



STATE OF RHODE ISLAND
BOARD OF ELECTIONS

2000 Plainfield Pike, Suite A, Cranston, RI 02921
phone: 401-222-2345 | fax: 401-222-3135 | web: www.elections.ri.gov

Date agenda posted: March 3, 2023

AGENDA

THE BOARD OF ELECTIONS WILL MEET IN PERSON AT ITS OFFICES LOCATED AT 2000 PLAINFIELD PIKE, SUITE A, CRANSTON, RHODE ISLAND. THE PUBLIC IS WELCOMED TO ATTEND THIS MEETING IN PERSON. ADDITIONALLY, THE PUBLIC MAY VIEW THIS MEETING ONLINE BY USING THE FOLLOWING YOUTUBE LINK

https://www.youtube.com/channel/UCdNXljrf37_kHuBqZtjSbWQ/videos

PROCEDURES FOR REMOTE VIEWING FOR THIS MEETING ARE ALSO POSTED ON THE BOARD WEBSITE: www.elections.ri.gov

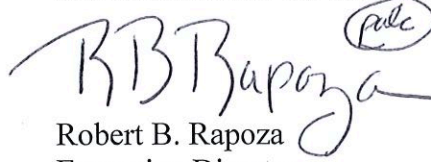
Tuesday, March 7, 2023 at 2:00 P.M.

1. The Board may discuss and vote to approve the minutes of the meeting held on Tuesday, February 7, 2023.
2. The Board may discuss and vote to elect a new Chairperson to serve on the Legislative Sub committee to review campaign finance and election legislation submitted to the General Assembly in 2023 and provide a report of their review to the Board of Elections.
3. The Board may discuss and vote on the renewal of the Memorandum of Understanding with the Department of Revenue, Central Collections Unit regarding the collection of campaign finance fines assessed by the Board.
4. The Board may discuss and vote to support the legislation H 5459 and S 318 regarding the risk-limiting audit law by Common Cause of RI as set forth in the attached summary.
5. The Board may discuss and vote on a designated representative from the Board of Elections for the Senate Bill 046 regarding the special senate commission to study non-plurality voting methods and runoff elections for General Assembly and General Officer Primaries

6. The Board may discuss and vote to support the legislation to be presented to the General Assembly by the staff of the Board of Elections as set forth in the attached legislative summary.
7. The Board may discuss and vote to support the legislation to be presented to the General Assembly by the Local Board of Canvassers as set forth in the attached legislative summary.

All meetings of the Board are open meetings and all interested parties are invited to attend. Any questions concerning the agenda should be directed to Robert Rapoza, Executive Director, at 401-222-2345. Anyone wishing to attend this meeting who may have special needs for access or services such as hearing assistance or interpreter services please contact the Board as soon as possible in advance of the meetings.

STATE BOARD OF ELECTIONS


Robert B. Rapoza
Executive Director

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LC001064

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO ELECTIONS -- CONDUCT OF ELECTION AND VOTING EQUIPMENT,
AND SUPPLIES

Introduced By: Senators DiMario, Euer, Murray, Gu, Valverde, Lauria, Burke, Pearson,
and Lawson

Date Introduced: February 16, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-19-37.4 of the General Laws in Chapter 17-19 entitled "Conduct
2 of Election and Voting Equipment, and Supplies" is hereby amended to read as follows:

3 **17-19-37.4. Post-election audits.**

4 (a) The general assembly hereby finds, determines, and declares that auditing of election
5 results is necessary to ensure effective election administration and public confidence in the election
6 results. Further, risk-limiting audits provide a more effective manner of conducting audits than
7 traditional audit methods in that risk-limiting audit methods typically require only limited resources
8 for election contests with wide margins of victory while investing greater resources in close
9 contests.

10 (b) Commencing in 2018, the board, in conjunction with local boards, is authorized to
11 conduct risk-limiting audits after all statewide primary, general, and special elections in accordance
12 with the requirements of this section. Commencing in 2020, the state board, in conjunction with
13 local boards, must conduct risk-limiting audits after the presidential preference primary and general
14 elections in accordance with the requirements in this section.

15 (c) The audit program shall be conducted as follows:

16 (1) The state board shall determine what local, statewide state, and federal contests are
17 subject to a risk-limiting audit;

18 (2) The state board shall provide notice pursuant to chapter 46 of title 42 of the time and

1 place of the random selection of the audit units to be manually tallied and of the times and places
2 of the audits;

3 (3) The state board shall make available to the public a report of the vote-tabulating device
4 results for the contest, including the results for each audit unit in the contest, prior to the random
5 selection of audit units to be manually tallied and prior to the commencement of the audit;

6 (4) The state board, in conjunction with the local boards, shall conduct the audit upon
7 tabulation of the unofficial final results as provided in §§ 17-19-36 and 17-19-37; and

8 (5) The state board, in conjunction with the local boards, shall conduct the audit in public
9 view by manually interpreting the ballots according to rules established by the state board in
10 accordance with chapter 35 of title 42.

11 (d) If a risk-limiting audit of a contest leads to a full manual tally of the ballots cast using
12 the voting system, the vote counts according to that manual tally shall replace the vote counts
13 reported pursuant to §§ 17-19-36 and 17-19-37 for the purpose of determining the official contest
14 results pursuant to §§ 17-22-5.2 and 17-22-6.

15 (e) For purposes of this section, the following terms have the following meanings:

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

19 (i) The relevant vote-tabulating device is able to produce a report of the votes cast in the
20 precinct, set of ballots, or single ballot; and

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

22 (2) "Contest" means an election for an office or for a measure.

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

32 (4) "Unofficial final results" means election results tabulated pursuant to §§ 17-19-36 and
33 17-19-37.

34 (f) The results of any audits conducted under this section shall be published on the website

1 of the state board within forty-eight (48) hours of being accepted by the state board. If the audit
2 involved a manual tally of one or more entire precincts, then the names and numbers of all precincts
3 audited and a comparison of the vote tabulator results with the hand counts for each precinct shall
4 be published with the audit results on the website.

5 (g) Any audit required under this section shall not commence for any election subject to a
6 recount pursuant to §§ 17-19-37.1, 17-19-37.2, and 17-19-37.3 until the conclusion of said recount.

7 (h) The state board shall promulgate rules, regulations, and procedures in accordance with
8 chapter 35 of title 42 necessary to implement this section.

9 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 -- CONDUCT OF ELECTION AND VOTING EQUIPMENT,
AND SUPPLIES

- 1 This act would include the general assembly elections within the category of elections
- 2 subject to the risk-limiting audits within the jurisdiction of the board of elections.
- 3 This act would take effect upon passage.

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2023 -- H 5459

LC000209

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO ELECTIONS -- CONDUCT OF ELECTION AND VOTING EQUIPMENT,
AND SUPPLIES

Introduced By: Representatives Ajello, Knight, Batista, J. Lombardi, Kislak, Shallcross
Smith, Cruz, Handy, Tanzi, and Felix

Date Introduced: February 08, 2023

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-19-37.4 of the General Laws in Chapter 17-19 entitled "Conduct
2 of Election and Voting Equipment, and Supplies" is hereby amended to read as follows:

3 **17-19-37.4. Post-election audits.**

4 (a) The general assembly hereby finds, determines, and declares that auditing of election
5 results is necessary to ensure effective election administration and public confidence in the election
6 results. Further, risk-limiting audits provide a more effective manner of conducting audits than
7 traditional audit methods in that risk-limiting audit methods typically require only limited resources
8 for election contests with wide margins of victory while investing greater resources in close
9 contests.

10 (b) Commencing in 2018, the board, in conjunction with local boards, is authorized to
11 conduct risk-limiting audits after all statewide primary, general, and special elections in accordance
12 with the requirements of this section. Commencing in 2020, the state board, in conjunction with
13 local boards, must conduct risk-limiting audits after the presidential preference primary and general
14 elections in accordance with the requirements in this section.

15 (c) The audit program shall be conducted as follows:

16 (1) The state board shall determine what local, statewide state, and federal contests are
17 subject to a risk-limiting audit;

18 (2) The state board shall provide notice pursuant to chapter 46 of title 42 of the time and

1 place of the random selection of the audit units to be manually tallied and of the times and places
2 of the audits;

3 (3) The state board shall make available to the public a report of the vote-tabulating device
4 results for the contest, including the results for each audit unit in the contest, prior to the random
5 selection of audit units to be manually tallied and prior to the commencement of the audit;

6 (4) The state board, in conjunction with the local boards, shall conduct the audit upon
7 tabulation of the unofficial final results as provided in §§ 17-19-36 and 17-19-37; and

8 (5) The state board, in conjunction with the local boards, shall conduct the audit in public
9 view by manually interpreting the ballots according to rules established by the state board in
10 accordance with chapter 35 of title 42.

11 (d) If a risk-limiting audit of a contest leads to a full manual tally of the ballots cast using
12 the voting system, the vote counts according to that manual tally shall replace the vote counts
13 reported pursuant to §§ 17-19-36 and 17-19-37 for the purpose of determining the official contest
14 results pursuant to §§ 17-22-5.2 and 17-22-6.

15 (e) For purposes of this section, the following terms have the following meanings:

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

19 (i) The relevant vote-tabulating device is able to produce a report of the votes cast in the
20 precinct, set of ballots, or single ballot; and

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

22 (2) "Contest" means an election for an office or for a measure.

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

32 (4) "Unofficial final results" means election results tabulated pursuant to §§ 17-19-36 and
33 17-19-37.

34 (f) The results of any audits conducted under this section shall be published on the website

1 of the state board within forty-eight (48) hours of being accepted by the state board. If the audit
2 involved a manual tally of one or more entire precincts, then the names and numbers of all precincts
3 audited and a comparison of the vote tabulator results with the hand counts for each precinct shall
4 be published with the audit results on the website.

5 (g) Any audit required under this section shall not commence for any election subject to a
6 recount pursuant to §§ 17-19-37.1, 17-19-37.2, and 17-19-37.3 until the conclusion of said recount.

7 (h) The state board shall promulgate rules, regulations, and procedures in accordance with
8 chapter 35 of title 42 necessary to implement this section.

9 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 -- CONDUCT OF ELECTION AND VOTING EQUIPMENT,
AND SUPPLIES

- 1 This act would include the general assembly elections within the category of elections
- 2 subject to the risk-limiting audits within the jurisdiction of the board of elections.
- 3 This act would take effect upon passage.

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§ 17-1-7. Uniform deadlines.

Notwithstanding any other time specified for the filing of any paper or the doing of any act pursuant to this title, a uniform deadline of 4:00 p.m. is established; provided, that applications for emergency mail ballots must be received by 4:00 p.m. on the day prior to an election or primary. If any filing deadline falls on a Saturday, Sunday, or holiday, the deadline shall be construed to fall on the next subsequent business day; provided, that this does not apply to registration to vote thirty (30) days prior to an election or primary, or change of party designation thirty (30) days prior to an election or primary under the requirements of § 17-9.1-24.

§ 17-14-1. Declarations of candidacy.

During the last consecutive Monday, Tuesday, and Wednesday in June in the even years and during the thirty-ninth (39th) and fortieth (40th) days preceding a primary election for a special election for state or local office, or for an election for state or local office regularly scheduled for a time other than the biennial general statewide election, or during the sixty-seventh (67th) and sixty-eighth (68th) days preceding a primary election for a special election for federal office, or for an election for federal office regularly scheduled for a time other than the biennial general statewide election, each voter desiring to be a candidate at the upcoming primary or an independent candidate on final nomination papers shall, on a form that shall be provided by the secretary of state, file a declaration of his or her candidacy not later than four (4:00) p.m. of the last day for the filing with the secretary of state for congressional and statewide general offices, or with the local board of the place of the candidate's voting residence for general assembly, or state committee or senatorial and representative district committee or with the appropriate local board for local officers. The declaration shall be signed by the candidate as his or her name appears on the voting list. The signature shall be accepted as valid if it can be reasonably identified to be the name and signature of the voter it purports to be. A variation of the voter's signature by the insertion or omission of identifying titles or by the substitution of initials for the first or middle names of both shall not in itself be grounds for invalidation of the signature. The declaration shall also include the following information:

- (1) The candidate's name as it appears on the voting list, subject to the same provisions as relate to the voter's signature on the declaration;
- (2) The address as it appears on the voting list, provided that an address which is substantially the same as the address on the voting list shall be valid;
- (3) The party declaration if seeking to run in a party primary;
- (4) The office sought;
- (5) The place and date of birth;
- (6) The length of residence in the state and in the town or city where he or she resides;
- (7) A certification that he or she is neither serving a sentence, including probation or parole, for which he or she was imprisoned upon final conviction of a felony imposed on any date nor serving any sentence, whether incarcerated or

suspended, on probation or parole, upon final conviction of a felony committed after November 5, 1986;

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

(9) In the case of candidates for party nomination, a certification that he or she has not been a member of a political party other than the declared party within ninety

(90) days of the filing date, except in the case of candidates for party nomination for a special election for federal office, or for an election for federal office regularly scheduled for a time other than the biennial general statewide election, that person shall not have been a member of a political party other than the declared political party within thirty (30) days of the filing of his or her declaration of candidacy.; and

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

§ 17-14-1.1. Party affiliation.

Whenever any person seeks elective office, that person shall not have been a member of a political party other than the declared political party within ninety (90) days of the filing of his or her declaration of candidacy, except for a special election for federal office, or for an election for federal office regularly scheduled for a time other than the biennial general statewide election, that person shall not have been a member of a political party other than the declared political party within thirty (30) days of the filing of his or her declaration of candidacy.

§ 17-14-11. Checking and certification of nomination papers — Challenge.

Each nomination paper for party and independent candidates shall be submitted before four o'clock (4:00) p.m. on the sixtieth (60th) day before the primary to the local board of the city or town where the signers appear to be voters or, in the case of special elections for state and local office, on the twenty-eighth (28th) day before the primary, or in the case of special elections for federal office, on the fifty-third (53rd) day before the primary. Nomination papers for independent presidential candidates and presidential candidates of political parties, other than those defined in § 17-1-2(9), shall be filed not later than sixty (60) days prior to the general election. Each local board shall immediately proceed to check signatures on each nomination paper filed with it against the voting list as last canvassed or published according to law. The local boards shall certify a sufficient number of names appearing on the nomination papers that are in conformity with the requirements of § 17-14-8 to qualify the candidate for a position on the ballot, and after considering any challenge under this section and, if necessary, certifying any additional valid names, shall immediately file nomination papers for statewide office, general assembly, and state and district committee candidates with the secretary of state; provided, that nomination papers for local candidates shall be retained by the local board. If any candidate or the chairperson of any party committee questions the validity or authenticity of any signature on the nomination paper, the local board shall immediately and summarily decide the question, and for this purpose, shall have the same powers as are conferred upon the board by the provisions of § 17-14-14. If any challenged signature is found to be invalid, for any reason in law, or forged, then the signature shall not be counted.

§ 17-14-12. Filing of nomination papers.

All nomination papers for state offices or officers and all certified lists of candidates for local offices or officers shall be filed in the office of the secretary of state (the certified lists by the respective local boards), not later than fifty-four (54) days before the date of the primary held to nominate candidates for general election; but when there is a primary to nominate candidates for any office mentioned in § 17-15-7 to be voted upon at a special election for state or local office, all nomination papers and lists of local candidates shall be filed in the office on or before the twenty-sixth (26th) day preceding the day of the special primary election, or when there is a primary to nominate candidates for any office mentioned in § 17-15-7 to be voted upon at a special election for federal office, all nomination papers and lists of local candidates shall be filed in the office on or before the forty-ninth (49th) day preceding the day of the special primary election. Nomination papers for independent presidential candidates and presidential candidates of political parties other than those defined in § 17-1-2(9) shall be filed in the office of the secretary of state by the local boards of canvassers not later than fifty-four (54) days before the date of the election.

2023 –

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

AN ACT

RELATING TO ELECTIONS --

Introduced By:

Date Introduced:

Referred To:

It is enacted by the General Assembly as follows:

SECTION 1. Section 17-11-1.1 of the General Laws in Chapter 17-11 entitled "Voting Districts and Officials" is hereby amended to read as follows:

17-11-1.1. Combination of voting districts for special election.

(a) The board of canvassers of any city or town at which there shall be submitted to the voters a question or questions for their approval or rejection or at which officials will be elected, shall have the authority to combine two (2) or more voting districts, when in its judgment the combination is advisable,

~~and when combined shall be treated as a voting district,~~ The local board may by unanimous vote make such designation for any special election, but only upon the approval of the board of elections.

(b) If voting districts are combined as provided in subsection (a), the local board must advertise the combination of districts in a newspaper of general circulation in the city or town no less than seven (7) days and no more than twenty-one (21) days before the special election.

(c) [Deleted by P.L. 2019, ch. 69, § 1 and P.L. 2019, ch. 79, § 1.]

~~(d) Notwithstanding the provisions of subsections (a) and (b), the board of canvassers of the town of Bristol may combine two (2) or more voting districts for the representative district 68 special election in March, 2019, and when combined shall be treated as a voting district, but only upon the approval of the board of elections.~~

SECTION 2. Section 17-15-5 of the General Laws in Chapter 17-15 entitled "Primary Elections" is hereby amended to read as follows:

17-15-5. Combination of voting districts.

Local boards shall have the power to combine two (2) or more voting districts within the same ward, and senatorial or representative district, if applicable. ~~and the combined district shall be treated as a voting district~~ The local board may by unanimous vote make such designation for any primary, special primary, or presidential preference primary, but only upon the approval of the board of elections.

SECTION 3. This act shall take effect upon passage.

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EXPLANATION

OF

A N A C T

RELATING TO ELECTIONS

This act would require a unanimous vote of the local board of canvassers for the combination of voting districts for any special election. This act would also require a unanimous vote of the local board of canvassers for the combination of voting districts for any primary, special primary, or presidential preference primary.

This act would take effect upon passage.

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