

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2006

A N A C T

RELATING TO ELECTIONS

Introduced By: Representatives Pacheco, Lewiss, Kennedy, Corvese, and Sullivan

Date Introduced: February 16, 2006

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-7-5 of the General Laws in Chapter 17-7 entitled "State Board of
2 Elections" is hereby amended to read as follows:

3 **17-7-5. Powers and duties -- Quorum.** -- (a) The state board shall have those functions,
4 powers, and duties that are prescribed by this title or otherwise pursuant to law. In the exercise of
5 these functions, powers, and duties, but without limitation to them, the board shall:
6 (1) Exercise general supervision of the administration of the election law by local
7 boards;
8 (2) Furnish all binders, forms, cabinets, and other supplies required for the operation of
9 the system of permanent registration of voters throughout the state, as provided by this title;
10 (3) Require the correction of voting lists by any local board whenever the state board has
11 information or cause to believe that any error exists in the lists, and shall immediately notify the
12 secretary of state of any corrections;
13 (4) Have responsibility for supervising the vendor to the extent that services under the
14 jurisdiction of the state board are performed by the vendor as prescribed by section 17-19-3.
15 (5) Prepare, package, and deliver election supplies to the various cities and towns for
16 each voting district, except for supplies listed in this title for delivery by the office of the
17 secretary of state;
18 (6) (i) Appoint, qualify and assign all state inspectors of elections. The state board of
19 elections shall formulate programs of instruction and shall determine the method and manner of

1 instruction which shall be provided to the local boards and to the vendor providing training
2 pursuant to any agreement between the state and the vendor for the training of election officials.
3 The program of instruction shall include familiarization with the election laws and duties of
4 various election officials, together with the exercise of sample situations which may be
5 encountered in the process of voting, geographical boundaries of the voting district to which the
6 official may be assigned, offices and questions which may be on the ballot, and any other
7 information that the board of elections may deem appropriate. The availability of these programs
8 of instruction for local boards shall be pursuant to the procedures, rules and regulations adopted
9 by the board of elections.

10 (ii) The board of elections shall also formulate and provide an informational pamphlet
11 containing detailed instructions regarding the duties of elections officials and the operation of
12 polling places. All informational pamphlets shall be distributed to the local boards who shall, in
13 turn, see to their distribution to all election officials prior to any election;

14 (7) Canvass and tabulate all votes cast at each state election; and count, canvass, and
15 tabulate the votes cast by mail voters as provided in this title;

16 (8) Select dates for off year and special election primaries, except the dates for any
17 primaries for local elections that require fixing by the local board pursuant to chapter 15 of this
18 title;

19 (9) Furnish each elected candidate for all state or national offices a certificate of election;

20 (10) Furnish the secretary of state with a certified statement of the number of votes cast
21 in each voting district for all state and national candidates, the votes cast for and against all state
22 questions which appeared on the ballot, and a certificate of election for each national candidate
23 who is elected in this state, and furnish the governor with a certified list of the general officers
24 elected at each general election;

25 (11) Hold hearings relating to recounts or other protests of the results or conduct of an
26 election;

27 (12) Maintain any books and records of the votes cast, and publish any statements and
28 reports, that it may deem to be in the public interest;

29 (13) Arrange and make provisions for the registration of voters pursuant to the National
30 Voter Registration Act (NVRA) of 1993, 42 U.S.C. section 1973gg et seq. The state board shall
31 formulate programs to assist those persons or organizations desiring to register voters and shall
32 provide, pursuant to procedures, rules, and regulations it shall adopt, voter registrations services
33 which may include training sessions, registration materials, manuals and other services for the
34 purpose of registering to vote eligible Rhode Island citizens;

3 (15) Establish and maintain an administrative complaint procedure in accordance with
4 Section 402 of the Help America Vote Act (P.L. 107-252) [42 U.S.C. section 15512] .

5 (b) The state board shall also have all of the powers and duties formerly conferred or
6 imposed by existing law upon the division of elections and the election board, and whenever in
7 any other general law, public law, act, or resolution of the general assembly, or any document,
8 record, or proceeding authorized by the general assembly, the phrase "division of elections" or
9 "election board" or any other word or words used in reference to or descriptive of the division,
10 board, or any member or employee of the division or board, or to their respective activities or
11 appointees, or any of them, the word, phrase, or reference shall, unless the context otherwise
12 requires, be deemed to refer to and describe the state board, its members, appointees, and
13 activities, as the context may require.

14 (c) The state board shall have power to make any rules, regulations, and directives that it
15 deems necessary to carry out the objects and purposes of this title not inconsistent with law.

16 (d) The state board shall also have jurisdiction over all election matters on appeal from
17 any local board and over any other matters pertinent and necessary to the proper supervision of
18 the election laws, including authority to issue temporary and permanent orders.

19 (e) Four (4) members of the state board shall constitute a quorum.

20 (f) Notwithstanding the provisions of section 42-35-18(b)(22), all rules and regulations
21 implementing and enforcing the provisions of the Help America Vote Act of 2002 (P.L. 107-252)
22 [42 U.S.C. section 15301 et seq.] shall be promulgated in accordance with the rule-making
23 provisions contained in sections 42-35-1 -- 42-35-8.

24 SECTION 2. Sections 17-19-1, 17-19-16, 17-19-43 and 17-19-49 of the General Laws in
25 Chapter 17-19 entitled "Conduct of Election and Voting Equipment, and Supplies" are hereby
26 amended to read as follows:

27 **17-19-1. Definitions.** -- As used in this chapter, except as otherwise required by the
28 context:

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

31 (2) "Voting equipment" means an optical scan precinct count voting system, related
32 memory device, all related hardware and software, and voting booths:

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

34 (4) "Candidate" means any individual who has qualified under law to have his or her

1 name appear on the ballot for nomination for election or election to office;

2 (5) "Write-in candidate" means any individual receiving votes or seeking election to
3 office by virtue of having irregular ballots cast for him or her pursuant to section 17-19-31;

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

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

12 (8) "Bipartisan" means not of the same recognized political party.

13 **17-19-16. State election inspectors -- Appointment -- Duties -- Training --**
14 **Compensation.** -- The state board may appoint and issue commissions to qualified electors of
15 this state to be election inspectors assigned to some or all election polling places. On the day
16 before any election, the state board may assign an election inspector to one or more polling place
17 as the state board may determine. Each election inspector shall receive a sum, ~~not exceeding sixty~~
18 ~~dollars (\$60.00)~~, to be fixed by the state board for each election at which the inspector serves.
19 Each election inspector shall hold office at the pleasure of the state board, and shall observe the
20 conduct of the elections at which the inspector is assigned to serve, and immediately report to the
21 state board any irregularities the inspector may observe. The state inspectors shall also perform
22 any other and further duties that may be assigned to the inspectors by the state board, and may be
23 required to attend a training session conducted by the state board, for attendance at which the
24 inspector shall be entitled to receive an additional ~~twenty-five dollars (\$25.00)~~ sum to be fixed
25 by the state board; provided, that the inspector is assigned to the performance of duties on
26 election day and actually performs those duties.

27 **17-19-43. Tampering with sample ballot.** -- Every person who willfully and without
28 lawful authority destroys, secretes, removes, defaces, alters, tampers, or meddles with a sample
29 ballot posted at the polling place, shall be guilty of a felony.

30 **17-19-49. Political literature and influence.** -- No poster, paper, circular, or other
31 document designed or tending to aid, injure, or defeat any candidate for public office or any
32 political party on any question submitted to the voters shall be distributed or displayed within the
33 voting place or within fifty (50) feet of the entrance or entrances to the building in which voting is
34 conducted at any primary or election. ~~Neither shall any election official~~ No persons other than a

1 voter in the process of casting his or her own vote shall display on his or her person within the
2 voting place any political party button, badge, or other ~~device~~ election paraphernalia tending to
3 aid, injure, or defeat the candidacy of any person for public office or any question submitted to
4 the voters or to intimidate or influence the voters.

5 SECTION 3. Section 17-19-34 of the General Laws in Chapter 17-19 entitled "Conduct
6 of Election and Voting Equipment, and Supplies" is hereby repealed in its entirety.

7 **17-19-34. Declaration of results and certificates of election in towns not divided into**
8 **districts.** ~~When optical scan precinct count units are used in town elections in towns not~~
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~~divided into voting districts, the warden, after announcing the votes registered by the optical scan~~

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~~precinct count units for the candidates for town offices, and upon questions submitted to the~~

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~~voters of the town, and signing the record of the votes in the record book, shall declare the result~~

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~~of the town election, and certificates shall be issued to the officers declared elected.~~

13 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

- 1 This act would implement some minor changes concerning the operation of polling places on election day.
- 2 This act would take effect upon passage.

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