

2016 -- H 7959

=====
LC004892
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

—————
A N A C T

RELATING TO ELECTIONS -- PROCEDURES

Introduced By: Representatives Tobon, Barros, Abney, Melo, and Solomon

Date Introduced: March 18, 2016

Referred To: House Judiciary

(Board of Elections)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-15-14 of the General Laws in Chapter 17-15 entitled "Primary
2 Elections" is hereby amended to read as follows:

3 **17-15-14. Qualifications of primary officials -- Affidavit.** -- (a) Each warden or
4 moderator and each primary supervisor appointed under the provisions of §§ 17-15-13 and 17-15-
5 16 shall be able to read the Constitution of the state in the English language, and to write his or
6 her name, and shall, whenever possible, be a voter of the senatorial district, representative district,
7 or town, ward, or voting district from which he or she is appointed.

8 (b) No person shall be appointed to serve as a primary official who has been convicted,
9 found guilty, pleaded guilty or nolo contendere, or placed on a deferred or suspended sentence or
10 on probation for any crime which involved moral turpitude or a violation of any of the election,
11 caucus, or primary laws of this or any other state.

12 (c) ~~No person shall be appointed to serve as a primary official who is an officer or~~
13 ~~employee of the United States, of this state, or of any city or town of this state, but no person~~
14 ~~shall be disqualified solely because that person is a notary public or a teacher.~~

15 (d) No person who is seeking nomination or election at any primary election shall act as
16 a primary official at that primary.

17 (e) Every primary official shall make an affidavit before the proper local board or some
18 member of the board to the effect that that official is not disqualified by reason of the provisions
19 of this section.

1 SECTION 2. Sections 17-19-4, 17-19-12, 17-19-13, 17-19-23, 17-19-31 and 17-19-33 of
2 the General Laws in Chapter 17-19 entitled "Conduct of Election and Voting Equipment, and
3 Supplies" are hereby amended to read as follows:

4 **17-19-4. Voting booths and optical scan precinct count units -- Number to be**
5 **furnished.** -- (a) For each voting district and for each town not divided into voting districts, an
6 optical scan precinct count unit shall be prepared and delivered by the state board or its designee.

7 (b) At each voting place, ~~both in cities and in towns, one voting booth shall be furnished~~
8 ~~for every one hundred seventy five (175) qualified electors, whose names are upon the voting list~~
9 ~~used at the voting place and entitled to use the machines, as certified to the state board based on~~
10 ~~the voting list certified as a result of the final canvass~~ the number of polling place units and
11 voting booths must be sufficient to permit the orderly conduct of the election.

12 (c) ~~In making the calculation required by this section, voters whose names are on the~~
13 ~~inactive list of voters shall not be included.~~

14 **17-19-12. Delivery of election supplies.** -- All printed matter, stationery, and supplies
15 required to be furnished by this chapter shall be delivered to or picked up by the proper officer as
16 determined by the state board not later than ~~three (3) days~~ 4:00 p.m. the day before the election
17 for which they are to be used. Computer ballots to be used at each polling place, ballot transfer
18 cases, marking pens, secrecy sleeves and any other items related to the voting equipment shall be
19 packaged by the state board and shall be ~~picked up by the local canvassing authority~~ delivered to
20 or picked up by the proper office as determined by the state board.

21 **17-19-13. Exhibition of machines for instructional purposes.** -- The local board ~~shall~~
22 may designate suitable and adequate times and places where optical scan voting equipment and
23 sample ballots showing titles of offices to be filled and, so far as practicable, the names of
24 candidates to be voted for at the next election shall be exhibited for the purpose of giving
25 instructions as to the manner of casting a vote to all voters who apply. No optical scan precinct
26 count unit that is to be used in an election shall be used for the instruction after it has been
27 prepared and sealed for the election.

28 **17-19-23. Wardens and supervisors -- Powers and duties.** -- The wardens shall:

29 (1) Have general supervision of the voting place;

30 (2) ~~Assign the first, second, and any additional pairs of supervisors to their respective~~
31 ~~stations;~~

32 (3) ~~From time to time, assign~~ Assign and reassign and relieve the bipartisan pairs of
33 supervisors, as the efficient conduct of the election may require;

34 (4) ~~Unlock~~ Access the voting list and set it before the ~~first~~ bipartisan pair pairs, if it has

1 not been divided in sections, or set each section before a bipartisan pair where it has been divided
2 in sections, immediately preceding the opening of the polls;

3 (5) ~~Assign the second or additional bipartisan pair of supervisors to watch the voters~~
4 ~~while they are in and about the voting booths, and to enter the voting booths for the purpose of~~
5 ~~assisting voters who are unable to vote, within the limits provided by this chapter;~~

6 (6) Be vigilant and responsible to prevent any voter from voting more than once;

7 (7) Cause to be established a single line of persons desiring to vote and enlist the
8 assistance of the supervisors and the police in attendance to maintain that line;

9 (8) As far as consistent with their other duties, station themselves at the entrance to the
10 polling area and prevent any person from entering the ~~enclosed space behind the rail~~ designated
11 voting area, except under the authority of this chapter, and prevent any person from entering that
12 ~~space~~ area for the purpose of voting until that person's name has been announced and that
13 person's identity certified according to law by the supervisors in charge of the voting list, and
14 shall prevent any voter from departing the enclosed space while in possession of his or her
15 computer ballot. A notice shall be provided by the state board and posted in a conspicuous place
16 advising that it is a felony for a voter to leave the enclosed area while in possession of his or her
17 ballot. The voter has the option of casting his or her ballot or surrendering the ballot to the
18 warden whereby it will be marked void;

19 (9) Cause to be removed or arrested any person or official who commits a violation of
20 the election law in their presence or disturbs the conduct of the voting; provided, that they shall
21 not cause any removal or arrest without the approval of the election inspector, unless the clerk
22 agrees with the wardens that the person or official should be arrested or removed;

23 (10) Have the power to administer oaths as required by this title, and to attest the oaths
24 by signature in proof of the administration of the oaths.

25 **17-19-31. Irregular ballots.** -- Ballots voted for any person whose name does not appear
26 on the ballot as a nominated candidate for office are referred to in this section as "irregular
27 ballots". In voting for presidential electors, a voter may vote an irregular ticket made up of the
28 names of persons in nomination by different parties, or partly of names of persons in nomination
29 and partly of names of persons not in nomination, or wholly of names of persons not in
30 nomination by any party. ~~The~~ Scanned images of the computer ballot containing the irregular
31 ballot shall be ~~deposited~~ stored digitally on the physical electronic media of ~~in~~ the optical scan
32 precinct count unit. With that exception, no irregular ballot shall be voted for any person for any
33 office whose name appears on the ballot as a nominated candidate for that office; any irregular
34 ballot so voted shall not be counted. An irregular ballot must be cast in its appropriate place on

1 the ballot, or it shall be void and not counted and no irregular ballots shall be counted at
2 primaries; provided, that at any presidential primary, irregular ballots shall be counted for those
3 persons whose names have been written in for the office of president. At the close of the polls,
4 irregular ballots shall be packaged according to § 17-19-33 and shall be immediately delivered to
5 the local board of canvassers. The local board shall ~~remain in session on election night to~~ receive
6 the tape from the optical scan precinct count unit containing printed images of each written name
7 on the irregular ballots, or the physical electronic media containing images of the irregular
8 ~~ballots, to open the package labeled as containing write in votes, and to count~~ and record all
9 write-in votes cast for all federal, state and local races listed on the ~~ballot~~ tape. The local board
10 shall ~~immediately~~ notify the state board of the results through a procedure promulgated by the
11 state board.

12 ~~17-19-33. Sealing of voting equipment -- Sealing and forwarding of results,~~
13 ~~programmed memory cartridges and keys~~ Sealing of voting equipment -- Sealing and
14 forwarding of results, programmed memory devices and keys. -- (a) The ~~four~~ (4) copies of the
15 printout tape from the optical scan precinct count unit obtained pursuant to § 17-19-32 shall be
16 distributed as follows:

17 (1) The first copy, which includes the opening of the polling place information,
18 signatures of the warden and clerk, a timed audit trail of certain events occurring with respect to
19 the optical scan precinct count system and the vote totals for each candidate, shall be attached to
20 the return sheet as provided in § 17-19-11 and immediately delivered to the ~~indicated site as~~
21 ~~determined by the state board of elections~~ local board of canvassers where it is processed and
22 delivered to the state board of elections ~~by 4:00 p.m. the day following the election~~ through a
23 procedure promulgated by the state board;

24 (2) ~~The second~~ A copy shall be ~~posted~~ made available for public view at the polling
25 place;

26 (3) ~~The third~~ A copy shall be immediately delivered to the local board of canvassers
27 attached to the return sheet as provided in § 17-19-11, together with the polling place supplies,
28 including the key to the optical scan precinct count unit and other voting equipment and
29 containers; and

30 (4) ~~The fourth~~ A copy shall be included with the voted ballots and packaged pursuant to
31 this chapter.

32 (5) The certified paper or electronic voter list containing voters' signatures shall be
33 ~~packaged~~ secured separately and returned to the local board of canvassers.

34 (6) All completed official affidavits, forms, reports and supplies shall be packaged and

1 delivered to the local board for subsequent delivery to the state board.

2 (b) The warden shall:

3 (1) Remove all voted ballots from the ~~second~~ voted ballot compartment of the optical
4 scan precinct count unit and package them in the container provided and labeled as ~~regularly~~
5 voted ballots and stored pursuant to § 17-19-39.1;

6 (2) ~~Remove all voted ballots from the first compartment and package them in the~~
7 ~~container provided and labeled as containing write-in votes; and~~

8 (3) Package all ballots from the emergency bin that have not been counted in the
9 container provided and labeled as ~~uncounted~~ manual count ballots, and delivered to the local
10 canvassing authority. Any ballots packaged and labeled as ~~uncounted~~ manual count ballots shall
11 remain sealed and delivered to the state board ~~by 4:00 p.m. the following day for counting~~
12 through a procedure promulgated by the state board.

13 (c) All ballots so packaged shall be immediately delivered to the local canvassing
14 authority ~~and the local board shall be in session for the counting of any write-in votes. Forthwith~~
15 ~~upon completion of the counting of all write-in votes the local canvassing authority shall place~~
16 ~~said ballots in an appropriately labeled container which shall remain in storage pursuant to the~~
17 ~~requirements of § 17-19-39.1.~~

18 (d) ~~All marking pens, unused printout tapes, secrecy sleeves and other items related to~~
19 ~~the voting equipment shall be packaged and delivered to the local board for later delivery to the~~
20 ~~office of the state board of elections.~~

21 SECTION 3. Sections 17-20-2.1, 17-20-2.2, 17-20-19, 17-20-23 and 17-20-29 of the
22 General Laws in Chapter 17-20 entitled "Mail Ballots" are hereby amended to read as follows:

23 **17-20-2.1. Requirements for validity of mail ballot and mail ballot applications.** -- (a)
24 Any legally qualified elector of this state whose name appears upon the official voting list of the
25 city, town, or district of the city or town where the elector is qualified, and who desires to avail
26 himself or herself of the right granted to him or her by the Constitution and declared in this
27 chapter, may obtain from the local board in the city or town an affidavit form prepared by the
28 secretary of state as prescribed in this section, setting forth the elector's application for a mail
29 ballot.

30 (b) Whenever any person is unable to sign his or her name because of physical
31 incapacity or otherwise, that person shall make his or her mark "X".

32 (c) The application, when duly executed, shall be delivered in person or by mail so that it
33 is received by the local board not later than four o'clock (4:00) p.m. on the twenty-first (21st) day
34 before the day of any election referred to in § 17-20-1. The application for a mail ballot may

1 [serve as affirmation if the voter has been placed on the inactive list and the Box A voting address](#)
2 [on the mail ballot application matches the address on the voter's registration record.](#)

3 (d) In addition to those requirements set forth elsewhere in this chapter, a mail ballot, in
4 order to be valid, must have been cast in conformance with the following procedures:

5 (1) All mail ballots issued pursuant to subdivision 17-20-2(1) shall be mailed to the
6 elector at the Rhode Island address provided by the elector on the application. In order to be
7 valid, the signature on all certifying envelopes containing a voted ballot must be made before a
8 notary public or before two (2) witnesses who shall set forth their addresses on the form.

9 (2) All applications for mail ballots pursuant to § 17-20-2(2) must state under oath the
10 name and location of the hospital, convalescent home, nursing home, or similar institution where
11 the elector is confined. All mail ballots issued pursuant to subdivision 17-20-2(2) shall be
12 delivered to the elector at the hospital, convalescent home, nursing home, or similar institution
13 where the elector is confined; and the ballots shall be voted and witnessed in conformance with
14 the provisions of § 17-20-14.

15 (3) All mail ballots issued pursuant to subdivision 17-20-2(3) shall be mailed to the
16 address provided by the elector on the application or sent to the board of canvassers in the city or
17 town where the elector maintains his or her voting residence. In order to be valid, the signature of
18 the elector on the certifying envelope containing voted ballots does not need to be notarized or
19 witnessed. Any voter qualified to receive a mail ballot pursuant to subdivision 17-20-2(3) shall
20 also be entitled to cast a ballot pursuant to the provisions of United States Public Law 99-410
21 ("UOCAVA Act").

22 (4) All mail ballots issued pursuant to subdivision 17-20-2(4) may be mailed to the
23 elector at the address within the United States provided by the elector on the application or sent to
24 the board of canvassers in the city or town where the elector maintains his or her voting
25 residence. In order to be valid, the signature on all certifying envelopes containing a voted ballot
26 must be made before a notary public, or other person authorized by law to administer oaths where
27 signed, or where the elector voted, or before two (2) witnesses who shall set forth their addresses
28 on the form. In order to be valid, all ballots sent to the elector at the board of canvassers must be
29 voted in conformance with the provisions of § 17-20-14.2.

30 (e) Any person knowingly and willfully making a false application or certification, or
31 knowingly and willfully aiding and abetting in the making of a false application or certification,
32 shall be guilty of a felony and shall be subject to the penalties provided for in § 17-26-1.

33 (f) In no way shall a mail ballot application be disqualified if the voter's circumstances
34 change between the time of making the application and voting his or her mail ballot as long as

1 voter remains qualified to receive a mail ballot under the provisions of § 17-20-2. The local board
2 of canvassers shall provide the state board of elections with written notification of any change in
3 circumstances to a mail ballot voter.

4 **17-20-2.2. Requirements for validity of emergency mail ballots.** -- (a) Any legally
5 qualified elector of this state whose name appears upon the official voting list of the town or
6 district of the city or town where the elector is so qualified, who on account of circumstances
7 ~~manifested~~ twenty (20) days or less prior to any election becomes eligible to vote by mail ballot
8 according to this chapter, may obtain from the local board an application for an emergency mail
9 ballot.

10 (b) The emergency mail ballot application, when duly executed, shall be delivered in
11 person or by mail so that it shall be received by the local board not later than four o'clock (4:00)
12 p.m. on the last day preceding the date of the election. [The application for an emergency mail
13 ballot may serve as affirmation if the voter has been placed on the inactive list and the Box A
14 voting address on the mail ballot application matches the address on the voter's registration
15 record.](#)

16 (c) ~~The elector shall execute the emergency mail ballot application in accordance with
17 the requirements of this chapter, which application shall contain a certificate setting forth the
18 facts relating to the circumstances necessitating the application.~~

19 (d) In addition to those requirements set forth elsewhere in this chapter, an emergency
20 mail ballot, in order to be valid, must have been cast in conformance with the following
21 procedures:

22 (1) All mail ballots issued pursuant to subdivision 17-20-2(1) shall be mailed to the
23 elector at the State of Rhode Island address provided on the application by the office of the
24 secretary of state, or delivered by the local board to a person presenting written authorization
25 from the elector to receive the ballots, or cast in private at the local board of canvassers. In order
26 to be valid, the signature of the voter on the certifying envelope containing a voted ballot must be
27 made before a notary public, or other person authorized by law to administer oaths where signed,
28 or where the elector voted, or before two (2) witnesses who shall set forth their addresses on the
29 form. In order to be valid, all ballots sent to the elector at the board of canvassers must be voted
30 in conformance with the provisions of § 17-20-14.2.

31 (2) All applications for emergency mail ballots pursuant to subdivision 17-20-2(2) must
32 state under oath the name and location of the hospital, convalescent home, nursing home, or
33 similar institution where the elector is confined. All mail ballots issued pursuant to this
34 subdivision shall be delivered to the elector by the bi-partisan pair of supervisors, appointed in

1 conformance with this chapter, and shall be voted and witnessed in conformance with the
2 provisions of § 17-20-14.

3 (3) All mail ballots issued pursuant to subdivision 17-20-2(3) shall be mailed by the
4 office of the secretary of state to the elector at an address provided by the elector on the
5 application, or cast at the board of canvassers in the city or town where the elector maintains his
6 or her voting residence. The signature of the elector on the certifying envelope containing the
7 voted ballots issued pursuant to the subdivision does not need to be notarized or witnessed. Any
8 voter qualified to receive a mail ballot pursuant to subdivision 17-20-2(3) shall also be entitled to
9 cast a ballot pursuant to the provisions of United States Public Law 99-410 ("UOCAVA Act").

10 (4) All mail ballots issued pursuant to subdivision 17-20-2(4) shall be cast at the board of
11 canvassers in the city or town where the elector maintains his or her voting residence or mailed
12 by the office of the secretary of state to the elector at the address within the United States
13 provided by the elector on the application, or delivered to the voter by a person presenting written
14 authorization by the voter to pick up the ballot. In order to be valid, the signature of the voter on
15 all certifying envelopes containing a voted ballot must be made before a notary public, or other
16 person authorized by law to administer oaths where signed, or where the elector voted, or before
17 two (2) witnesses who shall set forth their addresses on the form. In order to be valid, all ballots
18 sent to the elector at the board of canvassers must be voted in conformance with the provisions of
19 § 17-20-14.2.

20 (e) The secretary of state shall provide each of the ~~several~~ boards of canvassers with a
21 sufficient number of mail ballots for their voting districts so that the local boards may provide the
22 appropriate ballot or ballots to the applicants. It shall be the duty of each board of canvassers to
23 process each emergency ballot application in accordance with this chapter, and it shall be the duty
24 of each board to return to the secretary of state any ballots not issued immediately after each
25 election.

26 (f) Any person knowingly and willfully making a false application or certification, or
27 knowingly and willfully aiding and abetting in the making of a false application or certification,
28 shall be guilty of a felony and shall be subject to the penalties provided for in § 17-26-1.

29 **17-20-19. Envelopes for return of ballots.** -- Envelopes for the enclosure and return of
30 mail ballots and their enclosing certified envelope shall have the printed or written address:
31 ~~"Board of Elections, 50 Branch Ave., Providence, Rhode Island 02904-2790"~~ [of the board of](#)
32 [elections](#); and shall be forwarded by the secretary of state to each mail voter whose application
33 for the mail ballot has been received and accepted.

34 **17-20-23. Marking and certification of ballot.** -- (a) A voter may vote for the

1 candidates of the voter's choice by making a mark in the space provided opposite their respective
2 names.

3 (b) In case a voter desires to vote upon a question submitted to the vote of the electors of
4 the state, the voter shall mark in the appropriate space associated with the answer that the voter
5 desires to give.

6 (c) Voters receiving a mail ballot pursuant to § 17-20-2(1), (2), and (4) shall mark the
7 ballot in the presence of two (2) witnesses or some officer authorized by the law of the place
8 where marked to administer oaths. Voters receiving a mail ballot pursuant to § 17-20-2(3) do not
9 need to have their ballot witnessed or notarized. Except as otherwise provided for by this chapter,
10 the voter shall not allow the official or witnesses to see how he or she marks the ballot and the
11 official or witnesses shall hold no communication with the voter, nor the voter with the official or
12 witnesses, as to how the voter is to vote. Thereafter, the voter shall enclose and seal the ballot in
13 the envelope provided for it. The voter shall then execute before the official or witnesses the
14 certification on the envelope. The voter shall then ~~enclose and seal the certified envelope with the~~
15 ~~ballot in the envelope addressed to the state board and~~ cause the certified envelope containing the
16 ballot to be delivered to the state board not later than the time prescribed by §17-18-11 for the
17 closing of polling places on the day of election ~~on or before election day.~~

18 (d) These ballots shall be counted only if received within the time limited by this
19 chapter.

20 (e) There shall be a space provided on the general election ballot to allow the voter to
21 write in the names of persons not in nomination by any party as provided for in §§ 17-19-31 and
22 17-20-24.

23 **17-20-29. Mail applicant not permitted to vote at polls Mail applicant permitted to**
24 **vote a provisional ballot.** -- (a) No person, or one claiming to be that person, whose name has
25 been marked upon any voting list, provided for official use at any election, with the mark as
26 provided by § 17-20-10, shall be permitted to vote in person at the election; provided, that the
27 person may re-establish his or her right to vote in person by presenting himself or herself at that
28 person's local board ~~on or~~ before election day and surrendering his or her mail ballot. Upon that
29 surrender the person's name shall be restored to the voting list. Any person whose name has been
30 marked on the voting list as applying for a mail ballot ~~may also~~ shall be permitted to ~~vote in~~
31 ~~person if that person executes and delivers to the local board an affidavit stating that the person~~
32 ~~did not receive the mail ballot, or that the mail ballot was lost or destroyed~~ cast a provisional
33 ballot in accordance with §17-19-24.1.

34 (b) Each local board shall, immediately after the close of the polls, certify and deliver to

1 the state board the names and addresses of all persons restored to the voting list, together with the
2 affidavits and surrendered ballots received pursuant to this section.

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

=====
LC004892
=====

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

1 This act would update many of the voting administrative laws to reflect the current
2 election practices, procedures and use of the new voting equipment, including the use of
3 electronic voting lists.

4 This act would take effect upon passage.

=====
LC004892
=====