

2018 -- S 2947

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO ELECTIONS - SCHEDULING

Introduced By: Senator Erin Lynch Prata

Date Introduced: May 31, 2018

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-1-5 of the General Laws in Chapter 17-1 entitled "General  
2 Provisions" is hereby amended to read as follows:

3 **17-1-5. Effect of special statutes.**

4 The provisions of any chapter or section under this title are subject to the provisions of  
5 any special statutes or charters respecting any particular town or city, none of which are repealed  
6 by this title; provided, that insofar as any special statute or charters adapted prior to April 22,  
7 1935, conflicts with the provisions of chapter 19 of this title, the provisions of chapter 19 shall  
8 prevail; and provided, further, that insofar as any special statute or charter provision conflicts  
9 with the provisions of § 17-14-7, 17-14-9, or 17-19-7.1 of this title, the provisions of § 17-14-7,  
10 17-14-9, or 17-19-7.1 shall prevail. [Notwithstanding any charter provision of any city or town to  
11 the contrary, all local elections and special elections, as these terms are defined under §§ 17-1-  
12 2\(6\) and 17-1-2\(14\), shall be held on the first Tuesday next after the first Monday in any month.](#)

13 SECTION 2. Section 17-3-6 of the General Laws in Chapter 17-3 entitled "General  
14 Assembly Members" is hereby amended to read as follows:

15 **17-3-6. Vacancy in general assembly -- Special elections.**

16 (a) Whenever from any cause a vacancy occurs in the representation of any senatorial or  
17 representative district in the general assembly while the general assembly is in session, the  
18 secretary of state shall cause the local board of the city or town to issue a warrant ordering an  
19 election to fill the vacancy, to be held in that district at least seventy (70) but not more than ninety

1 (90) days from the occurrence of the vacancy; provided, that if the general assembly has nearly  
2 completed its January session so that it is doubtful whether the person to be chosen can serve as a  
3 member at that session, the election shall not be ordered within that time limit, but may be held at  
4 any later date within that calendar year, if that year is the first year of the biennial period for  
5 which a general assembly has been chosen. And, provided further, the election to fill the vacancy  
6 shall be held on a Tuesday that falls between the seventieth and ninetieth day of the vacancy. If  
7 the vacancy occurs after the first Monday in February in the second year of the biennial period for  
8 which a general assembly was chosen, no warrant shall be issued for a special election to fill the  
9 vacancy. If the vacancy occurs or exists at any other time when the general assembly is not in  
10 session, the secretary of state shall cause to be issued a warrant for an election to be held to fill  
11 the vacancy.

12 (b) Every person elected pursuant to the provisions of this section shall hold his or her  
13 office for the remainder of the term that person is elected to fill, and until his or her successor is  
14 elected and qualified.

15 SECTION 3. Section 17-4-8 and 17-4-9 of the General Laws in Chapter 17-4 entitled  
16 "Federal Elective Officers" are hereby amended to read as follows:

17 **17-4-8. Special election to fill vacancy in office of representative.**

18 Whenever any person elected a representative in congress from either district, at any time  
19 between the day of his or her election and the beginning of his or her term of office, refuses to  
20 serve and so declares to the secretary of state, or dies, becomes insane, removes from the state, or  
21 is otherwise incapacitated, or whenever a vacancy happens in the representation of this state in  
22 congress as contemplated in the second section of the first article of the Constitution of the United  
23 States, the governor shall immediately issue his or her writ of election directed to the several city  
24 and town clerks, or local boards as the case may be, ordering a new election of the representative  
25 in congress to be held in that district to fill the vacancy, at as early a date, to be stated in the writ,  
26 as will be in compliance with the provisions of law in relation to these elections, but no election  
27 provided for by this section shall be held ~~on Saturday~~ on any day other than the first Tuesday next  
28 after the first Monday of any month; provided, that whenever a vacancy occurs between the first  
29 day of April and the first day of October in any even numbered year, the governor shall, unless in  
30 his or her opinion the public good requires an earlier special election, issue his or her writ for a  
31 special election to fill the vacancy to be held with the general election on the Tuesday next after  
32 the first Monday in November of that year.

33 **17-4-9. Special election to fill senatorial vacancy.**

34 Whenever a person elected a senator in congress, at any time between the day of that

1 person's election and the beginning of his or her term of office, refuses to serve and so declares to  
2 the secretary of state, or dies, becomes insane, removes from the state, or is otherwise  
3 incapacitated, or whenever a vacancy happens in the representation of this state in the United  
4 States senate, the governor shall issue his or her writ of election directed to the several city and  
5 town clerks, or local boards as the case may be, ordering a new election of senator to fill the  
6 vacancy to be held in the state at as early a date, to be stated in the writ, as will be in compliance  
7 with the provisions of law in relation to these elections, but no election provided for by this  
8 section shall be held ~~exclusively on Saturday~~ on any day other than the first Tuesday next after  
9 the first Monday of any month; provided, that whenever a vacancy occurs between the first day of  
10 July and the first day of October in any even numbered year, the governor shall, unless in his or  
11 her opinion the public good requires an earlier special election, issue his or her writ for a special  
12 election to fill the vacancy to be held with the general election on the Tuesday next after the first  
13 Monday in November of that year.

14 SECTION 4. Section 17-5-1.1 of the General Laws in Chapter 17-5 entitled "Statewide  
15 Referenda Elections" is hereby amended to read as follows:

16 **17-5-1.1. Special referenda elections.**

17 Any proposition of amendment of the Constitution or any other public question submitted  
18 to the electors of the state at any election not a general election pursuant to § 17-1-2(2) shall be  
19 held on the first Tuesday next after the first Monday of any month and shall be voted upon at  
20 town, ward, and district meetings, in accordance with the following procedure:

21 (1) When an act of the general assembly is passed authorizing the submission of a  
22 question to all of the electors of the state, the secretary of state is authorized to rephrase the  
23 question to appear on the ballot in a manner that would clearly apprise the voters of the question  
24 to be voted upon and to cause the ballot to contain a concise caption of the question, and the full  
25 text of the question as adopted by the general assembly need not appear on the ballot except for  
26 proposed amendments to the Constitution of the state of Rhode Island. The secretary of state shall  
27 cause each question appearing on the ballot prepared by him or her to be designated by number,  
28 the first question to be designated by the numeral I and additional questions shall follow  
29 numbered so that all questions submitted to all the electors of the state and appearing upon the  
30 ballot are numbered consecutively; provided that local questions shall be printed on a distinctive  
31 colored background.

32 (2) Prior to the election at which public questions are to be submitted, the secretary of  
33 state shall cause to be printed and shall send one copy of the full text of each legislative act to be  
34 acted upon and applicable to the state at large, or the secretary of state may substitute a

1 description of the text of each act in lieu of the full text, to each residential unit in Rhode Island  
2 together with the following information:

- 3 (i) The designated number of the question appearing on the ballot;
  - 4 (ii) A brief caption of the question appearing on the ballot; and
  - 5 (iii) A brief explanation of the measure being the subject matter of the question.
- 6 (3) Voting on a proposition of amendment of the Constitution or of a public question of  
7 statewide impact shall be by means of optical scan voting equipment and computer ballots  
8 authorized pursuant to this title.

9 SECTION 5. Section 17-12-14 of the General Laws in Chapter 17-12 entitled "Party  
10 Committees and Conventions" is hereby amended to read as follows:

11 **17-12-14. Election of delegates to national conventions.**

12 The local boards of the several cities and towns of the state are authorized and directed to  
13 furnish for the use of any political party in this state, upon written request of the chairperson of  
14 the state central committee, acting under a resolution of the committee, voting places in which  
15 primary meetings may be held to elect delegates to the national convention of the political party.  
16 The boards shall have the voting places open on the date and during the hours requested by the  
17 chairperson of the committee, so long as that election of delegates is scheduled on the first  
18 Tuesday next after the first Monday of any month, and shall furnish to the officers appointed to  
19 act at the primary meetings any paraphernalia, including check lists, that are generally required  
20 and used in elective meetings; provided, that the political party first requesting the use of the  
21 voting places on and for a certain date shall be entitled to the use of them on that date; and if the  
22 date is one requested by some other political party, the other political party, through the  
23 chairperson of the committee, may request another date. In cities a voting place and paraphernalia  
24 for voting shall be furnished and provided for each ward into which the cities may be divided;  
25 and in each of the towns of Burrillville, Cumberland, and Lincoln, at least two (2) voting places  
26 and the paraphernalia for voting, and in every other town at least one voting place and the  
27 paraphernalia for voting, shall be furnished and provided. The local boards shall not be required  
28 to provide for the compensation for services of the officers appointed to act at the primary  
29 meetings, nor shall anything contained in this section be held to affect the method of holding  
30 elections already provided for by law.

31 SECTION 6. Sections 17-15-3 and 17-15-4 of the General Laws in Chapter 17-15  
32 entitled "Primary Elections" are hereby amended to read as follows:

33 **17-15-3. Special election primaries.**

34 Party primary elections shall also be held for the purpose of nominating candidates for an

1 office or offices to be elected at any special election. In the event of a special election, the state  
2 board shall fix the date or dates on which the various party primary elections shall be held;  
3 provided, that all the party primary elections shall have been held by the thirtieth (30th) day  
4 preceding the date fixed for the special election; and provided, further, that the date or dates fixed  
5 by the state board shall not be a religious holiday ~~or Saturday~~ and shall be held on the first  
6 Tuesday next after the first Monday of any month.

7 **17-15-4. Municipal primaries other than at time of general primaries.**

8 In those cities and towns which now by law hold elections for city or town officers on a  
9 day other than the Tuesday after the first Monday in November biennially in each even year, a  
10 primary election for the nomination of the city or town officials shall be held and the local board  
11 shall fix the date of the election; provided, that the primary election shall have been held by the  
12 thirtieth (30th) day preceding the date fixed for the election; and provided, further, that the date  
13 fixed by the local board shall not be a religious holiday ~~or Saturday~~ and shall be held on the first  
14 Tuesday next after the first Monday of any month.

15 SECTION 7. Section 17-18-5.1 of the General Laws in Chapter 17-18 entitled "Elective  
16 Meetings" is hereby amended to read as follows:

17 **17-18-5.1. Elections falling on religious holiday.**

18 In the event that the date for the holding of any state or municipal election, other than the  
19 general election held on the first Tuesday next after the first Monday in November in even  
20 numbered years, falls upon the day of a religious holiday on which the doctrines of a faith would  
21 prohibit its followers from voting, the election shall be held upon the next ~~business day other than~~  
22 ~~Saturday then following~~ Tuesday following the religious holiday; provided, that nothing  
23 contained in this section shall be deemed to invalidate any election once it has been held.

24 SECTION 8. This act shall take effect upon passage.

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

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- 1 This act would establish a uniform election day for all local and special elections.
- 2 This act would take effect upon passage.

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