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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO ELECTIONS

Introduced By: Senators Crowley, DeVall, McCaffrey, Pinga, and Lynch

Date Introduced: February 11, 2010

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-11-1 of the General Laws in Chapter 17-11 entitled "Voting
2 Districts and Officials" is hereby amended to read as follows:

3 **17-11-1. Division of towns and representative district into voting districts.** -- The
4 local board of any city or town may, on or before the sixtieth (60th) day preceding any election,
5 divide or redivide the town, or any representative district in the city or town, into voting districts.
6 The local board of each city shall determine voting districts by geographical boundaries and by
7 no other means. No voting district shall at any time comprise parts of two (2) or more wards. It
8 shall be the duty of the board to divide the town, representative district, or ward, so that
9 substantially not more than nineteen hundred (1900) voters shall be served by the same polling
10 place; provided, that subject to the approval of the state board, a local board may provide for
11 serving more than ~~nineteen hundred (1900)~~ twenty-five hundred (2500) voters in the same polling
12 place where the effect to the contrary would be of creating a polling place serving less than ~~one~~
13 ~~hundred fifty (150)~~ three hundred fifty (350) voters. A polling place may be located either within
14 or without the voting district for which it is established; provided, that a polling place may be
15 located outside the district only upon unanimous determination of the local board and subject to
16 the approval of the state board that a suitable place is not available within the voting district. In
17 making the calculation required by this section, voters whose names are on the inactive list of
18 voters shall not be included.

19 SECTION 2. Section 17-18-11 of the General Laws in Chapter 17-18 entitled "Elective

1 Meetings" is hereby amended to read as follows:

2 **17-18-11. Time of closing of polls.** -- Elective meetings in all cities and towns shall be
3 continuously kept open for voting until ~~9 p.m.~~ 8 p.m.; provided, that any qualified voter who is
4 within the building in which the elective meeting is being conducted and is waiting in line to vote
5 at ~~9 p.m.~~ 8 p.m. shall be entitled to cast his or her vote. When all persons entitled to vote have
6 been afforded a reasonable opportunity to do so, the polls shall be closed; ~~provided, that the city~~
7 ~~council of the city of Pawtucket shall have the authority, solely in local elections, to close the~~
8 ~~polls one hour earlier than set forth in this section.~~

9 SECTION 3. Section 17-19-24 of the General Laws in Chapter 17-19 entitled "Conduct
10 of Election and Voting Equipment, and Supplies" is hereby amended to read as follows:

11 **17-19-24. Procedure for voting.** -- (a) Each person desiring to vote shall state his or her
12 name and residence, including that person's street address, if he or she has any, to the pair of bi-
13 partisan supervisors, who shall then announce the name and residence in a loud and distinct
14 voice, clear and audible.

15 (b) A bipartisan pair shall locate the voter's name on the certified voting list for the
16 voting district. Upon finding the voter's name on the certified voting list for the district, ~~the voter~~
17 ~~shall sign their name on the line next to their printed name on the certified voter list, and the~~
18 ~~bipartisan pair shall initial the certified voter list in the place provided next to the voter's signature~~
19 ~~entered on the certified list of voters. The bipartisan pair shall also make a proper notation on the~~
20 ~~certified voter list that the applicant has voted in the election.~~ the bipartisan pair will instruct and
21 assist the voter in accordance with rules and regulations adopted by the state board in the
22 implementation and administration of this section. If the bipartisan pair cannot locate the voter's
23 name on the certified voting list for the voting district the bipartisan pair shall direct the voter to
24 the clerk who shall review the certified list for the city or town and determine if the voter is
25 registered to vote and in which voting district they are eligible to vote. ~~The bipartisan pair of~~
26 ~~supervisors shall provide the voter with the appropriate computer ballot and security sleeve.~~ The
27 ~~warden voter~~ shall ~~direct the voter~~ be directed to the voting booth which the voter shall use, and
28 unless the voter needs instruction or assistance as provided in this chapter, the voter shall cast his
29 or her vote, and if he or she desires place the voted computer ballot in a security sleeve, and shall
30 proceed to the optical scan precinct count unit and shall personally place his or her voted ballot
31 into the designated ballot slot on the unit, and after doing so, shall leave the enclosure at once. No
32 voter shall remain within the voting booth longer than ten (10) minutes, and if the voter refuses to
33 leave after the lapse of ten (10) minutes, the voter shall be removed from the voting booth by
34 order of the warden. Except for the election officials and the election inspector, not more than two

1 (2) voters in excess of the number of voting booths shall be permitted within the enclosed space
2 at any time.

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

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

29 SECTION 4. Section 17-22-7 of the General Laws in Chapter 17-22 entitled "Tabulation
30 and Certification of Returns by State Board" is hereby amended to read as follows:

31 **17-22-7. Books of record of votes -- Contents.** -- (a) The board shall keep separate
32 books of record of the votes cast for the different classes of officers which it is its duty to count,
33 canvass, and tabulate, as follows:

34 (1) A book of record of votes cast for electors of president and vice-president;

1 (2) A book of record of votes cast for senators and representatives in congress;
2 (3) A book of record of votes cast for general officers; and
3 (4) A book of record of the votes cast for each ~~class of officers~~ state office candidate that
4 may by law subsequently be required to be counted, canvassed, and tabulated by the board.

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

6 (1) A record of the number of votes cast in each voting district for each candidate
7 according to the counting, canvassing, and tabulating of the board;

8 (2) The number cast in each voting district for each candidate ~~according to the~~
9 ~~certificates of the moderators or wardens and clerks;~~

10 (3) The total number cast for each candidate in each town and city according to the
11 counting ~~and to the certificates;~~

12 (4) The total number cast for each candidate in the state or congressional district, as the
13 case may be, according to the counting ~~and the certificates;~~

14 (5) A statement of which candidates are elected; and

15 (6) Any other pertinent facts that the board deems proper.

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

20 (d) Notwithstanding the above, the state board shall report all write-in votes received by
21 persons, not otherwise qualifying to appear on the ballot and receiving less than ~~five (5) votes~~
22 five percent (5%) of the votes behind the winning candidate in a race, as a composite total of all
23 write-in votes cast for said office.

24 SECTION 5. Section 17-23-18 of the General Laws in Chapter 17-23 entitled "Election
25 Offenses" is hereby amended to read as follows:

26 **17-23-18. Political advertising from official budgets prohibited.** -- (a) No elected
27 official shall permit the expenditure of public funds from any official budget under his or her
28 authority for any publication, advertisement, broadcast, or telecast of his or her photograph,
29 voice, or other likeness to be broadcast or distributed to the public during the one hundred and
30 twenty (120) days preceding any primary or general election in which he or she is a candidate.

31 (b) This section shall not be construed to prohibit an official from appearing on an
32 official state or local government website, or regular capitol television programming operated by
33 the general assembly or on television stations operated by the Rhode Island public
34 telecommunications authority during the period of time or programming of regular or special

1 meetings of city or town councils or any local governmental board, agency or other entity.

2 SECTION 6. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO ELECTIONS

- 1 This act would make various changes to the state election laws.
- 2 This act would take effect upon passage.

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