STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
BOARD OF ELECTIONS

PUBLIC NOTICE OF RULEMAKING

The State of Rhode Island Board of Elections ("BOE"), proposes the filing of its Amended Rules and Regulations for Polling Place Conduct (hereinafter "Regulation") under the authority of R.I. Gen. Laws § 17-7-5(c) as amended, authorizing the BOE to adopt rules, regulations and directives that it deems necessary to carry out the objects and purposes of Title 17 of the General Laws, and under Chapter 35 of Title 42 of the General Laws.

Copies of the Regulation will be available for public inspection from June 6, 2016 through July 20, 2016, on the RI Secretary of State's website: http://www.sos.ri.gov/ProposedRules/, on the Board of Elections website: http://www.elections.state.ri.us/, under "Proposed Amendments to Rules and Regulations," by email request to Patricia Chatelle at patricia.chatelle@elections.ri.gov, or by contacting Patricia Chatelle by phone, or in person at the Board of Elections, 50 Branch Avenue, Providence, RI 02904, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday. You will need to call in advance to retrieve a copy at the BOE location.

In the development of the proposed amendments to the Regulation, consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small businesses or any city or town, as defined in Chapter 35 of Title 42 of the General Laws, which may result from the proposed amendments. Based on available information, no significant economic impact was identified nor are there any alternative approaches, duplications or overlaps with other state regulations.

Written comments regarding the proposed Amendments are preferred but not required. Written comments will be accepted up to and including **July 20, 2016.** Please submit all written comments to Acting Chair William West, Board of Elections, 50 Branch Avenue, Providence, RI 02904, or to Mr. West's attention, care of patricia.chatelle@elections.ri.gov.

In accordance with R.I. Gen. Laws § 42-35-3, a hearing on the amendments to the Regulation will be held on **July 20, 2016** at 7:00 p.m. at the Board of Elections, 50 Branch Avenue, Providence, RI 02904.

The aforementioned location of the public hearing is handicapped accessible. Should communication assistance (readers/ interpreters/captioners) be needed or any other accommodation to ensure equal participation, please call Patricia Chatelle at the Board of Elections at least three (3) business days prior to the meeting, so arrangements can be made, at no cost to the individual requesting said assistance.

Date Posted:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
BOARD OF ELECTIONS

RULES AND REGULATIONS FOR
POLLING PLACE CONDUCT

Summary of Proposed Action

The Board of Elections proposes substantive changes to its Rules and Regulations for Polling Place Conduct to allow for bake sales at polling place on primary and election days, consistent with R.I. Gen. Laws § 17-19-21.1 and is also amended to add various terms and definitions to regulate polling place conduct to ensure that the elections remain orderly and efficient.

The proposed changes are underlined and highlighted in blue and further explained in the attached Summary of Changes and Rationale.

RULES AND REGULATIONS
FOR POLLING PLACE CONDUCT

Promulgated by order of
The Rhode Island State Board of Elections
~~Frank J. Rego~~William E. West, Acting Chairperson

RULES & REGULATIONS FOR POLLING PLACE CONDUCT ADOPTED BY THE RHODE ISLAND BOARD OF ELECTIONS

The Rhode Island Board of Elections hereby adopts rules and regulations relating to polling place conduct pursuant to and in accordance with R.I. Gen. Laws § 17-15-26,17-19-21, 17-19-22, 17-19-23, 17-19-24, 17-19-27, 17-19-49, 17-23-15 and 17-23-17.

Said rules and regulations are adopted 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

This rule is adopted by the Board of Elections to ensure the orderly conduct of elections, and enforce the provisions of Rhode Island General Laws §§ 17-15-11, 17-15-26, 17-19-21, 17-19-22, 17-19-23, 17-19-24, 17-19-27, 17-19-49, 17-23-15 and 17-23-17.

Section 2. Definitions

Act of Voting shall ~~mean~~ include the period of time in which a voter ~~that~~ has entered a polling place for the sole purpose of casting a ballot. The ~~act~~ Act of ~~v~~Voting begins when the voter enters a ~~p~~Polling ~~p~~Place and begins ~~their~~ approach to the supervisor's table. It concludes when the voter has inserted the~~ir~~ ballot into the optical scan reader and exits the ~~p~~Polling ~~p~~Place.

Bake Sales shall refer to the sale of food items such as cookies, cakes and non-alcoholic beverages for raising funds in support of non-profit and charitable organizations.

Checkers shall mean representatives of each recognized political party bearing credentials signed by the proper ward or town committee chairperson who maintains a record of who has voted at the Polling Place.

Election Official shall include the Board of Elections and its designees, the Local Canvassing Authority and its designees, including but not limited to, Moderator/Wardens, Clerks and Supervisors. No person shall be appointed or serve as an Election Official who has been convicted, found guilty, pleaded guilty or nolo contendere, or placed on a deferred or suspended sentence, or on probation, for any crime which involves moral turpitude or which constitutes a violation of any of the election or caucus laws of this or any other state. No candidate for any office to be filled at any election shall be appointed as an Election Official. Every Election Official shall make an affidavit before some member of the proper board of canvassers attesting that he or she is eligible to serve as an Election Official, consistent with the requirements of state law.

Party Representative shall mean any credentialed party checker, runner or watcher as designated under R.I.G.L. 17-19-22.

Political Literature shall include any paper, circular or other document designed or tending to aid, injure or defeat any candidate for public office or any political party or any question submitted to the voters. Documents that constitute political literature include any flyer, campaign button, or any

item of clothing that ~~includes~~ contains any electioneering~~,~~ communication, including words or images, or election symbol attributed to a campaign that promotes the election or defeat of any candidate or ballot question that appears on the ballot.

Polling Place Observer shall ~~include any person, other than a voter in the act of voting, election official, party representative, or police officer assigned to the poll~~ mean any other person observing the election at a Polling Place on behalf of a party or candidate.

Polling Place means ~~the room or area designated for the purpose of receiving and casting a ballot~~ the building which contains voting booths and where voting is conducted at any primary or election for the election of any candidate, write-in candidate, party or ballot question.

Railed or Enclosed Voting Area shall mean the enclosed area within the polling place where ballots are cast. The railed or enclosed area shall be delineated by tables or other means having one entrance and one exit in the area within which ballots are cast.

Runners shall mean those representatives of any recognized party who shall retrieve whatever list or memoranda the Checkers have prepared and shall be allowed to come to the table for the Checkers at frequent intervals.

Supervisors shall be assigned by the Warden ~~or~~/Moderator in bipartisan pairs at the Polling Place and shall be in charge of the voting list and shall announce the voter's name and certify his or her identity before permitting the person to enter the Railed or Enclosed Voting Area. The Warden/Moderator may also assign additional duties to the Supervisors such as the oversight of and assistance to ~~of~~ voters while they are in and about the voting booths.

Wardens or Moderators shall have general supervisory powers at each Polling Place and shall be responsible for supervising the overall orderly and efficient conduct at the Polling Place and shall ensure compliance with the elections laws and regulations governing polling place conduct, including the casting of ballots.

Watcher shall mean ~~a party representative credentialed by the board of canvassers whose duty is limited to challenging a voter's identity~~ a representative of each recognized political party bearing credentials signed by the proper ward or term committee chairperson. A Watcher shall be allowed outside the enclosed voting area to observe the voting and to assist the Checkers.

Section 3. Open Elections

The public may be present in the polling place to observe the conduct of an election. Only voters and election officials are allowed in the ~~r~~Railed or ~~e~~Enclosed ~~v~~Voting ~~a~~Area. No person(s) may willfully hinder the orderly conduct of an election ~~(17-23-17(a)(7))~~.

Section 4. Table and Chairs Provided for Party Representatives

~~R.I.G.L. 17-19-22 requires that a~~A table and chairs must be provided outside the enclosed space by the city/town for the party representatives known as ~~"c~~Checkers~~"~~ and ~~"w~~Watchers.~~"~~ In the absence of party representatives, the public ~~is allowed to~~ may use the table and chairs.

Section 5. Polling Place Conduct

A. Political Literature and Influence

1. Outside the Polling Place

No person shall be allowed to display or distribute any poster, paper, circular, campaign or political party button, badge or other document or item designed or tending to aid, injure, or defeat any candidate for public office or any political party on any question submitted to the voters within fifty (50) feet of the entrance or entrances to the ~~building in which voting is conduced at any primary or election~~ Polling Place.

No person shall conduct any form of poll or survey of voter opinion or voter conduct within a ~~p~~Polling ~~p~~Place or within fifty (50) feet from the entrance or entrances to any ~~building in which voting is being conducted for any primary or election~~ Polling Place.

2. Inside the Polling Place

No person-other than a voter in the act of voting may display or wear any campaign or political party button, badge or other document or item designed or tending to aid, injure or defeat any candidate for public office or any political party or any question submitted to the voters ~~political literature~~ within the ~~p~~Polling ~~p~~Place. Any voter displaying or wearing any political literature who has completed the voting process must immediately exit the polling location without unreasonable delay. No activity that is intended to interfere with a person's right to vote, shall be permitted within a ~~p~~Polling ~~p~~Place.

B. Electronic Recording Devices in the Polling Place

Electronic recording of the election process is allowed inside the polling place as long as it is done outside of the ~~r~~Railed or ~~e~~Enclosed ~~v~~Voting ~~a~~Area. Electronic recording devices may not hinder the election process or compromise a voter's right to cast a secret ballot. ~~by~~ The electronic recording ~~the~~ of specific votes(s) cast by ~~any~~ another person is prohibited.

C. Talking on Cellular Telephones and other Communications Devices.

Only election officials conducting official election business are allowed to verbally communicate on a cell phone or other communication device within the ~~p~~Polling ~~p~~Place. All other communications being made to persons outside the ~~p~~Polling ~~p~~Place must be done nonverbally to ensure the orderly conduct of the Election.

D. Challenges

~~Challenges are limited to voter identity and for good cause. Only election officials or watchers may file challenges~~ Only the Watchers and Election Officials are allowed to challenge the right to vote of any person offering himself or herself as a voter. All challenges must be made for good cause. Whenever the identity of any person offering to vote is challenged at the Polling Place, that person shall only be permitted to vote using a provisional ballot as defined by R.I. Gen. Laws § 17-19-24.1. ~~Any voter whose identity is challenged shall vote a provisional ballot.~~

E. Bake Sales

Bake sales may be held at any Polling Place under the supervision of the Warden/Moderator during any primary or election for the election of any candidate, write-in candidate, party or ballot question. Bake sales shall not be allowed within the Railed Enclosed Voting Area and only within the area expressly designated by the Warden/Moderator for such activity. Sponsors of proposed bake sales must first seek and obtain permission to hold the bake sale event from the appropriate local board of canvassers. All requests for bake sales must be submitted in writing to the local board of canvassers no later than seven (7) days prior to the date for the primary or election. Bake sales shall be permitted as long as such conduct does not interfere with the orderly conduct of the election, as determined by the Warden/Moderator.

Section 6. Procedures for Maintaining Order at the Polling Place

A ~~w~~Warden/~~m~~Moderator may cause to be removed or arrested any person or official who commits a violation of the election law in their presence or disturbs the conduct of the voting, including any conduct that is designed to discourage a person from exercising his/her right to vote; provided, that they shall not cause any removal or arrest without the approval of the election inspector, unless the clerk agrees with the ~~w~~Warden/~~m~~Moderator that the person or official should be arrested or removed (R.I.G.L. 17-19-23(9)). Either the ~~w~~Warden/~~m~~Moderator or the ~~c~~Clerk may in their discretion issue a warning to a person(s) whose acts are disturbing the conduct of the voting.

If a person believes that an Election Official is violating state election laws he/she may contact their Local Canvassing Authority or the State Board of Elections to file a complaint.

Section 7. 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 Third day of February, 2016 pursuant to the Administrative Procedures Act (R.I.G.L. 42-35-1, *et seq.).*

By Order of the Rhode Island Board of Elections

~~Frank J. Rego~~ William E. West, Acting Chairperson Date

Witnessed by

Robert Kando, Executive Director Date