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TITLE 100 – DEPARTMENT OF STATE

CHAPTER 50 – PUBLIC RECORDS ADMINISTRATION

SUBCHAPTER 40 – LOCAL GOVERNMENT RECORDS RETENTION SCHEDULES

PART 8 – MUNICIPAL BOARD OF CANVASSERS RECORDS (LG8)

8.1 Purpose, Authority, Severability, and Destruction

8.1.1 Purpose

To establish the official retention, maintenance, and disposal requirements for a public record based upon any administrative, legal, fiscal, and/or historical value related to that record created or received by an agency, department, division, board, commission, office, or quasi-public corporation under any branch of State or local government which performs functions relating to government, or acts on behalf of a governmental agency, pursuant to law or relating to the transaction of public business.

8.1.2 Authority

This Regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws Title 38 (“Public Records”), including expressly but without limitation R.I. Gen. Laws §§ 38-3-1 et seq.

8.1.3 Severability

If any provision of these Regulations or the application thereof to any Person or circumstances is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulations shall not be affected thereby.

8.1.4 Destruction Review Procedure

Government employees should also consult with their administration to determine if any records eligible for destruction may be involved in current, pending, or anticipated litigation, any government investigation or regulatory proceeding, or request under the Access to Public Records Act. (Part 10-2 of this Chapter (Legal Records) and R.I. Gen. Laws Chapter 38-2)

LG8.1 Registration

LG8.1.1 Voter Registration Records

LG8.1.1A Voter Registration Applications

Voter registration cards arranged alphabetically by voter's name. May include supporting records such as hard copies of official mailings, undeliverable official mailings (R.I. Gen. Laws § 17-9.1-25(d)), and disaffiliation affidavits. Includes Central Voter Registry System (CVRS) electronic copy and electronically transmitted voter registration applications from the Department of Motor Vehicles. May include scanned images of voter confirmation cards, disaffiliation affidavits or any official mailing from the state board, local board, or Office of the Secretary of State. (R.I. Gen. Laws § 17-9.1-26)

Retention: Retain original voter registration card and supporting records until voter's registration is cancelled in the CVRS.

Note: Secretary of State Elections Division retains voter registration data for five (5) years from the date of cancellation.

LG8.1.1B File Copy [OBSOLETE]

LG8.1.1C Verification Record [OBSOLETE]

LG8.1.1D Voter Removals [OBSOLETE]

LG8.1.1E Cancellation Receipts [OBSOLETE]

LG8.1.1F Out-of-Town Registrations

Retention: Destroy original registration card/form and supporting records once the transferred registration is accepted by the new municipality or voting district.

LG8.1.1G Foreign Absentee Registrations

(Uniformed and Overseas Citizens Absentee Voting Act 52 U.S.C. §§ 20301 through 20311)

Retention: Retain registration card/form until the end of the calendar year to which it relates.

LG8.1.2 Party Affiliation Cards [OBSOLETE]

Voter party affiliation preference. Includes named, address, party preference, and signature.

Retention: Retain hard copies until superseded.

LG8.1.3 Disaffiliation Affidavits

Voter change of party preference. Verification of name, address, previous party preference, and signature.

Retention: Retain hard copies until superseded or obsolete after the next election cycle.

Note: This process was repealed by Pub. Laws 24-322 and 24-323, however, the voter may still request the form and fill it out at the polling place.

LG8.1.4 Address Change Forms

Residence changes. Includes declaration of address change and confirmation of former and new voting district, ward, polling place.

Retention: Retain four (4) years.

LG8.1.5 Voter Residency Certificates [OBSOLETE]

Municipal certificate verification of voter residency. May include name and address or other identifying information pertaining to a particular active voter seeking confirmation.

Retention: Retain existing paper records one (1) year.

LG8.1.6 Re-districting Notices

Electronic and hard copies of re-districting notices sent from the municipality to voters regarding changes in the voting district. Includes un-deliverable notices and electronic mailing lists. These notices are not used in the removal process.

Retention: Retain three (3) years.

LG8.1.7 NCOA Cards and Lists

Address confirmation mailings based on the change of address information provided by or through the United States Postal Service National Change of Address Program. (R.I. Gen. Laws § 17-9.1-26(e))

Retention: Retain three (3) years.

See Also: If the NCOA card is used for voter registration, see LG8.1.1 (Voter Registration Records).

LG8.1.8 Voter Confirmation Cards and Lists

Official statewide mailings conducted by the Secretary of State Elections Division (or any other official mailing from the state board or local board) for purposes of updating the voter rolls. May include undeliverable cards that initiate the removal process.

Retention: Retain three (3) years.

LG8.1.9 Disaffiliation Due to Decertification of Party

When a party is decertified (R.I. Gen. Laws § 17-1-2(9)), a voter's affiliation with that decertified party will be changed to "unaffiliated" by the local board per instructions by the State Board of Elections. Records include but are not limited to correspondence from the State Board of Elections, copies of notices of disaffiliation sent to voters, and voters lists.

Retention: Retain three (3) years.

LG8.1.10 Voting List Maintenance Data

Local Boards of Canvassers receive periodic data and reports for purposes of updating voter registration records. Data may be received by the Department of State elections division, the Board of Elections, or the Electronic Registration Information Center (ERIC). Records may include correspondence.

Retention: Retain until data or documents captured and verification completed.

LG8.2 Candidates

LG8.2.1 Declarations

Declarations for candidacy for party primaries and independent candidates. Includes names and identifying information of candidates declaring for office.

Retention: Retain twenty-six (26) calendar months from date of filing.

LG8.2.2 Endorsements

Filings of endorsements by state committees, district committees, and ward, city, and town committees of candidates to be voted for by state at large or by congressional district.

Retention: Retain twenty-six (26) calendar months from date of filing.

LG8.2.3 Nomination Papers

Party and independent nomination papers for candidates to be voted for by state at large, congressional district, ward, city, or town elections.

Retention: Retain twenty-six (26) calendar months from date of filing.

LG8.2.4 Nomination Objections

Objections to party and independent nomination papers for state or local offices.

Retention: Retain twenty-six (26) calendar months from date of filing.

LG8.2.5 Candidates Lists

Lists of party candidates for city and town elections filed by town, ward, or city committees. Data includes name and address of candidate, order in which they will appear on the ballot, office sought, and term of office.

Retention: Retain three (3) years.

LG8.2.6 Candidates Withdrawals

Certificates of withdrawal from primary nominations and independent candidates for state and local offices. Includes candidate statement concerning reason for withdrawal.

Retention: Retain twenty-six (26) calendar months from date of filing.

LG8.2.7 Certificates of Nomination

Certificate of candidate nomination. Includes name and address of candidate, office sought, date of nomination and board of canvass and registration verification.

Retention: Retain three (3) years.

LG8.2.8 Certificates of Election

Copies of election certificates presented to candidates upon verification of election.

Retention: Retain three (3) years.

LG8.2.9 Petition for Qualifying as a Political Party

Board of Elections form for obtaining signatures of qualified electors in the municipalities in accordance with the provisions of R.I. Gen. Laws § 17-1-2(9). Signatures on this record are verified by the local canvassing board, and original petitions are forwarded to the State Board of Elections. Includes copies of petitions and correspondence.

Retention: Retain three (3) years.

LG8.2.10 Acknowledgement Forms

Forms signed by candidates to acknowledge receipt of a packet of campaign finance information. The packets and forms are provided by the Board of Elections to the municipalities for every election cycle. Copies of the forms are kept by the canvassing board, and the original records are sent to the Board of Elections.

Retention: Retain three (3) years.

LG8.3 Elections

LG8.3.1 Election Documents Files

Various election records arranged by election or primary. Documents may include master tally sheets, lists of polling places, sample ballots, State Board of Elections receipt of returns and tracking sheets, change of custody receipts and attestations, election returns, poll workers lists/reports, election officials certificates and oaths, returned ballot certificates, voting machine returns, audit trails, emergency and mail ballot applications and lists, lists of candidates, newspaper notices, notices of recount, copy of certificates of election, election inspectors lists, unofficial tallies, correspondence and notices to/from State Board of Elections, Office of the Secretary of State, Board of Canvassers, and other affidavits, lists, or certificates pertaining to a particular election or primary.

Retention: Retain three (3) years.

LG8.3.2 Challenge Lists

Name and address 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 official voting list. Such lists shall also include all persons who have been furnished mail ballots.

Retention: Retain twenty-two (22) months following the election. (52 U.S.C. § 20701)

LG8.3.3 Voting Lists

Final canvass certification list of voters deemed eligible to vote preceding an election or primary. Includes preliminary lists.

LG8.3.3A Preliminary Lists

Retention: Retain preliminary lists until completion of the final canvas. (R.I. Gen. Laws § 17-10-5)

LG8.3.3B Final or Master Voting Lists

Retention: Retain twenty-two (22) months following the election. (52 U.S.C. § 20701)

LG8.3.4 Committee Lists

Lists of officers and members of all municipal and district committees organized for the purpose of nominating and endorsing party candidates, electing ward committees.

Retention: Retain three (3) years.

LG8.3.5 Affidavits

Affidavit confirmation of voters requiring or requesting action or special accommodation during a given election or primary. Affidavits may include the following: Right to Vote Challenge; Voter Identity Challenge; Voter Omission Challenge; Voter Requiring Assistance; Voter Signing with a Mark; Obtaining Signatures.

Retention: Retain three (3) years.

LG8.3.6 Ballot Applications (Poll Lists or Poll Books) and Data

Data used via electronic poll books to verify voter status, address, and signature. The e-poll book is signed electronically by the voter. Hard copies of poll books are printed before the election for use in the event of e-poll pad technical issues. The hard copy of the poll book is comprised of numbered verification slips completed at the time of voting certifying

date of ballot, ballot type (primary, general election, special election), town/city name, statement of voter as to being registered, and voter signature and address. E-poll book data is maintained by the Department of State, Division of Elections. Includes copies of voting lists.

LG8.3.6A Unused Poll Book

Retention: Retain until certification of election is complete.

LG8.3.6B Used Poll Books and Copies of Voting Lists

Retention: Retain three (3) years.

LG8.3.6C Paper Ballot Applications Used for Same Day Voting for President and Vice President

Retention: Retain three (3) years.

LG8.3.7 Primary/Election Returns

Consists of individual machine numbers, polling place designation, date of election, total votes registered by machine, candidate, referenda, or question as well as signatures of election inspectors, wardens, clerks.

Retention: Retain three (3) years.

LG8.3.8 Recount Petitions

Candidate requests for recount of individual machine or paper ballot tallies. Includes candidate reason for request.

Retention: Retain twenty-six (26) calendar months from date of request.

LG8.3.9 Mail Ballot/Emergency Mail Ballot Applications and Lists

Applications for mail ballots and emergency mail ballots, copies of application certifications, and certified lists of mail ballots and emergency mail ballots.

See Also: If the mail ballot application is also used for the registration of voters, see LG8.1.1 (Voter Registration Records).

LG8.3.9A Applications by Members of the Armed Forces in Active Service

Includes name, Rhode Island address, military address, length of time assigned to duty station, and signature of military commander and applicant verifying same.

Retention: Retain twenty-two (22) months. (52 U.S.C. § 20701)

LG8.3.9B Applications by Temporarily Disabled or Incapacitated Voters [OBSOLETE]

LG8.3.9C Applications by Foreign Absentee

Includes name, Rhode Island address, place of birth, date of birth, present address, and signature of witness of voters living abroad who are restricted to vote only for federal officers.

Retention: Retain twenty-two (22) months. (52 U.S.C. § 20701)

LG8.3.9D Applications by Members of the Armed Forces Dependent Voter

Qualified voters (spouse, children) of members of the armed forces in active service who are absent from the state. Consists of affidavit verifying voter authenticity and qualification.

Retention: Retain twenty-two (22) months. (52 U.S.C. § 20701)

LG8.3.10 Automatic Mail Ballot Record

Applications and other related certifications confirming name, address, city, town, of all voters requiring automatic mail ballots.

Retention: Retain as long as voter is active, or status remains unchanged.

LG8.3.11 Ballots

Municipal ballots for voters for candidates, referenda, and questions at local elections. Also referred to as "voted ballots." May include paper ballots, mail ballots, optical scan ballots, voided ballots or irregular ballots provisional ballots, absentee ballots, financial town meeting ballots, ballots of quasi-municipal agencies elections such as fire district and special election ballots, surrendered ballots and unvoted/unused ballots. Retain one copy each of the printout tape from the optical scan

precinct count unit with the corresponding ballots. (R.I. Gen. Laws §§ 17-19-33(4) and 17-19-39.1 and 52 U.S.C. § 20701)

Retention: Retain twenty-two (22) months from date of election.

Note: Unused ballots are returned to the Board of Elections. Keep unvoted/unused ballots for non-Title 17 elections with the voted ballots and retain them for twenty-two (22) months.

LG8.3.12 Voter Affirmation Forms

Forms used in the provisional ballot process to determine the eligibility of the voter as well as to legally change the voter's address within the municipality.

Retention: Retain three (3) years.

LG8.3.13 Drop Box Videos

Recording media used for surveillance of ballot drop boxes. (R.I. Gen. Laws § 17-20-22.1)

LG8.3.13A Recordings with No Evidence of Illegal or Problematic Activity or Incidents

Retention: Retain ninety (90) days following the election.

Note: A countersigned Certificate of Records Destruction is not required for destruction of these records).

LG8.3.13B Recordings Containing Evidence of Problematic Behavior or Incidents That Do Not Involve Legal Action

Retention: Retain ninety (90) days or until investigation is complete and all issues have been resolved, whichever is later.

LG8.3.13C Recordings Containing Evidence Pertinent to Investigations of Illegal Activities

Retention: Retain seven (7) years after resolution of all associated legal matters.

LG8.4 Administration

LG8.4.1 CVRS Reports

Reports of names added to and deleted from current municipal voting list. Supplied to the Central Voter Registry System (CVRS). Data includes voter identification number, name, address, year of birth, process date, and reason for removal.

Retention: Retain existing paper records one (1) year.

Note: Secretary of State Elections Division retains data for five (5) years.

LG8.4.2 Death Notices

Lists and data of deceased persons forwarded by the office of the municipal registrar of births, marriages, and deaths and/ or the Elections Division via data received by the Department of Health. Used for removals from the voter registration lists. May include monthly reports.

Retention: Retain existing paper records one (1) year.

Note: Secretary of State Elections Division retains data for four (4) years.

LG8.4.3 Voting Books

Record of votes cast for candidates, referendum questions, bonds, etc. Includes individual machine tallies and totals of votes cast. May include actual machine ballots. Signed by the warden and clerk.

Retention: Permanent.

LG8.4.4 Election Books/Records/Data

Record of elections occurring within each municipality. Includes type of election (primary, general, special), name of candidates, offices sought, votes by district, and number of mail ballots. Records may include but are not limited to data of local referenda, primary data (number of democratic and republican votes, voter turnout total, write-in vote data, tapes, and mail ballot write-in vote tally sheets) and total ballots cast. Also includes election warrants and ES&S reports (received as pdf files) received from the Rhode Island Board of Elections. (R.I. Gen. Laws § 17-22-7)

Retention: Permanent.

See Also: For newspaper notices for publication, see LG1.4.8 (Legal Advertisements).

LG8.4.5 Minute Books

Minutes of Board of Canvassers meeting including agendas.

Retention: Permanent.

LG8.4.6 Certificates of Records Destruction [LEGACY – DUPLICATE]

Certification of Records Destruction forms signed by authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator. Certificates authorize the disposal of records listed in this and other applicable schedules. (R.I. Gen. Laws §§ 38-1-10, 38-3-6, and 42-8.1-10)

Retention: Permanent.

See Also: This record series is for information only, see GRS6.8B (Certificates of Records Destruction).

LG8.4.7 Voting District Maps

Maps indicate voting district boundaries and numbers.

Retention: Permanent.

LG8.4.8 Voting District Street Reports (Previously Books)

Alphabetical lists of streets (and house numbers where street encompasses more than one district) giving senatorial, representative, and ward numbers. Changes to the reports occur periodically throughout the year as needed.

Retention: Retain current report. Destroy outdated reports at the end of the calendar year to which the reports relate.

LG8.4.9 Census Card Index

Alphabetical street index detailing registered voters within each voting district.

Retention: Retain as long as voting district lines remain the same, plus one (1) year.

LG8.4.10 Naturalization Papers and Index

Proof of citizenship papers or index indicating name, address, country and date of birth and naturalization. May include Department of Labor and Commerce jackets of naturalization papers, certificates of naturalization, state, and U.S. circuit court naturalization papers.

Retention: Permanent.

LG8.4.11 Oaths of Office

Record of sworn oaths by members of the Board of Canvassers.

Retention: Retain six (6) years.

LG8.4.12 Poll Workers Lists

Lists submitted by state party committee chairs of persons to work at polling places as wardens, moderators, clerks, supervisors, checkers, and poll watchers.

Retention: Retain until updated, superseded or of no further administrative value.

LG8.4.13 Election Officers Records

Certificates of qualification and oaths and instruction of election officials/poll workers. May include affidavits verifying same, instruction testing and application for attendance at school of instruction for election official.

Retention: Retain one (1) year.

LG8.4.14 Jury Lists

Lists sent to the municipal clerk or board of canvassers from the jury commissioner. Used for removals from the voter registration lists. (R.I. Gen. Laws § 9-9-1)

Retention: Retain five (5) years.

LG8.4.15 Felon Lists

Lists and or data sent to the Municipal Clerk or Board of Canvassers by the Office of the Secretary of State (previously as forwarded by the Department of Corrections) pursuant to R.I. Gen. Laws § 8-15-8 (repealed). Used for removals from the voter registration lists (R.I. Gen. Laws § 17-6-1) and reinstatement of voting rights. May include monthly reports (R.I. Gen. Laws § 17-9.2).

Retention: Retain .pdf files one (1) year.

Note: Secretary of State Elections Division retains data for four (4) years.

LG8.4.16 Poll Workers Applications

Application to work at the polls submitted to the Boards of Canvassers. Includes unsuccessful applications.

Retention: Retain three (3) years.

See Also: For retention of W-4 forms, see LG15.1.1C (Per Diem Employees). For retention of I-9 forms, see LG15.1.2 (Employment Eligibility Verification Forms).