

2011 -- H 5653 SUBSTITUTE A AS AMENDED

LC01474/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

**RELATING TO ELECTIONS - PRIMARIES FOR ELECTION OF DELEGATES TO
NATIONAL CONVENTIONS AND FOR PRESIDENTIAL PREFERENCE**

Introduced By: Representative Donald J. Lally

Date Introduced: March 03, 2011

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-12.1-1, 17-12.1-3, 17-12.1-4, 17-12.1-6, 17-12.1-7, 17-12.1-8,
2 17-12.1-11 and 17-12.1-15 of the General Laws in Chapter 17-12.1 entitled "Primaries for
3 Election of Delegates to National Conventions and for Presidential Preference" are hereby
4 amended to read as follows:

5 **17-12.1-1. Date of primaries for election of delegates to national conventions.** -- A
6 primary election for the election of delegates to the national convention for each political party
7 shall be held in the manner provided in this chapter on the ~~first~~ fourth Tuesday in ~~March 1996~~
8 April 2012, and every fourth year thereafter.

9 **17-12.1-3. Declaration of candidacy -- Delegates.** -- During the ~~fifty-fifth (55th)~~
10 ~~through and including the fifty-seventh (57th)~~ sixty-first (61st) and sixty-second (62nd) day
11 preceding a primary for election of delegates to a national convention, each voter desiring to be a
12 delegate at the forthcoming convention shall, on the form that shall be provided by the secretary
13 of state, sign his or her name as it appears on the voting list and file, not later than four (4:00)
14 p.m. of the date of filing with the secretary of state, a declaration of candidacy which shall
15 include the following information:

16 (1) His or her name and address as they appear on the voting list, party designation,
17 place and date of birth, and length of residence in the state and in the town or city where he or she
18 resides.

1 (2) A statement that, if elected, he or she would comply with all party rules of the
2 national committee of the party designated in subdivision (1) of this section relating to delegates
3 to national conventions and conducting of national conventions.

4 (3) At the same time as the declaration of candidacy is filed, the appropriate pledge of
5 support form provided to the secretary of state by the political parties must be filed by the
6 candidate for delegate.

7 ~~(3)~~(4) If any candidate for delegate does not thereafter wish his or her name to appear on
8 the ballot, the candidate shall, at least ~~thirty-three (33)~~ forty-nine (49) days prior to the date for
9 the primary, file an affidavit with the secretary of state stating his or her name may not be placed
10 on the ballot and the secretary of state shall not place that candidate's name on the ballot.

11 **17-12.1-4. Presidential candidates.** -- (a) Any person seeking the endorsement of a
12 national political party for which a primary is being held shall, during the ~~eighty-eighth (88th)~~
13 ~~through and including the ninetieth (90th) day~~ ninety-fourth (94th) through and including the
14 ninety-sixth (96th) day preceding the presidential preference primary being held, provide written
15 notification to the secretary of state of his or her intention to run in the presidential preference
16 primary. When the deadline falls on a Saturday, said written notification may be filed with the
17 secretary of state on that Saturday until noon (12:00) p.m. The notification shall include the
18 candidate's name and address and a statement affirming their eligibility, under the laws and
19 Constitution of the United States, to serve, if elected, in the office of President of the United
20 States. The notification shall also include the name and contact information of the designee
21 authorized by the presidential candidate to act in his/her stead in Rhode Island.

22 (b) (1) Upon receipt of the notification referred to in subsection (a) of this section, the
23 secretary of state shall, ~~by four o'clock (4:00) p.m. on the next business day~~ by six o'clock (6:00)
24 p.m. on the same day, prepare petition papers for candidates who are eligible to serve in the office
25 of President of the United States, clearly marked with the candidate's name, party designation,
26 and the office the candidate seeks; provided, however, that for notifications filed on a Saturday
27 deadline by noon (12:00) p.m., petition papers shall be prepared by two o'clock (2:00) p.m. on
28 that Saturday.

29 (2) The petition papers of a candidate for president shall be signed, in the aggregate, by
30 at least one thousand (1,000) eligible voters and shall be submitted on or before four o'clock
31 (4:00) p.m. in the afternoon of the ~~sixty-ninth (69th)~~ eighty-second (82nd) day before the
32 presidential preference primary to the local board of the city or town where the signers appear to
33 be voters, and the petition papers shall be checked, processed, and certified to the secretary of
34 state by the local boards before four o'clock (4:00) p.m. in the afternoon of the ~~fifty-fourth (54th)~~

1 sixty-ninth (69th) day before the presidential preference primary. When nomination papers have
2 been duly certified by the appropriate local boards of canvassers, they shall be conclusively
3 presumed to be valid, unless written objections to them are made as to the eligibility of the
4 candidate or the sufficiency of the nomination papers or the signatures on them. All objections
5 shall be filed with the state board of elections by four o'clock (4:00) p.m. on the next business day
6 after the last day fixed for local boards to file nomination papers with the secretary of state.
7 Nothing in this section shall be construed to prevent the secretary of state from disqualifying a
8 candidate based on the determination of the secretary of state that the nomination papers or the
9 signatures on them are invalid or insufficient.

10 (c) The decision of the state board shall be rendered not later than four o'clock (4:00)
11 p.m. on the ~~forty-sixth (46th)~~ sixty-third (63rd) day before the presidential preference primary and
12 shall immediately be certified by the state board to the secretary of state.

13 (d) If any candidate for presidential nomination does not qualify for ballot placement, the
14 names of delegates committed to this disqualified presidential candidate, who are otherwise
15 qualified, shall appear on the ballot in accordance with party rules.

16 ~~(d)~~(e) If any candidate whose name has been announced as a presidential nominee does
17 not thereafter wish his or her name to appear on the ballot, the candidate shall, at least ~~forty-three~~
18 ~~(43)~~ sixty-three (63) days prior to the date for the primary, file an affidavit with the secretary of
19 state stating his or her name may not be placed on the ballot and the secretary of state shall not
20 place that candidate's name on the ballot. Said affidavit must be signed by the presidential
21 candidate or his or her designee on file with the office of the secretary of state. Names of
22 delegates committed to the withdrawn candidate, who are otherwise qualified, shall appear on the
23 ballot ~~as uncommitted~~ in accordance with party rules.

24 **17-12.1-6. Number of signers required.** -- The nomination papers of a candidate for
25 delegate to a national convention shall be signed, in the aggregate, by at least one hundred fifty
26 (150) ~~party~~ eligible voters.

27 **17-12.1-7. Checking and certification of nomination papers.** -- (a) Each nomination
28 paper of a candidate for delegate shall be submitted on or before four o'clock (4:00) p.m. in the
29 afternoon of the ~~forty-sixth (46th)~~ fifty-sixth (56th) day before the presidential preference primary
30 to the local board of the city or town where the signers appear to be voters, and the nomination
31 papers shall be checked, processed, and certified to the secretary of state by the local boards
32 before four o'clock (4:00) p.m. in the afternoon of the ~~fortieth (40th)~~ fifty-third (53rd) day before
33 the presidential preference primary. In addition, each candidate for delegate to a national
34 convention may, on or before four o'clock (4:00) p.m. in the afternoon of the ~~thirty-third (33rd)~~

1 [forty-ninth \(49th\)](#) day before the presidential primary, submit to the secretary of state
2 documentation from a candidate, as set forth in section 17-12.1-4, that he or she has the approval
3 of the candidate for presidential nominee or approval from the steering/screening committee to
4 name the candidates' delegates to be identified with him or her. [Names of delegates pledged to a
5 presidential candidate who do not receive approval of the candidate for presidential nominee or
6 approval from the steering/screening committee to name the candidates' delegates to be identified
7 with him/her, who are otherwise qualified, shall appear on the ballot in accordance with party
8 rules.](#)

9 (b) When nomination papers have been duly certified by the appropriate local boards of
10 canvassers, they shall be conclusively presumed to be valid, unless written objections to them are
11 made as to the eligibility of the candidate or the sufficiency of the nomination papers or the
12 signatures on them. All objections shall be filed with the state board of elections by four o'clock
13 (4:00) p.m. on the next business day after the last day fixed for local boards to file nomination
14 papers with the secretary of state. Nothing in this section shall be construed to prevent the
15 secretary of state from disqualifying a candidate based on the determination of the secretary of
16 state that the nomination papers or the signatures on them are invalid or insufficient.

17 (c) The decision of the state board shall be rendered not later than four o'clock (4:00)
18 p.m. on the ~~thirty-third (33rd)~~ [forty-seventh \(47th\)](#) day before the presidential preference primary
19 and shall immediately be certified by the state board to the secretary of state.

20 **17-12.1-8. Presidential preference primary.** -- (a) On the same date and at the same
21 time as the election of delegates to national conventions, as provided in section 17-12.1-1, there
22 shall be held a presidential preference primary for each political party at which each party voter
23 shall have the opportunity to vote his or her preference for his or her choice for one person to be
24 the candidate of his or her party for president of the United States.

25 (b) The secretary of state shall place on the ballot the name of all persons qualified as
26 candidates for presidential nominee as provided in section 17-12.1-4, and who have not filed with
27 the secretary of state the affidavit as provided in section 17-12.1-4, and shall list under the name
28 of each candidate for presidential nominee, arranged by lot, the names of all candidates for
29 delegates to a national convention who submitted the approval of the candidate for presidential
30 nominee as set forth in section 17-12.1-7. All other candidates for delegates to a national
31 convention shall be listed on the ballot, arranged by lot, as uncommitted, [unless otherwise
32 specified in party rules.](#)

33 **17-12.1-11. Form of ballot.** -- (a) The order on the ballot, [subject to final determination
34 of any objections filed with the board of elections and the removal of said individual\(s\) by the](#)

1 [secretary of state post-lot](#), of the presidential nominees and delegates and the uncommitted
2 delegates shall be chosen by lot under the direction of the secretary of state.

3 (b) Individuals committed to a particular presidential candidate or uncommitted shall
4 appear in a manner so that the candidates for delegates shall be readily identified with the
5 presidential candidate to whom they are committed or shall appear in a manner that clearly shows
6 they are uncommitted.

7 (c) No person shall appear on the ballot as a candidate for delegate more than once.

8 (d) There shall be nothing on the ballot to indicate or suggest any political party
9 endorsement.

10 (e) The secretary of state shall prepare and arrange the ballot for use in the primaries
11 authorized in this title, which shall include, as to the candidates for delegates, the person to whom
12 the candidates are committed and any other information and instruction that the secretary of state
13 shall deem necessary.

14 **17-12.1-15. Political party rules.** -- The state chairperson of each political party shall, on
15 or before the first [Tuesday in](#) ~~of~~ January of each year a primary is to be held pursuant to this
16 chapter, file with the secretary of state a certified copy of the complete rules of the political party
17 including, but not limited to, the delegate selection rules and delegate procedure for the national
18 convention of the political party.

19 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 - PRIMARIES FOR ELECTION OF DELEGATES TO
NATIONAL CONVENTIONS AND FOR PRESIDENTIAL PREFERENCE

- 1 This act would make changes relating to the primaries for election of delegates to
- 2 national conventions and for presidential preference.
- 3 This act would take effect upon passage.

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