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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO ELECTIONS - PRIMARIES FOR ELECTION OF DELEGATES TO  
NATIONAL CONVENTIONS AND FOR PRESIDENTIAL PREFERENCE

Introduced By: Representative Donald J. Lally

Date Introduced: March 03, 2011

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-12.1-3, 17-12.1-4, 17-12.1-6, 17-12.1-7, 17-12.1-8, 17-12.1-11  
2 and 17-12.1-15 of the General Laws in Chapter 17-12.1 entitled "Primaries for Election of  
3 Delegates to National Conventions and for Presidential Preference" are hereby amended to read  
4 as follows:

5 **17-12.1-3. Declaration of candidacy -- Delegates.** -- During the ~~fifty-fifth (55th)~~  
6 ~~through and including the fifty-seventh (57th)~~ sixty-first (61<sup>st</sup>) and sixty-second (62<sup>nd</sup>) day  
7 preceding a primary for election of delegates to a national convention, each voter desiring to be a  
8 delegate at the forthcoming convention shall, on the form that shall be provided by the secretary  
9 of state, sign his or her name as it appears on the voting list and file, not later than four (4:00)  
10 p.m. of the date of filing with the secretary of state, a declaration of candidacy which shall  
11 include the following information:

12 (1) His or her name and address as they appear on the voting list, party designation,  
13 place and date of birth, and length of residence in the state and in the town or city where he or she  
14 resides.

15 (2) A statement that, if elected, he or she would comply with all party rules of the  
16 national committee of the party designated in subdivision (1) of this section relating to delegates  
17 to national conventions and conducting of national conventions.

18 (3) At the same time as the declaration of candidacy is filed, the appropriate pledge of

1 support form provided to the secretary of state by the political parties must be filed by the  
2 candidate for delegate.

3 ~~(3)~~(4) If any candidate for delegate does not thereafter wish his or her name to appear on  
4 the ballot, the candidate shall, at least ~~thirty-three (33)~~ forty-nine (49) days prior to the date for  
5 the primary, file an affidavit with the secretary of state stating his or her name may not be placed  
6 on the ballot and the secretary of state shall not place that candidate's name on the ballot.

7 **17-12.1-4. Presidential candidates.** -- (a) Any person seeking the endorsement of a  
8 national political party for which a primary is being held shall, during the ~~eighty-eighth (88th)~~  
9 ~~through and including the ninetieth (90th) day~~ ninety-fourth (94<sup>th</sup>) through and including the  
10 ninety-sixth (96<sup>th</sup>) day preceding the presidential preference primary being held, provide written  
11 notification to the secretary of state of his or her intention to run in the presidential preference  
12 primary. When the deadline falls on a Saturday, said written notification may be filed with the  
13 secretary of state on that Saturday until noon (12:00) p.m. The notification shall include the  
14 candidate's name and address and a statement affirming their eligibility, under the laws and  
15 Constitution of the United States, to serve, if elected, in the office of President of the United  
16 States. The notification shall also include the name and contact information of the designee  
17 authorized by the presidential candidate to act in his/her stead in Rhode Island.

18 (b) (1) Upon receipt of the notification referred to in subsection (a) of this section, the  
19 secretary of state shall, ~~by four o'clock (4:00) p.m. on the next business day~~ by six o'clock (6:00)  
20 p.m. on the same day, prepare petition papers for candidates who are eligible to serve in the office  
21 of President of the United States, clearly marked with the candidate's name, party designation,  
22 and the office the candidate seeks; provided, however, that for notifications filed on a Saturday  
23 deadline by noon, petition papers shall be prepared by two o'clock (2:00) p.m. on that Saturday.

24 (2) The petition papers of a candidate for president shall be signed, in the aggregate, by  
25 at least one thousand (1,000) eligible voters and shall be submitted on or before four o'clock  
26 (4:00) p.m. in the afternoon of the ~~sixty-ninth (69th)~~ eighty-second (82<sup>nd</sup>) day before the  
27 presidential preference primary to the local board of the city or town where the signers appear to  
28 be voters, and the petition papers shall be checked, processed, and certified to the secretary of  
29 state by the local boards before four o'clock (4:00) p.m. in the afternoon of the ~~fifty-fourth (54th)~~  
30 sixty-ninth (69<sup>th</sup>) day before the presidential preference primary. When nomination papers have  
31 been duly certified by the appropriate local boards of canvassers, they shall be conclusively  
32 presumed to be valid, unless written objections to them are made as to the eligibility of the  
33 candidate or the sufficiency of the nomination papers or the signatures on them. All objections  
34 shall be filed with the state board of elections by four o'clock (4:00) p.m. on the next business day

1 after the last day fixed for local boards to file nomination papers with the secretary of state.  
2 Nothing in this section shall be construed to prevent the secretary of state from disqualifying a  
3 candidate based on the determination of the secretary of state that the nomination papers or the  
4 signatures on them are invalid or insufficient.

5 (c) The decision of the state board shall be rendered not later than four o'clock (4:00)  
6 p.m. on the ~~forty-sixth (46th)~~ sixty-third (63<sup>rd</sup>) day before the presidential preference primary and  
7 shall immediately be certified by the state board to the secretary of state.

8 (d) If any candidate for presidential nominee does not qualify for ballot placement, the  
9 names of delegates committed to this disqualified presidential candidate, who are otherwise  
10 qualified, shall appear on the ballot in accordance with party rules.

11 ~~(d)~~(e) If any candidate whose name has been announced as a presidential nominee does  
12 not thereafter wish his or her name to appear on the ballot, the candidate shall, at least ~~forty-three~~  
13 ~~(43)~~ sixty-three (63) days prior to the date for the primary, file an affidavit with the secretary of  
14 state stating his or her name may not be placed on the ballot and the secretary of state shall not  
15 place that candidate's name on the ballot. Said affidavit must be signed by the presidential  
16 candidate or his or her designee on file with the office of the secretary of state. Names of  
17 delegates committed to the withdrawn candidate, who are otherwise qualified, shall appear on the  
18 ballot ~~as uncommitted~~ in accordance with party rules.

19 **17-12.1-6. Number of signers required.** -- The nomination papers of a candidate for  
20 delegate to a national convention shall be signed, in the aggregate, by at least one hundred fifty  
21 (150) ~~party~~ eligible voters.

22 **17-12.1-7. Checking and certification of nomination papers.** -- (a) Each nomination  
23 paper of a candidate for delegate shall be submitted on or before four o'clock (4:00) p.m. in the  
24 afternoon of the ~~forty-sixth (46th)~~ fifty-sixth (56<sup>th</sup>) day before the presidential preference primary  
25 to the local board of the city or town where the signers appear to be voters, and the nomination  
26 papers shall be checked, processed, and certified to the secretary of state by the local boards  
27 before four o'clock (4:00) p.m. in the afternoon of the ~~fortieth (40th)~~ fifty-third (53<sup>rd</sup>) day before  
28 the presidential preference primary. In addition, each candidate for delegate to a national  
29 convention may, on or before four o'clock (4:00) p.m. in the afternoon of the ~~thirty-third (33rd)~~  
30 forty-ninth (49<sup>th</sup>) day before the presidential primary, submit to the secretary of state  
31 documentation from a candidate, as set forth in section 17-12.1-4, that he or she has the approval  
32 of the candidate for presidential nominee or approval from the steering/screening committee to  
33 name the candidates' delegates to be identified with him or her. Names of delegates pledged to a  
34 presidential candidate who do not receive approval of the candidate for presidential nominee or

1 [approval from the steering/screening committee to name the candidates' delegates to be identified](#)  
2 [with him, who are otherwise qualified, shall appear on the ballot in accordance with party rules.](#)

3 (b) When nomination papers have been duly certified by the appropriate local boards of  
4 canvassers, they shall be conclusively presumed to be valid, unless written objections to them are  
5 made as to the eligibility of the candidate or the sufficiency of the nomination papers or the  
6 signatures on them. All objections shall be filed with the state board of elections by four o'clock  
7 (4:00) p.m. on the next business day after the last day fixed for local boards to file nomination  
8 papers with the secretary of state. Nothing in this section shall be construed to prevent the  
9 secretary of state from disqualifying a candidate based on the determination of the secretary of  
10 state that the nomination papers or the signatures on them are invalid or insufficient.

11 (c) The decision of the state board shall be rendered not later than four o'clock (4:00)  
12 p.m. on the ~~thirty-third (33rd)~~ [forty-seventh \(47<sup>th</sup>\)](#) day before the presidential preference primary  
13 and shall immediately be certified by the state board to the secretary of state.

14 **17-12.1-8. Presidential preference primary.** -- (a) On the same date and at the same  
15 time as the election of delegates to national conventions, as provided in section 17-12.1-1, there  
16 shall be held a presidential preference primary for each political party at which each party voter  
17 shall have the opportunity to vote his or her preference for his or her choice for one person to be  
18 the candidate of his or her party for president of the United States.

19 (b) The secretary of state shall place on the ballot the name of all persons qualified as  
20 candidates for presidential nominee as provided in section 17-12.1-4, and who have not filed with  
21 the secretary of state the affidavit as provided in section 17-12.1-4, and shall list under the name  
22 of each candidate for presidential nominee, arranged by lot, the names of all candidates for  
23 delegates to a national convention who submitted the approval of the candidate for presidential  
24 nominee as set forth in section 17-12.1-7. All other candidates for delegates to a national  
25 convention shall be listed on the ballot, arranged by lot, as uncommitted, [unless otherwise](#)  
26 [specified in party rules.](#)

27 **17-12.1-11. Form of ballot.** -- (a) The order on the ballot, [subject to final determination](#)  
28 [of any objections filed with the board of elections and the removal of said individual\(s\) by the](#)  
29 [secretary of state post-lot,](#) of the presidential nominees and delegates and the uncommitted  
30 delegates shall be chosen by lot under the direction of the secretary of state.

31 (b) Individuals committed to a particular presidential candidate or uncommitted shall  
32 appear in a manner so that the candidates for delegates shall be readily identified with the  
33 presidential candidate to whom they are committed or shall appear in a manner that clearly shows  
34 they are uncommitted.

1 (c) No person shall appear on the ballot as a candidate for delegate more than once.

2 (d) There shall be nothing on the ballot to indicate or suggest any political party  
3 endorsement.

4 (e) The secretary of state shall prepare and arrange the ballot for use in the primaries  
5 authorized in this title, which shall include, as to the candidates for delegates, the person to whom  
6 the candidates are committed and any other information and instruction that the secretary of state  
7 shall deem necessary.

8 **17-12.1-15. Political party rules.** -- The state chairperson of each political party shall, on  
9 or before the first Tuesday in ~~of~~ January of each year a primary is to be held pursuant to this  
10 chapter, file with the secretary of state a certified copy of the complete rules of the political party  
11 including, but not limited to, the delegate selection rules and delegate procedure for the national  
12 convention of the political party.

13 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO ELECTIONS - PRIMARIES FOR ELECTION OF DELEGATES TO  
NATIONAL CONVENTIONS AND FOR PRESIDENTIAL PREFERENCE

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- 1           This act would make changes relating to the primaries for election of delegates to
- 2 national conventions and for presidential preference.
- 3           This act would take effect upon passage.

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