

2012 -- H 7288

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LC00153
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO ELECTIONS - IRREGULAR BALLOTS

Introduced By: Representatives Carnevale, Medina, DeSimone, Ucci, and Williams

Date Introduced: January 31, 2012

Referred To: House Judiciary

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
2 of Election and Voting Equipment, and Supplies" is hereby amended to read as follows:
3 **17-19-31. Irregular ballots.** -- Ballots voted for any person whose name does not appear
4 on the ballot as a nominated candidate for office are referred to in this section as "irregular
5 ballots". In voting for presidential electors, a voter may vote an irregular ticket made up of the
6 names of persons in nomination by different parties, or partly of names of persons in nomination
7 and partly of names of persons not in nomination, or wholly of names of persons not in
8 nomination by any party. The computer ballot containing the irregular ballot shall be deposited in
9 the optical scan precinct count unit. With that exception, no irregular ballot shall be voted for any
10 person for any office whose name appears on the ballot as a nominated candidate for that office;
11 any irregular ballot so voted shall not be counted. An irregular ballot must be cast in its
12 appropriate place on the ballot, or it shall be void and not counted and no irregular ballots shall be
13 counted at primaries; provided, that at any presidential primary, irregular ballots shall be counted
14 for those persons whose names have been written in for the office of president. At the close of the
15 polls, irregular ballots shall be packaged according to section 17-19-33 and shall be immediately
16 delivered to the local board of canvassers, [who shall count and record irregular ballots only in](#)
17 [those races where the irregular ballot totals shall be ten percent \(10%\) or more of the winning](#)
18 [candidate\(s\)](#). The local board shall remain in session on election night to receive the ballots, to
19 open the package labeled as containing write-in votes, and to count and record all write-in votes

1 cast for all federal, state and local races listed on the ballot which meet the ten percent (10%). The
2 local board shall immediately notify the state board of the results through a procedure
3 promulgated by the state board.

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

6 **17-22-7. Books of record of votes -- Contents. --** (a) The board shall keep separate
7 books of record of the votes cast for the different classes of officers which it is its duty to count,
8 canvass, and tabulate, as follows:

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

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

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

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

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

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

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

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

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

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

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

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

29 (d) Notwithstanding the above, the state board shall report all write-in votes received by
30 persons, not otherwise qualifying to appear on the ballot and receiving ~~less than five (5) votes~~
31 more than ten percent (10%) of the winning candidate votes cast in a race, ~~as a composite total~~
32 ~~of all write-in votes cast for said office.~~

1 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
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1 This act would require all local boards of canvassers to count and record all irregular
2 ballots cast for an individual race unless the total number of those write in ballots cast for that
3 race is less than ten percent (10%) of the total votes cast for the winning candidate(s).

4 This act would take effect upon passage.

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