

410-RICR-20-00-7

TITLE 410 - BOARD OF ELECTIONS

CHAPTER 20 - ELECTIONS

SUBCHAPTER 00 - N/A

PART 7 - Filing Protests

7.1

- A. The Rhode Island Board of Elections hereby adopts rules and regulations relating to voting procedures and filing protests pursuant to and in accordance with R.I. Gen. Laws §§ [17-7-5](#), [17-15-34](#), and [17-15-35](#).
- B. Said rules and regulations are adopted pursuant to the Administrative Procedures Act (R.I. Gen. Laws Chapter [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.

7.2 Purpose

This Part is adopted by the Board of Elections for the purpose of clarifying and expanding upon R.I. Gen. Laws §§ [17-7-5](#), [17-15-34](#), and [17-15-35](#).

7.3 Definitions

"CVRS" means the Central Voter Registration System database created under R.I. Gen. Laws § [17-6-1.2](#).

"Computer ballot" means the paper ballot prepared by the Office of the Secretary of State for use in conjunction with the optical scan precinct count system.

7.4 Voting Procedures - Limitations of the CVRS

- A. Under the current procedure for voting, the CVRS does not always immediately reflect the accurate post-election results as determined by a count of the computer ballots. These delays can create the appearance of inconsistencies between the number of signed voter applications collected and the number of computer ballots collected in any given voting precinct.
- B. Therefore, due to the lack of reliability of CVRS data immediately following an election, any evidence related to the CVRS will not be deemed competent or admissible evidence in any protest hearing.

7.5 Requirements for Filing Protests

A. Primaries

Pursuant to R.I. Gen. Laws § [17-15-34](#), a candidate protesting a primary election must file the protest with the Board of Elections no later than four o'clock (4:00) p.m. on the day following the primary. Every primary election protest must state the specific factual and legal arguments supporting the protest.

B. General Elections

Pursuant to R.I. Gen. Laws § [17-7-5\(11\)](#), a person protesting the results of a general election must file the protest no later than four o'clock (4:00) p.m. on the seventh (7) day following the election. Every general election protest must state the specific factual and legal arguments supporting the protest.

7.6 Amending Protests

Protests may only be amended with the prior approval of the Board of Elections. Any request to amend a protest must be submitted to the Board of Elections in writing no later than twenty-four (24) hours before the scheduled protest hearing and must contain any relevant factual or legal arguments to support the proposed amendment.

7.7 Protest Hearings - Admissibility of Evidence

The only evidence admissible at a protest hearing is evidence relevant to the factual and legal arguments stated within the protest on file. The introduction of hearsay evidence shall only be permitted to the extent allowed by the Rhode Island Rules of Evidence.

7.8 Board Authority

Nothing in this Part shall prohibit the Board of Elections from acting on its own motion.

7.9 Implementation

- A. The Board of Elections may promulgate procedures and forms necessary to implement the within Part required under the Rhode Island General Laws.
- B. This Part was adopted at a meeting of the State Board of Elections held on the 24th day of March 2010 pursuant to the Administrative Procedures Act (R.I. Gen. Laws [42-35-1](#), *et seq.*). By Order of the Rhode Island Board of Elections.