

410-RICR-20-00-17

TITLE 410 - BOARD OF ELECTIONS

CHAPTER 20 - ELECTIONS

SUBCHAPTER 00 - N/A

PART 17 - Unaffiliated Voters Participating in Primary Elections

17.1

- A. The Rhode Island Board of Elections hereby establishes within rules and regulations relating for Unaffiliated Voters Participating in Primary Elections, pursuant to and in accordance with R.I. Gen. Laws § [17-9.1-23\(C\)](#), 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

17.2 Purpose

The within rules and regulations are hereby proposed for the purpose of expounding on R.I. Gen. Laws § [17-9.1-23\(C\)](#) and clarifying the party status of a voter's party affiliation upon participating in a primary.

17.3 Definitions

- A. "Affiliated" or "Affiliation" means to be a member of a designated political party.
- B. "Ballot application" means an application issued to a voter in which they must certify their name and home address as their own, and before they are issued an official ballot. This includes precinct ballot applications, mail ballot applications, and provisional ballot applications.
- C. "Board of Canvassers" or "Local Board" means a town or city board of canvassers, board of canvassers and registration, canvassing authority, or any other local board, commission, or officer empowered by law to have custody of the permanent registration records.
- D. "Disaffiliate" or "Disaffiliation" means to remove or change party affiliation.

- E. "Participate" or "Participation" means to complete and sign a ballot application. Even if a voter does not cast a ballot in the primary, a signed ballot application will constitute participation, and the Local Board shall record the voter's affiliation.
- F. "Party" or "Political party" means:
1. any political organization which, at the next preceding general election for the election of general officers, nominated a candidate for governor, and whose candidate for governor at the election polled at least five percent (5%) of the entire vote cast in the state for governor, or
 2. any political organization which at the next preceding general election for the election of a president of the United States nominated a candidate for president and whose candidate for president at the election polled at least five percent (5%) of the entire vote cast in the state for president, or
 3. any political organization which, on petition forms provided to the chairperson of the organization by the state board of elections, obtains the signatures and addresses of that number of registered qualified voters equal to five percent (5%) of the entire vote cast in the state for governor or president in the immediately preceding general election. All the signatures must be obtained no earlier than January 1 of the year in which the political organization desires to place a candidate or candidates on any ballot as a "party" candidate. If the political organization wishes to select its nominees in a primary election, the petitions, bearing the requisite number of valid signatures, shall be presented to the appropriate local boards of canvassers no later than June 1 of the same year. If the petitions are validated by the local boards as containing the requisite number of valid signatures, the political organization shall be deemed to be a political party for all elections held during the year and may select its nominees in a primary election. If the political organization does not wish to select its nominees in a primary election, then the petitions need not be returned to local boards of canvassers until August 1 of the same year. An organization qualifying as a political party through the petition process shall qualify as a political party only during the year in which signatures are obtained unless the candidates for governor or president of the United States of the party at a general election held in the year, shall receive five percent (5%) of the vote as provided in this subdivision for either governor or president of the United States. If the candidates do not receive five percent (5%) of the vote, the organization shall no longer qualify as a political party unless and until it shall, in a subsequent year, once again qualify by the submission of petitions;
- G. "Precinct" means the geographical subdivision within a City/Town assigned to voters pursuant to R.I. Gen. Laws § [17-11-1](#).
- H. "Primary election" means any election to select the candidates of a political party

17.4 Explanation

If an unaffiliated voter participates in a primary election, the Board of Elections will consider that person to be affiliated with the political party in whose primary they participated. The Local Board of Canvassers will record this affiliation accordingly. In this instance, participation does not include circulating or signing nomination papers.

17.5 Participation

- A. An unaffiliated voter will be considered a participant in a primary election (and thus affiliated with the political party in whose primary they participated) if they complete and sign a ballot application. The types of ballot applications are:
1. Precinct Ballot Application - An application a voter must complete and sign at a polling place before an election official can issue the voter a ballot.
 2. Mail Ballot Application - An application of a voter must complete if they are unable to vote in person on Election Day.
 3. Provisional Ballot Application - An application a voter completes and signs when the voter's eligibility is in question, regardless if the ballot is qualified or disqualified.
- B. Upon completing and signing a ballot application for a primary, an unaffiliated voter will become affiliated with the party in whose primary they have applied to vote. Even if the voter does not cast a ballot in the primary election, as long as they complete and sign the ballot application they will be deemed a member of that political party.

17.6 Disaffiliation

If a voter wishes to disaffiliate from the political party they are associated with they may do so by following the provisions of R.I. Gen. Laws § [17-9.1-24](#).

17.7 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 are adopted this day of July 2008 pursuant to the Administrative Procedures Act (R.I. Gen. Laws § [42-35-1](#), et seq.). By Order of the Rhode Island Board of Elections.