

2012 -- S 2489 SUBSTITUTE A

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LC01472/SUB A/2
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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

Introduced By: Senators Doyle, Bates, Crowley, and Nesselbush

Date Introduced: February 16, 2012

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-11-1 of the General Laws in Chapter 17-11 entitled "Voting
2 Districts and Officials" is hereby amended to read as follows:

3 **17-11-1. Division of towns and representative district into voting districts. --** The
4 local board of any city or town may, on or before the sixtieth (60th) day preceding any election,
5 divide or redivide the city or town, or any representative district in the city or town, into voting
6 districts. The local board of each city or town shall determine voting districts by geographical
7 boundaries and by no other means. No voting district shall at any time comprise parts of two (2)
8 or more wards. It shall be the duty of the board to divide the city or town, representative district,
9 or ward, so that substantially not more than ~~nineteen hundred (1900)~~ three thousand (3,000) total
10 registered voters shall be served by the same polling place; provided, ~~that subject to the approval~~
11 ~~of the state board, a local board may provide for serving more than nineteen hundred (1900)~~
12 ~~voters in the same polling place where the effect to the contrary would be of~~ however, that any
13 divisions conducted by the local board pursuant to this section shall not result in creating a
14 polling place serving less than ~~one hundred fifty (150)~~ five hundred (500) total registered voters,
15 except when it is caused by legislative district boundaries. Upon the establishment and approval
16 of any polling place by the local board, no changes shall be made, nor any polling place altered
17 until the next redistricting action taken by the general assembly, except if a particular polling
18 location is destroyed by fire or becomes unavailable to the city or town, through no action of the
19 city or town, then the city or town may take the appropriate action to replace said polling place in

1 [conformity with the requirements of this section.](#)

2 A polling place may be located either within or without the voting district for which it is
3 established; provided, that a polling place may be located outside the district only upon
4 unanimous determination of the local board and subject to the approval of the state board that a
5 suitable place is not available within the voting district. ~~In making the calculation required by this
6 section, voters whose names are on the inactive list of voters shall not be included.~~

7 SECTION 2. Section 17-1-2 of the General Laws in Chapter 17-1 entitled "General
8 Provisions" is hereby amended to read as follows:

9 **17-1-2. Definitions.** -- For the purposes this title, except as may otherwise be required by
10 the context:

11 (1) "Election" means the filling of any public office or the determination of any public
12 question by vote of the electorate, and includes without limitation any state, town, or city office
13 or question, and any political party primary election for the nomination of any candidate for
14 public office; except that it shall not include a financial town meeting or a meeting to elect
15 officers of a fire, water, or sewer district;

16 (2) "General election" means an election held on the first Tuesday next after the first
17 Monday in November in even numbered years for the election of members of the general
18 assembly and/or for the election of general officers, and/or for the election of presidential electors
19 for president/vice-president of the United States;

20 (3) "General officer" means an officer designated as a general officer by chapter 2 of this
21 title;

22 (4) "Independent candidate" means a candidate who has no affiliation with any political
23 party;

24 (5) "Local board" means a town or city board of canvassers, board of canvassers and
25 registration, canvassing authority, or any other local board, commission, or officer empowered by
26 law to have custody of the permanent registration records;

27 (6) "Local election" means any election limited to the electorate of any city or town, or
28 any part, at which any city, town, ward, or district officers are to be chosen, or any elective
29 meeting at which a question is to be submitted to the voters of a city, town, or any subdivision of
30 a city or town, but it shall not include a financial town meeting;

31 (7) "Party member" means any person who is a member of a designated political party
32 pursuant to section 17-9.1-23;

33 (8) "Party voter" means any qualified voter who is eligible to vote at the primary election
34 of a political party;

1 (9) "Political party" or "party" means: (i) any political organization which, at the next
2 preceding general election for the election of general officers, nominated a candidate for
3 governor, and whose candidate for governor at the election polled at least five percent (5%) of the
4 entire vote cast in the state for governor, or (ii) any political organization which at the next
5 preceding general election for the election of a president of the United States nominated a
6 candidate for president and whose candidate for president at the election polled at least five
7 percent (5%) of the entire vote cast in the state for president, or (iii) any political organization
8 which, on petition forms provided to the chairperson of the organization by the state board of
9 elections, obtains the signatures and addresses of that number of registered qualified voters equal
10 to five percent (5%) of the entire vote cast in the state for governor or president in the
11 immediately preceding general election. All the signatures must be obtained no earlier than
12 January 1 of the year in which the political organization desires to place a candidate or candidates
13 on any ballot as a "party" candidate. If the political organization wishes to select its nominees in a
14 primary election, the petitions, bearing the requisite number of valid signatures, shall be presented
15 to the appropriate local boards of canvassers no later than June 1 of the same year. If the petitions
16 are validated by the local boards as containing the requisite number of valid signatures, the
17 political organization shall be deemed to be a political party for all elections held during the year
18 and may select its nominees in a primary election. If the political organization does not wish to
19 select its nominees in a primary election, then the petitions need not be returned to local boards of
20 canvassers until August 1 of the same year. An organization qualifying as a political party
21 through the petition process shall qualify as a political party only during the year in which
22 signatures are obtained unless the candidates for governor or president of the United States of the
23 party at a general election held in the year, shall receive five percent (5%) of the vote as provided
24 in this subdivision for either governor or president of the United States. If the candidates do not
25 receive five percent (5%) of the vote, the organization shall no longer qualify as a political party
26 unless and until it shall, in a subsequent year, once again qualify by the submission of petitions;

27 (10) "Polling place" means the room in which any election or elective meeting is
28 conducted;

29 (11) "Primary election" means any election to select the candidates of a political party;

30 (12) "Proposition" or "public question" means any question put to a referendum of the
31 electorate of the entire state or any part of it;

32 (13) "Qualified voter" means any person who is eligible to vote under the requirements
33 of age, residence, and citizenship prescribed by the state constitution and who is duly registered
34 to vote, or who is exempt from registration, pursuant to this title, and who is not otherwise

1 disqualified as a voter pursuant to law;

2 (14) "Special election" means any election other than a local election or primary election
3 which is not held on a general election day;

4 (15) "State board" means the state board of elections constituted pursuant to this title;

5 (16) "State election" means any election at which any presidential electors, senator or
6 representatives in congress, general officers of the state, or members of the general assembly are
7 to be chosen, or at which a public question or an amendment to the Constitution is submitted to
8 the electors of the state;

9 (17) "State officer" means the governor, lieutenant governor, secretary of state, attorney
10 general, general treasurer, state senator, and state representative;

11 (18) "Vacancy in office" means the condition resulting from any failure to elect or
12 appoint an eligible and qualified person to public office, or the failure of any person duly elected
13 or appointed to qualify, or from the death, resignation, or removal of an incumbent prior to the
14 expiration of his or her term of office and where no fixed term is prescribed upon the death,
15 resignation, or removal;

16 (19) "Voting District" means a polling place or the specific site where a voter casts a
17 ballot;

18 ~~(19)~~(20) "Voting list" means the complete list of all voters prepared from the information
19 contained in the original permanent registration records in the possession of the local board of
20 canvassers;

21 ~~(20)~~(21) "Warden" includes "moderator" and vice versa;

22 ~~(21)~~(22) Words importing the masculine gender shall include the feminine gender.

23 SECTION 3. This act shall take effect on May 1, 2012 and shall be applicable to the 2012
24 state and federal primary and general election.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ELECTIONS

1 This act would increase the maximum number of active voters served by the same polling
2 place from 1,900 voters to 3,000 as long as the effect would not result in a voting place serving
3 less than 500 voters, except when it is caused by legislative district boundaries.

4 This act would take effect on May 1, 2012 and would be applicable to the 2012 state and
5 federal primary and general elections.

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