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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO ELECTIONS -- CONDUCT OF ELECTIONS

Introduced By: Senator Elizabeth A.Crowley

Date Introduced: March 04, 2014

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-19-1, 17-19-3, 17-19-21, 17-19-24.1, 17-19-37.1, 17-19-39.1,
2 17-19-43 and 17-19-49 of the General Laws in Chapter 17-19 entitled "Conduct of Election and
3 Voting Equipment, and Supplies" are hereby amended to read 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~~ [§§ 17-19-37.4](#) or 17-20-24.

4 **17-19-3. Voting equipment and services -- Specifications.** -- (a) The office of secretary
5 of state and the state board of elections shall submit specifications to the department of
6 administration, which the department of administration shall consult in developing a request for a
7 proposal, as set forth in section 17-19-2.1. These specifications must be submitted to the
8 department of administration within thirty (30) days of the passage of this bill. These
9 specifications and the request for a proposal for the options of purchasing, leasing to own or
10 renting an optical scan precinct count voting system, and for a full service contract for an optical
11 scan precinct count voting system, shall propose an optical scan precinct count system that shall
12 be constructed and shall operate in a manner that meets the following minimum requirements:

13 (1) It shall enable the voter to:

14 (i) Mark his or her ballot and cast his or her vote in secrecy;

15 (ii) Vote for all candidates of political parties or organizations, and for or against
16 questions as submitted;

17 (iii) Vote for all the candidates of one party or in part for the candidates of one or more
18 other parties;

19 (iv) Vote for as many persons for an office as the voter is lawfully entitled to vote for,
20 but no more; and

21 (v) Vote on any question the voter may have the right to vote on;

22 (2) It shall prevent the voter from voting for the same person more than once for the
23 same office;

24 (3) The voting equipment shall allow the voter to cast one vote, thereby allowing the
25 voter to vote for all the presidential electors of a party by marking one mark on the ballot, and a
26 ballot containing only the words "presidential electors for" preceded by the name of that party
27 and followed by the names of the candidates of that party for the offices of president and vice-
28 president; provided, that means shall be furnished by which the voter can cast a vote in part for
29 the candidates for presidential electors of one party, and in part for those of one or more other
30 parties or in part or in whole for persons not nominated by any party;

31 (4) The optical scan precinct counting system shall meet the following specifications:

32 (i) Vote counting, including absentee ballots, shall be performed through the use of
33 automated electronic equipment;

34 (ii) All vote counting shall be performed on equipment supplied as part of the bid. The

1 system shall not require the use of non-supplied equipment to count ballots or tabulate results;

2 (iii) There shall be privacy enclosures in which a voter may mark his or her ballot or
3 otherwise cast his or her vote in secret;

4 (iv) There shall be a device located in each polling place that can record the vote count
5 and tally the vote count in that polling place and which can produce a printed tally of all races
6 contained on said ballot in human readable form. The device shall automatically print a "zero
7 report" at the beginning of the day when the device is activated. The device that receives ballots
8 for counting shall have an external counter indicating the number of ballots received. The actual
9 vote tally shall be capable of being performed only by election officials and shall not be visible
10 during the actual voting process. Each recording device shall rest on a ballot box which must
11 have compartments with doors that lock for security of voted ballots and ease of access;

12 (v) As part of the voting process, there shall be created a physical ballot showing the
13 votes cast by an individual voter which is capable of being hand counted so that electronic
14 recorded device totals can be checked for accuracy for auditing purposes, or in the event that a
15 recount, conducted pursuant to this chapter, indicates a discrepancy in the number of votes cast in
16 an election or ballot question, or where necessary to ascertain voter intent as provided herein, or
17 to otherwise ensure implementation of a voter's exercise of his or her right to vote. The device
18 must be able to accept a one, two (2) or three (3) column ballot which can be printed on one or
19 both sides;

20 (vi) There shall be a device at each polling place to receive the physical audit trail of
21 ballots cast and which shall securely store the ballots and have the capability of restricting access
22 to the ballots only to authorize officials;

23 (vii) In the event of loss of electrical power, the polling place vote count shall be stored
24 on an ongoing basis in media which will retain the count of the votes cast to that point in time for
25 a period of no less than five (5) years;

26 (viii) The polling place vote counts shall be stored on a stable media which may be
27 easily transported and which may be accessed and counted by an electronic device so that state,
28 city and/or town vote totals can be electronically calculated by combining individual polling
29 place totals. It shall not be necessary to enter individual polling place totals by and into a central
30 computer or device for the purpose of producing the state, city and/or town totals, but rather the
31 electronic media on which the polling place totals are stored shall be directly readable and
32 accessible by a regional or central device;

33 (ix) There shall be a device which has the capability to electronically read the storage
34 device upon which the individual polling place totals are stored and which shall produce a

1 combined total for all races, which total can be printed in easily readable and legible form in a
2 format prescribed by the state board of elections;

3 (x) The system provided shall allow the secretary of state to have the capability to design
4 the ballot format;

5 (xi) The system shall provide a capability for the state, without the use of outside
6 services, to set up and prepare the counting devices to total an election; and

7 (xii) The system must be capable of receiving voted ballots without counting when
8 without power, and must provide for securely storing uncounted ballots;

9 (5) The following minimum equipment shall be required for the state:

10 (i) There shall be six hundred (600) units to permit counting to be conducted in each
11 polling place within the state with a reserve of equipment on hand;

12 (ii) There shall be sufficient voting booths to allow one voting booth for approximately
13 every one hundred seventy-five (175) voters as determined in this title;

14 (iii) The number of polling place units and voting booths must be sufficient to permit the
15 election to run smoothly without excessive waiting of voters;

16 (iv) If there is an increase in the number of polling places statewide during the term of
17 the contract, the vendor will supply additional polling place units and voting booths at a cost
18 proportional to the cost of the initial units pro rated for the balance of the agreement years;

19 (v) (A) There shall be high speed absentee vote tabulating equipment. These tabulators
20 as a whole must be capable of counting a minimum of four hundred (400) absentee ballots per
21 minute. The tabulators shall utilize the same ballots used in the polling place;

22 (B) This system shall have the following capabilities in connection with the counting of
23 ballots and producing results:

24 (I) This system shall be able to read the media from the polling place units on which
25 polling place results are stored and shall be able to compile polling place results producing a
26 ballot total for each race; and

27 (II) This system shall be capable of producing and printing out ballot totals on a polling
28 place by polling place basis for each race, and shall be capable of producing a final total and
29 subtotals of all races from all races and polling places in the state. All totals must be able to be
30 produced at any time based upon the number of polling places counted up to that point in time,
31 and these printout results shall state the number of precincts counted and the percentage of
32 precincts reporting;

33 (vi) There shall be all equipment necessary to program the system and erase the memory
34 devices;

1 (vii) Regional tabulating equipment shall be located in each of the thirty-nine (39) local
2 boards of canvassers and the central tabulation equipment shall be located at the state board of
3 elections. The state board of elections, thirty (30) days prior to an election, shall determine which
4 regional and/or central tabulation sites are to be utilized for the election. The tabulation system
5 shall have the following capabilities in connection with the counting of ballots and producing
6 results:

7 (A) This system shall be able to read the media from the polling place units on which
8 polling place results are stored and shall be able to compile polling place results producing a
9 ballot total for each race;

10 (B) This system shall be capable of producing and printing out ballot totals on a polling
11 place by polling place basis for each race and shall be capable of producing a final total and
12 subtotal of all races from all races and polling places in the state;

13 (C) All totals must be able to be produced at any time based upon the number of polling
14 places counted up to that point in time, and the printout results shall state the number of precincts
15 counted and the percentage of precincts reporting; and

16 (D) This system shall be capable of transferring information gathered at each regional
17 site to the central site, and shall also be capable of transferring information gathered at the central
18 site to a specific regional site;

19 (6) All necessary programming and accumulation software shall be provided to run the
20 election system in accordance with the required specifications as well as all necessary and
21 required modules. Any software updates during the term of the agreement shall not be charged to
22 the state;

23 (7) The vendor of the optical scan precinct count system shall provide written proof of
24 compliance with Federal Election Commission standards from an independent testing company
25 and this written proof must be on file with the office of the secretary of state and the state board
26 of elections;

27 (8) The vendor shall also provide the following information to be included in the
28 vendor's bid proposal:

29 (i) (A) An audited financial statement covering the previous five (5) years, and if the
30 vendor is not the manufacturer of the equipment, both the agent and manufacturer must submit an
31 audited financial statement covering the previous five (5) years with the bid;

32 (B) In the event that either the vendor, agent, or manufacturer has been in existence for
33 less than five (5) years, that entity must submit an audited financial statement for each and every
34 full year that they have been in existence;

1 (ii) Proof of experience in the field of elections including, but not limited to, years of
2 experience in this field, and experience with a jurisdiction having the same needs as the state of
3 Rhode Island; and

4 (iii) Names and addresses of the support organizations that will provide support of all
5 equipment.

6 (b) The full service plan shall include the following services, but, at the discretion of the
7 department of administration, shall not be limited to the following services:

8 (1) Computer coding and layout of all ballots to be used in each election under contract
9 in conjunction with the office of the secretary of state, including the printing of the ballot and the
10 preparation of the device to ensure that the ballots are compatible with the device. Subsequent
11 thereto, the state board of elections shall be responsible for the following:

12 (2) Testing of each unit for logic and accuracy;

13 (3) Testing of each programmed memory cartridge;

14 (4) Set up of each optical scan precinct count unit at each polling place;

15 (5) Maintenance of all optical precinct count units;

16 (6) Training of poll workers;

17 (7) On-site election night staff at the central tabulation location and any other locations
18 as may be determined by the state board to receive and transmit election results;

19 (8) On-site election day field technicians to respond to repair calls;

20 (9) Providing the following equipment and supplies:

21 (i) Secrecy covers for voted ballots;

22 (ii) Demonstration ballots;

23 (iii) Precision cut shell program ballots ready for printing with timing marks;

24 (iv) Marking pens;

25 (v) Ballot transfer cases;

26 (vi) Envelopes for mailing and receiving absentee ballots; and

27 (vii) Printer ribbons, paper tape rolls and seals.

28 (c) Any bid specifications for an optical scan precinct count system and a full service
29 agreement for an optical scan precinct count system that do not conform in all respects to the
30 requirements of subdivisions (a)(1) -- (b)(9)(vii) of this section shall not be submitted to the
31 office of the department of administration; provided, that the director of administration may
32 waive any one of the requirements with respect to the full service agreement portion of the bid,
33 after consultation with the chairperson of the state board of elections and the secretary of state, in
34 order to preserve an otherwise acceptable bid.

1 (d) Upon expiration of the initial full service agreement as set forth in the provisions of
2 section 17-19-2.1, the state board shall conduct a review of the election system, provide a report
3 to the general assembly and shall subsequently assume responsibility for establishing minimum
4 requirements and specifications for the procurement of voting equipment and services.

5 (e) The board of elections shall specify, by promulgated regulation, all programming
6 standards of the voting equipment that relate to the equipment's acceptance or rejection of ballots,
7 or of particular votes on a ballot, due to overvoting, undervoting, or any other reason.

8 **17-19-21. Arrangement of polling places -- Election officials -- Police officers. --** (a)

9 The polling places shall be established, equipped, and furnished with the paraphernalia necessary
10 for the conduct of each election, by the officers and in the manner provided by this title. There
11 shall be placed, outside each polling place, a clearly marked sign to be provided by the state
12 board of elections indicating the location of the polling place. This sign shall be of a conspicuous
13 nature, and shall be visible from the street. The area within which the balloting is conducted shall
14 be arranged with a guard rail having one place for entrance and another place for exit. The rail
15 shall be placed so that only persons admitted inside the rail can approach within five (5) feet of
16 any voting booth or optical scan precinct count unit. The voting booths and optical scan precinct
17 count unit shall be placed so that the warden and the clerk shall always have a clear view of the
18 front of each voting booth and the optical scan unit. It shall be the duty of the warden to direct the
19 location of the voting equipment in relation to the guard rail and the posts of the warden and the
20 clerk so as to enforce the requirements of this section.

21 (b) One bipartisan pair of supervisors, the clerk, and the warden shall be stationed, in
22 that order, along the guard rail so that a voter desiring to cast a ballot will pass first in front of the
23 bipartisan pair, then in front of the clerk, and finally in front of the warden. A second bipartisan
24 pair shall be stationed within the guard rail and shall be available to relieve the first bipartisan
25 pair or the clerk, and to assist voters within the limits prescribed by this title. The second
26 bipartisan pair, when not engaged in the preceding duties, shall watch the voters in and about the
27 voting equipment and shall call to the attention of the warden any violation, or circumstance
28 suggesting a violation, of the provisions of this title.

29 (c) The chiefs of police of cities and towns, and town sergeants of towns having no chief
30 of police, shall detail a certain number of police officers to each polling place as may be
31 requested by the local board. The police officers shall preserve order at each polling place and
32 within two hundred (200) feet of the polling place. It shall be the duty of every police officer or
33 other peace officer or constable to arrest without warrant any person detected in the act of
34 violating the provisions of this chapter, but no arrest shall be made without the approval of the

1 warden.

2 (d) The election officials provided in subsections (a) and (b) of this section shall be
3 provided with, and shall be required to prominently display upon their persons, identification
4 badges which shall designate that person as an election official. Powers and duties of all
5 designated election officials at polls shall be posted in a conspicuous and prominent location
6 within the voting place, preferably with the posted sample ballot.

7 (e) Any person may enter a polling place to observe its operation and take notes, provided
8 that the person does not disturb the conduct of the voting process or engage in electioneering
9 activity otherwise prohibited by this title.

10 **17-19-24.1. Provisional voting under the Help America Vote Act of 2002.** -- (a) If an
11 individual's name does not appear on the certified voting list as provided for in section 17-19-
12 24(b) and the individual is eligible to vote in an election for federal office or an election official
13 asserts that the individual is not eligible to vote in the district in which the individual desires to
14 vote, then the individual shall be permitted to cast a provisional ballot as provided in Section 302
15 of the Help America Vote Act (P.L. 107-252) [42 U.S.C. section 15481].

16 (b) Provisional ballots provided for in this section shall be cast in accordance with rules
17 and regulations which shall be promulgated by the state board of elections in accordance with the
18 Help America Vote Act (P.L. 107-252) [42 U.S.C. section 15301 et seq] and this section.

19 (c) If an individual casting the ballot is a registered voter in the city/town and precinct in
20 which he or she voted, a provisional ballot shall be counted as a full ballot.

21 (d) If the individual is a registered voter in the city/town and proper congressional
22 district, but not the precinct in which he or she voted, the ballot will be counted for all federal,
23 state-wide, city-wide or town-wide elections and for all ballot questions.

24 (e) In all other instances, where the individual is not a registered voter in the city/town or
25 is in the wrong congressional district in which the individual cast his/her ballot, the ballot shall be
26 counted for all elections and ballot questions for which the person is qualified, by reason of
27 residency, to vote.

28 (f) To the extent not prohibited by federal law:

29 (1) The name, designation of party affiliation, street address, city or town, and previous
30 name and address of an applicant for a provisional ballot, the reason for the provisional ballot,
31 and the disposition of the provisional ballot shall be public; and

32 (2) The determination process for the disposition of a provisional ballot shall be
33 conducted in public.

34 (g) Any person who is given a provisional ballot because he or she is a first-time voter

1 who directly registered by mail and failed to provide the identifying information required by the
2 Help America Vote Act at the time of registration or prior to his or her vote shall have forty-eight
3 (48) hours from the close of the polls to provide the necessary identification in order to have his
4 or her vote counted.

5 (h) Between fifteen (15) and forty (40) days before a statewide election, the board shall
6 send a written notice by first-class mail to every mail registrant who failed to provide the
7 identifying information required by the Help America Vote Act at the time of registration or prior
8 to his or her vote. The notice shall inform the registrant of his or her need to provide
9 identification in order to have his or her vote counted, and describe the types of identification that
10 are acceptable. The notice shall be written in such a manner as to ensure ease of comprehension
11 by the recipients.

12 **17-19-37.1. Recount eligibility -- Candidates for public office.** -- A candidate for
13 election or nomination for election to public office shall be eligible to request a recount of the
14 votes cast in his or her race pursuant to the following:

15 (1) In those races in which a single candidate is elected a candidate who trails the
16 winning candidate may request a recount of the votes cast at each precinct by a manual re-feeding
17 of the computer ballots cast in said race into the optical scan voting equipment provided that the
18 candidate shall trail the winning candidate by less than the following number of votes:

19 (a) In those races where the number of votes cast is less than or equal to twenty thousand
20 (20,000) the candidate requesting the recount shall trail the winning candidate by two percent
21 (2%) or two hundred (200) votes, whichever is less; in those races where the number of votes cast
22 is between twenty thousand one (20,001) and one hundred thousand (100,000) the candidate
23 requesting the recount shall trail the winning candidate by one percent (1%) or five hundred (500)
24 votes, whichever is less; and, in those races where more than one hundred thousand (100,000)
25 votes are cast the candidate requesting the recount shall trail the winning candidate by one-half of
26 one percent (1/2%) or one thousand five hundred (1,500) votes, whichever is less.

27 (b) For the purpose of determining recount eligibility, as prescribed in subsections (1)(a)
28 and (3) of this section, the number of votes cast in a race shall include the votes cast for
29 candidates and irregular ballots cast pursuant to section 17-19-31.

30 (2) In those races in which more than one candidate is elected a candidate who trails the
31 winning candidate may request a recount of the votes cast at each precinct by a manual re-feeding
32 of the computer ballots cast in said race into the optical scan voting equipment provided that the
33 candidate shall trail the winning candidate by less than the following number of votes:

34 (a) In those races where the number of votes cast is less than or equal to five thousand

1 (5,000) the candidate requesting the recount shall trail the winning candidate by two percent (2%)
2 or fifty (50) votes, whichever is less; in those races where the number of votes cast is between
3 five thousand one (5,001) and twenty thousand (20,000) the candidate requesting the recount
4 shall trail the winning candidate by one percent (1%) or one hundred (100) votes, whichever is
5 less; and in those races where more than twenty thousand (20,000) votes are cast the candidate
6 requesting the recount shall trail the winning candidate by one-half of one percent (1/2%) or one
7 hundred fifty (150) votes, whichever is less.

8 (b) For the purpose of determining recount eligibility, as prescribed in subsections (2)(a)
9 and (3) of this section, the total number of votes cast in a race shall be determined by dividing the
10 total number of votes eligible to be cast in the race by the number of candidates for whom each
11 voter was eligible to cast votes.

12 (3) Notwithstanding the requirements of subsections (1)(a) and (2)(a) of this section, a
13 candidate who trails the winning candidate by five percent (5%) or less, but more than the
14 minimum percentage or number of votes as required in subsections (1)(a) or (2)(a) of this section,
15 as applicable, may petition the state board to conduct a recount of the votes cast at each precinct
16 by re-reading the programmed memory device or devices and comparing the results and totals
17 obtained at such recount with the results and totals obtained on election night. If, after said
18 recount, a candidate shall trail the winning candidate by less than the number of votes prescribed
19 in subsection (1)(a) or (2)(a) of this section, as the case may be, the candidate may request a
20 recount of the votes cast at each precinct to subsection (1)(a) or (2)(a) of this section, as is
21 applicable.

22 (4) Marked ballots, including those returned by the optical scan machine as programmed
23 in accordance with this section, shall be available for inspection and copying by any person,
24 subject to reasonable security procedures.

25 (5) Nothing contained herein shall be construed to bar or prevent the manual recount of
26 ballots upon request of an individual eligible to request a vote recount pursuant to this section.

27 The state board shall have the authority to adopt rules and regulations to implement and
28 administer the provisions of this section.

29 **17-19-39.1. Voted ballot storage and security.** -- Voted computer ballots that were
30 counted at the state board shall be stored in containers by the state board until the expiration of
31 twenty-two (22) months from the date of election and the final result of any disputed results in
32 that election and voted computer ballots that were voted and packaged at a local precinct or
33 counted at the local board shall be held and stored in containers by the local board in accordance
34 with the regulations promulgated by the state board until the expiration of twenty-two (22)

1 months from the date of election and the final result of any disputed results in that election. The
2 voted ballots shall remain stored in the appropriate containers, but shall be available for
3 inspection and copying by any person subject to reasonable security procedures ~~unless ordered to~~
4 ~~be opened by the state board or a court of law~~. The computer file containing ballot layout
5 information and candidate totals shall be transferred to a disk and retained permanently.

6 Notwithstanding the requirements of this section, the state board shall have the authority
7 to examine and inspect the voted ballots subsequent to the certification of an election and the final
8 resolution of any disputed results in that election.

9 **17-19-43. Tampering with sample ballot.** -- Every person who willfully and without
10 lawful authority and the final resolution of any disputed destroys, secretes, removes, defaces,
11 alters, tampers, or meddles with a sample ballot posted at the polling place, shall be guilty of a
12 felony.

13 **17-19-49. Political literature and influence.** -- No poster, paper, circular, or other
14 document designed or tending to aid, injure, or defeat any candidate for public office or any
15 political party on any question submitted to the voters shall be distributed or displayed within the
16 voting place or within fifty (50) feet of the entrance or entrances to the building in which voting is
17 conducted at any primary or election. ~~Neither shall any election official~~ No voter other than a
18 voter in the process of casting his or her own vote may display on his or her person within the
19 voting place any political party button, badge, or other ~~device~~ election paraphernalia tending to
20 aid, injure, or defeat the candidacy of any person for public office or any question submitted to
21 the voters or to intimidate or influence the voters.

22 SECTION 2. Chapter 17-19 of the General Laws entitled "Conduct of Election and
23 Voting Equipment, and Supplies" is hereby amended by adding thereto the following section:

24 **17-19-37.4. Irregularities not impairing validity of ballots.** -- (a) No ballot returned by
25 the optical scan machine pursuant to a recount pursuant to §§ 17-19-37.1, 17-19-37.2, and 17-19-
26 37.3 shall be rejected for any immaterial addition, omission, or irregularity in the preparation or
27 execution of the computer ballot. No ballot shall be invalid by reason of mistake or omission in
28 writing in the name of any candidate where the candidate intended by the voter is plainly
29 identifiable. Where, because of any defect in marking, a ballot is held invalid as to any particular
30 candidate for office, it shall remain valid as to the candidates for other offices. No defect in the
31 marking of the appropriate space associated with casting a vote shall invalidate any ballot or a
32 vote for any candidate, where the intention of the voter is clearly indicated.

33 SECTION 3. Section 17-22-5.2 of the General Laws in Chapter 17-22 entitled
34 "Tabulation and Certification of Returns by State Board" is hereby amended to read as follows:

1 **17-22-5.2. Certificates of local elections -- Statement to secretary of state. --** The local
2 board shall immediately, after the result has been ascertained, furnish to the secretary of state a
3 statement of the number of votes cast in the city or town for each candidate, the total number of
4 votes cast in the city or town for and against any proposed amendment to a charter or question,
5 and the names of the respective candidates elected and the offices to which they have been
6 respectively elected.

7 Nothing contained herein shall be construed to affect the certification provisions
8 established by § 17-19-36.

9 SECTION 4. Section 17-18-11 of the General Laws in Chapter 17-18 entitled "Elective
10 Meetings" is hereby amended to read as follows:

11 **17-18-11. Time of closing of polls. --** Elective meetings in all cities and towns shall be
12 continuously kept open for voting until 8 p.m.; provided, that any qualified voter who is waiting
13 in line to vote at the polling location at 8 p.m. shall be entitled to cast his or her vote. When all
14 persons entitled to vote have been afforded a reasonable opportunity to do so, the polls shall be
15 closed.

16 SECTION 5. Section 42-35-18 of the General Laws in Chapter 42-35 entitled
17 "Administrative Procedures" is hereby amended to read as follows:

18 **42-35-18. Effective date of chapter -- Scope of application and exemptions. --** (a) This
19 chapter shall take effect upon January 1, 1964, and thereupon all acts and parts of acts
20 inconsistent herewith shall stand repealed; provided, however, that except as to proceedings
21 pending on June 30, 1963, this chapter shall apply to all agencies and agency proceedings not
22 expressly exempted.

23 (b) None of the provisions of this chapter shall apply to the following sections and
24 chapters:

- 25 (1) Section 16-32-10 (University of Rhode Island);
- 26 (2) Chapter 41 of title 16 (New England Higher Education Compact);
- 27 (3) Section 16-33-6 (Rhode Island College);
- 28 (4) Chapter 16 of title 23 (Health Facilities Construction Act);
- 29 (5) Chapter 8 of title 20 (Atlantic States Marine Fisheries Compact);
- 30 (6) Chapter 38 of title 28 (Dr. John E. Donley Rehabilitation Center);
- 31 (7) ~~Chapter 7 of title 17 (State Board of Elections)~~ Chapter 7 of title 17 (Board of
32 Elections);
- 33 (8) Chapter 16 of title 8 (Judicial Tenure and Discipline);
- 34 (9) Chapter 61 of title 42 (State Lottery);

1 (10) Chapter 24.4 of title 45 (Special Development Districts);

2 (11) Chapter 12 of title 35 (The University of Rhode Island Research Corporation).

3 (c) The provisions of sections 42-35-9, 42-35-10, 42-35-11, 42-35-12 and 42-35-13 shall
4 not apply to:

5 (1) Any and all acts, decisions, findings, or determinations by the board of review of the
6 department of labor and training or the director of the department of labor and training or his, her,
7 its or their duly authorized agents and to any and all procedures or hearings before and by the
8 director or board of review of the department of labor and training or his or her agents under the
9 provisions of chapters 39 -- 44 of title 28.

10 (2) Section 28-5-17 (Conciliation of charges of unlawful practices).

11 (3) Chapter 8 of title 13 (Parole).

12 (4) Any and all acts, decisions, findings or determinations by the administrator of the
13 division of motor vehicles or his or her duly authorized agent and to any and all procedures or
14 hearings before and by said administrator or his or her said agent under the provisions of chapters
15 10, 11, 31 to 33, inclusive, of title 31.

16 (5) Procedures of the board of examiners of hoisting engineers under chapter 26 of title
17 28.

18 (6) Any and all acts, decisions, findings, or determinations made under authority from
19 the provisions of chapters 29 -- 38 of title 28, concerning workers' compensation administration,
20 procedure and benefits.

21 SECTION 6. Chapter 17-19 of the General Laws entitled "Conduct of Election and
22 Voting Equipment, and Supplies" is hereby amended by adding thereto the following section:

23 **17-19-37.4. Risk-limiting audit pilot program. -- (a) The board of elections shall**
24 **establish a risk-limiting audit pilot program in five (5) or more cities and towns to improve the**
25 **accuracy of, and public confidence in, election results. The board is encouraged to include urban**
26 **and rural cities and towns.**

27 **(b) The pilot program shall be conducted as follows:**

28 **(1) During the year 2014, each city or town that participates in the pilot program shall**
29 **conduct a risk-limiting audit of one or more contests after each election in that jurisdiction.**

30 **(2) A local canvassing authority conducting an audit pursuant to this section shall do all**
31 **of the following:**

32 **(i) Provide at least a five (5) day public notice of the time and place of the random**
33 **selection of the audit units to be manually tallied and of the time and place of the audit;**

34 **(ii) Make available to the public a report of the optical scan voting system results for the**

1 contest, including the results for each audit unit in the contest, prior to the random selection of
2 audit units to be manually tallied and prior to the commencement of the audit;

3 (iii) Conduct the audit upon tabulation of the town election results as provided in § 17-
4 19-36 and complete the audit within seven (7) days after the election; and

5 (iv) Conduct the audit in public view by hand.

6 (3) On or before April 1, 2015, the state board of elections shall report to the general
7 assembly on the effectiveness and efficiency of risk-limiting audits conducted pursuant to this
8 section. The report shall include an analysis of the efficiency of risk-limiting audits, including the
9 costs of performing the audits.

10 (4) An audit shall not be conducted pursuant to this section with respect to a state or
11 multijurisdictional contest unless all of the cities and towns involved in the contest choose to
12 participate in the pilot program authorized by this section.

13 (c) For purposes of this section, the following terms have the following meanings:

14 (1) "Audit unit" means a precinct, a set of ballots, or a single ballot. A precinct, a set of
15 ballots, or a single ballot may be used as an audit unit for purposes of this section only if all of the
16 following conditions are satisfied:

17 (i) The relevant optical scan tabulating device is able to produce a report of the votes cast
18 in the precinct, set of ballots, or single ballot.

19 (ii) The elections official is able to match the report described in paragraph (i) with the
20 ballots corresponding to the report for purposes of conducting an audit pursuant to this section.

21 (iii) Each ballot is assigned to not more than one audit unit.

22 (2) "Contest" means an election for an office or upon a ballot question.

23 (3) "Risk-limiting audit" means a manual tally of cast ballots employing a statistical
24 method that ensures a large, predetermined minimum chance of requiring a full manual tally
25 whenever a full manual tally would show an electoral outcome that differs from the outcome
26 reported by the vote tabulating device for the audited contest. A risk-limiting audit shall begin
27 with a hand tally of the votes in one or more audit units and shall continue to hand tally votes in
28 additional audit units until there is strong statistical evidence that the electoral outcome is correct.
29 In the event that counting additional audit units does not provide strong statistical evidence that
30 the electoral outcome is correct, the audit shall continue until there has been a full manual tally to
31 determine the correct electoral outcome of the audited contest.

32

1 SECTION 7. 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 -- CONDUCT OF ELECTIONS

1 This act would make extensive changes to the elections laws, including the definition of
2 what a vote is and how to store ballots in cases of disputed results, and would allow a voter to
3 take or use election paraphernalia into a polling place. It would also make the board of elections
4 subject to the Administrative Procedures Act. This act would also direct the state board of
5 elections to establish a risk limiting audit pilot program and to report to the general assembly on
6 the effectiveness of such audits.

7 This act would take effect upon passage.

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