

2010 -- S 2141

LC00490

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO ELECTIONS

Introduced By: Senators Blais, and Maselli

Date Introduced: February 04, 2010

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-19-1 and 17-19-24 of the General Laws in Chapter 17-19  
2 entitled "Conduct of Election and Voting Equipment, and Supplies" are hereby amended to read  
3 as follows:

4 **17-19-1. Definitions.** -- As used in this chapter, except as otherwise required by the  
5 context:

6 (1) "Computer ballot" means the paper ballot prepared by the office of the secretary of  
7 state for use in conjunction with the optical scan precinct count system;

8 (2) "Voting equipment" means an optical scan precinct count voting system, related  
9 memory device, all related hardware and software, and voting booths;

10 (3) "Warden" includes moderator; and vice versa;

11 (4) "Candidate" means any individual who has qualified under law to have his or her  
12 name appear on the ballot for nomination for election or election to office;

13 (5) "Write-in candidate" means any individual receiving votes or seeking election to  
14 office by virtue of having irregular ballots cast for him or her pursuant to section 17-19-31;

15 (6) "Public office" means any state, municipal, school or district office or other position  
16 that is filled by popular election, except political party offices which shall mean any state, city,  
17 town, ward or representative or senatorial district committee office of a political party or delegate  
18 to a political party convention, or any similar office; and

19 (7) A "Vote" shall be any mark made with the appropriate marking device within the

1 optech ballot voting area between the head and tail of the arrow on the computer ballot next to the  
2 party, candidate, write-in candidate or question, as is applicable, for whom the voter casts his or  
3 her ballot, except as provided in section 17-20-24.

4 (8) "Proof of identity" means any document which satisfies all of the following:

5 (i) the document shows the name of the individual to whom the document was issued,  
6 and the name conforms to the name in the individual's voter registration record;

7 (ii) the document shows a photograph of the individual to whom the document was  
8 issued.

9 (iii) the document includes an expiration date, and the document:

10 (A) is not expired; or

11 (B) expired after the date of the most recent general election;

12 (iv) the document was issued by the United States or the state of Rhode Island.

13 An individual whose proof of identity is deemed not satisfactory to the warden may  
14 obtain a provisional ballot as provided in section 17-19-24.1 upon making and signing an  
15 affidavit as provided in sections 17-15-26 and 17-19-27.

16 **17-19-24. Procedure for voting.** -- (a) Each person desiring to vote shall provide proof  
17 of identity and state his or her name and residence, including that person's street address, if he or  
18 she has any, to the pair of bi-partisan supervisors, who shall then announce the name and  
19 residence in a loud and distinct voice, clear and audible.

20 (b) A bipartisan pair shall locate the voter's name on the certified voting list for the  
21 voting district. Upon finding the voter's name on the certified voting list for the district, the voter  
22 shall sign their name on the line next to their printed name on the certified voter list, and the  
23 bipartisan pair shall initial the certified voter list in the place provided next to the voter's signature  
24 entered on the certified list of voters. The bipartisan pair shall also make a proper notation on the  
25 certified voter list that the applicant has voted in the election. If the bipartisan pair cannot locate  
26 the voter's name on the certified voting list for the voting district the bipartisan pair shall direct  
27 the voter to the clerk who shall review the certified list for the city or town and determine if the  
28 voter is registered to vote and in which voting district they are eligible to vote. The bipartisan pair  
29 of supervisors shall provide the voter with the appropriate computer ballot and security sleeve.  
30 The warden shall direct the voter to the voting booth which the voter shall use, and unless the  
31 voter needs instruction or assistance as provided in this chapter, the voter shall cast his or her  
32 vote, and if he or she desires place the voted computer ballot in a security sleeve, and shall  
33 proceed to the optical scan precinct count unit and shall personally place his or her voted ballot  
34 into the designated ballot slot on the unit, and after doing so, shall leave the enclosure at once. No

1 voter shall remain within the voting booth longer than ten (10) minutes, and if the voter refuses to  
2 leave after the lapse of ten (10) minutes, the voter shall be removed from the voting booth by  
3 order of the warden. Except for the election officials and the election inspector, not more than two  
4 (2) voters in excess of the number of voting booths shall be permitted within the enclosed space  
5 at any time.

6 (c) The optical scan precinct count unit shall be programmed to return a ballot to the  
7 voter if the voter has cast votes for more persons than which he or she is entitled to cast. The  
8 warden, by reading the message given on the optical scan precinct count unit, must advise the  
9 voter of the fact that the ballot has been over-voted. The voter will be instructed by the warden to  
10 remove his or her own ballot from the optical scan precinct count unit ballot slot. The warden will  
11 then ask the voter to surrender the ballot as void and receive a new ballot. If the voter agrees, the  
12 voter will make additional marks on the ballot so as not to identify the actual votes intended by  
13 the voter for the ballot. The ballot will be marked void by the warden and deposited in the  
14 receptacle for void ballots provided at the polling place. If the voter insists on casting the over-  
15 voted ballot, he or she will be advised that all races, other than the over-voted race, will be  
16 counted by the optical scan precinct count unit, and if he or she still insists, the warden will  
17 manually override the appropriate control on the unit and allow for the ballot to be entered and  
18 counted for all races other than the over-voted race.

19 (d) In the event a voter incorrectly marks a ballot by indicating his or her choices other  
20 than in the spaces provided for them, the ballot will be returned to the voter. The warden, by  
21 reading the message given on the optical scan precinct count unit, must advise the voter of the  
22 fact that the ballot has been marked incorrectly. The voter will be instructed by the warden to  
23 remove his or her own ballot from the optical scan precinct unit ballot slot. The warden will then  
24 advise the voter to surrender the ballot as void and receive a new ballot. If the voter agrees, the  
25 voter will make additional marks on the ballot so as not to identify the actual votes intended by  
26 the voter for the ballot. The ballot will be marked void by the warden and deposited in the  
27 receptacle for void ballots provided at the polling place. The warden will then provide for the  
28 instruction of the voter on the correct manner of marking his or her vote and the voter will be  
29 issued a new ballot. If the voter insists on casting the incorrectly marked ballot, the warden will  
30 manually override the appropriate control on the optical scan precinct count unit and allow for the  
31 ballot to be accepted.

1 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

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- 1           This act would require the presentation of identification by those wishing to vote and
- 2 defines the acceptable forms of identification.
- 3           This act would take effect upon passage.

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