

410-RICR-20-00-15

TITLE 410 - BOARD OF ELECTIONS

CHAPTER 20 - ELECTIONS

SUBCHAPTER 00 - N/A

PART 15 - Determination of Recount Eligibility - Recognized Standing

15.1

- A. 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 R.I. Gen. Laws §§ 17-19-37 and 17-19-37.3 *et seq.*, as amended.
- B. Said rules and regulations are proposed 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.

15.2 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 R.I. Gen. Laws §§ [17-19-37](#) and [17-19-37.3](#).

15.3 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.

15.4 Determining Recount Eligibility - Recognized Standing

- A. Pursuant to R.I. Gen. Laws § [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:
1. 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;
 2. 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;
 3. 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;
 4. 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;
 5. 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;
 6. 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
 7. 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.
 8. Or:
- B. 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 prior to Election Day.

- C. 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.

15.5 Implementation

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