

2018 -- H 7721

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LC004301  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO ELECTIONS - NOMINATION DEADLINES

Introduced By: Representatives Handy, and Shekarchi

Date Introduced: February 28, 2018

Referred To: House Judiciary

(Secretary of State)

It is enacted by the General Assembly as follows:

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

4           **17-14-1. Declarations of candidacy.**

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

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

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

5 (3) The party declaration if seeking to run in a party primary;

6 (4) The office sought;

7 (5) The place and date of birth;

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

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

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

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

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

23 **17-14-11. Checking and certification of nomination papers -- Challenge.**

24 Each nomination paper for party and independent candidates shall be submitted before  
25 four o'clock (4:00) p.m. on the sixtieth (60th) day before the primary to the local board of the city  
26 or town where the signers appear to be voters or, in the case of special elections, on the twenty-  
27 eighth (28th) day before the primary. Nomination papers for independent presidential candidates  
28 and presidential candidates of political parties, other than those defined in § 17-1-2(9), shall be  
29 filed not later than ~~sixty (60)~~ ninety (90) days prior to the general election. Each local board shall  
30 immediately proceed to check signatures on each nomination paper filed with it against the voting  
31 list as last canvassed or published according to law. In the case of candidates for statewide office,  
32 the local boards shall certify the number of names appearing on the nomination papers that are in  
33 conformity with the requirements of § 17-14-8, and after considering any challenge under this  
34 section, shall immediately file all nomination papers for the officers with the secretary of state. In

1 the case of all other candidates, the local boards shall certify a sufficient number of names  
2 appearing on the nomination papers that are in conformity with the requirements of § 17-14-8 to  
3 qualify the candidate for a position on the ballot, and after considering any challenge under this  
4 section and, if necessary, certifying any additional valid names, shall immediately file nomination  
5 papers for general assembly and state and district committee candidates with the secretary of  
6 state; provided, that nomination papers for local candidates shall be retained by the local board. If  
7 any candidate or the chairperson of any party committee questions the validity or authenticity of  
8 any signature on the nomination paper, the local board shall immediately and summarily decide  
9 the question, and for this purpose, shall have the same powers as are conferred upon the board by  
10 the provisions of § 17-14-14. If any challenged signature is found to be invalid, for any reason in  
11 law, or forged, then the signature shall not be counted.

12 SECTION 2. Section 17-15-1 of the General Laws in Chapter 17-15 entitled "Primary  
13 Elections" is hereby amended to read as follows:

14 **17-15-1. Date of primaries.**

15 A primary election for the nomination of candidates for each political party shall be held  
16 in each voting district in the manner provided in this chapter on the ~~second Tuesday after the first~~  
17 ~~Monday in September~~ third Tuesday in August in each even numbered year.

18 SECTION 3. 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 - NOMINATION DEADLINES

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1           This act would move the declaration of candidacy date from the last consecutive Monday,  
2 Tuesday, and Wednesday in June in the even years to the first Monday, Tuesday, and Wednesday  
3 in June. The act also requires independent presidential candidates and presidential candidates of  
4 political parties to file their nomination papers ninety (90) days before the general election.  
5 Finally, it moves the party primary election back from September to the third  
6 Tuesday in August.

7           This act would take effect upon passage.

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