

2023 -- S 0841

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

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A N A C T

RELATING TO ELECTIONS -- CONDUCT OF ELECTION AND VOTING EQUIPMENT
AND SUPPLIES

Introduced By: Senators Raptakis, DiPalma, F. Lombardi, Burke, Tikoian, Murray,
Ciccone, and Britto

Date Introduced: March 29, 2023

Referred To: Senate 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 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 or the number of write-in votes cast in a contest for any one individual is equal to or](#)
17 [exceeds the number of votes cast for every eligible, winning candidate appearing on the ballot in](#)
18 [that contest](#) ~~any irregular ballot so voted shall not be counted.~~ An irregular ballot must be cast in

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

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

13 **17-22-7. Books of record of votes — Contents.**

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

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

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

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

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

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

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

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

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

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

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

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

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

1 relation to votes cast for officers.

2 (d) Notwithstanding the above, the state board shall report all write-in votes received by
3 persons qualifying as write-in candidates pursuant to the requirements of § 17-19-31 and, not
4 otherwise qualifying to appear on the ballot ~~and receiving less than five (5) votes in a race, as a~~
5 ~~composite total of all write in votes cast for said office.~~

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

8 **17-14-18. Declaration of intent of write-in candidacy.**

9 (a) No later than four o'clock (4:00) p.m. on the first Friday preceding any presidential
10 preference primary or general election or election regularly scheduled for a time other than the
11 biennial general statewide election, each voter seeking to be a write-in candidate at the upcoming
12 election shall, on a form that shall be provided by the secretary of state, file a declaration of the
13 candidate's intent of write-in candidacy for a federal, state, or local office appearing on the ballot.
14 The declaration of intent shall be filed with the secretary of state or local board, depending on the
15 office being sought, as required for declarations of candidacy under § 17-14-1. No person shall be
16 eligible to file a declaration of intent of write-in candidacy unless the person shall have been
17 qualified, as of the declaration deadline set forth under § 17-14-1, to vote in the election within the
18 district for the office which that person now seeks. The declaration of intent shall be signed by the
19 candidate as the candidate's name appears on the voting list. The signature shall be accepted as
20 valid if it is original and can be reasonably identified to be the name and signature of the voter it
21 purports to be. A variation of the voter's signature by the insertion or omission of identifying titles
22 or by the substitution of initials for the first or middle names of both shall not in itself be grounds
23 for invalidation of the signature. The declaration shall also include the following information:

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

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

28 (3) The office sought;

29 (4) The place and date of birth;

30 (5) The length of residence in the state and in the town or city where the candidate resides;

31 (6) A certification that the candidate is neither serving a sentence, including probation or
32 parole, for which the candidate was imprisoned upon final conviction of a felony imposed on any
33 date nor serving any sentence, whether incarcerated or suspended, on probation or parole, upon
34 final conviction of a felony committed after November 5, 1986;

1 (7) A certification that the candidate has not been lawfully adjudicated to be non compos
2 mentis, of unsound mind;

3 (8) If a person is a candidate for a state or local office, a certification that the person has
4 not within the preceding three (3) years served any sentence, incarcerated or suspended, on
5 probation or parole, for a crime committed after November 5, 1986, upon a plea of nolo contendere
6 or guilty or upon a conviction of a felony or for a misdemeanor for which a sentence of
7 imprisonment for six (6) months or more, whether suspended or to be served as imposed.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would require a write-in candidate to file a declaration of intent with the same
2 office at which the declaration of candidacy would be filed, and require similar residency
3 requirements for write-in candidates that exists for declared candidates and would require that local
4 boards of canvassers and the state board of elections tally write-in votes for candidates who file the
5 declaration of intent. Furthermore, write-ins votes would also be tallied in contests where no
6 candidate is on the ballot for that contest and the entire set of scanned images containing all write-
7 ins votes would be posted on the website of the state board.

8 This act would take effect upon passage.

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