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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

AN ACT IN AMENDMENT OF CHAPTER 3235 OF THE 1953 PUBLIC LAWS ENTITLED "AN ACT PERTAINING TO MUNICIPAL PRIMARIES AND ELECTIONS IN THE CITY OF WOONSOCKET, STATE OF RHODE ISLAND, AND ALSO VALIDATING CERTAIN PROVISIONS IN CITY OF WOONSOCKET, RHODE ISLAND HOME RULE CHARTER," AS AMENDED

Introduced By: Representatives Phillips, Morin, and Casey

Date Introduced: April 29, 2015

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 4 of Chapter 3235 of the 1953 Public Laws entitled "An Act  
2    Pertaining to Municipal Primaries and Elections in the City of Woonsocket, State of Rhode  
3    Island, and also Validating Certain Provisions in City of Woonsocket, Rhode Island Home Rule  
4    Charter," as amended, is hereby further amended to as follows:

5           Section 4.

6           At the municipal election held on the first day of April 1969, and at the municipal  
7    election on the first Tuesday after the first Monday in November beginning in 1971, there shall be  
8    elected such city officers as shall be required or provided by the terms of the charter or any duly  
9    adopted amendments thereto; thenceforth, a regular city election shall be held on the first  
10   Tuesday after the first Monday in November of odd numbered years. Provided, effective  
11 November 6, 2013, and in all years thereafter, a regular city election shall be held on the first  
12 Tuesday after the first Monday in November of even numbered years. A special election may be  
13 held at any time at the order of the council, or as otherwise provided in this charter.

14          SECTION 2. Sections 9 and 23 of Chapter 3235 of the 1953 Public Laws entitled "An  
15   Act Pertaining to Municipal Primaries and Elections in the City of Woonsocket, State of Rhode  
16   Island, and also Validating Certain Provisions in City of Woonsocket, Rhode Island Home Rule  
17   Charter," as amended, are hereby further amended to read as follows:

1 Section 9.

2 Every voter signing a nomination petition shall indicate thereon his name, place of  
3 residence and street number, if any, as it appears on the voting list; but any voter who is unable to  
4 write may sign by making his mark (X) on the nomination paper in the presence of two (2)  
5 witnesses who shall subscribe their names on the paper as witnesses to the signing. ~~No voter shall  
6 sign petitions for more than the number of candidates for each office for which he is entitled to  
7 vote at the election, and should he do so, his signature shall be counted only upon the first petition  
8 or petitions filed and shall be void upon all other petitions.~~

9 Sec. 23. Procedures.

10 City primaries and city elections for the purpose of nominating and electing city officers  
11 under said home rule charter shall be conducted as herein set forth in section 23 of this act.

12 (a) Whenever used in section 23 of this act, the following words and phrases shall, unless  
13 the context otherwise requires, be construed as follows:

14 "Charter" - to mean the city of Woonsocket, home rule charter.

15 "City primary election" - to mean every city of Woonsocket primary election held under  
16 said charter.

17 "City regular or special election" — to mean every city of Woonsocket regular or special  
18 election held under said charter.

19 "Local board" - to mean the board of canvassers and registration of the city of  
20 Woonsocket.

21 "Board" - to mean the state board of elections created by chapter 1040 of the public laws,  
22 1941.

23 "Moderator" - to mean and include the term "warden" as used in the election laws of the  
24 state of Rhode Island.

25 "Election officials" - to mean and include election officials or primary officials, as the  
26 context may require.

27 "City" - to mean the city of Woonsocket.

28 "Elections" - to mean and include primary, as the context may require.

29 "Candidate" - to mean each and every candidate for elective office at each city primary  
30 election and at each city regular or special election held under said charter.

31 (b) That voting machines which shall have been approved by the board shall be used in  
32 every city primary election and in every city regular and special election.

33 (c) That the provisions contained in chapter 318 of the General Laws of Rhode Island of  
34 1938, as amended, entitled "Voting machines", be and hereby is incorporated by reference in this

1 act; the provisions contained in said chapter 318, shall apply to each and every city primary  
2 election and to each and every city regular and special election excepting those provisions which  
3 are inconsistent with this act, the term "election" is used in this section to mean and include city  
4 primary, city general, and city special elections as the context may require.

5 (d) Whenever in said chapter 318 reference is made to any political party or reference is  
6 made to voting machines as being prepared for voting purposes in accordance with political party  
7 designation, or references made to any election official as being a member of either the  
8 republican or democratic party or any other political party, or any other reference of whatever  
9 kind and designation is made in said chapter 318, to any political party or political designation for  
10 the purpose of this act only, each and every such reference to a political party shall be held to be  
11 eliminated from said chapter 318 in accordance with the charter as a whole and in accordance  
12 with chapter 15, section 12 of said charter which reads as follows:

13 "(Sec. 12) The ballot for city elections shall contain the names of the candidates arranged  
14 by the offices to be voted for and listed alphabetically under the title of the office. No name or  
15 designation shall appear upon the ballot other than the name and address of each candidate."

16 (e) ~~That at each city primary election and at each city regular and special election, the~~  
17 ~~board shall appoint and issue commissions to a sufficient number of qualified electors of this city~~  
18 ~~to be election inspectors so that one such inspector may be assigned to each and every polling~~  
19 ~~place in said city and such reserve inspectors not in excess of one to every four (4) contiguous~~  
20 ~~voting districts as may be necessary as replacements to permit regular inspectors a relief period.~~

21 (f) ~~In addition to said inspectors, there shall also be in each and every polling place at~~  
22 ~~each and every city primary election and at each and every city primary election and at each and~~  
23 ~~every city regular and special election, one moderator; one clerk; not less than two (2) nor more~~  
24 ~~than six (6) supervisors. The local board shall appoint in equal numerical and direct proportional~~  
25 ~~representation, whenever practical and possible within three (3) days from the time or date fixed~~  
26 ~~herein for the submission of the list or lists as provided herein, the election officials specified in~~  
27 ~~paragraph (f) herein, except for those herein deleted from list or lists submitted to it at least~~  
28 ~~fifteen (15) days prior to each city primary of city election by the candidate or candidates for city~~  
29 ~~office at each and every city primary and city election. The said candidates may combine in~~  
30 ~~submitting the said list or lists. In the event that the said list or lists are not submitted within said~~  
31 ~~specified time, the local board shall appoint said qualified election officials, specified in~~  
32 ~~paragraph (f) herein, except for these herein deleted within three (3) days after the time or date~~  
33 ~~fixed for the submission of said list or lists.~~

34 (g) ~~Every person appointed as an election official as specified in paragraph (f) herein,~~

1 ~~shall, within forty eight (48) hours thereafter, following such appointment, be notified in writing~~  
2 ~~by the clerk of the local board of such appointment; and the person so appointed shall, within~~  
3 ~~ninety six (96) hours after his appointment, notify in writing such clerk of his acceptance or~~  
4 ~~declination of the appointment, and any vacancy occurring among said election officials, whether~~  
5 ~~by declination or refusal to serve or by failure to notify such clerk as aforesaid, or by failure from~~  
6 ~~any cause to appear at or remain during the time when they are required to perform their duties,~~  
7 ~~shall be immediately filled by the local board, from the said list or lists submitted by the said~~  
8 ~~candidate or candidates as herein provided.~~

9 (h) ~~The said respective election officials specified in paragraph (f) herein, shall be~~  
10 ~~qualified voters in their respective voting districts of this city, with the exception of the runners~~  
11 ~~who shall be qualified voters of this city.~~

12 (i) ~~Each said candidate or candidates shall submit two (2) separate lists for each and~~  
13 ~~every voting district in this city; one list shall contain a minimum of eight (8) names of qualified~~  
14 ~~electors proposed to serve as moderator, clerk, and supervisors, for each voting district; and the~~  
15 ~~other list shall contain names of qualified electors proposed to serve as checkers, watchers, and~~  
16 ~~runners, for each said voting district. The failure on the part of any candidate or candidates to~~  
17 ~~submit any said list or lists for any said voting district, shall not affect or invalidate the said other~~  
18 ~~list or lists submitted by said candidate or candidates for any other said voting district. In the~~  
19 ~~event that, because of insufficient names of qualified electors in any said list or because of refusal~~  
20 ~~to serve on the part of some or any of the proposed electors in any said list, or for any other~~  
21 ~~reason, the local board shall be unable to appoint a full slate of election officials from any said~~  
22 ~~list, in such an event, the local board itself, shall immediately appoint the necessary remainder of~~  
23 ~~qualified election officials specified in paragraph (f) herein for any said voting district; provided,~~  
24 ~~however, before making any of its own said appointments, the local board shall exhaust and use~~  
25 ~~all the proposed names contained in both the separate lists submitted by each said candidate or~~  
26 ~~candidates for each said voting district.~~

27 (j) Each moderator, clerk and supervisor, appointed under the provisions of this act, shall  
28 be able to read the constitution of the state in the English language and to write his name.

29 (k) No person shall be so appointed to serve as an election official who has been  
30 convicted, found guilty pleaded guilty, or nolo contendere, or placed on a deferred or suspended  
31 sentence or on probation for any crime which involved moral turpitude or a violation of any of  
32 the election, caucus, or primary laws of this or any other state.

33 (l) No person shall be appointed to serve as such election official who is an officer or  
34 employee of this city, but no person shall be so disqualified solely because he is a notary public

1 or a teacher.

2 (m) No person who is seeking election at any city primary of city election shall act as an  
3 election official at such city primary of city election.

4 (n) Every election official shall make an affidavit before the present local board or some  
5 member thereof, or the chief clerk in the office of the local board, to the effect that he is not  
6 disqualified by reason of the provision of this section.

7 (o) If at any time a vacancy shall occur among the election inspectors, said vacancy shall  
8 be filled by the board.

9 (p) ~~At each and every city primary election and at each and every city regular or special  
10 election, each and every polling place shall be and remain open from 8:00 a.m. to 9:00 p.m. The  
11 eligible and qualified voters who are in the voting line both inside and outside the building at  
12 each and every said polling place at 9:00 p.m. shall be allowed to vote, and the polls shall remain  
13 open to allow the said voters to vote.~~

14 (q) If any paragraph or provision of section 23 of this act shall be deemed to be illegal,  
15 invalid or ineffective, for any reason whatsoever, such decision shall not affect the legality,  
16 validity or effectiveness of any other paragraph or any other provision of section 23 of this act.  
17 (Election of 5-24-77; P.L. 1978, Ch. 264, § 1)

18 SECTION 3. Sections 6, 7, 8, and 15 of Chapter 3235 of the 1953 Public Laws entitled  
19 "An Act Pertaining to Municipal Primaries and Elections in the City of Woonsocket, State of  
20 Rhode Island, and also Validating Certain Provisions in City of Woonsocket, Rhode Island Home  
21 Rule Charter," are hereby repealed.

22 Section 6.

23 ~~Each candidate for elective office in the city shall be a qualified elector of the city.  
24 Candidates for election may be nominated by petition signed by not less than one hundred (100)  
25 qualified electors of the city.~~

26 Section 7.

27 ~~Petitions for the nomination of candidates shall be filed with the canvassing authority of  
28 the city not earlier than five (5) weeks nor less than three (3) weeks prior to the date of the  
29 primary election. Forms for nominating petitions shall be furnished by the canvassing authority at  
30 least five (5) weeks prior to the date of the primary election. The nominating petitions for any one  
31 candidate may be assembled into one petition before filing with the canvassing authority.~~

32 Section 8.

33 ~~Each nominating petition shall state the name of the office and set forth the name and  
34 place of residence of the candidate thereby nominated. Declarations of candidacy must be filed~~

1 ~~with the canvassing authority not less than one week prior to the time when nominating petitions~~  
2 ~~must be furnished to candidates.~~

3 Section 15.

4 ~~A primary election to determine the candidates to be voted upon at the subsequent city~~  
5 ~~election, whether regular or special, shall be held twenty eight (28) days prior to the date of the~~  
6 ~~regular or special city election.~~

7 SECTION 4. Section 1 of this act shall take effect upon passage and shall be applied  
8 retroactively to November 6, 2013. The remaining sections of this act shall take effect upon  
9 passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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AN ACT IN AMENDMENT OF CHAPTER 3235 OF THE 1953 PUBLIC LAWS ENTITLED  
"AN ACT PERTAINING TO MUNICIPAL PRIMARIES AND ELECTIONS IN THE CITY OF  
WOONSOCKET, STATE OF RHODE ISLAND, AND ALSO VALIDATING CERTAIN  
PROVISIONS IN CITY OF WOONSOCKET, RHODE ISLAND HOME RULE CHARTER,"  
AS AMENDED

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1           This act would amend and repeal certain provision of Chapter 3235 of the 1953 Public  
2 Laws pertaining to elections in the City of Woonsocket. These amendments would make the  
3 Public Law consistent with both state general laws and amendments made to the Woonsocket  
4 Home Rule Charter. The amendments to the Woonsocket Home Rule Charter were approved by  
5 the electors of the city of Woonsocket in 2011, and ratified by the general assembly in 2013.

6           Section 1 of this act would take effect upon passage and would be applied retroactively to  
7 November 6, 2013. The remaining sections of this act would take effect upon passage.

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