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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO ELECTIONS -- PRIMARIES FOR ELECTION OF DELEGATES TO
NATIONAL CONVENTIONS AND FOR PRESIDENTIAL PREFERENCE

Introduced By: Senators Lawson, Pearson, DiMario, Euer, Miller, Mack, Lauria, and
Cano

Date Introduced: February 12, 2024

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-12.1-2, 17-12.1-4, 17-12.1-8, 17-12.1-9, 17-12.1-11, 17-12.1-12,
2 17-12.1-14 and 17-12.1-16 of the General Laws in Chapter 17-12.1 entitled "Primaries for Election
3 of Delegates to National Conventions and for Presidential Preference" are hereby amended to read
4 as follows:

5 **17-12.1-2. Number of delegates to be elected — Method of election.**

6 (a) At each primary there shall be elected for each congressional district of this state the
7 number of delegates and alternates that shall be determined by the national committee of the party
8 and certified to the secretary of state not later than the first Tuesday in January preceding the
9 primary by the state committee of the party. The method of election of candidates for delegate shall
10 be in accordance with party rules certified to the secretary of state by the chairperson of the state
11 committee on or before the first Tuesday in January of each year a primary is to be held pursuant
12 to this chapter.

13 (b) The presidential preference primary shall be conducted using ranked choice voting as
14 set forth in this chapter. The notice provided by the chairperson of a state committee under
15 subsection (a) of this section shall indicate whether the party prefers the presidential preference
16 primary tabulation to occur on a winner-take-all basis in accordance with § 17-12.1-17(b) or on a
17 proportional basis in accordance with § 17-12.1-17(c). The notice shall further indicate how
18 delegates are to be allocated and on what geographical basis delegates are to be allocated, whether

1 [statewide, by congressional district, by other geographic unit, or a combination thereof. If the party](#)
2 [requests tabulation occurs on a proportional basis, the chairperson shall indicate what the applicable](#)
3 [threshold for receiving delegates in the presidential preference primary will be. If a party fails to](#)
4 [specify how to tabulate ballots, the presidential preference primary election for that party shall be](#)
5 [tabulated on a statewide winner-take-all basis in accordance with § 17-12.1-17\(b\).](#)

6 [\(c\) Nothing in this chapter shall be construed to preclude a political party from allocating](#)
7 [delegates according to its own rules for allocating such delegates.](#)

8 **17-12.1-4. Presidential candidates.**

9 (a) Any person seeking the endorsement of a national political party for which a primary
10 is being held shall, during the ninety-fourth (94th) through and including the ninety-sixth (96th)
11 day preceding the presidential preference primary being held, provide written notification to the
12 secretary of state of his or her intention to run in the presidential preference primary. When the
13 deadline falls on a Saturday, said written notification may be filed with the secretary of state on
14 that Saturday until noon (12:00) p.m. The notification shall include the candidate's name and
15 address and a statement affirming their eligibility, under the laws and Constitution of the United
16 States, to serve, if elected, in the office of President of the United States. The notification shall also
17 include the name and contact information of the designee authorized by the presidential candidate
18 to act in his/her stead in Rhode Island.

19 (b)(1) Upon receipt of the notification referred to in subsection (a) of this section, the
20 secretary of state shall, by six o'clock (6:00) p.m. on the same day, prepare petition papers for
21 candidates who are eligible to serve in the office of President of the United States, clearly marked
22 with the candidate's name, party designation, and the office the candidate seeks; provided,
23 however, that for notifications filed on a Saturday deadline by noon (12:00) p.m., petition papers
24 shall be prepared by two o'clock (2:00) p.m. on that Saturday.

25 (2) The petition papers of a candidate for president shall be signed, in the aggregate, by at
26 least one thousand (1,000) eligible voters and shall be submitted on or before four o'clock (4:00)
27 p.m. in the afternoon of the eighty-second (82nd) day before the presidential preference primary to
28 the local board of the city or town where the signers appear to be voters, and the petition papers
29 shall be checked, processed, and certified to the secretary of state by the local boards before four
30 o'clock (4:00) p.m. in the afternoon of the sixty-ninth (69th) day before the presidential preference
31 primary. When nomination papers have been duly certified by the appropriate local boards of
32 canvassers, they shall be conclusively presumed to be valid, unless written objections to them are
33 made as to the eligibility of the candidate or the sufficiency of the nomination papers or the
34 signatures on them. All objections shall be filed with the state board of elections by four o'clock

1 (4:00) p.m. on the next business day after the last day fixed for local boards to file nomination
2 papers with the secretary of state. Nothing in this section shall be construed to prevent the secretary
3 of state from disqualifying a candidate based on the determination of the secretary of state that the
4 nomination papers or the signatures on them are invalid or insufficient.

5 (c) The decision of the state board shall be rendered not later than four o'clock (4:00) p.m.
6 on the sixty-third (63rd) day before the presidential preference primary and shall immediately be
7 certified by the state board to the secretary of state.

8 (d) If any candidate for presidential nomination does not qualify for ballot placement, the
9 names of delegates committed to this disqualified presidential candidate, who are otherwise
10 qualified, shall appear on the ballot in accordance with party rules.

11 (e) If any candidate whose name has been announced as a presidential nominee does not
12 thereafter wish his or her name to appear on the ballot, the candidate shall, at least sixty-three (63)
13 days prior to the date for the primary, file an affidavit with the secretary of state stating his or her
14 name may not be placed on the ballot and the secretary of state shall not place that candidate's
15 name on the ballot. Said affidavit must be signed by the presidential candidate or his or her designee
16 on file with the office of the secretary of state. Names of delegates committed to ~~the withdrawn~~
17 such candidate, who are otherwise qualified, shall appear on the ballot in accordance with party
18 rules.

19 (f) If any candidate whose name already appears on the ballot as a presidential nominee
20 chooses to withdraw from consideration prior to the date established for the presidential preference
21 primary election, that candidate shall file a signed letter of withdrawal with their national and state
22 party chairpersons in compliance with any applicable party rules that may exist governing the
23 timing, procedures, or substance of candidate withdrawals or suspensions. The candidate further
24 shall file an affidavit with the secretary of state stating that the candidate is a withdrawn candidate
25 and wishes to be treated as an inactive candidate in the tabulation conducted under § 17-12.1-17.
26 The affidavit shall be signed by the presidential candidate or the candidate's designee on file with
27 the office of the secretary of state.

28 **17-12.1-8. Presidential preference primary.**

29 (a) On the same date and at the same time as the election of delegates to national
30 conventions, as provided in § 17-12.1-1, there shall be held a presidential preference primary for
31 each political party at which each party voter shall have one vote with the opportunity to ~~vote rank~~
32 ~~his or her preference~~ their preferences for ~~his or her choice for one person~~ which candidate should
33 ~~to~~ be the ~~candidate~~ presidential nominee of ~~his or her~~ the voter's party for president of the United
34 States. The voter shall also have the ability to rank "uncommitted" among the voter's preferences.

1 (b) The secretary of state shall place on the ballot the name of all persons qualified as
2 candidates for presidential nominee as provided in § 17-12.1-4, and who have not filed with the
3 secretary of state the affidavit as provided in § 17-12.1-4(e). The lists of candidates for delegate
4 shall be placed on a separate portion of the ballot and shall be grouped by and clearly indicate
5 which candidate for presidential nominee approved the individual's candidacy, ~~and shall list under~~
6 ~~the name of each candidate for presidential nominee, arranged by lot, the names of all candidates~~
7 ~~for delegates to a national convention who submitted the approval of the candidate for presidential~~
8 ~~nominee~~ as set forth in § 17-12.1-7. All other candidates for delegates to a national convention shall
9 be listed on the ballot, arranged by lot, as uncommitted, unless otherwise specified in party rules.

10 **17-12.1-9. Voting for nominees and delegates — Designation of winning delegates.**

11 Each voter shall ~~vote~~ rank, within that voter's party presidential preference primary, the
12 voter's preferences among ~~for~~ the presidential nominees ~~of that voter's choice or~~ and may express
13 ~~that voter's choice for no nominee in a space provided and~~ among those preferences a ranking
14 designated "uncommitted."

15 (b) Each voter shall vote, within that voter's party delegate election primary ~~and~~ for any or
16 all of the number of elected delegates allocated to Rhode Island by the respective national
17 committees.

18 (c) The number of delegates and the designation of the winning delegates shall be
19 determined pursuant to the rules of the political party filed with the secretary of state as provided
20 by this chapter.

21 **17-12.1-11. Form of ballot.**

22 (a) The order on the ballot, subject to final determination of any objections filed with the
23 board of elections and the removal of said individual(s) by the secretary of state post-lot, of the
24 presidential nominees and delegates and the uncommitted delegates shall be chosen by lot under
25 the direction of the secretary of state.

26 (b) Individuals committed to a particular presidential candidate or uncommitted shall
27 appear in a manner so that the candidates for delegates shall be readily identified with the
28 presidential candidate to whom they are committed or shall appear in a manner that clearly shows
29 they are uncommitted.

30 (c) No person shall appear on the ballot as a candidate for delegate more than once.

31 (d) There shall be nothing on the ballot to indicate or suggest any political party
32 endorsement.

33 (e) The secretary of state shall prepare and arrange the ballot for use in the primaries
34 authorized in this title, which shall include, as to the candidates for delegates, the person to whom

1 the candidates are committed and any other information and instruction that the secretary of state
2 shall deem necessary.

3 (f) The ballot shall allow voters to rank five (5) qualified presidential candidates in order
4 of choice.

5 **17-12.1-12. Definitions.**

6 For the purposes of this chapter the following terms have the meaning indicated as follows:

7 (1) "Active candidate" means any candidate who has not been eliminated during tabulation
8 or is not a withdrawn candidate within the meaning of § 17-12.1-12(8).

9 (2) "Highest-ranked active candidate" means the active candidate assigned to a higher
10 ranking than any other active candidates on a ballot.

11 ~~(3)~~ (3) "Political party" is defined as provided in § 17-1-2(9).

12 (4) "Ranking order" means the number available to be assigned by a voter to a candidate
13 to express the voter's choice for that candidate. The number "1" is the highest ranking order,
14 followed by "2" and then "3" and so on.

15 (5) "Round" means an instance of the sequence of voting tabulation described in § 17-12.1-
16 17(b) for winner-take-all selection of delegates or § 17-12.1-17(c) for proportional selection of
17 delegates.

18 (6) "Threshold for receiving delegates" means the percentage of votes for active candidates
19 necessary for a presidential candidate to receive delegates in a presidential preference primary
20 election conducted in accordance with § 17-12.1-17(c).

21 ~~(7)~~ (7) "Uncommitted" means a candidate for delegate not approved by, obligated, or
22 committed to any particular presidential contender.

23 (8) "Withdrawn candidate" means any candidate who filed all requisite letters or affidavits
24 required under § 17-12.1-4(f).

25 **17-12.1-14. Recount.**

26 (a) Upon application, the state board of elections shall conduct a recount for a presidential
27 candidate ~~or delegate for a winning candidate~~ when there is a two hundred (200) or less vote
28 difference in the final round of tabulation between the losing candidate ~~or delegate~~ and the winner.

29 (b) Upon application, the state board of elections shall conduct a recount for a delegate for
30 a winning presidential candidate when there is a two hundred (200) or less vote difference between
31 the losing delegate and the winner.

32 (c) A recount under subsection (a) or (b) of this section ~~Said recount~~ shall be conducted by
33 re-reading the programmed memory device or devices and comparing the results and totals obtained
34 at such recount with the results and totals obtained on election night.

1 ~~(b)~~(d) The state board shall have the authority to adopt rules and regulations to implement
2 and administer the provisions of this section.

3 **17-12.1-16. ~~Applicability.~~ Applicability and severability.**

4 (a) The appropriate provisions of this title shall apply to the primaries held under the
5 provisions of this chapter, unless clearly inconsistent with this chapter.

6 (b) If any provision of this chapter, or the application of any provision of this chapter to
7 any person or circumstance, is held to be unconstitutional, the remainder of this chapter and the
8 application of its provisions to any person or circumstance shall not be affected by the holding.

9 SECTION 2. Chapter 17-12.1 of the General Laws entitled "Primaries for Election of
10 Delegates to National Conventions and for Presidential Preference" is hereby amended by adding
11 thereto the following sections:

12 **17-12.1-17. Ranked choice voting tabulation.**

13 (a) In any state-administered presidential preference primary election for president of the
14 United States conducted using ranked choice voting, each ballot shall count as one vote for the
15 highest-ranked active candidate on that ballot. Withdrawn candidates shall be treated the same as
16 candidates who have been eliminated from tabulation. A ranking of "uncommitted" shall be treated
17 the same as a ranking containing a candidate.

18 (b) If a party awards delegates to a single candidate on a winner-take-all basis, tabulation
19 shall proceed in rounds as follows:

20 (1) If there are more than two (2) active candidates, the active candidate with the fewest
21 votes is eliminated, and votes for the eliminated candidate are counted for each ballot's next-ranked
22 active candidate.

23 (2) If there are two (2) or fewer candidates, tabulation is complete.

24 (c) If a party awards delegates to multiple candidates on a proportional basis, tabulation
25 shall proceed in rounds as follows:

26 (1) If the vote total of any active candidate is below the party's threshold for receiving
27 delegates set under § 17-12.1-2(b), the active candidate with the fewest votes is eliminated, and
28 votes for the eliminated candidate are counted for each ballot's next-ranked active candidate.

29 (2) If the vote total of every active candidate is above the party's threshold for receiving
30 delegates, tabulation is complete.

31 (d) The following rules shall apply to the treatment of ballots during tabulation:

32 (1) An undervote is a ballot that does not rank any candidates in a particular contest. An
33 undervote does not count as an active or inactive ballot in any round of tabulation of that contest.

34 (2) An inactive ballot is a ballot that ceases in a round of tabulation to count for any

1 candidate for the remainder of the tabulation of the contest because either:

2 (i) All candidates ranked on the ballot have become inactive; or

3 (ii) The ballot includes an overvote and any candidates ranked higher than the overvote
4 have become inactive. An overvote occurs when a voter ranks more than one candidate at the same
5 ranking.

6 (3) During tabulation, a ballot shall remain active and continue to count for its highest-
7 ranked active candidate notwithstanding any skipped or repeated rankings on the ballot. A skipped
8 ranking occurs when a voter leaves a ranking unassigned but ranks a candidate at a subsequent
9 ranking. A repeated ranking occurs when a voter ranks the same candidate at multiple rankings.

10 (e) If two (2) or more candidates are tied with the fewest votes and tabulation cannot
11 continue until the candidate with the fewest votes is eliminated, then the candidate to be eliminated
12 shall be determined by lot. Election officials may resolve prospective ties between candidates prior
13 to tabulation. The result of any tie resolution shall be recorded and reused in the event of a recount.

14 (f) When the secretary of state certifies the results of the election, the secretary shall certify
15 the results of each round tabulated pursuant to subsection (b) or (c), as applicable, along with any
16 other information required under § 17-12.1-18, to the state chairperson and the national committee
17 of each political party that had at least one candidate on the state-administered presidential primary
18 election ballot to allocate national delegate votes in accordance with the party's state and national
19 rules.

20 **17-12.1-18. Results reporting.**

21 (a) The secretary of state shall promulgate rules or guidance to facilitate the release of
22 unofficial preliminary results after the polls close, including:

23 (1) Round-by-round results, which shall be:

24 (i) First released as soon as a reasonable number of precincts have reported but in no event
25 later than 11:59 PM on election night;

26 (ii) Periodically released at regular intervals until the counting of ballots is complete; and

27 (iii) Clearly labeled as preliminary and include the number of counted and uncounted
28 ballots to date; and

29 (2) Ballot-level ranking data on a contest-by-contest basis, which shall be:

30 (i) Released no later than the counting of ballots is complete,

31 (ii) Published online in a machine-readable, open format that can be retrieved, downloaded,
32 indexed, sorted, and searched by commonly used Internet search applications and commonly used
33 open format software;

34 (iii) Identifiable by precinct to the extent such identification is feasible and can be provided

1 consistent with the need to maintain voter privacy; and

2 (iv) Clearly labeled as preliminary.

3 (3) In adopting rules or guidance under this subsection, the secretary of state shall consult
4 with and allow for input from municipal clerks, local election officials, and national and state party
5 representatives.

6 (b) In addition to any other information required by law to be reported with official final
7 results, the secretary of state shall make public:

8 (1) The number and percentage of votes that each candidate received in each round of the
9 official tabulation;

10 (2) The number of ballots that became inactive in each round for the reasons set out in §
11 17-12.1-17(d)(2), reported as separate figures; and

12 (3) Ballot-level ranking data on a contest-by-contest basis in a machine-readable, open
13 format that can be retrieved, downloaded, indexed, sorted, and searched by commonly used Internet
14 search applications and commonly used open format software, and in a manner identifiable by
15 precinct to the extent such identification is feasible and can be provided consistent with the need to
16 maintain voter privacy.

17 (c) The secretary of state shall provide round-by-round results for each party on the
18 geographical basis or basis identified in the notice submitted by the chairperson of that party's state
19 committee pursuant to § 17-12.1-2.

20 **17-12.1-19. Rulemaking authority.**

21 The secretary of state shall have the authority to promulgate whatever rules, regulations,
22 and procedures are necessary to implement this chapter.

23 **17-12.1-20. Fusion voting.**

24 Nothing in this chapter shall be construed or implemented in a manner that would
25 effectively foreclose the use of or substantially increase the cost of adopting a ballot structure or
26 voting system compatible with fusion voting. For the purposes of this chapter, fusion voting is an
27 electoral system that allows two (2) or more political parties to indicate their endorsement of a
28 single candidate for office on the ballot.

29 SECTION 3. Section 17-19-37.4 of the General Laws in Chapter 17-19 entitled "Conduct
30 of Election and Voting Equipment, and Supplies" is hereby amended to read as follows:

31 **17-19-37.4. Post-election audits.**

32 (a) The general assembly hereby finds, determines, and declares that auditing of election
33 results is necessary to ensure effective election administration and public confidence in the election
34 results. Further, risk-limiting audits provide a more effective manner of conducting audits than

1 traditional audit methods in that risk-limiting audit methods typically require only limited resources
2 for election contests with wide margins of victory while investing greater resources in close
3 contests.

4 (b) Commencing in 2018, the board, in conjunction with local boards, is authorized to
5 conduct risk-limiting audits after all statewide primary, general, and special elections in accordance
6 with the requirements of this section. Commencing in 2020, the state board, in conjunction with
7 local boards, must conduct risk-limiting audits after the presidential preference primary and general
8 elections in accordance with the requirements in this section.

9 (c) The audit program shall be conducted as follows:

10 (1) The state board shall determine what local, statewide, and federal contests are subject
11 to a risk-limiting audit;

12 (2) The state board shall provide notice pursuant to chapter 46 of title 42 of the time and
13 place of the random selection of the audit units to be manually tallied and of the times and places
14 of the audits;

15 (3) The state board shall make available to the public a report of the vote-tabulating device
16 results for the contest, including the results for each audit unit in the contest, prior to the random
17 selection of audit units to be manually tallied and prior to the commencement of the audit;

18 (4) The state board, in conjunction with the local boards, shall conduct the audit upon
19 tabulation of the unofficial final results as provided in §§ 17-19-36 and 17-19-37 [or, for a](#)
20 [presidential preference primary conducted pursuant to chapter 12.1 of title 17, as provided in](#)
21 [applicable rule](#); and

22 (5) The state board, in conjunction with the local boards, shall conduct the audit in public
23 view by manually interpreting the ballots according to rules established by the state board in
24 accordance with chapter 35 of title 42.

25 (d) If a risk-limiting audit of a contest leads to a full manual tally of the ballots cast using
26 the voting system, the vote counts according to that manual tally shall replace the vote counts
27 reported pursuant to §§ 17-19-36 and 17-19-37 [or, for a presidential preference primary conducted](#)
28 [pursuant to chapter 12.1 of title 17, as provided in applicable rule](#) for the purpose of determining
29 the official contest results pursuant to §§ 17-22-5.2 and 17-22-6 [or the official contest results for a](#)
30 [presidential preference primary conducted pursuant to chapter 12.1 of title 17](#).

31 (e) For purposes of this section, the following terms have the following meanings:

32 (1) “Audit unit” means a precinct, a set of ballots, or a single ballot. A precinct, a set of
33 ballots, or a single ballot may be used as an audit unit for purposes of this section only if all of the
34 following conditions are satisfied:

1 (i) The relevant vote-tabulating device is able to produce a report of the votes cast in the
2 precinct, set of ballots, or single ballot; and

3 (ii) Each ballot is assigned to not more than one audit unit.

4 (2) "Contest" means an election for an office or for a measure.

5 (3) "Risk-limiting audit" means a manual tally employing a statistical method that ensures
6 a large, predetermined minimum chance of requiring a full manual tally whenever a full manual
7 tally would show an electoral outcome that differs from the outcome reported by the vote-tabulating
8 system for the audited contest. A risk-limiting audit shall begin with a hand tally of the votes in one
9 or more audit units and shall continue to hand tally votes in additional audit units until there is
10 strong statistical evidence that the electoral outcome is correct. In the event that counting additional
11 audit units does not provide strong statistical evidence that the electoral outcome is correct, the
12 audit shall continue until there has been a full manual tally to determine the correct electoral
13 outcome of the audited contest.

14 (4) "Unofficial final results" means election results tabulated pursuant to §§ 17-19-36 and
15 17-19-37 [or, for a presidential preference primary conducted pursuant to chapter 12.1 of title 17,](#)
16 [as provided in applicable rule.](#)

17 (f) The results of any audits conducted under this section shall be published on the website
18 of the state board within forty-eight (48) hours of being accepted by the state board. If the audit
19 involved a manual tally of one or more entire precincts, then the names and numbers of all precincts
20 audited and a comparison of the vote tabulator results with the hand counts for each precinct shall
21 be published with the audit results on the website.

22 (g) Any audit required under this section shall not commence for any election subject to a
23 recount pursuant to §§ [17-12.1-14](#) 17-19-37.1, 17-19-37.2, and 17-19-37.3 until the conclusion of
24 said recount.

25 (h) The state board shall promulgate rules, regulations, and procedures in accordance with
26 chapter 35 of title 42 necessary to implement this section.

27 SECTION 4. 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 -- PRIMARIES FOR ELECTION OF DELEGATES TO
NATIONAL CONVENTIONS AND FOR PRESIDENTIAL PREFERENCE

1 This act would spell out rules and regulations for the presidential preference primary
2 elections, and would also provide rules for ranked choice voting tabulation, and results reporting
3 by the secretary of state.

4 This act would take effect upon passage.

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