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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO ELECTIONS - CONDUCT OF ELECTION

Introduced By: Representatives Ajello, Walsh, A Rice, Lally, and Pacheco

Date Introduced: February 04, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-19-3, 17-19-21, 17-19-24.1, 17-19-37.1, 17-19-39.1, 17-19-43
2 and 17-19-49 of the General Laws in Chapter 17-19 entitled "Conduct of Election and Voting
3 Equipment, and Supplies" are hereby amended to read as follows:

4 **17-19-3. Voting equipment and services -- Specifications.** -- (a) The office of secretary
5 of state and the state board of elections shall submit specifications to the department of
6 administration, which the department of administration shall consult in developing a request for a
7 proposal, as set forth in section 17-19-2.1. These specifications must be submitted to the
8 department of administration within thirty (30) days of the passage of this bill. These
9 specifications and the request for a proposal for the options of purchasing, leasing to own or
10 renting an optical scan precinct count voting system, and for a full service contract for an optical
11 scan precinct count voting system, shall propose an optical scan precinct count system that shall
12 be constructed and shall operate in a manner that meets the following minimum requirements:

13 (1) It shall enable the voter to:

14 (i) Mark his or her ballot and cast his or her vote in secrecy;

15 (ii) Vote for all candidates of political parties or organizations, and for or against
16 questions as submitted;

17 (iii) Vote for all the candidates of one party or in part for the candidates of one or more
18 other parties;

19 (iv) Vote for as many persons for an office as the voter is lawfully entitled to vote for,

1 but no more; and

2 (v) Vote on any question the voter may have the right to vote on;

3 (2) It shall prevent the voter from voting for the same person more than once for the
4 same office;

5 (3) The voting equipment shall allow the voter to cast one vote, thereby allowing the
6 voter to vote for all the presidential electors of a party by marking one mark on the ballot, and a
7 ballot containing only the words "presidential electors for" preceded by the name of that party
8 and followed by the names of the candidates of that party for the offices of president and vice-
9 president; provided, that means shall be furnished by which the voter can cast a vote in part for
10 the candidates for presidential electors of one party, and in part for those of one or more other
11 parties or in part or in whole for persons not nominated by any party;

12 (4) The optical scan precinct counting system shall meet the following specifications:

13 (i) Vote counting, including absentee ballots, shall be performed through the use of
14 automated electronic equipment;

15 (ii) All vote counting shall be performed on equipment supplied as part of the bid. The
16 system shall not require the use of non-supplied equipment to count ballots or tabulate results;

17 (iii) There shall be privacy enclosures in which a voter may mark his or her ballot or
18 otherwise cast his or her vote in secret;

19 (iv) There shall be a device located in each polling place that can record the vote count
20 and tally the vote count in that polling place and which can produce a printed tally of all races
21 contained on said ballot in human readable form. The device shall automatically print a "zero
22 report" at the beginning of the day when the device is activated. The device that receives ballots
23 for counting shall have an external counter indicating the number of ballots received. The actual
24 vote tally shall be capable of being performed only by election officials and shall not be visible
25 during the actual voting process. Each recording device shall rest on a ballot box which must
26 have compartments with doors that lock for security of voted ballots and ease of access;

27 (v) As part of the voting process, there shall be created a physical ballot showing the
28 votes cast by an individual voter which is capable of being hand counted so that electronic
29 recorded device totals can be checked for accuracy for auditing purposes, or in the event that a
30 recount conducted pursuant to this chapter indicates a discrepancy in the number of votes cast in
31 an election or ballot question, or where necessary to ascertain voter intent as provided herein. The
32 device must be able to accept a one, two (2) or three (3) column ballot which can be printed on
33 one or both sides;

34 (vi) There shall be a device at each polling place to receive the physical audit trail of

1 ballots cast and which shall securely store the ballots and have the capability of restricting access
2 to the ballots only to authorize officials;

3 (vii) In the event of loss of electrical power, the polling place vote count shall be stored
4 on an ongoing basis in media which will retain the count of the votes cast to that point in time for
5 a period of no less than five (5) years;

6 (viii) The polling place vote counts shall be stored on a stable media which may be
7 easily transported and which may be accessed and counted by an electronic device so that state,
8 city and/or town vote totals can be electronically calculated by combining individual polling
9 place totals. It shall not be necessary to enter individual polling place totals by and into a central
10 computer or device for the purpose of producing the state, city and/or town totals, but rather the
11 electronic media on which the polling place totals are stored shall be directly readable and
12 accessible by a regional or central device;

13 (ix) There shall be a device which has the capability to electronically read the storage
14 device upon which the individual polling place totals are stored and which shall produce a
15 combined total for all races, which total can be printed in easily readable and legible form in a
16 format prescribed by the state board of elections;

17 (x) The system provided shall allow the secretary of state to have the capability to design
18 the ballot format;

19 (xi) The system shall provide a capability for the state, without the use of outside
20 services, to set up and prepare the counting devices to total an election; and

21 (xii) The system must be capable of receiving voted ballots without counting when
22 without power, and must provide for securely storing uncounted ballots;

23 (5) The following minimum equipment shall be required for the state:

24 (i) There shall be six hundred (600) units to permit counting to be conducted in each
25 polling place within the state with a reserve of equipment on hand;

26 (ii) There shall be sufficient voting booths to allow one voting booth for approximately
27 every one hundred seventy-five (175) voters as determined in this title;

28 (iii) The number of polling place units and voting booths must be sufficient to permit the
29 election to run smoothly without excessive waiting of voters;

30 (iv) If there is an increase in the number of polling places statewide during the term of
31 the contract, the vendor will supply additional polling place units and voting booths at a cost
32 proportional to the cost of the initial units pro rated for the balance of the agreement years;

33 (v) (A) There shall be high speed absentee vote tabulating equipment. These tabulators
34 as a whole must be capable of counting a minimum of four hundred (400) absentee ballots per

1 minute. The tabulators shall utilize the same ballots used in the polling place;

2 (B) This system shall have the following capabilities in connection with the counting of
3 ballots and producing results:

4 (I) This system shall be able to read the media from the polling place units on which
5 polling place results are stored and shall be able to compile polling place results producing a
6 ballot total for each race; and

7 (II) This system shall be capable of producing and printing out ballot totals on a polling
8 place by polling place basis for each race, and shall be capable of producing a final total and
9 subtotals of all races from all races and polling places in the state. All totals must be able to be
10 produced at any time based upon the number of polling places counted up to that point in time,
11 and these printout results shall state the number of precincts counted and the percentage of
12 precincts reporting;

13 (vi) There shall be all equipment necessary to program the system and erase the memory
14 devices;

15 (vii) Regional tabulating equipment shall be located in each of the thirty-nine (39) local
16 boards of canvassers and the central tabulation equipment shall be located at the state board of
17 elections. The state board of elections, thirty (30) days prior to an election, shall determine which
18 regional and/or central tabulation sites are to be utilized for the election. The tabulation system
19 shall have the following capabilities in connection with the counting of ballots and producing
20 results:

21 (A) This system shall be able to read the media from the polling place units on which
22 polling place results are stored and shall be able to compile polling place results producing a
23 ballot total for each race;

24 (B) This system shall be capable of producing and printing out ballot totals on a polling
25 place by polling place basis for each race and shall be capable of producing a final total and
26 subtotal of all races from all races and polling places in the state;

27 (C) All totals must be able to be produced at any time based upon the number of polling
28 places counted up to that point in time, and the printout results shall state the number of precincts
29 counted and the percentage of precincts reporting; and

30 (D) This system shall be capable of transferring information gathered at each regional
31 site to the central site, and shall also be capable of transferring information gathered at the central
32 site to a specific regional site;

33 (6) All necessary programming and accumulation software shall be provided to run the
34 election system in accordance with the required specifications as well as all necessary and

1 required modules. Any software updates during the term of the agreement shall not be charged to
2 the state;

3 (7) The vendor of the optical scan precinct count system shall provide written proof of
4 compliance with Federal Election Commission standards from an independent testing company
5 and this written proof must be on file with the office of the secretary of state and the state board
6 of elections;

7 (8) The vendor shall also provide the following information to be included in the
8 vendor's bid proposal:

9 (i) (A) An audited financial statement covering the previous five (5) years, and if the
10 vendor is not the manufacturer of the equipment, both the agent and manufacturer must submit an
11 audited financial statement covering the previous five (5) years with the bid;

12 (B) In the event that either the vendor, agent, or manufacturer has been in existence for
13 less than five (5) years, that entity must submit an audited financial statement for each and every
14 full year that they have been in existence;

15 (ii) Proof of experience in the field of elections including, but not limited to, years of
16 experience in this field, and experience with a jurisdiction having the same needs as the state of
17 Rhode Island; and

18 (iii) Names and addresses of the support organizations that will provide support of all
19 equipment.

20 (b) The full service plan shall include the following services, but, at the discretion of the
21 department of administration, shall not be limited to the following services:

22 (1) Computer coding and layout of all ballots to be used in each election under contract
23 in conjunction with the office of the secretary of state, including the printing of the ballot and the
24 preparation of the device to ensure that the ballots are compatible with the device. Subsequent
25 thereto, the state board of elections shall be responsible for the following:

26 (2) Testing of each unit for logic and accuracy;

27 (3) Testing of each programmed memory cartridge;

28 (4) Set up of each optical scan precinct count unit at each polling place;

29 (5) Maintenance of all optical precinct count units;

30 (6) Training of poll workers;

31 (7) On-site election night staff at the central tabulation location and any other locations
32 as may be determined by the state board to receive and transmit election results;

33 (8) On-site election day field technicians to respond to repair calls;

34 (9) Providing the following equipment and supplies:

- 1 (i) Secrecy covers for voted ballots;
- 2 (ii) Demonstration ballots;
- 3 (iii) Precision cut shell program ballots ready for printing with timing marks;
- 4 (iv) Marking pens;
- 5 (v) Ballot transfer cases;
- 6 (vi) Envelopes for mailing and receiving absentee ballots; and
- 7 (vii) Printer ribbons, paper tape rolls and seals.

8 (c) Any bid specifications for an optical scan precinct count system and a full service
9 agreement for an optical scan precinct count system that do not conform in all respects to the
10 requirements of subdivisions (a)(1) -- (b)(9)(vii) of this section shall not be submitted to the
11 office of the department of administration; provided, that the director of administration may
12 waive any one of the requirements with respect to the full service agreement portion of the bid,
13 after consultation with the chairperson of the state board of elections and the secretary of state, in
14 order to preserve an otherwise acceptable bid.

15 (d) Upon expiration of the initial full service agreement as set forth in the provisions of
16 section 17-19-2.1, the state board shall conduct a review of the election system, provide a report
17 to the general assembly and shall subsequently assume responsibility for establishing minimum
18 requirements and specifications for the procurement of voting equipment and services.

19 (e) The board of elections shall specify, by promulgated regulation, all programming
20 standards of the voting equipment that relate to the equipment's acceptance or rejection of ballots,
21 or of particular votes on a ballot, due to overvoting, undervoting or any other reason.

22 **17-19-21. Arrangement of polling places -- Election officials -- Police officers. --** (a)

23 The polling places shall be established, equipped, and furnished with the paraphernalia necessary
24 for the conduct of each election, by the officers and in the manner provided by this title. There
25 shall be placed, outside each polling place, a clearly marked sign to be provided by the state
26 board of elections indicating the location of the polling place. This sign shall be of a conspicuous
27 nature, and shall be visible from the street. The area within which the balloting is conducted shall
28 be arranged with a guard rail having one place for entrance and another place for exit. The rail
29 shall be placed so that only persons admitted inside the rail can approach within five (5) feet of
30 any voting booth or optical scan precinct count unit. The voting booths and optical scan precinct
31 count unit shall be placed so that the warden and the clerk shall always have a clear view of the
32 front of each voting booth and the optical scan unit. It shall be the duty of the warden to direct the
33 location of the voting equipment in relation to the guard rail and the posts of the warden and the
34 clerk so as to enforce the requirements of this section.

1 (b) One bipartisan pair of supervisors, the clerk, and the warden shall be stationed, in
2 that order, along the guard rail so that a voter desiring to cast a ballot will pass first in front of the
3 bipartisan pair, then in front of the clerk, and finally in front of the warden. A second bipartisan
4 pair shall be stationed within the guard rail and shall be available to relieve the first bipartisan
5 pair or the clerk, and to assist voters within the limits prescribed by this title. The second
6 bipartisan pair, when not engaged in the preceding duties, shall watch the voters in and about the
7 voting equipment and shall call to the attention of the warden any violation, or circumstance
8 suggesting a violation, of the provisions of this title.

9 (c) The chiefs of police of cities and towns, and town sergeants of towns having no chief
10 of police, shall detail a certain number of police officers to each polling place as may be
11 requested by the local board. The police officers shall preserve order at each polling place and
12 within two hundred (200) feet of the polling place. It shall be the duty of every police officer or
13 other peace officer or constable to arrest without warrant any person detected in the act of
14 violating the provisions of this chapter, but no arrest shall be made without the approval of the
15 warden.

16 (d) The election officials provided in subsections (a) and (b) of this section shall be
17 provided with, and shall be required to prominently display upon their persons, identification
18 badges which shall designate that person as an election official. Powers and duties of all
19 designated election officials at polls shall be posted in a conspicuous and prominent location
20 within the voting place, preferably with the posted sample ballot.

21 (e) Any person may enter a polling place to observe its operation, take notes and ask
22 questions, provided that the person does not disturb the conduct of the voting process or engage
23 in electioneering activity otherwise prohibited by this title.

24 **17-19-24.1. Provisional voting under the Help America Vote Act of 2002.** -- (a) If an
25 individual's name does not appear on the certified voting list as provided for in section 17-19-
26 24(b) and the individual is eligible to vote in an election for federal office or an election official
27 asserts that the individual is not eligible to vote in the district in which the individual desires to
28 vote, then the individual shall be permitted to cast a provisional ballot as provided in Section 302
29 of the Help America Vote Act (P.L. 107-252) [42 U.S.C. section 15481].

30 (b) Provisional ballots provided for in this section shall be cast in accordance with rules
31 and regulations which shall be promulgated by the state board of elections in accordance with the
32 Help America Vote Act (P.L. 107-252) [42 U.S.C. section 15301 et seq.].

33 (c) If an individual casting the ballot is a registered voter in the city/town and precinct in
34 which he or she voted, a provisional ballot shall be counted as a full ballot.

1 (d) If the individual is a registered voter in the city/town and proper congressional
2 district, but not the precinct in which he or she voted, the ballot will be counted for all federal,
3 state and city-wide or town-wide elections and for all ballot questions.

4 (e) In all other instances, where the individual is not a registered voter in the city/town or
5 is in the wrong congressional district in which the individual cast his/her ballot, the ballot shall be
6 counted for all elections and ballot questions for which the person is qualified, by reason of
7 residency, to vote.

8 (f) To the extent not prohibited by federal law:

9 (1) The name, designation of party affiliation, street address, city or town, and previous
10 name and address of an applicant for a provisional ballot, the reason for the provisional ballot,
11 and the disposition of the provisional ballot shall be public; and

12 (2) The determination process for the disposition of a provisional ballot shall be
13 conducted in public.

14 (g) Any person who is given a provisional ballot because he or she is a first-time voter
15 who directly registered by mail and failed to provide the identifying information required by the
16 Help America Vote Act at the time of registration or prior to his or her vote shall have forty-eight
17 (48) hours from the close of the polls to provide the necessary identification in order to have his
18 or her vote counted.

19 (h) Between fifteen (15) and forty (40) days before a statewide election, the board shall
20 send a written notice by first-class mail to every mail registrant who failed to provide the
21 identifying information required by the Help America Vote Act at the time of registration or prior
22 to his or her vote. The notice shall inform the registrant of his or her need to provide
23 identification in order to have his or her vote counted, and describe the types of identification that
24 are acceptable. The notice shall be written in such a manner as to ensure ease of comprehension
25 by the recipients.

26 **17-19-37.1. Recount eligibility -- Candidates for public office.** -- A candidate for
27 election or nomination for election to public office shall be eligible to request a recount of the
28 votes cast in his or her race pursuant to the following:

29 (1) In those races in which a single candidate is elected a candidate who trails the
30 winning candidate may request a recount of the votes cast at each precinct by a manual re-feeding
31 of the computer ballots cast in said race into the optical scan voting equipment provided that the
32 candidate shall trail the winning candidate by less than the following number of votes:

33 (a) In those races where the number of votes cast is less than or equal to twenty thousand
34 (20,000) the candidate requesting the recount shall trail the winning candidate by two percent

1 (2%) or two hundred (200) votes, whichever is less; in those races where the number of votes cast
2 is between twenty thousand one (20,001) and one hundred thousand (100,000) the candidate
3 requesting the recount shall trail the winning candidate by one percent (1%) or five hundred (500)
4 votes, whichever is less; and, in those races where more than one hundred thousand (100,000)
5 votes are cast the candidate requesting the recount shall trail the winning candidate by one-half of
6 one percent (1/2%) or one thousand five hundred (1,500) votes, whichever is less.

7 (b) For the purpose of determining recount eligibility, as prescribed in subsections (1)(a)
8 and (3) of this section, the number of votes cast in a race shall include the votes cast for
9 candidates and irregular ballots cast pursuant to section 17-19-31.

10 (2) In those races in which more than one candidate is elected a candidate who trails the
11 winning candidate may request a recount of the votes cast at each precinct by a manual re-feeding
12 of the computer ballots cast in said race into the optical scan voting equipment provided that the
13 candidate shall trail the winning candidate by less than the following number of votes:

14 (a) In those races where the number of votes cast is less than or equal to five thousand
15 (5,000) the candidate requesting the recount shall trail the winning candidate by two percent (2%)
16 or fifty (50) votes, whichever is less; in those races where the number of votes cast is between
17 five thousand one (5,001) and twenty thousand (20,000) the candidate requesting the recount
18 shall trail the winning candidate by one percent (1%) or one hundred (100) votes, whichever is
19 less; and in those races where more than twenty thousand (20,000) votes are cast the candidate
20 requesting the recount shall trail the winning candidate by one-half of one percent (1/2%) or one
21 hundred fifty (150) votes, whichever is less.

22 (b) For the purpose of determining recount eligibility, as prescribed in subsections (2)(a)
23 and (3) of this section, the total number of votes cast in a race shall be determined by dividing the
24 total number of votes eligible to be cast in the race by the number of candidates for whom each
25 voter was eligible to cast votes.

26 (3) Notwithstanding the requirements of subsections (1)(a) and (2)(a) of this section, a
27 candidate who trails the winning candidate by five percent (5%) or less, but more than the
28 minimum percentage or number of votes as required in subsections (1)(a) or (2)(a) of this section,
29 as applicable, may petition the state board to conduct a recount of the votes cast at each precinct
30 by re-reading the programmed memory device or devices and comparing the results and totals
31 obtained at such recount with the results and totals obtained on election night. If, after said
32 recount, a candidate shall trail the winning candidate by less than the number of votes prescribed
33 in subsection (1)(a) or (2)(a) of this section, as the case may be, the candidate may request a
34 recount of the votes cast at each precinct to subsection (1)(a) or (2)(a) of this section, as is

1 applicable.

2 [\(4\) Marked ballots, including those returned by the optical scan machine as programmed](#)
3 [in accordance with this section, shall be available for inspection and copying by any person.](#)

4 The state board shall have the authority to adopt rules and regulations to implement and
5 administer the provisions of this section.

6 **17-19-39.1. Voted ballot storage and security.** -- Voted computer ballots that were
7 counted at the state board shall be stored in containers by the state board until the expiration of
8 twenty-two (22) months from the date of election [and the final resolution of any disputed results](#)
9 [in that election](#) and voted computer ballots that were voted and packaged at a local precinct or
10 counted at the local board shall be held and stored in containers by the local board in accordance
11 with the regulations promulgated by the state board until the expiration of twenty-two (22)
12 months from the date of election [and the final resolution of any disputed results in that election.](#)
13 The voted ballots shall remain stored in the appropriate containers unless ordered to be opened by
14 the state board or a court of law [upon good cause shown](#). The computer file containing ballot
15 layout information and candidate totals shall be transferred to a disk and retained permanently.

16 Notwithstanding the requirements of this section, the state board shall have the authority
17 to examine and inspect the voted ballots subsequent to the certification of an election [and the final](#)
18 [resolution of any disputed results in that election.](#)

19 **17-19-43. Tampering with sample ballot.** -- Every person who willfully and without
20 lawful authority destroys, secretes, removes, defaces, alters, tampers, or meddles with a sample
21 ballot [posted at the polling place](#), shall be guilty of a felony.

22 **17-19-49. Political literature and influence.** -- No poster, paper, circular, or other
23 document designed or tending to aid, injure, or defeat any candidate for public office or any
24 political party on any question submitted to the voters shall be distributed or displayed within the
25 voting place or within fifty (50) feet of the entrance or entrances to the building in which voting is
26 conducted at any primary or election. ~~Neither shall any election official~~ [No voter other than a](#)
27 [voter in the process of casting his or her own vote may](#) display on his or her person within the
28 voting place any political party button, badge, or other ~~device~~ [election paraphernalia](#) tending to
29 aid, injure, or defeat the candidacy of any person for public office or any question submitted to
30 the voters or to intimidate or influence the voters.

31 SECTION 2. Chapter 17-19 of the General Laws entitled "Conduct of Election and
32 Voting Equipment, and Supplies" is hereby amended by adding thereto the following section:

33 **17-19-37.4. Irregularities not impairing validity of ballots.** -- [\(a\) No ballot returned by](#)
34 [the optical scan machine pursuant to a recount under sections 37.1 through 37.3 of this chapter](#)

1 shall be rejected for any immaterial addition, omission, or irregularity in the preparation or
2 execution of the computer ballot. No ballot shall be invalid by reason of mistake or omission in
3 writing in the name of any candidate where the candidate intended by the voter is plainly
4 identifiable. Where, because of any defect in marking, a ballot is held invalid as to any particular
5 candidate for office, it shall remain valid as to the candidates for other offices. No defect in the
6 marking of the appropriate space associated with casting a vote shall invalidate any ballot or a
7 vote for any candidate, where the intention of the voter is clearly indicated.

8 SECTION 3. Section 17-22-5.2 of the General Laws in Chapter 17-22 entitled
9 "Tabulation and Certification of Returns by State Board" is hereby amended to read as follows:

10 **17-22-5.2. Certificates of local elections -- Statement to secretary of state.** -- The local
11 board shall immediately, after the result has been ascertained, furnish to the secretary of state a
12 statement of the number of votes cast in the city or town for each candidate, the total number of
13 votes cast in the city or town for and against any proposed amendment to a charter or question,
14 and the names of the respective candidates elected and the offices to which they have been
15 respectively elected. Nothing contained herein shall be construed to affect the certification
16 provisions established by section 17-19-36.

17 SECTION 4. Section 42-35-18 of the General Laws in Chapter 42-35 entitled
18 "Administrative Procedures" is hereby amended to read as follows:

19 **42-35-18. Effective date of chapter -- Scope of application and exemptions.** -- (a) This
20 chapter shall take effect upon January 1, 1964, and thereupon all acts and parts of acts
21 inconsistent herewith shall stand repealed, provided, however, that except as to proceedings
22 pending on June 30, 1963, this chapter shall apply to all agencies and agency proceedings not
23 expressly exempted.

24 (b) None of the provisions of this chapter shall apply to the following sections and
25 chapters:

- 26 (1) Section 16-32-10 (University of Rhode Island);
- 27 (2) Chapter 41 of title 16 (New England Higher Education Compact);
- 28 (3) Section 16-33-6 (Rhode Island College);
- 29 (4) Chapter 16 of title 23 (Health Facilities Construction Act);
- 30 (5) Chapter 8 of title 20 (Atlantic States Marine Fisheries Compact);
- 31 (6) [Deleted by P.L. 2004, ch. 273, section 5, and by P.L. 2004, ch. 293, section 5.]
- 32 (7) [Deleted by P.L. 2004, ch. 273, section 5, and by P.L. 2004, ch. 293, section 5.]
- 33 (8) [Deleted by P.L. 2004, ch. 273, section 5, and by P.L. 2004, ch. 293, section 5.]
- 34 (9) [Deleted by P.L. 2004, ch. 273, section 5, and by P.L. 2004, ch. 293, section 5.]

- 1 (10) [Deleted by P.L. 2004, ch. 273, section 5, and by P.L. 2004, ch. 293, section 5.]
 - 2 (11) [Deleted by P.L. 2004, ch. 273, section 5, and by P.L. 2004, ch. 293, section 5.]
 - 3 (12) [Deleted by P.L. 2004, ch. 273, section 5, and by P.L. 2004, ch. 293, section 5.]
 - 4 (13) [Deleted by P.L. 2004, ch. 273, section 5, and by P.L. 2004, ch. 293, section 5.]
 - 5 (14) [Deleted by P.L. 2004, ch. 273, section 5, and by P.L. 2004, ch. 293, section 5.]
 - 6 (15) Chapter 38 of title 28 (Dr. John E. Donley Rehabilitation Center);
 - 7 (16) [Deleted by P.L. 2002, ch. 316, section 1, and by P.L. 2002, ch. 387, section 1.]
 - 8 (17) [Deleted by P.L. 2002, ch. 316, section 1, and by P.L. 2002, ch. 387, section 1.]
 - 9 (18) [Deleted by P.L. 2002, ch. 316, section 1, and by P.L. 2002, ch. 387, section 1.]
 - 10 (19) [Deleted by P.L. 2002, ch. 316, section 1, and by P.L. 2002, ch. 387, section 1.]
 - 11 (20) [Deleted by P.L. 2002, ch. 316, section 1, and by P.L. 2002, ch. 387, section 1.]
 - 12 (21) [Deleted by P.L. 2002, ch. 316, section 1, and by P.L. 2002, ch. 387, section 1.]
 - 13 ~~(22) Chapter 7 of title 17 (State Board of Elections);~~
 - 14 (23) Chapter 16 of title 8 (Judicial Tenure and Discipline);
 - 15 (24) Chapter 61 of title 42 (State Lottery);
 - 16 (25) Chapter 59 of title 16 (Board of Governors for Higher Education);
 - 17 (26) Chapter 60 of title 16 (Board of Regents for Elementary and Secondary Education);
 - 18 (27) Chapter 24.4 of title 45 (Special Development Districts);
 - 19 (28) Chapter 12 of title 35 (The University of Rhode Island Research Corporation).
- 20 (c) The provisions of sections 42-35-9, 42-35-10, 42-35-11, 42-35-12 and 42-35-13 shall
- 21 not apply to:
- 22 (1) Any and all acts, decisions, findings, or determinations by the board of review of the
 - 23 department of labor and training or the director of the department of labor and training or his, her,
 - 24 its or their duly authorized agents and to any and all procedures or hearings before and by the
 - 25 director or board of review of the department of labor and training or his or her agents under the
 - 26 provisions of chapters 39 -- 44 of title 28.
 - 27 (2) Section 28-5-17 (Conciliation of charges of unlawful practices).
 - 28 (3) Chapter 8 of title 13 (Parole).
 - 29 (4) Any and all acts, decisions, findings or determinations by the administrator of the
 - 30 division of motor vehicles or his or her duly authorized agent and to any and all procedures or
 - 31 hearings before and by said administrator or his or her said agent under the provisions of chapters
 - 32 10, 11, 31 to 33, inclusive, of title 31.
 - 33 (5) Procedures of the board of examiners of hoisting engineers under chapter 26 of title
 - 34 28.

1 (6) Any and all acts, decisions, findings, or determinations made under authority from
2 the provisions of chapters 29 -- 38 of title 28, concerning workers' compensation administration,
3 procedure and benefits.

4 [\(7\) Chapter 7 of Title 13 \(State Board of Elections\).](#)

5 SECTION 5. This act shall take effect upon passage.

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LC00750
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ELECTIONS - CONDUCT OF ELECTION

1 This act would make changes to the elections recount process. It would increase the
2 number of provisional ballot votes to be counted. Minor changes are made to the polling place
3 laws. Finally it would subject the board of elections to the Administrative Procedures Act
4 concerning its adoption of rules and regulations.

5 This act would take effect upon passage.

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