

**State of Rhode Island and Providence Plantations
Rhode Island Board of Elections**

Public Notice of Proposed Rule-Making

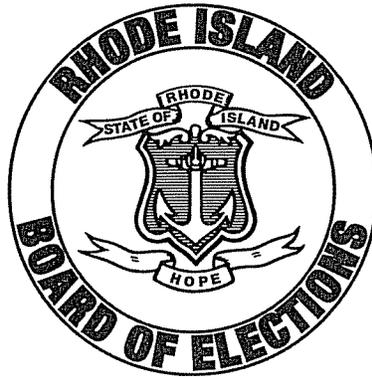
Pursuant to the provisions of Title 17 of the General Laws of Rhode Island, and in accordance with the Administrative Procedures Act Chapter 42-35 of the General Laws, the Rhode Island Board of Elections hereby gives notice of its intent to adopt the following; Rules and Regulations for Determining Recount Eligibility – Recognized Standing.

The purpose of this adoption is to ensure the orderly conduct of elections and enforce the provisions of Rhode Island General Laws § 17-19-37 and 17-19-37.3.

The proposed Rules and Regulations are available for public inspection online at www.elections.ri.gov, in person at the Rhode Island Board of Elections, 50 Branch Ave. Providence, R.I. 02904, requested by email at GMcBurney@elections.ri.gov or by calling Gregory McBurney at 401-222-1914.

In the development of the proposed adoption consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

All interested parties are invited to submit written or oral comments concerning the proposed regulations by 3/24/2010 to Robert Kando, Rhode Island Board of Elections, 50 Branch Ave. Providence, R.I. 02904, 401-222-2345, Feedback@elections.ri.gov. A public hearing to consider the proposed adoption shall be held on 3/20/2010 at 4:00 p.m. at 50 Branch Ave. Providence, R.I. 02904 at which time and place all persons interested will be heard. The room is accessible to the disabled and interpreter services for the hearing impaired will be provided if requested 48 hours prior to the hearing. Requests for this service can be made in writing or by calling 401-222-2345.



**RULES AND REGULATIONS
FOR THE DETERMINATION OF RECOUNT ELIGIBILITY – RECOGNIZED
STANDING**

PROPOSED

**Promulgated by order of
The Rhode Island State Board of Elections
John A. Daluz, Chairman**

RULES & REGULATIONS FOR DETERMINING RECOUNT ELIGIBILITY - RECOGNIZED STANDING ADOPTED BY THE RHODE ISLAND BOARD OF ELECTIONS

The Rhode Island Board of Elections hereby adopts rules and regulations relating to the determination of recount eligibility and what constitutes a person, group, or organization with "recognized standing," pursuant to and in accordance with sections 17-19-37 and 17-19-37.3 et seq. of the Rhode Island General Laws of 1956, as amended.

Said rules and regulations are proposed pursuant to the Administrative Procedures Act (R.I.G.L. § 42-35 et seq.) and are available for public inspection at the offices of the Rhode Island Board of Elections, 50 Branch Avenue, Providence, Rhode Island.

Section 1. Purpose

The within rules and regulations are proposed by the Board of Elections to ensure the orderly conduct of elections and enforce the provisions of Rhode Island General Laws § 17-19-37 and 17-19-37.3.

Section 2. Definitions

"Advocacy Cycle" means the period commencing on the date when a Ballot Question is deemed to be placed on the next ballot by order of the Secretary of State and ending on the date of that election.

"Ballot Question" means any question, charter change, constitutional amendment, referendum, or voter initiated petition, or any other item placed before the voters on any state, senate and representative district, city, town or municipal ballot for general or special election.

"Ballot Question Advocacy" means advocating the passage or defeat of a ballot question.

"Ballot Question Advocate" means any person, group, or organization making expenditure with a cumulative total that exceeds one thousand dollars (\$1,000) in an advocacy cycle for ballot-question advocacy on a particular ballot question.

"Expenditures" means any reported expenditures filed in conformance with the Rules and Regulations of the Board of Elections.

Section 3. Determining Recount Eligibility - Recognized Standing

Pursuant to R.I.G.L. § 17-19-37.3, where a person, group, or organization has reported expenditures as a Ballot Question Advocate either in support of or in opposition to a ballot question, that Ballot Question Advocate will only have "recognized standing" to request a recount on a ballot question if:

- (a) In ballot questions receiving fewer than 1,000 votes, the Ballot Question Advocate has independently expended over \$1,000 in advocating that ballot question during the advocacy cycle;
- (b) In ballot questions receiving between 1,001 - 10,000 votes, the Ballot Question Advocate has independently expended over \$5,000 in advocating that ballot question during the advocacy cycle;
- (c) In ballot questions receiving between 10,001 - 25,000 votes, the Ballot Question Advocate has independently expended over \$10,000 in advocating that ballot question during the advocacy cycle;
- (d) In ballot questions receiving between 25,001 - 50,000 votes, the Ballot Question Advocate has independently expended over \$15,000 in advocating that ballot question during the advocacy cycle;
- (e) In ballot questions receiving between 50,001 - 100,000 votes, the Ballot Question Advocate has independently expended over \$25,000 in advocating that ballot question during the advocacy cycle;
- (f) In ballot questions receiving between 100,001 - 200,000 votes, the Ballot Question Advocate has independently expended over \$35,000 in advocating that ballot question during the advocacy cycle; or
- (g) In ballot questions receiving over 200,000 votes, the Ballot Question Advocate has independently expended over \$50,000 in advocating that ballot question during the advocacy cycle.

Or:

When a group, or organization has filed a list of member's names and addresses numbering at least 5 members for the town or district Ballot Questions, 10 members for city Ballot Questions and 25 members for statewide Ballot Questions, and a statement that specifies which Ballot Question the group, or organization is advocating for, or against passage, with the Board of Elections at least 7 days prior to the election.

The Ballot Question Advocate or the president or secretary of a group or organization requesting a recount of votes on a ballot question shall file a notarized letter with the Board of Elections that includes the name, mailing address, and telephone number of the Ballot Question Advocate, group or organization within seven (7) days of the election. Ballot Question Advocates may not aggregate their expenditures or members to qualify under the provisions of this regulation.

Section 4. Implementation

The Board of Elections may promulgate procedures and forms necessary to implement the within rules and regulations required under the Rhode Island General Laws.

These rules and regulations were adopted at a meeting of the State Board of Elections held on the _____ day of _____ 2010 pursuant to the Administrative Procedures Act (R.I.G.L. 42-35-1, *et seq.*).

By Order of the Rhode Island Board of Elections

John A. Daluz, Chairman

Date

Witnessed by

Robert Kando, Executive Director

Date