



RULES AND REGULATIONS FOR POLLING PLACE CONDUCT

**Promulgated by order of
The Rhode Island State Board of Elections
Frank J. Rego, Chairman**

RULES & REGULATIONS FOR POLLING PLACE CONDUCT ADOPTED BY THE RHODE ISLAND BOARD OF ELECTIONS

The Rhode Island Board of Elections hereby adopts rules and regulations relating to polling place conduct pursuant to and in accordance with R.I. Gen. Laws § 17-15-26, 17-19-21, 17-19-22, 17-19-23, 17-19-24, 17-19-27, 17-19-49, 17-23-15 and 17-23-17.

Said rules and regulations are adopted pursuant to the Administrative Procedures Act (R.I.G.L. § 42-35 et seq.) and are available for public inspection at the offices of the Rhode Island Board of Elections, 50 Branch Avenue, Providence, Rhode Island.

Section 1. Purpose

This rule is adopted by the Board of Elections to ensure the orderly conduct of elections, and enforce the provisions of Rhode Island General Law § 17-15-26, 17-19-21, 17-19-22, 17-19-23, 17-19-24, 17-19-27, 17-19-49, 17-23-15 and 17-23-17.

Section 2. Definitions

Act of Voting shall mean a voter that has entered a polling place for the sole purpose of casting a ballot. The act of voting begins when the voter enters a polling place and begins their approach to the supervisors table. It concludes when the voter has inserted their ballot into the optical scan reader and exits the polling place.

Election Official shall include the Board of Elections and its designees, the Local Canvassing Authority and its designees, including but not limited to, Moderator/Wardens, Clerks and Supervisors.

Party Representative shall mean any credentialed party checker, runner or watcher as designated under R.I.G.L. 17-19-22.

Political Literature shall include any flyer, campaign button, or any item of clothing that includes any electioneering, communication, including words or images, or election symbol attributed to a campaign that promotes the election or defeat of any candidate or ballot question that appears on the ballot.

Polling Place Observer shall include any person, other than a voter in the act of voting, election official, party representative, or police officer assigned to the poll.

Polling Place means the room or area designated for the purpose of receiving and casting a ballot.

Railed or Enclosed Voting Area shall mean the enclosed area within the polling place where ballots are cast. The railed or enclosed area shall be delineated by tables or other means having one entrance and one exit.

Watcher shall mean a party representative credentialed by the board of canvassers whose duty is limited to challenging a voter's identity.

Section 3. Open Elections

The public may be present in the polling place to observe the conduct of an election. Only voters and election officials are allowed in the railed or enclosed voting area. No person(s) may willfully hinder the orderly conduct of an election (17-23-17(a)(7)).

Section 4. Table and Chairs Provided for Party Representatives

R.I.G.L. 17-19-22 requires that a table and chairs must be provided outside the enclosed space by the city/town for the party representatives known as "checkers" and "watchers." In the absence of party representatives, the public is allowed to use the table and chairs.

Section 5. Polling Place Conduct

A. Political Literature and Influence

1. Outside the Polling Place

No person shall be allowed to display or distribute any poster, paper, circular, 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 of the entrance or entrances to the building in which voting is conducted at any primary or election.

No person shall conduct any form of poll or survey of voter opinion or voter conduct within a polling place or within fifty (50) feet from the entrance or entrances to any building in which voting is being conducted for any primary or election.

2. Inside the Polling Place

No person other than a voter in the act of voting may display or wear any political literature within the polling place. Any voter displaying or wearing any political literature who has completed the voting process must immediately exit the polling

location. No activity that is intended to interfere with a person's right to vote, shall be permitted within a polling place.

B. Electronic Recording Devices in the Polling Place

Electronic recording of the election process is allowed inside the polling place 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 by recording the specific votes(s) cast by any person.

C. 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 polling place. All other communications being made to persons outside the polling place must be done nonverbally to ensure the orderly conduct of the Election.

D. Challenges

Challenges are limited to voter identity and for good cause. Only election officials or watchers may file challenges. Any voter whose identity is challenged shall vote a provisional ballot.

Section 6. Procedures for Maintaining Order at the Polling Place

A warden/moderator may cause to be removed or arrested any person or official who commits a violation of the election law in their presence or disturbs the conduct of the 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 election inspector, unless the clerk agrees with the warden/moderator that the person or official should be arrested or removed (R.I.G.L. 17-19-23(9)). Either the warden/moderator or the clerk may in their discretion issue a warning to a person(s) whose acts are disturbing the conduct of the voting.

If a person believes that an Election Official is violating state election laws he/she may contact their Local Canvassing Authority or the State Board of Elections to file a complaint.

Section 7. Implementation

The Board of Elections may promulgate procedures and forms necessary to implement the within rules and regulations required under the Rhode Island General Laws.

These rules and regulations were adopted at a meeting of the State Board of Elections held on the Twenty-second day of February, 2012 pursuant to the Administrative Procedures Act (R.I.G.L. 42-35-1, *et seq.*).

By Order of the Rhode Island Board of Elections

Frank J. Rego, Chairman

Date

Witnessed by

Robert Kando, Executive Director

Date