

2021 -- S 0624

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO ELECTIONS -- WRITE-IN VOTES

Introduced By: Senator Stephen R. Archambault

Date Introduced: March 11, 2021

Referred To: Senate Judiciary

(Board of Elections)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-19-31 of the General Laws in Chapter 17-19 entitled "Conduct of
2 Election and Voting Equipment, and Supplies" is hereby amended to read as follows:

3 **17-19-31. Irregular ballots.**

4 Ballots voted [for any office in which no eligible candidate appears on the ballot for that](#)
5 [office, or in any other office](#) for any person whose name does not appear on the ballot as a
6 nominated candidate for office [and who has been duly qualified under the requirements of § 17-](#)
7 [14-18](#) are referred to in this section as "irregular ballots." In voting for presidential electors, a voter
8 may vote an irregular ticket made up of the names of persons in nomination by different parties; or
9 partly of names of persons in nomination and partly of names of persons not in nomination; or
10 wholly of names of persons not in nomination by any party. Scanned images of the computer ballot
11 containing the irregular ballot shall be stored digitally on physical electronic media in the optical-
12 scan precinct-count unit. With that exception, no irregular ballot shall be voted for any person for
13 any office whose name appears on the ballot as a nominated candidate for that office, [nor shall any](#)
14 [irregular ballot be voted for any person who has not been duly qualified under the requirements of](#)
15 [§ 17-14-18, unless said vote is cast for an office in which no eligible candidate appears on the ballot](#)
16 [for that office](#); any irregular ballot so voted shall not be counted. An irregular ballot must be cast
17 in its appropriate place on the ballot, or it shall be void and not counted and no irregular ballots
18 shall be counted at primaries; provided, that at any presidential primary, irregular ballots shall be
19 counted for those persons whose names have been written in for the office of president. At the close

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

8 SECTION 2. Section 17-22-7 of the General Laws in Chapter 17-22 entitled "Tabulation
9 and Certification of Returns by State Board" is hereby amended to read as follows:

10 **17-22-7. Books of record of votes -- Contents.**

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

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

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

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

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

33 (d) Notwithstanding the above, the state board shall report all write-in votes received by
34 persons [qualifying as write-in candidates, pursuant to the requirements of § 17-19-31 and](#), not

1 otherwise qualifying to appear on the ballot ~~and receiving less than five (5) votes in a race, as a~~
2 ~~composite total of all write-in votes cast for said office.~~

3 SECTION 3. Chapter 17-14 of the General Laws entitled "Nomination of Party and
4 Independent Candidates" is hereby amended by adding thereto the following section:

5 **17-14-18. Declaration of intent of write-in candidacy.**

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

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

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

21 (3) The office sought;

22 (4) The candidate's place and date of birth;

23 (5) The length of the candidate's residence in the state and in the town or city where he or
24 she resides;

25 (6) A certification that he or she is neither serving a sentence, including probation or parole,
26 for which he or she was imprisoned, upon final conviction of a felony imposed on any date, nor
27 -serving any sentence, whether incarcerated or suspended, on probation or parole, upon final
28 conviction of a felony committed after November 5, 1986;

29 (7) A certification that he or she has not been lawfully adjudicated to be non compos
30 mentis, of unsound mind;

31 (8) If a person is a candidate for a state or local office, a certification that the person has
32 not within the preceding three (3) years served any sentence, incarcerated or suspended, on
33 probation or parole, for a crime committed after November 5, 1986, upon plea of nolo contendere
34 or guilty or upon a conviction of a felony or for a misdemeanor for which a sentence of

1 [imprisonment for six \(6\) months or more, whether suspended or to be served as imposed.](#)

2 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO ELECTIONS -- WRITE-IN VOTES

1 This act would require all write-in candidates to file, prior to election, a declaration of their
2 intent to run for office with the secretary of state. It would require the tallying of votes only for
3 contests in which no candidate appears on the ballot or for candidates meeting the declaration
4 requirements. Finally it would require the board of elections to report all votes received by declared
5 write-in candidates.

6 This act would take effect upon passage.

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