

**410-RICR-20-00-16**

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

### **CHAPTER 20 - ELECTIONS**

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

#### **PART 16 - Tabulation of Mail Ballots**

### **16.1**

- A. The Rhode Island Board of Elections hereby amends the rules and regulations relating to the tabulation of mail ballots pursuant to, and in accordance with the provisions of R.I. Gen. Laws §§ [17-7-1](#) *et seq.*, [17-19-31](#), [17-20-6](#), [17-20-10.2](#), [17-20-24](#), [17-20-26](#) and [17-22-1](#).
- B. Said rules and regulations are amended pursuant to the Administrative Procedures Act (R.I. Gen. Laws § [42-35-1](#) *et seq.*) and are available for public inspection at the offices of the Rhode Island Board of Elections, 50 Branch Avenue, Providence, Rhode Island.

### **16.2 Purpose**

The State of Rhode Island's optical scan precinct count election system provides a fast and accurate way of processing and tabulating mail ballots. In accordance with the requirements and capabilities of the optical scan system, the Board of Elections has developed procedures for the handling, processing and totaling of mail ballots in order to insure the integrity of the electoral process.

### **16.3 Procedures**

- A. The procedures for mail ballot tabulation and the steps to be followed for processing those ballots which are unable to be "read" by the automated ballot counter are as follows:
  - 1. After processing and certification of the mail ballots, they shall be separated in packages in accordance with their respective cities and towns, in the presence of the board and all other interested parties. In each instance the board or its designees shall open the enclosing envelope, and without looking at the votes cast on the enclosed ballot, shall remove the ballot from the envelope. The ballots then shall be stored in secured containers until processing on Election Day.

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

## **16.4 Reasons for Duplication**

- A. It is possible that some ballots may not be processed due to damage, improper marking, Federal Write-In Absentee/Military or Overseas Ballots, Official State Blank Ballots or other circumstances. In those instances the following procedures have been established to process and tabulate those ballots.
- B. **BLANK BALLOTS**
  1. The Board will review the rejected blank ballot to determine voter intent. Voter intent may be determined if the voter circled, checked or made any other distinguishing marks next to a candidate's name. If voter intent can be determined the ballot shall be duplicated (refer to Duplicating Ballots). If the Board is unable to determine voter intent, the ballot will be processed as a blank ballot.
- C. **FEDERAL WRITE-IN ABSENTEE BALLOTS/OVERSEAS/MILITARY BALLOTS/OFFICIAL STATE BLANK BALLOTS**
  1. The Board shall review the paper ballots received from the envelope and duplicate them pursuant to the Duplicating Procedures in § 16.5 of this Part.
- D. **DAMAGED BALLOTS**

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

## **16.5 Duplicating Ballots**

- A. If it is determined that a ballot needs to be duplicated it shall be executed in the following manner:
  1. A blank ballot will be retrieved from the blank ballot inventory for the appropriate precinct, and stamped "DUPLICATE" on the back of the ballot and assigned a number. All duplicated ballots will be numbered sequentially.
  2. The original ballot will be stamped on the back "ORIGINAL" and given the same identifying number as the duplicate ballot.
  3. Two or more Commissioners or their designees will then remake the ballot. Duplicated ballots will remain in a secured container until the duplication process is completed.
  4. All duplicated ballots will be delivered to the operator of the appropriate ballot counter for processing.
  5. After the duplicate ballot has been processed through the automated ballot counter, the assigned Board members or their designee will remove the duplicate ballot from the tray of the automated ballot counter and attach it to the corresponding original ballot. Both ballots will be placed into the appropriate storage container.

## **16.6 Write-In Votes**

- A. The procedures for processing and recording of ballots containing write-in votes are as follows:
  1. The ballot counter will out-stack ballots containing write-in votes after the automated ballot counter records votes on contests where write-ins do not appear.
  2. The Board or its designee will record on write-in tally sheets the write-in votes.
  3. After recording the write-in votes, the ballots will be placed into the appropriate storage container.
- B. Note: Write-in votes are not permitted in primaries; provided, that write-in votes may be cast for presidential candidates at any presidential primary. Write-in votes are not permitted for delegate candidates at a presidential primary.

## 16.7 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 day of 2010 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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**Department of State**

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Regulation Effective Date

Original Signing Date

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Department of State Initials

Department of State Date