

2017 -- S 0809 SUBSTITUTE A

LC001843/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO ELECTIONS

Introduced By: Senator Erin P. Lynch Prata

Date Introduced: April 25, 2017

Referred To: Senate Judiciary

(Board of Elections)

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 17-14 of the General Laws entitled "Nomination of Party and
2 Independent Candidates" is hereby amended by adding thereto the following section:

3 **17-14-18. Declaration of intent of write-in candidacy.**

4 No later than the seventh day preceding any presidential preference primary or general
5 election or election regularly scheduled for a time other than the biennial general statewide
6 election, each voter seeking to be a write-in candidate at the upcoming election shall, on a form
7 that shall be provided by the secretary of state, file a declaration of their intent of write-in
8 candidacy not later than four o'clock (4:00) p.m. of the last day for the filing with the secretary of
9 state for president and vice-president and congressional and statewide general offices, or with the
10 local board of canvassers of the place of the candidate's voting residence for general assembly, or
11 state committee or senatorial and representative district committee or with the appropriate local
12 board for local officers. The declaration of intent shall be signed by the candidate as their name
13 appears on the voting list. The signature shall be accepted as valid if it can be reasonably
14 identified to be the name and signature of the voter it purports to be. A variation of the voter's
15 signature by the insertion or omission of identifying titles or by the substitution of initials for the
16 first or middle names of both shall not in itself be grounds for invalidation of the signature. The
17 declaration shall also include the following information:

18 (1) The candidate's name as it appears on the voting list, subject to the same provisions as
19 relate to the voter's signature on the declaration;

1 (2) The address as it appears on the voting list; provided that an address which is
2 substantially the same as the address on the voting list shall be valid;

3 (3) The office sought;

4 (4) The place and date of birth;

5 (5) The length of residence in the state and in the town or city where they reside;

6 (6) A certification that they are not serving a sentence, including probation or parole, for
7 which they were imprisoned upon final conviction of a felony imposed on any date nor serving
8 any sentence, whether incarcerated or suspended, on probation or parole, upon final conviction of
9 a felony committed after November 5, 1986;

10 (7) A certification that they have not been lawfully adjudicated to be non compos mentis,
11 of unsound mind;

12 (8) If a person is a candidate for a state or local office, a certification that the person has
13 not within the preceding three (3) years served any sentence, incarcerated or suspended, on
14 probation or parole, for a crime committed after November 5, 1986, upon a plea of nolo
15 contendere or guilty or upon a conviction of a felony or for a misdemeanor for which a sentence
16 of imprisonment for six (6) months or more, whether suspended or to be served as imposed.

17 SECTION 2. Section 17-19-31 of the General Laws in Chapter 17-19 entitled "Conduct
18 of Election and Voting Equipment, and Supplies" is hereby amended to read as follows:

19 **17-19-31. Irregular ballots.**

20 Ballots voted for any office in which no candidate appears on the ballot for that office, or
21 in any office for any person whose name does not appear on the ballot as a nominated candidate
22 for office and who has been duly qualified under the requirements of §17-14-18 are referred to in
23 this section as "irregular ballots". In voting for presidential electors, a voter may vote an irregular
24 ticket made up of the names of persons in nomination by different parties; or partly of names of
25 persons in nomination and partly of names of persons not in nomination; or wholly of names of
26 persons not in nomination by any party. Scanned images of the computer ballot containing the
27 irregular ballot shall be stored digitally on physical electronic media in the optical-scan precinct-
28 count unit. With that exception, no irregular ballot shall be voted for any person for any office
29 whose name appears on the ballot as a nominated candidate for that office, nor shall any irregular
30 ballot be voted for any person who has not been duly qualified under the requirements of §17-14-
31 18, unless said vote is cast for an office in which no candidate appears on the ballot for that
32 office; any irregular ballot so voted shall not be counted. An irregular ballot must be cast in its
33 appropriate place on the ballot, or it shall be void and not counted and no irregular ballots shall be
34 counted at primaries; provided, that at any presidential primary, irregular ballots shall be counted

1 for those persons whose names have been written in for the office of president. At the close of the
2 polls, irregular ballots shall be packaged according to § 17-19-33 and shall be immediately
3 delivered to the local board of canvassers. The local board shall receive the tape from the optical
4 precinct-count unit containing printed images of each written name on the irregular ballots, or the
5 physical electronic media containing images of the irregular ballots and shall only record all
6 write-in votes cast for persons meeting the requirements of this section for all federal, state, and
7 local races listed on the tape. The local board shall notify the state board of the results through a
8 procedure promulgated by the state board.

9 SECTION 3. Section 17-22-7 of the General Laws in Chapter 17-22 entitled "Tabulation
10 and Certification of Returns by State Board" is hereby amended to read as follows:

11 **17-22-7. Books of record of votes -- Contents.**

12 (a) The board shall keep separate books of record of the votes cast for the different
13 classes of officers which it is its duty to count, canvass, and tabulate, as follows:

- 14 (1) A book of record of votes cast for electors of president and vice-president;
15 (2) A book of record of votes cast for senators and representatives in congress;
16 (3) A book of record of votes cast for general officers; and
17 (4) A book of record of the votes cast for each class of officers that may by law
18 subsequently be required to be counted, canvassed, and tabulated by the board.

19 (b) Each of the respective books shall contain:

- 20 (1) A record of the number of votes cast in each voting district for each candidate
21 according to the counting, canvassing, and tabulating of the board;
22 (2) The number cast in each voting district for each candidate according to the certificates
23 of the moderators or wardens and clerks;
24 (3) The total number cast for each candidate in each town and city according to the
25 counting and to the certificates;
26 (4) The total number cast for each candidate in the state or congressional district, as the
27 case may be, according to the counting and the certificates;
28 (5) A statement of which candidates are elected; and
29 (6) Any other pertinent facts that the board deems proper.

30 (c) The board shall also keep a book of record of the votes cast for and against any
31 proposition of amendment of the Constitution and a book of record of the votes cast for and
32 against all questions submitted to the electors of the state, with like detail as provided in this
33 section in relation to votes cast for officers.

34 (d) Notwithstanding the above, the state board shall report all write-in votes received by

1 persons qualifying as write-in candidates pursuant to the requirements of §17-19-31 and, not
2 otherwise qualifying to appear on the ballot ~~and receiving less than five (5) votes in a race, as a~~
3 ~~composite total of all write-in votes cast for said office.~~

4 SECTION 4. 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 require statewide candidates seeking to be elected by write-in ballots to
2 file a declaration of intent with the secretary of state at least seven (7) days prior to the election
3 and local candidates the same declaration with their board(s) of canvassers. It would also require
4 tallying of write-in votes only for contests in which no candidate appears on the ballot or for
5 candidates meeting the declaration requirements and would require the board of elections to
6 report all votes received by write-in candidates.

7 This act would take effect upon passage.

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