

**410-RICR-20-00-29**

## **TITLE 410 - BOARD OF ELECTIONS**

### **CHAPTER 20 - ELECTIONS**

#### **SUBCHAPTER 00 - N/A**

##### **PART 29 – Early Voting Conduct**

### **29.1 Purpose**

The Rhode Island Board of Elections hereby adopts rules and regulations relating to early voting conducted pursuant to and in accordance with R. I. General Laws § 17-7-5(c) and §17-20-1 et seq. This rule is adopted by the Board of Elections to ensure the secure and orderly conduct of Early Voting through the casting of an emergency mail ballot.

### **29.2 Authority**

The Rhode Island Board of Elections hereby adopts rules and regulations relating to Early Voting conduct pursuant to and in accordance with R.I. Gen. Laws §§ 17-20-2.2, 17-20-13.1, 17-20-14.2, 17-20-16. Said rules and regulations are available for public inspection at the offices of the Board of Elections, 2000 Plainfield Pike, Cranston, Rhode Island.

### **29.3 Definitions**

“Act of voting” shall include the period of time in which a voter has entered an Early Voting site for the sole purpose of casting an emergency mail ballot. The process of voting begins when the voter enters an Early Voting site and begins to approach the Supervisor's table. It concludes after the voter has inserted the ballot into the optical scan tabulator and exits the Early Voting site.

“Clerk” is responsible for making sure all the documents in the Early Voting site are properly filed into the appropriate location. The Clerk accounts for all ballots that are listed on the Election Certificate and maintains control of all ballots inside the Blue Supply Box. The Clerk assists voters with the Voter Affirmation process, that in most instances is a result of a change-of-address or a name change. The Clerk shall assist voters who are unable to be checked in on the electronic pollbook by the bipartisan pair of supervisors, maintain and keep custody of forms, seals, and other required documentation, and shall assist the Moderator, at the Moderator's discretion, in the performance of the Moderator's duties. The Clerk shall keep a daily

log of check-ins on each individual electronic pollbook in use, votes cast in each tabulator in use and shall document any issues or discrepancies that occur at the Early Voting site. The Moderator(s) may assign additional related duties to the Clerk(s).

“Early Voting” means voting pursuant to § 17-20-3(g) and shall have the same meaning and legal effect as emergency voting pursuant to chapter 20 of title 17 of the Rhode Island General Laws.

“Early Voting site” means the room, rooms, or designated area within a building in which Early Voting is being conducted at any primary or election for the election of any candidate, write-in candidate, or ballot question.

“Election official” shall include the Board of Elections and its designees, the Board of Canvassers and its designees, including Moderator, Clerks, Supervisors, temporary/seasonal staff, or other officially designated municipal employees. No person shall be 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, primary, or caucus laws of this or any other state. No candidate for any office to be filled at any election shall be appointed as an Election Official. Every Election Official shall make an affidavit before some member of the proper board of canvassers attesting that they are eligible to serve as an Election Official, consistent with the requirements of state law.

“Greeters” means an election official assigned to stand in the immediate vicinity of the entrance to an Early Voting site. The Greeter shall be available to answer questions from voters as to where to vote and whether the person is registered to vote. The Greeter shall also be cross-trained as a Supervisor and shall be permitted to serve in that capacity to allow for Supervisor breaks during off-peak times of the day. The Greeter may assist in the setup and break-down of the polling place and shall report to the Moderator(s) to assist with interior and exterior line control and assist voters with the check-in process. The Moderator(s) may assign additional related duties to Greeter(s).

“Observer” means any person observing the election at an Early Voting site on behalf of the public, a political party, or a candidate.

“Voting area” means the enclosed area within the Early Voting site where ballots are cast. The railed or enclosed area shall be delineated by tables or other means having one entrance and one exit in the area within which ballots are cast.

“Voting equipment” means the optical scan tabulator, accessible ballot marking device, electronic poll books, voting booths, and election supplies, issued to a polling place by the Board of Elections.

“Supervisors” shall be assigned by the Moderator in bipartisan pairs at Early Voting

and shall oversee the electronic poll books and shall announce the voter's name and certify his or her identity before permitting the person to enter the designated voting area. The Moderator may also assign additional duties to the Supervisors, such as the oversight of and assistance to voters while they are in and about the voting booths.

"Moderator" also referred to as the "Warden", shall have general Supervisory powers at each Early Voting site and shall be responsible for supervising the overall orderly and efficient conduct at the Early Voting site and shall ensure compliance with the elections laws and regulations governing Early Voting conduct, including the casting of ballots. The Board of Canvassers may appoint more than one (1) Moderator as necessary.

## **29.4 Open Elections**

The public may be present at the Early Voting site to observe the general conduct of voting. Provided, however, that only voters and election officials are allowed in the designated voting area in order to ensure the privacy of the voter while casting a ballot. No person(s) may willfully hinder the orderly conduct of Early Voting.

## **29.5 Voter Eligibility**

### **A. Requirements**

1. Every individual shall be eligible to vote in the election in which the early voting is being conducted, except those who have applied for a mail ballot. Nothing herein shall be construed to limit the right of an individual to cast a provisional ballot at the polling place on Election Day.

## **29.6 Requirements of Early Voting Sites**

### **A. Establishing sites**

1. Each Board of Canvassers is required to operate at a minimum of one (1) Early Voting site. Additional Early Voting sites may be established upon approval of the Board of Elections.

### **B. Timeframe of operation**

1. Early voting sites are required to operate at a minimum during the normal business hours of the Board of Canvassers' office beginning twenty (20) days prior to primary or election day and ending at 4:00 p.m. on the day prior to primary or election day, unless that day is a state recognized holiday, in which case Early Voting shall end at 4:00 p.m. on Election Day. The Board of Canvassers may extend its business hours during Early Voting periods and may also offer Early Voting on weekends or holidays.

2. Minimum requirements:

- a. Early Voting sites must meet all requirements established by the Board of Elections, including, but not limited to, those relating to handicap accessibility. If an Early Voting site is located within the city or town hall that does not meet the Board of Elections requirements, the Board of Elections may require the local board to establish Early Voting at an off-site location.
- b. No electronic devices, including surveillance cameras, may be used in the vicinity of an Early Voting site if it compromises a voter's right to cast a secret ballot. The voting equipment and voting booths shall be positioned within the voting area in such a way as to prevent a voter's ballot from being photographed or recorded by any electronic device, including surveillance cameras. If this is not feasible, it is the responsibility of the local board to ensure any fixed surveillance cameras is covered or otherwise disabled during any periods in which voting takes place.

## **29.7 Early Voting Conduct**

### **A. Typical arrangement of Early Voting sites.**

1. The Early Voting site shall be established, equipped, and furnished with the signage, posters, and any other paraphernalia necessary for the proper conduct of each election. The Board of Canvassers shall appoint at least one (1) Moderator, one (1) Clerk, and two (2) Supervisors to each Early Voting site. The Board of Canvassers may be required to appoint additional Moderators, Clerks, and Supervisors to each Early Voting site, as required by the Board of Elections. There shall be placed outside each Early Voting site, a clearly marked sign to be provided by the Board of Elections indicating the location of the Early Voting site. This sign shall be of a conspicuous nature and shall be visible from the street. The area within which the voting is conducted shall be arranged in such a way as to clearly establish a voting area, within which the voting equipment shall be positioned. The voting area shall be established in such a way that no persons other than election officials or individuals in the process of voting can approach within five (5) feet of any voting booth or optical scan tabulator. The voting booths and optical scan tabulator shall be placed so that the Moderator and the Clerk shall always have a clear view of the front of each voting booth and the optical scan tabulator. It shall be the duty of the Moderator to direct the location of the voting equipment within the voting area and to enforce the requirements of these regulations.
2. Examination of optical scan tabulator prior to opening Early Voting

The Moderator(s) shall, in the presence of the Clerk, before the start of the Early Voting period, examine the computer ballot and compare it with the sample ballot. The Moderator shall determine, as far as they may do so

without operating the optical scan tabulator, that the unit is in good order and ready for the use of the voters. The Moderator shall open the Early Voting site by following the instructions provided with the optical scan tabulator and carefully examine each vote total on the printed tape obtained from the optical scan tabulator and determine that no vote is registered on the tape for any candidate or question. The Moderator shall then declare the commencement of Early Voting. Each day throughout the Early Voting period, the Moderator, in the presence of the Clerk, prior to opening and upon closing the Early Voting site, shall record the following information on a form prescribed by the Board of Elections: the number of ballots cast into each optical scan tabulator; the number of voters checked-in on each electronic pollbook; record any discrepancies with an accompanying explanation; and identify the election officials recording the information for each day. In the event of any discrepancy, the local board shall immediately notify the Board of Elections.

3. § 17-19-19. Custody of machines during voting.

During the Early Voting period, and until the optical scan tabulator and voted computer ballots are finally locked and sealed and the removable keys are sealed up for transmission to the Board of Elections as provided in this chapter, the optical scan tabulators, electronic storage devices, and voted computer ballots shall remain in the care, control and custody of the Board of Canvassers, who shall ensure that the voting equipment is not defaced or damaged by any voter or any other person. During the duration of the Early Voting period, the ballot compartments shall remain sealed and locked, unless authorized to be opened under any applicable policies or procedures of the Board of Elections, and provided that the emergency bin compartment slot shall be opened as provided under § 17-19-20. No vote totals shall be printed under any circumstances during the duration of the Early Voting period.

4. § 17-19-20. Repair or replacement of defective machines

In the event that an optical scan tabulator fails to properly function, the Board of Canvassers shall notify the Board of Elections. During any repair of any optical scan tabulator or accessible ballot marking device, the technician from the Board of Elections shall display, in a visible manner and on his or her clothing, an identification furnished by the Board of Elections, and which shall include, whenever possible, a photograph of the Board of Elections technician. In the event that repairs are made to the optical scan tabulator or accessible ballot marking device, the Board of Elections technician shall make the repairs in the presence of a bipartisan pair of election officials, and the technician shall note on the official document provided the nature and extent of the repairs made by the technician, the number of the optical scan tabulator, the time required to make the repairs, and the probable cause of

the failure to operate properly. If any optical scan tabulator cannot be repaired by the technician within a period of thirty (30) minutes, the technician and the Board of Elections shall at once substitute another optical scan tabulator for the nonoperational unit, and at the end of the Early Voting period the serial numbers of both units shall be recorded. During the time in which the optical scan tabulator is not accepting ballots, the Moderator shall, in the presence of the Clerk, unlock the emergency bin compartment of the optical scan tabulator and shall direct voters to place their voted ballots into that compartment. Once the unit has been repaired and is operational, the Moderator, in the presence of the Clerk, shall remove the ballots from the emergency bin compartment, deposit said ballots into the appropriate ballot slot for counting by the unit, and then close and lock the emergency compartment slot.

5. At least one (1) bipartisan pair of Supervisors and a Moderator shall be stationed, in that order, at the entrance to the Early Voting area so that a voter who desires to cast an Early Voting ballot will enter the Early Voting area in the presence of the bipartisan pair, then proceed in front of the Moderator. The Supervisors shall call to the attention of the Moderator any violation or conduct that may constitute a violation of the provisions of any applicable law or regulation. Additional bipartisan pairs of Supervisors or Moderators may be required by the Board of Elections.
6. The Moderator, Clerk, Supervisors, and Greeter(s) shall be provided with and shall be required to prominently display upon their persons, identification badges that shall designate that person as an election official. Powers and duties of all designated election officials at Early Voting sites shall be posted in a conspicuous and prominent location within the voting place and with the posted sample ballot, whenever possible.
7. The Board of Canvassers shall cause the sample ballots, and all signage and posters as required under Title 17 on Election Day, to be posted in a conspicuous place at each Early Voting site, whenever possible.
8. Any municipality required to provide ballots printed in a language other than English, pursuant to the provisions of § 17-19-54(a), shall make available at each Early Voting site at least one individual who is fluent in such language and shall be available to assist voters in casting their ballots, upon request by the individual or at the direction of the Moderator, during all hours of the Early Voting site operation. In addition, such person or persons shall otherwise comply with the provisions of § 17-19-26.1.
9. The voting equipment and computer ballots at the Early Voting site must remain secured during non-voting hours once the voting equipment has been delivered by the Board of Elections, and until the equipment is retrieved by the Board of Elections.

10. 17-19-32. Recording and signing of returns.

Immediately upon the close of the polls on election night, the Board of Canvassers, or its designees, shall publicly close and seal the optical scan tabulator in accordance with the policies and procedures established by the Board of Elections. The Board of Canvassers, or its designees, shall sign all copies of the tape(s) containing the votes cast and shall remove the tape(s) from the optical scan tabulator(s). A copy of each results tape shall be posted in a conspicuous location within the Early Voting site or the Board of Canvassers' office, where it is readily available for public inspection.

11. Custody of optical scan tabulators pending return to storage

After the end of the Early Voting period, the local board shall maintain custody of the voting equipment until the voting equipment is removed by the Board of Elections or its designee. The Board of Canvassers shall take all necessary measures to prevent the voting equipment from being opened, tampered with, or damaged.

B. Board of Canvassers staff assigned in lieu of Moderators and Supervisors.

1. Instead of designating Supervisors, Moderators, Clerks, and Greeters as outlined in Section 29.7(A), the Board of Canvassers members may assume the duties and responsibilities of any such position, or assign these duties and responsibilities to the Board of Canvassers staff, or municipal employees, and/or temporary/seasonal employees, including the processing of voters on the electronic pollbook, issuing ballots, assisting voters in bipartisan pairs in marking the ballot, if necessary, assisting voters in casting their ballot into the optical scan tabulator if necessary, as well as completing and signing all forms and documents and fulfilling all duties and responsibilities as required by state and federal law, and the Board of Elections, for the necessary conduct of Early Voting. Provided, however, that any person who assumes the duties of a Moderator, Clerk, Supervisor, or Greeter must be appropriately trained to serve in such capacity. Provided, further, the Board of Canvassers may also be required to designate Moderators, Clerks, Supervisors, and Greeters as required under Section 29.7(A) when instructed to do so by the Board of Elections.

C. Procedure for voting

1. Each person who appears to vote shall provide proof of identification as required by § 17-19-24.2 and state his or her name and residence, including that person's street address, if they have one, to the pair of bipartisan Supervisors.

2. Pursuant to § 17-20-2.2(g), a bipartisan pair, or Board of Canvassers staff, shall locate the voter's name on the electronic pollbook programmed with the certified voting list for the voting district. Upon finding the voter's name on the certified voting list for the district, the voter shall sign their name on the line displayed on the electronic pollbook, and the bipartisan pair or Board of Canvassers staff shall initial the electronic pollbook in the place provided. If the bipartisan pair cannot locate the voter's name on the certified voting list for the voting district, the bipartisan pair shall direct the voter to the Board of Canvassers who shall review the certified list for the city or town and determine if the voter is registered to vote and in which voting district they are eligible to vote. The bipartisan pair of Supervisors or Board of Canvassers staff shall provide the voter with the appropriate computer ballot and security sleeve. The Moderator shall direct the voter to the voting booth which the voter shall use, and, unless the voter needs instruction or assistance as provided in this chapter, the voter shall cast his or her vote, and if they desire place the voted computer ballot in a security sleeve, and shall proceed to the optical scan tabulator and shall personally place his or her voted ballot into the designated ballot slot on the unit, and after doing so, shall leave the enclosure at once. No voter shall remain within the voting booth longer than ten (10) minutes, and if the voter refuses to leave after the lapse of ten (10) minutes, the voter shall be removed from the voting booth by order of the Moderator. Except for the election officials, not more than two (2) voters in excess of the number of voting booths shall be permitted within the railed or enclosed voting area at any time.

3. Identification of party voters.

Before permitting any person to vote in a primary election, the Moderator or Clerk and bipartisan pair of Supervisors assigned by the Moderator shall ascertain from the voting record appearing on the electronic pollbook that the voter is not disqualified to vote by the provisions of § 17-15-24. The bipartisan pair of Supervisors shall provide the voter with the corresponding computer ballot for the primary election in which the voter is eligible and desiring to vote. The Moderator shall take any steps that may be necessary to ensure that each voter is given the computer ballot upon which the voter is eligible to vote. Any person who is not affiliated with a recognized political party and is otherwise qualified to vote may participate in a primary election of any such recognized political party.

4. The optical scan tabulator shall be programmed to return a ballot to the voter if the voter has cast votes for more persons than which they are entitled to cast. The Moderator, or Board of Canvassers staff, by reading the message given on the optical scan tabulator, must advise the voter of the fact that the ballot has been over-voted. The voter will be instructed by the Moderator or Board of Canvassers staff to remove his or her own ballot from the optical scan tabulator ballot slot. The Moderator or Board of Canvassers staff will

then afford the voter with the option to surrender the ballot as void and receive a new ballot. If the voter agrees, the voter will make additional marks on the ballot so as to not identify the actual votes intended by the voter for the ballot. The ballot will be marked void by the Moderator, or Board of Canvassers staff, and deposited into the receptacle for voided ballots provided at the Early Voting site. If the voter insists on casting the over-voted ballot, he or she will be advised that all races, other than the over-voted race, will be counted by the optical scan tabulator, and if they still insist, the Moderator or Board of Canvassers staff will manually override the appropriate control on the unit and allow for the ballot to be entered and counted for all races other than the over-voted race.

5. In the event a voter incorrectly marks a ballot by indicating his or her choices other than in the spaces provided for them, the ballot will be returned to the voter. The Moderator, or Board of Canvassers staff, by reading the message given on the optical scan tabulator, must advise the voter of the fact that the ballot has been marked incorrectly. The voter will be given the option by the Moderator to remove his or her own ballot from the optical scan tabulator ballot slot. The Moderator or Board of Canvassers staff will then advise the voter to return to a voting booth and mark the ballot according to the instructions provided. If the voter insists on casting the incorrectly marked ballot, the Moderator or Board of Canvassers staff will manually override the appropriate control on the optical scan tabulator and allow for the ballot to be accepted.
6. 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 an officer or agent of the voter's union. 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 Moderator or Board of Canvassers staff an affidavit prescribed by the Board of Elections. Under the penalty prescribed by law, the "assistant" is prohibited from marking a vote on the computer ballot, unless otherwise requested by the voter who, due to a physical disability, is unable to mark his or her ballot. 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.
7. Voter accompanied by children within the voting booth.

Nothing shall prevent a voter from being accompanied by a child or children who are under the age of eighteen (18) years while the voter is within the voting booth area, provided that the child or children are under the voter's care and supervision.

8. Certified voting list — Duty of bipartisan Supervisors.

Immediately upon the conclusion of Early Voting, the bipartisan pair of Supervisors shall affix their signatures upon a certificate under oath that the voter check-ins contained on the electronic pollbook comprise one for each person who was permitted to pass before the Moderator and to cast a vote at the election, and that to the best of their knowledge and belief no person voted during Early Voting who did not check-in on an electronic pollbook, and that each of the persons was identified in the manner provided by law before being permitted to vote. The bipartisan pair of Supervisors shall then give the affidavit to the Moderator, who shall deliver it to the Board of Canvassers.

9. Election return forms — Contents.

- a. The Board of Elections shall prepare and furnish, for each Early Voting site, suitable forms on which the following information may be recorded for each machine in use: each optical scan tabulator serial number; the numbers of any serial seal or seals; the site at which the optical scan tabulator is used; the number of voters checked in on each electronic pollbook during the Early Voting period; and the number of ballots tabulated by each optical scan tabulator.
- b. Spaces shall also be left for the signatures of the Moderator, Clerk, and at least two (2) Supervisors.
- c. Tapes printed from the optical scan tabulator indicating the number of votes registered by the unit for each candidate, and for what office, and for and against each question, shall be attached to the election return form by the Board of Canvassers or its designee.

D. Political Literature and Influence

1. Outside the Early Voting site

- a. No person – other than a person in the act of voting – shall be allowed to display or distribute any poster, paper, circular, campaign or political party button, badge or other document or item designed or tending to aid, injure, or defeat any candidate for public office or any political party on any question submitted to the voters within fifty (50) feet from the primary public entrance or entrances to the building of the Early Voting site. Notwithstanding that, whenever an Early Voting site is located within a city or town hall, or similar administrative building, nothing shall prohibit the title and/or name of an elected or appointed official from appearing within this area as part of the normal conduct of official business or execution of their official duties; however, the image or likeness of the elected or appointed official is prohibited.
- b. No person shall conduct any form of poll or survey of voter opinion or

voter conduct within fifty (50) feet from the primary public entrance or entrances to the building of any Early Voting site. The local board shall clearly mark, by chalk, signage, or otherwise, the boundary of fifty (50) feet from the primary public entrance or entrances used by voters to access any voting site.

2. Inside the Early Voting site

- a. No person – other than a voter in the act of voting – may display or wear any campaign or political party button, badge, or other document or item designed or tending to aid, injure, or defeat any candidate for public office or any political party or any question submitted to the voters within the Early Voting site. Any voter displaying or wearing any political literature who has completed the voting process must immediately exit the Early Voting site without unreasonable delay. No activity that is intended to interfere with a person's right to vote shall be permitted within the Early Voting site. Notwithstanding that, whenever an Early Voting site is located within a city or town hall, or similar administrative building, nothing shall prohibit the title and/or name of an elected or appointed official from appearing within this area as part of the normal conduct of official business or execution of their official duties. Provided, however, that the image or likeness of the elected or appointed official is prohibited.
- b. No person shall conduct any form of poll or survey of voter opinion or voter conduct within the Early Voting site.

3. Appointment of Poll Workers

The Board of Canvassers shall appoint at least one (1) Moderator, one (1) Clerk, and two (2) bipartisan Supervisors for the conduct of Early Voting, unless provided an exemption as outlined in 29.7(B)(1) of this regulation. The Moderator and Clerk shall not be affiliated with the same political party. To ensure the efficient and orderly conduct of Early Voting, the Board of Elections may require a community to assign additional Moderators, Clerks, or Supervisors.

4. Electronic Recording Devices in the Early Voting Site

Electronic recording of the election process is allowed inside the Early Voting site as long as it is done outside of the railed or enclosed voting area. Electronic recording devices may not hinder the election process or compromise a voter's right to cast a secret ballot. The electronic recording of specific votes(s) cast by another person is prohibited.

5. Talking on Cellular Telephones and other Communications Devices.

Only election officials conducting official election business are allowed to verbally

communicate on a cell phone or other communication device within the designated voting area. All other communications being made to persons outside the Early Voting site must be done nonverbally to ensure the orderly conduct of the Election.

## **29.8 Procedures for Maintaining Order at the Early Voting Site**

- A. The Moderator may cause to be removed or arrested any person who commits a violation of the election law in their presence or disturbs the conduct of Early Voting, including any conduct that is designed to discourage a person from exercising his/her right to vote; provided that they shall not cause any removal or arrest without the approval of the Moderator. Either the Moderator or the Board of Canvassers may, in their discretion, issue a warning to a person(s) whose acts are disturbing the conduct of the voting.
- B. If a person believes that an Election Official is violating state election laws, they may contact their Board of Canvassers or the Board of Elections to file a complaint.

## **29.9 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 Board of Elections held on the seventh (7) day of July in the year two thousand and twenty-six (2026) By Order of the Rhode Island Board of Elections.

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**CHAPTER 20 - ELECTIONS**

**SUBCHAPTER 00 - N/A**

**PART 29 – EARLY VOTING CONDUCT (410-RICR-20-00-29)**

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