

2016 -- H 7330

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LC004179
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO ELECTIONS -- CONDUCT OF ELECTION/VOTING EQUIPMENT
SUPPLIERS

Introduced By: Representatives Coughlin, Solomon, Johnston, Barros, and Edwards

Date Introduced: January 27, 2016

Referred To: House Judiciary

(Secretary of State)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-19-1, 17-19-31 and 17-19-33 of the General Laws in Chapter
2 17-19 entitled "Conduct of Election and Voting Equipment, and Supplies" are hereby amended to
3 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 or the voting equipment
8 precinct count system then in place and procured in accordance with this chapter;

9 (2) "Voting equipment" means an optical scan precinct count voting system or the voting
10 equipment precinct count system then in place and procured in accordance with this chapter,
11 related memory device, all related hardware and software, accessible voting systems required by
12 federal law, and voting booths;

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

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

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

18 (6) "Public office" means any state, municipal, school, or district office or other position

1 that is filled by popular election, except political party offices which shall mean any state, city,
2 town, ward, or representative or senatorial district committee office of a political party or delegate
3 to a political party convention, or any similar office; and

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

8 **17-19-31. Irregular ballots.** -- Ballots voted for any person whose name does not appear
9 on the ballot as a nominated candidate for office are referred to in this section as "irregular
10 ballots". In voting for presidential electors, a voter may vote an irregular ticket made up of the
11 names of persons in nomination by different parties, or partly of names of persons in nomination
12 and partly of names of persons not in nomination, or wholly of names of persons not in
13 nomination by any party. ~~The~~ Scanned images of the computer ballot containing the irregular
14 ballot shall be ~~deposited~~ stored digitally on physical electronic media in the optical scan precinct
15 count unit. With that exception, no irregular ballot shall be voted for any person for any office
16 whose name appears on the ballot as a nominated candidate for that office; any irregular ballot so
17 voted shall not be counted. An irregular ballot must be cast in its appropriate place on the ballot,
18 or it shall be void and not counted and no irregular ballots shall be counted at primaries; provided,
19 that at any presidential primary, irregular ballots shall be counted for those persons whose names
20 have been written in for the office of president. At the close of the polls, irregular ballots shall be
21 packaged according to § 17-19-33 and shall be immediately delivered to the local board of
22 canvassers. The local board shall ~~remain in session on election night to~~ receive the tape from the
23 optical precinct count unit containing printed images of each written name on the irregular
24 ballots, or the physical electronic media containing images of the irregular ballots, ~~to open the~~
25 ~~package labeled as containing write-in votes, and to count~~ and record all write-in votes cast for all
26 federal, state and local races listed on the ~~ballot~~ tape. The local board shall ~~immediately~~ notify the
27 state board of the results through a procedure promulgated by the state board.

28 **~~17-19-33. Sealing of voting equipment -- Sealing and forwarding of results,~~**
29 **~~programmed memory cartridges and keys~~ Sealing of voting equipment -- Sealing and**
30 **forwarding of results, programmed memory devices and keys.** -- (a) The ~~four~~ ~~(4)~~ copies of the
31 printout tape from the optical scan precinct count unit obtained pursuant to § 17-19-32 shall be
32 distributed as follows:

33 (1) The first copy, which includes the opening of the polling place information,
34 signatures of the warden and clerk, a timed audit trail of certain events occurring with respect to

1 the optical scan precinct count system and the vote totals for each candidate, shall be attached to
2 the return sheet as provided in § 17-19-11 and immediately delivered to the local board of
3 canvassers ~~indicated site as determined by the state board of elections~~ where it is processed and
4 delivered to the state board of elections ~~by 4:00 p.m. the day following the election~~ through a
5 procedure promulgated by the state board;

6 (2) ~~The second~~ A copy shall be ~~posted~~ made available to the public at the polling place;

7 (3) ~~The third~~ A copy shall be immediately delivered to the local board of canvassers
8 attached to the return sheet as provided in § 17-19-11, together with the polling place supplies,
9 including the key to the optical scan precinct count unit and other voting equipment and
10 containers; and

11 (4) ~~The fourth~~ A copy shall be included with the voted ballots and packaged pursuant to
12 this chapter.

13 (5) The certified paper or electronic voter list containing voters' signatures shall be
14 ~~packaged~~ secured separately and returned to the local board of canvassers.

15 (6) All completed official affidavits, forms, reports and supplies shall be packaged and
16 delivered to the local board for subsequent delivery to the state board.

17 (b) The warden shall:

18 (1) Remove all voted ballots from the ~~second~~ compartment of the optical scan precinct
19 count unit and package them in the container provided and labeled as ~~regularly~~ voted ballots and
20 stored pursuant to § 17-19-39.1;

21 (2) ~~Remove all voted ballots from the first compartment and package them in the~~
22 ~~container provided and labeled as containing write-in votes; and~~

23 (3) Package all ballots from the emergency bin that have not been counted in the
24 container provided and labeled as ~~uncounted~~ manual count ballots, and delivered to the local
25 canvassing authority. Any ballots packaged and labeled as ~~uncounted~~ manual count ballots shall
26 remain sealed and delivered to the state board ~~by 4:00 p.m. the following day for counting~~
27 through a procedure promulgated by the state board.

28 (c) All ballots so packaged shall be immediately delivered to the local canvassing
29 authority ~~and the local board shall be in session for the counting of any write-in votes. Forthwith~~
30 ~~upon completion of the counting of all write-in votes the local canvassing authority shall place~~
31 ~~said ballots in an appropriately labeled container which shall remain in storage pursuant to the~~
32 ~~requirements of § 17-19-39.1.~~

33 (d) ~~All marking pens, unused printout tapes, secrecy sleeves and other items related to~~
34 ~~the voting equipment shall be packaged and delivered to the local board for later delivery to the~~

1 ~~office of the state board of elections.~~

2 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would change the definition of vote to accommodate the new computer voting
2 machine. It would authorize the board of elections to promulgate rules concerning the process by
3 which irregular ballots with write-in candidates are stored and recorded and would change the
4 process by which printout tapes from the optical scan precinct count unit are handled.

5 This act would take effect upon passage.

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