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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 -- PRIMARY ELECTIONS

Introduced By: Representatives Corvese, Vella-Wilkinson, Lima, Azzinaro, Phillips, and Fellela

Date Introduced: January 19, 2023

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 17-15 of the General Laws entitled "Primary Elections" is hereby
2 amended by adding thereto the following section:

3 **17-15-7.1. Primary general elections.**

4 (a) The election process for all state and municipal offices shall include a preliminary
5 general primary election to determine which candidates qualify to run in the general election. This
6 newly created primary general election shall replace the traditional political party primary system
7 to reduce the field of candidates for public office for the general election.

8 (b) Whenever an election is necessary, there shall be a primary general election to nominate
9 two (2) candidates in the general election for every one office to be filled. If there are two (2)
10 vacancies to be filled in the general election, then the four (4) highest vote getters in the general
11 primary, shall qualify for placement on the general election ballot.

12 (c) The order of the qualifying candidates for the general election ballot shall mirror their
13 primary general election finish, with the highest vote-getter placed first, and so forth.

14 (d) Each candidate running in the primary general election may have their legally
15 recognized political party designated on their ballot, as well as any legally recognized party
16 endorsement, which they may have received.

17 (e) No qualified general primary candidate for the general election may change their
18 political designation on the general election ballot.

19 SECTION 2. Sections 17-1-2, 17-1-3 and 17-1-7 of the General Laws in Chapter 17-1

1 entitled "General Provisions" are hereby amended to read as follows:

2 **17-1-2. Definitions.**

3 For the purposes this title, except as may otherwise be required by the context:

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

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

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

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

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

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

24 (7) "Party member" means any person who is a member of a designated political party
25 pursuant to § 17-9.1-23;

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

28 (9) "Political party" or "party" means: (i) any political organization which, at the next
29 preceding general election for the election of general officers, ~~nominated~~ endorsed a candidate for
30 governor, and whose candidate for governor at the election polled at least five percent (5%) of the
31 entire vote cast in the state for governor, or (ii) any political organization which at the next
32 preceding general election for the election of a president of the United States nominated a candidate
33 for president and whose candidate for president at the election polled at least five percent (5%) of
34 the entire vote cast in the state for president, or (iii) any political organization which, on petition

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

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

23 (11) "Primary general election" means any election ~~to select the candidates of a political~~
24 ~~party~~ held to eliminate all state and local candidates on the ballot, in excess of twice the number to
25 be elected in the general election, excluding the office of the President of the United States;

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

28 (13) "Qualified voter" means any person who is eligible to vote under the requirements of
29 age, residence, and citizenship prescribed by the state constitution and who is duly registered to
30 vote, or who is exempt from registration, pursuant to this title, and who is not otherwise disqualified
31 as a voter pursuant to law;

32 (14) "Special election" means any election, other than a local election or primary general
33 election, which is not held on a regular biennial general election day;

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

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

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

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

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

15 (20) "Warden" includes "moderator" and vice versa;

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

17 **17-1-3. Eligibility to vote.**

18 Every citizen of the United States who is at least eighteen (18) years of age, whose
19 residence as defined in § 17-1-3.1 has been in this state for at least thirty (30) days, and in the town
20 or city and voting district in which that person desires to cast his or her vote at least thirty (30) days
21 next preceding the election, and who is registered in that city or town and voting district at least
22 thirty (30) days next preceding any election, shall be entitled to vote in the election; provided, a
23 person may vote in a primary [general](#) election, only if that person is eligible under the provisions
24 of this title. A person who has not registered to vote, or whose registration has been canceled
25 pursuant to § 17-10-1, may cast a vote for president and vice-president on election day at his or her
26 city or town hall or at an alternate location designated by the board of canvassers, and approved by
27 the board of elections, where such location is deemed necessary to better accommodate such voters.
28 The casting of that vote shall commence the process of voter registration and subject the person
29 voting to the requirements and penalties of this chapter.

30 **17-1-7. Uniform deadlines.**

31 Notwithstanding any other time specified for the filing of any paper or the doing of any act
32 pursuant to this title, a uniform deadline of 4:00 p.m. is established; provided, that applications for
33 emergency mail ballots must be received by 4:00 p.m. on the day prior to an election or primary
34 [general election](#). If any filing deadline falls on a Saturday, Sunday, or holiday, the deadline shall

1 be construed to fall on the next subsequent business day; provided, that this does not apply to
2 registration to vote thirty (30) days prior to an election or primary [general election](#).

3 SECTION 3. Section 17-3-7 of the General Laws in Chapter 17-3 entitled "General
4 Assembly Members" is hereby amended to read as follows:

5 **17-3-7. Nominations at special elections.**

6 For the elections provided for in §§ 17-3-5 and 17-3-6, certificates of nomination and
7 nomination papers may be filed twenty-eight (28) days prior to the date of those primary [general](#)
8 elections.

9 SECTION 4. Sections 17-6-2, 17-6-5 and 17-6-6 of the General Laws in Chapter 17-6
10 entitled "Secretary of State" are hereby amended to read as follows:

11 **17-6-2. ~~Primary elections~~ Primary general elections.**

12 (a) The secretary of state shall, as otherwise provided by this title, prepare, print, and
13 distribute the following forms relating to primary [general](#) elections:

- 14 (1) Declaration of candidacy;
15 (2) Endorsement by party;
16 (3) Primary [general election](#) nomination papers for national and state offices;
17 (4) Certifications of the list of local candidates where ~~primaries~~ [primary general elections](#)
18 are to be conducted.

19 (b) The secretary of state shall also receive and file primary [general election](#) nomination
20 papers; and shall consult with the state board with respect to its administration of primary [general](#)
21 elections.

22 **17-6-5. Registration lists available to political parties and candidates.**

23 (a) Upon application in writing, the secretary of state shall, upon request, furnish prepaid
24 at a reasonable price to be established annually by the secretary and at a reasonable time, to the
25 state chairperson of each political party and to each person proposing to be a duly qualified
26 candidate for state or congressional office and to no one else except as provided in this chapter,
27 lists of registered voters as they appear in the central voter registry of each city or town or of each
28 senatorial or representative district, or of each congressional district.

29 (b) These lists, so furnished, shall be used by the chairpersons for political purposes, or by
30 the candidates only in the furtherance of candidacy for political office in the ensuing primary
31 [general](#) and/or general election and for no other purpose. The information available for each
32 registrant shall consist only of the name, designation of party affiliation, street address, city or town,
33 congressional district, senatorial district, representative district, ward, and/or precinct and nothing
34 else.

1 (c) The price for these lists shall include update subscriptions as available to the date of the
2 election for which the lists have been requested. These updates shall reflect changes to the registry
3 records, including all new and deleted voters as received by the secretary of state.

4 **17-6-6. Oath required as to use of lists.**

5 Every person receiving the registry lists shall take and subscribe to the following oath:

6 "I understand that the lists requested by me are the property of the state of Rhode Island
7 and (I affirm that I am the state chairperson of the party); (I proposed to be a duly qualified
8 candidate in the next following primary [general](#) and/or [general](#) election); and that I am a person
9 authorized by § 17-6-5 to receive a copy of the registry lists described; and I further affirm that the
10 lists will be used only for the purposes prescribed and for no other use and that I will not permit the
11 use of or copying of the lists by unauthorized persons.

12 _____

13 Signature of purchaser

14 Subscribed and sworn to before me at _____, this _____ day of _____,
15 20____.

16 _____

17 Notary public"

18 SECTION 5. Sections 17-9.1-5, 17-9.1-16, 17-9.1-23 and 17-9.1-24 of the General Laws
19 in Chapter 17-9.1 entitled "Registration of Voters" are hereby amended to read as follows:

20 **17-9.1-5. Local registration agents.**

21 (a) The several local boards shall appoint a sufficient number of agents who shall serve
22 throughout each year for the purpose of receiving registrations of persons residing in the city or
23 town in which the agent was appointed to act. The agents shall be sworn to the faithful performance
24 of their duties, shall be subject to removal by the local board, and shall have power to accept
25 registrations on Sundays and at any other time or place designated by the local board, whether in
26 or out of the presence of the members of the local board. In addition, all members of the general
27 assembly shall have the power to accept registration on Sundays and any other day, and the local
28 boards of canvassers shall provide all registration forms to the general assembly members.

29 (b) The several local boards or their agents shall additionally hold a special registration
30 session in any factory, mill, wholesale or retail or other employing establishment, or hospital, home
31 for aged, or convalescent home within their city or town in the even numbered years on or before
32 July 5th for the state primary [general election](#), and on or before August 5th for the state election, if
33 in the case of the primary [general election](#), a request for the special registration session is made
34 during the months of May or June, and in the case of the election a request for the special

1 registration is made during the months of June and July, by ten (10) or more voters of the city or
2 town filing a petition with the local board for the holding of a special registration session in the
3 factory, mill, wholesale or retail or other employing establishment, or hospital, home for aged, or
4 convalescent home, signed by them with their names and addresses as they appear on voting lists
5 of the city or town, and stating that ten (10) or more persons employed in the factory, mill,
6 wholesale or retail or other employing establishment, or convalescent home desire and are entitled
7 to be registered in the city or town. The special registration session shall then be held if, at the time
8 the petition is filed, the local board is in receipt of permission in writing from the tenant, or, if there
9 is no tenant, from the owner of the factory, mill, wholesale or retail or other employing
10 establishment, or the operator of the hospital, home for aged, or convalescent home to use their
11 premises for the purpose of holding the special session.

12 **17-9.1-16. Procedure on change of address -- Fail-safe voting provisions.**

13 (a) Change of address within the same city or town.

14 (1) A registered voter who has moved from a residence address within a voting district to
15 another residence address within the same voting district and who has not notified the local board
16 of the change of residence address thirty (30) days or more prior to the election shall be permitted
17 to vote at the polling place designated for the voting district or at the local board upon completion
18 of a written affirmation form which shall record the voter's change of address within the voting
19 district. The form may be completed by the voter at the polling place designated for the voting
20 district and thereafter transmitted, after the close of the polls, to the local board or may be completed
21 at the local board.

22 (2) Any registered voter who has moved his or her residence from one residence address
23 to another residence address within the same city or town and who has not notified the local board
24 of the change of residence address thirty (30) days or more prior to the election shall be permitted
25 to vote as follows:

26 (i) A registered voter who has moved from a residence address in one voting district to a
27 residence address in another voting district within the same city or town thirty (30) days or more
28 preceding an election shall be permitted to vote a full ballot at the polling place of the new residence
29 address or at the local board upon completion of an affirmation form which shall record the voter's
30 change of address. If the form is completed at the polling place, the form shall be forwarded to the
31 local board after the close of the polls; or

32 (ii) Any registered voter who has moved less than thirty (30) days preceding an election
33 from one address to another address within a different voting district within the same city or town
34 shall be permitted to vote at the polling place of the former address or at the local board and is

1 entitled to vote the full ballot for the old polling place upon completion of an affirmation form
2 which shall record the voter's change of address.

3 (3) Any registered voter to whom a confirmation mailing was sent by either the state board
4 or a local board, based upon information other than change of address information received from
5 or through the postal service, shall be placed on the inactive list of voters if the recipient of the
6 confirmation mailing fails to return the related confirmation card. If the voter continues to reside
7 in the same city or town and at the residence address currently recorded on the voter's registration
8 card or at a residence address within the same voting district, the voter shall be permitted to vote at
9 the polling place for that residence address upon signing an affirmation form. If the voter has moved
10 to a new residence address within the same city or town but within a different voting district the
11 registered voter shall be permitted to vote a full ballot at the polling place of the new residence
12 address or at the local board upon completion of an affirmation form which shall record the voter's
13 change of address.

14 (4) Any registered voter to whom a confirmation mailing was sent by either the state board
15 or a local board, based upon change of address information provided by or through the postal
16 service, shall not be placed on the inactive list even if the recipient of the confirmation mailing fails
17 to return the related confirmation card. The registered voter shall be permitted to vote at the polling
18 place of the new residence address or the local board without the requirement of signing an
19 affirmation form. If the change of address information provided by or through the postal service
20 was in error, the registered voter shall be permitted to vote at the polling place of his or her former
21 address or at the local board upon signing the required affirmation form.

22 (b) Change of address from one city or town to another city or town.

23 (1) A voter who has moved his or her residence, as defined in § 17-1-3.1, from the address
24 at which the voter is registered to another within a different city or town shall be required to register
25 in the city or town to which the voter has moved; provided, that no person qualified to vote in any
26 city or town in this state shall lose his or her right to vote in that city or town by reason of his or
27 her removal to another city or town in this state during the thirty (30) days, less one day, next
28 preceding an election or primary [general election](#) in the former city or town.

29 (2) That a voter who remains within the state, although he or she fails to register in the city
30 or town to which the voter has moved within time to vote in the city or town, shall be permitted to
31 vote by special paper ballot to be provided by the secretary of state upon application for it approved
32 by the board of canvassers of the voter's former city or town for federal and statewide elected
33 officials only during the six (6) months, less one day, next preceding an election or primary [general](#)
34 [election](#).

1 (c) Persons erroneously excluded from certified voting list. Any voter finding that his or
2 her name is not on the certified voting list of his or her city or town being used at any election may
3 cast a provisional ballot in accordance with § 17-19-24.1.

4 **17-9.1-23. Party designation.**

5 (a) Whenever any person registers to vote, that person may designate his or her party
6 affiliation, or that person may designate that he or she is not affiliated with any political party. The
7 information shall be recorded on a form prescribed by the state board of elections.

8 (b) Any person who is already registered to vote and wishes to designate his or her party
9 affiliation may do so by submitting to that person's local board of canvassers a form provided by
10 the state board designating his or her party affiliation and certifying to the fact on the form furnished
11 for that purpose.

12 ~~(c) Whenever any person participates in a party primary, that act shall serve as identifying~~
13 ~~the person as being affiliated with the party in whose primary that person has participated and the~~
14 ~~local board shall record the affiliation on the appropriate form. For the purposes of this section,~~
15 ~~"participating in a party primary" does not include the circulation or signing of nomination papers.~~

16 **17-9.1-24. Change of designation.**

17 (a) Any person who has designated his or her party affiliation pursuant to § 17-9.1-23 may
18 change the designation on or before the thirtieth day preceding any primary [general](#) election for
19 which the person is eligible. Whenever any person desires to change his or her party designation,
20 that person shall submit to the local board of the city or town in which that person has his or her
21 residence, as defined in § 17-1-3.1, or before the clerk or other duly authorized agent of the board,
22 and shall change his or her party designation and, after the information has been recorded on the
23 form furnished for that purpose, the person shall sign his or her name and certify to the truth of the
24 facts recorded in the appropriate spaces in the form. For the convenience of persons voting at a
25 primary [general](#) election, forms for changing party designation shall be available at all primary
26 [general election](#) polling places. The presence of the forms at the primary [general election](#) polling
27 place shall not be construed to allow a person to change his or her party designation within thirty
28 (30) days preceding the primary [general](#) election.

29 (b) [Deleted by P.L. 2019, ch. 109, § 1 and P.L. 2019, ch. 141, § 1.]

30 (c) [Deleted by P.L. 2019, ch. 109, § 1 and P.L. 2019, ch. 141, § 1.]

31 SECTION 6. Section 17-10-3 of the General Laws in Chapter 17-10 entitled "Canvassing
32 the Lists of Qualified Electors" is hereby amended to read as follows:

33 **17-10-3. Publication of preliminary lists.**

34 (a) Immediately after the close of registration for each general election and each primary

1 [general](#) election for a general election, the local board shall publish and post a preliminary list of
2 all persons who appear from the registration cards to be duly registered to vote at the next ensuing
3 election. The preliminary list for a primary [general](#) election shall be subject to the requirements of
4 chapter 13 of this title. The preliminary list shall contain the names and addresses of registered
5 voters arranged in the same order as the file of original registration cards. The preliminary list shall
6 be computer generated from the statewide central voter registry system. The list shall be available
7 for public inspection at the local board of canvassers, where the list shall be open to examination
8 at all reasonable times. The local board shall, upon request, furnish without charge and without
9 unreasonable delay, five (5) copies of the preliminary list to the state, city, or town chairperson of
10 any political party.

11 (b) The preliminary list shall be deemed a public record; and any elector of the city or town,
12 upon request, shall be given a copy of the list upon payment of no more than the actual cost of
13 reproduction.

14 (c) The preliminary list shall contain the following language in bold print:

15 "You must be registered to vote from your actual place of residence."

16 SECTION 7. Sections 17-12-1, 17-12-2, 17-12-4, 17-12-5, 17-12-6 and 17-12-14 of the
17 General Laws in Chapter 17-12 entitled "Party Committees and Conventions" are hereby amended
18 to read as follows:

19 **17-12-1. Selection of state committees.**

20 Party state committees shall be selected in the manner provided by statute or party rule.
21 Any party may, by a duly enacted party rule, elect to choose the members of its party state
22 committee pursuant to the provisions of chapter 15 of this title or by any other method agreeable to
23 the party state committee; provided, that where the method of selecting party state committee now
24 in force is by caucus, selection shall ~~subsequently be made at a primary election pursuant to the~~
25 ~~provisions of chapter 15 of this title~~ [continue](#) until another method of selection is adopted by the
26 party state committee.

27 **17-12-2. Composition and powers of state committees.**

28 The state committee of a political party shall be composed as determined by the party. It
29 shall have:

30 (1) General oversight of all conventions of its party;

31 (2) Power to make rules not inconsistent with law for the guidance and control of all the
32 political committees of its party;

33 (3) Power to make a final nomination for any state office for which no primary [general](#)
34 nomination has been made and any local office for which no nomination has been made by any

1 authorized city, town, ward, or district committee or any duly authorized subcommittee; provided,
2 that the state committee shall not be permitted, more than twenty-four (24) hours after the deadline
3 for the filing of declarations of candidacy, to make a nomination for any office upon the failure of
4 a candidate of that party to file for that public office. Nominations for such office shall be filed in
5 the same location as the declaration of candidacy for such office pursuant to the requirements of §
6 17-14-1 of the general laws. Individuals nominated under this section must have been eligible for
7 the nomination on the dates as required by and pursuant to the requirements of §§ 17-14-1.1, 17-
8 14-2 and 17-14-2.1 of the general laws and must then meet the respective requirements for filing
9 sufficient nomination papers set forth in chapter 14; and

10 (4) Power to fill vacancies in its own membership and as provided in chapter 15 of this
11 title.

12 **17-12-4. Endorsements by state committee.**

13 The state committee or the executive committee or any duly selected subcommittee of the
14 executive committee acting under delegated authority may, when the town or district committee
15 has failed or neglected to do so, within twenty-four (24) weekday hours of the failure, endorse and
16 notify the local board of endorsement, if any, of the local candidates to be voted on in the primary
17 [general election](#). It shall also notify the secretary of state of the endorsement, if any, of any
18 candidate to be voted for by the state at large; provided, that the endorsement of any candidate for
19 representative in congress shall be by the members of the state committee who shall be from that
20 particular congressional district. It shall also notify the secretary of state of the endorsement, if any,
21 of any candidate for state senator or state representative. The endorsement shall be filed with the
22 secretary of state not later than four o'clock (4:00) p.m. on the second day after the final day for
23 filing declarations of candidacy. In the event the state committee, or the executive committee or
24 any duly selected subcommittee of the executive committee acting under delegated authority, fails
25 or neglects to endorse, then all party candidates shall be issued nomination papers without
26 endorsement.

27 **17-12-5. Acting in other contingencies.**

28 Any other contingency that arises pursuant to the provisions of the statutes with respect to
29 the election of candidates for state or town office at any general, primary [general](#), or special election
30 shall be met by the vote of the state committee, or the executive committee, or any duly selected
31 subcommittee of the executive committee, of a political party, or by the state chairperson of the
32 political party if so authorized. If any contingency arises under the provisions of the statutes with
33 respect to the election of candidates for city office at any general, primary [general](#), or special
34 election, it shall be met by vote of the city committee of a political party or the executive committee

1 of the city committee or any duly elected subcommittee of the executive committee, or by the city
2 chairperson of the political party if so authorized. For the purposes of this section, the term
3 "contingency" means and includes the nonexistence of any required party committee, the failure of
4 any existing party committee to act, an adjudication that a primary [general](#) election is void, and the
5 death, incapacity, or moving from the jurisdiction of a party's nominee prior to a general or special
6 election. This section shall apply notwithstanding any provision of chapter 17 of this title to the
7 contrary.

8 **17-12-6. Election of town and ward committees.**

9 The party ~~voters~~ [members](#) of each political party in each ward of each of the cities of the
10 state shall, biennially, in every even year, at the primary [general](#) election ~~held to nominate party~~
11 ~~candidates~~, elect a ward committee for each ward; provided, that the ward committees in the city
12 of Providence shall be elected quadrennially, and the party voters of each political party in each of
13 the towns of the state shall, biennially at the primary [general](#) election, elect a town committee for
14 the town.

15 **17-12-14. Election of delegates to national conventions.**

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

1 SECTION 8. Sections 17-13-3 and 17-13-5 of the General Laws in Chapter 17-13 entitled
2 "Primary Voting Lists" are hereby amended to read as follows:

3 **17-13-3. Procedure in primaries for special elections.**

4 The same procedure and sequence shall be followed in the case of a primary [general](#)
5 [election](#) for a special election, but the state board shall fix and publish the various dates and periods
6 in the sequence.

7 **17-13-5. Lists furnished to parties and candidates.**

8 After the first meeting held to correct and add to the voting lists as required by this chapter,
9 the local boards shall immediately furnish five (5) complete copies of the printed lists to the town
10 or city chairperson of each political party. The local boards shall furnish certified copies of the
11 primary [general election](#) lists to any political party or candidate.

12 SECTION 9. Sections 17-14-1, 17-14-2, 17-14-11, 17-14-12, 17-14-12.1, 17-14-15 and
13 17-14-17 of the General Laws in Chapter 17-14 entitled "Nomination of Party and Independent
14 Candidates" are hereby amended to read as follows:

15 **17-14-1. Declarations of candidacy.**

16 During the last consecutive Monday, Tuesday, and Wednesday in June in the even years
17 and during the thirty-ninth (39th) and fortieth (40th) days preceding a primary [general](#) election for
18 a special election, or for an election regularly scheduled for a time other than the biennial general
19 statewide election, each voter desiring to be a candidate at the upcoming primary [general election](#)
20 or an independent candidate on final nomination papers shall, on a form that shall be provided by
21 the secretary of state, file a declaration of his or her candidacy not later than four (4:00) p.m. of the
22 last day for the filing with the secretary of state for congressional and statewide general offices, or
23 with the local board of the place of the candidate's voting residence for general assembly, or state
24 committee or senatorial and representative district committee or with the appropriate local board
25 for local officers. The declaration shall be signed by the candidate as his or her name appears on
26 the voting list. The signature shall be accepted as valid if it can be reasonably identified to be the
27 name and signature of the voter it purports to be. A variation of the voter's signature by the insertion
28 or omission of identifying titles or by the substitution of initials for the first or middle names of
29 both shall not in itself be grounds for invalidation of the signature. The declaration shall also include
30 the following information:

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

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

1 (3) The party declaration if seeking to run ~~in a party primary~~ as a member of a particular
2 party;

3 (4) The office sought;

4 (5) The place and date of birth;

5 (6) The length of residence in the state and in the town or city where he or she resides;

6 (7) A certification that he or she is neither serving a sentence, including probation or parole,
7 for which he or she was imprisoned upon final conviction of a felony imposed on any date nor
8 serving any sentence, whether incarcerated or suspended, on probation or parole, upon final
9 conviction of a felony committed after November 5, 1986;

10 (8) A certification that he or she has not been lawfully adjudicated to be non compos
11 mentis, of unsound mind;

12 (9) In the case of candidates for party nomination, a certification that he or she has not been
13 a member of a political party other than the declared party within ninety (90) days of the filing date;
14 and

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

20 **17-14-2. ~~Candidate required to be a qualified voter in the primary~~ Candidate**
21 **required to be a qualified voter in the primary general election.**

22 (a) No person shall be eligible to file a declaration of candidacy, or be eligible to be a
23 candidate or be eligible to be voted for or to be nominated ~~or elected in a party primary~~ unless the
24 person, at the time of filing the declaration, is qualified to vote in ~~a~~ the general primary within the
25 district for the office which he or she seeks.

26 (b) No person shall be eligible to file a declaration of candidacy, or be eligible to be a
27 candidate or eligible to be voted for or to be nominated or elected in any ~~party primary or general~~
28 election if that person has declared to be a candidate for another elected public office, either state,
29 local or both.

30 (c) Notwithstanding any other provision of this section, individuals residing in state senate
31 districts 1, 2, 3, 4, 5, 6, 7, 8, 14, 15, 16 and 17 may file a declaration of candidacy for state senator
32 and/or senatorial district committee member for those senate districts for the 2004 election pursuant
33 to § 17-14-1, provided they were registered to vote in the election for that district on or before June
34 16, 2004.

1 **17-14-11. Checking and certification of nomination papers -- Challenge.**

2 Each nomination paper for party and independent candidates shall be submitted before four
3 o'clock (4:00) p.m. on the sixtieth (60th) day before the primary [general election](#) to the local board
4 of the city or town where the signers appear to be voters or, in the case of special elections, on the
5 twenty-eighth (28th) day before the primary [general election](#). Nomination papers for independent
6 presidential candidates and presidential candidates of political parties, other than those defined in
7 § 17-1-2(9), shall be filed not later than sixty (60) days prior to the general election. Each local
8 board shall immediately proceed to check signatures on each nomination paper filed with it against
9 the voting list as last canvassed or published according to law. The local boards shall certify a
10 sufficient number of names appearing on the nomination papers that are in conformity with the
11 requirements of § 17-14-8 to qualify the candidate for a position on the ballot, and after considering
12 any challenge under this section and, if necessary, certifying any additional valid names, shall
13 immediately file nomination papers for statewide office, general assembly, and state and district
14 committee candidates with the secretary of state; provided, that nomination papers for local
15 candidates shall be retained by the local board. If any candidate or the chairperson of any party
16 committee questions the validity or authenticity of any signature on the nomination paper, the local
17 board shall immediately and summarily decide the question, and for this purpose, shall have the
18 same powers as are conferred upon the board by the provisions of § 17-14-14. If any challenged
19 signature is found to be invalid, for any reason in law, or forged, then the signature shall not be
20 counted.

21 **17-14-12. Filing of nomination papers.**

22 All nomination papers for state offices or officers and all certified lists of candidates for
23 local offices or officers shall be filed in the office of the secretary of state (the certified lists by the
24 respective local boards), not later than fifty-four (54) days before the date of the primary [general](#)
25 [election](#) held to nominate candidates for general election; but when there is a primary [general](#)
26 [election](#) to nominate candidates for any office mentioned in § 17-15-7 to be voted upon at a special
27 election, all nomination papers and lists of local candidates shall be filed in the office on or before
28 the twenty-sixth (26th) day preceding the day of the special primary [general](#) election. Nomination
29 papers for independent presidential candidates and presidential candidates of political parties other
30 than those defined in § 17-1-2(9) shall be filed in the office of the secretary of state by the local
31 boards of canvassers not later than fifty-four (54) days before the date of the election.

32 **17-14-12.1. Certification by local boards.**

33 All certified lists of candidates for primary [general](#), regular, and special elections, as well
34 as all local questions to be voted on at these elections shall be in final form when certified to the

1 secretary of state by the local boards. In all instances where there needs to be a reprinting, remailing,
2 or other procedure pertaining to the ballots for a community, except as provided in § 17-14-17, the
3 cost of the reprinting, remailing, or other procedure shall be borne by the local community.

4 **17-14-15. Withdrawal of candidacy.**

5 A person nominated as a candidate to be voted for at a primary [general election](#) or an
6 independent candidate may withdraw his or her name from the nomination prior to the date of
7 primary [general election](#) by a request signed and duly acknowledged by him or her setting forth the
8 reason for the withdrawal, that the withdrawal is the candidate's own free act and deed, and that it
9 is not executed as the result of any threat or promise made to the candidate. The certificate of
10 withdrawal shall be filed in the office where the nomination papers were filed within the time
11 prescribed by § 17-14-13 for filing objections to nomination papers; provided, that if an objection
12 has been filed, the certificate need not be filed until twenty-four (24) hours following the decision
13 of the state board, or of the local board, relative to the objection.

14 **17-14-17. Replacement of deceased endorsed candidate.**

15 When an endorsed nominee as a candidate to be voted upon at any primary [general election](#)
16 has deceased prior to the holding of the primary [general election](#), the committee having the original
17 authority to endorse the candidate shall substitute as the endorsed nominee for candidate to be voted
18 upon at the primary [general election](#) any person qualified to vote at the primary [general election](#) in
19 the place and stead of the deceased nominee; provided, that immediately upon receipt of actual
20 knowledge of the death of the endorsed nominee by the committee having the original authority to
21 endorse the candidate, the committee shall make the substitution referred to in this section. The
22 chairperson of the committee shall, immediately upon the substitution, notify the secretary of state
23 in writing of the death of the endorsed nominee and of the substitution of a nominee as provided in
24 this section. Any substituted nominee shall have been eligible for nomination on the dates as
25 required by and pursuant to the requirements of §§ 17-14-1, 17-14-1.1, 17-14-2, and 17-14-2.1.
26 Upon receipt of the notice, the secretary of state shall thereupon substitute on the ballots the name
27 of the endorsed nominee who replaces the deceased endorsed nominee as provided in this section;
28 provided, that the written notice is received by the secretary of state at least fourteen (14) days prior
29 to the date of the primary.

30 SECTION 10. Sections 17-15-1, 17-15-2, 17-15-3, 17-15-4, 17-15-7, 17-15-9, 17-15-11,
31 17-15-12, 17-15-13, 17-15-14, 17-15-15, 17-15-16, 17-15-17, 17-15-18, 17-15-19, 17-15-20, 17-
32 15-21, 17-15-27, 17-15-29, 17-15-30, 17-15-31, 17-15-33, 17-15-34, 17-15-35, 17-15-38 and 17-
33 15-39 of the General Laws in Chapter 17-15 entitled "Primary Elections" are hereby amended to
34 read as follows:

1 **17-15-1. ~~Date of primaries~~ Date of primary general elections.**

2 A primary [general](#) election for the nomination of candidates for each political party shall
3 be held in each voting district in the manner provided in this chapter on the eighth Tuesday
4 preceding biennial state elections.

5 **17-15-2. ~~Regular primary date falling on religious holiday~~ Regular primary general**
6 **election date falling on religious holiday.**

7 In the event that the date for the holding of any primary [general](#) election preceding any
8 general state or municipal election as provided in this chapter falls upon the day of a religious
9 holiday, the primary [general election](#) shall be held upon the next business day, other than Saturday,
10 then following; provided, that nothing contained in this section shall be deemed to invalidate a
11 primary [general](#) election once held.

12 **17-15-3. Special election primaries.**

13 ~~Party primary~~ [Primary general](#) elections shall also be held for the purpose of nominating
14 candidates for an office or offices to be elected at any special election. In the event of a special
15 election, the state board shall fix the date or dates on which the various ~~party~~ primary [general](#)
16 elections shall be held; provided, that all the ~~party~~ primary [general](#) elections shall have been held
17 by the thirtieth (30th) day preceding the date fixed for the special election; and provided, further,
18 that the date or dates fixed by the state board shall not be a religious holiday and shall be held on
19 the first Tuesday next after the first Monday of any month.

20 **17-15-4. ~~Municipal primaries other than at time of general primaries~~ Municipal**
21 **primary general elections other than at time of primary general elections.**

22 In those cities and towns that now by law hold elections for city or town officers on a day
23 other than the Tuesday after the first Monday in November biennially in each even year, a primary
24 [general](#) election for the nomination of the city or town officials shall be held and the local board
25 shall fix the date of the election; provided, that the primary [general](#) election shall have been held
26 by the thirtieth (30th) day preceding the date fixed for the election; and provided, further, that the
27 date fixed by the local board shall not be a religious holiday and shall be held on the first Tuesday
28 next after the first Monday of any month.

29 **17-15-7. ~~Candidates nominated at primaries~~ Candidates nominated at primary**
30 **general elections.**

31 (a) At the primary [general](#) elections, candidates shall be nominated for the following
32 offices, if the offices are to be filled at the succeeding election:

- 33 (1) Senators in the congress of the United States.
34 (2) Representatives in the congress of the United States.

- 1 (3) General officers of the state.
- 2 (4) Senators in the general assembly from the respective senatorial districts.
- 3 (5) Representatives in the general assembly from the respective representative districts.
- 4 (6) Mayors for the respective cities.
- 5 (7) Members of the city or town councils from the respective towns, wards, and districts.
- 6 (8) All other city or town officials previously nominated by party caucus, convention, or
- 7 party committees, whose offices are to be filled at the regular or special election next succeeding
- 8 the primary [general election](#), with the exception of candidates for presidential elector who shall be
- 9 selected as provided in this title.

10 (b) ~~At the primary elections the~~ [The](#) members of ward, town, and district committees of

11 the respective political parties shall be elected, [in accordance with the respective rules and bylaws](#).

12 **17-15-9. Slate voting.**

13 In a primary [general](#) election no ballot shall be provided whereby a voter may by one mark

14 vote for a slate of candidates.

15 **17-15-11. ~~Dispensation with primary when no contest~~ Dispensation with primary**

16 **general election when no contest.**

17 Whenever there is no contest within any voting district for the officers to be nominated or

18 elected ~~by a particular political party for any election~~, no primary [general](#) election shall be held in

19 that voting district and the secretary of state for state offices or the local boards for local offices

20 shall declare those persons elected ~~in the case of party committee members or delegates or~~

21 ~~nominated as candidates of a particular party for the office~~, and their names shall not be printed on

22 the primary [general](#) ballot but shall be printed on the ballot for the [primary general](#) election for

23 which the nominations are made; provided, that the party committee members' names and the

24 names of the delegates to the state convention of the respective party shall not be put on the election

25 ballot.

26 **17-15-12. Ballot when contest exists.**

27 Whenever there is a contest within any voting district, a primary [general](#) election shall be

28 held in the voting district and the names of all candidates for state office and the names of only

29 those candidates for local office that are contesting a particular local office or offices shall appear

30 on the ballots.

31 **17-15-13. ~~Voting places -- Primary officials -- Party officials -- Appointment~~ Voting**

32 **places -- Primary general election officials -- Party officials -- Appointment.**

33 (a) From lists submitted to it by the chairperson of the state committees of each party, the

34 board shall appoint and issue commissions to a sufficient number of qualified electors of this state

1 to be primary [general election](#) inspectors so that one inspector may be assigned for each party to
2 each primary polling place to work with the other primary [general election](#) officials of his or her
3 party. The local board shall, at least fifty (50) days prior to the primary, select the place or places
4 designated by it for holding the primary [general](#) election provided for by this chapter. The local
5 board shall, at least thirty-five (35) days before any primary [general](#) election, appoint for each
6 polling place within its city or town a primary [general](#) warden or moderator and a primary [general](#)
7 clerk in the following manner:

8 (1) If there are primary [general election](#) contests [with candidates from](#) ~~in~~ both major
9 political parties, the warden and clerk shall be appointed as provided in § 17-11-11;

10 (2) If there is a primary [general election](#) contest ~~in only one of the major political parties~~
11 [without candidates from both major political parties](#), the warden and the clerk shall be selected
12 from a list submitted by the local committee of the party in which the contest exists.

13 (b) The local board shall also appoint at least thirty-five days (35) before any primary
14 [general](#) election, from lists submitted at least forty-five (45) days prior to the date set for the holding
15 of the primaries, four (4) supervisors, in the following manner: (1) if there are primary [general](#)
16 [election](#) contests in both major political parties, one supervisor shall be appointed for each party in
17 the manner provided in § 17-11-11 and two (2) supervisors, one for each party, shall be appointed
18 from lists submitted by a majority of the respective party candidates, other than those endorsed by
19 the party committee; (2) if there is no primary [general election](#) contest in one of the major political
20 parties, two (2) supervisors shall be appointed from a list submitted by the local committee in which
21 the contest exists, and two (2) supervisors shall be appointed from a list or lists submitted by a
22 majority of the party candidates, other than those endorsed by the party committee. The local board
23 may appoint any additional pairs of supervisors that it may deem necessary in the same manner
24 provided in this subsection and shall do so when directed by the state board.

25 (c) The local board shall also appoint for each party one watcher, two (2) checkers, and the
26 number of runners, not to exceed three (3), that the appropriate party chairperson may deem
27 necessary, which watcher, checkers, and runners shall be designated as party officials. These party
28 officials shall be appointed from lists of qualified electors who are qualified to vote at the respective
29 ~~party primaries~~ [primary general elections](#) which lists shall be furnished as provided in subsection
30 (b) of this section to the local board at least ten (10) days prior to the date set for the holding of the
31 primary [general election](#). If the party candidates or a majority of them, other than those endorsed
32 by the party committee, notify the local board in writing of their choices at least ten (10) days prior
33 to the date set for the holding of the ~~primaries~~ [primary general elections](#), the local board shall
34 likewise appoint one watcher, two (2) checkers, and the number of runners that it shall have

1 appointed at the request of the party chairperson, to act for them collectively. The local board shall
2 give them certificates as party officials.

3 ~~17-15-14. Qualifications of primary officials -- Affidavit~~ **Qualifications of primary**
4 **general election officials -- Affidavit.**

5 (a) Each warden or moderator and each primary [general election](#) supervisor appointed
6 under the provisions of §§ 17-15-13 and 17-15-16 shall be able to read the Constitution of the state
7 in the English language, and to write his or her name, and shall, whenever possible, be a voter of
8 the senatorial district, representative district, or town, ward, or voting district from which he or she
9 is appointed.

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

14 (c) No person serving as a primary [general election](#) official may serve in such capacity in
15 the city or town in which they are a municipal employee.

16 (d) No person who is seeking nomination or election at any primary [general](#) election shall
17 act as a primary official at that primary [general election](#).

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

21 ~~17-15-15. Powers and duties of primary officials -- Compensation~~ **Powers and duties**
22 **of primary general election officials -- Compensation.**

23 Primary [general election](#) wardens, moderators, clerks, and supervisors shall have the same
24 powers and duties in the conduct of primary [general](#) elections as are conferred and imposed by law
25 upon general election officials, and they shall receive the same compensation as general election
26 officials.

27 ~~17-15-16. Vacancies among primary officials~~ **Vacancies among primary general**
28 **election officials.**

29 Vacancies occurring among primary [general election](#) officials shall be immediately filled
30 by the local boards in the same manner as provided for general elections as qualified by § 17-15-
31 13; provided, that in the event there are no lists available, the local board shall appoint some person
32 or persons to fill the vacancy from the list of registered voters.

33 ~~17-15-17. Notice of primaries~~ **Notice of primary general elections.**

34 At least eight (8) days before the time of holding any primary [general](#) election, the local

1 board shall cause notice of the primary [general election](#) to be posted in at least one public place in
2 each voting district of any city, and in at least one public place in each voting district of a town.
3 The notice shall state the time when, and the place where, the primary [general election](#) is to be held
4 in each city, town or voting district, and the offices for which candidates are to be nominated;
5 provided, that the local boards may, at their discretion, substitute notification by publication in a
6 newspaper having local circulation for notification by posting in public places.

7 **17-15-18. Apportionment of voting booths and optical scan precinct count units.**

8 (a) The apportionment of voting booths for the primary [general](#) election of each political
9 party shall, as far as possible, be on the same basis as for general elections, except that the
10 determination shall be made with reference to the average number of votes received by the
11 candidates of each party at the preceding general election.

12 (b) Unless otherwise prescribed by the board of elections, one optical scan precinct count
13 unit shall be programmed and provided for each voting district. In no event shall there be less than
14 one optical scan precinct count unit for each voting district.

15 **17-15-19. Arrangement and paraphernalia at voting places.**

16 The primary [general](#) election voting places shall be equipped by the local boards with the
17 paraphernalia necessary for conducting elections and, except as otherwise specifically provided in
18 chapters 12 -- 15 of this title, the voting places shall be arranged wherever practicable in the manner
19 provided in chapter 19 of this title.

20 **17-15-20. ~~Primaries conducted in same manner as general elections~~ Primary general**
21 **elections conducted in same manner as general elections.**

22 Except as otherwise provided in this chapter, primary [general](#) elections shall be conducted
23 as nearly as may be in the manner provided in chapter 19 of this title for the conducting of general
24 elections, except that the voting in each party shall be cast on separate computer ballots.

25 **17-15-21. Identification of party voters.**

26 Before permitting any person to vote in a primary [general](#) election, the warden or clerk and
27 bipartisan pair of supervisors assigned by the warden shall ascertain from the voting record
28 appearing on the certified voting list that the voter is not disqualified to vote by the provisions of §
29 17-15-24. The bipartisan pair of supervisors shall provide the voter with the corresponding
30 computer ballot for the primary [general](#) election in which the voter is eligible and desiring to vote.
31 The warden shall take any steps that may be necessary to assure that each voter is given the
32 computer ballot upon which the voter is eligible to vote.

33 **17-15-27. Impartiality of officials -- Sound equipment.**

34 The primary [general election](#) officials shall treat all candidates with absolute impartiality.

1 No sound equipment advocating the election or defeat of any candidate or the approval or
2 disapproval of any referenda shall be allowed within five hundred (500) feet of any polling place.

3 **17-15-29. Number of votes required to nominate or elect.**

4 In determining the nomination or election of a candidate at a primary [general](#) election, the
5 person receiving the largest number of votes, although less than a majority of all the votes cast for
6 the candidates for a particular office, shall be declared ~~nominated or elected~~ [a candidate for the](#)
7 [general or special election](#). Where there is more than one person to be elected to a particular office
8 or place, those persons equaling that number of officers to be elected to the office or place receiving
9 the largest number of votes, although less than a majority of all the votes cast for all the candidates
10 for the office or place, shall be declared ~~nominated or elected~~ [a candidate for the general or special](#)
11 [election](#), as the case may be, unless otherwise provided by existing law.

12 **17-15-30. Tabulation of local returns -- Certificate of nomination or election.**

13 (a) The local board shall meet on the day following the primary [general](#) election and shall
14 tabulate the city or town primary [general](#) returns, as the case may be, and announce the results, but
15 shall issue no certificates of nomination or election ~~to party office~~ [of eligibility for the general or](#)
16 [special election](#) until the expiration of the period in which a recount may be requested as provided
17 in § 17-15-34, and if a request has been filed, the result shall be finally determined by the local
18 board. Following the expiration of this period and the final determination by the local board, if any
19 request for a recount is made, the local board shall issue certificates of nomination or election to
20 party offices to the candidates so nominated or elected.

21 (b) When a local election is held in conjunction with a statewide election, the state board
22 shall tabulate local mail ballots and immediately forward the results to the appropriate local board;
23 when a local election is not held in conjunction with a statewide election, the local board shall
24 tabulate their local mail ballots.

25 **17-15-31. Tabulation of state returns -- Certificates of nomination or election.**

26 The state board shall proceed to tabulate the state primary [general election](#) returns and
27 announce the results, but shall issue no certificates of nomination until the expiration of the period
28 in which a recount may be requested as provided in § 17-15-34 has expired and, if a request has
29 been filed, until the result has been finally determined by the state board. Following the expiration
30 of this period and the final determination by the state board, if any request for a recount is made,
31 the board shall issue certificates of nomination or election to the candidates so nominated or elected.

32 **17-15-33. Tie vote.**

33 ~~If there is a failure to make a nomination or to elect a candidate to party office at any~~
34 ~~primary by reason of a tie vote, the vacancy, if in respect to an office to be filled by the voters of~~

1 ~~more than one city or town, shall be filled by the executive committee of the state committee of the~~
2 ~~respective party, except in the case of a senatorial or representative committee the vacancy shall be~~
3 ~~filled by the members of the senatorial or representative district committee, as the case may be, and~~
4 ~~if in respect to an office other than a senatorial or representative district committee to be filled by~~
5 ~~the voters of no more than one city or town, or a portion of a city or town, the vacancy shall be~~
6 ~~filled by the city or town committee of the respective political party. The vacancy shall be filled~~
7 ~~only by the choice of one of the candidates receiving the tie vote. The name of the candidate chosen~~
8 ~~by the appropriate party committee shall be officially certified to the state board or local board, as~~
9 ~~the case may be.~~ If there is a tie vote between the second and third candidates that follow the highest
10 vote getter, then all three (3) of those highest vote getters in the primary general election shall
11 qualify for the general or special election.

12 **17-15-34. Recount petition or other protest.**

13 Any candidate whose name was on the primary general election ballot may file with the
14 state board a request for the recounting of the votes cast, or other protest concerning the primary
15 general election, provided he or she files the request or protest no later than four o'clock (4:00) p.m.
16 on the day following the primary general election. The request or protest shall contain the
17 candidate's reason for making the request or protest. Nothing in this chapter shall be construed to
18 prevent the state board, acting on its own motion, from ordering a recount or taking appropriate
19 action in response to any error, irregularity, or impropriety in the conduct of any facet of the primary
20 general election which comes to its attention at any time prior to the certification of the results of
21 the primary general election.

22 **17-15-35. Hearing on recount or protest -- Notice -- Declaration of nomination or**
23 **election.**

24 (a) Immediately upon the filing of a protest or request, the state board shall cause notice in
25 writing to be served in any manner that it directs, at the expense of the petitioner, upon all other
26 candidates of the same political party for the same office receiving votes at the primary general
27 election, and shall give notice in some public newspaper of general circulation in the voting district
28 or districts where the primary general election took place of the making of the request or protest
29 and the time and place of the hearing, which time shall be not less than one nor more than three (3)
30 weekdays after the publication of the notice. At the hearing all candidates who may be affected by
31 a recount may be heard in person or by their representative. The hearing and the examination of the
32 voting equipment or the recounting of the ballots, as the case may be, as may be necessary, shall
33 be conducted in a summary and expeditious manner, but the result of the voting as determined by
34 the state board shall not be altered or changed by the board except upon satisfactory proof of its

1 incorrectness. Following the hearing, the state board shall declare what person, if any, was lawfully
2 nominated or elected, and shall issue or direct the local board to issue a certificate of the nomination
3 or election to that person.

4 (b) Recounts shall be conducted in the manner set forth in chapter 19 of this title.

5 **17-15-38. ~~Vacancies among nominees~~ Vacancies among primary general election**
6 **nominees.**

7 (a) Whenever ~~the nominee of a party~~ one of the top two (2) vote getters for a particular
8 office dies after the primary general election, or removes him or herself from the jurisdiction of or
9 as a candidate for the office for which the nominee seeks election, or becomes physically or
10 mentally disabled, then the third highest vote getter shall qualify for the general or special election.
11 ~~the state committee of that party or a duly authorized subcommittee of the state committee in the~~
12 ~~case of state officers, and the appropriate city, town, ward, or district committee or any duly~~
13 ~~authorized subcommittee of them in the case of candidates for the other offices covered by § 17-~~
14 ~~15-7, may file with the appropriate authority the name of its nominee for the office; provided, that~~
15 ~~except in the case of death, the appropriate committee shall file the name with the appropriate~~
16 ~~authority no later than four o'clock (4:00) p.m. of the third (3rd) day following the last day for the~~
17 ~~holding of the party primaries; and provided, further, that any appointed nominee shall have been~~
18 ~~eligible for the nomination on the dates as required by and pursuant to the requirements of §§ 17-~~
19 ~~14-1.1, 17-14-2, and 17-14-2.1. The person so named shall be the nominee of the party for the~~
20 ~~office, and if in case of the death of a nominee time will permit, the secretary of state shall place~~
21 ~~the name of the nominee upon the election ballot.~~ When the withdrawal or death occurs after the
22 third (3rd) day after the last day for holding ~~primaries~~ primary general elections, the secretary of
23 state shall not be required to remove from any computer ballot or mail ballot which has already
24 been printed the name of any person who is no longer the nominee of a party for a particular office
25 as provided in this subsection, and any votes cast in any election for that person shall not be counted.

26 ~~(b) The provisions of this section shall not be construed to permit the state committee of~~
27 ~~the party, or a duly authorized subcommittee of the state committee in the case of state officers, or~~
28 ~~the appropriate city, town, ward, or district committee or any duly authorized subcommittee of~~
29 ~~them in the case of candidates for the other offices covered by § 17-15-7, to file the name of a~~
30 ~~nominee for a vacant office if the vacancy is the result of the failure of candidate(s) of the party to~~
31 ~~qualify for the public office through the timely filing of sufficient nomination papers.~~

32 **17-15-39. ~~Preservation of primary records~~ Preservation of primary general election**
33 **records.**

34 All declarations of candidacy, nomination papers, and all requests for withdrawal of names

1 of candidates, whether before or after the holding of a primary [general election](#), when filed, and all
2 protests and requests for recounts, shall be open, under proper regulation, to public inspection, and
3 the state board shall preserve these records in its office not less than twenty-six (26) calendar
4 months from the date of filing.

5 SECTION 11. Section 17-18-15 of the General Laws in Chapter 17-18 entitled "Elective
6 Meetings" is hereby amended to read as follows:

7 **17-18-15. Closing of schools.**

8 At each general election as defined in § 17-1-2(2) and statewide primary [general election](#)
9 as defined in § 17-15-1, all public elementary and secondary schools throughout the state shall not
10 be in session. On the day of the general election and statewide primary [general election](#), the use of
11 school buildings or premises shall be restricted to use only as polling places for election purposes.
12 Notwithstanding the previous provisions, school staff development days may be held. Provided
13 further, that the provisions of this section shall not be applicable to the Block Island School, located
14 in the town of New Shoreham, and the use of the Block Island School shall not be restricted, nor
15 shall classes need to be cancelled or postponed at said school, on the day of general elections and
16 statewide primaries.

17 SECTION 12. Sections 17-19-7, 17-19-7.1, 17-19-11, 17-19-24.2, 17-19-31, 17-19-32, 17-
18 19-42, 17-19-44, 17-19-45 and 17-19-49 of the General Laws in Chapter 17-19 entitled "Conduct
19 of Election and Voting Equipment, and Supplies" are hereby amended to read as follows:

20 **17-19-7. Local candidates and questions -- Certification -- Ballots.**

21 The local board of each city or town shall certify to the secretary of state, not later than
22 four o'clock (4:00) p.m. of the third (3rd) day following the last day for the holding of the primary
23 [general election](#) held pursuant to the provisions of chapter 15 of this title, preceding any regular
24 city or town election to be held on the Tuesday next after the first Monday in November in any
25 year, or not later than twenty-nine (29) days before any regular city or town election held at any
26 time other than on the Tuesday next after the first Monday in November in any year, or not later
27 than twenty-nine (29) days before any special city or town election, the offices to be voted for at
28 the election, the names of the candidates for each office and the party name under which the
29 respective candidates were nominated, and any other information necessary to enable the secretary
30 of state to prepare ballots uniform in size, type, color, and appearance with those prepared by the
31 secretary for the state election, and in like manner the local board shall certify to the secretary of
32 state, not later than four o'clock (4:00) p.m. on the ninetieth (90th) day preceding any regular city
33 or town election to be held on the Tuesday next after the first Monday in November in any year, or
34 not later than fifty (50) days before any regular city or town election held at any time other than on

1 the Tuesday next after the first Monday in November in any year, or not later than fifty (50) days
2 before any special city or town election, a copy of each question to be submitted to the electors of
3 the city or town so that suitable ballots may be prepared and furnished for the election.

4 **17-19-7.1. Listing of at-large candidates.**

5 (a) In case of a vote for members of the council or school committee of any city or town,
6 in which the office or offices to be filled are to be elected on an at-large basis, and whether the
7 election is a ~~partisan, nonpartisan,~~ primary general, general, or special election, the names for the
8 office or offices shall be listed on the ballot in such fashion that no more than one name for an
9 office shall be displayed on the same horizontal line; provided, that candidates for ~~nonpartisan~~
10 election in the cities of Newport, Pawtucket, North Providence, and Woonsocket, ~~and candidates~~
11 ~~for partisan election in the town of North Providence,~~ may be listed on the same horizontal line.

12 (b) In no event shall the voting equipment be prepared to prevent further voting for an
13 office or officer until the elector has cast as many votes as there are separate offices to be filled.

14 **17-19-11. Election return forms -- Contents.**

15 (a) The state board shall prepare and furnish, for each voting place at which machines are
16 to be used, suitable forms on which the following information may be recorded for each machine
17 in use:

- 18 (1) The optical scan precinct count unit number;
- 19 (2) The numbers of any serial seal or seals;
- 20 (3) The voting place at which the optical scan precinct count unit is used;
- 21 (4) The date of the election or primary general election at which the optical scan precinct
22 count unit is used;
- 23 (5) The number of names checked upon the voting list used at the election; and
- 24 (6) The number of voters registered by the optical scan precinct count unit.

25 (b) Space shall be left on the form in which the number of votes given for any person not
26 a candidate at the election, and for what office, may be recorded. Spaces shall also be left for the
27 signatures of the election inspector, the warden, clerk, and at least two (2) supervisors. The state
28 board shall also furnish the necessary envelopes and adhesive labels required to be used in
29 accordance with the provisions of this chapter.

30 (c) Tapes printed from the optical scan precinct count unit indicating the number of votes
31 registered by the unit for each candidate, and for what office, shall be attached to the election return
32 form; tapes printed from the optical scan precinct count unit indicating the number of votes
33 registered by the unit for and against each submitted question shall be attached to the election return
34 form.

1 **17-19-24.2. Voter identification.**

2 (a) Beginning on January 1, 2012, any person claiming to be a registered and eligible voter
3 who desires to vote at a primary [general](#) election, special election, or general election shall provide
4 proof of identity. For purposes of this section, proof of identity shall be valid if unexpired or expired
5 no more than six (6) months prior to voting, and shall include:

6 (1) A valid and current document showing a photograph of the person to whom the
7 document was issued, including without limitation:

8 (i) Rhode Island driver's license;

9 (ii) Rhode Island voter identification card;

10 (iii) United States passport;

11 (iv) Identification card issued by a United States educational institution;

12 (v) United States military identification card;

13 (vi) Identification card issued by the United States or the State of Rhode Island;

14 (vii) Government issued medical card.

15 (2) A valid and current document without a photograph of the person to whom the
16 document was issued, including without limitation:

17 (i) Birth certificate;

18 (ii) Social security card;

19 (iii) Government issued medical card.

20 (b) From and after January 1, 2014, any person claiming to be a registered and eligible
21 voter who desires to vote at a primary [general](#) election, special election, or general election shall
22 provide proof of identity listed in subsection (a)(1).

23 (c) No later than January 1, 2012, Rhode Island voter identification cards will be issued
24 upon request, and at no expense to the voters, at locations and in accordance with procedures
25 established by rules and regulations promulgated by the secretary of state. The purpose of this
26 section is to provide voter identification cards to those voters who do not possess the identification
27 listed in subsection (a)(1).

28 (d) If the person claiming to be a registered and eligible voter is unable to provide proof of
29 identity as required in subsections (a)(1) and (a)(2) above, the person claiming to be a registered
30 voter shall be allowed to vote a provisional ballot pursuant to § 17-19-24.3 upon completing a
31 provisional ballot voter's certificate and affirmation. The local board shall determine the validity of
32 the provisional ballot pursuant to § 17-19-24.3.

33 **17-19-31. Irregular ballots.**

34 Ballots voted for any person whose name does not appear on the ballot as a nominated

1 candidate for office are referred to in this section as "irregular ballots." In voting for presidential
2 electors, a voter may vote an irregular ticket made up of the names of persons in nomination by
3 different parties; or partly of names of persons in nomination and partly of names of persons not in
4 nomination; or wholly of names of persons not in nomination by any party. Scanned images of the
5 computer ballot containing the irregular ballot shall be stored digitally on physical electronic media
6 in the optical-scan precinct-count unit. With that exception, no irregular ballot shall be voted for
7 any person for any office whose name appears on the ballot as a nominated candidate for that office;
8 any irregular ballot so voted shall not be counted. An irregular ballot must be cast in its appropriate
9 place on the ballot, or it shall be void and not counted and no irregular ballots shall be counted at
10 ~~primaries~~ [primary general elections](#); provided, that at any presidential primary, irregular ballots
11 shall be counted for those persons whose names have been written in for the office of president. At
12 the close of the polls, irregular ballots shall be packaged according to § 17-19-33 and shall be
13 immediately delivered to the local board of canvassers. The local board shall receive the tape from
14 the optical precinct-count unit containing printed images of each written name on the irregular
15 ballots, or the physical electronic media containing images of the irregular ballots and record all
16 write-in votes cast for all federal, state, and local races listed on the tape. The local board shall
17 notify the state board of the results through a procedure promulgated by the state board.

18 **17-19-32. Recording and signing of returns.**

19 Immediately upon the close of the polls the warden shall, in the presence of the other
20 election or primary [general](#) election officers and the election inspector, follow the procedure for
21 the closing of the unit set forth by the vendor of the optical scan precinct count unit. The warden
22 and clerk shall sign the first copy of the tape containing the votes cast and shall remove the tape
23 from the optical scan precinct count unit. The warden shall then obtain three (3) additional copies
24 of the tape containing the vote totals from the optical scan precinct count unit, and the warden shall
25 proceed to read off in a clear and loud voice the vote for each candidate, and upon each question
26 as indicated by the vote totals on the printed tape and the number of votes cast for persons not
27 nominated.

28 **17-19-42. Tampering with voting equipment.**

29 Any person, not being an election or primary [general election](#) officer or person upon whom
30 a duty is imposed by this chapter, who, while any voting equipment is being made ready for an
31 election or primary [general election](#), or is in use during an election or primary [general election](#),
32 tampers with, disarranges, defaces, injures, or impairs the voting equipment in any manner, or
33 mutilates, injures, destroys, or disarranges any computer ballot, or any other appliance used in
34 connection with the voting equipment, shall be guilty of a felony.

1 **17-19-44. Officer tampering with voting equipment.**

2 Any person having the custody of voting equipment under this chapter, or any election or
3 primary [general election](#) officer, who, with intent to cause or permit any voting equipment to fail
4 to correctly register all votes cast, tampers with, injures, or disarranges the voting equipment in any
5 way, or any part of the voting equipment, or who causes or consents to the voting equipment being
6 used for voting at any election or primary [general election](#) with knowledge of the fact that the voting
7 equipment is not in order or not properly set and programmed so that it will correctly register all
8 votes cast, or who, for the purpose of defrauding or deceiving any voter or of causing it to be
9 doubtful for what candidates or question any vote is cast, or of causing it to appear upon the voting
10 equipment that votes cast for one candidate or question were cast for another candidate or question,
11 removes, changes, or mutilates any computer ballot or any part of any computer ballot, or does
12 anything to defeat the will or intention of a voter in casting a lawful vote, shall be guilty of a felony.

13 **17-19-45. Fraudulent election returns.**

14 Any election or primary [general election](#) officer who, at the close of the polls, purposely
15 causes the vote registered by any optical scan precinct count unit or related voting equipment to be
16 incorrectly recorded or returned as to any candidate, person, or question, or who knowingly
17 consents to these things, or any of them, being done, shall be guilty of a felony.

18 **17-19-49. Political literature and influence.**

19 No poster, paper, circular, or other document designed or tending to aid, injure, or defeat
20 any candidate for public office or any political party on any question submitted to the voters shall
21 be distributed or displayed within the voting place or within fifty (50) feet of the entrance or
22 entrances to the building in which voting is conducted at any primary [general election](#) or election.
23 Neither shall any election official display on his or her person within the voting place any political
24 party button, badge, or other device tending to aid, injure, or defeat the candidacy of any person for
25 public office or any question submitted to the voters or to intimidate or influence the voters.

26 SECTION 13. Sections 17-20-1, 17-20-6, 17-20-6.1, 17-20-10.2 and 17-20-16 of the
27 General Laws in Chapter 17-20 entitled "Mail Ballots" are hereby amended to read as follows:

28 **17-20-1. Voting by mail ballot.**

29 The electors of this state who, for any of the reasons set forth in § 17-20-2, being otherwise
30 qualified to vote, shall have the right to vote, in the manner and time provided by this chapter, in
31 all general and special elections and ~~primaries~~ [primary general elections](#), including presidential
32 primaries in this state for electors of president and vice-president of the United States, United States
33 senators in Congress, representatives in Congress, general officers of the state, senators and
34 representatives in the general assembly for the respective districts in which the elector is duly

1 qualified to vote, and for any other officers whose names appear on the state ballot and for any city,
2 town, ward, or district officers whose names appear on the respective city or town ballots in the
3 ward or district of the city or town in which the elector is duly qualified to vote, and also to approve
4 or reject any proposition of amendment to the Constitution or other propositions appearing on the
5 state, city, or town ballot.

6 **17-20-6. Alternative methods of voting.**

7 Any qualified elector who is a member of the armed forces or of the merchant marine of
8 the United States, or who is absent from the state in the performance of "services intimately
9 connected with military operations" as defined in § 17-20-3(c), and any qualified elector of this
10 state exempt from registration under § 17-20-4, shall have the right to vote at his or her option
11 during the period of his or her service and for two (2) years thereafter by any one of the following
12 methods:

13 (1) If the person is present within the state on the day of any election, that person shall have
14 the right to vote in the manner prescribed in chapter 19 of this title, subject to any other provisions
15 of this chapter.

16 (2) If the person is absent from the state on the day of any election, that person has the right
17 to vote by absentee ballot in accordance with the provisions of this chapter, upon compliance with
18 its provisions.

19 (3)(i) The elector may cast an official federal absentee ballot federal write-in absentee
20 ballot "FWAB" in accordance with the laws of the United States.

21 (ii) The elector may use the "FWAB" to cast a vote for each federal, state and local office
22 for which he or she is entitled to vote in a general, primary [general](#) or special election.

23 (4) The elector may also cast an official state blank ballot issued by the office of the
24 secretary of state in accordance with this chapter.

25 **17-20-6.1. Alternative methods of voting by citizens covered by the Uniformed and**
26 **Overseas Citizens Absentee Voting Act (UOCAVA) and other citizens residing outside the**
27 **United States.**

28 (a) It is the intent and purpose that the provisions set forth in this section are designed to
29 facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act
30 (UOCAVA), 52 U.S.C. § 20301 et seq.

31 (b) The Federal Post Card Application (FPCA) may be used as a request for an absentee
32 ballot by:

33 (1) A member of the armed forces who is absent from the state by reason of being in active
34 service;

1 (2) Any person absent from the state in performance of “services intimately connected with
2 military operations” as defined in § 17-20-3(d);

3 (3) Any person who is employed outside of the United States as defined in § 17-20-3(c);
4 and

5 (4) Any person who does not qualify under subparagraph (1), (2), or (3) above, but who is
6 a citizen of the United States and absent from the state and residing outside the United States as
7 described in chapter 21.1 of this title.

8 (c) The single FPCA card shall permit the person to request an absentee ballot for each
9 primary [general election, general](#) and [special](#) election through the next general election for federal
10 office or for the time period specified by federal law in which the voter is eligible to vote.

11 (d) The FPCA card must be received by the local board of canvassers where the person last
12 maintains his or her residence for voting purposes within the time frame for applying for absentee
13 ballots as set forth in this title.

14 (e) If the FPCA, when used in accordance with this section, is sent by the voter through
15 electronic transmission, it must be sent to the secretary of state and it must be received by the
16 secretary of state by the deadline for applying for absentee ballots as set forth in this title. The
17 secretary of state shall then forward the FPCA to the appropriate local authority who shall
18 immediately certify and return the FPCA to the secretary of state with the notation that the
19 corresponding ballots shall be sent by mail and electronic transmission. The secretary of state shall
20 approve electronically transmitted ballots to and from eligible voters only through a service or
21 solution that meets the following requirements:

22 (1) The system has had one or more independent security reviews;

23 (2) Demonstrates the system meets the National Institute of Standards and Technology
24 (NIST) Cybersecurity Framework guidelines or federal cybersecurity framework guidelines of a
25 successor designated federal agency or organization; and

26 (3) Approved by the secretary of state.

27 The ballots sent by electronic transmission shall be returned to the state board by electronic
28 transmission. These ballots will be counted at the state board in accordance with rules and
29 regulations promulgated by the state board.

30 (f) The voter’s signature on the FPCA does not need to be witnessed or notarized, when
31 the FPCA is submitted as provided in this section.

32 (g) If a voter is casting a mail ballot received through the use of the FPCA card as provided
33 in this section, the voter’s signature does not need to be witnessed or notarized on the certifying
34 envelope used for the return of the voted mail ballot.

1 **17-20-6.1. Alternative methods of voting by citizens covered by the Uniformed and**
2 **Overseas Citizens Absentee Voting Act (UOCAVA) and other citizens residing outside the**
3 **United States.**

4 (a) It is the intent and purpose that the provisions set forth in this section are designed to
5 facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act
6 (UOCAVA), 42 U.S.C. § 1973ff et seq.

7 (b) The Federal Post Card Application (FPCA) may be used as a request for an absentee
8 ballot by:

9 (1) A member of the armed forces who is absent from the state by reason of being in active
10 service;

11 (2) Any person absent from the state in performance of "services intimately connected with
12 military operations" as defined in § 17-20-3(d);

13 (3) Any person who is employed outside of the United States as defined in § 17-20-3(c);
14 and

15 (4) Any person who does not qualify under subparagraph (1), (2), or (3) above, but who is
16 a citizen of the United States and absent from the state and residing outside the United States as
17 described in chapter 21.1 of title 17.

18 (c) The single FPCA card shall permit the person to request an absentee ballot for each
19 primary [general election, general](#) and [special](#) election through the next general election for federal
20 office or for the time period specified by federal law in which the voter is eligible to vote.

21 (d) The FPCA card must be received by the local board of canvassers where the person last
22 maintains his/her residence for voting purposes within the time frame for applying for absentee
23 ballots as set forth in this title.

24 (e) If the FPCA, when used in accordance with this section, is sent by the voter through
25 electronic transmission, it must be sent to the secretary of state and it must be received by the
26 secretary of state by the deadline for applying for absentee ballots as set forth in this title. The
27 secretary of state shall then forward the FPCA to the appropriate local authority who shall
28 immediately certify and return the FPCA to the secretary of state with the notation that the
29 corresponding ballots shall be sent by mail and electronic transmission. The secretary of state shall
30 transmit ballots only to the facsimile number provided by the Federal Voter Assistance Program.
31 The ballots sent by electronic transmission shall be returned to the state board by electronic
32 transmission. These ballots will be counted at the state board in accordance with rules and
33 regulations promulgated by the state board.

34 (f) The voter's signature on the FPCA does not need to be witnessed or notarized, when the

1 FPCA is submitted as provided in this section.

2 (g) If a voter is casting a mail ballot received through the use of the FPCA card as provided
3 in this section, the voter's signature does not need to be witnessed or notarized on the certifying
4 envelope used for the return of the voted mail ballot.

5 **17-20-10.2. Official state blank ballots.**

6 In the event the official ballot is not available for issuance and mailing forty-five (45) days
7 before a general, primary [general](#), or special election, persons applying for a mail ballot under
8 subdivision 17-20-2(3) and persons applying for a mail ballot through the use of the Federal Post
9 Card Application (FPCA) shall be issued an official state blank ballot forty-five (45) days before
10 the election. Additionally, the voter shall be sent the official ballot immediately upon the ballots
11 becoming available. The office of secretary of state shall be responsible for the arrangement,
12 preparation, printing and distribution of the official state blank ballots. The secretary of state shall
13 also be responsible for all accompanying candidate listings to the extent that information is
14 available, instruction sheets, and envelopes.

15 **17-20-16. Time of casting vote.**

16 Mail ballots may be cast in the manner provided by law on or before election day; provided,
17 that no mail ballot shall be counted unless it is received by the state board not later than the time
18 prescribed by § 17-18-11 for the closing of polling places on election day, except ballots cast under
19 the provisions of § 17-20-6.1, which shall be counted if received by the state board by four o'clock
20 p.m. (4:00) on the third day following a primary [general election](#) or four o'clock p.m. (4:00) on the
21 seventh day following an election.

22 SECTION 14. Section 17-22-1 of the General Laws in Chapter 17-22 entitled "Tabulation
23 and Certification of Returns by State Board" is hereby amended to read as follows:

24 **17-22-1. Commencement and continuance of tabulations.**

25 The state board shall commence the counting, canvassing, and tabulating of all votes cast,
26 including mail ballots, at eight o'clock (8:00) p.m. on any election day at which mail ballots may
27 be cast and within twenty-four (24) hours after any other election or primary [general election](#), and
28 shall continue and complete the tabulation with all reasonable expedition by using an optical scan
29 count system.

30 SECTION 15. Sections 17-23-15, 17-23-17 and 17-23-18 of the General Laws in Chapter
31 17-23 entitled "Election Offenses" are hereby amended to read as follows:

32 **17-23-15. Polling or surveying of voter opinion.**

33 (a) No person shall conduct any form of poll or survey of voter opinion or voter conduct
34 within a building or within fifty (50) feet of the entrance or entrances to a building in which voting

1 is being conducted at any primary [general election](#) or election; provided, that nothing in this section
2 shall be deemed to apply to or to affect the activities of election officials or election inspectors, or
3 "checkers", "runners", and "watchers" as defined in § 17-19-22.

4 (b) Notice of this section shall be posted in a conspicuous place at all polling places.

5 **17-23-17. Violations with respect to elections.**

6 (a) Any person is guilty of a felony who:

7 (1) Makes a declaration of candidacy or obtains, circulates, or causes to be circulated his
8 or her nomination papers for an office, knowing or with good reason to know that he or she is not
9 qualified as provided in this title to be his or her party's candidate for the office;

10 (2) Knowingly or without reasonable and proper investigation makes any substantial
11 misstatement in any declaration of candidacy, nomination paper, or affidavit provided for in this
12 title;

13 (3) Signs a nomination paper when he or she knows that he or she is not qualified to sign;

14 (4) Votes or attempts to vote at any election when he or she knows or should know that he
15 or she is not qualified to vote;

16 (5) Votes or attempts to vote more than once at any election, or votes or attempts to vote
17 in more than one ~~political party's~~ primary [general election](#) on the same day;

18 (6) Votes or attempts to vote at any election under the name of any other person;

19 (7) Willfully hinders the orderly conduct of any election;

20 (8) Gives a false answer to any election official relative to his or her right to vote at the
21 election;

22 (9) Aids or abets a person not entitled to vote at any election in voting or attempting to vote
23 under a name other than the voter's name or in voting twice upon the voter's name;

24 (10) Willfully alters or makes any change, erasure, or additional check upon the voting list
25 used or to be used at any election; or

26 (11) Willfully violates any provisions of chapters 12 -- 15 of this title for which violation
27 a specific penalty is not provided.

28 (b) Any person who unlawfully and knowingly signs the name of any other person on any
29 nomination papers shall be guilty of a felony.

30 (c) Any public officer or officer of a political party who willfully violates any of the
31 provisions of chapters 12 -- 15 of this title, or refuses or willfully neglects and omits to perform, in
32 the manner and within the time prescribed, any duty imposed upon the officer by these chapters, or
33 suffers or permits any alteration, erasure, or additional check to be made upon a voting list in the
34 officer's custody or control, shall be guilty of a felony.

1 **17-23-18. Political advertising from official budgets prohibited.**

2 (a) Except in accordance with subsections (b) and (c) of this section, no elected official
3 shall permit the expenditure of public funds from any official budget under his or her authority for
4 any publication, advertisement, broadcast, or telecast of his or her photograph, voice, or other
5 likeness to be broadcast or distributed to the public during the one hundred and twenty (120) days
6 preceding any primary [general election](#) or general election in which he or she is a candidate.

7 (b) This section shall not be construed to prohibit an official from appearing on regular
8 capitol television programming operated by the general assembly or on television stations operated
9 by the Rhode Island PBS Foundation during the period of time or programming of regular or special
10 meetings of city or town councils or any local governmental board, agency or other entity.

11 (c) This section shall not be construed to prohibit the publication, broadcast, or telecast of
12 any photograph, voice, or other likeness of an elected official that is distributed to the public by or
13 through an official government website or social media presence provided that the website or social
14 media presence is continuously maintained in the regular course of official government business
15 exclusively for general informational or transparency purposes.

16 SECTION 16. Sections 17-25-3, 17-25-4, 17-25-11, 17-25-12, 17-25-21, 17-25-22 and 17-
17 25-29 of the General Laws in Chapter 17-25 entitled "Rhode Island Campaign Contributions and
18 Expenditures Reporting" are hereby amended to read as follows:

19 **17-25-3. Definitions.**

20 As used in this chapter, unless a different meaning clearly appears from the context:

21 (1) "Business entity" means any corporation, whether for profit or not for profit, domestic
22 corporation or foreign corporation, as defined in § 7-1.2-106, financial institution, cooperative,
23 association, receivership, trust, holding company, firm, joint stock company, public utility, sole
24 proprietorship, partnership, limited partnership, or any other entity recognized by the laws of the
25 United States and/or the state of Rhode Island for the purpose of doing business. The term "business
26 entity" shall not include a political action committee organized pursuant to this chapter or a political
27 party committee or an authorized campaign committee of a candidate or office holder. The term
28 "business entity" shall not include any exempt nonprofit as defined herein or any organization
29 described in § 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding
30 internal revenue code of the United States, as amended from time to time, for the purposes of
31 chapter 25.3 of title 17.

32 (2) "Candidate" means any individual who undertakes any action, whether preliminary or
33 final, which is necessary under the law to qualify for nomination for election or election to public
34 office, and/or any individual who receives a contribution or makes an expenditure, or gives his or

1 her consent for any other person to receive a contribution or make an expenditure, with a view to
2 bringing about his or her nomination or election to any public office, whether or not the specific
3 public office for which he or she will seek nomination or election is known at the time the
4 contribution is received or the expenditure is made and whether or not he or she has announced his
5 or her candidacy or filed a declaration of candidacy at that time.

6 (3) "Conduit" or "intermediary" means any person who receives and forwards an
7 earmarked contribution to a candidate or a candidate's authorized committee, except as otherwise
8 limited in this chapter.

9 (4) "Contributions" and "expenditures" include all transfers of money, credit or debit card
10 transactions, on-line or electronic payment systems such as "pay pal," paid personal services, or
11 other thing of value to or by any candidate, committee of a political party, or political action
12 committee or ballot question advocate. A loan shall be considered a contribution of money until it
13 is repaid.

14 (5) "Earmarked" means a designation, instruction, or encumbrance, whether direct or
15 indirect, express or implied, oral or written, that results in all or any part of a contribution or
16 expenditure being made to, or expended on behalf of, a clearly identified candidate or a candidate's
17 authorized committee.

18 (6) "Election" means any primary [general](#), general, or special election or town meeting for
19 any public office of the state, municipality, or district, or for the determination of any question
20 submitted to the voters of the state, municipality, or district.

21 (7) "Election cycle" means the twenty-four month (24) period commencing on January 1
22 of odd number years and ending on December 31 of even number years; provided, with respect to
23 the public financing of election campaigns of general officers under §§ 17-25-19, 17-25-20, and
24 17-25-25, "election cycle" means the forty-eight month (48) period commencing on January 1 of
25 odd numbered years and ending December 31 of even numbered years.

26 (8) "In-kind contributions" means the monetary value of other things of value or paid
27 personal services donated to, or benefiting, any person required to file reports with the board of
28 elections.

29 (9) "Other thing of value" means any item of tangible real or personal property of a fair-
30 market value in excess of one hundred dollars (\$100).

31 (10) "Paid personal services" means personal services of every kind and nature, the cost or
32 consideration for which is paid or provided by someone other than the committee or candidate for
33 whom the services are rendered, but shall not include personal services provided without
34 compensation by persons volunteering their time.

1 (11) "Person" means an individual, partnership, committee, association, corporation, union,
2 charity, and/or any other organization. The term "person" shall not include any exempt nonprofit
3 as defined herein or any organization described in § 501(c)(3) of the Internal Revenue Code of
4 1986, or any subsequent corresponding internal revenue code of the United States, as amended
5 from time to time, for the purposes of chapter 25.3 of title 17 only.

6 (12) "Political action committee" means any group of two (2) or more persons that accepts
7 any contributions to be used for advocating the election or defeat of any candidate or candidates.
8 Only political action committees that have accepted contributions from fifteen (15) or more persons
9 in amounts of ten dollars (\$10.00) or more within an election cycle shall be permitted to make
10 contributions, and those committees must make contributions to at least five (5) candidates for state
11 or local office within an election cycle.

12 (13) "Public office" means any state, municipal, school, or district office or other position
13 that is filled by popular election, except political party offices. "Political party offices" means any
14 state, city, town, ward, or representative or senatorial district committee office of a political party
15 or delegate to a political party convention, or any similar office.

16 (14) "State" means state of Rhode Island.

17 (15) "Testimonial affair" means an affair of any kind or nature including, but not limited
18 to, cocktail parties, breakfasts, luncheons, dinners, dances, picnics, or similar affairs expressly and
19 directly intended to raise campaign funds in behalf of a candidate to be used for nomination or
20 election to a public office in this state, or expressly and directly intended to raise funds in behalf of
21 any state or municipal committee of a political party, or expressly and directly intended to raise
22 funds in behalf of any political action committee.

23 (16) "Electioneering communication" means any print, broadcast, cable, satellite, or
24 electronic media communication not coordinated, as set forth in § 17-25-23, with any candidate,
25 authorized candidate campaign committee, or political party committee and that unambiguously
26 identifies a candidate or referendum and is made either within sixty (60) days before a general or
27 special election or town meeting for the office sought by the candidate or referendum; or thirty (30)
28 days before a primary [general](#) election, for the office sought by the candidate; and is targeted to the
29 relevant electorate.

30 (i) A communication that refers to a clearly identified candidate or referendum is "targeted
31 to the relevant electorate" if the communication can be received by two thousand (2,000) or more
32 persons in the district the candidate seeks to represent or the constituency voting on the referendum.

33 (ii) Exceptions: The term "electioneering communication" does not include:

34 (A) A communication appearing in a news story, commentary, or editorial distributed

1 through the facilities of any broadcasting station, unless such facilities are owned or controlled by
2 any political party, political committee, or candidate;

3 (B) A communication that constitutes a candidate debate or forum conducted pursuant to
4 regulations adopted by the board of elections or that solely promotes such a debate or forum and is
5 made by or on behalf of the person sponsoring the debate or forum;

6 (C) A communication made by any business entity to its members, owners, stockholders,
7 or employees;

8 (D) A communication over the internet, except for (I) Communications placed for a fee on
9 the website of another person, business entity, or political action committee; and (II) Websites
10 formed primarily for the purpose, or whose primary purpose is, to expressly advocate the election
11 or defeat of a clearly identified candidate or the passage or defeat of a referendum; or

12 (E) Any other communication exempted under such regulations as the board of elections
13 may promulgate (consistent with the requirements of this paragraph) to ensure the appropriate
14 implementation of this paragraph.

15 (17) "Independent expenditure" means an expenditure that, when taken as a whole,
16 expressly advocates the election or defeat of a clearly identified candidate, or the passage or defeat
17 of a referendum, or amounts to the functional equivalent of such express advocacy, and is in no
18 way coordinated, as set forth in § 17-25-23, with any candidate's campaign, authorized candidate
19 committee, or political party committee. An expenditure amounts to the functional equivalent of
20 express advocacy if it can only be interpreted by a reasonable person as advocating the election,
21 passage, or defeat of a candidate or referendum, taking into account whether the communication
22 mentions a candidate or referendum and takes a position on a candidate's character, qualifications,
23 or fitness for office. An independent expenditure is not a contribution to that candidate or
24 committee.

25 (i) Exceptions: The term "independent expenditure" does not include:

26 (A) A communication appearing in a news story, commentary, or editorial distributed
27 through the facilities of any broadcasting station, unless such facilities are owned or controlled by
28 any political party, political committee, or candidate;

29 (B) A communication that constitutes a candidate debate or forum conducted pursuant to
30 regulations adopted by the board of elections or that solely promotes such a debate or forum and is
31 made by or on behalf of the person sponsoring the debate or forum;

32 (C) A communication made by any business entity to its members, owners, stockholders,
33 or employees;

34 (D) A communication over the internet, except for (I) Communications placed for a fee on

1 the website of another person, business entity, or political action committee; and (II) Websites
2 formed primarily for the purpose, or whose primary purpose is, to expressly advocate the election
3 or defeat of a clearly identified candidate or the passage or defeat of a referendum; or

4 (E) Any other communication exempted under such regulations as the board of elections
5 may promulgate (consistent with the requirements of this paragraph) to ensure the appropriate
6 implementation of this paragraph.

7 (18) "Covered transfer" means any transfer or payment of funds by any person, business
8 entity, or political action committee to another person, business entity, or political action committee
9 if the person, business entity, or political action committee making the transfer: (i) Designates,
10 requests, or suggests that the amounts be used for independent expenditures or electioneering
11 communications or making a transfer to another person for the purpose of making or paying for
12 such independent expenditures or electioneering communications; (ii) Made such transfer or
13 payment in response to a solicitation or other request for a transfer or payment for the making of
14 or paying for independent expenditures or electioneering communications or making a transfer to
15 another person for the purpose of making or paying for such independent expenditures or
16 electioneering communications; (iii) Engaged in discussions with the recipient of the transfer or
17 payment regarding independent expenditures or electioneering communications or making a
18 transfer to another person for the purpose of making or paying for such independent expenditures
19 or electioneering communications; or (iv) Made independent expenditures or electioneering
20 communications in an aggregate amount of five thousand dollars (\$5,000) or more during the two-
21 year (2) period ending on the date of the transfer or payment, or knew or had reason to know that
22 the person receiving the transfer or payment made such independent expenditures or electioneering
23 communications in such an aggregate amount during that two-year (2) period.

24 (A) Exceptions: The term "covered transfer" does not include:

25 (I) A transfer or payment made by a person, business entity, or political action committee
26 in the ordinary course of any trade or business conducted by the person, business entity, or political
27 action committee or in the form of investments made by the person, business entity, or political
28 action committee; or

29 (II) A transfer or payment made by a person, business entity, or political action committee
30 if the person, business entity, or political action committee making the transfer prohibited, in
31 writing, the use of such transfer or payment for independent expenditures, electioneering
32 communications, or covered transfers and the recipient of the transfer or payment agreed to follow
33 the prohibition and deposited the transfer or payment in an account that is segregated from any
34 account used to make independent expenditures, electioneering communications, or covered

1 transfers.

2 (19) For the purposes of chapter 25.3 of title 17, "donation" means all transfers of money,
3 credit or debit card transactions, on-line or electronic payment systems such as "pay pal," paid
4 personal services, or other thing of value to or by any person, business entity, or political action
5 committee. A loan shall be considered a donation of money until it is repaid.

6 (20) For the purposes of chapter 25.3 of title 17, "donor" means a person, business entity,
7 or political action committee that makes a donation.

8 (21) "Exempt nonprofit" means any organization described in § 501(c)(4) of the Internal
9 Revenue Code that spends an aggregate annual amount of no more than ten percent (10%) of its
10 annual expenses or no more than fifteen thousand dollars (\$15,000), whichever is less, on
11 independent expenditures, electioneering communications, and covered transfers as defined herein
12 and certifies the same to the board of elections seven (7) days before and after a primary [general](#)
13 election and seven (7) days before and after a general or special election.

14 (22) For purposes of chapter 25.3 of title 17, "referendum" means the same as the definition
15 set forth in § 17-5-1.

16 **17-25-4. Applicability.**

17 The provisions of this chapter shall apply in any primary [general](#), general, or special
18 election or town meeting for any public office of the state, municipality, or district or for the
19 determination of any question submitted to the voters of the state, municipality, or district.

20 **17-25-11. Dates for filing of reports by treasurers of candidates or of committees.**

21 (a) During the period between the appointment of the campaign treasurer for state and
22 municipal committees and political action committees, or in the case of an individual the date on
23 which the individual becomes a "declared or undeclared candidate" as defined in § 17-25-3(2),
24 except when the ninety-day (90) reporting period ends less than forty (40) days prior to an election
25 in which case the ninety-day (90) report shall be included as part of the report required to be filed
26 on the twenty-eighth (28th) day next preceding the day of the primary [general](#), general, or special
27 election pursuant to subdivision (2) of this subsection, and the election, with respect to which
28 contributions are received or expenditures made by him or her in behalf of, or in opposition to, a
29 candidate, the campaign treasurer of a candidate, a political party committee, or a political action
30 committee shall file a report containing an account of contributions received, and expenditures
31 made, on behalf of, or in opposition to, a candidate:

32 (1) At ninety-day (90) intervals commencing on the date on which the individual first
33 becomes a candidate, as defined in § 17-25-3(2);

34 (2) In a contested election, on the twenty-eighth (28th) and seventh (7th) days next

1 preceding the day of the primary [general](#), general, or special election; provided, that in the case of
2 a primary [general](#) election for a special election where the twenty-eighth (28th) day next preceding
3 the day of the primary [general](#) election occurs prior to the first day for filing declarations of
4 candidacy pursuant to § 17-14-1, the reports shall be due on the fourteenth (14th) and seventh (7th)
5 days next preceding the day of the primary [general](#) election for the special election; and

6 (3) A final report on the twenty-eighth (28th) day following the election. The report shall
7 contain:

8 (i) The name and address and place of employment of each person from whom
9 contributions in excess of a total of one hundred dollars (\$100) within a calendar year were
10 received;

11 (ii) The amount contributed by each person;

12 (iii) The name and address of each person to whom expenditures in excess of one hundred
13 dollars (\$100) were made; and

14 (iv) The amount and purpose of each expenditure.

15 (b) Concurrent with the report filed on the twenty-eighth (28th) day following an election,
16 or at any time thereafter, the campaign treasurer of a candidate, or political party committee, or
17 political action committee, may certify to the board of elections that the campaign fund of the
18 candidate, political party committee, or political action committee having been instituted for the
19 purposes of the past election, has completed its business and been dissolved or, in the event that
20 the committee will continue its activities beyond the election, that its business regarding the past
21 election has been completed. The certification shall be accompanied by a final accounting of the
22 campaign fund, or of the transactions relating to the election, including the final disposition of any
23 balance remaining in the fund at the time of dissolution or the arrangements that have been made
24 for the discharge of any obligations remaining unpaid at the time of dissolution.

25 (c)(1) Once the campaign treasurer certifies that the campaign fund has completed its
26 business and been dissolved, no contribution that is intended to defray expenditures incurred on
27 behalf of, or in opposition to, a candidate during the campaign can be accepted. Until the time that
28 the campaign treasurer certifies that the campaign fund has completed its business and been
29 dissolved, the treasurer shall file reports containing an account of contributions received and
30 expenditures made at ninety-day (90) intervals commencing with the next quarterly report
31 following the election; however, the time to file under this subsection shall be no later than the last
32 day of the month following the ninety-day (90) period, except when the last day of the month filing
33 deadline following the ninety-day (90) reporting period occurs less than twenty-eight (28) days
34 before an election, in which case the report shall be filed pursuant to the provisions of subdivisions

1 (a)(1) and (2) of this section. Provided, however, if the last day of the month falls on a weekend or
2 a holiday, the report shall be due on the following business day.

3 (2) In addition to the reports required pursuant to this section, a candidate or office holder
4 shall also file with the board of elections a paper copy of the account statement from the office
5 holder's campaign account, which account statement shall be the next account statement issued by
6 their financial institution after the filing of the fourth quarterly campaign expense report. The
7 account statement shall be submitted to the board within thirty (30) days of its receipt by the
8 candidate, officeholder, treasurer, or deputy treasurer. The account statement shall not be deemed
9 a public record pursuant to the provisions of chapter 2 of title 38. The board of elections, its agents,
10 and employees shall not publish, deliver, copy, or disclose, to any person or entity any account
11 statement or information contained therein for any candidate, former candidate, officeholder, party,
12 or political action committee. Provided, as to state and municipal political parties, the requirements
13 of this subsection (c)(2) shall apply to the annual report required pursuant to § 17-25-7.

14 (d)(1) There shall be no obligation to file the reports of expenditures required by this
15 section on behalf of, or in opposition to, a candidate if the total amount to be expended in behalf of
16 the candidacy by the candidate, by any political party committee, by any political action committee,
17 or by any person shall not in the aggregate exceed one thousand dollars (\$1,000).

18 (2) However, even though the aggregate amount expended on behalf of the candidacy does
19 not exceed one thousand dollars (\$1,000), reports must be made listing the source and amounts of
20 all contributions in excess of a total of one hundred dollars (\$100) from any one source within a
21 calendar year. Even though the aggregate amount expended on behalf of the candidacy does not
22 exceed one thousand dollars (\$1,000) and no contribution from any one source within a calendar
23 year exceeds one hundred dollars (\$100), the report shall state the aggregate amount of all
24 contributions received. In addition, the report shall state the amount of aggregate contributions that
25 were from individuals, the amount from political action committees, and the amount from political
26 party committees.

27 (e) On or before the first date for filing contribution and expenditure reports, the campaign
28 treasurer may file a sworn statement that the treasurer will accept no contributions nor make
29 aggregate expenditures in excess of the minimum amounts for which a report is required by this
30 chapter. Thereafter, the campaign treasurer shall be excused from filing all the reports for that
31 campaign, other than the final report due on the twenty-eighth (28th) day following the election.

32 (f) A campaign treasurer must file a report containing an account of contributions received
33 and expenditures made at the ninety-day (90) intervals provided for in subsection (c) of this section
34 for any ninety-day (90) period in which the campaign received contributions in excess of a total of

1 one hundred dollars (\$100) within a calendar year from any one source and/or made expenditures
2 in excess of one thousand dollars (\$1,000) within a calendar year; however, the time to file under
3 this subsection shall be no later than the last day of the month following the ninety-day (90) period,
4 except when the last day of the month filing deadline following the ninety-day (90) reporting period
5 occurs less than twenty-eight (28) days before an election, in which case the report shall be filed
6 pursuant to the provisions of subdivisions (a)(1) and (2) of this section. Provided, however, if the
7 last day of the month falls on a weekend or a holiday, the report shall be due on the following
8 business day.

9 (g)(1) The board of elections may, for good cause shown and upon the receipt of a written
10 or electronic request, grant a seven-day (7) extension for filing a report; provided, that the request
11 must be received no later than the date upon which the report is due to be filed.

12 (2) Any person or entity required to file reports with the board of elections pursuant to this
13 section and who or that has not filed the report by the required date, unless granted an extension
14 pursuant to subdivision (1) of this subsection, shall be fined twenty-five dollars (\$25.00).
15 Notwithstanding any of the provisions of this section, the board of elections shall have the authority
16 to waive late filing fees for good cause shown.

17 (3) The board of elections shall send a notice of non-compliance, by certified mail, to any
18 person or entity who or that fails to file the reports required by this section. A person or entity who
19 or that is sent a notice of non-compliance and fails to file the required report within seven (7) days
20 of the receipt of the notice, shall be fined two dollars (\$2.00) per day from the day of receipt of the
21 notice of non-compliance until the day the report has been received by the state board.
22 Notwithstanding any of the provisions of this section, the board of elections shall have the authority
23 to waive late filing fees for good cause shown.

24 **17-25-12. Prohibited contributions.**

25 No contributions shall be made, and no expenditure shall be made or incurred, whether
26 anonymously, in a fictitious name, or by one person or group in the name of another, to support or
27 defeat a candidate in a primary [general](#), general, or special election. No treasurer or candidate shall
28 solicit or knowingly accept any contribution contrary to the provisions of this section.

29 **17-25-21. ~~Primary elections~~ Primary general elections.**

30 Any candidate eligible to receive public funds and electing to receive these funds who is
31 challenged for nomination for general office in a ~~political party~~ primary [general election](#) shall be
32 permitted to raise and expend an additional amount of private funds equal to one-third (1/3) of the
33 maximum allowable expenditure amount for the office or equal to the total amount spent by the
34 candidates' opponent or opponents in the primary [general election](#), whichever amount is less. The

1 additional amount received in contributions must be expended prior to the primary [general](#) election.
2 The additional private contributions shall not be eligible for matching public funds.

3 **17-25-22. Time period for payment of public funds.**

4 (a) No public funds shall be dispersed to candidates until after the date of the primary
5 [general](#) election. In order to receive matching public funds, the candidate must be a candidate for
6 general office who meets all of the requirements set forth in subdivision 17-25-20(6). The candidate
7 must submit to the board of elections proof of receipt of qualifying private contributions and
8 supporting documentation as required by the board. The board of elections shall, within five (5)
9 business days of the receipt of the request for payment of matching funds, either pay over funds to
10 the candidate or disallow all or a portion of the request and state in writing the reasons for the
11 disallowance.

12 (b) A candidate may submit supplemental applications for public funds until the time that
13 the permitted limits are reached.

14 **17-25-29. Appropriations.**

15 In the event the funds generated by the tax credit of § 44-30-2(d) fail to produce sufficient
16 money to meet the requirements of the public financing of the electoral system as set forth in §§
17 17-25-19 -- 17-25-27, then funds sufficient to meet the levels of the public financing as set forth in
18 this chapter shall be supplied from the general fund of the state treasury. There is appropriated from
19 the general treasury those sums that may be necessary for carrying out the purposes of the public
20 financing of the electoral system, and an amount equal to the total of all maximum amounts of
21 matching public funds available to all party and independent candidates for general office
22 qualifying and electing to receive public funds in an election shall be transferred to the board of
23 elections no later than September 1 of each election year and deposited in a manner that will secure
24 the highest rate of interest available consistent with the safety of the sums and with the requirement
25 that all sums on deposit be available for immediate payment to eligible candidates at any time after
26 the date of the primary [general](#) election. The state controller is authorized and directed to draw his
27 or her orders upon the general treasurer for transfer of all sums the board deems necessary to
28 comply with this section. There shall also be transferred to the board any additional sums that may
29 be required until the permitted limits are reached. The board shall account for all funds disbursed
30 pursuant to this chapter and transfer upon the conclusion of any election for general office any and
31 all undisbursed sums to the general treasurer for deposit in the general fund by December 1 in any
32 year in which the election is held.

33 SECTION 17. Sections 17-29-2 and 17-29-3 of the General Laws in Chapter 17-29 entitled
34 "Voter Choice Act" are hereby amended to read as follows:

1 **17-29-2. Legislative declaration.**

2 (a) The general assembly hereby finds and declares that:

3 (1) Majority rule is a fundamental principle of representative democracy, and the state's
4 election laws should uphold and facilitate this principle.

5 (2) In an election where more than two (2) candidates are running for an office, the
6 candidate who receives a plurality of the votes may actually be opposed by the majority of voters.

7 (3) The state's current voting method limits voters' choices and contributes to lower voter
8 participation.

9 (4) It is in the public interest to examine Rhode Island's voting method and consider
10 comprehensive reforms that would expand the choices realistically available to voters, increase
11 participation, address the concerns of the major political parties, save money, and increase
12 accountability.

13 (b) The general assembly further finds and declares that instant runoff voting and other
14 advanced voting methods have the potential to:

15 (1) Expand the range of choices available to voters by allowing them to vote for candidates
16 of minor political parties or unaffiliated candidates without fear of giving an advantage to the
17 candidate they least prefer;

18 (2) Reduce both election administration costs and campaign expenditures by combining
19 primary [general](#) and general elections; and

20 (3) Promote campaigns that are more positive and focused on issues because candidates
21 will seek to appeal to opponents' supporters as a second choice.

22 **17-29-3. Voter choice study commission -- Established -- Definitions.**

23 (a) The voter choice study commission is hereby established for the purpose of studying
24 instant runoff voting and other advanced voting methods.

25 (b) As used in this chapter, unless the context otherwise requires, "Advanced voting
26 method" means a voting method that allows an elector to indicate a preference for more than one
27 candidate in an election and that determines the winner of the election by majority vote. "Advanced
28 voting method" includes, but is not limited to, instant runoff voting, approval voting, range voting,
29 and proportional voting.

30 (c) The voter choice study commission shall consist of sixteen (16) members selected as
31 follows:

32 (1) Eight (8) members to be appointed by the speaker of the house, no more than five (5)
33 of whom shall be from the same political party, and at least three (3) of whom shall be the clerk of
34 a city or town of this state;

1 (2) Eight (8) members to be appointed by the president of the senate, no more than five (5)
2 of whom shall be from the same political party, at least three (3) of whom shall be the clerk of a
3 city or town of this state; and

4 (3) Provided, that all members of the study commission shall be registered voters of this
5 state at the time of their selection and at all times while they remain on said study group.

6 (d) Members of the voter choice study group shall be appointed no later than August 1,
7 2012.

8 (e) The voter choice study commission shall:

9 (1) Study advanced voting methods;

10 (2) Analyze the requirements for implementing advanced voting methods, including public
11 education, voting equipment and technology, ballot designs, the costs of conducting the pilot
12 project established by this chapter and using advanced voting methods in elections for state and
13 federal offices, and savings due to the elimination of primary general elections;

14 (3) Determine the level of public support for a change in voting methods;

15 (4) Review the experience of other states in conducting elections using advanced voting
16 methods;

17 (5) Recommend statutory changes to implement advanced voting methods in elections for
18 state and federal offices to be held in the state in 2014;

19 (6) Make recommendations on making all voting systems used in the state compatible with
20 advanced voting methods by 2014, including a review of the availability and costs of necessary
21 voting equipment;

22 (7) Make recommendations to the governing bodies and designated election officials of
23 political subdivisions of the state on preparing to conduct an election using an advanced voting
24 methods; and

25 (8) Consider changes to the state's statutes governing access to the ballot for presidential
26 candidates.

27 (f) The voter choice study commission shall present a report on its work to the general
28 assembly, the governor, and the secretary of state no later than November 1, 2013.

29 (g) The director of research of the legislative council and the director of the office of
30 legislative legal services shall provide staff assistance to the voter choice study commission.

31 (h) The members of the voter choice study commission shall serve without compensation;
32 except that the members shall be reimbursed for necessary expenses incurred in the performance
33 of their duties.

34 SECTION 18. Section 17-13-1 of the General Laws in Chapter 17-13 entitled "Primary

1 Voting Lists" is hereby repealed.

2 ~~**17-13-1. Preparation and posting of preliminary lists.**~~

3 ~~(a) In conformity with the requirements of chapter 10 of this title relating to preliminary~~
4 ~~lists generally, preceding the next primary election of a political party prior to a general election,~~
5 ~~each local board shall, for the party, prepare and post in the local board of canvassers a separate list~~
6 ~~of voters with their addresses in the districts who are eligible to participate in the primary of the~~
7 ~~respective party in accordance with the provisions of chapter 15 of this title. Each list shall be~~
8 ~~plainly marked with the name of the party for which it is prepared.~~

9 ~~(b) In the preparation of any preliminary list, the names of all persons who are ineligible~~
10 ~~by reason of the provisions of § 17-15-24 shall be stricken from the list, and those persons are~~
11 ~~debarred from participating in the primary.~~

12 SECTION 19. Sections 17-15-6 and 17-15-33 of the General Laws in Chapter 17-15
13 entitled "Primary Elections" are hereby repealed.

14 ~~**17-15-6. Conventions and caucuses replaced -- Parties holding primaries -- Forms.**~~

15 ~~The primary elections held pursuant to this chapter shall replace the party conventions and~~
16 ~~caucuses for making the nominations provided for in this title, but party conventions shall be held~~
17 ~~for the purposes that are authorized by § 17-12-13. Primaries shall be held only by political parties.~~
18 ~~Except as otherwise provided in this title, any and all forms prescribed by this chapter shall be~~
19 ~~prepared and provided by the secretary of state and shall be, wherever practicable, uniform~~
20 ~~throughout the state.~~

21 ~~**17-15-33. Tie vote.**~~

22 ~~If there is a failure to make a nomination or to elect a candidate to party office at any~~
23 ~~primary by reason of a tie vote, the vacancy, if in respect to an office to be filled by the voters of~~
24 ~~more than one city or town, shall be filled by the executive committee of the state committee of the~~
25 ~~respective party, except in the case of a senatorial or representative committee the vacancy shall be~~
26 ~~filled by the members of the senatorial or representative district committee, as the case may be, and~~
27 ~~if in respect to an office other than a senatorial or representative district committee to be filled by~~
28 ~~the voters of no more than one city or town, or a portion of a city or town, the vacancy shall be~~
29 ~~filled by the city or town committee of the respective political party. The vacancy shall be filled~~
30 ~~only by the choice of one of the candidates receiving the tie vote. The name of the candidate chosen~~
31 ~~by the appropriate party committee shall be officially certified to the state board or local board, as~~
32 ~~the case may be.~~

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SECTION 20. This act shall take effect on January 1, 2024

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LC000012
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ELECTIONS -- PRIMARY ELECTIONS

1 This act would change the process of nominating candidates for the general election, by
2 replacing the political party primary with a primary general election. This new election would allow
3 candidates for all recognized political parties and independents to run against each other on the
4 same ballot, with the top two (2) vote-getters for each available office, qualifying for the general
5 election.

6 This act would take effect on January 1, 2024.

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LC000012
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