

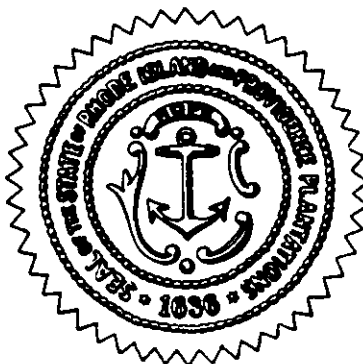
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# **ELECTION LAWS OF THE STATE OF RHODE ISLAND**



**Issued by  
Office of Secretary of State  
Providence, Rhode Island**

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**Reprinted from the General Laws of Rhode Island  
and the 1991 Cumulative Supplement**

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**THE MICHIE COMPANY  
Charlottesville, Virginia  
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## Table of Contents

	PAGE
Constitution of the United States.	
Article XVII. ....	1
Article XIX. Woman Suffrage, §§ 1, 2 .....	1
Article XXVI. Voting Age, §§ 1, 2 .....	2
Excerpts from the Federal Voting Rights Act .....	3
Constitution of the State of Rhode Island and Providence Plantations.	
Preamble .....	11
Article I. Declaration of Certain Constitutional Rights and Principles, §§ 1 to 24 .....	11
Article II. Of Suffrage, §§ 1, 2 .....	16
Article III. Of Qualification for Office, §§ 1 to 8 .....	17
Article IV. Of Elections and Campaign Finance, §§ 1 to 10 .....	19
Article V. Of the Distribution of Powers .....	20.1
Article VI. Of the Legislative Power, §§ 1 to 21 .....	20.1
Article VII. Of the House of Representatives, §§ 1, 2 .....	20.6
Article VIII. Of the Senate, §§ 1 to 4 .....	20.6
Article IX. Of the Executive Power, §§ 1 to 15 .....	20.7
Article X. Of the Judicial Power, §§ 1 to 7 .....	20.9
Article XI. Of Impeachments, §§ 1 to 3 .....	20.11
Article XII. Of Education, §§ 1 to 4 .....	20.12
Article XIII. Home Rule for Cities and Towns, §§ 1 to 11 .....	20.12
Article XIV. Constitutional Amendments and Revisions, §§ 1, 2 .....	20.15
Article XV. General Transition, §§ 1 to 4 .....	20.16
Title 5. Businesses and Professions.	
Chapter 37.3. Confidentiality of Health Care Informa- tion Act, §§ 5-37.3-4(a), (b)(16), (b)(17) ....	21
Title 8. Courts and Civil Procedure — Courts.	
Chapter 9. Probate Courts, § 8-9-4 .....	23
Chapter 15. Court Administration, § 8-15-8 .....	24.1
Title 9. Courts and Civil Procedure — Procedure Generally.	
Chapter 5. Writs, Summons and Process, § 9-5-25 .....	25
Chapter 9. Jury Lists, §§ 9-9-8, 9-9-9 .....	27

	PAGE
Title 10. Courts and Civil Procedure — Procedure In Particular Actions.	
Chapter 10. Imprisonment on Civil Process, § 10-10-5 ..	28.1
Title 11. Criminal Offenses.	
Chapter 43. Treason and Related Offenses, §§ 11-43-4 to 11-43-7 .....	29
Title 13. Criminals — Correctional Institutions.	
Chapter 6. Loss of Rights by Prisoners, § 13-6-2.1 .....	31
Title 16. Education.	
Chapter 2. School Committees and Superintendents, § 16-2-5 .....	33
Chapter 22. Curriculum, § 16-22-10 .....	34.1
Title 17. Elections.	
Chapter 1. General Provisions, §§ 17-1-1 to 17-1-8 .....	36
Chapter 2. General State Officers, §§ 17-2-1 to 17-2-6 ...	47
Chapter 3. General Assembly Members, §§ 17-3-1 to 17-3-8 .....	49
Chapter 4. Federal Elective Officers, §§ 17-4-1 to 17-4-12 .....	63
Chapter 4.1. [Repealed.] .....	57
Chapter 5. Statewide Referenda Elections, §§ 17-5-1 to 17-5-6 .....	59
Chapter 6. Secretary of State, §§ 17-6-1 to 17-6-13 .....	63
Chapter 7. State Board of Elections, §§ 17-7-1 to 17-7-10 .....	67
Chapter 8. Local Canvassing Authorities, §§ 17-8-1 to 17-8-9 .....	73
Chapter 9. Registration of Voters, §§ 17-9-1 to 17-9-27 ..	77
Chapter 10. Canvassing the Lists of Qualified Electors, §§ 17-10-1 to 17-10-31 .....	93
Chapter 11. Voting Districts and Officials, §§ 17-11-1 to 17-11-17 .....	101
Chapter 12. Party Committees and Conventions, §§ 17-12-1 to 17-12-14 .....	109
Chapter 12.1. Primaries for Election of Delegates to National Conventions and for Presidential Preference, §§ 17-12.1-1 to 17-12.1-17 .....	117
Chapter 13. Primary Voting Lists, §§ 17-13-1 to 17-13-5 .....	123
Chapter 14. Nomination of Party and Independent Candidates, §§ 17-14-1 to 17-14-17.1 .....	125
Chapter 15. Primary Elections, §§ 17-15-1 to 17-15-44 ..	135
Chapter 16. [Repealed.] .....	151

TABLE OF CONTENTS

vii

	PAGE
Chapter 17. [Repealed.] .....	153
Chapter 18. Elective Meetings, §§ 17-18-1 to 17-18-14 ..	155
Chapter 19. Conduct of Election, and Voting Machines, and Supplies, §§ 17-19-1 to 17-19-52 .....	161
Chapter 20. Mail Ballots, §§ 17-20-1 to 17-20-35 .....	189
Chapter 21. [Repealed.] .....	219
Chapter 21.1. Registration and Voting in Federal Elec- tions by Citizens Residing Outside the United States, §§ 17-21.1-1 to 17-21.1-7 ..	221
Chapter 22. Tabulation and Certification of Returns by State Board, §§ 17-22-1 to 17-22-9 .....	227
Chapter 23. Election Offenses, §§ 17-23-1 to 17-23-18 ...	233
Chapter 24. Compelling Performance of Election Duties, §§ 17-24-1 to 17-24-3 .....	239
Chapter 25. Rhode Island Campaign Contributions and Expenditures Reporting, §§ 17-25-1 to 17-25-29 .....	241
Chapter 25.1. Gambling Referenda, §§ 17-25.1-1, 17-25.1-2 .....	261
Chapter 26. Penalties, §§ 17-26-1 to 17-26-3 .....	263
Title 23. Health and Safety.	
Chapter 3. Vital Records, §§ 23-3-5(a)(6), 23-3-7(5) .....	265
Title 30. Military Affairs and Defense.	
Chapter 7. Privileges and Immunities of Militiamen, § 30-7-5 .....	266.1
Title 37. Public Property and Works.	
Chapter 2. State Purchases, § 37-2-74 .....	266.3
Title 41. Sports, Racing, and Athletics.	
Chapter 9. Establishment and Extension of Gambling Activities and Other Facilities, § 41-9-4 .....	266.5
Title 42. State Affairs and Government.	
Chapter 5. Standard and Daylight Saving Time, §§ 42-5-1, 42-5-2 .....	267
Chapter 6. Departments of State Government, § 42-6-14 .....	268.1
Chapter 8. Department of State, §§ 42-8-20, 42-8-22 .....	268.5
Chapter 30. Notaries Public and Justices of the Peace, §§ 42-30-1, 42-30-2 .....	269
Title 44. Taxation.	
Chapter 30. Personal Income Tax, § 44-30-2(d) .....	271
Title 45. Towns and Cities.	
Chapter 3. Town Meetings, §§ 45-3-1 to 45-3-25 .....	273

TABLE OF CONTENTS

	PAGE
Chapter 4. Election and Qualification of Officers, §§ 45-4-1 to 45-4-18 .....	281
Chapter 7. Town Clerk, §§ 45-7-2, 45-7-3 .....	287
Chapter 9. Budget Commissions, §§ 45-9-1, 45-9-2 .....	289
<hr/>	
Index .....	291

# Election Laws of the State of Rhode Island

## CONSTITUTION OF THE UNITED STATES

### ARTICLE XVII

**Election of senators.** — The senate of the United States shall be composed of two senators from each state, elected by the people thereof, for six years; and each senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

When vacancies happen in the representation of any state in the senate, the executive authority of such state shall issue writs of election to fill such vacancies; provided, that the legislature of any state may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any senator chosen before it becomes valid as part of the Constitution.

#### **History of Article.**

Proposed by congress May 16, 1912. Ratified by Arizona, Arkansas, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey,

New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Vermont, Washington, West Virginia, Wisconsin, and Wyoming. Proclaimed in effect May 31, 1913.

### ARTICLE XIX WOMAN SUFFRAGE

#### **SECTION.**

1. Denial of right to vote prohibited.
2. Enforcement of article.

**§ 1. Denial of right to vote prohibited.** — The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.



**History of Article.**

Proposed by congress June 5, 1919. Ratified by Rhode Island, Arizona, Arkansas, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New

Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming. Proclaimed in effect August 26, 1920.

§ 2. **Enforcement of article.** — Congress shall have power to enforce this article by appropriate legislation.

**ARTICLE XXVI****VOTING AGE****SECTION.**

1. Voting age.
2. Power to enforce amendment.

§ 1. **Voting age.** — The right of citizens of the United States, who are eighteen (18) years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

**History of Article.**

Proposed by congress January 21, 1971. Ratified by Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mis-

souri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Washington, West Virginia, and Wisconsin. Proclaimed in effect July 5, 1971.

§ 2. **Power to enforce amendment.** — The Congress shall have power to enforce this article by appropriate legislation.

# EXCERPTS FROM THE FEDERAL VOTING RIGHTS ACT

(Derived from Title 42 of the  
United States Code)

## SUPPLEMENTAL PROVISIONS

### § 1973aa. Application of prohibition to other States; "test or device" defined

(a) No citizen shall be denied, because of his failure to comply with any test or device, the right to vote in any Federal, State, or local election conducted in any State or political subdivision of a State.

(b) As used in this section, the term "test or device" means any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

(Pub. L. 89-110, title II, § 201, as added Pub. L. 91-285, § 6, June 22, 1970, 84 Stat. 315, and amended Pub. L. 94-73, title I, § 102, Aug. 6, 1975, 89 Stat. 400.)

### § 1973aa-1. Residence requirements for voting

#### (a) Congressional findings

The Congress hereby finds that the imposition and application of the durational residency requirement as a precondition to voting for the offices of President and Vice President, and the lack of sufficient opportunities for absentee registration and absentee balloting in presidential elections —

(1) denies or abridges the inherent constitutional right of citizens to vote for their President and Vice President;

(2) denies or abridges the inherent constitutional right of citizens to enjoy their free movement across State lines;

(3) denies or abridges the privileges and immunities guaranteed to the citizens of each State under article IV, section 2, clause 1, of the Constitution;

(4) in some instances has the impermissible purpose or effect of denying citizens the right to vote for such officers because of the way they may vote;

(5) has the effect of denying to citizens the equality of civil rights, and due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment; and

(6) does not bear a reasonable relationship to any compelling State interest in the conduct of presidential elections.

**(b) Congressional declaration: durational residency requirement, abolishment; absentee registration and balloting standards, establishment**

Upon the basis of these findings, Congress declares that in order to secure and protect the above-stated rights of citizens under the Constitution, to enable citizens to better obtain the enjoyment of such rights, and to enforce the guarantees of the fourteenth amendment, it is necessary (1) to completely abolish the durational residency requirement as a precondition to voting for President and Vice President, and (2) to establish nationwide, uniform standards relative to absentee registration and absentee balloting in presidential elections.

**(c) Prohibition of denial of right to vote because of durational residency requirement or absentee balloting**

No citizen of the United States who is otherwise qualified to vote in any election for President and Vice President shall be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to comply with any durational residency requirement of such State or political subdivision; nor shall any citizen of the United States be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to be physically present in such State or political subdivision at the time of such election, if such citizen shall have complied with the requirements prescribed by the law of such State or political subdivision providing for the casting of absentee ballots in such election.

**(d) Registration: time for application; absentee balloting: time of application and return of ballots**

For the purposes of this section, each State shall provide by law for the registration or other means of qualification of all duly qualified residents of such State who apply, not later than thirty days immediately prior to any presidential election, for registration or qualification to vote for the choice of electors for President and Vice President or for President and Vice President in such election; and each State shall provide by law for the casting of absentee ballots for the choice of electors for President and Vice President, or for President and Vice President, by all duly qualified residents of such State who may be absent from their election district or unit in such State on the day such election is held and who have applied therefor not later than seven days immediately prior to such election and have returned such ballots to the appropriate election official of such State not later

than the time of closing of the polls in such State on the day of such election.

**(e) Change of residence; voting in person or by absentee ballot in State of prior residence**

If any citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President has begun residence in such State or political subdivision after the thirtieth day next preceding such election and, for that reason, does not satisfy the registration requirements of such State or political subdivision he shall be allowed to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election, (1) in person in the State or political subdivision in which he resided immediately prior to his removal if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision, or (2) by absentee ballot in the State or political subdivision in which he resided immediately prior to his removal if he satisfies, but for his nonresident status and the reason for his absence, the requirements for absentee voting in that State or political subdivision.

**(f) Absentee registration requirement**

No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for President and Vice President shall be denied the right to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election because of any requirement of registration that does not include a provision for absentee registration.

**(g) State or local adoption of less restrictive voting practices**

Nothing in this section shall prevent any State or political subdivision from adopting less restrictive voting practices than those that are prescribed herein.

**(h) "State" defined**

The term "State" as used in this section includes each of the several States and the District of Columbia.

**(i) False registration, and other fraudulent acts and conspiracies; application of penalty for false information in registering or voting**

The provisions of section 1973i(c) of this title shall apply to false registration, and other fraudulent acts and conspiracies, committed under this section.

(Pub. L. 89-110, title II, § 202, as added Pub. L. 91-285, § 6, June 22, 1970, 84 Stat. 316.)

**§ 1973aa-1a. Bilingual election requirements****(a) Congressional findings and declaration of policy**

The Congress finds that, through the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process. Among other factors, the denial of the right to vote of such minority group citizens is ordinarily directly related to the unequal educational opportunities afforded them resulting in high illiteracy and low voting participation. The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting these practices, and by prescribing other remedial devices.

**(b) Prohibition of voting notices, forms, instructions, assistance, or other materials and ballots in English language only**

Prior to August 6, 1992, no State or political subdivision shall provide registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language if the Director of the Census determines (i) that more than 5 percent of the citizens of voting age of such State or political subdivision are members of a single language minority and (ii) that the illiteracy rate of such persons as a group is higher than the national illiteracy rate: *Provided*, That the prohibitions of this subsection shall not apply in any political subdivision which has less than five percent voting age citizens of each language minority which comprises over five percent of the statewide population of voting age citizens. For purposes of this subsection, illiteracy means the failure to complete the fifth primary grade. The determinations of the Director of the Census under this subsection shall be effective upon publication in the Federal Register and shall not be subject to review in any court.

**(c) Requirement of voting notices, forms, instructions, assistance, or other materials and ballots in minority language**

Whenever any State or political subdivision subject to the prohibition of subsection (b) of this section provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language: *Provided*, That where the language of the applicable minority group is oral or unwritten or in the case of Alaskan natives and American Indians, if the predominant language is historically unwritten, the State or political subdivision is only required to furnish oral instructions, assistance, or other information relating to registration and voting.

**(d) Action for declaratory judgment permitting English-only materials**

Any State or political subdivision subject to the prohibition of

subsection (b) of this section, which seeks to provide English-only registration or voting materials or information, including ballots, may file an action against the United States in the United States District Court for a declaratory judgment permitting such provision. The court shall grant the requested relief if it determines that the illiteracy rate of the applicable language minority group within the State or political subdivision is equal to or less than the national illiteracy rate.

**(e) Definitions**

For purposes of this section, the term "language minorities" or "language minority group" means persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage.

(Pub. L. 89-110, title II, § 203, as added Pub. L. 94-73, title III, § 301, Aug. 6, 1975, 89 Stat. 402, and amended Pub. L. 97-205, §§ 2(d), 4, June 29, 1982, 96 Stat. 134.)

**§ 1973aa-2. Judicial relief; civil actions by the Attorney General; three-judge district court; appeal to Supreme Court**

Whenever the Attorney General has reason to believe that a State or political subdivision (a) has enacted or is seeking to administer any test or device as a prerequisite to voting in violation of the prohibition contained in section 1973aa of this title, or (b) undertakes to deny the right to vote in any election in violation of section 1973aa-1 or 1973aa-1a of this title, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate. An action under this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 and any appeal shall be to the Supreme Court.

(Pub. L. 89-110, title II, § 204, formerly § 203, as added Pub. L. 91-285, § 6, June 22, 1970, 84 Stat. 317, and renumbered and amended Pub. L. 94-73, title III, §§ 302, 303, title IV, § 406, Aug. 6, 1975, 89 Stat. 403, 405.)

**§ 1973aa-3. Penalty**

Whoever shall deprive or attempt to deprive any person of any right secured by section 1973aa, 1973aa-1, or 1973aa-1a of this title shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

(Pub. L. 89-110, title II, § 205, formerly § 204, as added Pub. L. 91-285, § 6, June 22, 1970, 84 Stat. 317, and renumbered and

amended Pub. L. 94-73, title III, §§ 302, 304, Aug. 6, 1975, 89 Stat. 403.)

**§ 1973aa-4. Separability of provisions**

If any provision of subchapters I-A to I-C of this chapter or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of subchapters I-A to I-C of this chapter or the application of such provision to other persons or circumstances shall not be affected by such determination.

(Pub. L. 89-110, title II, § 206, formerly § 205, as added Pub. L. 91-285, § 6, June 22, 1970, 84 Stat. 318, and renumbered Pub. L. 94-73, title III, § 302, Aug. 6, 1975, 89 Stat. 403.)

**§ 1973aa-5. Survey to compile registration and voting statistics**

**(a) Elections to House of Representatives and elections designated by United States Commission on Civil Rights**

Congress hereby directs the Director of the Census forthwith to conduct a survey to compile registration and voting statistics: (i) in every State or political subdivision with respect to which the prohibitions of section 1973b(a) of this title are in effect, for every statewide general election for Members of the United States House of Representatives after January 1, 1974; and (ii) in every State or political subdivision for any election designated by the United States Commission on Civil Rights. Such surveys shall only include a count of citizens of voting age, race or color, and national origin, and a determination of the extent to which such persons are registered to vote and have voted in the elections surveyed.

**(b) Prohibition against compulsion to disclose personal data; advice of rights**

In any survey under subsection (a) of this section no person shall be compelled to disclose his race, color, national origin, political party affiliation, or how he voted (or the reasons therefor), nor shall any penalty be imposed for his failure or refusal to make such disclosures. Every person interrogated orally, by written survey or questionnaire, or by any other means with respect to such information shall be fully advised of his right to fail or refuse to furnish such information.

**(c) Report to Congress**

The Director of the Census shall, at the earliest practicable time, report to the Congress the results of every survey conducted pursuant to the provisions of subsection (a) of this section.

**(d) Confidentiality of information; penalties**

The provisions of section 9 and chapter 7 of title 13 shall apply to any survey, collection, or compilation of registration and voting statistics carried out under subsection (a) of this section.

(Pub. L. 89-110, title II, § 207, as added Pub. L. 94-73, title IV, § 403, Aug. 6, 1975, 89 Stat. 404.)

**§ 1973aa-6. Voting assistance for blind, disabled or illiterate persons**

Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union.

(Pub. L. 89-110, title II, § 208, as added Pub. L. 97-205, § 5, June 29, 1982, 96 Stat. 135.)

**EIGHTEEN-YEAR-OLD VOTING AGE**

**§ 1973bb. Enforcement of twenty-sixth amendment**

(a)(1) The Attorney General is directed to institute, in the name of the United States, such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the twenty-sixth article of amendment to the Constitution of the United States.

(2) The district courts of the United States shall have jurisdiction of proceedings instituted under this subchapter, which shall be heard and determined by a court of three judges in accordance with section 2284 of title 28, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

(b) Whoever shall deny or attempt to deny any person of any right secured by the twenty-sixth article of amendment to the Constitution of the United States shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

(Pub. L. 89-110, title III, § 301, as added Pub. L. 91-285, § 6, June 22, 1970, 84 Stat. 318, and renumbered and amended Pub. L. 94-73, title IV, § 407, August 6, 1975, 89 Stat. 405.)





**CONSTITUTION  
OF THE  
STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS**

**PREAMBLE**

We, the people of the State of Rhode Island and Providence Plantations, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and to transmit the same, unimpaired, to succeeding generations, do ordain and establish this Constitution of government.

**ARTICLE I**

**DECLARATION OF CERTAIN  
CONSTITUTIONAL RIGHTS AND PRINCIPLES**

**SECTION.**

1. Right to make and alter Constitution — Constitution obligatory upon all.
2. Laws for good of whole — Burdens to be equally distributed — Due process — Equal protection — Discrimination — No right to abortion granted.
3. Freedom of religion.
4. Slavery prohibited.
5. Entitlement to remedies for injuries and wrongs — Right to justice.
6. Search and seizure.
7. Requirement of presentment or indictment — Information by attorney-general — Grand juries — Double jeopardy.
8. Bail, fines and punishments.
9. Right to bail — Habeas corpus.
10. Rights of accused persons in criminal proceedings.
11. Relief of debtors from prison.
12. Ex post facto laws — Laws impairing obligation of contract.

**SECTION.**

13. Self-crimination.
14. Presumption of innocence — Securing accused persons.
15. Trial by jury.
16. Compensation for taking of private property for public use — Regulation of fishery rights and shore privileges not public taking.
17. Fishery rights — Shore privileges — Preservation of natural resources.
18. Subordination of military to civil authority — Martial law.
19. Quartering of soldiers.
20. Freedom of press.
21. Right to assemble — Redress of grievances — Freedom of speech.
22. Right to bear arms.
23. Rights of victims of crime.
24. Rights not enumerated — State rights not dependent on federal rights.

In order effectually to secure the religious and political freedom established by our venerated ancestors, and to preserve the same for our posterity, we do declare that the essential and unquestionable rights and principles hereinafter mentioned shall be established, maintained, and preserved, and shall be of paramount obligation in all legislative, judicial and executive proceedings.

**Section 1. Right to make and alter Constitution — Constitution obligatory upon all.** — In the words of the Father of his Country, we declare that "the basis of our political systems is the right of the people to make and alter their constitutions of government; but that the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all."

**Section 2. Laws for good of whole — Burdens to be equally distributed — Due process — Equal protection — Discrimination — No right to abortion granted.** — All free governments are instituted for the protection, safety, and happiness of the people. All laws, therefore, should be made for the good of the whole; and the burdens of the state ought to be fairly distributed among its citizens. No person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied equal protection of the laws. No otherwise qualified person shall, solely by reason of race, gender or handicap be subject to discrimination by the state, its agents or any person or entity doing business with the state. Nothing in this section shall be construed to grant or secure any right relating to abortion or the funding thereof.

**Section 3. Freedom of religion.** — Whereas Almighty God hath created the mind free; and all attempts to influence it by temporal punishments or burdens, or by civil incapacitations, tend to beget habits of hypocrisy and meanness; and whereas a principal object of our venerable ancestors, in their migration to this country and their settlement of this state, was, as they expressed it, to hold forth a lively experiment that a flourishing civil state may stand and be best maintained with full liberty in religious concerns; we, therefore, declare that no person shall be compelled to frequent or to support any religious worship, place, or ministry whatever, except in fulfillment of such person's voluntary contract; nor enforced, restrained, molested, or burdened in body or goods; nor disqualified from holding any office; nor otherwise suffer on account of such person's religious belief; and that every person shall be free to worship God according to the dictates of such person's conscience, and to profess and by argument to maintain such person's opinion in matters of religion; and that the same shall in no wise diminish, enlarge, or affect the civil capacity of any person.

**Section 4. Slavery prohibited.** — Slavery shall not be permitted in this state.

**Section 5. Entitlement to remedies for injuries and wrongs — Right to justice.** — Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which may be received in one's person, property, or character. Every person ought to obtain right and justice freely, and without purchase, completely and without denial; promptly and without delay; conformably to the laws.

**Section 6. Search and seizure.** — The right of the people to be secure in their persons, papers and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but on complaint in writing, upon probable cause, supported by oath or affirmation, and describing as nearly as may be, the place to be searched and the persons or things to be seized.

**Section 7. Requirement of presentment or indictment — Information by attorney-general — Grand juries — Double jeopardy.** — Except in cases of impeachment, or in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger, no person shall be held to answer for any offense which is punishable by death or by imprisonment for life unless on presentment or indictment by a grand jury, and no person shall be held to answer for any other felony unless on presentment or indictment by a grand jury or on information in writing signed by the attorney-general or one of the attorney-general's designated assistants, as the general assembly may provide and in accordance with procedures enacted by the general assembly. The general assembly may authorize the impaneling of grand juries with authority to indict for offenses committed any place within the state and it may provide that more than one grand jury may sit simultaneously within a county. No person shall be subject for the same offense to be twice put in jeopardy. Nothing contained in this article shall be construed as in any wise impairing the inherent common law powers of the grand jury.

**Section 8. Bail, fines and punishments.** — Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted; and all punishments ought to be proportioned to the offense.

**Section 9. Right to bail — Habeas corpus.** — All persons imprisoned ought to be bailed by sufficient surety, unless for offenses punishable by imprisonment for life, or for offenses involving the use or threat of use of a dangerous weapon by one already convicted of such offense or already convicted of an offense punishable by impris-

onment for life, or for offenses involving the unlawful sale, distribution, manufacture, delivery, or possession with intent to manufacture, sell, distribute or deliver any controlled substance or by possession of a controlled substance punishable by imprisonment for ten (10) years or more, when the proof of guilt is evident or the presumption great. Nothing in this section shall be construed to confer a right to bail, pending appeal of a conviction. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion, the public safety shall require it; nor ever without the authority of the general assembly.

**Section 10. Rights of accused persons in criminal proceedings.** — In all criminal prosecutions, accused persons shall enjoy the right to a speedy and public trial, by an impartial jury; to be informed of the nature and cause of the accusation, to be confronted with the witnesses against them, to have compulsory process for obtaining them in their favor, to have the assistance of counsel in their defense, and shall be at liberty to speak for themselves; nor shall they be deprived of life, liberty, or property, unless by the judgment of their peers, or the law of the land.

**Section 11. Relief of debtors from prison.** — The person of a debtor, when there is not strong presumption of fraud, ought not to be continued in prison, after such person shall have delivered up property for the benefit of said person's creditors, in such manner as shall be prescribed by law.

**Section 12. Ex post facto laws — Laws impairing obligation of contract.** — No ex post facto law, or law impairing the obligation of contracts, shall be passed.

**Section 13. Self-crimination.** — No person in a court of common law shall be compelled to give self-criminating evidence.

**Section 14. Presumption of innocence — Securing accused persons.** — Every person being presumed innocent, until pronounced guilty by the law, no act of severity which is not necessary to secure an accused person shall be permitted.

**Section 15. Trial by jury.** — The right of trial by jury shall remain inviolate. In civil cases the general assembly may fix the size of the petit jury at less than twelve but not less than six.

**Section 16. Compensation for taking of private property for public use — Regulation of fishery rights and shore privileges not public taking.** — Private property shall not be taken for public uses, without just compensation. The powers of the state and of its municipalities to regulate and control the use of land and

waters in the furtherance of the preservation, regeneration, and restoration of the natural environment, and in furtherance of the protection of the rights of the people to enjoy and freely exercise the rights of fishery and the privileges of the shore, as those rights and duties are set forth in Section 17, shall be an exercise of the police powers of the state, shall be liberally construed, and shall not be deemed to be a public use of private property.

**Section 17. Fishery rights — Shore privileges — Preservation of natural resources.** — The people shall continue to enjoy and freely exercise all the rights of fishery, and the privileges of the shore, to which they have been heretofore entitled under the charter and usages of this state, including but not limited to fishing from the shore, the gathering of seaweed, leaving the shore to swim in the sea and passage along the shore; and they shall be secure in their rights to the use and enjoyment of the natural resources of the state with due regard for the preservation of their values; and it shall be the duty of the general assembly to provide for the conservation of the air, land, water, plant, animal, mineral and other natural resources of the state, and to adopt all means necessary and proper by law to protect the natural environment of the people of the state by providing adequate resource planning for the control and regulation of the use of the natural resources of the state and for the preservation, regeneration and restoration of the natural environment of the state.

**Section 18. Subordination of military to civil authority — Martial law.** — The military shall be held in strict subordination to the civil authority. And the law martial shall be used and exercised in such cases only as occasion shall necessarily require.

**Section 19. Quartering of soldiers.** — No soldier shall be quartered in any house in time of peace, without the consent of the owner; nor, in time of war, but in manner to be prescribed by law.

**Section 20. Freedom of press.** — The liberty of the press being essential to the security of freedom in a state, any person may publish sentiments on any subject, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, unless published from malicious motives, shall be sufficient defense to the person charged.

**Section 21. Right to assemble — Redress of grievances — Freedom of speech.** — The citizens have a right in a peaceable manner to assemble for their common good, and to apply to those invested with the powers of government, for redress of grievances, or for other purposes, by petition, address, or remonstrance. No law abridging the freedom of speech shall be enacted.

**Section 22. Right to bear arms.** — The right of the people to keep and bear arms shall not be infringed.

**Section 23. Rights of victims of crime.** — A victim of crime shall, as a matter of right, be treated by agents of the state with dignity, respect and sensitivity during all phases of the criminal justice process. Such person shall be entitled to receive, from the perpetrator of the crime, financial compensation for any injury or loss caused by the perpetrator of the crime, and shall receive such other compensation as the state may provide. Before sentencing, a victim shall have the right to address the court regarding the impact which the perpetrator's conduct has had upon the victim.

**Section 24. Rights not enumerated — State rights not dependent on federal rights.** — The enumeration of the foregoing rights shall not be construed to impair or deny others retained by the people. The rights guaranteed by this Constitution are not dependent on those guaranteed by the Constitution of the United States.

## ARTICLE II OF SUFFRAGE

### SECTION.

1. Persons entitled to vote.
2. Nomination of candidates — Voter registra-

tion — Absentee voting — Conduct of elections — Residency.

**Section 1. Persons entitled to vote.** — Every citizen of the United States of the age of eighteen years or over who has had residence and home in this state for thirty days next preceding the time of voting, who has resided thirty days in the town or city from which such citizen desires to vote, and whose name shall be registered at least thirty days next preceding the time of voting as provided by law, shall have the right to vote for all offices to be elected and on all questions submitted to the electors, except that no person who has been lawfully adjudicated to be non compos mentis shall be permitted to vote. No felon shall be permitted to vote until completion of such felon's sentence, served or suspended, and of parole or probation regardless of a nolo contendere plea. Upon such completion, such person's right to vote shall be restored. The general assembly may provide by law for shorter state and local residence requirements to vote for electors for president and vice president of the United States.

**Section 2. Nomination of candidates — Voter registration — Absentee voting — Conduct of elections — Residency.** — The general assembly shall provide by law for the nomination of candidates; for a uniform system of permanent registration of voters; for the exemption from such registration of persons in the active service

of the nation and their families absent from the state because of such service, and, in time of war, members of the Merchant Marine; for absentee and shut in voting; for the time, manner and place of conducting elections; for the prevention of abuse, corruption and fraud in voting; and may define by law residence for voting purposes, but no person shall acquire such residence merely by being stationed or assigned in this state in the active service of the United States.

### ARTICLE III OF QUALIFICATION FOR OFFICE

#### SECTION.

1. Qualified electors.
2. Disqualification upon conviction or plea of nolo contendere — Requalification following sentence, probation or parole.
3. Oath of general officers.
4. Oath of general assembly members, judges, and other officers.

#### SECTION.

5. Administration of oaths.
6. Holding of office under other governments.
7. Ethical conduct.
8. Ethics commission — Code of ethics.

**Section 1. Qualified electors.** — No person shall hold any civil office unless that person be a qualified elector for such office.

**Section 2. Disqualification upon conviction or plea of nolo contendere — Requalification following sentence, probation or parole.** — An elector shall be disqualified as a candidate for elective or appointive state or local office or from holding such office if such elector has been convicted of or plead nolo contendere to a felony or if such elector has been convicted or plead nolo contendere to a misdemeanor resulting in a jail sentence of six months or more, either suspended or to be served. Such elector shall not, once so convicted, attain or return to any office until three years after the date of completion of such sentence and of probation or parole.

**Section 3. Oath of general officers.** — All general officers shall take the following engagement before they act in their respective offices, to wit: You

being by the free vote of the electors of this state of Rhode Island and Providence Plantations, elected unto the place of  
do solemnly swear (or, affirm) to be true and faithful unto this state, and to support the Constitution of this state and of the United States; that you will faithfully and impartially discharge all the duties of your aforesaid office to the best of your abilities, according to law: So help you God. [Or: This affirmation you make and give upon the peril of the penalty of perjury.]



**Section 4. Oath of general assembly members, judges, and other officers.** — The members of the general assembly, the judges of all the courts, and all other officers, both civil and military, shall be bound by oath or affirmation to support this Constitution, and the Constitution of the United States.

**Section 5. Administration of oaths.** — The oath or affirmation shall be administered to the governor, lieutenant governor, senators, and representatives by the secretary of state, or, in the absence of the secretary of state by the attorney-general. The secretary of state, attorney-general, and general treasurer shall be engaged by the governor, or by a justice of the supreme court.

**Section 6. Holding of offices under other governments.** — No person holding any office under the government of the United States, or of any other state or country, shall act as a general officer or as a member of the general assembly, unless at the time of taking such engagement that person shall have resigned the office under such government; and if any general officer, senator, representative, or judge shall, after election and engagement, accept any appointment under any other government, the office under this shall be immediately vacated; but this restriction shall not apply to any person appointed to take depositions or acknowledgment of deeds, or other legal instruments, by the authority of any other state or country.

**Section 7. Ethical conduct.** — The people of the State of Rhode Island believe that public officials and employees must adhere to the highest standards of ethical conduct, respect the public trust and the rights of all persons, be open, accountable and responsive, avoid the appearance of impropriety and not use their position for private gain or advantage. Such persons shall hold their positions during good behavior.

**Section 8. Ethics commission — Code of ethics.** — The general assembly shall establish an independent non-partisan ethics commission which shall adopt a code of ethics including, but not limited to, provisions on conflicts of interest, confidential information, use of position, contracts with government agencies and financial disclosure. All elected and appointed officials and employees of state and local government, of boards, commissions and agencies shall be subject to the code of ethics. The ethics commission shall have the authority to investigate violations of the code of ethics and to impose penalties, as provided by law; and the commission shall have the power to remove from office officials who are not subject to impeachment.

general assembly, or the governor if the general assembly fails to act, shall provide for a bi-partisan preparatory commission to assemble information on constitutional questions for the electors. If a majority of the electors voting at such election on said question shall vote to hold a convention, the general assembly at its next session shall provide by law for the election of delegates to such convention. The number of delegates shall be equal to the number of members of the house of representatives and shall be apportioned in the same

ARTICLE IV  
OF ELECTIONS AND CAMPAIGN FINANCE

## SECTION.

1. Election and terms of governor, lieutenant governor, secretary of state, attorney-general, general treasurer, and general assembly members.
2. Election by plurality.
3. Filling vacancy caused by death, removal, refusal to serve, or incapacity of elected officers — Election when no candidate receives plurality.
4. Temporary appointment to fill vacancies in office of secretary of state, attorney-general, or general treasurer.

## SECTION.

5. Special elections to fill general assembly vacancies.
6. Elections in grand committee — Majority vote — Term of elected official.
7. Elections in grand committee — Quorum — Permitted activities.
8. Voter registration lists.
9. Reports of campaign contributions and expenses.
10. Limitations on campaign contributions — Public financing of campaign expenditures of general officers.

**Section 1. Election and terms of governor, lieutenant governor, secretary of state, attorney-general, general treasurer, and general assembly members.** — The governor, lieutenant governor, secretary of state, attorney-general, general treasurer, and senators and representatives in the general assembly, shall be elected on the Tuesday next after the first Monday in November, biennially in even numbered years, and shall severally hold their offices for two years from the first Tuesday of January next succeeding their election and until their successors are elected and qualified.

**Section 2. Election by plurality.** — In all elections held by the people for state, city, town, ward or district officers, the person or candidate receiving the largest number of votes cast shall be declared elected.

**Section 3. Filling vacancy caused by death, removal, refusal to serve, or incapacity of elected officers — Election when no candidate receives plurality.** — When the governor-elect shall die, remove from the state, refuse to serve; become insane, or be otherwise incapacitated, the lieutenant governor-elect shall be qualified as governor at the beginning of the term for which the governor was elected. When both the governor and lieutenant governor-elect, or either the lieutenant governor, secretary of state, attorney-general, or general treasurer-elect, are so incapacitated, or when there has been a failure to elect any one or more of the officers mentioned in this section, the general assembly shall upon its organization meet in grand committee and elect some person or persons to fill the office or offices, as the case may be, for which such incapacity exists or as to which such failure to elect occurred. When the general assembly shall elect any of said officers because of the failure of any person to receive a plurality of the votes cast, the election in each case shall be made from the persons who received the same and largest number of votes.

**Section 4. Temporary appointment to fill vacancies in office of secretary of state, attorney-general, or general treasurer.** — In case of a vacancy in the office of the secretary of state, attorney-general, or general treasurer from any cause, the general assembly in grand committee shall elect some person to fill the same; provided, that if such vacancy occurs when the general assembly is not in session the governor shall appoint some person to fill such vacancy until a successor elected by the general assembly is qualified to act.

**Section 5. Special elections to fill general assembly vacancies.** — When a senator or representative-elect shall die, remove from the state, refuse to serve, become insane, or be otherwise incapacitated, or when at an election for any senator or representative no person shall receive a plurality of the votes cast, a new election shall be held. A vacancy in the senate or house of representatives shall be filled at a new election. The general assembly shall provide by general law for the holding of such elections at such times as to insure that each town and city shall be fully represented in the general assembly during the whole of every session thereof so far as is practicable. Every person elected in accordance with this section shall hold office for the remainder of the term or for the full term, as the case may be, of the office which that person is elected to fill, and until a successor is elected and qualified.

**Section 6. Elections in grand committee — Majority vote — Term of elected official.** — In elections by the general assembly in grand committee the person receiving a majority of the votes shall be elected. Every person elected by the general assembly to fill a vacancy, or pursuant to Section 3 of this article, shall hold office for the remainder of the term or for the full term, as the case may be, and until a successor is elected and qualified.

**Section 7. Elections in grand committee — Quorum — Permitted activities.** — A quorum of the grand committee shall consist of a majority of all the members of the senate and a majority of all the members of the house of representatives duly assembled pursuant to an invitation from one of said bodies which has been accepted by the other, and the acceptance of which has been communicated by message to the body in which such invitation originated, and each house shall be attended by its secretaries and clerks. No act or business of any kind shall be done in grand committee other than that which is distinctly specified in the invitation by virtue of which such grand committee is assembled, except to take a recess or to dissolve; provided, that the grand committee may appoint a subcommittee of its own members to count any ballots delivered to it and report the result of such count.

**Section 8. Voter registration lists.** — It shall not be necessary for the town or ward clerks to keep and transmit to the general assembly a list or register of all persons voting for general officers; but the general assembly shall have power to pass such laws on the subject as it may deem expedient.

**Section 9. Reports of campaign contributions and expenses.** — The general assembly shall require each candidate for general office in any primary, general or special election to report to the secretary of state all contributions and expenditures made by any person to or on behalf of such candidate, provided however, that the general assembly may limit such disclosure to contributions or expenditures in excess of such an amount as the general assembly shall specify.

**Section 10. Limitations on campaign contributions — Public financing of campaign expenditures of general officers.** — The general assembly shall adopt limitations on all contributions to candidates for election to state and local office in any primary, general or special election and shall provide for the adoption of a plan of voluntary public financing and limitations on total campaign expenditures of campaigns for governor and such other general officers as the general assembly shall specify.

## ARTICLE V

### OF THE DISTRIBUTION OF POWERS

The powers of the government shall be distributed into three departments: the legislative, executive and judicial.

## ARTICLE VI

### OF THE LEGISLATIVE POWER

#### SECTION.

1. Constitution supreme law of the state.
2. Power vested in general assembly — Concurrence of houses required to enact laws — Style of laws.
3. Sessions of general assembly — Compensation of general assembly members and officers.
4. Restriction on general assembly members' activities as counsel.
5. Immunities of general assembly members.
6. Election and qualification of general assembly members — Quorum and organization of houses.
7. Rules of houses — Contempt.
8. House journals.
9. Adjournment of houses.

#### SECTION.

10. Continuation of previous powers.
11. Vote required to pass local or private appropriations.
12. Property valuations for tax assessments.
13. Continuance in office until successors qualify.
14. General corporation laws.
15. Lotteries.
16. Borrowing power of general assembly.
17. Borrowing in anticipation of receipts.
18. Redevelopment powers.
19. Taking of property for highways, streets, places, parks or parkways.
20. Local off-street parking facilities.
21. Emergency powers in case of enemy attack.

**Section 1. Constitution supreme law of the state.** — This Constitution shall be the surpreme law of the state, and any law inconsistent therewith shall be void. The general assembly shall pass all laws necessary to carry this Constitution into effect.

**Section 2. Power vested in general Assembly — Concurrence of houses required to enact laws — Style of laws.** — The legislative power, under this Constitution, shall be vested in two houses, the one to be called the senate, the other the house of representatives; and both together the general assembly. The concurrence of the two houses shall be necessary to the enactment of laws. The style of their laws shall be, It is enacted by the general assembly as follows:

**Section 3. Sessions of general assembly — Compensation of general assembly members and officers.** — There shall be a session of the general assembly at Providence commencing on the first Tuesday of January in each year. The senators and representatives shall severally receive the sum of five dollars, and the speaker of the house of representatives ten dollars, for every day of actual attendance, and eight cents per mile for traveling expenses in going to and returning from the general assembly; provided that no compensation or mileage shall be allowed any senator or representative for more than sixty days attendance in any calendar year. The general assembly shall regulate the compensation of the governor and of all other officers, subject to the limitations contained in the Constitution.

**Section 4. Restriction on general assembly members' activities as counsel.** — No member of the general assembly shall take any fee, or be of counsel in any case pending before either house of the general assembly, under penalty of forfeiture of seat, upon proof thereof to the satisfaction of the house in which the member sits.

**Section 5. Immunities of general assembly members.** — The persons of all members of the general assembly shall be exempt from arrest and their estates from attachment in any civil action, during the session of the general assembly, and two days before the commencement and two days after the termination thereof, and all process served contrary hereto shall be void. For any speech in debate in either house, no member shall be questioned in any other place.

**Section 6. Election and qualification of general assembly members — Quorum and organization of houses.** — Each house shall be the judge of the elections and qualifications of its members; and a majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the

attendance of absent members in such manner, and under such penalties, as may be prescribed by such house or by law. The organization of the two houses may be regulated by law, subject to the limitations contained in this Constitution.

**Section 7. Rules of houses — Contempt.** — Each house may determine its rules of proceeding, punish contempts, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member; but not a second time for the same cause.

**Section 8. House journals.** — Each house shall keep a journal of its proceedings. The yeas and nays of the members of either house shall, at the desire of one-fifth of those present, be entered on the journal.

**Section 9. Adjournment of houses.** — Neither house shall, during a session, without the consent of the other, adjourn for more than two days, nor to any other place than that in which it may be sitting.

**Section 10. Continuation of previous powers.** — The general assembly shall continue to exercise the powers it has heretofore exercised, unless prohibited in this Constitution.

**Section 11. Vote required to pass local or private appropriations.** — The assent of two-thirds of the members elected to each house of the general assembly shall be required to every bill appropriating the public money or property for local or private purposes.

**Section 12. Property valuations for tax assessments.** — The general assembly shall, from time to time, provide for making new valuations of property, for the assessment of taxes, in such manner as it may deem best.

**Section 13. Continuance in office until successors qualify.** — The general assembly may provide by law for the continuance in office of any officers of election or appointment, until other persons are qualified to take their places.

**Section 14. General corporation laws.** — The general assembly may provide by general law for the creation and control of corporations; provided, however, that no corporation shall be created with the power to exercise the right of eminent domain, or to acquire franchises in the streets and highways of towns and cities, except by special act of the general assembly upon a petition for the same, the pendency whereof shall be notified as may be required by law.

**Section 15. Lotteries.** — All lotteries shall be prohibited in the state except lotteries operated by the state and except those previously permitted by the general assembly prior to the adoption of this section, and all shall be subject to the prescription and regulation of the general assembly.

**Section 16. Borrowing power of general assembly.** — The general assembly shall have no powers, without the express consent of the people, to incur state debts to an amount exceeding fifty thousand dollars, except in time of war, or in case of insurrection or invasion; nor shall it in any case, without such consent, pledge the faith of the state for the payment of the obligations of others. This section shall not be construed to refer to any money that may be deposited with the state by the government of the United States.

**Section 17. Borrowing in anticipation of receipts.** — Notwithstanding the provisions of Section 16 of this article the general assembly may provide by law for the state to borrow in any fiscal year, in anticipation of receipts from taxes, sums of money not exceeding twenty percent of the receipts from taxes during the next prior fiscal year, and, in anticipation of receipts from other sources, additional sums of money, not exceeding ten percent of the receipts from such other sources during the said next prior fiscal year; provided, that the aggregate of all such borrowings shall not exceed a sum equal to thirty percent of the actual receipts from taxes during the said next prior fiscal year. Any money so borrowed in anticipation of such receipts shall be repaid within the fiscal year of the state in which such borrowings take place. No money shall be so borrowed in anticipation of such receipts in any fiscal year until all money so borrowed in all previous fiscal years shall have been repaid.

**Section 18. Redevelopment powers.** — The clearance, replanning, redevelopment, rehabilitation and improvement of blighted and substandard areas shall be a public use and purpose for which the power of eminent domain may be exercised, tax moneys and other public funds expended and public credit pledged. The general assembly may authorize cities, towns, or local redevelopment agencies to undertake and carry out projects approved by the local legislative body for such uses and purposes including the acquisition in such areas of such properties as the local legislative body may deem necessary or proper to effectuate any of the purposes of this article, although temporarily not required for such purposes, and the sale or other disposition of any such properties to private persons for private uses or to public bodies for public uses.



**Section 19. Taking of property for highways, streets, places, parks or parkways.** — The general assembly may authorize the acquiring or taking in fee by the state, or by any cities or towns, of more land and property than is needed for actual construction in the establishing, laying out, widening, extending or relocating of public highways, streets, places, parks or parkways; provided, however, that the additional land and property so authorized to be acquired or taken shall be no more in extent than would be sufficient to form suitable building sites abutting on such public highway, street, place, park or parkway. After so much of the land and property has been appropriated for such public highway, street, place, park or parkway as is needed therefor, the remainder may be held and improved for any public purpose or purposes, or may be sold or leased for value with or without suitable restrictions, and in case of any such sale or lease, the person or persons from whom such remainder was taken shall have the first right to purchase or lease the same upon such terms as the state or city or town is willing to sell or lease the same.

**Section 20. Local off-street parking facilities.** — The general assembly may authorize cities and towns to acquire property by eminent domain, or otherwise for the establishment and construction of off-street parking facilities and to maintain and operate or lease the same. Without limiting the generalities of the foregoing, any of the powers or authorities consistent with the provisions of this article for the provision of off-street parking now vested in public bodies by law, shall continue in existence and may be exercised by said public bodies, except as such powers and authorities may be modified, or repealed by the general assembly.

**Section 21. Emergency powers in case of enemy attack.** — The general assembly, in order to insure continuity of state and local governmental operations, including the judicial functions, in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate duty to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, to enact legislation permitting the convening of the general assembly at any place within or without the State of Rhode Island, and to adopt such other measures as may be necessary and proper for insuring the continuity of governmental operations during the period of said emergency. Any law enacted under this section shall apply to all cities and towns regardless of their form of charter. During said period of emergency the general assembly shall have the power to incur state debts exceeding the limitation set forth in Sections 16 and 17 of this article. The powers

granted and the laws enacted under this section shall not be effective after two years following the inception of an enemy attack.

## ARTICLE VII OF THE HOUSE OF REPRESENTATIVES

### SECTION.

1. Composition.
2. Officers — Presiding member during organization.

**Section 1. Composition.** — The house of representatives shall never exceed one hundred members, and shall be constituted on the basis of population. The general assembly may, after any new census taken by the authority of the United States or this state, reapportion the representation. The representative districts shall be as nearly equal in population and as compact in territory as possible.

**Section 2. Officers — Presiding member during organization.** — The house of representatives shall have authority to elect its speaker, clerks, and other officers. The senior member from the City of Newport, if any be present, shall preside in the organization of the house.

## ARTICLE VIII OF THE SENATE

### SECTION.

1. Composition.
2. Lieutenant governor to be presiding officer.
3. Presiding officer in absence of lieutenant governor.

### SECTION.

4. Secretary of state to be secretary of senate — Additional officers.

**Section 1. Composition.** — The senate shall consist of the lieutenant governor and senators from the senatorial districts in the state. The general assembly may after any presidential election reapportion the senate. Such districts shall be as nearly equal in population and as compact in territory as possible.

**Section 2. Lieutenant governor to be presiding officer.** — The lieutenant governor shall preside in the senate and in grand committee. The presiding officer of the senate and grand committee shall have a right to vote in case of equal division, but not otherwise.

**Section 3. Presiding officer in absence of lieutenant governor.** — If by reason of death, resignation, absence, or other cause, the lieutenant governor is not present, to preside in the senate, the

senate shall elect one of its own members to preside during such absence or vacancy; and until such election is made by the senate, the secretary of state shall preside. The presiding officer of the senate shall preside in grand committee and in joint assembly.

**Section 4. Secretary of state to be secretary of senate — Additional officers.** — The secretary of state shall, by virtue of office, be secretary of the senate, unless otherwise provided by law, and the senate may elect such other officers as it may deem necessary.

## ARTICLE IX OF THE EXECUTIVE POWER

## SECTION.

1. Power vested in governor.
2. Faithful execution of laws.
3. Captain general and commander in chief of military and navy.
4. Reprieves.
5. Authority to fill vacancies.
6. Adjournment of general assembly.
7. Convening of special sessions of the general assembly.
8. Commissions.
9. Vacancy in office of governor.

## SECTION.

10. Vacancies in both offices of governor and lieutenant governor.
11. Compensation of governor and lieutenant governor.
12. Powers and duties of secretary, attorney-general, and general treasurer.
13. Pardons.
14. Veto power of governor — Veto overrides by general assembly — Acts effective without action by governor.
15. State budget.

**Section 1. Power vested in governor.** — The chief executive power of this state shall be vested in a governor, who, together with a lieutenant governor, shall be elected by the people.

**Section 2. Faithful execution of laws.** — The governor shall take care that the laws be faithfully executed.

**Section 3. Captain general and commander in chief of military and navy.** — The governor shall be captain general and commander in chief of the military and naval forces of this state, except when they shall be called into the service of the United States.

**Section 4. Reprieves.** — The governor shall have power to grant reprieves, after conviction, in all cases, except those of impeachment, until the end of the next session of the general assembly.

**Section 5. Authority to fill vacancies.** — The governor may fill vacancies in office not otherwise provided for by this Constitution or by law, until the same shall be filled by the general assembly, or by the people.

**Section 6. Adjournment of general assembly.** — In case of disagreement between the two houses of the general assembly, respecting the time or place of adjournment, certified by either, the governor may adjourn them to such time and place as the governor shall think proper; provided, that the time of adjournment shall not be extended beyond the day of the next stated session.

**Section 7. Convening of special sessions of the general assembly.** — The governor may, on extraordinary occasions, convene the general assembly at any town or city in this state, at any time not provided for by law; and in case of danger from the prevalence of epidemic or contagious disease, in the place in which the general assembly is by law to meet, or to which it may have been adjourned, or for other urgent reasons, the governor may by proclamation convene said assembly at any other place within this state.

**Section 8. Commissions.** — All commissions shall be in the name and by authority of the State of Rhode Island and Providence Plantations; shall be sealed with the state seal, signed by the governor, and attested by the secretary.

**Section 9. Vacancy in office of governor.** — In case of vacancy in the office of governor or of the governor's inability to serve, impeachment, or absence from the state, the lieutenant governor shall fill the office of governor, and exercise the powers and authority appertaining thereto, until a governor is qualified to act, or until the office is filled at the next election.

**Section 10. Vacancies in both offices of governor and lieutenant governor.** — If the offices of governor and lieutenant governor be both vacant by reason of death, resignation, impeachment, absence, or otherwise, the speaker of the house of representatives shall in like manner fill the office of governor during such absence or vacancy.

**Section 11. Compensation of governor and lieutenant governor.** — The compensation of the governor and lieutenant governor shall be established by law, and shall not be diminished during the term for which they are elected.

**Section 12. Powers and duties of secretary, attorney-general, and general treasurer.** — The duties and powers of the secretary, attorney-general and general treasurer shall be the same under this Constitution as are now established, or as from time to time may be prescribed by law.

**Section 13. Pardons.** — The governor, by and with the advice and consent of the senate, shall hereafter exclusively exercise the pardoning power, except in cases of impeachment, to the same extent as such power is now exercised by the general assembly.

**Section 14. Veto power of governor — Veto overrides by general assembly — Acts effective without action by governor.** — Every bill, resolution, or vote (except such as relate to adjournment, the organization or conduct of either or both houses of the general assembly, and resolutions proposing amendment to the Constitution) which shall have passed both houses of the general assembly shall be presented to the governor. If the governor approve it the governor shall sign it, and thereupon it shall become operative, but if the governor does not approve it the governor shall return it, accompanied by the governor's objections in writing to the house in which it originated, which shall enter the governor's objections in full upon its journal and proceed to reconsider it. If, after such reconsideration, three-fifths of the members present and voting in that house shall vote to pass the measure, it shall be sent with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by three-fifths of the members present and voting in that house, it shall become operative in the same manner as if the governor had approved it, but in such cases the votes of both houses shall be determined by ayes and nays and the names of the members voting for and against the measure shall be entered upon the journal of each house, respectively. If the measure shall not be returned by the governor within six days (Sundays excepted) after it shall have been presented to the governor the same shall become operative unless the general assembly, by adjournment, prevents its return, in which case it shall become operative unless transmitted by the governor to the secretary of state, with the governor's disapproval in writing within ten days after such adjournment.

**Section 15. State budget.** — The governor shall prepare and present to the general assembly an annual, consolidated operating and capital improvement state budget.

## ARTICLE X OF THE JUDICIAL POWER

**SECTION.**

1. Power vested in court.
2. Jurisdiction of supreme and inferior courts — Quorum of supreme court.
3. Advisory opinions by supreme court.
4. Judges of supreme court — Election — Term of office.

**SECTION.**

5. Judges of supreme court — Filling of vacancies.
6. Judges of supreme court — Compensation.
7. Wardens and justices of the peace.

**Section 1. Power vested in court.** — The judicial power of this state shall be vested in one supreme court, and in such inferior courts as the general assembly may, from time to time, ordain and establish.

**Section 2. Jurisdiction of supreme and inferior courts — Quorum of supreme court.** — The supreme court shall have final revisory and appellate jurisdiction upon all questions of law and equity. It shall have power to issue prerogative writs, and shall also have such other jurisdiction as may, from time to time, be prescribed by law. A majority of its judges shall always be necessary to constitute a quorum. The inferior courts shall have such jurisdiction as may, from time to time, be prescribed by law.

**Section 3. Advisory opinions by supreme court.** — The judges of the supreme court shall give their written opinion upon any question of law whenever requested by the governor or by either house of the general assembly.

**Section 4. Judges of supreme court — Election — Term of office.** — The judges of the supreme court shall be elected by the two houses in grand committee. Each judge shall hold office until that judge's place be declared vacant by a resolution of the general assembly to that effect; which resolution shall be voted for by a majority of all the members elected to the house in which it may originate, and be concurred in by the same majority of the other house. Such resolution shall not be entertained at any other than the annual session for the election of public officers; and in default of the passage thereof at said session, the judge shall hold that place as is herein provided.

**Section 5. Judges of supreme court — Filling of vacancies.** — In case of vacancy by death, resignation, removal from the state or from office, refusal or inability to serve, of any judge of the supreme court, the office may be filled by the grand committee, until the next election, and the judge then elected shall hold office as before provided. In case of impeachment, or temporary absence, or inability, the governor may appoint a person to discharge the duties of the office during the vacancy caused thereby.

**Section 6. Judges of supreme court — Compensation.** — The judges of the supreme court shall receive a compensation for their services, which shall not be diminished during their continuance in office.

**Section 7. Wardens and justices of the peace.** — The towns of New Shoreham and Jamestown may continue to elect their wardens as heretofore. The other towns and the city of Providence may elect such number of justices of the peace, resident therein, as they may deem proper. The jurisdiction of said justices and wardens shall be regulated by law. The justices shall be commissioned by the governor.

## ARTICLE XI OF IMPEACHMENTS

**SECTION.**

1. Power to impeach — Procedure — Suspension from office.
2. Trial of impeachments.

**SECTION.**

3. Officers subject to impeachment — Grounds and effect of conviction.

**Section 1. Power to impeach — Procedure — Suspension from office.** — The house of representatives shall have the sole power of impeachment. A resolution of impeachment shall not be considered unless it is signed by twenty-five members. For the purpose of impeachment, the general assembly and committees thereof shall have the power to compel the attendance of witnesses and production of documents. A vote of sixty-seven members shall be required for an impeachment of the governor. Any officer impeached shall thereby be suspended from office until judgment in the case shall have been pronounced.

**Section 2. Trial of impeachments.** — All impeachments shall be tried by the senate; and when sitting for that purpose, they shall be under oath or affirmation. No person shall be convicted except by vote of two-thirds of the members elected. When the governor is impeached, the chief or presiding justice of the supreme court, for the time being, shall preside, with a casting vote in all preliminary questions.

**Section 3. Officers subject to impeachment — Grounds and effect of conviction.** — The governor and all other executive and judicial officers shall be liable to impeachment. The governor or any other executive officer shall be removed from office if, upon impeachment, such officer shall be found incapacitated or guilty of the commission of a felony or crime of moral turpitude, misfeasance or malfeasance in office. Judges shall be removed if, upon impeachment, they shall be found incapacitated or guilty of the commission of a felony or crime of moral turpitude, misfeasance or malfeasance in office or violation of the canons of judicial ethics. Judgment of incapacity or guilt in a case of impeachment shall not extend further than to removal from office. The person convicted shall, nevertheless, be liable to indictment, trial and punishment, according to laws.

## ARTICLE XII OF EDUCATION

## SECTION.

1. Duty of general assembly to promote schools and libraries.
2. Perpetual school fund.

## SECTION.

3. Donations.
4. Implementation of article — Diversion of funds prohibited.

**Section 1. Duty of general assembly to promote schools and libraries.** — The diffusion of knowledge, as well as of virtue among the people, being essential to the preservation of their rights and liberties, it shall be the duty of the general assembly to promote public schools and public libraries, and to adopt all means which it may deem necessary and proper to secure to the people the advantages and opportunities of education and public library services.

**Section 2. Perpetual school fund.** — The money which now is or which may hereafter be appropriated by law for the establishment of a permanent fund for the support of public schools, shall be securely invested and remain a perpetual fund for that purpose.

**Section 3. Donations.** — All donations for the support of public schools, or for other purposes of education, which may be received by the general assembly, shall be applied according to the terms prescribed by the donors.

**Section 4. Implementation of article — Diversion of funds prohibited.** — The general assembly shall make all necessary provisions by law for carrying this article into effect. It shall not divert said money or fund from the aforesaid uses, nor borrow, appropriate, or use the same, or any part thereof, for any other purpose, under any pretence whatsoever.

## ARTICLE XIII HOME RULE FOR CITIES AND TOWNS

## SECTION.

1. Intent of article.
2. Local legislative powers.
3. Local legislative bodies.
4. Powers of general assembly over cities and towns.
5. Local taxing and borrowing powers.
6. Charter commissions.

## SECTION.

7. Adoption of charters.
8. Amendments to charters.
9. Filing of charter petitions to bicameral legislative bodies.
10. Charter certificates — Signing — Recordation — Deposit — Judicial notice.
11. Judicial powers unaffected by article.

**Section 1. Intent of article.** — It is the intention of this article to grant and confirm to the people of every city and town in this state the right of self government in all local matters.



**Section 2. Local legislative powers.** — Every city and town shall have the power at any time to adopt a charter, amend its charter, enact and amend local laws relating to its property, affairs and government not inconsistent with this Constitution and laws enacted by the general assembly in conformity with the powers reserved to the general assembly.

**Section 3. Local legislative bodies.** — Notwithstanding anything contained in this article, every city and town shall have a legislative body composed of one or two branches elected by vote of its qualified electors.

**Section 4. Powers of general assembly over cities and towns.** — The general assembly shall have the power to act in relation to the property, affairs and government of any city or town by general laws which shall apply alike to all cities and towns, but which shall not affect the form of government of any city or town. The general assembly shall also have the power to act in relation to the property, affairs and government of a particular city or town provided that such legislative action shall become effective only upon approval by a majority of the qualified electors of the said city or town voting at a general or special election, except that in the case of acts involving the imposition of a tax or the expenditure of money by a town the same shall provide for the submission thereof to those electors in said town qualified to vote upon a proposition to impose a tax or for the expenditure of money.

**Section 5. Local taxing and borrowing powers.** — Nothing contained in this article shall be deemed to grant to any city or town the power to levy, assess and collect taxes or to borrow money, except as authorized by the general assembly.

**Section 6. Charter commissions.** — Every city and town shall have the power to adopt a charter in the following manner: Whenever a petition for the adoption of a charter signed by fifteen percent of the qualified electors of a city, or in a town by fifteen percent, but not less than one hundred in number, of those persons qualified to vote on any proposition to impose a tax or for the expenditure of money shall be filed with the legislative body of any city or town the same shall be referred forthwith to the canvassing authority which shall within ten days after its receipt determine the sufficiency thereof and certify the results to the legislative body of said city or town. Within sixty days thereafter the legislative body of a city shall submit to its qualified electors and the legislative body of a town shall submit to the electors of said town qualified to vote upon a proposition to impose a tax or for the expenditure of money the following question: "Shall a commission be appointed to frame a charter?" and the legislative body of any city or town shall provide

by ordinance or resolution a method for the nomination and election of a charter commission to frame a charter consisting in a city of nine qualified electors and in a town of nine electors of said town qualified to vote upon a proposition to impose a tax or for the expenditure of money who shall be elected at large without party or political designation and who shall be listed alphabetically on the ballot used for said election. Such ordinance or resolution shall provide for the submission of the question and the election of the charter commission at the same time. Upon approval of the question submitted the nine candidates who individually receive the greater number of votes shall be declared elected and shall constitute the charter commission.

**Section 7. Adoption of charters.** — Within one year from the date of the election of the charter commission the charter framed by the commission shall be submitted to the legislative body of the city or town which body shall provide for publication of said charter and shall provide for the submission of said charter to the electors of a city or town qualified to vote for general state officers at the general election next succeeding thirty days from the date of the submission of the charter by the charter commission. If said charter is approved by a majority of said electors voting thereon, it shall become effective upon the date fixed therein.

**Section 8. Amendments to charters.** — The legislative body of any city or town may propose amendments to a charter which amendments shall be submitted for approval in the same manner as provided in this article for the adoption of a charter except that the same may be submitted at a special election, and provided further that in the case of a town, amendments concerning a proposition to impose a tax or for the expenditure of money, shall be submitted at a special or regular financial town meeting.

**Section 9. Filing of charter petitions to bicameral legislative bodies.** — Whenever the legislative body of any city or town consists of more than one branch, a petition for the adoption of a charter as provided in this article may be filed with either branch of said legislative body.

**Section 10. Charter certificates — Signing — Recordation — Deposit — Judicial notice.** — Duplicate certificates shall be made setting forth the charter adopted and any amendments approved and the same shall be signed by a majority of the canvassing authority; one of such certified copies shall be deposited in the office of the secretary of state and the other after having been recorded in the records of the city or town shall be deposited among the archives of the said city or town and all courts shall take judicial notice thereof.

**Section 11. Judicial powers unaffected by article.** — The judicial powers of the state shall not be diminished by the provisions of this article.

## ARTICLE XIV CONSTITUTIONAL AMENDMENTS AND REVISIONS

**SECTION.**

1. Procedure for proposing and approving amendments.

**SECTION.**

2. Constitutional conventions.

**Section 1. Procedure for proposing and approving amendments.** — The general assembly may propose amendments to the Constitution of the state by a roll call vote of a majority of the members elected to each house. Any amendment thus proposed shall be published in such manner as the general assembly shall direct, and submitted to the electors at the next general election as provided in the resolution of approval; and, if then approved by a majority of the electors voting thereon, it shall become a part of the Constitution.

**Section 2. Constitutional conventions.** — The general assembly, by a vote of a majority of the members elected to each house, may at any general election submit the question, "Shall there be a convention to amend or revise the Constitution?" to the qualified electors of the state. If the question be not submitted to the people at some time during any period of ten years, the secretary of state shall submit it at the next general election following said period. Prior to a vote by the qualified electors on the holding of a convention, the general assembly, or the governor if the general assembly fails to act, shall provide for a bi-partisan preparatory commission to assemble information on constitutional questions for the electors. If a majority of the electors voting at such election on said question shall vote to hold a convention, the general assembly at its next session shall provide by law for the election of delegates to such convention. The number of delegates shall be equal to the number of members of the house of representatives and shall be apportioned in the same manner as the members of the house of representatives. No revision or amendment of this Constitution agreed upon by such convention shall take effect until the same has been submitted to the electors and approved by a majority of those voting thereon.

ARTICLE XV  
GENERAL TRANSITION

## SECTION.

1. Rights and duties of public bodies unaffected — Continuation of laws, ordinances, regulations and rules.
2. Validity of bonds, debts, contracts, suits, actions, and rights of actions continued.

## SECTION.

3. Continuation of office holders.
4. Implementing legislation for Article III, Sections 7 and 8, and Article IV, Section 10.

**Section 1. Rights and duties of public bodies unaffected — Continuation of laws, ordinances, regulations and rules.** — The rights and duties of all public bodies shall remain as if this Constitution had not been adopted with the exception of such changes as are contained in this Constitution. All laws, ordinances, regulations and rules of court not contrary to, or inconsistent with, the provisions of this Constitution shall remain in force, until they shall expire by their own limitation or shall be altered or repealed pursuant to this Constitution.

**Section 2. Validity of bonds, debts, contracts, suits, actions, and rights of actions continued.** — The validity of all public and private bonds, debts and contracts, and of all suits, actions, and rights of action, shall continue as if no change had taken place.

**Section 3. Continuation of office holders.** — All officers filling any office by election or appointment shall continue the duties thereof, until the end of the terms to which they were appointed or elected, and until their offices shall have been abolished or their successors elected and qualified in accordance with this Constitution or laws enacted pursuant thereto.

**Section 4. Implementing legislation for Article III, Sections 7 and 8, and Article IV, Section 10.** — On or before June 1, 1988, the general assembly shall adopt implementing legislation for Article III, Sections 7 and 8, and for Article IV, Section 10.

**TITLE 5**  
**BUSINESSES AND PROFESSIONS**

**CHAPTER 37.3**  
**CONFIDENTIALITY OF HEALTH CARE**  
**INFORMATION ACT**

**SECTION.**

**5-37.3-4. Limitations on and permitted disclosure.**

**5-37.3-4. Limitations on and permitted disclosure.** — (a) Except as provided in subsection (b) of this section or as otherwise specifically provided by the law, a patient's confidential health care information shall not be released or transferred without the written consent of such patient or his or her authorized representative, on a consent form meeting the requirements of subsection (d) of this section, a copy of any notice used pursuant to subsection (d) of this section, and of any signed consent shall upon request, be provided to the patient prior to his or her signing a consent form.

(b) No consent for release or transfer of confidential health care information is required in the following situations:

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(16) To the state board of elections pursuant to a subpoena or subpoena duces tecum when that information is required to determine the eligibility of a person to vote by mail ballot and/or the legitimacy of a certification by a physician attesting to a voter's illness or disability; or

(17) To certify, pursuant to chapter 20 of title 17, the nature and permanency of a person's illness or disability, the date when that person was last examined and that it would be an undue hardship for the person to vote at the polls so that the person may obtain a mail ballot; or

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**History of Section.**

P.L. 1978, ch. 297, § 1; P.L. 1979, ch. 221,  
§ 1; P.L. 1981, ch. 283, § 1; P.L. 1983, ch.

172, § 20; P.L. 1985, ch. 402, § 6; P.L. 1989,  
ch. 502, § 1.



**TITLE 8**  
**COURTS AND CIVIL PROCEDURE—COURTS**

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**CHAPTER 9**  
**PROBATE COURTS**

**SECTION.**  
8-9-4. Election and powers of probate  
judge.

**8-9-4. Election and powers of probate judge.** — The town council of any town which may, at the regular meeting of said town, have delegated to its town council such power, shall elect a judge of probate for such town, and any city council or any town may at the election of town officers elect a judge of probate for such city or town; and such judge of probate, upon being engaged, shall, instead of the town council, have the power and be subject to the duties of a probate court, and be entitled to the fees of such court and such salary, in addition to or instead of such fees, to be received of such city or town, as the city or town may allow.

**History of Section.** § 1; G.L. 1938, ch. 568, § 3; G.L. 1956,  
C.P.A. 1905, ch. 35; G.L. 1909, ch. 306, § 3; § 8-9-4.  
G.L. 1923, ch. 357, § 3; P.L. 1928, ch. 1233,

CHAPTER 15  
COURT ADMINISTRATION

**SECTION.**

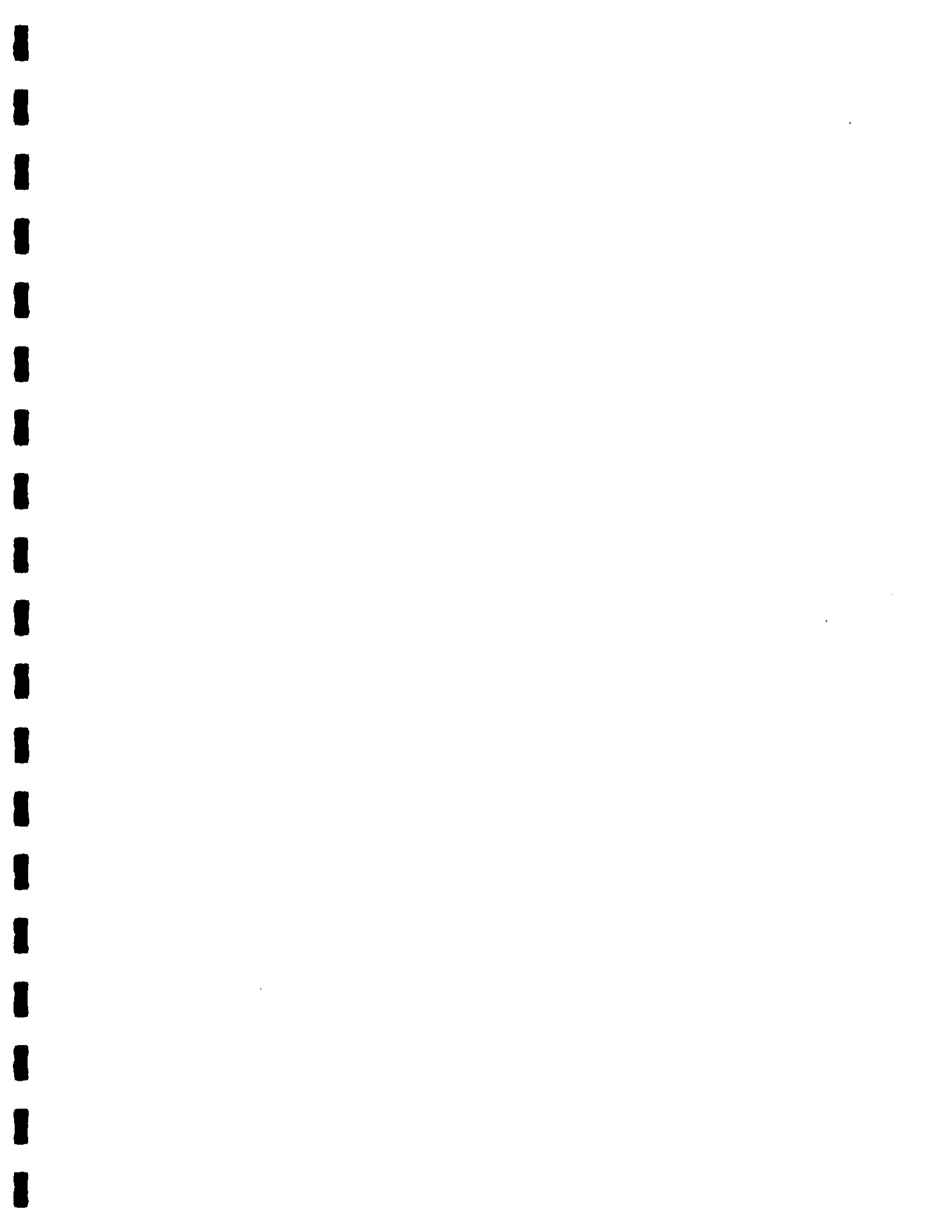
8-15-8. Report of felony sentencing to secretary of state.

**8-15-8. Report of felony sentencing to secretary of state. —**  
The court administrator appointed pursuant to § 8-15-4 shall notify the secretary of state of any person who is serving a sentence including probation or parole for which said person was imprisoned upon final conviction of a felony imposed on any date or who is serving any sentence, whether incarcerated or suspended, on probation or parole, upon final conviction of a felony committed after November 5, 1986.

**History of Section.**

P.L. 1978, ch. 191, § 1; P.L. 1980, ch. 250, § 1; P.L. 1987, ch. 293, § 4.





**TITLE 9**  
**COURTS AND CIVIL PROCEDURE—**  
**PROCEDURE GENERALLY**

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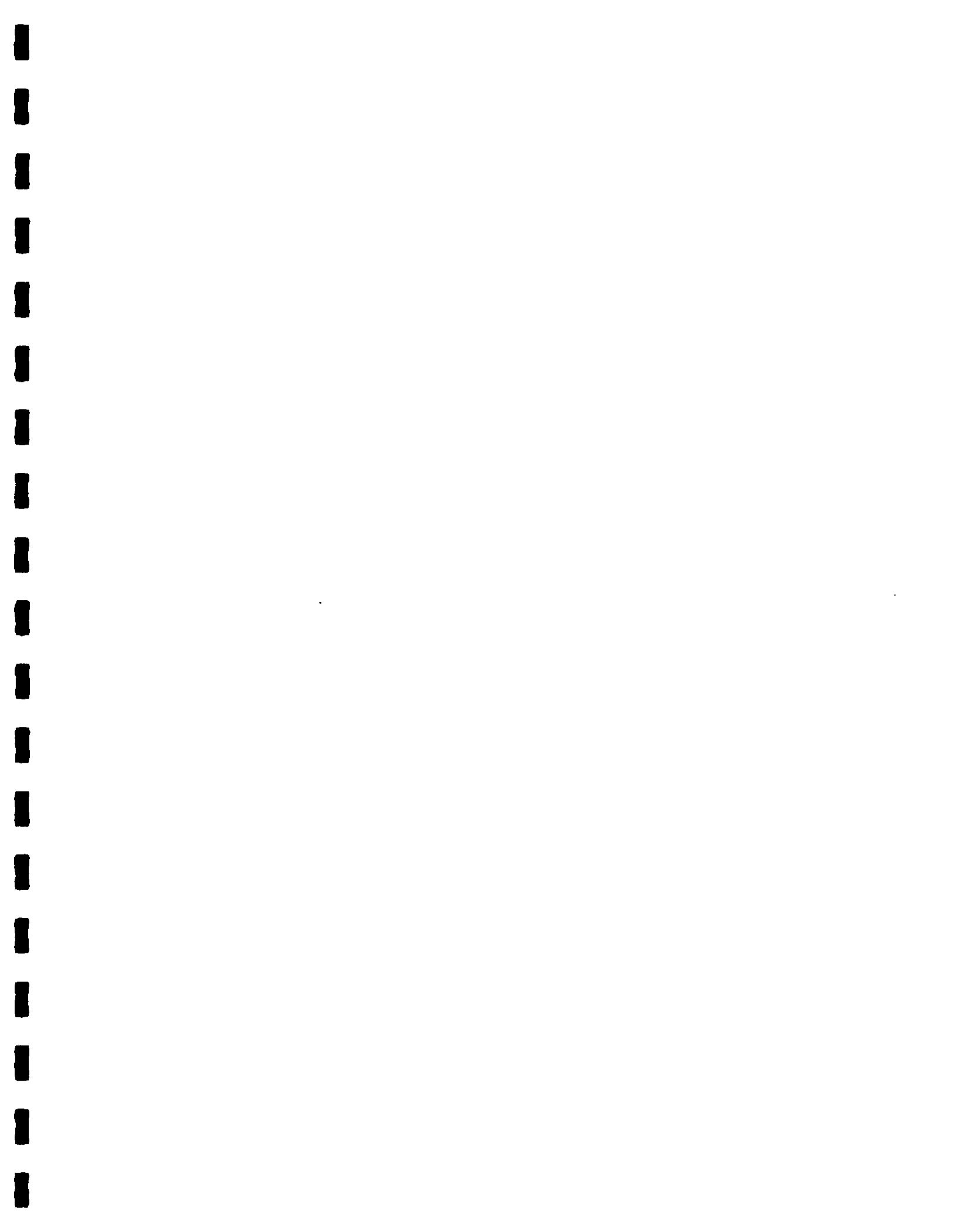
**CHAPTER 5**  
**WRITS, SUMMONS AND PROCESS**

**SECTION.**

**9-5-25. Exemption of voters from arrest.**

**9-5-25. Exemption of voters from arrest.** — All persons entitled to vote shall be protected from arrest in civil cases, on the days of election for city or town officers, and for state officers, representatives in congress, and electors of president and vice-president of the United States; and on the day preceding and the day following such election.

**History of Section.** § 1; G.L. 1923, ch. 19, § 1; G.L. 1938, ch. 327, G.L. 1896, ch. 14, § 1; G.L. 1909, ch. 20, § 1; G.L. 1956, § 9-5-25.



## CHAPTER 9 JURY LISTS

## SECTION.

9-9-8. City voting lists furnished to jury commissioner — Exceptions.

## SECTION.

9-9-9. Town lists of qualified jurors.

**9-9-8. City voting lists furnished to jury commissioner — Exceptions.** — (a) The clerk of the board of canvassers and registration of each city shall in the month of December in each even-numbered year furnish the jury commissioner with a certified copy of the voting lists of his city as made up by the board of canvassers thereof at its last meeting prior to the Tuesday next after the first Monday in November of such year.

(b) Whenever the jury commissioner selects jurors from the registered voters in a city or town by means of electronic data processing equipment, as provided in § 9-9-14.1, the clerk of the board of canvassers and registration in said city or town shall not be required to furnish any additional manually compiled list of registered voters.

(c) Said lists shall contain the name and residence of every person in said city who was qualified to vote at the general election next preceding the date of delivery to the jury commissioner.

**History of Section.**

G.L., ch. 329, § 7, as enacted by P.L. 1928, ch. 1192, § 2; P.L. 1930, ch. 1609, § 1; G.L. 1938, ch. 506, § 6; G.L., ch. 506, § 5, as en-

acted by P.L. 1939, ch. 700, § 1; impl. am. P.L. 1951, ch. 2870, § 18; G.L. 1956, § 9-9-8; P.L. 1979, ch. 121, § 1.

**9-9-9. Town lists of qualified jurors.** — The town council of each town shall in the month of February in each odd-numbered year, from the list of qualified electors of the town and city made up by the board of canvassers thereof at its last meeting prior to the Tuesday next after the first Monday in November of the preceding year, make a list of all persons thereon over the age of eighteen (18) years who are qualified electors of such town or city, as they shall deem well qualified to serve as jurors, and not exempted as aforesaid; which list shall contain the name, and address of each of said persons and shall be kept on file by the clerk of such town in his office.

**History of Section.**

P.L. 1920, ch. 1948, § 7; G.L. 1923, ch. 329, § 7; P.L. 1926, ch. 797, § 6; P.L. 1927, ch. 1015, § 2; P.L. 1928, ch. 1192, § 2; P.L. 1930, ch. 1609, § 1; G.L. 1938, ch. 506, § 6; G.L.,

ch. 506, § 5, as enacted by P.L. 1939, ch. 700, § 1; G.L. 1956, § 9-9-9; P.L. 1972, ch. 94, § 1; P.L. 1975, ch. 233, § 2; P.L. 1980, ch. 242, § 2; P.L. 1980, ch. 412, §§ 1, 4.

TITLE 10  
COURTS AND CIVIL PROCEDURE—PROCEDURE  
IN PARTICULAR ACTIONS

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CHAPTER 10  
IMPRISONMENT ON CIVIL PROCESS

SECTION.  
10-10-5. Exemption of voters at time of elections.

**10-10-5. Exemption of voters at time of elections.** — No person entitled to vote shall be liable to arrest upon any civil process on the days of election of city or town officers, of state officers, representatives in congress, or of electors of president and vice-president of the United States, or on the day preceding or on the day following such election.

**History of Section.** G.L. 1923, ch. 352, § 2; G.L. 1938, ch. 560, C.P.A. 1905, § 598; G.L. 1909, ch. 302, § 2; § 2; G.L. 1956, § 10-10-5.

TITLE 11  
CRIMINAL OFFENSES

CHAPTER 43  
TREASON AND RELATED OFFENSES

SECTION.	SECTION.
11-43-4. Illegal town meetings.	11-43-6. Acceptance of office by virtue of pretended election.
11-43-5. Dispersal of illegal assemblies purporting to exercise governmental powers.	11-43-7. Unlawful exercise of functions of state office.

**11-43-4. Illegal town meetings.** — All town meetings of the freemen, inhabitants or residents of this state, or of any portion of the same, for the election of any town, city, ward, county or state officers, called or held in any town or city in this state, except in the manner, for the purposes, at the times, and by the persons by law prescribed, are illegal and void, and every person who shall act as moderator, warden or clerk in such pretended meetings hereafter to be held, or in any manner receive, record or certify votes for the election of any pretended town, city, ward, county or state officers, shall be deemed guilty of a misdemeanor and shall be fined not exceeding one thousand dollars (\$1,000) nor less than five hundred dollars (\$500) and be imprisoned for a term of six (6) months; provided, that this section is not intended to apply to cases in which, by accident or mistake, some prescribed forms of calling town and ward meetings of the electors of the several towns and cities of this state shall be omitted or overlooked.

**History of Section.** § 4; G.L. 1923, ch. 392, § 4; G.L. 1938, ch. G.L. 1896, ch. 275, § 4; G.L. 1909, ch. 341, 603, § 4; G.L. 1956, § 11-43-4.

**11-43-5. Dispersal of illegal assemblies purporting to exercise governmental powers.** — Such meetings as are described in § 11-43-4 and also all meetings of persons other than those authorized by law, calling themselves when collected or claiming to be the general assembly of this state or either house thereof, are hereby declared to be riotous, tumultuous and treasonable assemblies, and the commander-in-chief, the sheriff of any county or any deputy sheriff, any justice of the supreme or superior court, the mayors of the several cities or in their absence the city councils of said cities, are hereby authorized and required to command such assemblies or any of them to disperse, and if they do not forthwith obey said command, then, by the civil posse, or, if they deem it necessary, by calling out and using for that purpose the whole or any portion of the military force of this state within their respective jurisdictions that they or either of them may deem sufficient therefor, to disperse such

assemblies or any of them within their jurisdictions, and all such officers, civil and military, and persons under their command, are hereby directed to govern themselves accordingly.

**History of Section.** 392, § 7; G.L. 1938, ch. 603, § 7; G.L. 1956, G.L. 1896, ch. 275, § 7; C.P.A. 1905, § 11-43-5.  
§ 1228; G.L. 1909, ch. 341, § 7; G.L. 1923, ch.

**11-43-6. Acceptance of office by virtue of pretended election.** — Every person who shall in any manner signify that he will accept any legislative, executive, judicial or ministerial office, by virtue of any pretended election in any such pretended town, ward or other meetings, or shall knowingly suffer or permit his name to be used as a candidate therefor, shall be adjudged guilty of a high crime and misdemeanor and be fined not exceeding two thousand dollars (\$2,000) and be imprisoned for the term of one (1) year.

**History of Section.** § 5; G.L. 1923, ch. 392, § 5; G.L. 1938, ch. G.L. 1896, ch. 275, § 5; G.L. 1909, ch. 341, 603, § 5; G.L. 1956, § 11-43-6.

**11-43-7. Unlawful exercise of functions of state office.** — Every person, except he be duly elected thereto according to the laws of this state, who shall assume or exercise any of the legislative, executive or ministerial functions of the office of governor, lieutenant-governor, senator, member of the house of representatives, secretary of state, attorney-general or general treasurer of this state, within the territorial limits of the state, as the same are now actually had and enjoyed, either separately or with others, or shall assemble with others, for the purpose of exercising any of said functions, shall be imprisoned during life.

**History of Section.** § 6; G.L. 1923, ch. 392, § 6; G.L. 1938, ch. G.L. 1896, ch. 275, § 6; G.L. 1909, ch. 341, 603, § 6; G.L. 1956, § 11-43-7.

TITLE 13  
CRIMINALS—CORRECTIONAL INSTITUTIONS

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CHAPTER 6  
LOSS OF RIGHTS BY PRISONERS

SECTION.  
13-6-2.1. Forfeiture of public office upon  
final conviction.

**13-6-2.1. Forfeiture of public office upon final conviction. —** Every person who, while holding elective public office, is convicted of a felony and has exhausted all appeals shall forfeit said public office. The public office shall automatically become vacant by operation of law at the time when the conviction becomes final. The vacancy in office so created shall be filled in accordance with law. Every person who, while holding elective public office, is convicted of a felony shall be suspended by operation of law from the performance of all official duties until said public official's legal status is finally determined. While under suspension, said person shall not receive any salary and/or benefit associated with said public office. If the conviction which prompted and the suspension is overturned on appeal, the official shall receive any salary and/or benefit which was withheld. During said suspension, the duties of the office shall be assumed by the person, if any, who is empowered to assume those duties in the event of the disability of the officeholder.

**History of Section.**  
P.L. 1986, ch. 418, § 1.





**TITLE 16**  
**EDUCATION**

**CHAPTER 2**

**SCHOOL COMMITTEES AND SUPERINTENDENTS**

**SECTION.**

16-2-5. Composition of town school committees — Election and terms of members — Vacancies.

**16-2-5. Composition of town school committees — Election and terms of members — Vacancies.** — The school committee of each town shall consist of three (3) residents of the town, or of such number as at the present time constitute the committee. In towns having annual elections of town officers the committee shall be divided as equally as may be into three (3) classes whose several terms of office shall expire at the end of three (3) years from the dates of their respective elections. In towns having biennial elections the committee shall be divided as equally as may be into two (2) classes whose several terms of office shall expire at the end of four (4) years from the dates of their respective elections. As the office of each class shall become vacant, the vacancy or vacancies shall be filled by the town at its regular town meeting for the election of state or town officers, or by the town council at its next meeting thereafter. In case of a vacancy by death, resignation, or otherwise than as is above provided, the vacancy shall be filled by the town council until the next regular town meeting for the election of state or town officers, when it shall be filled for the unexpired term thereof as is above provided. This section shall not apply to the city of Providence, the city of Central Falls, or the city of Woonsocket.

**History of Section.**

G.L. 1896, ch. 54, § 7; G.L. 1909, ch. 66, § 4; G.L. 1923, ch. 69, § 4; P.L. 1925, ch. 680, § 16; P.L. 1926, ch. 889, § 15; G.L. 1938, ch. 179, § 4; G.L. 1966, § 16-2-5; P.L. 1988, ch. 84, § 71.

CHAPTER 22  
CURRICULUM

SECTION.  
16-22-10. Voting instruction.

**16-22-10. Voting instruction.** — The school committees of the several cities, towns, and school districts shall provide for students of the senior class in high school, a course of instruction and demonstration in the operation of a voting machine, and of the manner of casting a valid ballot. The board of elections is hereby directed to make available to each city and town school committee one voting machine per town, to carry out the purposes of this section.

**History of Section.**  
P.L. 1969, ch. 139, § 1.

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TITLE 17  
ELECTIONS

CHAPTER.

1. GENERAL PROVISIONS, §§ 17-1-1 — 17-1-8.
2. GENERAL STATE OFFICERS, §§ 17-2-1 — 17-2-6.
3. GENERAL ASSEMBLY MEMBERS, §§ 17-3-1 — 17-3-8.
4. FEDERAL ELECTIVE OFFICERS, §§ 17-4-1 — 17-4-12.
- 4.1. [REPEALED.]
5. STATEWIDE REFERENDA ELECTIONS, §§ 17-5-1 — 17-5-6.
6. SECRETARY OF STATE, §§ 17-6-1 — 17-6-13.
7. STATE BOARD OF ELECTIONS, §§ 17-7-1 — 17-7-10.
8. LOCAL CANVASSING AUTHORITIES, §§ 17-8-1 — 17-8-9.
9. REGISTRATION OF VOTERS, §§ 17-9-1 — 17-9-27.
10. CANVASSING THE LISTS OF QUALIFIED ELECTORS, §§ 17-10-1 — 17-10-31.
11. VOTING DISTRICTS AND OFFICIALS, §§ 17-11-1 — 17-11-17.
12. PARTY COMMITTEES AND CONVENTIONS, §§ 17-12-1 — 17-12-14.
- 12.1. PRIMARIES FOR ELECTION OF DELEGATES TO NATIONAL CONVENTIONS AND FOR PRESIDENTIAL PREFERENCE, §§ 17-12.1-1 — 17-12.1-17.
13. PRIMARY VOTING LISTS, §§ 17-13-1 — 17-13-5.
14. NOMINATION OF PARTY AND INDEPENDENT CANDIDATES, §§ 17-14-1 — 17-14-17.1.
15. PRIMARY ELECTIONS, §§ 17-15-1 — 17-15-44.
16. FILING OF NOMINATIONS, §§ 17-16-1 — 17-16-19.
17. [REPEALED.]
18. ELECTIVE MEETINGS, §§ 17-18-1 — 17-18-14.
19. CONDUCT OF ELECTION, AND VOTING MACHINES, AND SUPPLIES, §§ 17-19-1 — 17-19-52.
20. MAIL BALLOTS, §§ 17-20-1 — 17-20-35.
21. [REPEALED.]
- 21.1. REGISTRATION AND VOTING IN FEDERAL ELECTIONS BY CITIZENS RESIDING OUTSIDE THE UNITED STATES, §§ 17-21.1-1 — 17-21.1-7.
22. TABULATION AND CERTIFICATION OF RETURNS BY STATE BOARD, §§ 17-22-1 — 17-22-9.
23. ELECTION OFFENSES, §§ 17-23-1 — 17-23-18.
24. COMPELLING PERFORMANCE OF ELECTION DUTIES, §§ 17-24-1 — 17-24-3.
25. RHODE ISLAND CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORTING, §§ 17-25-1 — 17-25-29.
- 25.1. GAMBLING REFERENDA, §§ 17-25.1-1, 17-25.1-2.
26. PENALTIES, §§ 17-26-1 — 17-26-3.

CHAPTER 1  
GENERAL PROVISIONS

SECTION.	SECTION.
17-1-1. Short title.	17-1-4. Appeal of ruling by board of canvassers.
17-1-2. Definitions.	17-1-5. Effect of special statutes.
17-1-2.1. Signature identification.	17-1-5.1. Municipal and state employees holding elective public office.
17-1-3. Eligibility to vote.	17-1-6. Scope of title.
17-1-3.1. Residence for voting purposes.	17-1-7. Uniform deadlines.
17-1-3.2. Identification of voter at time of registration.	17-1-7.1. Filings to be originals.
17-1-3.3. Verification of residence.	17-1-8. Severability.
17-1-3.4. Procedure on challenge of registration.	
17-1-3.5. Penalty for unsubstantiated challenge.	

**17-1-1. Short title.** — This title shall be known and may be cited as the "Election Law".

**History of Section.**

G.L. 1956, § 17-1-1; P.L. 1958, ch. 18, § 1.

**17-1-2. Definitions.** — For the purposes this title, except as may otherwise be required by the context:

(a) "Election" shall mean the filing of any public office or the determination of any public question by vote of the electorate, and shall include without limitation thereto any state, town, or city office or question, and any political party primary election for the nomination of any candidate for public office; except that it shall not include a financial town meeting or a meeting to elect officers of a fire, water, or sewer district;

(b) "General election" shall mean an election held on the first Tuesday next after the first Monday in November in even numbered years for the election of members of the general assembly and for the election of general officers;

(c) "General officer" shall mean an officer designated as a general officer by chapter 2 of this title;

(d) "Local election" shall mean any election limited to the electorate of any city or town, or any part thereof, at which any city, town, ward, or district officers are to be chosen, or any elective meeting at which a question is to be submitted to the voters of a city, town, or any subdivision thereof but it shall not include a financial town meeting;

(e) "Local board" shall mean 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;

(f) "Political party" or "party" shall mean any political organization which at the preceding general election 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;

(g) "Primary election" shall mean any election to select the candidates of a political party;

(h) "Proposition" or "public question" shall mean any question put to referendum of the electorate of the entire state or any part thereof;

(i) "Polling place" shall mean the room in which any election or elective meeting is conducted;

(j) "State board" shall mean the state board of elections constituted pursuant to this title;

(k) "Special election" shall mean any election other than a local election or primary election which is not held on a general election day;

(l) "Vacancy in office" shall mean the condition resulting from any failure to elect or appoint an eligible and qualified person to public office, or the failure of any person duly elected or appointed to qualify, or from the death, resignation, or removal of an incumbent prior to the expiration of his or her term of office and where no fixed term is prescribed upon the death, resignation, or removal;

(m) "Voting list" shall mean the original permanent registration cards provided and maintained in locked binders pursuant to this title and in the event of the loss, destruction, or unavailability of any of these cards, the duplicate permanent registration cards provided and maintained pursuant to this title to the extent that the original card or cards shall have been lost, destroyed, or unavailable and until it or they may be replaced;

(n) "Party member" shall mean any person who is a member of a designated political party pursuant to § 17-9-26.

(o) "Qualified voter" shall mean any person who is eligible to vote under the requirements of age, residence, and citizenship prescribed by the state constitution and who is duly registered to vote, or who is exempt from registration, pursuant to this title, and who is not otherwise disqualified as a voter pursuant to law;

(p) "Party voter" shall mean any qualified voter who is eligible to vote at the primary election of a political party;

(q) "State election" shall mean any election at which any presidential electors, senator or representatives in congress, general officers of the state, or members of the general assembly are to be chosen, or at which a public question or an amendment to the Constitution is submitted to the electors of the state;

(r) "Warden" shall include "moderator," and vice versa;

(s) Words importing the masculine gender shall include the feminine gender;

(t) "State officer" shall mean the governor, lieutenant governor, secretary of state, attorney general, general treasurer, state senator, and state representative.

**History of Section.** 17-12-1; G.L. 1956, § 17-1-2; P.L. 1958, ch. P.L. 1947, ch. 1886, § 1; P.L. 1948, ch. 18, § 1; P.L. 1966, ch. 116, § 2; P.L. 1981, ch. 2100, § 1; P.L. 1950, ch. 2476, § 1; P.L. 1951 372, § 1; P.L. 1987, ch. 389, § 1; P.L. 1987, (s.s.), ch. 2870, § 1; G.L. 1956, §§ 17-8-1, ch. 536, § 1.

**17-1-2.1. Signature identification.** — For the purpose of assisting registrars and other persons in identifying a voter's signature, whenever in this title and whenever under any home rule charter enacted pursuant to article XIII, § 1 of the Constitution of the state of Rhode Island, a voter's signature shall be required, space shall be provided and so labelled for the voter to print his or her legal name. However, failure of the voter to print his or her name shall not invalidate the signature. This section shall not apply to the original voter's registration form and other forms where the name of the voter is typed and/or printed by the registrar.

**History of Section.**  
P.L. 1984, ch. 6, § 1; P.L. 1988, ch. 84,  
§ 14.

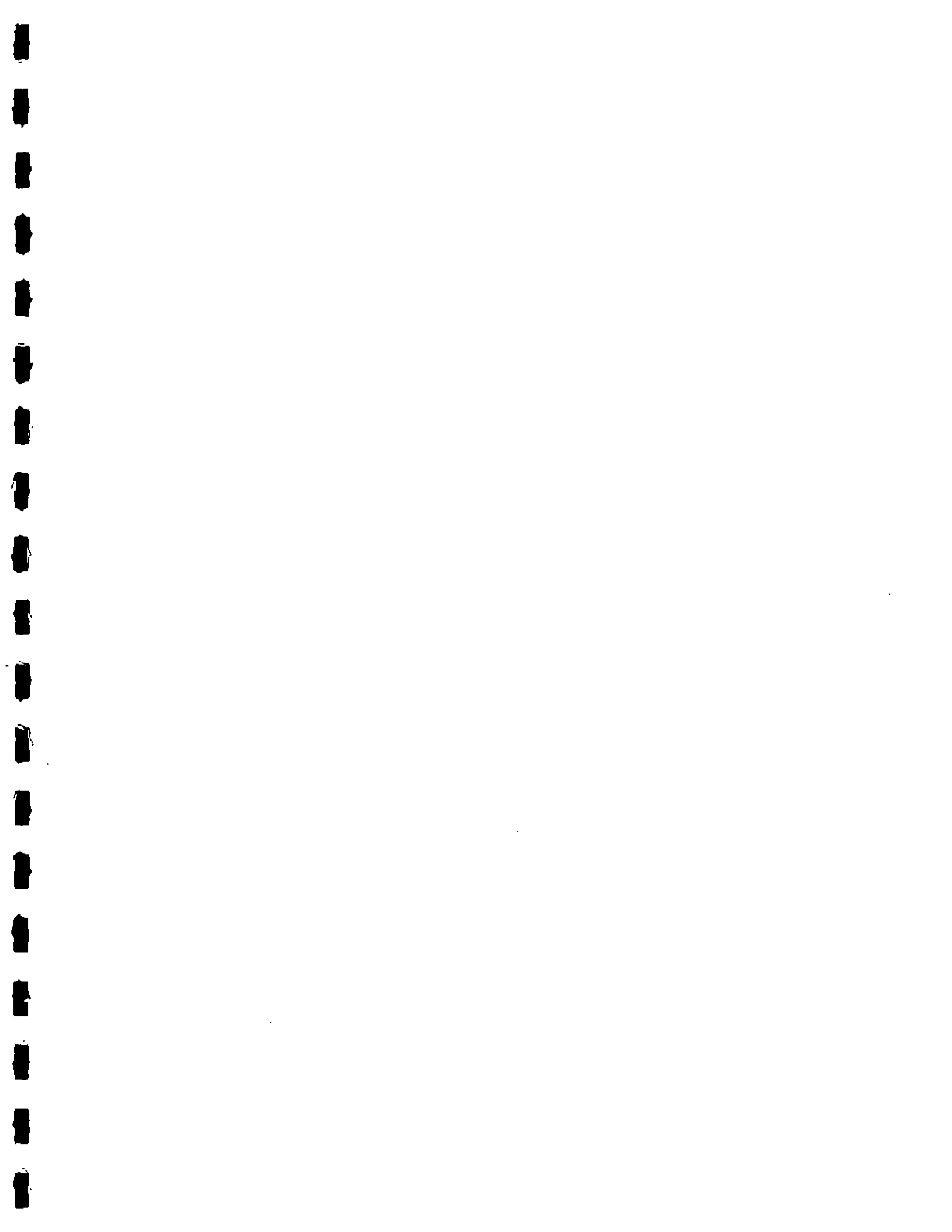
**17-1-3. Eligibility to vote.** — Every citizen of the United States who is at least eighteen (18) years of age, whose residence as defined in § 17-1-3.1 has been in this state for at least thirty (30) days, and in the town or city and voting district in which that person desires to cast his or her vote at least thirty (30) days next preceding the election, and who shall be registered in that city or town and voting district at least thirty (30) days next preceding any election, shall be entitled to vote in the election; provided a person may vote in a primary election only if that person is eligible under the provisions of this title. A person who has not registered to vote or whose registration has been canceled pursuant to § 17-10-1 may cast a vote for president and vice-president on election day at his or her city or town hall. The casting of said vote, however, shall commence the process of voter registration thereby subjecting the person so voting to the requirements and penalties of this chapter.

**History of Section.** P.L. 1972, ch. 152, § 1; P.L. 1983, ch. 172,  
G.L. 1956, § 17-1-3; P.L. 1958, ch. 18, § 1; § 2; P.L. 1990, ch. 246, § 1.

**17-1-3.1. Residence for voting purposes.** — (a) A person's residence for voting purposes is his or her fixed and established domicile. The determinant of one's domicile is that person's factual physical presence in the voting district on a regular basis incorporating an intention to reside for an indefinite period. This domicile is the place to which, upon temporary absence, he or she has the intention of returning. Once acquired, this domicile continues until another domicile is established. A person can have only one domicile, and the domicile shall not be considered lost solely by reason of absence for any of the following reasons:



- (1) Employment or service outside of the state intimately connected with military operations or with the federal government, including the spouse and dependents of an elector so employed;
- (2) Confinement in a correctional facility;
- (3) Being a patient in a hospital, convalescent home, nursing home or rest home, or like facility; or



(4) Attendance as a student at an academic institution, including the spouse and dependents of an elector who is a student.

(b) The following shall be considered prima facie evidence of a person's residence for voting purposes:

(1) The address furnished to the registry of motor vehicles for the voter's operator's license;

(2) The address from which the voter's motor vehicle is registered;

(3) The address from which the voter filed his last federal income tax return;

(4) The address from which the voter filed his last state income tax return;

(5) The address furnished to the companies from which the voter has obtained retail credit cards;

(6) The address furnished to the financial institutions where the voter maintains accounts;

(7) The address furnished to the tax collector and/or assessor in those communities where the voter owns taxable real or personal property for the purpose of notification to him or her;

(8) The address furnished to the insurance companies with which the voter maintains policies;

(9) The address furnished to the voter's employer;

(10) The address furnished by the voter to any business, professional, union, or fraternal organizations of which he or she is a member;

(11) The address furnished to governmental agencies with which the voter has contact;

(12) The address of a hospital, convalescent home, nursing home or rest home, or like facility at which the voter has been a patient or resident for the preceding thirty (30) days or longer;

(13) The address furnished to the United States postal service on a change of address form as verified by the United States postal service.

**History of Section.**

P.L. 1983, ch. 172, § 3; P.L. 1984, ch. 157,  
§ 1; P.L. 1985, ch. 142, § 1.

**17-1-3.2. Identification of voter at time of registration.** — No registration or change of residence for voting purposes shall be accepted by a voter registrar after July 1, 1983, unless the registrar is presented with at least one of the forms of identification listed in § 17-1-3.1 showing that the prospective voter resides at the address from which that person wishes to vote. The registrar shall list on the registration form or the transfer of registration form, in a place to be provided thereon, the one form of identification which has been presented. If a person wishing to register to vote lacks one of the forms of identification listed in § 17-1-3.1, he or she must submit to the board of canvassers of the appropriate city or town such alternative proof of residence as the board finds adequate to satisfy standards to

be promulgated by the state board of elections. Upon receipt of the proof of residence, that person shall be registered to vote by a member of the board of canvassers. The alternative proof of residency provided by the registrant shall be recorded on the registration form or the transfer of registration form.

**History of Section.**

P.L. 1983, ch. 172, § 3.

**17-1-3.3. Verification of residence.** — (a) The board of canvassers of each city and town shall mail a card to each newly registered voter and to each voter who changes his or her voting residence within seven (7) days after registration or change of residence. Every voter registrar shall instruct each person whom he or she registers that a card will be sent to the address from which the person registered, and that if it is not received, he or she should notify the board of canvassers forthwith. The card shall be mailed to the elector at the address from which he or she has registered and shall be clearly marked "do not forward".

(b) The postal card shall be substantially in the following form, viz.:

Front side

Board of Canvassers	14 cents
Address of Board of Canvassers	Postage
for the city or town in which	
the elector registered	
<b>ADDRESS CORRECTION REQUESTED</b>	
<b>RETURN POSTAGE GUARANTEED</b>	
<b>DO NOT FORWARD</b>	

Voter's Name  
Voter's Address

Reverse Side

Dear Registered Voter:

This card has been mailed to you for the purpose of verifying your residence address for voting purposes.

Your registration to vote will be cancelled if you do not vote at least once within five calendar years.

Your receipt of this card constitutes verification of your residence address for voting purposes and no further action on your part is required at this time.

If this card is addressed to a person who does not live at this address, please ask your mail carrier to return it to the sender.

Thank you for your assistance.

Rhode Island Board of Elections  
Joseph R. DiStefano, Chairman

(c) Such postal cards as are returned as undeliverable to the board of canvassers shall then be reviewed to verify that the address was correctly printed on the card. All cards returned as undeliverable shall be attached to the registration card and maintained as a record of the board.

(d) The board of canvassers shall not permit any voter whose card has been returned by the postal authorities as undeliverable to vote until it receives satisfactory proof of residency. This provision shall apply to all registrations or changes of residence filed with a board of canvassers after July 1, 1985.

**History of Section.**

P.L. 1983, ch. 172, § 3; P.L. 1985, ch. 490,  
§ 1; P.L. 1989, ch. 249, § 1.

**17-1-3.4. Procedure on challenge of registration.** — (A) At any time up to twenty (20) days prior to an election, any elector may challenge the registration of any registered voter by submitting to the local board an affidavit prescribed by the state board of elections in accordance with rules and regulations promulgated by the board stating the voter is not eligible to vote and setting forth evidence which would create a reasonable cause to suspect that the challenged voter is not in fact eligible. The local board, upon receipt of the affidavit and upon finding that the affidavit establishes reasonable cause, shall cause to be mailed by certified mail a notification of the challenge to the challenged voter, at his or her registered address. The return of the notice, or acknowledgment of its receipt, may be admitted as evidence at the hearing. The challenged voter shall appear before the local board at a time and place to be determined by the local board. The objector shall also be notified of the hearing. If the board finds that the affidavit does set forth reasonable cause to suspect that the challenged voter is not eligible, the voter, upon taking the following oath or affirmation, shall answer pertinent questions as hereinafter provided, and any other questions necessary to establish his or her eligibility.

(B) The oath or affirmation shall be as follows:

"You do voluntarily swear (or affirm) that you will fully and truly answer all questions put to you regarding your place of residence and eligibility as an elector."

(C) There shall then be asked of him or her by the local board those of the following questions which are appropriate to test his or her eligibility:

(1) If challenged as ineligible on the ground that he or she is not a citizen: Where were you born? If you were not born in the United States, when and where were you naturalized as a United States citizen?

(2) If challenged as ineligible on the ground that he or she has not resided in this state for thirty (30) days immediately preceding the election:

(a) How long have you resided in this state immediately preceding your registration?

(b) Have you been absent from this state within the thirty (30) days immediately preceding this election? If yes, then:

(c) When you left, did you leave for a temporary purpose, with the intent of returning, or for the purpose of remaining away?

(d) What state or territory did you regard as your residence while absent?

(e) Did you, while absent, vote in any other state or territory?

(3) If challenged as ineligible on the ground that he or she is not a resident of the district where seeking to vote:

(a) When did you last come into this district?

(b) Did you come for a temporary purpose only, or for the purpose of making it your residence?

(c) Did you come into this district solely for the purpose of voting here?

(d) Have you now and have you had for the last thirty (30) days a voting residence in this district? If so, what is the particular description, name, and location of your residence?

(e) If the answer to subdivision (d) is no, then: Have you moved from the district after registering?

(f) Have you registered to vote at any other place within or outside this state?

(g) Have you applied for an absentee ballot at any place in this or any other state?

(h) What is the address furnished to the registry of motor vehicles for your operator's license?

(i) What is the address from which your motor vehicle is registered?

(j) What is the address from which you filed your last federal income tax return?

(k) What is the address from which you filed your last state income tax return?

(l) What is the address furnished to the companies from which you have obtained retail credit cards?

(m) What is the address furnished to the financial institutions where you maintain accounts?

(n) What is the address furnished to the tax collector and/or assessor in those communities where you own taxable real or personal property for the purpose of notification to you?

(o) What is the address furnished to the insurance companies with which you maintain policies?

- (p) What is the address furnished to your employer?
- (q) What is the address furnished by you to any business, professional, union, or fraternal organizations of which you are a member?
- (r) What is the address furnished to governmental agencies with which you have contact?
- (4) If challenged as ineligible on the ground that the registrant is under eighteen (18) years of age: What is your date of birth?
- (5) If challenged as ineligible on the ground the registrant has been finally convicted of a felony and has not been subsequently restored to civil rights:
  - (a) Have you ever been tried or convicted in this state or any other state of any crime? If yes, then:
  - (b) Of what crime, when, and in what court were you so convicted?
  - (c) Have you in any manner since the conviction been restored to civil rights, and if yes, how?
- (6) The local board shall ask the challenged person any other or further questions to test his or her eligibility as an elector which the board deems relevant.
- (D) If the local board determines that the voter is not eligible to vote, it shall remove the name of the voter from the registration list.

**History of Section.**

P.L. 1983, ch. 172, § 3; P.L. 1989, ch. 438,  
§ 1.

**17-1-3.5. Penalty for unsubstantiated challenge.** — Every person who shall wilfully and maliciously challenge the registration of a voter without reasonable cause to suspect that that voter is not qualified shall be guilty of a misdemeanor and shall, in addition thereto, be liable to the challenged voter for compensatory and punitive damages as well as for his or her counsel fees. The mere fact that a challenge was not sustained by the board shall not give rise to any civil or criminal liability of the objector.

**History of Section.**

P.L. 1983, ch. 172, § 3.

**17-1-4. Appeal of ruling by board of canvassers.** — Notwithstanding any provision of the general laws to the contrary, all appeals from decisions rendered by the boards of canvassers of the various cities and towns regarding the eligibility of a person to vote shall be to the state board of elections.

**History of Section.**

P.L. 1983, ch. 172, § 3.

**17-1-5. Effect of special statutes.** — The provisions of any chapter or section under this title are subject to the provisions of any special statutes respecting any particular town or city, none of which are repealed hereby; provided, however, that insofar as any special statute passed prior to April 22, 1935, conflicts with the provisions of chapter 19 of this title, the provisions of chapter 19 shall prevail; provided further, that insofar as any special statute conflicts with the provisions of § 17-19-7.1 of this title, the provisions of § 17-19-7.1 shall prevail.

**History of Section.** § 17-25-1; G.L., § 17-1-5, as enacted by P.L. G.L. 1938, ch. 328, § 1; G.L. 1956, 1958, ch. 18, § 1; P.L. 1978, ch. 252, § 3.

**17-1-5.1. Municipal and state employees holding elective public office.** — (a) A municipal employee may hold a state elective office or a municipal elective office provided that no municipal employee may hold a municipal elective office in the city or town in which he or she is employed, and a state employee may hold any municipal elective office. Any provision in any state law, municipal ordinance, or city or town charter prohibiting a municipal employee from holding state elective office or municipal elective office other than in the town where he or she is employed and a state employee from holding a municipal elective office is hereby declared null and void.

(b) The provisions of this section shall not apply to school teachers of the individual cities and towns as defined in title 16, as amended.

**History of Section.**  
P.L. 1978, ch. 378, § 1.

**17-1-6. Scope of title.** — This title shall apply to all elections, except as may otherwise be provided by law.

**History of Section.**  
G.L. 1956, § 17-1-6; P.L. 1958, ch. 18, § 1.

**17-1-7. Uniform deadlines.** — Notwithstanding any other time specified for the filing of any paper or the doing of any act pursuant to this title, a uniform deadline of 4:00 p.m. is hereby established; provided, however, that applications for emergency mail ballots must be received by 12:00 noon on the day prior to an election or primary. If any filing deadline falls on a Saturday, Sunday, or holiday, the deadline shall be construed to fall on the next business day subsequent thereto; provided, however, that this does not apply to registration to vote thirty (30) days prior to an election or primary.

**History of Section.**  
P.L. 1978, ch. 202, § 1.



**17-1-7.1. Filings to be originals.** — Filings made under this title at the secretary of state's office shall be considered valid only if they bear original signatures and shall not include any telegram, cablegram, telephone call, electronically transmitted documents or similar communications.

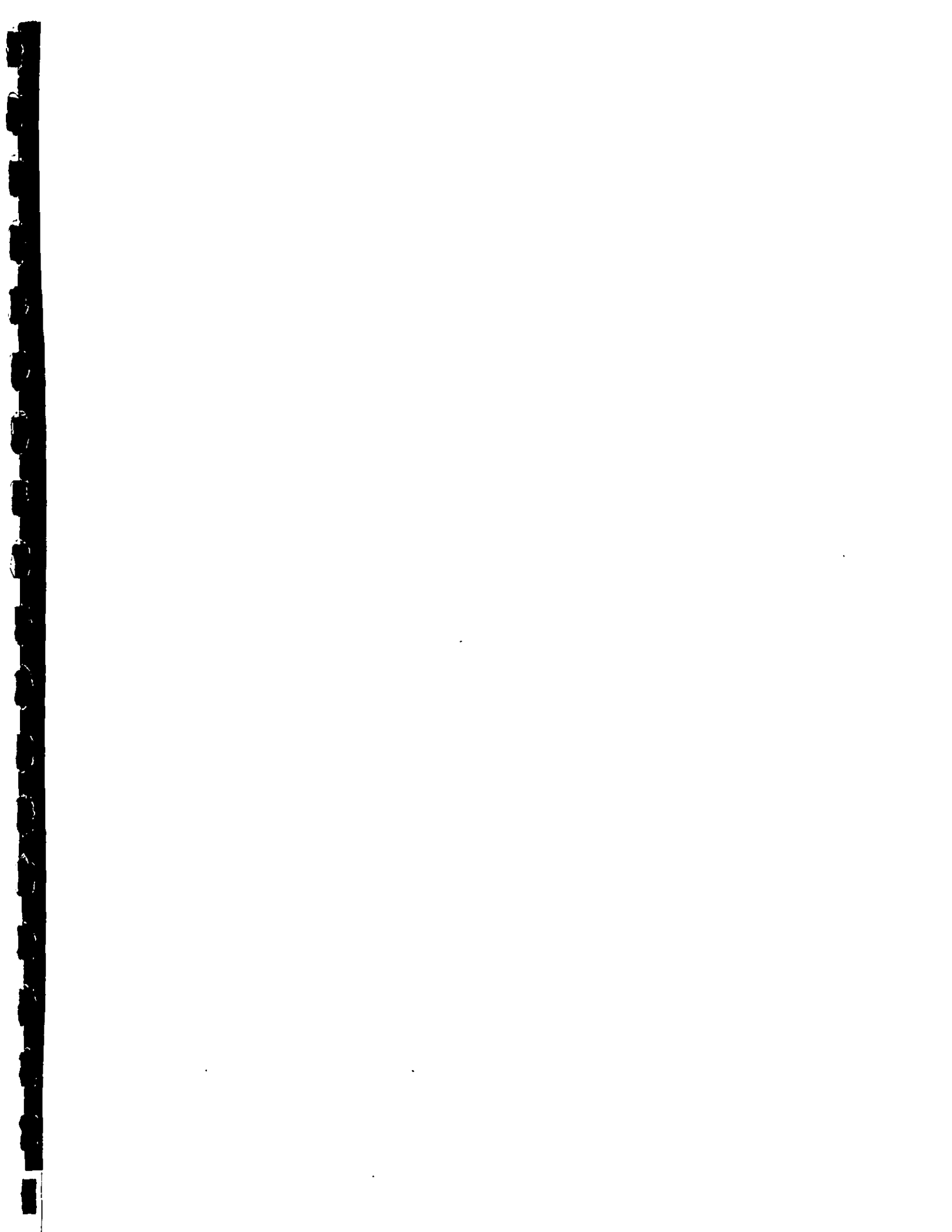
**History of Section.**

P.L. 1990, ch. 98, § 2.

**17-1-8. Severability.** — If any of the provisions of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of the chapter are declared to be severable.

**History of Section.**

P.L. 1983, ch. 172, § 3.



## CHAPTER 2

### GENERAL STATE OFFICERS

SECTION.	SECTION.
17-2-1. General officers enumerated — Election and terms.	17-2-4. Filling vacancies in offices of governor and lieutenant-governor.
17-2-2. Death or incapacity of governor elect.	17-2-5. Vacancies in other general offices.
17-2-3. Elections by general assembly on failure to elect or incapacity of person elected.	17-2-6. Majority required in general assembly — Term of officer elected to fill vacancy.

**17-2-1. General officers enumerated — Election and terms.** — The governor, lieutenant-governor, secretary of state, attorney-general, and general treasurer shall be known as general officers. They shall be elected at a general election, biennially, in accordance with the provisions of this title, and shall hold their respective offices for two (2) years beginning on the first Tuesday of January next succeeding their election and until the election and qualification of their respective successors.

**History of Section.** § 1; G.L. 1938, ch. 320, § 1; G.L. 1956, P.L. 1901, ch. 826, § 1; G.L. 1909, ch. 14, § 17-1-1; G.L. 1956, § 17-2-1; P.L. 1958, ch. § 1; P.L. 1912, ch. 817, § 1; G.L. 1923, ch. 13, 18, § 1.

**17-2-2. Death or incapacity of governor elect.** — When the governor elect shall die, remove from the state, refuse to serve, become insane, or be otherwise incapacitated, the lieutenant-governor elect shall be qualified as governor at the beginning of the term for which he or she was elected.

**History of Section.** § 3; G.L. 1956, § 17-1-3; G.L. 1956, § 17-2-2; P.L. 1901, ch. 826, § 4; G.L. 1909, ch. 14, P.L. 1958, ch. 18, § 1. § 4; G.L. 1923, ch. 13, § 4; G.L. 1938, ch. 320,

**17-2-3. Elections by general assembly on failure to elect or incapacity of person elected.** — When both the governor and lieutenant-governor elect, or one among the lieutenant-governor, secretary of state, attorney-general, or general treasurer elect, are incapacitated, or when there has been a failure to elect one or more of the officers mentioned in this section, the general assembly shall, upon its organization, meet in grand committee and elect some person or persons to fill the office or offices, as the case may be, for which the incapacity exists or as to which the failure to elect occurred. When the general assembly shall elect any of the officers because of the failure of any person to receive a plurality of the votes cast, the election in each case shall be made from the persons who received the same and largest number of votes.

**History of Section.** § 3; G.L. 1956, § 17-1-4; G.L. 1956, § 17-2-3;  
P.L. 1901, ch. 826, § 4; G.L. 1909, ch. 14, P.L. 1958, ch. 18, § 1.  
§ 4; G.L. 1923, ch. 13, § 4; G.L. 1938, ch. 320,

**17-2-4. Filling vacancies in offices of governor and lieutenant-governor.** — If the offices of governor and lieutenant-governor be both vacant, by reason of death or otherwise, they shall be filled by the general assembly in grand committee, and the acting governor shall, if the general assembly is not then in session, call a special session thereof, for that purpose, within twenty (20) days after both of the offices become vacant, if a stated session is not sooner to occur.

**History of Section.** § 4; G.L. 1956, § 17-1-5; G.L. 1956, § 17-2-4;  
P.L. 1901, ch. 826, § 5; G.L. 1909, ch. 14, P.L. 1958, ch. 18, § 1.  
§ 5; G.L. 1923, ch. 13, § 5; G.L. 1938, ch. 320,

**17-2-5. Vacancies in other general offices.** — In case of a vacancy in the office of secretary of state, attorney-general, or general treasurer, from any cause, the general assembly in grand committee shall elect some person to fill the office; provided, that if the vacancy occurs when the general assembly is not in session the governor shall appoint some person to fill the vacancy until a successor elected by the general assembly is qualified to act.

**History of Section.** § 5; G.L. 1956, § 17-1-6; G.L. 1956, § 17-2-5;  
P.L. 1901, ch. 826, § 6; G.L. 1909, ch. 14, P.L. 1958, ch. 18, § 1.  
§ 6; G.L. 1923, ch. 13, § 6; G.L. 1938, ch. 320,

**17-2-6. Majority required in general assembly — Term of officer elected to fill vacancy.** — In elections by the general assembly in grand committee the person receiving a majority of the votes shall be elected. Every person elected by the general assembly to fill a vacancy, pursuant to the provision of this chapter, shall hold his office for the remainder of the term or for the full term, as the case may be, and until his successor is elected and qualified.

**History of Section.** § 6; G.L. 1956, § 17-1-7; G.L. 1956, § 17-2-6;  
P.L. 1901, ch. 826, § 7; G.L. 1909, ch. 14, P.L. 1958, ch. 18, § 1.  
§ 7; G.L. 1923, ch. 13, § 7; G.L. 1938, ch. 320,

## CHAPTER 3

### GENERAL ASSEMBLY MEMBERS

SECTION.	SECTION.
17-3-1. Time of election — Term of office.	senator or representative elect.
17-3-2. Adjournment of election meetings.	
17-3-3. Adjourned elections on failure to elect.	17-3-6. Vacancy in general assembly — Special elections.
17-3-4. Candidates and ballot labels at adjourned elections.	17-3-7. Nominations at special elections.
17-3-5. Death, refusal, or incapacity of	17-3-8. Failure to issue warrant for election.

**17-3-1. Time of election — Term of office.** — Senators and representatives in the general assembly shall be elected biennially, at general elections, in each senatorial and representative district in accordance with the provisions of this title; and shall hold their respective offices for two (2) years beginning on the first Tuesday of January, next succeeding their election, and until the election and qualification of their respective successors.

**History of Section.** 321, § 1; G.L. 1956, § 17-2-1; G.L. 1956, P.L. 1905, ch. 1230, § 1; G.L. 1909, ch. 15, § 17-3-1; P.L. 1958, ch. 18, § 1; P.L. 1966, ch. § 1; P.L. 1910, ch. 640, § 29; P.L. 1912, ch. 116, § 3.  
819, § 1; G.L. 1923, ch. 14, § 1; G.L. 1938, ch.

**17-3-2. Adjournment of election meetings.** — All senatorial district, representative district, and voting district meetings held in any district for the election of senators and representatives in the general assembly, or of any one or more of them, shall, at the time of closing the polls therein prescribed by law, stand adjourned until the date named in the warrant provided in § 17-3-3 to be issued in case of no election, or until the state board shall have notified the secretary of state that an election of senator and representative in the general assembly from the district has been made.

**History of Section.** P.L. 1941, ch. 1040, § 1; G.L. 1956, § 17-2-2; P.L. 1905, ch. 1230, § 2; G.L. 1909, ch. 15, G.L. 1956, § 17-3-2; P.L. 1958, ch. 18, § 1; § 2; P.L. 1910, ch. 640, § 30; G.L. 1923, ch. P.L. 1966, ch. 116, § 3.  
14, § 2; G.L. 1938, ch. 321, § 2; impl. am.

**17-3-3. Adjourned elections on failure to elect.** — If it shall appear by the count of the state board that no election has been made of any one or more of the senators or representatives in the general assembly, at any election held for those officers, the board shall, immediately after the count, notify the secretary of state of the failure to elect, who shall, immediately after the notification, direct the local boards in the senatorial or representative districts to issue their warrants to the moderators of the district, districts, or voting districts therein, as the case may be, directing the election to proceed, on the tenth day from the date of the warrant, unless the day be a legal holiday, in which case he shall direct the election to pro-

ceed on the next day after the tenth day not a legal holiday, for the officer or officers for which there was no choice, which warrant shall be served on the day of its issue by the several city or town sergeants or constables; provided there shall be no election held on Saturday, and if the tenth day shall fall on Saturday, the election shall proceed on the Monday next following, unless that Monday be a legal or religious holiday, in which case the election shall proceed on the next following day which is not a legal or religious holiday.

**History of Section.**

P.L. 1905, ch. 1230, § 4; G.L. 1909, ch. 15, § 4; P.L. 1910, ch. 640, § 31; G.L. 1923, ch. 14, § 4; G.L. 1938, ch. 321, § 3; impl. am.

P.L. 1941, ch. 1040, § 1; G.L. 1956, § 17-2-3;

G.L. 1956, § 17-3-3; P.L. 1958, ch. 18, § 1;

P.L. 1966, ch. 116, § 3.

**17-3-4. Candidates and ballot labels at adjourned elections.**

— At the adjourned elections provided for in § 17-3-3, the official ballot label shall contain the names of the candidates for the offices for which there was no choice at the first election, and shall be printed and supplied by the secretary of state; provided, that in case any candidate has died, the senatorial district or representative district committee, as the case may be, of the party to which the candidate belonged may substitute the name of some other person as a candidate and that name shall be printed upon the official ballot label, if the substitution is made in time to allow it to be so printed.

**History of Section.**

P.L. 1905, ch. 1230, § 7; G.L. 1909, ch. 15, § 7; G.L. 1923, ch. 14, § 7; G.L. 1938, ch. 321,

§ 6; G.L. 1956, § 17-2-4; G.L. 1956, § 17-3-4;

P.L. 1958, ch. 18, § 1; P.L. 1966, ch. 116, § 3.

**17-3-5. Death, refusal, or incapacity of senator or representative elect.** — Whenever any person elected a senator or representative in the general assembly shall at any time between the day of his election and the beginning of his term of office refuse to serve, and so declare to the secretary of state, or die, become insane, remove from the state, or be otherwise incapacitated, the secretary of state shall forthwith cause to be issued a warrant ordering a new election of senator or representative, as the case may be, to be held in that district at least seventy (70) but not more than ninety (90) days from the occurrence of the refusal or incapacity. Every person elected pursuant to the provisions of this section shall hold his or her office for the full term or for the remainder of the term, as the case may be, of the office which that person is elected to fill, and until that person's successor is elected and qualified.

**History of Section.**

P.L. 1905, ch. 1230, § 5; G.L. 1909, ch. 15, § 5; G.L. 1923, ch. 14, § 5; G.L. 1938, ch. 321, § 4; P.L. 1954, ch. 3313, § 1; G.L. 1956,

§ 17-2-5; G.L. 1956, § 17-3-5; P.L. 1958, ch.

18, § 1; P.L. 1966, ch. 116, § 3; P.L. 1991, ch.

194, § 1; P.L. 1991, ch. 277, § 1.

**17-3-6. Vacancy in general assembly — Special elections. —** Whenever from any cause a vacancy shall occur in the representation of any senatorial or representative district in the general assembly while the general assembly is in session, the secretary of state shall cause the local board or boards of the city or town or cities or towns, as the case may be, to issue a warrant ordering an election to fill the vacancy, to be held in that district at least seventy (70) but not more than ninety (90) days from the occurrence thereof; provided, however, that if the general assembly has so nearly completed its January session that it is doubtful whether the person to be chosen can serve as a member at that session, the election shall not be ordered within that time limit, but may be held at any later date within that calendar year, if that year is the first year of the biennial period for which a general assembly has been chosen. If the vacancy occurs after the first Monday in February in the second year of the biennial period for which a general assembly was chosen, no warrant shall be issued for a special election to fill the vacancy. If the vacancy shall occur or exist at any other time when the general assembly is not in session, the secretary of state shall cause to be issued a warrant for an election to be held to fill the vacancy. Every person elected pursuant to the provisions of this section shall hold his or her office for the remainder of the term which that person is elected to fill and until his or her successor is elected and qualified.

**History of Section.**

P.L. 1905, ch. 1230, § 6; G.L. 1909, ch. 15, § 6; P.L. 1921, ch. 2092, § 1; G.L. 1923, ch. 14, § 6; P.L. 1930, ch. 1530, § 1; G.L. 1938, ch. 321, § 5; P.L. 1954, ch. 3313, § 1; G.L. 1956, § 17-2-6; G.L. 1956, § 17-3-6; P.L. 1958, ch. 18, § 1; P.L. 1966, ch. 116, § 3; P.L. 1991, ch. 194, § 1; 1991, ch. 277, § 1.

**17-3-7. Nominations at special elections. —** For the elections provided for in §§ 17-3-5 and 17-3-6, certificates of nomination and nomination papers may be filed twenty-eight (28) days prior to the date of those primary elections.

**History of Section.**

P.L. 1905, ch. 1230, § 7; G.L. 1909, ch. 15, § 7; G.L. 1923, ch. 14, § 7; G.L. 1938, ch. 321, § 6; G.L. 1956, § 17-2-7; G.L. 1956, § 17-3-7; P.L. 1958, ch. 18, § 1; P.L. 1991, ch. 194, § 1; P.L. 1991, ch. 277, § 1.

**17-3-8. Failure to issue warrant for election. —** Every member of a local board who shall neglect to seasonably issue his warrant as provided in this chapter shall be guilty of a petty misdemeanor.

**History of Section.**

P.L. 1905, ch. 1230, § 8; G.L. 1909, ch. 15, § 8; G.L. 1923, ch. 14, § 8; G.L. 1938, ch. 321, § 7; impl. am. P.L. 1954, ch. 3313, § 1; G.L. 1956, § 17-2-8; G.L. 1956, § 17-3-8; P.L. 1958, ch. 18, § 1; P.L. 1966, ch. 116, § 3; P.L. 1978, ch. 201, § 2.





## CHAPTER 4

### FEDERAL ELECTIVE OFFICERS

SECTION.		SECTION.	
17-4-1.	Congressional districts.	17-4-8.	Special election to fill vacancy in office of representative.
17-4-2.	Territory in first congressional district.	17-4-9.	Special election to fill senatorial vacancy — Temporary appointment.
17-4-3.	Territory in second congressional district.	17-4-10.	Presidential electors — Time and manner of voting — Election by plurality.
17-4-4.	Time of election of representatives in congress.	17-4-11.	Meeting of electors — Vacancies.
17-4-5.	Time of election of senators.	17-4-12.	Attendance of governor and secretary of state — Certificates required by federal law.
17-4-6.	Manner of voting — Election by plurality.		
17-4-7.	New election in absence of plurality.		

**17-4-1. Congressional districts.** — The state shall be divided into two (2) districts for the election of representatives in the congress of the United States, to be called respectively the first congressional district and the second congressional district, and the electors residing in each of the districts who are qualified to vote for general officers shall be entitled, at the times and places and in the manner hereinafter and by law provided, to elect a representative in the congress of the United States for the district in which they reside.

**History of Section.**

P.L. 1901, ch. 838, § 1; G.L. 1909, ch. 16, § 1; P.L. 1912, ch. 775, § 1; G.L. 1923, ch. 15, § 1; impl. am. P.L. 1932, ch. 1859, § 1; G.L. 1938, ch. 322, § 1; G.L. 1956, § 17-3-1; G.L. 1956, § 17-4-1; P.L. 1958, ch. 18, § 1.

**17-4-2. Territory in first congressional district.** — The first district shall consist and be composed of the territory embraced within the towns of Middletown, Portsmouth, Tiverton, Little Compton, Jamestown, Barrington, Warren, Bristol, Cumberland, Smithfield, North Smithfield, North Providence, and Lincoln, and the cities of Newport, East Providence, Pawtucket, Central Falls, Woonsocket, and that territory in the city of Providence embraced within a line beginning at the point where the center line of Smith Street crosses the Providence-North Providence boundary line, thence southeasterly on Smith Street to the Moshassuck River, thence southerly through the Moshassuck River to a point on Memorial Square where the world war memorial monument now stands, thence southeasterly through the Providence River to the Seekonk River, thence easterly and northerly through the Seekonk River along the Providence-East Providence boundary line in the Seekonk River to the Providence-Pawtucket boundary line, thence westerly, northwesterly, and southwesterly along the Providence-Pawtucket boundary line and the Providence-North Providence boundary line to the point and place of beginning.

**History of Section.** § 17-3-2; G.L. 1956, § 17-4-2; P.L. 1958, ch. P.L. 1901, ch. 838, § 2; G.L. 1909, ch. 16. 18, § 1; P.L. 1963, ch. 84, § 2; P.L. 1966, ch. § 2; P.L. 1912, ch. 775, § 2; G.L. 1923, ch. 15, 116, § 4; 1972, ch. 3, § 1; P.L. 1982, ch. 20. § 2; P.L. 1930, ch. 1527, § 1; P.L. 1932, ch. § 6. 1859, § 1; G.L. 1938, ch. 322, § 2; G.L. 1956,

**17-4-3. Territory in second congressional district.** — The second congressional district shall consist and be composed of all of the territory within the state not embraced within the first congressional district.

**History of Section.** 1859, § 1; G.L. 1938, ch. 322, § 2; G.L. 1956, P.L. 1901, ch. 838, § 2; G.L. 1909, ch. 16, § 17-3-3; G.L. 1956, § 17-4-3; P.L. 1958, ch. § 2; P.L. 1912, ch. 775, § 2; G.L. 1923, ch. 15, 18, § 1; P.L. 1963, ch. 84, § 2; P.L. 1966, ch. § 2; P.L. 1930, ch. 1527, § 1; P.L. 1932, ch. 116, § 4.

**17-4-4. Time of election of representatives in congress.** — The election of representatives in congress shall be held on the Tuesday next after the first Monday in November in each even-numbered year.

**History of Section.** 15, § 3; G.L. 1938, ch. 322, § 3; G.L. 1956, P.L. 1901, ch. 838, § 3; G.L. 1909, ch. 16, § 17-3-4; G.L. 1956, § 17-4-4; P.L. 1958, ch. § 3; P.L. 1914, ch. 1048, § 2; G.L. 1923, ch. 18, § 1.

**17-4-5. Time of election of senators.** — The election of a senator in congress shall be held on the Tuesday next after the first Monday in November, in the year 1958, and on the Tuesday next after the first Monday in November in every sixth year thereafter, and on the Tuesday next after the first Monday in November in the year 1960, and on the Tuesday next after the first Monday in November in every sixth year thereafter.

**History of Section.** § 3; G.L. 1956, § 17-3-5; G.L. 1956, § 17-4-5; G.L. 1909, ch. 16, § 3; P.L. 1914, ch. 1048, P.L. 1958, ch. 18, § 1. § 2; G.L. 1923, ch. 15, § 3; G.L. 1938, ch. 322,

**17-4-6. Manner of voting — Election by plurality.** — In all elections of senators and representatives in congress the voting shall be in accordance with the provisions of chapter 19 of this title, and the person or candidate receiving the largest number of votes shall be declared elected.

**History of Section.** 15, § 4; G.L. 1938, ch. 322, § 4; G.L. 1956, P.L. 1901, ch. 838, § 4; G.L. 1909, ch. 16, § 17-3-6; G.L. 1956, § 17-4-6; P.L. 1958, ch. § 4; P.L. 1914, ch. 1048, § 3; G.L. 1923, ch. 18, § 1.

**17-4-7. New election in absence of plurality.** — In case no person shall receive a plurality of the votes cast in the state or in either congressional district at any election, a new election shall be held in the state or in the district on the fourth Tuesday after the holding of the election at which there was no choice. For the election,

any new certificates of nomination or nomination papers shall be filed ten (10) days previous to the date of the election.

**History of Section.** 15, § 7; G.L. 1938, ch. 322, § 6; G.L. 1956, P.L. 1901, ch. 838, § 7; G.L. 1909, ch. 16, § 17-3-8; G.L. 1956, § 17-4-7; P.L. 1958, ch. § 7; P.L. 1914, ch. 1048, § 5; G.L. 1923, ch. 18, § 1.

**17-4-8. Special election to fill vacancy in office of representative.** — Whenever any person elected a representative in congress from either district shall at any time between the day of his or her election and the beginning of his or her term of office refuse to serve and so declare to the secretary of state or die, become insane, remove from the state, or be otherwise incapacitated, or whenever a vacancy shall happen in the representation of this state in congress as contemplated in the second section of the first article of the Constitution of the United States, the governor shall forthwith issue his or her writ of election directed to the several city and town clerks, or local boards as the case may be, ordering a new election of the representative in congress to be held in that district to fill the vacancy, at as early a date, to be stated in the writ, as will admit of compliance with the provisions of law in relation to these elections, but no election provided for by this section shall be held on Saturday; provided, however, that whenever a vacancy occurs between the first day of April and the first day of October in any even-numbered year, the governor shall, unless in his or her opinion the public good requires an earlier special election, issue his or her writ for a special election to fill the vacancy to be held with the general election on the Tuesday next after the first Monday in November of that year.

**History of Section.** (s.s.), ch. 2455, § 1; G.L. 1938, ch. 322, § 7; P.L. 1901, ch. 838, § 8; G.L. 1909, ch. 16, G.L. 1956, § 17-3-9; G.L. 1956, § 17-4-8; P.L. § 8; P.L. 1914, ch. 1048, § 6; G.L. 1923, ch. 1958, ch. 18, § 1.  
15, § 8; P.L. 1930, ch. 1529, § 1; P.L. 1936

**17-4-9. Special election to fill senatorial vacancy — Temporary appointment.** — Whenever a person elected a senator in congress shall at any time between the day of that person's election and the beginning of his or her term of office refuse to serve and so declare to the secretary of state, or die, become insane, remove from the state, or be otherwise incapacitated, or whenever a vacancy shall happen in the representation of this state in the United States senate, the governor shall issue his or her writ of election directed to the several city and town clerks, or local boards as the case may be, ordering a new election of senator to fill the vacancy to be held in the state at the next general election after the expiration of seventy (70) days from the date of the occurrence of the vacancy; provided, however, that pending the election the governor shall appoint some person to fill the vacancy and the person so appointed shall serve until the election and qualification of the person duly elected to fill the vacancy.

**History of Section.**

G.L., ch. 16, § 8, as enacted by P.L. 1914, ch. 1048, § 6; G.L. 1923, ch. 15, § 8; P.L. 1930, ch. 1529, § 1; G.L. 1936, ch. 15, § 9; P.L. 1936 (s. s.), ch. 2455, § 2; G.L. 1938, ch. 322, § 8; G.L. 1956, § 17-3-10; G.L. 1956, § 17-4-9; P.L. 1958, ch. 18, § 1.

**17-4-10. Presidential electors — Time and manner of voting — Election by plurality.** — The people of this state, qualified by law to vote for general offices, shall elect so many electors of president and vice-president of the United States as the state is or shall be entitled to, at town, ward, and district meetings, on the Tuesday next after the first Monday in November, in every fourth year, commencing in 1960, in accordance with the provisions of chapter 19 of this title, and the several candidates having a plurality of the legal votes given in at the election shall be elected.

**History of Section.**

16, § 1; G.L. 1938, ch. 323, § 1; G.L. 1956, P.L. 1901, ch. 827, § 1; G.L. 1909, ch. 17, § 17-4-1; G.L. 1956, § 17-4-10; P.L. 1958, ch. 1; P.L. 1917, ch. 1507, § 1; G.L. 1923, ch. 18, § 1.

**17-4-11. Meeting of electors — Vacancies.** — Presidential electors elected pursuant to this chapter shall meet in the state house in the city of Providence on the first Monday after the second Wednesday in December after their election, at the hour of 12 o'clock noon of that day, and if there shall be any vacancy in the office of electors, occasioned by death, refusal to act, neglect to attend, or other cause, the electors present shall immediately proceed to fill, by roll call and by a plurality of votes, the vacancy in the electoral college; and when the electors shall appear, or the vacancy shall be filled as above provided, they shall proceed to perform the duties required of electors by the Constitution and laws of the United States.

**History of Section.**

(s.s.), ch. 2439, § 2; G.L. 1938, ch. 323, § 3; P.L. 1901, ch. 827, § 6; G.L. 1909, ch. 17, § 6; G.L. 1923, ch. 16, § 6; P.L. 1929, ch. 1407, § 1; G.L. 1936, ch. 16, § 5; P.L. 1936 G.L. 1956, § 17-4-3; G.L. 1956, § 17-4-11; P.L. 1958, ch. 18, § 1.

**17-4-12. Attendance of governor and secretary of state — Certificates required by federal law.** — It shall be the duty of the governor and the secretary of state to be present at the state house in Providence, on the day of the meeting of the electors, to make and furnish to the electors any certificates required by the laws of the United States to be forwarded to the seat of government with the votes of the electors which are made necessary by any election made pursuant to the provisions of § 17-4-11.

**History of Section.**

by P.L. 1936 (s. s.), ch. 2439, § 4; G.L. 1938, ch. 323, § 4; G.L. 1956, § 17-4-4; G.L. 1956, § 8; G.L. 1923, ch. 16, § 8; redesignated § 6 § 17-4-12; P.L. 1958, ch. 18, § 1.

CHAPTER 4.1  
SPECIAL PRESIDENTIAL VOTERS

## SECTION.

17-4.1-1 — 17-4.1-6. [Repealed.]

**17-4.1-1 — 17-4.1-6. [Repealed.]**

**Repealed Sections.** This chapter (P.L. 1982 by P.L. 1982, ch. 334, § 1. For present provisions concerning mail ballots, see § 17-20-1 et seq.



## CHAPTER 5

### STATEWIDE REFERENDA ELECTIONS

SECTION. 17-5-1. Referenda elections — Constitutional and public questions.	SECTION. 17-5-4. Manner of voting.
17-5-1.1. Special referenda elections.	17-5-5. Language contained on computer ballots.
17-5-2. Questions ordered by governor.	17-5-6. Count of votes — Declaration of results.
17-5-3. Publication of questions to be submitted to voters.	

**17-5-1. Referenda elections — Constitutional and public questions.** — Any proposition of amendment of the Constitution or any public question of statewide impact submitted to the electors of this state at a general election pursuant to § 17-1-2(b) held subsequent to 1991 shall be held in conformity with this chapter.

**History of Section.** 518, § 1; P.L. 1987, ch. 85, § 1; P.L. 1990, ch. P.L. 1978, ch. 245, § 2; P.L. 1980, ch. 381, § 1; P.L. 1982, ch. 156, § 1; P.L. 1985, ch. 38, § 1.

**17-5-1.1. Special referenda elections.** — Any proposition of amendment of the Constitution or any other public question submitted to the electors of the state at the general elections held in November 1982 and 1984 or at any election not a general election pursuant to § 17-1-2(b) shall be voted upon at town, ward, and district meetings, in accordance with the following procedure:

(a) When an act of the general assembly is passed authorizing the submission of a question to all of the electors of the state, the secretary of state is authorized to rephrase the question to appear on the ballot in such manner as would clearly apprise the voters of the question to be voted upon and to cause the ballot to contain a concise caption thereof, and the full text of the question as adopted by the general assembly need not appear on the ballot except for proposed amendments to the Constitution of the state of Rhode Island. The secretary of state shall cause each question appearing on the ballot prepared by him or her to be designated by number, the first such question to be designated by the numeral I and additional questions shall follow numbered so that all questions so submitted to all the electors of the state and appearing upon the ballot shall be numbered consecutively; provided however, that local questions shall be printed on a distinctive colored background.

(b) Prior to the election at which public questions are to be submitted, the secretary of state shall cause to be printed and shall send one copy of the full text of each legislative act to be acted upon and applicable to the state at large, or the secretary of state may substitute a description of the text of each act in lieu of the full text, to each residential unit in Rhode Island together with the following information:

(1) The designated number of the question appearing on the ballot;

(2) A brief caption of the question appearing on the ballot; and  
(3) A brief explanation of the measure being the subject matter of the question.

(c) Voting on a proposition of amendment of the Constitution or of a public question of statewide impact shall be by means of voting machines.

**History of Section.** § 1; P.L. 1983 (s.s.), ch. 336, § 1; P.L. 1984, P.L. 1980, ch. 381, § 2; P.L. 1982, ch. 156, ch. 163, § 1.

**17-5-2. Questions ordered by governor.** — The governor shall have the power to order the secretary of state to submit such question or questions as he shall deem necessary to the electors at any election.

**History of Section.**  
P.L. 1978, ch. 245, § 2.

**17-5-3. Publication of questions to be submitted to voters.** — (a) Prior to each general election at which public questions are to be submitted, the secretary of state shall cause to be printed and shall send one copy of the full text of each legislative act to be acted upon and applicable to the state at large, or the secretary of state may substitute a description of the text of each act in lieu of the full text, to each residential unit in Rhode Island together with the following information:

- (1) The designated number of the question;
- (2) A brief caption of the question;
- (3) A brief explanation of the measure being the subject matter of the question; and
- (4) A notice that voter fraud is a felony and the penalty for voter fraud. This notice shall be in conspicuous lettering and shall contain the following language: "You must be registered to vote from your actual place of residence."

(b) Attached to each document referred to in subsection (a) of this section will be a computer card designed to constitute a ballot for the casting of an affirmative or a negative vote for each public question to be submitted to the general election. The secretary of state shall promulgate such rules and regulations as the secretary deems necessary concerning the design of the computer ballot and the information required to be contained thereon.

**History of Section.**  
P.L. 1978, ch. 245, § 2; P.L. 1984, ch. 163,  
§ 1; P.L. 1986, ch. 186, § 1.



**17-5-4. Manner of voting.** — (a) Voting on all public questions submitted at the general election shall be by use of the computer ballot described in § 17-5-3(b). No question shall appear on the ballot contained in the voting machines for the election of state and local officers.

(b) Every voting district shall be provided with an appropriate receptacle for the receipt of the computer ballots. Any elector desiring to cast an affirmative or negative vote on any public question shall mark his or her ballot accordingly and shall deposit the ballot in the receptacle provided.

(c) Extra blank computer ballots for the use of electors shall be provided at the voting districts.

**History of Section.**

P.L. 1978, ch. 245, § 2.

**17-5-5. Language contained on computer ballots.** — Notwithstanding the authority of the secretary of state to determine the design and content of the computer ballots by rules and regulations, all computer ballots shall contain a clear and concise statement of the nature of each question presented without the necessity of repeating the full text of the question as adopted by the general assembly; provided, however, that in the case of proposed amendments to the Constitution of the state of Rhode Island, the full text as adopted by the general assembly shall be reprinted on the computer ballots. The secretary of state shall cause each question appearing on the computer ballot prepared by the secretary to be designated by number, the first question to be designated by the number I and additional questions shall be submitted with numbers in consecutive order.

**History of Section.**

P.L. 1978, ch. 245, § 2.

**17-5-6. Count of votes — Declaration of results.** — The state board shall count and tabulate all votes cast and shall declare the result thereof in the manner provided by law, and this declaration shall be a sufficient notice to all officers, and all other persons interested, of the adoption or the rejection of any amendment of the Constitution or of the manner in which any question submitted to the electors of the state has been decided.

**History of Section.**

P.L. 1978, ch. 245, § 2.



**CHAPTER 6**  
**SECRETARY OF STATE**

SECTION.		SECTION.	
17-6-1.	General powers and duties.	17-6-8.	Exception for local canvassing authorities.
17-6-1.1.	Central voter register.	17-6-9.	Public record.
17-6-2.	Primary elections.	17-6-10.	Availability of registration lists.
17-6-3.	Ballots and ballot labels.	17-6-11.	Lists not deemed official.
17-6-4.	Absentee, shut-in, and war ballots.	17-6-12.	Form of lists.
17-6-5.	Registration lists available to political parties and candidates.	17-6-13.	Electoral process education.
17-6-6.	Oath required as to use of lists.		
17-6-7.	Penalty for violating §§ 17-6-5 and 17-6-6.		

**17-6-1. General powers and duties.** — (a) The secretary of state shall have such functions, powers, and duties relating to elections as may be provided by this title or any other law not inconsistent herewith. The secretary of state shall maintain a central roster of all elected and appointed officers of the state, including for each officer the nature of the officer's tenure and the date of expiration of the officer's term of office. The secretary of state shall maintain a central register of all persons registered to vote in the several cities and towns and shall add, amend, delete, and cancel any names appearing thereon as certified to the secretary by the several local boards and by the state board. The secretary of state shall remove from the central register the name of any person upon being notified by the division of vital statistics of the state department of health of the receipt of a death certificate reporting the death of the person. The secretary of state shall also remove from the central register the name of any person upon being notified by the court administrator that the person is serving a sentence including probation or parole for which that person was imprisoned upon a final conviction of a felony imposed on any date or is serving a sentence, whether incarcerated or suspended, on probation or parole, upon final conviction of a felony committed after November 5, 1986. The secretary of state shall notify the local boards of canvassers of the removal of the names of the deceased persons on January thirtieth and June thirtieth of each year, and sixty (60) days prior to any special primary, election, or referendum.

(b) The secretary of state may compile and publish a complete edition of the election law, which the secretary shall make available to all election officials and candidates upon request, and without charge. The secretary of state shall receive and file certificates of election results as provided by this title.

**History of Section.**

G.L. 1956, § 17-6-1; P.L. 1958, ch. 18, § 1; P.L. 1963, ch. 209, § 1; P.L. 1978, ch. 191, § 3; P.L. 1987, ch. 293, § 3.

**17-6-1.1. Central voter register.** — In addition to any other powers and duties given to the secretary by this title, the secretary of state is authorized to issue rules and regulations relative to the central voter register, and local boards of canvassers are hereby directed to comply with reasonable requests by the secretary of state for information to accurately maintain the central voter register.

**History of Section.**

P.L. 1978, ch. 199, § 1.

**17-6-2. Primary elections.** — (a) The secretary of state shall, as otherwise provided by this title, prepare, print, and distribute the following forms relating to primary elections:

- (1) Declaration of candidacy;
- (2) Endorsement by party;
- (3) Primary nomination papers for national and state offices;
- (4) Certifications of the list of local candidates where primaries are to be conducted.

(b) The secretary of state shall also receive and file primary nomination papers; and shall consult with the state board with respect to its administration of primary elections.

**History of Section.**

G.L. 1956, § 17-6-2; P.L. 1958, ch. 18, § 1;  
P.L. 1987, ch. 389, § 2.

**17-6-3. Ballots and ballot labels.** — The secretary of state shall be responsible for the arrangement, preparation, printing, and provision of all ballots, ballot labels for voting machines, and sample ballots to be used at any election. The secretary of state shall deliver to the state board a sufficient quantity of ballot labels and sample ballots to be used by the board in the preparation of voting machines for each election.

**History of Section.**

G.L. 1956, § 17-6-3; P.L. 1958, ch. 18, § 1.

**17-6-4. Absentee, shut-in, and war ballots.** — The secretary of state shall prepare, print, and furnish all application forms for absentee, shut-in, and war ballots. The secretary of state shall arrange, print, and distribute all these ballots, together with instruction sheets and the required envelopes, in accordance with the requirements of this title.

**History of Section.**

G.L. 1956, § 17-6-4; P.L. 1958, ch. 18, § 1

**17-6-5. Registration lists available to political parties and candidates.** — (a) Upon application in writing, the secretary of state shall, upon request, furnish prepaid at a reasonable price to be established annually by the secretary and at a reasonable time, to the state chairman of each political party and to each person proposing to be a duly qualified candidate for state or congressional office and to no one else except as hereinafter provided, lists of registered voters as they appear in the central voter registry of each city or town or of each senatorial or representative district, or of each congressional district.

(b) These lists, so furnished, shall be used by the chairmen for political purposes, or by the candidates only in the furtherance of candidacy for political office in the ensuing primary and/or general election and for no other purpose. The information available for each registrant shall consist only of the name designation of party affiliation, street address, city or town, congressional district, senatorial district, representative district, ward, and/or precinct and nothing else.

(c) The price for these lists shall include up-date subscriptions thereof as available to the date of the election for which the lists have been requested. These up-dates shall reflect changes to the registry records, including all new and deleted voters as received by the secretary of state.

**History of Section.**

P.L. 1976, ch. 207, § 1.

**17-6-6. Oath required as to use of lists.** — Every person receiving the registry lists shall take and subscribe to the following oath:

"I understand that the lists requested by me are the property of the state of Rhode Island and (I affirm that I am the state chairman of the \_\_\_\_\_ party); (I proposed to be a duly qualified candidate in the next following primary and/or election); and that I am a person authorized by § 17-6-5 to receive a copy of the registry lists described; and I further affirm that the lists will be used only for the purposes prescribed and for no other use and that I will not permit the use of or copying of the lists by persons not so authorized."

\_\_\_\_\_  
Signature of purchaser

"Subscribed and sworn to before me at \_\_\_\_\_, this \_\_\_\_\_ day  
of \_\_\_\_\_, 19\_\_\_\_."

\_\_\_\_\_  
Notary public

**History of Section.**

P.L. 1976, ch. 207, § 1.

**17-6-7. Penalty for violating §§ 17-6-5 and 17-6-6.** — Every person who shall violate the provisions of §§ 17-6-5 and 17-6-6 shall be guilty of a misdemeanor.

**History of Section.**

P.L. 1976, ch. 207, § 1; P.L. 1978, ch. 201,  
§ 3.

**17-6-8. Exception for local canvassing authorities.** — The secretary of state shall furnish, without charge, to the canvassing authorities of the several cities and towns, lists of registrants pertaining to those respective cities and towns.

**History of Section.**

P.L. 1976, ch. 207, § 1.

**17-6-9. Public record.** — All requests for registration lists and the action thereon by the secretary of state shall be deemed to be public records and shall be open for inspection during regular business hours.

**History of Section.**

P.L. 1976, ch. 207, § 1.

**17-6-10. Availability of registration lists.** — These lists shall be available by the secretary of state not later than September 1, 1976, in the first instance and not later than June 1 in any year thereafter.

**History of Section.**

P.L. 1976, ch. 207, § 1.

**17-6-11. Lists not deemed official.** — Lists purchased pursuant to §§ 17-6-5 through 17-6-10, inclusive, are not to be deemed to be the official voting lists for any districts. The official lists are those prepared and published by the several local boards.

**History of Section.**

P.L. 1976, ch. 207, § 1.

**17-6-12. Form of lists.** — The lists may be distributed as requested in the form of either printed lists or magnetic tapes.

**History of Section.**

P.L. 1976, ch. 207, § 1.

**17-6-13. Electoral process education.** — During each year in which a general election is to be held, the secretary of state shall identify communities within the state in need of electoral process education by outreaching community organizations. Electoral process education shall consist of instruction on how a person may become a candidate for electoral office and how a person registers and votes for candidates for electoral office. The secretary of state shall furnish such electoral process education throughout the state of Rhode Island in a manner to be determined by the secretary of state.

**History of Section.**

P.L. 1991, ch. 61, § 1.





CHAPTER 7  
STATE BOARD OF ELECTIONS

SECTION.		SECTION.	
17-7-1.	Legislative intent.	17-7-7.	Seal of state board.
17-7-2.	Composition of board.	17-7-8.	Hearings and investigations — Subpoena powers — False swearing.
17-7-3.	Appointment of members — Va- cancies.	17-7-9.	Voter fraud — Posting of penalties.
17-7-4.	Oath of members — Compensa- tion.	17-7-10.	[Repealed.]
17-7-5.	Powers and duties — Quorum.		
17-7-6.	Secretary and assistants — Sala- ries.		

**17-7-1. Legislative intent.** — It is the intent of the general assembly that the board of elections be a board on which all the qualified electors of the state, regardless of their political identification or the lack thereof, will be eligible to serve. The governor, in making these appointments, and the senate, in confirming them, shall consider the abilities and integrity of the qualified electors under consideration and their knowledge of and/or experience in the working of the election laws of the state. They shall strive to select a board whose membership shall be representative of all citizens of the state and of their diverse points of view.

**History of Section.**

P.L. 1979, ch. 313, § 2.

**17-7-2. Composition of board.** — There shall be, independent of every other department and agency of this state, a board of elections, consisting of seven (7) qualified electors of this state, of outstanding honesty and ability and none of whom shall hold any other public office or public employment (but no person shall be disqualified solely because that person is a notary public), who shall be appointed by the governor with the advice and consent of the senate, as hereinafter provided.

**History of Section.**

P.L. 1979, ch. 312, § 2.

**17-7-3. Appointment of members — Vacancies.** — (a) The governor shall forthwith upon June 8, 1979 appoint seven (7) members of initial terms as follows: one member upon initial appointment shall serve for a term of two (2) years; one member upon initial appointment shall serve for a term of four (4) years; one member upon initial appointment shall serve for a term of six (6) years; one member upon initial appointment shall serve for a term of eight (8) years; one member upon initial appointment shall serve for a term of ten (10) years; one member upon initial appointment shall serve for a term of twelve (12) years; one member upon initial appointment shall serve for a term of fourteen (14) years; and upon the expiration of the initial terms, the governor shall appoint persons for succeed-

ing terms of fourteen (14) years, respectively. The governor shall appoint one member as chairman who shall serve as chairman for the duration of that member's term, and one member as vice chairman, who shall serve as vice chairman for the duration of that member's term.

(b) In the event a vacancy occurs in the office of chairman or vice chairman, the governor shall appoint within thirty (30) days a qualified elector of the state, who may be a member of the board, to fill the vacancy provided, however, if the vacancy occurs as a result of death or resignation the new chairman or vice chairman shall fill the unexpired term only.

(c) In the event a vacancy occurs on the board, the governor shall appoint within thirty (30) days a new member to fill the vacancy, provided however, if the vacancy occurs as a result of death or resignation, the new member shall fill the unexpired term only.

**History of Section.**

P.L. 1979, ch. 312, § 2.

**17-7-4. Oath of members — Compensation.** — Before entering upon his or her duties each member of the board shall take an oath of office before the supreme court in which the member shall swear or affirm faithfully and impartially to administer the duties of his or her office without regard to partisan or political considerations. Each member of the board shall receive an annual salary in such amount as shall be provided by law.

**History of Section.**

P.L. 1979, ch. 312, § 2.

**17-7-5. Powers and duties — Quorum.** — (a) The state board shall have such functions, powers, and duties as are prescribed by this title or otherwise pursuant to law. In the exercise thereof, but without limitation thereto, the board shall:

(1) Exercise general supervision of the administration of the election law by local boards;

(2) Furnish all binders, forms, cabinets, and other supplies required for the operation of the system of permanent registration of voters throughout the state, as provided by this title;

(3) Require the correction of voting lists by any local board, whenever the state board shall have information or cause to believe that any error exists therein and shall forthwith notify the secretary of state thereof;

(4) Have custody of all voting machines; maintain, prepare, adjust to ballot, and allocate for delivery voting machines for all elections in which they are required; seal the machines; and provide mechanical service and supervision of their mechanical operation on election day;

(5) Prepare, package, and deliver election supplies to the various cities and towns for each voting district;

(6) Appoint, qualify, instruct, and assign all state inspectors of elections, and instruct and qualify in conjunction with the local boards, all other election officials who serve in the voting districts, by conducting schools of instruction in the various counties. All programs of instruction shall be formulated by the board of elections and shall include familiarization with the election laws, duties of various elections officials together with the exercise of sample situations which may be encountered in the process of voting, geographical boundaries of the voting district to which the official may be assigned, offices and questions which may be on the ballot, and such other information as the board of elections may deem appropriate.

The availability of these schools of instruction for persons interested in serving as election officials shall be publicized and persons interested in the instruction shall make application for attendance at these schools, all pursuant to procedures, rules, and regulations adopted by the board of elections.

The board of elections shall also formulate and provide an informational pamphlet containing detailed instructions regarding the duties of elections officials and the operation of polling places. All informational pamphlets shall be distributed to the local boards who shall, in turn, see to their distribution to all election officials prior to any election;

(7) Canvass and tabulate all votes cast at each state election; and count, canvass, and tabulate the votes cast by mail voters as provided in this title;

(8) Select dates for off-year and special election primaries except the dates for such primaries for local elections as are required to be fixed by the local board pursuant to chapter 15 of this title;

(9) Furnish each elected candidate for all state or national offices a certificate of election;

(10) Furnish the secretary of state with a certified statement of the number of votes cast in each voting district for all state and national candidates, the votes cast for and against all state questions which appeared on the ballot, and a certificate of election for each national candidate who is elected in this state, and furnish the governor with a certified list of the general officers elected at each general election;

(11) Hold hearings relating to recounts or other protests of the results or conduct of an election;

(12) Maintain such books and records of the votes cast, and publish such statements and reports thereof, as it may deem to be in the public interest;

(13) Appoint a sufficient number of registrars representing both political parties, as well as those with no party affiliation, and provide sufficient training to the registrars to enable them to carry out the duties assigned to them by the board. The registrars duly appointed by the board shall have power to accept registrations of

voters from any city and town and shall forthwith after registering a voter forward the original and duplicate registration card to the appropriate board of canvassers. It shall be the duty of the registrars to arrange for the registration of voters residing at state institutions, except at institutions of higher education, and at nursing and convalescent homes prior to any state-wide primary or election. The board of elections is required to conduct training sessions for registrars in the several cities and towns throughout the state when requested to do so by various civic, nonprofit, or political party organizations but only when suitable quarters will be provided by such organization for the conduct of such training sessions and only when at least ten (10) applicants for appointment as registrars, whose names have been previously presented to the board are represented by such organization, will be present at the training session. Any applicant for appointment as a registrar whose name has been presented to the board by any civic, nonprofit, or political party organization as being an attendee of such training session but who fails to attend, may be denied appointment as a registrar by the board.

(14) Annually conduct a voter registration drive at each institution of higher education at the level of junior college or above in the state.

(b) The state board shall also have all of the powers and duties formerly conferred or imposed by existing law upon the division of elections and the election board, and whenever in any other general law, public law, act, or resolution of the general assembly, or any document, record, or proceeding authorized by the general assembly, the phrase "division of elections" or "election board" or any other word or words used in reference to or descriptive of the division, board, or any member or employee thereof, or to their respective activities or appointees, or any of them, the word, phrase, or reference shall, unless the context otherwise requires, be deemed to refer to and describe the state board, its members, appointees, and activities, as the context may require.

(c) The state board shall have power to make such rules, regulations, and directives as it deems necessary to carry out the objects and purposes of this title not inconsistent with law.

(d) The state board shall also have jurisdiction over all election matters on appeal from any local board and over such other matters pertinent and necessary to the proper supervision of the election laws.

(e) Four (4) members of the state board shall constitute a quorum.

**History of Section.**

§ 1; P.L. 1986, ch. 523, § 1; P.L. 1990, ch. 199, § 1.  
P.L. 1979, ch. 312, § 2; P.L. 1985, ch. 92,

**17-7-6. Secretary and assistants — Salaries.** — The state board is authorized to appoint a secretary and necessary assistants who shall perform such duties as the board shall designate. The board shall fix the salaries of the secretary and assistants within the amount appropriated therefor by the general assembly and the general assembly shall annually appropriate such sum or sums as it deems necessary for the payment of the salaries of the members of the board, its appointees and assistants, and for other necessary expenses in connection therewith; and the controller is hereby authorized and directed to draw his or her orders upon the general treasurer for the payment of this sum or so much thereof as may be required from time to time upon the receipt by the controller of proper vouchers approved by the chairman and in the absence of the chairman a member of the board so designated by the chairman in writing. The members of the state board, its secretary, assistants,



and appointees, shall not be subject to the provisions relating to the state merit system, but shall be in the unclassified service and shall come under the regulations of the unclassified pay plan board.

**History of Section.**

P.L. 1979, ch. 312, § 2.

**17-7-7. Seal of state board.** — The state board shall have a seal, and shall cause the seal to be affixed to all certificates and statements issued by it.

**History of Section.**

P.L. 1979, ch. 312, § 2.

**17-7-8. Hearings and investigations — Subpoena powers — False swearing.** — Each member of the state board shall be authorized to administer oaths, and the board, in all cases of every nature pending before it, is hereby authorized and empowered to summon witnesses by subpoena signed by the secretary of the board and to compel these witnesses to attend and testify in the same manner as witnesses are compelled to appear and testify in any court. The board is authorized to compel by its subpoena attested by its secretary, the production of all papers, books, documents, records, certificates, or other legal evidence that may be necessary or proper for the determination and decision of any question or the discharge of any duty required by law of the board, and every person disobeying any subpoena shall be considered as in contempt, and the board may punish any contempt of its authority in like manner as contempt may be punished by any court. Any person who shall wilfully swear falsely in any proceeding, matter, or hearing before the state board shall be guilty of a felony.

**History of Section.**

P.L. 1979, ch. 312, § 2.

**17-7-9. Voter fraud — Posting of penalties.** — The state board of elections shall cause to be posted, in a conspicuous place at all polling locations, a poster stating that voter fraud is a felony with penalties enumerated in §§ 17-23-4 and 17-26-1 and containing the statement, "You must be registered to vote from your actual place of residence."

**History of Section.**

P.L. 1986, ch. 187, § 1.

**17-7-10. [Repealed.]**

**Repealed Sections.** Former § 17-7-10 (P. L. 1901, ch. 825, § 19; C. P. A. 1905, § 1221; G. L. 1909, ch. 19, § 19; G. L. 1923, ch. 18, § 19; P. L. 1930, ch. 1592, § 1; G. L. 1938, ch. 311, § 13; impl. am. P. L. 1941, ch. 1040, § 1; G. L. 1956, § 17-7-11; G. L., § 17-7-10, as enacted by P. L. 1958, ch. 18, § 1), concerning hearings and investigations, subpoena powers, and false swearing, was repealed by P. L. 1979, ch. 312, § 1. For present similar provisions, see § 17-7-8.



## CHAPTER 8

### LOCAL CANVASSING AUTHORITIES

SECTION.		SECTION.	
17-8-1.	Appointment of bipartisan authority.	17-8-7.	Power of boards to administer oaths and subpoena evidence — Self incrimination — False swearing.
17-8-2.	Term and qualifications for office.	17-8-8.	General penalty clause.
17-8-3.	Compensation.	17-8-9.	Local boards open on election day.
17-8-4.	Oath of office of members.		
17-8-5.	Local boards — Powers and duties — Quorum.		
17-8-6.	Fees in cities other than Cranston and Woonsocket.		

**17-8-1. Appointment of bipartisan authority.** — The legislative body of each city and town shall appoint a bipartisan canvassing authority of three (3) qualified electors of the city or town, not more than two (2) of whom shall belong to the same political party and may appoint two (2) alternate members, not more than one of whom shall belong to the same political party. At any meeting of the canvassing authority at which a member is to be absent, the member may request that an alternate replace him/her for that meeting provided, however, that the alternate member must be of the same political party as the member. The mayor or the president of the town council shall nominate the members of the canvassing authority from lists of party voters submitted by the respective chairmen of the city or town political committee, which lists shall contain the names of five (5) times the number of persons to be appointed. If the legislative body shall refuse to approve the nomination of any person to the canvassing authority, the mayor or the president shall submit to the legislative body another person named on one of the lists, and so on until a person shall be appointed; provided, however, if the chairman of the city or town committee of a political party entitled to an appointment shall fail or refuse to submit a list as aforesaid, the mayor or the president shall nominate any party voter of the political party entitled to the appointment.

**History of Section.** § 17-8-2; G.L. 1956, § 17-8-1; P.L. 1958, ch. P.L. 1956, ch. 3754, § 1; G.L. 1956, 18, § 1; P.L. 1988, ch. 151, § 1.

**17-8-2. Term and qualifications for office.** — Each member of a local canvassing authority shall be appointed to serve for a term of six (6) years beginning on the first Monday of March succeeding the date of his or her appointment and until his or her successor is elected and qualified. No person shall be appointed or serve as a member of the authority who is an officer or employee of the United States or of this state or of any city or town of this state, provided that in any city a member of the authority may act as clerk thereof. Any member of the authority who becomes a candidate for election to any public office and who fails to file a declination of the candidacy within the time allowed by law, shall be disqualified from hold-

ing membership upon the authority and his or her successor shall be elected forthwith.

**History of Section.** § 17-8-15; G.L. 1956, § 17-8-2; P.L. 1958, ch. P.L. 1951 (s. s.), ch. 2870, § 18; G.L. 1956, 18, § 1; P.L. 1988, ch. 84, § 74.

**17-8-3. Compensation.** — Each member of a local board shall receive such compensation as may be provided by the governing body of each city or town; provided that in the several towns where no other provision is made for compensation each member of the local board shall be paid by that member's respective town five dollars (\$5.00) per day for every day's attendance in the discharge of the member's respective duties, and the town clerks shall be paid, in addition, legal fees for making out and recording the several lists and returns required by this title.

**History of Section.** 313, § 20; P.L. 1940, ch. 817, § 2; P.L. 1951 G.L. 1896, ch. 8, § 21; G.L. 1909, ch. 8, (s. s.), ch. 2870, § 34; G.L. 1956, §§ 17-8-19, § 21; G.L. 1909, ch. 8, § 20; P.L. 1910, ch. 17-8-21; G.L. 1956, § 17-8-3; P.L. 1958, ch. 640, § 2; G.L. 1923, ch. 8, § 20; G.L. 1938, ch. 18, § 1.

**17-8-4. Oath of office of members.** — Each person appointed as a member of a local board shall before entering upon his or her duties be sworn to the faithful performance thereof and a record of the oath shall be kept by the clerk of the board.

**History of Section.** § 17-8-16; G.L. 1956, § 17-8-4; P.L. 1958, ch. P.L. 1951 (s.s.), ch. 2870, § 18; G.L. 1956, 18, § 1.

**17-8-5. Local boards — Powers and duties — Quorum.** — (a) Each canvassing authority shall have and exercise the functions, powers, and duties provided for local boards by this title or by any law not inconsistent herewith. It shall:

(1) Select one of its members as presiding officer and another as clerk of the board; provided that nothing herein shall be deemed to affect the powers and duties of the town clerk who shall be ex officio the clerk of the respective town canvassing authorities, provided further that in the cities of Pawtucket, Central Falls, Newport, Woonsocket, Cranston, and Warwick, the clerk shall be designated at the time of his or her election or appointment;

(2) Have and discharge all of the functions, powers, and duties of the town council concerning nominations, elections, registration of voters and canvassing rights, the preparing and correcting of voting lists, and other matters relating thereto, which powers are transferred to the local board;

(3) Make or furnish all returns or other things required by law to be made or furnished to or by city clerks, boards of canvassers, and district clerks, relative to any matter within the purview of this title;

(4) Appoint and employ all its necessary clerical and technical assistants and fix the compensation of each person so appointed, within the limits of funds available to it pursuant to law; provided that in the cities of Cranston and Woonsocket and the town of Coventry the employment and compensation shall be subject to the approval of the respective city or town councils.

(b) A quorum of a local board for the purpose of receiving registrations shall be comprised of one member of the board, and for all other purposes a quorum shall be comprised of two (2) members.

**History of Section.**

G.L. 1896, ch. 8, §§ 24, 26; P.L. 1908, ch. 1608, § 1; G.L. 1909, ch. 8, §§ 23, 26, 35; G.L., ch. 7, §§ 3, 9; P.L. 1910, ch. 640, § 1; P.L. 1916, ch. 1422, § 1; P.L. 1920, ch. 1962, § 1; P.L. 1920, ch. 1975, § 1; G.L. 1923, ch. 7, §§ 3, 9; P.L. 1926, ch. 924, § 1; P.L. 1927, ch.

1085, § 1; P.L. 1931, ch. 1804, § 1; P.L. 1935, ch. 2192, § 2; G.L. 1938, ch. 312, §§ 3, 6, 10; G.L. 1938, ch. 313, § 25; P.L. 1951 (S.S.), ch. 2870, § 18; G.L. 1956, §§ 17-8-5, 17-8-6, 17-8-10, 17-8-12, 17-8-14, 17-8-17, 17-8-18; P.L. 1958, ch. 18, § 1; P.L. 1987, ch. 403, § 1.

**17-8-6. Fees in cities other than Cranston and Woonsocket.**

— The local boards in the cities of Providence, Pawtucket, Central Falls, Newport, and Warwick shall not retain to their own use any of the fees now allowed by law to recording and certifying officers, but shall charge and collect the statutory fees for any record, certificate, or copy required by law to be made by the board, and shall pay over the fees on the first business day of every month to the city treasurer of the respective city; provided, that those boards shall furnish, as now required by law, certified copies of any list of qualified electors in any representative district, ward, or voting district in the city on payment of the sum of one dollar (\$1.00) for each certified list, which sums shall also be paid into the city treasury of the cities as above provided.

**History of Section.**

P.L. 1896, ch. 363, § 5; G.L. 1909, ch. 8, § 33; G.L. 1909, ch. 7, § 7; P.L. 1910, ch. 640,

§ 1; G.L. 1923, ch. 7, § 7; G.L. 1938, ch. 312, § 8; G.L. 1956, § 17-8-11; G.L. 1956, § 17-8-6; P.L. 1958, ch. 18, § 1.

**17-8-7. Power of boards to administer oaths and subpoena evidence — Self incrimination — False swearing.** — The members of the local boards are hereby severally authorized to administer oaths, and the boards in all cases of every nature pending before them, are hereby authorized and empowered to summon witnesses by subpoena signed by the clerk thereof, and to compel these witnesses to attend and testify in the same manner as witnesses are compelled to appear and testify in any court; and the boards are authorized to compel the production of all papers, books, documents, records, certificates, or other legal evidence that may be necessary or proper for the determination and decision of any question or the discharge of any duty required by law of the boards, by issuing a subpoena duces tecum, signed by their clerk. Every person disobeying any subpoena shall be adjudged as in contempt, and the boards may punish any contempt of their authority in like manner as con-

tempt may be punished by any court, and the boards may, at any meeting held for the purpose of canvassing the voting lists, examine under oath the person whose right to vote is disputed or any other person, and may receive any other evidence that the boards may deem necessary, respecting the right of any person to have his or her name upon the registry, or to vote, and shall decide upon the same. No evidence elicited in the examination shall be used against the person so examined in any criminal prosecution against him or her, except a prosecution for perjury in the examination. Any person who shall wilfully swear falsely in any proceeding, matter, or hearing before the boards or any of them shall be guilty of a felony.

**History of Section.**

P.L. 1896, ch. 363, § 4; C.P.A. 1905, § 1221; P.L. 1908, ch. 1608, § 9; G.L. 1909, ch. 8, §§ 32, 43; G.L. 1909, ch. 7, § 13; P.L. 1910, ch. 640, § 1; G.L. 1923, ch. 7, § 13; G.L. 1938, ch. 312, § 14; G.L. 1956, § 17-8-20; G.L. 1956, § 17-8-7; P.L. 1958, ch. 18, § 1; P.L. 1978, ch. 201, § 5.

**17-8-8. General penalty clause.** — Every person who violates any provision of this chapter, unless another penalty is provided in this chapter, shall be guilty of a misdemeanor. This section shall not apply to the town of Westerly.

**History of Section.**

G.L. 1938, ch. 312, § 38; P.L. 1940, ch. 819, § 4; P.L. 1940, ch. 819, § 6; G.L. 1956, § 17-8-22; G.L. 1956, § 17-8-8; P.L. 1958, ch. 18, § 1; P.L. 1978, ch. 201, § 5.

**17-8-9. Local boards open on election day.** — In addition to duties as otherwise fixed by law, it shall be the duty of the local board to keep open on all election days, from the hour fixed for the opening of the polls until the hour fixed for the closing of the polls and to remain in session during the hours at a regular place of meeting of the board, council, or other body.

**History of Section.**

P.L. 1935, ch. 2192, § 1; G.L. 1938, ch. 313, § 24; impl. am. P.L. 1951 (s. s.), ch. 2870, §§ 8, 10; G.L. 1956, § 17-10-32; G.L. 1956, § 17-8-9; P.L. 1958, ch. 18, § 1.

## CHAPTER 9

### REGISTRATION OF VOTERS

SECTION.	SECTION.
17-9-1. Registration required to vote.	17-9-10. Registration of shut-in voters.
17-9-2. Duty of state board — Registration equipment — Forms.	17-9-11. Registration of servicemen's dependents.
17-9-2.1. Duplicate voter registration information.	17-9-12. False certificates in registration.
17-9-3. Periods when boards receive registrations.	17-9-13. Filing of registration cards.
17-9-4. Evening registration meetings — Large cities and towns.	17-9-14. Custody of registration cards.
17-9-4.1. Registration drives at high schools.	17-9-15. Registration records public.
17-9-4.2. Evening registration meetings — Cities and towns.	17-9-16. Procedure on change of address.
17-9-5. Local registration agents.	17-9-17. Re-registration — Notice to city or town of previous address.
17-9-5.1. State-wide registration agents.	17-9-18. Change of name.
17-9-5.2. Qualifications and jurisdiction of registration agents.	17-9-19. Single registration.
17-9-6. Form of registration cards.	17-9-20. Proof of registry in another town.
17-9-7. Method of registering — Receipt required.	17-9-21. False affidavits.
17-9-8. Completion and signing of registration cards.	17-9-22. [Obsolete.]
17-9-9. Proof of naturalization or derivative citizenship.	17-9-23. Registration lists furnished to political parties.
	17-9-24. Tampering with registration records.
	17-9-25. Peace corps registration.
	17-9-26. Party designation.
	17-9-27. Change of designation.

**17-9-1. Registration required to vote.** — No person shall be a qualified voter at any election, unless that person shall be registered under the authority of this chapter, or pursuant to any other provision of this title.

**History of Section.** § 17-9-1; P.L. 1958, ch. 18, § 1; P.L. 1978, ch. P.L. 1951 (s. s.), ch. 2870, § 21; G.L. 1956, 250, § 1.

**17-9-2. Duty of state board — Registration equipment — Forms.** — It shall be the duty of the state board to prescribe the style, color, quality, and dimensions of all registration forms, containers and other equipment required to provide for the permanent registration of voters, and for filing and safekeeping of the registration forms, and it shall furnish a sufficient quantity thereof to the several cities and towns. It shall also be the duty of the state board to furnish the several cities and towns with such special professional assistance as may be necessary to assure the proper installation and servicing of the equipment.

**History of Section.**  
P.L. 1951 (s. s.), ch. 2870, § 13; G.L. 1956,  
§ 17-9-2; P.L. 1958, ch. 18, § 1.

**17-9-2.1. Duplicate voter registration information.** — Any local board may adopt an alternative form and means for obtaining and retaining duplicate voter registration information which is approved by the state board of elections. The form shall provide for the information required by §§ 17-9-6 and 17-9-11 (3) and shall be kept in the order specified by §§ 17-9-13 and 17-9-14. The alternative form need not be of a distinctive color, provided however that the alternative form is substantially different in size and shape from the card designated the original under the provisions of § 17-9-6. The alternative form also need not provide for a signature as specified by § 17-9-8.

**History of Section.**

P.L. 1984, ch. 308, § 1.

**17-9-3. Periods when boards receive registrations.** — The local boards shall open their respective offices for the purpose of receiving registrations of voters throughout the year during regular business hours. Registration for any election shall close on the thirtieth day preceding an election; provided, however, that local boards shall not receive the registrations on Sundays or legal holidays, and may receive the registrations during additional hours each day from the fortieth, to the thirtieth day before any election provided, however, that nothing contained herein shall be construed as restricting the right of statewide or local registration agents or members of the general assembly to accept registrations of voters on any day. The acceptance of registrations at any other time shall not affect the validity of any election.

Notwithstanding any other sections of the general laws to the contrary, all local boards of canvassers shall remain open from 8:30 A.M. until 4:00 P.M. on the last day prescribed by law for the taking of voter registrations to permit participation of the voters in the next succeeding election, notwithstanding that the last day may be a Saturday.

**History of Section.**

P.L. 1951 (s.s.), ch. 2870, § 16; P.L. 1952, ch. 2897, § 5; P.L. 1953, ch. 3205, § 2; G.L. 1956, § 17-9-3; R.P.L. 1957, ch. 122, § 1; P.

L. 1958, ch. 18, § 1; P.L. 1972, ch. 152, § 2; P.L. 1976, ch. 24, § 1; P.L. 1989, ch. 440, § 1; P.L. 1990, ch. 274, § 1.

**17-9-4. Evening registration meetings — Large cities and towns.** — The local boards in cities and towns of more than thirty thousand (30,000) population as determined by the last federal census shall between the first day of April and the thirty-first day of August in each even-numbered year, on such dates as they may severally designate, hold at least two (2) evening registration meetings of at least two (2) hours' duration in each ward in the case of cities and in each voting district in the case of towns for the purpose of receiving registrations. The boards shall advertise each meeting

in one or more newspapers having general circulation in their respective cities or towns at least one day prior to each meeting.

**History of Section.** § 17-9-4; P.L. 1958, ch. 18, § 1; P.L. 1984, ch. P.L. 1951 (s.s.), ch. 2870, § 17; G.L. 1956, 144, § 1.

**17-9-4.1. Registration drives at high schools.** — It shall be the duty of local boards to annually conduct a voter registration drive at each high school within the city or town in cooperation with the administration of the schools. Each principal of every public or private high school and director of each vocational school in this state may be a registration agent whose authority shall be limited to receiving and accepting registrations as electors from those qualified applicants who are enrolled as students within the school or are employed within the school. The principal or director may designate one or more persons in the school to serve as registration agents with the same authority as the principal of the school, provided each designation is filed with the local board for the city or town in which the school is located. Each person who is a registration agent pursuant to this section shall be sworn to the faithful performance of his or her duties and shall be subject to removal as a registration agent by the local board for cause shown. All registrations made under this section shall be made in accordance with rules and regulations established by the local board of the city or town in which the school is located.

**History of Section.**  
P.L. 1978, ch. 250, § 2; P.L. 1980, ch. 309,  
§ 1.

**17-9-4.2. Evening registration meetings — Cities and towns.** — The local boards in cities and towns of thirty thousand (30,000) or less population as determined by the last federal census shall between the first day of April and the thirty-first day of August in each even-numbered year, on such dates as they may severally designate, hold a total of six (6) evening registration meetings of at least two (2) hours' duration at their office for the purpose of receiving registrations. The boards shall advertise each meeting in one or more newspapers having general circulation in their respective cities or towns at least one day prior to each meeting.

**History of Section.**  
P.L. 1984, ch. 144, § 2.

**17-9-5. Local registration agents.** — (a) The several local boards shall appoint a sufficient number of agents who shall serve throughout each year for the purpose of receiving registrations of persons residing in the city or town in which the agent was appointed to act. Such agents shall be sworn to the faithful performance of their duties, shall be subject to removal by the local board,

and shall have power to accept registrations on Sundays and at any other time or place designated by the local board, whether in or out of the presence of the members of the local board. In addition, all members of the general assembly shall have the power to accept registrations on Sundays and any other day, and the local boards of canvassers shall provide all registration forms to the general assembly members.

(b) The several local boards or their agents shall additionally hold a special registration session in any factory, mill, wholesale or retail or other employing establishment, or hospital, home for aged, or convalescent home within their city or town in the even-numbered years on or before July 5th for the state primary, and on or before August 5th for the state election, if in the case of the primary a request for the special registration session is made during the months of May or June, and in the case of the election a request for the special registration is made during the months of June and July by ten (10) or more voters of the city or town filing a petition with the local board for the holding of a special registration session in the factory, mill, wholesale or retail or other employing establishment, or hospital, home for aged, or convalescent home, signed by them with their names and addresses as they appear on voting lists of the city or town, and stating that ten (10) or more persons employed in the factory, mill, wholesale or retail or other employing establishment or that ten (10) or more persons in the hospital, home for aged, or convalescent home desire and are entitled to be registered in the city or town. The special registration session shall then be held if, at the time the petition is filed the local board is in receipt of permission in writing from the tenant, or, if there is no tenant, from the owner of the factory, mill, wholesale or retail or other employing establishment or the operator of the hospital, home for aged, or convalescent home to use their premises for the purpose of holding the special session.

**History of Section.** 118, § 1; P.L. 1963, ch. 39, § 1; P.L. 1974, ch. P.L. 1951 (s.s.), ch. 2870, § 12; G.L. 1956, 232, § 1; P.L. 1976, ch. 24, § 1; P.L. 1989, ch. § 17-9-5; P.L. 1958, ch. 18, § 1; P.L. 1960, ch. 440, § 1.

**17-9-5.1. State-wide registration agents.** — The state board of elections shall appoint a sufficient number of agents who shall serve throughout the year to perform the duties assigned to them by § 17-7-5 and such other duties as may be assigned them by the board. Each registrar who performs his or her duties faithfully and completely and who attends an annual training session which includes a presentation on changes to the election laws during the previous year shall be automatically reappointed as a registration agent.



80.1

REGISTRATION OF VOTERS

17-9-5.1

**History of Section.**

P.L. 1978, ch. 250, § 2; P.L. 1990, ch. 199,  
§ 2.



**17-9-5.2. Qualifications and jurisdiction of registration agents.** — No registration agent, whether appointed by a local board, by the state board, or empowered by law, shall be authorized to accept registrations outside of the state of Rhode Island, and all the registration agents shall themselves be registered to vote in the state of Rhode Island.

**History of Section.**  
P.L. 1989, ch. 440, § 2.

**17-9-6. Form of registration cards.** — Registration forms shall consist of five (5) sets of cards, each set to be of a distinctive color and of a size adequate to contain the information required by the provisions of this chapter, one (1) of the cards shall be designated as the original and the four (4) others shall be designated as duplicates. The forms shall be ruled with appropriate spaces and headings to indicate date of registration, name and address where registrant resides, place and date of birth, when registrant last came to reside within the state, when registrant last came to reside within the city or town, last prior residence outside city or town, appropriate data relative to naturalization, and a certification that the registrant has not been lawfully adjudicated non compos mentis. In addition, the forms shall require the registrant to certify that he or she is neither serving a sentence, including probation or parole, for which he or she was imprisoned, upon final conviction of a felony imposed on any date nor serving any sentence, whether incarcerated or suspended, on probation or parole, upon final conviction of a felony committed after November 5, 1986. Provision shall also be made on the cards for recording the fact that a registered voter has voted at an election, and the date thereof and also for recording the fact that a registered voter has signed caucus, primary, or final nomination papers, and also, for recording such information described in §§ 17-9-26 and 17-9-27 as the registrant may wish to record. Provisions shall also be made on the cards for recording which forms of identification showing the person's residency were presented to the voter registrar as provided for in § 17-1-3.2. Provisions shall also be made on the cards for showing subsequent changes in address. The original and duplicate cards shall also contain a line for the signature of the registrant and above the signature on the original and three (3) of the duplicate cards the following certificate: "I declare under penalty of perjury that all of the information I have provided on this form is true and correct to the best of my knowledge." The cards shall have appropriate spaces for recording the ward, senatorial district, representative district, and voting district designation of the registrant, which information shall be provided by the local board or any duly authorized agent thereof. The form shall also make provision for the cancellation and transfer of a voter's registration pursuant to § 17-9-16, the change of a voter's name pursuant to § 17-9-18, and a voter's party designation pursuant to § 17-9-26.

**History of Section.** 116, § 5; P.L. 1978, ch. 107, § 1; P.L. 1983, P.L. 1951 (s.s.), ch. 2870, § 3; P.L. 1952, ch. ch. 172, § 4; P.L. 1987, ch. 293, § 1; P.L. 2897, § 1; G.L. 1956, § 17-9-6; P.L. 1958, ch. 1989, ch. 488, § 1. 18, § 1; P.L. 1963, ch. 209, § 3; P.L. 1966, ch.

**17-9-7. Method of registering — Receipt required.** — (A) Whenever any person who is, or may be by the next election, qualified to vote, shall desire to register, that person shall appear before the local board of the city or town in which he or she has his or her residence, as defined in § 17-1-3.1, or before the clerk or other duly authorized agent of the board, or before a registrar appointed by the state board of elections and shall furnish the information required of him or her by this chapter and such information described in §§ 17-9-26 and 17-9-27 as the registrant may wish to record and after the information has been recorded on the registry card furnished for that purpose, the person shall sign his or her name and thereby certify to the truth of the facts recorded in the appropriate spaces in the card; provided, however, whenever any person shall be unable to sign his or her name because of physical incapacity or otherwise he or she shall make his mark "(X)," which shall be witnessed by the person receiving the registration.

(B) It shall be the duty of the local board or clerk or other duly authorized agent of the board or registrar of the state board of elections to furnish the registrant with a receipt for the purpose of advising the voter to check with his or her local board of canvassers in the event the voter does not receive the confirmation card prescribed pursuant to § 17-1-3.3. The receipt shall not entitle a person to vote if the original and duplicate registration forms have not been filed with the local canvassing authority at least thirty (30) days before the election. Receipts and the form thereof shall be prescribed and provided by the state board of elections.

**History of Section.** 107, § 1; P.L. 1978, ch. 250, § 3; P.L. 1983, P.L. 1951 (s.s.), ch. 2870, § 2; G.L. 1956, ch. 172, § 4; P.L. 1988, ch. 376, § 1. § 17-9-7; P.L. 1958, ch. 18, § 1; P.L. 1978, ch.

**17-9-8. Completion and signing of registration cards.** — The local board shall also cause the information so certified to be correctly recorded on the duplicate registration cards of distinctive colors to be signed by the registrant, which shall complete the registration. The local board shall cause one of the duplicate cards to be delivered forthwith to the secretary of state. Provided that any registration completed before May 19, 1958 by the signing of an original registration card and the official registry book heretofore maintained shall be deemed to include the information and signature contained in the registry book and to be complete without the signing of duplicate registration cards.

**History of Section.** § 17-9-8; P.L. 1958, ch. 18, § 1; P.L. 1963, ch. P.L. 1951, (s. s.), ch. 2870, § 2; G.L. 1956, 209, § 3.

**17-9-9. Proof of naturalization or derivative citizenship. —**

(a) Before the name of any person shall be placed upon the voting list, if that person shall be of foreign birth, the person shall at the time of the registration furnish proof that he or she is a citizen of the United States and a record of proof shall be entered on the registration cards, and the entry or proof shall be prima facie evidence to the local board that the person is a citizen of the United States; and the person shall not thereafter be required to file the proof at any future registration in the city or town, and any entry heretofore made by the local board of the citizenship of any naturalized citizen shall be prima facie evidence of the citizenship. A certified copy of the entry when presented to the local board of any other city or town shall also be prima facie evidence of the citizenship.

(b) Every woman of foreign birth who shall claim citizenship through some other person, either by marriage or parentage, shall state at the time of her registration when and where the other person was born, and if the other person was naturalized, when, where, and by what court the other person was naturalized, and she shall file proof of such naturalization as may be necessary to establish her citizenship with the local board at least five (5) days before any meeting of the board of the town or city in which she claims the right to vote, and the proof shall be subject to the approval of the local board.

**History of Section.** ch. 2870, § 2; G.L. 1956, §§ 17-6-4, 17-9-9; P.L. 1920, ch. 1867, § 4; G.L. 1923, ch. 6, G.L. 1956, § 17-9-9; P.L. 1958, ch. 18, § 1. § 7; G.L. 1938, ch. 310, § 8; P.L. 1951 (s. s.),

**17-9-10. Registration of shut-in voters. —** (a) Every person otherwise duly qualified to vote, who, by reason of illness or physical or mental disability is unable to register in person at the office of the local board, and desiring to register shall do so in the following manner:

(1) The person shall make application in writing to the local board in the city or town in which that person has his or her "residence", as defined in § 17-1-3.1, for the forms necessary for registration. The application must be accompanied by a certificate from a licensed physician or a christian science practitioner who is personally familiar with that person's medical condition stating the location of his or her medical offices, the date when the physician or practitioner last examined the person, and attesting that because of illness or disability, the person would be unable to register in person at the office of the local board.

(2) The local board shall proceed to furnish the applicant with a form upon which the person may provide the information necessary for registration.

(b) The following, in addition to any direction as may be printed, stamped, or written thereon by direction of the local board shall be substantially the form of affidavit to be subscribed to by the shut-in voter, viz:

Affidavit of shut-in voter upon registration.

State of Rhode Island

County of \_\_\_\_\_

I, \_\_\_\_\_ say that I reside at No. \_\_\_\_\_ in the city or town of \_\_\_\_\_ in the state of Rhode Island; that I am qualified to register in the city or town; that because of illness or physical or mental disability, I am unable to register in person, and in good faith file the within information necessary to registration.

\_\_\_\_\_  
(sign full name on this line)

Sworn to (or affirmed) before me, this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_  
(notary public)

Witnesses:

\_\_\_\_\_  
signature

\_\_\_\_\_  
residence

\_\_\_\_\_  
signature

\_\_\_\_\_  
residence

(This affidavit need not be subscribed and sworn to before an officer authorized to administer oaths, if it is subscribed to before two (2) witnesses who affix their respective signatures and addresses hereto.)

(c) When the above form is returned to the local board, together with such proof of citizenship as is required by law and such proof of residency as is required by § 17-1-3.2, the local board shall transfer such information to an original and two (2) duplicate registration cards and shall forward the original and duplicate cards to the person for his or her signature, above which shall be the following certificate: "I hereby certify that the information recorded on this form is true." When the original and duplicate registration cards, duly executed, are returned to the local board, the person shall be deemed to have completed his or her registration, and the original and duplicate cards shall be filed in the same manner as other original and duplicate cards.

**History of Section.**

P.L. 1951 (s. s.), ch. 2870, § 10; P.L. 1953, ch. 3205, § 1; G.L. 1956, § 17-9-10; P.L.

1958, ch. 18, § 1; P.L. 1963, ch. 209, § 3; P.L. 1983, ch. 172, § 4.

**17-9-11. Registration of servicemen's dependents.** — Every person otherwise duly qualified to vote who by reason of being the spouse or dependent child of a member of the armed forces of the United States in active service who is qualified to vote and is absent from this state, and is with the member of the armed forces and unable to register in person, and desiring to register shall do so in the following manner:

(1) The person shall make application in writing to the local board in the city or town in which that person has his or her "residence", as defined in § 17-1-3.1, for the form necessary for registration.

(2) The local board shall proceed to furnish the applicant with a form upon which the person shall provide the information necessary for registration.

The following in addition to any direction as may be printed, stamped or written thereon by direction of the local board shall be substantially the form of affidavit to be subscribed to by the absentee voter, viz:

Affidavit of absentee voter upon registration.

I, \_\_\_\_\_ say that I have my residence at No. \_\_\_\_\_ in the city or town of \_\_\_\_\_ in the state of Rhode Island; that I am the wife (or husband) or dependent child of a bona fide resident of the state of Rhode Island who is absent from the state in the service of the armed forces of the United States of America; that I am residing temporarily with \_\_\_\_\_ at \_\_\_\_\_; that I am unable to register in person; and in good faith file the within information necessary to registration.

\_\_\_\_\_  
(sign full name on this line)

Sworn to (or affirmed) before me, this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_.

\_\_\_\_\_  
(notary public)

(Affix official seal or certificate of authority.) (Notary public or other officer authorized by law to administer an oath must administer the above.)

(3) When the above form is returned to the local board, together with such proof of citizenship as is required by law, the local board shall transfer the information to an original and two (2) duplicate registration cards and shall forward the original and duplicate cards to the person for that person's signature, above which shall be the following certificate: "I hereby certify that the information recorded on this form is true." When the original and duplicate registration cards, duly executed, are returned to the local board, the person shall be deemed to have completed his or her registration, and the original and duplicate cards shall be filed in the same manner as other original and duplicate cards.

**History of Section.** 1958, ch. 18, § 1; P.L. 1963, ch. 209, § 3; P.L. 1951 (s.s.), ch. 2870, § 10<sup>1</sup>/<sub>2</sub>; P.L. 1953, 1983, ch. 172, § 4.  
ch. 3205, § 3; G.L. 1956, § 17-9-11; P.L.

**17-9-12. False certificates in registration.** — Every person who shall knowingly and wilfully make any false certificate in registering his or her name pursuant to the provisions of this chapter or who, acting in the capacity of a voter registrar, shall knowingly and wilfully register a person who has made a false certificate shall be guilty of a felony.

**History of Section.** § 17-9-12; P.L. 1958, ch. 18, § 1; P.L. 1978, P.L. 1951 (s.s.), ch. 2870, § 27; G.L. 1956, ch. 201, § 6; P.L. 1983, ch. 172, § 4.

**17-9-13. Filing of registration cards.** — When the original and duplicate registration cards have been duly filled out, they shall be filed separately. The original cards shall be arranged by voting districts and either by street address or in alphabetical order, and shall be filed in containers. One set of duplicate cards shall be arranged for the entire city and town, as the case may be, in alphabetical order, and shall constitute an office record of the local board, and shall not be removed from the office of the local board except on order of a court of competent jurisdiction. The other set of duplicate cards shall be filed with the secretary of state.

**History of Section.** § 17-9-15; G.L. 1956, § 17-9-13; P.L. 1958, P.L. 1951 (s.s.), ch. 2870, § 4; G.L. 1956, ch. 18, § 1; P.L. 1963, ch. 209, § 3.

**17-9-14. Custody of registration cards.** — The containers of the original and duplicate registration cards in the possession of the local board and the keys thereto shall be kept in the custody of the local board and these containers shall remain securely locked at all times and shall be opened only by the local board or its specially authorized agent at its office, except as hereinafter provided. The containers of the duplicate registration cards in the possession of the secretary of state and the keys thereto shall be likewise kept and maintained by the secretary of state or the secretary's specially authorized agent at the secretary's office.

**History of Section.** § 17-9-16; G.L. 1956, § 17-9-14; P.L. 1958, P.L. 1951 (s.s.), ch. 2870, § 4; G.L. 1956, ch. 18, § 1; P.L. 1963, ch. 209, § 3.

**17-9-15. Registration records public.** — The original and duplicate registration cards shall be public records and shall be open to public inspection at all reasonable times.

**History of Section.** § 17-9-17; G.L. 1956, § 17-9-15; P.L. 1958, P.L. 1951 (s.s.), ch. 2870, § 33; G.L. 1956, ch. 18, § 1.



**17-9-16. Procedure on change of address.** — (a) A voter who has moved his or her "residence", as defined in § 17-1-3.1 from the address at which the voter is registered to another within the same city or town may vote in the voting district of the voter's new residence upon the following conditions:

(1) If the new address is in the same voting district in which the voter is registered and the voter shall have filed with the local board a written request for change of address thirty (30) days prior to an election or primary and shall have complied with the provisions of §§ 17-1-3.2 and 17-1-3.3.

(2) If the new address is in the same city or town, but in a different voting district, and the voter shall have requested a transfer of registration to the new voting district, in such form as shall be prescribed by the state board, thirty (30) days prior to an election or primary and shall have complied with the provisions of §§ 17-1-3.2 and 17-1-3.3.

(b) A voter who has moved his or her "residence", as defined in § 17-1-3.1, from the address at which the voter is registered to another within a different city or town shall be required to register in the city or town to which the voter has moved and to comply with the provisions of §§ 17-1-3.2 and 17-1-3.3; provided that no person qualified to vote in any city or town in this state shall lose his or her right to vote in that city or town by reason of his or her removal to another city or town in this state during the thirty (30) days, less one day, next preceding an election or primary in the former city or town, provided, however, that a voter who remains within the state, although he or she fails to register in the city or town to which the voter has moved within time to vote in the city or town, shall be permitted to vote by special paper ballot as provided by the secretary of state upon application therefor approved by the board of canvassers of the voter's former city or town for federal and statewide elected officials only during the six (6) months, less one day, next preceding an election or primary.

(c) The local board shall receive and record changes of address in accordance with the foregoing provisions, after having first satisfied itself by the signature of the voter or otherwise of the authenticity of the change of address, and shall forthwith notify the secretary of state of the action.

(d) A voter who has moved his or her residence within the same city or town as described in subsection (a) of this section during the thirty (30) days, less one day, next preceding an election or primary in that city or town may vote in the voting district of his or her former residence at the election or primary only.

**History of Section.**

P.L. 1951 (s.s.), ch. 2870, § 9; P.L. 1952, ch. 2897, § 4; G.L. 1956, §§ 17-9-20 to 17-9-22; G.L. 1956, § 17-9-16; P.L. 1958, ch. 18, § 1;

P.L. 1963, ch. 209, § 3; P.L. 1966, ch. 201, § 1; P.L. 1972, ch. 152, § 3; P.L. 1978, ch. 246, § 1; P.L. 1983, ch. 172, § 4; P.L. 1984, ch. 335, § 4.

**17-9-17. Re-registration — Notice to city or town of previous address.** — (a) A voter may register in a city or town into which he or she has moved whether or not the voter has notified the board of the city or town in which the voter was last registered of the voter's change of address; provided, however, that before the voter shall register in the city or town into which he or she has moved the voter shall sign an authorization for the cancellation and transfer of his or her registration records from the city or town in which the voter was last registered, which authorization shall be forthwith sent by the board in which the voter registers to the board in which the voter was last registered, which latter board shall forward the voter's registration records and remove the registrant from the voting list of the city or town, except as herein otherwise provided, and shall forthwith notify the secretary of state of the action.

(b) The local board of any city or town shall, upon receiving the registration of any person, notify the board of the city or town stated by the person to be that person's last place of residence, of the registration. Thereupon the last mentioned board shall forward the original registration card of the person to the other board, and shall forthwith notify the secretary of state of the action.

**History of Section.** 1956, § 17-9-17; P.L. 1958, ch. 18, § 1; P.L. 1951 (s. s.), ch. 2870, § 9; P.L. 1956, ch. 3746, § 3; G.L. 1956, § 17-9-24; G.L. 1963, ch. 209, § 3.

**17-9-18. Change of name.** — Any registered voter whose name has been changed by marriage or court action shall be entitled to have the change of name recorded on the registration records of the local board, and upon the recording, shall be entitled to vote thereafter under the changed name. The local board shall forthwith notify the secretary of state of the action.

**History of Section.** G.L. 1956, § 17-9-18; P.L. 1958, ch. 18, § 1; P.L. 1963, ch. 209, § 3.

**17-9-19. Single registration.** — Nothing in this chapter shall be construed to require any voter to re-register if he or she is already registered in the city or town in which the voter has his or her residence as defined in § 17-1-3.1. Any voter who is registered in more than one city or town shall be deemed to have authorized the cancelation of all registrations other than the last one in point of time, provided that nothing in this section shall be taken to validate any registration which is not in a city or town where the voter has his or her residence.

**History of Section.** G.L. 1956, § 17-9-19; P.L. 1958, ch. 18, § 1; P.L. 1983, ch. 172, § 4.

**17-9-20. Proof of registry in another town.** — The proof of the registry of a person in a town other than that in which that person shall offer to vote shall be the certificate of the town clerk of the town or the clerk of the local board of the town or city in which the person is registered.

**History of Section.** G.L. 1896, ch. 7, § 7; G.L. 1909, ch. 7, § 7; G.L. 1923, ch. 7, § 20; G.L. 1938, ch. 312, § 21; G.L. 1956, § 17-9-25; G.L. 1956, G.L. 1909, ch. 7, § 20; P.L. 1910, ch. 640, § 1; § 17-9-20; P.L. 1958, ch. 18, § 1.

**17-9-21. False affidavits.** — Every person who shall make a false affidavit under this chapter shall be guilty of a felony.

**History of Section.** P.L. 1951 (s.s.), ch. 2870, § 26; P.L. 1952, ch. 2897, § 6; G.L. 1956, § 17-9-23; G.L. 1956, § 17-9-21; P.L. 1958, ch. 18, § 1; P.L. 1978, ch. 201, § 6.

**17-9-22. [Obsolete.]**

**Compiler's Notes.** This section (P.L. 1951 (s. s.), ch. 2870, § 20; G.L. 1956, § 17-9-28; G.L. 1956, § 17-9-22; P.L. 1958, ch. 18, § 1). This section was formerly compiled in chapter 21 of this title, was deemed obsolete in the 1981 reenactment on account of the repeal of the soldier voting law.

**17-9-23. Registration lists furnished to political parties.** — The local boards shall not more than once each week and not less than once a month, if requested to do so by the state and/or city or town chairman of any political party, furnish without cost and without unreasonable delay to the chairman, or the chairman's accredited representative, the names and addresses of all persons who are newly registered to vote in the city or town, the names and the addresses of all electors who have transferred to a new voting address, and the names and addresses of all persons whose names have been removed from the voting list or placed in the inactive category. In the event that any list so furnished is declared to be inaccurate by the chairman of the democratic state committee or the chairman of the republican state central committee, the state board of elections shall at its discretion, if requested by either of the chairmen, appoint a disinterested person to examine the records of the local board for the purpose of determining the accuracy of the list.

**History of Section.** P.L. 1951 (s.s.), ch. 2870, § 17; G.L. 1956, § 17-9-19; G.L. 1956, § 17-9-23; P.L. 1958, ch. 18, § 1; P.L. 1983, ch. 172, § 4; P.L. 1987, ch. 282, § 2.

**17-9-24. Tampering with registration records.** — Every person who shall wilfully and without lawful authority destroy, secrete, remove, deface, alter, tamper, or meddle with a registry book or with an original or duplicate registration card after any entry shall have been lawfully made therein, shall be guilty of a felony.

**History of Section.** § 17-9-18; G.L. 1956, § 17-9-24; P.L. 1958, P.L. 1951 (s.s.), ch. 2870, § 29; G.L. 1956, ch. 18, § 1; P.L. 1978, ch. 201, § 6.

**17-9-25. Peace corps registration.** — Every person, otherwise duly qualified to register to vote, who by reason of being a peace corps volunteer as defined in title 22, section 2504 of the United States Code or a peace corps leader as defined in title 22, section 2505 of the United States Code or the spouse or dependent child of the volunteer or leader is absent from this state and unable to register in person and desiring to register shall do so in the following manner:

(1) The person shall make application in writing to the local board in the city or town in which that person has his or her residence for the form necessary to registration.

(2) The local board shall proceed to furnish the applicant with a form upon which he shall provide the information necessary for registration.

The following in addition to any direction as may be printed, stamped, or written thereon by direction of the local board shall be substantially the form of affidavit to be subscribed to by the applicant, viz:

I, ....., say that I am (the spouse of) (a dependent child of) a peace corps (volunteer) (leader), that immediately prior to my (my spouse's) (my parent's) entry into the peace corps, I resided at No.....in the city or town of ..... in the state of Rhode Island, and am a bona fide resident of the state of Rhode Island; that I am residing temporarily with ..... at .....; that I am unable to register in person; and in good faith file the within information necessary to registration.

\_\_\_\_\_  
(sign full name on this line)

Sworn to (or affirmed) before me, this .....day of .....19.....

\_\_\_\_\_  
(notary public)

(Affix official seal or certificate of authority.)

(Notary public or other officer authorized by law to administer an oath must administer the above.)

(3) When the above form is returned to the local board, together with such proof of citizenship as is required by law, the local board shall transfer the information to an original and two (2) duplicate registration cards and shall forward the original and duplicate cards to the person for that person's signature, above which shall be the following certificate: "I hereby certify that the information recorded on this form is true." When the original and duplicate registration cards, duly executed, are returned to the local board, the person shall be deemed to have completed the registration, and the original and duplicate cards shall be filed in the same manner as other original and duplicate cards.

**History of Section.**

G.L. 1956, § 17-9-25; P.L. 1964, ch. 176,  
§ 1.

**17-9-26. Party designation.** — (a) Whenever any person registers to vote that person may designate his or her party affiliation on the registration forms, or the person may designate that he or she is not affiliated with any political party.

(b) Any person who is a registered voter on May 9, 1978 and wishes to designate his or her party affiliation, may do so by voluntarily presenting himself or herself to that person's local board of canvassers and designating his or her party affiliation and certifying to the fact on registration cards furnished for that purpose.

(c) Whenever any person participates in a party primary, that act shall serve as identifying the person as being affiliated with the party in whose primary that person has participated and the local board shall so record the affiliation on the appropriate registration card. For the purposes of this section, "participation in a party primary" shall not include the circulation or signing of nomination papers.

**History of Section.**

P.L. 1978, ch. 107, § 2.

**17-9-27. Change of designation.** — Any person who has designated his or her party affiliation pursuant to § 17-9-26 may change the designation on or before the ninetieth day preceding any primary election for which the person is eligible. Whenever any person shall desire to change his or her party designation, that person shall appear before the local board of the city or town in which that person has his or her "residence", as defined in § 17-1-3.1, or before the clerk or other duly authorized agent of the board, and shall change his or her party designation and, after the information has been recorded on the registry card furnished for that purpose, the person shall sign his or her name and thereby certify to the truth of the facts recorded in the appropriate spaces in the card; or the person shall furnish an affidavit properly executed and signed by him or her to the board directing the board to change the party designation; provided, however, whenever any person shall be unable to sign his or her name because of physical incapacity or otherwise, that person shall make his or her mark "(X)," which shall be witnessed by the person receiving the registration. For the convenience of persons voting at a primary election, affidavits for changing party designation shall be available at all primary polling places; provided that the presence of the affidavits at the primary polling places shall not

be construed to allow a person to change his or her party designation within ninety (90) days preceding the primary election.

**History of Section.**

P.L. 1978, ch. 107, § 2; P.L. 1983, ch. 172,  
§ 4.

## CHAPTER 10

## CANVASSING THE LISTS OF QUALIFIED ELECTORS

SECTION.	SECTION.
17-10-1. Maintenance of registration — Inactive file.	17-10-14. Final list — Certification.
17-10-2. Right to vote unprejudiced by errors.	17-10-15. Use of registration cards at polls.
17-10-3. Publication of preliminary lists.	17-10-16. Challenge lists.
17-10-4. Defacement of posted lists.	17-10-17. Change of registration records on change of voting district boundaries.
17-10-5. Canvass and correction of preliminary lists.	17-10-18. Temporary registration certificates.
17-10-6. Evidence given at final canvass.	17-10-19. False entry or erasure with intent to change voting rights.
17-10-7. Proof required to strike name.	17-10-20. Neglect of duty by public officers.
17-10-8. Notice of striking of names.	17-10-21. Right to vote or validity of election unaffected by neglect of duty.
17-10-9. Record of vote on adding or striking names.	17-10-22. Certified copies of lists of persons voting.
17-10-10. Corrections by state board.	17-10-23. Certified copies of registration records.
17-10-11. Right to appeal striking of name.	17-10-24 — 17-10-27. [Repealed.]
17-10-12. Notification to local board members and clerk.	17-10-28 — 17-10-31. [Renumbered.]
17-10-13. Dismissal of appeal — Order entering name on lists.	

**17-10-1. Maintenance of registration — Inactive file.** — (a) The local board or its duly authorized agent shall maintain the files of registration cards in such condition as will correctly represent the registration of qualified voters at all times. It shall continually purge the cards of voters no longer qualified to vote in the city or town. It shall promptly record all changes of address, changes of name, and transfers and cancellations of registration.

(b) If a registered voter does not vote at least once at an election within five (5) calendar years, that voter's registration shall be canceled except that the registration of no person shall be so canceled during his or her service in the armed forces of the United States and during two (2) years thereafter. A voter whose registration has been so canceled shall not thereafter be eligible to vote unless that voter shall again register in accordance with this title as required by § 2 of art. II and § 8 of art. IV, of the constitution. The local board shall notify the secretary of state of that action. The local board shall notify each voter whose registration has been so canceled by a notice addressed to the voter at the voter's last known address and a memorandum that the notice has been sent, shall be maintained on file by the local board, provided, however that failure to give or receive the notice shall not affect the cancellation of the voter's registration. The local board shall take affirmative action to purge the voter's name from its files of registration cards.

(c) The local board, upon receipt of the monthly list of deceased persons from its respective local registrar of vital statistics under the provision of § 23-3-7, shall promptly purge its files of registration cards by deleting therefrom the cards of each deceased elector. The local board shall forthwith notify the secretary of state of such action.

(d) The local board shall maintain a separate list of all new registrations and all transfers of registration which are received by the board within the thirty-day period prior to the close of registration prior to each primary, regular and special election. The list shall be maintained until such time as the election is held.

**History of Section.** 1975, ch. 242, § 1; P.L. 1978, ch. 203, § 1; P.L. 1951, ch. 2870, § 6; P.L. 1956, ch. 3746, § 1; G.L. 1956, § 17-9-26; G.L., § 17-10-2; P.L. 1958, ch. 18, § 1; P.L. 1963, ch. 209, § 4; P.L. 1965, ch. 176, § 2; P.L. 1981, ch. 312, § 1; P.L. 1983, ch. 172, § 5; P.L. 1988, ch. 84, § 74; P.L. 1989, ch. 441, § 1.

**17-10-2. Right to vote unprejudiced by errors.** — A voter's registration shall not be invalidated nor the voter's right to vote be prejudiced by any error in filing registration cards or in the preparation of lists of voters or in making any change or transfer in the records.

**History of Section.** ch. 18, § 1; P.L. 1978, ch. 203, § 1; G.L. 1956, P.L. 1951 (s.s.), ch. 2870, § 23; G.L. 1956, § 17-10-2; § 17-10-7; G.L. 1956, § 17-10-3; P.L. 1958,

**17-10-3. Publication of preliminary lists.** — (a) Forthwith after the close of registration for each general election and each primary election for a general election, the local board shall publish and post a preliminary list of all persons who appear from the registration cards to be duly registered to vote at the next ensuing election. The preliminary list for a primary election shall be subject to the requirements of chapter 13 of this title. The preliminary list shall contain the names and addresses of registered voters arranged in the same order as the file of original registration cards. The preliminary list may be prepared or duplicated by typewriting, printing, mimeographing, multigraphing, or photographic process. The list shall be available for public inspection in at least three (3) public places as well as the local board of canvassers and, where possible, the public library in the city or town, where the list shall be open to examination at all reasonable times. The local board shall, upon request, furnish without charge and without unreasonable delay, five (5) copies of the preliminary list to the state, city, or town chairman of any political party.

(b) The preliminary list shall be deemed a public record; and any elector of the city or town, upon request, shall be given a copy of the list upon payment of no more than the actual cost of reproduction.

(c) The preliminary list shall contain the following language in bold print:

"You must be registered to vote from your actual place of residence."



**History of Section.**

P.L. 1951 (s.s.), ch. 2870, §§ 5, 7; P.L. 1952, ch. 2897, § 1; G.L. 1956, §§ 17-10-10, 17-10-11, 17-10-26; G.L. 1956, § 17-10-4; P.L. 1958, ch. 18, § 1; P.L. 1972, ch. 152, § 4; P.L. 1978, ch. 203, § 1; P.L. 1981, ch. 312, § 1; P.L. 1983, ch. 172, § 5; P.L. 1986, ch. 188, § 1.

**17-10-4. Defacement of posted lists.** — Every person who shall unlawfully take down, deface, or destroy any list of voters posted up as aforesaid, shall be guilty of a petty misdemeanor.

**History of Section.**

G.L. 1896, ch. 8, § 8; G.L. 1909, ch. 8, § 8; G.L. 1923, ch. 8, § 5; G.L. 1938, ch. 313, § 5; G.L. 1956, § 17-10-12; G.L. 1956, § 17-10-5; P.L. 1958, ch. 18, § 1; P.L. 1978, ch. 201, § 7; P.L. 1978, ch. 203, § 1; G.L., § 17-10-4.

**17-10-5. Canvass and correction of preliminary lists.** — (a) The local board shall, before the twentieth day preceding each election, meet and canvass the preliminary lists and hear objections to the inclusion or omission of any person as a registered voter, and it shall thereupon make a final canvass and correction of the registration files. It shall give notice of the time and place of the meeting for at least ten (10) days previous thereto, by posting notices thereof in the same manner as required by this chapter for the posting of the preliminary list, and by publication once, at least ten (10) days previous thereto in one or more newspapers having general circulation in the city or town. At, or following, the meeting the local board shall strike from the lists and direct the cancellation of the registration of every person who shall not be qualified to vote at the election for which the final canvass is made, and shall forthwith notify the secretary of state of that action.

(b) The local boards may meet and canvass the voting lists of any senatorial district, representative district or districts, or ward or wards, or voting district or districts in any senatorial or representative district, ward, or voting district, or at their office or other place designated as aforesaid, at any other convenient time or times, on the same day or different days, not inconsistent with the provisions of this chapter.

**History of Section.**

G.L. 1909, ch. 8, § 3; P.L. 1910, ch. 640, § 2; G.L. 1923, ch. 8, § 3; G.L. 1938, ch. 313, § 3; P.L. 1951 (s.s.), ch. 2870, § 6; P.L. 1952, ch. 2897, § 2; P.L. 1956, ch. 3746, § 1; G.L. 1956, §§ 17-10-8, 17-10-14; G.L. 1956, § 17-10-6; P.L. 1958, ch. 18, § 1; P.L. 1963, ch. 209, § 4; P.L. 1966, ch. 116, § 6; P.L. 1978, ch. 201, § 7; P.L. 1978, ch. 203, § 1; G.L., § 17-10-5.

**17-10-6. Evidence given at final canvass.** — Any qualified elector shall have the right to appear before the local board on the date set for final canvass and give evidence concerning the correctness of the preliminary registration list. Upon the basis of all the evidence the local board shall make such further corrections in the registration records as it may find necessary. A stenographic record shall be taken at the proceedings and maintained as a permanent record of the board of canvassers.

**History of Section.** § 17-10-7; P.L. 1958, ch. 18, § 1; P.L. 1978, P.L. 1951 (s.s.), ch. 2870, § 6; P.L. 1956, ch. 203, § 1; G.L., § 17-10-6, 3746, § 1; G.L. 1956, § 17-10-15; G.L. 1956,

**17-10-7. Proof required to strike name.** — No name shall be stricken from any voting list by any local board upon evidence given at the final canvass meeting unless sworn proof shall be presented to the board that that name is the name of a person not qualified to vote at the election for which the registration and voting list is being canvassed.

**History of Section.** § 17-10-8; P.L. 1958, ch. 18, § 1; P.L. 1978, P.L. 1951 (s.s.), ch. 2870, § 6; P.L. 1956, ch. 203, § 1; G.L., § 17-10-7, 3746, § 1; G.L. 1956, § 17-10-17; G.L. 1956,

**17-10-8. Notice of striking of names.** — In each city and town the local board shall, within one hundred and twenty (120) hours after striking the name of any person from any registration or voting list, cause to be mailed to the person, postage prepaid, at that person's last address in the registration records, a notice of the striking of his or her name, and the reason therefor; except that the notice provided for in this section shall not be required where the voter has requested the action, or has died.

**History of Section.** § 17-10-9; P.L. 1958, ch. 18, § 1; P.L. 1978, P.L. 1951 (s.s.), ch. 2870, § 6; P.L. 1956, ch. 203, § 1; P.L. 1981, ch. 312, § 1, 3746, § 1; G.L. 1956, § 17-10-18; G.L. 1956,

**17-10-9. Record of vote on adding or striking names.** — The clerk of the local board shall record the votes of the members of the board on adding or striking the name of any person from the list of voters whenever requested to do so by any member of the board or by any qualified elector of the city or town present at the time of canvassing, a certified copy of which record shall be evidence of the facts therein stated; and for any wilful neglect on the part of the clerk to make a record, whenever requested as aforesaid, the clerk shall be guilty of a petty misdemeanor.

**History of Section.** ch. 18, § 1; P.L. 1978, ch. 201, § 7; P.L. 1978, P.L. 1951 (s.s.), ch. 2870, § 28; G.L. 1956, ch. 203, § 1; G.L., § 17-10-9, § 17-10-19; G.L. 1956, § 17-10-10; P.L. 1958,

**17-10-10. Corrections by state board.** — The state board may request any local board to make any correction in any voting list, and if the local board does not comply with the request forthwith, the state board may make the correction itself and the correction thus made shall not be changed except on order of the supreme court. Any person whose name is stricken from any voting list by the state board may file a petition as from an action of the local board as provided in this chapter. The state board shall notify the secretary of state of the action.

**History of Section.** § 17-10-11; P.L. 1958, ch. 18, § 1; P.L. 1963, G.L. 1938, ch. 313, § 17; P.L. 1940, ch. 817, ch. 209, § 4; P.L. 1978, ch. 203, § 1; G.L., § 2; G.L. 1956, § 17-10-20; G.L. 1956, § 17-10-10.

**17-10-11. Right to appeal striking of name.** — Whenever the local board of any town or city at any meeting held for the purpose of canvassing the rights and correcting the lists of voters, shall reject, or shall cause to be stricken from the voting list, the name of any person qualified to vote, the person whose name the board has rejected, or stricken from any list, may appeal to the state board of elections, setting forth his or her residence, his or her qualifications, and other facts in connection with the rejection, or striking of his or her name from the list, as that person may deem material, and praying that his or her name be added to the list.

**History of Section.** ch. 817, § 2; G.L. 1956, § 17-10-21; G.L. P.L. 1898, ch. 583, § 1; C.P.A. 1905, 1956, § 17-10-12; P.L. 1958, ch. 18, § 1; P.L. § 1226; G.L. 1909, ch. 8, § 29; G.L. 1909, ch. 1978, ch. 203, § 1; G.L., § 17-10-11; P.L. 8, § 11; P.L. 1910, ch. 640, § 2; G.L. 1923, ch. 1983, ch. 172, § 5. 8, § 11; G.L. 1938, ch. 313, § 11; P.L. 1940,

**17-10-12. Notification to local board members and clerk.** — Upon the filing of the appeal, the state board of elections shall forthwith cause the members and clerk of the local board to appear before the state board, at a time and place to be set by the board.

**History of Section.** ch. 8, § 12; G.L. 1938, ch. 313, § 12; G.L. P.L. 1898, ch. 583, § 2; C.P.A. 1905, 1956, § 17-10-22; G.L. 1956, § 17-10-13; P.L. §§ 1226, 1227; G.L. 1909, ch. 8, § 30; G.L., 1958, ch. 18, § 1; P.L. 1978, ch. 203, § 1; ch. 8, § 12; P.L. 1910, ch. 640, § 2; G.L. 1923, G.L., § 17-10-12; P.L. 1983, ch. 172, § 5.

**17-10-13. Dismissal of appeal — Order entering name on lists.** — If, upon hearing, the state board shall find that the name of the appellant is not entitled to be placed or to remain upon the voting list, the appeal shall be dismissed. If, however, the state board shall find that the name of the appellant is entitled to be placed upon the voting list, the board shall order the name to be placed upon that list pursuant to § 17-7-5(a)(3).

**History of Section.** § 17-10-23; G.L. 1956, § 17-10-14; P.L. 1958, P.L. 1898, ch. 583, § 3; C.P.A. 1905, ch. 18, § 1; P.L. 1963, ch. 209, § 4; P.L. 1978, § 1227; G.L. 1909, ch. 8, § 31; G.L., ch. 8, ch. 203, § 1; G.L., § 17-10-13; P.L. 1983, ch. § 13; P.L. 1910, ch. 640, § 2; G.L. 1923, ch. 8, 172, § 5. § 13; G.L. 1938, ch. 313, § 13; G.L. 1956,

**17-10-14. Final list — Certification.** — The registration as finally corrected pursuant to this chapter shall constitute the voting list to be used at the election for which it has been canvassed, and shall be certified for use pursuant to chapter 19 of this title. Only the original of the list need be signed by the board of canvassers, and copies thereof may be certified by a stamp duly placed on the copy. The voting list shall be deemed a public record; and a copy thereof

shall be made available, upon request, to any elector within the city or town upon payment of no more than the actual cost of reproduction. Notwithstanding certification of the results of the final canvass, persons who subsequently become ineligible to vote for failure to comply with the provisions of § 17-1-3.3 shall not be permitted to vote in the election unless and until their residency is established pursuant to that section. The names of the ineligible voters shall be placed on the challenge list.

**History of Section.** § 17-10-15; P.L. 1958, ch. 18, § 1; P.L. 1978, P.L. 1951 (s.s.), ch. 2870, § 6; P.L. 1956, ch. 203, § 1; G.L. 1956, § 17-10-14; P.L. 3746, § 1; G.L. 1956, § 17-10-24; G.L. 1956, 1983, ch. 172, § 5; P.L. 1985, ch. 308, § 1.

**17-10-15. Use of registration cards at polls.** — The local board shall remove from the container used for that purpose the original registration cards of persons found by the board not to be qualified to vote at the election for which the registry has been canvassed pursuant to this chapter. Cards so removed shall be carefully preserved in a separate file to be maintained for that purpose. Thereupon the cards remaining therein shall be secured in their container so that no card may be removed without breaking a seal or otherwise making it appear that a card has been tampered with. The local board shall certify that the cards are a true and complete list of all qualified voters of the voting district as of the date of the certificate, and shall insert the certificate at the front of the container. It shall then securely lock and cause the container with the cards remaining therein to be delivered, together with the keys thereto, to the warden to be used as the certified voting lists delivered pursuant to law. The local board may, with the approval of the state board, divide the registry of any voting district into two (2) or more sections and containers for greater convenience of use at the polls. The container or containers and cards shall be used to determine the identity of every voter at the polling place, by signature comparison, as provided in this title.

**History of Section.** ch. 18, § 1; P.L. 1978, ch. 203, § 1; G.L., P.L. 1951 (s.s.), ch. 2870, § 15; G.L. 1956, § 17-10-15. § 17-10-30; G.L. 1956, § 17-10-16; P.L. 1958.

**17-10-16. Challenge lists.** — The local board shall prepare and annex a "challenge list" to each voting list so canvassed and certified. The challenge list shall consist of the names and addresses of all persons who are determined to be ineligible to vote in the ensuing election, at any time after the registration binders have been locked, sealed, and certified to serve as the voting list as provided by this title. The challenge list shall also contain the names and addresses of all persons who have been furnished mail ballots. The challenge list shall also contain the names and addresses of all persons who, after the registration binders have been locked, become ineligible to vote for failure to comply with the provisions of § 17-1-3.3. Copies of

the challenge lists shall be furnished to political party workers at each polling place.

**History of Section.** § 1; P.L. 1978, ch. 203, § 1; P.L. 1981, ch. G.L. 1956, § 17-10-17; P.L. 1958, ch. 18, 312, § 1; P.L. 1983, ch. 172, § 5.

**17-10-17. Change of registration records on change of voting district boundaries.** — When the boundaries of any voting district shall be changed, it shall be the duty of the local board to correct the registration cards and voting lists and to transfer the cards of the registered voters affected thereby, and to notify the voters by mail, postage prepaid, of the transfer and change. The local board shall also notify the secretary of state of the action.

**History of Section.** ch. 18, § 1; P.L. 1963, ch. 209, § 4; P.L. 1978, P.L. 1951 (s.s.), ch. 2870, § 23; G.L. 1956, ch. 203, § 1; G.L., § 17-10-17. § 17-10-6; G.L. 1956, § 17-10-18; P.L. 1958,

**17-10-18. Temporary registration certificates.** — Temporary registration certificates may be issued by a local board upon proof by any qualified voter that the voter's registration card has been erroneously removed from the voting list. The temporary certificates shall be issued under the conditions and in the manner prescribed in chapter 19 of this title.

**History of Section.** G.L. 1956, § 17-10-19; P.L. 1958, ch. 18, § 1; P.L. 1978, ch. 203, § 1; G.L., § 17-10-18.

**17-10-19. False entry or erasure with intent to change voting rights.** — Every person who shall at any time wilfully or fraudulently add a name to a list of voters or erase any name therefrom after the list has been corrected for certification pursuant to law or make an entry in the registry book or on an original or duplicate card with the intent to permit a person to vote who is not otherwise qualified to vote or to deprive a qualified elector of his right to vote shall be guilty of a felony.

**History of Section.** ch. 18, § 1; P.L. 1978, ch. 201, § 7; P.L. 1978, P.L. 1951 (s.s.), ch. 2870, § 31; G.L. 1956, ch. 203, § 1; G.L., § 17-10-19. § 17-10-41; G.L. 1956, § 17-10-20; P.L. 1958,

**17-10-20. Neglect of duty by public officers.** — Any public officer upon whom a duty is imposed by chapters 9 and 10 of this title, who shall wilfully neglect to perform the duty, shall be guilty of a felony.

**History of Section.** 1956, § 17-10-21; P.L. 1958, ch. 18, § 1; P.L. P.L. 1951 (s.s.), ch. 2870, § 30; P.L. 1956, 1978, ch. 201, § 7; P.L. 1978, ch. 203, § 1: ch. 3734, § 1; G.L. 1956, § 17-10-42; G.L. G.L., § 17-10-20.

**17-10-21. Right to vote or validity of election unaffected by neglect of duty.** — The failure of any local board to perform any of its duties required by law shall not affect the validity of an election or a financial town meeting or the right of any person to vote, except as the right to vote may be affected by noncompliance with chapters 1 and 9 of this title.

**History of Section.** ch. 18, § 1; P.L. 1978, ch. 203, § 1; G.L., P.L. 1951 (s.s.), ch. 2870, § 24; G.L. 1956, § 17-10-21; P.L. 1983, ch. 172, § 5. § 17-10-43; G.L. 1956, § 17-10-22; P.L. 1958,

**17-10-22. Certified copies of lists of persons voting.** — Every clerk of a local board upon payment or tender of his or her legal fees, shall furnish to any one demanding the same, a certified copy of any list of voters whose votes have been given in any election.

**History of Section.** 312, § 26; G.L. 1956, § 17-10-47; G.L. 1956, G.L. 1896, ch. 7, § 12; G.L. 1909, ch. 7, § 17-10-26; P.L. 1958, ch. 18, § 1; P.L. 1978, § 12; G.L. 1909, ch. 7, § 25; P.L. 1910, ch. ch. 203, § 1; G.L., § 17-10-22. 640, § 1; G.L. 1923, ch. 7, § 25; G.L. 1938, ch.

**17-10-23. Certified copies of registration records.** — Every clerk of a local board shall, upon payment or tender, furnish to any person demanding the same, a certified copy of any registration of voters, and every town clerk shall also, upon request of any person and tender of legal fees, and without any unreasonable delay, examine the records and certify to the estate of any person, and shall furnish copies of any instrument or writing which may be on record or in the files of his office.

**History of Section.** 312, § 27; G.L. 1956, § 17-10-48; G.L. 1956, G.L. 1896, ch. 7, § 13; G.L. 1909, ch. 7, § 17-10-27; P.L. 1958, ch. 18, § 1; P.L. 1978, § 13; G.L. 1909, ch. 7, § 26; P.L. 1910, ch. ch. 203, § 1; G.L., § 17-10-23. 640, § 1; G.L. 1923, ch. 7, § 26; G.L. 1938, ch.

#### **17-10-24 — 17-10-27. [Repealed.]**

**Repealed Sections.** These sections (G.L. 1896, ch. 7, §§ 6, 14, 15, 16; G.L. 1909, ch. 7, §§ 6, 14, 15, 16; G.L. 1909, ch. 7, §§ 19, 27 — 29; P.L. 1910, ch. 640, § 1; G.L. 1923, ch. 7, §§ 19, 27 — 29; G.L. 1938, ch. 312, §§ 20, 28 — 30; G.L. 1956, §§ 17-10-49 — 17-10-52; G.L. 1956, §§ 17-10-28 — 17-10-31; P.L. 1958, ch. 18, § 1; G.L., §§ 17-10-24 — 17-10-27; P.L. 1978, ch. 201, § 7; P.L. 1978, ch. 203, § 1), which provided for tax information to be forwarded to canvassing authorities, were repealed by P.L. 1981, ch. 312, § 2.

#### **17-10-28 — 17-10-31. [Renumbered.]**

**Compiler's Notes.** The 1978 amendment by chapter 203, § 1 renumbered the former provisions of §§ 17-10-28 — 17-10-31 as §§ 17-10-24 — 17-10-27.

## CHAPTER 11

### VOTING DISTRICTS AND OFFICIALS

<p>SECTION. 17-11-1. Division of towns and representative district into voting districts.</p> <p>17-11-1.1. Combination of voting districts for special elections.</p> <p>17-11-2. Notice of division or redivision of districts.</p> <p>17-11-3. Appointment of moderators and clerks in the town of Smithfield.</p> <p>17-11-4. Election of moderators and clerks in towns not divided into representative districts.</p> <p>17-11-5. Election of moderators and clerks in towns and cities divided into representative districts — Oath of office.</p> <p>17-11-6. Appointment of district moderators and clerks in default of election.</p> <p>17-11-7. District moderators and clerks regularly appointed by board.</p> <p>17-11-7.1. Pool of election officials.</p>	<p>SECTION. 17-11-7.2. Appointment of moderators and clerks for the town of Narragansett.</p> <p>17-11-8. Qualifications of moderators and clerks — Vacancies.</p> <p>17-11-9. Election of moderator or clerk pro tempore.</p> <p>17-11-10. Filling of vacancies by town council.</p> <p>17-11-11. Selection of wardens and clerks in cities.</p> <p>17-11-12. Qualifications of election officials — Vacancies.</p> <p>17-11-13. Appointment and compensation of supervisors.</p> <p>17-11-14. Supervision of all elections on same day.</p> <p>17-11-15. Persons ineligible to serve as election officials.</p> <p>17-11-16. Supervision of adjourned elections.</p> <p>17-11-17. Telephone — Polling place.</p>
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**17-11-1. Division of towns and representative district into voting districts.** — The local board of any city or town may, on or before the sixtieth day preceding any election divide or redivide the town, or any representative district in the city or town, into voting districts. The local board of each city shall determine voting districts by geographical boundaries and by no other means. No voting district shall at any time comprise parts of two (2) or more wards. It shall be the duty of the board to divide the town, representative district, or ward, as the case may be, so that substantially not more than sixteen hundred (1,600) voters shall be served by the same polling place; provided, however, subject to the approval of the state board, a local board may provide for serving more than sixteen hundred (1,600) voters in the same polling place where the effect to the contrary would be of creating a polling place serving less than one hundred fifty (150) voters. A polling place may be located either within or without the voting district for which it is established, provided that a polling place may be located outside the district only upon unanimous determination of the local board and subject to the approval of the state board that a suitable place is not available within the voting district.

**History of Section.**

P.L. 1951 (s.s.), ch. 2870, § 14; G.L. 1956, § 17-11-1; P.L. 1958, ch. 18, § 1; P.L. 1961,

ch. 70, § 2; P.L. 1964, ch. 190, § 1; P.L. 1966, ch. 116, § 7; P.L. 1966, ch. 184, § 1; P.L. 1970, ch. 199, § 1; P.L. 1974, ch. 234, § 1.

**17-11-1.1. Combination of voting districts for special elections.** — The board of canvassers of any city or town, for any special election to be held therein at which there will be submitted to the voters a question or questions for their approval or rejection but at which no state or local officials will be elected, shall have the power to combine two (2) or more voting districts within the same ward, senatorial and representative district, when in its judgment the combination is advisable, and when so combined shall be treated as a voting district. Notwithstanding the foregoing, for any special election at which there is on the ballot for all offices to be filled at the election only one candidate for each office, the board of canvassers of the city or town shall have the authority to combine likewise two (2) or more voting districts, but only upon the approval of the board of elections.

If voting districts are so combined, the local board must advertise the combination of districts in a newspaper of general circulation in the city or town no less than seven (7) days and no more than twenty-one (21) days before the special election.

**History of Section.** § 1; P.L. 1966, ch. 116, § 7; P.L. 1986, ch. G.L. 1956, § 17-11-1.1; P.L. 1964, ch. 136, § 362, § 1; P.L. 1990, ch. 151, § 1.

**17-11-2. Notice of division or redivision of districts.** — The local boards upon the dividing or redividing of a senatorial or representative district shall give public notice of what senatorial or representative districts have been divided or redivided into voting districts by publication in some newspaper having a general circulation in the city or town, and shall post, for a period of forty (40) days, a map in the office of the board or in the town clerk's office, showing the lines of the voting districts, and shall at all times keep the map on file in their respective offices.

**History of Section.** § 17-11-2; P.L. 1958, ch. 18, § 1; P.L. 1966, P.L. 1951 (s.s.), ch. 2870, § 14; G.L. 1956, ch. 116, § 7.

**17-11-3. Appointment of moderators and clerks in the town of Smithfield.** — Moderators and clerks of voting districts in the town of Smithfield shall be appointed by the Smithfield Town Council.

**History of Section.** P.L. 1988, ch. 630, § 1.

**17-11-4. Election of moderators and clerks in towns not divided into representative districts.** — Except in the towns of Barrington, Middletown, and Warren, moderators and clerks of voting districts in towns not divided into senatorial or representative districts shall be elected by and from the qualified electors of their



respective voting districts, on the day of the election of town officers in the several towns.

**History of Section.**

G.L. 1896, ch. 38, § 5; G.L. 1909, ch. 48, § 5; P.L. 1910, ch. 640, § 36; G.L. 1923, ch. 49, § 4; G.L. 1938, ch. 331, § 4; P.L. 1941, ch. 1041, § 1; P.L. 1955, ch. 3577, § 1; G.L. 1956, § 17-11-4; P.L. 1958, ch. 18, § 1; P.L. 1960, ch. 14, § 1; P.L. 1966, ch. 116, § 7.

**17-11-5. Election of moderators and clerks in towns and cities divided into representative districts — Oath of office. —** Voting district moderators and clerks, and moderators and clerks of senatorial and representative districts in any city other than the cities of Providence, Pawtucket, Central Falls, Warwick, Cranston, Woonsocket, and Newport, and in any town divided into senatorial or representative districts, shall be elected by and from the qualified electors of their respective districts on the day of the election of city or town officers in the city or town; they shall hold their offices as prescribed in the charter, or special or general laws, applicable to the city or town, respectively; and the voting for them shall continue during the whole time limited by law for voting on the day of the election. They shall be engaged to faithfully and impartially discharge the duties of their office and to support the Constitution and laws of the state and the Constitution of the United States.

**History of Section.**

G.L. 1896, ch. 38, § 3; G.L. 1909, ch. 48, § 3; P.L. 1910, ch. 640, § 35; P.L. 1911, ch. 677, § 1; P.L. 1914, ch. 1038, § 1; G.L. 1923, ch. 49, § 3; G.L. 1938, ch. 331, § 3; P.L. 1941, ch. 1041, § 1; P.L. 1955, ch. 3577, § 1; G.L. 1956, § 17-11-5; P.L. 1958, ch. 18, § 1; P.L. 1966, ch. 116, § 7.

**17-11-6. Appointment of district moderators and clerks in default of election. —** Whenever voting district moderators and clerks, and moderators and clerks of senatorial or representative districts have not been elected in any city or town, the local board of the city or town shall appoint these officers, at least ten (10) days before any election, or district or town meeting, and the officers shall hold office until the appointment or election of their successors.

**History of Section.**

G.L. 1909, ch. 48, § 3; P.L. 1911, ch. 677, § 1; P.L. 1914, ch. 1038, § 1; G.L. 1923, ch. 49, § 3; G.L. 1938, ch. 331, § 3; P.L. 1941, ch. 1041, § 1; P.L. 1955, ch. 3577, § 1; G.L. 1956, § 17-11-6; P.L. 1958, ch. 18, § 1; P.L. 1966, ch. 116, § 7.

**17-11-7. District moderators and clerks regularly appointed by board. —** In the towns of Barrington, Bristol, Middletown, Portsmouth, Warren, Westerly, and West Warwick, at least ten (10) days prior to every election, there shall be appointed by the local board thereof, respectively, a moderator and a clerk for each polling place, one of whom shall be a democrat and one a republican, and who shall be party voters in the district for which they are appointed.

**History of Section.**

P.L. 1900, ch. 798, § 4; G.L. 1909, ch. 48, § 4; G.L. 1909, ch. 48, § 3; P.L. 1910, ch. 640, § 35; P.L. 1911, ch. 677, § 1; P.L. 1914, ch. 1038, § 1; G.L. 1923, ch. 49, § 3; G.L. 1938, ch. 331, § 3; P.L. 1941, ch. 1041, § 1; P.L.

1955, ch. 3577, § 1; G.L. 1956, § 17-11-7; P.L. 1958, ch. 18, § 1; P.L. 1960, ch. 14, § 1; P.L. 1964, ch. 217, § 1; P.L. 1967, ch. 41, § 1; P.L. 1967, ch. 120, § 1; P.L. 1984, ch. 311, § 1.

**17-11-7.1. Pool of election officials.** — Notwithstanding any other general law to the contrary, local boards are authorized to create a pool of election officials who shall be available to fill vacancies wherever needed. These election officials shall have the same training and duties as regular election officials, but shall not be restricted to being electors of the voting district to which they may be assigned, but must be electors of the city or town.

**History of Section.**

P.L. 1990, ch. 351, § 1.

**17-11-7.2. Appointment of moderators and clerks for the town of Narragansett.** — Moderators and clerks of the voting districts for the town of Narragansett shall be appointed by the Narragansett board of canvassers.

**History of Section.**

P.L. 1990, ch. 451, § 1.

**17-11-8. Qualifications of moderators and clerks — Vacancies.** — The moderators and clerks shall each be able to read the Constitution of the state in the English language, and to write their names. Every person appointed as aforesaid shall be forthwith notified of his or her appointment and shall, at least three (3) days before any election at which that person shall have been appointed to serve, accept or decline the appointment, and shall be, at least three (3) days prior to the election, sworn to the faithful discharge of his or her duties by some member of the board making the appointment. In case any person appointed as aforesaid shall neglect to qualify or shall be unable or fail to serve, the vacancy shall be filled by the board making the appointment, and the appointee shall be of the same political party as the person failing to qualify, and shall, before serving, qualify before some member of the board.

**History of Section.**

G.L. 1909, ch. 48, § 3; P.L. 1910, ch. 640, § 35; P.L. 1911, ch. 677, § 1; P.L. 1914, ch. 1038, § 1; G.L. 1923, ch. 49, § 3; G.L. 1938,

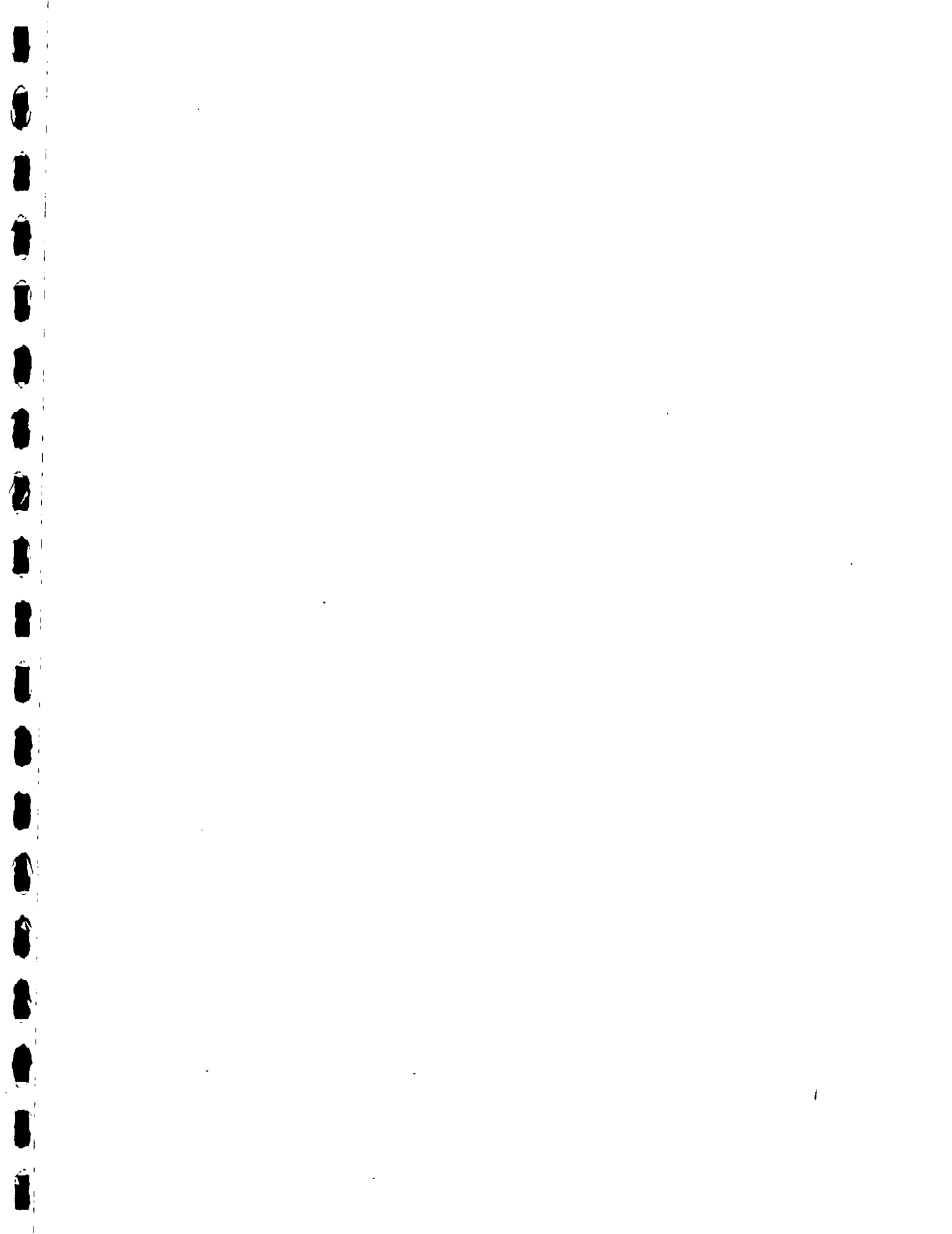
ch. 331, § 3; P.L. 1941, ch. 1041, § 1; P.L. 1955, ch. 3577, § 1; G.L. 1956, § 17-11-8; P.L. 1958, ch. 18, § 1.

**17-11-9. Election of moderator or clerk pro tempore.** — (a) In case of the absence of the moderator or of the clerk of any town meeting, of a town not divided into voting districts, the town meeting may elect a moderator or clerk pro tempore, and the town clerk shall preside at the election of the moderator.

(b) In case of the absence of the moderator or of the clerk of a voting district in a town not divided into senatorial or representative districts, the voting district meeting may elect a moderator or clerk pro tempore, and the clerk shall preside in the election of a moderator. Five (5) electors at least shall be necessary to constitute a quorum for the purpose of electing the moderator or clerk pro tempore.

(c) In case of the absence of the moderator or of the clerk of a senatorial or representative district or of a voting district in a senatorial or representative district divided into voting districts, the district meeting may elect a moderator or clerk pro tempore, and the clerk shall preside in the election of a moderator. Five (5) electors at least shall be necessary to constitute a quorum for the purpose of electing the moderator or clerk pro tempore.

(d) The officer so elected shall be sworn to the faithful discharge of his or her duties by any person authorized to administer oaths, and shall hold office in the cities of Providence, Pawtucket, Central Falls, Warwick, Cranston, Woonsocket, and Newport, and in the towns of Barrington, Middletown, and Warren, until a moderator or clerk is appointed by the local board respectively and in all other



cities and towns until the election and qualification of the officer's successor.

**History of Section.** 331, § 7; P.L. 1941, ch. 1041, § 1; P.L. 1955, ch. 3577, § 1; G.L. 1956, § 17-11-9; P.L. 1958, ch. 18, § 1; P.L. 1960, ch. 152, § 1; P.L. 1966, ch. 116, § 7.  
 G.L. 1896, ch. 38, § 9; G.L. 1909, ch. 48, § 10; P.L. 1910, ch. 640, § 38; P.L. 1912, ch. 850, § 1; G.L. 1923, ch. 49, § 9; G.L. 1938, ch.

**17-11-10. Filling of vacancies by town council.** — In case of the death, resignation, or permanent disability of the moderator of any town, or of the moderator or clerk of any senatorial or representative district, except in the cities of Providence, Pawtucket, Central Falls, Warwick, Cranston, Woonsocket, and Newport, or of any voting district in any town, except the towns of Barrington, Middletown, and Warren, not divided into senatorial or representative districts, then the town council may fill the vacancy from a list of party voters submitted by the party chairman under whose party designation the moderator or clerk had been elected. In the absence of a submitted list, then the town council may make its choice from the primary list of the party which elected the moderator or clerk.

**History of Section.** ch. 1041, § 1; P.L. 1949, ch. 2391, § 1; P.L. 1955, ch. 3577, § 2; G.L. 1956, § 17-11-10; P.L. 1958, ch. 18, § 1; P.L. 1960, ch. 152, § 1; P.L. 1966, ch. 116, § 7.  
 G.L. 1896, ch. 38, § 10; G.L. 1909, ch. 48, § 11; P.L. 1910, ch. 640, § 39; G.L. 1923, ch. 49, § 10; G.L. 1938, ch. 331, § 8; P.L. 1941,

**17-11-11. Selection of wardens and clerks in cities.** — At least twenty (20) days before any election, the local board in each city shall appoint for each polling place within the city wherein an election is to be held a warden and clerk, one of whom shall be a republican and the other of whom shall be a democrat. The appointments shall be made from a list of not less than ten (10) qualified party voters presented to the board by the city or town committee of the republican and democratic parties, respectively, the republican election officials to be selected from the republican list, and the democratic election officials from the democratic list, or in case any committee shall fail to submit the list within the required time, they shall select election officials from the party voters of the same political party as the committee so failing to submit the list. The local board may adopt a plan for some or all wardens or clerks to work a half-day at half-pay if said plan is consistent with the provisions of this section and is approved by the state board.

**History of Section.** § 17-11-11; P.L. 1958, ch. 18, § 1; P.L. 1989, ch. 420, § 1.  
 G.L. 1938, ch. 312, § 32; P.L. 1940, ch. 819, § 3; P.L. 1944, ch. 1474, § 1; G.L. 1956,

**17-11-12. Qualifications of election officials — Vacancies. —** Election officials shall be qualified electors in the city, town, senatorial or representative district, or voting district in which they are appointed to serve, and shall severally be able to read the Constitution of the state in the English language and to write their names. Every person appointed as a warden, clerk, or supervisor shall, within forty-eight (48) hours thereafter, be notified in writing by the clerk of the local board of the appointment; and the person so appointed shall, within ninety-six (96) hours after his or her appointment, notify in writing the clerk of that person's acceptance or declination of the appointment, and any vacancy occurring among these election officials, whether by declination or refusal to serve or by failure to notify the clerk as aforesaid, or by failure from any cause to appear at or remain during the time when they are required to perform their duties, shall be immediately filled by the local board or by the presiding officer thereof, if the board shall not be in session from the lists before mentioned, by the substitution of a person of the same political party as was the election official first appointed. Each of these election officials shall be sworn to the faithful discharge of his or her duties before entering upon the performance of his duties.

**History of Section.**

G.L. 1896, ch. 11, § 32; G.L. 1909, ch. 11, § 35; P.L. 1910, ch. 640, § 18; G.L. 1923, ch. 11, § 34; G.L. 1938, ch. 312, § 32; P.L. 1940,

ch. 819, § 3; impl. am. P.L. 1951 (s.s.), ch. 2870, § 18; G.L. 1956, § 17-11-12; P.L. 1958, ch. 18, § 1; P.L. 1966, ch. 116, § 7.

**17-11-13. Appointment and compensation of supervisors. —**

(a) The local board of each city and town, at least twenty (20) days before each election shall appoint two (2) pairs of supervisors for each polling place, each pair of which shall comprise one democrat and one republican appointed from a list of qualified party voters presented and employed in the same manner as provided by this chapter for the appointment of wardens and clerks.

(b) The local board may, in its discretion, and upon recommendation of the state board shall, in like manner, appoint one or more additional bi-partisan pairs of supervisors for any polling place whenever and so long as the appointment is in the judgment of either board necessary to facilitate the conduct of an election.

(c) The supervisors of elections in all cities and towns shall severally receive compensation for their services at the minimum rate of sixty dollars (\$60) per day.

(d) The local board may adopt a plan for some or all supervisors to work a half-day at half-pay if said plan is consistent with the provisions of this section and is approved by the state board.

**History of Section.**

G.L. 1896, ch. 11, § 32; P.L. 1900, ch. 798, § 4; G.L. 1909, ch. 11, §§ 35, 37; G.L., ch. 11, §§ 35, 38; P.L. 1901, ch. 640, §§ 18, 21; P.L. 1919, ch. 1734, § 1; G.L. 1923, ch. 11, §§ 34,

37; G.L. 1938, ch. 312, §§ 32, 33; P.L. 1940, ch. 819, §§ 3, 6; P.L. 1944, ch. 1474, § 1; P.L. 1951 (s.s.), ch. 2870, § 18; G.L. 1956, §§ 17-11-11, 17-11-13; G.L. 1956, § 17-11-13; P.L. 1958, ch. 18, § 1; P.L. 1964, ch. 18, § 1; P.L.

1979, ch. 291, § 1; P.L. 1986, ch. 425, § 1;  
P.L. 1986, ch. 523, § 1; P.L. 1989, ch. 420,  
§ 1.

**17-11-14. Supervision of all elections on same day.** — Whenever any city or town elections shall occur on the same day as an election for national or state officers, in any city or town, the supervisors appointed hereunder shall be the supervisors for all of the elections.

**History of Section.** 312, § 34; G.L. 1956, § 17-11-14; P.L. 1958,  
G.L. 1896, ch. 11, § 34; G.L. 1909, ch. 11, ch. 18, § 1.  
§ 39; G.L. 1923, ch. 11, § 38; G.L. 1938, ch.

**17-11-15. Persons ineligible to serve as election officials.** — No person shall be so appointed or serve as an election official who has been convicted, found guilty, pleaded guilty or nolo contendere, or placed on a deferred or suspended sentence, or on probation, for any crime which involves moral turpitude or which constitutes a violation of any of the election or caucus laws of this or any other state. No person shall be appointed to serve as an election official who is an officer or employee of the United States, of this state, or of any city or town of this state except for public school employees, but no person shall be disqualified simply because he is a notary public. No candidate for any office to be filled at any election shall be appointed at the election as an election official. Every election official shall make an affidavit before some member of the proper board of canvassers, to the effect that he or she is not disqualified by reason of the provisions of this section; provided, however, that the provisions of this section shall not apply to moderators and town clerks; nor shall the prohibition against state, city, or town employees include school teachers. The first, second, and fourth sentences of this section shall not apply to the town of Westerly.

**History of Section.** ch. 819, §§ 3, 6; P.L. 1944, ch. 1474, § 2; G.L.  
G.L. 1896, ch. 11, § 35; G.L. 1909, ch. 11, 1956, § 17-11-15; P.L. 1958, ch. 18, § 1; P.L.  
§ 40; P.L. 1910, ch. 640, § 22; G.L. 1923, ch. 1986, ch. 342, § 1.  
11, § 39; G.L. 1938, ch. 312, § 35; P.L. 1940.

**17-11-16. Supervision of adjourned elections.** — In the event that a second, adjourned, or subsequent election shall be held in accordance with the provisions of this title, the same supervisors of election who acted at the first election shall act at the second or adjourned or other subsequent election, and shall have and exercise the same powers and duties at the second or adjourned or other subsequent election as are prescribed by this title for them to have and exercise at the first election; and the supervisors shall perform the same duties as in the first election.

**History of Section.**

312, § 36; G.L. 1956, § 17-11-16; P.L. 1958,  
G.L. 1896, ch. 11, § 50; G.L. 1909, ch. 11, ch. 18, § 1.  
§ 55; G.L. 1923, ch. 11, § 54; G.L. 1938, ch.

**17-11-17. Telephone — Polling place.** — If there is a telephone within a polling place, then the owner of the building wherein the polling place is located shall allow use of the telephone for official business by the warden, clerk, and state inspector during the period beginning one hour before the opening of the polling place and ending one hour after the closing of the polling place. The local board of canvassers shall be required to reimburse the owner of the building for that portion of any telephone bill resulting from the use of the telephone by any of the above-mentioned election officials.

**History of Section.**

P.L. 1983, ch. 283, § 1.



## CHAPTER 12

### PARTY COMMITTEES AND CONVENTIONS

SECTION.		SECTION.	
17-12-1.	Selection of state committees.		district committees — Officers
17-12-2.	Composition and powers of state committees.		— List of officers and members.
17-12-3.	Delegation of powers by state committee.	17-12-9.1.	Members of ward committees for the city of East Providence.
17-12-4.	Endorsements by state committee.	17-12-10.	Rules and management by city, town, and district committees.
17-12-5.	Acting in other contingencies.	17-10-11.	Endorsement by local committees.
17-12-6.	Election of town and ward committees.	17-12-12.	Vacancies in local committees.
17-12-7.	Composition of city and district committees — Appointment.	17-12-12.1.	Vacancies in city or ward committees.
17-12-8.	Qualifications and terms of committee members.	17-12-12.2.	Failure of ward and city committees to endorse.
17-12-9.	Organization of city, town, and	17-12-13.	State conventions.
		17-12-14.	Election of delegates to national conventions.

**17-12-1. Selection of state committees.** — Party state committees shall be selected in the manner provided by statute or party rule. Any party may by a party rule duly enacted elect to choose the members of its party state committee pursuant to the provisions of chapter 15 of this title or by any other method agreeable to the party state committee; provided, however, that where the method of selecting party state committee now in force is by caucus, selection hereafter shall be made at a primary election pursuant to the provisions of chapter 15 of this title until another method of selection is adopted by the party state committee.

**History of Section.** 2100, § 1; G.L. 1956, § 17-12-2; G.L. 1956, P.L. 1947, ch. 1886, § 3A; P.L. 1948, ch. § 17-12-1; P.L. 1958, ch. 18, § 1.

**17-12-2. Composition and powers of state committees.** — The state committee of a political party shall be composed as determined by the party. It shall have (1) general oversight of all conventions of its party; (2) power to make rules not inconsistent with law for the guidance and control of all the political committees of its party; (3) power to make a final nomination for any state office for which no primary nomination has been made and any local office for which no nomination has been made by any authorized city, town, ward, or district committee or any duly authorized subcommittee; and (4) power to fill vacancies in its own membership and as provided in chapter 15 of this title.

**History of Section.** § 17-12-3; G.L. 1956, § 17-12-2; P.L. 1958, P.L. 1947, ch. 1886, § 4; P.L. 1948, ch. ch. 18, § 1.  
2100, § 1; P.L. 1950, ch. 2476, § 4; G.L. 1956.

**17-12-3. Delegation of powers by state committee.** — The state committee of a political party may delegate its authority, by rules or resolutions, to its executive committee, or any duly selected subcommittee of the executive committee, to act when the entire committee is not in session.

**History of Section.** § 17-12-4; G.L. 1956, § 17-12-3; P.L. 1958, P.L. 1947, ch. 1886, § 4; P.L. 1948, ch. 18, § 1. 2100, § 1; P.L. 1950, ch. 2563, § 1; G.L. 1956,

**17-12-4. Endorsements by state committee.** — The state committee, or the executive committee or any duly selected subcommittee of the executive committee acting under delegated authority may, when the town or district committee has failed or neglected to do so, within twenty-four (24) weekday hours of the failure, endorse and notify the local board of endorsement, if any, of the local candidates to be voted on, in the primary; it shall also notify the secretary of state of the endorsement, if any, of any candidate to be voted for by the state at large; provided, however, that the endorsement of any candidate for representative in congress shall be by the members of the state committee who shall be from that particular congressional district; it shall also notify the secretary of state of the endorsement, if any, of any candidate for state senator or state representative. The endorsement shall be filed with the secretary of state not later than four o'clock (4:00) p.m. on the day after the final day for filing declarations of candidacy. In the event the state committee, or the executive committee or any duly selected subcommittee of the executive committee acting under delegated authority fails or neglects to endorse, then all party candidates shall be issued nomination papers without endorsement.

**History of Section.** 1956, § 17-12-4; P.L. 1958, ch. 18, § 1; P.L. P.L. 1947, ch. 1886, § 4; P.L. 1948, ch. 18, § 1; P.L. 1966, ch. 198, § 1; P.L. 1969, ch. 36, § 1; P.L. 2100, § 1; P.L. 1950, ch. 2563, § 1; P.L. 1952, 1987, ch. 389, § 3. ch. 2923, § 1; G.L. 1956, § 17-12-5; G.L.

**17-12-5. Acting in other contingencies.** — Any other contingency that arises pursuant to the provisions of the statutes with respect to the election of candidates for state or town office at any general, primary, or special election shall be met by the vote of the state committee, or the executive committee, or any duly selected subcommittee of the executive committee, of a political party, or by the state chairman of the political party if so authorized. If any contingency arises under the provisions of the statutes with respect to the election of candidates for city office at any general, primary, or special election, it shall be met by vote of the city committee of a political party or the executive committee of the city committee or any duly elected subcommittee of the executive committee, or by the city chairman of the political party if so authorized. For the purposes of this section, the term "contingency" shall mean and include the

nonexistence of any required party committee, the failure of any existing party committee to act, an adjudication that a primary election is void, and the death, incapacity, or moving from the jurisdiction of a party's nominee prior to a general or special election. This section shall apply notwithstanding any provision of chapter 17 of this title to the contrary.

**History of Section.** ch. 2923, § 1; G.L. 1956, § 17-12-6; G.L. P.L. 1947, ch. 1886, § 4; P.L. 1948, ch. 1956, § 17-12-5; P.L. 1958, ch. 18, § 1; P.L. 2100, § 1; P.L. 1950, ch. 2563, § 1; P.L. 1952, 1969, ch. 36, § 2; P.L. 1987, ch. 389, § 3.

**17-12-6. Election of town and ward committees.** — The party voters of each political party in each ward of each of the cities of the state shall, biennially, in every even year, at the primary election held to nominate party candidates, elect a ward committee for each ward, provided, however, that the ward committees in the city of Providence shall be elected quadrennially, and the party voters of each political party in each of the towns of the state shall biennially at the primary election elect a town committee for the town.

**History of Section.** § 17-12-6; P.L. 1958, ch. 18, § 1; P.L. 1970, P.L. 1947, ch. 1886, § 5; P.L. 1948, ch. ch. 35, § 1; P.L. 1975, ch. 149, § 1; P.L. 1988, 2100, § 1; G.L. 1956, § 17-12-7; G.L. 1956, ch. 84, § 74.

**17-12-7. Composition of city and district committees — Appointment.** — The members of the several ward committees in each city of the same political party shall constitute the city committee of that political party for that city; provided, however, that for the town of Lincoln, members of the several council district committees of the same political party shall constitute the town committee; and provided further, however, each of the council district committees shall consist of an equal number of members as provided in town committee bylaws. For each of the political parties, there shall be a senatorial district committee for each senatorial district to consist of five (5) members where the senatorial district is contained within a single city or town and to consist of seven (7) members where the senatorial district includes all or parts of two (2) or more cities or towns. Senatorial district committee members shall in the first instance be appointed by the chairman of the state committee of that party. There shall be a representative district committee for each representative district to consist of three (3) members, where the representative district is contained within a single city or town, and to consist of five (5) members where the representative district includes all or parts of two (2) or more cities or towns. Representative district committee members shall in the first instance be appointed by the chairman of the state committee of that party. The senatorial and representative district committee members shall be qualified electors of their respective districts and so appointed shall hold office respectively from the date of their appointment and until the next election

of the committees and thereafter until their successors shall have been duly elected, qualified, and organized.

**History of Section.**

P.L. 1974, ch. 42, § 6; P.L. 1982, ch. 20,  
§§ 7, 8; P.L. 1988, ch. 331, § 1.

**17-12-8. Qualifications and terms of committee members. —**

(a) No member of a ward, town, or district committee shall hold or continue to hold membership on the ward, town, or district committee, unless that member shall be a qualified elector of the ward, town, or district.

(b) Except as herein otherwise specifically provided, ward, district, town, and city committee members shall hold office, respectively, from the date of their election until the next election of the committees and thereafter until their successors shall have been duly elected, qualified, and organized.

**History of Section.**

2100, § 1; G.L. 1956, § 17-12-9; G.L. 1956,  
P.L. 1947, ch. 1886, § 5; P.L. 1948, ch. § 17-12-8; P.L. 1958, ch. 18, § 1.

**17-12-9. Organization of city, town, and district committees — Officers — Lists of officers and members. —** (a) All city, town, and district committees shall organize biennially in the month of January in every odd year, provided however, that the city committee of the city of Providence shall organize quadrennially.

(b) Each city committee organized under this section may elect not exceeding three (3) officers outside its membership from among the voters of the same political party in the city, and the officers shall, by virtue of their election, become members of the city committee and shall hold office until the next organization meeting of the committee.

(c) Each city committee, each town committee, and each district committee, within ten (10) days after its organization, shall file with the secretary of state and with the local board a list of its officers and members.

(d) The chairman of the city committee of each political party in the city of Providence shall, on or after May 26, 1982, appoint the members of a ward committee for each of the several wards of the city of Providence. The ward committee members so appointed shall hold office until the primary election in 1982 and thereafter until their successors shall have been duly elected, qualified, and organized.

**History of Section.**

P.L. 1947, ch. 1886, § 6; P.L. 1948, ch.  
2100, § 1; P.L. 1950, ch. 2476, § 5; G.L. 1956,  
§ 17-12-10; G.L. 1956, § 17-12-9; P.L. 1958,  
ch. 18, § 1; P.L. 1967, ch. 54, § 1; P.L. 1970,  
ch. 35, § 1; P.L. 1982, ch. 405, § 1; P.L. 1988,  
ch. 84, § 74.

**17-12-9.1. Members of ward committees for the city of East Providence.** — The chairman of the East Providence city committee for each political party shall, on or after May 21, 1982, appoint the members of a ward committee for each of the several wards of the city of East Providence. The ward committee members so appointed shall hold office until the primary election in 1982 and thereafter until their successors shall have been duly elected, qualified, and organized.

**History of Section.**

P.L. 1982, ch. 432, § 1.

**17-12-10. Rules and management by city, town, and district committees.** — City, town, and district committees of each political party may make rules not inconsistent with the rules of the state committee, and except as herein otherwise specifically provided, the general management of the affairs of each political party in the respective cities, towns, and districts shall be vested in the city, town, or district committee, respectively, subject to all state committee rules.

**History of Section.**

P.L. 1947, ch. 1886, § 6; P.L. 1948, ch. 2100, § 1; P.L. 1950, ch. 2476, § 5; G.L. 1956, § 17-12-11; G.L. 1956, § 17-12-10; P.L. 1958, ch. 18, § 1.

**17-12-11. Endorsement by local committees.** — (a) Each town, ward, and city committee shall file with the appropriate local board the list of candidates in the town, ward, or city which have the endorsement of the committees.

(b) Each district committee shall file with the board of canvassers of the city or town of residence of the senatorial or representative candidate endorsed, except that if the candidate is a resident of Providence the endorsement shall be filed with the secretary of state, the list of candidates in the district which have the endorsement of the committee.

(c) Endorsements shall be filed with the appropriate local board or the secretary of state, as the case may be, not later than four o'clock (4:00) p.m. of the day after the last day for filing declarations of candidacy.

**History of Section.**

P.L. 1947, ch. 1886, § 6; P.L. 1948, ch. 2100, § 1; P.L. 1950, ch. 2476, § 5; P.L. 1952, ch. 2923, § 2; G.L. 1956, § 17-12-12; G.L. 1956, § 17-12-11; P.L. 1958, ch. 18, § 1; P.L. 1980, ch. 286, § 1; P.L. 1987, ch. 389, § 3.

**17-12-12. Vacancies in local committees.** — Any vacancy occurring in any of the offices of city, town, ward, or district committees shall be filled by the remaining members thereof and any vacancy occurring in the membership of town, city, ward, or district committee shall be filled by the remaining members of the commit-

tee. A statement of that action by any committee shall be filed as in the case of officers and members first chosen.

**History of Section.** § 17-12-13; G.L. 1956, § 17-12-12; P.L. 1958, P.L. 1947, ch. 1886, § 6; P.L. 1948, ch. 18, § 1.  
2100, § 1; P.L. 1950, ch. 2476, § 5; G.L. 1956,

**17-12-12.1. Vacancies in city or ward committees.** — If any vacancy shall occur either with respect to any office of a city or ward committee or with respect to the membership of any city or ward committee, and the vacancy shall not have been filled within forty-five (45) days of the date upon which the vacancy shall occur pursuant to the provisions of § 17-12-12, the vacancy shall be filled by the city committee of the political party involved or the executive committee of the city committee or any duly elected subcommittee of the executive committee or by the city chairperson or the political party if so authorized. Such committee shall file a statement setting forth the appointment or appointments as in the case of officers and members first chosen in accordance with § 17-12-11 of the general laws.

**History of Section.**  
P.L. 1969, ch. 36, § 3; P.L. 1991, ch. 278,  
§ 1.

**17-12-12.2. Failure of ward and city committees to endorse.** — Notwithstanding the provisions of any general or special act to the contrary, in the event that a ward committee or a city committee of a political party of a particular city has failed or neglected to do so, the executive committee of the city committee of that city, or any duly selected subcommittee of the executive committee or the city chairman of the political party involved, if so authorized within twenty-four (24) weekday hours of the failure, may endorse and notify the local board of the endorsement, if any, of the candidates for city council, ward committee member, and mayor as the case may be, to be voted on in the primary.

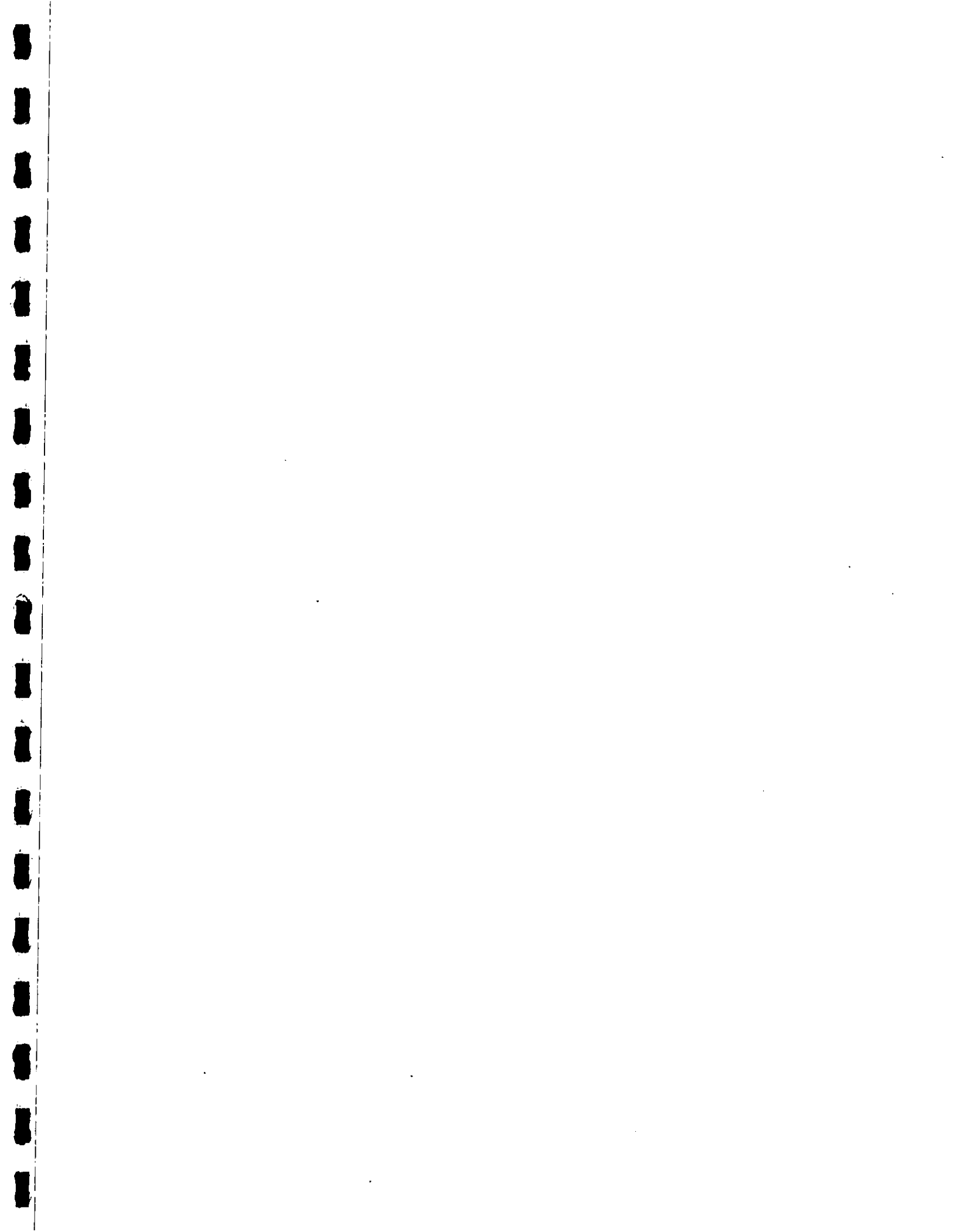
**History of Section.**  
P.L. 1969, ch. 36, § 3; P.L. 1987, ch. 389,  
§ 4.

**17-12-13. State conventions.** — There shall be held not later than October 14 of every even year a state convention for each political party. The nominees of a party for senator and for representatives in congress, for the five (5) general offices, and for membership in the general assembly shall be delegates to the state convention of that party. In presidential election years, these conventions shall select the party nominees for presidential electors and their names shall be placed on the ballot labels for the forthcoming election. The state convention shall be for the purpose of adopting a platform for its party and for the transaction of such other business as may properly come before the convention.

**History of Section.** 2100, § 1; G.L. 1956, § 17-12-14; G.L. 1956, P.L. 1947, ch. 1886, § 33; P.L. 1948, ch. § 17-12-13; P.L. 1958, ch. 18, § 1.

**17-12-14. Election of delegates to national conventions. —** The local boards of the several cities and towns of the state are hereby authorized and directed to furnish for the use of any political party in this state, upon written request of the chairman of the state central committee thereof, acting under a resolution of the committee, voting places in which primary meetings may be held to elect delegates to the national convention of the political party. The boards shall have the voting places open on the date and during the hours requested by the chairman of the committee, and shall furnish to the officers appointed to act at the primary meetings such paraphernalia, including check lists, as are generally required and used in elective meetings; provided, that the political party first requesting as aforesaid the use of the voting places on and for a certain date shall be entitled to the use thereof on that date; and if the date is one requested by some other political party as aforesaid, the other political party, through the chairman of the committee as aforesaid, may request another date. In cities a voting place and paraphernalia therefor shall be furnished and provided for each ward into which the cities may be divided; and in each of the towns of Burrillville, Cumberland, and Lincoln, at least two (2) voting places and the paraphernalia therefor, and in every other town at least one voting place and the paraphernalia therefor, shall be furnished and provided; provided, further, that the local boards shall not be required to provide for the compensation for services of the officers appointed to act at the primary meetings; nor shall anything contained herein be held to affect the method of holding elections already provided for by law.

**History of Section.** 1947, ch. 1886, § 39; G.L. 1956, § 17-12-15; P.L. 1912, ch. 815, §§ 1, 2; G.L. 1923, ch. 8, G.L. 1956, § 17-12-14; P.L. 1958, ch. 18, § 1; § 23; G.L. 1938, ch. 313, § 23; impl. am. P.L. P.L. 1966, ch. 116, § 9.





CHAPTER 12.1  
**PRIMARIES FOR ELECTION OF DELEGATES TO  
 NATIONAL CONVENTIONS AND FOR  
 PRESIDENTIAL PREFERENCE**

SECTION.	SECTION.
17-12.1-1. Date of primaries for election of delegates to national conventions.	17-12.1-8. Presidential preference primary.
17-12.1-2. Number of delegates to be elected — Method of election.	17-12.1-9. Voting for nominees and delegates — Designation of winning delegates.
17-12.1-3. Declaration of candidacy.	17-12.1-10. Filling of vacancies.
17-12.1-4. Presidential candidates.	17-12.1-11. Form of ballot.
17-12.1-5. Preparation of nomination papers.	17-12.1-12. Definitions.
17-12.1-6. Number of signers required.	17-12.1-13. Paper ballots.
17-12.1-7. Checking and certification of nomination papers.	17-12.1-14. Recount.
	17-12.1-15. Political party rules.
	17-12.1-16. Provisions applicable.
	17-12.1-17. [Repealed.]

**17-12.1-1. Date of primaries for election of delegates to national conventions.** — A primary election for the election of delegates to the national convention for each political party shall be held in the manner hereinafter provided, on the second Tuesday in March 1984, and every fourth year thereafter.

**History of Section.**

P.L. 1975, ch. 275, § 2; P.L. 1983, ch. 183, § 1.

**17-12.1-2. Number of delegates to be elected — Method of election.** — At each primary there shall be elected for each congressional district of this state such number of delegates and alternates as shall be determined by the national committee of the party and as certified to the secretary of state not later than the first Tuesday in January preceding the primary by the state committee of the party. The method of election of candidates for delegate shall be in accordance with party rules certified to the secretary of state by the chairman of the state committee on or before the first Tuesday in January of each year a primary is to be held pursuant to this chapter.

**History of Section.**

P.L. 1975, ch. 275, § 2; P.L. 1979, ch. 287, § 1; P.L. 1983, ch. 183, § 1.

**17-12.1-3. Declaration of candidacy.** — During the period between January 9 and January 19, both dates inclusive (Saturdays, Sundays, and holidays excluded), preceding a primary for election of delegates to a national convention, each voter desiring to be a delegate at the forthcoming convention shall, on such form as shall be provided by the secretary of state, sign his or her name as it appears on the voting list and file not later than four (4:00) p.m. of the date of

filing with the secretary of state a declaration of candidacy which shall include the following information:

(1) His or her name and address as they appear on the voting list, party designation, place and date of birth, and length of residence in the state and in the town or city where he or she resides.

(2) A statement that if elected he or she would comply with all party rules of the national committee of the party designated in subdivision (1) of this section relating to delegates to national conventions and conducting of national conventions.

**History of Section.**

P.L. 1975, ch. 275, § 3; P.L. 1983, ch. 183,  
§ 1.

**17-12.1-4. Presidential candidates.** — (a) The secretary of state shall announce ten (10) days prior to the first day for filing of declarations of candidacy by delegates, the names of those bona fide national candidates for presidential nominee known to the secretary and on or before the date of announcement shall by registered mail duly notify the candidates of the secretary's intent to place their names on the ballot.

(b) Any other person seeking the endorsement of a national political party for which a primary is being held shall at least two (2) days prior to the first day of the period for the filing of declarations of candidacy by delegates file with the secretary of state (1) a written request signed by the chairman of the state committee, or (2) a petition signed by at least one thousand (1,000) qualified party voters, whose names shall have been previously certified by the local canvassers, requesting that the secretary of state place his or her name on the ballot, and the secretary of state shall announce his or her name as a presidential nominee.

(c) If any candidate whose name has been announced as a presidential nominee does not thereafter wish his or her name to appear on the ballot, the candidate shall at least thirty (30) days prior to the date for the primary file an affidavit with the secretary of state stating his or her name may not be placed on the ballot and the secretary of state shall not place that candidate's name on the ballot. Names of delegates committed to the withdrawn candidate, who are otherwise qualified, shall appear on the ballot as uncommitted.

**History of Section.**

P.L. 1975, ch. 275, § 2.

**17-12.1-5. Preparation of nomination papers.** — Upon receipt of the declaration referred to in § 17-12.1-3 the secretary of state shall prepare nomination papers for each candidate who has qualified, clearly marked with the candidate's name and the office the candidate seeks, and shall, within ten (10) days after the final date for filing declarations of candidacy, deliver the nomination papers to

the proper candidate or to such persons as the candidate in writing designates to receive them.

**History of Section.**

P.L. 1975, ch. 275, § 2; P.L. 1990, ch. 350,  
§ 1.

**17-12.1-6. Number of signers required.** — The nomination papers of a candidate for delegate to a national convention shall be signed, in the aggregate, by at least one hundred fifty (150) party voters.

**History of Section.**

P.L. 1975, ch. 275, § 2; P.L. 1983, ch. 183,  
§ 1.

**17-12.1-7. Checking and certification of nomination papers.** — Each nomination paper shall be submitted on or before four o'clock (4:00) p.m. in the afternoon of the thirty-fifth day before the presidential preference primary to the local board of the city or town where the signers appear to be voters, and the nomination papers shall be checked, processed, and certified to the secretary of state by the local boards before four o'clock (4:00) p.m. in the afternoon of the thirtieth day before the presidential preference primary. In addition, each candidate for delegate to a national convention may, on or before four o'clock (4:00) p.m. in the afternoon of the thirtieth day before the presidential primary, submit to the secretary of state documentation from a candidate as set forth in § 17-12.1-4 of this chapter that he or she has the approval of the candidate for presidential nominee or approval from the steering/screening committee to name the candidates' delegates to be identified with him or her.

**History of Section.**

§ 1; P.L. 1976, ch. 36, § 1; P.L. 1983, ch. 183,  
P.L. 1975, ch. 275, § 2; P.L. 1976, ch. 27, § 1; P.L. 1988, ch. 375, § 1.

**17-12.1-8. Presidential preference primary.** — (a) On the same date and at the same time as the election of delegates to national conventions, as provided in § 17-12.1-1, there shall be held a presidential preference primary for each political party at which each party voter shall have the opportunity to vote his or her preference for his or her choice for one person to be the candidate of his or her party for president of the United States.

(b) The secretary of state shall place on the ballot labels the name of all persons known to the secretary to be bona fide national candidates for presidential nominee who have been duly notified and who have not filed with the secretary of state the affidavit as provided in § 17-12.1-4, and shall list under the name of each candidate for presidential nominee, arranged by lot, the names of all candidates for delegates to a national convention who submitted the approval of the candidate for presidential nominee as set forth in § 17-12.1-7.

All other candidates for delegates to a national convention shall be listed on the ballot, arranged by lot, as uncommitted.

**History of Section.**

P.L. 1975, ch. 275, § 2.

**17-12.1-9. Voting for nominees and delegates — Designation of winning delegates.** — Each voter shall vote, within that voter's party primary, for the presidential nominees of that voter's choice or may express that voter's choice for no nominee in a space provided therefor and designated "uncommitted" and for any or all of the number of elected delegates allocated to Rhode Island by the respective national committees. The number of delegates and the designation of the winning delegates shall be determined pursuant to the rules of the political party filed with the secretary of state as provided by this chapter.

**History of Section.**

P.L. 1975, ch. 275, § 2.

**17-12.1-10. Filling of vacancies.** — Vacancies shall be filled in the delegation by the alternates in the order of their plurality and in accordance with the rules of the political party.

**History of Section.**

P.L. 1975, ch. 275, § 2.

**17-12.1-11. Form of ballot.** — (a) The order on the ballot of the presidential nominees and delegates and the uncommitted delegates shall be chosen by lot under the direction of the secretary of state.

(b) Individuals committed to a particular presidential candidate or uncommitted shall appear in such a manner so that the candidates for delegates shall be readily identified with the presidential candidate to whom they are committed or shall appear in a manner that clearly shows they are uncommitted.

(c) No person shall appear on the ballot as a candidate for delegate more than once.

(d) There shall be nothing on the ballot to indicate or suggest any political party endorsement.

(e) The secretary of state shall prepare and arrange the ballot labels for use in the primaries herein provided which shall include as to the candidates for delegates the person to whom the candidates are committed and such other information and instruction as the secretary of state shall deem necessary.

**History of Section.**

P.L. 1975, ch. 275, § 2.

**17-12.1-12. Definitions.** — For the purposes of this chapter the following terms shall have the meaning indicated as follows:

(A) "Political party" shall mean any political organization which at the preceding general election nominated a candidate for governor and whose candidate for governor at that election polled at least five percent (5%) of the entire vote cast in the state for governor.

(B) "Uncommitted" shall mean a candidate for delegate not approved by, obligated, or committed to any particular presidential contender.

(C) "Bona fide national candidate" shall mean a person who is generally recognized nationally as a presidential contender within his respective party.

**History of Section.**

P.L. 1975, ch. 275, § 2.

**17-12.1-13. Paper ballots.** — Paper ballots may be used as provided in and pursuant to §§ 17-19-2 and 17-19-40.

**History of Section.**

P.L. 1975, ch. 275, § 2.

**17-12.1-14. Recount.** — Upon application the state board of elections shall conduct a recount for a presidential candidate or delegate for a winning candidate when there is a two hundred (200) or less vote difference between the losing candidate or delegate and the winner.

**History of Section.**

P.L. 1975, ch. 275, § 2.

**17-12.1-15. Political party rules.** — The state chairman of each political party shall, on or before the first of January of each year a primary is to be held pursuant to this chapter, file with the secretary of state a certified copy of the complete rules of the political party including, but not limited to, the delegate selection rules and delegate procedure for the national convention of the political party.

**History of Section.**

P.L. 1975, ch. 275, § 2; P.L. 1983, ch. 183,  
§ 1.

**17-12.1-16. Provisions applicable.** — The appropriate provisions of this title shall apply to the primaries held under the provisions of this chapter unless clearly inconsistent herewith.

**History of Section.**

P.L. 1975, ch. 275, § 2.

**17-12.1-17. [Repealed.]**

**Repealed Sections.** This section (G.L. 1958, § 17-12.1-15; P.L. 1969, ch. 154, § 1; G.L. 1958, § 17-12.1-17; P.L. 1972, ch. 2, § 1) was repealed by P.L. 1975, ch. 275, § 1.

**CHAPTER 13**  
**PRIMARY VOTING LISTS**

SECTION.	SECTION.
17-13-1. Preparation and posting of preliminary lists.	17-13-4. Consolidated list for each party.
17-13-2. Affidavits of error in lists.	17-13-5. Lists furnished to parties and candidates.
17-13-3. Procedure in primaries for special elections.	

**17-13-1. Preparation and posting of preliminary lists. — (a)** In conformity with the requirements of chapter 10 of this title relating to preliminary lists generally, preceding the primary election of a political party next prior to a general election each local board shall for the party prepare and post in one public place in each of the voting districts in its city or town, a separate list of voters with their addresses in the districts who are eligible to participate in the primary of the respective party in accordance with the provisions of chapter 15 of this title. Each list shall be plainly marked with the name of the party for which it is prepared.

(b) In the preparation of any preliminary list there shall be stricken therefrom the names of all persons who are ineligible by reason of the provisions of § 17-15-24, and are therefore debarred from participating in the primary.

**History of Section.** 2100, § 1; G.L. 1956, § 17-13-2; G.L. 1956, P.L. 1947, ch. 1886, § 18; P.L. 1948, ch. § 17-13-1; P.L. 1958, ch. 18, § 1.

**17-13-2. Affidavits of error in lists. —** Any person claiming that his or her name has been erroneously included in or omitted from a preliminary list may set up that fact in his or her affidavit and, if that person files the affidavit with the proper local board within five (5) days after the preliminary list has been posted as above provided, the local board shall make the proper change in the list if satisfied of the proof of the claim. The affidavit shall be open to public inspection under such regulations as shall be promulgated by the local board.

**History of Section.** 2100, § 1; G.L. 1956, § 17-13-3; G.L. 1956, P.L. 1947, ch. 1886, § 18; P.L. 1948, ch. § 17-13-2; P.L. 1958, ch. 18, § 1.

**17-13-3. Procedure in primaries for special elections. —** The same procedure and sequence shall be followed in the case of a primary for a special election, but the state board shall fix and publish the various dates and periods in the sequence.

**History of Section.** 2100, § 1; G.L. 1956, § 17-13-5; G.L. 1956, P.L. 1947, ch. 1886, § 18; P.L. 1948, ch. § 17-13-3; P.L. 1958, ch. 18, § 1.

**17-13-4. Consolidated list for each party.** — There shall be only one list prepared for each party and the practice of separate lists prepared for women and for real, personal, and registry voters shall not be followed.

**History of Section.** 2100, § 1; G.L. 1956, § 17-13-6; G.L. 1956, P.L. 1947, ch. 1886, § 18; P.L. 1948, ch. § 17-13-4; P.L. 1958, ch. 18, § 1.

**17-13-5. Lists furnished to parties and candidates.** — After the first meeting held to correct and add to the voting lists as required by this chapter the local boards shall forthwith furnish five (5) complete copies of the printed lists to the town or city chairman of each political party. The local boards shall furnish certified copies of the primary lists to any political party or candidate.

**History of Section.** 2100, § 1; G.L. 1956, § 17-13-7; G.L. 1956, P.L. 1947, ch. 1886, § 18; P.L. 1948, ch. § 17-13-5; P.L. 1958, ch. 18, § 1.



CHAPTER 14  
NOMINATION OF PARTY AND INDEPENDENT  
CANDIDATES

SECTION.		SECTION.	
17-14-1.	Declarations of candidacy.	17-14-7.	Number of signers required for nomination papers.
17-14-1.1.	Party affiliation.	17-14-8.	Signing of nomination papers.
17-14-1.2.	Candidate required to be qualified voter in election.	17-14-9.	Number of papers signed by same voter.
17-14-2.	Candidate required to be qualified voter in primary.	17-14-10.	Affidavit of person obtaining signatures.
17-14-2.1.	Party candidates not eligible for independent nomination and independent candidates not eligible for party nomination.	17-14-11.	Checking and certification of nomination papers — Challenge.
17-14-3.	Candidates for one or more offices.	17-14-12.	Filing of nomination papers.
17-14-4.	Preparation of nomination papers for candidates — Combination of endorsed candidates — Furnishing of nomination papers to candidates.	17-14-12.1.	Certification by local boards.
17-14-4.1.	Party committees — Nomination papers unnecessary.	17-14-13.	Objections to eligibility of candidate or sufficiency of papers.
17-14-5.	[Repealed.]	17-14-14.	Hearings on objections — Witnesses — Notice.
17-14-6.	Statement at head of nomination papers.	17-14-15.	Withdrawal of candidacy.
		17-14-16.	Certification of names of candidates to secretary of state.
		17-14-17.	Replacement of deceased endorsed candidate.
		17-14-17.1.	[Repealed.]

**17-14-1. Declarations of candidacy.** — During the last consecutive Monday, Tuesday, and Wednesday in June in the even years and during the thirty-ninth and fortieth days preceding a primary election for a special election or for an election regularly scheduled for a time other than the biennial general statewide election, each voter desiring to be a candidate at the forthcoming primary or an independent candidate on final nomination papers shall, on such form as shall be provided by the secretary of state, file a declaration of his or her candidacy not later than four (4:00) p.m. of the last day for such filing with the secretary of state for congressional and statewide general offices, or with the local board of the place of the candidate's voting residence for general assembly, or state committee or senatorial and representative district committee or with the appropriate local board for local officers. Said declaration shall be signed by the candidate as his or her name appears on the voting list; provided, however, that such signature shall be accepted as valid if it can be reasonably identified to be the name and signature of the voter it purports to be; and provided further, that a variation of the voter's signature by the insertion or omission of identifying titles or by the substitution of initials for the first or middle names of both shall not in itself be grounds for invalidation of such signature. Said declaration shall also include the following information:

(1) The candidate's name as it appears on the voting list subject, however, to the same provisions as relate to the voter's signature on said declaration; address as it appears on the voting list, provided

that an address which is substantially the same as the address on the voting list shall be valid; party declaration if seeking to run in a party primary; office sought; place and date of birth; and length of residence in the state and in the town or city where he or she resides.

(2) A certification that he or she is neither serving a sentence, including probation or parole, for which he or she was imprisoned upon final conviction of a felony imposed on any date nor serving any sentence, whether incarcerated or suspended, on probation or parole, upon final conviction of a felony committed after November 5, 1986.

(3) A certification that he or she has not been lawfully adjudicated to be non compos mentis, of unsound mind.

(4) In the case of candidates for party nomination, a certification that he or she has not been a member of a political party other than the declared party within ninety (90) days of the filing date.

(5) If a person is a candidate for a state or local office, a certification that such person has not within the preceding three (3) years served any sentence, incarcerated or suspended, on probation or parole, for a crime committed after November 5, 1986 upon a plea of nolo contendere or guilty or upon a conviction of a felony or for a misdemeanor for which a sentence of imprisonment for six (6) months or more, whether suspended or to be served as imposed.

**History of Section.**

P.L. 1947, ch. 1886, § 7; P.L. 1948, ch. 1981, ch. 372, § 2; P.L. 1983, ch. 58, § 1; P.L. 1987, ch. 293, § 2; P.L. 1987, ch. 389, § 6; 2100, § 1; P.L. 1950, ch. 2476, § 6; P.L. 1953, P.L. 1989, ch. 389, § 1; P.L. 1989, ch. 439, § 1; P.L. 1990, ch. 152, § 1; P.L. 1990, ch. 3202, § 1; G.L. 1956, § 17-14-1; P.L. § 1; P.L. 1990, ch. 153, § 1; P.L. 1990, ch. 395, § 1; P.L. 1991, 1958, ch. 18, § 1; P.L. 1961, ch. 70, § 3; P.L. 153, § 1; P.L. 1990, ch. 395, § 1; P.L. 1991, 1974, ch. 36, § 1; P.L. 1978, ch. 271, § 1; P.L. ch. 194, § 2; P.L. 1991, ch. 277, § 2.

**17-14-1.1. Party affiliation.** — Whenever any person shall seek elective office, that person shall not have been a member of a political party other than the declared political party within ninety (90) days of the filing of his or her declaration of candidacy.

**History of Section.**

P.L. 1981, ch. 372, § 3.

**17-14-1.2. Candidate required to be qualified voter in election.** — No person shall be eligible to file a declaration of candidacy as an independent candidate nor shall a person be eligible to be a candidate or be eligible to be voted for unless the person shall, at the time of filing the declaration, be qualified to vote in the election within the district for the office which that person seeks.

**History of Section.**

P.L. 1987, ch. 389, § 9.

**17-14-2. Candidate required to be qualified voter in primary.** — No person shall be eligible to file a declaration of candidacy, or be eligible to be a candidate or be eligible to be voted for or to be nominated or elected in a party primary unless such person shall, at the time of filing such declaration be qualified to vote in a primary within the district for the office which he or she seeks.

**History of Section.**

P.L. 1947, ch. 1886, § 7; P.L. 1948, ch. 2100, § 1; P.L. 1950, ch. 2476, § 6; G.L. 1956, § 17-14-2; P.L. 1958, ch. 18, § 1; P.L. 1966, ch. 200, § 1; P.L. 1968, ch. 247, § 1.

**17-14-2.1. Party candidates not eligible for independent nomination and independent candidates not eligible for party nomination.** — No person who shall have filed a declaration of candidacy as an independent candidate pursuant to § 17-14-1 for an office for which a party candidate may be nominated pursuant to this chapter shall be eligible to file a declaration of candidacy as a party candidate for the same office, and no person who shall have filed a declaration of candidacy as a party candidate pursuant to § 17-14-1 for an office for which an independent candidate may be nominated pursuant to this chapter shall be eligible to file a declaration of candidacy as an independent candidate for the same office.

**History of Section.**

P.L. 1980, ch. 404, § 1; P.L. 1987, ch. 389, § 8.

**17-14-3. Candidates for one or more offices.** — Nothing contained in §§ 17-14-1 and 17-14-2 shall be construed to prevent a voter otherwise qualified from being a candidate in the primary of that voter's party for one or more offices either "state" or "local" or both, provided that voter's name shall be printed on the official ballots or ballot labels.

**History of Section.**

P.L. 1947, ch. 1886, § 7; P.L. 1948, ch. 2100, § 1; P.L. 1950, ch. 2476, § 6; G.L. 1956, § 17-14-3; P.L. 1958, ch. 18, § 1.

**17-14-4. Preparation of nomination papers for candidates — Combination of endorsed candidates — Furnishing of nomination papers to candidates.** — Upon receipt of the declarations referred to in § 17-14-1 within two (2) business days of the final date for filing endorsements, the secretary of state for statewide candidates and the local board for general assembly and local candidates shall prepare nomination papers for each person who has filed a declaration of candidacy as provided in § 17-14-1; provided, however, that a minimum of three (3) sets of nomination papers shall be prepared for each candidate whose name appears on nomination papers containing the name of a candidate for general assembly and

for local office, and provided further, however, that nomination papers for voters from the city of Providence for the offices enumerated in § 17-14-1 shall be furnished by the secretary of state. Nomination papers shall be prepared with the name of the candidate as it appears on the voting list notwithstanding that the candidate may have signed his or her declaration of candidacy other than as such candidate's name appears on the voting list. Candidates for nomination for different offices endorsed by the appropriate committee on any party shall be combined on the same nomination papers. The names of candidates for different offices not endorsed by the appropriate committee of any party shall not be combined on the same nomination papers. Combined nomination papers for endorsed candidates for general assembly and their respective committees shall be furnished by the local board of the general assembly candidate. Nomination papers shall be furnished to the local boards by the secretary of state and each shall bear the imprint of the state coat of arms and such additional language as required by law. Nomination papers shall be appropriately marked or color coded to indicate the different political parties, the endorsed and unendorsed candidates of those parties and independent candidates.

General assembly and local candidates for nomination may, at their own expense, have nomination papers duplicated. The signatures obtained on said duplicated nomination papers shall be considered valid if and only if, prior to any signatures being affixed, the duplicated nomination papers have been time-stamped by the secretary of state or local board of canvassers which issued the original nomination papers.

**History of Section.**

P.L. 1947, ch. 1886, § 8; P.L. 1948, ch. 2100, § 1; P.L. 1950, ch. 2476, § 7; G.L. 1956, § 17-14-4; P.L. 1958, ch. 18, § 1; P.L. 1962, ch. 191, § 1; P.L. 1978, ch. 271, § 1; P.L. 1987, ch. 389, § 8; P.L. 1988, ch. 97, § 1; P.L. 1988, ch. 376, § 1; P.L. 1989, ch. 389, § 1.

**17-14-4.1. Party committees — Nomination papers unnecessary.** — In the case of endorsed candidates for membership on all party committees, including state, town, city, district, or ward committees, nomination papers shall not be necessary. In this case the filing of the endorsed slate of candidates by the particular committee shall be sufficient to nominate the candidates. All non-endorsed candidates for membership on party committees shall be required to file declarations of candidacy and to obtain and file nomination papers in the same manner as other candidates for primary election.

**History of Section.**

P.L. 1987, ch. 389, § 9.

**17-14-5. [Repealed.]**

**Repealed Sections.** This section (P.L. 1947, ch. 1886, § 8; P.L. 1948, ch. 2100, § 1; P.L. 1950, ch. 2476, § 7; G.L. 1956, § 17-14-5; P.L. 1958, ch. 18, § 1; P.L. 1961, ch. 70, § 3; P.L. 1962, ch. 191, § 2; P.L. 1974, ch. 36, § 2), concerning retention of declarations and delivery of nomination papers, was repealed by P.L. 1987, ch. 389, § 7, effective June 1, 1988.

**17-14-6. Statement at head of nomination papers.** — At the head of the space on the nomination papers where voters are to endorse their approval of the candidates shall be printed the following:

"Each of the signers of this paper by so signing severally certifies that he or she is a voter in the area from and for which the endorsed candidate (or candidates) seek(s) to be elected."

**History of Section.** ch. 2553, § 1; G.L. 1956, § 17-14-6; P.L. 1947, ch. 1886, § 8; P.L. 1948, ch. 2100, § 1; P.L. 1950, ch. 2476, § 7; P.L. 1958, ch. 18, § 1; P.L. 1980, ch. 388, § 1.

**17-14-7. Number of signers required for nomination papers.**

— (a) *United States senator or governor.* The nomination papers of a candidate for the party nomination or an independent candidate for presidential elector, United States senator or governor shall be signed, in the aggregate, by at least one thousand (1,000) voters.

(b) *Congressman.* The nomination papers of a candidate for the party nomination or an independent candidate for representative in congress shall be signed, in the aggregate, by at least five hundred (500) voters.

(c) *General state offices.* The nomination papers of a candidate for the party nomination or an independent candidate for any of the general offices of the state, excluding governor, shall be signed, in the aggregate, by at least five hundred (500) voters.

(d) *State senator.* The nomination papers of a candidate for a party nomination or independent candidate for senator in any senatorial district shall be signed, in the aggregate, by at least one hundred (100) voters of the senatorial district.

(e) *State representative.* The nomination papers of a candidate for party nomination or an independent candidate for a member of the house of representatives from any representative district shall be signed, in the aggregate, by at least fifty (50) voters of the representative district.

(f) *City offices.* The nomination papers of a candidate for party nomination or an independent candidate for any local office to be filled by the voters of any city at large shall be signed, in the aggregate, by at least two hundred (200) voters of the city, provided, however, that in the city of Providence at least five hundred (500) signatures shall be required.

(g) *Voting district moderator or clerk.* The nomination papers for a candidate for voting district moderator or clerk in any town shall

be signed, in the aggregate, by at least ten (10) voters of the voting district.

(h) *Other offices.* The nomination papers of a candidate for party nomination for other offices covered by § 17-15-7, or for the election of delegates or for unendorsed party committee candidates, shall be signed, in the aggregate, by fifty (50) voters.

**History of Section.** ch. 18, § 1; P.L. 1966, ch. 116, § 10; P.L. 1947, ch. 1886, § 9; P.L. 1948, ch. 1982, ch. 160, § 1; P.L. 1987, ch. 389, § 8; 2100, § 1; G.L. 1956, § 17-14-7; P.L. 1958, P.L. 1988, ch. 435, § 1.

**17-14-8. Signing of nomination papers.** — Not all endorsers of a candidate need sign on the same nomination papers, but endorsers who are voters in different cities and towns shall not sign the same sheet. Every voter signing a nomination paper shall sign in person with his or her name, place of residence, and street number, as it appears on the voting list; provided, however, that the signature shall be accepted as valid if it can be reasonably identified to be the signature of the voter it purports to be; and provided, further, that a variation of the voter's signature by the insertion or omission of identifying titles or by the substitution of initials for the first or middle names or both shall not in itself be grounds for invalidation of the signature. Any voter who is unable to write may sign by making his or her mark (X) on the nomination paper in the presence of two (2) witnesses who shall subscribe their names on the paper as witnesses to the signing.

**History of Section.** 2100, § 1; G.L. 1956, § 17-14-8; P.L. 1958, P.L. 1947, ch. 1886, § 10; P.L. 1948, ch. ch. 18, § 1; P.L. 1978, ch. 271, § 1.

**17-14-9. Number of papers signed by same voter.** — A voter may sign any number of nomination papers for any office the voter may lawfully vote for at the general election.

**History of Section.** 2100, § 1; G.L. 1956, § 17-14-9; P.L. 1958, P.L. 1947, ch. 1886, § 10; P.L. 1948, ch. ch. 18, § 1; P.L. 1978, ch. 271, § 2.

**17-14-10. Affidavit of person obtaining signatures.** — Every person who shall obtain signatures of voters upon nomination papers shall under oath sign the following statement:

"I, \_\_\_\_\_, of \_\_\_\_\_, under oath, make affidavit and say that the signers of the within nomination paper (or papers) did so sign the paper (or papers) in my presence.

State of Rhode Island \_\_\_\_\_

\_\_\_\_\_, Sc.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19\_\_\_\_.

\_\_\_\_\_  
Notary Public"

**History of Section.** 2476, § 7; G.L. 1956, § 17-14-10; P.L. 1958, P.L. 1947, ch. 1886, § 8; P.L. 1950, ch. ch. 18, § 1.

**17-14-11. Checking and certification of nomination papers — Challenge.** — Each nomination paper for party and independent candidates shall be submitted before four o'clock (4:00) p.m. on the sixtieth day before the primary to the local board of the city or town where the signers appear to be voters or, in the case of special elections, on the twenty-eighth day before the primary. Provided, however, that nomination papers for independent presidential candidates and presidential candidates of political parties other than those defined in § 17-1-2(f) shall be filed not later than sixty (60) days prior to the general election. Each local board shall proceed forthwith to check signatures, on each nomination paper filed with it, against the voting list as last canvassed or published according to law. In the case of candidates for statewide office the local boards shall certify the number of names appearing thereon that are in conformity with the requirements of § 17-14-8 and after considering any challenge under this section shall file all nomination papers for the officers forthwith with the secretary of state. In the case of all other candidates the local boards shall certify a sufficient number of names appearing thereon that are in conformity with the requirements of § 17-14-8 to qualify the candidate for a position on the ballot and after considering any challenge under this section and, if necessary, certifying any additional valid names, shall file nomination papers for general assembly and state and district committee candidates forthwith with the secretary of state; provided, however, that nomination papers for local candidates shall be retained by the local board. If any candidate or the chairperson of any party committee questions the validity or authenticity of any signature on the nomination paper, the local board shall forthwith and summarily decide the question, and for this purpose, shall have the same powers as are conferred upon the board by the provisions of § 17-14-14. If any challenged signature is found to be invalid, for any reason in law, or forged, then the signature shall not be counted.

**History of Section.** ch. 271, § 1; P.L. 1981, ch. 375, § 1; P.L. 1987, ch. 389, § 8; P.L. 1991, ch. 145, § 1; P.L. 1947, ch. 1886, § 11; P.L. 1948, ch. 2100, § 1; P.L. 1950, ch. 2476, § 8; G.L. 1956, § 17-14-11; P.L. 1958, ch. 18, § 1; P.L. 1961, ch. 70, § 3; P.L. 1974, ch. 36, § 3; P.L. 1978, P.L. 1991, ch. 194, § 2; P.L. 1991, ch. 277, § 2.

**17-14-12. Filing of nomination papers.** — All nomination papers for state offices or officers and all certified lists of candidates for local offices or officers shall be filed in the office of the secretary of state (the certified lists by the respective local boards), not later than fifty-four (54) days before the date of the primary held to nominate candidates for general election but when there is a primary to nominate candidates for any office mentioned in § 17-15-7 to be voted upon at a special election, all nomination papers and lists of local

candidates shall be filed in the office on or before the twenty-sixth day preceding the day of the special primary election.

**History of Section.** ch. 271, § 1; P.L. 1981, ch. 375, § 1; P.L. 1987, ch. 389, § 8; P.L. 1988, ch. 84, § 75; P.L. 1991, ch. 194, § 2; P.L. 1991, ch. 277, § 2.  
 P.L. 1947, ch. 1886, § 12; P.L. 1948, ch. 2100, § 1; P.L. 1950, ch. 2476, § 9; G.L. 1956, § 17-14-12; P.L. 1958, ch. 18, § 1; P.L. 1961, ch. 70, § 3; P.L. 1974, ch. 36, § 4; P.L. 1978,

**17-14-12.1. Certification by local boards.** — All certified lists of candidates for primary, regular and special elections, as well as all local questions to be voted on at such elections shall be in final form when certified to the secretary of state by the local boards. In all instances where there needs to be a reprinting, remailing or other such happening of the ballots for a community, except as provided in § 17-14-17, the cost of such reprinting, remailing or other happening shall be borne by the local community.

**History of Section.**  
 P.L. 1991, ch. 279, § 1.

**17-14-13. Objections to eligibility of candidate or sufficiency of papers.** — When nomination papers have been duly filed, and are in apparent conformity with § 17-14-11, they shall be conclusively presumed to be valid, unless written objections thereto are made as to the eligibility of the candidate or the sufficiency of the nomination papers or the signatures thereon. All objections shall be filed in the office of the secretary of state or of the local board, as the case may be, by four o'clock (4:00) p.m. on the next business day after the last day fixed for filing nomination papers in the appropriate office as heretofore provided. Nothing herein shall be construed to prevent the secretary of state or the local board, as the case may be, from disqualifying a candidate based on the determination of the secretary of state or the local board, acting on its own motion, that the candidate is ineligible or the nomination papers or the signatures thereon are invalid or insufficient.

**History of Section.** ch. 18, § 1; P.L. 1978, ch. 271, § 1; P.L. 1983, ch. 172, § 22; P.L. 1987, ch. 389, § 1.  
 P.L. 1947, ch. 1886, § 13; P.L. 1948, ch. 2100, § 1; G.L. 1956, § 17-14-13; P.L. 1958,

**17-14-14. Hearings on objections — Witnesses — Notice.** — (a) All objections to nomination papers which are required to be filed with the secretary of state shall be considered by the state board. The secretary of state shall, when requested by the state board, forthwith deliver to the board the nomination papers to which objection has been filed. The state board may at the hearing on the objections summon witnesses, administer oaths, and require the production of books, papers, and documents. The witnesses shall be summoned in the same manner, be paid the same fees, and be subject to the same penalties for default as witnesses before the superior court.

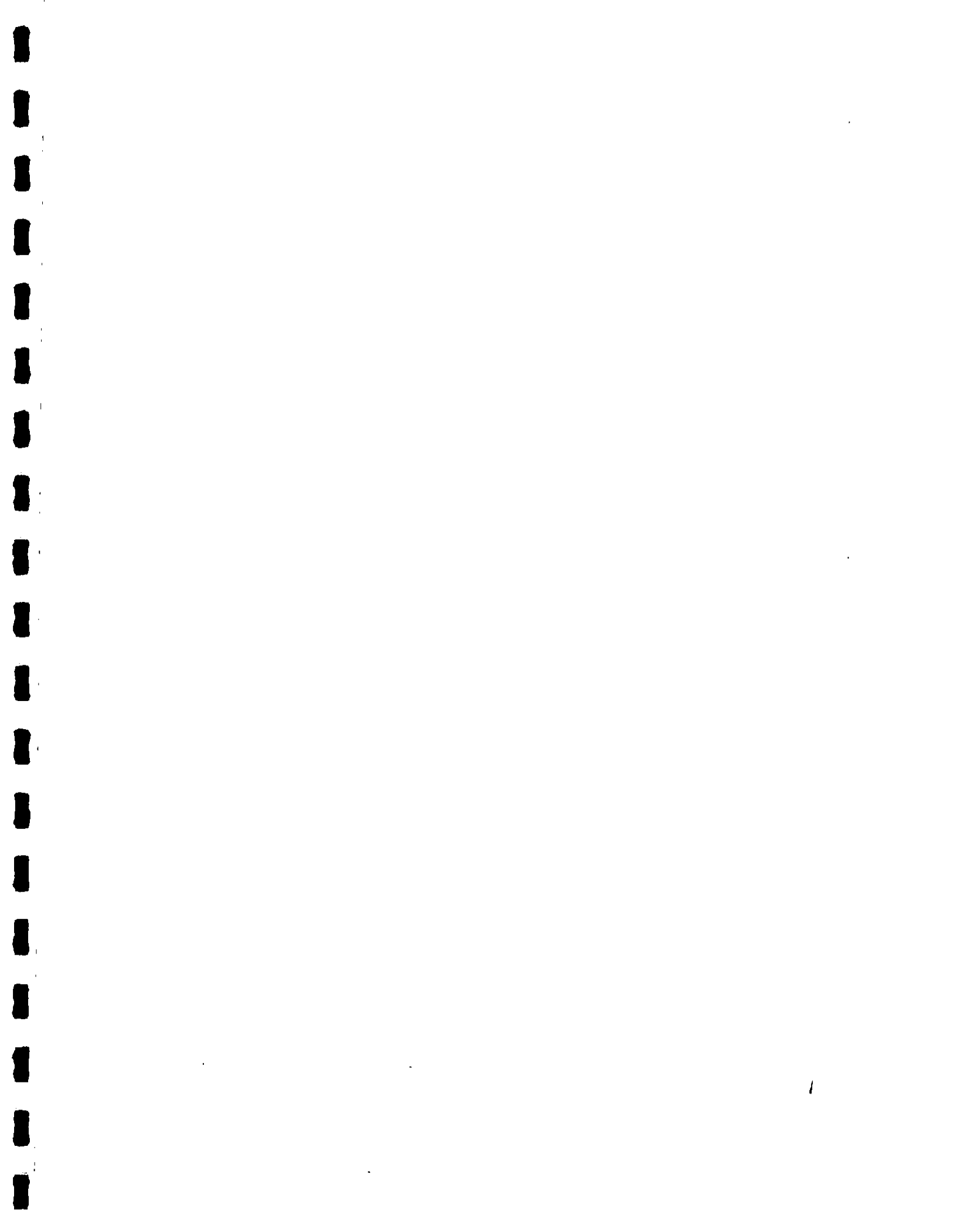


132.1 NOMINATION OF PARTY AND INDEPENDENT CANDIDATES 17-14-14

A summons may be sworn to and an oath may be administered by the board. When an objection has been filed, notice thereof shall be forthwith given by registered or certified mail, or by personal service, by the state board, to the candidates, addressed to the residence of the candidate as given in the nomination papers, and to any party committee interested in the nomination to which objection is made.

(b) Additional notice may also be given by the state board if it sees fit to do so. The decision of the board shall be rendered within two (2) days, exclusive of Sundays and holidays, after filing of objections and shall forthwith be certified by the state board to the secretary of state.

(c) All objections to nomination papers for other than state officers shall be considered by the local board in the same manner and with the same effect as hereinabove provided for hearing of objections to nomination papers for state officers by the state board.



**History of Section.**

P.L. 1947, ch. 1886, § 14; P.L. 1948, ch. 2100, § 1; impl. am. P.L. 1956, ch. 3717, § 1;

G.L. 1956, § 17-14-14; P.L. 1958, ch. 18, § 1;

P.L. 1987, ch. 389, § 8.

**17-14-15. Withdrawal of candidacy.** — A person nominated as a candidate to be voted for at a primary or an independent candidate may withdraw his or her name from the nomination prior to the date of primary by a request signed and duly acknowledged by him or her setting forth the reason for the withdrawal, that the withdrawal is the candidate's own free act and deed, and that it is not executed as the result of any threat or promise made to the candidate. The certificate of withdrawal shall be filed in the office where the nomination papers were filed within the time prescribed by § 17-14-13 for filing objections to nomination papers; provided, however, that if an objection has been filed, the certificate need not be filed until twenty-four (24) hours following the decision of the state board, or of the local board, relative to the objection.

**History of Section.**

P.L. 1947, ch. 1886, § 16; P.L. 1948, ch. 2100, § 1; G.L. 1956, § 17-14-15; P.L. 1958,

ch. 18, § 1; P.L. 1989, ch. 224, § 1; P.L. 1989,

ch. 437, § 1.

**17-14-16. Certification of names of candidates to secretary of state.** — Following the determination of objections, if any, to the nomination papers, the state board or local board shall forthwith certify to the secretary of state, the names and addresses of all candidates who have filed valid nomination papers.

**History of Section.**

P.L. 1947, ch. 1886, § 15; P.L. 1948, ch. 2100, § 1; P.L. 1947, ch. 1886, § 14; P.L.

1950, ch. 2476, § 10; G.L. 1956, § 17-14-16;

P.L. 1958, ch. 18, § 1.

**17-14-17. Replacement of deceased endorsed candidate.** — When an endorsed nominee as a candidate to be voted upon at any primary has deceased prior to the holding of the primary, the committee having the original authority to endorse the candidate shall substitute as the endorsed nominee for candidate to be voted upon at the primary any person qualified to vote at the primary in the place and stead of the deceased nominee, provided, however, that forthwith upon receipt of actual knowledge of the death of the endorsed nominee by the committee having the original authority to endorse the candidate, the committee shall make the substitution herein mentioned; and provided further, that the chairman of the committee shall, forthwith upon the substitution, notify the secretary of state in writing of the death of the endorsed nominee and of the substitution of a nominee as provided herein; and provided further, that any substituted nominee shall have been eligible for nomination on the dates as required by and pursuant to the requirements of §§ 17-14-1, 17-14-1.1, 17-14-2, and 17-14-2.1. Upon receipt of the notice, the secretary of state shall thereupon substitute on the ballots or ballot labels, as the case may be, the name of the endorsed

nominee who replaces the deceased endorsed nominee as provided herein, provided however, that the written notice is received by the secretary of state at least fourteen (14) days prior to the date of the primary.

**History of Section.**

P.L. 1947, ch. 1886, § 16A; P.L. 1950, ch. 2564, § 1; G.L. 1956, § 17-14-17; P.L. 1958,

ch. 18, § 1; P.L. 1967, ch. 112, § 1; P.L. 1983, ch. 243, § 1.

**17-14-17.1. [Repealed.]**

**Repealed Section.** This section (P.L. 1978, ch. 243, § 2; P.L. 1981, ch. 375, § 1; P.L. 1983, ch. 243, § 1), concerning filling of

vacancy upon failure of anyone to qualify, was repealed by P.L. 1987, ch. 389, § 7, effective June 1, 1988.

## CHAPTER 15 PRIMARY ELECTIONS

- | SECTION.  | SECTION.  |
|---|---|
| 17-15-1. Date of primaries.   | 17-15-24. Disqualification by activity in other party.                                    |
| 17-15-2. Regular primary date falling on religious holiday.                     | 17-15-25. Nomination papers for delegates to constitutional conventions.                  |
| 17-15-3. Special election primaries.  | 17-15-26. Challenge as to right to vote — Affidavit.                                      |
| 17-15-4. Municipal primaries other than at time of general primaries.           | 17-15-27. Impartiality of officials — Sound equipment.                                    |
| 17-15-5. Combination of voting districts.                                       | 17-15-28. Voting hours.   |
| 17-15-6. Conventions and caucuses replaced — Parties holding primaries — Forms. | 17-15-29. Number of votes required to nominate or elect.                                  |
| 17-15-7. Candidates nominated at primaries.                                     | 17-15-30. Tabulation of local returns — Certificate of nomination or election.            |
| 17-15-8. Listing of candidates on ballots and ballot labels.                    | 17-15-31. Tabulation of state returns — Certificates of nomination or election.           |
| 17-15-9. Slate voting.  | 17-15-32. [Obsolete.]   |
| 17-15-10. Use of paper ballots.   | 17-15-33. Tie vote.   |
| 17-15-11. Dispensation with primary when no contest.                            | 17-15-34. Recount petition or other protest.  |
| 17-15-12. Ballot when contest exists.   | 17-15-35. Hearing on recount or protest — Notice — Declaration of nomination or election. |
| 17-15-13. Voting places — Primary officials — Party officials — Appointment.    | 17-15-36. Filing of state and city nominations.   |
| 17-15-14. Qualifications of primary officials — Affidavit.                      | 17-15-37. Filing of town nominations.   |
| 17-15-15. Powers and duties of primary officials — Compensation.                | 17-15-38. Vacancies among nominees.   |
| 17-15-16. Vacancies among primary officials.                                    | 17-15-39. Preservation of primary records.  |
| 17-15-17. Notice of primaries.  | 17-15-40. Right to nominate by petition preserved.  |
| 17-15-18. Apportionment of voting machines.                                     | 17-15-41. School committee caucuses unaffected.   |
| 17-15-19. Arrangement and paraphernalia at voting places.                       | 17-15-42. [Repealed.]   |
| 17-15-20. Primaries conducted in same manner as general elections.              | 17-15-43. Application of election law.  |
| 17-15-21. Identification of party voters.                                       | 17-15-44. Rules — Recommendations for amendment of laws.                                  |
| 17-15-22. Party checkers.   |   |
| 17-15-23. Affidavit and examination of voter not listed.                        |   |

**17-15-1. Date of primaries.** — A primary election for the nomination of candidates for each political party shall be held in each voting district in the manner hereinafter provided on the second Tuesday after the first Monday in September in 1962 and in each even numbered year thereafter.

**History of Section.** 2100, § 1; G.L. 1956, § 17-15-1; P.L. 1958, P.L. 1947, ch. 1886, § 2; P.L. 1948, ch. 2100, § 1; P.L. 1961, ch. 70, § 4.

**17-15-2. Regular primary date falling on religious holiday.** — In the event that the date for the holding of any primary election preceding any general state or municipal election as herein provided shall fall upon the day of a religious holiday the primary shall be held upon the next business day other than Saturday then following;

provided, however, that nothing in this section contained shall be deemed to invalidate a primary election once held.

**History of Section.** 3581, § 1; G.L. 1956, § 17-15-2; P.L. 1958, P.L. 1947, ch. 1886, § 2; P.L. 1955, ch. ch. 18, § 1; P.L. 1967, ch. 200, § 1.

**17-15-3. Special election primaries.** — Party primary elections shall also be held for the purpose of nominating candidates for an office or offices to be elected at any special election. In the event of a special election, the state board shall fix the date or dates on which the various party primary elections shall be held, provided, however, that all the party primary elections shall have been held by the thirtieth day preceding the date fixed for the special election and provided further that the date or dates so fixed by the state board shall not be a religious holiday or Saturday.

**History of Section.** 2100, § 1; G.L. 1956, § 17-15-3; P.L. 1958, P.L. 1947, ch. 1886, § 2; P.L. 1948, ch. ch. 18, § 1; P.L. 1967, ch. 200, § 2.

**17-15-4. Municipal primaries other than at time of general primaries.** — In those cities and towns which now by law hold elections for city or town officers on a day other than the Tuesday after the first Monday in November biennially in each even year, a primary election for the nomination of the city or town officials shall be held and the local board shall fix the date thereof; provided, however, that the primary election shall have been held by the thirtieth day preceding the date fixed for the election, and provided further that the date so fixed by the local board shall not be a religious holiday or Saturday.

**History of Section.** ch. 18, § 1; P.L. 1961, ch. 70, § 4; P.L. 1967, P.L. 1947, ch. 1886, § 2; P.L. 1948, ch. ch. 200, § 3. 2100, § 1; G.L. 1956, § 17-15-4; P.L. 1958.

**17-15-5. Combination of voting districts.** — Local boards shall have the power to combine two (2) or more voting districts within the same ward, and senatorial or representative district, when the absence of contests within the voting districts so combined makes this combination possible, and when so combined shall be treated as a voting district.

**History of Section.** § 17-15-5; P.L. 1958, ch. 18, § 1; P.L. 1966, P.L. 1947, ch. 1886, § 2; P.L. 1948, ch. ch. 116, § 11; P.L. 1990, ch. 151, § 2. 2100, § 1; P.L. 1950, ch. 2476, § 2; G.L. 1956.

**17-15-6. Conventions and caucuses replaced — Parties holding primaries — Forms.** — The primary elections thus held shall replace the party conventions and caucuses for making the nominations herein provided for, but party conventions shall be held for such purposes as are authorized by § 17-12-13. Primaries shall be held only by political parties. Except as herein otherwise provided, any and all forms prescribed by this chapter shall be prepared and provided by the secretary of state and shall be uniform throughout the state, wherever practicable.

**History of Section.** 2100, § 1; P.L. 1950, ch. 2476, § 2; G.L. 1956, P.L. 1947, ch. 1886, § 2; P.L. 1948, ch. § 17-15-6; P.L. 1958, ch. 18, § 1.

**17-15-7. Candidates nominated at primaries.** — (a) At the primary elections there shall be nominated candidates for the following offices, if the offices are to be filled at the succeeding election:

- (1) Senators in the congress of the United States.
- (2) Representatives in the congress of the United States.
- (3) General officers of the state.
- (4) Senators in the general assembly from the respective senatorial districts.
- (5) Representatives in the general assembly from the respective representative districts.
- (6) Mayors for the respective cities.
- (7) Members of the city or town councils from the respective towns, wards, and districts.
- (8) All other city or town officials heretofore nominated by party caucus, convention, or party committees, whose offices are to be filled at the regular or special election next succeeding the primary, with the exception of candidates for presidential elector who shall be selected as hereinbefore provided.

(b) At the primary elections the members of ward, town, and district committees of the respective political parties shall be elected.

**History of Section.** § 17-15-7; P.L. 1958, ch. 18, § 1; P.L. 1966, P.L. 1947, ch. 1886, § 3; P.L. 1948, ch. ch. 116, § 11. 2100, § 1; P.L. 1950, ch. 2476, § 3; G.L. 1956.

**17-15-8. Listing of candidates on ballots and ballot labels.** — The secretary of state shall forthwith upon receipt of the certificates provided for by chapter 14 of this title cause the proper ballots or ballot labels to be prepared for use in the various voting districts. Names and addresses of party candidates for a particular office shall be printed horizontally and alphabetically opposite and to the right of the names of the office they seek and shall not appear on the ballot more than once for the same office; provided, however, the names and addresses of candidates having the endorsement of their party committees shall be printed in the first column at the right of the title of the offices they seek and shall be marked with an asterisk (\*);

provided, further, however, that in the event that there be more candidates for a particular office than the voting machine can accommodate in the horizontal column, the names and addresses shall be continued in alphabetical order succeeding the last name at the extreme right of the column to the next horizontal column beneath the column. Names and addresses of candidates shall be printed upon the ballots and ballot labels as such names appear on the voting list, notwithstanding that the candidate may have signed his or her declaration of candidacy other than as such candidate's name appears on the voting list.

**History of Section.** 1956, § 17-15-8; P.L. 1958, ch. 18, § 1; P.L. 1947, ch. 1886, § 15; P.L. 1948, ch. 1960, ch. 151, § 1; P.L. 1989, ch. 389, § 2; 2100, § 1; P.L. 1950, ch. 2476, § 11; G.L. P.L. 1990, ch. 285, § 1.

**17-15-9. Slate voting.** — In a primary election no device shall be provided whereby a voter may by one operation vote for a slate of candidates.

**History of Section.** § 11; G.L. 1956, § 17-15-9; P.L. 1958, ch. 18. P.L. 1947, ch. 1886, § 15, as enacted by § 1. P.L. 1948, ch. 2100, § 1; P.L. 1950, ch. 2476.

**17-15-10. Use of paper ballots.** — Whenever in a particular voting district or districts it shall not be possible to include the names of all candidates on the ballot labels of the machine arranged according to the provisions of § 17-15-8, then the candidates for all offices except ward and town committees shall be placed upon the voting machines as prescribed by this chapter and for all the candidates for ward and town committees to be voted for in the district, the secretary of state shall prepare suitable paper ballots which shall be used. The paper ballots shall have the candidates' names in the same order as prescribed for ballot labels for voting machines as prescribed by this chapter.

**History of Section.** 1956, § 17-15-10; P.L. 1958, ch. 18, § 1; P.L. 1947, ch. 1886, § 15; P.L. 1948, ch. 1960, ch. 151, § 1; P.L. 1966, ch. 116, § 11; 2100, § 1; P.L. 1950, ch. 2476, § 11; G.L. P.L. 1985, ch. 141, § 1.

**17-15-11. Dispensation with primary when no contest.** — Whenever there is no contest whatsoever within any voting district for the officers to be nominated or elected by a particular political party for any election, no primary election shall be held in that voting district and the secretary of state for state offices or the local boards for local offices shall declare those persons elected in the case of party committee members or delegates or nominated as candidates of a particular party for the office and their names shall not be printed on the primary ballot labels but shall be printed on the ballot labels for the election for which the nominations are made; provided, however, that the party committee members' names and



the names of the delegates to the state convention of the respective party shall not be put on the election ballot.

**History of Section.** 1951, ch. 2731, § 1; G.L. 1956, § 17-15-11; P.L. 1947, ch. 1886, § 17; P.L. 1948, ch. 2100, § 1; P.L. 1950, ch. 2476, § 12; P.L. 1958, ch. 18, § 1.

**17-15-12. Ballot when contest exists.** — Whenever there is a contest within any voting district, a primary election shall be held in the voting district and the names of all candidates for state office and the names of only those candidates for local office who are contesting a particular local office or offices shall appear on the ballot labels.

**History of Section.** § 17-15-12; P.L. 1958, ch. 18, § 1; P.L. 1966, P.L. 1947, ch. 1886, § 17; P.L. 1951, ch. 2731, § 1; P.L. 1953, ch. 3202, § 2; G.L. 1956, ch. 116, § 11; P.L. 1987, ch. 389, § 10.

**17-15-13. Voting places — Primary officials — Party officials — Appointment.** — (a) From lists submitted to it by the chairman of the state committees of each party, the board shall appoint and issue commissions to a sufficient number of qualified electors of this state to be primary inspectors so that one inspector may be assigned for each party to each primary polling place to work with the other primary officials of his or her party. The local board shall at least twenty (20) days previous to the primary select the place or places designated by it for holding the primary election provided for by this chapter. The local board shall at least seven (7) days before any primary election appoint for each polling place within its city or town a primary warden or moderator, and a primary clerk, in the following manner: if there are primary contests in both major political parties, the warden and clerk shall be appointed as provided in § 17-11-11; if there is a primary contest in only one of the major political parties, the warden and the clerk shall be selected from a list submitted by the local committee of the party in which the contest exists.

(b) The local board shall also appoint, from lists submitted at least ten (10) days prior to the date set for the holding of the primaries, four (4) supervisors, in the following manner: if there are primary contests in both major political parties, one supervisor shall be appointed for each party in the manner provided in § 17-11-11 and two (2) supervisors, one for each party, shall be appointed from lists submitted by a majority of the respective party candidates, other than those endorsed by the party committee; if there is no primary contest in one of the major political parties, two (2) supervisors shall be appointed from a list submitted by the local committee in which the contest exists, and two (2) supervisors shall be appointed from a list or lists submitted by a majority of the party candidates, other than those endorsed by the party committee. The local board may

appoint such additional pairs of supervisors as it may deem necessary in the same manner above provided.

(c) The local board shall also appoint for each party one watcher, two (2) checkers, and such number of runners, not to exceed three (3), as the appropriate party chairman may deem necessary, which watcher, checkers, and runners shall be designated as party officials. These party officials shall be appointed from lists of qualified electors who are qualified to vote at the respective party primaries which lists shall be furnished as aforesaid to the local board at least ten (10) days prior to the date set for the holding of the primary. If the party candidates or a majority of them, other than those endorsed by the party committee, shall notify the local board in writing of their choices, at least ten (10) days prior to the date set for the holding of the primaries, the local board shall likewise appoint one watcher, two (2) checkers, and such number of runners as it shall have appointed at the request of the party chairman, to act for them collectively. The local board shall give them certificates as party officials.

**History of Section.**

P.L. 1947, ch. 1886, § 19; P.L. 1948, ch. 2100, § 1; P.L. 1953, ch. 3202, § 3; G.L. 1956,

§ 17-15-13; P.L. 1958, ch. 18, § 1; P.L. 1961, ch. 70, § 4; P.L. 1990, ch. 32, § 1.

**17-15-14. Qualifications of primary officials — Affidavit. —**

(a) Each warden or moderator and each primary supervisor appointed under the provisions of §§ 17-15-13 and 17-15-16 shall be able to read the Constitution of the state in the English language, and to write his or her name and shall be a party voter of the senatorial district, representative district, or town, ward, or voting district from which he or she is appointed.

(b) No person shall be so appointed to serve as a primary official who has been convicted, found guilty, pleaded guilty or nolo contendere, or placed on a deferred or suspended sentence or on probation for any crime which involved moral turpitude or a violation of any of the election, caucus, or primary laws of this or any other state.

(c) No person shall be appointed to serve as such primary official who is an officer or employee of the United States, of this state, or of any city or town of this state, but no person shall be so disqualified solely because that person is a notary public, or a teacher.

(d) No person who is seeking nomination or election at any primary election shall act as a primary official at that primary.

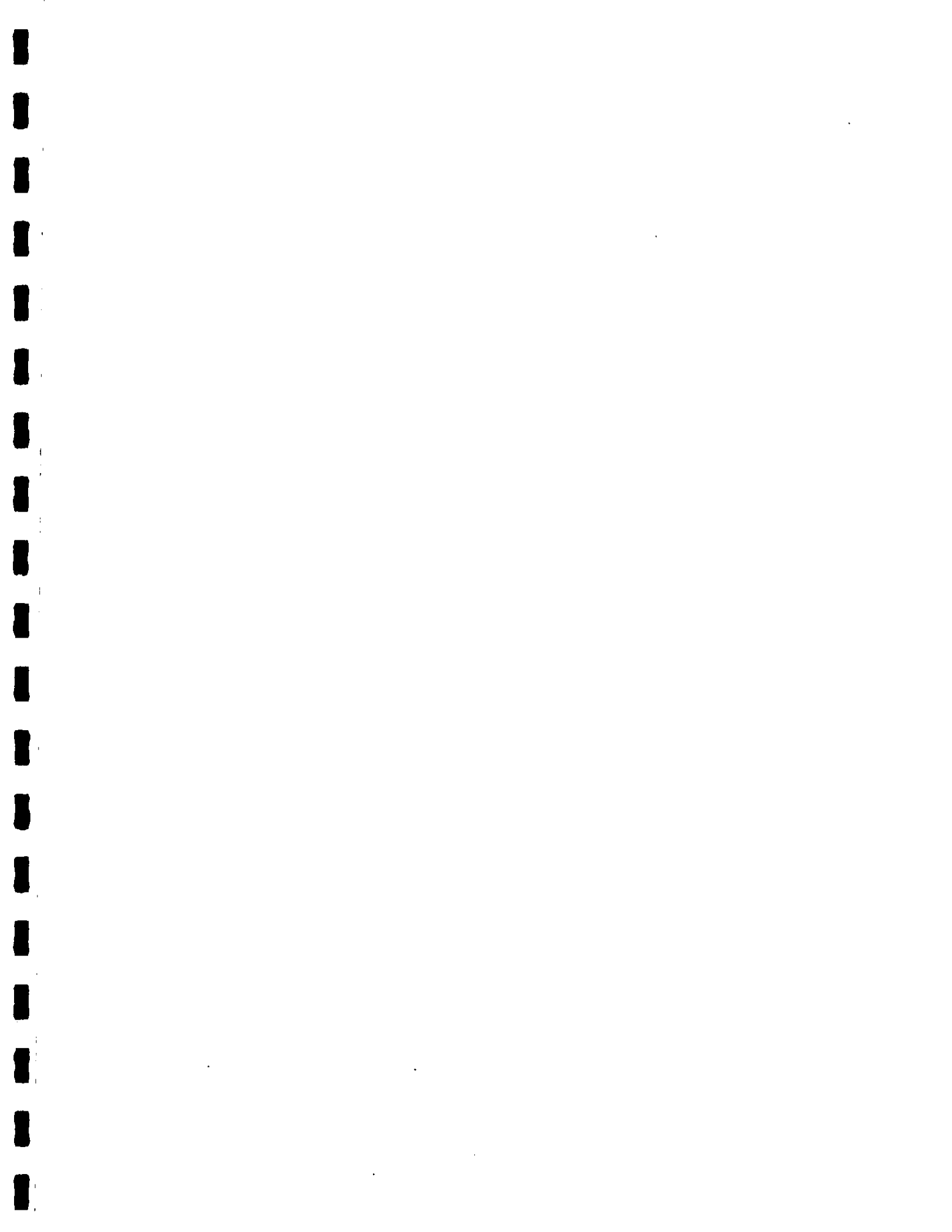
(e) Every primary official shall make an affidavit before the proper local board or some member thereof to the effect that that official is not disqualified by reason of the provisions of this section.

**History of Section.**

P.L. 1947, ch. 1886, § 19; P.L. 1948, ch.

2100, § 1; G.L. 1956, § 17-15-14; P.L. 1958, ch. 18, § 1; P.L. 1966, ch. 116, § 11.

**17-15-15. Powers and duties of primary officials — Compensation.** — Primary wardens, moderators, clerks, and supervisors shall have the same powers and duties in the conduct of primary elections as are conferred and imposed by law upon general election officials, and they shall receive the same compensation as general election officials.



**History of Section.** 2100, § 1; G.L. 1956, § 17-15-15; P.L. 1958, P.L. 1947, ch. 1886, § 19; P.L. 1948, ch. ch. 18, § 1.

**17-15-16. Vacancies among primary officials.** — Vacancies occurring among primary officials shall be immediately filled by the local boards in the same manner as provided for general elections as qualified by § 17-15-13; provided, however, that in the event there be no lists available then the local board shall appoint some person or persons to fill the vacancy from the primary lists of the party.

**History of Section.** 2100, § 1; G.L. 1956, § 17-15-16; P.L. 1958, P.L. 1947, ch. 1886, § 19; P.L. 1948, ch. ch. 18, § 1; P.L. 1961, ch. 70, § 4.

**17-15-17. Notice of primaries.** — At least eight (8) days before the time of holding any primary election, the local board shall cause notice of the primary to be posted in at least one public place in each voting district of any city, and in at least one public place in each voting district of a town; the notice shall state the time when, and the place where, the primary is to be held in each town or voting district, and the offices for which candidates are to be nominated; provided, however, that the local boards may at their discretion substitute notification by publication in a newspaper having local circulation for the above mentioned posting in public places.

**History of Section.** 2100, § 1; G.L. 1956, § 17-15-17; P.L. 1958, P.L. 1947, ch. 1886, § 20; P.L. 1948, ch. ch. 18, § 1.

**17-15-18. Apportionment of voting machines.** — The apportionment of voting machines for the primary election of each political party shall, as far as possible, be on the same basis as for general elections except that the determination shall be made with reference to the average number of votes received by the candidates of each party at the preceding general election.

**History of Section.** 2100, § 1; G.L. 1956, § 17-15-18; P.L. 1958, P.L. 1947, ch. 1886, § 21; P.L. 1948, ch. ch. 18, § 1.

**17-15-19. Arrangement and paraphernalia at voting places.** — The primary election voting places shall be equipped by the local boards with the paraphernalia necessary for conducting elections and except as otherwise specifically provided in chapters 12 to 15, inclusive, of this title, the voting places shall be arranged wherever practicable in the manner provided in chapter 19 of this title.

**History of Section.** 2100, § 1; G.L. 1956, § 17-15-19; P.L. 1958, P.L. 1947, ch. 1886, § 22; P.L. 1948, ch. ch. 18, § 1.

**17-15-20. Primaries conducted in same manner as general elections.** — Except as otherwise provided in this chapter, primary elections shall be conducted as nearly as may be in the manner provided in chapter 19 of this title for the conducting of general elections; except that the voting in each party shall be cast on separate voting machines.

**History of Section.** 2100, § 1; G.L. 1956, § 17-15-20; P.L. 1958, P.L. 1947, ch. 1886, § 23; P.L. 1948, ch. 18, § 1; P.L. 1961, ch. 70, § 4.

**17-15-21. Identification of party voters.** — Before permitting any person to vote in a primary election, the warden or clerk and bipartisan pair of supervisors assigned by the warden shall ascertain from the voting record appearing on the voter's registration record that the voter is not disqualified to vote therein by the provisions of § 17-15-24. The ballot applications used by the party voters of each party shall be of a distinctive color and the front of the voting machine booths allocated to each party shall be marked with the same color. The warden shall take such steps as may be necessary to assure that each voter is directed to a voting machine upon which the voter is eligible to vote.

**History of Section.** G.L. 1956, § 17-15-21; P.L. 1958, ch. 18, § 1; P.L. 1961, ch. 70, § 4.

**17-15-22. Party checkers.** — The local board shall by written rule provide for the presence of party checkers to be seated outside the rail next to the warden to make a list of those who vote and for the distribution of lists or memoranda to the proper representatives or candidates or groups of candidates.

**History of Section.** 2100, § 1; G.L. 1956, § 17-15-22; P.L. 1958, P.L. 1947, ch. 1886, § 23; P.L. 1948, ch. 18, § 1.

**17-15-23. Affidavit and examination of voter not listed.** — Any voter finding that his or her name is not on the voting list to be used at the primary election may make an affidavit before the local board, each member of which is hereby empowered to take his or her affidavit, that he or she is not disqualified by reason of having voted in a primary of another political party and is not otherwise disqualified. The board may examine the voter and if it finds that the voter is qualified to vote in the primary the voter shall, upon making the affidavit above provided for, be allowed to vote. For purposes of administering the provisions of this chapter, local boards shall be continuously in session during the hours assigned for voting in the town or city.

**History of Section.** 2100, § 1; G.L. 1956, § 17-15-25; G.L. 1956, P.L. 1947, ch. 1886, § 23; P.L. 1948, ch. § 17-15-23; P.L. 1958, ch. 18, § 1.

**17-15-24. Disqualification by activity in other party.** — No person shall be entitled to vote in the primary election of any political party who has voted in a primary election as a member of any other political party and has not changed his or her party designation as provided in chapter 9 of this title or has designated his or her affiliation with any other political party, as set forth in chapter 9 of this title. No person shall be debarred from voting in a party primary solely because of that person's signing of nomination papers of a candidate to be voted for at any primary. But a person having designated his or her party affiliation as set forth in chapter 9 of this title shall be deemed to have taken part in the primary as a member of that political party, and shall be debarred from voting in the primary as a member of the opposite political party until that person has changed his or her party affiliation as provided in chapter 9 of this title.

**History of Section.** § 17-15-24; P.L. 1958, ch. 18, § 1; P.L. 1978, P.L. 1947, ch. 1886, § 23; P.L. 1948, ch. ch. 107, § 3. 2100, § 1; G.L. 1956, § 17-15-26; G.L. 1956,

**17-15-25. Nomination papers for delegates to constitutional conventions.** — Notwithstanding the provisions of this chapter, every qualified elector shall be eligible to sign nomination papers for candidates for delegates to any constitutional convention. The signing of nomination papers for candidates for delegates to any constitutional convention shall not affect the rights of qualified electors under the provisions of this chapter, or any other general or public law affecting the qualification of voters.

**History of Section.** § 17-15-27; G.L. 1956, § 17-15-25; P.L. 1958, P.L. 1951, ch. 2807, §§ 1, 2; G.L. 1956, ch. 18, § 1.

**17-15-26. Challenge as to right to vote — Affidavit.** — Any primary official or any watcher may challenge the right of any person offering himself or herself to vote thereat, and upon the challenge being made, the warden shall require that person, before allowing the challenged person to vote, to make and sign an affidavit that the person is a member of the party of which the person claims to be a member, and that the person is not disqualified by reason of the provisions of § 17-15-24. The state board shall prepare the forms for these affidavits, and furnish the warden with a sufficient number of them, and three (3) or more copies of them shall be posted up in conspicuous places at the voting place, that persons offering themselves to vote thereat may have an opportunity to see and read them.

**History of Section.** § 17-15-26; P.L. 1958, ch. 18, § 1; P.L. 1961, P.L. 1947, ch. 1886, § 23; P.L. 1948, ch. 70, § 4.  
2100, § 1; G.L. 1956, § 17-15-28; G.L. 1956,

**17-15-27. Impartiality of officials — Sound equipment. —** The primary officials shall treat all candidates with absolute impartiality. No sound equipment advocating the election or defeat of any candidate or the approval or disapproval of any referenda shall be allowed within five hundred (500) feet of any polling place.

**History of Section.** § 17-15-27; P.L. 1958, ch. 18, § 1; P.L. 1978, P.L. 1947, ch. 1886, § 23; P.L. 1948, ch. 200, § 1.  
2100, § 1; G.L. 1956, § 17-15-30; G.L. 1956,

**17-15-28. Voting hours. —** (a) The polls shall be kept open at all primary elections during the same hours the polls are kept open in the respective city or town for the holding of general elections, provided, however, that in the town of Westerly the polls shall be opened at nine o'clock (9:00) a.m. for primary elections, special elections, and all referenda.

(b) Provided, however, that in the town of Hopkinton, voting hours shall be those enumerated in § 17-18-10.

**History of Section.** § 17-15-28; P.L. 1958, ch. 18, § 1; P.L. 1982, P.L. 1947, ch. 1886, § 24; P.L. 1948, ch. 216, § 2; P.L. 1982, ch. 342, § 2.  
2100, § 1; G.L. 1956, § 17-15-31; G.L. 1956,

**17-15-29. Number of votes required to nominate or elect. —** In determining the nomination or election of a candidate at a primary election, the person receiving the largest number of votes, although less than a majority of all the votes cast for the candidates for a particular office, shall be declared so nominated or elected. Where there is more than one person to be elected to a particular office or place, those persons equaling that number of officers to be elected to the office or place receiving the largest number of votes, although less than a majority of all the votes cast for all the candidates for the office or place, shall be declared nominated or elected, as the case may be, unless otherwise provided by existing law.

**History of Section.** 1956, § 17-15-35; G.L. 1956, § 17-15-29; P.L. P.L. 1947, ch. 1886, § 25; P.L. 1948, ch. 1958, ch. 18, § 1.  
2100, § 1; P.L. 1050, ch. 2476, § 13; G.L.

**17-15-30. Tabulation of local returns — Certificate of nomination or election. —** The local board shall meet on the day following the primary election and shall tabulate the city or town primary returns, as the case may be, and announce the results, but shall issue no certificates of nomination, or election to party office, until the expiration of the period in which a recount may be requested as provided in § 17-15-34 and if a request has been filed, the result shall be finally determined by the local board. Following the expira-



tion of this period and the final determination by the local board, if any request for recount be made, the local board shall issue certificates of nomination, or election to party offices, to the candidates so nominated or elected.

**History of Section.** 2100, § 1; G.L. 1956, § 17-15-36; G.L. 1956, P.L. 1947, ch. 1886, § 25; P.L. 1948, ch. § 17-15-30; P.L. 1958, ch. 18, § 1.

**17-15-31. Tabulation of state returns — Certificates of nomination or election.** — The state board shall proceed to tabulate the state primary returns and announce the results, but shall issue no certificates of nomination until the expiration of the period in which a recount may be requested as provided in § 17-15-34 has expired and, if a request has been filed, until the result shall have been finally determined by the state board. Following the expiration of this period and the final determination by the state board, if any request for recount be made, the board shall issue certificates of nomination or election to the candidates so nominated or elected.

**History of Section.** 2100, § 1; G.L. 1956, § 17-15-37; G.L. 1956, P.L. 1947, ch. 1886, § 25; P.L. 1948, ch. § 17-15-31; P.L. 1958, ch. 18, § 1.

**17-15-32. [Obsolete.]**

**Compiler's Notes.** This section (P.L. 1947, ch. 1886, § 25; P.L. 1948, ch. 2100, § 1; G.L. 1956, § 17-15-38; G.L. § 17-15-32, as enacted by P.L. 1958, ch. 18, § 1), requiring the contents of any certificate of nomination to state such facts as required by § 17-17-1, was deemed obsolete in the 1988 reenactment on account of the repeal of § 17-17-1.

**17-15-33. Tie vote.** — If there is a failure to make a nomination or to elect a candidate to party office at any primary, by reason of a tie vote, the vacancy, if in respect to an office to be filled by the voters of more than one city or town, shall be filled by the executive committee of the state committee of the respective party except, in the case of a senatorial or representative committee, the vacancy shall be filled by the members of the senatorial or representative district committee, as the case may be, and if in respect to an office other than a senatorial or representative district committee to be filled by the voters of no more than one city or town, or a portion of a city or town, the vacancy shall be filled by the city or town committee of the respective political party; provided, however, that the vacancy shall be filled only by the choice of one of the candidates receiving the tie vote. The name of the candidate so chosen by the appropriate party committee shall be officially certified to the state board or local board as the case may be.

**History of Section.** § 17-15-33; P.L. 1958, ch. 18, § 1; P.L. 1966, P.L. 1947, ch. 1886, § 26; P.L. 1948, ch. ch. 116, § 11.  
2100, § 1; G.L. 1956, § 17-15-39; G.L. 1956.

**17-15-34. Recount petition or other protest.** — Any candidate whose name was on the primary ballot label on a particular voting machine may file with the state board a request for the recounting of the votes upon the machine, or other protest concerning the primary and any candidate whose name was on the primary paper ballot (in case voting machines were not used) may file with the board a request for the recounting of the votes of his or her party cast at a particular voting place or places, or other protest concerning the primary, provided in either case he or she files the request or protest no later than four o'clock (4:00) p.m. on the day following the primary. The request or protest shall contain the candidate's reason for making the request or protest. Nothing herein shall be construed to prevent the state board, acting on its own motion, from ordering a recount or taking appropriate action in response to any error, irregularity, or impropriety in the conduct of any facet of the primary which comes to its attention at any time prior to the certification of the results of the primary.

**History of Section.**

P.L. 1947, ch. 1886, § 27; P.L. 1948, ch. 2100, § 1; G.L. 1956, § 17-15-34; P.L. 1958, ch. 18, § 1; P.L. 1983, ch. 172, § 23.

**17-15-35. Hearing on recount or protest — Notice — Declaration of nomination or election.** — Forthwith upon the filing of a protest or request the state board shall cause notice in writing to be served in such manner as it shall direct, at the expense of the petitioner, upon all other candidates of the same political party for the same office receiving votes at the primary and shall give notice in some public newspaper of general circulation in the voting district or districts where the primary took place, of the making of the request or protest and the time and place of hearing, which time shall be not less than one nor more than three (3) weekdays after the publication of the notice. At the hearing all candidates who may be affected by a recount may be heard in person or by their representative. The hearing and the examination of such voting machines or the recounting of such ballots, as the case may be, as may be necessary shall be conducted in a summary and expeditious manner, but the result of the voting as transmitted to the state board shall not be altered or changed by the board except upon satisfactory proof of its incorrectness. Following the hearing the state board shall declare what person, if any, was lawfully nominated or elected, and shall issue or direct the local board to issue to that person a certificate of the nomination or election.

**History of Section.**

P.L. 1947, ch. 1886, § 27; P.L. 1948, ch. 2100, § 1; G.L. 1956, § 17-15-35; P.L. 1958, ch. 18, § 1.

**17-15-36. Filing of state and city nominations.** — The state board and the local boards in cities shall file with the secretary of state not later than four o'clock (4:00) p.m. on the fifth day following each primary preceding the election, or if the fifth day falls on a Sunday or a legal holiday, not later than four o'clock (4:00) p.m. on the following day, or not later than the twenty-ninth day preceding a special election, certified copies of the certificates issued by it pursuant to §§ 17-15-30 to 17-15-32, inclusive; provided, however, that in the event of a protest, the boards shall be allowed an additional forty-eight (48) hours.

**History of Section.** 1956, § 17-15-42; G.L. 1956, § 17-15-36; P.L. 1947, ch. 1886, § 28; P.L. 1948, ch. 1958, ch. 18, § 1; P.L. 1962, ch. 191, § 3; P.L. 2100, § 1; P.L. 1950, ch. 2476, § 14; G.L. 1991, ch. 194, § 3; P.L. 1991, ch. 277, § 3.

**17-15-37. Filing of town nominations.** — The local boards in towns shall file with the town clerk not later than four o'clock (4:00) p.m. on the fourth day following each primary preceding the election certified copies of the certificates issued by them pursuant to this chapter; provided however, that in the event of a protest the local board shall be allowed an additional forty-eight (48) hours; and the town clerk shall file with the secretary of state within twenty-four (24) hours thereafter, exclusive of Sundays and holidays, certified copies of the certificates filed with the clerk; and further provided, that in towns which now by law hold elections for town officers on a day other than the Tuesday after the first Monday in November biennially in each even year, or in the event of a special election, the certified copies shall be filed with the town clerk not later than the tenth day preceding the election or special election.

**History of Section.** 1956, § 17-15-43; G.L. 1956, § 17-15-37; P.L. 1947, ch. 1886, § 28; P.L. 1948, ch. 1958, ch. 18, § 1; P.L. 1962, ch. 191, § 3. 2100, § 1; P.L. 1950, ch. 2476, § 14; G.L.

**17-15-38. Vacancies among nominees.** — Whenever the nominee of a party for a particular office dies after the primary or removes him or herself from the jurisdiction of or as a candidate for the office for which the nominee seeks election or becomes physically or mentally disabled, the state committee of that party or a duly authorized subcommittee thereof in the case of state officers, and the appropriate city, town, ward, or district committee or any duly authorized subcommittee thereof in the case of candidates for the other offices covered by § 17-15-7, may file with the appropriate authority the name of its nominee for the office; Provided however, That except in the case of death, the appropriate committee shall file the name with the appropriate authority no later than four o'clock (4:00) p.m. of the third day following the last day for the holding of the party primaries; and provided further, that any appointed nominee shall have been eligible for the nomination on the dates as required by and pursuant to the requirements of §§ 17-14-1.1, 17-14-2, and

17-14-2.1. The person so named shall be the nominee of the party for the office, and if in case of death of a nominee time will permit the secretary of state shall place the name of the nominee upon the election ballot labels. When the withdrawal or death occurs after the third day after the last day for holding primaries, the secretary of state shall not be required to remove from any mail ballot which has already been printed the name of any person who is no longer the nominee of a party for a particular office as provided above, and any votes cast in any election for any such person shall not be counted.

**History of Section.** ch. 18, § 1; P.L. 1978, ch. 243, § 1; P.L. 1983, P.L. 1947, ch. 1886, § 29; P.L. 1948, ch. ch. 243, § 2; P.L. 1987, ch. 389, § 10; P.L. 2100, § 1; P.L. 1952, ch. 2941, § 1; G.L. 1956, 1988, ch. 84, § 76; P.L. 1990, ch. 395, § 2; § 17-15-44; G.L. 1956, § 17-15-38; P.L. 1958, P.L. 1991, ch. 173, § 1.

**17-15-39. Preservation of primary records.** — All declarations of candidacy, nomination papers, and all requests for withdrawal of names of candidates, whether before or after the holding of a primary, when filed, and all protests and requests for recounts, shall be open, under proper regulation, to public inspection, and the state board shall preserve these records in its office not less than twenty-six (26) calendar months from the date of filing.

**History of Section.** § 17-15-39; P.L. 1958, ch. 18, § 1; P.L. 1987, P.L. 1947, ch. 1886, § 30; P.L. 1948, ch. ch. 389, § 10. 2100, § 1; G.L. 1956, § 17-15-45; G.L. 1956.

**17-15-40. Right to nominate by petition preserved.** — Except as herein otherwise specifically provided, this chapter shall not be construed to prevent the nominations of candidates by individual voters in accordance with the provisions of chapter 16 of this title.

**History of Section.** 2100, § 1; G.L. 1956, § 17-15-46; G.L. 1956, P.L. 1947, ch. 1886, § 32; P.L. 1948, ch. § 17-15-40; P.L. 1958, ch. 18, § 1.

**17-15-41. School committee caucuses unaffected.** — All non-partisan school district caucuses, specially provided for by statute, shall be exempt from the provisions of this chapter. Nothing herein contained shall, however, be construed to exempt any caucuses for nomination of members of school committees from the provisions of chapter 19 of this title.

**History of Section.** § 17-15-41; P.L. 1958, ch. 18, § 1; P.L. 1988, P.L. 1947, ch. 1886, § 34; P.L. 1948, ch. ch. 84, § 76. 2100, § 1; G.L. 1956, § 17-15-47; G.L. 1956,

**17-15-42. [Repealed.]**

**Repealed Sections.** Section 17-15-42 (P.L. 1947, ch. 1886, § 35; P.L. 1948, ch. 2100, § 1; G.L. 1956, § 17-15-48; G.L. 1956, § 17-15-42; P.L. 1958, ch. 18, § 1; P.L. 1978, ch. 201, § 8; P.L. 1987, ch. 389, § 10; P.L. 1988, ch. 84, § 76), concerning violations with respect to elections, was repealed by P.L. 1991, ch. 147, § 1, effective June 16, 1991.

**17-15-43. Application of election law.** — All political party primaries shall be construed to be "elections" as defined in this title, and all the provisions of this title shall, insofar as consistent with the provisions of this chapter, apply to all political party primaries.

**History of Section.** 2100, § 1; G.L. 1956, § 17-15-49; G.L. 1956, § 17-15-43; P.L. 1947, ch. 1886, § 36; P.L. 1948, ch. 2100, § 1; G.L. 1956, § 17-15-49; G.L. 1956, § 17-15-43; P.L. 1958, ch. 18, § 1.

**17-15-44. Rules — Recommendations for amendment of laws.** — The state board shall have power to make such rules as it deems designed to promote the objects and purposes of chapters 12 to 15, inclusive, of this title, and shall annually report in writing to the general assembly the amendments it recommends should be made to these chapters.

**History of Section.** 2100, § 1; G.L. 1956, § 17-15-50; G.L. 1956, § 17-15-44; P.L. 1947, ch. 1886, § 38; P.L. 1948, ch. 2100, § 1; G.L. 1956, § 17-15-50; G.L. 1956, § 17-15-44; P.L. 1958, ch. 18, § 1.



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CHAPTER 16  
FILING OF NOMINATIONS

## SECTION.

17-16-1 — 17-16-19. [Repealed.]

**17-16-1 — 17-16-13. [Repealed.]**

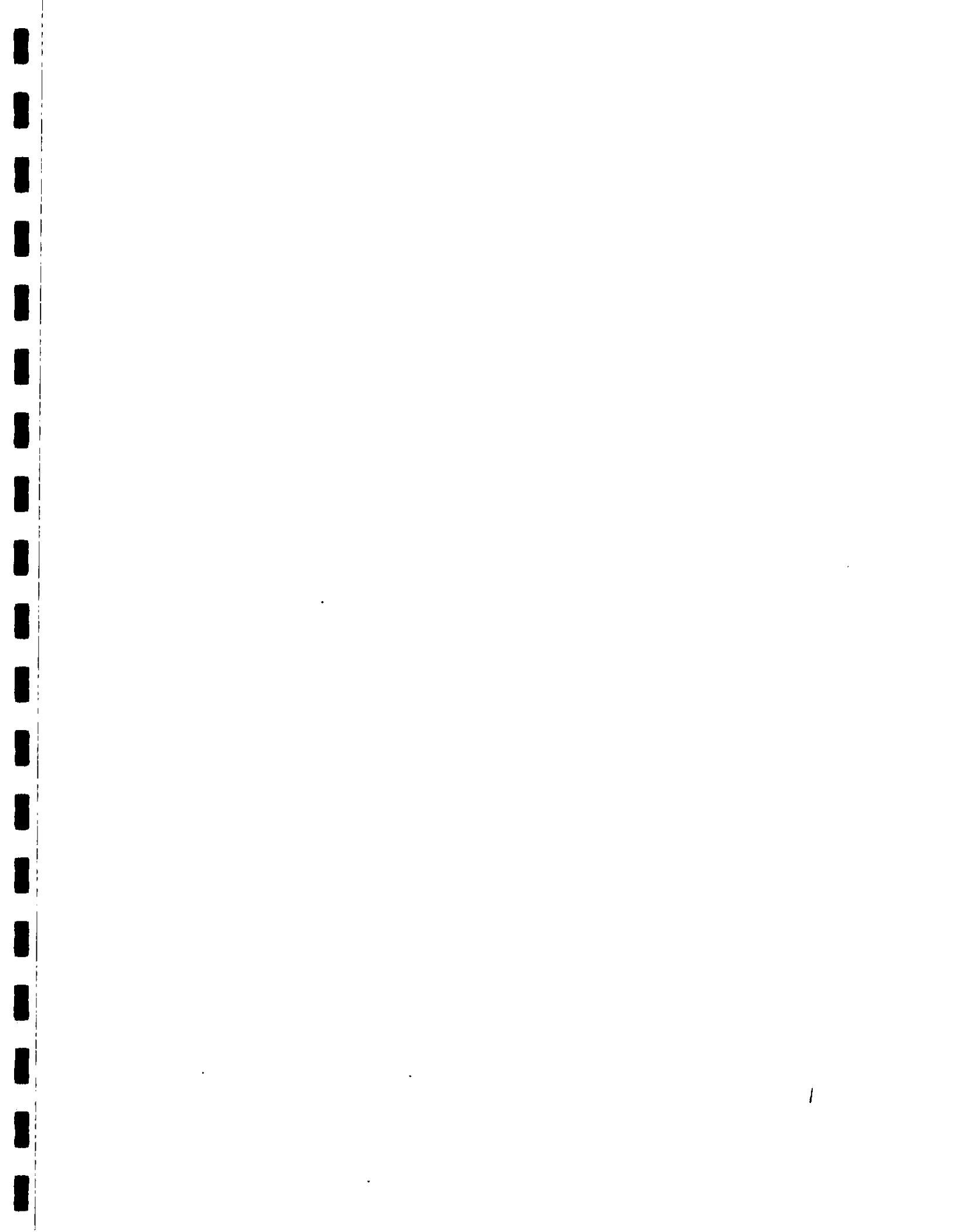
**Repealed Sections.** Sections 17-16-1 — 17-16-13 and 17-16-16 — 17-16-19 (P.L. 1976, ch. 212, § 2; P.L. 1978, ch. 270, §§ 1, 2; P.L. 1980, ch. 404, § 2; P.L. 1982, ch. 160, § 2; P.L. 1983, ch. 58, § 2; P.L. 1983, ch. 172, § 24; P.L. 1983, ch. 317, § 1) of this chapter were repealed by P.L. 1987, ch. 389, § 11, effective June 1, 1988.

**17-16-14, 17-16-15. [Repealed.]**

**Repealed Sections.** Former §§ 17-16-14, 17-16-15 (P.L. 1976, ch. 212, § 2; P.L. 1978, ch. 270, § 1), concerning time of filing for town offices to be filled at regular election other than in November and time for filing for special elections, were repealed by P.L. 1990, ch. 408, § 1, effective July 12, 1990.

**17-16-16 — 17-16-19. [Repealed.]**

**Repealed Sections.** See the note under this heading following § 17-16-1.





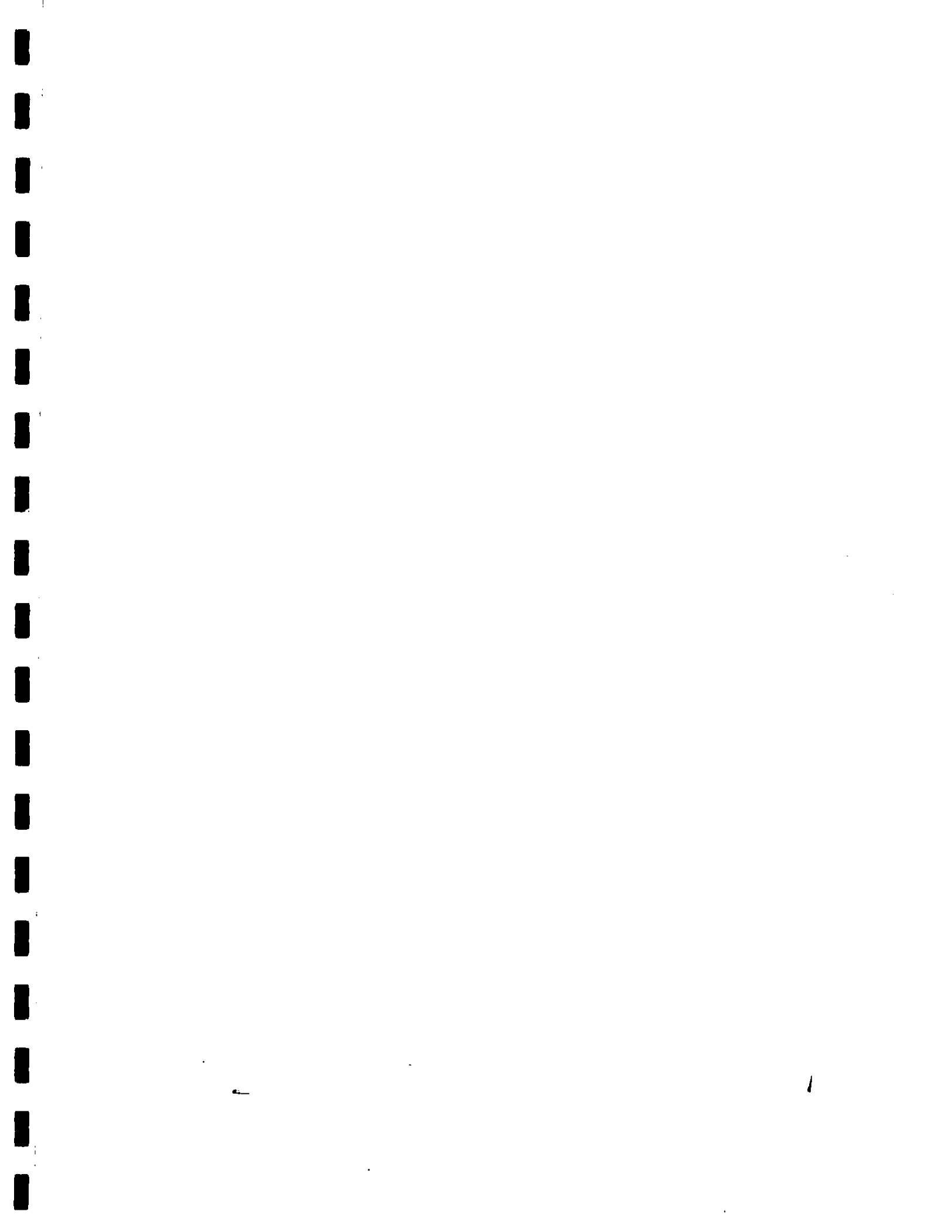
CHAPTER 17  
CERTIFICATION AND WITHDRAWAL OF NOMINEES

## SECTION.

17-17-1 — 17-17-11. [Repealed.]

**17-17-1 — 17-17-11. [Repealed.]**

**Repealed Sections.** This chapter (G.L. 1896, ch. 11, §§ 14-20; P.L. 1901, ch. 812, § 2; G.L. 1909, ch. 11, §§ 16-22; P.L. 1910, ch. 640, §§ 13-16; P.L. 1914, ch. 1034, § 4; G.L. 1923, ch. 11, §§ 15, 16, 18-21; P.L. 1925, ch. 680, § 16; P.L. 1926, ch. 889, § 15; P.L. 1930, ch. 1599, § 1; G.L. 1923, ch. 11, § 18; P.L. 1931, ch. 1758, § 1; P.L. 1938, ch. 2640, § 3; G.L. 1938, ch. 317, §§ 12-18; P.L. 1947, ch. 1886, § 37; P.L. 1948, ch. 2100, § 1; G.L. 1956, §§ 17-17-1 — 17-17-11; P.L. 1958, ch. 18, § 1; P.L. 1966, ch. 116, § 13), concerning certification and withdrawal of nominees, was repealed by P.L. 1982, ch. 366, § 1.



## CHAPTER 18

### ELECTIVE MEETINGS

SECTION.	SECTION.
17-18-1. Warning and organization of town elective meetings.	meetings — Moderator and clerks as quorum.
17-18-2. Warning and organization of ward elective meetings.	17-18-8. Town and elective meetings continuously open for voting.
17-18-3. Warning and organization of senatorial district, representative district, and voting district meetings.	17-18-9. District meetings open whole day.
17-18-4. Return of warrant.	17-18-10. Time of opening of polls.
17-18-5. Date of general elective meetings.	17-18-11. Time of closing of polls.
17-18-5.1. Elections falling on religious holiday.	17-18-12. Adjournment of ward and district meetings.
17-18-6. District moderator and clerk.	17-18-13. Reopening of town elective meetings — Certificates.
17-18-7. Place and time of district elective	17-18-14. Application to voting machine elections.

**17-18-1. Warning and organization of town elective meetings.** — Town meetings for purposes of election shall be warned and organized as is or may be provided by law for the warning and organization of town meetings for other purposes, unless otherwise specially directed, and shall be held at the times by law appointed.

**History of Section.** G.L. 1938, ch. 314, § 1; G.L. 1956, § 17-18-1; G.L. 1896, ch. 9, § 1; G.L. 1909, ch. 9, § 1; P.L. 1958, ch. 18, § 22. P.L. 1910, ch. 640, § 3; G.L. 1923, ch. 9, § 1.

**17-18-2. Warning and organization of ward elective meetings.** — Ward meetings in cities for purposes of election shall be warned and organized as is or may be by law, or by the charters of the cities, provided, and all meetings shall be held at the times by law appointed; provided, that in the cities of Providence, Pawtucket, Central Falls, Newport, Cranston, Woonsocket, and Warwick the meetings shall be warned by the local boards.

**History of Section.** 1975, § 3; G.L. 1923, ch. 9, § 2; P.L. 1926, ch. 1896, ch. 9, § 2; P.L. 1908, ch. 1808, § 24, § 3; P.L. 1927, ch. 1085, § 3; G.L. 1938, § 3; G.L. 1909, ch. 9, § 2; P.L. 1910, ch. 640, ch. 314, § 2; G.L. 1956, § 17-18-2; P.L. 1958, § 3; P.L. 1916, ch. 1422, § 3; P.L. 1920, ch. 18, § 1.

**17-18-3. Warning and organization of senatorial district, representative district, and voting district meetings.** — Senatorial district meetings, representative district meetings, and voting district meetings for the purposes of election shall be warned and organized as is or may be by law provided, and notice of all these meetings shall be given by the city or town clerk issuing his or her warrant, directed to the town sergeant or one of the constables of that city or town, directing him or her to post, at least seven (7) days before the day appointed for these meetings, written notifications in one or more public places in each voting district, and in each senatorial and representative district not divided into voting districts, of

the time when, and place where, each meeting is to be held, and of the business required by law to be transacted therein, and stating in the warrant the time of the opening and closing of the polls at each elective meeting to be held in that city or town; provided, that in the cities of Providence, Pawtucket, Central Falls, Newport, Cranston, Warwick, and Woonsocket the notice shall be given and posted by the local board.

**History of Section.**

G.L. 1896, ch. 9, § 12; G.L. 1909, ch. 9, § 12; G.L. 1909, ch. 9, § 3; P.L. 1910, ch. 640, § 3; P.L. 1916, ch. 1422, § 3; P.L. 1920, ch. 1975, § 3; G.L. 1923, ch. 9, § 3; P.L. 1926, ch. 924, § 3; P.L. 1927, ch. 1085, § 3; G.L. 1938, ch. 314, § 3; P.L. 1956, ch. 3697, § 1; G.L. 1956, § 17-18-3; P.L. 1958, ch. 18, § 1; P.L. 1966, ch. 116, § 14.

**17-18-4. Return of warrant.** — The officer charged with the service of the warrant shall, previous to the meetings, make return to the respective district clerks of his or her doings upon the warrant.

**History of Section.**

G.L. 1896, ch. 9, § 13; G.L. 1909, ch. 9, § 13; G.L. 1909, ch. 9, § 4; P.L. 1910, ch. 640, § 1; G.L. 1923, ch. 9, § 4; G.L. 1938, ch. 314, § 4; G.L. 1956, § 17-18-4; P.L. 1958, ch. 18, § 1.

**17-18-5. Date of general elective meetings.** — A meeting of the electors of every city, town, senatorial district, representative district, and of every voting district shall be held biennially in the even years on the Tuesday next after the first Monday in November at a place to be designated and furnished by the local boards of the respective towns and cities at the expense of the towns and cities, respectively, for the purpose of organization, and voting for general officers, senators and representatives in the general assembly, representatives in congress, and electors of president and vice-president of the United States, if to be chosen, and for such other officers as are to be chosen on that day.

**History of Section.**

G.L. 1896, ch. 9, § 4; P.L. 1901, ch. 808, § 8; G.L. 1909, ch. 9, § 4; G.L. 1909, ch. 9, § 7; P.L. 1910, ch. 640, § 3; G.L. 1923, ch. 9, § 7; G.L. 1938, ch. 314, § 7; G.L. 1956, § 17-18-5; P.L. 1958, ch. 18, § 1; P.L. 1966, ch. 116, § 14.

**17-18-5.1. Elections falling on religious holiday.** — In the event that the date for the holding of any state or municipal election, other than the general election held on the first Tuesday next after the first Monday in November in even numbered years, shall fall upon the day of a religious holiday, on which the doctrines of a faith would prohibit its followers from voting, the election shall be held upon the next business day other than Saturday then following; provided, however, that nothing in this section contained shall be deemed to invalidate any election once held.

**History of Section.**

P.L. 1978, ch. 51, § 1.

**17-18-6. District moderator and clerk.** — The officers of a voting district shall be a moderator and a clerk. The moderator shall preside in all meetings of his or her district until his or her successor is elected and qualified. The moderator shall have the same authority in these meetings as moderators of town meetings have, and shall be subject to the same penalties for wilful violation or neglect of duty. The clerk shall keep a record of the proceedings of the meetings in his or her district, and, after a choice of officers in his or her district, shall, in writing duly certified, notify the town or city clerk thereof; provided, that in the cities of Providence, Pawtucket, Central Falls, Newport, Cranston, Woonsocket, and Warwick the notification shall be made to the local board.

**History of Section.**

G.L. 1896, ch. 9, §§ 7, 8, 11; G.L. 1909, ch. 9, §§ 7, 8, 11; G.L. 1909, ch. 9, § 8; P.L. 1910, ch. 640, § 3; P.L. 1916, ch. 1422, § 3; P.L. 1920, ch. 1975, § 3; G.L. 1923, ch. 9, § 8; P.L. 1926, ch. 924, § 3; P.L. 1927, ch. 1085, § 3; G.L. 1938, ch. 314, § 8; G.L. 1956, § 17-18-6; P.L. 1958, ch. 18, § 1; P.L. 1966, ch. 116, § 14.

**17-18-7. Place and time of district elective meetings — Moderator and clerks as quorum.** — Voting district meetings shall be held by the electors thereof at the times by law appointed and at the places designated by the local board of the respective cities and towns; and the moderator and clerk, when present, shall constitute a quorum of electors for the opening of the polls for voting for all civil officers, except for moderator and clerk.

**History of Section.**

G.L. 1896, ch. 9, § 3; G.L. 1909, ch. 9, § 3; G.L. ch. 9, § 6; P.L. 1910, ch. 640, § 3; G.L. 1923, ch. 9, § 6; G.L. 1938, ch. 314, § 6; G.L. 1956, § 17-18-7; P.L. 1958, ch. 18, § 1; P.L. 1966, ch. 116, § 14.

**17-18-8. Town and elective meetings continuously open for voting.** — All town meetings and elective meetings for the election of general officers, senators and representatives in the general assembly, representatives in congress, and electors of president and vice-president of the United States, shall be opened at a specified hour in the forenoon and shall be continuously kept open for voting until a specified hour in the afternoon, as provided in §§ 17-18-10 and 17-18-11.

**History of Section.**

G.L. 1896, ch. 9, § 14; G.L. 1909, ch. 9, § 14; G.L. 1909, ch. 9, § 9; P.L. 1910, ch. 640, § 14; G.L. 1917, ch. 1519, § 1; G.L. 1923, ch. 9, § 9; G.L. 1938, ch. 314, § 9; G.L. 1956, § 17-18-8; P.L. 1958, ch. 18, § 1.

**17-18-9. District meetings open whole day.** — In the election of general officers, representatives in congress, and electors of president and vice-president of the United States, and of city officers of all cities, and in the election of senators and representatives in the general assembly, the town, ward, senatorial and representative district, and voting district meetings of the several cities and towns shall be kept open for voting during the whole time of voting for the day.

**History of Section.** § 1: G.L. 1923, ch. 9, § 5; G.L. 1938, ch. 314, G.L. 1896, ch. 9, § 14; G.L. 1909, ch. 9, § 5; G.L. 1956, § 17-18-9; P.L. 1958, ch. 18, § 14; G.L. 1909, ch. 9, § 5; P.L. 1910, ch. 640, § 1; P.L. 1966, ch. 116, § 14.

**17-18-10. Time of opening of polls.** — (a) Elective meetings in the cities and towns hereinafter named shall be opened for the purpose of voting at the hours specified for each particular city or town as designated in the specific time hereinafter set forth.

- |                       |  |
|-----------------------|--|
| (1) Barrington        | Polls open at 7 a.m.   |
| (2) Bristol           | Polls open at 8 a.m.   |
| (3) Burrillville      | Polls open at 9 a.m.   |
| (4) Central Falls     | Polls open at 7 a.m.   |
| (5) Charlestown       | Polls open at 7 a.m.   |
|                       | for the biennial general election and 9 a.m. for all other elections |
| (6) Coventry          | Polls open at 7 a.m.   |
| (7) Cranston          | Polls open at 7 a.m.   |
| (8) Cumberland        | Polls open at 8 a.m.   |
| (9) East Greenwich    | Polls open at 7 a.m.   |
| (10) East Providence  | Polls open at 7 a.m.   |
| (11) Exeter           | Polls open at 7 a.m.   |
| (12) Foster           | Polls open at 8 a.m.   |
| (13) Gloucester       | Polls open at 7 a.m.   |
| (14) Hopkinton        | Polls open at 6 a.m.   |
| (15) Jamestown        | Polls open at 8 a.m.   |
| (16) Johnston         | Polls open at 8 a.m.   |
| (17) Lincoln          | Polls open at 8 a.m.   |
| (18) Little Compton   | Polls open at 7 a.m.   |
| (19) Middletown       | Polls open at 8 a.m.   |
|                       | and 7 a.m. for Presidential Elections only                           |
| (20) Narragansett     | Polls open at 7 a.m.   |
| (21) Newport          | Polls open at 8 a.m.   |
| (22) New Shoreham     | Polls open at 12 noon  |
| (23) North Kingstown  | Polls open at 7 a.m.   |
|                       | for the biennial general election and 8 a.m. for all other elections |
| (24) North Providence | Polls open at 7 a.m.   |

(25) North Smithfield	Polls open at 8 a.m.
(26) Pawtucket	Polls open at 7 a.m.
(27) Portsmouth	Polls open at 7 a.m.
(28) Providence	Polls open at 7 a.m.
(29) Richmond	Polls open at 6 a.m.
(30) Scituate	Polls open at 7 a.m.
(31) Smithfield	Polls open at 7 a.m.
(32) South Kingstown	Polls open at 7 a.m.
(33) Tiverton	Polls open at 8 a.m.
(34) Warren	Polls open at 8 a.m.
(35) Warwick	Polls open at 7 a.m.
(36) Westerly	Polls open at 6 a.m.
(37) West Greenwich	Polls open at 7 a.m.
(38) West Warwick	Polls open at 7 a.m.
(39) Woonsocket	Polls open at 8 a.m.

(b) Provided, however, that in all special or primary elections in the towns of Hopkinton, Westerly, Richmond, and Little Compton polls shall open at 9:00 a.m.

**History of Section.**

G.L. 1896, ch. 9, §§ 15, 18, 20; G.L. 1909, ch. 9, §§ 15, 18, 20; G.L. 1909, ch. 9, §§ 9, 10; P.L. 1910, ch. 640, § 3; P.L. 1912, ch. 781, § 1; P.L. 1917, ch. 1519, § 1; P.L. 1919, ch. 1774, § 1; P.L. 1922, ch. 2191, § 1; G.L. 1923, ch. 9, § 10; P.L. 1924, ch. 554, § 1; P.L. 1925, ch. 744, § 6; P.L. 1926, ch. 762, § 1; P.L. 1929, ch. 1334, § 1; P.L. 1930, ch. 1598, § 1; P.L. 1933, ch. 2041, § 1; P.L. 1934, ch. 2102, § 1; P.L. 1936, ch. 2395, § 1; P.L. 1938, ch. 2603, § 1; G.L. 1938, ch. 314, § 10; P.L. 1942, ch. 1210, § 1; P.L. 1944, ch. 1399, § 1; P.L. 1944, ch. 1413, § 1; P.L. 1944, ch. 1427, § 1; P.L. 1953, ch. 3057, § 1; P.L. 1953, ch. 3102, § 1; P.L. 1953, ch. 3122, § 1; P.L. 1955, ch. 3445, § 1; P.L. 1955, ch. 3505, § 1; G.L. 1956, § 17-18-10; R.P.L. 1957, ch. 22, § 1; R.P.L.

1957, ch. 72, § 1; P.L. 1958, ch. 18, § 1; P.L. 1960, ch. 9, § 1; P.L. 1961, ch. 131, § 1; P.L. 1961, ch. 179, § 1; P.L. 1963, ch. 157, § 1; P.L. 1964, ch. 179, § 1; P.L. 1965, ch. 5, § 1; P.L. 1966, ch. 276, § 1; P.L. 1967, ch. 4, § 1; P.L. 1967, ch. 29, § 1; P.L. 1968, ch. 13, § 1; P.L. 1971, ch. 37, § 1; P.L. 1972, ch. 23, § 1; P.L. 1973, ch. 27, § 1; P.L. 1973, ch. 266, § 1; P.L. 1973, ch. 273, § 1; P.L. 1974, ch. 18, § 1; P.L. 1976, ch. 52, § 1; P.L. 1977, ch. 33, § 1; P.L. 1978, ch. 10, § 1; P.L. 1982, ch. 216, § 1; P.L. 1982, ch. 342, § 1; P.L. 1985, ch. 38, § 1; P.L. 1985, ch. 95, § 1; P.L. 1985, ch. 148, § 1; P.L. 1985, ch. 205, § 1; P.L. 1987, ch. 614, § 1; P.L. 1988, ch. 11, § 1; P.L. 1988, ch. 51, § 1; P.L. 1989, ch. 38, § 1; P.L. 1989, ch. 40, § 1; P.L. 1989, ch. 230, § 1; P.L. 1989, ch. 532, § 1.

**17-18-11. Time of closing of polls.** — Elective meetings in all cities and towns shall be continuously kept open for voting until 9 p.m., provided that any qualified voter who is within the building in which the elective meeting is being conducted and is waiting in line to vote at 9 p.m. shall be entitled to cast his or her vote. When all persons so entitled to vote shall have been afforded a reasonable opportunity to do so, the polls shall be closed.

**History of Section.**

G.L. 1896, ch. 9, §§ 16, 17, 19, 20; G.L. 1909, ch. 9, §§ 16, 17, 19, 20; G.L. 1909, ch. 9, §§ 9, 11, as enacted by P.L. 1910, ch. 640, § 3; P.L. 1912, ch. 781, § 2; P.L. 1917, ch. 1519, § 1; P.L. 1918, ch. 1625, § 1; P.L. 1921, ch. 2023, § 1; G.L. 1923, ch. 9, § 11; P.L. 1924, ch. 554, § 1; P.L. 1925, ch. 607, § 1;

P.L. 1925, ch. 744, § 6; P.L. 1933, ch. 2064, § 1; P.L. 1934, ch. 2102, § 2; P.L. 1935, ch. 2221, § 1; P.L. 1936, ch. 2288, § 1; P.L. 1936, ch. 2395, § 2; G.L. 1938, ch. 314, § 11; P.L. 1939, ch. 755, § 1; P.L. 1942, ch. 1210, § 1; P.L. 1944, ch. 1399, § 2; P.L. 1944, ch. 1402, § 1; P.L. 1944, ch. 1413, § 2; P.L. 1946, ch. 1707, § 1; P.L. 1950, ch. 2445, § 1; P.L. 1950,

ch. 2480, § 1; P.L. 1950, ch. 2489, § 1; P.L. 1950, ch. 2526, § 1; P.L. 1951, ch. 2770, § 1; P.L. 1955, ch. 3445, § 2; P.L. 1955, ch. 3468, § 1; P.L. 1955, ch. 3578, § 1; P.L. 1956, ch. 3774, § 1; G.L. 1956, § 17-18-11; R.P.L. 1957, ch. 22, § 2; P.L. 1958, ch. 18, § 1; P.L. 1959, ch. 6, § 1; P.L. 1960, ch. 82, § 1; P.L. 1961, ch. 131, § 2; P.L. 1961, ch. 154, § 1; P.L. 1961, ch. 179, § 2; P.L. 1964, ch. 2, § 1; P.L. 1964, ch. 100, § 1; P.L. 1964, ch. 119, § 1; P.L. 1964, ch. 142, § 1; P.L. 1964, ch. 5, § 2; P.L. 1966, ch. 116, § 14.

**17-18-12. Adjournment of ward and district meetings.** — In cities other than the city of Providence, and in towns divided into voting districts, ward and district meetings held therein respectively for the election of city, town, ward, and voting district officers, or any of them, shall at the time of the closing the polls therein prescribed by law, stand adjourned to the seventh day next from and after the day so appointed unless the seventh day shall fall on a legal or religious holiday, and in that event to the day following the holiday, with like adjournment therefrom; provided, however, that there shall be no election held on Saturday, and if the day of any adjournment fall on Saturday, the meeting shall stand adjourned to the Monday following, unless that Monday be a legal or religious holiday, in which case the adjourned election shall proceed on the next following day which is not a legal or religious holiday.

**History of Section.** 315, § 1; G.L. 1956, § 17-18-12; P.L. 1958, P.L. 1901, ch. 829, § 17; G.L. 1909, ch. 10, ch. 18, § 1; P.L. 1966, ch. 116, § 14. § 16; G.L. 1923, ch. 10, § 16; G.L. 1938, ch.

**17-18-13. Reopening of town elective meetings — Certificates.** — If in any case in a town not divided into voting districts there shall be no election of the town officers voted for who are required to be elected by the people, or of any of them, the polls may be reopened and proceedings shall be had until an election takes place. In those towns, after the declaration of the result of the voting for town officers, the town clerks shall give certificates of their election to the persons elected town officers.

**History of Section.** 315, § 2; G.L. 1956, § 17-18-13; P.L. 1958, P.L. 1901, ch. 829, § 18; G.L. 1909, ch. 10, ch. 18, § 1. § 17; G.L. 1923, ch. 10, § 17; G.L. 1938, ch.

**17-18-14. Application to voting machine elections.** — The provisions of this chapter shall govern elective meetings held in accordance with the provisions of chapter 19 of this title, if and so far as they are applicable and not inconsistent with the provisions of chapter 19.

**History of Section.** 640, § 3; G.L. 1923, ch. 9, § 12; G.L. 1938, ch. G.L. 1896, ch. 9, § 22; G.L. 1909, ch. 9, 314, § 12; G.L. 1956, § 17-18-14; P.L. 1958, § 22; G.L. 1896, ch. 9, § 12; P.L. 1901, ch. ch. 18, § 1.



CHAPTER 19  
CONDUCT OF ELECTION, AND VOTING MACHINES,  
AND SUPPLIES

SECTION.		SECTION.	
17-19-1.	Definitions.	17-19-24.	Procedure for voting — Signature identification.
17-19-2.	Voting machines.	17-19-25.	Ballot applications preserved — Duty of clerk.
17-19-3.	Voting machines — Specifications.	17-19-26.	Models for instruction — Assistance to voters in operation of machine.
17-19-3.1.	Polling places to be accessible to physically handicapped.	17-19-26.1.	Voting assistance.
17-19-3.2.	Handicapped and elderly persons.	17-19-27.	Affidavit as to identity of voter challenged — Penalty for false affidavit.
17-19-3.3.	Telephones at polling places.	17-19-28.	Temporary registration certificates.
17-19-4.	Voting machines — State board — Number to be furnished.	17-19-29.	Certificates and affidavits as public records.
17-19-4.1.	Increase in number of voting machines required.	17-19-30.	Voters who register by making a mark rather than signature.
17-19-5.	Printing and furnishing of ballot labels.	17-19-31.	Irregular ballots.
17-19-6.	Ballot labels — Arrangement.	17-19-32.	Recording and signing of returns.
17-19-7.	Local candidates and questions — Certification — Ballot labels.	17-19-33.	Sealing of machine — Sealing and forwarding of returns and keys.
17-19-7.1.	Listing of at-large candidates.	17-19-34.	Declaration of results and certificates of election in towns not divided into districts.
17-19-7.2.	Names and addresses of candidates.	17-19-35.	Guarding machines until resumption of custody by board.
17-19-8.	Ballot labels — Form.	17-19-36.	Tabulation of town returns — Opening of machines — Certificate of election.
17-19-9.	Party emblems.	17-19-37.	Tabulation of state returns — Opening of machines — Certificate of election.
17-19-10.	Sample ballots — Contents — Distribution.	17-19-38.	Custody of machines pending return to state board.
17-19-11.	Election return forms — Contents.	17-19-39.	Power to open machines.
17-19-12.	Delivery of election supplies.	17-19-40.	Paper ballots.
17-19-13.	Exhibition of machines for instructional purposes.	17-19-41.	Violations by public officers.
17-19-14.	Preparation of machines for election — Inspection — Sealing.	17-19-42.	Tampering with voting machines.
17-19-15.	Party levers.	17-19-43.	Tampering with sample ballot.
17-19-16.	State election inspectors — Appointment — Duties — Compensation.	17-19-44.	Officer tampering with machine.
17-19-17.	Custody of machines — Duties of local boards — Posting of sample ballots.	17-19-45.	Fraudulent election returns.
17-19-18.	Examination of machines prior to opening of polls.	17-19-46.	False instructions as to operation of machines.
17-19-19.	Custody of machines during voting.	17-19-47.	Improper possession of voting machine keys or duplicates.
17-19-20.	Repair or replacement of defective machines.	17-19-48.	Posting of duplicate cards.
17-19-21.	Arrangement of polling places — Election officials — Police officers.	17-19-49.	Political literature and influence.
17-19-22.	Party checkers, runners, and watchers.	17-19-50.	Candidates listing on ballot.
17-19-23.	Wardens and supervisors — Powers and duties.	17-19-51.	Priority for elderly voters.
17-19-23.1.	Certification and appointment of election officials.	17-19-52.	Priority for disabled voters.

**17-19-1. Definitions.** — As used in this chapter, except as otherwise required by the context:

- (a) "Warden" shall include moderator; and vice versa;
- (b) "Machine" shall mean any voting machine of a type or make approved by the state board;
- (c) "Device" shall mean the lever, knob, button, or other mechanical contrivance connected with the face of a voting machine, by which the voter shall register his or her vote;
- (d) "Face" shall mean that portion of the voting machine facing the voter as he or she enters to vote, upon which are arranged and displayed the devices by which he or she is to register his vote;
- (e) "Counter" shall mean the numbered wheels, dials, or other mechanism of a voting machine whereby the votes for each candidate and upon each question are indicated, recorded, and counted; and the term "protective counter" shall mean a separate counter which cannot be reset, and which records the total number of movements of the operating lever.

**History of Section.** 1947, ch. 1886, §§ 36, 39; P.L. 1948, ch. 2151, § 1; G.L. 1935, ch. 2195, § 2; G.L. 1938, ch. 318, § 1; G.L. 1956, § 17-19-1; P.L. 1958, ch. 18, § 2; P.L. 1940, ch. 818, § 1; impl. am. P.L. § 1.

**17-19-2. Voting machines.** — Subject to the provisions of this chapter, voting machines which shall have been approved by the state board shall be used in all state, city, or town elections including elections at which amendments to the Constitution of the state shall be submitted to the electors for approval, provided that paper ballots may be used whenever, due to any unforeseen contingency, there is human impossibility of using voting machines, and the determination by the majority vote of all of the members of the state board that the contingency does or does not exist shall be final and conclusive.

**History of Section.** 1886, §§ 36, 39; P.L. 1956, ch. 3755, § 1; G.L. 1935, ch. 2195, § 1; G.L. 1938, ch. 318, § 1; G.L. 1956, §§ 1, 24; G.L. 1938, ch. 318, §§ 1, 23; P.L. § 17-19-2; P.L. 1958, ch. 18, § 1. 1940, ch. 818, § 1; impl. am. P.L. 1947, ch.

**17-19-3. Voting machines — Specifications.** — (I) The state board may approve any type or make of voting machine provided that it shall not approve any machine unless it shall be so constructed and shall operate in such manner as to meet the following requirements:

- (a) It shall enable the voter to:
  - (1) Vote in secrecy;
  - (2) Vote for all candidates of political parties or organizations, and for or against questions as submitted;
  - (3) Vote for all the candidates of one party or in part for the candidates of one or more other parties;

(4) Vote for as many persons for an office as the voter is lawfully entitled to vote for, but no more;

(5) Vote on any question the voter may have the right to vote on;

(b) It shall prevent the voter from voting for the same person more than once for the same office;

(c) The machine shall correctly register or record, and accurately count, all votes cast for any and all persons, and for or against any and all questions and shall be provided with:

(1) A "protective counter," a counter built into the machine, which cannot be reset and which records the total number of movements of the operating lever;

(2) A counter which shall show at all times during an election how many persons have voted;

(3) A mechanical model, illustrating the manner of voting on the machine, suitable for the instruction of voters;

(4) A lantern, or a proper substitute for one, which shall give sufficient light to enable voters while voting to read the ballot and suitable for use by the election officers in examining the counters;

(5) A screen, hood, or curtain which shall be made and adjusted as to conceal the voter and the voter's action while voting; it must have a face to which each device can be affixed and accurately labeled so as to show clearly and distinctly the office, the name and address of the candidate, and the party which the device represents; and in the case of each party device, so that the device can show the party emblem. The face shall be of such size, and so constructed, as to permit of the arrangement thereon of each device and its label, in horizontal rows, or vertical columns, each party to have one row or column, as the board of elections may designate;

(d) The machine may also be provided with one device for each party, for voting for all the presidential electors of that party by one operation, and a ballot therefor containing only the words "presidential electors for" preceded by the name of that party and followed by the names of the candidates thereof for the offices of president and vice-president, and a registering device therefor which shall register the vote cast for those electors when thus voted collectively; provided, however, that means shall be furnished whereby the voter can cast a vote in part for the candidates for presidential electors of one party, and in part for those of one or more other parties or in part or in whole for persons not nominated by any party;

(e) It shall correctly register, by means of mechanical counters, the number of voters by whom it is used, and every vote cast for each candidate and upon each question, and it shall be capable of being so closed during the time the polls are open that no person can see or know the number of votes registered for any candidate, person, or question. The counters shall be so attached to the machine that by means of labels or numbers they can be clearly identified with the devices on the face by which they are operated;

(f) The machine shall also be provided with: (1) a lock or locks by means of which the operation of the devices and the movement of the

voting, counting, and registering mechanism may be absolutely prevented and prohibited, whenever the prevention and prohibition is required by law; (2) a latch so placed on the outside of the machine that it cannot be operated unless the operator is standing on the outside of the machine. The latch shall be so constructed that the voter can push it in just before he enters the machine and that the operation will allow the voter to vote but once and when the voter has voted, the latch will snap back and lock the machine against voting until the next voter pushes the latch in.

(II) Any machine that does not conform in all respects to the foregoing requirements of subsections (I)(a) through (I)(f) inclusive shall not be approved by the state board.

**History of Section.** 818, § 1; G.L. 1956, § 17-19-4; G.L. 1956, P.L. 1935, ch. 2195, § 4; G.L. 1938, ch. 318, § 17-19-3; P.L. 1958, ch. 18, § 1. § 4; G.L. 1938, ch. 318, § 3; P.L. 1940, ch.

**17-19-3.1. Polling places to be accessible to physically handicapped.** — Whenever practicable at no additional cost, every polling place shall be situated in a building architecturally and structurally suited for ready access by the handicapped.

**History of Section.**  
P.L. 1983, ch. 51, § 1.

**17-19-3.2. Handicapped and elderly persons.** — By January 1, 1986, every polling place shall be situated in a building which can be entered and exited by handicapped and elderly persons. "Handicapped persons" as used in this section are persons having a temporary or permanent physical disability. "Disability" for the purpose of this section means a serious impairment of mobility. "Elderly person" as used in this section means a person who is sixty-five (65) years of age or older. The state board of elections shall establish guidelines as to the accessibility of buildings to the elderly and handicapped voters. The state board of elections is empowered to grant, upon the application of the board of canvassers, an exception permitting it to maintain a polling place in a nonconforming building. An exception shall only be granted when the board of canvassers demonstrates to the satisfaction of the board of elections that there is no public building within the voting district which meets the requirements of this section or which can be brought into compliance by a reasonable expenditure of funds. If a conforming building is unavailable within the voting district, the board of elections shall provide to the board of canvassers an alternative method or an alternative location outside the voting district for handicapped and elderly persons who request in advance of the election an alternative means of casting their ballot on election day.

**History of Section.**

P.L. 1984, ch. 369, § 2; P.L. 1985, ch. 101,  
§ 1.

**17-19-3.3. Telephones at polling places.** — Every polling place shall have a telephone available for the use of any election official for the purpose of carrying out his official functions and duties.

**History of Section.**

P.L. 1985, ch. 177, § 1.

**17-19-4. Voting machines — State board — Number to be furnished.** — For each voting district and for each town not divided into voting districts the state board shall furnish one or more voting machines as the situation and number of voters in that district or town may require. The machines furnished by the state board shall be equipped with ballot labels and adjusted for recording the votes of electors. At each voting place, both in cities and in towns, at least one machine shall be furnished for every five hundred (500) qualified electors, or fraction thereof, in excess of one hundred (100) whose names are upon the voting list used at the voting place and entitled to use the machines, as certified to the state board by the local boards on or before the tenth day of September, next preceding an election.

**History of Section.**

ch. 318, § 4; P.L. 1940, ch. 818, § 1; P.L.  
P.L. 1935, ch. 2195, § 5; P.L. 1938, ch. 1953, ch. 3203, § 1; G.L. 1956, § 17-19-5;  
2640, § 2; G.L. 1938, ch. 318, § 5; G.L. 1938, G.L. 1956, § 17-19-4; P.L. 1958, ch. 18, § 1.

**17-19-4.1. Increase in number of voting machines required.** — Notwithstanding the provisions of § 17-19-4, as amended, for each voting district and for each town not divided into voting districts the state board of elections shall furnish one or more voting machines as the situation and number of voters in that district or town may require in all non-partisan primaries and elections; provided, however, that in the case of primaries at least one machine shall be furnished for every three hundred (300) qualified electors or fraction thereof in excess of one hundred (100) and in the case of elections at least one machine shall be furnished for every two hundred fifty (250) qualified electors or fraction thereof in excess of one hundred (100).

**History of Section.**

P.L. 1959, ch. 20, § 1.

**17-19-5. Printing and furnishing of ballot labels.** — The ballot labels required for any machine to be used at any election shall be printed and furnished at the expense of the state by the secretary of state and turned over to the state board.

**History of Section.** ch. 318, § 6; P.L. 1940, ch. 318, § 1; P.L. 1935, ch. 2195, § 11; P.L. 1938, ch. 2640, § 2; G.L. 1938, ch. 318, § 7; G.L. 1938, ch. 318, § 6; P.L. 1940, ch. 318, § 1; P.L. 1953, ch. 3203, § 2; G.L. 1956, § 17-19-8; G.L. 1956, § 17-19-5; P.L. 1958, ch. 18, § 1.

**17-19-6. Ballot labels — Arrangement.** — In all cases where machines are to be used for any election, the secretary of state shall prepare a diagram of the face of the machines to be used at the election and the diagram shall determine the manner and order in which the devices and ballot labels shall be arranged upon the face, which diagram shall, on the day of any election, be in the possession of the warden and available for public inspection.

**History of Section.** ch. 318, § 5; P.L. 1940, ch. 318, § 1; impl. am. P.L. 1935, ch. 2195, § 10; P.L. 1938, ch. 2640, § 2; G.L. 1938, ch. 318, § 6; G.L. 1938, ch. 318, § 5; P.L. 1947, ch. 1886, §§ 36, 39; G.L. 1956, § 17-19-6; P.L. 1958, ch. 18, § 1.

**17-19-7. Local candidates and questions — Certification — Ballot labels.** — The local board of each city or town where any machine is to be used shall certify to the secretary of state, not later than four o'clock (4:00) p.m. of the third day following the last day for the holding of the primary held pursuant to the provisions of chapter 15 of this title, preceding any regular city or town election to be held on the Tuesday next after the first Monday in November in any year, or not later than twenty-nine (29) days before any regular city or town election held at any time other than on the Tuesday next after the first Monday in November in any year, or not later than twenty-nine (29) days before any special city or town election, the offices to be voted for thereat, the names and addresses of the candidates for each office and the party name under which the respective candidates were nominated, and any other information necessary to enable the secretary of state to prepare ballot labels uniform in size, type, color, and appearance with those prepared by the secretary for the state election, and in like manner the local board shall certify to the secretary of state a copy of each question to be submitted to the electors of the city or town so that suitable ballot labels may be prepared and furnished therefor.

**History of Section.** 1953, ch. 3203, § 2; G.L. 1956, § 17-19-7; P.L. 1935, ch. 2195, § 11; P.L. 1938, ch. 2640, § 2; G.L. 1938, ch. 318, § 7; G.L. 1938, ch. 318, § 6; P.L. 1940, ch. 318, § 1; P.L. 1958, ch. 18, § 1; P.L. 1991, ch. 194, § 4; P.L. 1991, ch. 277, § 4.

**17-19-7.1. Listing of at-large candidates.** — (a) In case of a vote for members of the council or school committee of any city or town, wherein the office or offices to be filled are to be elected on an at-large basis, and whether the election is a partisan, non-partisan, primary, general, or special election, the names for the office or offices shall be listed on the ballot in such fashion that no more than one name for an office shall be displayed on the same horizontal line; provided, nevertheless that candidates for non-partisan election in

the cities of Newport, Pawtucket, and Woonsocket may be listed on the same horizontal line.

(b) In no event shall the voting machine be prepared to lock itself so as to prevent further voting for an office or officer until the elector shall have cast as many votes as there are separate offices to be filled.

**History of Section.**

P.L. 1978, ch. 252, § 2; P.L. 1979, ch. 301, § 1; P.L. 1983, ch. 111, § 1.

**17-19-7.2. Names and addresses of candidates.** — In all elections, the names and addresses of candidates shall be printed on ballots and ballot labels as they appear on the voting list, notwithstanding that the candidate may have signed his or her declaration of candidacy other than as such candidate's name appears on the voting list.

**History of Section.**

P.L. 1989, ch. 389, § 3; P.L. 1990, 285, § 2.

**17-19-8. Ballot labels — Form.** — All ballot labels provided under this chapter shall be printed in black ink on clear, white material in plain, clear type, as large as the ballot label frames will permit. Upon the ballot label for questions the statement of the question may be abbreviated to meet the requirements of the space provided, and shall be printed in type that can be easily read, with the words "yes" or "no" or "approved" and "reject," whichever may be required for the voter to indicate the voter's vote for or against any question.

**History of Section.**

P.L. 1935, ch. 2195, § 11; P.L. 1938, ch. 2640, § 2; G.L. 1938, ch. 318, § 7; G.L. 1938, ch. 318, § 6; P.L. 1940, ch. 818, § 1; P.L. 1953, ch. 3203, § 2; G.L. 1956, § 17-19-9; G.L. 1956, § 17-19-8; P.L. 1958, ch. 18, § 1.

**17-19-9. Party emblems.** — In the preparation of all ballot labels, sample ballots, absentee ballots, and war ballots, to be used at any election other than a primary election, the secretary of state shall cause to be printed at the top of each column containing the names of candidates of a "political party", as defined in this title, over the name of the political party whose candidates appear in the column, the emblem of the political party. The emblem of the democratic party shall be the representation of a star. The emblem of the republican party shall be the representation of an eagle. The emblem of any political organization qualifying as a "political party" as defined in this title shall be selected by the state chairman of the party; provided, however, that the emblem shall be entirely different for each political party, and may be any appropriate symbol; but neither the coat of arms or seal of any state or of the United States, the national or state flag, any religious emblem or symbol, the seal

of any society, the portrait or likeness of any person, or the representation of a coin or of the currency of the United States, shall be chosen as an emblem. Whenever any emblem shall have been selected and used upon official ballots and ballot labels for any political party, it shall not thereafter be used for any other political party.

**History of Section.** § 2; G.L. 1956, § 17-19-10; G.L. 1956, G.L. 1938, ch. 318, § 6; P.L. 1948, ch. 2151, § 17-19-9; P.L. 1958, ch. 18, § 1.

**17-19-10. Sample ballots — Contents — Distribution.** — The secretary of state shall prepare a sample ballot, which may be of a reduced size, in the form of a diagram or facsimile of the face of the machine after the ballot labels and devices have been arranged thereon ready for the use of the voter. The sample ballot shall clearly and briefly explain and illustrate the manner of operating the machine, of voting a straight party ticket, of voting for candidates individually, and of voting upon questions. The secretary of state shall furnish a reasonable supply of sample ballots to each local board, for public distribution upon request; and no fewer than three (3) of the sample ballots shall be furnished for each voting place.

**History of Section.** ch. 318, § 6; P.L. 1940, ch. 818, § 1; P.L. 1935, ch. 2195, § 11; P.L. 1938, ch. 2640, § 2; G.L. 1938, ch. 318, § 7; G.L. 1938, 1953, ch. 3203, § 2; G.L. 1956, § 17-19-11; G.L. 1956, § 17-19-10; P.L. 1958, ch. 18, § 1.

**17-19-11. Election return forms — Contents.** — (a) The state board shall prepare and furnish, for each voting place at which machines are to be used, suitable forms whereon may be recorded the following information for each machine in use:

- (1) The machine number;
- (2) The numbers of any serial seal or seals;
- (3) The voting place at which the machine is used;
- (4) The date of the election or primary at which the machine is used;
- (5) The number of names checked upon the voting list used at the election;
- (6) The number of voters registered by the machine;
- (7) The number of votes registered by the machine for each candidate, and for what office;
- (8) The number of votes registered by the machine for and against each question submitted.

(b) Space shall be left on the form wherein may be recorded the number of votes given for any person not a candidate at the election, and for what office. Spaces shall also be left for the signatures of the election inspector, the warden, clerk, and at least two (2) supervisors. The state board shall also furnish the necessary envelopes and adhesive labels required to be used in accordance with the provisions of this chapter.



**History of Section.** P.L. 1947, ch. 1886, §§ 36, 39; G.L. 1956, § 17-19-12; G.L. 1956, § 17-19-11; P.L. 1958, ch. 18, § 1.  
 P.L. 1935, ch. 2195, § 11; P.L. 1938, ch. 2640, § 2; G.L. 1938, ch. 318, § 7; G.L. 1938, ch. 318, § 6; P.L. 1940, ch. 818, § 1; impl. am.

**17-19-12. Delivery of election supplies.** — All printed matter, stationery, and supplies required to be furnished by this chapter shall be delivered to the proper officer not later than three (3) days before the election for which they are to be used.

**History of Section.** ch. 318, § 6; P.L. 1940, ch. 818, § 1; G.L. 1956, § 17-19-13; G.L. 1956, § 17-19-12; P.L. 1958, ch. 18, § 1.  
 P.L. 1935, ch. 2195, § 11; P.L. 1938, ch. 2640, § 2; G.L. 1938, ch. 318, § 7; G.L. 1938,

**17-19-13. Exhibition of machines for instructional purposes.** — The local board shall designate suitable and adequate times and places where voting machines containing sample ballots showing titles of offices to be filled and, so far as practicable, the names of candidates to be voted for at the next election shall be exhibited for the purpose of giving instructions as to the use of voting machines to all voters who shall apply. No voting machine which is to be used in an election shall be used for the instruction after it has been prepared and sealed for the election.

**History of Section.** ch. 818, § 1; G.L. 1956, § 17-19-14; G.L. 1956, § 17-19-13; P.L. 1958, ch. 18, § 1.  
 P.L. 1935, ch. 2195, § 12; G.L. 1938, ch. 318, § 8; G.L. 1938, ch. 318, § 7; P.L. 1940,

**17-19-14. Preparation of machines for election — Inspection — Sealing.** — Prior to any election at which machines are to be used, the state board or some person designated by it shall affix the ballot labels to the devices on the face of each machine and shall see that the devices and ballot labels are arranged on the face in accordance with the provisions of this chapter, that devices are in good working order, that all of the devices not needed in the election are securely locked, and that the daily counter is at zero and all the candidates' counters are set at zero and record no vote for any candidate. The members of the state board shall personally, in company with two (2) competent mechanics, inspect each machine after it is prepared for the election and shall supervise the final sealing including the placing of seals at both ends of the bar that holds the ballot labels in position and the placing of a seal on the apron in the back of the machine which conceals the voting lever mechanism. This inspection and sealing shall be made as near the time of the election as is feasible.

**History of Section.** P.L. 1947, ch. 1886, §§ 36, 39; G.L. 1956, § 17-19-16; G.L. 1956, § 17-19-14; P.L. 1958, ch. 18, § 1; P.L. 1988, ch. 175, § 1; P.L. 1988, ch. 287, § 1.  
 P.L. 1935, ch. 2195, § 14; P.L. 1938, ch. 2640, § 2; G.L. 1938, ch. 318, § 10; G.L. 1938, ch. 318, § 9; P.L. 1940, ch. 818, § 1; impl. am.

**17-19-15. Party levers.** — In the preparation of the voting machines for use in any election, excluding a primary election, the board shall cause the party devices, commonly referred to as party levers, over each of the columns containing candidates of "political parties", as defined in this title, to be adjusted so as to permit any voter to vote for all candidates of one of the respective parties whose names appear in a column by means of a single operation. All devices over columns which do not contain candidates of "political parties", as defined in this title, shall be locked in such manner as to prevent voting by use of such party devices.

**History of Section.** § 3; G.L. 1956, § 17-19-17; G.L. 1956, G.L. 1938, ch. 318, § 9; P.L. 1948, ch. 2151, § 17-19-15; P.L. 1958, ch. 18, § 1.

**17-19-16. State election inspectors — Appointment — Duties — Compensation.** — The state board shall appoint and issue commissions to a sufficient number of qualified electors of this state to be election inspectors so that one may be assigned to each election polling place, and there may be such reserve inspectors not in excess of one for every four (4) contiguous voting districts as may be necessary as replacements to permit regular inspectors a relief period. On the day before any election the state board shall assign one election inspector to each election polling place. Each election inspector shall receive a sum not exceeding fifty dollars (\$50.00) to be fixed by the state board for each election at which the inspector serves. Each election inspector shall hold office at the pleasure of the state board, and shall observe the conduct of the elections at which the inspector is assigned to serve, and report to the state board immediately any irregularities the inspector may observe. G.L., § 17-19-16, as enacted by P.L. 1958, ch. 18, § 1; P.L. 1962, ch. 201, § 3; P.L. 1980, ch. 289, § 1.

**History of Section.** 3203, § 3; G.L. 1956, § 17-19-15; G.L. 1956, G.L. 1938, ch. 318, § 8; P.L. 1940, ch. 818, § 17-19-16; P.L. 1958, ch. 18, § 1; P.L. 1962, § 1; P.L. 1942, ch. 1244, § 1; P.L. 1953, ch. 201, § 3; P.L. 1980, ch. 289, § 1.

**17-19-17. Custody of machines — Duties of local boards — Posting of sample ballots.** — Each local board shall be responsible for safeguarding the machines delivered to it, and shall properly and safely locate the machines in the polling places where they are to be used. The local board shall cause the keys of the machines to be delivered to the warden of the elective meeting at which machines are to be used, at least half an hour before the opening of the polls. The key or keys of each machine shall be placed in a sealed envelope upon which shall be written or printed the number and location of the machine, and the numbers registered on the protective counter, if any, as reported to the local board when the machines were set up and adjusted. The envelope shall be opened by the warden in the presence of the other election officers and the delivery of the keys

shall be equivalent to a certificate from the local board and the state inspector that the machines are ready for use. The custody of the machines shall remain with the local board up to the time of the delivery of the keys to the warden, and the local board shall be held fully responsible for any damage or injury to any machine while it is in its custody, and for failure to have any machine ready for use at the time of the opening of the polls. The local board shall cause the sample ballots to be posted in a conspicuous place in each polling place, outside the guard rail.

**History of Section.** P.L. 1947, ch. 1886, §§ 36, 39; G.L. 1956, P.L. 1935, ch. 2195, § 14; P.L. 1938, ch. § 17-19-19; G.L. 1956, § 17-19-17; P.L. 1958, 2640, § 2; G.L. 1938, ch. 318, § 10; G.L. 1938, ch. 18, § 1. ch. 318, § 9; P.L. 1940, ch. 818, § 1; impl. am.

**17-19-18. Examination of machines prior to opening of polls.** — The warden, upon receipt of the keys of the machines at the voting place, shall, in company with the election inspector, the clerk, and supervisors, before the opening of the polls, unlock the counter compartment of each machine and carefully examine each counter and determine that no vote is registered thereon for any candidate or question. The warden shall also examine the face of each machine and compare it with the sample ballot. The warden shall determine, so far as he or she may do so without operating any machine, that each machine is in good order and ready for the use of the voters. He or she shall thereupon close and lock the counter compartment of each machine and unlock and unseal each machine for voting and declare the polls open.

**History of Section.** ch. 818, § 1; G.L. 1956, § 17-19-21; G.L. P.L. 1935, ch. 2195, § 15; P.L. 1938, ch. 1956, § 17-19-18; P.L. 1958, ch. 18, § 1. 2640, § 2; G.L. 1938, ch. 318, § 11; P.L. 1940,

**17-19-19. Custody of machines during voting.** — During the time that the polls are open, and until the machines are finally locked and sealed and the removable keys thereof sealed up for transmission to the state board, as hereinafter provided, the machines shall remain in the care and custody of the warden who shall see that the machine and the devices and labels thereon are not defaced or injured by any voter or any other person. During the entire time in which the polls are open for voting, the counter compartment shall be kept closed and locked and the counters kept concealed.

**History of Section.** ch. 818, § 1; G.L. 1956, § 17-19-22; G.L. P.L. 1935, ch. 2195, § 15; P.L. 1938, ch. 1956, § 17-19-19; P.L. 1958, ch. 18, § 1. 2640, § 2; G.L. 1938, ch. 318, § 11; P.L. 1940,

**17-19-20. Repair or replacement of defective machines.** — If a machine shall become out of order the warden shall so notify the election inspector who shall examine the machine. If, in the opinion of the election inspector, the machine requires the attention of a voting machine mechanic, the inspector shall notify the state board and the board shall thereupon provide a voting machine mechanic who may make any repairs on the machine which do not require the opening of the counter compartment. While repairing or otherwise attending to the repair of any voting machine, the voting machine mechanic shall display, in a visible manner and on his or her clothing, an identification which shall be furnished by the state board and which shall include a photograph of the voting machine mechanic. In the event that repairs are made to the machine, the voting machine mechanic shall make the repairs in the presence of a bi-partisan pair of election officials and the mechanic shall note on the official return sheet the nature and extent of the repairs made by the mechanic, the number of the machine, the time required to make the repairs, and the probable cause of the failure to operate properly. If any machine cannot be repaired by the mechanic within a period of thirty (30) minutes the mechanic shall so notify the election inspector who shall in turn notify the state board, and the board shall at once substitute another machine for the out of order machine and at the close of the polls the records of both machines shall be taken.

**History of Section.** ch. 818, § 1; G.L. 1956, § 17-19-23; G.L. P.L. 1935, ch. 2195, § 15; P.L. 1938, ch. 1956, § 17-19-20; P.L. 1958, ch. 18, § 1; P.L. 2640, § 2; G.L. 1938, ch. 318, § 11; P.L. 1940, 1978, ch. 388, § 1.

**17-19-21. Arrangement of polling places — Election officials — Police officers.** — (a) The polling places shall be established, equipped, and furnished with the paraphernalia necessary for the conduct of each election, by such officers and in such manner as provided by this title. There shall be placed, outside each polling place, a clearly marked sign to be provided by the state board of elections indicating the location of the polling place. This sign shall be of a conspicuous nature, and shall be visible from the street. The area within which the balloting shall be conducted shall be arranged with a guard rail having one place for entrance and another place for exit. The rail shall be so placed that only persons admitted inside the rail can approach within five (5) feet of any voting machine. The voting machine or machines shall be so placed that the warden and the clerk shall always have a clear view of the front of each machine and of its latch. It shall be the duty of the election inspector to direct the location of the voting machines in relation to the guard rail and the posts of the warden and the clerk so as to enforce the requirements of this section.

(b) One bi-partisan pair of supervisors, the clerk, and the warden shall be stationed, in that order, along the guard rail so that a voter desiring to cast a ballot will pass first in front of the bi-partisan pair,

then in front of the clerk, and finally in front of the warden. A second bi-partisan pair shall be stationed within the guard rail and shall be available to relieve the first bi-partisan pair or the clerk, and to assist voters within the limits prescribed by this title. The second bi-partisan pair, when not engaged in the foregoing duties, shall watch the voters in and about the machines and shall call to the attention of the warden any violation, or circumstance suggesting a violation, of the provisions of this title.

(c) The chiefs of police of cities and towns and town sergeants of towns having no chief of police shall detail a certain number of police officers to each polling place as may be requested by the local board. The police officers shall preserve order at each polling place and within two hundred (200) feet thereof. It shall be the duty of every police officer or other peace officer or constable to arrest without warrant any person detected in the act of violating the provisions of this chapter, but no arrest shall be made without the approval of the warden or the state election inspector.

(d) The election officials provided in subsections (a) and (b) of this section shall be provided with, and shall be required to prominently display upon their persons, identification badges which shall set forth the designation of such person as an election official. Powers and duties of all designated election officials at polls shall be posted in a conspicuous and prominent location within the voting place, preferably with the posted sample ballot.

**History of Section.**

P.L. 1935, ch. 2195, § 16; P.L. 1938, ch. 2640, § 2; G.L. 1938, ch. 318, § 12; G.L. 1938, ch. 318, §§ 10, 12; P.L. 1940, ch. 818, § 1; P.L. 1947, ch. 1886, § 23; P.L. 1948, ch. 2100, § 1; G.L. 1956, §§ 17-15-23, 17-19-20, 17-19-24; G.L. 1956, § 17-19-21; P.L. 1958, ch. 18, § 1; P.L. 1987, ch. 190, § 1; P.L. 1991, ch. 171, § 1.

**17-19-22. Party checkers, runners, and watchers.** — The officers required to furnish and equip any voting place shall also provide a table in the room where the voting is conducted, outside the enclosed space near the first bi-partisan pair of supervisors, at which a representative of the republican party and a representative of the democratic party, bearing credentials signed by the proper ward or town committee chairman, shall be allowed to sit, for the purpose of keeping track of those who are voting, and these representatives, who shall be known as "checkers," may be changed during the day. A representative, known as a "runner," of each of the parties shall be allowed to come to the table at frequent intervals for the purpose of taking whatever list or memoranda the checkers may wish to give the runner. A representative of the republican party and a representative of the democratic party, bearing credentials signed by the proper ward or town committee chairman, shall also be allowed outside the enclosed place to observe the voting, and assist the checkers, and these representatives shall be known as "watchers." The watchers and any election official shall have the right to challenge the right to vote of any person offering himself or herself as a voter.

**History of Section.** § 1: G.L. 1956, § 17-19-26; G.L. 1956, G.L. 1938, ch. 318, § 12; P.L. 1940, ch. 818, § 17-19-22; P.L. 1958, ch. 18, § 1.

**17-19-23. Wardens and supervisors — Powers and duties. —** The wardens shall:

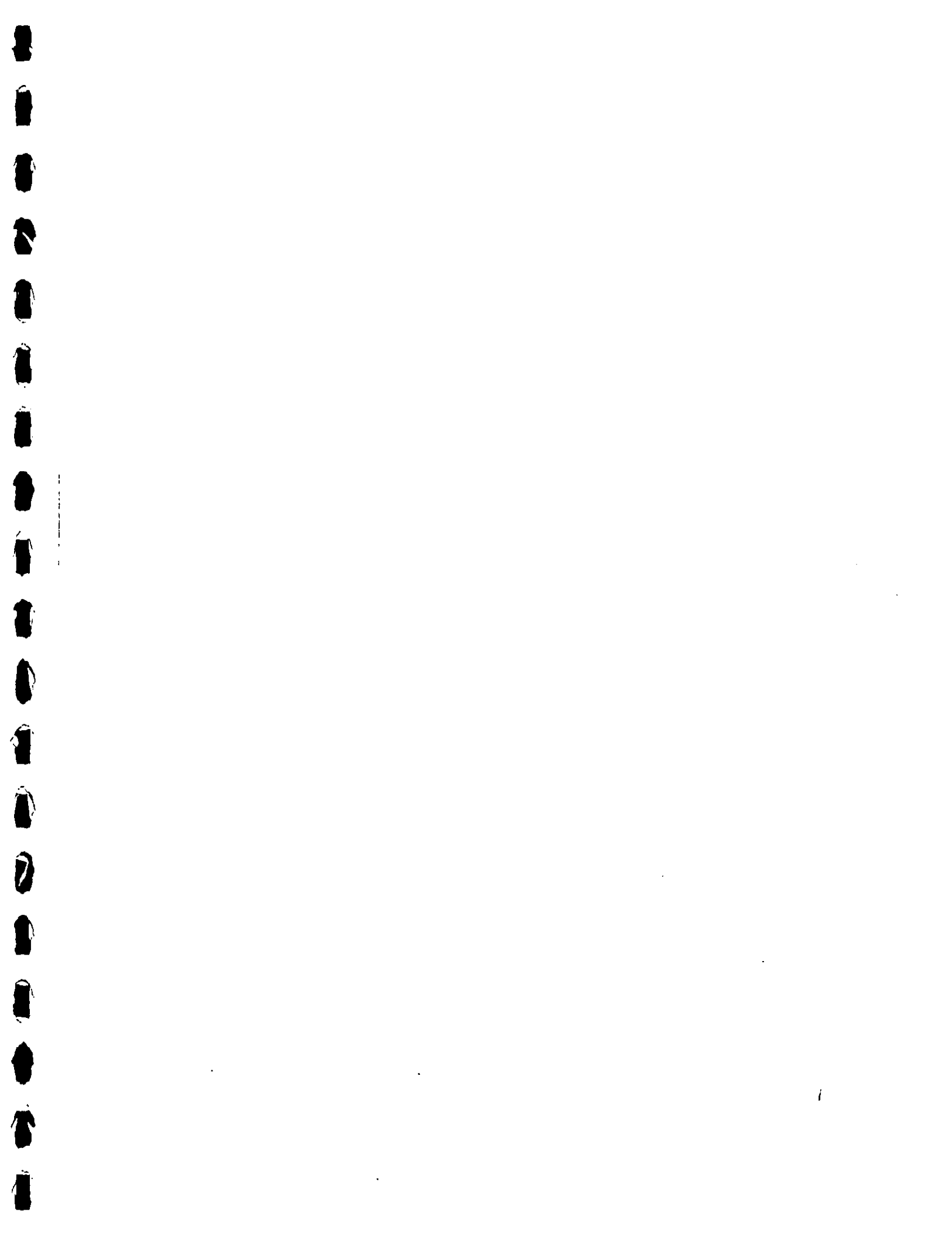
- (a) Have general supervision of the voting place;
- (b) Assign the first, second, and any additional pairs of supervisors to their respective stations;
- (c) From time to time assign and reassign and relieve the supervisors, as the efficient conduct of the election may require;
- (d) Unlock the voting list and set it before the first bi-partisan pair if it has not been divided in sections or set each section before a bi-partisan pair where it has been divided in sections immediately preceding the opening of the polls;
- (e) Assign the second or additional bi-partisan pair of supervisors to watch the voters while they are in and about the voting machines, and to enter the machines for the purpose of assisting voters who are unable to vote, within the limits provided by this chapter;
- (f) Be vigilant and responsible to prevent any voter from voting more than once;
- (g) Cause to be established a single line of persons desiring to vote and enlist the assistance of the supervisors and the police in attendance to maintain that line;
- (h) So far as consistent with their other duties, station themselves at the entrance to the polling area and prevent any person from entering the enclosed space behind the rail except under the authority of this chapter, and prevent any person from entering that space for the purpose of voting until that person's name has been announced and that person's identity certified according to law by the supervisors in charge of the voting list;
- (i) Cause to be removed or arrested any person or official who commits a violation of the election law in their presence or disturbs the conduct of the voting; provided that they shall not cause any removal or arrest without the approval of the election inspector, unless the clerk agrees with the wardens that the person or official should be arrested or removed;
- (j) Have the power to administer oaths as shall be by this title required, and to attest the oaths by signature in proof of the administration of the oaths.

**History of Section.** § 17-19-23; P.L. 1958, ch. 18, § 1; P.L. 1958 G.L. 1938, ch. 318, § 10; P.L. 1940, ch. 818, (s.s.), ch. 216, § 1. § 1; G.L. 1956, § 17-19-20; G.L. 1956.

**17-19-23.1. Certification and appointment of election officials. —** (a) All persons who attend and complete a program of instruction for election officials under § 17-7-5(6) shall be issued a certificate by the board of elections. In addition to the compensation to which they are otherwise entitled, these persons shall also be

174.1 ELECTION, AND VOTING MACHINES, AND SUPPLIES 17-19-23.1

entitled to receive the sum of twenty-five (\$25.00) dollars upon the performance of their duties on election day. The certificate shall be valid for a period of one (1) year; provided, however, the certificate





shall be revocable at the discretion of the board of elections if the board believes that new developments have occurred requiring the recertification of these persons;

(b) Election officials shall, whenever practicable be appointed from lists of certificated persons;

(c) The board of elections shall have the authority to adopt rules and regulations to carry out the provisions of this section.

**History of Section.**

P.L. 1986, ch. 523, § 2; P.L. 1989, ch. 531, § 1.

**17-19-24. Procedure for voting — Signature identification.**

— (a) Each person desiring to vote shall state his or her name and residence, including that person's street address, if any he or she has, to one of the first pair of bi-partisan supervisors, who shall thereupon announce the name and residence in a loud and distinct voice, clear and audible. As each voter's name is announced, the voter shall be handed a ballot application in the following form:

**BALLOT APPLICATION**

(Poll List)

Senatorial District \_\_\_\_\_  
Representative District \_\_\_\_\_  
Voting District \_\_\_\_\_

Election  
Date \_\_\_\_\_

I hereby certify that I am a registered and qualified elector in the above voting district of

City of

and hereby make application for ballots to be voted at this election.

\_\_\_\_\_  
(Signature of Voter)

\_\_\_\_\_  
(Residence Address)

Number

Approved \_\_\_\_\_  
(Supervisor of Election)

(b) The voter shall sign the application in the presence and view of a bi-partisan pair. They shall locate the registration card of each voter who applies for a ballot and shall compare the signature on the ballot application with the signature appearing on the registration card. Upon being satisfied with the identification of the voter, by comparison of the signatures, they shall initial the ballot application in the place provided next to the word "Approved", and shall enter in the voting record a proper notation that the applicant has voted in

the election. They shall then return the ballot application to the voter who shall pass down the line and present it to the clerk. After the voter has handed the approved ballot application to the clerk, the warden shall direct the voter to the machine which the voter shall use, and unless the voter needs instruction or assistance as provided in this chapter the voter shall at once operate the latch and enter the machine, and shall vote by means of the devices, and having voted, the voter shall leave the machine and leave the enclosure at once. No voter shall remain within the machine longer than two (2) minutes, and if the voter refuses to leave after the lapse of two (2) minutes, the voter shall be removed therefrom by order of the warden. Except for the election officials and the election inspector, not more than two (2) voters in excess of the number of machines shall be permitted within the enclosed space at any time.

**History of Section.**

P.L. 1935, ch. 2195, § 16; P.L. 1938, ch. 2640, § 2; G.L. 1938, ch. 318, § 12; P.L. 1940, ch. 818, § 1; impl. am. P.L. 1947, ch. 1886,

§§ 36, 39; G.L. 1956, § 17-19-25; G.L. 1956, § 17-19-24; P.L. 1958, ch. 18, § 1; P.L. 1966, ch. 116, § 15.

**17-19-25. Ballot applications preserved — Duty of clerk. —** As each ballot application is presented to the clerk during the course of the identification of voters, the clerk shall place it on a spindle or within a binder or container to be provided for that purpose by the state board. Immediately upon the close of the polls, the clerk shall securely bind, tie, or seal all of the ballot applications so preserved, in such manner as shall be required by the state board, and the clerk shall affix thereon his or her certificate under oath that the ballot applications comprise one for each person who was permitted to pass before the warden and to cast a vote at the election, and that to the best of his or her knowledge and belief no person voted at the election who did not sign one of the within ballot applications, and that each of the persons was duly identified in the manner provided by law before being permitted to vote. The clerk shall then hand the binder or container of ballot applications to the warden, who shall deliver them to the local board together with the container or containers or registration cards used at the election.

**History of Section.**

G.L. 1956, § 17-19-25; P.L. 1958, ch. 18, § 1.

**17-19-26. Models for instruction — Assistance to voters in operation of machine. —** For the instruction of voters on election days there shall, so far as practicable, be provided for each voting place a mechanically operated model of the face of the machine. Any person desiring information or assistance in voting shall apply to the warden, who shall instruct the person upon the model and by the use of the sample ballots. If a voter needs instruction on the machine itself, or assistance in operating the machine itself, and requests this

assistance, the warden shall direct the second or additional bipartisan pair to instruct or assist the voter. The bipartisan pair shall enter the machine with the voter and instruct the voter in the use of the machine, and if the voter has no further need of them they shall both withdraw before the voter casts his or her vote. If, however, the voter is unable to operate the machine, the bipartisan pair shall operate the machine for the voter as he or she directs, but unless ordered so to do by a court of competent jurisdiction, neither member of the pair shall disclose for whom and how the voter voted. In every case of this nature both members of the bipartisan pair shall enter and leave the machine together, and it shall be a violation of this chapter for either to enter or remain alone.

**History of Section.** § 17-19-37; G.L. 1956, § 17-19-26; P.L. 1958, P.L. 1935, ch. 2195, § 20; G.L. 1938, ch. 18, § 1; P.L. 1967, ch. 43, § 1; P.L. 1988, 318, § 16; P.L. 1940, ch. 818, § 1; impl. am. ch. 176, § 1. P.L. 1947, ch. 1886, §§ 36, 39; G.L. 1956,

**17-19-26.1. Voting assistance.** — (a) Any voter who requires assistance to vote by reason of blindness, disability or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union.

(b) Every voter who requires assistance pursuant to this section and every person furnishing assistance to a voter pursuant to this section shall make and file with the warden an affidavit in substantially the following form:

#### AFFIDAVIT OF VOTER REQUIRING ASSISTANCE

Under the penalty prescribed by law I hereby make affidavit that I, \_\_\_\_\_, of \_\_\_\_\_,

Print Name of Voter Street Address of Voter

\_\_\_\_\_, hereby choose \_\_\_\_\_  
City/Town of Voter Print Name of Assistant

to provide assistance to me because I am either blind, disabled or unable to read or write in the English language and do hereby certify that the person chosen to assist me is not my employer, or agent of my employer, or officer or agent of my union.

\_\_\_\_\_  
Signature of Voter

Under the penalty prescribed by law I hereby make affidavit that I, \_\_\_\_\_, of \_\_\_\_\_,

Print Name of Person Assisting Voter

\_\_\_\_\_  
Street and City/Town Address of Person Assisting Voter  
having been chosen by \_\_\_\_\_

Print Name of Voter

to provide assistance to voter by reason of either blindness, disability or inability to read or write in the English language on the part of

the voter, do hereby certify that I am not the voter's employer, or agent of that employer, or officer or agent of the voter's union.

\_\_\_\_\_  
Signature of Person Assisting Voter

Subscribed and sworn to on this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19\_\_\_\_.

\_\_\_\_\_  
Signature of Warden

Voter's Ballot Application No. \_\_\_\_\_

(c) An affidavit will be made available only upon request by the voter to the warden in the polling place.

(d) Every person who shall make a false affidavit under this section shall be guilty of a felony.

(e) Under the penalty prescribed by law, the "assistant" is prohibited from moving the levers on the voting machine, unless otherwise requested by the voter who, due to a physical handicap, is unable to move the levers on the voting machine.

(f) No person may approach a voter and ask if he or she needs assistance, once the voter is within the voting place or waiting in line to vote or within fifty (50) feet of the entrance or entrances to the building as prescribed in § 17-19-49.

**History of Section.**  
P.L. 1988, ch. 176, § 2; P.L. 1991, ch. 293.  
§ 1.

**17-19-27. Affidavit as to identity of voter challenged — Penalty for false affidavit.** — (a) Whenever the identity of any person offering to vote is challenged at the polling place or whenever a person's registration cards have been marked "Inactive" that person shall be permitted to vote only upon making and filing with the warden an affidavit in substantially the following form:

Under the penalty prescribed by law I hereby make affidavit that I am \_\_\_\_\_ (here insert name) whose name appears upon the voting list certified for use at the polling place in voting district \_\_\_\_\_ of the city (or town) of \_\_\_\_\_, senatorial district \_\_\_\_\_, representative district \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19 \_\_\_\_\_, and that the above name under which I offer to vote is my own name.

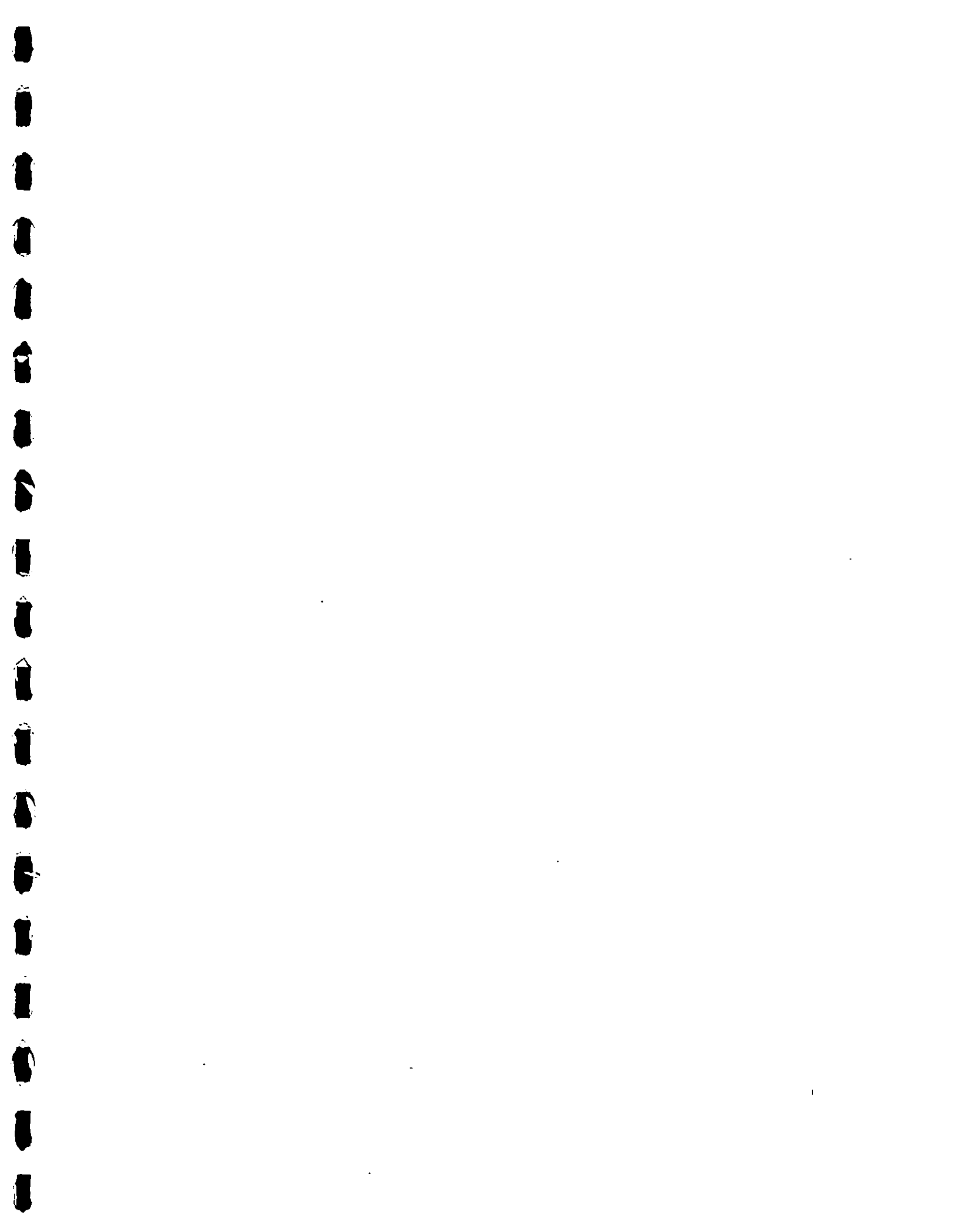
\_\_\_\_\_  
(Signature)

Subscribed and sworn to on this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19 \_\_\_\_\_, before me

\_\_\_\_\_  
Warden

Witness:  
\_\_\_\_\_

(b) Any person required to sign the above-mentioned affidavit shall step out of line so that others may vote and the warden shall thereupon fill out the affidavit and a copy and permit that person to read and sign it and shall administer the oath as required hereunder, for which purpose every warden is hereby empowered to administer, and to attest it with his or her signature in proof of the administration of the oath. The designated election official appointed on behalf of the opposite political party to that of the warden shall witness the voter's signature and shall sign his or her own name in the appropriate space. The original shall be retained by the warden and the copy shall be handed to the voter, who shall forthwith be permitted to vote.



(c) At the closing of the polls, the warden shall seal up the affidavits and cause them to be delivered to the local board together with the voting lists.

(d) Every person who shall make a false affidavit under this section shall be guilty of a felony.

**History of Section.** 17-10-38; G.L. 1956, § 17-19-27; P.L. 1958, P.L. 1951 (s.s.), ch. 2870, §§ 22, 26; P.L. ch. 18, § 1; P.L. 1966, ch. 116, § 15; P.L. 1952, ch. 2897, § 6; G.L. 1956, §§ 17-10-37, 1978, ch. 201, § 9.

**17-19-28. Temporary registration certificates.** — (a) Any person whose name is not on the voting list and who claims a right to vote may apply to the local board for a certificate entitling that person to vote. Upon receipt of any application for a certificate, accompanied by proof of the identity of the applicant, the local board shall inspect the registry records retained in the office of the board, and if the inspection discloses that the applicant is qualified to vote at the election the board shall issue to the applicant its certificate, duly signed manually by the board or a member thereof, a copy of which shall be retained by the board, addressed to the warden of the voting district in which the applicant is found to be qualified to vote, which certificate shall be marked "Temporary certificate of registration" and shall have the same force and effect as the inclusion of the applicant's name on the certified voting list. The certificate shall be presented to the warden and when so presented may be examined by the warden and by a designated election official appointed on behalf of the opposite political party. It shall then be retained by the warden and returned to the board at the time prescribed for the return of the original registration cards.

(b) At the time that a temporary certificate is issued by the local board a proper record of this action shall be made and signed by the members thereof who ordered the issuance of the certificate.

(c) At the same time a voter receives a temporary certificate the board shall prepare a new registration card or cards, if necessary, containing the same information shown by the registry records, which shall be executed and signed as provided in § 17-9-6; and if at any other time a registration card of any person is not found and the local board determines that the person was duly registered or is entitled to be registered, new registration cards shall be completed in the same manner, if necessary.

**History of Section.** G.L. 1956, §§ 17-10-33 — 17-10-35; R.P.L. 1957, ch. 134, § 1; G.L. 1956, § 17-19-28; G.L. 1938, ch. 313, § 24; P.L. 1942, ch. 1211, § 1; P.L. 1951 (s.s.), ch. 2870, § 8; P.L. 1952, ch. 2897, § 3; P.L. 1956, ch. 3746, § 2; P.L. 1958, ch. 18, § 1.

**17-19-29. Certificates and affidavits as public records. —** The temporary registration certificates issued pursuant to § 17-19-28 and the affidavits delivered to the local board, pursuant to § 17-19-27, are hereby declared to be public records and shall be open to public inspection at all reasonable times.

**History of Section.** § 17-10-39; G.L. 1956, § 17-19-29; P.L. 1958, P.L. 1951 (s.s.), ch. 2870, § 33; G.L. 1956, ch. 18, § 1.

**17-19-30. Voters who register by making a mark rather than signature. —** Any voter who has registered by making his or her mark rather than his or her signature or who shall be physically unable to sign his or her name at the time of offering himself or herself to vote shall identify himself or herself by correctly answering such questions put to him or her by the supervisors as may test the voter's knowledge of the information recorded on the voter's registration card. In that case, the bi-partisan pair of supervisors shall complete a ballot application for the voter and shall make and annex thereto an affidavit that they duly identified the voter in the manner authorized by this section. They shall permit the voter to affix the voter's mark to the application in their presence and shall record their approval thereon as in other cases.

**History of Section.**  
G.L. 1956, § 17-19-30; P.L. 1958, ch. 18, § 1.

**17-19-31. Irregular ballots. —** Ballots voted for any person whose name does not appear on the machine as a nominated candidate for office are herein referred to as irregular ballots. In voting for presidential electors, a voter may vote an irregular ticket made up of the names of persons in nomination by different parties, or partly of names of persons so in nomination and partly of names of persons not in nomination, or wholly of names of persons not in nomination by any party. The irregular ballot shall be deposited in any receptacle or written upon the device provided on the machine for that purpose. With that exception, no irregular ballot shall be voted for any person for any office whose name appears on the machine as a nominated candidate for that office; any irregular ballot so voted shall not be counted. An irregular ballot must be cast in its appropriate place on the machine, or it shall be void and not counted and no irregular ballots shall be counted at primaries.

**History of Section.** P.L. 1947, ch. 1886, §§ 36, 39; G.L. 1956, P.L. 1935, ch. 2195, § 17; G.L. 1938, ch. § 17-19-27; G.L. 1956, § 17-19-31; P.L. 1958, 318, § 13; P.L. 1940, ch. 818, § 1; impl. am. ch. 18, § 1; P.L. 1966, ch. 199, § 1.



**17-19-32. Recording and signing of returns.** — Immediately upon the close of the polls the warden shall lock and seal the machine against voting and shall open the counter compartment and, in the presence of the other election or primary election officers and the election inspector, the warden shall proceed to read off in a clear and loud voice the vote for each candidate, and upon each question as indicated by the counters, and the votes cast for persons not nominated. While the warden is so announcing the vote, the clerk shall record the vote on the forms provided for in § 17-19-11. Upon the blanks provided by the state board the clerk shall record in ink the votes cast for each candidate and person and for and against each question in the state election, and upon the blanks furnished by the state board the clerk shall record in ink the votes cast for each candidate and person and for and against each question in the city or town election, and the number registered on the protective counter, if any; and these records shall be known, respectively, as state election returns and city and town election returns. The warden, election inspector, and one supervisor of each political party shall each separately compare the returns with the counters of the machine, and if they are found to agree, the warden, election inspector, clerk, and supervisor shall sign the returns. Primary election returns shall be similarly made out, compared, and signed. After all the machines have been read as above provided, the outside doors of the machines shall be left open for one-half an hour so that any candidate or the candidate's representative and representatives of the press may read and tabulate the votes appearing on the machines. The clerk shall thereupon copy the election returns in ink in the record book of the elective meeting now provided for by law, and the warden shall compare the copy made in the book with the counters of the machine, and if they are found to agree, the warden, together with the clerk, shall sign the record book. The records in the record book shall show the votes registered by each machine for each candidate and person and for and against each question, and the number registered on the protective counter, if any. At least two (2) separate return sheets shall be made out for each machine used in the voting place.

**History of Section.** am. P.L. 1947, ch. 1886, §§ 36, 39; G.L. 1956, P.L. 1935, ch. 2195, § 18; P.L. 1938, ch. § 17-19-28; G.L. 1956, § 17-19-32; P.L. 1958, 2640, § 2; G.L. 1938, ch. 318, § 14; P.L. 1940, ch. 18, § 1. ch. 818, § 1; P.L. 1944, ch. 1525, § 1; impl.

**17-19-33. Sealing of machine — Sealing and forwarding of returns and keys.** — In the presence of the election inspector the machine shall then be completely locked and sealed by the warden so that the devices cannot be worked nor the counters or registers changed, and the removable keys of the machines shall be enclosed in a stout envelope and be directed to the state board. The record book shall be placed in a paper wrapper and shall be directed to the town clerk. The record book and envelope shall then be sealed with

two (2) or more adhesive labels affixed upon the envelope and package so that they cannot be tampered with, and the labels shall be signed in ink by the warden and clerk. The envelope and record book shall not be opened after they are once sealed up in the polling place, by any person whatsoever, except the officer to whom they are addressed. The state election returns, together with the removable keys of the voting machines, shall be enclosed in a stout envelope, together with the supervisor's reports, and the envelope shall be endorsed with a statement of the officers and questions to which the returns relate, the number of the machines from which the returns were taken, the voting place where the machines were used, and the date of the election to which the returns refer. The city and town election returns shall be enclosed in another stout envelope, together with the supervisor's reports, and the envelope shall be endorsed with a statement of the officers and questions to which the returns relate, the number of machines from which the returns were taken, the voting place where the machines were used, and the date of the election to which the returns refer. Each envelope shall be sealed with two (2) or more adhesive labels, and the labels shall be signed in ink by the warden and clerk. The tabulations of the returns of any state, general or special elections, together with the removable keys of the voting machines, enclosed in envelopes and sealed up as before prescribed, shall be turned over immediately by the warden or the clerk or both to the state board and the tabulations of the returns of any city or town special or general elections, together with the record book and voting lists, shall be turned over by the warden or the clerk or both to the local board and the returns shall be of the same force and effect in determining the vote cast for any candidate or person, or for and against any question, as would ballots cast for any candidates or persons, or for and against any question, under any other provisions of law in regard to elections.

**History of Section.** ch. 818, § 1; P.L. 1944, ch. 1525, § 1; G.L. P.L. 1935, ch. 2195, § 18; P.L. 1938, ch. 2640, § 2; G.L. 1938, ch. 318, § 14; P.L. 1940, ch. 818, § 1; P.L. 1944, ch. 1525, § 1; G.L. 1956, § 17-19-29; G.L. 1956, § 17-19-33; P.L. 1958, ch. 18, § 1.

**17-19-34. Declaration of results and certificates of election in towns not divided into districts.** — When machines are used in town elections in towns not divided into voting districts, the warden, after announcing the votes registered by the machines for the candidates for town offices, and upon questions submitted to the voters of the town, and signing the record thereof in the record book, shall declare the result of the town election, and certificates shall be issued to the officers declared elected.

**History of Section.** ch. 818, § 1; P.L. 1944, ch. 1525, § 1; G.L. P.L. 1935, ch. 2195, § 18; P.L. 1938, ch. 2640, § 2; G.L. 1938, ch. 318, § 14; P.L. 1940, ch. 818, § 1; P.L. 1944, ch. 1525, § 1; G.L. 1956, § 17-19-30; G.L. 1956, § 17-19-34; P.L. 1958, ch. 18, § 1.

**17-19-35. Guarding machines until resumption of custody by board.** — Under orders of the local board, a police officer shall remain at the voting place until the board, personally or by a custodian, resumes custody of the voting machines.

**History of Section.** 1525, § 1; G.L. 1956, § 17-19-31; G.L. 1956, G.L. 1938, ch. 318, § 14; P.L. 1944, ch. § 17-19-35; P.L. 1958, ch. 18, § 1.

**17-19-36. Tabulation of town returns — Opening of machines — Certificate of election.** — The local board shall meet on the day following the election and shall tabulate the town or city election returns, as the case may be, and announce the results, but shall issue no certificates of election until the time for petitions filed under this section has expired and, if a petition has been filed, until the petition shall have been finally determined. Any candidate at the election challenging the correctness of the declaration of result as applied to the candidate may, within seven (7) days after the election, petition the state board to open the machines upon which the candidate's name appeared at the election and the board shall open and read the machines as soon as it can do so consistent with its other duties, and if it finds that the candidate was elected, it shall direct the local board to issue to the candidate a certificate of election, but if it finds that the candidate declared to be elected by the local board was in fact elected, it shall direct the board to issue a certificate of election to the candidate previously declared elected.

**History of Section.** § 17-19-32; G.L. 1956, § 17-19-36; P.L. 1958, G.L. 1938, ch. 318, § 14; P.L. 1940, ch. 818, ch. 18, § 1; P.L. 1968, ch. 248, § 1. § 1; P.L. 1944, ch. 1525, § 1; G.L. 1956,

**17-19-37. Tabulation of state returns — Opening of machines — Certificate of election.** — The state board shall proceed to tabulate the state election returns and declare the results as provided in chapter 22 of this title, and any candidate at the election challenging the result as applied to him or her may petition the board within seven (7) days after the declaration to open the machines on which the candidate's name appeared at the elections and the board shall open and read the machines as soon as it can do so consistent with its other duties and issue a certificate of election to the candidate it determines to have been elected.

**History of Section.** § 17-19-33; G.L. 1956, § 17-19-37; P.L. 1958, G.L. 1938, ch. 318, § 14; P.L. 1940, ch. 818, ch. 18, § 1. § 1; P.L. 1944, ch. 1525, § 1; G.L. 1956,

**17-19-38. Custody of machines pending return to state board.** — When the machines used in any voting place have been finally locked and sealed by the warden after the close of the polls, the local board shall resume custody of the machines, either in person or through a police officer delegated for that purpose, until the

machines are removed by the state board, or some person designated by it, and the local board shall take all necessary measures to prevent the machines from being opened, tampered with, injured, or damaged, or the counters thereof changed until such time as the local board is notified by the proper officers that the election or primary has in all respects been completed.

**History of Section.** P.L. 1947, ch. 1886, §§ 36, 39; G.L. 1956, P.L. 1935, ch. 2195, § 19; G.L. 1938, ch. § 17-19-35; G.L. 1956, § 17-19-38; P.L. 1958, 318, § 15; P.L. 1940, ch. 818, § 1; impl. am. ch. 18, § 1.

**17-19-39. Power to open machines.** — The state board, which is the sole custodian of master keys for all voting machines, shall have the right to open any and all machines either before or after an election in the presence of the proper election officials of the city or town in which the election is held, for the purpose of examining the machine or machines; provided, however, that none of the counters on any of the voting machines shall be changed until after the expiration of ten (10) days from the election at which the machines were used.

**History of Section.** P.L. 1947, ch. 1886, §§ 36, 39; G.L. 1956, P.L. 1935, ch. 2195, § 19; G.L. 1938, ch. § 17-19-36; G.L. 1956, § 17-19-39; P.L. 1958, 318, § 15; P.L. 1940, ch. 818, § 1; impl. am. ch. 18, § 1; P.L. 1990, ch. 211, § 1.

**17-19-40. Paper ballots.** — In the event that paper ballots shall be used in any election as provided in § 17-19-2 or as the general assembly may otherwise from time to time authorize, the ballots shall be uniform and in such form as may be prescribed by the secretary of state and shall be numbered serially upon perforated stubs, which stubs shall be removed by the proper election official at the time of voting and kept in a separate container and returned to the local board with the other paraphernalia so to be returned after the election. The local board shall account to the state board for all ballots received by the local board, by a uniform method established by the state board, whether used, unused, destroyed, or invalidated in the course of the election. No paper ballot shall be rejected if the intention of the voter is clear unless it contains clear evidence of the identity of the voter. The state board shall establish such rules and regulations as shall be deemed necessary to carry out the principle enunciated herein which rules and regulations shall have the force of law and shall be carried out by the proper election officials.

**History of Section.** 318, § 24; P.L. 1956, ch. 3755, § 2; G.L. 1956, G.L. 1938, ch. 318, § 24; G.L. 1938, ch. 318, § 17-19-45; G.L. 1956, § 17-19-40; P.L. 1958, § 23; P.L. 1940, ch. 818, § 1; G.L. 1956, ch. 18, § 1.

**17-19-41. Violations by public officers.** — Any public officer upon whom a duty is imposed by this chapter who shall wilfully neglect to perform that duty, or who shall perform it in such a way as to hinder the objects of this chapter, shall be guilty of a misdemeanor.

**History of Section.** § 17-19-38; G.L. 1956, § 17-19-41; P.L. 1958, P.L. 1935, ch. 2195, § 21; G.L. 1938, ch. 318, § 17; P.L. 1940, ch. 818, § 1; G.L. 1956, ch. 18, § 1; P.L. 1978, ch. 201, § 9.

**17-19-42. Tampering with voting machines.** — Any person, not being an election or primary officer or person upon whom a duty is imposed by this chapter, who, while any machine is being made ready for an election or primary, or is in use during an election or primary, shall tamper with, disarrange, deface, injure, or impair the machine in any manner, or mutilate, injure, or destroy or disarrange any label thereon, or to be placed thereon, or any other appliance used in connection with the machine, shall be guilty of a felony.

**History of Section.** P.L. 1947, ch. 1886, §§ 36, 39; G.L. 1956, P.L. 1935, ch. 2195, § 22; G.L. 1938, ch. 318, § 18; P.L. 1940, ch. 818, § 1; impl. am. § 17-19-39; G.L. 1956, § 17-19-42; P.L. 1958, ch. 18, § 1; P.L. 1978, ch. 201, § 9.

**17-19-43. Tampering with sample ballot.** — Every person who shall wilfully and without lawful authority destroy, secrete, remove, deface, alter, or tamper or meddle with a sample ballot, shall be guilty of a felony.

**History of Section.** § 17-19-43; P.L. 1958, ch. 18, § 1; P.L. 1978, G.L. 1938, ch. 318, § 18; P.L. 1952, ch. 2924, § 1; G.L. 1956, § 17-19-40; G.L. 1956, ch. 201, § 9.

**17-19-44. Officer tampering with machine.** — Any person having the custody of a machine under this chapter, or any election or primary officer, who, with intent to cause or permit any machine to fail to correctly register all votes cast thereby, tampers with, injures, or disarranges the machine in any way, or any part thereof, or who causes or consents to the machine being so used for voting at any election or primary with knowledge of the fact that the machine is not in order or not properly set and adjusted so that it will correctly register all votes cast thereby, or who, for the purpose of defrauding or deceiving any voter or of causing it to be doubtful for what candidates or question any vote is cast, or of causing it to appear upon the machine that votes cast for one candidate or question were cast for another candidate or question, removes, changes, or mutilates any label on the machine or any part thereof, or does anything to defeat the will or intention of a voter in casting a lawful vote, shall be guilty of a felony.

**History of Section.** P.L. 1947, ch. 1886, §§ 36, 39; G.L. 1956, P.L. 1935, ch. 2195, § 19; G.L. 1938, ch. § 17-19-41; G.L. 1956, § 17-19-44; P.L. 1958, 318, § 19; P.L. 1940, ch. 818, § 1; impl. am. ch. 18, § 1; P.L. 1978, ch. 201, § 9.

**17-19-45. Fraudulent election returns.** — Any election or primary officer who shall at the close of the polls purposely cause the vote registered by any machine to be incorrectly recorded or returned, as to any candidate, person, or question, or who shall knowingly consent to these things, or any of them, being done, shall be guilty of a felony.

**History of Section.** P.L. 1947, ch. 1886, §§ 36, 39; G.L. 1956, P.L. 1935, ch. 2195, § 24; G.L. 1938, ch. § 17-19-42; G.L. 1956, § 17-19-45; P.L. 1958, 318, § 20; P.L. 1940, ch. 818, § 1; impl. am. ch. 18, § 1; P.L. 1978, ch. 201, § 9.

**17-19-46. False instructions as to operation of machines.** — Whoever, with intent to defraud a voter of his or her vote, or to cause a voter to lose his or her vote, shall give in any way, or shall print, write, or circulate, or shall cause to be written, printed, or circulated, any improper, false, misleading, or incorrect instructions or advice or suggestions of how to vote by the machine, the following of which would cause any voter to lose his or her votes or would cause him or her to fail to register or record the votes on the machine for any candidate or question according to his or her choice, shall be guilty of a felony.

**History of Section.** § 17-19-43; G.L. 1956, § 17-19-46; P.L. 1958, P.L. 1935, ch. 2195, § 25; G.L. 1938, ch. ch. 18, § 1; P.L. 1978, ch. 201, § 9. 318, § 21; P.L. 1940, ch. 818, § 1; G.L. 1956.

**17-19-47. Improper possession of voting machine keys or duplicates.** — Any unauthorized person who shall make a duplicate of, or have in his or her possession, a key to any machine used at any election, or any election officer who shall keep one or more keys to a machine and shall fail or refuse to return them immediately after the election to the officer charged by law with the duty of caring for the keys, and any custodian who shall keep one or more of the keys after he or she has prepared the machines for election and shall refuse to turn the keys over to the officer charged by law with the care of the keys, and any officer charged by law with the care of the keys who shall keep the keys and refuse to deliver them over to the officer's successor in office, shall be guilty of a felony.

**History of Section.** P.L. 1947, ch. 1886, §§ 36, 39; G.L. 1956, P.L. 1935, ch. 2195, § 26; G.L. 1938, ch. § 17-19-44; G.L. 1956, § 17-19-47; P.L. 1958, 318, § 22; P.L. 1940, ch. 818, § 1; impl. am. ch. 18, § 1; P.L. 1978, ch. 201, § 9.

**17-19-48. Posting of duplicate cards.** — Following the return of the voting lists to the local boards, each board shall cause the duplicate registration cards to be conformed to the originals by posting the appropriate voting facts, and shall post both cards with the appropriate voting facts set forth in the list of absentee voters furnished by the state board pursuant to the requirements of chapter 22 of this title following the counting, canvassing, and tabulation of votes cast pursuant to chapter 20 of this title.

**History of Section.**

G.L. 1956, § 17-19-48; P.L. 1958, ch. 18,  
§ 1.

**17-19-49. Political literature and influence.** — No poster, paper, circular, or other document designed or tending to aid, injure, or defeat any candidate for public office or any political party on any question submitted to the voters shall be distributed or displayed within the voting place or within fifty (50) feet of the entrance or entrances to the building in which voting is conducted at any primary or election. Neither shall any election official display on his or her person within the voting place any political party button, badge, or other device tending to aid, injure, or defeat the candidacy of any person for public office or any question submitted to the voters or to intimidate or influence the voters.

**History of Section.**

G.L. 1956, § 17-19-49; P.L. 1962, ch. 201,  
§ 4.

**17-19-50. Candidates listing on ballot.** — No candidate for any public office shall be permitted to have his or her name appear in more than one place on the ballot for the same office.

**History of Section.**

P.L. 1973, ch. 267, § 1.

**17-19-51. Priority for elderly voters.** — At each polling place, one voting machine shall be designated for priority use by electors over sixty-five (65) years of age. These electors, once they have complied with the requirements of § 17-19-24, shall, upon request, be permitted to vote immediately on the voting machine so designated. Other voters below the age of sixty-five (65) years may use the voting machine so designated when there are no voters above that age waiting to vote.

**History of Section.**

P.L. 1983, ch. 172, § 21.

**17-19-52. Priority for disabled voters.** — Whenever a voter appears at a polling place and that voter has (a) an obvious medical disability which, in the opinion of the warden, would cause the voter to experience severe discomfort by standing in line, or (b) a certificate from a licensed physician or Christian Science practitioner, attesting that the voter has a disability which makes his or her standing in line inadvisable, then that voter may be allowed a priority position for complying with requirements of § 17-19-24 and in each polling place one voting machine shall be designated for priority use by these electors. Other voters may use the voting machine when there are no disabled voters waiting to vote.

**History of Section.**

P.L. 1984, ch. 369, § 2.



## CHAPTER 20

### MAIL BALLOTS

SECTION.	SECTION.
17-20-1. Voting by mail ballot.	17-20-15. Form of ballot — Place of marking.
17-20-1.1. Declaration of policy.	17-20-16. Time of casting vote.
17-20-2. Eligibility for mail ballots.	17-20-17. Omission of presidential electors.
17-20-2.1. Requirements for validity of mail ballots.	17-20-18. Instructions on ballot — Captions on reverse.
17-20-3. Definitions.	17-20-19. Envelopes for return of ballots.
17-20-4. Exemption from registration.	17-20-20. Instructions for voting procedure.
17-20-5. Residence of person in service.	17-20-21. Certifying envelopes.
17-20-6. Alternative methods of voting.	17-20-22. Certification envelopes for mail ballots of persons intimately connected with military service.
17-20-7. Duplication of votes — Methods preferred.	17-20-23. Marking and certification of ballot.
17-20-8. Application for ballot.	17-20-24. Irregularities not impairing validity of ballots.
17-20-8.1. Application by temporarily disabled or incapacitated voter.	17-20-24.1. Irregularities in obtaining and casting mail ballots.
17-20-9. Application by permanently disabled or incapacitated.	17-20-25. Return of unused ballots.
17-20-9.1. Application by member of the armed forces in active service.	17-20-26. Opening and counting of ballots.
17-20-9.2. Application by member of the armed forces in active service.	17-20-27. Sealing of ballots and voting list.
17-20-10. Certification of applications — Issuance of ballots — Marking of lists — Mailing address.	17-20-28. Copies of chapter furnished to local boards.
17-20-10.1. Overseas ballots.	17-20-29. Mail applicant not permitted to vote at polls.
17-20-11. Safekeeping of lists of applicants.	17-20-30. Penalty for violations.
17-20-12. Secretary of state to furnish form and supplies.	17-20-31. Investigation of complaints.
17-20-13. Form of application.	17-20-32. Inquiry by board of elections.
17-20-14. Voting from hospitals and convalescent homes — Penalty for interference.	17-20-33. Disqualification of ballot by board of elections.
17-20-14.1. Mail ballots — Local supervision.	17-20-34. Liberal construction.
17-20-14.2. Voting from board of canvassers.	17-20-35. Severability.

**17-20-1. Voting by mail ballot.** — The electors of this state who, for any of the reasons set forth in § 17-20-2, being otherwise qualified to vote are unable to vote in person shall have the right to vote, in the manner and time provided by this chapter, in all general and special elections and primaries, including presidential primaries in this state for electors of president and vice-president of the United States, United States senator in congress, representatives in congress, general officers of the state, senators and representatives in the general assembly for the respective districts in which the elector is duly qualified to vote, and for any other officers whose names appear on the state ballot and for any city, town, ward, or district officers whose names appear on the respective city or town ballots in the ward or district of the city or town in which the elector is duly qualified to vote, and also to approve or reject any proposition of amendment to the Constitution or other propositions appearing on the state, city, or town ballot.

**History of Section.**

P.L. 1978, ch. 258, § 2.

**17-20-1.1. Declaration of policy.** — Those electors who are unable to vote in person at the polls for the reasons set forth in § 17-20-2 are entitled to vote in a manner which reasonably guarantees the secrecy of their ballots. The procedures set forth in this chapter are designed to promote the effective exercise of their rights while safeguarding those voters who utilize the mail ballot process from harassment, intimidation, and invasion of privacy. Furthermore, the procedures are intended to prevent misuse of the electoral system by persons who are not eligible to vote by mail ballot. The provisions of this chapter shall be interpreted so as to effectuate the policies set forth above.

**History of Section.**

P.L. 1983, ch. 172, § 7.

**17-20-2. Eligibility for mail ballots.** — Any elector otherwise qualified may vote by mail ballot in the following circumstances:

(1) An elector who will be absent from the state on the day of election during the entire period of time when the polls are to be open;

(2) An elector who will be absent from the city or town of his or her voting residence on the day of election during the entire period of time when the polls are to be open due to the elector's status as a student or the spouse of a student at an institution of higher learning located within this state;

(3) An elector who is incapacitated to such an extent that it would be an undue hardship to vote at the polls due to illness or mental or physical disability other than blindness or one seriously impairing mobility; provided, that the illness or disability is attested to by a physician or Christian Science practitioner who is familiar with the elector's medical condition;

(4) An elector who is forbidden by the tenets of his or her religious faith from engaging in secular activity including voting on the day of election;

(5) An elector who is confined in any hospital, convalescent home, nursing home, rest home, or similar institution, public or private;

(6) An elector who is being detained while awaiting trial or is being imprisoned for any cause other than final conviction of a felony and by reason thereof is unable to vote at the polls;

(7) An elector who will be temporarily absent from the state because of employment or service intimately connected with military operations or who is a spouse or legal dependent residing with that person;

(8) An elector who is employed by the state board of elections;

(9) An elector who is handicapped by virtue of having a temporary or permanent physical disability. "Disability" for the purpose of this

chapter means blindness or a serious impairment of mobility which prevents the elector from voting at the polls.

**History of Section.** 231, § 1; P.L. 1985, ch. 161, § 1; P.L. 1986, P.L. 1978, ch. 258, § 2; P.L. 1980, ch. 407, ch. 316, § 1; P.L. 1990, ch. 227, § 1, § 1; P.L. 1983, ch. 172, § 8; P.L. 1984, ch.

**17-20-2.1. Requirements for validity of mail ballots.** — In addition to those requirements set forth elsewhere in this chapter, a mail ballot in order to be valid must have been cast in conformance with the following procedures:

(1) All applications for mail ballots pursuant to subdivisions (1) of § 17-20-2 must state under oath the locality where the elector will be on election day. All mail ballots issued pursuant to that subdivision shall be mailed to the elector at an address outside the state of Rhode Island to be provided by the elector on the application or sent to the board of canvassers in the city or town where the elector maintains his or her voting residence. In order to be valid all ballots mailed to the elector out of state must be voted outside the state of Rhode Island and the signature of the elector notarized by a person authorized by law to administer oaths in the state or country where signed or where the elector voted, or before two (2) witnesses who shall set forth their addresses on said form, and must be mailed from outside the state of Rhode Island. In order to be valid, all ballots sent to the elector at the board of canvassers must be voted in private at the board and the signature of the elector witnessed by a pair of supervisors, appointed in conformance with this chapter, who shall return the completed ballot to the board of elections for certification.

(2) All applications for mail ballots pursuant to subdivision (2) of § 17-20-2 must state under oath the institution of higher learning at which the elector or spouse of the elector is a student. All mail ballots issued pursuant to that subdivision shall be sent to the elector at the board of canvassers in the city or town where the institution of higher learning is located and must be voted in private and the signature of the elector witnessed by a pair of supervisors, appointed in conformance with this chapter, who shall return the completed ballot to the board of elections for certification. The ballots may be voted and witnessed by a pair of supervisors at the board or at such other location within the city or town as the board of canvassers deems appropriate.

(3) All applications for mail ballots pursuant to subdivision (3) of § 17-20-2 must be accompanied by a certificate from a licensed physician or a Christian Science practitioner who is personally familiar with the elector's medical condition stating the location of his medical offices, the date when that physician or practitioner last examined the elector, and attesting that because of illness or disability it would be an undue hardship for the elector to vote at the polls. An elector who is permanently disabled may file a certificate by a licensed physician or a Christian Science practitioner attesting to the

illness or the disability with the appropriate board of canvassers and thereafter shall be relieved of the requirement of filing a physician's certificate with subsequent applications for a mail ballot for a period of five (5) years from the date of the certificate. The state board of elections shall prepare forms for physicians and practitioners to use in making the certification required herein and shall distribute the forms prior to each general election to those physicians licensed to practice medicine in this state and, upon request, to such other persons and at such other times as necessary. The forms shall also be made available at each board of canvassers. It shall not be required that a physician or practitioner use the form in certifying the illness or disability of a voter so long as the certification provided contains all of the required information. Any physician knowingly and wilfully making a false certification and any person knowingly and wilfully aiding and abetting in the making of a false certification shall be guilty of a felony. All mail ballots issued pursuant to that subdivision shall be mailed to the elector at his or her voting residence.

(4) All mail ballots issued pursuant to subdivision (4) of § 17-20-2 shall be sent to the elector at the board of canvassers in the city or town where he or she resides and must be voted in private at the board and the signature of the elector witnessed by a pair of supervisors, appointed in conformance with this chapter, who shall return the completed ballot to the board of elections for certification.

(5) All applications for mail ballots pursuant to subdivision (5) of § 17-20-2 must state under oath the name and location of the hospital, convalescent home, nursing home, or similar institution where the elector is confined. All mail ballots issued pursuant to subdivision (5) of § 17-20-2 shall be mailed to the elector at the hospital, convalescent home, nursing home, or similar institution where the elector is confined; and the ballots shall be voted and witnessed in conformance with the provisions of § 17-20-14.

(6) All mail ballots issued pursuant to subdivision (6) of § 17-20-2 shall be mailed to the elector at the elector's place of confinement.

(7) All applications for mail ballots pursuant to subdivision (9) of § 17-20-2 must state under oath the nature of the disability (either blindness or mobility impairment) and whether it is permanent or temporary. The applications of electors having a temporary or permanent physical disability are not required to be notarized, but must be witnessed and signed by two (2) persons eighteen (18) years of age or older if it is not notarized. All mail ballots issued pursuant to that subdivision shall be mailed to the elector at his or her voting residence.

(8) All mail ballots issued pursuant to subdivision (7) of § 17-20-2 shall be mailed to the elector at an address outside the state of Rhode Island to be provided by the elector on the application, or sent to the board of canvassers in the city or town where the elector maintains his or her voting residence.

(9) All mail ballots issued pursuant to subdivision (8) of § 17-20-2 shall be mailed or delivered to the elector at the state board of elections.

**History of Section.**

P.L. 1983, ch. 172, § 9; P.L. 1984, ch. 231, § 1; P.L. 1984, ch. 391, § 1; P.L. 1985, ch. 161, § 1; P.L. 1985, ch. 294, § 1; P.L. 1987, ch. 386, § 1; P.L. 1987, ch. 439, § 1; P.L. 1989, ch. 435, § 1; P.L. 1990, ch. 227, § 1; P.L. 1991, ch. 314, § 1.

**17-20-3. Definitions.** — (a) Wherever used in this chapter, every word importing the masculine gender only shall be construed to extend to and include females as well as males.

(b) Wherever used in this chapter, the term "services intimately connected with military operations" shall be construed to include members of religious groups or welfare agencies assisting members of the armed forces, who are officially attached to and serving with the armed forces, and their spouses and dependents, and the spouses and dependents of members of the armed forces and of the merchant marine; provided, however, that the spouses and dependents shall be residing outside of the state with the members of the armed forces, merchant marine, or members of the religious or welfare agencies.

(c) Whenever used in this chapter, the term "bi-partisan pairs of supervisors" shall be construed for primaries to mean a supervisor representing the endorsed candidates and a supervisor representing a majority of unendorsed candidates, and shall further be construed for non-partisan elections and primaries to mean non-partisan pairs of supervisors.

(d) Whenever a signature is required by a voter in this chapter, "signature" shall also mean said voter's mark "(X)" if such person shall be unable to sign his or her name because of physical incapacity or otherwise.

**History of Section.**

P.L. 1978, ch. 258, § 2; P.L. 1990, ch. 227, § 1.

**17-20-4. Exemption from registration.** — Any member of the armed forces or of the merchant marine of the United States in active service, and any person absent from the state in the performance of "services intimately connected with military operations", as hereinbefore defined, who, except for registration, would be a qualified elector of this state, shall be exempt during the period of his or her service and for two (2) years thereafter, from the registration requirements of the Constitution of this state.

**History of Section.**

P.L. 1978, ch. 258, § 2.

**17-20-5. Residence of person in service.** — The "residence", as defined in § 17-1-3.1, of any person immediately prior to the commencement of that person's active service as a member of the armed forces or of the merchant marine of the United States, or immediately prior to his or her absence from the state in the performance of "services intimately connected with military operations", as hereinbefore defined, shall, for the purposes of this chapter, continue to be that person's residence during the time of his or her service and for a period of two (2) years thereafter, unless the person shall change his or her residence by registering or by taking other appropriate action to qualify to vote in another city or town within this state or in another state.

**History of Section.**

P.L. 1978, ch. 258, § 2; P.L. 1983, ch. 172,  
§ 10.

**17-20-6. Alternative methods of voting.** — Any qualified elector, who is a member of the armed forces or of the merchant marine of the United States or who is absent from the state in the performance of "services intimately connected with military operations", as hereinbefore defined, and any qualified elector of this state exempt from registration under § 17-20-4, shall have the right to vote at his or her option during the period of his or her service and for two (2) years thereafter, by any one of the following methods:

(a) If the person be present within the state on the day of any election, that person shall have the right to vote in the manner prescribed in chapter 19 of this title, subject, however, to any other provisions of this chapter.

(b) If the person be without the state on the day of any election, that person shall have the right to vote by absentee ballot in accordance with the provisions of this chapter upon compliance with the provisions thereof.

(c) The elector may cast an official federal absentee ballot in accordance with the laws of the United States.

**History of Section.**

P.L. 1978, ch. 258, § 2; P.L. 1991, ch. 157,  
§ 1.

**17-20-7. Duplication of votes — Methods preferred.** — (a) In no event shall more than one vote be cast by any individual for any one office or proposition.

(b) In the event that any person shall vote in person and shall also attempt to vote by mail ballot, or by war ballot, the mail and the war ballot shall be destroyed and not counted.

(c) In the event that any person shall cast a mail ballot and an official federal war ballot, the mail ballot shall be counted, but the official federal war ballot shall be destroyed and not counted.

**History of Section.**

P.L. 1978, ch. 258, § 2.

**17-20-8. Application for ballot.** — (a) Any legally qualified elector of this state whose name appears upon the official voting list of the town, or district of the city or town where the elector is so qualified, and desiring to avail himself or herself of the right granted to him or her by the Constitution and declared in this chapter, may obtain from the local board in the city or town an affidavit form prepared by the secretary of state as hereinafter prescribed, setting forth the elector's application for a mail ballot.

(b) The mail voter shall duly execute the application form in full and subscribe the voter's name thereto. The application unless it is made pursuant to subdivision (9) of § 17-20-2 shall be subscribed to before a notary public or two (2) witnesses who shall affix their respective signatures and addresses thereto under the pain and penalty of perjury.

(c) Whenever any person shall be unable to sign his or her name because of physical incapacity or otherwise that person shall make his mark "(X)."

(d) The application, when duly executed, shall be delivered in person or by mail so that it shall be received by the local board not later than four o'clock (4:00) p.m. on the twenty-first day before the day of any election referred to in § 17-20-1.

(e) The local board shall maintain a separate list of names and addresses of all applicants and their subscribing witnesses and a copy of the list shall be made available for inspection to any person upon request.

(f) Any legally qualified elector of this state whose name appears upon the official voting list of the town or district of the city or town where the elector is so qualified, who on account of circumstances manifested twenty (20) days or less prior to any election becomes eligible to vote by mail ballot according to this chapter, or who is assigned to work election day under § 17-11-7.1 of the general laws may obtain from the local board an application for an emergency mail ballot. The elector shall execute the application in accordance with the requirements of this chapter, which application shall be accompanied by a certificate setting forth the facts relating to the circumstances necessitating the application, or in the case of a voter requesting the ballot on medical grounds pursuant to either subdivision (3) or subdivision (9) of § 17-20-2, a certificate of a licensed physician or of a Christian Science practitioner setting forth the location of his or her medical offices, the date when that physician or practitioner last examined the elector, and attesting that the illness or disability did not manifest itself until twenty (20) days or less prior to the date of the election and that as a result it would be an undue hardship for the elector to vote at the polls based upon a physical examination performed by that physician or practitioner and may be delivered to the local board not later than twelve o'clock (12:00) noon of the last day preceding the date of the election. Any person knowingly and wilfully making a false certification or knowingly and wilfully aiding and abetting in the making of a false certi-

fication shall be guilty of a felony. Notwithstanding any other provision of this chapter as to time and manner thereof, it shall be the duty of the applicant to cause the application to be processed by the local board so that the applicant may receive the ballot, cast it, and cause delivery thereof to be made to the state board not later than nine o'clock (9:00) p.m. on the date of election. The secretary of state shall provide each of the several boards of canvassers with a sufficient number of mail ballots for their voting districts so that the local boards may provide the appropriate ballot or ballots to the applicants. It shall be the duty of each board of canvassers to process each emergency ballot application in accordance with this chapter, and it shall be the further duty of each board to return to the secretary of state forthwith after each election any ballots not so issued. All emergency mail ballots, other than those obtained on medical grounds pursuant to subdivision (3), or subdivision (9) of § 17-20-2, or confinement pursuant to subdivisions (5) and (6) of § 17-20-2, must be voted by the elector in private at the board of canvassers where he or she resides and the signature of the elector witnessed by a pair of supervisors, appointed in conformance with this chapter, who shall return the completed ballot to the board of elections for certification. All emergency mail ballots obtained pursuant to subdivision (3), (6), or (9) of § 17-20-2 shall be mailed to the elector as provided in § 17-20-2.1 or delivered to a person presenting written authorization from the elector to receive the ballot. All emergency mail ballots obtained pursuant to subdivision (5) of § 17-20-2 shall be delivered to the voter by a bipartisan pair of supervisors, appointed in conformance with this chapter, and shall be voted and witnessed in conformance with the provisions of § 17-20-14.

**History of Section.** 172, § 10; P.L. 1984, ch. 391, § 1; P.L. 1985, P.L. 1978, ch. 258, § 2; P.L. 1980, ch. 407, ch. 161, § 1; P.L. 1990, ch. 351, § 2. § 1; P.L. 1981, ch. 156, § 1; P.L. 1983, ch.

**17-20-8.1. Application by temporarily disabled or incapacitated voter.** — A voter who is temporarily confined because of physical illness or infirmity or is temporarily disabled for a period may, by signing an affidavit to that effect, require that an absentee ballot application be sent to him or her. The affidavit form and instructions shall be prescribed by the secretary of state, and furnished upon request to any elector by each local board of canvassers. The envelope containing the absentee ballot application shall be clearly marked as not forwardable. If any elector is no longer temporarily confined, he or she shall so notify the clerk of the local board of canvassers. The clerk shall remove the name of any voter from the mailing list established under this section upon receipt of reliable information that a voter no longer qualifies for the service. The voter shall be notified of such action within five (5) days after the board takes such action.



The affidavit form and instructions prescribed in this section shall be mailed to the applicant along with a stamped return envelope addressed to the local board of canvassers. The envelope containing the actual absentee ballot shall include a stamped, return envelope addressed "Board of Elections, 50 Branch Avenue, Providence, Rhode Island."

**History of Section.**

P.L. 1989, ch. 398, § 1.

**17-20-9. Application by permanently disabled or incapacitated.** — A voter who is indefinitely confined because of physical illness or infirmity or is disabled for an indefinite period may, by signing an affidavit to that effect and submitting certification by a licensed physician or by a Christian Science practitioner, require that an absentee ballot application be sent to him or her automatically for every election. The affidavit form and instructions shall be prescribed by the secretary of state, and furnished upon request to any elector by each local board of canvassers. The certification by the physician or practitioner shall state the location of his or her medical offices, the permanency of the illness or disability, the date when that physician or practitioner last examined the elector, and attesting that because of the illness or disability, that it would be an undue hardship for the elector to vote at the polls. The envelope containing the absentee ballot application shall be clearly marked as not forwardable. If any elector is no longer indefinitely confined, he or she shall so notify the clerk of the local board of canvassers. The clerk shall remove the name of any voter from the mailing list established under this section upon receipt of reliable information that a voter no longer qualifies for the service. The voter shall be notified of the action within five (5) days after the board takes the action.

The affidavit form and instructions prescribed in this section shall be mailed to the applicant along with a stamped return envelope addressed to the local boards of canvassers. The envelope containing the actual absentee ballot shall include a stamped, return envelope addressed "Board of Elections, 50 Branch Avenue, Providence, Rhode Island."

**History of Section.**

P.L. 1978, ch. 258, § 2; P.L. 1983, ch. 172,  
§ 11; P.L. 1988, ch. 297, § 1.

**17-20-9.1. Application by member of the armed forces in active service.** — (a) A voter who is a member of the armed forces in active service may, by certification to that effect by the voter's military command, require that an absentee ballot application be sent to the voter automatically for every election during the period of time for which the voter has been assigned to that duty station. The certification by the military command shall be prepared in form

by the secretary of state and shall include the name of the military personnel, the address to which the voter's application shall be mailed, the name and signature of the military commander completing the certification, and the length of time for which the serviceman has been assigned to that duty station.

(b) Notification of removal from the mailing list shall be sent to the applicant.

**History of Section.**

P.L. 1985, ch. 413, § 1.

**17-20-9.2. Application by member of the armed forces in active service.** — (a) A voter who is a member of the armed forces in active service may, by certification to that effect by the voter's military command, require that an absentee ballot be sent to the voter automatically if that voter has registered to vote using the federal postcard application (FPCA), for every election during the period of time for which the voter has been assigned to that duty station. The certification by the military command may be prepared in form by the secretary of state and shall include the name of the military personnel, the address to which the voter's application shall be mailed, the name and signature of the military commander completing the certification, and the length of time for which the serviceperson has been assigned to that duty station.

(b) Notification of removal from the mailing list shall be sent to the applicant.

**History of Section.**

P.L. 1991, ch. 182, § 1.

**17-20-10. Certification of applications — Issuance of ballots — Marking of lists — Mailing address.** — (a) Upon receipt by it of such application, the local board shall immediately examine it and determine whether it complies with each of the requirements set forth by this chapter and compare the signature on the ballot application with the signature contained on the original registration card, except as may be otherwise provided by law, to satisfy itself that the applicant is a qualified voter. Upon determining that it does meet each such requirement and that the signature appears to be the same the local board shall mark the application "accepted" and record in the space provided therefor on the ballot application the senatorial, representative and voting district in which the applicant should vote. The local board shall also record the information required in the "Notice to applicant" on the upper portion of the application.

(b) Not later than 4:00 p.m. on the eighteenth day before the day of any election referred to in this chapter or within seven (7) days of receipt by the local board, whichever shall occur first, the local board shall certify the applications and shall cause their delivery of the

same together with the notices to applicants appended and seven (7) certified listings thereof in sealed packages to the secretary of state. The secretary of state shall give a dated receipt acknowledging delivery and stating the number of applications received. Upon the certification of a mail ballot application to the secretary of state, the local board shall make a copy of the certification, and enter on the voting list the fact that a mail ballot application for the voter has been certified to the secretary of state.

(c) Upon receipt by the secretary of state of the applications, the secretary of state shall forthwith upon the ballots becoming available issue and mail, by first class mail, postage prepaid, a mail ballot, together with the completed "Notice to applicant" received from the local board and detached by the secretary of state from the application to each eligible voter. With respect to voters who have applied for such mail ballots under the provisions of §§ 17-20-2(3) and 17-20-2(9), the secretary of state shall include with such mail ballots a stamped, return envelope addressed "Board of Elections, 50 Branch Avenue, Providence, Rhode Island 02904-2790".

The secretary of state shall include in the return address section of the mail ballot envelope a numerical or alphabetical code designating the city or town where the voter resides. The secretary of state shall forthwith thereafter indicate on the certified lists the names to which the secretary of state has sent mail ballots and shall return one of said lists to the local board whence it came and shall deliver another of the lists together with the certified applications to the state board. The state board shall keep all the applications in safe custody together with the voters' ballots, both of which shall be sealed after the completion of the count and canvass of the ballots.

(d) Prior to each election the secretary of state shall also furnish to the chairman of the state committee of each political party, a list of the names and residence addresses of all persons to whom mail ballots have been issued. The secretary of state shall also furnish to a candidate for political office upon request a list of the names and residence addresses of all persons to whom mail ballots have been issued within his or her district.

(e) Upon return to it of the certified list with the names to which the secretary of state has sent mail ballots the local board shall:

(1) Promptly mark the voting record of each qualified voter who has been issued a mail ballot with a mark written or stamped in red ink in the place provided on the registration card for the record of voting in the election in question; provided that any such mark shall serve solely to indicate that a mail ballot has been issued and shall not be construed as voting in the election;

(2) Upon the completion of the final canvass, as provided by law; for any election mentioned in § 17-20-1, forthwith certify, seal up, label with proper designation, and transmit duly certified lists of the qualified electors in their respective cities and towns who have been so designated on the official voting lists as mail voters to the state board.

(f) Notwithstanding any other provisions of the general laws to the contrary, every ballot required by this chapter to be mailed to any elector shall be mailed to the elector at the elector's registered voting address or at the appropriate board of canvassers as provided in § 17-20-2.1; provided, however, that applicants who claim eligibility to vote by mail by virtue of subdivision categories (1), (5), (6) and (7), of § 17-20-2 may direct that their ballot be mailed to some other address which is outside the state of Rhode Island or which is the place where incarcerated or which is the hospital, convalescent home, nursing home, rest home or similar institution where the applicant is confined.

(g) If a ballot is returned to the secretary of state by the postal service as undeliverable the secretary of state shall consult with the appropriate local board to determine the accuracy of the mailing address, and the secretary of state shall be required to re-mail such ballot to the voter using the corrected address provided by the local board. If the local board is unable to provide a different address than that to which the ballot was originally mailed the ballot shall be reissued by the secretary of state to the board of canvassers in the city or town where the voter resides utilizing the numerical or alphabetical code established in subsection (c). The board shall then attempt to notify the voter at his or her place of residence that the ballot has been returned as undeliverable. The ballot must be voted and witnessed in accordance with the provisions of this chapter.

(h) The acceptance of a mail ballot application by the board of canvassers and the issuance of a mail ballot by the secretary of state shall not create any presumption as to the accuracy of the information provided by the applicant or as to the applicant's compliance with the provisions of this chapter. Any inaccuracy in the information so provided or irregularity in the application may be raised as a challenge to the ballot before the board of elections at the time of certification. If the challenge raised at that time is meritorious, the ballot shall be voided.

(i) Upon the request of any candidate for public office and upon a showing of good cause therefor or upon its own motion, the board of elections shall make inquiry into the legitimacy of the certifications issued pursuant to subdivision (3) of § 17-20-2.1 by any physician or practitioner who issues more than fifty (50) certifications in any one election or by any physician or practitioner who the board has reason to believe has made a false certification. The inquiry shall include a determination as to whether the physician or practitioner conducted an examination of the electors he or she certified as ill or disabled so as to determine whether it would be an undue hardship on them to go to the polls. The provisions of chapter 37.3 of title 5 shall not apply to any proceeding before the state board of elections conducted pursuant to this title. The boards of canvassers shall immediately notify the board of elections of any physician who has issued more than twenty-five (25) certifications in their city or town in the same election.

**History of Section.** 172, § 12; P.L. 1984, ch. 309, § 1; P.L. 1989, ch. 468, § 1; P.L. 1990, ch. 466, § 1; P.L. 1991, ch. 172, § 1.  
 P.L. 1978, ch. 258, § 2; P.L. 1979, ch. 269, § 1; P.L. 1980, ch. 407, § 1; P.L. 1983, ch. 1991, ch. 172, § 1.

**17-20-10.1. Overseas ballots.** — Any mail ballot which is to be sent to the elector at an address outside of the continental United States may, in the discretion of the state board of elections, be divided into two (2) printed ballots, one containing the candidates for federal and state office and the other containing all other candidates for office and ballot questions. Each ballot may be mailed separately to the voter as soon as it becomes available.

**History of Section.**  
 P.L. 1984, ch. 309, § 2.

**17-20-11. Safekeeping of lists of applicants.** — The copies of certified applications and the certified lists returned to the several local boards shall be safely kept in the custody of the boards until the first day of September in the second year after the lists were by them received.

**History of Section.**  
 P.L. 1978, ch. 258, § 2.

**17-20-12. Secretary of state to furnish form and supplies.** — All mail ballots, application forms, certified envelopes for enclosing ballots, such other envelopes as may be necessary, and instructions as to voting, use of ballots, and affidavits, shall be furnished and supplied by the secretary of state for use in mailing application forms, ballots, and other supplies to mail voters to carry out the provisions of this chapter, but each local board shall print or stamp upon the application form and upon the return envelope the address of the local board. The secretary of state is authorized to interpret and apply the provisions of this chapter in such manner as to effect the legislative intention herein set forth.

**History of Section.**  
 P.L. 1978, ch. 258, § 2.

**17-20-13. Form of application.** — The following in addition to such directions as may be printed, stamped, or written thereon by authority of the secretary of state, shall be the form of application to be subscribed by voters before receiving a mail ballot, viz.:

#### NOTICE TO APPLICANT

This application is a matter of public record, but your vote is confidential.

(Applicant should not write in this space — to be filled in by local board.)

Name

Voting address

(Street)

(City or Town)

You are in senatorial district #

Representative district #

(Perforation)

## APPLICATION OF VOTER FOR BALLOT

(Applicant should not write in this space — to be filled in by local board.)

Senatorial district

Representative district

Voting district

(City) (town) of

(Date)

Accepted

State of

City or town of

(Applicant shall complete form starting here.)

Applicant says that I reside at No. \_\_\_\_ Street in city or town of \_\_\_\_\_ in the state of Rhode Island, and that I am a qualified voter of this city or town.

I further state that I am not a qualified voter of any other state or any other city or town within this state and have not claimed and do not intend to claim the right to vote in any other city or town or state; that I apply in good faith for a mail ballot or set of ballots, as the case may be, to be used for an election on \_\_\_\_\_

(Date of election)

(a) I certify that I am eligible for a mail ballot on the following basis: (check one)

(1) (  ) I will be absent from the state on the day of election during the entire period of time when the polls are to be open. I will be in \_\_\_\_\_

(name of city, state, and country)

on election day.

I understand that my ballot will be mailed to me at an address out of state to be designated by me or at my local board of canvassers if no other address is designated.

(List out-of-state address)

(2) (  ) I will be absent from the city or town of my voting residence during all the hours polls are open because of my status as a student or spouse of a student in an institution of higher learning,

(name of school)

located within this state.

I understand that my ballot will be mailed to me at the board of canvassers in the city or town where my institution of higher learning is located.

(3) ( ) I am incapacitated to such an extent that it would be an undue hardship to vote at the polls by illness or mental or physical disability, other than blindness or one seriously impairing mobility (must be accompanied by a certification from a physician or Christian Science practitioner).

I understand that my ballot will be mailed to me at my registered voting address.

(4) ( ) Because tenets of my religion forbid secular activity including voting on the day of election.

I understand that my ballot will be mailed to me at my local board of canvassers.

(5) ( ) Because of confinement in a hospital, convalescent home, nursing home, rest home, or similar institution, public or private.

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(name and address of institution)

I understand that my ballot will be mailed to me at the hospital, convalescent home, nursing home or rest home where I am confined:

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(List name and address of institution)

(6) ( ) I am detained while awaiting trial or imprisoned for a cause other than final conviction of a felony and by reason thereof I am unable to vote in person in the city or town in which I am registered.

I understand that my ballot will be mailed to me at the prison where I am confined:

---

(List name and address of prison)

(7) ( ) I am temporarily absent from the state because of employment or service intimately connected with military operations or because I am a spouse or dependent of such a person.

I understand that my ballot will be mailed to me at an address out-of-state to be designated by me, or at my local board of canvassers.

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(List out-of-state address)

(8) ( ) I am employed by the state board of elections.

I understand that my ballot will be mailed or delivered to me at the board of elections.

(8)(a) ( ) I am a member of the staff of a local canvassing authority;

(9) ( ) I am handicapped due to blindness or a serious impairment of mobility which prevents me from voting at the polls.

I understand that my ballot will be mailed to me at my registered voting address.

I DECLARE UNDER PENALTIES OF PERJURY THAT ALL OF THE INFORMATION I HAVE PROVIDED ON THIS FORM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

(Date of birth)

---

(Sign in full on this line)

(If unable to sign name because of physical incapacity or otherwise applicant shall make his or her mark "(X)".)

Sworn to (or affirmed) before me, this \_\_\_ day of \_\_\_, 19\_\_\_

Notary Public
(If executed outside of Rhode Island by a notary public, attest in manner authorized by law of place where taken.)

Witnesses:

(Signature) (Residence)

(Signature) (Residence)

(This application must either be sworn to before a notary public or before two (2) witnesses who must sign their names and addresses. If the voter is handicapped due to blindness or a serious mobility impairment and has checked subdivision (a)(9) on this application, no notarization is needed. The application must either be witnessed and signed by two (2) persons eighteen (18) years of age or older or notarized.)

Note — This application must be received by your local canvassing authority not later than four o'clock (4:00) p.m. on the twenty-first day before the day of any election. If this application is for an emergency ballot it must be accompanied by certificate as to the circumstances requiring the emergency ballot and must be received by the local canvassing authority not later than twelve o'clock (12:00) noon on the last day before the day of the election.

Mail to:
Board of Canvassers
(City) (Town) of
Street
Rhode Island

(Not to be filled in by applicant, to be completed by local board.)

- This application is returned for the following reason(s):
(check appropriate boxes)
( ) Application not sufficient;
( ) Applicant not a qualified elector;
( ) Signature does not compare with the signature on the voter's registration card;
( ) Application received later than four o'clock (4:00) p.m. local time on the twenty-first day before the day of election;
( ) Application for emergency ballot received later than twelve o'clock (12:00) noon on the last day before the day of election;
( ) Other.

(Signatures of local board members)



**History of Section.** 161, § 1; P.L. 1987, ch. 282, § 1; P.L. 1989, P.L. 1978, ch. 258, § 2; P.L. 1980, ch. 407, ch. 435, § 1; P.L. 1990, ch. 227, § 1; P.L. § 1; P.L. 1983, ch. 172, § 13; P.L. 1985, ch. 1990, ch. 498, § 1; P.L. 1991, ch. 314, § 1.

**17-20-14. Voting from hospitals and convalescent homes — Penalty for interference.** — The state board of elections shall appoint as many bipartisan pairs of supervisors as are necessary whose duty it shall be to attend each hospital, rest home, nursing home and convalescent home, or similar types of personal care facility in the state within seven (7) days prior to the election. They shall supervise the casting of votes by persons using mail ballots at such place so as to preserve their secrecy and shall take acknowledgments or serve as witnesses, and jointly provide assistance, if requested, to assure proper marking, sealing, and mailing of ballots as voted. Every mail ballot cast by a patient in a hospital or convalescent home within this state must be witnessed by the state supervisors. It shall be the duty of the person or persons in charge of hospitals, rest homes, nursing homes and convalescent homes, or similar types of personal care facility, to allow the state supervisors to perform their duties as set forth herein at all reasonable times. Every person who shall wilfully hinder the state supervisors in performing their duties as set forth herein, shall be guilty of a misdemeanor.

It shall be the responsibility of the state board of elections to provide all bipartisan pairs of supervisors with an official identification card. All bipartisan pairs of supervisors will be required to have in their possession their identification card when conducting official business.

Any person who shall deliberately misrepresent themselves as an official of the board of elections, or who shall deceive, coerce, or interfere with a voter casting a ballot shall be subject to prosecution under § 17-20-30 of this chapter.

**History of Section.**  
P.L. 1978, ch. 258, § 2; P.L. 1982, ch. 163,  
§ 1; P.L. 1989, ch. 500, § 1.

**17-20-14.1. Mail ballots — Local supervision.** — Each local board shall be authorized to appoint one or more bi-partisan pairs of supervisors in the manner as other bi-partisan pairs of supervisors are appointed for each election, whose duty it shall be to attend each person who makes an application for a mail ballot under § 17-20-8 and § 17-20-9, who does not fall under the provisions of § 17-20-14, and who requests that a bi-partisan pair of supervisors be sent by the board of canvassers to that person's place of residence for the purpose of supervising or assisting the mail voter in casting his or her vote. The bi-partisan pairs of supervisors shall supervise the casting of votes by persons using the mail ballot at such a place so as to preserve their secrecy and shall take acknowledgments or serve as witnesses, and jointly provide assistance, if requested, to assure proper marking, sealing, and mailing of ballots as voted. The failure or neglect of any local board to appoint such bi-partisan pairs, or the failure or neglect of any pair to attend any place at which a mail voter's ballot may be used, or the marking, sealing, or mailing of ballots in the absence of any pair, shall not invalidate any ballot.

**History of Section.**

P.L. 1978, ch. 258, § 2.

**17-20-14.2. Voting from board of canvassers.** — The state board of elections shall appoint as many pairs of supervisors as are necessary whose duty it shall be to attend each board of canvassers in the state on each of the six (6) business days prior to the election and on election day and on such additional days as the state board shall direct to supervise the casting of votes by persons using mail ballots at such a place so as to preserve their secrecy and to take acknowledgments or serve as witnesses, and jointly provide assistance, if requested, to assure proper marking, sealing, and mailing of ballots as voted. The pairs appointed by the board of elections shall be "bi-partisan", as defined in this title, unless the persons are members or employees of the boards of canvassers of the cities and towns. The state board of elections may, in its discretion, appoint members and employees of the boards of canvassers of the cities and towns to the pairs of supervisors provided for herein. Every mail ballot cast at a board of canvassers must be witnessed by the state supervisors. Every person who shall wilfully hinder the state supervisors in performing their duties as set forth herein shall be guilty of a misdemeanor.

**History of Section.**

P.L. 1983, ch. 172, § 14; P.L. 1984, ch. 391,  
§ 1.

**17-20-15. Form of ballot — Place of marking.** — Every official mail ballot shall be substantially in the form provided by this title, insofar as the same shall be practicable, except that all such ballots shall contain on their face the names of all federal and state candidates and all local candidates for council and school committee. Any qualified voter may mark and cast a mail ballot within or outside the state of Rhode Island.

**History of Section.**

P.L. 1978, ch. 253, § 1; P.L. 1978, ch. 258,  
§ 2; P.L. 1980, ch. 407, § 1.

**17-20-16. Time of casting vote.** — Mail ballots may be cast in the manner provided by law on or before election day; provided, that no mail ballot shall be counted unless it is received by the state board not later than nine o'clock (9:00) p.m. local time on election day.

**History of Section.**

P.L. 1978, ch. 258, § 2.

**17-20-17. Omission of presidential electors.** — Every mail ballot heretofore required by the provisions of law to contain the names of electors for president and vice-president of the United States shall contain the names of all candidates for president and vice-president of the United States preceded by the words "Electors for" in lieu of names of the electors for the officers.

**History of Section.**

P.L. 1978, ch. 258, § 2.

**17-20-18. Instructions on ballot — Captions on reverse.** — The secretary of state may, if the secretary deems necessary, cause to be printed at the head of the ballot brief instructions for voting and the use of the ballot. The reverse side of the mail ballots shall, in addition to the official endorsement provided by law, bear the words "Mail voters."

**History of Section.**

P.L. 1978, ch. 258, § 2.

**17-20-19. Envelopes for return of ballots.** — Envelopes for the enclosure and return of mail ballots and their enclosing certified envelope shall have the printed or written address "Board of elections, 50 Branch Ave., Providence, Rhode Island," and shall be forwarded by the secretary of state to each mail voter whose application for the mail ballot has been received and accepted.

**History of Section.**

P.L. 1978, ch. 258, § 2.

**17-20-20. Instructions for voting procedure.** — The secretary of state shall also cause to be prepared and printed an adequate number of copies of instructions for voting procedure in accordance with the provisions of this chapter, or the secretary may cause the instructions to be printed in an appropriate place on the official mail ballots.

**History of Section.**

P.L. 1978, ch. 258, § 2.

**17-20-21. Certifying envelopes.** — The secretary of state shall cause to be prepared and printed and shall furnish with each mail ballot an envelope for sealing up and certifying the ballot when returned. On one side of said envelope shall be printed, viz.:

## Official Mail Ballot

(to be filled in by secretary of state)	For _____ (City and/or Town)
	Election _____ 19____ (Date of Election)
	Senatorial district _____
	Representative district _____
(to be filled in by board of election)	Voting district _____
	(City) (Town) of _____

Note: Above designation must correspond with designation on application submitted by local board.

Name of voter \_\_\_\_\_  
(Print or Typewrite)

Residence (Street and number, if any) \_\_\_\_\_

\_\_\_\_\_  
City (or town) of \_\_\_\_\_

(see reverse side)

On the same side of said envelope shall be printed, viz.:

After marking ballot or ballots, fold and enclose in this envelope and seal it. Certify to statement on reverse side hereof. Enclose in envelope addressed to board of elections, which must receive the envelope not later than nine o'clock (9:00) p.m. the day of election.

On reverse side of the envelope shall be printed, viz.:

Certificate of Voter

I certify under penalty of perjury that I am a resident of the state of Rhode Island and a qualified voter of the state residing at \_\_\_\_\_ in the city or town of \_\_\_\_\_

(Street and number, if any)

and that I am eligible to cast a mail ballot for the reason set forth in my application and that I have not qualified to vote elsewhere than as set forth on the reverse side of this envelope, nor do I intend to vote for any of the candidates, amendments or propositions named in the enclosed ballot elsewhere or in any other manner.

Voter must sign full name here: \_\_\_\_\_

(If unable to sign name because of physical incapacity or otherwise, voter shall make his or her mark "(X)").

Before me the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ (city or town), county of \_\_\_\_\_, state of \_\_\_\_\_, personally appeared the above named voter, to me known and known by me to be the person who affixed his or her signature to this ballot envelope.

\_\_\_\_\_  
Notary Public

Notary must also print his name  
Witness:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Residence)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Residence)

Note: Mail ballots must either be sworn to before a notary public or before two (2) witnesses who must sign their names and addresses. If the voter is handicapped due to blindness or a serious mobility impairment and checked subdivision (a)(9) on the mail ballot application, no notarization or witnesses are necessary.

History of Section. P.L. 1989, ch. 156, § 1; P.L. 1989, ch. 435, P.L. 1978, ch. § 2; P.L. 1981, ch. 272, § 1; § 1; P.L. 1989, ch. 436, § 1; P.L. 1990, ch. P.L. 1985, ch. 94, § 1; P.L. 1985, ch. 161, § 1; 227, § 1.

**17-20-22. Certification envelopes for mail ballots of persons intimately connected with military service.** — The distinctively colored certification envelope for persons intimately connected with military service shall contain on one side:

Official Mail Ballot

(to be filled in  
by secretary  
of state)

For \_\_\_\_\_  
(City or Town)  
Election \_\_\_\_\_ 19\_\_\_\_  
(Date of Election)

(to be filled in  
by the board of  
elections)

Senatorial district \_\_\_\_\_  
 Representative district \_\_\_\_\_  
 Voting district \_\_\_\_\_  
 (City) (Town) of \_\_\_\_\_

Note: Above designation must correspond with designation on application submitted by local board.

Name of voter \_\_\_\_\_  
 (Print your name plainly here)

Rhode Island residence:  
 Street and number (if any) or rural route \_\_\_\_\_  
 (Print street and number or rural route)

City or town \_\_\_\_\_  
 (Print city or town of voting residence)

\_\_\_\_\_  
 (Signature of voter)

Upon the other side of such envelope shall be printed the following oath:

Oath of Elector Casting the Enclosed  
 Ballot or Ballots

I do hereby affirm that:

- (1) I am a citizen of the United States;
- (2) The date of my birth was \_\_\_\_\_;
- (3) For \_\_\_\_\_ years preceding this election my residence has been in the state of Rhode Island;
- (4) For \_\_\_\_\_ months preceding this election my residence has been in the city or town of \_\_\_\_\_ at (street and number, if any, or rural route) \_\_\_\_\_;
- (5) I am (check appropriate item):
  - (a) In the armed forces of the United States ( );
  - (b) In the merchant marine of the United States ( );
  - (c) A member of \_\_\_\_\_

(Insert name of group or agency)

which is a religious group or welfare agency assisting members of the armed forces of the United States, and am officially attached to and serving with the armed forces ( );

- (d) The spouse ( ) or dependent ( ) (check one) of, and residing outside of the state of Rhode Island with, \_\_\_\_\_ who is:  
 (Insert name)

(check appropriate item)

- (i) In the armed forces of the United States ( );
- (ii) In the merchant marine of the United States ( );
- (iii) A member of \_\_\_\_\_

(Insert name of group or agency)

which is a religious group or welfare agency assisting members of the armed forces of the United States, and who is officially attached to and serving with the armed forces ( ).

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(Signature of voter)

**History of Section.** § 15; P.L. 1984, ch. 369, § 1; P.L. 1990, ch. P.L. 1978, ch. 258, § 2; P.L. 1983, ch. 172, 227, § 1.

**17-20-23. Marking and certification of ballot.** — (a) A voter desiring to vote for all candidates of one political party for national and state, or city or town, offices, shall place a cross (X) within the circle above the designation of that party upon the appropriate ballot.

(b) A voter may omit to mark in any circle and may vote for the candidates of the voter's choice by making a cross (X) in the squares opposite their respective names. Where a voter makes a cross (X) within the circle at the top of any column, and cancels a name in the column, but does not mark a cross (X) within the voting square at the right of any name of a candidate for the same office in any other column, the ballot shall be considered blank for the office.

(c) In case a voter desires to vote upon a question submitted to the vote of the electors of the state, the voter shall mark in the appropriate square a cross (X) against the answer which the voter desires to give.

(d) The voter shall mark the ballot in the presence of two (2) witnesses or some officer authorized by the law of the place where marked to administer oaths. Except as may be otherwise provided for by this chapter the voter shall not allow the official or witnesses to see how he or she marks it and the official or witnesses shall hold no communication with the voter, nor the voter with the official or witnesses, as to how the voter is to vote. Thereafter the voter shall enclose and seal the ballot in the envelope provided for it. The voter shall then execute before the official or witnesses the certification on the envelope and shall endorse the reverse side of the envelope as provided by this chapter. The voter shall then enclose and seal the certified envelope with the ballot in the envelope addressed to the state board and cause the envelope to be delivered to the state board on or before the election day.

(e) These ballots shall be counted only if received within the time limited by this chapter.

(f) There shall be a space provided on the general election ballot to allow the voter to write in the names of persons not in nomination by any party as provided for in §§ 17-19-31 and 17-20-24.

**History of Section.**  
P.L. 1978, ch. 258, § 2; P.L. 1991, ch. 143,  
§ 1; P.L. 1991, ch. 291, § 1.

**17-20-24. Irregularities not impairing validity of ballots. —** (a) No ballot transmitted under the provisions of this chapter shall be rejected for any immaterial addition, omission, or irregularity in the preparation or execution of the paper ballot, nor for failure of the voter to affix sufficient postage. No ballot shall be invalid by reason of mistake or omission in writing in the name of any candidate where the candidate intended by the voter is plainly identifiable. Where, because of any defect in marking, a ballot is held invalid as to any particular candidate for office, it shall remain valid as to the candidates for other offices. No ballot shall be invalid by reason of the voter writing upon the inner envelope the name of a community within a town in place of the name of the town. No defect in the marking of a cross shall invalidate any ballot or a vote for any candidate, where the intention of the voter is clearly indicated.

(b) No ballot shall be rejected if the intention of the voter is clear unless it contains clear evidence of the identity of the voter.

**History of Section.**

P.L. 1978, ch. 258, § 2; P.L. 1983, ch. 172,  
§ 15.

**17-20-24.1. Irregularities in obtaining and casting mail ballots. —** The requirements set forth by this chapter controlling mail ballot eligibility and the procedure by which mail ballots are obtained and cast shall be strictly applied so as to assure the integrity of the electoral system. No mail ballot which was not obtained and/or cast in material conformance with the provisions of this title shall be certified by the board of elections. Notwithstanding the provisions of § 34-12-3 to the contrary, any mail ballot application or mail ballot certification notarized by a person who is not in fact a notary public or other officer authorized to administer oaths and take acknowledgements shall be void. Nothing herein shall be construed to require the disqualification of a ballot merely because the elector did not sign the elector's full name as it is listed on the voter registration list, but omitted or included a middle initial or name, abbreviated a first and/or middle name, or made a similar omission or inclusion, so long as the board of elections can reasonably determine the identity of the voter.

**History of Section.**

P.L. 1983, ch. 172, § 16.

**17-20-25. Return of unused ballots. —** Every voter who has received a mail ballot and has not cast it, shall nevertheless return the unvoted ballot and its uncertified enclosing envelope to the state board or local board with a statement that the voter is not using the mail ballot, before nine o'clock (9:00) p.m. on election day.



**History of Section.**

P.L. 1978, ch. 258, § 2.

**17-20-26. Opening and counting of ballots.** — (1) Beginning prior to and continuing on election day the state board, upon receipt of mail ballots, shall keep the ballots in a safe and secure place which shall be separate and apart from the general public area, and hold sessions, at which in each instance it shall:

(a) Open the outer envelope and attach the matching ballot application to the inner certifying envelope;

(b) Write or fill in the name or number of the city or town, and senatorial and representative and/or voting district, as the case may be, on the inner certifying envelope, as they appear on the ballot application;

(c) Number consecutively for identification the inner certifying envelopes and matching ballot applications;

(d) Beginning five (5) days prior to and continuing on election day, proceed to certify the mail ballots.

Notice of these sessions shall be given to the public by announcements in newspapers of general circulation published at least twenty-four (24) hours before the commencing of any session. All candidates for state and federal office, as well as all state party chairmen, shall be given notice by telephone or otherwise of the day on which ballots effecting that candidate's district will be certified; provided, however, failure to effect the notice shall in no way invalidate the ballots.

(2) This processing shall be done within a railed space in the room in which it takes place, and the board shall admit within the railed space, in accordance with such rules as the board shall adopt, to witness the processing and certification of the ballots, the voter interested or the voter's representative, the candidates, or at least one representative of each candidate for whom votes are at the time being processed, and an equal number of representatives of each political party. These representatives shall be authorized in writing by the voter, the candidate, or the chairman of the state committee of the political party, respectively, as the case may be. The board shall also, in accordance with these rules, admit representatives of the press and newscasting agencies and such other persons as it deems proper.

(3) At these sessions, and before certifying any ballot, the state board shall:

(a) Determine the city or town, and senatorial, representative, and voting district, in which the voter cast his or her ballot and classify accordingly.

(b) Compare the name, residence, and signature of the voter with the name, residence, and signature on the ballot application for mail ballots and satisfy itself that both signatures are identical.

(4) If, during the processing and certification of mail ballots no objection has been raised against the certification of a ballot, the outer envelope shall be discarded. However, if an objection has been raised that entails further consideration and determination by the board, the outer envelope shall remain attached to the certifying inner envelope for identification purposes.

(5) The board shall establish guidelines setting forth the grounds for challenging the certification of mail ballots. These guidelines shall recognize that if a ballot can be reasonably identified to be that of the voter it purports to be, and if it can reasonably be determined that the voter was eligible to vote by mail ballot and if the requirements of § 17-20-2.1 were complied with, it should not be subject to frivolous or technical challenge. The burden of proof in challenging a mail ballot as not obtained and/or cast in conformance with this chapter is on the person challenging the ballot. Once the irregularity is shown, the burden of proof shall shift to the person defending the ballot to demonstrate that it is the ballot of the voter it purports to be, that the voter was eligible to vote by mail ballot, and that all of the applicable requirements of § 17-20-2.1 were complied with. The guidelines shall be adopted at a public meeting of the board and shall be made available prior to the start of the certification process for mail ballots.

(6) After processing and certification of the mail ballots, they shall be separated in packages in accordance with their respective cities and towns, and senatorial, representative, and voting districts, in the presence of the board and all other interested parties. Thereupon, in each instance the board shall open the enclosing envelope, and without looking at the inside of the state ballot enclosed therein deposit the ballot in a covered locked box, after marking thereon the voting district from which the voter was registered. After the last of the ballots has been so deposited the state board shall forthwith proceed to count the ballots with the same effect as if the ballots had been cast by the electors in open town, or district, meetings.

(7) At the same time as the state ballots are deposited as aforesaid municipal mail ballots shall be segregated by the board according to cities and towns after first marking on each city ballot the appropriate ward and school district numbers and on each town ballot the appropriate district numbers. Upon the completion of the segregation of the municipal mail ballots, they shall be promptly delivered in sealed packages, bearing upon the seals the signatures of all members of the board, to the appropriate local boards which shall thereupon proceed to count the ballots in the same manner and with the same effect as the state mail ballots are counted by the state board.

**History of Section.** § 1; P.L. 1981, ch. 326, § 1; P.L. 1983, ch. P.L. 1978, ch. 258, § 2; P.L. 1980, ch. 407, 172, § 17.

**17-20-27. Sealing of ballots and voting list.** — The state board shall, at the completion of the count of all votes cast at any election, place all ballots received from mail voters together with the certified envelopes containing the ballots in a steel box or package and shall seal the ballots and envelopes in open meetings of the board by affixing at least four (4) adhesive labels, and the members of the board shall sign the labels by affixing their signatures in ink to each of the labels, and thereafter no steel box or package shall upon any pretense whatever be reopened by any person except upon order of the general assembly or a court of competent jurisdiction, but shall be held by the board until the first day of September in the second year after the ballots were cast when they may then be destroyed. The certified copies of the voting lists of mail voters and the applications referred to in § 17-20-10 shall likewise be safely sealed and kept by the board for the same length of time.

**History of Section.**  
P.L. 1978, ch. 258, § 2.

**17-20-28. Copies of chapter furnished to local boards.** — On or before the fifteenth day of September in any year in which a general state or congressional district election is held, the secretary of state shall send to the local boards an attested copy of this chapter.

**History of Section.**  
P.L. 1978, ch. 258, § 2.

**17-20-29. Mail applicant not permitted to vote at polls.** — (a) No person, or one claiming to be that person, whose name has been marked upon any voting list, provided for official use at any election, with the mark as provided by § 17-20-10, shall be permitted to vote in person at the election; provided, however, that the person may re-establish his or her right to vote in person by presenting himself or herself at that person's local board on or before election day and surrendering his mail ballot. Upon that surrender the person's name shall be restored to the voting list. Any person whose name has been so marked on the voting list may also be permitted to vote in person if that person shall execute and deliver to the local board an affidavit stating that the person did not receive the mail ballot, or that the mail ballot was lost or destroyed.

(b) Each local board shall immediately after the close of the polls certify and deliver to the state board the names and addresses of all persons so restored to the voting list, together with the affidavits and surrendered ballots received pursuant to this section.

**History of Section.**

P.L. 1978, ch. 258, § 2.

**17-20-30. Penalty for violations.** — (a) Any person who shall knowingly make or cause to be made any material false statement in connection with his or her application to vote as a mail voter, or who shall vote or attempt to vote under the provisions of this chapter, by fraudulently signing the name of another upon any envelope provided for in this chapter, or who, not being a qualified voter and having knowledge or being chargeable with knowledge of the fact, shall attempt to vote under this chapter, or who shall vote the ballot of another voter, or who shall deliberately prevent or cause to prevent the mail ballot to be received by the voter or to be returned to the board of elections, or who shall falsely notarize or witness the voter signature on the ballot application or mail ballot, or who shall deceive, coerce, or interfere with the voter casting his or her ballot and any person who shall do or attempt to do, or aid in doing or attempting to do, a fraudulent act in connection with any vote cast or to be cast under the provisions of this chapter, shall be guilty of a felony.

(b) Any person who, having received a mail voter's ballot and having voted or not voted the mail ballot, votes or fraudulently attempts to vote at any elective meeting within the state held on the day for which the ballot was issued shall be guilty of a felony.

(c) Any officer or other person who intentionally opens a mail voter's certified envelope or examines the contents before the envelope is opened by the board of elections, as hereinbefore provided, shall be guilty of a felony.

(d) The aforementioned offenses shall be punishable by imprisonment of not more than ten (10) years and/or by a fine of not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5000).

**History of Section.**P.L. 1978, ch. 258, § 2; P.L. 1980, ch. 407,  
§ 1.

**17-20-31. Investigation of complaints.** — The board of elections shall consider all complaints which it receives alleging criminal violations of this chapter and shall refer those complaints which it receives which it deems to be more than frivolous to the state police for investigation.

**History of Section.**

P.L. 1983, ch. 172, § 19.

**17-20-32. Inquiry by board of elections.** — Upon the request of any candidate for public office and upon a showing of good cause therefor or upon its own motion, the board of elections shall make inquiry into any notary public or witness who witnesses the voter signatures on more than fifty (50) mail ballot applications or more than fifty (50) mail ballot envelopes in any one election and any notary public or witness who the board has reason to believe has not complied with the provisions of this chapter. The inquiry shall attempt to determine whether the notary public or witness was actually present when the aforementioned documents were signed by the voters and whether all other applicable requirements set forth in this chapter were complied with. Any criminal violation of this chapter uncovered by the board of elections shall be referred to the state police for further investigation.

**History of Section.**

P.L. 1983, ch. 172, § 19; P.L. 1991, ch. 172,  
§ 1.

**17-20-33. Disqualification of ballot by board of elections.** — The board of elections shall, on its own motion, disqualify any mail ballot which it determines, based upon a preponderance of the evidence, was not voted by the elector who purportedly cast it, or was voted by an elector who was not eligible to vote by mail ballot, or was not obtained and voted in the manner prescribed by this chapter. The board of elections may take this action even in the absence of a challenge to the ballot and may take this action at any time prior to the separation of the ballot from its application and certifying envelope.

**History of Section.**

P.L. 1983, ch. 172, § 19.

**17-20-34. Liberal construction.** — This chapter shall be construed liberally to effect the purposes of maintaining the integrity and the secrecy of the mail ballot by assuring that only electors eligible to vote by mail ballot are allowed to utilize that method of voting, by assuring that the procedures set forth in this chapter controlling the application and balloting processes are strictly enforced, and by safeguarding the mail ballot voter from harassment, intimidation, and invasion of privacy.

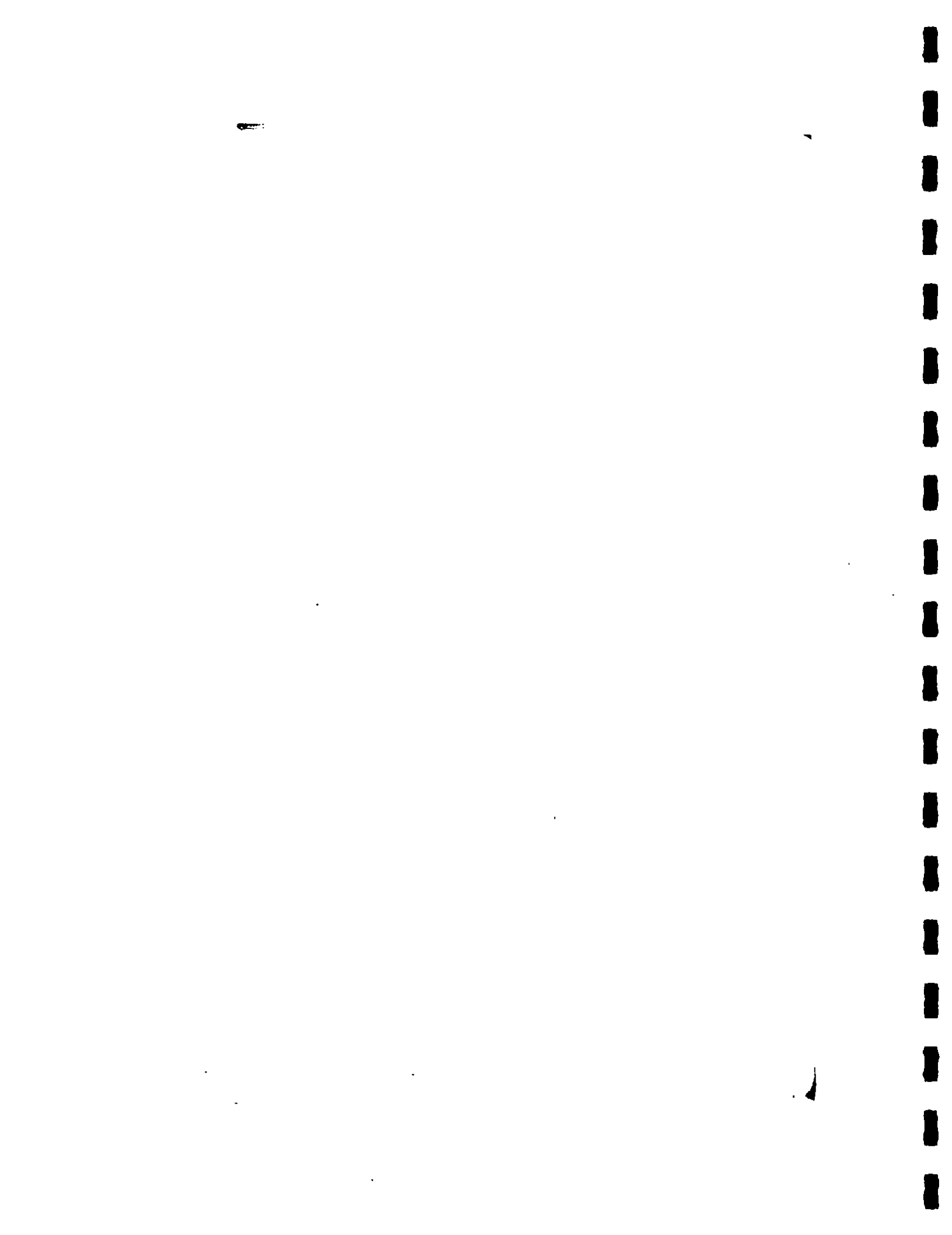
**History of Section.**

P.L. 1983, ch. 172, § 19.

**17-20-35. Severability.** — If any provision of this chapter, or the application thereof to any persons or circumstances, is held invalid, the remainder of the chapter and the application of the provision to other persons or circumstances shall not be affected thereby.

**History of Section.**

P.L. 1983, ch. 172, § 19.



CHAPTER 21  
VOTING BY ARMED FORCES

## SECTION.

17-21-1 — 17-21-43. [Repealed.]

**17-21-1 — 17-21-43. [Repealed.]**

**Repealed Sections.** This chapter (P.L. 1944, ch. 1470, §§ 1-31; P.L. 1946, ch. 1776, § 1; P.L. 1955, ch. 3502, § 1; G.L. 1956, §§ 17-21-1 — 17-21-43; P.L. 1958, ch. 18, § 1; P.L. 1962, ch. 201, § 8; P.L. 1963, ch. 73, § 2; G.L. 1956, § 17-21-12; P.L. 1963, ch. 73, § 2; P.L. 1964, ch. 103, § 2; P.L. 1966, ch. 116, §§ 19-21; P.L. 1968, ch. 106, § 2; P.L. 1978, ch. 201, § 11) concerning voting by armed forces was repealed by P.L. 1963, ch. 73, § 3 and P.L. 1978, ch. 258, § 1. For present provisions on mail ballots, see §§ 17-20-1 — 17-20-32; for provisions on registration and voting in federal elections by citizens residing outside the United States, see §§ 17-21.1-1 — 17-21.1-7.





CHAPTER 21.1  
REGISTRATION AND VOTING IN FEDERAL  
ELECTIONS BY CITIZENS RESIDING  
OUTSIDE THE UNITED STATES

SECTION.	SECTION.
17-21.1-1. Application of chapter.	17-21.1-5. Procedure for voting.
17-21.1-2. Absentee registration.	17-21.1-6. Time of casting and mailing ballots.
17-21.1-3. Procedure on registration.	17-21.1-7. Opening and counting of ballots.
17-21.1-4. Form of application by foreign absentee.	

**17-21.1-1. Application of chapter.** — This chapter is enacted pursuant to Public Law 94-203 passed by the congress of the United States and approved on January 2, 1976, and applies to all federal elections to select, nominate, and/or elect candidates for president, vice president, presidential electors, members of the United States senate, and members of the United States house of representatives.

**History of Section.**

P.L. 1976, ch. 258, § 1.

**17-21.1-2. Absentee registration.** — Any person otherwise qualified pursuant to this title, who is a citizen of the United States and is absent from this state and residing outside the United States, shall have the right to register absentee, and vote by an absentee ballot in any federal election in this state, in any election district of this state, in which the person was last domiciled immediately prior to that person's departure from the United States, notwithstanding that the person does not have a place of abode or other address in this state, and the person's intent to return to this state may be uncertain, if:

(1) The person has registered pursuant to the provisions of this chapter;

(2) He does not maintain a domicile, is not registered to vote, and does not vote in any other state or election district of a state or territory, or in any territory or possession of the United States; and

(3) He has a valid passport or card of identity and registration issued under the authority of the secretary of state of the United States of America.

**History of Section.**

P.L. 1976, ch. 258, § 1.

**17-21.1-3. Procedure on registration.** — Every person duly qualified to vote who by reason of his or her absence from the state, as provided in § 17-21.1-2, and desiring to register pursuant to the provisions of this chapter, shall do so in the following manner:

(1) The person shall make application in writing to the local board in the city or town in which that person was last domiciled in this state for the form necessary to register.

(2)(A) The local board shall proceed to furnish the applicant with a form upon which the person shall provide the information necessary for registration.

(B) The following, in addition to such direction as may be printed, stamped, or written thereon by direction of the local board, shall be substantially the form of affidavit to be subscribed to by the person, viz:

#### Affidavit of Absentee Voter Upon Registration

I, \_\_\_\_\_, say that I have been domiciled at No. \_\_\_\_\_ Street in the city or town of \_\_\_\_\_ in the state of Rhode Island; that I am presently residing outside of the United States at \_\_\_\_\_;

(state foreign address)

that I am a citizen of the United States; that I do not maintain a domicile nor am I registered to vote and will not vote in any other state or election district of a state or territory or in any territory or possession of the United States; that I have a valid passport or card of identity and registration issued under the authority of the secretary of state of the United States; that I desire to register to permit me to vote in all elections for president, vice president, presidential elector, member of the United States senate, and member of the United States house of representatives.

\_\_\_\_\_  
(sign full name on this line)

Sworn to by or affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Consular officer of the United States or  
person authorized to administer oaths  
in place of attestation

(Affix official seal or certificate of authority.)

(Consular officer or other officer, authorized by law of place of attestation to administer an oath, must administer the above.)

(3)(A) When the form is returned to the local board, together with such proof of citizenship as is required by law, the local board shall transfer the information to an original and two (2) duplicate registration cards and shall forward the original and duplicate cards to the person for his or her signature, above which shall be the following certification:

"I hereby certify that the information recorded on this form is true."

(B) When the original and duplicate registration cards, duly executed, are returned to the local board, the person shall be deemed to

have completed his or her registration and the original and duplicate cards shall be filed in the same manner as other original and duplicate registration cards, except the cards shall be maintained separately and shall refer only to eligibility to vote for federal officers as provided by this chapter.

**History of Section.**

P.L. 1976, ch. 258, § 1.

**17-21.1-4. Form of application by foreign absentee.** — The following, in addition to such directions as may be printed, stamped, or written thereon by authority of the secretary of state, shall be the form of application to be subscribed by each foreign absentee voter before receiving a ballot, viz:

**Application for Foreign Absentee Ballot  
Notice to Applicant**

This is an application for a restricted ballot and applies only to your eligibility to vote for president, vice president, presidential elector, member of the United States senate, and/or member of the congress of the United States.

**TO THE BOARD OF CANVASSERS OF THE  
CITY OR TOWN OF \_\_\_\_\_, STATE OF  
RHODE ISLAND**

I, having registered pursuant to provisions of chapter 21.1 of title 17, make application for foreign absentee voters federal ballot for the election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

I further state that I am not a qualified voter of any other state or in any territory or possession of the United States and that I have a valid passport or card of identity and registration issued under the authority of the secretary of state of the United States.

I further say that if this application is accepted, I request that the ballot or ballots be delivered or mailed to me at the following address:

\_\_\_\_\_

\_\_\_\_\_  
(sign name in full on this line)

Sworn to by or affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Consular officer of the United States or  
person authorized to administer oaths  
in place of attestation  
(affix official seal or certificate of  
authority)

(Consular officer or other officer authorized by the law of place of attestation to administer an oath must administer the above.)

Note: This application must be received by the local canvassing authority not later than four o'clock (4:00) p.m. on the twenty-first day before the day of any election.

Mail to board of canvassers, ( ) city ( ) town of \_\_\_\_\_,  
No. \_\_\_\_\_ Street, \_\_\_\_\_, Rhode Island.

(Not to be filled in by applicant but to be completed by local board.)

This application is returned for the following reason(s):

(check appropriate boxes)

- ( ) Application not sufficient;
- ( ) Applicant not qualified elector;
- ( ) Signature does not compare;
- ( ) Application received later than four o'clock (4:00) p.m. local time on the twenty-first day before the day of election;
- ( ) Other \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(signatures of the local board members)

**History of Section.**

P.L. 1976, ch. 258, § 1.

**17-21.1-5. Procedure for voting.** — (a) Upon receipt of an application, the local board and the secretary of state shall proceed as in the case of an absentee voter to prepare, issue, and furnish the elector with a foreign absentee federal ballot, which shall be cast and mailed by the voter in the manner prescribed by chapter 20 of this title, insofar as that chapter shall be applicable.

(b) Provided, the applications and ballots shall be maintained and counted separately in all federal elections.

(c) Provided, further, that the certification and envelopes used for the return of ballots, together with the instructions for the use of the ballots and envelopes, shall be substantially similar to those used in the case of Rhode Island state absentee ballots insofar as the same shall be applicable.

**History of Section.**

P.L. 1976, ch. 258, § 1.

**17-21.1-6. Time of casting and mailing ballots.** — Foreign absentee federal ballots may be cast in the manner provided by law on or before election day, provided that no ballot shall be counted unless it is received by the state board not later than nine o'clock (9:00) p.m. local time on election day.

**History of Section.**

P.L. 1976, ch. 258, § 1.

**17-21.1-7. Opening and counting of ballots.** — Foreign absentee federal ballots shall be opened and counted in the same manner as provided in chapter 20 of this title.

**History of Section.**

P.L. 1976, ch. 258, § 1.



**CHAPTER 22**  
**TABULATION AND CERTIFICATION OF RETURNS**  
**BY STATE BOARD**

SECTION.		SECTION.	
17-22-1.	Commencement and continuance of tabulations.	17-22-5.2.	Certificates of local elections — Statement to secretary of state.
17-22-2.	Public sessions for counting — Persons permitted within railed space.	17-22-6.	Certification of results to governor and secretary of state — Failure to elect to general assembly.
17-22-3.	Deputy sheriffs attending sessions — Disturbance of proceedings.	17-22-7.	Books of record of votes — Contents.
17-22-4.	Investigation of returns of local boards.	17-22-8.	Lists of absentee voters.
17-22-5.	Certificates of election — Statement to secretary of state.	17-22-9.	Oath of members and assistants — Penalty for violations.
17-22-5.1.	Investigation by board of elections prior to certification.		

**17-22-1. Commencement and continuance of tabulations. —** The state board shall commence the counting, canvassing, and tabulating of all votes cast, including mail ballots, at nine o'clock (9:00) p.m. on any election day at which mail ballots may be cast and within twenty-four (24) hours after any other election or primary, and shall continue and complete the tabulation with all reasonable expedition.

**History of Section.**

P.L. 1901, ch. 825, § 3; P.L. 1905, ch. 1229, § 14; G.L. 1909, ch. 19, § 3; P.L. 1914, ch. 1050, § 2; G.L. 1923, ch. 18, § 3; P.L. 1930, ch. 1592, § 1; G.L. 1938, ch. 311, § 3; impl.

am. P.L. 1941, ch. 1040, § 1; impl. am. P.L. 1947, ch. 1886, §§ 36, 39; G.L. 1956, § 17-22-1; P.L. 1958, ch. 18, § 1; P.L. 1963, ch. 73, § 4.

**17-22-2. Public sessions for counting — Persons permitted within railed space. —** The sessions of the state board for the counting, canvassing, and tabulating provided for in § 17-22-1, and for the opening of the inner certifying envelopes containing mail ballots and for the counting, canvassing, and tabulating of these ballots, shall be public, but no notice or advertisement thereof need be given. The opening, counting, canvassing, and tabulating shall be done within a railed space in the room in which it takes place, and the board shall admit within the railed space the candidate, or at least one representative of the candidate, for whom votes are at the time being opened, counted, canvassed, or tabulated who may scrutinize the opening, count, canvass, and tabulation in accordance with the rules which may be adopted by the board. The board shall also admit to the opening, counting, canvassing, and tabulating an equal number of representatives of each political party who shall be party voters of the parties represented by them. These representatives as well as the representatives of candidates shall be authorized in writing by the chairman of the state committees of their respective political parties or by the candidates whom they represent as the case



may be. Insofar as applicable the procedures in this chapter provided for shall be followed by the local boards in the counting and tabulating of municipal mail ballots, excepting only that in these instances the representatives of political parties shall be appointed by the chairmen of the city or town committees of their respective political parties. The provisions of this section shall not be construed to prevent the board from admitting, in its discretion, other persons and representatives of the press within the railed space during the opening, counting, canvassing, and tabulating.

**History of Section.** P.L. 1941, ch. 1040, § 1; G.L. 1956, § 17-22-2; P.L. 1958, ch. 18, § 1; P.L. 1963, § 5; G.L. 1923, ch. 18, § 5; P.L. 1930, ch. 1592, § 1; G.L. 1938, ch. 311, § 5; impl. am. ch. 73, § 4.

**17-22-3. Deputy sheriffs attending sessions — Disturbance of proceedings.** — The sheriff of Providence County shall assign so many of the sheriff's deputies as the state board may request to attend upon the board during its sessions, to preserve order. The orders of the presiding officer of the board at the meetings shall be obeyed by the deputies, and they shall at the direction of the presiding officer remove from the room where any session is being held any person, not a member of the board. Any person who shall disturb or interfere with the proceedings of any session shall be guilty of a misdemeanor.

**History of Section.** P.L. 1941, ch. 1040, § 1; G.L. 1956, § 17-22-3; P.L. 1958, ch. 18, § 1; P.L. 1978, § 7; G.L. 1923, ch. 18, § 7; P.L. 1930, ch. 1592, § 1; G.L. 1938, ch. 311, § 6; impl. am. ch. 201, § 12.

**17-22-4. Investigation of returns of local boards.** — In case the return made to the state board by any election officer or officers of any town or district meeting shall contain any statement or information which makes it desirable or proper, in the opinion of the board, to investigate the conduct of the election in the town or district, the board may investigate the truth of the allegations contained in the returns, and of all the circumstances connected with the holding of the election, and shall use in its count, canvass, and tabulation, as the result of the voting at the meeting, such number of votes for the respective candidates and for and against the propositions or questions voted for or on thereat as the investigation, in the state board's opinion, proves to be correct.

**History of Section.** 1592, § 1; G.L. 1938, ch. 31, § 8; impl. am. P.L. 1901, ch. 825, § 10; G.L. 1909, ch. 19, § 10; G.L. 1923, ch. 18, § 10; P.L. 1930, ch. P.L. 1941, ch. 1040, § 1; G.L. 1956, § 17-22-4; P.L. 1958, ch. 18, § 1.

**17-22-5. Certificates of election — Statement to secretary of state.** — The state board shall forthwith, after the result has been ascertained, furnish to each candidate elected a certificate of that candidate's election, and shall deliver to the secretary of state, who shall keep it on file in the secretary's office, a statement of the number of votes cast in each voting district, town, and city for each candidate; the total number cast in the state for each of the candidates for electors and for general officers; the total number cast in each congressional district for each candidate for representative in congress; the total number cast in each senatorial and representative district for each candidate for senator and representative in the general assembly; the number of votes cast in each voting district, town, and city for and against any proposed amendment of the Constitution, or question submitted to the electors of the state; the total number of votes cast in the state for and against any proposed amendment or question; the names of the respective candidates elected and the offices to which they have been respectively elected; whether or not the proposed amendment has been adopted; and whether or not any question has been assented to by the electors of the state. The certificates and statement shall be signed by the board and shall be final and conclusive evidence of the matters in them contained and of the title of the persons declared elected to the offices for which they have severally received certificates of election, except as otherwise provided in the Constitution of this state.

**History of Section.**

P.L. 1901, ch. 825, § 4; P.L. 1905, ch. 1229, § 15; G.L. 1909, ch. 19, § 4; G.L. 1923, ch. 18, § 4; P.L. 1930, ch. 1592, § 1; G.L. 1938, ch. 311, § 4; impl. am. P.L. 1941, ch. 1040, § 1; G.L. 1956, § 17-22-5; P.L. 1958, ch. 18, § 1; P.L. 1966, ch. 116, § 22.

**17-22-5.1. Investigation by board of elections prior to certification.** — At any time prior to the certification of the results of a particular election, the state board of elections may, upon its own motion, investigate any allegation of error, irregularity, or impropriety in the conduct of any facet of the election which comes to its attention and may, upon its own motion, take appropriate action based upon the findings of the investigation.

**History of Section.**

P.L. 1983, ch. 172, § 25.

**17-22-5.2. Certificates of local elections — Statement to secretary of state.** — The local board shall forthwith, after the result has been ascertained, furnish to the secretary of state a statement of the number of votes cast in the city or town for each candidate the total number of votes cast in the city or town for and against any proposed amendment to a charter or question and the names of the respective candidates elected and the offices to which they have been respectively elected.

**History of Section.**

P.L. 1990, ch. 410, § 1.

**17-22-6. Certification of results to governor and secretary of state — Failure to elect to general assembly.** — The state board shall, immediately after completing the counting, canvass, and tabulating of the votes cast for general officers and senators and representatives in the general assembly and declaring the result thereof, furnish the governor a certificate of the names of the persons who have been elected general officers for the ensuing year, and shall also furnish to the secretary of state a certificate of the names of the persons elected as senators and representatives in the general assembly. Whenever the count, canvass, and tabulation of the board shall show that there has been a failure to elect a senator or representative or any of them in any district, the board shall forthwith certify the fact to the secretary of state, specifying which of the officers were not elected.

**History of Section.**P.L. 1901, ch. 825, § 8; P.L. 1905, ch. 1229,  
§ 17; G.L. 1909, ch. 19, § 8; G.L. 1923, ch. 18,  
§ 8; P.L. 1930, ch. 1592, § 1; G.L. 1938, ch.311, § 7; impl. am. P.L. 1941, ch. 1040, § 1;  
G.L. 1956, § 17-22-6; P.L. 1958, ch. 18, § 1;  
P.L. 1966, ch. 116, § 22.

**17-22-7. Books of record of votes — Contents.** — The board shall keep separate books of record of the votes cast for the different classes of officers which it is its duty to count, canvass, and tabulate, that is to say: a book of record of votes cast for electors of president and vice-president; a book of record of votes cast for senators and representatives in congress; a book of record of votes cast for general officers; and in like manner a book of record of the votes cast for each class of officers which may by law hereafter be required to be counted, canvassed, and tabulated by the board. Each of the books respectively shall contain a record of the number of votes cast in each voting district for each candidate according to the counting, canvassing, and tabulating of the board; the number cast in each voting district for each candidate according to the certificates of the moderators or wardens and clerks; the total number cast for each candidate in each town and city according to the counting and to the certificates; the total number cast for each candidate in the state or congressional district, as the case may be, according to the counting and the certificates; a statement of which candidates are elected; and such other pertinent facts as the board may deem proper. The board shall also keep a book of record of the votes cast for and against any proposition of amendment of the Constitution and a book of record of the votes cast for and against all questions submitted to the electors of the state, with like detail as provided herein in relation to votes cast for officers.

**History of Section.** 1592, § 1; G.L. 1938, ch. 311, § 9; impl. am.  
P.L. 1901, ch. 825, § 12; G.L. 1909, ch. 19, P.L. 1941, ch. 1040, § 1; G.L. 1956,  
§ 12; G.L. 1923, ch. 18, § 12; P.L. 1930, ch. § 17-22-7; P.L. 1958, ch. 18, § 1.

**17-22-8. Lists of absentee voters.** — The state board, not later than thirty (30) days after any election day at which voting by mail ballot is permitted by chapter 20 of this title, shall prepare and mail to the local board of each city and town a list of names of every voter of the city or town who shall have voted by mail ballot.

**History of Section.** ch. 18, § 1; P.L. 1963, ch. 209, § 5; 1963, ch.  
P.L. 1951 (s.s.), ch. 2870, § 25; G.L. 1956, 73, § 4.  
§ 17-10-40; G.L. 1956, § 17-22-8; P.L. 1958,

**17-22-9. Oath of members and assistants — Penalty for violations.** — The members, secretary, and assistants of the state board shall be sworn to the faithful and impartial performance of their duties, and any member, secretary, or assistant who shall wilfully neglect to perform the duties by this chapter devolved upon him or her at the times therein provided, or who shall make any fraudulent count, tabulation, certificate, or statement, or in any way wilfully so perform his or her duties as to defeat the obtaining of a correct count and tabulation of the votes cast, shall be guilty of a felony.

**History of Section.**

P.L. 1901, ch. 825, § 18; G.L. 1909, ch. 19, § 18; G.L. 1923, ch. 18, § 18; P.L. 1930, ch. 1592, § 1; G.L. 1938, ch. 311, § 12; impl. am.

P.L. 1941, ch. 1040, § 1; G.L. 1956, § 17-22-8; G.L. 1956, § 17-22-9; P.L. 1958, ch. 18, § 1; P.L. 1978, ch. 201, § 12.

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## CHAPTER 23

### ELECTION OFFENSES

SECTION.	SECTION.
17-23-1. Signature and labeling of advertising in periodicals.	17-23-10. Violations by public officers generally.
17-23-2. Signature of posters, fliers, and circulars.	17-23-11. Limitation of prosecutions — Payment to complainant.
17-23-3. Penalty for advertising violations.	17-23-12. Qualification of person obtaining signatures.
17-23-4. Fraudulent or repeat voting.	17-23-13. Sound equipment.
17-23-5. Bribery or intimidation of voters — Immunity of witnesses in bribery trials.	17-23-14. Political advertising.
17-23-6. Improper influence by employers.	17-23-15. Polling or surveying of voter opinion.
17-23-7. Protection of names of major parties.	17-23-16. Guaranteed access in exchange for contributions prohibited.
17-23-8. Failure to furnish certificate of election.	17-23-17. Violations with respect to elections.
17-23-9. Violations as to nomination papers or withdrawals — Protection of party emblems.	17-23-18. Political advertising from official budgets prohibited.

**17-23-1. Signature and labeling of advertising in periodicals.** — No person shall publish or cause to be published in any newspaper or other periodical, either in its advertising or reading columns, any paid matter designed or tending to aid, injure, or defeat any candidate for public office or any question submitted to the voters, unless the name of the chairman or secretary or the names of two (2) officers of the political or other organization inserting the paid matter, or the name of some voter who is responsible therefor, with that person's residence and the street and number thereof, if any, appear therein in the nature of a signature. The matter inserted in reading columns shall be preceded by or followed by the word "advertisement" in a separate line, in type not smaller than that of the body type of the newspaper or other periodical.

**History of Section.** § 1; G.L. 1956, § 17-23-1; P.L. 1958, ch. 18, P.L. 1923, ch. 457, § 1; G.L. 1938, ch. 325, § 1.

**17-23-2. Signature of posters, fliers, and circulars.** — No person shall intentionally write, print, post, or distribute, or cause to be written, printed, posted, or distributed, a circular, flier, or poster designed or tending to injure or defeat any candidate for nomination or election to any public office, by criticizing the candidate's personal character or political action, or designed or tending to aid, injure, or defeat any question submitted to the voters, unless there appears upon the circular, flier, or poster in a conspicuous place the name of the author thereof and either the names of the chairman and secretary, or of two (2) officers, of the political or other organization issuing the same, or of some voter who is responsible therefor, with the voter's name and residence, and the street and numbers thereof, if any.

Supp. 2/92

**History of Section.** § 2; G.L. 1956, § 17-23-2; P.L. 1958, ch. 18, P.L. 1923, ch. 457, § 2; G.L. 1938, ch. 325, § 1; P.L. 1975, ch. 282, § 1.

**17-23-3. Penalty for advertising violations.** — Whoever shall violate any provision of § 17-23-1 or § 17-23-2 shall be guilty of a misdemeanor.

**History of Section.** § 3; G.L. 1956, § 17-23-3; P.L. 1958, ch. 18, P.L. 1923, ch. 457, § 3; G.L. 1938, ch. 325, § 1; P.L. 1978, ch. 201, § 13.

**17-23-4. Fraudulent or repeat voting.** — Every person who in any election shall fraudulently vote or attempt to vote, not being qualified, notwithstanding that person's name may be on the voting list at the polling place where the person shall vote or attempt to vote; or who shall vote or attempt to vote in the name of some other person, whether that name is that of a person living or dead, or of a fictitious person; or having voted in one town, ward, senatorial district, representative district, or voting district, whether the person's vote in such a case was legal or not, shall vote or attempt to vote in the same or in another town, ward, senatorial district, representative district, or voting district; or who shall fraudulently vote or attempt to vote in a town, ward, senatorial district, representative district, or voting district other than in the town, ward, senatorial district, representative district, or voting district wherein the person has his or her "residence", as defined in § 17-1-3.1, at the time of his or her voting or attempting to vote; or who shall aid, counsel, or procure any other person to so vote or attempt to vote, shall be guilty of a felony, and no person after conviction of such an offense shall be permitted to vote in any election or upon any proposition pending before the people, or to hold any public office. Voting, for the purposes of this chapter, shall consist in the casting of a vote, or attempting to cast a vote, whether the vote has been cast or not.

**History of Section.** 325, § 4; G.L. 1956, § 17-23-4; P.L. 1958, ch. 18, § 1; P.L. 1966, ch. 116, § 23; P.L. 1978, § 1; G.L. 1909, ch. 20, § 2; P.L. 1910, ch. 640, ch. 201, § 13; P.L. 1983, ch. 172, § 6. § 33; G.L. 1923, ch. 19, § 2; G.L. 1938, ch.

**17-23-5. Bribery or intimidation of voters — Immunity of witnesses in bribery trials.** — Every person who shall directly or indirectly give, or offer to agree to give, to any elector or to any person for the benefit of any elector, any sum of money or other valuable consideration for the purpose of inducing the elector to give in or withhold that elector's vote at any election in this state, or by way of reward for having voted or withheld that elector's vote, or who shall use any threat or employ any means of intimidation for the purpose of influencing the elector to vote or withhold that elector's vote for or against any candidate or candidates or proposition pending at an election, shall be guilty of a felony, and no person after conviction of such an offense shall be permitted to vote in any elec-



tion or upon any proposition pending before the people, or to hold any public office; and no evidence given by any witness testifying upon the trial of any charge of bribery shall be used against the person giving the evidence.

**History of Section.** § 3; P.L. 1936 (s.s.), ch. 2468, § 1; G.L. 1938, ch. 14, § 3; P.L. 1907, ch. 1428, ch. 325, § 5; G.L. 1956, § 17-23-5; P.L. 1958, § 1; G.L. 1909, ch. 20, § 3; G.L. 1923, ch. 19, ch. 18, § 1; P.L. 1978, ch. 201, § 13.

**17-23-6. Improper influence by employers.** — (1) Every person being an employer who, within ninety (90) days of a general election, pays any of his or her employees the salary or wages due them in "pay envelopes" upon which there is written or printed, or in which there is inserted: (a) a notice or information, to the effect that if any particular ticket or candidate is elected or defeated, work in the employer's place or establishment will cease, in whole or in part, or the employer's establishment will be closed, or the wages of the employer's employees will be reduced, or (b) any political motto, device, or argument containing threats, express or implied, intended or calculated to influence the political actions or opinions of the employees, or who puts up or otherwise exhibits, in the employer's establishment or place where the employer's employees are engaged in labor, any handbill or placard containing any such notice or information, or threat, shall be guilty of a felony.

(2) Any person after conviction of such an offense shall forfeit that person's right to vote in any election or upon any proposition before the people, or to hold any public office, except that a corporation shall forfeit its charter; and no evidence given by any witness testifying in the trial of any charge of violation of this section shall be used against the person giving the evidence.

**History of Section.** § 17-23-6; P.L. 1958, ch. 18, § 1; P.L. 1978, G.L. 1923, ch. 19, § 3; P.L. 1936 (s.s.), ch. 2468, § 1; G.L. 1938, ch. 325, § 5; G.L. 1956, ch. 201, § 13.

**17-23-7. Protection of names of major parties.** — (1) It shall be unlawful for any club or society or association, whether incorporated or not, to include in its name the word "republican" or "democrat" or any designation indicating its affiliation with a political party, unless:

(a) If it be state or congressional district wide in its membership or activities, it have the written consent for the inclusion of the state central committee of the republican or democratic party, as the case may be;

(b) If it be city or town wide in its membership or activities, it have the written consent for the inclusion of the city or town committee of the republican or democratic party, as the case may be, of the city or town in which its activities are or are to be centered;

(c) If it be ward or voting district wide in its membership or activities, it have a written consent for the inclusion of the ward commit-

tee of the republican or democratic party, as the case may be, of the ward in which its activities are or are to be centered;

(d) If it be senatorial or representative district wide in its membership or activities, it have the written consent for the inclusion of the district committee of the republican or democratic party, as the case may be, of the senatorial or representative district, as the case may be, in which its activities are or are to be centered.

(2) Every member and every officer of any club, society, or association, whether incorporated or not, violating any of the provisions of this section shall be guilty of a petty misdemeanor.

(3) Upon the written request of one member of the committee from which consent for the inclusion should have been obtained as hereinbefore provided, the attorney-general shall institute appropriate court proceedings to prevent continued violations of this section.

**History of Section.**

P.L. 1931, ch. 1714, §§ 1, 2; G.L. 1938, ch. 325, §§ 6, 7; G.L. 1956, § 17-23-7; P.L. 1958, ch. 18, § 1; P.L. 1966, ch. 116, § 23; P.L. 1978, ch. 201, § 13.

**17-23-8. Failure to furnish certificate of election.** — Every city or town clerk or local board required by law to furnish any city, town, ward, or voting district officer elect with a proper certificate of the officer's election who shall neglect or refuse so to do, as soon as may be after the election, shall be guilty of a petty misdemeanor.

**History of Section.**

P.L. 1901, ch. 829, § 28; G.L. 1909, ch. 10, § 30; G.L. 1923, ch. 10, § 29; G.L. 1938, ch. 325, § 8; G.L. 1956, § 17-23-8; P.L. 1958, ch. 18, § 1; P.L. 1978, ch. 201, § 13.

**17-23-9. Violations as to nomination papers or withdrawals — Protection of party emblems.** — Any person who shall falsely make, or wilfully deface or destroy, any certificate of nomination or nomination paper, or any part thereof, or any letter of withdrawal, or file any certificate of nomination or nomination paper or letter of withdrawal, knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination or nomination paper or letter of withdrawal, or any part thereof, which has been duly filed, and any person or persons who shall print, stamp, or affix, or cause to be printed, stamped, or affixed, upon any letterhead, circular, or pamphlet used for political purposes, or upon political literature of any nature, a representation of the chosen emblem or device of any political party in this state without the consent in writing first had and obtained of the chairman of the state central committee of the political party whose chosen emblem or device is sought to be used for these purposes, shall be guilty of a felony.

**History of Section.**

G.L. 1896, ch. 11, § 45; P.L. 1905, ch. 1229, § 8; G.L. 1909, ch. 11, § 50; G.L. 1923, ch. 11, § 49; G.L. 1938, ch. 325, § 9; G.L. 1956, § 17-23-9; P.L. 1958, ch. 18, § 1; P.L. 1978, ch. 201, § 13.

**17-23-10. Violations by public officers generally.** — Any public officer, upon whom a duty is imposed by this title, who shall wilfully neglect to perform his or her duty, or who shall perform it in such a way as to hinder the objects of this title, shall be guilty of a misdemeanor.

**History of Section.** 325, § 10; G.L. 1956, § 17-23-10; P.L. 1958, G.L. 1896, ch. 11, § 46; G.L. 1909, ch. 11, ch. 18, § 1; P.L. 1978, ch. 201, § 13. § 51; G.L. 1923, ch. 11, § 50; G.L. 1938, ch.

**17-23-11. Limitation of prosecutions — Payment to complainant.** — All prosecutions for offenses against the provisions of this chapter shall be commenced within one year after the offenses shall have been committed, and not afterwards. And upon the presentation of a certificate of the clerk of any court of the final conviction in the court of any person under the provisions of this chapter, the state controller is hereby authorized and directed to draw his or her order on the general treasurer for the sum of fifty dollars (\$50), and deliver the sum to the person complainant in the prosecution.

**History of Section.** § 11; impl. am. P.L. 1939, ch. 660, § 65; G.L. 1896, ch. 14, § 4; G.L. 1909, ch. 20, 1956, § 17-23-11; P.L. 1958, ch. 18, § 1. § 4; G.L. 1923, ch. 19, § 4; G.L. 1938, ch. 325.

**17-23-12. Qualification of person obtaining signatures.** — (a) No person, except one qualified to sign a petition for the adoption of a home rule charter, as provided in § 6 of article XIII of the Constitution of this state, shall circulate any petition, or obtain signatures on any petition, and any petition circulated, or any signature obtained, by any person not so qualified shall be null and void for all purposes.

(b) Nor shall any person not qualified as herein provided obtain signatures on nomination papers of any elector seeking to be a candidate at any election held for the purpose of selecting the members of a charter commission, and any signature appearing on any nomination paper which has been obtained by one not so qualified shall be null and void for all purposes.

(c) Any person who knowingly and wilfully violates the provisions of this section shall be deemed guilty of a misdemeanor; and any person who, knowing that he or she is not qualified pursuant to the Constitution, shall wilfully sign any petition for the adoption of a home rule charter, or the nomination papers of any candidate for a position on a charter commission, shall be deemed guilty of a misdemeanor.

**History of Section.** G.L. 1956, § 17-23-12; P.L. 1961, ch. 50. § 1; P.L. 1988, ch. 84, § 77.

**17-23-13. Sound equipment.** — No sound equipment advocating the election or defeat of any candidate or the approval or disapproval of any referenda shall be allowed within five hundred (500) feet of any polling place.

**History of Section.**

P.L. 1978, ch. 200, § 2.

**17-23-14. Political advertising.** — No newspaper, periodical, radio, or television station shall charge for a political advertisement a sum greater than that charged by the medium for advertisement if it were nonpolitical. The attorney general shall enforce the provisions of this section and, upon conviction, a civil penalty of five hundred dollars (\$500) shall be imposed.

**History of Section.**

P.L. 1981, ch. 64, § 1.

**17-23-15. Polling or surveying of voter opinion.** — (a) No person shall conduct any form of poll or survey of voter opinion or voter conduct within a building or within fifty (50) feet of the entrance or entrances to a building in which voting is being conducted at any primary or election; provided, however, that nothing in this section shall be deemed to apply to or to affect the activities of election officials; election inspectors; or "checkers", "runners", and "watchers" as defined in § 17-19-22.

(b) Notice of this section shall be posted in a conspicuous place at all polling places.

**History of Section.**

P.L. 1984, ch. 440, § 1; P.L. 1986, ch. 192, § 1.

**17-23-16. Guaranteed access in exchange for contributions prohibited.** — As defined in § 17-2-1, no general officer and no candidate for a general office shall solicit campaign contributions by guaranteeing to all contributors of a specified minimum amount of money, as a quid-pro-quo for their contributions, the right to meet with the general officer or candidate on a predetermined number of occasions. The phrase "the right to meet" shall not be construed to include the holding of a one-time public fundraising event at which the general officer or candidate is present.

**History of Section.**

P.L. 1987, ch. 367, § 1.

**17-23-17. Violations with respect to elections.** — (a) Any person shall be guilty of a felony who:

(1) Makes a declaration of candidacy or obtains, circulates, or causes to be circulated his or her nomination papers for an office, knowing or with good reason to know that he or she is not qualified as provided in this title to be his or her party's candidate for the office; or

(2) Knowingly or without reasonable and proper investigation makes any substantial misstatement in any declaration of candidacy, nomination paper, or affidavit provided for in this title; or

(3) Signs a nomination paper when he or she knows that he or she is not qualified so to sign; or

(4) Votes or attempts to vote at any election when he or she knows or should know that he or she is not qualified to vote; or

(5) Votes or attempts to vote more than once at any election; or

(6) Votes or attempts to vote at any election under the name of any other person; or

(7) Wilfully hinders the orderly conduct of any election; or

(8) Gives a false answer to any election official relative to his or her right to vote at the election; or

(9) Aids or abets a person not entitled to vote at any election in voting or attempting to vote under a name other than the voter's name or in voting twice upon the voter's name; or

(10) Wilfully alters or wilfully makes any change, erasure, or additional check upon the voting list used or to be used at any election; or

(11) Wilfully violates any provisions of chapters 12 through 15 of this title for which violation a specific penalty is not provided.

(b) Any person who unlawfully and knowingly signs the name of any other person on any nomination papers shall be guilty of a felony.

(c) Any public officer or officer of a political party who wilfully violates any of the provisions of chapters 12 through 15 of this title; or refuses or wilfully neglects and omits to perform, in the manner and within the time prescribed, any duty imposed upon the officer by these chapters; or suffers or permits any alteration, erasure, or additional check to be made upon a voting list in the officer's custody or control, shall be guilty of a felony.

**History of Section.**

P.L. 1991, ch. 147, § 2.

**17-23-18. Political advertising from official budgets prohibited.** — (a) No elected official shall permit the expenditure of public funds from any official budget under his or her authority for any publication, advertisement, broadcast, or telecast of his or her photograph, voice, or other likeness to be broadcast or distributed to the

public during the one hundred and twenty (120) days preceding any primary or general election in which he or she is a candidate.

(b) This section shall not be construed to prohibit an official from appearing on regular capitol television programming operated by the general assembly or on television stations operated by the Rhode Island public telecommunications authority during said period of time.

**History of Section.**

P.L. 1991, ch. 241, § 1.

## CHAPTER 24

## COMPELLING PERFORMANCE OF ELECTION DUTIES

## SECTION.

17-24-1. Mandamus by supreme court — Replacement of officer refusing to obey.

17-24-2. Performance of duties by supreme court appointee.

## SECTION.

17-24-3. Powers of court appointee — Hindering performance.

**17-24-1. Mandamus by supreme court — Replacement of officer refusing to obey.** — Whenever any person upon whom is imposed any duty connected with the calling, warning, or conducting of any town, ward, or district meeting, or with the canvassing of the lists of voters for use at these meetings, or with the counting of the votes cast at the meetings, or the declaring of the result of the votes, shall fail, neglect, or refuse to perform his or her duty within the time specified by law for its performance, the supreme court shall forthwith, upon the petition of any citizen of the city or town where the failure, neglect, or refusal occurred, issue its writ of mandamus ordering the person so failing, neglecting, or refusing, to perform the duties in question within twenty-four (24) hours from the time of the issuance of the writ; and if the failure, neglect, or refusal shall continue beyond the twenty-four (24) hours specified in the writ, the court shall immediately appoint some suitable person to at once perform the duties, and the person so refusing to obey the writ of mandamus shall, in addition to the penalties by law for the failure, neglect, or refusal to perform his or her duties, be liable to such further penalties for contempt of court as the court may impose for failure to obey the writ.

**History of Section.**

G.L. 1896, ch. 14, § 5; C.P.A. 1905, § 1226;  
G.L. 1909, ch. 20, § 5; G.L. 1923, ch. 19, § 5;

G.L. 1938, ch. 326, § 1; G.L. 1956, § 17-24-1;  
P.L. 1958, ch. 18, § 1.

**17-24-2. Performance of duties by supreme court appointee.** — The person appointed by the court, as aforesaid, shall proceed immediately to perform the duties devolved upon him or her by the court, and the acts done by him or her in pursuance of his or her appointment shall be as effectual and valid in all respects as if the acts had been done and performed by the person so failing, neglecting, or refusing, at the time and in the manner provided by law.

**History of Section.**

G.L. 1896, ch. 14, § 6; G.L. 1909, ch. 20,  
§ 6; G.L. 1923, ch. 19, § 6; G.L. 1938, ch. 326,

§ 2; G.L. 1956, § 17-24-2; P.L. 1958, ch. 18,  
§ 1.

**17-24-3. Powers of court appointee — Hindering performance.** — The person so appointed by the court, as aforesaid, shall be deemed to be an officer of the court and shall have full and free access to all records and papers necessary to enable him or her to perform the duties devolved upon him or her by the court, and any person interfering with or in any way hindering his or her discharge of his or her duties shall be liable to such penalties as may be prescribed by the court for contempt, and it shall be the duty of the sheriffs of the several counties and their deputies to see that the provisions of this chapter are enforced within their respective counties.

**History of Section.** § 3; G.L. 1956, § 17-24-3; P.L. 1958, ch. 18,  
G.L. 1896, ch. 14, § 7; G.L. 1909, ch. 20, § 1.  
§ 7; G.L. 1923, ch. 19, § 7; G.L. 1938, ch. 326,



## CHAPTER 25

RHODE ISLAND CAMPAIGN CONTRIBUTIONS AND  
EXPENDITURES REPORTING

SECTION.		SECTION.	
17-25-1.	Short title.	17-25-13.	Penalties.
17-25-2.	Declaration of policy.	17-25-14.	Maintenance of party organiza- tion.
17-25-3.	Definitions.	17-25-15.	Political action committee — No- tice of formation.
17-25-4.	Applicability of chapter.	17-25-16.	Enjoining of illegal acts — Forfei- ture of contributions.
17-25-5.	Duties and powers of the board of elections.	17-25-17.	Severability.
17-25-5.1.	Manual of legal requirements.	17-25-18.	Public financing of election cam- paigns — General purpose.
17-25-6.	[Repealed.]	17-25-19.	Public financing of election cam- paigns — Outlined.
17-25-7.	Contents of reports to be filed by treasurers of candidates and committees.	17-25-20.	Eligibility criteria for matching public funds.
17-25-7.1.	Report of testimonial proceeds in- tended for personal use.	17-25-21.	Primary elections.
17-25-8.	Appointment of campaign trea- surer by candidate — Filings.	17-25-22.	Time period for payment of public funds.
17-25-8.1.	Appointment of treasurer by po- litical action committee — Fil- ings.	17-25-23.	Funds expended by person, com- mittee of a political party or po- litical action committee — Pri- vate expenditure.
17-25-9.	Designation of campaign trea- surer of political party commit- tees — Filings.	17-25-24.	Additional expenditures.
17-25-10.	Lawful methods of contributing to support of candidates — Report- ing — Disposition of anony- mous contributions.	17-25-25.	Surplus campaign funds.
17-25-10.1.	Political contributions — Limita- tions.	17-25-26.	Equal apportionment of expendi- tures for joint advertisements.
17-25-11.	Dates for filing of reports by trea- surers of candidates or of com- mittees.	17-25-27.	Postaudit of accounts — Publica- tion.
17-25-12.	Prohibited contributions.	17-25-28.	Board of elections — Regulation and auditing of matching fund program.
		17-25-29.	Appropriations.

**17-25-1. Short title.** — This chapter shall be known and may be cited as the "Rhode Island Campaign Contributions and Expenditures Reporting Act".

**History of Section.**  
P.L. 1974, ch. 298, § 1.

**17-25-2. Declaration of policy.** — It is hereby declared to be in the public interest and to be the policy of the state to require the reporting of certain contributions received and expenditures made to aid or promote the nomination, election, or defeat of all candidates for public office.

**History of Section.**  
P.L. 1974, ch. 298, § 1; P.L. 1981, ch. 188,  
§ 1.

**17-25-3. Definitions.** — As used in this chapter unless a different meaning clearly appears from the context:

(a) The term "candidate" means any individual who undertakes any action, whether preliminary or final, which is necessary under the law to qualify for nomination for election, or election to public office, and/or any individual who receives a contribution or makes an expenditure or gives his or her consent for any other person to receive a contribution or make an expenditure with a view to bringing about his or her nomination or election to any public office, whether or not the specific public office for which he or she will seek nomination or election is known at the time the contribution is received or the expenditure is made and whether or not he or she has announced his or her candidacy or filed a declaration of candidacy at that time.

(b) The terms "contributions" and "expenditures" include all transfers of money, paid personal services, or other thing of value to or by any candidate, committee of a political party, or political action committee.

(c) The term "election" means any primary, general, or special election or town meeting for any public office of the state, municipality, or district or for the determination of any question submitted to the voters of the state, municipality, or district.

(d) The term "paid personal services" means personal services of every kind and nature, the cost or consideration for which is paid or provided by someone other than the committee or candidate for whom the services are rendered, but shall not include personal services provided without compensation by persons volunteering their time.

(e) The term "testimonial affair" means an affair of any kind or nature including, but not limited to, cocktail parties, breakfasts, luncheons, dinners, dances, picnics, or similar affairs expressly and directly intended to raise campaign funds in behalf of a candidate to be used for nomination or election to a public office in this state, or expressly and directly intended to raise funds in behalf of any state or municipal committee of a political party, or expressly and directly intended to raise funds in behalf of any political action committee, or intended to raise funds for the personal use of any person who holds public office or is a "candidate" for public office as defined in § 17-25-3(a).

(f) The term "other thing of value" means any item of tangible real or personal property, of a fair market value in excess of two hundred dollars (\$200).

(g) The term "state" means state of Rhode Island.

(h) The term "public office" means any state, municipal, school, or district office or other position that is filled by popular election, except political party offices. "Political party offices" shall mean any state, city, town, ward, or representative or senatorial district committee office of a political party or delegate to a political party convention, or any similar office.

(i) The term "person" means an individual, partnership, committee, association, corporation, and any other organization.

(j) The term "political action committee" means any group of two (2) or more persons which accepts any contributions to be used for advocating the election or defeat of any candidate or candidates or to be used for advocating the approval or rejection of any question or questions submitted to the voters. Only political action committees which have accepted contributions from fifteen (15) or more persons in amounts of ten dollars (\$10.00) or more within an election cycle shall be permitted to make contributions, and said committees must make contributions to at least five (5) or more candidates.

(k) The term "election cycle" means the twenty-four month period commencing on January 1 of odd number years and ending on December 31 of even number years.

**History of Section.** § 1: P.L. 1984, ch. 2, § 1; P.L. 1988, ch. 420, P.L. 1974, ch. 298, § 1; P.L. 1981, ch. 188, § 3.

**17-25-4. Applicability of chapter.** — The provisions of this chapter shall apply in any primary, general, or special election or town meeting for any public office of the state, municipality, or district or for the determination of any question submitted to the voters of the state, municipality, or district.

**History of Section.**  
P.L. 1974, ch. 298, § 1; P.L. 1981, ch. 188,  
§ 1.

**17-25-5. Duties and powers of the board of elections.** — (a) The board of elections shall have authority to perform such duties as are necessary to implement the provisions of this chapter. Without limiting the generality of the foregoing, the board is authorized and empowered to:

(1) Develop forms for the making of the required reports to be filed with the board of elections;

(2) Prepare and publish a manual for all candidates, political party committees, and political action committees prescribing the requirements of the law, including uniform methods of bookkeeping and reporting and requirements as to the length of time that any person required to keep any records pursuant to the provisions of this chapter shall retain these records, or any class or category thereof, or any other documents;

(3) Adopt rules and regulations to carry out the purposes of this chapter;

(4) Prepare and make available for public inspection through the office of the board of elections summaries of all reports grouped according to candidates and political parties;

(5) Prepare and publish, prior to May 1 or as soon as practicable thereafter of each year, an annual report to the general assembly;

(6) Ascertain whether candidates or political party committees, or political action committees, have failed to file reports or have filed

defective reports; and may for good cause shown extend the dates upon which reports are required to be filed;

(7) Conduct confidential investigations and/or closed hearings in accordance with this title relative to alleged violations of this chapter either on its own initiative or upon receipt of a verified written complaint, which complaint shall, under pain and penalty of perjury, be based upon actual knowledge and not merely on information and belief. Upon completion of its investigation and/or hearings, if the board has reason to believe that a violation of this chapter has occurred or that a complainant has wilfully sworn or affirmed falsely, the chairman of the board of elections is hereby authorized to, and shall, issue to the person found to be in violation of this chapter a summons pursuant to § 12-7-11 to appear before the division of the district court where the person resides and shall be prosecuted by the attorney general. Any action taken by the board as a result of a written verified complaint shall be completed no later than five (5) days after its receipt and if no violation is found to exist all records and papers shall be kept confidential unless further legal proceedings are instituted.

The confidentiality of an investigation, hearing, and/or findings may be waived in writing only by the person or persons complained of.

(b) The board of elections shall take such steps as may be necessary or appropriate to furnish timely and adequate information, in appropriate printed summaries and in such other form as it may see fit, to every candidate or prospective candidate for public office who becomes or is likely to become subject to the provisions of this chapter, and to every treasurer duly designated under the provisions of this chapter, informing them of their actual or prospective obligations and responsibilities under this chapter.

(c) The board of elections is authorized upon written request to render written advisory opinions as to whether a given set of facts and circumstances set forth in the request would constitute a violation of any of the provisions of this chapter, or whether a given set of facts and circumstances set forth in the request would render any person subject to any of the reporting requirements of this chapter provided that the requirement for a written opinion may be voluntarily waived by the candidate or committee.

Unless an extension of time is consented to by any person who submits a written request for an advisory opinion, the board of elections shall render its written advisory opinion within five (5) days of receipt of the request therefor.

**History of Section.**

P.L. 1974, ch. 298, § 1; P.L. 1981, ch. 188,  
§ 1; P.L. 1982, ch. 347, § 1.

**17-25-5.1. Manual of legal requirements.** — The board of elections shall prepare and publish a manual prescribing the requirements of the law and the secretary of state shall have copies of the manual available for individuals filing candidacy papers.

**History of Section.**

P.L. 1981, ch. 188, § 2; P.L. 1982, ch. 347,  
§ 1.

**17-25-6. [Repealed.]**

**Repealed Sections.** This section (P.L. campaign expenditures, was repealed by P.L. 1974, ch. 298, § 1), which imposed limits on 1981, ch. 188, § 3.

**17-25-7. Contents of reports to be filed by treasurers of candidates and committees.** — (a) Each campaign treasurer of a candidate, each state and municipal committee of a political party, and each political action committee shall keep accurate records and make a full report, upon a form prescribed by the board of elections, of all contributions received by it in excess of a total of two hundred dollars (\$200) from any one source within a calendar year, in furtherance of the nomination, election, or defeat of any candidate or the approval or rejection of any question submitted to the voters during the period from the date of the last report, or in the case of the initial report, beginning on the date of the appointment of the campaign treasurer for state and municipal committees and political action committees and on the date a person becomes a "candidate" as defined in § 17-25-3(a) for individual candidates. The report shall contain the name and address of each person from whom the contributions in excess of two hundred dollars (\$200) were received, and the amount contributed by each person. The report shall be filed with the board of elections on the dates designated in § 17-25-11. The campaign treasurer of the candidate, or committee reporting, shall certify to the correctness of each report.

(b) Each state and municipal committee of a political party shall also file with the board of elections, not later than March 1 of each year, an annual report setting forth in the aggregate all contributions received and all expenditures made during the previous calendar year, whether or not these expenditures were made, incurred, or authorized in furtherance of the election or defeat of any candidate. The treasurer of the committee or organization reporting shall certify to the correctness of each report.

(c) Any report filed pursuant to the provisions of this section shall include the net proceeds realized from any "testimonial affair" as defined in § 17-25-3 held since the date of the most recent report filed, and shall include the names and addresses of each contributor in excess of two hundred dollars (\$200) to the testimonial affair and the amount contributed by each.

(d) Nothing contained in this section shall be construed to require a candidate, state or municipal party committee, political action

committee, or campaign treasurer to maintain any records of contributions which do not exceed twenty-five dollars (\$25.00).

(e) No state or municipal committee of a political party shall be required to file reports pursuant to this section of contributions received or expenditures made in behalf of any candidate who is not required to file reports pursuant to § 17-25-11 because the aggregate amount expended in behalf of the candidate's candidacy did not exceed five thousand dollars (\$5,000) and no contribution was received in excess of a total of two hundred dollars (\$200) from any one source within a calendar year.

**History of Section.** § 1; P.L. 1982, ch. 347, § 1; P.L. 1984, ch. 2, P.L. 1974, ch. 298, § 1; P.L. 1981, ch. 188, § 1.

**17-25-7.1. Report of testimonial proceeds intended for personal use.** — (a) Within ninety (90) days from the date of a testimonial affair which was intended to raise funds for the personal use of a person who holds public office or is a candidate for public office, the person or a duly authorized designee shall make a full report to the board of elections, upon a form to be prescribed by the board, setting forth the net proceeds realized from the testimonial affair and the names and addresses of each contributor in excess of one hundred dollars (\$100) to the affair and the amount contributed by each. The person making the report shall certify to its correctness.

(b) The public office-holder or candidate shall be responsible for maintaining accurate financial records of the testimonial affair and for filing the aforementioned report unless he or she files with the board of elections, prior to the affair, a statement designating another person whose responsibility it will be to maintain the records and to file the report.

**History of Section.**  
P.L. 1984, ch. 2, § 2.

**17-25-8. Appointment of campaign treasurer by candidate — Filings.** — (a) Each candidate in an election shall appoint one campaign treasurer before receiving any contribution or expending any money in furtherance or aid of the candidate's candidacy. The designation of the campaign treasurer shall be made by the candidate's filing the name and address of the campaign treasurer with the board of elections.

(b) A campaign treasurer of the candidate may appoint deputy campaign treasurers as required. The candidate shall file the names and addresses of deputy campaign treasurers with the board of elections.

(c) A candidate may remove a campaign treasurer or deputy campaign treasurer. In the case of the death, resignation, or removal of a campaign treasurer, the candidate shall appoint a successor as soon as practicable and shall file his or her name and address with the

board of elections within ten (10) days. A candidate may serve as his or her own campaign treasurer, and upon failure to designate a treasurer, the candidate shall be designated his or her own treasurer by the board of elections.

**History of Section.**

P.L. 1974, ch. 298, § 1; P.L. 1981, ch. 188,  
§ 1; P.L. 1982, ch. 347, § 1.

**17-25-8.1. Appointment of treasurer by political action committee — Filings.** — (a) Each political action committee shall appoint one campaign treasurer before receiving any contribution or expending any money for the purpose of advocating the election or defeat of any candidate or the approval or rejection of any question.

(b) A campaign treasurer of a political action committee may appoint deputy campaign treasurers as may be required. The committees shall file the names and addresses of the deputy campaign treasurers with the board of elections.

(c) Any political action committee may remove at any time its campaign treasurer. In the case of the death, resignation, or removal of its campaign treasurer, any committee shall appoint a successor as soon as practicable and shall file his or her name and address with the board of elections within ten (10) days.

**History of Section.**

P.L. 1981, ch. 188, § 2; P.L. 1982, ch. 347,  
§ 1.

**17-25-9. Designation of campaign treasurer of political party committees — Filings.** — (a) Each state and municipal committee of a political party shall, on or before January 31 in each year, designate a campaign treasurer and shall file the name and address thereof with the board of elections.

(b) A campaign treasurer of the state or municipal committee of a political party may appoint deputy campaign treasurers as may be required. The committees shall file the names and addresses of the deputy campaign treasurers with the board of elections.

(c) Any state or municipal committee of a political party may remove at any time its campaign treasurer. In the case of the death, resignation, or removal of its campaign treasurer, any committee shall appoint a successor as soon as practicable and file his or her name and address with the board of elections within ten (10) days.

**History of Section.**

P.L. 1974, ch. 298, § 1; P.L. 1981, ch. 188,  
§ 1; P.L. 1982, ch. 347, § 1.

**17-25-10. Lawful methods of contributing to support of candidates — Reporting — Disposition of anonymous contributions.** — (a) No contribution shall be made or received, and no expenditures shall be directly made or incurred, to support or defeat a candidate or to advocate the approval or rejection of any question in any election except through:

(1) The duly appointed campaign treasurer, or deputy campaign treasurers, of the candidates;

(2) The duly appointed campaign treasurer or deputy campaign treasurers of a political party committee;

(3) The duly appointed campaign treasurer or deputy campaign treasurer of a political action committee.

(b) It shall be lawful, however, for any person, not acting in concert with any other person or group, to expend personally from that person's own funds a sum which is not to be repaid to him or her for any purpose not prohibited by law to support or defeat a candidate or to advocate the approval or rejection of any question; provided, however, that any person making the expenditure shall be required to report all his or her expenditures and expenses, if the total of the money so expended exceeds two hundred dollars (\$200) within a calendar year, to the campaign treasurer of the candidate, or political party committee, on whose behalf the expenditure or contribution was made, or to his or her deputy, who shall cause the expenditures and expenses to be included in his or her report subject to the provisions of §§ 17-25-7 and 17-25-8.

(c) Any anonymous contribution received by a campaign treasurer or deputy campaign treasurer shall not be used or expended, but shall be returned to the donor, if the donor's identity can be ascertained; if not, the contribution shall escheat to the state.

**History of Section.**

P.L. 1974, ch. 298, § 1; P.L. 1981, ch. 188,  
§ 1; P.L. 1984, ch. 2, § 1.

**17-25-10.1. Political contributions — Limitations.** — (a) No person, other than the candidate to his or her own campaign, nor any political action committee shall make a contribution or contributions to any candidate as defined by § 17-25-3 which in the aggregate exceed two thousand dollars (\$2,000) within a calendar year, nor shall any candidate accept a contribution or contributions which in the aggregate exceed two thousand dollars (\$2,000) within a calendar year from any one person or political action committee.

(b) Contributions to a named candidate made to any political committee authorized by such a candidate to accept contributions on the candidate's behalf shall be considered to be contributions made to the candidate.

(c) Expenditures made by any person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, the



candidate's authorized political committees, or their agents shall be considered to be a contribution to such candidate.

(d) The financing by any person of the dissemination, distribution or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate, the candidate's campaign committees, or their authorized agents shall be considered to be a contribution to a candidate.

(e) Nothing herein shall be construed to restrict political party committees organized pursuant to this title from making contributions to the candidates of that political party.

**History of Section.**

P.L. 1988, ch. 420, § 1; P.L. 1989, ch. 345,  
§ 1.

**17-25-11. Dates for filing of reports by treasurers of candidates or of committees.** — (a) During the period between the appointment of the campaign treasurer for state and municipal committees, and political action committees, or in the case of an individual, the date on which the individual becomes a "candidate" as defined in § 17-25-3(a), and the election with respect to which contributions are received or expenditures made by him or her in behalf of or in opposition to a candidate or question, the campaign treasurer of a candidate, a political party committee, or a political action committee shall file a report containing an account of contributions received and expenditures made on behalf of or in opposition to a candidate or question: (1) on the twenty-eighth and seventh days next preceding the day of the primary, general, or special election; provided, however, that in the case of a primary election for a special election, where the twenty-eighth (28th) day next preceding the day of the primary election occurs prior to the first day for filing declarations of candidacy pursuant to § 17-14-1, the reports shall be due on the fourteenth (14th) and seventh (7th) days next preceding the day of such primary election for such special election, and (2) a final report on the twenty-eighth day following the election. The report shall contain the name and address of each person from whom contributions in excess of a total of two hundred dollars (\$200) within a calendar year were received, and the amount contributed by each person, and the name and address of each person to whom expenditures in excess of twenty-five dollars (\$25.00) were made, and the amount and purpose of each expenditure.

(b) Concurrent with the report filed on the twenty-eighth day following an election, or at any time thereafter, the campaign treasurer of a candidate, or political party committee or political action committee, may certify to the board of elections that the campaign fund of the candidate, political party committee, or political action committee having been instituted for the purposes of the past election, has completed its business and been dissolved or, in the event that the committee will continue its activities beyond the election, that

its business regarding the past election has been completed; and the certification shall be accompanied by a final accounting of the campaign fund, or of the transactions relating to the election, including the final disposition of any balance remaining in the fund at the time of dissolution or the arrangements which have been made for the discharge of any obligations remaining unpaid at the time of dissolution.

(c) Once the campaign treasurer certifies that the campaign fund has completed its business and been dissolved, no contribution which is intended to defray expenditures incurred on behalf of or in opposition to a candidate or to advocate the approval or rejection of any question during the campaign can be accepted. Until such time as the campaign treasurer certifies that the campaign fund has completed its business and been dissolved, the treasurer shall file reports containing an account of contributions received and expenditures made at ninety (90) day intervals commencing one hundred twenty (120) days following the election.

(d) There shall be no obligation to file the reports of expenditures required by this section on behalf of or in opposition to a candidate or question if the total amount to be expended in behalf of the candidacy or question by the candidate, by any political party committee, by any political action committee, or by any person shall not in the aggregate exceed five thousand dollars (\$5,000).

However, even though the aggregate amount expended on behalf of the candidacy does not exceed five thousand dollars (\$5,000), reports must be made listing the source and amounts of all contributions in excess of a total of two hundred dollars (\$200) from any one source within a calendar year.

(e) On or before the first date for filing contribution and expenditure reports, the campaign treasurer may file a sworn statement that the treasurer will accept no contributions nor make aggregate expenditures in excess of the minimum amounts for which a report is required by this chapter. Thereafter, the campaign treasurer shall be excused from filing all the reports for that campaign other than the final report due on the twenty-eighth day following the election.

**History of Section.**

§ 1; P.L. 1982, ch. 347, § 1; P.L. 1984, ch. 2, P.L. 1974, ch. 298, § 1; P.L. 1981, ch. 188, § 1; P.L. 1990, ch. 33, § 1.

**17-25-12. Prohibited contributions.** — No contributions shall be made, and no expenditure shall be made or incurred whether anonymously, in a fictitious name, or by one person or group in the name of another, to support or defeat a candidate in a primary, general, or special election or to advocate the approval or rejection of any question. No treasurer or candidate shall solicit or knowingly accept any contribution contrary to the provisions of this section.

250.1 CAMPAIGN CONTRIBUTIONS—EXPENDITURES REPORTING 17-25-13

**History of Section.**

P.L. 1974, ch. 298, § 1; P.L. 1981, ch. 188,  
§ 1.

**17-25-13. Penalties.** — Any person who willfully and knowingly violates the provisions of this chapter shall upon conviction be guilty of a petty misdemeanor and shall be fined not more than five hundred dollars (\$500).

**History of Section.**

P.L. 1974, ch. 298, § 1.

**17-25-14. Maintenance of party organization.** — Any state or municipal committee of any political party may receive and disburse moneys for the general purposes of maintaining the organization during the whole or any part of the year.

**History of Section.**

P.L. 1974, ch. 298, § 1.

**17-25-15. Political action committee — Notice of formation.** — (a) No political action committee shall accept any contributions or make any expenditures prior to filing notice of its organization with the board of elections. The notice shall contain:

- (1) The name or names of any candidates whose election or defeat the committee intends to advocate and/or the question or questions whose approval or rejection the committee intends to advocate;
- (2) The names and addresses of all officers of the committee; and
- (3) The mailing address or addresses of the committee.

(b) No committee shall advocate the election or defeat of any candidate or question other than that set forth in its notice of organization or amendment thereto. A political action committee may amend its notice of organization at any time. The board of elections shall prescribe forms in compliance with this section.

**History of Section.**

P.L. 1981, ch. 188, § 2; P.L. 1984, ch. 2,  
§ 1.

**17-25-16. Enjoining of illegal acts — Forfeiture of contributions.** — Whenever the board of elections shall have reason to believe that a candidate, political party committee, or political action committee, or the campaign treasurer or deputy campaign treasurer thereof, has accepted a contribution or made an expenditure in violation of the provisions of this chapter, or willfully and knowingly has made a false statement in any of the reports required hereunder or failed to file any report, or has otherwise violated this chapter, the board may, in addition to all other actions authorized by law, request the attorney general to bring an action in the name of the state of Rhode Island in the superior court against the person and/or committee to enjoin them from continuing the violation or doing any acts in furtherance thereof and for such other relief as the court deems appropriate. In addition, the court may order the forfeiture of any or all contributions accepted in violation of and/or not reported as required by this chapter. All contributions so forfeited shall become the property of the state.

**History of Section.**

P.L. 1981, ch. 188, § 2.

**17-25-17. Severability.** — If the provisions of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of the chapter are declared to be severable.

**History of Section.**

P.L. 1981, ch. 188, § 2.

**17-25-18. Public financing of election campaigns — General purpose.** — Whereas, the general assembly hereby finds that the cost of running for statewide office has risen over the last decade at a rate far in excess of the increase in the cost of living; and

Whereas, the general assembly hereby finds that the need to raise ever larger sums of money to effectively compete for governor threatens the essence of our democratic system by excluding many well qualified candidates; and

Whereas, the general assembly hereby finds that the candidate's need to raise large sums of money can result in disproportionate and inappropriate influence being obtained by those who possess the financial ability to make large contributions to campaigns; and

Whereas, the general assembly finds that the state cannot impose limitations on the amount of private funds raised and expended for election purposes by a candidate for governor unless it provides for at least partial public financing of campaigns for the governorship;

Therefore, the general assembly determines that it is in the best interest of the citizens of the state to provide public financing to qualified candidates for governor.

**History of Section.**

P.L. 1988, ch. 420, § 1.

**17-25-19. Public financing of election campaigns — Outlined.** — To effectuate the purpose stated in § 17-25-18, public funds shall be made available under the terms and conditions of this section and §§ 17-25-20 through 17-25-27 to qualifying candidates for governor who agree to abide by a limitation on the total amount of campaign contributions received and expenditures made for election purposes. The nominees for governor of each political party as defined in § 17-12.1-12 and independent candidates for that office who meet the requirements set forth in § 17-25-20(6) shall be eligible to receive one dollar (\$1.00) of public funds for each qualified dollar of private funds contributed up to a limit of seven hundred fifty thousand dollars (\$750,000) in matching funds for a total of one million five hundred thousand dollars (\$1,500,000). In order to be eligible for matching public funds, each candidate at the time he or she becomes

a candidate as defined in § 17-25-3(a), must sign a statement under oath pledging to comply with the limitations on campaign contributions and expenditures and with all of the terms and conditions set forth herein. Any candidate who fails to file the statement with his or her declaration for office shall be ineligible to receive public funds.

**History of Section.**

P.L. 1988, ch. 420, § 1.

**17-25-20. Eligibility criteria for matching public funds.** — In order to receive matching public funds under § 17-25-19 a qualifying candidate must comply with the following requirements:

(1) The candidate must sign a statement under oath, as provided for in the preceding section, pledging to comply with the limitations on contributions and expenditures for election purposes and with all the terms and conditions set forth herein. Upon the filing of the statement, a candidate for general office shall be bound to abide by the limitations on contributions and expenditures set forth in this chapter and may not withdraw from his or her obligation to abide by said restrictions.

(2) No participating candidate for governor shall either receive or expend for election purposes more than a total of public and private funds in the sum of one million five hundred thousand dollars (\$1,500,000) in an election cycle.

The aforementioned limitations on contributions received from private sources, matching funds available from the state and total permitted expenditures shall apply in the 1990 general election and shall increase by ten percent (10%) in each succeeding general election.

(3) Only the first one thousand dollars (\$1,000) of the aggregate private monetary contributions from a single private source within an election cycle shall be eligible for matching public funds; provided however the entire amount contributed shall be considered toward the dollar limits provided in subsection (2) herein.

Any private funds lawfully contributed subsequent to December 31, 1988 shall be eligible for matching public funds subject to the conditions of this subsection.

(4) The direct costs incurred in connection with raising campaign funds on behalf of a candidate shall not be deemed to be expenditures for the purposes of the limitations on expenditures set forth in subsection (2). Direct costs shall include costs of printing and mailing invitations to fundraising events, solicitations for contributions, costs of hosting fundraising events, and travel to those events, but shall not include any portion of the salary or wages of campaign employees, nor the cost of any radio, television or printed advertisement. The cost of a fundraising event must be less than the amount of money realized from the gross proceeds generated by the fundraising event in order to qualify for this exclusion.

(5) If a candidate who has accepted public funds makes expenditures in excess of the permitted amounts, the candidate shall be liable for a civil assessment payable to the state in an amount equal to three (3) times the amount of excess funds expended. In addition, the candidate shall be ineligible for further participation in the public financing program during the same election cycle.

(6) In order to receive payments under this section, any independent candidate shall first meet the following additional minimum requirements:

(a) Raise an amount in qualified private contributions equal to twenty percent (20%) of the total amount eligible to be matched for election as governor;

(b) Receive private contributions from a minimum of two hundred fifty (250) individuals contributing at least twenty-five dollars (\$25.00) each; and

(c) Comply with any and all applicable nomination provisions in this title and qualify for the general election ballot pursuant to the process set forth in this title.

(7) No public funds received by any candidate pursuant to §§ 17-25-19 through 17-25-27 of this chapter and no private funds used to qualify for the public funds shall be expended by the candidate for any purpose except to pay reasonable and necessary expenses directly related to the candidate's campaign.

(8) No public funds shall be expended by the candidate except for one or more of the following uses directly related to the campaign of the candidate:

(a) Purchase of time on radio or television stations;

(b) Purchase of rental space on outdoor signs or billboards;

(c) Purchase of advertising space in newspapers and regularly published magazines and periodicals;

(d) Payment of the cost of producing the material aired or displayed on radio, television, outdoor signs or billboards, and in newspapers, regularly published magazines and periodicals;

(e) Payment of the cost of printing and mailing campaign literature and brochures;

(f) Purchase of signs, bumper stickers, campaign buttons and other campaign paraphernalia;

(g) Payment of the cost of legal and accounting expenses incurred in complying with the public financing law and regulations as required by this chapter;

(h) Payment of the cost of telephone deposits, installation charges and monthly billings in excess of deposits;

(i) Payment of the costs of public opinion polls and surveys; and

(j) Payment of rent, utilities and associated expenses connected with the operation of an election headquarters or satellite election offices.

(9) Contributions received and expended by any candidate for the purpose of defraying any expense or satisfying any loan obligations incurred prior to January 1, 1989 by the candidate in furtherance or

his or her candidacy in any election held prior to that date shall not be counted toward any contribution or expenditure limitation in §§ 17-25-18 through 17-25-27.

**History of Section.**

P.L. 1988, ch. 420, § 1; P.L. 1989, ch. 345,  
§ 1.

**17-25-21. Primary elections.** — Any candidate eligible to receive public funds and electing to receive these funds who is challenged for nomination for governor in a political party primary shall be permitted to raise and expend an additional amount of private funds equal to one third ( $\frac{1}{3}$ ) of the maximum allowable expenditure amount for the office or equal to the total amount spent by the candidates' opponent or opponents in the primary, whichever amount is less. The additional amount received in contributions must be expended prior to the primary election. The additional private contributions shall not be eligible for matching public funds.

**History of Section.**

P.L. 1988, ch. 420, § 1.

**17-25-22. Time period for payment of public funds.** — No public funds shall be dispersed to candidates until after the date of the primary election. In order to receive matching public funds the candidate must be the nominee for governor of a political party as defined in § 17-12.1-12 or an independent candidate for governor who meets all of the requirements set forth in § 17-25-20(6). The candidate must submit to the board of elections proof of receipt of qualifying private contributions and supporting documentation as required by the board. The board of elections shall within five (5) days of the receipt of the request for payment of matching funds either pay over funds to the candidate or disallow all or a portion of the request and state in writing the reasons therefor.

A candidate may submit supplemental applications for public funds until such time as the limits permitted are reached.

**History of Section.**

P.L. 1988, ch. 420, § 1.

**17-25-23. Funds expended by person, committee of a political party or political action committee — Private expenditure.** — For the purposes of §§ 17-25-19 and 17-25-20 any funds expended by a person, committee of a political party or political action committee to directly influence the outcome of the electoral contest involving the candidate shall be considered a contribution received by or an expenditure made by the candidate for governor if one or more of the following relationships between the candidate and the person, committee of a political party or political action committee is present:



(A) There is any arrangement, coordination or direction with respect to the expenditure between the candidate or the candidate's agent and the person making the expenditure;

(B) In the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees; or is or has been an officer of the candidate's authorized committees, or is or has been receiving any form of compensation or reimbursement from the candidate, the candidate's authorized committees, or the candidate's agent;

(C) The person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects or needs relating to the candidate's pursuit of election as governor in the same election cycle, including any advice relating to the candidate's decision to seek election as governor;

(D) The person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of election as governor in the same election cycle, including any services relating to the candidate's decision to seek election as governor.

(E) The person making the expenditure (including any officer, director, employer or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects or needs relating to the candidate's pursuit of election as governor, with: (i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, in connection with the candidate's campaign; or (ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions;

(F) The expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects or needs, provided that the candidate or the candidate's agents are aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election; or

(G) The expenditure is made by a person with the intention of seeking or obtaining any governmental benefit or consideration from the candidate by reason of the expenditure.

**History of Section.**

P.L. 1988, ch. 420, § 1.

**17-25-24. Additional expenditures.** — Any candidate eligible to receive public funds and electing to receive these funds whose opponent does not elect to receive public funds shall be permitted to raise additional private contributions and make additional expenditures for election purposes in an amount in excess of the candidate's maximum allowable expenditure limit equal to the amount by which the expenditures of the opponent exceed the maximum allowable expenditure limit that would have applied to the opponent's expenditures had the opponent elected to receive public funds.

**History of Section.**

P.L. 1988, ch. 420, § 1.

**17-25-25. Surplus campaign funds.** — Any candidate receiving public funds during any election cycle under the provisions of this chapter shall, within ninety (90) days after the completion of the election cycle, transfer to the general treasurer for deposit in the general fund fifty percent (50%) of any amount of the candidate's total campaign funds unexpended as of the last day of the election cycle. The candidate may convert the remaining fifty percent (50%) of the amount to use for any political purposes not otherwise prohibited by law. The remaining fifty percent (50%) of that amount may not be converted to personal use by the candidate.

**History of Section.**

P.L. 1988, ch. 420, § 1.

**17-25-26. Equal apportionment of expenditures for joint advertisements.** — Any expenditure jointly made by any two (2) or more candidates for any newspaper, radio or television advertisement primarily benefiting the candidate shall be attributed to and apportioned equally among those candidates who are clearly identified in that advertisement. The apportionments shall constitute campaign expenditures subject to all reporting requirements of this chapter and shall be counted toward any total campaign expenditures limit that may apply to each or any of the candidates.

**History of Section.**

P.L. 1988, ch. 420, § 1.

**17-25-27. Postaudit of accounts — Publication.** — The board may conduct a postaudit of all accounts and transactions for any election cycle and may conduct such other special audits and postaudits as it may deem necessary. The board shall publish a summary of the reports filed by candidates for governor pursuant to the public financing provision of this chapter on or before April 1 of the year following any year in which elections are held for statewide elective office.

**History of Section.**

P.L. 1988, ch. 420, § 1.

**17-25-28. Board of elections — Regulation and auditing of matching fund program.** — In addition to all other powers and duties established by law, the board of elections is hereby empowered to adopt and enforce rules, regulations and auditing procedures required to fulfill the mandates of §§ 17-25-19 through 17-25-27. The board is empowered among other things to:

(1) Ascertain whether any contributions to or expenditures for candidates for governor have exceeded limits prescribed by §§ 17-25-18 through 17-25-27. Ascertain the amount and source of contributions received and expenditures made by all candidates for governor whether or not said candidate chose to participate in public financing.

(2) Issue advisory opinions upon its own initiative or upon application of any candidate.

(3) Conduct investigations and/or hearings relative to alleged violations of §§ 17-25-18 through 17-25-27 either on its own initiative or upon receipt of a verified written complaint, which complaint shall, under pain and penalty of perjury, be based upon actual knowledge and not merely on information and belief.

Upon receipt of such a complaint or upon receipt of evidence which is deemed sufficient by the board, the board may initiate a preliminary investigation into any alleged violation of §§ 17-25-18 through 17-25-27. All board proceedings and records relating to a preliminary investigation shall be confidential, except that the board may turn over to the attorney general evidence which may be used in a criminal proceeding. The board shall notify any person who is the subject of the preliminary investigation of the existence of such investigation and the general nature of the alleged violation by certified or registered mail, return receipt requested, within seven (7) days of the commencement of the investigation.

If a preliminary investigation fails to indicate reasonable cause for belief that §§ 17-25-18 through 17-25-27 have been violated, the board shall immediately terminate the investigation and so notify, in writing, the complainant, if any, and the person who had been the subject of the investigation.

If a preliminary investigation indicates reasonable cause for belief that §§ 17-25-18 through 17-25-27 have been violated, the board may, upon a majority vote, initiate a full investigation and appropriate proceedings to determine whether there has been such a violation.

All testimony in board proceedings shall be under oath. All parties shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses who testify, to submit evidence, and to be represented by counsel. Before testifying, all witnesses shall be given a copy of the regulations governing board proceedings. All witnesses shall be entitled to be represented by counsel.

Any person whose name is mentioned during a proceeding of the board and who may be adversely affected thereby may appear personally before the board on his or her own behalf or file a written statement for incorporation into the record of the proceeding.

Within fourteen (14) days after the end of proceedings, the board shall meet in executive session for the purpose of reviewing the evidence before it. Within thirty (30) days after completion of deliberations, the board shall publish a written report of its findings and conclusions.

Upon a finding that there has been a violation of §§ 17-25-18 through 17-25-27 or any other campaign finance law, the board may issue an order requiring the violator to (a) cease and desist from such violation, (b) file any report, statements or other information as required by this chapter, and/or (c) pay a civil fine for each violation of any section of this chapter in an amount authorized by such section or, if no such authorization exists, in amount not to exceed the greater of one thousand dollars (\$1,000) or three (3) times the amount the violator failed to report properly or unlawfully contributed, expended, gave or received. The board may turn over to the attorney general any evidence which may be used in a subsequent criminal proceeding against any violator.

The board may file a civil action in superior court to enforce an order issued by it pursuant to this section.

Any final action by the board made pursuant to this chapter shall be subject to review in superior court upon petition of any interested person filed within thirty (30) days after the action for which review is sought. The court shall enter a judgment enforcing, modifying or setting aside the order of the board or it may remand the proceeding to the board for such further action as the court may decide.

**History of Section.**

P.L. 1988, ch. 420, § 1; P.L. 1989, ch. 345,  
§ 1.

**17-25-29. Appropriations.** — In the event the funds generated by the tax credit of § 44-30-2(e) fail to produce sufficient money to meet the requirements of the public financing of the electoral system as set forth in §§ 17-25-19 through 17-25-27, then funds sufficient to meet the levels of the public financing as set forth herein shall be supplied from the general fund of the state treasury. There is hereby appropriated from the general treasury such sums as may be necessary for carrying out the purposes of the public financing of the electoral system and an amount equal to the total of all maximum amounts of matching public funds available to all party and independent candidates for governor qualifying to receive and electing to receive public funds in an election shall be transferred to the board of elections no later than September 1 of each election year and deposited in such a manner as will secure the highest rate of interest available consistent with the safety of such sums and with the re-

quirement that all sums on deposit be available for immediate payment to eligible candidates at any time after the date of the primary election. The state controller is hereby authorized and directed to draw his or her orders upon the general treasurer for transfer of all sums the board deems necessary to comply with this section. There shall also be transferred to the board any additional sums as may be required until such times as the limits permitted are reached. The board shall account for all funds disbursed pursuant to this chapter and transfer upon the conclusion of any election for governor any and all undisbursed sums to the general treasurer for deposit in the general fund by December 1 in any year in which election for governor is held.

**History of Section.**

P.L. 1988, ch. 420, § 1.

CHAPTER 25.1  
GAMBLING REFERENDA

## SECTION.

17-25.1-1. Registration of political action committees — Limits on financial contributions.

## SECTION.

17-25.1-2. Penalties for violation.

**17-25.1-1. Registration of political action committees — Limits on financial contributions.** — (a) Any "political action committee", as defined in chapter 25 of title 17, advocating the approval or rejection of any gambling questions, shall, in addition to the requirements of chapter 25 of title 17, register with the secretary of state by submitting upon the appropriate form its name, and the names and addresses of the chairman and its treasurer who shall be eligible voters in the referendum election in question. A "gambling question" shall be defined as any referendum that relates to a proposal to institute gambling in any form.

(b) No individual, partnership, committee, association, corporation, or any other organization shall contribute to any political action committee in excess of one thousand dollars (\$1,000) in aggregate for advocating the approval or rejection of any gambling question.

**History of Section.**

P.L. 1981, ch. 332, § 1.

**17-25.1-2. Penalties for violation.** — Any person who willfully and knowingly violates the provisions of this chapter shall upon conviction be guilty of a felony and shall be imprisoned for a term not exceeding two (2) years, or shall be fined not more than five thousand dollars (\$5,000), or shall be both fined and imprisoned.

**History of Section.**

P.L. 1981, ch. 332, § 1.



CHAPTER 26  
PENALTIES

## SECTION.

17-26-1. Felonies.

17-26-2. Misdemeanors.

## SECTION.

17-26-3. Petty misdemeanors.

**17-26-1. Felonies.** — Every person who shall be convicted of any offense under this title which has been classified by the general assembly as a felony shall be imprisoned for a term of not more than ten (10) years, or be fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), or both, for each offense.

**History of Section.**

P.L. 1978, ch. 201, § 1; P.L. 1983, ch. 172,  
§ 26; P.L. 1985, ch. 462, § 2.

**17-26-2. Misdemeanors.** — Every person who shall be convicted of any offense under this title which has been classified by the general assembly as a misdemeanor shall be imprisoned for a term not exceeding one year, or be fined not more than one thousand dollars (\$1,000), or both.

**History of Section.**

P.L. 1978, ch. 201, §1; P.L. 1985, ch. 462,  
§ 2.

**17-26-3. Petty misdemeanors.** — Every person who shall be convicted of any offense under this title which has been classified by the general assembly as a petty misdemeanor shall be imprisoned for a term not exceeding six (6) months or be fined not more than five hundred dollars (\$500) or both.

**History of Section.**

P.L. 1978, ch. 201, § 1.





**TITLE 23**  
**HEALTH AND SAFETY**

**CHAPTER 3**  
**VITAL RECORDS**

<b>SECTION.</b> 23-3-5. Duties of state registrar of vital records.	<b>SECTION.</b> 23-3-7. Duties of local registrars.
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**23-3-5. Duties of state registrar of vital records.** — (a) The state registrar of vital records shall:

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(6) Notify the office of the secretary of state and the appropriate local canvassing authority of the receipt of a death certificate reporting the death of a person eighteen (18) years of age or older and maintain a list of such deceased persons.

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<b>History of Section.</b> G.L. 1896, ch. 100, § 2; G.L. 1909, ch. 121, § 2; P.L. 1915, ch. 1239, § 1; G.L. 1923, ch. 166, § 2; P.L. 1923, ch. 436, § 1; P.L. 1929, ch. 1432, § 13; P.L. 1935, ch. 2250, § 110; G.L. 1938, ch. 268, §§ 2, 25; impl. am. P.L.	1939, ch. 660, §§ 65, 180; P.L. 1942, ch. 1191, § 1; G.L. 1956, §§ 23-3-38, 23-3-41; G.L. 1956, § 23-3-5; P.L. 1961, ch. 87, § 1; P.L. 1978, ch. 191, § 2; P.L. 1982, ch. 385, § 1; P.L. 1986, ch. 252, § 3.
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**23-3-7. Duties of local registrars.** — The local registrar, with respect to his or her respective city or town, shall:

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(5) Transmit on or before the 10th day of each month a list of the deaths filed with him or her for the preceding month, to his or her respective local board of canvassers.

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<b>History of Section.</b> G.L. 1896, ch. 100, § 1; G.L. 1909, ch. 121, § 1; P.L. 1921, ch. 2096, § 1; G.L. 1923, ch. 166, § 1; P.L. 1933, ch. 2050, § 1; G.L. 1938,	ch. 268, § 1; impl. am. P.L. 1939, ch. 660, § 180; G.L. 1956, § 23-3-1; G.L., § 23-3-7; P.L. 1961, ch. 87, § 1; P.L. 1965, ch. 176, § 1; P.L. 1986, ch. 252, § 3.
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**TITLE 30**  
**MILITARY AFFAIRS AND DEFENSE**

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**CHAPTER 7**  
**PRIVILEGES AND IMMUNITIES OF MILITIAMEN**

**SECTION.**

**30-7-5. Exemption from duty on election day.**

**30-7-5. Exemption from duty on election day.** — No officer or enlisted man shall be compelled to do militia duty on any day on which a general election is held, except in case of war, riot, invasion, insurrection or imminent danger thereof, or in cases of public calamity or catastrophe.

**History of Section.**

P.L. 1956, ch. 3742, par. 204; G.L. 1956,  
§ 30-7-5.



**TITLE 37**  
**PUBLIC PROPERTY AND WORKS**

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**CHAPTER 2**  
**STATE PURCHASES**

**SECTION.**  
37-2-74. Printing, advertising, and election expenses.

**37-2-74. Printing, advertising, and election expenses.** — All printing, binding and advertising and election expenses in connection with all primaries and elections, advertising Rhode Island, and all legislative printing, including the printing of the public laws and acts and resolves, shall be purchased by the secretary of state and in respect to those purchases, the department of state shall be exempt from the requirements of this chapter which relate to the function of purchasing.

**History of Section.**  
P.L. 1989, ch. 224, § 2.



TITLE 41  
SPORTS, RACING, AND ATHLETICS

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CHAPTER 9  
ESTABLISHMENT AND EXTENSION OF GAMBLING  
ACTIVITIES AND OTHER FACILITIES

SECTION.

41-9-4. Town and state election on establishment of facility.

**41-9-4. Town and state election on establishment of facility.**  
— Before a gambling facility shall be established in any town or city, the town council of the town or the city council of the city shall pose, by adopting a resolution to be placed on the ballot at the next general election to be submitted to the qualified electors of the town or city and to the qualified electors of the state, the following question: "Shall a gambling facility and/or activity be established in the town (or city) of \_\_\_\_\_?"

(a) The question shall be submitted by the local board of canvassers to the electors of the town or city where the facility or activity is to be located, and the results of the election shall be certified to the secretary of state;

(b) The question shall be submitted by the secretary of state to the qualified electors of the state at the same general election and the secretary of state shall certify the election results;

(c) The affirmative vote of the subject town or city and the electors of the state shall be necessary for the approval of the question, and if consent be thus given, all further regulations shall rest with the ethics commission.

(d) The question of the establishment of a harness racing facility in the town of Burrillville shall be submitted to the electors of the state and the town at the November, 1990 general election.

**History of Section.**

P.L. 1981, ch. 233, § 4; P.L. 1990, ch. 508,  
§ 1.





**TITLE 42**  
**STATE AFFAIRS AND GOVERNMENT**

**CHAPTER 5**  
**STANDARD AND DAYLIGHT SAVING TIME**

**SECTION.**

- 42-5-1. Period of daylight saving time.
- 42-5-2. Effect of time change.

**42-5-1. Period of daylight saving time.** — At two o'clock antemeridian (2:00 a.m.) of the first Sunday in April of each year, the standard time in this state shall be advanced one hour, and at two o'clock antemeridian (2:00 a.m.) of the last Sunday in October of each year the standard time in this state shall, by the retarding of one hour, be made to coincide with the mean astronomical time of the degree of longitude governing the zone wherein the state is situated, the standard official time of which is described as United States standard eastern time so that between the first Sunday in April at two o'clock antemeridian (2:00 a.m.) and the last Sunday in October at two o'clock antemeridian (2:00 a.m.) in each year the standard time of the state shall be one hour in advance of the United States standard eastern time.

**History of Section.** 3274, § 1; G.L. 1956, § 42-5-1; P.L. 1987, ch. P.L. 1946, ch. 1778, § 1; P.L. 1954, ch. 11, § 1.

**42-5-2. Effect of time change.** — In all laws, statutes, orders, decrees, rules and regulations relating to the time of performance of any act by any officer or department of the state, or of any county, city, town or district thereof, or relating to the time in which any rights shall accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of the state, and in all public schools and in all institutions of the state, or of any county, city, town or district thereof, and in all contracts or choses in action made or to be performed in the state, it shall be understood and intended that the time shall be United States standard eastern time as changed by § 42-5-1.

**History of Section.**  
P.L. 1946, ch. 1778, § 1; P.L. 1954, ch. 3274, § 1; G.L. 1956, § 42-5-2.



CHAPTER 6  
DEPARTMENTS OF STATE GOVERNMENT

## SECTION.

[Director of Health]

42-6-14. Registration of voters by state agencies and departments.

[DIRECTOR OF HEALTH]

**42-6-14. Registration of voters by state agencies and departments.** — (A) Commencing January 1, 1992, nonpartisan voter registration services shall be provided to qualified electors of this state by every state department or agency which has as one of its functions the taking of applications from members of the general public for services offered or provided by the state of Rhode Island. The registration services shall only be provided at the department or agency's business office during normal hours and days of business by employees whose job duties include the receiving of or assisting with applications for services, licenses or benefits from state government. Such departments and agencies shall include, but not be limited to, the department of labor, the state house library, the division of motor vehicles of the department of transportation and any community based office thereof; provided, however, the department of employment security and other departments, where applicable shall be exempt from the requirements of this section to the extent that a particular benefit or service provided by it is funded, in whole or in part, by the federal government.

In addition, such nonpartisan registration services may be a condition of every state contract with a nonprofit corporation which acts as an agent of the state in receiving or assisting with applications for services, licenses or benefits from state government.

(B) Notice of nonpartisan voter registration services shall be provided by means of large prominently displayed signs. If a person declares that he or she wants to be registered and if he or she is otherwise a qualified elector of this state, the person shall be furnished an application for registration and be permitted to register on the premises.

(C) Within ninety (90) days after January 1, 1992, the director of each state department or agency to which subsection (A) of this section applies, shall submit to the board of elections a sufficient number of names of employees for appointment as registrars. If otherwise qualified, the persons named by the director of the state agency shall be appointed by the board of elections as registrars and persons so appointed shall have all the powers, duties and obligations required of registrars under the law. All person so appointed to serve as registrars shall be required to attend training seminars

during their working hours which shall be conducted by the board of elections.

(D) Nonprofit corporations contracting with the state to provide health and other social services to the public may submit the names of appropriate employees to the board of elections for appointment as registrars. If otherwise qualified by the board of elections, the persons so named shall be appointed registrars by the board of elections and shall have all the powers, duties and obligations required of registrars under the law.

(E) The board of elections shall designate a member of its staff as the state agency voter registration coordinator. The state agency voter registration coordinator shall supervise the state agency voter registration program, develop and distribute information and publicity materials concerning the program and monitor the timely compliance of the provisions of this section. The board of elections shall promulgate rules and regulations as are necessary to implement and administer this section.

(F) There shall be a pilot program established in the department of transportation in the Providence office of the division of motor vehicles for active registration, which shall include a routine inquiry on the agency intake form or an attachment to it which asks if the person receiving services desires to register to vote as a resident of his or her current address. This pilot program shall be for a period of one (1) year and shall be administered by the division of motor vehicles, which may use volunteers for the purpose of implementing this chapter. An advisory board shall be formed to help draft the policy and help recruit volunteers for this program and the division shall report back to the governor and the board with an evaluation of the program at the end of one (1) year.

The advisory board shall consist of seventeen (17) members appointed by the governor which shall include the following as members: the secretary of state or her designee, one (1) member from the division of motor vehicles, one (1) member from the league of women voters, one (1) member of the urban league, one (1) member of the Rhode Island electoral coalition, and one (1) member of common cause. Three (3) members shall be from the general assembly, two (2) members from the house of representatives, no more than one (1) from the majority party with both appointments from the speaker. One (1) shall be appointed from the senate by the majority leader.

The board shall meet within thirty (30) days of this section becoming law and the pilot program shall commence no later than December 1st, 1989.

(G) Nothing contained herein shall be construed to prohibit pri-

268.3

DEPARTMENTS OF STATE GOVERNMENT

42-6-14

vate voter registration activities in the public areas of state departments and agencies.

**History of Section.**

P.L. 1989, ch. 346, § 1.



CHAPTER 8  
DEPARTMENT OF STATE

SECTION.

- 42-8-20. Fees and charges of secretary.
- 42-8-22. Central registration register.

**42-8-20. Fees and charges of secretary.** — To the secretary of state there shall be allowed:

- (1) For every private petition to the general assembly received in either house which shall be continued with order of notice, to be paid to the secretary for the use of the state, by the applicant on continuance of the same, and to be accounted for by the secretary of the state ..... \$5.00
- (2) For making a certificate and affixing the seal of the state where the state is not a party, to be paid to the secretary for the use of the state, and to be accounted for by him or her to the state ..... \$2.00
- (3) For making a copy of any document on file in the office of the secretary of state ..... fifty cents (\$.50) per page.
- (4) For every publication distributed by the secretary of state, a charge of not less than the actual cost and/or delivery thereof.

**History of Section.** 633. § 21; G.L. 1956, § 42-8-20; P.L. 1971, G.L. 1896, ch. 295, § 24; G.L. 1909, ch. 364. ch. 160, § 1; P.L. 1990, ch. 65, art. 43, § 10. § 20; G.L. 1923, ch. 417, § 20; G.L. 1938, ch.

**42-8-22. Central registration register.** — The secretary of state shall appoint not less than two (2) assistants in charge of the central registration register, one of whom shall be selected from a list of three (3) names submitted to him or her by the state chairman of the political party other than that of the secretary of state, all of whom shall serve at the pleasure of the secretary of state, whose duties shall be to maintain the central registration register of all persons qualified to vote in the state.

**History of Section.**  
G.L. 1956, § 42-8-22; P.L. 1963, ch. 209, § 6.



## CHAPTER 30

## NOTARIES PUBLIC AND JUSTICES OF THE PEACE

## SECTION.

42-30-1. Election of justices by town council.

## SECTION.

42-30-2. Governor's appointment power preserved.

**42-30-1. Election of justices by town council.** — The town or city council of any town or city of this state may appoint and fix the terms of justices of the peace, and no justice of the peace shall be elected by the qualified electors in any town or city at any regular or special election held for the purpose of electing officers of the town or city, or otherwise.

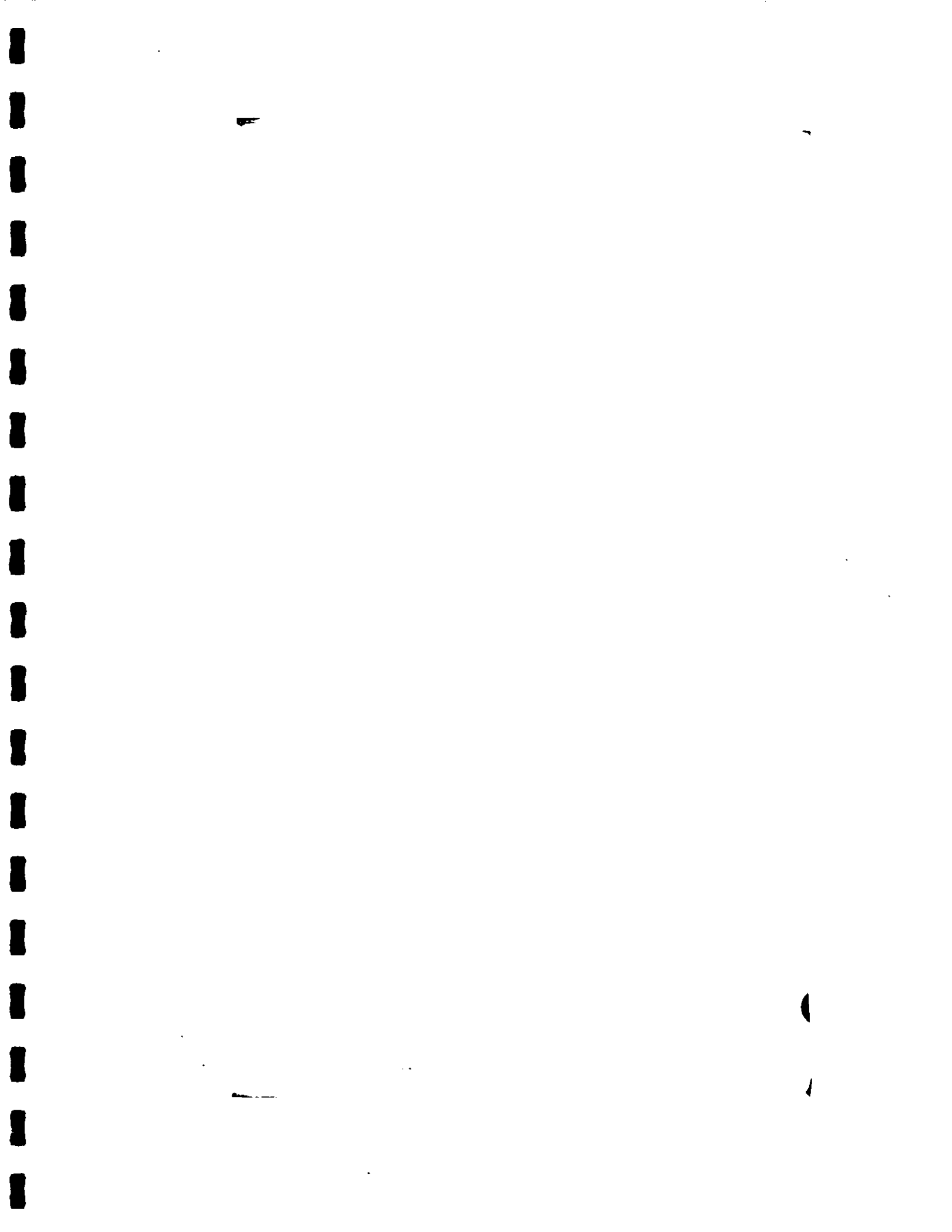
**History of Section.**

P.L. 1938, ch. 2602, § 1; G.L. 1938, ch. 489, § 14; G.L. 1956, § 42-30-1.

**42-30-2. Governor's appointment power preserved.** — Nothing in § 42-30-1 shall be construed to impair the authority of the governor to appoint justices of the peace, in accordance with the provisions of § 42-30-5.

**History of Section.**

P.L. 1938, ch. 2602, § 2; G.L. 1938, ch. 489, § 15; G.L. 1956, § 42-30-2; P.L. 1988, ch. 84, § 90.



TITLE 44  
TAXATION

CHAPTER 30  
PERSONAL INCOME TAX

PART I—GENERAL

SECTION.  
44-30-2. Rate of tax.

PART I—GENERAL

**44-30-2. Rate of tax. —**

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(d) There shall be allowed as a credit against the Rhode Island personal income tax otherwise due for a taxable year, commencing for the tax year 1988, a contribution of five dollars (\$5.00), or ten dollars (\$10.00) if married and filing a joint return, to the account for the public financing of the electoral system. The first two dollars (\$2.00), or four dollars (\$4.00) if married and filing a joint return, shall go to a political party as defined in § 17-12.1-12 to be designated by the taxpayer or to a nonpartisan account if so indicated up to a total of two hundred thousand dollars (\$200,000) collectively for all parties and the nonpartisan account. The remainder shall go into a general election account to be utilized for the purposes of §§ 17-25-18 through 17-25-27.

The credit for the public financing of the electoral system shall appear on the face of the state personal income tax return. The tax administrator shall annually forward by August 1, all contributions to said account to the state general treasurer and the treasurer shall annually remit by September 1, the designated partisan contributions to the chairman of the appropriate political party and the contributions made to the nonpartisan general account shall be allocated by the state general treasurer to each political party in proportion to the combined number of votes its candidates for governor received in the previous election, after five percent (5%) of the amount in the account is allocated to each party for each general officer elected in the previous statewide election. Each political party may expend moneys received under this provision for all purposes and activities permitted by the laws of Rhode Island and the United States, except that no such moneys shall be utilized for expenditures to be directly made or incurred to support or defeat a candidate in any election within the meaning of chapter 25 of title 17, or in any election for any political party nomination, or for political party office within the meaning of chapter 12 of title 17. The

remaining funds shall be allocated for the public financing of campaigns for governor as set forth in §§ 17-25-19 through 17-25-27.

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**History of Section.**

P.L. 1971, ch. 8, art. 1, § 1; P.L. 1971, ch. 204, art. 3, § 1; P.L. 1973, ch. 230, § 1; P.L. 1975, ch. 260, art. 9, § 1; P.L. 1978, ch. 22, § 1; P.L. 1978, ch. 205, art. 6, § 1; P.L. 1981, ch. 291, art. 8, § 1; P.L. 1982, ch. 344, art. 9, § 1; P.L. 1983, ch. 2, art. 7, § 1; P.L. 1983, ch. 167, art. 21, § 1; P.L. 1984, ch. 245, art. VII, § 1; P.L. 1984, ch. 405, § 1; P.L. 1985, ch. 5, § 1; P.L. 1985, ch. 181, art. 44, § 1; P.L. 1985, ch. 496, art. 5, § 1; P.L. 1986, ch. 287, art. 6, § 1; P.L. 1987, ch. 118, art. 6, § 1; P.L. 1988, ch. 420, § 2; P.L. 1989, ch. 15, § 1; P.L. 1989, ch. 16, § 1; P.L. 1989, ch. 218, § 1.

**TITLE 45**  
**TOWNS AND CITIES**

**CHAPTER 3**  
**TOWN MEETINGS**

SECTION.		SECTION.	
45-3-1.	Periodical elective meetings.	45-3-12.	Notice of meeting to dispose of land or make tax.
45-3-2.	Time of elective meetings.	45-3-13.	Canvass prior to meeting.
45-3-3.	Adjournment to complete election of officers.	45-3-14.	Quorum.
45-3-3.1.	Adjournment of the Barrington town meeting to an indoor facility located outside the town of Barrington.	45-3-15.	Selection of moderator.
45-3-4.	Meetings other than elective.	45-3-16.	Term of moderator and clerk.
45-3-5.	Notice of meetings.	45-3-17.	Moderator to preside.
45-3-6.	Call of meeting on request of electors.	45-3-18.	Regulation of meeting by moderator.
45-3-7.	Consent of council to special meeting.	45-3-19.	Disorderly conduct at meeting.
45-3-8.	Clerk's warrant giving notice.	45-3-20.	Voting on motions.
45-3-9.	Notice of meetings by request — Hour held — Business considered.	45-3-21.	Majority required for action.
45-3-10.	Meeting to elect clerk to fill vacancy.	45-3-22.	Record of proceedings as evidence — Certificate of clerk.
45-3-11.	Forfeiture for neglect of duty by officers.	45-3-23.	Compensation of district moderators and clerks.
		45-3-24.	Application to voting machine meetings.
		45-3-25.	Voting machines for municipal budget referenda.

**45-3-1. Periodical elective meetings.** — A town meeting shall be held annually or biennially as required by law in each town, for the election of such town officers as are or may be by law required.

**History of Section.** § 1; G.L. 1923, ch. 48, § 1; G.L. 1938, ch. 330, G.L. 1896, ch. 37, § 1; G.L. 1909, ch. 47, § 1; G.L. 1956, § 45-3-1.

**45-3-2. Time of elective meetings.** — Town meetings shall be held at such time as is or may be by-law or vote provided, unless otherwise directed by law.

**History of Section.** § 2; G.L. 1923, ch. 48, § 2; G.L. 1938, ch. 330, G.L. 1896, ch. 37, § 2; G.L. 1909, ch. 47, § 2; G.L. 1956, § 45-3-2.

**45-3-3. Adjournment to complete election of officers.** — If, on the day of the town meeting for the election of town officers, any town shall fail to make an election of town clerk, town council, or town treasurer, the meeting may be adjourned for the purpose of completing the election of those officers, but of no others, from day to day, not exceeding three (3) days beyond the first day of meeting.

**History of Section.** 48, § 3; G.L. 1938, ch. 330. § 3; G.L. 1956, G.L. 1896, ch. 37, § 3; G.L. 1909, ch. 47, § 45-3-3. § 3; P.L. 1914, ch. 1037, § 1; G.L. 1923, ch.

**45-3-3.1. Adjournment of the Barrington town meeting to an indoor facility located outside the town of Barrington.** — (a) If at the stated time and day of the town meeting in the town of Barrington, there is insufficient room to accommodate, seat, assemble, and hear, all the qualified electors present at the town meeting, and if after review by the town moderator and town clerk it is determined there is no indoor facility in the town large enough to accommodate the electors reasonably expected at the continuation of the town meeting, then the town of Barrington may hold its town meeting at an indoor facility located a reasonable distance outside the town of Barrington.

(b) Notice of the meeting shall be given pursuant to § 45-3-8 of this chapter.

**History of Section.**  
P.L. 1991, ch. 38, § 1; P.L. 1991, ch. 400, § 1.

**45-3-4. Meetings other than elective.** — Town meetings, other than annual or biennial meetings, shall be held at such times as are, or may be, by the Constitution or by law required, or may be called in the manner hereinafter provided.

**History of Section.** § 4; G.L. 1923, ch. 48, § 4; G.L. 1938, ch. 330, G.L. 1896, ch. 37, § 4; G.L. 1909, ch. 47, § 4; G.L. 1956, § 45-3-4.

**45-3-5. Notice of meetings.** — Town clerks shall cause the electors of their respective towns to be notified of every town meeting which shall be prescribed by law, and also of all other town meetings which shall be legally called.

**History of Section.** § 5; G.L. 1923, ch. 48, § 5; G.L. 1938, ch. 330, G.L. 1896, ch. 37, § 5; G.L. 1909, ch. 47, § 5; G.L. 1956, § 45-3-5.

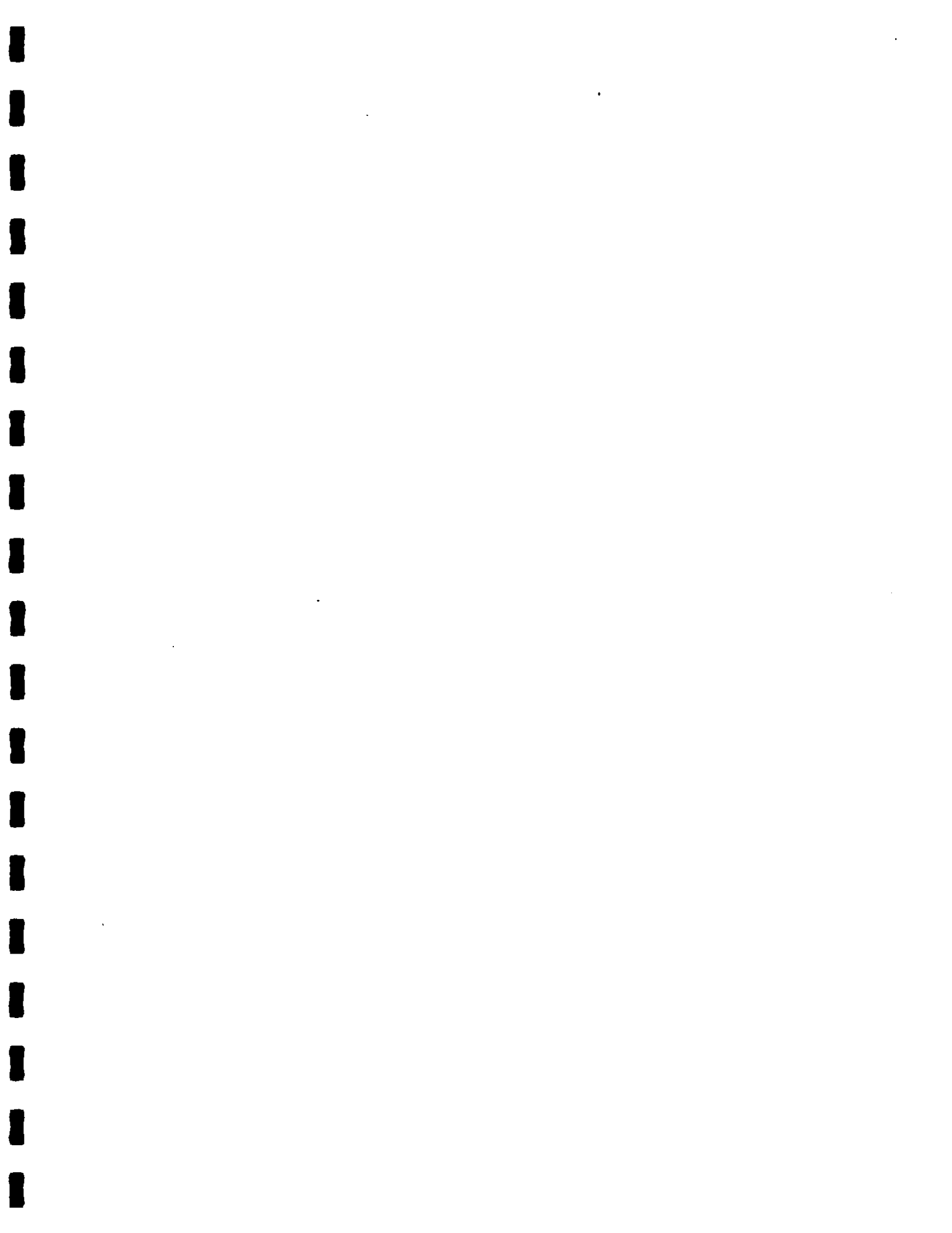
**45-3-6. Call of meeting on request of electors.** — Whenever the town council, or whenever ten percent (10%) of the electors of any town, as herein provided, less any fractional part that may appear in the computation thereof, shall make a request, in writing, for the calling of a town meeting to transact any business relating to the town in respect of which they shall have a right to vote, and direct the request to the town clerk, the town clerk shall cause the electors to be duly notified of the time when and the place where the meeting is to be held, and of the business proposed to be transacted therein; except as provided in § 45-3-7; provided, that the ten percent (10%) shall be computed on the total number of electors appearing on the last canvassed voting lists of the town as having a right to vote in

the transaction of any business that may be duly presented at the meeting.

**History of Section.** 1191, § 1; G.L. 1923, ch. 48, § 6; G.L. 1938, G.L. 1896, ch. 37, § 6; P.L. 1900, ch. 781, ch. 330, § 6; G.L. 1956, § 45-3-6.  
§ 1; G.L. 1909, ch. 47, § 6; P.L. 1915, ch.

**45-3-7. Consent of council to special meeting.** — No special town meeting shall be called without the consent of the town council, if the subject or any of the subjects proposed to be considered at the special town meeting shall have been acted on by the town at any time within six (6) months previous to the time of the proposed call.

**History of Section.** § 7; G.L. 1923, ch. 48, § 7; G.L. 1938, ch. 330, G.L. 1896, ch. 37, § 7; G.L. 1909, ch. 47, § 7; G.L. 1956, § 45-3-7.





**45-3-8. Clerk's warrant giving notice.** — The notice to the electors to meet in a town meeting, prescribed by law, shall be given by the town clerk issuing his or her warrant, directed to the town sergeant or one of the constables of the town, requiring him or her to post, at least seven (7) days before the day appointed for the meeting, written notifications in three (3) or more public places in the town, of the time when and place where the meeting is to be held and of the business required by law to be transacted therein.

**History of Section.** § 8; G.L. 1923, ch. 48, § 8; G.L. 1938, ch. 330, G.L. 1896, ch. 37, § 8; G.L. 1909, ch. 47, § 8; G.L. 1956, § 45-3-8.

**45-3-9. Notice of meetings by request — Hour held — Business considered.** — The notice of meetings, when called by request as aforesaid, shall be given in the manner provided for meetings prescribed by law. In towns in which the hour of meetings prescribed by law is fixed by law, meetings called by request shall be held at the same hour. In other towns the meetings shall be held at the hour named in the request. At all meetings called by request only the business stated in the warrants directing the calling of the meetings shall be acted upon.

**History of Section.** § 9; G.L. 1938, ch. 330, § 9; G.L. 1956, G.L. 1896, ch. 37, § 9; P.L. 1901, ch. 852, § 45-3-9. § 9; G.L. 1909, ch. 47, § 9; G.L. 1923, ch. 48,

**45-3-10. Meeting to elect clerk to fill vacancy.** — Whenever any town clerk shall be removed by death or otherwise, the town treasurer of the town shall issue his or her warrant to warn the electors to assemble in town meeting, to choose a town clerk in the room of him or her so removed, which warrant shall be directed as aforesaid.

**History of Section.** § 10; G.L. 1923, ch. 48, § 10; G.L. 1938, ch. G.L. 1896, ch. 37, § 10; G.L. 1909, ch. 47, 330, § 10; G.L. 1956, § 45-3-10.

**45-3-11. Forfeiture for neglect of duty by officers.** — Every town clerk or town treasurer who shall neglect or refuse to issue a warrant as above directed, and every town sergeant or constable who shall neglect or refuse to serve the warrant as above required, shall forfeit for each neglect fifty dollars (\$50.00); to be recovered, one-half (1/2) thereof to the use of the town, and one-half (1/2) thereof to the use of the person who shall sue for the same.

**History of Section.** § 11; G.L. 1923, ch. 48, § 11; G.L. 1938, ch. G.L. 1896, ch. 37, § 11; G.L. 1909, ch. 47, 330, § 11; G.L. 1956, § 45-3-11.

**45-3-12. Notice of meeting to dispose of land or make tax. —**  
 No vote shall be passed in any town meeting concerning the disposing of the town's land or making a tax, unless special mention be made, and notice thereof given, in the warrant issued for the warning of the meeting; and the town clerk of every town shall grant the warrant, except in cases where the law otherwise directs, which warrant shall be directed to the town sergeant, or to one of the constables of the town. The notice for the making of a tax as herein provided shall be in substantially the following form:

"WARNING FOR TOWN MEETING  
 STATE OF RHODE ISLAND AND PROVIDENCE  
 PLANTATIONS.

COUNTY OF \_\_\_\_\_

SC.

GREETING:

By the town clerk of the town of \_\_\_\_\_, R. I. (seal) to \_\_\_\_\_, town sergeant of the town of \_\_\_\_\_, or any of the constables of the town.

Pursuant to chapter 3 of title 45, you are hereby required to post, at least seven (7) days before the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_, written notifications in three (3) or more public places in the town of \_\_\_\_\_, Rhode Island, notifying and warning the electors of the town of \_\_\_\_\_, qualified to vote upon any proposition to impose a tax or for the expenditure of money, to assemble in town meeting at the town hall (or other place designated) in the town of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon for the purpose of ordering a tax to be levied and assessed on the ratable property of the town and the inhabitants thereof for the payment of the town debts and interest, for the payment of the town's proportion of the state tax, for the support of schools, for the support and maintenance of the poor, for the building, repairing, and amending of highways, for the building, repairing, and amending of bridges, for the improvement in any manner deemed fit of any property belonging to the town, for all necessary charges and expenses whatsoever arising within the town, whether incidental or not to the above (here designate any further purpose, if any, for which the town may legally appropriate money), and for any or all other purposes authorized by law, and to transact such other business as may legally come before the meeting.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_, at the town of \_\_\_\_\_, Rhode Island.

.....  
 Town Clerk"

**History of Section.**

G.L. 1896, ch. 37, § 12; G.L. 1909, ch. 47, § 12; P.L. 1915, ch. 1210, § 1; G.L. 1923, ch.

48, § 12; P.L. 1932, ch. 1944, § 4; G.L. 1938, ch. 330, § 12; G.L. 1956, § 45-3-12.

**45-3-13. Canvass prior to meeting.** — Prior to any town meeting prescribed by law or called by request as provided by § 45-3-6, the list of the electors qualified to vote in town meetings shall be made out and canvassed in the same manner as provided by law with respect to elective town meetings.

**History of Section.** § 1; G.L. 1923, ch. 48, § 13; G.L. 1938, ch. G.L. 1909, ch. 47, § 13; P.L. 1917, ch. 1471, 330, § 13; G.L. 1956, § 45-3-13.

**45-3-14. Quorum.** — Whenever the inhabitants of any town do not exceed three thousand (3,000) by the last census, whether national or state, preceding the holding of a town meeting, seven (7) electors at least shall be necessary to constitute a legal town meeting; and whenever the inhabitants of any town shall exceed that number, fifteen (15) electors at least shall be necessary to constitute the meeting; provided, that whenever both the warden or moderator and clerk of any ward or district meeting held in any city or town are present, they shall constitute a quorum for the opening of the polls for voting for all civil officers, except for warden and clerk.

**History of Section.** § 1; G.L. 1923, ch. 49, § 1; G.L. 1938, ch. 331, G.L. 1896, ch. 38, § 1; G.L. 1909, ch. 48, § 1; G.L. 1956, § 45-3-14.

**45-3-15. Selection of moderator.** — At the annual or biennial town meeting of each town, there shall be chosen a moderator to preside in all the town meetings until the moderator's successor is elected and qualified.

**History of Section.** § 2; G.L. 1923, ch. 49, § 2; G.L. 1938, ch. 331, G.L. 1896, ch. 38, § 2; G.L. 1909, ch. 48, § 2; G.L. 1956, § 45-3-15.

**45-3-16. Term of moderator and clerk.** — The term of office of the moderator and clerk, as aforesaid, then elected, shall commence at the first regular meeting held thereafter for the election of officers, and shall continue until their successors are elected and qualified, unless otherwise provided by law.

**History of Section.** § 8; G.L. 1923, ch. 49, § 7; G.L. 1938, ch. 331, G.L. 1896, ch. 38, § 7; G.L. 1909, ch. 48, § 5; G.L. 1956, § 45-3-16.

**45-3-17. Moderator to preside.** — In all meetings of the electors or voters in a town, representative district, or voting district, the moderator of the meeting shall preside.

**History of Section.** 49, § 8; G.L. 1938, ch. 331, § 6; G.L. 1956, G.L. 1896, ch. 38, § 8; G.L. 1909, ch. 48, § 45-3-17. § 9; P.L. 1910, ch. 640, § 37; G.L. 1923, ch.

**45-3-18. Regulation of meeting by moderator.** — Every moderator shall have power to manage and regulate the business of each meeting, conforming to law, and to maintain peace and good order therein.

**History of Section.** § 12; G.L. 1923, ch. 49, § 11; G.L. 1938, ch. G.L. 1896, ch. 38, § 11; G.L. 1909, ch. 48, 331, § 9; G.L. 1956, § 45-3-18.

**45-3-19. Disorderly conduct at meeting.** — If any person shall conduct himself in a disorderly manner in any town, representative district, or voting district meeting, the moderator may order that person to withdraw from the meeting; and, on the person's refusal, may order the town sergeant, or any constable present, or any other persons, to take him or her from the meeting and to confine him or her in some convenient place until the meeting shall be adjourned; and the person so refusing to withdraw shall, for each offense, be fined not exceeding twenty dollars (\$20.00).

**History of Section.** § 13; G.L. 1923, ch. 49, § 12; G.L. 1938, ch. G.L. 1896, ch. 38, § 12; G.L. 1909, ch. 48, 331, § 10; G.L. 1956, § 45-3-19.

**45-3-20. Voting on motions.** — The moderator of every town meeting shall, on a motion being made and seconded, relative to any business regularly before the meeting, after having heard all the electors entitled to vote thereon who shall be desirous of being heard, cause the votes of the electors present to be taken thereon. Whenever any question shall be pending in any town meeting involving an expenditure of money, or the incurring of liability by the town, or the disposition of town property, the vote shall be taken by ballot, if a ballot be called for and the call be seconded by at least one-fifth ( $\frac{1}{5}$ ) of the electors present who are qualified to vote on the pending question.

**History of Section.** 49, § 13; G.L. 1938, ch. 331, § 11; G.L. 1956, G.L. 1896, ch. 38, § 13; G.L. 1909, ch. 48, § 45-3-20. § 14; P.L. 1913, ch. 922, § 1; G.L. 1923, ch.

**45-3-21. Majority required for action.** — All questions relating to town affairs, excepting elections, shall be decided by a majority of the votes of the electors present entitled to vote on the question.

**History of Section.** § 16; G.L. 1923, ch. 49, § 15; G.L. 1938, ch. G.L. 1896, ch. 38, § 15; G.L. 1909, ch. 48, 331, § 12; G.L. 1956, § 45-3-21.

**45-3-22. Record of proceedings as evidence — Certificate of clerk.** — A copy of the record of the proceedings of any town meeting, duly certified by the town clerk, shall be evidence of any act or vote of the town in town meeting assembled, recited in the copy, and the certificate of the town clerk that no town meeting has been held

to consider any subject in the certificate mentioned, or that no vote of the town has been taken upon the subject, shall be evidence of the fact therein stated.

**History of Section.** § 17; G.L. 1923, ch. 49, § 16; G.L. 1938, ch. G.L. 1896, ch. 38, § 16; G.L. 1909, ch. 48, 331, § 13; G.L. 1956, § 45-3-22.

**45-3-23. Compensation of district moderators and clerks. —** The moderators and clerks of voting districts and representative districts in all cities and towns shall severally receive as compensation for their services the minimum sum of seventy-five dollars (\$75.00) per day.

**History of Section.** 331, § 15; G.L. 1956, § 45-3-23; P.L. 1964, G.L. 1909, ch. 48, § 19; P.L. 1919, ch. 1776, ch. 18, § 2; P.L. 1979, ch. 292, § 1; P.L. 1986, § 1; G.L. 1923, ch. 49, § 18; G.L. 1938, ch. 425, § 2; P.L. 1986, ch. 523, § 4.

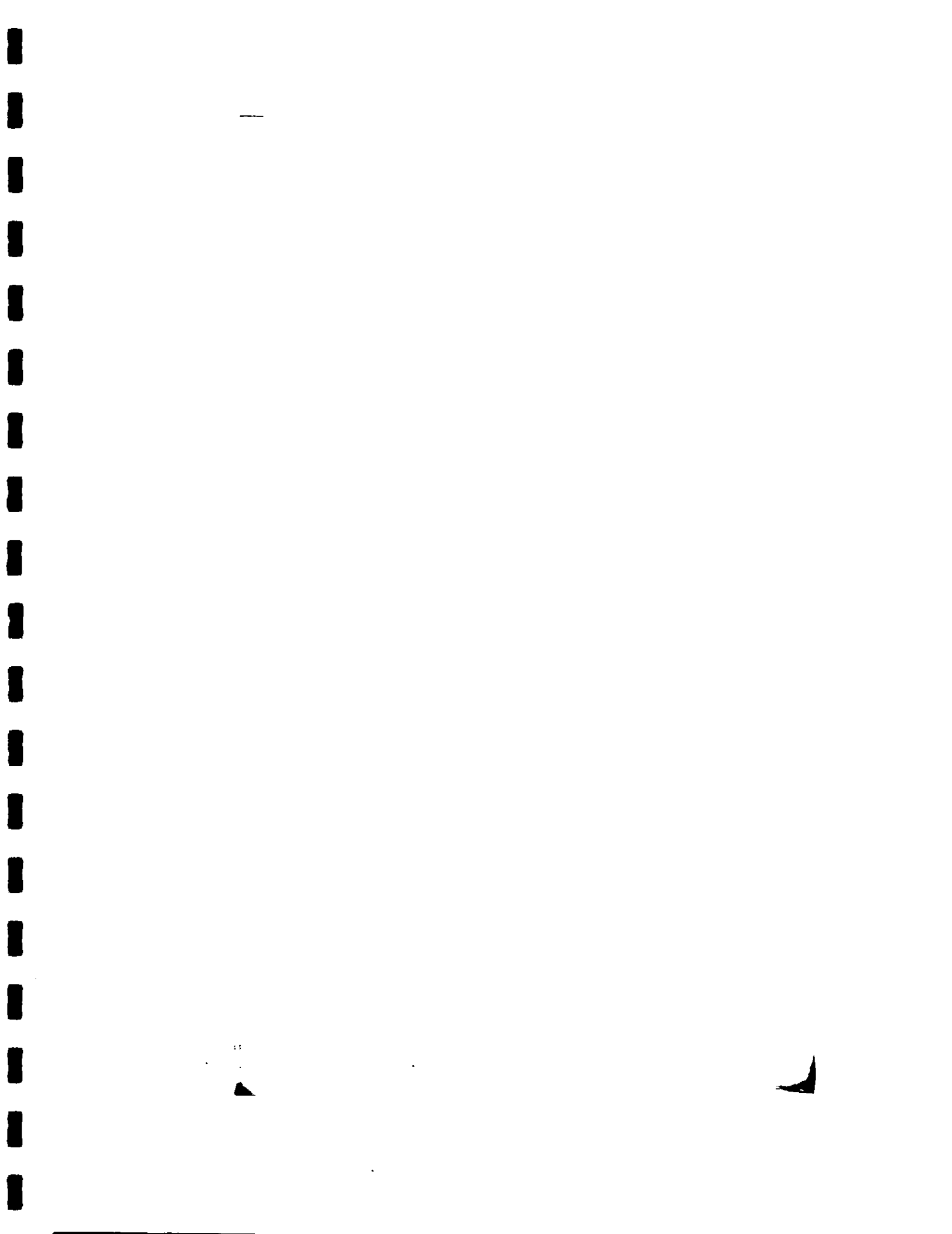
**45-3-24. Application to voting machine meetings. —** The provisions of §§ 45-3-14 — 45-3-23, inclusive, shall govern elective meetings held in accordance with the provisions of chapter 19 of title 17, if and so far as they are applicable, and not inconsistent with the provisions of chapter 19 of title 17.

**History of Section.** § 18; G.L. 1923, ch. 49, § 17; G.L. 1938, ch. G.L. 1896, ch. 38, § 17; G.L. 1909, ch. 48, 331, § 14; G.L. 1956, § 45-3-24.

**45-3-25. Voting machines for municipal budget referenda. —** (a) At the request of the council of a city or town and at the sole expense of the city or town, the board of elections shall furnish a sufficient number of voting machines for use in connection with votes to be taken at any municipal budget referenda. The city or town shall furnish to the board of elections, no later than ten (10) days prior to the date of the municipal budget referenda, ballot labels containing the items to be voted upon at the municipal budget referenda, which ballot labels shall be suitable for affixation to the face of the voting machines.

(b) Nothing herein contained shall be deemed to make the provisions of title 17 applicable to municipal budget referenda.

**History of Section.** P.L. 1988, ch. 137, § 1.



**CHAPTER 4**  
**ELECTION AND QUALIFICATION OF OFFICERS**

SECTION.		SECTION.	
45-4-1.	Officers to be elected.	45-4-10.	Election of mayors.
45-4-2.	Meetings not to interfere with elections.	45-4-11.	Engagement of town and city officers.
45-4-3.	Assistant moderator to preside over town business.	45-4-12.	Certificate of oath delivered to officer.
45-4-4.	Duplicate lists of electors.	45-4-13.	Bond of tax collectors.
45-4-5.	Certificate of election of clerk.	45-4-14.	Powers of successor tax collectors.
45-4-6.	Determination of number of council members to be elected.	45-4-15.	Tenure of town officers.
45-4-7.	Election of council members.	45-4-16.	Filling of vacancies in office.
45-4-8.	[Repealed.]	45-4-17.	Special statutes controlling.
45-4-9.	Failure by electors to elect officer.	45-4-18.	Application to voting machine meetings.

**45-4-1. Officers to be elected.** — (a) The electors in each town shall, on their town election days, choose and elect as many town officers as by the laws of the state are or shall be required; that is to say, a moderator to preside in all the meetings of the town, and a town clerk, a town council to consist of not less than three (3) nor more than seven (7) members, a town treasurer, a town sergeant, a town sealer of weights and measures, one or more auctioneers, such a number of assessors of taxes, not less than three (3) nor more than seven (7), as may be deemed necessary, one or more collectors of taxes, one or more corders of wood, one or more packers of fish, one or more poundkeepers, one sealer of leather, and as many constables, directors of public welfare, viewers of fences, gaugers of casks, and all such other officers as by law are required in the town and as each or any town shall have occasion for, including persons to superintend the building of chimneys and placing of stoves and stovepipes, provided however that in the town of East Greenwich no constables shall be elected hereunder.

(b) It is further provided that in the town of Burrillville no corders of wood, packers of fish, sealers of leather, gaugers of casks, and persons to superintend the building of chimneys and placing of stoves and stovepipes shall be elected hereunder.

**History of Section.**

§ 1; G.L. 1896, ch. 39, § 1; G.L. 1909, ch. 49, § 1; G.L. 1923, ch. 50, § 1; G.L. 1938, ch. 332, § 1; G.L. 1956, § 45-4-1; P.L. 1967, ch. 24, § 1; P.L. 1976, ch. 107, § 1.

**45-4-2. Meetings not to interfere with elections.** — In towns not divided into voting districts, and in which town meetings for the election of town officers and for the transaction of town business are held on the same day as an election for the officers mentioned in § 17-18-5 is held, the town meetings shall be so held and conducted as not to interfere or conflict with the provisions of chapters 2 — 4 inclusive, of title 17.

**History of Section.** § 2; G.L. 1923, ch. 50, § 2; G.L. 1938, ch. 332.  
G.L. 1896, ch. 39, § 2; G.L. 1909, ch. 49, § 2; G.L. 1956, § 45-4-2.

**45-4-3. Assistant moderator to preside over town business.** — Such towns as are mentioned in § 45-4-2 are hereby authorized to elect an assistant moderator, who may preside at such town meetings as are held on the same day as an election for the officers mentioned in § 17-18-5 is held, for the election of town officers and the transaction of town business, and with like power and authority in these town meetings as moderators would have.

**History of Section.** § 3; G.L. 1923, ch. 50, § 3; G.L. 1938, ch. 332.  
G.L. 1896, ch. 39, § 3; G.L. 1909, ch. 49, § 3; G.L. 1956, § 45-4-3.

**45-4-4. Duplicate lists of electors.** — A duplicate list of the qualified electors in each of the towns shall be prepared for use in town meetings held under the provisions of §§ 45-4-2 and 45-4-3; and all the provisions of law relative to the preparation, furnishing, and use of voting lists shall apply to these duplicate lists.

**History of Section.** § 4; G.L. 1923, ch. 50, § 4; G.L. 1938, ch. 332.  
G.L. 1896, ch. 39, § 4; G.L. 1909, ch. 49, § 4; G.L. 1956, § 45-4-4.

**45-4-5. Certificate of election of clerk.** — The mayor of every city and the president of the town council of every town shall, as soon as may be after the election of city clerk or town clerk of the city or town, send to the secretary of state a certificate of the election of the city or town clerk, which certificate shall be kept on file in the office of the secretary of state.

**History of Section.** § 7; G.L. 1923, ch. 50, § 7; G.L. 1938, ch. 332.  
G.L. 1896, ch. 39, § 7; G.L. 1909, ch. 49, § 5; G.L. 1956, § 45-4-5.

**45-4-6. Determination of number of council members to be elected.** — Before the election of members of the town council is begun at the town meeting, the electors shall determine the number of officers to be elected, except as may otherwise be specifically prescribed by law.

**History of Section.** § 8; G.L. 1923, ch. 50, § 8; G.L. 1938, ch. 332.  
G.L. 1896, ch. 39, § 8; G.L. 1909, ch. 49, § 6; G.L. 1956, § 45-4-6.

**45-4-7. Election of council members.** — The members of the town council shall be chosen next in order after the town clerk; and in choosing them the vote shall be taken for the whole number at the same time.

**History of Section.** § 9; G.L. 1923, ch. 50, § 9; G.L. 1938, ch. 332.  
G.L. 1896, ch. 39, § 9; G.L. 1909, ch. 49, § 7; G.L. 1956, § 45-4-7.



**45-4-8. [Repealed.]**

**Repealed Sections.** This section (G.L. 1896, ch. 39, § 12; G.L. 1909, ch. 49, § 12; G.L. 1923, ch. 50, § 12; G.L. 1938, ch. 332, § 8; G.L. 1956, § 45-4-8) concerning the numbering of places on council ballots was repealed by P.L. 1978, ch. 252, § 1. For present provisions see § 17-19-7.1.

**45-4-9. Failure by electors to elect officer.** — In case any town shall, on the day of any election for town officers, fail to elect any of the officers whom they may lawfully choose, except town clerk, town council, and town treasurer, the officers shall be elected by the town council of the town at their next meeting; provided, however, that town councils may postpone the election of any of the officers to some future meeting; and the several towns shall have full power to delegate to their respective town councils the election of any of the officers whom the town may lawfully choose, except town clerk, town council, and town treasurer.

**History of Section.** § 13; G.L. 1923, ch. 50, § 13; G.L. 1938, ch. 332, § 9; G.L. 1956, § 45-4-9.  
G.L. 1896, ch. 39, § 13; G.L. 1909, ch. 49,

**45-4-10. Election of mayors.** — Mayors of cities shall be elected by a plurality of the electors qualified to vote in the election of general officers, who shall vote for the candidates for that office.

**History of Section.** § 14; G.L. 1923, ch. 50, § 14; G.L. 1938, ch. 332, § 10; G.L. 1956, § 45-4-10.  
G.L. 1896, ch. 39, § 14; G.L. 1909, ch. 49,

**45-4-11. Engagement of town and city officers.** — Unless some other form of engagement be specially by law prescribed, every person elected to any town or city office, whether by the town, city council, or town council, and every moderator and warden, and ward and district clerk, shall take the following engagement before he or she shall act therein, before some person authorized to administer oaths:

You (naming the person) do solemnly swear (or, affirm) that you will be true and faithful unto this state, and support the laws and Constitution thereof, and the Constitution of the United States; and that you will well and truly execute the office of (naming the office) for the term for which you have been elected, or until another be engaged in your place, or until you be legally discharged therefrom; so help you God (or this affirmation you make and give upon peril of the penalty of perjury).

**History of Section.** 50, § 15; G.L. 1938, ch. 332, § 11; G.L. 1956, § 45-4-11.  
G.L. 1896, ch. 39, § 15; G.L. 1909, ch. 49, § 15; P.L. 1914, ch. 1039, § 2; G.L. 1923, ch.

**45-4-12. Certificate of oath delivered to officer.** — The officer administering the oath shall make and deliver to the officer a certificate of the taking of the oath.

**History of Section.** § 16; G.L. 1923, ch. 50, § 16; G.L. 1938, ch. G.L. 1896, ch. 39, § 16; G.L. 1909, ch. 49, 332, § 12; G.L. 1956, § 45-4-12.

**45-4-13. Bond of tax collectors.** — Every collector of taxes shall give bond, with sufficient surety, for the faithful performance of his or her trust, to the town treasurer of the town for which the collector is chosen, in such sum as the town or the town council of the town shall determine, not exceeding double the amount of the tax with the collection of which the collector shall be charged. Whenever any town shall elect its town treasurer as collector of taxes for the town, the bond to be given by the collector under the provisions hereof shall be given to the town, and shall be delivered to the town council for safekeeping, and upon the happening of any breach of the condition of the bond, an action thereon may be commenced in the name of the town to which it was given.

**History of Section.** § 17; G.L. 1923, ch. 50, § 17; G.L. 1938, ch. G.L. 1896, ch. 39, § 17; G.L. 1909, ch. 49, 332, § 13; G.L. 1956, § 45-4-13.

**45-4-14. Powers of successor tax collectors.** — In case of the death, resignation, or removal of any collector of taxes, the collector who shall be appointed to complete the collection thereof shall have the same power to collect taxes as is by law given to the collector first appointed.

**History of Section.** § 18; G.L. 1923, ch. 50, § 18; G.L. 1938, ch. G.L. 1896, ch. 39, § 18; G.L. 1909, ch. 49, 332, § 14; G.L. 1956, § 45-4-14.

**45-4-15. Tenure of town officers.** — All town officers shall hold their offices until the next election of town officers, and thereafter until their successors shall be lawfully qualified to act; unless where it is expressly provided to the contrary.

**History of Section.** § 19; G.L. 1923, ch. 50, § 19; G.L. 1938, ch. G.L. 1896, ch. 39, § 19; G.L. 1909, ch. 49, 332, § 15; G.L. 1956, § 45-4-15.

**45-4-16. Filling of vacancies in office.** — (a) Whenever a vacancy shall occur in any office by death, removal out of town, resignation, or by neglect or refusal to qualify, or for any other cause, the town council may fill the office until the next town meeting for the election of officers, and whenever from any cause there shall be vacancies in the town council of any town, so that there shall not be sufficient members to form a quorum, the town clerk shall call a special town meeting in the manner provided by law for calling special town meetings, at which meeting, or at any subsequent meet-

ing called for that purpose, vacancies shall be filled in the manner provided for the election of officers.

(b) Whenever a vacancy shall occur in the town council of the town of West Warwick and the town council for any reason has failed to fill the vacancy within thirty (30) days after the office became vacant then the town clerk shall call for a special election in the manner provided by law; however, no special election shall be called where the vacancy occurs within nine (9) months of the next general election.

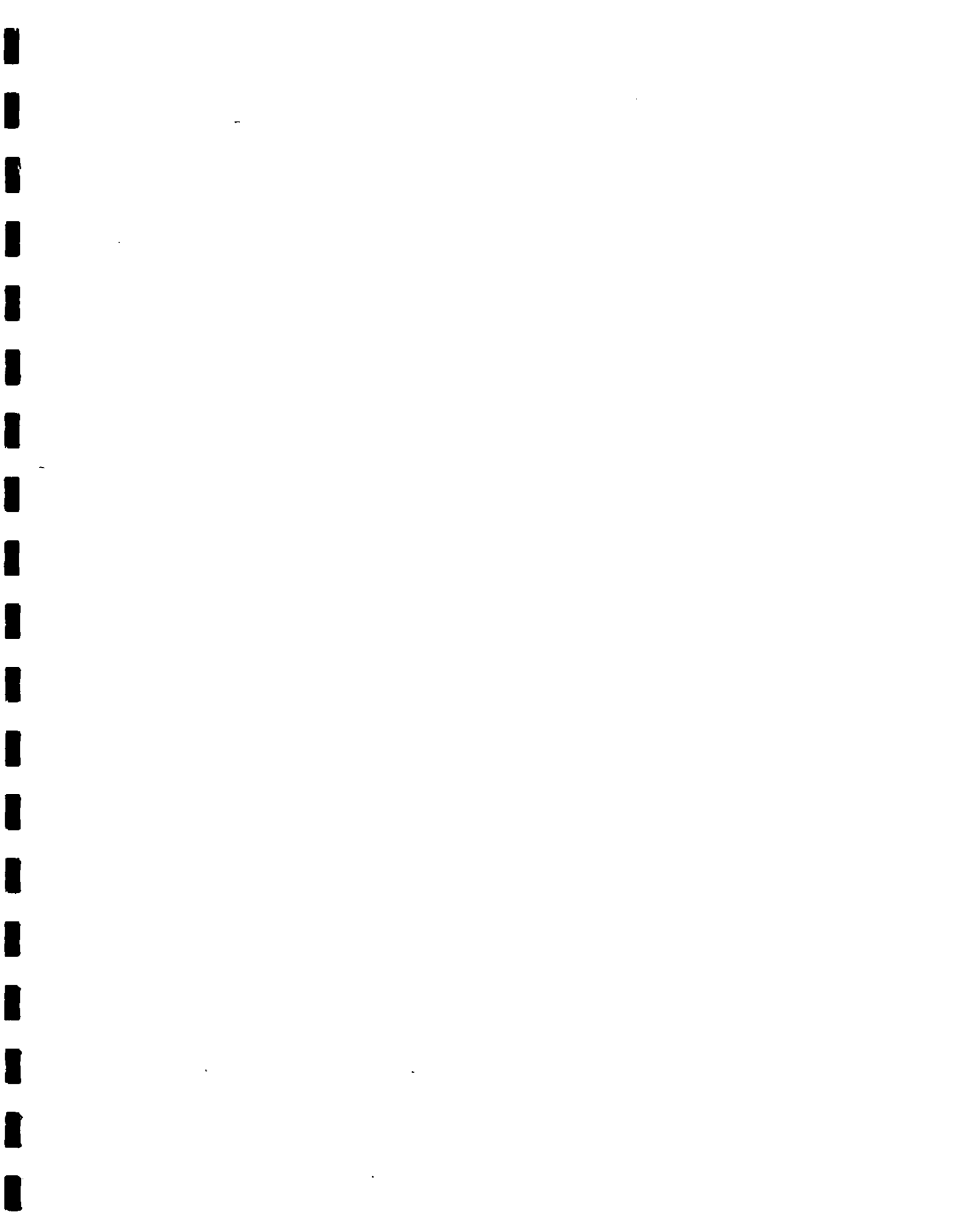
**History of Section.** 50, § 20; G.L. 1938, ch. 332, § 16; G.L. 1956, G.L. 1896, ch. 39, § 20; G.L. 1909, ch. 49, § 45-4-16; P.L. 1986, ch. 304, § 1. § 20; P.L. 1910, ch. 640, § 40; G.L. 1923, ch.

**45-4-17. Special statutes controlling.** — The provisions of this chapter are subject to the provisions of any special statutes respecting any particular town or city, none of which are repealed hereby. Provided, no elected or appointed official or member of a board or commission, or employee of any city or town, shall be disqualified in that capacity because he or she serves as delegate to a constitutional convention of the state, or other unpaid position with the state.

**History of Section.** 332, § 18; G.L. 1956, § 45-4-17; P.L. 1966, G.L. 1896, ch. 39, § 22; G.L. 1909, ch. 49, ch. 56, § 1; P.L. 1988, ch. 142, § 1. § 22; G.L. 1923, ch. 50, § 22; G.L. 1938, ch.

**45-4-18. Application to voting machine meetings.** — The provisions of this chapter shall govern elective meetings held in accordance with the provisions of chapter 19 of title 17, if and so far as they are applicable and not inconsistent with the provisions of chapter 19 of title 17.

**History of Section.** § 23; G.L. 1923, ch. 50, § 23; G.L. 1938, ch. G.L. 1896, ch. 39, § 23; G.L. 1909, ch. 49, 332, § 19; G.L. 1956, § 45-4-18.



CHAPTER 7  
TOWN CLERK

## SECTION.

45-7-2. Deputy clerk.

45-7-3. Deputies to register voters.

**45-7-2. Deputy clerk.** — Town clerks may, by and with the approbation of the town council, appoint a deputy, whenever the appointment shall be necessary; and the deputy, so appointed, shall have all the powers and perform all the duties which are incumbent on the town clerk, being thereunto qualified by taking the oath of office.

**History of Section.** § 2; G.L. 1923, ch. 52, § 2; G.L. 1938, ch. 334, G.L. 1896, ch. 41, § 2; G.L. 1909, ch. 51. § 2; G.L. 1956, § 45-7-2.

**45-7-3. Deputies to register voters.** — In addition to the deputy town clerk provided for in § 45-7-2, the town clerk may appoint additional deputy town clerks who shall be empowered only to accept the registration of voters.

**History of Section.**

G.L. 1938, ch. 334, § 2; P.L. 1950, ch. 2484.  
§ 1; G.L. 1956, § 45-7-3.



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CHAPTER 9  
BUDGET COMMISSIONS

## SECTION.

45-9-1. Composition and powers.

45-9-2. Town approval for establishment.

**45-9-1. Composition and powers.** — If the general assembly shall at any time vest the authority to impose taxes and for the expenditure of money in any town or city in a budget commission, that commission shall consist of not less than five (5) nor more than fifteen (15) electors, of such qualifications and with such powers as the general assembly may prescribe, to be elected by the qualified electors of the town or city.

**History of Section.** § 1; Const. Amend., art. 29, § 3; G.L. 1956, P.L. 1927, ch. 1023, § 1; G.L. 1938, ch. 346, § 45-9-1.

**45-9-2. Town approval for establishment.** — No budget commission shall be created for a town, as distinguished from a city, unless the electors thereof, in a financial town meeting regularly called, due notice of such proposition appearing in the call for the meeting, shall by a majority vote of those present and voting, vote to submit the proposition to the electors of the town qualified to vote upon any proposition to impose a tax or for the expenditure of money, at the next regular election of town officers, and unless the electors at the election shall by a majority vote of those present and voting approve the proposition.

**History of Section.** § 1; Const. Amend., art. 29, § 3; G.L. 1956, P.L. 1927, ch. 1023, § 1; G.L. 1938, ch. 346, § 45-9-2.



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# Index

## A

### ABORTIONS.

#### Constitution of Rhode Island.

No right granted, Const. R. I., Art. I, §2.

### ABSENTEE VOTING.

#### Ballots.

Overseas ballots, §17-20-10.1.

#### Citizens residing outside the United States.

Form of application by foreign absentee, §17-21.1-4.

Opening and counting, §17-21.1-7.

Time of casting and mailing, §17-21.1-6.

#### Constitution of Rhode Island, Const. R. I., Art. II, §2.

#### Disabled or incapacitated persons.

Permanently disabled or incapacitated persons, §17-20-9.

#### Federal voting rights act.

Residence requirements for voting. Absentee registration, 42 U.S.C. §1973aa-1.

#### Jails.

Application by persons detained or imprisoned, §17-20-2.1.

#### Lists.

State board to prepare and mail to local boards, §17-22-8.

#### Military affairs.

Member of armed forces in active service, §17-20-9.1.

#### Overseas ballots, §17-20-10.1.

#### Prisons and prisoners.

Application by persons detained or imprisoned, §17-20-2.1.

#### Returns.

Commencement and continuance of tabulations, §17-22-1.

#### Secretary of state.

Duties of secretary, §17-6-4.

### ACCOUNTS AND ACCOUNTING.

#### Campaign contributions and expenditures reporting act.

Postaudit of accounts, §17-25-27.

### ACTIONS.

#### Constitution of Rhode Island.

Transitional provisions.

Validity of suits, actions and rights of actions, Const. R. I., Art. XV, §2.

### ADJOURNED ELECTIONS.

Supervision, §17-11-16.

### ADVERTISING.

#### Campaign contributions and expenditures reporting act.

Joint advertisements.

Equal apportionment of expenditures, §17-25-26.

#### Districts.

Combination of voting districts for special elections, §17-11-1.1.

#### Political advertising, §17-23-14.

Official budget of elected officials.

Exceptions to official budget's prohibition, §17-23-18.

Prohibited expenditure of public funds, §17-23-18.

#### Secretary of state.

Printing, advertising and election expenses.

Purchases by, §37-2-74.

#### Signature and labeling of advertising in periodicals required, §17-23-1.

#### Violations.

Penalty for advertising violations, §17-23-3.

### AFFIDAVITS.

#### Challenges.

Identity of voter challenged, §17-19-27.

#### False affidavits.

Penalty, §17-19-27.

#### Mail ballots.

Application for mail ballot.

Affidavit forms, §17-20-8.

#### Nomination papers.

Affidavit of person obtaining signatures.

On papers, §17-14-10.

#### Primary elections.

Challenging person's right to vote, §17-15-26.

Officials required to make affidavit, §17-15-14.

Voters not listed, §17-15-23.

Voting lists.

Affidavits of error in lists, §17-13-2.

**AFFIDAVITS—Cont'd**

- Public records, §17-19-29.
- Registration.
  - Making false affidavits, §17-9-21.
- Voting assistance.
  - Affidavit of voter requiring assistance, §17-19-26.1.

**AGE.**

- Eligibility to vote, §17-1-3.
- Persons eighteen years of age, §17-1-3:
  - Const. U. S., Amd. XXVI.
  - Federal voting rights act.
  - Enforcement of twenty-sixth amendment, 42 U.S.C. §1973bb.
- Right to vote not to be abridged on account of age, Const. U. S., Amd. XXVI.

**AGED PERSONS.**

- Polling places.
  - Accessibility to elderly persons, §17-19-3.2.
- Voting machines.
  - Priority of use, §17-19-51.

**AGENTS.**

- Registration agents.
  - Jurisdiction, §17-9-5.2.
  - Local registration agents.
    - Appointment, §17-9-5.
  - Qualifications, §17-9-5.2.
  - Registrars.
    - Automatic reappointment as registration agent, §17-9-5.1.
  - State-wide registration agents, §17-9-5.1.

**AMENDMENTS.**

- Constitution of Rhode Island.
  - Approving, Const. R. I., Art. XIV, §1.
  - Constitutional convention.
    - Election of delegates, Const. R. I., Art. XIV, §2.
    - Submission of question to voters, Const. R. I., Art. XIV, §2.
  - General assembly.
    - Amendments proposed by general assembly, Const. R. I., Art. XIV, §1.
  - Constitutional convention.
    - Election of delegates, Const. R. I., Art. XIV, §2.
    - Submission of questions to voters, Const. R. I., Art. XIV, §2.
  - Proposing.
    - Procedure, Const. R. I., Art. XIV, §1.
- General assembly.
  - Constitution of Rhode Island.
    - Amendments proposed by general assembly, Const. R. I., Art. XIV, §1.
  - Constitutional conventions, Const. R. I., Art. XIV, §2.

**APPEALS.**

- Canvassing lists.
  - Right to appeal striking of name from list, §17-10-11.
- Eligibility to vote, §17-1-4.
- Federal voting rights act.
  - Denial of certain rights.
    - Civil actions by attorney general, 42 U.S.C. §1973aa-2.

**APPROPRIATIONS.**

- Constitution of Rhode Island.
  - General assembly.
    - Local or private appropriations.
      - Vote required to pass, Const. R. I., Art. VI, §11.
  - General assembly.
    - Local or private appropriations.
      - Vote required to pass, Const. R. I., Art. VI, §11.
- Public financing of election campaigns, §17-25-29.

**ARREST.**

- Constitution of Rhode Island.
  - General assembly.
    - Immunity of members, Const. R. I., Art. VI, §5.
  - Exemption of voters from arrest, §9-5-25.
  - General assembly.
    - Immunity of members, Const. R. I., Art. VI, §5.
  - Voters.
    - Exemption from arrest, §10-10-5.

**ASSEMBLY.**

- Illegal assemblies purporting to exercise governmental powers.
  - Dispersal, §11-43-5.
- Sheriffs, sergeants and constables.
  - Illegal assemblies purporting to exercise governmental powers.
    - Dispersal, §11-43-5.

**ASSISTANCE IN VOTING.**

See VOTING.

**ATTACHMENT.**

- Constitution of Rhode Island.
  - General assembly.
    - Immunity of members, Const. R. I., Art. VI, §5.
  - General assembly.
    - Immunity of members, Const. R. I., Art. VI, §5.

**ATTORNEY GENERAL.**

- Duties, Const. R. I., Art. IX, §12.
- Elected at general election, §17-2-1:
  - Const. R. I., Art. IV, §1.
- Failure to elect or incapacity of person elected.
  - Election by general assembly, §17-2-3:
    - Const. R. I., Art. IV, §3.

**ATTORNEY GENERAL—Cont'd****Federal voting rights act.**

Denial of certain rights.

Civil actions by attorney general. 42 U.S.C. §1973aa-2.

**General assembly.**

Election by assembly on failure to elect or incapacity of person elected, §17-2-3; Const. R. I., Art. IV, §3.

Filling vacancies, Const. R. I., Art. IV, §4.

Vacancies in office.

Filling, Const. R. I., Art. IV, §4.

**Impeachment.**

Executive officers.

Officers subject to impeachment, Const. R. I., Art. XI, §3.

**Incapacity.**

Election by general assembly, §17-2-3; Const. R. I., Art. IV, §3.

**Indictments, informations and complaints.**

Presentment or indictment.

Constitutional provisions, Const. R. I., Art. I, §7.

**Oaths.**

Administration of oath, Const. R. I., Art. III, §5.

Oath of office of general officers, Const. R. I., Art. III, §3.

**Powers, Const. R. I., Art. IX, §12.****Term of office, §17-2-1; Const. R. I., Art. IV, §1.**

Constitutional provisions, Const. R. I., Art. IV, §1.

**Vacancies in office, §17-2-5; Const. R. I., Art. IV, §4.**

Filling, Const. R. I., Art. IV, §4.

**ATTORNEYS AT LAW.****Constitution of Rhode Island.**

Accused persons in criminal proceedings.

Assistance of counsel, Const. R. I., Art. I, §10.

**Criminal law and procedure.**

Counsel for accused, Const. R. I., Art. I, §10.

**AUDITS AND AUDITORS.****Campaign contributions and expenditures reporting act.**

Postaudit of accounts, §17-25-27.

**B****BAIL AND RECOGNIZANCE.****Constitution of Rhode Island.**

Excessive bail.

Prohibited, Const. R. I., Art. I, §8.

Right to bail, Const. R. I., Art. I, §9.

**Excessive bail.**

Prohibited, Const. R. I., Art. I, §8.

**BALLOTS.****Application for ballot.**

Form, §17-19-24.

Preservation, §17-19-25.

**Candidates.**

Addresses of candidates, §17-19-7.2.

Listing of names on ballots and ballot labels, §17-19-7.2.

Primary elections, §17-15-8.

**Candidates having name appear in more than one place on ballot for same office, §17-19-50.****General assembly.**

Ballot labels at adjourned elections, §17-3-4.

**Irregular ballots, §17-19-31.****Mail ballots.**

See MAIL BALLOTS.

**Paper ballots, §17-19-40.****Sample ballots, §17-19-10.**

Tampering with, §17-19-43.

Penalties, §17-19-43.

**Secretary of state.**

Duty of secretary as to ballots, §17-6-3.

**BARRINGTON.****Notice.**

Town meetings.

Adjournment to indoor facility located outside town, §45-3-3.1.

**Town meetings.**

Adjournment to indoor facility located outside town, §45-3-3.1.

Notice of meeting, §45-3-3.1.

**BILINGUAL ELECTION REQUIREMENTS.****Federal voting rights act, 42 U.S.C. §1973aa-1a.****BLIND PERSONS.****Voting assistance, §17-19-26.1.**

Federal voting rights act, 42 U.S.C. §1973aa-6.

**BOARD OF ELECTIONS.****Appointment or election of members, §17-7-3.****Assistants, §17-7-6.**

Compensation, §17-7-6.

**Campaign contributions and expenditures reporting act.**

Public financing of election campaigns.

Matching fund program.

Regulation and auditing of, §17-25-28.

**Canvassing lists of qualified voters.**

Powers, §17-7-5.

**Certificates of election.**

Furnishing to elected candidate for state or national office, §17-7-5.

**Compensation, §17-7-4.****Composition, §17-7-2.****Duties.**

Generally, §17-7-5.

**BOARD OF ELECTIONS—Cont'd**

- Election officials.**
    - Powers, §17-7-5.
    - Schools of instruction, §17-7-5.
  - Hearings,** §17-7-8.
    - Public financing of election campaigns.
    - Violations, §17-25-28.
  - Inspectors.**
    - Powers, §17-7-5.
  - Investigations,** §17-7-8.
    - Public financing of election campaigns.
    - Violations, §17-25-28.
  - Jurisdiction,** §17-7-5.
  - Legislative intent,** §17-7-1.
  - Lists.**
    - Correction of lists by board, §17-10-10.
  - Oath of members,** §§17-7-4, 17-22-9.
    - False swearing, §17-7-8.
  - Powers.**
    - Generally, §17-7-5.
  - Public financing of election campaigns.**
    - Matching fund program.
    - Regulation and auditing of, §17-25-28.
  - Quorum,** §17-7-5.
  - Rules and regulations.**
    - Power to make, §17-7-5.
  - Seal of state board,** §17-7-7.
  - Secretary,** §17-7-6.
    - Salaries, §17-7-6.
  - State-wide registration agents.**
    - Appointment, §17-9-5.1.
  - Subpoena powers,** §17-7-8.
  - Supplies.**
    - Duty to furnish, §17-7-5.
  - Vacancies.**
    - Filling, §17-7-3.
  - Voting machines.**
    - Powers and duties, §17-7-5.
    - Power to open machines, §17-19-39.
- BOND ISSUES.**
- Constitution of Rhode Island.**
    - Transitional provision.
    - Validity of bonds, Const. R. I., Art. XV, §2.
- BONDS, SURETY.**
- Constitution of Rhode Island.**
    - Transitional provisions.
    - Validity of bonds, Const. R. I., Art. XV, §2.
- BOUNDARIES.**
- Lists of qualified electors.**
    - Change of registration records on change of voting district boundaries, §17-10-17.
- BRIBERY.**
- Bribery or intimidation of voters,** §17-23-5.

**BUDGET.**

- Constitution of Rhode Island.**
  - Governor.**
    - State budget.
      - Preparation and presentation to general assembly, Const. R. I., Art. IX, §15.
  - State budget.**
    - Governor.
      - Preparation and presentation to general assembly, Const. R. I., Art. IX, §15.
- General assembly.**
  - State budget.
    - Governor.
      - Preparation and presentation to general assembly, Const. R. I., Art. IX, §15.
- Governor.**
  - State budget.
    - Preparation and presentation to general assembly, Const. R. I., Art. IX, §15.
- State budget.**
  - Governor.
    - Preparation and presentation to general assembly, Const. R. I., Art. IX, §15.

**BURRILLVILLE.**

- Harness racing facility.**
  - Establishing in town of, §41-9-4.

## C

**CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORTING ACT.**

- Accounts and accounting.**
  - Postaudits of accounts, §17-25-27.
- Advertisements.**
  - Joint advertisement.
    - Equal apportionment of expenditures for, §17-25-26.
- Amount of political contributions.**
  - Limitations on, §17-25-10.1.
- Anonymous contributions,** §17-25-10.
- Applicability of chapter,** §17-25-4.
- Appropriations.**
  - Public financing of election campaigns, §17-25-29.
- Audits.**
  - Postaudit of accounts, §17-25-27.
- Board of elections.**
  - Powers and duties.
    - Generally, §17-25-5.
  - Public financing of election campaigns.
    - Matching fund program.
    - Regulation and auditing of, §17-25-28.
- Contents of reports filed by treasurers,** §17-25-7.
- Contributions.**
  - Defined, §17-25-3.

**CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORTING ACT—Cont'd**

- Dates for filing reports**, §17-25-11.
- Declaration of policy**, §17-25-2.
- Definitions**, §17-25-3.
- Eligibility to receive matching funds.**
  - Board of elections.
    - Regulation and auditing of matching fund program, §17-25-28.
  - Primary elections, §17-25-21.
- Expenditures.**
  - Defined, §17-25-3.
- Forfeiture of contributions.**
  - Grounds, §17-25-16.
- Governor.**
  - Public financing of election campaigns, §§17-25-20 to 17-25-27. See within this heading, "Public financing of election campaigns."
- Hearings.**
  - Public financing of election campaigns.
    - Board of elections.
      - Violations, §17-25-28.
- Investigations.**
  - Public financing of election campaigns.
    - Board of elections.
      - Violations, §17-25-28.
- Lawful methods of contributing to support of candidates**, §17-25-10.
- Limitations on political contributions**, §17-25-10.1.
- Maintenance of party organization**, §17-25-14.
- Paid personal services.**
  - Defined, §17-25-3.
- Penalties.**
  - Violations of chapter, §17-25-13.
- Political action committees.**
  - Contents of reports filed, §17-25-7.
  - Defined, §17-25-3.
  - Formation.
    - Notice to board of elections, §17-25-15.
  - Public financing of election campaigns.
    - Funds expended by, §17-25-23.
  - Treasurer.
    - Appointment, §17-25-8.1.
      - Filing with board of elections, §17-25-8.1.
    - Removal, §17-25-8.1.
- Political parties.**
  - Committees.
    - Contents of reports filed, §17-25-7.
  - Political party organization.
    - Maintenance, §17-25-14.
  - Public financing of election campaigns.
    - Funds expended by committees of political parties, §17-25-23.
- Primary elections.**
  - Public financing of election campaigns.
    - Eligibility to receive matching funds, §17-25-21.
- Prohibited contributions**, §17-25-12.

**CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORTING ACT—Cont'd**

- Publication.**
  - Postaudit of accounts, §17-25-27.
- Public financing of election campaigns.**
  - Additional expenditures, §17-25-24.
  - Appropriations, §17-25-29.
  - Availability of public funds, §17-25-19.
  - Board of elections.
    - Matching fund program.
      - Regulation and auditing of, §17-25-28.
  - Eligibility for matching funds, §17-25-19.
  - Requirements, §17-25-20.
  - Time period for payment, §17-25-22.
  - General purposes, §17-25-18.
- Hearings.**
  - Board of elections.
    - Violations, §17-25-28.
- Investigations.**
  - Board of elections.
    - Violations, §17-25-28.
- Matching public funds.**
  - Board of elections.
    - Regulation and auditing of matching fund program, §17-25-28.
  - Eligibility, §17-25-19.
  - Requirements, §17-25-20.
  - Primary elections, §17-25-21.
  - Surplus campaign funds, §17-25-25.
  - Time period for payment, §17-25-22.
- Outline**, §17-25-19.
- Political action committees.**
  - Funds expended by, §17-25-23.
- Political parties.**
  - Funds expended by committees of political parties, §17-25-23.
- Primary elections.**
  - Eligibility to receive matching funds, §17-25-21.
- Private contributions and additional expenditures**, §17-25-24.
- Private expenditures**, §17-25-23.
- Purposes**, §17-25-18.
- Surplus campaign funds**, §17-25-25.
- Terms and conditions.**
  - Availability of public funds, §17-25-19.
- Time period for payment of public funds**, §17-25-22.
- Secretary of state.**
  - Duties, §17-25-5.1.
- Severability of provisions**, §17-25-17.
- Short title**, §17-25-1.
- Surplus campaign funds.**
  - Public financing of election campaigns, §17-25-25.
- Testimonial affairs.**
  - Defined, §17-25-3.

**CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORTING ACT—Cont'd****Testimonial proceeds.**

Reports, §17-25-7.1.

Title of act, §17-25-1.

**Treasurers.**

Appointment of campaign treasurer by candidate, §17-25-8.

Appointment of campaign treasurer by political action committee, §17-25-8.1.

Contents of reports filed, §17-25-7.

Political action committees, §17-25-8.1.

Political party committees.

Designation of treasurer, §17-25-9.

Removal, §17-25-8.

**Violations.**

Penalties for violations, §17-25-13.

**CANDIDATES.****Access.**

Guaranteed access in exchange for contributions.

Prohibited, §17-23-16.

**At-large candidates.**

Council and school committee.

Listing, §17-19-7.1.

**Ballots.**

Addresses of candidates, §17-19-7.2.

Listing of names on ballots and ballot labels, §17-19-7.2.

Primary elections, §17-15-8.

**Deceased endorsed candidates.**

Replacement, §17-14-17.

**Declaration of candidacy.**

Felonious conduct.

Misstatement in declaration, §17-23-17.

Unqualified candidate for office, §17-23-17.

Unqualified candidate, §17-23-17.

**Eligibility.**

Objections to eligibility, §17-14-13.

**Endorsements by state committees.**

§17-12-4.

**Independent candidates.**

Declarations of candidacy, §17-14-1.

**Listing on ballot.**

Candidates having name appear in more than one place on ballot for same office, §17-19-50.

**Nomination.**

Constitutional provisions, Const. R. I., Art. II, §2.

General provisions.

See **NOMINATIONS.****Political parties.**

Endorsements by state committees, §17-12-4.

**Presidential candidates.**

Delegates to national conventions and for presidential preference, §17-12.1-4.

**CANDIDATES—Cont'd****Primary elections.**

Nomination of candidates at primaries, §17-15-7.

Withdrawal of candidacy, §17-14-15.

**CANVASSING AUTHORITIES.**

Appointment of bi-partisan authority, §17-8-1.

Bi-partisan authority.

Appointment, §17-8-1.

Compensation, §17-8-3.

**Evidence.**

Power to subpoena evidence, §17-8-7.

**Fees.**

Cities other than Cranston and Woonsocket, §17-8-6.

**Local boards.**

Cities other than Cranston and Woonsocket.

Fees, §17-8-6.

Duties generally, §17-8-5.

Powers generally, §17-8-5.

Number of electors, §17-8-1.

Oath of office, §17-8-4.

Power to administer oaths, §17-8-7.

Open on election day, §17-8-9.

Penalties, §17-8-8.

General penalties, §17-8-8.

Qualifications, §17-8-2.

**Registration lists.**

Secretary to furnish, §17-6-8.

**Subpoenas.**

Power to subpoena evidence, §17-8-7.

Term of office, §17-8-2.

**CANVASSING LISTS OF QUALIFIED VOTERS.****Appeals.**

Striking of names, §17-10-11.

Authorized, §17-10-1.

**Boundaries.**

Change of voting district boundaries, §17-10-17.

Cancellation of registration, §17-10-1.

**Challenge lists.**

Contents, §17-10-16.

Copies, §17-10-16.

Preparation by local boards, §17-10-16.

**Change of voting district boundaries.**

Change of registration records, §17-10-17.

**Copies.**

List of persons voting.

Certified copies, §17-10-22.

Registration records.

Certified copies, §17-10-23.

Defacement of posted lists, §17-10-4.

Erasures, §17-10-19.

**Error in filing registration cards.**

Right to vote unimpaired, §17-10-2.

**Evidence.**

Final canvass, §17-10-6.

Proof required to strike name, §17-10-7.

False entries, §17-10-19.

**CANVASSING LISTS OF QUALIFIED VOTERS—Cont'd****Files.**

- Inactive files, §17-10-1.
- Maintenance, §17-10-1.

**Final canvass.**

- Evidence given at final canvass, §17-10-6.

**Final lists.**

- Certification, §17-10-14.

**Local boards.**

- Neglect of duty by public officers, §17-10-20.
- Right to vote or validity of election unaffected, §17-10-21.

**Neglect of duty.**

- Public officers, §17-10-20.
- Right to vote or validity of election unaffected by neglect of duty, §17-10-21.

**Notices.**

- Striking names, §17-10-8.

**Objections to inclusion or omission of certain persons, §17-10-5.****Order entering name on lists, §17-10-13.****Posted lists.**

- Defacement, §17-10-4.

**Preliminary lists.**

- Canvasses, §17-10-5.
- Contents, §17-10-3.
- Correction, §17-10-5.
- Duplication, §17-10-3.
- Publication, §17-10-3.

**Records.**

- Certified copies of registration records, §17-10-23.
- Striking of names, §17-10-9.

**Registration cards.**

- Removal by local boards, §17-10-15.
- Use at polls, §17-10-15.

**State board.**

- Corrections by board, §17-10-10.

**Striking names.**

- Notice, §17-10-8.
- Notification to board members and clerk, §17-10-12.

**Petitions.**

- Dismissal of petitions, §17-10-13.
- Proof required, §17-10-7.
- Record of striking, §17-10-9.
- Right to appeal striking, §17-10-11.

**Temporary registration certificates, §17-10-18.****CERTIFICATES OF ELECTION.****Board of elections.**

- Furnishing to elected candidate for state or national office, §17-7-5.

**Failure to furnish, §17-23-8.****Furnished candidates by state board, §17-22-5.****Investigation by board prior to certification, §17-22-5.1.****CERTIFICATES OF ELECTION—Cont'd****Local elections, §17-22-5.2.****Secretary of state.****Local elections.**

- Statement to secretary, §17-22-5.2.

**State returns, §17-19-37.****Town returns, §17-19-36.****CHALLENGES.****Affidavits.**

- Identity of voter challenged, §17-19-27.

**Canvassing lists of qualified voters.**

- Challenge lists, §17-10-16.

**Penalty for unsubstantiated challenge, §17-1-3.5.****Procedure, §17-1-3.4.****Unsubstantiated challenge, §17-1-3.5.**

- Penalty, §17-1-3.5.

**CHANGE OF ADDRESS.****Registration.**

- Procedure on change of address, §17-9-16.

**CHANGE OF NAME.**

- Registered voters entitled to change name on registration record, §17-9-18.

**CHARTERS.****Constitution of Rhode Island.****Municipal corporations.****Home rule for cities and towns.**

- Adoption, Const. R. I., Art. XIII, §7.
- Power to adopt, Const. R. I., Art. XIII, §6.

**Amendments, Const. R. I., Art. XIII, §8.****Certificates, Const. R. I., Art. XIII, §10.****Conditions, Const. R. I., Art. XIII, §6.****Petitions.**

- Filing with bicameral legislative bodies, Const. R. I., Art. XIII, §9.

**Power to adopt, Const. R. I., Art. XIII, §6.****CITIZENSHIP.****Registration.**

- Proof of citizenship required to register, §17-9-9.

**Voting.**

- Eligibility to vote, §17-1-3.

**CITIZENS RESIDING OUTSIDE THE UNITED STATES.****Absentee ballots.**

- Form of application by foreign absentee, §17-21.1-4.

**Opening and counting, §17-21.1-7.****Time of casting and mailing, §17-21.1-6.****Application of chapter, §17-21.1-1.****Procedure for voting, §17-21.1-5.****Registration.**

- Absentee registration, §17-21.1-2.

**CITIZENS RESIDING OUTSIDE THE UNITED STATES—Cont'd**

**Registration—Cont'd**  
 Eligibility to register, §17-21.1-2.  
 Procedure on registration, §17-21.1-3.

**CLERKS.**

**Appointment**, §§17-11-3, 17-11-7.  
 Appointment in default of election, §17-11-6.  
 Narragansett, §17-11-7.2.  
**Clerk pro tempore.**  
 Election by town meeting, §17-11-9.  
**Narragansett.**  
 Appointment, §17-11-7.2.  
**Primary elections.**  
 Appointment, §17-15-13.  
**Qualifications**, §17-11-8.  
**Towns divided into senatorial or representative districts**, §17-11-5.  
**Towns not divided into representative districts**, §17-11-4.  
**Vacancies**, §17-11-8.

**CONDUCT OF ELECTIONS.**

**Constitution of Rhode Island**, Const. R. I., Art. II, §2.  
**Willful hindrance as felony**, §17-23-17.

**CONFIDENTIALITY OF INFORMATION.**

**Federal voting rights act.**  
 Survey to compile registration and voting statistics, 42 U.S.C. §1973aa-5.  
**Medical records.**  
 Consent for release or transfer.  
 Required, §5-37.3-4.  
 Exceptions, §5-37.3-4.  
 Disclosure, §5-37.3-4.

**CONGRESS.**

**Districts.**  
 First congressional district, §17-4-2.  
 Second congressional district, §17-4-3.  
 State divided into districts, §17-4-1.  
**First congressional district**, §17-4-2.  
**House of representatives.**  
 New election in absence of plurality, §17-4-7.  
 Plurality required, §17-4-6.  
 Primary elections.  
 Candidates nominated at primaries, §17-15-7.  
 Special election to fill vacancy in office of representative, §17-4-8.  
 Time of election of representatives in congress, §17-4-4.  
**Second congressional district**, §17-4-3.  
**Senate.**  
 Election by plurality, §17-4-6.  
 Electors, Const. U. S., Amd. XVII.  
 Manner of voting, §17-4-6.  
 New election in absence of plurality, §17-4-7.

**CONGRESS—Cont'd**

**Senate—Cont'd**  
 Primary elections.  
 Nomination of candidates, §17-15-7.  
 Qualifications.  
 Electors, Const. U. S., Amd. XVII.  
 Special election to fill senatorial vacancy, §17-4-9.  
 Time of election, §17-4-5.  
 Vacancies.  
 Temporary appointment, §17-4-9.  
**Time.**  
 Election of representatives in congress, §17-4-4.

**CONSERVATION.**

**Constitution of Rhode Island.**  
 Preservation of natural resources, Const. R. I., Art. I, §17.  
**Natural resources.**  
 Preservation of natural resources.  
 Constitutional provisions, Const. R. I., Art. I, §17.

**CONSTITUTIONAL CONVENTIONS.**

**Delegates**, Const. R. I., Art. XIV, §2.  
 Nomination papers for delegates.  
 Signing of nomination papers not to affect rights of qualified electors, §17-15-25.  
**General assembly.**  
 Delegates, Const. R. I., Art. XIV, §2.  
 Submission of question to voters, Const. R. I., Art. XIV, §2.  
**Nomination papers for delegates.**  
 Signing of nomination papers not to affect rights of qualified electors, §17-15-25.  
**Submission of question to voters.**  
 Const. R. I., Art. XIV, §2.

**CONSTITUTION OF RHODE ISLAND.**

**Abortions.**  
 No right granted, Const. R. I., Art. I, §2.  
**Absentee voting**, Const. R. I., Art. II, §2.  
**Accused persons.**  
 Rights in criminal proceedings, Const. R. I., Art. I, §10.  
 Securing of accused, Const. R. I., Art. I, §14.  
**Actions.**  
 Transitional provisions.  
 Validity of suits, actions and rights of actions, Const. R. I., Art. XV, §2.  
**Altering constitution.**  
 Right to alter, Const. R. I., Art. I, §1.  
**Amendments.**  
 Approving, Const. R. I., Art. XIV, §1.  
 Constitutional convention.  
 Election of delegates, Const. R. I., Art. XIV, §2.  
 Submission of question to voters, Const. R. I., Art. XIV, §2.



**CONSTITUTION OF RHODE ISLAND**

—Cont'd

**Amendments—Cont'd**

General assembly.

Amendments proposed by general assembly, Const. R. I., Art. XIV, §1.

Constitutional convention.

Election of delegates, Const. R. I., Art. XIV, §2.

Submission of questions to voters, Const. R. I., Art. XIV, §2.

Proposing.

Procedure, Const. R. I., Art. XIV, §1.

**Appropriations.**

General assembly.

Local or private appropriations.

Vote required to pass, Const. R. I., Art. VI, §11.

**Arms.**

Right to bear arms, Const. R. I., Art. I, §22.

**Arrest.**

General assembly.

Immunity of members, Const. R. I., Art. VI, §5.

**Assembly.**

Right of, Const. R. I., Art. I, §21.

**Attachment.**

General assembly.

Immunity of members, Const. R. I., Art. VI, §5.

**Attorney general, Const. R. I., Art. IV,**

§1.

Failure to elect or qualify.

Election by general assembly, Const. R. I., Art. IV, §3.

Impeachment.

Executive officers.

Officers subject to impeachment, Const. R. I., Art. XI, §3.

Incapacity.

Election by general assembly, Const. R. I., Art. IV, §3.

Information by attorney general, Const.

R. I., Art. I, §7.

Powers and duties, Const. R. I., Art. IX, §12.

Term of office, Const. R. I., Art. IV, §1.

Vacancies in office, Const. R. I., Art. IV, §4.

**Attorneys at law.**

Accused persons in criminal proceedings.

Assistance of counsel, Const. R. I., Art. I, §10.

**Bail and recognizance.**

Excessive bail.

Prohibited, Const. R. I., Art. I, §8.

Right to bail, Const. R. I., Art. I, §9.

**Bond issues.**

Transitional provision.

Validity of bonds, Const. R. I., Art. XV, §2.

**CONSTITUTION OF RHODE ISLAND**

—Cont'd

**Bonds, surety.**

Transitional provisions.

Validity of bonds, Const. R. I., Art. XV, §2.

**Budgets.**

Governor.

State budget.

Preparation and presentation to general assembly, Const. R. I., Art. IX, §15.

State budget.

Governor.

Preparation and presentation to general assembly, Const. R. I., Art. IX, §15.

**Candidates.**

Nomination of, Const. R. I., Art. II, §2.

**Charters.**

Municipal corporations.

Home rule for cities and towns.

Adoption, Const. R. I., Art. XIII, §7.

Power to adopt, Const. R. I., Art. XIII, §6.

Amendments, Const. R. I., Art.

XIII, §8.

Certificates, Const. R. I., Art. XIII, §10.

Conditions, Const. R. I., Art. XIII, §6.

Petitions.

Filing with bicameral legislative bodies, Const. R. I., Art. XIII, §9.

Power to adopt, Const. R. I., Art. XIII, §6.

**Commissions.**

Governor.

Signed by, Const. R. I., Art. IX, §8.

Name and authority of state.

Commissions to be in, Const. R. I., Art. IX, §8.

Seals and sealed instruments.

Sealed with state seal, Const. R. I., Art. IX, §8.

Secretary of state.

Attested by, Const. R. I., Art. IX, §8.

**Conduct of elections, Const. R. I., Art. II, §2.****Conservation.**

Preservation of natural resources, Const. R. I., Art. I, §17.

**Constitutional conventions.**

Delegates, Const. R. I., Art. XIV, §2.

Election of delegates, Const. R. I., Art. XIV, §2.

General assembly.

Delegate's election, Const. R. I., Art. XIV, §2.

Submission of question to voters, Const. R. I., Art. XIV, §2.

Submission of question to voters, Const. R. I., Art. XIV, §2.

**CONSTITUTION OF RHODE ISLAND**

- Cont'd
- Contempt.**
  - General assembly.
    - Punishment of members, Const. R. I., Art. VI, §7.
- Contracts.**
  - Obligation of contract.
    - Laws impairing prohibited, Const. R. I., Art. I, §12.
  - Transitional provisions.
    - Validity of contracts, Const. R. I., Art. XV, §2.
- Contributions.**
  - Limitations on, Const. R. I., Art. IV, §10.
  - Public financing of campaign expenditures of general officers, Const. R. I., Art. IV, §10.
  - Reports, Const. R. I., Art. IV, §9.
- Corporations.**
  - Eminent domain.
    - General assembly.
      - Creation of corporations with power, Const. R. I., Art. VI, §14.
  - Franchises in streets and highways.
    - General assembly.
      - Creation of corporations with power, Const. R. I., Art. VI, §14.
  - General assembly.
    - Creation of corporations.
      - Provision for by general law, Const. R. I., Art. VI, §14.
    - Eminent domain.
      - Creation of corporations with power, Const. R. I., Art. VI, §14.
    - Franchises in streets and highways.
      - Creation of corporations with power, Const. R. I., Art. VI, §14.
  - General corporation laws, Const. R. I., Art. VI, §14.
- Courts.**
  - Impeachment.
    - Judicial officers.
      - Officers subject to impeachment, Const. R. I., Art. XI, §3.
  - Judicial power.
    - Vested in courts, Const. R. I., Art. X, §1.
  - Jurisdiction.
    - Inferior courts, Const. R. I., Art. X, §2.
  - Powers.
    - Judicial power.
      - Vested in court, Const. R. I., Art. X, §1.
- Criminal law and procedure.**
  - Presumption of innocence, Const. R. I., Art. I, §14.

**CONSTITUTION OF RHODE ISLAND**

- Cont'd
- Criminal law and procedure—Cont'd**
  - Rights of accused in criminal proceedings, Const. R. I., Art. I, §10.
  - Victims of crimes.
    - Rights of, Const. R. I., Art. I, §23.
- Cruel and unusual punishment.**
  - Prohibited, Const. R. I., Art. I, §8.
- Death, removal, refusal to serve or incapacity of elected officers.**
  - Filling vacancy caused by, Const. R. I., Art. IV, §3.
- Debts.**
  - General assembly.
    - Borrowing power, Const. R. I., Art. VI, §16.
    - Borrowing in anticipation of receipts, Const. R. I., Art. VI, §17.
  - Relief of debtors, Const. R. I., Art. I, §11.
  - Transitional provision.
    - Validity of debts, Const. R. I., Art. XV, §2.
- Declaration of constitutional rights and principles.**
  - Abortion.
    - No right granted, Const. R. I., Art. I, §2.
  - Accused persons.
    - Rights in criminal proceedings, Const. R. I., Art. I, §10.
    - Securing of accused, Const. R. I., Art. I, §14.
  - Altering constitution.
    - Right to make and alter, Const. R. I., Art. I, §1.
  - Arms.
    - Right to bear arms, Const. R. I., Art. I, §22.
  - Assembly.
    - Right of assembly, Const. R. I., Art. I, §21.
  - Attorney general.
    - Information by attorney general, Const. R. I., Art. I, §7.
  - Bail and recognizance.
    - Excessive bail.
      - Prohibited, Const. R. I., Art. I, §8.
      - Right to, Const. R. I., Art. I, §9.
  - Burdens of state.
    - Distribution, Const. R. I., Art. I, §2.
  - Civil authority.
    - Subordination of military, Const. R. I., Art. I, §18.
  - Compensation for private property, Const. R. I., Art. I, §16.
  - Conservation.
    - Preservation and natural resources, Const. R. I., Art. I, §17.

## CONSTITUTION OF RHODE ISLAND

—Cont'd

## Declaration of constitutional rights and principles—Cont'd

Contracts.

Obligation of contracts.

Laws impairing prohibited. Const. R. I., Art. I, §12.

Debtors.

Relief of debtors. Const. R. I., Art. I, §11.

Discrimination.

Prohibited. Const. R. I., Art. I, §2.

Double jeopardy. Const. R. I., Art. I, §7.

Due process. Const. R. I., Art. I, §2.

Eminent domain.

Compensation for private property. Const. R. I., Art. I, §16.

Fishery rights.

Regulation not public taking. Const. R. I., Art. I, §16.

Shore privileges.

Regulation not public taking. Const. R. I., Art. I, §16.

Equal protection. Const. R. I., Art. I, §2.

Ex post facto laws.

Prohibited. Const. R. I., Art. I, §12.

Fines.

Excessive fines.

Prohibited. Const. R. I., Art. I, §8.

Fishery rights.

Enjoyment continued. Const. R. I., Art. I, §17.

Regulation not public taking. Const. R. I., Art. I, §16.

Freedom of religion. Const. R. I., Art. I, §3.

Freedom of speech. Const. R. I., Art. I, §21.

Freedom of the press. Const. R. I., Art. I, §20.

General assembly.

Conservation and natural resources.

Duties. Const. R. I., Art. I, §17.

Natural resources.

Preservation.

Duties. Const. R. I., Art. I, §17.

Grand jury.

Double jeopardy. Const. R. I., Art. I, §7.

Information by attorney general. Const. R. I., Art. I, §7.

Presentment or indictment. Const. R. I., Art. I, §7.

Habeas corpus.

Suspension of writ. Const. R. I., Art. I, §9.

Indictment and information. Const. R. I., Art. I, §7.

Jury.

Petit jury.

Size. Const. R. I., Art. I, §15.

Trial by jury. Const. R. I., Art. I, §15.

## CONSTITUTION OF RHODE ISLAND

—Cont'd

## Declaration of constitutional rights and principles—Cont'd

Justice.

Right to. Const. R. I., Art. I, §5.

Laws for good of whole. Const. R. I., Art. I, §2.

Making constitution.

Right to make. Const. R. I., Art. I, §1.

Martial law. Const. R. I., Art. I, §18.

Military.

Subordination to civil authority.

Const. R. I., Art. I, §18.

Natural resources.

Preservation. Const. R. I., Art. I, §17.

Obligation of constitution. Const. R. I., Art. I, §1.

Presentments. Const. R. I., Art. I, §7.

Press.

Freedom of. Const. R. I., Art. I, §20.

Presumptions.

Presumption of innocence. Const. R. I., Art. I, §14.

Property.

Private property.

Compensation for. Const. R. I., Art. I, §16.

Punishments.

Cruel punishments.

Prohibited. Const. R. I., Art. I, §8.

Proportioned to offense. Const. R. I., Art. I, §8.

Redress of grievances. Const. R. I., Art. I, §21.

Religion.

Freedom of. Const. R. I., Art. I, §3.

Remedies for injuries and wrongs.

Entitlement to. Const. R. I., Art. I, §5.

Rights not enumerated. Const. R. I., Art. I, §24.

Searches and seizures.

Right of people to be secure. Const. R. I., Art. I, §6.

Self-incrimination. Const. R. I., Art. I, §13.

Shore privileges.

Enjoyment continued. Const. R. I., Art. I, §17.

Regulation not public taking. Const. R. I., Art. I, §16.

Slavery.

Prohibited. Const. R. I., Art. I, §4.

Soldiers.

Quartering. Const. R. I., Art. I, §19.

Speech.

Freedom. Const. R. I., Art. I, §21.

State rights not dependent on federal rights. Const. R. I., Art. I, §24.

Victims of crimes.

Rights of. Const. R. I., Art. I, §23.

## CONSTITUTION OF RHODE ISLAND

—Cont'd

- Disabled persons.**
  - Discrimination.
    - Prohibited, Const. R. I., Art. I, §2.
- Discrimination.**
  - Prohibited, Const. R. I., Art. I, §2.
- Division of powers of government,**
  - Const. R. I., Art. V.
- Double jeopardy.**
  - Prohibited, Const. R. I., Art. I, §7.
- Dual office holding.**
  - General assembly, Const. R. I., Art. III, §6.
- Due process,** Const. R. I., Art. I, §2.
- Education.**
  - Donations.
    - Application, Const. R. I., Art. XII, §3.
  - Funds.
    - Diversion, Const. R. I., Art. XII, §4.
    - Perpetual school fund, Const. R. I., Art. XII, §2.
  - General assembly.
    - Duties as to education, Const. R. I., Art. XII, §1.
  - Implementation of article, Const. R. I., Art. XII, §4.
  - Perpetual school fund, Const. R. I., Art. XII, §2.
- Emergencies.**
  - General assembly.
    - Enemy attack.
      - Powers in case of, Const. R. I., Art. VI, §21.
- War.**
  - General assembly.
    - Emergency powers in case of enemy attack, Const. R. I., Art. VI, §21.
- Eminent domain.**
  - Compensation for private property, Const. R. I., Art. I, §16.
- Corporations.**
  - General assembly.
    - Creation of corporations with power of eminent domain, Const. R. I., Art. VI, §14.
  - General assembly.
    - Local off-street parking facilities, Const. R. I., Art. VI, §20.
    - Taking of property for highways, streets, places, parks or parkways, Const. R. I., Art. VI, §19.
- Highways.**
  - General assembly may authorize, Const. R. I., Art. VI, §19.
- Parking.**
  - Local off-street parking facilities.
    - General assembly may authorize, Const. R. I., Art. VI, §20.
- Parks and recreation areas.**
  - General assembly may authorize, Const. R. I., Art. VI, §19.

## CONSTITUTION OF RHODE ISLAND

—Cont'd

- Eminent domain—Cont'd**
- Streets.**
  - General assembly may authorize, Const. R. I., Art. VI, §19.
- Equal protection,** Const. R. I., Art. I, §2.
- Ethics.**
  - Public officers and employees.
    - Code of ethics, Const. R. I., Art. III, §8.
  - Ethical conduct.
    - Implementing legislation for, Const. R. I., Art. XV, §4.
    - Required, Const. R. I., Art. III, §7.
  - Ethics commission, Const. R. I., Art. III, §8.
    - Implementing legislation for, Const. R. I., Art. XV, §4.
- Evidence.**
  - Self-incrimination, Const. R. I., Art. I, §13.
- Ex post facto laws.**
  - Prohibited, Const. R. I., Art. I, §12.
- Failure to receive plurality of votes,** Const. R. I., Art. IV, §3.
- Felonies.**
  - Public officers and employees.
    - Disqualification upon conviction or plea of nolo contendere, Const. R. I., Art. III, §2.
    - Requalification following sentence, probation or parole, Const. R. I., Art. III, §2.
- Fines.**
  - Excessive fines.
    - Prohibited, Const. R. I., Art. I, §8.
- Fish and game.**
  - Fishery rights.
    - Enjoyment continued, Const. R. I., Art. I, §17.
    - Regulation of not public taking, Const. R. I., Art. I, §16.
- Franchises.**
  - Corporations.
    - General assembly.
      - Creation of corporations with power to acquire franchises in streets and highways, Const. R. I., Art. VI, §14.
  - Highways.
    - Corporations.
      - General assembly.
        - Creation of corporations with power to acquire franchises in streets and highways, Const. R. I., Art. VI, §14.
  - Streets.
    - Corporations.
      - General assembly.
        - Creation of corporations with power to acquire franchises in streets and highways, Const. R. I., Art. VI, §14.

**CONSTITUTION OF RHODE ISLAND**

—Cont'd

**Funds.**

Education.

Perpetual school fund, Const. R. I.,  
Art. XII, §2.**Gambling.**

Lotteries.

Prohibited, Const. R. I., Art. VI, §15.  
State lotteries, Const. R. I., Art. VI,  
§15.State lotteries, Const. R. I., Art. VI,  
§15.**Gender.**

Discrimination.

Prohibited, Const. R. I., Art. I, §2.

**General assembly.**Adjournment of houses, Const. R. I.,  
Art. VI, §9.Power of governor, Const. R. I., Art.  
IX, §6.

Amendments.

Constitutional conventions, Const. R.  
I., Art. XIV, §2.

Appropriations.

Local or private appropriations.  
Vote required to pass, Const. R. I.,  
Art. VI, §11.

Arrest.

Immunity of members, Const. R. I.,  
Art. VI, §5.

Attachment.

Immunity of members, Const. R. I.,  
Art. VI, §5.

Attorney general.

Vacancies in office.

Filling, Const. R. I., Art. IV, §4.

Attorneys at law.

Council in case pending before either  
house.Restrictions on activities as, Const.  
R. I., Art. VI, §4.Borrowing power, Const. R. I., Art. VI,  
§16.Borrowing in anticipation of receipts.  
Const. R. I., Art. VI, §17.

Budgets.

State budget.

Governor.

Preparation and presentation to  
general assembly, Const. R.  
I., Art. IX, §15.

Compensation.

Governor and other officers.

Regulated by assembly, Const. R.  
I., Art. VI, §3.Members of general assembly, Const.  
R. I., Art. VI, §3.

Conservation.

Natural resources.

Duties, Const. R. I., Art. I, §17.

Constitutional conventions.

Election of delegates, Const. R. I.,  
Art. XIV, §2.**CONSTITUTION OF RHODE ISLAND**

—Cont'd

**General assembly—Cont'd**

Constitutional conventions—Cont'd

Submission of question to voters,  
Const. R. I., Art. XIV, §2.

Constitution supreme law of state.

Inconsistent laws void, Const. R. I.,  
Art. VI, §1.

Contempt.

Punishment of members, Const. R. I.,  
Art. VI, §7.Continuation of previous powers, Const.  
R. I., Art. VI, §10.Counsel in case pending before either  
house.Restrictions on members' activities  
as, Const. R. I., Art. VI, §4.Death, refusal or incapacity of senator  
or representative, Const. R. I., Art.  
IV, §5.

Disorderly behavior.

Punishment of members, Const. R. I.,  
Art. VI, §7.Dual office holding, Const. R. I., Art.  
III, §6.

Education.

Duties as to education, Const. R. I.,  
Art. XII, §1.

Emergencies.

Enemy attack.

Powers in case of, Const. R. I., Art.  
VI, §21.

Eminent domain.

Local off-street parking facilities.  
Const. R. I., Art. VI, §20.Taking of property for highways,  
streets, places, parks or  
parkways, Const. R. I., Art. VI,  
§19.

Enactment of laws.

Concurrence of houses required,  
Const. R. I., Art. VI, §2.

Style, Const. R. I., Art. VI, §2.

Expulsion of members, Const. R. I., Art.  
VI, §7.

Governor.

Adjournment.

Power, Const. R. I., Art. IX, §6.

Special sessions.

Convening, Const. R. I., Art. IX, §7.

Vacancies in both offices of governor  
and lieutenant governor.

Speaker of house of representatives.

Speaker to fill office of governor,  
Const. R. I., Art. IX, §10.

Veto power.

Overrides by general assembly,  
Const. R. I., Art. IX, §14.

Grand committee.

Majority required, Const. R. I., Art.  
IV, §6.Permitted activities, Const. R. I., Art.  
IV, §7.

## CONSTITUTION OF RHODE ISLAND

—Cont'd

- General assembly—Cont'd
- Grand committee—Cont'd
- Quorum. Const. R. I., Art. IV, §7.
- Term of elected official. Const. R. I., Art. IV, §6.
- Highways.
- Eminent domain.
- Taking of property for. Const. R. I., Art. VI, §19.
- Holding of offices under other governments. Const. R. I., Art. III, §6.
- House of representatives.
- Composition. Const. R. I., Art. VII, §1.
- Districts.
- Equal in population. Const. R. I., Art. VII, §1.
- Impeachment.
- Sole power. Const. R. I., Art. XI, §1.
- Officers. Const. R. I., Art. VII, §2.
- Organization.
- Presiding member during. Const. R. I., Art. VII, §2.
- Presiding member during organization. Const. R. I., Art. VII, §2.
- Reapportionment. Const. R. I., Art. VII, §1.
- Speaker of house.
- Vacancies in both offices of governor and lieutenant governor.
- Speaker to fill office of governor. Const. R. I., Art. IX, §10.
- Vacancies in office.
- Special election. Const. R. I., Art. IV, §5.
- Immunities of members. Const. R. I., Art. VI, §5.
- Impeachment.
- House of representatives.
- Sole power. Const. R. I., Art. XI, §1.
- Senate.
- Tried by. Const. R. I., Art. XI, §2.
- Invasion.
- Emergency powers in case of enemy attack. Const. R. I., Art. VI, §21.
- Journals.
- Each house to keep. Const. R. I., Art. VI, §8.
- Yeas and nays.
- Entry on. Const. R. I., Art. VI, §8.
- Laws necessary to carry constitution into effect.
- Assembly to pass. Const. R. I., Art. VI, §1.
- Legislative powers.
- Vested in. Const. R. I., Art. VI, §2.

## CONSTITUTION OF RHODE ISLAND

—Cont'd

- General assembly—Cont'd
- Libel and slander.
- Immunity of members. Const. R. I., Art. VI, §5.
- Libraries.
- Duties as to public libraries. Const. R. I., Art. XII, §1.
- Lieutenant governor.
- Vacancies in both offices of governor and lieutenant governor.
- Speaker of house of representatives.
- Speaker to fill office of governor. Const. R. I., Art. IX, §10.
- Members. Const. R. I., Art. IV, §1.
- Municipal corporations.
- Home rule for cities and towns.
- Powers of assembly over cities and towns. Const. R. I., Art. XIII, §4.
- Natural resources.
- Preservation.
- Duties. Const. R. I., Art. I, §17.
- Oaths.
- Oath of office of members. Const. R. I., Art. III, §4.
- Organization of houses. Const. R. I., Art. VI, §6.
- Other officers. Const. R. I., Art. VIII, §4.
- Parking.
- Local off-street parking facilities.
- Eminent domain. Const. R. I., Art. VI, §20.
- Parks and recreation areas.
- Eminent domain.
- Taking of property for. Const. R. I., Art. VI, §19.
- Powers.
- Borrowing power. Const. R. I., Art. VI, §16.
- Borrowing in anticipation of receipts. Const. R. I., Art. VI, §17.
- Continuation of previous powers. Const. R. I., Art. VI, §10.
- Emergency powers.
- Enemy attack. Const. R. I., Art. VI, §21.
- Redevelopment powers. Const. R. I., Art. VI, §18.
- Property.
- Public property appropriating for local or private purposes.
- Vote required to pass. Const. R. I., Art. VI, §11.
- Public money appropriating for local or private purposes.
- Vote required to pass. Const. R. I., Art. VI, §11.

**CONSTITUTION OF RHODE ISLAND**

—Cont'd

**General assembly—Cont'd**

Public officers and employees.

Succession to office.

Continuance in office until  
successor qualify. Const. R. I.,  
Art. VI, §13.

Public property.

Appropriating for local or private  
purposes.Vote required to pass. Const. R. I.,  
Art. VI, §11.

Qualifications of members.

Each house to be judge of. Const. R.  
I., Art. VI, §6.

Quorum. Const. R. I., Art. VI, §6.

Redevelopment powers. Const. R. I.,  
Art. VI, §18.

Representatives.

Officers. Const. R. I., Art. VII, §2.

Revisions.

Constitutional conventions. Const. R.  
I., Art. XIV, §2.

Rules of proceeding.

Each house to determine. Const. R. I.,  
Art. VI, §7.

Secretary of state.

Secretary of senate. Const. R. I., Art.  
VIII, §4.

Senate.

Presiding officer in absence of  
lieutenant governor. Const. R.  
I., Art. VIII, §3.

Vacancies in office.

Filling. Const. R. I., Art. IV, §4.

Senate.

Composition. Const. R. I., Art. VIII,  
§1.Districts equal in population. Const.  
R. I., Art. VIII, §1.

Impeachment.

Tried by. Const. R. I., Art. XI, §2.

Lieutenant governor.

Presiding officer. Const. R. I., Art.  
VIII, §2.Secretary of state presiding officer  
in absence of lieutenant  
governor. Const. R. I., Art.  
VIII, §3.

Officers.

Other officers. Const. R. I., Art.  
VIII, §4.Other officers. Const. R. I., Art. VIII,  
§4.

Presiding officer.

Absence of lieutenant governor.  
Const. R. I., Art. VIII, §3.Lieutenant governor. Const. R. I.,  
Art. VIII, §2.Reapportionment. Const. R. I., Art.  
VIII, §1.**CONSTITUTION OF RHODE ISLAND**

—Cont'd

**General assembly—Cont'd**

Senate—Cont'd

Secretary of state. Const. R. I., Art.  
VIII, §4.Presiding in absence of lieutenant  
governor. Const. R. I., Art.  
VIII, §3.

Vacancies in office.

Special election. Const. R. I., Art.  
IV, §5.

Sessions. Const. R. I., Art. VI, §3.

Adjournment. Const. R. I., Art. VI,  
§9.Power of governor. Const. R. I., Art.  
IX, §6.

Special sessions.

Governor to convene. Const. R. I.,  
Art. IX, §7.

Special elections.

Filling vacancies. Const. R. I., Art.  
IV, §5.

State budget.

Governor.

Preparation and presentation to  
general assembly. Const. R. I.,  
Art. IX, §15.

State treasurer.

Vacancies in office.

Filling. Const. R. I., Art. IV, §4.

Streets.

Eminent domain.

Taking of property for. Const. R. I.,  
Art. VI, §19.

Style of laws. Const. R. I., Art. VI, §2.

Taxation.

Assessments.

Property valuations. Const. R. I.,  
Art. VI, §12.

Term of office.

Members. Const. R. I., Art. IV, §1.

Vacancies.

Special elections. Const. R. I., Art. IV,  
§5.Vacancies in both offices of governor  
and lieutenant governor.

Speaker of house of representatives.

Speaker to fill office of governor.  
Const. R. I., Art. IX, §10.

Veto power of governor.

Overrides by general assembly.  
Const. R. I., Art. IX, §14.

War.

Emergency powers in case of enemy  
attack. Const. R. I., Art. VI, §21.**General officers.**

List of voters. Const. R. I., Art. IV, §8.

Public financing of campaign  
expenditures. Const. R. I., Art. IV,  
§10.

Governor. Const. R. I., Art. IV, §1.

Acts effective without action by  
governor. Const. R. I., Art. IX, §14.

## CONSTITUTION OF RHODE ISLAND

—Cont'd

## Governor—Cont'd

Authority.

Vacancies in office.

Authority to fill, Const. R. I., Art. IX, §5.

Budgets.

State budgets.

Preparation and presentation to general assembly, Const. R. I., Art. IX, §15.

Chief executive.

Power of state vested in, Const. R. I., Art. IX, §1.

Commander in chief.

Military and navy, Const. R. I., Art. IX, §3.

Commissions.

Signed by, Const. R. I., Art. IX, §8.

Compensation, Const. R. I., Art. IX,

§11.

Regulated by general assembly, Const. R. I., Art. VI, §3.

Failure to elect or qualify.

Election by general assembly, Const. R. I., Art. IV, §3.

Faithful execution of laws.

Required, Const. R. I., Art. IX, §2.

General assembly.

Adjournment.

Power, Const. R. I., Art. IX, §6.

Failure to elect or qualify.

Election by general assembly, Const. R. I., Art. IV, §3.

Speaker of house of representatives.

Vacancies in both offices of governor and lieutenant governor.

Speaker to fill office of governor, Const. R. I., Art. IX, §10.

Special sessions.

Convening, Const. R. I., Art. IX, §7.

Veto power of governor.

Overrides by general assembly, Const. R. I., Art. IX, §14.

Impeachment.

Trial.

Chief justice presiding in trial of governor, Const. R. I., Art. XI, §2.

Vote required, Const. R. I., Art. XI, §1.

Incapacity of governor-elect.

Election by general assembly, Const. R. I., Art. IV, §3.

Laws.

Faithful execution of.

Required, Const. R. I., Art. IX, §2.

## CONSTITUTION OF RHODE ISLAND

—Cont'd

## Governor—Cont'd

Lieutenant governor.

Vacancies in both offices of governor and lieutenant governor.

Speaker of house of representatives.

Speaker to fill office of governor, Const. R. I., Art. IX, §10.

Vacancy in office of governor.

Lieutenant governor to fill, Const. R. I., Art. IX, §9.

Military affairs.

Captain general and commander in chief of military and navy, Const. R. I., Art. IX, §3.

Pardons, Const. R. I., Art. IX, §13.

Powers.

Adjournment of general assembly, Const. R. I., Art. IX, §6.

Convening of special sessions of general assembly, Const. R. I., Art. IX, §7.

Pardon power, Const. R. I., Art. IX, §13.

Reprieves, Const. R. I., Art. IX, §4.

Vacancies.

Authority to fill, Const. R. I., Art. IX, §5.

Veto power, Const. R. I., Art. IX, §14.

Reprieves.

Power to grant, Const. R. I., Art. IX, §4.

State budget.

Preparation and presentation to general assembly, Const. R. I., Art. IX, §15.

Term of office, Const. R. I., Art. IV, §1.

Vacancies.

Authority to fill, Const. R. I., Art. IX, §5.

Both offices of governor and lieutenant governor.

Speaker of house of representatives to fill office of governor, Const. R. I., Art. IX, §10.

Lieutenant governor to fill vacancy in governor's office, Const. R. I., Art. IX, §9.

Veto power, Const. R. I., Art. IX, §14.

Acts effective without action by governor, Const. R. I., Art. IX, §14.

General assembly overrides by, Const. R. I., Art. IX, §14.

Grand jury.

Double jeopardy, Const. R. I., Art. I, §7.

Information by attorney general, Const. R. I., Art. I, §7.

Presentment or indictment, Const. R. I., Art. I, §7.

Grievances.

Redress of, Const. R. I., Art. I, §21.



**CONSTITUTION OF RHODE ISLAND**

—Cont'd

**Habeas corpus.**

Privilege not suspended, Const. R. I.,  
Art. I, §9.

**Handicapped persons.**

Discrimination.  
Prohibited, Const. R. I., Art. I, §2.

**Highways.**

Eminent domain.  
General assembly may authorize,  
Const. R. I., Art. VI, §19.  
Franchises.  
Corporations.  
General assembly.  
Creation of corporations with  
power to acquire franchises  
in streets and highways,  
Const. R. I., Art. VI, §14.

**Immunity.**

General assembly.  
Immunity of members, Const. R. I.,  
Art. VI, §5.

**Impeachment.**

Effect of conviction, Const. R. I., Art.  
XI, §3.  
Executive officers.  
Officers subject to impeachment,  
Const. R. I., Art. XI, §3.  
General assembly.  
House of representatives.  
Sole power of impeachment, Const.  
R. I., Art. XI, §1.  
Senate.  
Impeachments tried by, Const. R.  
I., Art. XI, §2.  
Governor.  
Officer subject to conviction, Const. R.  
I., Art. XI, §3.  
Grounds, Const. R. I., Art. XI, §3.  
Judicial officers.  
Officers subject to impeachment,  
Const. R. I., Art. XI, §3.  
Officers subject to impeachment, Const.  
R. I., Art. XI, §3.  
Suspension of officers impeached, Const.  
R. I., Art. XI, §1.  
Trial of impeachments, Const. R. I.,  
Art. XI, §2.  
Vote required for impeachment, Const.  
R. I., Art. XI, §1.

**Invasion.**

General assembly.  
Emergency powers in case of enemy  
attack, Const. R. I., Art. VI, §21.

**Jamestown.**

Wardens.  
Election, Const. R. I., Art. X, §7.

**Judges.**

Impeachment.  
Judicial officers.  
Officers subject to impeachment,  
Const. R. I., Art. XI, §3.  
Oath of judges, Const. R. I., Art. III, §4.

**CONSTITUTION OF RHODE ISLAND**

—Cont'd

**Judicial notice.**

Municipal corporations.  
Home rule for cities and towns.  
Charter certificates, Const. R. I.,  
Art. XIII, §10.

**Judicial power.**

Municipal corporations.  
Home rule for cities and towns.  
Judicial powers of state not  
diminished by article, Const. R.  
I., Art. XIII, §11.

**Jurisdiction.**

Inferior courts, Const. R. I., Art. X, §2.  
Supreme court, Const. R. I., Art. X, §2.

**Jury.**

Impartial jury.  
Rights of accused persons in criminal  
proceedings, Const. R. I., Art. I,  
§10.

**Petit jury.**

Size, Const. R. I., Art. I, §15.  
Trial by jury, Const. R. I., Art. I, §15.

**Justices of the peace.**

Const. R. I., Art.  
X, §7.  
**Libel and slander.**  
General assembly.  
Immunity of members, Const. R. I.,  
Art. VI, §5.

**Libraries.**

General assembly.  
Duties as to public libraries, Const.  
R. I., Art. XII, §1.

**Lieutenant governor.**

Const. R. I., Art.  
IV, §1.  
Compensation, Const. R. I., Art. IX,  
§11.

**Failure to elect or qualify.**

Election by general assembly, Const.  
R. I., Art. IV, §3.

**General assembly.**

Presiding officer, Const. R. I., Art.  
VIII, §2.

**Speaker of house of representatives.**

Vacancies in both offices of  
governor and lieutenant  
governor.

Speaker to fill office of governor,  
Const. R. I., Art. IX, §10.

**Governor.**

Vacancies in both offices of governor  
and lieutenant governor.

**Speaker of house of representatives.**

Speaker to fill office of governor,  
Const. R. I., Art. IX, §10.

**Vacancy in office of governor.**

Lieutenant governor to fill, Const.  
R. I., Art. IX, §9.

**Impeachment.**

Executive officers.  
Officers subject to impeachment,  
Const. R. I., Art. XI, §3.

**CONSTITUTION OF RHODE ISLAND**

- Cont'd
- Lieutenant governor—Cont'd**
- Incapacity.
- Election by general assembly, Const. R. I., Art. IV, §3.
- Term of office, Const. R. I., Art. IV, §1.
- Vacancy in office.
- Speaker of house of representatives.
- Vacancies in both offices of governor and lieutenant governor.
- Speaker to fill office of governor, Const. R. I., Art. IX, §10.
- List of voters for general officers.**
- Const. R. I., Art. IV, §8.
- Lotteries.**
- Prohibited, Const. R. I., Art. VI, §15.
- Exceptions, Const. R. I., Art. VI, §15.
- State lotteries, Const. R. I., Art. VI, §15.
- Military affairs.**
- Captain general.
- Military and navy, Const. R. I., Art. IX, §3.
- Governor, Const. R. I., Art. IX, §3.
- Civil authority.
- Subordination of military, Const. R. I., Art. I, §18.
- Commander in chief.
- Military and navy.
- Governor, Const. R. I., Art. IX, §3.
- Governor.
- Captain general and commander in chief of military and navy, Const. R. I., Art. IX, §3.
- Martial law, Const. R. I., Art. I, §18.
- Quartering of soldiers, Const. R. I., Art. I, §19.
- Subordination of military to civil authority, Const. R. I., Art. I, §18.
- Misdemeanors.**
- Public officers and employees.
- Disqualification upon conviction or plea of nolo contendere, Const. R. I., Art. III, §2.
- Requalification following sentence, probation or parole, Const. R. I., Art. III, §2.
- Municipal corporations.**
- Home rule for cities and towns.
- Borrowing powers, Const. R. I., Art. XIII, §5.
- Charters.
- Adoption, Const. R. I., Art. XIII, §7.
- Power to adopt, Const. R. I., Art. XIII, §6.
- Amendments, Const. R. I., Art. XIII, §8.
- Certificates.
- Deposit, Const. R. I., Art. XIII, §10.
- Judicial notice, Const. R. I., Art. XIII, §10.

**CONSTITUTION OF RHODE ISLAND**

- Cont'd
- Municipal corporations—Cont'd**
- Home rule for cities and towns—Cont'd
- Charters—Cont'd
- Certificates—Cont'd
- Recordation, Const. R. I., Art. XIII, §10.
- Signing, Const. R. I., Art. XIII, §10.
- Commissions, Const. R. I., Art. XIII, §6.
- Petitions.
- Filing with bicameral legislative bodies, Const. R. I., Art. XIII, §9.
- Power to adopt, Const. R. I., Art. XIII, §6.
- General assembly.
- Powers over cities and towns, Const. R. I., Art. XIII, §4.
- Intention of article, Const. R. I., Art. XIII, §1.
- Judicial powers of state.
- Not diminished by article, Const. R. I., Art. XIII, §11.
- Local legislative bodies, Const. R. I., Art. XIII, §3.
- Local legislative powers, Const. R. I., Art. XIII, §2.
- Petitions.
- Charters.
- Filing with bicameral legislative bodies, Const. R. I., Art. XIII, §9.
- Taxation.
- Power to tax, Const. R. I., Art. XIII, §5.
- Municipal corporations.
- Home rule for cities and towns.
- Power to tax, Const. R. I., Art. XIII, §5.
- Ordinances.
- Continuance.
- Transitional provisions, Const. R. I., Art. XV, §1.
- Natural resources.**
- Preservation, Const. R. I., Art. I, §17.
- New Shoreham.**
- Wardens.
- Election, Const. R. I., Art. X, §7.
- Newspapers.**
- Freedom of press, Const. R. I., Art. I, §20.
- Nominations,** Const. R. I., Art. II, §2.
- Oaths.**
- Administration, Const. R. I., Art. III, §5.
- General assembly.
- Oath of office of members, Const. R. I., Art. III, §4.
- General officers, Const. R. I., Art. III, §3.
- Judges, Const. R. I., Art. III, §4.

**CONSTITUTION OF RHODE ISLAND**

- Cont'd
- Obligation of constitution**, Const. R. I., Art. I, §1.
- Ordinances.**
  - Continuance.
  - Transitional provisions, Const. R. I., Art. XV, §1.
- Pardons.**
  - Governor.
  - Power, Const. R. I., Art. IX, §13.
- Parking.**
  - Eminent domain.
  - Local off-street parking facilities.
  - General assembly may authorize, Const. R. I., Art. VI, §20.
- Parks and recreation.**
  - Eminent domain.
  - General assembly may authorize, Const. R. I., Art. VI, §19.
- Parole.**
  - Public officers and employees.
  - Disqualification upon conviction or plea of nolo contendere.
  - Requalification following parole, Const. R. I., Art. III, §2.
- Penalties.**
  - Fines.
  - Excessive fines.
  - Prohibited, Const. R. I., Art. I, §8.
- Persons entitled to vote**, Const. R. I., Art. II, §1.
- Pluralities.**
  - Required, Const. R. I., Art. IV, §2.
  - Election when no candidate receives plurality, Const. R. I., Art. IV, §3.
- Powers of government.**
  - Division of powers of government, Const. R. I., Art. V.
- Presumptions.**
  - Presumption of innocence, Const. R. I., Art. I, §14.
- Probation.**
  - Public officers and employees.
  - Disqualification upon conviction or plea of nolo contendere.
  - Requalification following probation, Const. R. I., Art. III, §2.
- Providence, city of.**
  - Justices of the peace.
  - Election, Const. R. I., Art. X, §7.
- Public financing of campaign expenditures of general officers**, Const. R. I., Art. IV, §10.
- Public officers and employees.**
  - Dual office holding, Const. R. I., Art. III, §6.
  - Ethics.
  - Code of ethics, Const. R. I., Art. III, §8.
  - Implementing legislation for, Const. R. I., Art. XV, §4.

**CONSTITUTION OF RHODE ISLAND**

- Cont'd
- Public officers and employees—Cont'd**
- Ethics—Cont'd
- Ethical conduct.
- Implementing legislation for, Const. R. I., Art. XV, §4.
- Required, Const. R. I., Art. III, §7.
- Ethics commission, Const. R. I., Art. III, §8.
- Implementing legislation for, Const. R. I., Art. XV, §4.
- Felonies.**
  - Disqualification upon conviction or plea of nolo contendere, Const. R. I., Art. III, §2.
- General assembly.**
  - Continuance of office until successors qualify.
  - Assembly may provide for, Const. R. I., Art. VI, §13.
- Holding of offices under other governments**, Const. R. I., Art. III, §6.
- Misdemeanors.**
  - Disqualification upon conviction or plea of nolo contendere, Const. R. I., Art. III, §2.
- Parole.**
  - Disqualification upon conviction or plea of nolo contendere.
  - Requalification following parole, Const. R. I., Art. III, §2.
- Probation.**
  - Disqualification upon conviction or plea of nolo contendere.
  - Requalification following probation, Const. R. I., Art. III, §2.
- Qualifications for office**, Const. R. I., Art. III, §1.
- Conviction or plea of nolo contendere.
- Disqualification, Const. R. I., Art. III, §2.
- Requalification following sentence, probation or parole, Const. R. I., Art. III, §2.
- Sentencing.**
  - Disqualification upon conviction or plea of nolo contendere.
  - Requalification following sentence, Const. R. I., Art. III, §2.
- Succession to office.**
  - Continuance in office until successors qualify, Const. R. I., Art. VI, §13.
- Transitional provisions.**
  - Continuation of officeholders, Const. R. I., Art. XV, §3.
- Public property.**
  - General assembly.
  - Appropriating for local or private purposes.
  - Vote required to pass, Const. R. I., Art. VI, §11.

**CONSTITUTION OF RHODE ISLAND**

—Cont'd

- Quartering of soldiers**, Const. R. I., Art. I, §19.
- Racial minorities**.
  - Discrimination.
    - Prohibited, Const. R. I., Art. I, §2.
- Recordation**.
  - Home rule for cities and towns.
    - Charter certificates, Const. R. I., Art. XIII, §10.
  - Municipal corporations.
    - Home rule for cities and towns.
      - Charter certificate, Const. R. I., Art. XIII, §10.
- Redevelopment**.
  - General assembly.
    - Powers, Const. R. I., Art. VI, §18.
- Redress of grievances**, Const. R. I., Art. I, §21.
- Registration of voters**, Const. R. I., Art. II, §2.
  - Voter registration lists, Const. R. I., Art. IV, §8.
- Religion**.
  - Freedom of religion, Const. R. I., Art. I, §3.
- Remedies for injuries and wrongs**.
  - Entitlement to, Const. R. I., Art. I, §5.
    - Justice.
      - Right to, Const. R. I., Art. I, §5.
- Reports**.
  - Campaign contributions and expenses, Const. R. I., Art. IV, §9.
- Residency**.
  - Voting purposes, Const. R. I., Art. II, §2.
- Revisions**.
  - Constitutional conventions, Const. R. I., Art. XIV, §2.
- Right of assembly**, Const. R. I., Art. I, §21.
- Rights not enumerated**, Const. R. I., Art. I, §24.
- Rules and regulations**.
  - Continuance.
    - Transitional provision, Const. R. I., Art. XV, §1.
- Seals and sealed instruments**.
  - Commissions.
    - Sealed with state seal, Const. R. I., Art. IX, §8.
- Searches and seizures**.
  - Right of people against unreasonable searches and seizures, Const. R. I., Art. I, §6.
- Secretary of state**, Const. R. I., Art. IV, §1.
  - Commissions.
    - Attested by, Const. R. I., Art. IX, §8.
  - Failure to elect or qualify.
    - Election by general assembly, Const. R. I., Art. IV, §3.

**CONSTITUTION OF RHODE ISLAND**

—Cont'd

- Secretary of state—Cont'd**
  - General assembly.
    - Presiding officer in absence of lieutenant governor.
      - Presides over senate until election of member, Const. R. I., Art. VIII, §3.
  - Secretary of senate, Const. R. I., Art. VIII, §4.
- Impeachment**.
  - Executive officers.
    - Officers subject to impeachment, Const. R. I., Art. XI, §3.
- Incapacity**.
  - Election by general assembly, Const. R. I., Art. IV, §3.
- Powers and duties**, Const. R. I., Art. IX, §12.
  - Term of office, Const. R. I., Art. IV, §1.
  - Vacancies in office, Const. R. I., Art. IV, §4.
- Self-incrimination**, Const. R. I., Art. I, §13.
- Sentencing**.
  - Public officers and employees.
    - Disqualification upon conviction or plea of nolo contendere.
      - Requalification following sentence, Const. R. I., Art. III, §2.
- Sex**.
  - Discrimination.
    - Prohibited, Const. R. I., Art. I, §2.
- Shore privileges**.
  - Enjoyment continued, Const. R. I., Art. I, §17.
  - Regulation of not public taking, Const. R. I., Art. I, §16.
- Signatures**.
  - Municipal corporations.
    - Home rule for cities and towns.
      - Charter certificates.
        - Signing, Const. R. I., Art. XIII, §10.
- Slavery**.
  - Prohibited, Const. R. I., Art. I, §4.
- Soldiers**.
  - Quartering, Const. R. I., Art. I, §19.
- Speech**.
  - Freedom of speech, Const. R. I., Art. I, §21.
- Speedy trial**.
  - Rights of accused persons in criminal proceedings, Const. R. I., Art. I, §10.
- State lotteries**, Const. R. I., Art. VI, §15.
- State rights not dependent on federal rights**, Const. R. I., Art. I, §24.
- State treasurer**, Const. R. I., Art. IV, §1.
  - Election by general assembly, Const. R. I., Art. IV, §3.

## CONSTITUTION OF RHODE ISLAND

—Cont'd

**State treasurer**—Cont'd

Incapacity.

Election by general assembly, Const. R. I., Art. IV, §3.

Powers and duties, Const. R. I., Art. IX, §12.

Term of office, Const. R. I., Art. IV, §1.

Vacancies in office, Const. R. I., Art. IV, §4.

**Streets.**

Eminent domain.

General assembly may authorize, Const. R. I., Art. VI, §19.

Franchises.

Corporations.

General assembly.

Creation of corporations with power to acquire franchises in streets and highways, Const. R. I., Art. VI, §14.

**Supreme court.**

Advisory opinions, Const. R. I., Art. X, §3.

Compensation of judges, Const. R. I., Art. X, §6.

Impeachment.

Governor.

Chief justice presiding in trial of governor, Const. R. I., Art. XI, §2.

Judicial officers.

Officers subject to impeachment, Const. R. I., Art. XI, §3.

Judges.

Compensation, Const. R. I., Art. X, §6.

Election and removal, Const. R. I., Art. X, §4.

Term of office, Const. R. I., Art. X, §4.

Vacancies.

Filling, Const. R. I., Art. X, §5.

Judicial power.

Vested in, Const. R. I., Art. X, §1.

Jurisdiction, Const. R. I., Art. X, §2.

Power.

Judicial power.

Vested in, Const. R. I., Art. X, §1.

Prerogative writs.

Power to issue, Const. R. I., Art. X, §2.

Quorum, Const. R. I., Art. X, §2.

Removal of judges, Const. R. I., Art. X, §4.

Term of office.

Judges, Const. R. I., Art. X, §4.

Vacancies.

Filling, Const. R. I., Art. X, §5.

Writs.

Prerogative writs.

Power to issue, Const. R. I., Art. X, §2.

## CONSTITUTION OF RHODE ISLAND

—Cont'd

**Supreme law of state**, Const. R. I., Art. VI, §1.**Taxation.**

General assembly.

Assessments.

Property valuations, Const. R. I., Art. VI, §12.

**Transition.**

Actions.

Rights of action.

Validity continued, Const. R. I., Art. XV, §2.

Validity continued, Const. R. I., Art. XV, §2.

Bond issues.

Validity continued, Const. R. I., Art. XV, §2.

Bonds, surety.

Validity continued, Const. R. I., Art. XV, §2.

Contracts.

Validity continued, Const. R. I., Art. XV, §2.

Debts.

Validity continued, Const. R. I., Art. XV, §2.

Ethics.

Public officers and employees.

Code of ethics.

Implementing legislation for, Const. R. I., Art. XV, §4.

Ethical conduct.

Implementing legislation for, Const. R. I., Art. XV, §4.

Ethics commission.

Implementing legislation for, Const. R. I., Art. XV, §4.

Laws.

Continuance of, Const. R. I., Art. XV, §1.

Officeholders.

Continuation, Const. R. I., Art. XV, §3.

Ordinances.

Continuance of, Const. R. I., Art. XV, §1.

Public bodies.

Rights and duties.

Unaffected, Const. R. I., Art. XV, §1.

Public officers and employees.

Continuation of officeholders, Const. R. I., Art. XV, §3.

Ethical conduct.

Code of ethics.

Implementing legislation for, Const. R. I., Art. XV, §4.

Ethics commission.

Implementing legislation for, Const. R. I., Art. XV, §4.

Implementing legislation for, Const. R. I., Art. XV, §4.

**CONSTITUTION OF RHODE ISLAND**

—Cont'd

**Transition—Cont'd**

Rules and regulations.

Continuance of, Const. R. I., Art. XV, §1.

**Trial.**

Impeachments, Const. R. I., Art. XI, §2.

Speedy and public trial.

Rights of accused persons in criminal proceedings, Const. R. I., Art. I, §10.

**Vetos.**

Powers of governor, Const. R. I., Art. IX, §14.

Acts effective without action by governor, Const. R. I., Art. IX, §14.

Overrides by general assembly, Const. R. I., Art. IX, §14.

**Victims of crimes.**

Rights of, Const. R. I., Art. I, §23.

**Voters.**

List of voters for general officers, Const. R. I., Art. IV, §8.

Qualifications, Const. R. I., Art. II, §1.

Registration, Const. R. I., Art. II, §§1, 2.

Residency, Const. R. I., Art. II, §2.

**War.**

General assembly.

Emergency powers in case of enemy attack, Const. R. I., Art. VI, §21.

Quartering of soldiers, Const. R. I., Art. I, §19.

**Wardens.**

Certain towns to elect wardens, Const. R. I., Art. X, §7.

**Weapons.**

Right to bear arms, Const. R. I., Art. I, §22.

**Witnesses.**

Confrontation with witnesses, Const. R. I., Art. I, §10.

Process to obtain, Const. R. I., Art. I, §10.

**Writs.**

Supreme court.

Prerogative writs.

Power to issue, Const. R. I., Art. X, §2.

**CONSTITUTION OF THE UNITED STATES.****Age.**

Right to vote not to be abridged on account of age, Const. U. S., Amd. XXVI.

Voting by persons eighteen years of age, Const. U. S., Amd. XXVI.

**Amendments.**

Right to vote, Const. U. S., Amd. XXVI.

**CONSTITUTION OF THE UNITED STATES—Cont'd****Amendments—Cont'd****Senate.**

Election of senators, Const. U. S., Amd. XVII.

Woman suffrage, Const. U. S., Amd. XIX.

**Congress.****Senate.**

Election of senators, Const. U. S., Amd. XVII.

Qualifications.

Electors, Const. U. S., Amd. XVII.

Vacancies, Const. U. S., Amd. XVII.

**Senate, Const. U. S., Amd. XVII.**

Election of members, Const. U. S., Amd. XVII.

Qualifications of electors, Const. U. S., Amd. XVII.

**Suffrage, Const. U. S. Amd. XIX.****Woman suffrage, Const. U. S., Amd. XIX.****CONTEMPT.****Constitution of Rhode Island.**

General assembly.

Punishment of members, Const. R. I., Art. VI, §7.

**General assembly.**

Punishment of members, Const. R. I., Art. VI, §7.

**CONTESTS.**

Primary elections, §§17-15-11, 17-15-12.

**CONTRACTS.****Constitution of Rhode Island.**

Obligation of contract.

Laws impairing prohibited, Const. R. I., Art. I, §12.

Transitional provisions.

Validity of contracts, Const. R. I., Art. XV, §2.

**CONTRIBUTIONS.****Access to candidates.**

Guaranteed access in exchange for contributions.

Prohibited, §17-23-16.

**Campaign contributions and expenditures reporting act.**

See CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORTING ACT.

**Limitations on campaign**

contributions, Const. R. I., Art. IV, §10.

**Public financing of campaign**

expenditures of general officers, Const. R. I., Art. IV, §10.

**Reports of campaign contributions and expenses, Const. R. I., Art. IV, §9.**

**CONVENTIONS.**

- Constitutional conventions.**
  - Amendment or revision of constitution.
  - Delegates.
    - Election, Const. R. I., Art. XIV, §2.
  - General assembly.
    - Delegate's election, Const. R. I., Art. XIV, §2.
  - Submission of question to voters, Const. R. I., Art. XIV, §2.
  - Submission of question to voters, Const. R. I., Art. XIV, §2.

**CORPORATIONS.**

- Constitution of Rhode Island.**
  - Eminent domain.
    - General assembly.
      - Creation of corporations with power, Const. R. I., Art. VI, §14.
  - Franchises in streets and highways.
    - General assembly.
      - Creation of corporations with power, Const. R. I., Art. VI, §14.
  - General assembly.
    - Creation of corporations.
      - Provision for by general law, Const. R. I., Art. VI, §14.
    - Eminent domain.
      - Creation of corporations with power, Const. R. I., Art. VI, §14.
    - Franchises in streets and highways.
      - Creation of corporations with power, Const. R. I., Art. VI, §14.
    - General corporation laws, Const. R. I., Art. VI, §14.
  - Eminent domain.**
    - General assembly.
      - Creation of corporations with power, Const. R. I., Art. VI, §14.
  - Franchises.**
    - In streets and highways.
      - General assembly.
        - Creation of corporations with power, Const. R. I., Art. VI, §14.
  - General assembly.**
    - Creation of corporations.
      - Provision for in general laws, Const. R. I., Art. VI, §14.
    - Eminent domain.
      - Creation of corporations with power, Const. R. I., Art. VI, §14.
    - Franchises in streets and highways.
      - Creation of corporations with power, Const. R. I., Art. VI, §14.
  - General corporation laws.**
    - General assembly may provide by general law for creation and control of corporations, Const. R. I., Art. VI, §14.

**COURTS.**

- Administrator of courts.**
  - Duties.
    - Report of felony convictions, §8-15-8.
    - Report to secretary of state felony convictions, §8-15-8.
- Constitution of Rhode Island.**
  - Impeachment.
    - Judicial officers.
      - Officers subject to impeachment, Const. R. I., Art. XI, §3.
    - Judicial power.
      - Vested in courts, Const. R. I., Art. X, §1.
  - Jurisdiction.
    - Inferior courts, Const. R. I., Art. X, §2.
  - Powers.
    - Judicial power.
      - Vested in courts, Const. R. I., Art. X, §1.
  - Impeachment.**
    - Judicial officers.
      - Officers subject to impeachment, Const. R. I., Art. XI, §3.
  - Judicial power.**
    - Vested in, Const. R. I., Art. X, §1.
  - Jurisdiction.**
    - Inferior courts, Const. R. I., Art. X, §2.
  - Powers.**
    - Judicial power.
      - Vested in, Const. R. I., Art. X, §1.
  - Reports.**
    - Felony convictions.
      - Report to secretary of state, §8-15-8.

**CRIMINAL LAW AND PROCEDURE.**

- Attorneys at law.**
  - Counsel for accused, Const. R. I., Art. I, §10.
- Constitution of Rhode Island.**
  - Presumption of innocence, Const. R. I., Art. I, §14.
  - Rights of accused in criminal proceedings, Const. R. I., Art. I, §10.
  - Victims of crimes.
    - Rights of, Const. R. I., Art. I, §23.
- Innocence.**
  - Presumptions.
    - Constitutional provisions, Const. R. I., Art. I, §14.
- Persons ineligible to serve as election officials, §17-11-15.**
- Presumptions.**
  - Innocence.
    - Constitutional provisions, Const. R. I., Art. I, §14.
- Victims' rights.**
  - Constitutional provisions, Const. R. I., Art. I, §23.

**CRUEL AND UNUSUAL PUNISHMENT.**

Constitution of Rhode Island.  
Prohibited, Const. R. I., Art. I, §8.

**CYCLE.**

Defined, §17-25-3.

**D**

**DAYLIGHT SAVING TIME,** §§42-5-1,  
42-5-2.

**DEADLINES.**

Uniform deadlines, §17-1-7.

**DEATH.****Candidates.**

Replacement of deceased endorsed  
candidates, §17-14-17.

**Governor.**

Death or incapacity of governor-elect,  
§17-2-2; Const. R. I., Art. IV, §3.

**Lieutenant-governor.**

Death or incapacity of governor-elect,  
§17-2-2.

**DEBTS.****Constitution of Rhode Island.****General assembly.**

Borrowing power, Const. R. I., Art.  
VI, §16.

Relief of debtors, Const. R. I., Art. I,  
§11.

**Transitional provision.**

Validity of debts, Const. R. I., Art.  
XV, §2.

**General assembly.**

Borrowing power, Const. R. I., Art. VI,  
§16.

Borrowing in anticipation of receipts,  
Const. R. I., Art. VI, §17.

**DEFINITIONS, §17-1-2.**

**Campaign contributions and  
expenditures reporting act,**  
§17-25-3.

**Delegates to national conventions,**  
§17-12.1-12.

**Mail ballots, §17-20-3.**

**Voting machines, §17-19-1.**

**DISABLED PERSONS.**

See **HANDICAPPED PERSONS.**

**DISCRIMINATION.****Constitution of Rhode Island.**

Prohibited, Const. R. I., Art. I, §2.

**DISORDERLY CONDUCT.****Municipal corporations.**

Town meetings, §45-3-19.

Town meetings, §45-3-19.

**DISTRICTS.****Advertising.**

Combination of voting districts for  
special elections, §17-11-1.1.

**DISTRICTS—Cont'd****Combination of districts.**

Primaries, §17-15-5.

Special elections, §17-11-1.1.

**Division of towns into voting districts,**  
§17-11-1.

**Narragansett.**

Moderators and clerks of voting  
districts for town of Narragansett.

Appointment, §17-11-7.2.

**Notice of division or redivision into  
districts, §17-11-2.**

**Primaries.**

Combination of voting districts,  
§17-15-5.

**Questions submitted to electorate.**

Combination of voting districts,  
§17-11-1.1.

**Special election.**

Combination for special elections,  
§17-11-1.1.

**DOUBLE JEOPARDY.****Constitution of Rhode Island.**

Prohibited, Const. R. I., Art. I, §7.

**DUE PROCESS.**

**Constitution of Rhode Island, Const. R.  
I., Art. I, §2.**

**E****EAST PROVIDENCE.**

**Ward committees, §17-12-9.1.**

**EDUCATION.****Committees.****At-large candidates.**

Listing, §17-19-7.1.

**Caucuses.**

Unaffected by election title,  
§17-15-41.

Election of members, §16-2-5.

At-large candidates.

Listing, §17-19-7.1.

Vacancies, §16-2-5.

**Voting instructions.**

Committee to provide for courses,  
§16-22-10.

**Constitution of Rhode Island.****Donations.**

Application, Const. R. I., Art. XII, §3.

**Funds.**

Diversion, Const. R. I., Art. XII, §4.

Perpetual school fund, Const. R. I.,  
Art. XII, §2.

**General assembly.**

Duties as to education, Const. R. I.,  
Art. XII, §1.

Implementation of article, Const. R. I.,  
Art. XII, §4.

Perpetual school fund, Const. R. I., Art.  
XII, §2.

**Courses in voting instructions,**

§16-22-10.



**EDUCATION—Cont'd****Curriculum.**

- Voting instructions.
- Courses in voting instructions, §16-22-10.

**Donations.**

- Application, Const. R. I., Art. XII, §3.

**Electoral process education, §17-6-13.****Funds.**

- Diversion of funds.
- Prohibited, Const. R. I., Art. XII, §4.
- Perpetual school fund, Const. R. I., Art. XII, §2.

**General assembly.**

- Duties as to education, Const. R. I., Art. XII, §1.

**Perpetual school fund, Const. R. I., Art. XII, §2.****ELECTION LAW.**

- Scope of title, §17-1-6.
- Short title, §17-1-1.

**ELECTION OFFICIALS.****Appointment, §17-19-23.1.****Board of elections.**

- Powers, §17-7-5.

**Certification, §17-19-23.1.****Compensation, §17-19-23.1.****Failure of officials to perform duties.**

- Mandamus by supreme court, §17-24-1.

**Felonious conduct, §17-23-17.****Performance of duties by supreme court appointee, §17-24-2.****Persons ineligible to serve as, §17-11-15.****Pool of election officials, §17-11-7.1.****Primary elections.**

- Appointment, §17-15-13.

**Qualifications.**

- Generally, §17-11-12.

**Refusal of officials to do duties.**

- Replacement of officer refusing to obey, §17-24-1.

**Schools of instruction.**

- Powers of board of elections, §17-7-5.

**Supreme court.**

- Failure of official to do duty.
- Mandamus by supreme court, §17-24-1.
- Hindering performance of court appointee, §17-24-3.
- Powers of court appointee, §17-24-3.

**Telephones.**

- Use at polling places, §17-11-17.

**Vacancies.**

- Pool of election officials to fill, §17-11-7.1.

**Violations by officials generally, §17-23-10.****Violations by public officers, §17-19-41.**

- Penalty, §17-19-41.

**ELECTION OFFICIALS—Cont'd****Voting machines.**

- Officer tampering with machine, §17-19-44.
- Penalty, §17-19-44.

**ELECTION SUPPLIES.****Delivery, §17-19-12.****ELECTIVE MEETINGS.****Adjournment, §17-18-12.****Closing of polls.**

- Time of closing, §17-18-11.

**Date of general elective meeting, §17-18-5.****District meetings.**

- Adjournment, §17-18-12.
- Open all day, §17-18-9.

**District moderator and clerk, §17-18-6.**

- Quorum, §17-18-7.

**Place of meetings, §17-18-7.****Quorum.**

- Moderator and clerks as quorum, §17-18-7.

**Representative district.**

- Continuously open for voting, §17-18-8.
- Date, §17-18-5.

- Warning and organization, §17-18-3.

**Senatorial district.**

- Continuously open for voting, §17-18-8.
- Date, §17-18-5.

- Warning and organization, §17-18-3.

**Time of opening of polls, §17-18-10.****Town elective meetings.**

- Continuously open for voting, §17-18-8.
- Date, §17-18-5.

- Reopening, §17-18-13.

- Warning and organization, §17-18-1.

**Voting district.**

- Date, §17-18-5.

- Warning and organization, §17-18-3.

**Voting machine elections.**

- Application to, §17-18-14.

**Ward elective meetings.**

- Adjournment, §17-18-12.
- Warning and organization, §17-18-2.

**Warrants.**

- Return of warrants, §17-18-4.

**ELECTORAL PROCESS EDUCATION, §17-6-13.****ELIGIBILITY TO VOTE, §17-1-3.****Appeals, §17-1-4.****Identification of voter at time of registration, §17-1-3.2.****Residency.**

- Generally, §17-1-3.1.
- Verification, §17-1-3.3.

**Severability of chapter, §17-1-8.****EMERGENCIES.****Constitution of Rhode Island.**

- General assembly.
- Enemy attack.
- Powers in case of, Const. R. I., Art. VI, §21.

**EMERGENCIES—Cont'd****Constitution of Rhode Island—Cont'd**  
**War.**

General assembly.  
Emergency powers in case of enemy attack, Const. R. I., Art. VI, §21.

**General assembly.**

Enemy attack.  
Powers in case of, Const. R. I., Art. VI, §21.

**EMINENT DOMAIN AND ACQUISITION BY PURCHASE, ETC.****Constitution of Rhode Island.**

Compensation for private property, Const. R. I., Art. I, §16.

**Corporations.**

General assembly.  
Creation of corporations with power of eminent domain, Const. R. I., Art. VI, §14.

**General assembly.**

Local off-street parking facilities, Const. R. I., Art. VI, §20.  
Taking of property for highways, streets, places, parks or parkways, Const. R. I., Art. VI, §19.

**Highways.**

General assembly may authorize, Const. R. I., Art. VI, §19.

**Parking.**

Local off-street parking facilities.  
General assembly may authorize, Const. R. I., Art. VI, §20.

**Parks and recreation areas.**

General assembly may authorize, Const. R. I., Art. VI, §19.

**Streets.**

General assembly may authorize, Const. R. I., Art. VI, §19.

**Corporations.**

General assembly.  
Creation of corporations with power of eminent domain, Const. R. I., Art. VI, §14.

**General assembly.**

Local off-street parking facilities, Const. R. I., Art. VI, §20.  
Taking of property for highways, streets, places, parks or parkways, Const. R. I., Art. VI, §19.

**Highways.**

General assembly may authorize, Const. R. I., Art. VI, §19.

**Parking.**

Local off-street parking facilities.  
General assembly may authorize, Const. R. I., Art. VI, §20.

**Parks and recreation areas.**

General assembly may authorize, Const. R. I., Art. VI, §19.

**EMINENT DOMAIN AND ACQUISITION BY PURCHASE, ETC—Cont'd****Streets.**

General assembly may authorize, Const. R. I., Art. VI, §19.

**EMPLOYERS AND EMPLOYEES.**

Improper influence by employers, §17-23-6.

**Public officers and employees.**

See PUBLIC OFFICERS AND EMPLOYEES.

**ENGLISH LANGUAGE.****Federal voting rights act.**

Bilingual election requirements, 42 U.S.C. §1973aa-1a.

**EQUAL PROTECTION.**

Constitution of Rhode Island, Const. R. I., Art. I, §2.

**ETHICS.****Constitution of Rhode Island.**

Public officers and employees.  
Code of ethics, Const. R. I., Art. III, §8.

Implementing legislation for, Const. R. I., Art. XV, §4.

**Ethical conduct.**

Implementing legislation for, Const. R. I., Art. XV, §4.

Required, Const. R. I., Art. III, §7.

Ethics commission, Const. R. I., Art. III, §8.

Implementing legislation for, Const. R. I., Art. XV, §4.

**Public officers and employees.**

Code of ethics, Const. R. I., Art. III, §8.  
Ethical conduct, Const. R. I., Art. III, §7.

Ethics commission, Const. R. I., Art. III, §8.

**EVIDENCE.****Canvassing lists of qualified voters.**

Final canvass, §17-10-6.

Proof required to strike name, §17-10-7.

**Constitution of Rhode Island.**

Self-incrimination, Const. R. I., Art. I, §13.

**Municipal corporations.****Town meetings.**

Record of proceedings as evidence, §45-3-22.

**Self-incrimination.**

Constitutional provisions, Const. R. I., Art. I, §13.

**Town meetings.**

Record of proceedings as evidence, §45-3-22.

**EXPENSES OF ELECTION.****Secretary of state.**

Printing, advertising and election expenses, §37-2-74.

**EX POST FACTO LAWS.**

Constitution of Rhode Island.  
Prohibited, Const. R. I., Art. I, §12.

**F****FEDERAL VOTING RIGHTS ACT.**

See **RIGHT TO VOTE**.

**FEES.**

Secretary of state, §42-8-20.

**FELONIES.****Candidates.**

Declaration of candidacy, §17-23-17.  
Misstatement in declaration,  
§17-23-17.

**Conduct of elections.**

Willfully hindering orderly conduct of  
election, §17-23-17.

**Constitution of Rhode Island.**

Public officers and employees.  
Disqualification upon conviction or  
plea of nolo contendere, Const. R.  
I., Art. III, §2.  
Requalification following sentence,  
probation or parole, Const. R.  
I., Art. III, §2.

**Convictions.**

Administrator of courts.  
Report to secretary of state, §8-15-8.

**Convicts.**

Elections.  
Restoration of voting rights, Const. R.  
I., Art. II, §1.

**Registration cards.**

Certification by registrant that  
registrant not serving sentence  
upon final conviction, §17-9-6.  
Restoration of voting rights, Const. R.  
I., Art. II, §1.

**Election officials, §17-23-17.****Lists.**

Willful alteration, changes, erasures,  
etc., §17-23-17.

**Nomination papers, §17-23-17.****Penalties, §17-28-1.****Political parties, §17-23-17.****Public officers and employees.**

Disqualification upon conviction or plea  
of nolo contendere, Const. R. I., Art.  
III, §2.

Requalification following sentence,  
probation or parole, Const. R. I.,  
Art. III, §2.

**Registration cards.**

Certification by registrant that  
registrant not serving sentence  
upon final conviction of felony,  
§17-9-6.

**Reports.**

Convictions.  
Administrator of courts to report to  
secretary of state, §8-15-8.

**FELONIES—Cont'd**

Restoration of felons voting rights,  
Const. R. I., Art. II, §1.  
Voting, §17-23-17.

**FILINGS TO BE ORIGINALS, §17-1-7.1.****FISH AND GAME.****Constitution of Rhode Island.**

Fishery rights.  
Enjoyment continued, Const. R. I.,  
Art. I, §17.  
Regulation of not public taking,  
Const. R. I., Art. I, §16.

**Fishery rights.**

Enjoyment continued.  
Constitutional provisions, Const. R.  
I., Art. I, §17.  
Regulation not public taking.  
Constitutional provisions, Const. R.  
I., Art. I, §16.

**FORMS.****Confidentiality of health care information.**

Disclosure.  
Consent form, §5-37.3-4.

**Mail ballots.**

Application for ballots, §17-20-13.  
Certifying envelopes, §17-20-21.

**Voting assistance.**

Affidavit of voter requiring assistance,  
§17-19-26.1.

**FRANCHISES.****Constitution of Rhode Island.**

Corporations.  
General assembly.  
Creation of corporations with power  
to acquire franchises in streets  
and highways, Const. R. I., Art.  
VI, §14.

**Highways.**

Corporations.  
General assembly.  
Creation of corporations with  
power to acquire franchises  
in streets and highways,  
Const. R. I., Art. VI, §14.

**Streets.**

Corporations.  
General assembly.  
Creation of corporations with  
power to acquire franchises  
in streets and highways,  
Const. R. I., Art. VI, §14.

**Corporations.**

In streets and highways.  
General assembly.  
Creation of corporations with  
power, Const. R. I., Art. VI,  
§14.

**FRANCHISES—Cont'd****General assembly.****Corporations.**

Creation of corporations with power to acquire franchises in streets and highways, Const. R. I., Art. VI, §14.

**Highways.****Corporations.****General assembly.**

Creation of corporations with power to acquire franchises in streets and highways, Const. R. I., Art. VI, §14.

**Streets.****Corporations.****General assembly.**

Creation of corporations with power to acquire franchises in streets and highways, Const. R. I., Art. VI, §14.

**FRAUD.**

**False instructions as to operation of machine,** §17-19-46.

**Fraudulent election returns,** §17-19-45. Penalty, §17-19-45.

**Fraudulent voting,** §17-23-4. Posting of penalties, §17-7-9.

**Registration.**

False certificates in registration, §17-9-12.

**Returns,** §17-19-45.

**FREEDOM.****Press.**

Constitution of Rhode Island, Const. R. I., Art. I, §20.

**Religious freedom,** Const. R. I., Art. I, §3.

**Speech,** Const. R. I., Art. I, §21.

**FUNDS.****Constitution of Rhode Island.****Education.**

Perpetual school fund, Const. R. I., Art. XII, §2.

**Education.****Diversions of funds.**

Prohibited, Const. R. I., Art. XII, §4.

Perpetual school fund, Const. R. I., Art. XII, §2.

**G****GAMBLING FACILITIES.****Establishment.**

Town and state elections, §41-9-4.

**GAMBLING REFERENDA.****Political action committee.**

Limits on contributions, §17-25.1-1.

**Registration.**

Required, §17-25.1-1.

Violation of provisions.

Penalties, §17-25.1-2.

**GENDER.****Constitution of Rhode Island.****Discrimination.**

Prohibited, Const. R. I., Art. I, §2.

**Discrimination.**

Prohibited, Const. R. I., Art. I, §2.

**GENERAL ASSEMBLY.****Adjourned elections.**

Ballot labels, §17-3-4.

Candidates, §17-3-4.

Failure to elect, §17-3-3.

**Adjournment,** Const. R. I., Art. VI, §9.

Power of governor, Const. R. I., Art. IX, §6.

**Amendments.****Constitution of Rhode Island.**

Amendments proposed by general assembly, Const. R. I., Art. XIV, §1.

Constitutional conventions, Const. R. I., Art. XIV, §2.

**Appropriations.**

Local or private appropriations.

Vote required to pass, Const. R. I., Art. VI, §11.

**Arrest.**

Immunity of members, Const. R. I., Art. VI, §5.

**Attachment.**

Immunity of members, Const. R. I., Art. VI, §5.

**Attorney general.**

Election by assembly on failure to elect or incapacity of person elected, §17-2-3; Const. R. I., Art. IV, §3.

Vacancies in office.

Filling, Const. R. I., Art. IV, §4.

**Attorneys at law.**

Counsel in case pending before either house.

Restrictions on members' activities as, Const. R. I., Art. VI, §4.

**Ballots.****Labels.**

Adjourned elections, §17-3-4.

**Biennial elections,** §17-3-1.

**Borrowing power,** Const. R. I., Art. VI, §16.

Anticipation of receipts, Const. R. I., Art. VI, §17.

**Budgets.****State budget.****Governor.**

Preparation and presentation to general assembly, Const. R. I., Art. IX, §15.

**Candidates.**

Adjourned elections, §17-3-4.

**Compensation.**

Governor and other officers.

Regulated by assembly, Const. R. I., Art. VI, §3.

**GENERAL ASSEMBLY—Cont'd**

- Compensation—Cont'd**
  - Members of general assembly, Const. R. I., Art. VI, §3.
- Conservation.**
  - Natural resources.
    - Duties, Const. R. I., Art. I, §17.
- Constitutional conventions.**
  - Delegates, Const. R. I., Art. XIV, §2.
  - Submission of question to voters, Const. R. I., Art. XIV, §2.
- Constitution of Rhode Island.**
  - Adjournment, Const. R. I., Art. VI, §9.
  - Power of governor, Const. R. I., Art. IX, §6.
- Amendments.**
  - Constitutional conventions, Const. R. I., Art. XIV, §2.
- Appropriations.**
  - Local or private appropriations.
    - Vote required to pass, Const. R. I., Art. VI, §11.
- Arrest.**
  - Immunity of members, Const. R. I., Art. VI, §5.
- Attachment.**
  - Immunity of members, Const. R. I., Art. VI, §5.
- Attorney general.**
  - Vacancies in office.
    - Filling, Const. R. I., Art. IV, §4.
- Attorneys at law.**
  - Council in case pending before either house.
    - Restrictions on activities as, Const. R. I., Art. VI, §4.
- Borrowing power.** Const. R. I., Art. VI, §16.
- Anticipation of receipts.** Const. R. I., Art. VI, §17.
- Budgets.**
  - State budget.
    - Governor.
      - Preparation and presentation to general assembly, Const. R. I., Art. IX, §15.
- Compensation.**
  - Governor and other officers.
    - Regulated by assembly, Const. R. I., Art. VI, §3.
  - Members of general assembly, Const. R. I., Art. VI, §3.
- Constitutional conventions.**
  - Election of delegates, Const. R. I., Art. XIV, §2.
  - Submission of question to voters, Const. R. I., Art. XIV, §2.
- Contempt.**
  - Punishment of members, Const. R. I., Art. VI, §7.
- Continuation of previous powers.** Const. R. I., Art. VI, §10.

**GENERAL ASSEMBLY—Cont'd**

- Constitution of Rhode Island—Cont'd**
  - Counsel in case pending before either house.
    - Restrictions on members' activities as, Const. R. I., Art. VI, §4.
  - Death, refusal or incapacity of senator or representative, Const. R. I., Art. IV, §5.
  - Disorderly behavior.
    - Punishment of members, Const. R. I., Art. VI, §7.
  - Education.**
    - Duties as to education, Const. R. I., Art. XII, §1.
  - Emergencies.**
    - Enemy attack.
      - Powers in case of, Const. R. I., Art. VI, §21.
  - Eminent domain.**
    - Local off-street parking facilities, Const. R. I., Art. VI, §20.
    - Taking of property for highways, streets, places, parks or parkways, Const. R. I., Art. VI, §19.
  - Enactment of laws.**
    - Concurrence of houses required, Const. R. I., Art. VI, §2.
    - Style, Const. R. I., Art. VI, §2.
  - Expulsion of members.** Const. R. I., Art. VI, §7.
  - Governor.**
    - Adjournment.
      - Power, Const. R. I., Art. IX, §6.
    - Special sessions.
      - Convening, Const. R. I., Art. IX, §7.
    - Vacancies in both offices of governor and lieutenant governor.
      - Speaker of house of representatives.
        - Office of governor filled by speaker, Const. R. I., Art. IX, §10.
    - Veto power.
      - Overrides by general assembly, Const. R. I., Art. IX, §14.
  - Grand committee.**
    - Majority required, Const. R. I., Art. IV, §6.
  - Permitted activities.** Const. R. I., Art. IV, §7.
  - Quorum.** Const. R. I., Art. IV, §7.
  - Term of elected official.** Const. R. I., Art. IV, §6.
  - Highways.**
    - Eminent domain.
      - Taking of property for, Const. R. I., Art. VI, §19.
  - Holding offices under other governments.** Const. R. I., Art. III, §6.
  - House of representatives.**
    - Composition, Const. R. I., Art. VII, §1.

## GENERAL ASSEMBLY—Cont'd

Constitution of Rhode Island—Cont'd  
 House of representatives—Cont'd  
 Districts.  
   Equal in population, Const. R. I.,  
   Art. VII, §1.  
 Impeachment.  
   Sole power, Const. R. I., Art. XI,  
   §1.  
 Officers, Const. R. I., Art. VII, §2.  
 Organization.  
   Presiding member during, Const. R.  
   I., Art. VII, §2.  
   Presiding member during  
   organization, Const. R. I., Art.  
   VII, §2.  
 Reapportionment, Const. R. I., Art.  
 VII, §1.  
 Speaker of house.  
   Vacancies in both offices of  
   governor and lieutenant  
   governor.  
   Office of governor filled by  
   speaker, Const. R. I., Art. IX,  
   §10.  
   Vacancies in office.  
   Special election, Const. R. I., Art.  
   IV, §5.  
 Immunities of members, Const. R. I.,  
 Art. VI, §5.  
 Impeachment.  
   House of representatives.  
   Sole power, Const. R. I., Art. XI,  
   §1.  
   Senate.  
   Tried by, Const. R. I., Art. XI, §2.  
 Invasion.  
   Emergency powers in case of enemy  
   attack, Const. R. I., Art. VI, §21.  
 Journals.  
   Each house to keep, Const. R. I., Art.  
   VI, §8.  
   Yeas and nays.  
   Entry on, Const. R. I., Art. VI, §8.  
 Laws necessary to effectuate  
 constitution.  
   Assembly to pass, Const. R. I., Art.  
   VI, §1.  
 Legislative powers.  
   Vested in, Const. R. I., Art. VI, §2.  
 Libel and slander.  
   Immunity of members, Const. R. I.,  
   Art. VI, §5.  
 Libraries.  
   Duties as to public libraries, Const.  
   R. I., Art. XII, §1.  
 Lieutenant governor.  
   Vacancies in both offices of governor  
   and lieutenant governor.  
   Speaker of house of representatives.  
   Office of governor filled by  
   speaker, Const. R. I., Art. IX,  
   §10.  
 Members, Const. R. I., Art. IV, §1.

## GENERAL ASSEMBLY—Cont'd

Constitution of Rhode Island—Cont'd  
 Municipal corporations.  
   Home rule for cities and towns.  
   Powers of assembly over cities and  
   towns, Const. R. I., Art. XIII,  
   §4.  
 Natural resources.  
   Preservation.  
   Duties, Const. R. I., Art. I, §17.  
 Oaths.  
   Oath of office of members, Const. R.  
   I., Art. III, §4.  
 Organization of houses, Const. R. I.,  
 Art. VI, §6.  
 Parking.  
   Local off-street parking facilities.  
   Eminent domain, Const. R. I., Art.  
   VI, §20.  
 Parks and recreation areas.  
   Eminent domain.  
   Taking of property for, Const. R. I.,  
   Art. VI, §19.  
 Powers.  
   Borrowing power, Const. R. I., Art.  
   VI, §16.  
   Borrowing in anticipation of  
   receipts, Const. R. I., Art. VI,  
   §17.  
   Continuation of previous powers,  
   Const. R. I., Art. VI, §10.  
   Emergency powers.  
   Enemy attack, Const. R. I., Art. VI,  
   §21.  
   Redevelopment powers, Const. R. I.,  
   Art. VI, §18.  
 Property.  
   Public property appropriating for  
   local or private purposes.  
   Vote required to pass, Const. R. I.,  
   Art. VI, §11.  
   Public money appropriating for local or  
   private purposes.  
   Vote required to pass, Const. R. I.,  
   Art. VI, §11.  
 Public officers and employees.  
   Succession to office.  
   Continuance in office until  
   successor qualify, Const. R. I.,  
   Art. VI, §13.  
 Public property.  
   Appropriating for local or private  
   purposes.  
   Vote required to pass, Const. R. I.,  
   Art. VI, §11.  
 Qualifications of members.  
   Each house to be judge of, Const. R.  
   I., Art. VI, §6.  
 Quorum, Const. R. I., Art. VI, §6.  
 Redevelopment powers, Const. R. I.,  
 Art. VI, §18.  
 Representatives.  
   Officers, Const. R. I., Art. VII, §2.

**GENERAL ASSEMBLY—Cont'd****Constitution of Rhode Island—Cont'd**  
Revisions.

Constitutional conventions, Const. R. I., Art. XIV, §2.

## Rules of proceeding.

Each house to determine, Const. R. I., Art. VI, §7.

## Secretary of state.

Secretary of senate, Const. R. I., Art. VIII, §4.

## Senate.

Presiding officer in absence of lieutenant governor, Const. R. I., Art. VIII, §3.

## Vacancies in office.

Filling, Const. R. I., Art. IV, §4.

## Senate.

Composition, Const. R. I., Art. VIII, §1.

Districts equal in population, Const. R. I., Art. VIII, §1.

## Impeachment.

Tried by, Const. R. I., Art. XI, §2.

## Lieutenant governor.

Presiding officer, Const. R. I., Art. VIII, §2.

Secretary of state presiding officer in absence of lieutenant governor, Const. R. I., Art. VIII, §3.

## Officers.

Other officers, Const. R. I., Art. VIII, §4.

Other officers, Const. R. I., Art. VIII, §4.

## Presiding officer.

Lieutenant governor, Const. R. I., Art. VIII, §2.

## Presiding officer in absence of

lieutenant governor, Const. R. I., Art. VIII, §3.

Reapportionment, Const. R. I., Art. VIII, §1.

## Secretary of state.

Generally, Const. R. I., Art. VIII, §4.

Presides over senate until election of member, Const. R. I., Art. VIII, §3.

## Vacancies in office.

Special election, Const. R. I., Art. IV, §5.

Sessions, Const. R. I., Art. VI, §3.

Adjournment, Const. R. I., Art. VI, §9.

Power of governor, Const. R. I., Art. IX, §6.

## Special sessions.

Governor to convene, Const. R. I., Art. IX, §7.

## Special elections.

Filling vacancies, Const. R. I., Art. IV, §5.

**GENERAL ASSEMBLY—Cont'd****Constitution of Rhode Island—Cont'd**

## State budget.

## Governor.

Preparation and presentation to general assembly, Const. R. I., Art. IX, §15.

## State treasurer.

## Vacancies in office.

Filling, Const. R. I., Art. IV, §4.

## Streets.

## Eminent domain.

Taking of property for, Const. R. I., Art. VI, §19.

Style of laws, Const. R. I., Art. VI, §2.

## Supreme law of state.

Inconsistent laws void, Const. R. I., Art. VI, §1.

## Taxation.

## Assessments.

Property valuations, Const. R. I., Art. VI, §12.

## Term of office.

Members, Const. R. I., Art. IV, §1.

## Vacancies.

Both offices of governor and lieutenant governor.

Speaker of house of representatives.

Office of governor filled by speaker, Const. R. I., Art. IX, §10.

Special elections, Const. R. I., Art. IV, §5.

## Veto power of governor.

Overrides by general assembly, Const. R. I., Art. IX, §14.

## War.

Emergency powers in case of enemy attack, Const. R. I., Art. VI, §21.

**Contempt.**

Punishment of members, Const. R. I., Art. VI, §7.

**Corporations.**

## Creation of corporations.

Provision for in general laws, Const. R. I., Art. VI, §14.

## Eminent domain.

Creation of corporations with power, Const. R. I., Art. VI, §14.

## Franchises in streets and highways.

Creation of corporations with power, Const. R. I., Art. VI, §14.

**Counsel in case pending before either house.**

Restrictions on members' activities as, Const. R. I., Art. VI, §4.

**Death, refusal or incapacity of senator or representative, §17-3-5.****Debts.**

Borrowing power, Const. R. I., Art. VI, §16.

Anticipation of receipts, Const. R. I., Art. VI, §17.

**GENERAL ASSEMBLY—Cont'd**

- Disorderly behavior.**
  - Punishment of members, Const. R. I., Art. VI, §7.
- Districts.**
  - Representatives.
    - Equal in population, Const. R. I., Art. VII, §1.
  - Senate.
    - Equal in population, Const. R. I., Art. VIII, §1.
- Dual office holding,** Const. R. I., Art. III, §6.
- Education.**
  - Duties as to education, Const. R. I., Art. XII, §1.
- Emergencies.**
  - Enemy attack.
    - Powers in case of, Const. R. I., Art. VI, §21.
- Eminent domain.**
  - Local off-street parking facilities, Const. R. I., Art. VI, §20.
  - Taking of property for highways, streets, places, parks or parkways, Const. R. I., Art. VI, §19.
- Enactment of laws.**
  - Concurrence of houses required, Const. R. I., Art. VI, §2.
  - Style, Const. R. I., Art. VI, §2.
- Expulsion of members,** Const. R. I., Art. VI, §7.
- Failure to elect.**
  - Election by general assembly, §17-2-3.
  - Procedure upon failure to elect, §17-3-3.
- Franchises.**
  - Corporations.
    - Creation of corporations with power to acquire franchises in streets and highways, Const. R. I., Art. VI, §14.
- Governor.**
  - Adjournment.
    - Power, Const. R. I., Art. IX, §6.
  - Failure to elect or incapacity of person elected, §17-2-3; Const. R. I., Art. IV, §3.
  - Failure to qualify.
    - Election by general assembly, §17-2-3.
  - Special sessions.
    - Convening, Const. R. I., Art. IX, §7.
  - State budget.
    - Preparation and presentation to general assembly, Const. R. I., Art. IX, §15.
  - Vacancies in offices of governor and lieutenant governor.
    - Speaker of house of representatives to fill office of governor, Const. R. I., Art. IX, §10.
  - Vacancy in governor's office.
    - Filling, §17-2-4.

**GENERAL ASSEMBLY—Cont'd**

- Governor—Cont'd**
  - Veto power of governor.
    - Overrides by general assembly, Const. R. I., Art. IX, §14.
- Grand committee,** Const. R. I., Art. IV, §6.
  - Majority required, §17-2-6; Const. R. I., Art. IV, §6.
  - Permitted activities, Const. R. I., Art. IV, §7.
  - Quorum, Const. R. I., Art. IV, §7.
  - Term of elected official, Const. R. I., Art. IV, §6.
- Highways.**
  - Eminent domain.
    - Taking of property for, Const. R. I., Art. VI, §19.
  - Franchises.
    - Corporations.
      - Creation of corporations with power to acquire franchises in streets and highways, Const. R. I., Art. VI, §14.
- House of representatives.**
  - Composition, Const. R. I., Art. VII, §1.
  - Districts.
    - Equal in population, Const. R. I., Art. VII, §1.
  - Impeachment.
    - Sole power, Const. R. I., Art. XI, §1.
  - Officers, Const. R. I., Art. VII, §2.
  - Organization.
    - Presiding member during, Const. R. I., Art. VII, §2.
    - Presiding member during organization, Const. R. I., Art. VII, §2.
  - Reapportionment, Const. R. I., Art. VII, §1.
  - Speaker of house.
    - Vacancies in both offices of governor and lieutenant governor.
      - Office of governor filled by speaker, Const. R. I., Art. IX, §10.
    - Vacancies in office.
      - Special election, Const. R. I., Art. IV, §5.
- Immunities of members,** Const. R. I., Art. VI, §5.
- Impeachment.**
  - House of representatives.
    - Sole power, Const. R. I., Art. XI, §1.
  - Senate.
    - Tried by, Const. R. I., Art. XI, §2.
- Invasion.**
  - Emergency powers in case of enemy attack, Const. R. I., Art. VI, §21.
- Journals.**
  - Each house to keep, Const. R. I., Art. VI, §8.
  - Yeas and nays.
    - Entry on, Const. R. I., Art. VI, §8.
- Legislative power.**
  - Vested in, Const. R. I., Art. VI, §2.



**GENERAL ASSEMBLY—Cont'd****Libel and slander.**

Immunity of members, Const. R. I., Art. VI, §5.

**Libraries.**

Duties as to public libraries, Const. R. I., Art. XII, §1.

**Lieutenant governor.**

By general assembly on failure to elect or incapacity of person elected, §17-2-3.

**Senate.**

Presiding officer, Const. R. I., Art. VIII, §2.

Vacancies in both offices of governor and lieutenant governor.

Speaker of house of representatives.

Office of governor filled by speaker, Const. R. I., Art. IX, §10.

Vacancy in lieutenant governor's office. Filling, §17-2-4.

**Majority required in general assembly, §17-2-6.****Meetings.**

Adjournment of election meetings, §17-3-2.

**Members.**

Constitutional provisions, Const. R. I., Art. IV, §1.

**Mentally ill.**

Incapacity of person elected senator or representative, §17-3-5.

**Municipal corporations.**

Home rule for cities and towns.

Powers of assembly over cities and towns, Const. R. I., Art. XIII, §4.

**Natural resources.****Preservation.**

Duties, Const. R. I., Art. I, §17.

**Oaths.**

Oath of office of members, Const. R. I., Art. III, §4.

Administration of oath, Const. R. I., Art. III, §5.

**Parking.**

Local off-street parking facilities.

Eminent domain, Const. R. I., Art. VI, §20.

**Parks and recreation areas.**

Eminent domain.

Taking of property for, Const. R. I., Art. VI, §19.

**Powers.**

Borrowing power, Const. R. I., Art. VI, §16.

Anticipation of receipts, Const. R. I., Art. VI, §17.

Continuation of previous powers, Const. R. I., Art. VI, §10.

**Emergency powers.**

Enemy attack, Const. R. I., Art. VI, §21.

**Legislative power.**

Vested in, Const. R. I., Art. VI, §2.

**GENERAL ASSEMBLY—Cont'd****Powers—Cont'd**

Redevelopment powers, Const. R. I., Art. VI, §18.

**Primary elections.**

Candidates nominated at primaries, §17-15-7.

**Property.**

Public property.

Appropriating for local or private purposes.

Vote required to pass, Const. R. I., Art. VI, §11.

**Public money.**

Appropriating for local or private purposes.

Vote required to pass, Const. R. I., Art. VI, §11.

**Public officers and employees.**

Succession to office.

Continuance in office until successors qualify.

Assembly may provide for, Const. R. I., Art. VI, §13.

**Public property.**

Appropriating for local or private purposes.

Vote required to pass, Const. R. I., Art. VI, §11.

**Qualifications of members.**

Each house to be judge of, Const. R. I., Art. VI, §6.

**Quorum, Const. R. I., Art. VI, §6.****Reapportionment.**

Representatives, Const. R. I., Art. VII, §1.

Senate, Const. R. I., Art. VIII, §1.

**Receipts.**

Borrowing in anticipation of receipts, Const. R. I., Art. VI, §17.

**Redevelopment powers, Const. R. I.,**

Art. VI, §18.

**Representatives.**

Officers, Const. R. I., Art. VII, §2.

**Revisions.**

Constitution of Rhode Island.

Constitutional conventions, Const. R. I., Art. XIV, §2.

**Rules of proceedings.**

Each house to determine, Const. R. I., Art. VI, §7.

**Secretary of state.**

Elections by general assembly on failure to elect or incapacity of persons elected, §17-2-3; Const. R. I., Art. IV, §3.

Secretary of state, Const. R. I., Art. VIII, §4.

**Senate.**

Presiding officer in absence of lieutenant governor.

Presides over senate until election of member, Const. R. I., Art. VIII, §3.

**GENERAL ASSEMBLY—Cont'd**  
**Secretary of state—Cont'd**  
 Vacancies in office, Const. R. I., Art. IV, §4.  
**Senate.**  
 Composition, Const. R. I., Art. VIII, §1.  
 Districts.  
 Equal in population, Const. R. I., Art. VIII, §1.  
 Impeachment.  
 Tried by, Const. R. I., Art. XI, §2.  
 Lieutenant governor.  
 Presiding officer, Const. R. I., Art. VIII, §2.  
 Secretary of state presiding officer in absence of, Const. R. I., Art. VIII, §3.  
**Officers.**  
 Other officers, Const. R. I., Art. VIII, §4.  
 Other officers, Const. R. I., Art. VIII, §4.  
**Presiding officer.**  
 Lieutenant governor, Const. R. I., Art. VIII, §2.  
 Secretary of state is presiding officer in absence of, Const. R. I., Art. VIII, §3.  
**Reapportionment, Const. R. I., Art. VIII, §1.**  
**Secretary of state.**  
 Generally, Const. R. I., Art. VIII, §4.  
 Presiding officer in absence of lieutenant governor.  
 Presides over senate until election of member, Const. R. I., Art. VIII, §3.  
**Vacancies.**  
 Special elections, Const. R. I., Art. IV, §5.  
**Sessions, Const. R. I., Art. VI, §3.**  
 Adjournment, Const. R. I., Art. VI, §9.  
 Power of governor, Const. R. I., Art. IX, §6.  
**Special sessions.**  
 Governor convening, Const. R. I., Art. IX, §7.  
**Special elections.**  
 Filling vacancies, §17-3-6.  
 Nominations, §17-3-7.  
**State board of elections.**  
 Procedure upon failure to elect, §17-3-3.  
**State budget.**  
 Governor.  
 Preparation and presentation to general assembly, Const. R. I., Art. IX, §15.  
**State treasurer.**  
 Elections by general assembly on failure to elect or incapacity of person elected, §17-2-3; Const. R. I., Art. IV, §3.  
 Vacancies in office.  
 Filling, Const. R. I., Art. IV, §4.

**GENERAL ASSEMBLY—Cont'd**  
**Streets.**  
 Eminent domain.  
 Taking of property for, Const. R. I., Art. VI, §19.  
**Franchises.**  
**Corporations.**  
 Creation of corporations with power to acquire franchises in streets and highways, Const. R. I., Art. VI, §14.  
**Style of laws, Const. R. I., Art. VI, §2.**  
**Taxation.**  
**Assessments.**  
 Property valuations, Const. R. I., Art. VI, §12.  
**Terms of office, §17-3-1.**  
 Constitutional provisions, Const. R. I., Art. IV, §1.  
**Time of election, §17-3-1.**  
**Vacancies, Const. R. I., Art. IV, §5.**  
 Both offices of governor and lieutenant governor.  
 Speaker of house of representatives.  
 Office of governor filled by speaker, Const. R. I., Art. IX, §10.  
 Filling, Const. R. I., Art. IV, §4.  
 Special elections, §17-3-6.  
 Nominations at special elections, §17-3-7.  
**Veto power of governor.**  
 Overrides by general assembly, Const. R. I., Art. IX, §14.  
**War.**  
 Emergency powers in case of enemy attack, Const. R. I., Art. VI, §21.  
**Warrants.**  
 Failure to issue warrant for election, §17-3-8.  
 New elections.  
 Upon death, refusal, or incapacity of senator or representative, §17-3-5.  
 Procedure upon failure to elect, §17-3-3.  
**Yeas and nays.**  
 Entry on journal, Const. R. I., Art. VI, §8.  
**GENERAL ELECTIONS.**  
**Defined, §17-1-2.**  
**GENERAL STATE OFFICERS.**  
**Candidates nominated at primaries, §17-15-7.**  
**Contributions.**  
 Public financing of campaign expenditures, Const. R. I., Art. IV, §10.  
**Enumerated, §17-2-1.**  
**List of voters for general officers, Const. R. I., Art. IV, §8.**  
**Public financing of campaign expenditures, Const. R. I., Art. IV, §10.**  
**Terms, §17-2-1.**

**GOVERNOR.**

- Authority.
  - Vacancies in office.
    - Authority to fill, Const. R. I., Art. IX, §5.
- Chief executive.
  - Power of state vested in, Const. R. I., Art. IX, §1.
- Commander in chief.
  - Military and navy, Const. R. I., Art. IX, §2.
- Commissions.
  - Signed by, Const. R. I., Art. IX, §8.
- Compensation, Const. R. I., Art. IX, §11.
  - Regulated by general assembly, Const. R. I., Art. VI, §3.
- Constitution of Rhode Island, Const. R. I., Art. IV, §1.
  - Acts effective without action by governor, Const. R. I., Art. IX, §14.
- Authority.
  - Vacancies in office.
    - Authority to fill, Const. R. I., Art. IX, §5.
- Budgets.
  - State budgets.
    - Preparation and presentation to general assembly, Const. R. I., Art. IX, §15.
- Chief executive.
  - Power of state vested in, Const. R. I., Art. IX, §1.
- Commander in chief.
  - Military and navy, Const. R. I., Art. IX, §3.
- Commissions.
  - Signed by, Const. R. I., Art. IX, §8.
- Compensation, Const. R. I., Art. IX, §11.
  - Regulated by general assembly, Const. R. I., Art. VI, §3.
- Failure to elect or qualify.
  - Election by general assembly, Const. R. I., Art. IV, §3.
- Faithful execution of laws.
  - Required, Const. R. I., Art. IX, §2.
- General assembly.
  - Adjournment.
    - Power, Const. R. I., Art. IX, §6.
  - Speaker of house of representatives.
    - Vacancies in both offices of governor and lieutenant governor.
      - Office of governor filled by speaker, Const. R. I., Art. IX, §10.
  - Special sessions.
    - Convening, Const. R. I., Art. IX, §7.
  - Veto power of governor.
    - Overrides by general assembly, Const. R. I., Art. IX, §14.
- Impeachment.
  - Officer subject to impeachment, Const. R. I., Art. XI, §3.

**GOVERNOR—Cont'd**

- Constitution of Rhode Island—Cont'd
- Impeachment—Cont'd
  - Trial.
    - Chief justice presiding in trial of governor, Const. R. I., Art. XI, §2.
  - Vote required, Const. R. I., Art. XI, §1.
- Incapacity of governor-elect.
  - Election by general assembly, Const. R. I., Art. IV, §3.
- Laws.
  - Faithful execution of.
    - Required, Const. R. I., Art. IX, §2.
- Lieutenant governor.
  - Vacancies in both offices of governor and lieutenant governor.
    - Speaker of house of representatives.
      - Office of governor filled by speaker, Const. R. I., Art. IX, §10.
  - Vacancy in office of governor.
    - Lieutenant governor to fill, Const. R. I., Art. IX, §9.
- Military affairs.
  - Captain general and commander in chief of military and navy, Const. R. I., Art. IX, §3.
- Pardons, Const. R. I., Art. IX, §13.
- Powers.
  - Adjournment of general assembly, Const. R. I., Art. IX, §6.
  - Convening of special sessions of general assembly, Const. R. I., Art. IX, §7.
  - Pardon power, Const. R. I., Art. IX, §13.
  - Reprieves, Const. R. I., Art. IX, §4.
- Vacancies.
  - Authority to fill, Const. R. I., Art. IX, §5.
- Veto power, Const. R. I., Art. IX, §14.
- Reprieves.
  - Power to grant, Const. R. I., Art. IX, §4.
- Speaker of house of representatives.
  - Vacancies in offices of governor and lieutenant governor.
    - Speaker of house to fill office of governor, Const. R. I., Art. IX, §10.
- State budget.
  - Preparation and presentation to general assembly, Const. R. I., Art. IX, §15.
- Term of office, Const. R. I., Art. IV, §1.
- Vacancies.
  - Authority to fill, Const. R. I., Art. IX, §5.

**GOVERNOR—Cont'd****Constitution of Rhode Island—Cont'd****Vacancies—Cont'd**

Both offices of governor and lieutenant governor.

Speaker of house of representatives to fill office of governor, Const. R. I., Art. IX, §10.

Lieutenant governor to fill, Const. R. I., Art. IX, §9.

Speaker of house.

Vacancies in both offices of governor and lieutenant governor.

House speaker to fill vacancy in governor's office, Const. R. I., Art. IX, §10.

Veto power, Const. R. I., Art. IX, §14.

Acts effective without action by governor, Const. R. I., Art. IX, §14.

General assembly overrides by, Const. R. I., Art. IX, §14.

**Death.**

Death or incapacity of governor elect, §17-2-2; Const. R. I., Art. IV, §3.

**Elected at general election, §17-2-1.****Failure of officers elected to qualify.**

Election by general assembly, §17-2-3; Const. R. I., Art. IV, §3.

**Failure to elect.**

Election by general assembly on failure to elect, §17-2-3; Const. R. I., Art. IV, §3.

**Faithful execution of laws.**

Required, Const. R. I., Art. IX, §2.

**General assembly.****Adjournment.**

Power, Const. R. I., Art. IX, §6.

Election by general assembly on failure to elect or incapacity of persons elected, §17-2-3; Const. R. I., Art. IV, §3.

**Special sessions.**

Convening, Const. R. I., Art. IX, §7.

**State budget.**

Preparation and presentation to general assembly, Const. R. I., Art. IX, §15.

Vacancies in offices of governor and lieutenant governor.

Speaker of house of representatives to fill office of governor, Const. R. I., Art. IX, §10.

**Veto power of governor.**

Overrides by general assembly, Const. R. I., Art. IX, §14.

**Impeachment.**

Officers subject to impeachment, Const. R. I., Art. XI, §3.

**Trial of impeachment.**

Chief justice presiding in trial of governor, Const. R. I., Art. XI, §2.

**GOVERNOR—Cont'd****Impeachment—Cont'd**

Vote required, Const. R. I., Art. XI, §1.

**Incapacity of governor elect.**

Election by general assembly, §17-2-3; Const. R. I., Art. IV, §3.

**Justices of the peace.**

Appointment, §42-30-2.

**Laws.**

Faithful execution of.

Required, Const. R. I., Art. IX, §2.

**Lieutenant governor.**

See LIEUTENANT GOVERNOR.

**Mentally ill.**

Incapacity of governor elect, §17-2-2.

**Military affairs.**

Captain general and commander in chief of military and navy, Const. R. I., Art. IX, §3.

**Oaths.**

Oath of office of general officers, Const. R. I., Art. III, §3.

Administration, Const. R. I., Art. III, §5.

Pardons, Const. R. I., Art. IX, §13.

**Powers.**

Adjournment of general assembly, Const. R. I., Art. IX, §6.

Convening of special sessions of general assembly, Const. R. I., Art. IX, §7.

Reprieves, Const. R. I., Art. IX, §4.

**Vacancies.**

Authority to fill, Const. R. I., Art. IX, §5.

Veto power, Const. R. I., Art. IX, §14.

**Presidential and vice-president elections.**

Attendance of governor at meeting of electors, §17-4-12.

**Questions submitted to electorates.**

Order by governor, §17-5-2.

**Reprieves.**

Power to grant, Const. R. I., Art. IX, §4.

**State budget.**

Preparation and presentation to general assembly, Const. R. I., Art. IX, §15.

**Supreme court.**

Trial of impeachment.

Chief justice presiding in trial of governor, Const. R. I., Art. XI, §2.

**Term of office, §17-2-1.**

Constitutional provisions, Const. R. I., Art. IV, §1.

Vacancy in office of governor.

Filling, §17-2-4.

**Vacancies.**

Authority to fill, Const. R. I., Art. IX, §5.

Both offices of governor and lieutenant governor.

Speaker of house of representatives to fill office of governor, Const. R. I., Art. IX, §10.

**GOVERNOR—Cont'd****Vacancies—Cont'd**

Death, removal, refusal to serve or incapacity of elected officers.

Filling vacancy caused by, Const. R. I., Art. IV, §3.

General assembly to fill vacancy, §17-2-4.

Lieutenant governor to fill, Const. R. I., Art. IX, §9.

Speaker of house.

Vacancies in both offices of governor and lieutenant governor.

House speaker to fill vacancy in governor's office, Const. R. I., Art. IX, §10.

**Veto power**, Const. R. I., Art. IX, §14.

Acts effective without action by governor, Const. R. I., Art. IX, §14.

Overrides by general assembly, Const. R. I., Art. IX, §14.

**GRAND JURY.****Constitution of Rhode Island.**

Double jeopardy, Const. R. I., Art. I, §7.

Information by attorney general, Const. R. I., Art. I, §7.

Presentment or indictment, Const. R. I., Art. I, §7.

**Double jeopardy**, Const. R. I., Art. I, §7.

**Information by attorney general**, Const. R. I., Art. I, §7.

**H****HABEAS CORPUS.****Constitution of Rhode Island.**

Privilege not suspended, Const. R. I., Art. I, §9.

**HANDICAPPED PERSONS.****Constitution of Rhode Island.****Discrimination.**

Prohibited, Const. R. I., Art. I, §2.

**Discrimination.**

Prohibited, Const. R. I., Art. I, §2.

**Mail ballots.**

Application for ballot.

Disabled or incapacitated persons, §17-20-9.

Temporarily disabled or incapacitated voter, §17-20-8.1.

**Polling places.**

Accessibility to physically handicapped, §§17-19-3.1, 17-19-3.2.

**Voting assistance.**

Federal voting rights act.

Blind, disabled or illiterate persons, 42 U.S.C. §1973aa-6.

Voter requiring assistance to vote by reason of blindness, disability to read or write, §17-19-26.1.

**Voting machines.**

Priority of use, §17-19-52.

**HARNESS RACING FACILITY.**

Establishing in town of Burrillville, §41-9-4.

**HEARINGS.****Nomination papers.**

Objections to papers, §17-14-14.

**Primary elections.**

Recounts or protest, §17-15-35.

**Public financing of election campaigns.**

Board of elections.

Violations, §17-25-28.

**State board of elections**, §17-7-8.

**HIGHWAYS.****Constitution of Rhode Island.**

Eminent domain.

General assembly may authorize, Const. R. I., Art. VI, §19.

Franchises.

Corporations.

General assembly.

Creation of corporations with power to acquire franchises in streets and highways, Const. R. I., Art. VI, §14.

**Eminent domain.**

General assembly may authorize, Const. R. I., Art. VI, §19.

**Franchises.**

Corporations.

General assembly.

Creation of corporations with power to acquire franchises in streets and highways, Const. R. I., Art. VI, §14.

**General assembly.**

Eminent domain.

Taking of property for, Const. R. I., Art. VI, §19.

Franchises.

Corporations.

Creation of corporations with power to acquire franchises in streets and highways, Const. R. I., Art. VI, §14.

**HOLIDAYS.****Primary elections.**

Regular primary date falling on religious holiday, §17-15-2.

**Registration.**

Time for receiving registration, §17-9-3.

**Religious holidays.**

Elections falling on religious holidays, §17-18-5.1.

**HORSE RACING.**

**Harness racing facility in town of Burrillville**, §41-9-4.

**HOSPITALS.****Mail ballots.**

Voting from hospitals and convalescent homes, §17-20-14.

**HOUSE OF REPRESENTATIVES.**  
See CONGRESS.

## I

**ILLITERACY.**

**Voting assistance.**  
Voter requiring assistance to vote by reason of inability to read or write, §17-19-26.1.

**IMMUNITY.**

**Constitution of Rhode Island.**  
General assembly.  
Immunity of members, Const. R. I., Art. VI, §5.  
**General assembly.**  
Immunities of members, Const. R. I., Art. VI, §5.

**IMPEACHMENT.**

**Attorney general.**  
Executive officers.  
Officers subject to impeachment, Const. R. I., Art. XI, §3.  
**Constitution of Rhode Island.**  
Effect of conviction, Const. R. I., Art. XI, §3.  
Executive officers.  
Officers subject to impeachment, Const. R. I., Art. XI, §3.  
General assembly.  
House of representatives.  
Sole power of impeachment, Const. R. I., Art. XI, §1.  
Senate.  
Impeachments tried by, Const. R. I., Art. XI, §2.  
Governor.  
Officer subject to conviction, Const. R. I., Art. XI, §3.  
Grounds, Const. R. I., Art. XI, §3.  
Judicial officers.  
Officers subject to impeachment, Const. R. I., Art. XI, §3.  
Officers subject to impeachment, Const. R. I., Art. XI, §3.  
Suspension of officers impeached, Const. R. I., Art. XI, §1.  
Trial of impeachments, Const. R. I., Art. XI, §2.  
Vote required for impeachment, Const. R. I., Art. XI, §1.  
**Courts.**  
Judicial officers.  
Officers subject to impeachment, Const. R. I., Art. XI, §3.  
Effect of conviction, Const. R. I., Art. XI, §3.  
**Executive officers.**  
Officers subject to impeachment, Const. R. I., Art. XI, §3.

**IMPEACHMENT—Cont'd**

**General assembly.**  
House of representatives.  
Sole power, Const. R. I., Art. XI, §1.  
Senate.  
Tried by, Const. R. I., Art. XI, §2.  
**Governor.**  
Officers subject to impeachment, Const. R. I., Art. XI, §3.  
Trial of impeachment.  
Chief justice presiding in trial of governor, Const. R. I., Art. XI, §2.  
**Grounds,** Const. R. I., Art. XI, §3.  
**Judges.**  
Judicial officers.  
Officers subject to impeachment, Const. R. I., Art. XI, §3.  
**Judicial officers.**  
Officers subject to impeachment, Const. R. I., Art. XI, §3.  
**Lieutenant governor.**  
Executive officers.  
Officers subject to impeachment, Const. R. I., Art. XI, §3.  
**Officers subject to impeachment,** Const. R. I., Art. XI, §3.  
**Secretary of state.**  
Executive officers.  
Officers subject to impeachment, Const. R. I., Art. XI, §3.  
**State treasurer.**  
Executive officers.  
Officers subject to impeachment, Const. R. I., Art. XI, §3.  
**Supreme court.**  
Judicial officers.  
Officers subject to impeachment, Const. R. I., Art. XI, §3.  
Trial of impeachment.  
Governor.  
Chief justice presiding in trial of governor, Const. R. I., Art. XI, §2.  
**Suspension of officers impeached,** Const. R. I., Art. XI, §1.  
**Trial of impeachments,** Const. R. I., Art. XI, §2.  
**Vote required for impeachment,** Const. R. I., Art. XI, §1.  
**INCOME TAX.**  
**Credits.**  
Public financing of electoral system, §44-30-2.  
**Public financing of electoral system.**  
Credit, §44-30-2.  
**INDEPENDENT CANDIDATES.**  
**Declarations of candidacy,** §17-14-1.  
**Nominations.**  
Generally.  
See NOMINATIONS.

**INDICTMENTS, INFORMATIONS AND COMPLAINTS.**

- Attorney general.**
  - Information by attorney general, Const. R. I., Art. I, §7.
  - Presentment or indictment, Const. R. I., Art. I, §7.
- Constitution of Rhode Island.**
  - Attorney general.
    - Information by attorney general, Const. R. I., Art. I, §7.
  - Grand jury, Const. R. I., Art. I, §7.
  - When required, Const. R. I., Art. I, §7.

**INSPECTIONS.**

- Voting machines.**
  - Preparation for elections, §17-19-14.

**INSPECTORS.**

- Appointment,** §17-19-16.
- Assignments,** §17-19-16.
- Board of elections.**
  - Powers, §17-7-5.
- Compensation,** §17-19-16.
- Duties.**
  - Generally, §17-19-16.
- Primary elections.**
  - Appointment, §17-15-13.
- Sealing of voting machines,** §17-19-33.

**INVASION.**

- Constitution of Rhode Island.**
  - General assembly.
    - Emergency powers in case of enemy attack, Const. R. I., Art. VI, §21.
- General assembly.**
  - Emergency powers in case of enemy attack, Const. R. I., Art. VI, §21.

**INVESTIGATIONS.**

- Public financing of election campaigns.**
  - Board of elections.
    - Violations, §17-25-28.
- Returns of local boards,** §17-22-4.
- State board of elections,** §17-7-8.

**J****JAILS.**

- Absentee voting.**
  - Application by persons detained or imprisoned, §17-20-2.1.

**JAMESTOWN.**

- Constitution of Rhode Island.**
  - Wardens.
    - Election, Const. R. I., Art. X, §7.
- Elections.**
  - Wardens, Const. R. I., Art. X, §7.
- Wardens.**
  - Election, Const. R. I., Art. X, §7.

**JUDGES.**

- Constitution of Rhode Island.**
  - Impeachment.
    - Judicial officers.
      - Officers subject to impeachment, Const. R. I., Art. XI, §3.
  - Oath of judges, Const. R. I., Art. III, §4.
- Impeachment.**
  - Judicial officers.
    - Officers subject to impeachment, Const. R. I., Art. XI, §3.
- Oaths.**
  - Oath of office, Const. R. I., Art. III, §4.
  - Administration of oath, Const. R. I., Art. III, §5.
- Probate judges.**
  - Election and powers, §8-9-4.

**JUDICIAL NOTICE.**

- Constitution of Rhode Island.**
  - Municipal corporations.
    - Home rule for cities and towns.
      - Charter certificates, Const. R. I., Art. XIII, §10.
- Municipal corporations.**
  - Home rule for cities and towns.
    - Charter certificates, Const. R. I., Art. XIII, §10.

**JURISDICTION.**

- Board of elections,** §17-7-5.
- Constitution of Rhode Island.**
  - Inferior courts, Const. R. I., Art. X, §2.
  - Supreme court, Const. R. I., Art. X, §2.
- Courts.**
  - Inferior courts, Const. R. I., Art. X, §2.
- Supreme court.**
  - Constitution of Rhode Island, Const. R. I., Art. X, §2.

**JURY.**

- Constitution of Rhode Island.**
  - Impartial jury.
    - Rights of accused persons in criminal proceedings, Const. R. I., Art. I, §10.
  - Petit jury.
    - Size, Const. R. I., Art. I, §15.
    - Trial by jury, Const. R. I., Art. I, §15.
- Impartial jury.**
  - Rights of accused persons in criminal proceedings.
    - Constitutional provisions, Const. R. I., Art. I, §10.
- Lists.**
  - City voting lists furnished to jury commissioner, §9-9-8.
  - Exceptions, §9-9-8.
  - Town lists of qualified jurors, §9-9-9.
- Petit jury panels.**
  - Size.
    - Constitutional provisions, Const. R. I., Art. I, §15.

**JUSTICES OF THE PEACE, §42-30-1.**  
**Constitution of Rhode Island, Const. R. I., Art. X, §7.**  
**Elections, Const. R. I., Art. X, §7.**  
**Governor.**  
 Appointment, §42-30-2.  
**Providence, city of.**  
 Election, Const. R. I., Art. X, §7.

## L

**LABELS.**

**Advertising.**  
 Labels of advertising in periodicals, §17-23-1; Const. R. I., Art. IV, §1.

**LIBEL AND SLANDER.**

**Constitution of Rhode Island.**  
**General assembly.**  
 Immunity of members, Const. R. I., Art. VI, §5.  
**General assembly.**  
 Immunity of members, Const. R. I., Art. VI, §5.

**LIBRARIES.**

**Constitution of Rhode Island.**  
**General assembly.**  
 Duties as to public libraries, Const. R. I., Art. XII, §1.  
**General assembly.**  
 Duties as to public libraries, Const. R. I., Art. XII, §1.

**LIEUTENANT GOVERNOR.**

**Compensation, Const. R. I., Art. IX, §11.**  
**Constitutional provisions generally,**  
 Const. R. I., Art. IV, §1.  
**Constitution of Rhode Island.**  
**Compensation, Const. R. I., Art. IX, §11.**  
**General assembly.**  
 Presiding officer, Const. R. I., Art. VIII, §2.  
 Speaker of house of representatives.  
 Vacancies in both offices of governor and lieutenant governor.  
 House speaker to fill office of governor, Const. R. I., Art. IX, §10.  
**Governor.**  
 Vacancies in both offices of governor and lieutenant governor.  
 Speaker of house of representatives.  
 House speaker to fill office of governor, Const. R. I., Art. IX, §10.  
 Vacancy in office of governor.  
 Lieutenant governor to fill, Const. R. I., Art. IX, §9.  
**Impeachment.**  
 Executive officers.  
 Officers subject to impeachment, Const. R. I., Art. XI, §3.

**LIEUTENANT GOVERNOR—Cont'd**  
**Constitution of Rhode Island—Cont'd**  
**Incapacity.**  
 Election by general assembly, Const. R. I., Art. IV, §3.  
 Term of office, Const. R. I., Art. IV, §1.  
 Vacancy in office.  
 Speaker of house of representatives.  
 Vacancies in both offices of governor and lieutenant governor.  
 House speaker to fill office of governor, Const. R. I., Art. IX, §10.

**Death.**

Death or incapacity of governor elect, §17-2-2.

**Failure to elect or qualify.**

Election by general assembly, §17-2-1; Const. R. I., Art. IV, §3.

**General assembly.**

By general assembly on failure to elect or incapacity of person elected, §17-2-3.

**Senate.**

Presiding officer, Const. R. I., Art. VIII, §2.

Vacancies in both offices of governor and lieutenant governor.

Speaker of house of representatives.

House speaker to fill office of governor, Const. R. I., Art. IX, §10.

Vacancies in office.

Filling, §17-2-4.

**Governor.**

Vacancies in both offices of governor and lieutenant governor.

Speaker of house of representatives.

House speaker to fill office of governor, Const. R. I., Art. IX, §10.

Vacancy in office of governor.

Lieutenant governor to fill, Const. R. I., Art. IX, §9.

**Impeachment.**

Executive officers.

Officers subject to impeachment, Const. R. I., Art. XI, §3.

**Incapacity.**

Election by general assembly, Const. R. I., Art. IV, §3.

**Oaths.**

Oath of office of general officers, Const. R. I., Art. III, §3.

Administration of oath, Const. R. I., Art. III, §5.

**Term of office, §17-2-1.**

Constitutional provisions, Const. R. I., Art. IV, §1.

**Vacancies in office.**

Failure to elect or incapacity.

Filling vacancy, Const. R. I., Art. IV, §3.



**LIEUTENANT GOVERNOR—Cont'd****Vacancies in office—Cont'd**

General assembly to fill vacancy,  
§17-2-4.

Speaker of house of representatives.

Vacancies in both offices of governor  
and lieutenant governor.

House speaker to fill office of  
governor, Const. R. I., Art. IX,  
§10.

**LIMITATION OF ACTIONS.**

Prosecution for offenses against  
provisions of chapter, §17-23-11.

**LISTS.**

Absentee voting, §17-22-8.

Felonious conduct, §17-23-17.

**General officers.**

List of voters, Const. R. I., Art. IV, §8.

**Mail ballots.**

Sealing of voting lists, §17-20-27.

**Secretary of state.**

Providing lists to political parties and  
candidates, §17-6-5.

Voter registration list, Const. R. I., Art.  
IV, §8.

**LOCAL BOARDS.****Nomination papers.**

Certification by local boards,  
§17-14-12.1.

**LOCAL ELECTIONS.**

Certificates of election, §17-22-5.2.

Defined, §17-1-2.

**LOTTERIES.****Constitution of Rhode Island.**

Prohibited, Const. R. I., Art. VI, §15.

Exceptions, Const. R. I., Art. VI, §15.

State lotteries, Const. R. I., Art. VI,  
§15.

Prohibited, Const. R. I., Art. VI, §15.

Exceptions, Const. R. I., Art. VI, §15.

State lotteries, Const. R. I., Art. VI, §15.

**M****MAIL BALLOTS, §§17-20-1 to 17-20-35.**

Absence from state, city or town.

Eligibility for, §17-20-2.

**Affidavits.**

Application for mail ballot.

Affidavit forms, §17-20-8.

Alternative methods of voting,

§17-20-6.

Applicant voting at polls.

Prohibited, §17-20-29.

Application for ballot, §17-20-8.

Certification, §17-20-10.

Disabled or incapacitated person.

Permanently disabled or  
incapacitated person, §17-20-9.

False statements.

Penalty, §17-20-30.

**MAIL BALLOTS—Cont'd****Application for ballot—Cont'd**

Form, §17-20-13.

Secretary of state to furnish form and  
supplies, §17-20-12.

Incapacitated person.

Permanently disabled or  
incapacitated person, §17-20-9.

Lists.

Marking, §17-20-10.

Safekeeping of lists of applicants,  
§17-20-11.

Marking of lists, §17-20-10.

Permanently disabled or incapacitated  
voter, §17-20-9.

Temporarily disabled or incapacitated  
voter, §17-20-8.1.

**Board of elections.**

Disqualification of ballot, §17-20-33.

Inquiries, §17-20-32.

**Casting vote.**

Time, §17-20-16.

**Certification of ballot.**

Execution, §17-20-23.

Certification of envelopes for return  
of ballot, §17-20-21.

Military service.

Persons intimately connected with  
military service, §17-20-22.

**Complaints.**

Investigations, §17-20-31.

**Construction of chapter.**

Liberal construction, §17-20-34.

**Convalescent homes.**

Voting from hospitals and convalescent  
homes, §17-20-14.

Interference.

Penalty, §17-20-14.

Copies of chapter furnished to local  
boards, §17-20-28.

Counting of ballots, §17-20-26.

Deceiving, coercing or interfering  
with voter casting ballot.

Penalty, §17-20-30.

Declaration of policy, §17-20-1.1.

Definition of terms, §17-20-3.

**Disqualification of ballot.**

Board of elections, §17-20-33.

Duplication of votes, §17-20-7.

Methods preferred, §17-20-7.

Eligibility for mail ballots, §17-20-2.

**Emergency mail ballots.**

Applications, §17-20-8.

Envelopes for return of ballot,

§17-20-19.

Certifying, §17-20-21.

Military service.

Persons intimately connected with  
military service, §17-20-22.

Persons intimately connected with  
military service, §17-20-22.

Fraudulently signing name of another.

Penalty, §17-20-30.

Exemption from registration, §17-20-4.

**MAIL BALLOTS—Cont'd**

- False notarization or witnessing.**  
Penalty, §17-20-30.
- Forms, §17-20-15.**
  - Application for ballots, §17-20-13.
  - Certifying envelopes, §17-20-21.
    - Persons intimately connected with military service, §17-20-22.
  - Secretary of state to furnish form and supplies, §17-20-12.
- Fraud.**  
Penalty, §17-20-30.
- Handicapped persons.**  
Eligibility for, §17-20-2.
- Hospitals.**
  - Voting from hospitals and convalescent homes, §17-20-14.
  - Interference.  
Penalty, §17-20-14.
- Instructions for voting procedures, §17-20-20.**
- Instructions on ballot, §17-20-18.**
- Investigation of complaints, §17-20-31.**
- Irregularities in obtaining and casting, §17-20-24.1.**
- Irregularities not impairing validity of ballots, §17-20-24.**
- Issuance of ballots, §17-20-10.**
- Liberal construction of chapter, §17-20-34.**
- Lists.**  
Sealing of voting lists, §17-20-27.
- Local boards.**  
Copies of chapter furnished to local boards, §17-20-28.
- Local supervision, §17-20-14.1.**
- Mail applicant not permitted to vote at polls, §17-20-29.**
- Marking of ballot, §17-20-23.**  
Place of marking, §17-20-15.
- Military affairs.**
  - Absence because of military operation.  
Eligibility for, §17-20-2.
  - Certification of envelopes for return of ballot.
    - Persons intimately connected with military service, §17-20-22.
  - Member of armed forces in active service, §17-20-9.2.
  - Services intimately connected with military operations.  
Defined, §17-20-3.
- Notaries public.**  
Applications.  
Subscribed to before notary public, §17-20-8.
- Omission of presidential electors, §17-20-17.**
- Opening of ballots, §17-20-26.**
- Penalty for violations, §17-20-30.**
- Place of marking, §17-20-15.**
- Presidential electors.**  
Omission, §17-20-17.

**MAIL BALLOTS—Cont'd**

- Prevention of board of elections from receiving.**  
Penalty, §17-20-30.
- Registration.**  
Exemption from registration, §17-20-4.
- Requirements for validity, §17-20-2.1.**
- Residence of person in service, §17-20-5.**
- Return of unused ballots, §17-20-25.**
- Reverse side of ballot.**  
Captions, §17-20-18.
- Sealing of ballots, §17-20-27.**
- Secretary of state.**  
Issuance of ballots, §17-20-10.
- Servicemen.**  
Residence of person in service, §17-20-5.
- Severability of provisions, §17-20-35.**
- Signatures.**  
Defined, §17-20-3.
- Supervision, §17-20-14.2.**  
Appointment of supervisors, §17-20-14.2.  
Local supervision, §17-20-14.1.
- Supervisors.**  
By-partisan pairs of supervisors.  
Defined, §17-20-3.
- Temporarily disabled or incapacitated voters.**  
Applications for ballots, §17-20-8.1.
- Time of casting vote, §17-20-16.**
- Unused ballots.**  
Return, §17-20-25.
- Validity of ballots.**  
Irregularities not impairing validity, §17-20-24.  
Requirements for validity, §17-20-2.1.
- Violations.**  
Penalty, §17-20-30.
- Voting at polls.**  
Prohibited, §17-20-29.
- Voting by mail ballot, §17-20-1.**
- Voting for another.**  
Penalty, §17-20-30.
- MANDAMUS.**  
**Failure or refusal of officials to perform duties.**  
Mandamus by supreme court, §17-24-1.
- MEDICAL RECORDS.**  
**Confidentiality of information.**  
Disclosures, §5-37.3-4.
- MENTALLY ILL.**  
**General assembly.**  
Incapacity of person elected senator or representative, §17-3-5.
- Governor.**  
Incapacity of governor elect, §17-2-2.
- MILITARY AFFAIRS.**  
**Absentee ballots.**  
Alternative method of voting, §17-20-6.

**MILITARY AFFAIRS—Cont'd**

- Absentee voting.**
  - Members of armed forces in active service, §17-20-9.1.
- Alternative methods of voting,** §17-20-6.
- Ballots.**
  - Absentee ballots.
  - Alternate method of voting, §17-20-6.
- Captain general.**
  - Military and navy.
  - Governor, Const. R. I., Art. IX, §3.
- Commander-in-chief.**
  - Military and navy.
  - Governor, Const. R. I., Art. IX, §3.
- Constitution of Rhode Island.**
  - Captain general.
  - Military and navy, Const. R. I., Art. IX, §3.
  - Governor, Const. R. I., Art. IX, §3.
- Civil authority.**
  - Subordination of military, Const. R. I., Art. I, §18.
- Commander in chief.**
  - Military and navy.
  - Governor, Const. R. I., Art. IX, §3.
- Governor.**
  - Captain general and commander in chief of military and navy, Const. R. I., Art. IX, §3.
- Martial law,** Const. R. I., Art. I, §18.
- Quartering of soldiers,** Const. R. I., Art. I, §19.
- Subordination of military to civil authority,** Const. R. I., Art. I, §18.
- Dependents of servicemen.**
  - Registration, §17-9-11.
- Exemption from duty on election day.**
  - Militia duty, §30-7-5.
- Governor.**
  - Captain general and commander in chief of military and navy, Const. R. I., Art. IX, §3.
- Mail ballots.**
  - Absence because of military operation.
  - Eligibility for, §17-20-2.
  - Certification of envelopes for return of ballot.
    - Persons intimately connected with military service, §17-20-22.
  - Member of armed forces in active service, §17-20-9.2.
  - Services intimately connected with military operations.
  - Defined, §17-20-3.
- Militia.**
  - Exemption from duty on election day, §30-7-5.
- Quartering of soldiers,** Const. R. I., Art. I, §19.
- Registration.**
  - Servicemen's dependents, §17-9-11.
- Residence of person in service,** §17-20-5.

**MILITARY AFFAIRS—Cont'd**

- Soldiers.**
  - Quartering, Const. R. I., Art. I, §19.
- MISDEMEANORS.**
  - Constitution of Rhode Island.**
    - Public officers and employees.
      - Disqualification upon conviction or plea of nolo contendere, Const. R. I., Art. III, §2.
      - Requalification following sentence, probation or parole, Const. R. I., Art. III, §2.
  - Penalties,** §17-26-2.
  - Petty misdemeanors,** §17-26-3.
  - Public officers and employees.**
    - Disqualification upon conviction or plea of nolo contendere, Const. R. I., Art. III, §2.
    - Requalification following sentence, probation or parole, Const. R. I., Art. III, §2.
  - Signatures.**
    - Qualifications of persons obtaining signatures.
    - Violations of section, §17-23-12.
- MODERATORS.**
  - Appointment,** §§17-11-3, 17-11-7.
  - Appointment in default of elections, §17-11-6.
  - Narragansett, §17-11-7.2.
  - Narragansett.**
    - Appointment, §17-11-7.2.
  - Oath of office,** §17-11-5.
  - Primary elections.**
    - Appointment, §17-15-13.
  - Qualifications,** §17-11-8.
  - Town meeting may elect,** §17-11-9.
  - Towns divided into senatorial or representative districts,** §17-11-5.
  - Towns not divided into representative districts,** §17-11-4.
  - Vacancies,** §17-11-8.
  - Filling by town council, §17-11-10.
- MUNICIPAL CORPORATIONS.**
  - Bonds, surety.**
    - Tax collectors, §45-4-13.
  - Budget commissions.**
    - Composition, §45-9-1.
    - Election of members, §45-9-1.
    - Establishment.
      - Town approval for establishment, §45-9-2.
    - Powers, §45-9-1.
  - Clerks.**
    - Certificate of election of clerk, §45-4-5.
    - Compensation, §45-3-23.
    - Deputy clerks.
      - Appointment, §45-7-2.
      - Duties, §45-7-2.
      - Powers, §45-7-2.
      - Registration of voters, §45-7-3.

**MUNICIPAL CORPORATIONS—Cont'd****Clerks—Cont'd**

Disorderly conduct at meeting,  
§45-3-19.

Certificate of election of clerk,  
§45-4-5.

Term, §45-3-16.

**Constitution of Rhode Island.**

Home rule for cities and towns.

Borrowing powers, Const. R. I., Art.  
XIII, §5.

**Charters.**

Adoption, Const. R. I., Art. XIII, §7.

Power, Const. R. I., Art. XIII, §6.

Amendments, Const. R. I., Art.  
XIII, §8.

**Certificates.**

Deposit, Const. R. I., Art. XIII,  
§10.

Judicial notice, Const. R. I., Art.  
XIII, §10.

Recordation, Const. R. I., Art.  
XIII, §10.

Signing, Const. R. I., Art. XIII,  
§10.

Commissions, Const. R. I., Art.  
XIII, §6.

**Petitions.**

Filing with bicameral legislative  
bodies, Const. R. I., Art. XIII,  
§9.

Power to adopt, Const. R. I., Art.  
XIII, §6.

**General assembly.**

Powers over cities and towns,  
Const. R. I., Art. XIII, §4.

Intention of article, Const. R. I., Art.  
XIII, §1.

**Judicial powers of state.**

Not diminished by article, Const. R.  
I., Art. XIII, §11.

Local legislative bodies, Const. R. I.,  
Art. XIII, §3.

Local legislative powers, Const. R. I.,  
Art. XIII, §2.

**Petitions.****Charters.**

Filing with bicameral legislative  
bodies, Const. R. I., Art. XIII,  
§9.

**Taxation.**

Power to tax, Const. R. I., Art.  
XIII, §5.

**Ordinances.****Continuance.**

Transitional provisions, Const. R.  
I., Art. XV, §1.

**Councils and governing bodies.**

Determination of number of council  
members to be elected, §45-4-6.

Election of council members, §45-4-7.

**Disorderly conduct.**

Town meetings, §45-3-19.

**MUNICIPAL CORPORATIONS—Cont'd****Districts.**

Division into districts, §17-11-1.

**Evidence.**

Town meetings.

Record of proceedings as evidence,  
§45-3-22.

**Failure by electors to elect officers,**  
§45-4-9.

**Filling vacancies in office,** §45-4-16.

**General assembly.**

Home rule for cities and towns.

Powers of assembly over cities and  
towns, Const. R. I., Art. XIII, §4.

**Home rule for cities and towns.**

Borrowing powers, Const. R. I., Art.  
XIII, §5.

**Charters.**

Adoption, Const. R. I., Art. XIII, §7.

Power, Const. R. I., Art. XIII, §6.

Amendments, Const. R. I., Art. XIII,  
§8.

**Certificates.**

Deposit, Const. R. I., Art. XIII, §10.

Judicial notice, Const. R. I., Art.  
XIII, §10.

Recordation, Const. R. I., Art. XIII,  
§10.

Signing, Const. R. I., Art. XIII, §10.

Commissions, Const. R. I., Art. XIII,  
§6.

**Petitions.**

Filing with bicameral legislative  
bodies, Const. R. I., Art. XIII,  
§9.

Power to adopt, Const. R. I., Art.  
XIII, §6.

**General assembly.**

Powers over cities and towns, Const.  
R. I., Art. XIII, §4.

Intention of article, Const. R. I., Art.  
XIII, §1.

**Judicial powers of state.**

Not diminished by article, Const. R.  
I., Art. XIII, §11.

Local legislative bodies, Const. R. I.,  
Art. XIII, §3.

Local legislative powers, Const. R. I.,  
Art. XIII, §2.

**Petitions.****Charters.**

Filing with bicameral legislative  
bodies, Const. R. I., Art. XIII,  
§9.

**Taxation.**

Power to tax, Const. R. I., Art. XIII,  
§5.

**Judicial notice.**

Home rule for cities and towns.

Charter certificates, Const. R. I., Art.  
XIII, §10.

**Lists of electors.**

Duplicate lists, §45-4-4.

**MUNICIPAL CORPORATIONS—Cont'd****Mayors.**

- Elections, §45-4-10.
- Illegal assemblies purporting to exercise governmental powers. Dispersal, §11-43-5.
- Primary elections. Candidates nominated at primaries, §17-15-7.

**Notice.**

- Town meetings, §45-3-5.
- Clerk's warrant giving notice, §45-3-8.
- Meetings by request, §45-3-9.
- Meeting to dispose of land or make tax, §45-3-12.

**Oaths.**

- Town and city officers, §45-4-11.
- Certificate of oath delivered to officer, §45-4-12.

**Officers.**

- Engagement of town and city officers, §45-4-11.
- Oaths, §45-4-11.
- Certificate of oath delivered to officer, §45-4-12.
- Term of office, §45-4-15.

**Officers to be elected, §45-4-1.****Ordinances.**

- Constitution of Rhode Island.
- Continuance of transitional provisions, Const. R. I., Art. XV, §1.

**Petitions.**

- Home rule for cities and towns. Charters. Filing charter petitions to bicameral legislative bodies, Const. R. I., Art. XIII, §9.

**Primaries.**

- Municipal primaries other than at time of general primaries, §17-15-4.

**Probate judges.**

- Election and powers, §8-9-4.

**Real property.**

- Town meetings. Notice of meetings to dispose of, §45-3-12.

**Signatures.**

- Home rule for cities and towns. Charter certificates. Signing, Const. R. I., Art. XIII, §10.

**Special statutes controlling, §45-4-17.****Taxation.**

- Home rule for cities and towns. Power to tax, Const. R. I., Art. XIII, §5.

**Tax collectors.**

- Bond, surety, §45-4-13.
- Successor tax collectors. Powers, §45-4-14.

**MUNICIPAL CORPORATIONS—Cont'd****Town meetings.**

- Adjournment. Completion of election of officers, §45-3-3.
- Barrington town meeting. Adjournment to indoor facility located outside town, §45-3-3.1.
- Canvass prior to meeting, §45-3-13.
- Consent of council to special meeting, §45-3-7.
- Elective meetings. Adjournment to complete election of officers, §45-3-3.
- Canvass prior to meeting, §45-3-13.
- Clerks. Meeting to elect clerk to fill vacancy, §45-3-10.
- Periodical elective meetings, §45-3-1.
- Time of elective meetings, §45-3-2.
- Evidence. Record of proceedings as evidence, §45-3-22.
- Illegal town meetings. Dispersal, §11-43-5.
- Penalty, §11-43-4.
- Land. Notice of meeting to dispose of land, §45-3-12.
- Lists of electors. Duplicate lists, §45-4-4.
- Majority required for action, §45-3-21.
- Meetings not to interfere with elections, §45-4-2.
- Moderator. Assistant moderator to preside over town business, §45-4-3.
- Compensation of district moderators, §45-3-23.
- Moderator to preside, §45-3-17.
- Regulation if meeting by moderator, §45-3-18.
- Selection, §45-3-15.
- Term, §45-3-16.
- Motions. Voting on motions, §45-3-20.
- Neglect of duty by officers. Forfeiture for neglect of duty, §45-3-11.
- Notice of meetings, §45-3-5.
- Barrington town meeting. Adjournment to indoor facility located outside town, §45-3-3.1.
- Clerk's warrant giving notice, §45-3-8.
- Meetings by request, §45-3-9.
- Meeting to dispose of land or make tax, §45-3-12.
- Property. Notice of meeting to dispose of land, §45-3-12.
- Quorum, §45-3-14.

**MUNICIPAL CORPORATIONS—Cont'd**

- Town meetings—Cont'd**
  - Real property.
    - Notice of meeting to dispose of land, §45-3-12.
  - Record of proceedings.
    - Record as evidence, §45-3-22.
  - Request of electors.
    - Business considered, §45-3-9.
    - Call of meeting on request of electors, §45-3-6.
    - Canvass prior to meeting, §45-3-13.
    - Notice of meetings by request, §45-3-9.
    - Time meetings by request held, §45-3-9.
  - Special meetings.
    - Consent of council to special meeting, §45-3-7.
  - Taxation.
    - Notice of meeting to make tax, §45-3-12.
  - Time of meetings, §45-3-4.
    - Elective meetings, §45-3-2.
    - Meetings by request, §45-3-9.
  - Vacancies.
    - Filling of vacancies, §45-4-16.
  - Voting machine meetings.
    - Applicability of provisions to voting machine meetings, §45-3-24.
    - Municipal budget referenda, §45-3-25.
    - Voting on motions, §45-3-20.
  - Vacancies.**
    - Meeting to elect clerk to fill vacancy, §45-3-10.
  - Voting machine meetings.**
    - Applicability of provisions to voting machine meetings, §45-4-18.

## N

**NAME.**

- Change of name.**
  - Registered voters entitled to change name on registration record, §17-9-18.

**NARRAGANSETT.**

- Moderators and clerks.**
  - Appointment, §17-11-7.2.

**NATURAL RESOURCES.**

- Constitution of Rhode Island.**
  - Preservation, Const. R. I., Art. I, §17.
- Preservation.**
  - Constitutional provisions, Const. R. I., Art. I, §17.

**NEW SHOREHAM.**

- Constitution of Rhode Island.**
  - Wardens.
    - Election, Const. R. I., Art. X, §7.
- Elections.**
  - Wardens, Const. R. I., Art. X, §7.

**NEW SHOREHAM—Cont'd**

- Wardens.**
  - Election, Const. R. I., Art. X, §7.

**NEWSPAPERS.**

- Constitution of Rhode Island.**
  - Freedom of press, Const. R. I., Art. I, §20.
- Signature and labeling of advertising,** §17-23-1.

**NOMINATIONS.**

- Certificate of nomination.**
  - Congressional elections.
    - New election in absence of plurality.
      - Filing of new certificates of nomination papers, §17-4-7.
- Certification of names of candidates to secretary of state,** §17-14-16.
- Combination of endorsed candidates,** §17-14-4.
- Constitutional provisions, Const. R. I., Art. II, §2.**
- Deceased endorsed candidates.**
  - Replacement, §17-14-17.
- Declarations of candidacy, §17-14-1.**
  - Eligibility, §§17-14-1.2, 17-14-2.
  - Party affiliation, §17-14-1.1.
- Eligibility, §§17-14-1.2, 17-14-2.**
  - Candidate filing on final nomination papers deemed ineligible, §17-14-2.1.
- Filing nomination papers, §17-14-12.**
- Nomination papers.**
  - Checking and certification, §17-14-11.
  - Certification by local boards, §17-14-12.1.
  - Delegates to constitutional conventions, §17-15-24.
  - Duplication, §17-14-4.
  - Felonious conduct, §17-23-17.
  - Filing, §17-14-12.
  - Final nomination papers.
    - Candidate filing on final nomination papers ineligible, §17-14-2.1.
  - Furnishing to candidates, §17-14-4.
  - Hearings on objections, §17-14-14.
  - Number of papers signed by same voter, §17-14-9.
  - Number of signers required, §17-14-7.
  - Party endorsed candidates.
    - Papers unnecessary, §17-14-4.1.
  - Persons obtaining signatures.
    - Affidavits, §17-14-10.
  - Preparation, §17-14-4.
  - Required, §17-14-4.1.
    - Exceptions, §17-14-4.1.
  - Signing, §17-14-8.
    - Number of signatures required, §17-14-7.
  - Statement at head of papers, §17-14-6.
  - Sufficiency of papers.
    - Objections to sufficiency, §17-14-13.
  - Violations as to papers or withdrawals, §17-23-9.

**NOMINATIONS—Cont'd**

Number of votes required to nominate, §17-15-29.

One or more offices, §17-14-3.

**Petitions.**

Right to nominate by petition preserved, §17-15-40.

**Signatures.**

Nomination papers.

Number of signatures required, §17-14-7.

Withdrawal of candidacy, §17-14-15.

**Withdrawal of nominations.**

Violations as to withdrawals, §17-23-9.

**NOTARIES PUBLIC.****Mail ballots.**

Applications.

Subscribed to before notary public, §17-20-8.

**NOTICE.****Barrington.**

Town meetings.

Adjournment to indoor facility located outside town, §45-3-3.1.

**NOTICES.****Districts.**

Notice of division or redivision into districts, §17-11-2.

Primary elections, §17-15-17.

## O

**OATHS.****Attorney general.**

Administration of oath, Const. R. I., Art. III, §5.

Oath of office of general officers, Const. R. I., Art. III, §3.

**Canvassing authorities.**

Power to administer oaths, §17-8-7.

**Constitution of Rhode Island.**

Administration, Const. R. I., Art. III, §5.

**General assembly.**

Oath of office of members, Const. R. I., Art. III, §4.

General officers, Const. R. I., Art. III, §3.

Judges, Const. R. I., Art. III, §4.

**General assembly.**

Oath of office of members, Const. R. I., Art. III, §4.

Administration of oath, Const. R. I., Art. III, §5.

**Governor.**

Oath of office of general officers, Const. R. I., Art. III, §3.

Administration, Const. R. I., Art. III, §5.

**OATHS—Cont'd****Judges.**

Oath of office, Const. R. I., Art. III, §4.

Administration of oath, Const. R. I., Art. III, §5.

**Lieutenant governor.**

Oath of office of general officers, Const. R. I., Art. III, §3.

Administration of oath, Const. R. I., Art. III, §5.

**Moderators, §17-11-5.****Municipal corporations.**

Town and city officers, §45-4-11.

Certificate of oath delivered to officer, §45-4-12.

**Public officers and employees.**

Oath of office of general officers, Const. R. I., Art. III, §3.

Administration of oaths, Const. R. I., Art. III, §5.

Other officers, Const. R. I., Art. III, §4.

**Registration lists.**

Oath required as to use of list, §17-6-6.

**Secretary of state.**

Oath of office of general officers, Const. R. I., Art. III, §3.

Administration of oath, Const. R. I., Art. III, §5.

**State board of elections.**

False swearing, §17-7-8.

Oath of members, §§17-7-4, 17-22-9.

**State treasurer.**

Oath of office of general officers, Const. R. I., Art. III, §3.

Administration of oath, Const. R. I., Art. III, §5.

**OPENING OF POLLS.**

Time for, §17-18-10.

**ORDINANCES.****Constitution of Rhode Island.**

Continuance.

Transitional provisions, Const. R. I., Art. XV, §1.

## P

**PARDONS.****Constitution of Rhode Island.**

Governor, Const. R. I., Art. IX, §13.

Governor, Const. R. I., Art. IX, §13.

**PARKING.****Constitution of Rhode Island.**

Eminent domain.

Local off-street parking facilities.

General assembly may authorize, Const. R. I., Art. VI, §20.

**Eminent domain.**

Local off-street parking facilities.

General assembly may authorize, Const. R. I., Art. VI, §20.

**PARKING—Cont'd**

- General assembly.**
- Local off-street parking facilities.
- Eminent domain, Const. R. I., Art. VI, §20.

**PARKS AND RECREATIONAL AREAS.**

- Constitution of Rhode Island.**
- Eminent domain.
- General assembly may authorize, Const. R. I., Art. VI, §19.
- Eminent domain.**
- General assembly may authorize, Const. R. I., Art. VI, §19.
- General assembly.**
- Eminent domain.
- Taking of property for, Const. R. I., Art. VI, §19.

**PAROLE.**

- Constitution of Rhode Island.**
- Public officers and employees.
- Disqualification upon conviction or plea of nolo contendere.
- Requalification following parole, Const. R. I., Art. III, §2.
- Public officers and employees.**
- Disqualification upon conviction or plea of nolo contendere.
- Requalification following parole, Const. R. I., Art. III, §2.

**PARTIES.**

- Political parties.**
- See **POLITICAL PARTIES.**

**PEACE CORPS.**

- Registration of Peace Corps volunteers, §17-9-25.**

**PENALTIES.**

- Advertising violations, §17-23-3.**
- Affidavits.**
- False affidavits, §17-19-27.
- Ballots.**
- Sample ballots.
- Tampering with, §17-19-43.
- Bribery or intimidation of voters, §17-23-5.**
- Campaign contributions and expenditures reporting act.**
- Penalties for violations of chapter, §17-25-13.
- Certificates of election.**
- Failure to furnish, §17-23-8.
- Constitution of Rhode Island.**
- Fines.
- Excessive fines.
- Prohibited, Const. R. I., Art. I, §8.
- Election officials.**
- Violations by officials generally, §17-23-10.
- Voting machines.
- Officer tampering with machine, §17-19-44.

**PENALTIES—Cont'd**

- Employers and employees.**
- Improper influence by employers, §17-23-6.
- False affidavits, §17-19-27.**
- Federal voting rights act.**
- Denial of certain rights, 42 U.S.C. §1973aa-3.
- Eighteen-year-old voting age.
- Enforcement of twenty-sixth amendment, 42 U.S.C. §1973bb.
- Fines.**
- Excessive fines.
- Prohibited.
- Constitutional provisions, Const. R. I., Art. I, §8.
- Fraud.**
- Fraudulent election returns, §17-19-45.
- Fraudulent voting, §17-23-4.
- Voting machines.
- False instructions as to operation of machines, §17-19-46.
- Gambling referenda.**
- Political action committee.
- Violations of provisions, §17-25.1-2.
- Mail ballots.**
- Violations of chapter, §17-20-30.
- Misdemeanors, §17-26-2.**
- Petty misdemeanors, §17-26-3.
- Nominations.**
- Nomination papers.
- Violations as to papers or withdrawals, §17-23-9.
- Officials.**
- Violations by public officers, §17-19-41.
- Petty misdemeanors, §17-26-3.**
- Political advertising, §17-23-14.**
- Political parties.**
- Emblems.
- Protection of emblems.
- Violations, §17-23-9.
- Protection of names of major parties.
- Violation, §17-23-7.
- Registration.**
- Affidavits.
- Making false affidavits, §17-9-21.
- Lists.
- Violations of provisions, §17-6-7.
- Returns, §17-22-9.**
- Disturbance of proceedings, §17-22-3.
- Fraudulent returns, §17-19-45.
- Right to vote.**
- Federal voting rights act.
- Denial of certain rights, 42 U.S.C. §1973aa-3.
- Eighteen-year-old voting age.
- Enforcement of twenty-sixth amendment, 42 U.S.C. §1973bb.
- Town meetings.**
- Illegal town meetings, §11-43-4.
- Violations.**
- Public officers, §17-19-41.



**PENALTIES—Cont'd**

- Voters.**
  - Bribery or intimidation, §17-23-5.
- Voting.**
  - Fraudulent voting, §17-23-4.
  - Repeat voting, §17-23-4.
  - Voting in another name, §17-23-4.
- Voting machines.**
  - False instructions as to operation of voting machines, §17-19-46.
  - Keys.
    - Duplicates, §17-19-47.
  - Police.
    - Tampering with machines, §17-19-44.
  - Tampering with voting machines, §17-19-42.
    - Officer tampering with voting machine, §17-19-44.

**PERMANENT REGISTRATION ACT,**

- §§17-9-1 to 17-9-27.
- See REGISTRATION.

**PETITIONS.**

- Canvassing lists.**
  - Order entering name on lists, §17-10-13.
  - Petitions appealing striking of name from list, §§17-10-12, 17-10-13.
- Municipal corporations.**
  - Home rule for cities and towns.
    - Charters.
      - Filing charter petitions to bicameral legislative bodies, Const. R. I., Art. XIII, §9.
- Nominations.**
  - Right to nominate by petition preserved, §17-15-40.
- Signatures.**
  - Qualifications of person obtaining signatures, §17-23-12.

**PLURALITY.**

- Election when no candidate receives plurality, Const. R. I., Art. IV, §3.
- Required, Const. R. I., Art. IV, §2.

**POLICE.**

- Polling places.**
  - Presence of police officers, §17-19-21.
- Voting machines.**
  - Guarding machines until resumption of custody by board, §17-19-35.

**POLITICAL PARTIES.**

- Caucuses.**
  - Replaced by primaries, §17-15-6.
- Change of designation,** §17-9-27.
- Checkers at polling places,** §17-19-22.
  - Primary elections.
    - Appointment, §17-15-13.
- Committees.**
  - Acting in other contingencies, §17-12-5.
  - Candidates.
    - Endorsements of local candidates, §17-12-4.

**POLITICAL PARTIES—Cont'd**

- Committees—Cont'd**
  - City committees.**
    - Appointment, §17-12-7.
    - Composition, §17-12-7.
    - Endorsements, §17-12-11.
    - Failure to endorse, §17-12-12.2.
    - Officers, §17-12-9.
    - Organization, §17-12-9.
    - Vacancies, §§17-12-12, 17-12-12.1.
  - Composition, §17-12-2.
  - Delegation of powers, §17-12-3.
  - District committees.**
    - Appointment, §17-12-7.
    - Composition, §17-12-7.
    - Organization, §17-12-9.
  - Endorsement by local committees, §17-12-11.
  - Endorsement of candidates by committee, §17-12-12.2.
    - Failure to endorse, §17-12-12.2.
  - Management by committees, §17-12-10.
  - National committees.**
    - Election of delegates to national conventions.
      - Rules of national committees, §17-12.1-15.
  - Officers.**
    - City committees, §17-12-9.
    - District committees, §17-12-9.
    - Lists of officers and members, §17-12-9.
  - Powers.**
    - Delegation, §17-12-3.
    - Generally, §17-12-2.
  - Qualifications of members, §17-12-8.
  - Selection, §17-12-1.
  - Terms of members, §17-12-8.
  - Town committees.**
    - Election, §17-12-6.
  - Vacancies in committees, §17-12-10.
  - Ward committees.**
    - Election, §17-12-6.
    - Failure to make endorsements, §17-12-12.2.
- Conventions.**
  - Replaced by primaries, §17-15-6.
  - State conventions, §17-12-13.
- Defined,** §17-1-2.
- Delegates to national convention.**
  - Ballots.**
    - Form, §17-12.1-11.
    - Paper ballots, §17-12.1-13.
  - Date of primaries, §17-12.1-1.
  - Declaration of candidacy, §17-12.1-3.
    - Preparation of nomination papers, §17-12.1-5.
  - Definitions, §17-12.1-12.
  - Designation of winning delegates, §17-12.1-9.
  - Election of delegates, §17-12-14.
  - National committee rules, §17-12.1-15.
  - Nomination papers.
    - Certification, §17-12.1-7.

**POLITICAL PARTIES—Cont'd****Delegates to national convention**

—Cont'd

**Nomination papers—Cont'd**

Checking, §17-12.1-7.

Number of signers required,  
§17-12.1-6.

Preparation, §17-12.1-5.

Signing not to affect rights of  
electors, §17-15-25.

Number of delegates, §17-12.1-9.

Number elected, §17-12.1-2.

Number of signers required, §17-12.1-6.

Preparation of nomination papers,  
§17-12.1-5.

Presidential candidates, §17-12.1-4.

Presidential preference primary,  
§17-12.1-8.

Provisions applicable, §17-12.1-16.

Recount, §17-12.1-14.

**Vacancies.**

Filling vacancies, §17-12.1-10.

**Emblems, §17-19-9.**

Protection of emblems, §17-23-9.

**Felonious conduct, §17-23-17.****Management by committees, §17-12-10.****Party designation, §17-9-26.**

Change of designation, §17-9-27.

**Posters, fliers and circulars.**

Signatures required, §17-23-2.

**Primary elections.**

Checkers, §17-15-22.

Disqualification by activity in other  
party, §17-15-24.

Identification of party voters, §17-15-21.

**Party officials.**

Appointment, §17-15-13.

**Vacancies among nominees.**

Filling, §17-15-38.

**Voting lists.**Consolidated list for each party,  
§17-13-4.

Furnishing lists to parties, §17-13-5.

**Protection of names of major parties,**  
§17-23-7.**Violations.**

Penalty, §17-23-7.

**Registration lists.**Furnishing to political parties,  
§17-9-23.**Voting machines.**

Emblems, §17-19-9.

Levers, §17-19-15.

**Wardens.**Selection of wardens and clerks in  
cities, §17-11-11.**POLLING PLACES.****Aged persons.**

Accessibility, §17-19-3.2.

**Arrangement of polling places,**  
§17-19-21.**Defined, §17-1-2.****Equipment, §17-19-21.****POLLING PLACES—Cont'd****Guard rails, §17-19-21.****Handicapped persons.**

Accessibility, §§17-19-3.1, 17-19-3.2.

**Instruction of voters, §17-19-26.****Opening, §17-18-10.****Police.**

Presence of police, §17-19-21.

**Political literature and influence at  
polling place, §17-19-49.****Political parties.**Literature and influence at polling  
places, §17-19-49.Representatives of parties at polling  
places, §17-19-22.**Runners, §17-19-22.**

Primary elections.

Appointment, §17-15-13.

**Signs, §17-19-21.****Sound equipment.**Prohibited near polling places,  
§17-23-13.**Supervisors.**

Powers and duties generally, §17-19-23.

**Surveying or polling of voter opinion,**  
§17-23-15.**Telephones.**

Required, §17-19-3.3.

**Wardens.**

Powers and duties generally, §17-19-23.

**Watchers, §17-19-22.**

Primary elections.

Appointment, §17-15-13.

**PRESIDENTIAL AND VICE-****PRESIDENTIAL ELECTIONS.****Certificates required by federal law.**Governor to make and furnish to  
electors, §17-4-12.**Electors.**Governor and secretary of state to  
attend meetings of electors,  
§17-4-12.

Meeting of electors, §17-4-11.

Time and manner of voting, §17-4-10.

Vacancies, §17-4-11.

**Governor.**Attendance at meetings of electors,  
§17-4-12.**Irregular tickets, §17-19-31.****Plurality required, §17-4-10.****Secretary of state.**Attendance at meetings of electors,  
§17-4-12.**Time and manner of voting, §17-4-10.****PRESUMPTIONS.****Constitution of Rhode Island.**Presumption of innocence, Const. R. I.,  
Art. I, §14.**Innocence.**Constitutional provisions, Const. R. I.,  
Art. I, §14.

**PRETENDED ELECTION.**

Acceptance of office by.  
Penalty, §11-43-6.

**PRIMARY ELECTIONS.****Affidavits.**

Challenging person's right to vote,  
§17-15-26.  
Officials required to make affidavits,  
§17-15-14.  
Voters not listed, §17-15-23.  
Voting lists.  
Error in lists, §17-13-2.

**Application of election law generally,**  
§17-15-43.

**Ballots.**

Identification of party voters, §17-15-21.  
Labels.  
Listing of candidates on labels,  
§17-15-8.  
Listing of candidates on ballots and  
ballot labels, §17-15-8.  
Offices listed on ballot when any  
contest exists, §17-15-12.  
Use of paper ballots, §17-15-10.

**Campaign contributions and  
expenditures reporting act.**

Public financing of election campaigns,  
§17-25-21.

**Candidates.**

Listing on ballots and ballot labels,  
§17-15-8.

Nomination at primaries, §17-15-7.

**Certificates of nomination, §§17-15-30,  
17-15-31.**

**Challenge as to right to vote,**  
§17-15-26.

**Clerks.**

Appointment, §17-15-13.

**Conducted in same manner as general  
elections, §17-15-20.**

**Contest.**

Dispensation with primary when no  
contest, §17-15-11.  
Offices listed on ballot when any  
contest exists, §17-15-12.

**Date of primaries, §17-15-1.**

Regular primary date falling on  
religious holiday, §17-15-2.

**Defined, §17-1-2.**

**Dispensation with primary when no  
contest, §17-15-11.**

**Districts.**

Combination of voting districts,  
§17-15-5.

**Election officials.**

Appointment, §17-15-13.

**Filing of state and city nominations,**  
§17-15-36.

**Hearings.**

Recounts or protest, §17-15-35.

**Holidays.**

Regular primary date falling on  
religious holiday, §17-15-2.

**PRIMARY ELECTIONS—Cont'd**

**Identification of party voters,**  
§17-15-21.

**Inspectors.**

Appointment, §17-15-13.

**Moderators.**

Appointment, §17-15-13.

**Municipal primaries.**

When held, §17-15-4.

**Nominations.**

Filing of state and city nominations,  
§17-15-36.

Filing of town nominations, §17-15-37.

Right to nominate by petition  
preserved, §17-15-40.

Vacancies among nominees, §17-15-38.

**Notice of primaries, §17-15-17.**

**Number of votes required to nominate  
or elect, §17-15-29.**

**Officials.****Affidavits.**

Required, §17-15-14.

Appointment, §17-15-13.

Challenging right to vote, §17-15-26.

Compensation, §17-15-15.

Identification of party voters, §17-15-21.

Impartiality, §17-15-27.

Party checkers, §17-15-22.

Powers and duties generally, §17-15-15.

Qualifications, §17-15-14.

Vacancies among officials, §17-15-16.

**Petitions.**

Recount petition, §17-15-34.

**Political parties.**

Checkers, §17-15-22.

Appointment, §17-15-13.

Disqualification by activity in other  
party, §17-15-24.

Identification of party voters, §17-15-21.

Party officials.

Appointment, §17-15-13.

**Runners.**

Appointment, §17-15-13.

Vacancies among nominees.

Filing, §17-15-38.

**Voting lists.**

Consolidated list for each party,  
§17-13-4.

Furnishing lists to parties, §17-13-5.

**Watchers.**

Appointment, §17-15-13.

**Protest, §17-15-34.**

Hearing on protest, §17-15-35.

**Public financing of election  
campaigns, §17-25-21.**

**Records.**

Preservation, §17-15-39.

**Recounts, §17-15-34.**

Hearing on recount, §17-15-35.

**Returns.**

State returns, §17-15-31.

Tabulation of local returns, §17-15-30.

**PRIMARY ELECTIONS—Cont'd**

- Rules.**
    - State board to have rule making power, §17-15-44.
  - School committee caucuses.**
    - Unaffected by chapter, §17-15-41.
  - Secretary of state.**
    - Duties as to, §17-6-2.
    - Listing of candidates on ballots and ballot labels.
    - Duties, §17-15-8.
  - Slate voting,** §17-15-9.
  - Sound equipment,** §17-15-27.
  - Special elections.**
    - Procedure in primaries for special elections, §17-13-3.
  - State board of elections.**
    - Recommendations for amendment of laws, §17-15-44.
    - Rule making power, §17-15-44.
  - Supervisors.**
    - Appointment, §17-15-13.
  - Tie vote,** §17-15-33.
  - Vacancies among nominees,** §17-15-38.
  - Voting hours,** §17-15-28.
  - Voting lists.**
    - Affidavit and examination of voter not listed, §17-15-23.
    - Affidavits of errors, §17-13-2.
    - Candidates.
      - Lists furnished to candidates, §17-13-5.
    - Consolidated list for each party, §17-13-4.
    - Errors.
      - Affidavits of errors, §17-13-2.
    - Furnishing lists to parties and candidates, §17-13-5.
    - Parties.
      - Consolidated list for each party, §17-13-4.
      - Lists furnished, §17-13-5.
    - Posting, §17-13-1.
    - Preparation, §17-13-1.
    - Special elections.
      - Procedure in primaries for special elections, §17-13-3.
  - Voting machines.**
    - Apportionment, §17-15-18.
  - Voting places,** §17-15-13.
    - Arrangement and paraphernalia at voting places, §17-15-19.
    - Hours of operation, §17-15-28.
  - Wardens.**
    - Appointment, §17-15-13.
- PRISONS AND PRISONERS.**
- Absentee voting.**
    - Application by persons detained or imprisoned, §17-20-2.1.
  - Loss of rights by prisoners.**
    - Public officers.
      - Forfeiture of public office upon final conviction, §13-6-2.1.

**PRISONS AND PRISONERS—Cont'd**

- Public officers and employees.**
    - Forfeiture of public office upon final conviction, §13-6-2.1.
- PROBATE JUDGES.**
- Election and powers, §8-9-4.
- PROBATION.**
- Constitution of Rhode Island.**
    - Public officers and employees.
      - Disqualification upon conviction or plea of nolo contendere.
      - Requalification following probation, Const. R. I., Art. III, §2.
    - Public officers and employees.
      - Code of ethics, Const. R. I., Art. III, §8.
      - Disqualification upon conviction or plea of nolo contendere.
      - Requalification following probation, Const. R. I., Art. III, §2.
- PROVIDENCE, CITY OF.**
- Constitution of Rhode Island.**
    - Justices of the peace.
      - Election, Const. R. I., Art. X, §7.
  - Elections.**
    - Justices of the peace, Const. R. I., Art. X, §7.
  - Justices of the peace.**
    - Election, Const. R. I., Art. X, §7.
- PUBLICATION.**
- Campaign contributions and expenditures reporting act.**
    - Postaudit of accounts, §17-25-27.
- PUBLIC FINANCING OF ELECTION CAMPAIGNS.**
- Constitutional provisions,** Const. R. I., Art. IV, §10.
  - General provisions.**
    - See CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORTING ACT.
- PUBLIC OFFICERS AND EMPLOYEES.**
- Constitution of Rhode Island.**
    - Ethical conduct.
      - Code of ethics, Const. R. I., Art. III, §8.
      - Implementing legislation for, Const. R. I., Art. XV, §4.
    - Ethics commission, Const. R. I., Art. III, §8.
      - Implementing legislation for, Const. R. I., Art. XV, §4.
    - Implementing legislation for, Const. R. I., Art. XV, §4.
    - Required, Const. R. I., Art. III, §7.
  - Felonies.**
    - Disqualification upon conviction or plea of nolo contendere, Const. R. I., Art. III, §2.

**PUBLIC OFFICERS AND EMPLOYEES**

—Cont'd

**Constitution of Rhode Island—Cont'd**

General assembly.

Continuance of office until successors qualify.

Assembly may provide for, Const. R. I., Art. VI, §13.

Holding of office under other governments, Const. R. I., Art. III, §6.

**Misdemeanors.**

Disqualification upon conviction or plea of nolo contendere, Const. R. I., Art. III, §2.

**Parole.**

Disqualification upon conviction or plea of nolo contendere.

Requalification following parole, Const. R. I., Art. III, §2.

**Probation.**

Disqualification upon conviction or plea of nolo contendere.

Requalification following probation, Const. R. I., Art. III, §2.

Qualifications for office, Const. R. I., Art. III, §1.

Conviction or plea of nolo contendere.

Disqualification, Const. R. I., Art. III, §2.

Requalification following sentence, probation or parole, Const. R. I., Art. III, §2.

**Sentencing.**

Disqualification upon conviction or plea of nolo contendere.

Requalification following sentence, Const. R. I., Art. III, §2.

**Succession to office.**

Continuance in office until successors qualify, Const. R. I., Art. VI, §13.

**Transitional provisions.**

Continuation of officeholders, Const. R. I., Art. XV, §3.

**Dual office holding**, Const. R. I., Art. III, §6.**Ethics.**

Code of ethics, Const. R. I., Art. III, §8. Commission.

Constitution of Rhode Island.

General provisions, Const. R. I., Art. III, §8.

Implementing legislation for, Const. R. I., Art. XV, §4.

Constitution of Rhode Island.

Ethical conduct.

Code of ethics, Const. R. I., Art. III, §8.

Implementing legislation, Const. R. I., Art. XV, §4.

Ethics commission, Const. R. I., Art. III, §8.

Implementing legislation, Const. R. I., Art. XV, §4.

**PUBLIC OFFICERS AND EMPLOYEES**

—Cont'd

**Ethics—Cont'd**

Constitution of Rhode Island—Cont'd

Ethical conduct—Cont'd

Required, Const. R. I., Art. III, §8.

Implementing legislation, Const. R. I., Art. XV, §4.

Ethical conduct, Const. R. I., Art. III, §7.

**Felony convictions.**

Administrator of courts.

Report to secretary of state, §8-15-8.

Disqualification upon conviction or plea of nolo contendere, Const. R. I., Art. III, §2.

Requalification following sentence, probation or parole, Const. R. I., Art. III, §2.

**General assembly.**

Succession to office.

Continuance in office until successors qualify.

Assembly may provide for, Const. R. I., Art. VI, §13.

**Misdemeanors.**

Disqualification upon conviction or plea of nolo contendere, Const. R. I., Art. III, §2.

Requalification following sentence, probation or parole, Const. R. I., Art. III, §2.

**Municipal and state employees holding elective public office**, §17-1-5.1.**Oaths.**

Oath of office of general officers, Const. R. I., Art. III, §3.

Administration of oaths, Const. R. I., Art. III, §5.

Other officers, Const. R. I., Art. III, §4.

**Parole.**

Disqualification upon conviction or plea of nolo contendere.

Requalification following parole, Const. R. I., Art. III, §2.

**Prisons and prisoners.**

Forfeiture of public office upon final conviction, §13-6-2.1.

**Probation.**

Disqualification upon conviction or plea of nolo contendere.

Requalification following probation, Const. R. I., Art. III, §2.

**Qualification for office**, Const. R. I., Art. III, §1.

Conviction or plea of nolo contendere.

Disqualification, Const. R. I., Art. III, §2.

Requalification following sentence, probation or parole, Const. R. I., Art. III, §2.

**PUBLIC OFFICERS AND EMPLOYEES**

—Cont'd

**Sentencing.**

Disqualification upon conviction of plea of nolo contendere.

Requalification following sentence.  
Const. R. I., Art. III, §2.**Succession to office.**

Continuance in office until successors qualify.

General assembly may provide for,  
Const. R. I., Art. VI, §13.**Usurpation.**

Acceptance of office by virtue of pretended election.

Penalty, §11-43-6.

Unlawful exercise of functions of state office.

Penalty, §11-43-7.

**PUBLIC PROPERTY.****Constitution of Rhode Island.**

General assembly.

Appropriating for local or private purposes.

Vote required to pass, Const. R. I.,  
Art. VI, §11.**General assembly.**

Appropriating for local or private purposes.

Vote required to pass, Const. R. I.,  
Art. VI, §11.**PURCHASES.****Secretary of state.**

Printing, advertising and election expenses, §37-2-74.

**Q****QUARTERING OF SOLDIERS.**Constitution of Rhode Island, Const. R.  
I., Art. I, §19.**QUESTIONS SUBMITTED TO ELECTORATE.**Amendments to constitution, Const. R.  
I., Art. XIV, §2.**Ballots.**

Computer ballots.

Language contained upon, §17-5-5.

Manner of voting, §17-5-4.

Designation of questions upon ballot,  
§17-5-5.Language contained on computer  
ballots, §17-5-5.

Manner of voting, §17-5-4.

Constitutional and public questions,  
§17-5-1.

Special referenda elections, §17-5-1.1.

Count of votes, §17-5-6.

Declaration of results, §17-5-6.

**Districts.**Combination of voting districts,  
§17-11-1.1.**QUESTIONS SUBMITTED TO ELECTORATE—Cont'd****Governor.**

Questions ordered by governor, §17-5-2.

Manner of voting, §17-5-1.

Ordered by governor, §17-5-2.

Publication of questions to be  
submitted, §17-5-3.**R****RACIAL MINORITIES.****Constitution of Rhode Island.**

Discrimination.

Prohibited, Const. R. I., Art. I, §2.

**Discrimination.**

Prohibited, Const. R. I., Art. I, §2.

**RACING.**Harness racing facility in town of  
Burrillville, §41-9-4.**RECORDATION.****Constitution of Rhode Island.**

Home rule for cities and towns.

Charter certificates, Const. R. I., Art.  
XIII, §10.

Municipal corporations.

Home rule for cities and towns.

Charter certificate, Const. R. I.,  
Art. XIII, §10.**RECORDS.**

Canvassing lists of qualified voters.

Striking names, §17-10-9.

Confidentiality of information.

Medical records.

Disclosures, §5-37.3-4.

Medical records.

Confidentiality of information.

Disclosures, §5-37.3-4.

Primary elections.

Preservation of primary records,  
§17-15-39.

Vital records.

See VITAL RECORDS.

**REDEVELOPMENT.****Constitution of Rhode Island.**

General assembly.

Powers, Const. R. I., Art. VI, §18.

General assembly.

Powers, Const. R. I., Art. VI, §18.

**REFERENDA.**

General provisions.

See QUESTIONS SUBMITTED TO  
ELECTORATE.**REGISTRATION.**

Affidavits.

Making false affidavits, §17-9-21.

Agents.

Appointment of local registration  
agents, §17-9-5.

Jurisdiction, §17-9-5.2.

Qualifications, §17-9-5.2.

**REGISTRATION—Cont'd****Agents—Cont'd****Registrars.**

Automatic reappointment as registration agent, §17-9-5.1.

State-wide registration agents, §17-9-5.1.

**Board of elections.**

Establishment of registration systems, §17-9-2.

**Forms.**

Duty to furnish forms, §17-9-2.

**Boundaries.**

Change of registration records on change of voting district boundaries, §17-10-17.

**Cancellation of registration.**

Failure to vote within five calendar years, §17-10-1.

**Cards.**

Canvassing lists of qualified voters.

Removal by local boards, §17-10-15.

Use at polls, §17-10-15.

Completion and signing, §17-9-8.

Custody, §17-9-14.

Duplicate cards.

Posting, §17-19-48.

Filing, §17-9-13.

Form, §17-9-6.

**Change of address.**

Notice to city or town of previous address, §17-9-17.

Procedure, §17-9-16.

Re-registration, §17-9-17.

**Change of name, §17-9-18.****Citizenship.**

Proof of naturalization or citizenship, §17-9-9.

**Citizens residing outside the United States.**

Absentee registration, §17-21.1-2.

Eligibility to register, §17-21.1-2.

Procedure on registration, §17-21.1-3.

**Closing registration proceeding elections, §17-9-3.****Constitutional provisions generally, Const. R. I., Art. II, §2.****Duplicate cards.**

Posting, §17-19-48.

**Duplicate voter registration information.**

Form and means for obtaining and retaining, §17-9-2.1.

**Eligibility to vote, §17-1-3.****Evening registration meetings, §17-9-4.**

Cities and towns with population of thirty thousand or less, §17-9-4.2.

**False certificates in registration, §17-9-12.****REGISTRATION—Cont'd****Felons.****Registration cards.**

Certification by registrant that registrant not serving sentence upon final conviction of felony, §17-9-6.

Restoration of rights, Const. R. I., Art. II, §1.

**Forms.**

Cards, §17-9-6.

Duty of state board to furnish, §17-9-2.

**Fraud, §17-9-12.****High schools.**

Registration drives at high schools.

Principal's duties, §17-9-4.1.

**Identification of voter at time of registration, §17-1-3.2.****Lists.**

Availability, §17-6-10.

Canvassing authorities.

Secretary of state to furnish, §17-6-8.

Form, §17-6-12.

Not deemed official, §17-6-11.

Oath required as to use of list, §17-6-6.

Penalty for violating provisions, §17-6-7.

**Political parties.**

Furnishing to political parties, §17-9-23.

Request for registration lists.

Deemed public record, §17-6-9.

Secretary of state.

Providing to political parties and candidates, §17-6-5.

**Local boards.**

Evening registration meetings, §17-9-4.

Cities and towns with population of thirty thousand or less, §17-9-4.2.

Periods when local boards receive registrations, §17-9-3.

**Local registration agents, §17-9-5.****Method of registering, §17-9-7.****Military affairs.**

Members of armed forces or merchant marine.

Exemption from registration, §17-20-4.

**Peace Corps registration, §17-9-25.****Proof of registry in another town, §17-9-20.****Receipt of registration.**

Required to be furnished registrant, §17-9-7.

**Records.**

Certified copies, §17-10-23.

Change of name on record, §17-9-17.

Change of records on change of voting boundaries, §17-10-17.

Custody, §17-9-14.

Public, §17-9-15.

Tampering with records, §17-9-24.

**Required to vote, §17-9-1.**

**REGISTRATION—Cont'd**

- Re-registration, §17-9-17.**
  - Notice to city or town of previous address, §17-9-17.
- Secretary of state.**
  - Central registration register.
  - Appointment of assistants, §42-8-22.
  - Providing registration lists to political parties and candidates, §17-6-5.
- Servicemen's dependents, §17-9-11.**
- Shut-in voters, §17-9-10.**
- Signatures.**
  - Space for voter to print legal name, §17-1-2.1.
- Single registration, §17-9-19.**
- State departments and agencies.**
  - Registration of voters by, §42-6-14.
- State-wide registration agents, §17-9-5.1.**
- Sundays and holidays.**
  - Time for receiving registrations, §17-9-3.
- Temporary certificates, §17-19-28.**
  - Public records, §17-19-29.
- Time for receiving registrations, §17-9-3.**
- Voter registration list, Const. R. I., Art. IV, §8.**
- Voters making mark rather than signature, §17-19-30.**

**RELIGION.**

- Constitution of Rhode Island.**
  - Freedom of religion, Const. R. I., Art. I, §3.
- Primary elections.**
  - Regular primary date falling on religious holiday, §17-15-2.
- Religious holidays.**
  - Elections falling on religious holidays, §17-18-5.1.
  - Primary elections, §17-15-2.

**REPORTS.**

- Campaign contributions and expenses.**
  - Campaign contributions and expenditures reporting act.
  - See **CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORTING ACT.**
  - Constitutional provisions, Const. R. I., Art. IV, §9.

**REPRIEVES.**

- Governor.**
  - Power to grant, Const. R. I., Art. IX, §4.

**RESIDENCE.**

- Federal voting rights act.**
  - Residence requirements for voting, 42 U.S.C. §1973aa-1.
  - Penalty for violations, 42 U.S.C. §1973aa-3.
- Voting purposes.**
  - Constitutional provisions, Const. R. I., Art. II, §2.

**RESULTS.**

- Certification of results to governor and secretary of state, §17-22-6.**
- Declaration of results, §17-19-34.**
- Public questions submitted to electorate.**
  - Declaration of results, §17-5-6.
- Towns not divided into districts, §17-19-34.**

**RETURNS.**

- Books of record of votes, §17-22-7.**
  - Certification of results.**
    - State board to certify results to governor and secretary of state, §17-22-6.
  - Disturbance of proceedings, §17-22-3.**
    - Penalty, §17-22-3.
  - Forms.**
    - State board to prepare and furnish, §17-19-11.
  - Forwarding of returns, §17-19-33.**
  - Fraudulent returns, §17-19-45.**
    - Penalties, §17-19-45.
  - Investigation of returns of local boards, §17-22-4.**
  - Oaths.**
    - State board members and assistants, §17-22-9.
  - Penalties.**
    - Violations generally, §17-22-9.
  - Persons permitted within railed space, §17-22-2.**
  - Public sessions for counting, §17-22-2.**
  - Recording and signing, §17-19-32.**
  - Sheriffs.**
    - Deputy sheriffs to attend sessions, §17-22-3.
  - State returns.**
    - Tabulation, §17-19-37.
  - Tabulations.**
    - Commencement and continuance of tabulations, §17-19-36.
  - Violations.**
    - Penalty for violations, §17-22-9.
- RIGHT TO VOTE.**
- Constitutional provisions, Const. U. S., Amds. XIX, XXVI.**
  - Federal voting rights act.**
    - Appeals.**
      - Denial of certain rights.
        - Civil actions by attorney general, 42 U.S.C. §1973aa-2.
      - Attorney general.
        - Denial of certain rights.
          - Civil actions by attorney general, 42 U.S.C. §1973aa-2.
      - Bilingual election requirements, 42 U.S.C. §19733aa-1a.
        - Penalty for violations, 42 U.S.C. §1973aa-3.
      - Blind persons.
        - Voting assistance for, 42 U.S.C. §1973aa-6.



**RIGHT TO VOTE—Cont'd****Federal voting rights act—Cont'd**

Confidentiality of information.  
Survey or compile registration and voting statistics, 42 U.S.C.

§1973aa-5.

Disabled persons.

Voting assistance for, 42 U.S.C.  
§1973aa-6.

Illiterate persons.

Voting assistance for, 42 U.S.C.  
§1973aa-6.

Minors.

Eighteen-year-old voting age.  
Enforcement of twenty-sixth amendment, 42 U.S.C.  
§1973bb.

Penalties.

Denial of certain rights, 42 U.S.C.  
§1973aa-3.

Depriving or attempting to deprive person of certain rights, 42 U.S.C. §1973aa-3.

Eighteen-year-old voting age.  
Enforcement of twenty-sixth amendment, 42 U.S.C.  
§1973bb.

Residence requirements for voting, 42 U.S.C. §1973aa-1.

Penalty for violations, 42 U.S.C.  
§1973aa-3.

Severability of provisions, 42 U.S.C.  
§1973aa-4.

Survey to compile registration and voting statistics, 42 U.S.C.  
§1973aa-5.

Test or device.

Defined, 42 U.S.C. §1973aa.  
Denial of right for failure to comply with, 42 U.S.C. §1973aa.  
Judicial relief, 42 U.S.C. §1973aa-2.  
Penalty, 42 U.S.C. §1973aa-3.

**RULES AND REGULATIONS.****Board of elections.**

Power to make, §17-7-5.

**Constitution of Rhode Island.****Continuance.**

Transitional provision, Const. R. I., Art. XV, §1.

**S****SEALS AND SEALED INSTRUMENTS.****Commissions.**

Sealed with state seal, Const. R. I., Art. IX, §8.

**Constitution of Rhode Island.****Commissions.**

Sealed with state seal, Const. R. I., Art. IX, §8.

**SEARCHES AND SEIZURES.****Constitution of Rhode Island.**

Right of people against unreasonable searches and seizures, Const. R. I., Art. I, §6.

**SECRETARY OF STATE.****Absentee ballots.**

Duties of secretary, §17-6-4.

**Ballots.**

Duties of secretary as to ballots, §17-6-3.

**Campaign contributions and expenditures reporting act.**

Duties, §17-25-5.1.

**Canvassing authorities.**

Furnishing list of registrants to canvassing authorities, §17-6-8.

**Central voter register, §17-6-1.1.****Certificates of election.****Local elections.**

Statement to secretary, §17-22-5.2.

**Charges, §42-8-20.****Commissions.**

Attested by, Const. R. I., Art. IX, §8.

**Constitutional provisions, Const. R. I., Art. IV, §1.****Constitution of Rhode Island, Const. R. I., Art. IV, §1.****Commissions.**

Attested by, Const. R. I., Art. IX, §8.  
Failure to elect or qualify.

Election by general assembly, Const. R. I., Art. IV, §3.

**General assembly.**

Presiding officer in absence of lieutenant governor.

Presides over senate until election of member, Const. R. I., Art. VIII, §3.

Secretary of senate, Const. R. I., Art. VIII, §4.

**Impeachment.****Executive officers.**

Officers subject to impeachment, Const. R. I., Art. XI, §3.

**Incapacity.**

Election by general assembly, Const. R. I., Art. IV, §3.

Powers and duties, Const. R. I., Art. IX, §12.

Term of office, Const. R. I., Art. IV, §1.

Vacancies in office, Const. R. I., Art. IV, §4.

Duties, Const. R. I., Art. IX, §12.

Duties as to elections generally, §17-6-1.

Elected at general election, §17-2-1.

**Failure to elect or qualify.**

General assembly to elect, §17-2-3; Const. R. I., Art. IV, §3.

**Fees, §42-8-20.**

Filings at office to be originals, §17-1-7.1.

**SECRETARY OF STATE—Cont'd**

- General assembly.**
  - Elections by general assembly on failure to elect or incapacity of persons elected. §17-2-3; Const. R. I., Art. IV, §3.
  - Filling vacancies, Const. R. I., Art. IV, §4.
  - Secretary of senate, Const. R. I., Art. VIII, §4.
  - Senate.
    - Presiding officer in absence of lieutenant governor.
    - Presides over senate until election of member, Const. R. I., Art. VIII, §3.
- Impeachment.**
  - Executive officers.
  - Officers subject to impeachment, Const. R. I., Art. XI, §3.
- Incapacity.**
  - Election by general assembly, Const. R. I., Art. IV, §3.
- Mail ballots.**
  - Issuance of ballots, §17-20-10.
- Oaths.**
  - Oath of office of general officers, Const. R. I., Art. III, §3.
  - Administration of oath, Const. R. I., Art. III, §5.
- Powers, Const. R. I., Art. IX, §12.**
- Powers as to elections generally, §17-6-1.**
- Presidential and vice-presidential elections.**
  - Attendance at meetings of electors, §17-4-12.
- Primary elections.**
  - Duties as to, §17-6-2.
  - Listing of candidates on ballots and ballot labels.
  - Duties, §17-15-8.
- Purchases.**
  - Printing, advertising and election expenses, §37-2-74.
- Registration.**
  - Central registration register.
  - Appointment of assistants, §42-8-22.
- Roster.**
  - Maintenance of central roster, §17-6-1.
- Term of office, §17-2-1.**
  - Constitutional provisions, Const. R. I., Art. IV, §1.
- Vacancies in office, §17-2-5.**
  - Failure to elect or incapacity.
  - Filling vacancy, Const. R. I., Art. IV, §3.
  - Filling, Const. R. I., Art. IV, §4.
- War ballots.**
  - Duties of secretary, §17-6-4.
- SELF-INCRIMINATION.**
  - Constitution of Rhode Island, Const. R. I., Art. I, §13.

**SENATE.**

See CONGRESS.

**SENTENCING.**

- Constitution of Rhode Island.**
  - Public officers and employees.
  - Disqualification upon conviction or plea of nolo contendere.
  - Requalification following sentence, Const. R. I., Art. III, §2.
- Public officers and employees.**
  - Disqualification upon conviction or plea of nolo contendere.
  - Requalification following sentence, Const. R. I., Art. III, §2.

**SEX.**

- Constitution of Rhode Island.**
  - Discrimination by reason of gender.
  - Prohibited, Const. R. I., Art. I, §2.
- Discrimination by reason of gender.**
  - Prohibited, Const. R. I., Art. I, §2.

**SHERIFFS, SERGEANTS AND CONSTABLES.**

- Assembly.**
  - Illegal assemblies purporting to exercise governmental powers.
  - Dispersal, §11-43-5.
- Returns.**
  - Deputy sheriffs to attend counting sessions, §17-22-3.

**SHORE PRIVILEGES.**

- Constitution of Rhode Island.**
  - Enjoyment continued, Const. R. I., Art. I, §17.
  - Regulation of not public taking, Const. R. I., Art. I, §16.

**SHUT-IN VOTERS.**

- Application by shut-in, §17-20-9.**
  - Form of application, §17-20-9.
- Ballots.**
  - Absentee ballots, §17-20-9.
  - Secretary of state to prepare and furnish, §17-6-4.
- Registration, §17-9-10.**

**SIGNATURES.**

- Advertising.**
  - Signature and labeling of advertising in periodicals, §17-23-1.
- Constitution of Rhode Island.**
  - Municipal corporations.
  - Home rule for cities and towns.
  - Charter certificates.
  - Signing, Const. R. I., Art. XIII, §10.
- Identification of signature for voting, §17-19-24.**
- Mail ballots.**
  - Defined, §17-20-3.
- Municipal corporations.**
  - Home rule for cities and towns.
  - Charter certificates.
  - Signing, Const. R. I., Art. XIII, §10.

**SIGNATURES—Cont'd**

Posters, fliers and circulars, §17-23-2.

Qualifications of person obtaining signatures, §17-23-12.

**Registration.**

Voters registering by making mark rather than signature, §17-19-30.

Returns, §17-19-32.

Space for voter to print legal name, §17-1-2.1.

**SLAVERY.**

Constitution of Rhode Island.

Prohibited, Const. R. I., Art. I, §4.

**SOLDIERS.**

Constitution of Rhode Island.

Quartering, Const. R. I., Art. I, §19.

**Quartering of soldiers.**

Constitution of Rhode Island, Const. R. I., Art. I, §19.

**SOUND EQUIPMENT.**

Primary elections, §17-15-27.

Prohibited near polling place, §17-23-13.

**SPECIAL ELECTIONS.**

Defined, §17-1-2.

**Districts.**

Combination of districts, §17-11-1.1.

**General assembly.**

Filling vacancies in general assembly, §17-3-6.

**Primaries, §17-15-3.**

Procedure in primaries, §17-13-3.

**Representatives.**

Filling vacancies in office of representatives, §17-4-8.

**Senate.**

Filling senatorial vacancies, §17-4-9.

**SPECIAL REFERENDA ELECTIONS,**

§17-5-1.1.

**SPECIAL STATUTES.**

Effect, §17-1-5.

**SPEECH.**

Constitution of Rhode Island.

Freedom of speech, Const. R. I., Art. I, §21.

**SPEEDY TRIAL.**

Constitution of Rhode Island.

Rights of accused persons in criminal proceedings, Const. R. I., Art. I, §10.

**STANDARD TIME.**

Effect of time change, §42-5-2.

**STATE DEPARTMENTS AND AGENCIES.**

Registration of voters by, §42-6-14.

**STATE ELECTIONS.**

Defined, §17-1-2.

STATE TREASURER, Const. R. I., Art. IV, §1.

**Constitution of Rhode Island.**

Elections, Const. R. I., Art. IV, §1.

Failure to elect or qualify.

Election by general assembly, Const. R. I., Art. IV, §3.

**Impeachment.**

Executive officers.

Officers subject to impeachment, Const. R. I., Art. XI, §3.

**Incapacity.**

Election by general assembly, Const. R. I., Art. IV, §3.

Powers and duties, Const. R. I., Art. IX, §12.

Term of office, Const. R. I., Art. IV, §1.

Vacancies in office, Const. R. I., Art. IV, §4.

Duties, Const. R. I., Art. IX, §12.

Elected at general election, §17-2-1.

**Failure to elect or qualify.**

Election by general assembly, §17-2-3; Const. R. I., Art. IV, §3.

**General assembly.**

Elections by assembly on failure to elect or incapacity of person elected, §17-2-3; Const. R. I., Art. IV, §3.

Vacancies in office.

Filling, Const. R. I., Art. IV, §4.

**Impeachment.**

Executive officers.

Officers subject to impeachment, Const. R. I., Art. XI, §3.

**Incapacity.**

Election by general assembly, Const. R. I., Art. IV, §3.

**Oaths.**

Oath of office of general officers, Const. R. I., Art. III, §3.

Administration of oath, Const. R. I., Art. III, §5.

Powers, Const. R. I., Art. IX, §12.

Term of office, §17-2-1; Const. R. I., Art. IV, §1.

Vacancies in office, §17-2-5; Const. R. I., Art. IV, §4.

Failure to elect or incapacity, Const. R. I., Art. IV, §3.

**STATISTICS.****Federal voting rights act.**

Survey to compile registration and voting statistics, 42 U.S.C. §1973aa-5.

**STREETS.**

Constitution of Rhode Island.

Eminent domain.

General assembly may authorize, Const. R. I., Art. VI, §19.

**STREETS—Cont'd****Constitution of Rhode Island—Cont'd**

## Franchises.

## Corporations.

## General assembly.

Creation of corporations with power to acquire franchises in streets and highways, Const. R. I., Art. VI, §14.

**Eminent domain.**

General assembly may authorize, Const. R. I., Art. VI, §19.

**Franchises.**

## Corporations.

## General assembly.

Creation of corporations with power to acquire franchises in streets and highways, Const. R. I., Art. VI, §14.

**General assembly.**

## Eminent domain.

Taking of property for, Const. R. I., Art. VI, §19.

## Franchises.

## Corporations.

Creation of corporations with power to acquire franchises in streets and highways, Const. R. I., Art. VI, §14.

**SUBPOENAS.****Canvassing authorities.**

Power to subpoena evidence, §17-8-7.

**State board of elections.**

Subpoena powers, §17-7-8.

**SUFFRAGE.**

Constitutional provisions, Const. U. S., Amd. XIX.

**SUNDAYS.****Registration.**

Time for receiving registration, §17-9-3.

**SUPERIOR COURT.****Justices.**

## Assemblies.

Illegal assemblies purporting to exercise governmental powers. Dispersal, §11-43-5.

**SUPERVISORS.**

Adjourned elections, §17-11-16.

All elections on same day, §17-11-14.

Appointment, §17-11-13.

Compensation, §17-11-13.

**Half pay.**

Plan for working half day at half pay. Adoption by local board, §17-11-13.

**Mail ballots.**

By-partisan pairs of supervisors. Defined, §17-20-3.

Pairs of supervisors for polling places, §17-11-13.

**Primary elections.**

Appointment, §17-15-13.

**SUPPLIES.****Board of elections.**

Duty to furnish, §17-7-5.

**Delivery of election supplies,**

§17-19-12.

**SUPREME COURT.****Advisory opinions, Const. R. I., Art. X.**

§3.

**Chief justice.**

## Impeachment.

## Governor.

Chief justice presiding in trial of governor, Const. R. I., Art. XI, §2.

**Compensation of judges, Const. R. I.,**

Art. X, §6.

**Constitution of Rhode Island.**

Advisory opinions, Const. R. I., Art. X, §3.

Compensation of judges, Const. R. I., Art. X, §6.

## Impeachment.

## Governor.

Chief justice presiding in trial of governor, Const. R. I., Art. XI, §2.

## Judicial officers.

Officers subject to impeachment, Const. R. I., Art. XI, §3.

## Judges.

Compensation, Const. R. I., Art. X, §6.

Election and removal, Const. R. I., Art. X, §4.

Term of office, Const. R. I., Art. X, §4.

## Vacancies.

Filling, Const. R. I., Art. X, §5.

## Judicial power.

Vested in, Const. R. I., Art. X, §1.

Jurisdiction, Const. R. I., Art. X, §2.

## Power.

## Judicial power.

Vested in, Const. R. I., Art. X, §1.

## Prerogative writs.

Power to issue, Const. R. I., Art. X, §2.

Quorum, Const. R. I., Art. X, §2.

Removal of judges, Const. R. I., Art. X, §4.

## Term of office.

Judges, Const. R. I., Art. X, §4.

## Vacancies.

Filling, Const. R. I., Art. X, §5.

## Writs.

## Prerogative writs.

Power to issue, Const. R. I., Art. X, §2.

**Election officials.**

Failure of officials to do duties.

Mandamus by supreme court, §17-24-1.

**SUPREME COURT—Cont'd****Election officials—Cont'd**

Hindering performance of court  
appointee, §17-24-3.

Performance of duties by supreme court  
appointee, §17-24-2.

Powers of court appointee, §17-24-3.

**Governor.**

Trial of impeachment.

Chief justice presiding in trial of  
governor, Const. R. I., Art. XI,  
§2.

**Impeachment.**

Judicial officers.

Officers subject to impeachment,  
Const. R. I., Art. XI, §3.

Trial of impeachment.

Governor.

Chief justice presiding in trial of  
governor, Const. R. I., Art. XI,  
§2.

**Judges.**

Compensation, Const. R. I., Art. X, §6.

Election, Const. R. I., Art. X, §4.

Removal, Const. R. I., Art. X, §4.

Term of office, Const. R. I., Art. X, §4.

Vacancies.

Filling, Const. R. I., Art. X, §5.

**Judicial powers.**

Vested in, Const. R. I., Art. X, §1.

**Jurisdiction.**

Constitution of Rhode Island, Const. R.  
I., Art. X, §2.

**Justices.**

Assemblies.

Illegal assemblies purporting to  
exercise governmental powers.  
Dispersal, §11-43-5.

**Powers.**

Judicial power.

Vested in, Const. R. I., Art. X, §1.

**Prerogative writs.**

Power to issue, Const. R. I., Art. X, §2.

**Quorum, Const. R. I., Art. X, §2.****Removal of judges, Const. R. I., Art. X, §4.****Term of office.**

Judges, Const. R. I., Art. X, §4.

**Vacancies.**

Filling, Const. R. I., Art. X, §5.

**Writs.**

Prerogative writs.

Power to issue, Const. R. I., Art. X,  
§2.

**T****TAXATION.****Assessments.**

General assembly.

Property valuations, Const. R. I., Art.  
VI, §12.

**TAXATION—Cont'd****Constitution of Rhode Island.**

General assembly.

Assessments.

Property valuations, Const. R. I.,  
Art. VI, §12.

Municipal corporations.

Home rule for cities and towns.

Power to tax, Const. R. I., Art.  
XIII, §5.

**General assembly.**

Assessments.

Property valuations, Const. R. I., Art.  
VI, §12.

**Municipal corporations.**

Home rule for cities and towns.

Power to tax, Const. R. I., Art. XIII,  
§5.

**TELEPHONES.****Polling places.**

Required, §17-19-3.3.

Use by election officials, §17-11-17.

**TIE VOTE.**

Primary elections, §17-15-33.

**TIME.****Daylight saving time.**

Effect of time change, §42-5-2.

Period of daylight saving time, §42-5-1.

Standard time, §42-5-1, 42-5-2.

**TRIAL.****Constitution of Rhode Island.**

Impeachments, Const. R. I., Art. XI, §2.

Speedy and public trial.

Rights of accused persons in criminal  
proceedings, Const. R. I., Art. I,  
§10.

**Criminal cases generally.**

Speedy and public trial.

Rights of accused persons in criminal  
proceedings.

Constitutional provisions, Const. R.  
I., Art. I, §10.

Impeachment, Const. R. I., Art. XI, §2.

**U****UNIFORM DEADLINES, §17-1-7.****UNITED STATES.****Constitution of the United States.**

See CONSTITUTION OF THE  
UNITED STATES.

**Federal voting rights act.**

See RIGHT TO VOTE.

**V****VICTIMS OF CRIMES.****Constitution of Rhode Island.**

Rights of, Const. R. I., Art. I, §23.

**VIOLATIONS.**

- Public officers, §17-19-41.
- Penalty, §17-19-41.

**VITAL RECORDS.**

- Registrar.
- Duties generally, §23-3-5.
- Local registrars.
- Duties generally, §23-3-7.

**VOTER OPINION.**

- Polling or surveying, §17-23-15.

**VOTERS.**

- Age.
  - Persons eighteen years of age, §17-1-3; Const. U. S., Amd. XXVI.
  - Federal voting rights act.
  - Enforcement of twenty-sixth amendment, 42 U.S.C. 1973bb.
  - Right to vote not to be abridged on account of age, Const. U. S., Amd. XXVI.

**Arrest.**

- Exemption from arrest, §10-10-5.
- §9-5-25.

**Bribery or intimidation, §17-23-5.****Canvassing lists of qualified voters.**

- See CANVASSING LISTS OF QUALIFIED VOTERS.

**Constitutional provisions, Const. U. S., Amd. XIX.****Constitutional qualifications, Const. R. I., Art. II, §1.****Felons.**

- Restoration of voting rights, Const. R. I., Art. II, §1.

**General officers.**

- List of voters for general officers, Const. R. I., Art. IV, §8.

**List of voters for general officers,**

- Const. R. I., Art. IV, §8.

**Party voter.**

- Defined, §17-1-2.

**Persons entitled to vote, Const. R. I.,**

- Art. II, §1.

**Qualified voter, Const. R. I., Art. II, §1.**

- Defined, §17-1-2.

**Residency.**

- Federal voting rights act.
- Residence requirements for voting, 42 U.S.C. §1973aa-1.
- Penalty for violations, 42 U.S.C. §1973aa-3.

**Voting purposes.**

- Constitutional provisions, Const. R. I., Art. II, §2.

**Restoration of voting rights, Const. R.**

- I., Art. II, §1.

**VOTING.****Absentee voting.**

- See ABSENTEE VOTING.

**Affidavits.**

- Voting assistance, §17-19-26.1.

**VOTING—Cont'd****Assistance.**

- Blindness, §17-19-26.1.
  - Federal voting rights act, 42 U.S.C. §1973aa-6.
- Disability, §17-19-26.1.
  - Federal voting rights act, 42 U.S.C. §1973aa-6.
- Illiteracy, §17-19-26.1.
  - Federal voting rights act, 42 U.S.C. §1973aa-6.
- Voting machines.
  - Assistance to voters in operation, §17-19-26.

**Blind persons.**

- Voting assistance, §17-19-26.1.
  - Federal voting rights act, 42 U.S.C. §1973aa-6.

**Disabled persons.**

- Voting assistance, §17-19-26.1.
  - Federal voting rights act, 42 U.S.C. §1973aa-6.

**Eligibility to vote, §17-1-3.**

- Appeals, §17-1-4.
- Identification of voter at time of registration, §17-1-3.2.

**Residency.**

- Generally, §17-1-3.1.
- Verification, §17-1-3.3.
- Severability of chapter, §17-1-8.

**Felonious conduct, §17-23-17.****Forms.**

- Voting assistance.
  - Affidavit of voter requiring assistance, §17-19-26.1.

**Fraudulent voting, §17-23-4.****Illiterate persons.**

- Voting assistance, §17-19-26.1.
  - Federal voting rights act, 42 U.S.C. §1973aa-6.

**Persons eighteen years of age, Const. U. S., Amd. XXVI.****Procedure for voting, §17-19-24.****Questions submitted to electorate.**

- Constitutional and public questions, §17-5-1.
- Manner of voting, §17-5-1.

**Repeat voting, §17-23-4.****Signature identification, §17-19-24.****Voting in another's name, §17-23-4.****VOTING MACHINES.****Assistance to voters in operation, §17-19-26.**

- Blindness, disability or inability to read or write, §17-19-26.1.

**Ballot labels.**

- Affixing to machines, §17-19-14.
- Arrangement, §17-19-6.
- Diagrams, §17-19-6.
- Form, §17-19-8.
- Furnishing, §17-19-5.
- Local candidates, §17-19-7.
- Printing, §17-19-5.

**VOTING MACHINES—Cont'd**

- Board of elections.**
  - Powers and duties, §17-7-5.
  - Power to open machines, §17-19-39.
- Close of polls.**
  - Duties of warden, §17-19-32.
- Counters.**
  - Defined, §17-19-1.
  - Examination prior to opening of polls, §17-19-18.
- Custody, §17-19-17.**
  - During voting, §17-19-19.
  - Pending return to state board, §17-19-38.
- Defective machines.**
  - Repair or replacement, §17-19-20.
- Definitions, §17-19-1.**
- Devices.**
  - Defined, §17-19-1.
- Disabled persons.**
  - Priority of use, §17-19-52.
- Elderly voters.**
  - Priority of use, §17-19-51.
- Elective meetings.**
  - Application to voting machine elections, §17-18-14.
- Examination of machines prior to opening of polls, §17-19-18.**
- Exhibition for instructional purposes, §17-19-13.**
- Face.**
  - Defined, §17-19-1.
- False instructions as to operation of machines, §17-19-46.**
  - Penalty, §17-19-46.
- Forwarding of returns and keys, §17-19-33.**
- Fraud.**
  - False instructions as to operation, §17-19-46.
- Guarding machines until resumption of custody by board, §17-19-35.**
- Inspections.**
  - Preparation for election, §17-19-14.
- Irregular ballots, §17-19-31.**
- Keys.**
  - Duplicates, §17-19-47.
  - Forwarding, §17-19-33.
  - Improper possession, §17-19-47.
  - State board sole custodian of master keys, §17-19-39.
- Levers.**
  - Party levers, §17-19-15.
- Local boards.**
  - Duties of local boards as to machines generally, §17-19-17.
- Meetings.**
  - Applicability of municipal election provisions to voting machine meetings, §45-3-18.
  - Town meetings.
    - Application of provisions concerning town meetings to voting machine meetings, §45-3-24.

**VOTING MACHINES—Cont'd**

- Meetings—Cont'd**
  - Town meetings—Cont'd**
    - Municipal budget referenda, §45-3-25.
- Models for instruction, §17-19-26.**
- Number furnished, §17-19-4.**
  - Increase in number of machines required, §17-19-4.1.
- Opening machines, §17-19-36.**
  - Power to open machines, §17-19-39.
  - Tabulation of state returns, §17-19-37.
- Placement in voting places, §17-19-21.**
- Police.**
  - Guarding machines until resumption of custody by board, §17-19-35.
  - Tampering with machines, §17-19-44.
    - Penalties, §17-19-44.
- Political parties.**
  - Emblems, §17-19-9.
  - Levers, §17-19-15.
- Preparation for election, §17-19-14.**
- Primary elections.**
  - Apportionment of machines, §17-15-18.
- Repair or replacement of defective machines, §17-19-20.**
- Results.**
  - Declaration of results, §17-19-34.
- Returns.**
  - Forms, §17-19-11.
- Sample ballots, §17-19-10.**
- Sealing of machine, §17-19-33.**
  - Preparation for election, §17-19-14.
- Secretary of state.**
  - Duties of secretary as to machines, §17-6-3.
- Specifications, §17-19-3.**
- State board to furnish, §17-19-4.**
- Tampering with voting machines, §17-19-42.**
  - Officer tampering with machine, §17-19-44.
  - Penalty, §17-19-42.
- Use authorized, §17-19-2.**
- Wardens.**
  - Custody of machines during voting, §17-19-19.
  - Defined, §17-19-1.
  - Duties of wardens at close of polls, §17-19-32.
  - Examination of machines prior to opening of polls, §17-19-18.

**W****WAR.**

- Constitution of Rhode Island.**
  - General assembly.
    - Emergency powers in case of enemy attack, Const. R. I., Art. VI, §21.
  - Quartering of soldiers, Const. R. I., Art. I, §19.

**WAR—Cont'd**

- General assembly.**
  - Emergency powers in case of enemy attack, Const. R. I., Art. VI, §21.
- Quartering soldiers in homes.**
  - Constitution of Rhode Island, Const. R. I., Art. I, §19.

**WARDENS.**

- Constitution of Rhode Island.**
  - Certain towns to elect wardens, Const. R. I., Art. X, §7.
- Defined, §17-1-2.**
- Jamestown.**
  - Election, Const. R. I., Art. X, §7.
- New Shoreham.**
  - Election, Const. R. I., Art. X, §7.
- Primary elections.**
  - Appointment, §17-15-13.
  - Qualifications, §17-11-12.
  - Selection, §17-11-11.

**WARRANTS.**

- Elective meetings.**
  - Return of warrants, §17-18-4.
- General assembly.**
  - Failure to issue warrant for election, §17-3-8.
  - Procedure upon failure to elect, §17-3-3.

**WEAPONS.**

- Constitution of Rhode Island.**
  - Right to bear arms, Const. R. I., Art. I, §22.

**WITNESSES.**

- Constitution of Rhode Island.**
  - Confrontation with witnesses, Const. R. I., Art. I, §10.
  - Process to obtain, Const. R. I., Art. I, §10.

**WITNESSES—Cont'd****Criminal law and procedure.**

- Confrontation with witnesses.**
  - Rights of accused persons in criminal proceedings, Const. R. I., Art. I, §10.
- Process.**
  - Compulsory process for defense witnesses, Const. R. I., Art. I, §10.
  - Defense witnesses.
    - Compulsory process for witnesses in favor of persons indicted or charged by information.
      - Constitutional provisions, Const. R. I., Art. I, §10.

**WOMEN.**

- Constitution of Rhode Island.**
  - Public officers and employees.
    - Code of ethics, Const. R. I., Art. III, §8.
    - Ethical conduct.
      - Required, Const. R. I., Art. III, §7.
      - Ethics commission, Const. R. I., Art. III, §8.
  - Woman suffrage, Const. U. S., Amd. XIX.

**WRITS.**

- Constitution of Rhode Island.**
  - Supreme court.
    - Prerogative writs.
      - Power to issue, Const. R. I., Art. X, §2.
  - Supreme court.
    - Prerogative writs.
      - Power to issue, Const. R. I., Art. X, §2.