

2016 -- S 2628

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LC005166
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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 ELECTIONS, VOTING EQUIPMENT, AND
SUPPLIES

Introduced By: Senators McCaffrey, Lombardi, Lynch Prata, Metts, and Conley

Date Introduced: February 25, 2016

Referred To: Senate Judiciary

(Board of Elections)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-19-31 and 17-19-33 of the General Laws in Chapter 17-19
2 entitled "Conduct of Election and Voting Equipment, and Supplies" are hereby amended to read
3 as follows:
4 **17-19-31. Irregular ballots.** -- Ballots voted for any person whose name does not appear
5 on the ballot as a nominated candidate for office are referred to in this section as "irregular
6 ballots". In voting for presidential electors, a voter may vote an irregular ticket made up of the
7 names of persons in nomination by different parties, or partly of names of persons in nomination
8 and partly of names of persons not in nomination, or wholly of names of persons not in
9 nomination by any party. ~~The~~ Scanned images of the computer ballot containing the irregular
10 ballot shall be ~~deposited~~ stored digitally on the physical electronic media of ~~in~~ the optical scan
11 precinct count unit. With that exception, no irregular ballot shall be voted for any person for any
12 office whose name appears on the ballot as a nominated candidate for that office; any irregular
13 ballot so voted shall not be counted. An irregular ballot must be cast in its appropriate place on
14 the ballot, or it shall be void and not counted and no irregular ballots shall be counted at
15 primaries; provided, that at any presidential primary, irregular ballots shall be counted for those
16 persons whose names have been written in for the office of president. At the close of the polls,
17 irregular ballots shall be packaged according to § 17-19-33 and shall be immediately delivered to
18 the local board of canvassers. The local board shall ~~remain in session on election night to~~ receive

1 the tape from the optical scan precinct count unit containing printed images of each written name
2 on the irregular ballots, or the physical electronic media containing images of the irregular
3 ~~ballots, to open the package labeled as containing write-in votes, and to count~~ and record all
4 write-in votes cast for all federal, state and local races listed on the ~~ballot~~ tape. The local board
5 shall ~~immediately~~ notify the state board of the results through a procedure promulgated by the
6 state board.

7 ~~**17-19-33. Sealing of voting equipment -- Sealing and forwarding of results,**~~
8 ~~**programmed memory cartridges and keys**~~ Sealing of voting equipment -- Sealing and
9 forwarding of results, programmed memory devices and keys. -- (a) The ~~four (4)~~ copies of the
10 printout tape from the optical scan precinct count unit obtained pursuant to § 17-19-32 shall be
11 distributed as follows:

12 (1) The first copy, which includes the opening of the polling place information,
13 signatures of the warden and clerk, a timed audit trail of certain events occurring with respect to
14 the optical scan precinct count system and the vote totals for each candidate, shall be attached to
15 the return sheet as provided in § 17-19-11 and immediately delivered to the ~~indicated site as~~
16 ~~determined by the state board of elections~~ local board of canvassers where it is processed and
17 delivered to the state board of elections ~~by 4:00 p.m. the day following the election~~ through a
18 procedure promulgated by the state board;

19 (2) ~~The second~~ A copy shall be ~~posted~~ made available for public view at the polling
20 place;

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

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

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

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

31 (b) The warden shall:

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

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

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

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

13 (d) ~~All marking pens, unused printout tapes, secrecy sleeves and other items related to~~
14 ~~the voting equipment shall be packaged and delivered to the local board for later delivery to the~~
15 ~~office of the state board of elections.~~

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO ELECTIONS -- CONDUCT OF ELECTIONS, VOTING EQUIPMENT, AND
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1 This act would update the processing of ballots containing write-in votes due to the new
2 voting equipment. It would also amend the law concerning the printout tape from the optical scan
3 precinct count unit for the new voting equipment and would accommodate the potential use of
4 electronic voting lists.

5 This act would take effect upon passage.

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