

2018 -- H 7729

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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

Introduced By: Representatives Marszalkowski, and Casimiro

Date Introduced: February 28, 2018

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-19-31 of the General Laws in Chapter 17-19 entitled "Conduct
2 of Election and Voting Equipment, and Supplies" is hereby amended to read as follows:

3 **17-19-31. Irregular ballots.**

4 Ballots voted [for any office in which no candidate appears on the ballot for that office, or](#)
5 [in any other office](#) for any person whose name does not appear on the ballot as a nominated
6 candidate for office [and who has been duly qualified under the requirements of § 17-14-18](#) are
7 referred to in this section as "irregular ballots". In voting for presidential electors, a voter may
8 vote an irregular ticket made up of the names of persons in nomination by different parties; or
9 partly of names of persons in nomination and partly of names of persons not in nomination; or
10 wholly of names of persons not in nomination by any party. Scanned images of the computer
11 ballot containing the irregular ballot shall be stored digitally on physical electronic media in the
12 optical-scan precinct-count unit. With that exception, no irregular ballot shall be voted for any
13 person for any office whose name appears on the ballot as a nominated candidate for that office,
14 [nor shall any irregular ballot be voted for any person who has not been duly qualified under the](#)
15 [requirements of § 17-14-18, unless said vote is cast for an office in which no candidate appears](#)
16 [on the ballot for that office](#); any irregular ballot so voted shall not be counted. An irregular ballot
17 must be cast in its appropriate place on the ballot, or it shall be void and not counted and no
18 irregular ballots shall be counted at primaries; provided, that at any presidential primary, irregular
19 ballots shall be counted for those persons whose names have been written in for the office of

1 president. At the close of the polls, irregular ballots shall be packaged according to § 17-19-33
2 and shall be immediately delivered to the local board of canvassers. The local board shall receive
3 the tape from the optical precinct-count unit containing printed images of each written name on
4 the irregular ballots, or the physical electronic media containing images of the irregular ballots
5 and shall only record all write-in votes cast for persons meeting the requirements of this section
6 for all federal, state, and local races listed on the tape. The local board shall notify the state board
7 of the results through a procedure promulgated by the state board.

8 SECTION 2. Section 17-22-7 of the General Laws in Chapter 17-22 entitled "Tabulation
9 and Certification of Returns by State Board" is hereby amended to read as follows:

10 **17-22-7. Books of record of votes -- Contents.**

11 (a) The board shall keep separate books of record of the votes cast for the different
12 classes of officers which it is its duty to count, canvass, and tabulate, as follows:

- 13 (1) A book of record of votes cast for electors of president and vice-president;
- 14 (2) A book of record of votes cast for senators and representatives in congress;
- 15 (3) A book of record of votes cast for general officers; and
- 16 (4) A book of record of the votes cast for each class of officers that may by law
17 subsequently be required to be counted, canvassed, and tabulated by the board.

18 (b) Each of the respective books shall contain:

- 19 (1) A record of the number of votes cast in each voting district for each candidate
20 according to the counting, canvassing, and tabulating of the board;
- 21 (2) The number cast in each voting district for each candidate according to the certificates
22 of the moderators or wardens and clerks;
- 23 (3) The total number cast for each candidate in each town and city according to the
24 counting and to the certificates;
- 25 (4) The total number cast for each candidate in the state or congressional district, as the
26 case may be, according to the counting and the certificates;
- 27 (5) A statement of which candidates are elected; and
- 28 (6) Any other pertinent facts that the board deems proper.

29 (c) The board shall also keep a book of record of the votes cast for and against any
30 proposition of amendment of the Constitution and a book of record of the votes cast for and
31 against all questions submitted to the electors of the state, with like detail as provided in this
32 section in relation to votes cast for officers.

33 (d) Notwithstanding the above, the state board shall report all write-in votes received by
34 persons qualifying as write-in candidates pursuant to the requirements of § 17-19-31 and, not

1 otherwise qualifying to appear on the ballot ~~and receiving less than five (5) votes in a race, as a~~
2 ~~composite total of all write-in votes cast for said office.~~

3 SECTION 3. Chapter 17-14 of the General Laws entitled "Nomination of Party and
4 Independent Candidates" is hereby amended by adding thereto the following section:

5 **17-14-18. Declaration of intent of write-in candidacy.**

6 No later than four (4:00) p.m. on the first day preceding any presidential preference
7 primary or general election or election regularly scheduled for a time other than the biennial
8 general statewide election, each voter seeking to be a write-in candidate at the upcoming election
9 shall, on a form that shall be provided by the secretary of state, file a declaration of their intent of
10 write-in candidacy for a federal, state, or local office appearing on the ballot. The declaration of
11 intent shall be signed by the candidate as their name appears on the voting list. The signature shall
12 be accepted as valid if it is original and can be reasonably identified to be the name and signature
13 of the voter it purports to be. A variation of the voter's signature by the insertion or omission of
14 identifying titles or by the substitution of initials for the first or middle names of both shall not in
15 itself be grounds for invalidation of the signature. The declaration shall also include the following
16 information:

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

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

21 (3) The office sought;

22 (4) The place and date of birth;

23 (5) The length of residence in the state and in the town or city where they reside;

24 (6) A certification that they are neither serving a sentence, including probation or parole,
25 for which they were imprisoned upon final conviction of a felony imposed on any date nor
26 -serving any sentence, whether incarcerated or suspended, on probation or parole, upon final
27 conviction of a felony committed after November 5, 1986;

28 (7) A certification that they have not been lawfully adjudicated to be non compos mentis,
29 of unsound mind;

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

1 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would require all candidates seeking to be elected by write-in ballots to file a
2 declaration of intent with the secretary of state no later than four (4:00) p.m. on the day before the
3 election. It would also require the tallying of write-in votes only for election contests in which no
4 name appears on the printed ballot or for write-in candidates meeting the declaration
5 requirements. Finally it would mandate that the board of elections report all votes received by
6 declared write-in candidates.

7 This act would take effect upon passage.

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