

100-RICR-20-00-1

TITLE 100 - DEPARTMENT OF STATE

CHAPTER 20 - ELECTIONS

SUBCHAPTER 00 - N/A

PART 1 - Placement of Candidates and Local Referenda/Questions on Election Ballots

1.1 Authority/Purpose

- A. The Department of State has promulgated this Part relative to the placement of candidates and local referenda/questions on primary and election ballots.
- B. This Part is established pursuant to the Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35 and available for public inspection, submissions or requests at the Department of State, Administrative Records Division, State Library, State House, 82 Smith St., Providence, Rhode Island 02903.

1.2 Election Ballot

- A. Determining Placement of Political Parties
 - 1. The Department of State shall conduct a lottery to determine the order in which the recognized political parties will appear on the ballot for all federal, state and local offices.
 - 2. The date, time and location of the lottery shall be determined and announced by the Secretary of State.
- B. Determining Placement of Independent Candidates
 - 1. The Department of State shall conduct a lottery to determine the order in which independent candidates for federal and state offices shall appear on the ballot (R.I. Gen. Laws § 17-19-9.1).
 - 2. Each local board of canvassers shall also conduct a lottery to determine the order in which independent candidates for local offices in their city or town shall appear on the ballot.
- C. For Races Where the Elector Votes for One Candidate Only

1. Political party candidates shall appear on the election ballot vertically, immediately below the title of the office sought and preceding the listing of independent candidates (R.I. Gen. Laws § 17-19-9.1).
2. The Department of State shall list the political party candidates in the order determined by the lottery for their respective parties.
3. In the event there is no candidate representing a political party for an office appearing on the ballot, the Department of State shall list the name of the political party candidate for the next party chosen by lottery for which there is a candidate.
4. Samples of these ballot layouts are contained in § 1.13 ("Appendix A") of this Part which is attached and incorporated by reference to this Part.

D. For Races Where the Elector Votes for More than One Candidate

1. When the race appearing on the ballot provides for a multiple vote situation, i.e. council-at-large where the voter is instructed to 'Vote for any 3', the Department of State shall list the political parties in the order chosen by lottery in the following manner:
2. A candidate representing the first political party chosen by lottery shall occupy the first position beneath the title of the office being sought; a candidate representing the second political party chosen by lottery shall occupy the second position beneath the title of office being sought; and so forth so that a candidate representing each remaining political party shall be listed in the next succeeding positions. During this process if there is no candidate to be listed for a particular political party, the Department of State shall list the next party chosen by lottery for which there is a candidate.
3. This sequence shall then be repeated using the next candidate on the certification list for each political party and shall continue to be repeated until all the political party candidates are listed.
4. The order in which local party candidates shall be placed in their respective party positions shall be determined by the order in which the candidates were certified to the Department of State by the local board of canvassers, based upon the past practice of the municipality, the local charter, or the submission by the local party committees, as the case may be.
5. A sample of this ballot layout is contained in § 1.14 ("Appendix B") of this Part which is attached and incorporated by reference to this Part.

1.3 Primary Ballot (Non-Presidential Candidates)

- A. Placement of Endorsed Candidates for Federal Offices, General Offices, General Assembly Offices and Local Offices Where the Elector Votes for One Candidate
 - 1. The names of candidate(s) having the endorsement of their party shall be printed first below the title of the office they seek (R.I. Gen. Laws § 17-15-8).
- B. Placement of Endorsed Local Candidates Where the Elector Votes for More Than One Candidate
 - 1. When there is more than one endorsed candidate to be listed for a local office, the endorsed candidates shall be listed in the order in which the candidates were certified to the Department of State by the local board of canvassers, based upon the past practice of the municipality, the local charter, or the submission by the local party committees, as the case may be.
- C. Determining Placement of Unendorsed Party Candidates for Federal Offices, General Offices, General Assembly Offices
 - 1. The Department of State shall conduct a lottery to determine the order in which the unendorsed candidates for the office of United States Senator, United States Representative, Governor, Lt. Governor, Secretary of State, Attorney General, General Treasurer, State Senator and State Representative will appear on the ballot (R.I. Gen. Laws § 17-15-8).
 - 2. The date, time and location of the lottery shall be determined and announced by the Department of State.
- D. Determining Placement of Unendorsed Candidates for Local Offices
 - 1. Unendorsed party candidates for local offices will be listed following the endorsed candidates in alphabetical order (R.I. Gen. Laws § 17-15-8).
- E. Placement of State Party Committee Candidates Where the Elector Votes for One Candidate Only
 - 1. The name of the endorsed candidate shall be printed first below the title of the office he/she seeks. Unendorsed candidates for the same state party committee office shall be listed after the name of the endorsed candidate and shall be listed in alphabetical order.

2. A sample of this ballot layout is contained in § 1.15 (“Appendix C”) of this Part which is attached and incorporated by reference to this Part.
- F. Placement of Senatorial and Representative District Committee Candidates Where the Elector Votes for More Than One Candidate
1. In the case where there is more than one endorsed candidate to be listed for a party committee office, the endorsed candidates shall be listed in the order in which they appear on the endorsement filed pursuant to law (R.I. Gen. Laws § 17-12-11).
 2. Unendorsed candidates for the same office shall be listed after the names of the endorsed candidates and in alphabetical order.
 3. A sample of this ballot layout is contained in § 1.15 (“Appendix C”) of this Part which is attached and incorporated by reference to this Part.
- G. Placement of Local Party Committee Candidates Where the Elector Votes for More Than One Candidate
1. In the case where there is more than one endorsed candidate to be listed for a local party committee office, the endorsed candidates shall be listed in the order in which they were certified to the Department of State by the local board of canvassers, based upon the past practice of the municipality, the local charter, or the submission by the local party committees, as the case may be.
 2. Unendorsed candidates for the same office shall be listed after the names of the endorsed candidates and in alphabetical order.
 3. A sample of this ballot layout is contained in § 1.15 (“Appendix C”) of this Part which is attached and incorporated by reference to this Part.

1.4 Candidate Listing on Ballot

A. Election Ballots

1. For party candidates, the name of the political party shall be listed immediately below the candidate’s name; for independent candidates, the name of the political organization as it appears on the declaration of candidacy form or the word “Independent” if there is no political organization listed on the declaration of candidacy form shall appear in small print below the candidate’s name.

B. Primary Ballots

1. The name of the endorsed candidate shall be marked with an asterisk (*).

C. Order of the Races on the Ballot

1. The offices to be elected shall appear on the ballot in the following order:
 - a. Presidential Electors
 - b. United States Senator
 - c. United States Representative
 - d. Governor
 - e. Lieutenant Governor
 - f. Secretary of State
 - g. Attorney General
 - h. General Treasurer
 - i. Senator in General Assembly
 - j. Representative in General Assembly
 - k. Local Offices (in the order certified by local board of canvassers)
 - l. Senatorial District Committee (on primary ballot only)
 - m. Representative District Committee (on primary ballot only)
 - n. State Committeeman (on primary ballot only)
 - o. State Committeewoman (on primary ballot only)
 - p. Local town and ward committees (on primary ballot only)

1.5 Independent Presidential Candidates and Electors

- A. Up to four individuals desiring to become the presidential electors of an independent presidential candidate may file a declaration of candidacy form provided by the Department of State during the last consecutive Monday, Tuesday, and Wednesday in June of the presidential election year. Each elector must file a separate declaration of candidacy form.

- B. During the period for filing declarations of candidacy, the independent presidential candidate, or, in the case where the name of the presidential candidate has not yet been determined, the independent political organization, must file a statement with the Department of State indicating the names and addresses of the individual(s) acknowledged by the presidential candidate or organization, as the case may be, to be the approved candidate(s) for presidential electors for the presidential candidate and/or political organization.
- C. Nomination papers will be prepared by the Department of State and issued within two (2) business days of the final day for filing endorsements (R.I. Gen. Laws § 17-14-4). Each nomination paper shall contain the names and addresses of all candidates qualified and acknowledged to be an independent presidential elector for the respective independent organization and/or presidential candidate. Nomination papers shall also contain the name of the independent political organization being represented by said presidential electors. On or before the sixtieth (60th) day before the presidential election (R.I. Gen. Laws § 17-14-11), said candidate(s) for presidential elector must submit 1,000 signatures of qualified electors in the aggregate in order for their presidential candidate to appear on the ballot. Signatures must be submitted to the local board of canvassers in the city/town where the signers live.
- D. The names of independent presidential/vice presidential candidates must be submitted to the Department of State no later than fifty-four (54) days before the date of the election. Said names shall be submitted by the individual authorized by the political organization to make such certification and/or by the independent presidential candidate. On the same day, the Department of State will announce the names of those individuals who have qualified for ballot placement as independent presidential electors.

1.6 Recognized Political Parties Candidates and Electors

- A. Recognized political parties in Rhode Island shall hold a state convention not later than October 14 in every even year. In presidential years the party nominees for presidential electors shall be selected (R.I. Gen. Laws § 17-12-13). Once said convention is held, the secretary of the convention or other duly authorized individual, shall, in writing, notify the Department of State of the names and addresses of those individuals nominated as presidential electors.
- B. Names of candidates for president and vice-president for those parties holding national conventions, the secretary or duly authorized individual of each national party shall certify to the Department of State the names of the individuals nominated as the party's candidates for president and vice-president at the close of the respective convention. The written certification shall occur no later than fifty-four (54) days before the date of the election.

- C. With respect to receipt of the names of the presidential and vice-presidential candidates of an organization not recognized as a national political party while recognized as a political party in Rhode Island (R.I. Gen. Laws § 17-1-2(9)), the secretary or duly authorized individual of said state political party shall certify to the Department of State the names of the individuals nominated as the party's candidates for president and vice-president at the close of the respective convention. Said written certification to occur not later than fifty-four (54) days before the date of the election.

1.7 Procedure for submission of local questions for inclusion on the ballot

- A. Each local question submitted for ballot placement shall be provided to the Department of State, Elections Division, 148 West River Street, Providence, Rhode Island 02904 in accordance with R.I. Gen. Laws § 17-19-7 and this Part.
- B. All questions shall be submitted to the Department of State by the local board of canvassers of each city or town on the form prescribed by the Department of State and shall contain the signatures of the members of the local board of canvassers indicating that the question(s) has been duly authorized to be placed on the ballot. A sample of the certification form is contained in § 1.16 ("Appendix D") of this Part which is attached and incorporated by reference to this Part.

1.8 Format for local questions

- A. Each local question shall be submitted to the Department of State by the local board of canvassers of each city or town in the following form:
 - 1. Descriptive Heading. The descriptive heading shall be a brief caption of the question including the purpose of the question and the dollar amount, if applicable.
 - 2. Authorization. The authorization shall be a line containing the cite to the authority for the question to appear on the ballot.
 - 3. Text of the question. The text of the question shall be the exact language of the referenda/question that shall appear on the ballot.

1.9 Final form of question required

- A. All local questions submitted for ballot placement shall be presented by the local boards of canvassers to the Department of State in final form and contain the descriptive heading, authorization and text of the question which shall appear upon the ballot.

- B. Sample questions are contained in § 1.17 (“Appendix E”) of this Part which is attached and incorporated by reference to this Part.

1.10 Alterations or modifications to questions after submission

No alterations or modifications shall be made by the Department of State or designees, subsequent to the certification of any question as provided in R.I. Gen. Laws § 17-19-7 and this Part.

1.11 Time periods and constraints

- A. In accordance with R.I. Gen. Laws § 17-19-7, so that ballots may be prepared, the local board of canvassers of each city or town shall certify a copy of each question to be submitted to the electors of the city or town as follows:
 - 1. for questions to appear on the ballot for regularly scheduled elections to be held on the Tuesday next after the first Monday in November in any year, the question must be certified in the format described above not later than four o'clock (4:00) p.m. on the ninetieth (90th) day before the election.
 - 2. for questions to appear on the ballot at any election scheduled at any time other than regularly scheduled elections on the Tuesday next after the first Monday in November in any year, the question must be certified in the format described above not later than fifty (50) days before the city or town election, or not later than fifty (50) days before any special city or town election the question must be certified in the format described above.

1.12 Review by the Department of State

- A. The questions submitted shall be reviewed by the Department of State. The review shall be limited to determining that the questions were submitted in the time and manner prescribed by state law and this Part.
- B. The Department of State will not review the legality of the question presented and will not make suggestions for amendments to the language of the question presented.
- C. By the order of the Secretary of State, Nellie M. Gorbea.

1.13 Appendix A

- A. Results of Sample Lottery for Illustration Purposes Only:
 - 1. Moderate

2. Democrat
3. Republican

B. Example of a ballot layout where each political party has a candidate running for the office and there are several independent candidates

Governor Four Year Term Vote for 1
<input type="radio"/> Candidate A MODERATE
<input type="radio"/> Candidate B DEMOCRAT
<input type="radio"/> Candidate C REPUBLICAN
<input type="radio"/> Candidate D Green
<input type="radio"/> Candidate E Independent
<input type="radio"/> Candidate F Libertarian
<input type="radio"/> Write-in

C. Example of a ballot layout where not every political party has a candidate for a particular office and there are several independent candidates

Mayor Four Year Term Vote for 1
<input type="radio"/> Candidate A DEMOCRAT
<input type="radio"/> Candidate B REPUBLICAN
<input type="radio"/> Candidate C Independent
<input type="radio"/> Candidate D Green
<input type="radio"/> Write-in

1.14 Appendix B

A. Results of Sample Lottery for Illustration Purposes Only:

1. Democrat
2. Republican
3. Moderate

B. Example of a ballot layout where there is a “Vote for 3” situation, not all of the political parties have 3 candidates each running for the office, and there are independent candidates

Town Council Two Year Term Vote for any 3	
<input type="radio"/>	Candidate A DEMOCRAT
<input type="radio"/>	Candidate B REPUBLICAN
<input type="radio"/>	Candidate C MODERATE
<input type="radio"/>	Candidate D DEMOCRAT
<input type="radio"/>	Candidate E REPUBLICAN
<input type="radio"/>	Candidate F MODERATE
<input type="radio"/>	Candidate G DEMOCRAT
<input type="radio"/>	Candidate H REPUBLICAN
<input type="radio"/>	Candidate I Libertarian
<input type="radio"/>	Candidate J Independent
<input type="radio"/>	Candidate K Independent
<input type="radio"/>	Write-in
<input type="radio"/>	Write-in
<input type="radio"/>	Write-in

1.15 Appendix C

- A. Example of a ballot layout for Democratic State Committeeman where there is more than one unendorsed candidate running for the office

State Committeeman Four Year Term Vote for 1
<input type="radio"/> Candidate A*
<input type="radio"/> Candidate B
<input type="radio"/> Candidate C
<input type="radio"/> Candidate D

- B. Example of a ballot layout for Representative District Committee where 3 members are elected to the committee and Local Ward Committee where 5 members are elected to the committee.

Representative District Committee District 21 Two Year Term Vote for any 3
<input type="radio"/> Candidate A*
<input type="radio"/> Candidate B*
<input type="radio"/> Candidate C*
<input type="radio"/> Candidate D
<input type="radio"/> Candidate E
<input type="radio"/> Candidate F

Ward Committee District 1 Two Year Term Vote for any 5
<input type="radio"/> Candidate A*
<input type="radio"/> Candidate B*
<input type="radio"/> Candidate C*
<input type="radio"/> Candidate D*
<input type="radio"/> Candidate E*
<input type="radio"/> Candidate F
<input type="radio"/> Candidate G
<input type="radio"/> Candidate H
<input type="radio"/> Candidate I
<input type="radio"/> Candidate J

1.16 APPENDIX D

(To be filed with the Department of State not later than 4 p.m. on August 8, 2018)

(R.I. Gen. Laws § 17-19-7)

State of Rhode and Providence Plantations

We hereby certify the following to be a true LIST OF REFERENDA/QUESTIONS to be voted for at the City/Town Election to be held in (City/Town) on November 6, 2018.

Type the complete referenda/questions below, including the descriptive heading, authorization and text of each question as indicated in the Department of State Placement of Candidates and Local Referenda/Questions on Election Ballots (100-RICR-20-00-01) adopted January 1, 1998, as amended. If all of the questions do not fit below, list all of the descriptive headings below and attach additional pages containing the complete referenda/questions.

NOTE: The order in which referenda/questions are listed below will be the order in which they will appear on the ballot.

☐ Check this box if you are also submitting the referenda question(s) electronically.

☐ Check this box if there are no local referenda/questions to appear on your November 6, 2018 General Election Ballot.

Date

Board of Canvassers

1.17 APPENDIX E

A. SAMPLE HOME RULE CHARTER AMENDMENT

AMENDMENT TO BURRILLVILLE HOME RULE CHARTER DEPARTMENT OF PUBLIC WORKS

(Resolution of the Town Council adopted September 4, 1996)

Shall the powers and duties of the department of public works include maintaining town grounds, public parks, playgrounds, beaches, and recreation facilities? (Amends Sec. 13.02)

B. SAMPLE LOCAL REFERENDUM

PURCHASE OF PUBLIC WORKS AND HIGHWAY EQUIPMENT

\$400,000 BONDS AND NOTES

(Chapter 124 - Public Laws of 1996)

“Shall an act passed at the 1996 session of the general assembly entitled ‘AN ACT AUTHORIZING THE CITY OF CRANSTON TO ISSUE \$400,000 BONDS AND NOTES FOR THE PURCHASE OF PUBLIC WORKS AND HIGHWAY EQUIPMENT IN THE CITY’ be approved?”

C. SAMPLE REGIONAL REFERENDUM

EXETER-WEST GREENWICH SCHOOL DISTRICT 12 CLASSROOM
ADDITION - WAWALOAM SCHOOL

BONDS NOT TO EXCEED \$3,800,000

(Chapter 101/220 - Public Laws of 1996)

“Shall an act passed at the 1996 session of the general assembly entitled ‘AN ACT AUTHORIZING THE EXETER-WEST GREENWICH SCHOOL DISTRICT TO FINANCE A TWELVE (12) CLASSROOM ADDITION TO THE WAWALOAM SCHOOL AND TO ISSUE BONDS IN AN AMOUNT NOT TO EXCEED \$3,800,000 THEREFOR’ be approved?”

100-RICR-20-00-1

TITLE 100 - DEPARTMENT OF STATE

CHAPTER 20 - ELECTIONS

SUBCHAPTER 00 - N/A

PART 1 - Placement of Candidates and Local Referenda/Questions on Election
Ballots (100-RICR-20-00-1)

Type of Filing: Amendment

Effective Date: 03/20/2018

Editorial Note: This Part was filed with the Department of State prior to the launch of the Rhode Island Code of Regulations. As a result, this digital copy is presented solely as a reference tool. To obtain a certified copy of this Part, contact the Administrative Records Office at (401) 222-2473.