

**RULES & REGULATIONS
ADOPTED BY THE
RHODE ISLAND BOARD OF ELECTIONS
RELATING TO TABULATION OF MAIL BALLOTS**

The Rhode Island Board of Elections hereby adopted the within rules and regulations including “Exhibit A” relating to the tabulation of mail ballots pursuant to, and in accordance with, the provisions of sections 17-7-1 et seq., 17-19-31, 17-20-24, 17-20-26 and 17-22-1 of the Rhode Island General Laws of 1956, as amended.

Said rules and regulations are adopted pursuant to the Administrative Procedures Act (R.I.G.L. 42-35-1 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 State of Rhode Island’s optical scan precinct count election system provides a fast and accurate way of processing and tabulating mail ballots. In accordance with the requirements and capabilities of the optical scan system, the Board of Elections has developed procedures for the handling, processing and totaling of mail ballots in order to insure the integrity of the electoral process.

Section 2.
Procedures

The procedures for mail ballot tabulation and the steps to be followed for processing those ballots which are unable to be “read” by the automated ballot counter are as follows:

1. Previously certified mail ballots shall be brought by the Board from the agency’s secured storage area to the tabulation area on Election Day.
2. The mail ballots shall be opened and the ballots shall be separated from the mail ballot envelopes.
3. The mail ballots will be given to the operator of the automated ballot counter for processing by the automated ballot counter.
4. Ballots that are torn or otherwise damaged upon opening of the envelopes in addition to ballots that are unable to be processed by the automated ballot counter (i.e. improperly marked ballots, damaged ballots, blank ballots) that have been out-stacked by the automated ballot counter will be given to the Board or its designee to determine voter intent, and remaking of the original ballot. Duplicated ballots will be

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kept together in a secured container until the duplication process is completed. (Refer to *Duplicating Ballots*).

5. Ballots containing write-in votes will be out-stacked to the write-in vote compartment of the automated ballot counter. (Refer to *Write-In Votes*)
6. Upon completion of the processing of the mail ballots, said mail ballots shall be placed in the proper storage container. The storage containers will be sealed and stored at the Board of Elections for a period of twenty-two (22) months.
7. Mail ballots shall not be totaled until 9:00 p.m. on election day.

Section 3. **Reasons for Duplication**

It is possible that some ballots may not be processed by the automated ballot counter due to damage, improper marking or other circumstances. In those instances the following procedures have been established to process and tabulate those ballots.

BLANK BALLOTS

The Board will review the rejected blank ballot to determine voter intent. Voter intent may be determined if the voter circled, checked or made any other distinguishing marks next to a candidate's name. If voter intent can be determined the ballot shall be duplicated (refer to *Duplicating Ballots*). If the Board is unable to determine voter intent, the ballot will be processed as a blank ballot.

DAMAGED BALLOTS

Damaged ballots shall be duplicated pursuant to the *Duplicating Ballots* procedures.

Section 4. **Duplicating Ballots**

If it is determined that a ballot needs to be duplicated it shall be executed in the following manner:

1. A blank ballot will be retrieved from the blank ballot inventory for the appropriate precinct, and stamped "DUPLICATE" on the back of the ballot and assigned a number will be assigned to the ballot. All duplicated ballots will be numbered sequentially according to the ballot counter in which it is to be processed (i.e. A1, A2, A3, B1, B2, B3, C1, C2, C3).
2. The original ballot will be stamped on the back "ORIGINAL" and given the same identifying number as the duplicate ballot.
3. Two or more Commissioners or their designees will then remake the ballot. Duplicated ballots will be remain in a secured container until the duplication process is completed.

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4. All duplicated ballots will be delivered to the operator of the appropriate ballot counter for processing.
5. After the duplicate ballot has been processed through the automated ballot counter, the assigned Board members or their designee will remove the duplicate ballot from the tray of the automated ballot counter and attach it to the corresponding original ballot. Both ballots will be placed into the appropriate storage container.

Section 5. **Write-in Votes**

The procedures for processing and recording of ballots containing write-in votes are as follows:

1. The ballot counter will out-stack ballots containing write-in votes after the automated ballot counter records votes on contests where write-ins do not appear.
2. The Board or its designee will record on write-in tally sheets the write-in votes.
3. After recording the write-in votes, the ballots will be placed into the appropriate storage container.

Note: Write-in votes are not permitted in primaries; provided, that write-in votes may be cast for presidential candidates at any presidential primary. Write-in votes are not permitted for delegate candidates at a presidential primary.

These rules and regulations are adopted this _____ day of _____ pursuant to the Administrative Procedures Act (R.I.G.L. 42-35-1 *et seq.*).

By Order of the
Rhode Island Board of Elections

Thomas V. Iannitti
Acting Chair

RHODE ISLAND
BOARD OF ELECTIONS

(Board of Elections' Seal)

PROCEDURES
FOR THE
TABULATION
OF
MAIL BALLOTS

BOARD OF ELECTIONS PROCEDURES FOR MAIL BALLOT TABULATION

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The procedures for mail ballot tabulation and the steps to be followed for processing those ballots which are unable to be "read" by the automated ballot counter are as follows:

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2. The mail ballots shall be opened and the ballots shall be separated from the mail ballot envelopes.
3. The mail ballots will be given to the operator of the automated ballot counter for processing by the automated ballot counter.
4. Ballots that are torn or otherwise damaged upon opening of the envelopes in addition to ballots that are unable to be processed by the automated ballot counter (i.e. improperly marked ballots, damaged ballots, blank ballots) that have been out-stacked by the automated ballot counter will be given to the Board or its designee to determine voter intent and remaking of the original ballot. Duplicated ballots will be kept together in a secured container until the duplication process is completed. (Refer to *Duplicating Ballots*).
5. Ballots containing write-in votes will be out-stacked to the write-in vote compartment of the automated ballot counter. (Refer to *Write-In Votes*)
6. Upon completion of the processing of the mail ballots, said mail ballots shall be placed in the proper storage container. The storage containers will be sealed and stored at the Board of Elections for a period of twenty-two (22) months.
7. Mail ballots shall not be totaled until 9:00 p.m. on election day.

BOARD OF ELECTIONS PROCEDURES FOR MAIL BALLOT DUPLICATION

The ballots that are not able to be processed by the automated ballot counter due to damage, improper marking or other circumstances shall be duplicated in accordance with the following procedures.

BLANK BALLOTS

The Board will review the rejected blank ballot to determine voter intent. Voter intent may be determined if the voter circled, checked or made any other distinguishing marks next to a candidate's name. If voter intent can be determined the ballot shall be duplicated (refer to *Duplicating Ballots*). If the Board is unable to determine voter intent, the ballot will be processed as a blank ballot.

DAMAGED BALLOTS

Damaged ballots shall be duplicated pursuant to the *Duplicating Ballots* procedures.

DUPLICATING BALLOTS

Ballots shall be duplicated in the following manner:

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3. Two or more Commissioners or their designees will then remake the ballot. Duplicated ballots will remain together in a secured container until the duplication process is completed.
4. All duplicated ballots will be delivered to the operator of the appropriate automated ballot counter for processing.
5. After the duplicate ballot has been processed through the automated ballot counter, the assigned Board members or their designee will remove the duplicate ballot from the tray of the ballot counter and attach it to the corresponding original ballot. Both ballots will be placed into the appropriate storage container.

**BOARD OF ELECTIONS
PROCEDURES FOR MAIL BALLOT WRITE-IN VOTES**

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1. The automated ballot counter will out-stack ballots containing write-in votes after the automated ballot counter records votes on contests where write-ins do not appear.
2. The Board or its designee will record on write-in tally sheets the write-in votes.
3. Ballots containing write-in votes will be placed into the appropriate storage container after the write-in votes have been recorded.

Note: Write-in votes are not permitted in primaries; provided, that write-in votes may be cast for presidential candidates at any presidential primary. Write-in votes are not permitted for delegate candidates at a presidential primary.

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