

2019 -- H 5764

LC001544

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO ELECTION - NOMINATION - DECLARATION OF CANDIDACY, AND
PRIMARY VOTES

Introduced By: Representatives Alzate, Casimiro, Kazarian, Mendez, and Cassar

Date Introduced: February 27, 2019

Referred To: House Judiciary

(Secretary of State)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-14-1, 17-14-11 and 17-14-12 of the General Laws in Chapter
2 17-14 entitled "Nomination of Party and Independent Candidates" are hereby amended to read as
3 follows:

4 **17-14-1. Declarations of candidacy.**

5 During the ~~last~~ first consecutive Monday, Tuesday, and Wednesday in June in the even
6 years and during the thirty-ninth (39th) and fortieth (40th) days preceding a primary election for a
7 special election, or for an election regularly scheduled for a time other than the biennial general
8 statewide election, each voter desiring to be a candidate at the upcoming primary or an
9 independent candidate on final nomination papers shall, on a form that shall be provided by the
10 secretary of state, file a declaration of his or her candidacy not later than four (4:00) p.m. of the
11 last day for the filing with the secretary of state for congressional and statewide general offices,
12 or with the local board of the place of the candidate's voting residence for general assembly, or
13 state committee or senatorial and representative district committee or with the appropriate local
14 board for local officers. The declaration shall be signed by the candidate as his or her name
15 appears on the voting list. The signature shall be accepted as valid if it can be reasonably
16 identified to be the name and signature of the voter it purports to be. A variation of the voter's
17 signature by the insertion or omission of identifying titles or by the substitution of initials for the
18 first or middle names of both shall not in itself be grounds for invalidation of the signature. The

1 declaration shall also include the following information:

- 2 (1) The candidate's name as it appears on the voting list, subject to the same provisions as
3 relate to the voter's signature on the declaration;
- 4 (2) The address as it appears on the voting list, provided that an address which is
5 substantially the same as the address on the voting list shall be valid;
- 6 (3) The party declaration if seeking to run in a party primary;
- 7 (4) The office sought;
- 8 (5) The place and date of birth;
- 9 (6) The length of residence in the state and in the town or city where he or she resides;
- 10 (7) A certification that he or she is neither serving a sentence, including probation or
11 parole, for which he or she was imprisoned upon final conviction of a felony imposed on any date
12 nor serving any sentence, whether incarcerated or suspended, on probation or parole, upon final
13 conviction of a felony committed after November 5, 1986;
- 14 (8) A certification that he or she has not been lawfully adjudicated to be non compos
15 mentis, of unsound mind;
- 16 (9) In the case of candidates for party nomination, a certification that he or she has not
17 been a member of a political party other than the declared party within ninety (90) days of the
18 filing date; and
- 19 (10) If a person is a candidate for a state or local office, a certification that the person has
20 not within the preceding three (3) years served any sentence, incarcerated or suspended, on
21 probation or parole, for a crime committed after November 5, 1986, upon a plea of nolo
22 contendere or guilty or upon a conviction of a felony or for a misdemeanor for which a sentence
23 of imprisonment for six (6) months or more, whether suspended or to be served as imposed.

24 **17-14-11. Checking and certification of nomination papers -- Challenge.**

25 Each nomination paper for party and independent candidates shall be submitted before
26 four o'clock (4:00) p.m. on the sixtieth (60th) day before the primary to the local board of the city
27 or town where the signers appear to be voters or, in the case of special elections, on the twenty-
28 eighth (28th) day before the primary. Nomination papers for independent presidential candidates
29 and presidential candidates of political parties, other than those defined in § 17-1-2(9), shall be
30 filed not later than ~~sixty (60)~~ ninety (90) days prior to the general election. Each local board shall
31 immediately proceed to check signatures on each nomination paper filed with it against the voting
32 list as last canvassed or published according to law. ~~In the case of candidates for statewide office,~~
33 ~~the local boards shall certify the number of names appearing on the nomination papers that are in~~
34 ~~conformity with the requirements of § 17-14-8, and after considering any challenge under this~~

1 ~~section, shall immediately file all nomination papers for the officers with the secretary of state. In~~
2 ~~the case of all other candidates, the~~ The local boards shall certify a sufficient number of names
3 appearing on the nomination papers that are in conformity with the requirements of § 17-14-8 to
4 qualify the candidate for a position on the ballot, and after considering any challenge under this
5 section and, if necessary, certifying any additional valid names, shall immediately file nomination
6 papers for statewide office, general assembly and state and district committee candidates with the
7 secretary of state; provided, that nomination papers for local candidates shall be retained by the
8 local board. If any candidate or the chairperson of any party committee questions the validity or
9 authenticity of any signature on the nomination paper, the local board shall immediately and
10 summarily decide the question, and for this purpose, shall have the same powers as are conferred
11 upon the board by the provisions of § 17-14-14. If any challenged signature is found to be invalid,
12 for any reason in law, or forged, then the signature shall not be counted.

13 **17-14-12. Filing of nomination papers.**

14 All nomination papers for state offices or officers and all certified lists of candidates for
15 local offices or officers shall be filed in the office of the secretary of state (the certified lists by
16 the respective local boards), not later than ~~fifty-four (54)~~ eighty-four (84) days before the date of
17 the primary held to nominate candidates for general election; but when there is a primary to
18 nominate candidates for any office mentioned in § 17-15-7 to be voted upon at a special election,
19 all nomination papers and lists of local candidates shall be filed in the office on or before the
20 twenty-sixth (26th) day preceding the day of the special primary election. Nomination papers for
21 independent presidential candidates and presidential candidates of political parties other than
22 those defined in § 17-1-2(9) shall be filed in the office of the secretary of state by the local boards
23 of canvassers not later than fifty-four (54) days before the date of the election.

24 SECTION 2. Section 17-15-1 of the General Laws in Chapter 17-15 entitled "Primary
25 Elections" is hereby amended to read as follows:

26 **17-15-1. Date of primaries.**

27 A primary election for the nomination of candidates for each political party shall be held
28 in each voting district in the manner provided in this chapter on the ~~second Tuesday after the first~~
29 ~~Monday in September~~ third Tuesday after the first Monday in August in each even numbered
30 year.

31 SECTION 3. This act shall take effect on January 1, 2020.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO ELECTION - NOMINATION - DECLARATION OF CANDIDACY, AND
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- 1 This act would set an earlier deadline for the filing of declaration of candidacy and
2 nomination papers while also moving the party primary from September to August.
3 This act would take effect on January 1, 2020.

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