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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

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A N A C T

RELATING TO ELECTIONS -- PROCEDURES

Introduced By: Representative Raymond C. Church

Date Introduced: February 26, 2008

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-19-1, 17-19-11, 17-19-12, 17-19-16, 17-19-17, 17-19-21, 17-
2 19-31 and 17-19-49 of the General Laws in Chapter 17-19 entitled "Conduct of Election and
3 Voting Equipment, and Supplies" are hereby amended to read as follows:

4 **17-19-1. Definitions.** -- As used in this chapter, except as otherwise required by the
5 context:

6 (1) "Computer ballot" means the paper ballot prepared by the office of the secretary of
7 state for use in conjunction with the optical scan precinct count system;

8 (2) "Voting equipment" means an optical scan precinct count voting system, related
9 memory device, all related hardware and software, [ballot marking machine](#), and voting booths;

10 (3) "Warden" includes moderator; and vice versa;

11 (4) "Candidate" means any individual who has qualified under law to have his or her
12 name appear on the ballot for nomination for election or election to office;

13 (5) "Write-in candidate" means any individual receiving votes or seeking election to
14 office by virtue of having ~~irregular~~ [write-in](#) ballots cast for him or her pursuant to section 17-19-
15 31;

16 (6) "Public office" means any state, municipal, school or district office or other position
17 that is filled by popular election, except political party offices which shall mean any state, city,
18 town, ward or representative or senatorial district committee office of a political party or delegate
19 to a political party convention, or any similar office; ~~and~~

1 (7) A "Vote" shall be any mark made with the appropriate marking device within the
2 optech ballot voting area between the head and tail of the arrow on the computer ballot next to the
3 party, candidate, write-in candidate or question, as is applicable, for whom the voter casts his or
4 her ballot, except as provided in section 17-20-24.;

5 (8) "Voting area" means the area containing the optical scan precinct count machine,
6 voting booths and ballot marking machine within a space enclosed by the tables at which the
7 clerk and supervisors are seated; and

8 (9) "Electioneering" means any act or communication directed to a voter by a political
9 campaign.

10 **17-19-11. Election return forms -- Contents.** -- (a) The state board shall prepare and
11 furnish, for each voting place at which machines are to be used, suitable forms on which the
12 following information may be recorded for each machine in use:

- 13 (1) The optical scan precinct count unit number;
- 14 (2) The numbers of any serial seal or seals;
- 15 (3) The voting place at which the optical scan precinct count unit is used;
- 16 (4) The date of the election or primary at which the optical scan precinct count unit is
17 used; and

18 ~~(5) The number of names checked upon the voting list used at the election; and~~

19 ~~(6)~~ (5) The number of voters registered by the optical scan precinct count unit.

20 (b) ~~Space shall be left on the form in which the number of votes given for any person not~~
21 ~~a candidate at the election, and for what office, may be recorded.~~ Spaces shall also be left for the
22 signatures of ~~the election inspector,~~ the warden, clerk, and at least two (2) supervisors. The state
23 board shall also furnish the necessary envelopes and adhesive labels required to be used in
24 accordance with the provisions of this chapter.

25 (c) Tapes printed from the optical scan precinct count unit indicating the number of votes
26 registered by the unit for each candidate, and for what office, shall be attached to the election
27 return form; tapes printed from the optical scan precinct count unit indicating the number of votes
28 registered by the unit for and against each submitted question shall be attached to the election
29 return form.

30 **17-19-12. Delivery of election supplies.** -- All printed matter, stationery, and supplies
31 required to be furnished by this chapter shall be delivered by the state board to ~~or picked up by~~
32 ~~the proper officer as determined by the state board not later than three (3) days before the election~~
33 ~~for which they are to be used. Computer ballots to be used at each polling place, ballot transfer~~
34 ~~cases, marking pens, secrecy sleeves and any other items related to the voting equipment shall be~~

1 ~~packaged by the state board and shall be picked up by the local canvassing authority.~~ [each polling](#)
2 [site no later than 12 p.m. the day before the election.](#)

3 **17-19-16. State election inspectors -- Appointment -- Duties -- Training --**

4 **Compensation.** -- The state board may appoint and issue commissions to qualified electors of
5 this state to be election inspectors assigned to some or all election polling places. On the day
6 before any election, the state board may assign an election inspector to one or more polling place
7 as the state board may determine. Each election inspector shall receive a sum, ~~not exceeding sixty~~
8 ~~dollars (\$60.00),~~ to be fixed by the state board for each election at which the inspector serves.
9 Each election inspector shall hold office at the pleasure of the state board, and shall observe the
10 conduct of the elections at which the inspector is assigned to serve, and immediately report to the
11 state board any irregularities the inspector may observe. The state inspectors shall also perform
12 any other and further duties that may be assigned to the inspectors by the state board, and may be
13 required to attend a training session conducted by the state board, ~~for attendance at which the~~
14 ~~inspector shall be entitled to receive an additional twenty five dollars (\$25.00); provided, that the~~
15 ~~inspector is assigned to the performance of duties on election day and actually performs those~~
16 ~~duties.~~

17 **17-19-17. Custody of optical scan precinct count units and voting booths -- Duties of**
18 **local boards -- Posting of sample ballots. Custody of optical scan precinct count units and**

19 **voting booths -- Duties of local boards.** -- Each local board shall be responsible for safeguarding
20 the ~~optical scan precinct count units and voting booths~~ [voting equipment](#) delivered to it, and shall
21 properly and safely locate the ~~optical scan precinct count units~~ [voting equipment](#) in the polling
22 places where they are to be used. ~~The local board shall also be responsible for the storage of all~~
23 ~~voting booths assigned to them, and shall cause the voting booths to be delivered and picked up at~~
24 ~~the polling places in which they are to be used. The local board shall cause the keys of the voting~~
25 ~~equipment to be delivered to the warden of the elective meeting at which optical scan precinct~~
26 ~~count units are to be used at least half an hour before the opening of the polls.~~ The key or keys of
27 each optical scan precinct count unit [and other related voting equipment](#) shall be placed in a
28 sealed envelope [by the state board](#) upon which shall be written or printed the number and location
29 of the optical scan precinct count unit, and any other information or certification required
30 pursuant to regulations promulgated by the state board of elections. The envelope shall be opened
31 by the warden in the presence of the other election officers. The custody of the voting equipment
32 shall remain with the local board up to the time of the delivery of the keys to the warden, [and](#)
33 [after the close of the polls,](#) and the local board shall be held fully responsible for any damage or
34 injury to any voting equipment while it is in its custody, and for the failure to have voting

1 equipment ready for use at the time of the opening of the polls. ~~The local board shall cause the~~
2 ~~sample ballots to be posted in a conspicuous place in each polling place, outside the guard rail.~~

3 **17-19-21. Arrangement of polling places -- Election officials -- Police officers. --** (a)

4 The polling places shall be established, equipped, and furnished with the paraphernalia necessary
5 for the conduct of each election, by the officers and in the manner provided by this title. There
6 shall be placed, outside each polling place, a clearly marked sign to be provided by the state
7 board of elections indicating the location of the polling place. This sign shall be of a conspicuous
8 nature, and shall be visible from the street. The voting area within which the balloting is
9 conducted shall be arranged with ~~a guard rail~~ tables and having one place for entrance and
10 another place for exit. The ~~rail table~~ shall be placed so that only persons admitted inside the ~~rail~~
11 voting area can approach within five (5) feet of any voting booth or optical scan precinct count
12 unit. The voting booths and optical scan precinct count unit shall be placed so that the warden and
13 the clerk shall always have a clear view of the front of each voting booth, ballot marking machine
14 and the optical scan unit. It shall be the duty of the warden to direct the location of the voting
15 equipment in relation to the ~~guard rail tables~~ and the posts of the warden and the clerk so as to
16 enforce the requirements of this section.

17 (b) ~~One~~ Two (2) bipartisan ~~pair~~ pairs of supervisors, the clerk, and the warden shall be
18 stationed, in that order, ~~along the guard rail~~ behind the table so that a voter desiring to cast a
19 ballot will pass first in front of ~~the~~ a bipartisan pair, then in front of the clerk, if necessary, and
20 finally in front of the warden. ~~A second bipartisan pair shall be stationed within the guard rail and~~
21 ~~shall be available to relieve the first bipartisan pair or the clerk, and to assist voters within the~~
22 ~~limits prescribed by this title.~~ The ~~second~~ bipartisan ~~pair~~ pairs, when not engaged in the preceding
23 duties, shall watch the voters in and about the voting equipment and shall call to the attention of
24 the warden any violation, or circumstance suggesting a violation, of the provisions of this title.
25 The clerk shall be available to relieve the warden or one of the supervisors as needed. The
26 warden shall be available to relieve the clerk as needed.

27 (c) The chiefs of police of cities and towns, and town sergeants of towns having no chief
28 of police, shall detail a certain number of police officers to each polling place as may be
29 requested by the state or local board. The police officers shall preserve order at each polling place
30 and within two hundred (200) feet of the polling place. It shall be the duty of every police officer
31 or other peace officer or constable to arrest without warrant any person detected in the act of
32 violating the provisions of this chapter, but no arrest shall be made without the approval of the
33 warden.

34 (d) The election officials provided in subsections (a) and (b) of this section shall be

1 provided with, and shall be required to prominently display upon their persons, identification
2 badges which shall designate that person as an election official. Powers and duties of all
3 designated election officials at polls shall be posted in a conspicuous and prominent location
4 within the voting place, preferably with the posted sample ballot.

5 (e) Use of any photographic or video recording device by any person within the polling
6 place is prohibited.

7 (f) Use of any cellular phone by any person within the polling place except as authorized
8 in section 17-11-17 is prohibited.

9 (g) The board of elections shall provide the following information to be prominently
10 posted within each polling place:

11 (1) Powers and duties of election officials as required in subsection 17-19-21(d).

12 (2) Penalties for voter fraud as defined in section 17-7-9.

13 (3) Notice to voter regarding removing ballot from polling place as defined in subsection
14 17-19-23(8).

15 (4) Official sample ballots as required in section 17-19-10.

16 (h) The board of elections shall provide a polling sign as required in subsection 17-19-
17 21(a) to be posted outside each polling place.

18 **17-19-31. Irregular ballots Write-in ballots. --** ~~Ballots voted for any person whose~~
19 ~~name does not appear on the ballot as a nominated candidate for office are referred to in this~~
20 ~~section as "irregular ballots". In voting for presidential electors, a voter may vote an irregular~~
21 ~~ticket made up of the names of persons in nomination by different parties, or partly of names of~~
22 ~~persons in nomination and partly of names of persons not in nomination, or wholly of names of~~
23 ~~persons not in nomination by any party. The computer ballot containing the irregular ballot shall~~
24 ~~be deposited in the optical scan precinct count unit. With that exception, no irregular ballot shall~~
25 ~~be voted for any person for any office whose name appears on the ballot as a nominated candidate~~
26 ~~for that office; any irregular ballot so voted shall not be counted. An irregular ballot must be cast~~
27 ~~in its appropriate place on the ballot, or it shall be void and not counted and no irregular ballots~~
28 ~~shall be counted at primaries; provided, that at any presidential primary, irregular ballots shall be~~
29 ~~counted for those persons whose names have been written in for the office of president. At the~~
30 ~~close of the polls, irregular ballots shall be packaged according to section 17-19-33 and shall be~~
31 ~~immediately delivered to the local board of canvassers. The local board shall remain in session on~~
32 ~~election night to receive the ballots, to open the package labeled as containing write-in votes, and~~
33 ~~to count and record all write-in votes cast for all federal, state and local races listed on the ballot.~~
34 ~~The local board shall immediately notify the state board of the results through a procedure~~

1 ~~promulgated by the state board.~~ Write-in votes are computer ballots where a voter connects the
2 head and tail to indicate a write-in vote is to be cast. Write-in votes may not be cast for a
3 candidate if his or her name appears on the ballot for the race where the write-in vote is cast. The
4 optical scan unit shall count races that do not contain write-in votes and identify the number of
5 write-in votes cast in any other race. No write-in votes may be cast in party primaries excepting
6 the presidential preference primary conducted every four (4) years. At the close of the polls the
7 write-in ballots shall be packaged according to section 17-19-33 and immediately delivered to the
8 local board of canvassers. The local board shall remain in session on election night to receive the
9 ballots and to count and record write-in votes in races if the total number of write-in votes could
10 affect the outcome of a race or would qualify a candidate for a recount according to section 17-
11 19-37.1 or as directed by the state board of elections in instances where the total number of write-
12 in ballots may affect a state race.

13 **17-19-49. Political literature and influence.** -- No poster, paper, circular, or other
14 document, button or any article of clothing designed or tending to aid, injure, or defeat any
15 candidate for public office or any political party on any question submitted to the voters shall be
16 distributed or displayed, nor shall any electioneering be permitted, within the voting place or
17 within fifty (50) feet of the entrance or entrances to the building in which voting is conducted at
18 any primary or election. ~~Neither shall any election official display on his or her person within the~~
19 ~~voting place any political party button, badge, or other device tending to aid, injure, or defeat the~~
20 ~~candidacy of any person for public office or any question submitted to the voters or to intimidate~~
21 ~~or influence the voters.~~

22 SECTION 2. Section 17-19-34 of the General Laws in Chapter 17-19 entitled "Conduct
23 of Election and Voting Equipment, and Supplies" is hereby repealed.

24 ~~**17-19-34. Declaration of results and certificates of election in towns not divided into**~~
25 ~~**districts.**~~ ~~When optical scan precinct count units are used in town elections in towns not~~
26 ~~divided into voting districts, the warden, after announcing the votes registered by the optical scan~~
27 ~~precinct count units for the candidates for town offices, and upon questions submitted to the~~
28 ~~voters of the town, and signing the record of the votes in the record book, shall declare the result~~
29 ~~of the town election, and certificates shall be issued to the officers declared elected.~~

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ELECTIONS -- PROCEDURES

1 This act would make numerous changes to laws governing the conduct of elections in the
2 state.

3 This act would take effect upon passage.

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