

2008 -- H 8243

LC02847

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

A N A C T

RELATING TO ELECTIONS

Introduced By: Representatives Gorham, Loughlin, Trillo, Brien, and Story

Date Introduced: May 06, 2008

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-19-24 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 **17-19-24. Procedure for voting.** -- (a) Each person desiring to vote shall [provide proof](#)
4 [of identity and](#) state his or her name and residence, including that person's street address, if he or
5 she has any, to the pair of bi-partisan supervisors, who shall then announce the name and
6 residence in a loud and distinct voice, clear and audible.

7 (b) A bipartisan pair shall locate the voter's name on the certified voting list for the
8 voting district. Upon finding the voter's name on the certified voting list for the district, the voter
9 shall sign their name on the line next to their printed name on the certified voter list, and the
10 bipartisan pair shall initial the certified voter list in the place provided next to the voter's signature
11 entered on the certified list of voters. The bipartisan pair shall also make a proper notation on the
12 certified voter list that the applicant has voted in the election. If the bipartisan pair cannot locate
13 the voter's name on the certified voting list for the voting district the bipartisan pair shall direct
14 the voter to the clerk who shall review the certified list for the city or town and determine if the
15 voter is registered to vote and in which voting district they are eligible to vote. The bipartisan pair
16 of supervisors shall provide the voter with the appropriate computer ballot and security sleeve.
17 The warden shall direct the voter to the voting booth which the voter shall use, and unless the
18 voter needs instruction or assistance as provided in this chapter, the voter shall cast his or her
19 vote, and if he or she desires place the voted computer ballot in a security sleeve, and shall

1 proceed to the optical scan precinct count unit and shall personally place his or her voted ballot
2 into the designated ballot slot on the unit, and after doing so, shall leave the enclosure at once. No
3 voter shall remain within the voting booth longer than ten (10) minutes, and if the voter refuses to
4 leave after the lapse of ten (10) minutes, the voter shall be removed from the voting booth by
5 order of the warden. Except for the election officials and the election inspector, not more than two
6 (2) voters in excess of the number of voting booths shall be permitted within the enclosed space
7 at any time.

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

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

34 SECTION 2. Section 17-19-1 of the General Laws in Chapter 17-19 entitled "Conduct of

1 Election and Voting Equipment, and Supplies" is hereby amended to read as follows:

2 **17-19-1. Definitions.** -- As used in this chapter, except as otherwise required by the
3 context:

4 (1) "Computer ballot" means the paper ballot prepared by the office of the secretary of
5 state for use in conjunction with the optical scan precinct count system;

6 (2) "Voting equipment" means an optical scan precinct count voting system, related
7 memory device, all related hardware and software, and voting booths;

8 (3) "Warden" includes moderator; and vice versa;

9 (4) "Candidate" means any individual who has qualified under law to have his or her
10 name appear on the ballot for nomination for election or election to office;

11 (5) "Write-in candidate" means any individual receiving votes or seeking election to
12 office by virtue of having irregular ballots cast for him or her pursuant to section 17-19-31;

13 (6) "Public office" means any state, municipal, school or district office or other position
14 that is filled by popular election, except political party offices which shall mean any state, city,
15 town, ward or representative or senatorial district committee office of a political party or delegate
16 to a political party convention, or any similar office; and

17 (7) A "Vote" shall be any mark made with the appropriate marking device within the
18 optech ballot voting area between the head and tail of the arrow on the computer ballot next to the
19 party, candidate, write-in candidate or question, as is applicable, for whom the voter casts his or
20 her ballot, except as provided in section 17-20-24.

21 (8) "Proof of identity" means any document which satisfies all of the following:

22 (i) The document shows the name of the individual to whom the document was issued,
23 and the name conforms to the name in the individual's voter registration record.

24 (ii) The document shows a photograph of the individual to whom the document was
25 issued.

26 (iii) The document includes an expiration date, and the document:

27 (a) is not expired; or

28 (b) expired after the date of the most recent general election.

29 (iv) The document was issued by the United States or the state of Rhode Island.

30 An individual whose proof of identity is deemed not satisfactory to the warden may
31 obtain a provisional ballot as provided in section 17-19-24.1 upon making and signing an
32 affidavit as provided in sections 17-15-26 and 17-19-27.

1 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would require the presentation of identification by those wishing to vote and
- 2 defines the acceptable forms of identification.
- 3 This act would take effect upon passage.

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