

2025 -- H 5516 SUBSTITUTE A AS AMENDED

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LC001144/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

**RELATING TO ELECTIONS -- CONDUCT OF ELECTION AND VOTING EQUIPMENT,
AND SUPPLIES**

Introduced By: Representatives Baginski, Paplauskas, and Lima

Date Introduced: February 13, 2025

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-19-31 of the General Laws in Chapter 17-19 entitled "Conduct of
2 Election and Voting Equipment, and Supplies" is hereby amended to read as follows:

3 **17-19-31. Irregular ballots.**

4 Ballots voted for any person whose name does not appear on the ballot as a nominated
5 candidate for office are referred to in this section as “irregular ballots.” In voting for presidential
6 electors, a voter may vote an irregular ticket made up of the names of persons in nomination by
7 different parties; or partly of names of persons in nomination and partly of names of persons not in
8 nomination; or wholly of names of persons not in nomination by any party. Scanned images of the
9 computer ballot containing the irregular ballot shall be stored digitally on physical electronic media
10 in the optical-scan precinct-count unit [and published on the state board website](#). With that
11 exception, no irregular ballot shall be voted for any person for any office whose name appears on
12 the ballot as a nominated candidate for that office; any irregular ballot so voted shall not be counted.
13 An irregular ballot must be cast in its appropriate place on the ballot, or it shall be void and not
14 counted and no irregular ballots shall be counted at primaries; provided, that at any presidential
15 primary, irregular ballots shall be counted for those persons whose names have been written in for
16 the office of president. At the close of the polls, irregular ballots shall be packaged according to §
17 17-19-33 and shall be immediately delivered to the local board of canvassers. The local board shall
18 receive the tape from the optical precinct-count unit containing printed images of each written name

1 on the irregular ballots, or the physical electronic media containing images of the irregular ballots
2 ~~and record~~ containing all write-in votes cast for all federal, state, and local races listed on the tape.
3 If the total number of write-in votes cast, may affect the election outcome for a particular office,
4 including whenever the total number of write-in ballots cast falls within the margins of a valid
5 recount request for that office, the local board shall adjudicate each individual write-in vote cast
6 for that office and report the total qualified write-in votes cast to the state board. The state board
7 shall notify the applicable local board(s) when the total write-in votes cast in any contest, may
8 affect the election outcome for any particular office. The local board shall notify the state board of
9 the results through a procedure promulgated by the state board. A write-in candidate, who has filed
10 required campaign finance reports with the state board, or who has neither accepted contributions,
11 nor made aggregate expenditures in excess of the amounts for which a filing exemption would be
12 available to other candidates under § 17-25-11(e), is entitled to an adjudication of the write-in votes
13 cast in their contest, regardless of the total write-in votes cast in that contest, through a procedure
14 promulgated by rules and regulations of the state board. The rules shall be promulgated in
15 accordance with the rulemaking provisions of chapter 35 of title 42 ("administrative procedures"),
16 notwithstanding the provisions of § 42-35-18(b)(7), except where urgently necessary to address a
17 time sensitive issue.

18 SECTION 2. Section 17-22-7 of the General Laws in Chapter 17-22 entitled "Tabulation
19 and Certification of Returns by State Board" is hereby amended to read as follows:

20 **17-22-7. Books of record of votes — Contents.**

21 (a) The board shall keep separate books of record of the votes cast for the different classes
22 of officers which it is its duty to count, canvass, and tabulate, as follows:

- 23 (1) A book of record of votes cast for electors of president and vice-president;
24 (2) A book of record of votes cast for senators and representatives in congress;
25 (3) A book of record of votes cast for general officers; and
26 (4) A book of record of the votes cast for each class of officers that may by law
27 subsequently be required to be counted, canvassed, and tabulated by the board.

28 (b) Each of the respective books shall contain:

29 (1) A record of the number of votes cast in each voting district for each candidate according
30 to the counting, canvassing, and tabulating of the board;

31 (2) The number cast in each voting district for each candidate according to the certificates
32 of the moderators or wardens and clerks;

33 (3) The total number cast for each candidate in each town and city according to the counting
34 and to the certificates;

1 (4) The total number cast for each candidate in the state or congressional district, as the
2 case may be, according to the counting and the certificates;
3 (5) A statement of which candidates are elected; and
4 (6) Any other pertinent facts that the board deems proper.
5 (c) The board shall also keep a book of record of the votes cast for and against any
6 proposition of amendment of the Constitution and a book of record of the votes cast for and against
7 all questions submitted to the electors of the state, with like detail as provided in this section in
8 relation to votes cast for officers.
9 (d) Notwithstanding the above, the state board shall ~~report~~ publish on its website images
10 of all write-in votes cast for each particular office, regardless of candidate eligibility and regardless
11 of whether it may affect the outcome, and shall report all write-in votes adjudicated by the local
12 board in accordance with § 17-19-31, ~~received by persons, not otherwise qualifying to appear on~~
13 ~~the ballot and receiving less than five (5) votes in a race, as a composite total of all write in votes~~
14 ~~cast for said office~~ and shall also publish the overall total number of write-in votes cast for and with
15 each particular office.

16 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would require all write-in votes, regardless of qualification, to be reported and
2 published by the state board of elections, on its website. It would also require the local board of
3 canvassers to adjudicate write-in votes in any contest, where the total number of write-in votes cast
4 may affect the outcome.

5 This act would take effect upon passage.

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