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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO ELECTIONS - VOTING DISTRICTS AND OFFICIALS

Introduced By: Representatives Amore, and Ackerman

Date Introduced: February 28, 2013

Referred To: House Judiciary

(Secretary of State)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-11-6, 17-11-8 and 17-11-11 of the General Laws in Chapter 17-
2 11 entitled "Voting Districts and Officials" are hereby amended to read as follows:

3 ~~17-11-6. Appointment of district moderators and clerks in cities or towns~~
4 **Appointment of district moderators, monitors, and clerks in cities or towns.** -- (a) All district
5 clerks and district moderators in each of Rhode Island's towns shall be appointed by the local
6 canvassing authority of each municipality at least thirty-five (35) days before any election or
7 district or town meeting. All district monitors shall be appointed by the local canvassing authority
8 of each municipality at least thirty-five (35) days before a general election only to polling places
9 with an eligible vote of one thousand nine hundred (1,900) voters or greater.

10 The appointment of the district clerks, monitors and moderators shall be from a list of
11 not less than ten (10) registered voters submitted by the chairpersons of the local political town
12 committees. Each town committee chairperson shall submit said names at least fifteen (15) days
13 prior to the appointment date as set by the local canvassing board.

14 If the local chairpersons fail to submit a list of names as provided herein, the
15 appointments shall be made by the local board of canvassers from the voting list of the town.

16 The appointed district clerk, district monitor and district moderator of a polling place
17 shall not all be of the same political party.

18 (b) Any district moderator or district clerk elected to office in the 2008 general election
19 shall continue to serve in his/her position through the conclusion of his/her term, but in no event

1 later than December 31, 2010.

2 ~~**17-11-8. Qualifications of moderators and clerks — Vacancies**~~ **Qualifications of**
3 **moderators, monitors and clerks - Vacancies.** -- The moderators, [monitors](#) and clerks shall
4 each be able to read the Constitution of the state in the English language, and to write their
5 names. Every person appointed as a moderator, [monitor](#) or clerk shall immediately be notified of
6 his or her appointment and shall, within five (5) days of his or her appointment, accept or decline
7 the appointment, and shall be, at least three (3) days prior to the election, sworn to the faithful
8 discharge of his or her duties by some member of the board making the appointment. In case any
9 appointed person neglects to qualify or is unable or fails to serve, the vacancy shall be filled by
10 the board making the appointment, and the appointee shall be, whenever possible, of the same
11 political affiliation as the person failing to qualify, and shall, before serving, qualify before some
12 member of the board.

13 ~~**17-11-11. Selection of wardens and clerks in cities**~~ **Selection of wardens, monitors**
14 **and clerks in cities.** -- At least thirty-five (35) days before any election, the local board in each
15 city shall appoint for each polling place within the city where an election is to be held a warden
16 and clerk, not from the same political party. The appointments shall be made from a list of not
17 less than ten (10) registered voters presented to the board by the city or town committees of the
18 political parties at least forty-five (45) days before any election. [All district monitors shall be](#)
19 [appointed by the local board of each municipality at least thirty-five \(35\) days before a general](#)
20 [election only to polling places with an eligible vote of one thousand nine hundred \(1,900\) voters](#)
21 [or greater.](#)

22 SECTION 2. Sections 17-19-21 and 17-19-23 of the General Laws in Chapter 17-19
23 entitled "Conduct of Election and Voting Equipment, and Supplies" are hereby amended to read
24 as follows:

25 **17-19-21. Arrangement of polling places -- Election officials -- Police officers.** -- (a)
26 The polling places shall be established, equipped, and furnished with the paraphernalia necessary
27 for the conduct of each election, by the officers and in the manner provided by this title. There
28 shall be placed, outside each polling place, a clearly marked sign to be provided by the state
29 board of elections indicating the location of the polling place. This sign shall be of a conspicuous
30 nature, and shall be visible from the street. The area within which the balloting is conducted shall
31 be arranged with a guard rail having one place for entrance and another place for exit. The rail
32 shall be placed so that only persons admitted inside the rail can approach within five (5) feet of
33 any voting booth or optical scan precinct count unit. The voting booths and optical scan precinct
34 count unit shall be placed so that the warden and the clerk shall always have a clear view of the

1 front of each voting booth and the optical scan unit. It shall be the duty of the warden to direct the
2 location of the voting equipment in relation to the guard rail and the posts of the warden and the
3 clerk so as to enforce the requirements of this section.

4 (b) One bipartisan pair of supervisors, the clerk, and the warden shall be stationed, in that
5 order, along the guard rail so that a voter desiring to cast a ballot will pass first in front of the
6 bipartisan pair, then in front of the clerk, and finally in front of the warden. A second bipartisan
7 pair shall be stationed within the guard rail and shall be available to relieve the first bipartisan
8 pair or the clerk, and to assist voters within the limits prescribed by this title. The second
9 bipartisan pair, when not engaged in the preceding duties, shall watch the voters in and about the
10 voting equipment and shall call to the attention of the warden any violation, or circumstance
11 suggesting a violation, of the provisions of this title. [During general elections, the monitor shall](#)
12 [act as a greeter at the entrance of the polling place and have duties as prescribed in Rhode Island](#)
13 [general law section 17-19-23.](#)

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

21 (d) The election officials provided in subsections (a) and (b) of this section shall be
22 provided with, and shall be required to prominently display upon their persons, identification
23 badges which shall designate that person as an election official. Powers and duties of all
24 designated election officials at polls shall be posted in a conspicuous and prominent location
25 within the voting place, preferably with the posted sample ballot.

26 **17-19-23. ~~Wardens and supervisors -- Powers and duties~~ Wardens, monitors and**
27 **supervisors – Powers and duties.** – (a) The wardens shall:

- 28 (1) Have general supervision of the voting place;
- 29 (2) Assign the first, second, and any additional pairs of supervisors to their respective
30 stations;
- 31 (3) From time to time, assign and reassign and relieve the supervisors, as the efficient
32 conduct of the election may require;
- 33 (4) Unlock the voting list and set it before the first bipartisan pair, if it has not been
34 divided in sections, or set each section before a bipartisan pair where it has been divided in

1 sections, immediately preceding the opening of the polls;

2 (5) Assign the second or additional bipartisan pair of supervisors to watch the voters
3 while they are in and about the voting booths, and to enter the voting booths for the purpose of
4 assisting voters who are unable to vote, within the limits provided by this chapter;

5 (6) Be vigilant and responsible to prevent any voter from voting more than once;

6 (7) Cause to be established a single line of persons desiring to vote and enlist the
7 assistance of the supervisors and the police in attendance to maintain that line;

8 (8) As far as consistent with their other duties, station themselves at the entrance to the
9 polling area and prevent any person from entering the enclosed space behind the rail, except
10 under the authority of this chapter, and prevent any person from entering that space for the
11 purpose of voting until that person's name has been announced and that person's identity certified
12 according to law by the supervisors in charge of the voting list, and shall prevent any voter from
13 departing the enclosed space while in possession of his or her computer ballot. A notice shall be
14 provided by the state board and posted in a conspicuous place advising that it is a felony for a
15 voter to leave the enclosed area while in possession of his or her ballot. The voter has the option
16 of casting his or her ballot or surrendering the ballot to the warden whereby it will be marked
17 void;

18 (9) Cause to be removed or arrested any person or official who commits a violation of the
19 election law in their presence or disturbs the conduct of the voting; provided, that they shall not
20 cause any removal or arrest without the approval of the election inspector, unless the clerk agrees
21 with the wardens that the person or official should be arrested or removed;

22 (10) Have the power to administer oaths as required by this title, and to attest the oaths by
23 signature in proof of the administration of the oaths.

24 (b) The monitor shall:

25 (1) Function as a greeter at the entrance of the polling place to insure voters are in the
26 appropriate line;

27 (2) Answer any questions of voters;

28 (3) Have knowledge of the responsibilities of the warden, moderator, clerk and/or
29 supervisors;

30 (4) Have any and all other duties and responsibilities assigned by the warden/moderator;
31 and

32 (5) Be compensated and trained in accordance with the provision of this title.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO ELECTIONS - VOTING DISTRICTS AND OFFICIALS

- 1 This act would add the position of a monitor to the list of election officials to any polling
- 2 place in excess of one thousand nine hundred (1,900) eligible voters during a general election.
- 3 This act would take effect upon passage.

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