

2018 -- S 2446

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO ELECTIONS

Introduced By: Senator Frank S. Lombardi

Date Introduced: February 15, 2018

Referred To: Senate Judiciary

(Secretary of State)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-9.1-24 of the General Laws in Chapter 17-9.1 entitled
2 "Registration of Voters" is hereby amended to read as follows:

3 **17-9.1-24. Change of designation.**

4 (a) Any person who has designated his or her party affiliation pursuant to § 17-9.1-23
5 may change the designation on or before the ~~ninetieth (90th)~~ twenty-ninth day preceding any
6 primary election for which the person is eligible. Whenever any person desires to change his or
7 her party designation, that person shall appear before the local board of the city or town in which
8 that person has his or her residence, as defined in § 17-1-3.1, or before the clerk or other duly
9 authorized agent of the board, and shall change his or her party designation and, after the
10 information has been recorded on the form furnished for that purpose, the person shall sign his or
11 her name and certify to the truth of the facts recorded in the appropriate spaces in the form; or the
12 person shall furnish an affidavit properly executed and signed by him or her to the board directing
13 the board to change the party designation. Whenever any person is unable to sign his or her name
14 because of physical incapacity or otherwise, that person shall make his or her mark "(X)", which
15 shall be witnessed by the person receiving the registration. For the convenience of persons voting
16 at a primary election, affidavits for changing party designation shall be available at all primary
17 polling places. The presence of the affidavits at the primary polling place shall not be construed
18 to allow a person to change his or her party designation within ~~ninety (90)~~ twenty-nine (29) days
19 preceding the primary election.

1 (b) Notwithstanding the provisions of subsection (a) of this section, affidavits for
2 changing party designation which are executed by voters at polling places immediately after
3 voting in primary elections conducted in the city of Warwick in January, 2000, shall take effect
4 immediately.

5 (c) Notwithstanding the provisions of subsection (a) of this section, affidavits for
6 changing party designation which are executed by voters at polling places immediately after
7 voting in primary elections conducted in senate district 20 comprising parts of the city of
8 Woonsocket and town of Cumberland in March, 2008, shall take effect immediately.

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

12 **17-14-1. Declarations of candidacy.**

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

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

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

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

33 (4) The office sought;

34 (5) The place and date of birth;

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

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

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

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

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

16 **17-14-11. Checking and certification of nomination papers -- Challenge.**

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

1 any signature on the nomination paper, the local board shall immediately and summarily decide
2 the question, and for this purpose, shall have the same powers as are conferred upon the board by
3 the provisions of § 17-14-14. If any challenged signature is found to be invalid, for any reason in
4 law, or forged, then the signature shall not be counted.

5 SECTION 3. Section 17-15-1 of the General Laws in Chapter 17-15 entitled "Primary
6 Elections" is hereby amended to read as follows:

7 **17-15-1. Date of primaries.**

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

12 SECTION 4. This act shall take effect on January 1, 2019.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ELECTIONS

1 This act would allow any person who has designated their party affiliation to change the
2 designation on or before the twenty-ninth day preceding any primary election. It also changes the
3 date of primaries to the third Tuesday after the first Monday in August.

4 This act would take effect on January 1, 2019.

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