



**RULES AND REGULATIONS
RELATING TO RECOUNTS**

As Amended

7/13/2010

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

**RULES AND REGULATIONS ADOPTED BY THE BOARD OF ELECTIONS
RELATING TO RECOUNTS**

The Rhode Island Board of Elections hereby amends the within rules and regulations ("rules") relating to election recounts pursuant to, and in accordance with, the provisions of sections 17-7 et seq., 17-19-31, 17-19-37.1, 17-19-37.2, 17-19-37.3 and 17-12.1-14 of the Rhode Island General Laws of 1956, as amended.

Said rules and regulations are amended 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 following rules and regulations are adopted by the Board of Elections for the purpose of facilitating the accurate and efficient administration of election recounts which may be required to be conducted pursuant to the Rhode Island General Laws.

Section 2. Application

A. Candidates & Write-In Candidates

A candidate or write-in candidate seeking a recount of the votes cast in his or her race and meeting the eligibility requirements set forth in the Rhode Island General Laws must make a written application to the Board of Elections to request said recount. Said application shall include the following:

- the name, address and daytime & evening telephone numbers of the candidate (if applicable, the application should also include the name, address and telephone numbers of an attorney or person who the candidate designates to represent him or her);
- the office for which the recount is being sought (including district number, if applicable);
- the date on which the application is made; and
- the signature of the candidate which shall be attested to by a notary public.

Applications will be considered to have been filed only when the signed original application is received at the Board of Elections, 50 Branch Avenue, Providence, Rhode Island and must be received by the appropriate deadline as stated below. Applications not received by the appropriate deadline or not executed pursuant to the requirements stated herein shall be rejected.

As soon as possible after the filing of an application submitted in conformance with the requirements of this section the Executive Director of the Board shall review and examine the results of the race for which the recount is sought and determine whether the applicant meets the eligibility requirements for a recount. Upon making said determination the Director shall proceed to notify the applicant of the disposition of his or her application and, if required, schedule said recount.

Deadlines for filing applications: For a primary By 4:00 p.m. the day after the primary
For an election By 4:00 p.m. on the seventh (7th) day following the election

B. Ballot Questions – Person, Group Or Organization Of “Recognized Standing”

A person, group or organization of “recognized standing” seeking a recount of the votes cast for a ballot question shall be required to adhere to the application requirements and deadlines set forth in Section 2A of these rules. Moreover, the party seeking said recount shall identify in the recount application the ballot question for which the recount is being sought as well as provide evidence as to the party’s assertion of “recognized standing” relative to the ballot question.

At the time of reviewing the application for a recount, it shall be determined whether the person, group or organization is of “recognized standing” and deemed eligible to request said recount.

Section 3. Procedures For The Recounting Of Ballots

The Board of Elections shall establish the policies and procedures to be used in conducting election recounts. The Board shall implement the measures necessary to secure the ballots to be recounted and to protect and ensure the integrity of the election and recount process. Moreover, the Board shall take the steps necessary to conduct an efficient, orderly and accurate recounting of the ballots cast in elections qualifying for recounts pursuant to the Rhode Island General Laws, including the publication of a “Guide To Election Recounts”.

Notwithstanding any other provision of these rules, the Board of Elections may, acting upon its own motion and at its sole discretion, adopt and implement the measures it deems appropriate to facilitate the accurate and orderly conduct of election recounts.

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 13th day of July 2010 pursuant to the Administrative Procedures Act (R.I.G.L. 42-35-1, et sq.).

By Order of the Rhode Island Board of Elections


John A. Daluz, Chairman

7/15/10
Date

Witnessed by

Robert Kando, Executive Director

7/15/10
Date