

410-RICR-20-00-10

## TITLE 410 - BOARD OF ELECTIONS

### CHAPTER 20 - ELECTIONS

#### SUBCHAPTER 00 - N/A

PART 10 - Nomination Papers ~~-Affidavit of Person Obtaining Signatures~~

#### 10.1 Authority

- A. The Rhode Island Board of Elections hereby adopts rules and regulations relating to nomination papers, and persons obtaining signatures pursuant to and in accordance with R.I. Gen. Laws § ~~17-14-10-17-14-1~~ et seq., as amended.
- B. Said rules and regulations are ~~proposed~~ posted on the Board of Election's website at [www.elections.ri.gov](http://www.elections.ri.gov) pursuant to the Administrative Procedures Act (R.I. Gen. Laws Chapter ~~42-35~~ et seq.) and are available for public inspection at the offices of the Rhode Island Board of Elections, ~~50 Branch Avenue~~ 2000 Plainfield Pike, ProvidenceCranston, Rhode Island.

#### 10.2 Purpose

The within rules and regulations are proposed by the Board of Elections to ~~ensure regulate~~ the orderly process of gathering and certifying signatures submitted on nomination papers under conduct of elections and enforce the provisions of R.I. Gen. Laws § ~~17-14-10-17-14-1~~ , et seq.

#### 10.3 Definitions

"Board of Canvassers" or "local board" means the bipartisan canvassing authority established by the legislative body of each city and town, pursuant to Chapter 8 of Title 17 of the General Laws.

"Board of Elections" or "state board" means the Rhode Island Board of Elections as established by the General Assembly under Chapter 7 of Title 17 of the General Laws.

"CVRS" or "Central Voter Registration System" "CVRS" or "Central voter registration system" shall mean the single, unified, centralized, interactive computerized statewide voter registration system maintained and administered by the Office of the Secretary of State. The CVRS shall be the official voter registration system utilized by local boards of canvassers for the conduct of all federal, state and local elections in Rhode Island and shall include the name and registration information for every registered voter in the state.

"Nomination paper" means the document issued by the Secretary of State in accordance with § 17-14-4 and § 17-14-16, and subject to approval by the Board of Elections, and includes all pages contained within an individual nomination form.

"PersonCollector" means any individual who obtains-gathers the signatures and addresses of eligible voters upon nomination papers.

"Presence" means close physical proximity coupled with awareness sufficient to allow the affiant-collector to witness each voter affix their's signature to the nomination paper.

## **10.4 ~~Nomination Papers - Affidavit of Person Obtaining Signatures~~ Rules**

### **10.510.4 Requirements of Collectors**

- A. A collector, who may be any person 18 years of age or older,The person-obtaining signatures of voters in support of nomination papers must personally witness the signature of each person and shall sign and attest before a notary public that each person who signed the nomination papers appeared personally before him or her and signed the nomination papers in the actual presence of the affiantcollector. Said affiant-collector must have personal knowledge that each person actually signed the document, and must provide on the nomination paper form the collector's printed name, residence address, telephone number, and a valid state driver's license or state-issued identification number, or indicate on the form they have not been issued a valid state driver's license or state-issued identification number.
- B. 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. The signature shall be accepted as valid if it can be reasonably identified to be the signature of the voter it purports to be. 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.
- C. A voter may sign any number of nomination papers for any office the voter may lawfully vote for at the general election.
- A.D. If it is discovered that any signature(s) are not obtained in the "presence" of the person-obtaining signaturescollector, then the Board of Elections may strike each invalidly obtained signature from the nomination papers.

## **10.5 Pattern of Forgery**

1. The local board shall immediately notify the state board in writing and/or via electronic mail if the local board suspects a consistent pattern of forgery as prescribed by § 17-23-17 on the nomination papers of a local, state, or federal candidate.
2. If the state board or its Executive Director have reason to believe that fraud has

occurred, and upon notification of allegations of any consistent pattern of suspected forged signatures on nomination papers of a local, state, or federal candidate, the state board or its Executive Director shall review the allegations and, shall as soon as possible notify all corresponding local boards.

3. The state board, if it deems necessary, shall order a review of all nomination papers of a local, state, or federal candidate whose nomination papers include a consistent pattern of suspected forged signatures as prescribed in subsection 10.6(1).
4. The state board shall notify the secretary of state, both - in writing and via electronic mail its specific findings of its review of a local, state, or federal candidate whose nomination papers include suspected forged signatures, and whether the board's determination affects a candidate's qualification for a position on the ballot.

## **10.6 Objections to sufficiency of nomination papers or signatures**

1. 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 to them are made as to the eligibility of the candidate or the sufficiency of the nomination papers or the signatures on them. All objections shall be filed in the office of the secretary of state or 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 provided in this chapter.
2. Objections or challenges to the sufficiency and validity of signatures regarding an endorser on nomination papers under R.I. Gen. Laws § 17-14-13 shall only be allowed by a candidate for the office or a chair of a political party. Said objections to signatures must be submitted on a form prescribed by the staff of the Board of Elections, and must include a written basis for the objection, the nomination page number and line number of the signature(s) being challenged, and present evidence to support the objection filed against the local boards disposition of each line number included in the objection. The state board shall not consider any challenge in the absence of a written basis to the local board's rejection of an endorser. Evidence may include:
  - a. For endorsers whose signatures have been disqualified for not being registered to vote or not found, or not eligible to vote for the stated nominee on the nomination papers, or registered to vote within the wrong district:
    - i. Information that an endorser is included on a list of registered voters under R.I. Gen. Laws § 17-9.1-15, which list has been obtained from the secretary of state or a local board of canvassers, and is registered to vote at the place of residence and street number pursuant to R.I. Gen. Laws § 17-14-8 and was an eligible voter at the time of signing the nomination paper.
  - b. For endorsers whose signature have been invalidated by a local board due to not

reasonably matching any current or previous signature within the individual's voter registration record, including the CVRS,

- i. A copy of the individual's voter registration card(s) containing the voter's signature as obtained in accordance with § 17-9.1-15, and demonstrating the signature reasonably matches the signature executed by the endorser on the nomination paper in question;
    - ii. A notarized affidavit from the individual on a form prescribed by the staff of the Board of Elections containing the individual's name, residence address, and telephone number, attesting they executed their signature on the nomination paper in question in the presence of the collector; or
    - iii. In-person testimony, under oath, provided by the endorser, attesting they executed their signature on the nomination paper in question in the presence of the collector.
  - c. For endorsers whose signatures were accepted by the local board of canvassers are being challenged:
    - i. Evidence indicating the endorser did not sign the nomination paper;
    - ii. Evidence indicating the endorser did not sign the nomination paper in the physical presence of the collector;
    - iii. Evidence indicating the endorser is deceased.
3. If a valid objection has been filed with the secretary of state, the secretary shall immediately deliver to the state board the nomination papers to which the valid objection has been filed.
4. The state board may summon witnesses, administer oaths and require the production of books, papers and documents at any hearing to address challenges to signatures. 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 who appear before the superior court. A summons may be sworn to, and an oath may be administered by the board.
5. The decision of the board will be made within two (2) days, exclusive of weekends and holidays, after filing of objections and shall immediately be certified by the state board to the secretary of state.
6. All objections to nomination papers, other than state and federal candidates, shall be considered by the local boards and with the same effect as provided in this section for hearing of objections to nomination papers for state and federal candidates by the state board.

#### **10-610.7 Implementation**

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

Elections held on the 24th~~--th~~ day of March~~--~~ 2010~~2024~~ pursuant to the ~~Administrative Procedures Act (R.I. Gen. Laws § 42-35-1, et seq.)~~. By Order of the Rhode Island Board of Elections.

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PART 10 - NOMINATION PAPERS ~~-AFFIDAVIT OF PERSON OBTAINING SIGNATURES~~ (410-RICR-20-00-10)

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Department of State Initials

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