved and unanimously agreed on its substantive recommendation with a direction to the Chairman to draft final language, with the assistance of Professor Elmer Cornwell, Staff Director and Margaret Tarmy of the Election Committee staff.

This evening, we drafted two proposals which were unanimously accepted by the Elections Committee at a meeting at six o'clock this evening.

Mr. Chairman, I will report these two proposals during General Orders.

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The CHAIRMAN. Does the Chair understand that the Chairman of the Committee on Elections is now reporting for the Committee to draft proposals to be placed on General Orders?

Mr. MURPHY. Yes, it is.

The CHAIRMAN. Would the Chairman of the Committee please read to the Convention the titles of the proposals?

Mr. MURPHY. The proposals are, Proposal #7 originally submitted by Delegate Emmett Cotter entitled "Qualification for Office," Proposal 7, which we will submit verbatim to the Convention. And Proposal #19 entitled "Of Suffrage" originally proposed by Delegate Mauro, which we will propose amended to the Convention.

The CHAIRMAN. May the Chair inquire? Are the proposed drafts printed?

Mr. MURPHY. Yes, sir, they are and they are out being recopied for the rest of the Convention. They were passed unanimously within the Committee and unfortunately only enough copies were made for the Committee and for the Officers of the Convention. Right now they are out being recopied.

The CHAIRMAN. In any event, the order of business is to place them on General Orders of the day, and

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these two particular proposals, the Chair will place on General Orders for the day.

Mr. BRESLIN. Mr. Chairman?

The CHAIRMAN. The Chair recognizes Delegate Breslin.

Mr. BRESLIN, District 16. May I inquire as to the procedure that will follow from these proposals being placed on General Orders of the Day?

The CHAIRMAN. Yes, the rule calls for, on the report of the Committee, substantive proposals to amend the Constitution that it go on General Orders, that from General Orders, it be discussed, voted on by the Delegates, and if approved by a majority of the Delegates present and voting referred to the Committee on Style and Drafting which would put it in the proper legal phraseology or partially, and they would report back to the Convention and it would come up under second reading for consideration again, and if satisfactory to 51 of the Delegates, it would be up for final approval.

So that, anything voted tonight, if we were to reach any proposal on General Orders for Today, it would go to the Committee on Style and Drafting, which must report back for consideration by the full Convention at a later date.

Mr. BRESLIN. What would the disposition of a proposal be in the event it were voted this evening or there was not a majority vote this evening?

The CHAIRMAN. Rule 28 provides any Delegate may move to reconsider any question at the same or succeeding session, so if there were a motion to reconsider it tonight, it would be acted on tonight. If not, then it would await the next session to see if there were a motion for reconsideration. If there were none, it would be in limbo -- it would be gone. If there were, and the motion prevailed, then it would be voted on again. If the motion were lost, then of course, again, it would be lost.

Mr. BRESLIN. What we are going to do tonight then, is to vote on these proposals and the vote may in the event it does not carry by a majority of the Delegates, may be receiving its death notice tonight. I question whether we want to do this before all the Delegates have had an opportunity to read and study the proposal, the final proposal, in written form.

Mr. TAYLOR, District 49. I always get mixed up on that, but Mrs. Messina is here to correct me. I think the problem is an unreal one. The Committee on Drafting will proceed with this thing or not. If we

6-9 do not receive it, I assure you that the Chairman of the Committee will see there is reconsideration of it.

I don't think we have to take this exactly as it comes to the Committee. I think if it fails completely and has passed unanimously by the Committee, it seems I should move for reconsideration.

I think that first, if it were completely rejected, I can promise I will move for its reconsideration, and secondly, that if it is in danger, I think we would know by the attitude of the House if it is subject to amendment, and if the amendment is made, then it has all the possibilities there.

The CHAIRMAN. If the Chair may be permitted -- whether it was the intention of the people to approve the Act of the General Assembly and limit this Convention to certain areas, may be debatable, but what is not debatable is that the United Supreme Court has destroyed the provision requiring a year's residence in this State, six month's residency in the city or town, a period of 60 days registering before voting, property qualifications. These have been declared in violation of the Federal Constitution and null and void. So, it is expected that these provisions in our Constitution will be brought up to date to conform to the Supreme law of the land.

That is why it seemed to the Chair that there would be very little debate on this issue and it could go on the General Orders for today. If the Chair were wrong in this thinking, the Chair next believed that most certainly there would be a motion to reconsider if it failed to have a majority of the delegates present and voting tonight.

Mr. MURPHY. I think we had it as you stated. There are very clear directives in the United States Supreme Court and a lot of the issues that confront this convention are contiguous with the issues brought before this Convention, but it has been unfortunate, however, that tonight due to the problems of duplicating copies of the proposals, that all we have are copies for the Officers of the Convention and for the Committee members. Everyone will have copies of the proposals shortly. We have an awful lot of things to consider and this is something we should consider carefully.

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The CHAIRMAN. Proposals 7 and 19 are reported to the Committee on Elections and placed on General Orders for the day.

(Proposals 7 and 19 reported to the Committee on Elections and placed on General Orders for the day.)

The CHAIRMAN. Any further proposal for the Committee on Elections?

Mr. MURPHY (Providence). No, sir.

The CHAIRMAN. The chair recognizes Delegate John Folcarelli, Chairman for the Committee on Grand Jury.

Mr. FOLCARELLI. Mr. Chairman, the Committee on Grand Jury had a public hearing last evening, and after the meeting, after the public hearing we had a meeting, and by a vote of 17-to-1 with 3 absences we had a Proposal Number 21 recommended for passage by the Committee on Grand Jury, the proposed amendment to Section 7 of Article 1 of the Constitution of the State of Rhode Island.

The CHAIRMAN. The Proposal 21 is received from the Committee on Grand Jury and is placed on General Orders for session Thursday, September 27.

(Proposal 21 received from Committee on Grand Jury and placed on General Orders for session Thursday, September 27.)

The CHAIRMAN. The remaining standing committee, the Committee on Style and Drafting.

Mr. TAYLOR. We have no report, sir. We have not had any occasion for a meeting.

The CHAIRMAN. Thank you. The Committee on Resolutions, Frank Caprio, Esq.?

Mr. CAPRIO. Mr. Chairman, Delegate Frank Caprio, District 8 in Providence. The Committee on Resolutions had its fourth meeting this evening, Mr. Chairman, and at our meeting this evening the committee acted on eight measures before it, seven proposals and one resolution, and the committee has voted to table all of those resolutions and proposals. There are three measures which we discussed briefly this evening on which it was voted upon to receive further information. We now have pending before our committee, Mr. Chairman, twelve proposals and one resolution. We have scheduled a meeting for 6:30 this coming Thursday at which time we hope to dispose of whatever is remaining before our committee, save whatever is

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possibly referred to our committee this evening. I think our committee has worked diligently, worked hard, and we are prepared to conclude our business with the next meeting or two.

Mr. CAVANAGH. Mr. Chairman, Delegate Cavanagh from District 24. I would like to address a question to the chairman of the Resolutions Committee. Mr. Caprio, as to Proposal Number 64, what is its status?

Mr. CAPRIO. What is?

Mr. CAVANAGH. Recording office and appointment of general offices.

Mr. CAPRIO. The staff assistant who is assigned to the Committee on Resolutions after a prolonged discussion of that particular resolution and two others was directed by the chairman to enlighten the committee after he had had an opportunity to interview and confer with legal counsel to the Governor, James Jerue. The committee felt that we would like to be further enlightened as to the recent revelation through the newspaper as to the Governor's position regarding that particular proposal, and so in answer to your question, very simply, we have

referred that matter to our staff assistant to enlighten the committee after he has had ample time for research and investigation.

Mr. CAVANAGH. When do you expect to make that in your committee, if I may ask?

Mr. CAPRIO. We expect to receive a report from the staff assistant this Thursday, and when the proposal is voted upon, I cannot say at this time.

Mr. CAVANAGH. Mr. Caprio, would you make available the opinion of Mr. Jerue as legal counsel to the Governor as to Proposal Number 64 to the entire convention?

Mr. CAPRIO. I'll make available to you the report as it comes from the staff assistant, and I'll not -- I'll wait until I receive the report from the staff assistant. I'll not -- if it's a written report, I'll make it available. If it's an interpretation of Mr. Jerue's remarks, then I'll present it as such.

Mr. CAVANAGH. Would you ask Mr. Jerue to put his interpretation in writing, please?

Mr. CAPRIO. I don't believe it's within my province as a delegate. If you feel you would like that type of interpretation, I suggest you so ask him.

Mr. CAVANAGH. I would ask so that the entire convention can have the benefit as to the knowledge as to this point.

The CHAIRMAN. The rule provides that if the committees fail to report out or report that they will not report out any given proposal it may be taken from the committee on petition of fifty-one delegates. That's the procedure you will follow. For what purpose is the gentleman from Pawtucket?

Mr. SPINGARN. My question is to Mr. Caprio. Will he please report to us which specific proposal he wishes to receive?

The CHAIRMAN. The chair is going to suggest.....

Mr. CAPRIO. I will be very happy to report to the convention these specific items and proposals that were voted upon this evening.

The CHAIRMAN. If you will, please.

Mr. CAPRIO. Mr. Chairman, there were six members present at our meeting this evening, and it was the vote of the members of our committee relating to Proposal Number 38, a matter that was discussed by our committee concerning appointing a Secretary of State and General Treasurer. There was no action taken

on this proposal pending a report from our staff assistant.

Concerning Proposal Number 24, student absentee ballot, it was voted to table the Proposal 24.

Concerning Proposal Number 18, a proposal to create a court on the judiciary, it was voted to table Proposal Number 18.

Concerning Proposal Number 32, a proposal to create a Rhode Island State Ombudsman, it was voted by the committee to table Number 32.

Concerning Proposal Number 22, a proposal to condense the two bodies of the legislature to a single unicameral body, it was voted by the committee to table Proposal 22.

Concerning Proposal Number 29, a proposal providing for electronic voting, it was voted by the committee to table Proposal Number 29.

Concerning Proposal Number 1, a proposal concerning itself with the elimination of discrimination, it was voted by the committee to table Number 1.

Concerning Proposal Number 2, proposal concerning itself with safe and healthful living, it was voted by the committee to table Proposal Number 2.

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Concerning Proposal Number 4, a proposal which was designed to submit to the voters items individually on the ballot, since our committee has already favorably recommended such a proposal by Delegate Connors since it would be repetitious of something that has already passed, we voted to table Resolution Number 4, not because of the merit of it, only because it would be repetitious, and I would like to inform the chair that without going through the specific proposals there were many that it was felt had great merit; however, the committee felt that the subject matter was not within the purview of the Constitution but rather was a proper matter for the legislature.

Now the proposals that are being referred to -- the proposals that we requested our legislative assistant to provide the committee with more information on concern themselves with a four-year term for governor and other general officers and for a proposal which groups the governor and lieutenant governor together, and the proposal which is mentioned by Mr. Cavanagh. On these proposals we have asked our legislative assistant to provide us with more information. That is a complete report of our doings to

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this moment, Mr. Chairman. Are there any further questions?

The CHAIRMAN. Thank you.

Mr. BRESLIN. Yes.

Mr. CAPRIO. We have another question.

Mr. BRESLIN. Did you comment upon the disposition? I don't even know what it was.

Mr. CAPRIO. Which resolution is that, Mr. Breslin?

Mr. BRESLIN. I think you indicated you had twelve proposals and one resolution. Did you indicate what the disposition of the one resolution was?

Mr. CAPRIO. We passed the resolution, Mr. Breslin, which provided for the voters voting on specific items at the November election rather than voting on the proposals in toto. Are there any further questions? Thank you, Mr. Chairman.

The CHAIRMAN. If there are no further comments, the report of the Committee on Resolutions is received.

(So received.)

The CHAIRMAN. The Committee on Public Information, Delegate John O'Hare.

Mr. O'HARE. Delegate O'Hare from the 37th District in Pawtucket reporting on public information. A working session of the Public Information Committee, the Rhode Island State Constitutional Convention, was held last Friday, September 14, 1973, in Room 203 of the State House. At the session M. Christine Byrnes and Janet Hartman said they would draft a memorandum to the various committee chairmen requesting them to submit committee members' names who would serve as speakers in a proposed speakers' bureau. Additionally, a list of prospects is being prepared that speakers might address themselves to. Letters offering the speakers' bureau services will be sent out this week. At the session a press release of last week's events and a calendar of this week's events were prepared. They were sent out to the various state newspapers and radio stations on Saturday. Plans were also made to have Ronald Gagnon, Chairman of the Committee on Lotteries, to appear on television this Thursday, September 20; next Thursday, Patrick Conley, Secretary of the convention, will appear. Monday on WKFD in Newport Leo Connors is scheduled to be interviewed. Arrangements for television coverage for this evening's

meeting of the convention was made. At the work session plans and preparation of a budget for an advertising media campaign were drawn up. The plans were presented to the Committee on Administration for consideration earlier this evening, and also to the general body, Mr. O'Donnell. Thomas Wright, Chairman of the Republican Party for the State of Rhode Island, addressed our session and gave us his opinions as to the ^{and how best} outcome of this convention, he thought we could get maximum media coverage. Charles T. Reilly, Chairman of the State Democratic Party, has been invited to address our meeting this evening. It was decided that a next formal meeting of the Public Information Committee should take place immediately following tonight's general session.

Are there any questions, Mr. Chairman?

Mr. CAVANAGH. Mr. Chairman, I have one remark to Mr. O'Hare. I notice in the South County area I have seen no news in the newspaper regarding public hearing. The only thing I have here is one FM station at 6:00 o'clock in the morning. There is one on lotteries coming up tomorrow night, a public hearing. I would ask that you would contact some of

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the radio stations like PRO or something so people might hear it and have an opportunity to know there is a hearing.

Mr. O'HARE. The stations have that form, Mr. Cavanagh, but we have no jurisdiction over whether they use this information or not. Thank you.

Mr. GODIN. Mr. Chairman, Willfrid Godin, District 32. With reference to Mr. O'Hare's report to make reference to the public information plan for the newspapers, it would appear without any due consideration the area of this state, northern area of this state, was forgotten. I bring this to his attention.

The CHAIRMAN. Thank you, Mr. O'Hare. If there are no further comments, the report of the Committee on Public Information is received.

(So received.)

The CHAIRMAN. Communications? Are there any communications? The chair is informed that there are no communications to be reported to the convention.

We will proceed to introduction of proposals. First reading, we will start alphabetically. Now, remember, these are proposals. It's to get to resolutions

J3-12

and motions on the calendar.

Mr. CONLEY. The first proposal is offered by Ann R. Baker.

Ms. BAKER. Delegate Baker. I have a proposal on legislative pay.

The CHAIRMAN. Proposal 65 is referred to the Committee on Legislative Compensation.

(Proposal 65 referred to the Committee on Legislative Compensation.)

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Mr. CONLEY. Delegate Robert Breslin.

Mr. BRESLIN. Robert Breslin, District 16.

I have a proposal on Item Veto, Mr. Chairman. I wish to submit it.

The CHAIRMAN. Proposal marked Number 66, Committee on Resolutions.

(Proposal Number 66 referred to
Committee on Resolutions)

Mr. CONLEY. Delegate M. Christine Byrnes.

Ms. BYRNES. M. Christine Byrnes, District 35.

Proposal on Grand Jury, co-sponsored with Dr. Herbert Rock.

The CHAIRMAN. Proposal Number 67 referred to
Committee on Grand Jury.

(Proposal Number 67 referred to
Committee on Grand Jury)

Mr. CONLEY. Delegate Willfrid Godin.

Mr. GODIN. Willfrid Godin, District 32. Proposal concerning calling of Constitutional Convention.

The CHAIRMAN. Proposal marked Number 68, referred to Committee on Resolutions.

Mr. CONLEY. Delegate Kathleen Hawkins.

Ms. Kathleen HAWKINS, District 28. Proposal pertaining to the Grand Jury and co-signed by Dr. Herb

Rock, District 18.

(Proposal Number 69 referred to
Committee on Grand Jury)

Mr. CONLEY. Delegate Robert Kaufmann.

Mr. KAUFMANN. Robert Kaufmann, District 9.

I have a proposal on Electronic voting that I will
introduce on behalf of a citizen, Gloria Kennedy Fleck
co-sponsored by Delegates Hiltz, D'Amico, and Costantino.

The CHAIRMAN. Signed by those delegates?

Mr. KAUFMANN. Yes, sir.

The CHAIRMAN. Proposal Number 70 referred to
Committee on Resolutions.

(Proposal Number 70 referred to
Committee on Resolutions)

Mr. CONLEY. Delegate Robert Mauro.

Mr. MAURO. Robert Mauro, District 10. Mr.
Secretary, proposal on terms of office, General offices
and General Assembly.

The CHAIRMAN. It refers to four and two year
terms of the General offices and members of the House;
is that consistent with other referrals, this is Pro-
posal Number 71 referred to Committee on Elections.

(Proposal Number 71 referred
to Committee on Elections)

Mr. CONLEY. Delegate Ilse Messina, District 49.

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Ms. MESSINA. Ilse Messina, District 49. I have a proposal to change the appointment of judges to elective offices.

The CHAIRMAN. Proposal Number 72, again the chair will comment as repetition of response to a question the other night. This proposes a restructure of government itself, and the proposal is referred to Committee on Resolutions.

(Proposal Number 72 referred
to Committee on Resolutions)

Mr. MALINOU. Martin Malinou, District 1. In reference to the referral of that proposal concerning election of judges, I appeal the ruling of the chair, ask it to be sent to Elections.

The CHAIRMAN. It is the opinion and judgment of the chair that the proposal belongs in Resolutions. Does it fit in any of the standing committees? The chair rules that the proposal be referred to Committee on Resolutions. Now I understand you are appealing the reference by the chair?

Mr. MALINOU. If the lady would like me to withdraw that appeal, I will do so.

Ms. MESSINA. Yes, please.

The CHAIRMAN. Wait a minute, the chair is at

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a loss to understand how you got the floor. Mr. Malinou, we will clear with the lady and then give you the floor.

Mr. MALINO. She asked me to withdraw whatever might have been proper and so it is withdrawn. That is it.

The CHAIRMAN. No appeal I take it.

Mr. MALINO. No appeal.

Ms. MESSINA. I have a second proposal, it is a proposal to change Article 4, Section 12 of the Constitution of the State of Rhode Island and Providence Plantations, and it deals with lotteries.

The CHAIRMAN. Proposal marked Number 73, referred to Committee on Lotteries.

(Proposal Number 73 referred
to Committee on Lotteries)

Ms. MESSINA. Thank you.

Mr. CONLEY. Delegate Michael Miller.

Mr. MILLER. Michael Miller, District 48. I have a proposal concerning four-year term for all general offices.

The CHAIRMAN. Strictly four-year terms, Mr. Miller?

Mr. MILLER. Yes, Mr. Chairman.

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The CHAIRMAN. Proposal Number 74 referred to Committee on Elections.

(Proposal Number 74 referred to Committee on Elections)

Mr. CONLEY. Delegate Robert Salvatore.

Mr. SALVATORE. Robert Salvatore, District 4.

I have a proposal on lotteries.

The CHAIRMAN. Proposal Number 75 referred to Committee on Lotteries.

(Proposal Number 75 referred to Committee on Lotteries)

Mr. CONLEY. That concludes the listing of those who had indicated they would be introducing proposals. Is there anyone else who has a proposal who did not make that known, or who I did not call?

Very well, we turn now to motions and resolutions, and the secretary will again proceed alphabetically in the order in which the delegates announced a motion or resolution.

Mr. CONLEY. Delegate Cioci.

Mr. CIOCI. John Cioci, District 5. Shall I read it or have the secretary read it? It is very very short.

The CHAIRMAN. Do you have it printed?

Mr. CIOCI. Yes.

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The CHAIRMAN. Send it up and have the secretary read it.

Mr. CONLEY. "BE IT RESOLVED That Thursday, September 27, 1973, be the last day that any proposals or resolutions can be submitted to this convention without unanimous consent."

The CHAIRMAN. That is a very simple proposition, and the chair, subject to appeal of course, there is no reason why if there is a second it should not be considered now.

Mr. COLEMAN. John Coleman, District 33.
Seconded.

The CHAIRMAN. Ready for a question?

Mr. MALINOU. Martin Malinou, District 1.
Motion to table.

The CHAIRMAN. Do you have a second, Mr. Malinou?

Mr. MALINOU. I guess not.

The CHAIRMAN. Are you ready for the question? The requirement that unanimous consent be given after the session this coming Thursday for the introduction of proposals to amend the constitution, as many as are in favor will say "Aye"; opposed "No".

Mr. MALINOU. No.

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The CHAIRMAN. The "Ayes" appear to have it. The "Ayes" do have it. That is the rule of the convention.

(Resolution so passed)

Mr. CONLEY. The next resolution, Stephen Jenkins.

Mr. JENKINS. Stephen Jenkins, District 29. I wish to withdraw the resolution since it is very similar to Delegate Cioci's.

The CHAIRMAN. You wish to have it read?

Mr. JENKINS. I wish to have it withdrawn.

The CHAIRMAN. That is your privilege. It is withdrawn.

(Resolution so withdrawn)

Mr. CONLEY. Delegate Robert Salvatore.

Mr. SALVATORE. Mr. Chairman, my motion also is the same as Mr. Cioci's. I wish to withdraw.

The CHAIRMAN. That is your privilege, it is withdrawn.

(Resolution so withdrawn)

Mr. CONLEY. Delegate Erich O'D. Taylor.

Mr. TAYLOR. Erich O'D. Taylor, District 49.

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Mr. Chairman, my resolution is more personal. It is very short. I would like to read it because I think it is interesting to the members of this assembly.

The CHAIRMAN. Proceed.

Mr. TAYLOR. Thank you. Let the secretary read it.

Mr. CONLEY. "Commending Marc R. Godin of Woonsocket on his interest and his attendance at this Constitutional Convention, and congratulating him on this day, his eleventh birthday.

"That a copy of this resolution be sent to Mr. Godin. Moved by Delegate Taylor."

Mr. TAYLOR. I so move.

The CHAIRMAN. Without objection, seconded by every delegate to this convention. As many as are in favor, say "Aye"; opposed "No". The "Ayes" appear to have it. The "Ayes" do have it. Congratulations to you, Mr. Godin.

(Proposal so moved)

Mr. CONLEY. Delegate Taylor, did you express you had another resolution?

Mr. TAYLOR. I have not a resolution, sir, but I have a request for reconsideration. I would reconsider

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the motion that I made at the last session on the question of adjourning this assembly on the fourth day of October. I make that a motion.

The CHAIRMAN. That was resolution number 6, is that right?

Mr. CONLEY. I have the resolution here. It reads as follows: "I move that, in accordance with the General Assembly's act by which it is constituted, Chapter 98 of the Public Laws 1973, that 'The action of the Convention shall be completed no later than October 4, 1973'.

"Now, therefore, be it resolved that with the adjournment of its October 4, 1973 session, this convention will stand adjourned, sine die. Erich A. O'D. Taylor, Delegate, District 49".

Mr. TAYLOR. I so move.

The CHAIRMAN. The record shows that the resolution marked Number 6 and just read, did not carry on the roll call vote at the last session. Pursuant to Rule 28, Delegate Taylor has moved for reconsideration.

Mr. MILLER. Michael Miller, District 48. I rise to second the motion by Senator Taylor.

Mr. CAPALDI. John Capaldi, District 36.

Seconded.

Mr. CAVANAGH. Roderick Cavanagh, District 24.

I think we are dealing with Rule 28.

The CHAIRMAN. We are dealing with Rule 28.

Mr. CAVANAGH. And I think that the chair or its parliamentarian might better inform all of us as to the effect of Rule 28 where it states that at least one day's notice of intention of moving for reconsideration shall be made, and it should be put on the face of the Journal.

The CHAIRMAN. No, that is a motion by the Committee on Style and Drafting. Rule 28, any delegate may move reconsideration of any question on the same day or at the next session, but the Committee on Style and Drafting may move reconsideration of any question at any time, provided it has given written notice thereof one day before the session on which the vote is to be taken.

Mr. CAVANAGH. Thank you. I would ask that Mr. Taylor, if it is proper, that Mr. Taylor speak to us why he feels now that the motion is in order when it was defeated last time.

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Mr. TAYLOR. If you were aware of parliamentary rules -- this is part of the rules of the convention which you adopted only a few days ago. We are conducting ourselves completely in accord with the rules presented.

Mr. CAVANAGH. I think Mr. Taylor misses the point of my remark. Why is it more important now than before? What new evidence does he have to need an adjournment on October 4?

Mr. GRIMES. Raymond Grimes, District 11. I would like to do the talking for the Senator from Newport, Senator Taylor. The only reason that that resolution didn't pass at the last meeting was because of two people, Bobby Riggs and Mrs. King.

Mr. BRESLIN. Robert Breslin, District 16.
Mr. Chairman.....

The CHAIRMAN. There will be no further debate on this. It is a very simple proposition.

Mr. BRESLIN. Mr. Chairman, I, at the proper time, would request the right to explain my vote.

The CHAIRMAN. Just a moment, you will have the right, but may I explain. This will, of course, bring up two motions, presumably. The motion to re-

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consider passes on a majority of the delegates present and voting. If there is a majority for that motion, then, of course, the main question comes on for consideration.

It would be on the main question that there would be any explanation by its moving or by anybody else interested in debating the proposition. All right? You will not be shut off on that.

Mr. BRESLIN. Thank you.

The CHAIRMAN. This is just the simple question of shall the vote of Thursday, September 20 be reconsidered. Now, as the chair stated, it is a simple majority, but we will do it by division.

As many as are in favor of the motion to reconsider, please rise.

(Rising vote)

The CHAIRMAN. You may be seated. Those opposed, please rise.

(Rising vote)

The CHAIRMAN. There are 45 votes in favor of reconsideration, and 34 votes opposed. The motion to reconsider carries, the main question of shall the motion proposed by Senator Taylor be reconsidered is

placed on Special Orders for Thursday, September 27.

1-4-13 Mr. CONLEY. Any further resolutions? The secretary then wishes to note that John Paul Garan is now in attendance.

(So noted)

The CHAIRMAN. We are through with resolutions. Unfinished business -- there appears to be none. Special Orders of the Day -- there appears to be none. Down to General Orders. You will recall that the chair for size placed proposals numbered 7 and 19 on General Orders for the Day for this session because of the nature of those proposals, and they are open for discussion.

Would the Chairman of the Committee on Elections take Proposal Number 7?

Mr. MURPHY (Providence). I would like to read each of the proposals and read the arguments in favor of the proposals. Subsequent to reading the proposals -- first proposal is Proposal Number 7 -- originally proposed by Emmett Cotter of Warwick, title of which is Qualification for Office. It reads as follows:

"Section 1. No person shall be eligible to any civil office unless he be a qualified elector for such office.

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"Section 2. This amendment shall take in the Constitution of the State, the place of Section 1 of Article IX, which said section and all other provisions of the Constitution inconsistent herewith are hereby annulled."

What this does, Mr. Chairman, very simply drop parenthetical expression contained in Article IX, Section 1, which says originally, "No person shall be eligible for any civil office (except the office of School Committee), unless he be qualified and elected to such office."

This is originally intended before woman's suffrage and movements to allow women on the School Committee.

Mr. TAYLOR. Mr. Chairman, Delegate Taylor, for purposes of the proposal before us, I rise simply for the purpose of questioning whether it is properly before us?

The CHAIRMAN. It is properly before the convention now on whether it is to be referred to the Committee on Style and Drafting. Is there any further discussion?

Mr. MURPHY (Providence). Mr. Chairman?

Mr. TAYLOR. Mr. Chairman, Delegate Taylor, I think there is one thing that seems to be in question. Perhaps the committee can answer it. This says nothing about nomination or anything else. At the present time a man may often be nominated when he is not eligible for election. I don't know whether this would....

Mr. MURPHY (Providence). Mr. Chairman, we have a more general suffrage proposal which may cover Delegate Taylor's objection.

Mr. TAYLOR. Thank you.

The CHAIRMAN. As the Chair understands it, I would like to share this with all the delegates, this simply eliminates from the present verbiage that except relative to requiring a United States citizen or

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a person who is not an elector can be a member; is that right?

Mr. MURPHY. Yes, sir.

The CHAIRMAN. That is all that is provided?

Mr. MURPHY. Yes, sir; that is all that is provided in this proposal.

The CHAIRMAN. Are there further questions? We are going to take a division vote. This is on the question of referring this to the Committee on Style and Drafting. The chair will again point out that it is going to be referred back to Style and Drafting and considered by the convention for final adoption, that it would require a vote of 51.

Those in favor of approving the committee report at this stage of its consideration and referring it to the Committee on Style and Drafting will please rise and remain standing?

(RISING VOTE.)

The CHAIRMAN. Be seated. Those are are opposed, please rise?

(RISING VOTE.)

The CHAIRMAN. The chair is informed that there are 75 votes in the affirmative and no votes in

the negative. The proposal is referred to the
Committee on Style and Drafting.

(SO REFERRED.)

The CHAIRMAN. Chairman Murphy, on Proposal 19?
Mr. MURPHY (Providence). Mr. Chairman,
Proposal 19 originally proposed by Delegate Robert Mauro,
Providence, and as amended by the Committee on Elections,
with unanimous approval at the meeting this evening,
Proposal 19 reads:

OF SUFFRAGE

" Section 1. Every citizen of the United States
of the age of eighteen years, who has had his residence
and home in this state for thirty days next preceding
the time of voting, who has resided thirty days in the
town or city from which he desires to vote, and whose name
shall be registered at least thirty days next preceding
the time of voting as provided by law, shall have a
right to vote for all officers to be elected and on all
questions submitted to the electors, except that no persons
non compos mentis or under guardianship shall be
permitted to vote. Nor shall any person convicted of
bribery or of any crime deemed infamous at common law be

permitted to exercise that right, until he be expressly restored thereto by act of the general assembly.

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.

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 members of the United States merchant marine and their families if otherwise qualified; 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. And further 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 as necessary or advisable.

Section 3. All laws of the state in effect on the date of the adoption hereof relating to qualification of electors, time, place, manner and extent of voting by electors, and not inconsistent herewith, shall remain in full force and effect until amended or repealed by the general assembly.

Section 4. This amendment shall take in the Constitution of the State the places of Article II, Section 5, and of Articles XXII XXIV, XXIX, XXX, XXXIV and XXXV of the Articles of Amendment to the Constitution, which said articles, and all other provisions of the Constitution inconsistent herewith are hereby annuled."

I would just speak on the individual provisions,
Mr. Chairman.

] The CHAIRMAN. You have the floor.

Mr. MURPHY (Providence). Mr. Chairman, the first substantive provision included in the Articles is
the 13

the eighteen-year-old voter. It was the notion of the Committee on Elections that clearly had to conform with the 26th Amendment of the U. S. Constitution and clearly had to take to vote. Residency and registration requirements at 30 days for voters in Rhode Island. There are two decisions of the Supreme Court here that applaud. The first one is *Dunn v. Blumstein*, March of 1972, in Tennessee which set three things I think are very pertinent to the decision we made; first of all, abolished all residency requirements for state and local elections; secondly, it allowed only a reasonable time for effectiveness, paper work, administrative arrangements, and carrying on registration, and thirdly felt that the period of thirty days is ample. A subsequent decision, 1973, *Marston v. Lewis*, involving Arizona and another decision involving Georgia allowed those two states fifty days, but if you look at the decision involved in those, it's clearly spelled out that the fifty-day requirement involved very special problems, and in no way involved administrative intervention. What you have in both those states were very, very special problems owing to archaic registration laws which made it impossible

under modern registration procedures to carry out registration within thirty days. It was also the feeling of the court that anything under thirty days -- excuse me -- over thirty days would be declared unconstitutional, and I think as advisory to the convention the whole question of data processing which the State of Rhode Island is involved in will cut down the amount of time needed to register voters, and what we're looking for is probably something under thirty days, not over thirty days.

The next point is a point allowing voting by those residing on lands ceded by the United States. There are two relevant points here. First of all, the equal protection includes the 14th Amendment to the U. S. Constitution is found applicable by the Supreme Court and was found under the 14th Amendment that it didn't allow abridgment of the fundamental right suffrage in any situations. Elsewhere, the relevant decision, *Evans v. Corrman*, 1970, in that decision the Supreme Court held citizens otherwise held by residency requirement are entitled by principles of election. It was required by the Rhode Island Board of Elections and Board of Canvassers in 1972. It was

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based on an early decision in which residence of government enclosures with the intention of making, and this is the sole criteria, making the state their home, and they as all other qualified residents are entitled to equal opportunity for political representation.

The next point is the fourth point is to eliminate property qualification for participation in town meetings. The relevant decision here is Harper v. Virginia Board of Elections, 1966. It was a Supreme Court stated as follows: "A state violates the Equal Protection Clause of the 14th Amendment whenever it makes the affluence of the voter or payment of any fee an electoral standard. Voter qualifications have no relation to wealth nor to paying or not paying this or any other tax. Wealth, like race, creed or color, is not germane to one's ability to participate intelligently in the electoral process."

The fifth substantive point deals with Article XXX, and it eliminates Article XXX. Article XXX exempts veterans, veterans' widows, dead veterans' parents from the property tax requirement of voting at town meetings, and this just follows up our fourth substantive point.

Number 6 removes the language on the election of Budget Commission in Article XXIX, Section 3. This is no longer applicable. The only town or city in Rhode Island that still uses a Budget Commission is North Providence. In the new town charter the Town Assessor told me as of January 1, 1974, the Budget Commission will no longer be used, so the line is no more applicable.

Number 7 directs the General Assembly to do several things, first of all, provides for permanent registration, provides for the nomination of candidates, provides for absentee and shut-in voting, provides for the time, place, and manner of conducting elections, provides for the prevention of corruption and fraud in voting, and provides for financial disclosures by candidates to the general officers.

With the permission of the chair, I would like to yield to two delegates, Patrick Conley from Cranston and John Partridge from Pawtucket to speak about this last provision.

The CHAIRMAN. Thank you, Mr. Murphy. Delegate Conley?

Mr. CONLEY. Mr. Chairman and fellow delegates,

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like
I would like to comment. I'm generally pleased with the suffrage amendment which has been unanimously proposed to this convention by the Elections Committee with one small exception. The word, "suffrage," in the title of that proposal is spelt wrong. I'm sure Senator Erich Taylor in Style and Drafting will remove that detail very quickly. There are several things I would like to speak to one in particular.

First of all, as far as changes that have been made in this suffrage provision, I think first of all that the constitutional revision of the eighteen-year-old vote will remove any confusion as to the status of eighteen-year-olds in state and local elections. At the thirty-day residency requirement as explained by Chairman Murphy is well within the Supreme Court guidelines in the Dunn and the Marston decisions, that the removal of the tax paying property requirement for voting and financial town meetings is a reform long overdue and a reform that is definitely suggested by the Supreme Court in its Harper decision in 1966, but the proposal that I would like to speak to most directly is the one that calls for the inclusion of a provision regarding financial disclosure

for candidates for general office. This financial disclosure provision I feel is desirable. I sponsored this particular provision in conjunction with Carlo Spirito, the majority leader of the Cranston City Council, and Helen Migliaccio, the first Vice-Chairman woman of this convention, and several other delegates, and I noticed also that a more detailed provision, Number 59, was sponsored by other members of the Cranston delegation and by certain other delegates to this convention. I believe that this financial disclosure provision will produce several salutary effects. First of all, it will provide for greater public accountability by candidates for general office, and secondly, it will provide the public with an awareness of possible conflicts of interest by their elected officials. In addition, I think that this financial disclosure provision will increase and enhance the public image and desirability of the suffrage amendment which this convention submits to the people. This I think is quite important because I would expect a somewhat negative reaction, particularly in the towns, the small towns of this state who presently exclude individuals from their financial town meeting who are

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not local property taxpayers to look somewhat askance at the removal of the financial town meeting requirement. Despite the Supreme Court's decision in Harper, this particular question has not been litigated or challenged, and the financial town meetings in some areas of the state still practice this exclusion, and I campaigned for ratification of the last Constitution, the ill-fated Constitution of 1968, at which also removed the financial requirement in the town meeting and met with considerable opposition in the rural areas of the state, and therefore I feel that we need a popular provision such as financial disclosure to offset this negative reaction which will probably be encountered in the towns, and therefore I would in general say that the provision that the Elections Committee has come forward is a very worthwhile provision, one eminently worthy of our support, and a provision which will end the longest standing conflict in Rhode Island constitutional history, a conflict that began almost 150 years ago with regard to suffrage requirements for voting, and which has been the most complex and decisive issue in the history of the State of Rhode Island, and I think that the convention would do itself

great credit if it would pass this succinct and concise suffrage article as presented by the Elections Committee.

Mr. PARTRIDGE. Mr. Chairman, Delegate John Partridge, District 38. I would like to add a few thoughts to what the secretary has just said and repeat for all of the delegates that this was a unanimous presentation by the Committee on Elections. It represents a great deal of work by that committee, and it has been thus far and I'm sure it will continue to be a bipartisan committee in its deliberations. I think, quite frankly, as you look at this piece of proposal before us, we have to be assured first that it is within our mandate. I think it's very clear it is within our mandate. The first thing the people walked in to vote had to do with elections, and I think quite properly this is before us tonight, and I'm sure that we will all feel appropriate to send it to Style and Drafting. I also think that if you will look at it, which I think most of you have copies by now, the full proposals in many instances were presented to us by the offices of the Secretary of State as a matter of proposals from many delegates, and although this

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particular area, campaign disclosure, was not among those submitted by the Secretary of State, certainly it's one we have all discussed both privately and publicly. I note that the secretary will state that a number of resolutions came in on this point, and I think it's fair to say that they were from both sides of the aisle. I think this shows this is the sort of thing we will agree on and finally present to the people.

As a practical man, I find myself a practical man, and ask the secretary what we should do to improve the image of the convention in the eyes of the voters? I quite frankly get into questions such as four-year terms and other values of a substantial nature. It seems to me that we have to tell them in another way that we are concerned about this rather substantial problem which is campaign disclosures. If we in fact tell them we are going to give office holders four-year terms, I think at the same time in all fairness to them we must say that we are providing a mechanism by which you as an individual can judge in some respect the quality of this particular candidate.

I would also like to point out that this provision gives hogwash to the General Assembly and

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allows the General Assembly to do this in the area. It in no way allows any particular party its own political figure. It allows the General Assembly to enact an appropriate legislation, and we are not cutting off the General Assembly by this particular enactment.

Finally, although I know that the ideal approach is when we next meet and we talk about it after Style and Drafting has had a chance to look at it, it seems to me that we often talked about basic reforms in this convention, and I think this is probably the most basic reform that we are faced with. The election laws have been a terrible blow so many times to people from the 1840's through the lower counts of recent years down to the problem of disclosure that we are dealing with primarily tonight. These are all items that go to the very fabric of our state and the way it works in a democracy. Therefore, I suggest that you give it serious consideration and at the appropriate time send it to Style and Drafting.

Mr. MURPHY (Providence). Mr. Chairman, Delegate Murphy. I can say a few remarks in conclusion. I would like to emphasize very, very much the bipartisan

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agreement we have in our committee on this proposal in all facets of this proposal. I would also like to emphasize bipartisan cooperation I receive from the Republican side and two independents on the committee. I think a good proposal will be a proposal to substantially clean up some of the real inadequacy in the Rhode Island Constitution. I think it's a good proposal. I would also like to make a very short announcement. There will be a meeting of the Elections Committee, a very short one, after tonight's session.

Mr. CAVANAGH. Mr. Chairman, Delegate Cavanagh. I have some questions of the chairman of the Elections Committee as to the proposal.

The CHAIRMAN. Mr. Cavanagh?

Mr. CAVANAGH. Mr. Murphy, if you would look at Page 1 of your proposal, towards the end of the first full paragraph, the sentence reads: "Nor shall any person convicted of bribery or of any crime deemed infamous at common law be permitted to exercise that right, until he be expressly restored thereto by act of the general assembly." We have a problem here, I think, and I think you might be able to solve this. We have statutory felonies and we have common law

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felonies. I assume you're referring to the common law felonies such as murder, mayhem, burglary which requires it to be at night. I think we have an inconsistency here where if you're convicted of common law crime you can't vote. If you're convicted of a statutory felony, you can vote.

Mr. MURPHY (Providence). Mr. Chairman, I would like to refer back to the rules of the convention which my understanding was that we had discussion and not debate of things this evening to be sent to the Committee on Style and Drafting. I'm not worried about that and can't decide whether something that is committed during the day or during the night should be included or not included in this proposal. I think perhaps we should have some discussion this evening on our debate.

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Mr. CAVANAGH. I only offer it in the sense of discussion since you are going to have further meetings and at the same time you might consider back in the second full line of the first paragraph, you might have a redundancy there, that it could be style and drafting as you framed it, the second line, the second sentence. It has ".....had his residence and home in this State....."

I don't understand why residence and home is one, is not residence enough? I would ask for an explanation why.

Mr. MURPHY. The language used in this was drafted by Professor Cornwell, Staff Director of the Constitutional Convention, and this information was elicited from many states.

Mr. GAGNON. Ronald Gagnon, District 37. I would like to call the Chairman's attention to the same proposal, the line referring, ".....that no persons non compos mentis or under guardianship shall be permitted to vote."

I am assuming from the language the guardianship provision refers to people; in fact many people under guardianship because of advanced age can't handle their

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own financial affairs for other reasons other than mentally competent.

Mr. MURPHY. It is fine with me.

The CHAIRMAN. Those are two points very well taken indeed. The chair believes that the reference to infamous crimes on disqualifications of voting come from the present language of the constitution, is that correct?

Mr. MURPHY. Yes, sir.

The CHAIRMAN. As a matter of fact, in 1842 at which time infamous crimes were defined or readily understood to be common law felonies, now the United States Supreme Court has said that an infamous crime or offense -- any offense -- that is punishable by more than a year imprisonment -- it seems to the chair that the point is well taken. That might well offer careful consideration as well as Mr. Gagnon's observation that it should be persons under guardianship or judicially determine that accomplishment.

Mr. CAPRIO. Frank Caprio, District 8. I also have a question of the Chairman of the Elections Committee, that is to the intent of the committee, and I notice on Page 1, ".....any person convicted of bribery

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or of any crime deemed infamous at common law be permitted to exercise that right."

Now, the terminology, "Nor shall any person convicted....." under the law of the State of Rhode Island, under a nolo plea, he is given a suspended sentence. If he is given a fine, he is deemed convicted, and is it the intent of your committee if a person pleads nolo to a felony and given a suspended sentence, that he shall be deprived of his right to vote unless it is restored by members of the General Assembly, and I ask you, that is a legal question.

That is
Mr. MURPHY. ^for somebody who took a Ph D
in Political Science, I don't feel qualified to answer that.

Mr. CAPRIO. I will make an observation. This is open for discussion. I will make an observation, we are amending the Constitution of the State of Rhode Island, and talking about the franchise to vote, and this terminology is very specific.

Will it disenfranchise one who pleads nolo to a crime punishable by law? If he obeys himself for the rest of his life, will he be disenfranchised? I believe if this would come on the floor in that form, and

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if we are amending the Constitution in that manner, we should all know it before we vote on it.

Mr. MURPHY. I would like to yield to Mr. Rousseau from our committee, he is a lawyer.

Mr. ROUSSEAU. Laurent Rousseau, District 46. I agree with Mr. Caprio. We just took the language here that is in the Constitution originally and that point was never raised. That is the only answer to that question.

Mr. TAYLOR. Erich O'D. Taylor, District 49. I would appreciate Delegate Caprio giving me a note on that so that we can consider it in Drafting Committee.

Mr. CAPRIO. I will submit a memo to you, Senator.

Mr. TAYLOR. We are meeting on Thursday evening at 6 o'clock.

Mr. CAPRIO. So are we.

The CHAIRMAN. There have been explanations offered by the Chairman and members of the committee, and I take it a delegate or two, not a member of the committee, is making an inquiry. Is there any delegate before we take this vote who wishes to be heard in opposition to the question?

Mr. McLAUGHLIN. Edward McLaughlin, District 20.

I am not speaking in opposition. I am simply asking a question. Most of these points that have been brought up concerning this particular Proposal 19, seem to be legal questions. I believe on the Committee on Style and Drafting there are at least three attorneys, is that correct?

Mr. MURPHY. Yes, sir.

Mr. TAYLOR. I believe so.

Mr. McLAUGHLIN. My question to the chair is this.

The CHAIRMAN. The chair is even more unaware of the point than the delegate. If you wait a moment, I will determine it.

The chair is informed by the secretary that there are two attorneys.

Mr. CONLEY. At least two.

Mr. McLAUGHLIN. Fine, Mr. Chairman. Then, my question is this, can we send it now to the Committee on Style and Drafting and let the attorneys take care of the legal problems brought up this evening?

The CHAIRMAN. We can indeed.

Mr. McLAUGHLIN. I so move.

Mr. MURPHY. May I say one thing? The language being questioned is in the present constitution and has already been passed on, and also is the language that came from Maurice Hindle in the Secretary of State's office.

The CHAIRMAN. The question comes to shall Proposal 19 be referred to the Committee on Styling and Drafting?

Mr. TAYLOR. There is a question that has not been brought up, it is whether the business of reporting on campaigns can, is, or does or does not belong in the Constitution. A great many of us would feel that is a matter for law.

The whole problem of campaign contributions is really a campaign problem and I don't care how they play it. Has anything been more clear than in recent demonstrations in this country?

This is an interesting thing and perhaps should be definitely there, but it seems to be a responsibility of the General Assembly. From time to time it might change. Now, for example, this thing here says general offices, we don't know in the future who the general officers will be.

E-6-7

We had many propositions here and changing it from the Governor, Lieutenant Governor, General Treasurer, and so on. We have many more. I think that the problem that is before us would be better left to the General Assembly, but perhaps the committee has that to discuss. I don't know.

Mr. MURPHY. As we look at the language, it is in a general section of the amendment which talks about the thing that the General Assembly shall provide.

Mr. TAYLOR. But it does not say how.

Mr. MURPHY. I will leave that to the discretion of Senator Taylor, who I am sure will be able to take care of it.

The CHAIRMAN. If the chair may suggest that is the safeguard. The question is shall Resolution 19 be referred to the Committee on Styling and Drafting? As many as are in favor will stand.

(Rising vote)

The CHAIRMAN. Be seated. As many as are opposed, please rise.

(Rising vote)

The CHAIRMAN. There appears to be 77 votes in favor and 1 opposed.

Mr. CAPRIO. May I explain my vote, please.

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The CHAIRMAN. At this point we will get that straightened out. The rules provide that a delegate may explain his vote if he reserves the right to do so at the time that he is called on in the roll.

Hereafter there will be no explanations as far as the chair is concerned, and it is subject to appeal, of course. There will be no explanation of votes on standing votes or "Ayes" or "Nays", only on roll, and of course on the roll call, every delegate is at liberty to announce at the time that he votes, that he wishes to state the reason why he is voting as he is; but, in this instance, because he hasn't risen before. You may explain, Mr. Caprio.

Mr. CAPRIO. I will be sure to do that in the future. I voted no on this particular resolution because it has really not been answered to my satisfaction -- what the intent of the committee is regarding the question that I propounded.

I don't really know how the Committee on Styling and Drafting can amend that proposal unless they know and place it in the proper perspective, unless they know what the intent of the Elections Com-

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mittee is, and for that reason, I am still not satisfied that the rights of those people who have isolated violations in their life and are victims of a suspended sentence may be disenfranchised. It is for that reason I voted no.

The CHAIRMAN. Thank you, Mr. Caprio. That completes General Orders of the Day, and completes the docket for this session.

Under Good and Welfare, before we bid ourselves goodnight, does anybody care to be heard? The Chair recognizes Ms. D'Alessio.

Ms. D'ALESSIO. Alice D'Alessio, District 7. The purpose is for announcement. There will be a democratic caucus on Thursday evening at 6:30 in the House Lounge.

Mr. CONLEY. If everyone hasn't heard that, Ms. D'Alessio wasn't at the microphone, there is a democratic caucus on Thursday evening, 6:30 in the House Lounge.

The CHAIRMAN. Ready for adjournment?

Mr. FRIEDEMANN. Zygmunt Friedemann, District 18. So moved, Mr. Chairman.

Mr. TAYLOR. Seconded. The Committee on Drafting

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is going to meet at 6 o'clock; we suggest, therefore, we meet at 5 o'clock Thursday. As many of you as can, be there.

The CHAIRMAN. That is Thursday, September 27. As many as are in favor of adjournment, say "Aye"; opposed "No." The "Ayes" do have it. The meeting is adjourned to Thursday, September 27 at 7:30.

(CONVENTION ADJOURNED TO
THURSDAY, September 27 at
7:30 P.M.)