

## **410 – BOARD OF ELECTIONS**

### **CHAPTER 20 – ELECTIONS**

#### **SUBCHAPTER 00 – N/A**

##### **PART 26 – RELOCATION OF POLLING PLACES**

###### **26.1 Purpose**

- A. These Rules and Regulations are adopted by the Board of Elections for the purpose of implementing a process and procedure for the relocation of polling places previously approved by a local board of canvassers (“Local Board”).

###### **26.2 Authority**

- A. The Rhode Island Board of Elections hereby enacts these Rules and Regulations regarding relocation of polling places pursuant to and in accordance with R.I. Gen. Laws § 17-7-5. Said Rules and Regulations are available for public inspection at the Rhode Island Board of Elections (the “BOE”), 2000 Plainfield Pike, Cranston, RI 02921, and are also available electronically on the website of the Secretary of State in the Rhode Island Code of Regulations.

###### **26.3 Definitions**

- A. The terms used herein shall have the same meaning as provided by R.I. Gen. Laws § 17-1-2.

###### **26.4 Polling Place Relocation Notice and Determination Process**

- A. The use of polling places for all primaries and elections held pursuant to R.I. Gen. Laws Title 17 must be approved by the Board of Elections under R.I. Gen. Laws §§ 17-11-1, 17-11-1.1, 17-15-5, 17-15-13. A Local Board shall only relocate a polling place that was previously designated and approved by the Board of Elections for any primary or election as follows:
  1. Hearing. The Local Board shall hold a hearing (the “Local Board Hearing”) pursuant to the Open Meetings Act, R.I. Gen. Laws § 42-46-1 *et seq.* (“OMA”).
    - a. The Local Board shall set forth the reason(s) that the previously approved polling place is no longer available or suitable for use; and

- b. A polling place may be relocated either within or without the voting district for which it was established upon a majority vote by the Local Board and upon approval by the BOE; provided that a previously approved polling place may only be relocated outside the district upon unanimous vote by the Local Board and subject to the approval by the BOE that a suitable location is not available within the voting district; and
  - c. Whenever possible, notice of the hearing shall also be posted on its municipal website and submitted to the local news media outlets.
2. Notice. In addition to the public notification requirements set forth under the OMA, the following persons shall receive written, electronic or telephonic notice by the Local Board whenever circumstances and sufficient time permits:
  - a. All local elected officials and members of the General Assembly, as applicable, whose district or ward includes the affected voting district; and,
  - b. All declared and/or qualified candidates for local office or General Assembly, as applicable, whose district or ward includes the affected voting district.
3. Timing. The Local Board Hearing shall occur as soon as is reasonably possible after relocation becomes necessary.
4. Approval By BOE. The Local Board shall seek the approval of the BOE to relocate a Polling Place by written or electronic petition and the BOE shall hold a hearing on such a petition in accordance with the requirements of the OMA, to decide whether or not the Local Board determination on relocation is appropriate. In the event that the Local Board seeks to relocate the polling place outside of the voting district, the BOE shall also determine whether a suitable place is not available within the voting district. BOE shall hold the hearing required by this Section to allow for as much time as possible for the Notice of Relocation required by § 26.4(A)(5) to be made in a timely fashion.
5. Notice of Relocation. In addition to the public posting of its agenda pursuant to the requirements of the OMA, the Local Board shall also prominently post a notice of relocation up to and including Election Day, at each entrance of both the previously approved polling place and the new polling place indicating the address of the relocated polling place. The Local Board shall also prominently announce the location of any and all relocated polling places on its municipal website as well as through any social media platform ordinarily utilized by the municipality within one (1) business day following any final determination of relocation. The notice of

relocation shall be published in English and any other language that is used on the ballot for said polling place.

6. To the extent possible under the circumstances and available time, the notice of relocation of the polling place shall be also sent electronically or by mail, at the discretion of the Local Board, to each Qualified Voter of the affected Voting District.

## **26.5 Emergency**

- A. The deadlines contained in this Part may be modified or waived by the BOE in the case exigent and unforeseen circumstances that render any deadlines impossible or impractical to meet under the circumstances.

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