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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO ELECTIONS -- NOMINATION OF PARTY AND INDEPENDENT
CANDIDATES

Introduced By: Representatives Speakman, Donovan, Alzate, Tanzi, Morales, McGaw,
Cortvriend, Fogarty, Ajello, and Handy

Date Introduced: February 15, 2024

Referred To: House State Government & Elections

(Secretary of State)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-14-1, 17-14-4, 17-14-10, 17-14-11, 17-14-12 and 17-14-14 of
2 the General Laws in Chapter 17-14 entitled "Nomination of Party and Independent Candidates" are
3 hereby amended to read as follows:

4 **17-14-1. Declarations of candidacy.**

5 During the ~~last~~ third consecutive Monday, Tuesday, and Wednesday in ~~June~~ May in the
6 even years and during the thirty-ninth (39th) and fortieth (40th) days preceding a primary election
7 for a special election for state or local office, or for an election for state or local office regularly
8 scheduled for a time other than the biennial general statewide election, or during the sixty-seventh
9 (67th) and sixty-eighth (68th) days preceding a primary election for a special election for federal
10 office, or for an election for federal office regularly scheduled for a time other than the biennial
11 general statewide election, each voter desiring to be a candidate at the upcoming primary or an
12 independent candidate on final nomination papers shall, on a form that shall be provided by the
13 secretary of state, file a declaration of their candidacy not later than four o'clock (4:00) p.m. of the
14 last day for the filing with the secretary of state for congressional and statewide general offices, or
15 with the local board of the place of the candidate's voting residence for general assembly, or state
16 committee or senatorial and representative district committee, or with the appropriate local board
17 for local officers. The declaration shall be signed by the candidate as the candidate's name appears
18 on the voting list. The signature shall be accepted as valid if it can be reasonably identified to be

1 the name and signature of the voter it purports to be. A variation of the voter's signature by the
2 insertion or omission of identifying titles or by the substitution of initials for the first or middle
3 names or both shall not in itself be grounds for invalidation of the signature. The declaration shall
4 also include the following information:

5 (1) The candidate's name as it appears on the voting list, subject to the same provisions as
6 relate to the voter's signature on the declaration;

7 (2) The address as it appears on the voting list, provided that an address that is substantially
8 the same as the address on the voting list shall be valid;

9 (3) The party declaration if seeking to run in a party primary;

10 (4) The office sought;

11 (5) The place and date of birth;

12 (6) The length of residence in the state and in the town or city where the candidate resides;

13 (7) A certification that the candidate is neither serving a sentence, including probation or
14 parole, for which the candidate was imprisoned upon final conviction of a felony imposed on any
15 date nor serving any sentence, whether incarcerated or suspended, on probation or parole, upon
16 final conviction of a felony committed after November 5, 1986;

17 (8) A certification that the candidate has not been lawfully adjudicated to be non compos
18 mentis, of unsound mind;

19 (9) In the case of candidates for party nomination, a certification that the candidate has not
20 been a member of a political party other than the declared party within ninety (90) days of the filing
21 date, except in the case of candidates for party nomination for a special election for federal office,
22 or for an election for federal office regularly scheduled for a time other than the biennial general
23 statewide election, that person shall not have been a member of a political party other than the
24 declared political party within thirty (30) days of the filing of their declaration of candidacy; and

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

30 **17-14-4. Preparation of nomination papers for candidates — Combination of**
31 **endorsed candidates — Furnishing of nomination papers to candidates.**

32 (a) Upon receipt of the declarations referred to in § 17-14-1, within two (2) business days
33 of the final date for filing endorsements, the secretary of state for statewide candidates and the local
34 board for general assembly and local candidates shall prepare nomination papers for each person

1 who has filed a declaration of candidacy as provided in § 17-14-1. A minimum of three (3) sets of
2 nomination papers shall be prepared for each candidate whose name appears on nomination papers
3 containing the name of a candidate for general assembly and for local office. Nomination papers
4 for voters from the city of Providence for the offices enumerated in § 17-14-1 shall be furnished by
5 the secretary of state. Nomination papers shall be prepared with the name of the candidate as it
6 appears on the voting list, notwithstanding that the candidate may have signed his or her declaration
7 of candidacy other than as the candidate's name appears on the voting list. Candidates for
8 nomination for different offices endorsed by the appropriate committee on any party shall be
9 combined on the same nomination papers. The names of candidates for different offices not
10 endorsed by the appropriate committee of any party shall not be combined on the same nomination
11 papers. Nomination papers for candidates for general assembly shall be furnished by the local board
12 of the general assembly candidate. Nomination papers shall be furnished to the local boards by the
13 secretary of state and each shall bear the imprint of the state coat of arms and any additional
14 language required by law. Nomination papers shall be appropriately marked or color coded to
15 indicate the different political parties, the endorsed and unendorsed candidates of those parties, and
16 independent candidates.

17 (b) ~~General assembly and local candidates~~ Candidates for nomination may, at their own
18 expense, have nomination papers duplicated in exact appearance and as prescribed in subsection
19 (a) of this section. ~~The signatures obtained on the duplicated nomination papers shall be considered~~
20 ~~valid if, and only if, prior to any signatures being affixed, the duplicated nomination papers have~~
21 ~~been time stamped by the secretary of state or local board of canvassers which issued the original~~
22 ~~nomination papers.~~

23 (c) Nomination papers furnished by the secretary of state shall be personally issued to the
24 candidate, or in the case of combined nomination papers to one of the candidates, for whom they
25 were prepared, or to an individual presenting written authorization from the candidate, or one of
26 the candidates appearing on them, to receive the nomination papers.

27 **17-14-10. Affidavit of person obtaining signatures.**

28 Every person who obtains signatures of voters upon nomination papers shall under oath
29 sign the following statement:

30 "I, _____, of the city or town of
31 _____, under oath, make affidavit and say that the
32 signers of the within nomination paper ~~(or papers)~~ did so sign the paper ~~(or papers)~~ in my presence.

33 _____

34 State of Rhode Island

1 County of _____, ~~Se.~~
2 Subscribed and sworn to before me this _____ day of _____,
3 ~~A.D.~~ 20_____.

4 _____
5 Signature of Notary Public²²
6 _____

7 Printed Name of Notary Public
8 _____

9 Notary Public ID Number
10 _____

11 Date Commission Expires"

12 **17-14-11. Checking and certification of nomination papers — Challenge.**

13 (a) Each nomination paper for party and independent candidates shall be submitted before
14 four o'clock (4:00) p.m. on the ~~sixtieth (60th)~~ seventy-fourth (74th) day before the primary to the
15 local board of the city or town where the signers appear to be voters or, in the case of special
16 elections for state and local office, on the twenty-eighth (28th) day before the primary, or in the
17 case of special elections for federal office, on the fifty-third (53rd) day before the primary.
18 Nomination papers for independent presidential candidates and presidential candidates of political
19 parties, other than those defined in § 17-1-2(9), shall be filed not later than ~~sixty (60)~~ sixty-seven
20 (67) days prior to the general election. Each local board shall immediately proceed to check
21 signatures on each nomination paper filed with it against the voting list as last canvassed or
22 published according to law.

23 (b) The local boards shall certify a sufficient number of names appearing on the nomination
24 papers that are in conformity with the requirements of § 17-14-8 to qualify the candidate for a
25 position on the ballot, and after considering any challenge under this section and, if necessary,
26 certifying any additional valid names, shall immediately file nomination papers for statewide
27 office, general assembly, and state and district committee candidates with the secretary of state;
28 provided, that nomination papers for local candidates shall be retained by the local board.

29 (c) If any candidate, any individual presenting written authorization from the candidate, or
30 the chairperson of any party committee questions the validity or authenticity of any signature on
31 the nomination paper, the local board shall immediately and summarily decide the question, and
32 for this purpose, shall have the same powers as are conferred upon the board by the provisions of
33 § 17-14-14.

34 (d) If any challenged signature is found to be invalid, for any reason in law, or forged, then

1 the signature shall not be counted.

2 (e) The local canvassing clerk shall immediately notify the state board in writing and via
3 electronic mail if the local canvassing clerk suspects a consistent pattern of forgery as prescribed
4 by § 17-23-17 on the nomination papers of a local, state, or federal candidate.

5 (1) The state board, upon notification of allegations of any consistent pattern of suspected
6 forged signatures on nomination papers of a local, state, or federal candidate, shall review the
7 allegations and, if determined to be with reasonable cause, shall, as soon as feasible notify all
8 corresponding local canvassing clerks of the allegations of suspected forgery.

9 (2) The state board, if it deems necessary, shall order a review of all nomination papers of
10 a local, state, or federal candidate whose nomination papers include a consistent pattern of
11 suspected forged signatures as prescribed in subsection (e) of this section. The state board, in
12 consultation with the elections committee of the Rhode Island town and city clerk's association,
13 shall promulgate rules and regulations on the process to review nomination papers of a local, state,
14 or federal candidate whose nomination papers include a consistent pattern of suspected forged
15 signatures as prescribed in subsection (e) of this section.

16 (3) The state board shall explicitly determine, in writing and via electronic mail to the
17 secretary of state, the findings of the review of local, state, or federal candidate whose nomination
18 papers include suspected forged signatures as prescribed in subsection (e) of this section, and
19 whether the determination affects a candidate's qualification for a position on the ballot.

20 **17-14-12. Filing of nomination papers.**

21 All nomination papers for state offices or officers and all certified lists of candidates for
22 local offices or officers shall be filed in the office of the secretary of state (the certified lists by the
23 respective local boards), not later than ~~fifty-four (54)~~ sixty-eight (68) days before the date of the
24 primary held to nominate candidates for general election; but when there is a primary to nominate
25 candidates for any office mentioned in § 17-15-7 to be voted upon at a special election for state and
26 local office, all nomination papers and lists of local candidates shall be filed in the office on or
27 before the twenty-sixth (26th) day preceding the day of the special primary election, or when there
28 is a primary to nominate candidates for any office listed in § 17-15-7 to be voted upon at a special
29 election for federal office, all nomination papers and lists of local candidates shall be filed in the
30 office on or before the forty-ninth (49th) day preceding the day of the special primary election.
31 Nomination papers for independent presidential candidates and presidential candidates of political
32 parties other than those defined in § 17-1-2(9) shall be filed in the office of the secretary of state
33 by the local boards of canvassers not later than ~~fifty-four (54)~~ sixty-one (61) days before the date
34 of the election.

1 **17-14-14. Hearings on objections — Witnesses — Notice.**

2 (a) All objections to nomination papers which are required to be filed with the secretary of
3 state shall be considered by the state board. The secretary of state shall, when requested by the state
4 board, immediately deliver to the board the nomination papers to which objection has been filed.
5 The state board may, at the hearing on the objections, summon witnesses, administer oaths, and
6 require the production of books, papers, and documents. The witnesses shall be summoned in the
7 same manner, be paid the same fees, and be subject to the same penalties for default as witnesses
8 before the superior court. A summons may be sworn to and an oath may be administered by the
9 board. When an objection has been filed, notice of the objection shall be immediately given by
10 registered or certified mail or by personal service by the state board to the candidates, addressed to
11 the residence of the candidate as given in the nomination papers, and to any party committee
12 interested in the nomination to which objection is made. The state board shall promulgate rules and
13 regulations on challenges to nomination papers filed by any candidate, any individual presenting
14 written authorization from the candidate, or the chairperson of any party committee that questions
15 the validity or authenticity of any signature on the nomination paper of a candidate.

16 (b) Additional notice may also be given by the state board if it sees fit to do so. The decision
17 of the board shall be rendered within ~~two (2) days~~ six (6) days for nomination papers for candidates
18 participating in a primary election and twelve (12) days for nomination papers for candidates not
19 participating in a primary election, exclusive of Sundays and holidays, after filing of objections and
20 shall immediately be certified by the state board to the secretary of state.

21 (c) All objections to nomination papers ~~for~~ other than state ~~officers~~ and federal candidates
22 shall be considered by the local board in the same manner and with the same effect as provided in
23 subsection (a) of this section for hearing of objections to nomination papers for state ~~officers~~ and
24 federal candidates by the state board.

25 SECTION 2. Section 17-15-1 of the General Laws in Chapter 17-15 entitled "Primary
26 Elections" is hereby amended to read as follows:

27 **17-15-1. Date of primaries.**

28 A primary election for the nomination of candidates for each political party shall be held
29 in each voting district in the manner provided in this chapter on the ~~eighth Tuesday~~ last Tuesday in
30 August preceding biennial state elections.

31 SECTION 3. This act shall take effect on January 1, 2025.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO ELECTIONS -- NOMINATION OF PARTY AND INDEPENDENT
CANDIDATES

1 This act would provide a process for local canvassing clerks to notify the state board of
2 elections regarding patterns of forgery, would amend certain filing dates to provide additional time
3 to review and adjudicate challenges to nomination papers and would amend the date of the primary
4 election to ensure distribution of mail ballots overseas and allow additional time to adjudicate
5 challenges.

6 This act would take effect on January 1, 2025.

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