
State of Rhode Island and Providence Plantations

Office of the Secretary of State
Elections Division

Public Notice of Proposed Rule-Making

Pursuant to the provisions of 17-19-7 of the General Laws of Rhode Island, and in accordance with the Administrative Procedures Act Chapter 42-35 of the General Laws, the Office of the Secretary of State, Elections Division hereby gives notice of its intent to amend Placement of Local/Questions on Election Ballot.

The purpose of this amendment is to make them more concise with the law. Removing references to even year and inputting any years and updating the address where the questions need to be submitted.

The proposed amendment to Placement of Local/Questions on Election Ballot are available for public inspection at <http://sos.ri.gov/ProposedRules/>, in person at the Secretary of State Elections Division, 148 West River St. Providence RI 02904 or requested by email mnarducci@sos.ri.gov or by calling Mike Narducci, 222-2340.

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

All interested parties are invited to submit written or oral comments concerning the proposed regulations by February 22, 2013 to Mike Narducci, 222-2340 mnarducci@sos.ri.gov. A public hearing to consider the proposed amendment shall be held on Friday, February 22, 2013 at 10:00 am at 148 West River St. Providence RI 02904 at which time and place all persons interested therein will be heard. The room is accessible to the disabled and interpreter services for the hearing impaired will be provided if requested 48 hours prior to the hearing. Requests for this service can be made in writing or by calling Pam Lombardi 222-2357, TTY 711 or plombardi@sos.ri.gov.

AMENDED
RULES AND REGULATIONS ADOPTED
BY THE OFFICE OF THE SECRETARY OF STATE
REGARDING THE PLACEMENT OF LOCAL REFERENDA/QUESTIONS
ON ELECTION BALLOTS

The Secretary of State has promulgated the within rules and regulations relative to local referenda pursuant to and in accordance with the provisions of section 17-19-7 of the Rhode Island General Laws of 1956, as amended.

Said rules and regulations are established pursuant to the Administrative Procedures Act (R.I.G.L. Section 42-35-1, et al.) and available for public inspection, submissions or requests at the Office of the Secretary of State, Administrative ~~and~~ ~~Legislative~~ Records Division, State ~~Archives~~House, ~~337 Westminster St.~~Room 43, Providence, Rhode Island.

1. Procedure for submission of local questions for inclusion on the ballot.

- a) Each and every local question for entry upon the ballot for submission to the electorate shall be provided to the Office of the Secretary of State, Elections Division, ~~148100 West River~~~~North Main~~ Street, Providence, Rhode Island 0290~~43~~ in accordance with the time and manner constraints established by R.I.G.L. section 17-19-7 and these Rules and Regulations.
- b) All questions shall be submitted to the Office of the Secretary of State by the local board of each city or town on the form prescribed by the Office of the Secretary of State. A sample of the certification form is contained in Appendix A which is attached and incorporated by reference to these Rules and Regulations.
- c) Each local question shall be certified to the Office of the Secretary of State by the local board on said prescribed form and shall contain the signatures of the members of the local board of canvassers indicating that the question has been duly authorized for entry upon the ballot.

2. Format for local questions.

- a) Each and every local question shall be submitted to the secretary of state by the local board of each city or town in the following form:
 - 1) Descriptive Heading. The descriptive heading shall be a brief caption of the question including the purpose of the question and the dollar amount, if applicable. The heading should be limited to 12 words and a dollar amount, if applicable.
 - 2) Authorization. The authorization shall be a line containing the cite to the authority for the question to appear on the ballot.
 - 3) Text of the question. The text of the question shall be the exact language of the referenda/question that shall appear on the ballot.

3. **Final form of question required.**

- a) All local questions submitted for entry upon the ballot shall be presented by the local boards to the Office of the Secretary of State in final form and contain the descriptive heading, authorization and text of the question which shall appear upon the ballot for presentation to the electorate.
- b) Sample questions are contained in Appendix B which is attached and incorporated by reference to these Rules and Regulations.

4. **Alterations or modifications to questions after submission.**

- a) No alterations or modifications shall be made by the Office of the Secretary of State or designees, subsequent to the certification of any question as provided in R.I.G.L. Section 17-19-7 and these Rules and Regulations.

5. **Time periods and constraints.**

- a) In accordance with R.I.G.L. Section 17-19-7, so that suitable ballots may be prepared and furnished for the election, the local board of each city or town shall certify a copy of each question to be submitted to the electors of the city or town as follows:
 - 1) for questions to appear on the ballot for regularly scheduled elections to be held on the Tuesday next after the first Monday in November in any even-numbered years, ~~i.e. on the November general election ballot,~~ the question must be certified in the format described above not later

than four o'clock (4:00) p.m. on the ninetieth (90th) day preceding the election.

- 2) for questions to appear on the ballot at any election scheduled at any time other than regularly scheduled elections on the Tuesday next after the first Monday in November in any year, regularly scheduled November general elections, the question must be certified in the format described above not later than fifty (50) days before the city or town election-, or not later than fifty (50) days before any special city or town election the question must be certified in the format described above

6. **Review by the Office of the Secretary of State.**

- a) The questions submitted shall be reviewed by the Office of the Secretary of State. The review shall be limited to determining that the questions were submitted in the time and manner prescribed by state law and these Rules and Regulations.
- b) The Office of the Secretary of State will not review the legality of the question presented and will not make suggestions for amendments to the language of the question presented.

By the order of the Secretary of State,

A. Ralph Mollis

APPENDIX A

(To be filed with the Secretary of State not later than 4 p.m. on August 4, 2010)

(Section 17-19-7, Rhode Island General Laws of 1956, as amended)

State of Rhode and Providence Plantations

We hereby certify the following to be a true **LIST OF REFERENDA/QUESTIONS** to be voted for at the City/Town Election to be held in _____ on November 2, 20103.
City/Town

Type the complete referenda/questions below, including the descriptive heading, authorization and text of each question as indicated in the Rule and Regulations adopted January 1, 1998, as amended. If all of the questions do not fit below, list all of the descriptive headings below and attach additional pages containing the complete referenda/questions. **NOTE:** The order in which referenda/questions are listed below will be the order in which they will appear on the ballot.

Check this box if you are also submitting the referenda question via CD.

Check this box if there are no local referenda/questions to appear on your November 2, 20103 General Election Ballot.

Date

Board of Canvassers

APPENDIX B

SAMPLE HOME RULE CHARTER AMENDMENT

AMENDMENT TO BURRILLVILLE HOME RULE CHARTER
DEPARTMENT OF PUBLIC WORKS
(Resolution of the Town Council adopted September 4, 1996)

Shall the powers and duties of the department of public works include maintaining town grounds, public parks, playgrounds, beaches, and recreation facilities? (Amends Sec. 13.02)

SAMPLE LOCAL REFERENDUM

PURCHASE OF PUBLIC WORKS AND HIGHWAY EQUIPMENT
\$400,000 BONDS AND NOTES
(Chapter 124 - Public Laws of 1996)

“Shall an act passed at the 1996 session of the general assembly entitled ‘AN ACT AUTHORIZING THE CITY OF CRANSTON TO ISSUE \$400,000 BONDS AND NOTES FOR THE PURCHASE OF PUBLIC WORKS AND HIGHWAY EQUIPMENT IN THE CITY’ be approved?”

SAMPLE REGIONAL REFERENDUM

EXETER-WEST GREENWICH SCHOOL DISTRICT
12 CLASSROOM ADDITION - WAWALOAM SCHOOL
BONDS NOT TO EXCEED \$3,800,000
(Chapter 101/220 - Public Laws of 1996)

“Shall an act passed at the 1996 session of the general assembly entitled ‘AN ACT AUTHORIZING THE EXETER-WEST GREENWICH SCHOOL DISTRICT TO FINANCE A TWELVE (12) CLASSROOM ADDITION TO THE WAWALOAM SCHOOL AND TO ISSUE BONDS IN AN AMOUNT NOT TO EXCEED \$3,800,000 THEREFOR’ be approved?”