

2022 -- S 2258

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO ELECTIONS -- NOMINATION OF PARTY AND INDEPENDENT
CANDIDATES -- DECLARATION OF CANDIDACY AND PRIMARY VOTES

Introduced By: Senators Raptakis, DiPalma, Murray, Archambault, F Lombardi,
DiMario, and Sosnowski

Date Introduced: February 11, 2022

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-14-1, 17-14-11 and 17-14-12 of the General Laws in Chapter 17-
2 14 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 consecutive Monday, Tuesday, and Wednesday in ~~June~~ April 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 independent
9 candidate on final nomination papers shall, on a form that shall be provided by the secretary of
10 state, file a declaration of his or her candidacy not later than four (4:00) p.m. of the last day for the
11 filing with the secretary of state for congressional and statewide general offices, or with the local
12 board of the place of the candidate's voting residence for general assembly, or state committee or
13 senatorial and representative district committee or with the appropriate local board for local
14 officers. The declaration shall be signed by the candidate as his or her name appears on the voting
15 list. The signature shall be accepted as valid if it can be reasonably identified to be the name and
16 signature of the voter it purports to be. A variation of the voter's signature by the insertion or
17 omission of identifying titles or by the substitution of initials for the first or middle names of both
18 shall not in itself be grounds for invalidation of the signature. The declaration shall also include the

1 following information:

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

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

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

7 (4) The office sought;

8 (5) The place and date of birth;

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

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

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

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

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

24 **17-14-11. Checking and certification of nomination papers -- Challenge.**

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

1 under this section and, if necessary, certifying any additional valid names, shall immediately file
2 nomination papers for statewide office, general assembly, and state and district committee
3 candidates with the secretary of state; provided, that nomination papers for local candidates shall
4 be retained by the local board. If any candidate or the chairperson of any party committee questions
5 the validity or authenticity of any signature on the nomination paper, the local board shall
6 immediately and summarily decide the question, and for this purpose, shall have the same powers
7 as are conferred upon the board by the provisions of § 17-14-14. If any challenged signature is
8 found to be invalid, for any reason in law, or forged, then the signature shall not be counted.

9 **17-14-12. Filing of nomination papers.**

10 All nomination papers for state offices or officers and all certified lists of candidates for
11 local offices or officers shall be filed in the office of the secretary of state (the certified lists by the
12 respective local boards), not later than ~~fifty-four (54)~~ eighty-four (84) days before the date of the
13 primary held to nominate candidates for general election; but when there is a primary to nominate
14 candidates for any office mentioned in § 17-15-7 to be voted upon at a special election, all
15 nomination papers and lists of local candidates shall be filed in the office on or before the twenty-
16 sixth (26th) day preceding the day of the special primary election. Nomination papers for
17 independent presidential candidates and presidential candidates of political parties other than those
18 defined in § 17-1-2(9) shall be filed in the office of the secretary of state by the local boards of
19 canvassers not later than fifty-four (54) days before the date of the election.

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

22 **17-15-1. Date of primaries.**

23 A primary election for the nomination of candidates for each political party shall be held
24 in each voting district in the manner provided in this chapter, on the ~~eighth~~ second Tuesday
25 ~~preceding biennial state elections~~ after the first Monday in September in each even numbered year.

26 SECTION 3. This act shall take effect on January 1, 2023.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO ELECTIONS -- NOMINATION OF PARTY AND INDEPENDENT
CANDIDATES -- DECLARATION OF CANDIDACY AND PRIMARY VOTES

- 1 This act would set an earlier deadline from June to April for the filing of declaration of
- 2 candidates and nomination papers.
- 3 This act would take effect on January 1, 2023.

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