

2020 -- H 7722

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO ELECTIONS -- NOMINATION OF PARTY AND INDEPENDENT
CANDIDATES

Introduced By: Representatives Vella-Wilkinson, Williams, McEntee, Noret, and
Solomon

Date Introduced: February 26, 2020

Referred To: House 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 (a) No later than four o'clock (4:00) p.m. on the first Friday preceding any presidential
5 preference primary or general election or election regularly scheduled for a time other than the
6 biennial general statewide election, each voter seeking to be a write-in candidate at the upcoming
7 election shall, on a form that shall be provided by the secretary of state, file a declaration of his or
8 her intent of write-in candidacy for a federal, state, or local office appearing on the ballot. The
9 declaration of intent shall be signed by the candidate as his or her name appears on the voting list.
10 The signature shall be accepted as valid if it is original and can be reasonably identified to be the
11 name and signature of the voter it purports to be. A variation of the voter's signature by the insertion
12 or omission of identifying titles or by the substitution of initials for the first or middle names of
13 both shall not in itself be grounds for invalidation of the signature. The declaration shall also include
14 the following information:

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

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

- 1 (3) The office sought;
- 2 (4) The place and date of birth;
- 3 (5) The length of residence in the state and in the town or city where he or she resides;
- 4 (6) A certification that he or she is neither serving a sentence, including probation or parole,
5 for which he or she was imprisoned upon final conviction of a felony imposed on any date nor
6 serving any sentence, whether incarcerated or suspended, on probation or parole, upon final
7 conviction of a felony committed after November 5, 1986;
- 8 (7) A certification that he or she has not been lawfully adjudicated to be non compos
9 mentis, of unsound mind;
- 10 (8) If a person is a candidate for a state or local office, a certification that the person has
11 not within the preceding three (3) years, served any sentence, incarcerated or suspended, on
12 probation or parole, for a crime committed after November 5, 1986, upon a plea of nolo contendere
13 or guilty or upon a conviction of a felony or for a misdemeanor for which a sentence of
14 imprisonment for six (6) months or more, whether suspended or to be served as imposed.

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

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

18 Ballots voted for any office in which no candidate appears on the ballot for that office, or
19 in any other office for any person whose name does not appear on the ballot as a nominated
20 candidate for office and who has been duly qualified under the requirements of § 17-14-18 are
21 referred to in this section as "irregular ballots". In voting for presidential electors, a voter may vote
22 an irregular ticket made up of the names of persons in nomination by different parties; or partly of
23 names of persons in nomination and partly of names of persons not in nomination; or wholly of
24 names of persons not in nomination by any party. Scanned images of the computer ballot containing
25 the irregular ballot shall be stored digitally on physical electronic media in the optical-scan
26 precinct-count unit. With that exception, no irregular ballot shall be voted for any person for any
27 office whose name appears on the ballot as a nominated candidate for that office nor shall any
28 irregular ballot be voted for any person who has not been duly qualified under the requirements of
29 § 17-14-18, unless said vote is cast for an office in which no candidate appears on the ballot for
30 that office; any irregular ballot so voted shall not be counted. An irregular ballot must be cast in its
31 appropriate place on the ballot, or it shall be void and not counted and no irregular ballots shall be
32 counted at primaries; provided, that at any presidential primary, irregular ballots shall be counted
33 for those persons whose names have been written in for the office of president. At the close of the
34 polls, irregular ballots shall be packaged according to § 17-19-33 and shall be immediately

1 delivered to the local board of canvassers. The local board shall receive the tape from the optical
2 precinct-count unit containing printed images of each written name on the irregular ballots, or the
3 physical electronic media containing images of the irregular ballots and shall only record all write-
4 in votes cast for persons meeting the requirements of this section for all federal, state, and local
5 races listed on the tape. The local board shall notify the state board of the results through a
6 procedure promulgated by the state board.

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

9 **17-22-7. Books of record of votes -- Contents.**

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

12 (1) A book of record of votes cast for electors of president and vice-president;

13 (2) A book of record of votes cast for senators and representatives in congress;

14 (3) A book of record of votes cast for general officers; and

15 (4) A book of record of the votes cast for each class of officers that may by law
16 subsequently be required to be counted, canvassed, and tabulated by the board.

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

18 (1) A record of the number of votes cast in each voting district for each candidate according
19 to the counting, canvassing, and tabulating of the board;

20 (2) The number cast in each voting district for each candidate according to the certificates
21 of the moderators or wardens and clerks;

22 (3) The total number cast for each candidate in each town and city according to the counting
23 and to the certificates;

24 (4) The total number cast for each candidate in the state or congressional district, as the
25 case may be, according to the counting and the certificates;

26 (5) A statement of which candidates are elected; and

27 (6) Any other pertinent facts that the board deems proper.

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

32 (d) Notwithstanding the above, the state board shall report all write-in votes received by
33 persons; qualifying as write-in candidates pursuant to the requirements of § 17-19-31 and not
34 otherwise qualifying to appear on the ballot ~~and receiving less than five (5) votes in a race, as a~~

1 ~~composite total of all write in votes cast for said office.~~

2 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 candidates seeking to be elected by write-in ballot, to file a
2 declaration of intent of a write-in candidacy, prior to the election. It would also require the tallying
3 of write-in votes only for contests in which no candidate appears on the ballots and for candidates
4 meeting the declaration requirements.

5 This act would take effect upon passage.

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