

2024 -- H 7540

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

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

Introduced By: Representatives Kislak, McGaw, Speakman, Caldwell, Cotter, Donovan,  
Handy, Potter, Boylan, and Sanchez

Date Introduced: February 07, 2024

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 17-12.1-2 of the General Laws in Chapter 17-12.1 entitled "Primaries  
2 for Election of Delegates to National Conventions and for Presidential Preference" is hereby  
3 amended to read as follows:

4           **17-12.1-2. Number of delegates to be elected — Method of election.**

5           (a) At each primary there shall be elected for each congressional district of this state the  
6 number of delegates and alternates that shall be determined by the national committee of the party  
7 and certified to the secretary of state not later than the first Tuesday in January preceding the  
8 primary by the state committee of the party. The method of election of candidates for delegate shall  
9 be in accordance with party rules certified to the secretary of state by the chairperson of the state  
10 committee on or before the first Tuesday in January of each year a primary is to be held pursuant  
11 to this chapter.

12           (b) The presidential preference primary shall be conducted using ranked choice voting as  
13 set forth in this chapter. The notice provided by the chairperson of a state committee under  
14 subsection (a) of this section shall indicate whether the party prefers the presidential preference  
15 primary tabulation to occur on a winner-take-all basis in accordance with § 17-12.1-17(b) or on a  
16 proportional basis in accordance with § 17-12.1-17(c). The notice shall further indicate how  
17 delegates are to be allocated and on what geographical basis delegates are to be allocated, whether  
18 statewide, by congressional district, by other geographic unit, or a combination thereof. If the party

1 [requests tabulation occur on a proportional basis, the chairperson shall indicate what the applicable](#)  
2 [threshold for receiving delegates in the presidential preference primary will be. If a party fails to](#)  
3 [specify how to tabulate ballots, the presidential preference primary election for that party shall be](#)  
4 [tabulated on a statewide winner-take-all basis in accordance with § 17-12.1-17\(b\).](#)

5 [\(c\) Nothing in this chapter shall be construed to preclude a political party from allocating](#)  
6 [delegates according to its own rules for allocating such delegates.](#)

7 SECTION 2. Section 17-12.1-4 of the General Laws in Chapter 17-12.1 entitled "Primaries  
8 for Election of Delegates to National Conventions and for Presidential Preference" is hereby  
9 amended to read as follows:

10 **17-12.1-4. Presidential candidates.**

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

21 (b)(1) Upon receipt of the notification referred to in subsection (a) of this section, the  
22 secretary of state shall, by six o'clock (6:00) p.m. on the same day, prepare petition papers for  
23 candidates who are eligible to serve in the office of President of the United States, clearly marked  
24 with the candidate's name, party designation, and the office the candidate seeks; provided,  
25 however, that for notifications filed on a Saturday deadline by noon (12:00) p.m., petition papers  
26 shall be prepared by two o'clock (2:00) p.m. on that Saturday.

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

1 made as to the eligibility of the candidate or the sufficiency of the nomination papers or the  
2 signatures on them. All objections shall be filed with the state board of elections by four o'clock  
3 (4:00) p.m. on the next business day after the last day fixed for local boards to file nomination  
4 papers with the secretary of state. Nothing in this section shall be construed to prevent the secretary  
5 of state from disqualifying a candidate based on the determination of the secretary of state that the  
6 nomination papers or the signatures on them are invalid or insufficient.

7 (c) The decision of the state board shall be rendered not later than four o'clock (4:00) p.m.  
8 on the sixty-third (63rd) day before the presidential preference primary and shall immediately be  
9 certified by the state board to the secretary of state.

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

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

21 (f) If any candidate whose name already appears on the ballot as a presidential nominee  
22 chooses to withdraw from consideration prior to the date established for the presidential preference  
23 primary election, that candidate shall file a signed letter of withdrawal with their national and state  
24 party chairpersons in compliance with any applicable party rules that may exist governing the  
25 timing, procedures, or substance of candidate withdrawals or suspensions. The candidate further  
26 shall file an affidavit with the secretary of state stating that the candidate is a withdrawn candidate  
27 and wishes to be treated as an inactive candidate in the tabulation conducted under § 17-12.1-17.  
28 Such affidavit must be signed by the presidential candidate or the candidates designee on file with  
29 the office of the secretary of state.

30 SECTION 3. Section 17-12.1-8 of the General Laws in Chapter 17-12.1 entitled "Primaries  
31 for Election of Delegates to National Conventions and for Presidential Preference" is hereby  
32 amended to read as follows:

33 **17-12.1-8. Presidential preference primary.**

34 (a) On the same date and at the same time as the election of delegates to national

1 conventions, as provided in § 17-12.1-1, there shall be held a presidential preference primary for  
2 each political party at which each party voter shall have one vote with the opportunity to ~~vote~~ rank  
3 his or her ~~preference~~ preferences for ~~his or her choice for one person~~ which candidate should ~~to~~ be  
4 the ~~candidate~~ presidential nominee of his or her party for president of the United States. The voter  
5 shall also have the ability to rank "uncommitted" among his or her preferences.

6 (b) The secretary of state shall place on the ballot the name of all persons qualified as  
7 candidates for presidential nominee as provided in § 17-12.1-4, and who have not filed with the  
8 secretary of state the affidavit as provided in § 17-12.1-4(e). The lists of candidates for delegate  
9 shall be placed on a separate portion of the ballot and shall be grouped by and clearly indicate  
10 which candidate for presidential nominee approved the individual's candidacy, ~~and shall list under~~  
11 ~~the name of each candidate for presidential nominee, arranged by lot, the names of all candidates~~  
12 ~~for delegates to a national convention who submitted the approval of the candidate for presidential~~  
13 ~~nominee~~ as set forth in § 17-12.1-7. All other candidates for delegates to a national convention shall  
14 be listed on the ballot, arranged by lot, as uncommitted, unless otherwise specified in party rules.

15 SECTION 4. Section 17-12.1-9 of the General Laws in Chapter 17-12.1 entitled "Primaries  
16 for Election of Delegates to National Conventions and for Presidential Preference" is hereby  
17 amended to read as follows:

18 **17-12.1-9. Voting for nominees and delegates — Designation of winning delegates.**

19 (a) Each voter shall ~~vote~~ rank, within that voter's party presidential preference primary, his  
20 or her preferences among ~~for~~ the presidential nominees ~~of that voter's choice~~ and ~~or~~ may express  
21 among those preferences a ranking ~~that voter's choice for no nominee in a space provided and~~  
22 designated "uncommitted."

23 (b) Each voter shall vote, within that voter's party delegate election primary ~~and~~ for any or  
24 all of the number of elected delegates allocated to Rhode Island by the respective national  
25 committees.

26 (c) The number of delegates and the designation of the winning delegates shall be  
27 determined pursuant to the rules of the political party filed with the secretary of state as provided  
28 by this chapter.

29 SECTION 5. Section 17-12.1-11 of the General Laws in Chapter 17-12.1 entitled  
30 "Primaries for Election of Delegates to National Conventions and for Presidential Preference" is  
31 hereby amended to read as follows:

32 **17-12.1-11. Form of ballot.**

33 (a) The order on the ballot, subject to final determination of any objections filed with the  
34 board of elections and the removal of said individual(s) by the secretary of state post-lot, of the

1 presidential nominees and delegates and the uncommitted delegates shall be chosen by lot under  
2 the direction of the secretary of state.

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

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

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

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

14 (f) The ballot shall allow voters to rank five (5) qualified presidential candidates in order  
15 of choice.

16 SECTION 6. Section 17-12.1-12 of the General Laws in Chapter 17-12.1 entitled  
17 "Primaries for Election of Delegates to National Conventions and for Presidential Preference" is  
18 hereby amended to read as follows:

19 **17-12.1-12. Definitions.**

20 For the purposes of this chapter the following terms have the meaning indicated as follows:

21 (1) "Active candidate" means any candidate who has not been eliminated during tabulation  
22 or is not a withdrawn candidate within the meaning of § 17-12.1-12(8).

23 (2) "Highest-ranked active candidate" means the active candidate assigned to a higher  
24 ranking than any other active candidates on a ballot.

25 ~~(3)~~ (3) "Political party" is defined as provided in § 17-1-2(9).

26 (4) "Ranking order" means the number available to be assigned by a voter to a candidate  
27 to express the voter's choice for that candidate. The number "1" is the highest ranking order,  
28 followed by "2" and then "3" and so on.

29 (5) "Round" means an instance of the sequence of voting tabulation described in § 17-12.1-  
30 17(b) for winner-take-all selection of delegates or § 17-12.1-17(c) for proportional selection of  
31 delegates.

32 (6) "Threshold for receiving delegates" means the percentage of votes for active candidates  
33 necessary for a presidential candidate to receive delegates in a presidential preference primary  
34 election conducted in accordance with § 17-12.1-17(c).

1           ~~(7)~~ “Uncommitted” means a candidate for delegate not approved by, obligated, or  
2 committed to any particular presidential contender.

3           (8) "Withdrawn candidate" means any candidate who filed all requisite letters or affidavits  
4 required under § 17-12.1-4(f).

5           SECTION 7. Section 17-12.1-14 of the General Laws in Chapter 17-12.1 entitled  
6 "Primaries for Election of Delegates to National Conventions and for Presidential Preference" is  
7 hereby amended to read as follows:

8           **17-12.1-14. Recount.**

9           (a) Upon application, the state board of elections shall conduct a recount for a presidential  
10 candidate ~~or delegate for a winning candidate~~ when there is a two hundred (200) or less vote  
11 difference in the final round of tabulation between the losing candidate ~~or delegate~~ and the winner.

12           (b) Upon application, the state board of elections shall conduct a recount for a delegate for  
13 a winning presidential candidate when there is a two hundred (200) or less vote difference between  
14 the losing delegate and the winner.

15           (c) A recount under subsection (a) or (b) of this section ~~Said recount~~ shall be conducted by  
16 re-reading the programmed memory device or devices and comparing the results and totals obtained  
17 at such recount with the results and totals obtained on election night.

18           ~~(b)~~(d) The state board shall have the authority to adopt rules and regulations to implement  
19 and administer the provisions of this section.

20           SECTION 8. Chapter 17-12.1 of the General Laws entitled "Primaries for Election of  
21 Delegates to National Conventions and for Presidential Preference" is hereby amended by adding  
22 thereto the following sections:

23           **17-12.1-17. Ranked choice voting tabulation.**

24           (a) In any state-administered presidential preference primary election for President of the  
25 United States conducted using ranked choice voting, each ballot shall count as one vote for the  
26 highest-ranked active candidate on that ballot. Withdrawn candidates shall be treated the same as  
27 candidates who have been eliminated from tabulation. A ranking of "uncommitted" shall be treated  
28 the same as a ranking containing a candidate.

29           (b) If a party awards delegates to a single candidate on a winner-take-all basis, tabulation  
30 shall proceed in rounds as follows:

31           (1) If there are more than two (2) active candidates, the active candidate with the fewest  
32 votes is eliminated, and votes for the eliminated candidate are counted for each ballot's next-ranked  
33 active candidate.

34           (2) If there are two (2) or fewer active candidates, tabulation is complete.

1 (c) If a party awards delegates to multiple candidates on a proportional basis, tabulation  
2 shall proceed in rounds as follows:

3 (1) If the vote total of any active candidate is below the party's threshold for receiving  
4 delegates set under § 17-12.1-2(b), the active candidate with the fewest votes is eliminated, and  
5 votes for the eliminated candidate are counted for each ballot's next-ranked active candidate.

6 (2) If the vote total of every active candidate is above the party's threshold for receiving  
7 delegates, tabulation is complete.

8 (d) The following rules shall apply to the treatment of ballots during tabulation:

9 (1) An undervote is a ballot that does not rank any candidates in a particular contest. An  
10 undervote does not count as an active or inactive ballot in any round of tabulation of that contest.

11 (2) An inactive ballot is a ballot that ceases in a round of tabulation to count for any  
12 candidate for the remainder of the tabulation of the contest because either:

13 (i) All candidates ranked on the ballot have become inactive; or

14 (ii) The ballot includes an overvote and any candidates ranked higher than the overvote  
15 have become inactive. An overvote occurs when a voter ranks more than one candidate at the same  
16 ranking.

17 (3) During tabulation, a ballot shall remain active and continue to count for its highest-  
18 ranked active candidate notwithstanding any skipped or repeated rankings on the ballot. A skipped  
19 ranking occurs when a voter leaves a ranking unassigned, but ranks a candidate at a subsequent  
20 ranking. A repeated ranking occurs when a voter ranks the same candidate at multiple rankings.

21 (e) If two (2) or more candidates are tied with the fewest votes and tabulation cannot  
22 continue until the candidate with the fewest votes is eliminated, then the candidate to be eliminated  
23 shall be determined by lot. Election officials may resolve prospective ties between candidates prior  
24 to tabulation. The result of any tie resolution must be recorded and reused in the event of a recount.

25 (f) When the secretary of state certifies the results of the election, the secretary shall certify  
26 the results of each round tabulated pursuant to subsection (b) or (c) of this section, as applicable,  
27 along with any other information required under § 17-12.1-18, to the state chairperson and the  
28 national committee of each political party that had at least one candidate on the state- administered  
29 presidential primary election ballot to allocate national delegate votes in accordance with the party's  
30 state and national rules.

31 **17-12.1-18. Results reporting.**

32 (a) The secretary of state shall promulgate rules or guidance to facilitate the release of  
33 unofficial preliminary results after the polls close, including:

34 (1) Round-by-round results, which shall be:

1           (i) First released as soon as a reasonable number of precincts have reported, but in no event  
2 later than 11:59 PM on election night;

3           (ii) Periodically released at regular intervals until the counting of ballots is complete; and

4           (iii) Clearly labeled as preliminary and include the number of counted and uncoun  
5 ted ballots to date; and

6           (2) Ballot-level ranking data on a contest-by-contest basis, which shall be:

7           (i) Released no later than the counting of ballots is complete;

8           (ii) Published online in a machine-readable, open format that can be retrieved, downloaded,  
9 indexed, sorted, and searched by commonly used Internet search applications and commonly used  
10 open format software;

11           (iii) Identifiable by precinct to the extent such identification is feasible and can be provided  
12 consistent with the need to maintain voter privacy; and

13           (iv) Clearly labeled as preliminary.

14           (3) In adopting rules or guidance under this subsection, the secretary of state shall consult  
15 with, and allow for input from, local election officials, and national and state party representatives.

16           (b) In addition to any other information required by law to be reported with official final  
17 results, the secretary of state shall make public:

18           (1) The number and percentage of votes that each candidate received in each round of the  
19 official tabulation;

20           (2) The number of ballots that became inactive in each round for the reasons set out in §  
21 17-12.1-17(d)(2), reported as separate figures; and

22           (3) Ballot-level ranking data on a contest-by-contest basis in a machine-readable, open  
23 format that can be retrieved, downloaded, indexed, sorted, and searched by commonly used Internet  
24 search applications and commonly used open format software, and in a manner identifiable by  
25 precinct to the extent such identification is feasible and can be provided consistent with the need to  
26 maintain voter privacy.

27           (c) The secretary of state will provide round-by-round results for each party on the  
28 geographical basis or bases identified in the notice submitted by the chairperson of that party's state  
29 committee pursuant to § 17-12.1-2.

30           **17-12.1-19. Rulemaking authority.**

31           The secretary of state shall have the authority to promulgate whatever rules, regulations,  
32 and procedures are necessary to implement this chapter.

33           SECTION 9. Section 17-19-37.4 of the General Laws in Chapter 17-19 entitled "Conduct  
34 of Election and Voting Equipment, and Supplies" is hereby amended to read as follows:

1           **17-19-37.4. Post-election audits.**

2           (a) The general assembly hereby finds, determines, and declares that auditing of election  
3 results is necessary to ensure effective election administration and public confidence in the election  
4 results. Further, risk-limiting audits provide a more effective manner of conducting audits than  
5 traditional audit methods in that risk-limiting audit methods typically require only limited resources  
6 for election contests with wide margins of victory while investing greater resources in close  
7 contests.

8           (b) Commencing in 2018, the board, in conjunction with local boards, is authorized to  
9 conduct risk-limiting audits after all statewide primary, general, and special elections in accordance  
10 with the requirements of this section. Commencing in 2020, the state board, in conjunction with  
11 local boards, must conduct risk-limiting audits after the presidential preference primary and general  
12 elections in accordance with the requirements in this section.

13           (c) The audit program shall be conducted as follows:

14           (1) The state board shall determine what local, statewide, and federal contests are subject  
15 to a risk-limiting audit;

16           (2) The state board shall provide notice pursuant to chapter 46 of title 42 of the time and  
17 place of the random selection of the audit units to be manually tallied and of the times and places  
18 of the audits;

19           (3) The state board shall make available to the public a report of the vote-tabulating device  
20 results for the contest, including the results for each audit unit in the contest, prior to the random  
21 selection of audit units to be manually tallied and prior to the commencement of the audit;

22           (4) The state board, in conjunction with the local boards, shall conduct the audit upon  
23 tabulation of the unofficial final results as provided in §§ 17-19-36 and 17-19-37 [or, for a](#)  
24 [presidential preference primary conducted pursuant to chapter 12.1 of title 17, as provided in](#)  
25 [applicable rule](#); and

26           (5) The state board, in conjunction with the local boards, shall conduct the audit in public  
27 view by manually interpreting the ballots according to rules established by the state board in  
28 accordance with chapter 35 of title 42.

29           (d) If a risk-limiting audit of a contest leads to a full manual tally of the ballots cast using  
30 the voting system, the vote counts according to that manual tally shall replace the vote counts  
31 reported pursuant to §§ 17-19-36 and 17-19-37 [or, for a presidential preference primary conducted](#)  
32 [pursuant to chapter 12.1 of title 17, as provided in applicable rule](#) for the purpose of determining  
33 the official contest results pursuant to §§ 17-22-5.2 and 17-22-6 [or the official contest results for a](#)  
34 [presidential preference primary conducted pursuant to chapter 12.1 of title 17.](#)

1 (e) For purposes of this section, the following terms have the following meanings:

2 (1) "Audit unit" means a precinct, a set of ballots, or a single ballot. A precinct, a set of  
3 ballots, or a single ballot may be used as an audit unit for purposes of this section only if all of the  
4 following conditions are satisfied:

5 (i) The relevant vote-tabulating device is able to produce a report of the votes cast in the  
6 precinct, set of ballots, or single ballot; and

7 (ii) Each ballot is assigned to not more than one audit unit.

8 (2) "Contest" means an election for an office or for a measure.

9 (3) "Risk-limiting audit" means a manual tally employing a statistical method that ensures  
10 a large, predetermined minimum chance of requiring a full manual tally whenever a full manual  
11 tally would show an electoral outcome that differs from the outcome reported by the vote-tabulating  
12 system for the audited contest. A risk-limiting audit shall begin with a hand tally of the votes in one  
13 or more audit units and shall continue to hand tally votes in additional audit units until there is  
14 strong statistical evidence that the electoral outcome is correct. In the event that counting additional  
15 audit units does not provide strong statistical evidence that the electoral outcome is correct, the  
16 audit shall continue until there has been a full manual tally to determine the correct electoral  
17 outcome of the audited contest.

18 (4) "Unofficial final results" means election results tabulated pursuant to §§ 17-19-36 and  
19 17-19-37 [or, for a presidential preference primary conducted pursuant to chapter 12.1 of title 17,](#)  
20 [as provided in applicable rule.](#)

21 (f) The results of any audits conducted under this section shall be published on the website  
22 of the state board within forty-eight (48) hours of being accepted by the state board. If the audit  
23 involved a manual tally of one or more entire precincts, then the names and numbers of all precincts  
24 audited and a comparison of the vote tabulator results with the hand counts for each precinct shall  
25 be published with the audit results on the website.

26 (g) Any audit required under this section shall not commence for any election subject to a  
27 recount pursuant to §§ [17-12.1-14](#), 17-19-37.1, 17-19-37.2, and 17-19-37.3 until the conclusion of  
28 said recount.

29 (h) The state board shall promulgate rules, regulations, and procedures in accordance with  
30 chapter 35 of title 42 necessary to implement this section.

31 SECTION 10. Nothing in this act shall be construed or implemented in a manner that would  
32 effectively foreclose the use of or substantially increase the cost of adopting a ballot structure or  
33 voting system compatible with fusion voting. For the purposes of this act, fusion voting is an  
34 electoral system that allows two (2) or more political parties to indicate their endorsement of a

1 single candidate for office on the ballot.

2 SECTION 11. If any provision of this act, or the application of any provision of this act to  
3 any person or circumstance, is held to be unconstitutional, the remainder of this act and the  
4 application of its provisions to any person or circumstance shall not be affected by the holding.

5 SECTION 12. 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 establish the ranked choice voting for Rhode Island Presidential primaries
- 2           and provides for new sections on ranked choice voting tabulation and results reporting.
- 3           This act would take effect upon passage.

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