

**2023 -- H 5955 SUBSTITUTE A**

LC002089/SUB A

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2023**

**A N A C T**

**RELATING TO ELECTIONS -- MAIL BALLOTS**

Introduced By: Representatives Dawson, McEntee, O'Brien, and Craven

Date Introduced: March 01, 2023

Referred To: House State Government & Elections

(Board of Elections)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-20-2.1, 17-20-3, 17-20-8, 17-20-10, 17-20-13 and 17-20-21 of  
2 the General Laws in Chapter 17-20 entitled "Mail Ballots" are hereby amended to read as follows:

3 **17-20-2.1. Requirements for validity of mail ballot and mail ballot applications.**

4 (a) Any legally qualified elector of this state whose name appears upon the official voting  
5 list of the city, town, or district of the city or town where the elector is qualified, and who desires  
6 to avail himself or herself of the right granted to him or her by the Constitution and declared in this  
7 chapter, may obtain from the local board in the city or town a form prepared by the secretary of  
8 state as prescribed in this section, setting forth the elector's application for a mail ballot or may  
9 apply online in accordance with § 17-20-2.3.

10 (b) Whenever any person is unable to sign his or her name because of ~~physical incapacity~~  
11 ~~or otherwise, that person shall make his or her mark "X"~~ blindness, disability, or inability to read  
12 or write, the voter or their assistant shall mark a box to indicate the voter cannot sign due to  
13 blindness, disability, or inability to read or write and include the full name, residence address,  
14 signature, and optionally the telephone number and e-mail address, of the person who provided  
15 assistance to the voter on a form provided by the secretary of state. The representation relating to  
16 the voter's inability to sign shall be made under the pains and penalties of perjury.

17 (c) To receive a ballot in the mail, an elector must submit an application in person or by  
18 mail, so that it is received by the local board, or received electronically through the portal  
19 established by § 17-20-2.3, not later than four o'clock (4:00) p.m. on the twenty-first (21st) day

1 before the day of any election referred to in § 17-20-1. In those cases where an application to receive  
2 a mail ballot is received not later than three (3) days after the twenty-first (21<sup>st</sup>) day before the date  
3 of an election and which is delivered by the postal service to the local board, the application shall  
4 be considered received on or prior to the last day to apply for a mail ballot.

5 (d) In addition to those requirements set forth elsewhere in this chapter, a mail ballot, in  
6 order to be valid, must have been cast in conformance with the following procedures:

7 (1) All mail ballots issued pursuant to § 17-20-2(1) shall be mailed to the elector at the  
8 Rhode Island address provided by the elector on the application. In order to be valid, the voter must  
9 affix his or her signature on all certifying envelopes containing a voted ballot.

10 (2) All applications for mail ballots pursuant to § 17-20-2(2) must state under oath the  
11 name and location of the hospital, convalescent home, nursing home, or similar institution where  
12 the elector is confined. All mail ballots issued pursuant to § 17-20-2(2) shall be delivered to the  
13 elector at the hospital, convalescent home, nursing home, or similar institution where the elector is  
14 confined.

15 (3) All mail ballots issued pursuant to § 17-20-2(3) shall be mailed to the address provided  
16 by the elector on the application or sent to the board of canvassers in the city or town where the  
17 elector maintains his or her voting residence. In order to be valid, the voter must affix his or her  
18 signature on the certifying envelope containing voted ballots. Any voter qualified to receive a mail  
19 ballot pursuant to § 17-20-2(3) shall also be entitled to cast a ballot pursuant to the provisions of  
20 United States Public Law 99-410, the Uniformed and Overseas Citizens Absentee Voting Act  
21 (UOCAVA).

22 (4) All mail ballots issued pursuant to § 17-20-2(4) may be mailed to the elector at the  
23 address within the United States provided by the elector on the application or sent to the board of  
24 canvassers in the city or town where the elector maintains his or her voting residence. In order to  
25 be valid, the voter must affix his or her signature on all certifying envelopes containing a voted  
26 ballot. In order to be valid, all ballots sent to the elector at the board of canvassers, must be voted  
27 in conformance with the provisions of § 17-20-14.2.

28 (e) Any person knowingly and willfully making a false application or certification, or  
29 knowingly and willfully aiding and abetting in the making of a false application or certification,  
30 shall be guilty of a felony and shall be subject to the penalties provided for in § 17-26-1.

31 (f) In no way shall a mail ballot application be disqualified if the voter's circumstances  
32 change between the time of making the application and voting his or her mail ballot as long as the  
33 voter remains qualified to receive a mail ballot under the provisions of § 17-20-2. The local board  
34 of canvassers shall provide the state board of elections with written notification of any change in

1 circumstances to a mail ballot voter.

2 **17-20-3. Definitions.**

3 (a) Wherever used in this chapter, every word importing only the masculine gender is  
4 construed to extend to, and include, females as well as males.

5 (b) Whenever used in this chapter, “bipartisan pairs of supervisors” for primaries means a  
6 supervisor representing the endorsed candidates and a supervisor representing a majority of  
7 unendorsed candidates, and for nonpartisan elections and primaries means non-partisan pairs of  
8 supervisors.

9 (c) Wherever used in this chapter, “employed outside of the United States” includes any  
10 person who is:

11 (1) Employed by any agency, department, or division of the United States government and  
12 who, by reason of that employment, resides outside of the continental United States;

13 (2) Employed outside the territorial limits of the United States; or

14 (3) A spouse or dependent residing with persons so employed.

15 (d) Wherever used in this chapter, “services intimately connected with military operations”  
16 includes members of religious groups or welfare agencies assisting members of the armed forces  
17 who are officially attached to and serving with the armed forces and their spouses and dependents,  
18 and the spouses and dependents of members of the armed forces and of the merchant marine;  
19 provided, that the spouses and dependents are residing outside of the state with the members of the  
20 armed forces, merchant marine, or members of the religious or welfare agencies.

21 (e) Whenever a signature is required by a voter in this chapter, “signature” also means the  
22 voter’s mark “X” if the person is unable to sign his or her name because of ~~physical incapacity or~~  
23 ~~otherwise~~ blindness, disability, or inability to read or write, or by affixing the voter's signature by  
24 a person providing assistance to the voter in accordance with the requirements of this chapter.

25 (f) Whenever used in this chapter, “bipartisan” means not of the same recognized political  
26 party.

27 (g) Whenever used in this chapter, “emergency” voting pursuant to § 17-20-2.2(g) shall be  
28 construed to mean “early” voting.

29 **17-20-8. Application for ballot.**

30 (a) Whenever any person is unable to sign his or her name because of ~~physical incapacity~~  
31 ~~or otherwise, that person shall make his or her mark “X”~~ blindness, disability, or inability to read  
32 or write, the voter or their assistant shall mark a box to indicate the voter cannot sign due to  
33 blindness, disability, or inability to read or write and include the full name, residence address,  
34 signature, and optionally the telephone number and e-mail address, of the person who provided

1 [assistance to the voter on a form provided by the secretary of state. The representation relating to](#)  
2 [the voter's inability to sign shall be made under the pains and penalties of perjury.](#)

3 (b) Notwithstanding any other provision of this chapter as to time and manner thereof, it  
4 shall be the duty of the applicant to cause the mail ballot application or the emergency mail ballot  
5 application, as the case may be, to be processed by the local board so that the applicant may receive  
6 the ballot, cast it, and cause delivery thereof to be made to the state board not later than eight  
7 o'clock (8:00) p.m. on the date of election.

8 (c) The local board shall maintain a separate list of names and addresses of all applicants  
9 and a copy of the list shall be made available for inspection to any person upon request.

10 (d) Any person knowingly and willfully making a false application or certification or  
11 knowingly and willfully aiding and abetting in the making of a false application or certification  
12 shall be guilty of a felony.

13 (e) Voters shall be able to apply for a mail ballot electronically through the voter  
14 registration portal established by § 17-20-2.3.

15 **17-20-10. Certification of applications — Issuance of ballots — Marking of lists —**

16 **Mailing address.**

17 (a) Upon receipt of the application, the local board shall immediately examine it and  
18 determine whether it complies with each of the requirements set forth by this chapter and compare  
19 the signature on the ballot application with the signature contained on the original registration card  
20 or on the central voter registration system, except as may be otherwise provided by law, to satisfy  
21 itself that the applicant is a qualified voter. Upon determining that it does meet each requirement  
22 of this chapter and that the signature appears to be the same, the local board shall mark the  
23 application "accepted" and record in the space provided on the ballot application the senatorial,  
24 representative, and voting district in which the applicant should vote.

25 (b) The local board shall also record the city or town code and district information in the  
26 mailing label section of the mail ballot application. The local board shall also print or type the name  
27 of the elector and the complete mailing address in that section. If the local board does not accept  
28 the application, the local board shall return the application to the elector, together with a form  
29 prescribed by the secretary of state, specifying the reason or reasons for the return of the application.

30 (c) Not later than 4:00 p.m. on the eighteenth (18th) day before the day of any election  
31 referred to in this chapter or within seven (7) days of receipt by the local board, whichever occurs  
32 first, the local board shall certify the applications to the secretary of state through the central voter  
33 registration system as this procedure is prescribed by the secretary of state. Upon the certification  
34 of a mail ballot application to the secretary of state, the local board shall enter on the voting list the

1 fact that a mail ballot application for the voter has been certified and, [upon order by the state board,](#)  
2 shall cause the delivery of the certified mail ballot applications together with the signed certified  
3 listing thereof in sealed packages to the state board of elections.

4 (d)(1) Upon the ballots becoming available, the secretary of state shall immediately issue  
5 and mail, by first-class mail, postage prepaid, a mail ballot to each eligible voter who has been  
6 certified. With respect to voters who have applied for these mail ballots under the provisions of §  
7 17-20-2(1), the secretary of state shall include with the mail ballots a stamped, return envelope  
8 addressed to the board of elections.

9 (2) The secretary of state shall include on the mail ballot envelope a numerical or  
10 alphabetical code designating the city or town where the voter resides. The secretary of state shall  
11 immediately thereafter indicate on the voter's record that the secretary of state has sent mail ballots;  
12 provided that this mark shall serve solely to indicate that a mail ballot has been issued and shall not  
13 be construed as voting in the election.

14 (e) Prior to each election, the secretary of state shall also furnish to the chairperson of the  
15 state committee of each political party a list of the names and residence addresses of all persons to  
16 whom mail ballots have been issued. The secretary of state shall also furnish to a candidate for  
17 political office, upon request, a list of the names and residence addresses of all persons to whom  
18 mail ballots have been issued within his or her district.

19 (f) If a ballot is returned to the secretary of state by the postal service as undeliverable, the  
20 secretary of state shall consult with the appropriate local board to determine the accuracy of the  
21 mailing address, and the secretary of state shall be required to re-mail the ballot to the voter using  
22 the corrected address provided by the local board. If the local board is unable to provide a different  
23 address than that to which the ballot was originally mailed, the ballot shall be reissued by the  
24 secretary of state to the board of canvassers in the city or town where the voter resides utilizing the  
25 numerical or alphabetical code established in subsection (d) of this section. The board shall then  
26 attempt to notify the voter at his or her place of residence that the ballot has been returned as  
27 undeliverable. The ballot must be voted in accordance with the provisions of this chapter.

28 (g) The acceptance of a mail ballot application by the board of canvassers and the issuance  
29 of a mail ballot by the secretary of state shall not create any presumption as to the accuracy of the  
30 information provided by the applicant or as to the applicant's compliance with the provisions of  
31 this chapter. Any inaccuracy in the provided information or irregularity in the application may be  
32 raised as a challenge to the ballot before the board of elections at the time of certification. If the  
33 challenge raised at that time is meritorious, the ballot shall be voided.

34 (h) Within two (2) business days of receipt by the local board, the board shall certify

1 emergency mail ballot applications and, when directed by the state board or its staff, shall cause  
2 the delivery of the emergency mail ballot applications, and certification sheet in sealed packages to  
3 the state board of elections.

4 **17-20-13. Form of application.**

5 The application to be subscribed by the voters before receiving a mail ballot shall, in  
6 addition to those directions that may be printed, stamped, or written on it by authority of the  
7 secretary of state, be in substantially the following form:

8 STATE OF RHODE ISLAND  
9 APPLICATION OF VOTER FOR BALLOT FOR ELECTION  
10 ON \_\_\_\_\_  
11 (COMPLETE HIGHLIGHTED SECTIONS)

12 **NOTE — THIS APPLICATION MUST BE RECEIVED BY THE BOARD OF**  
13 **CANVASSERS OF YOUR CITY OR TOWN NOT LATER THAN 4:00 P.M ON**  
14 \_\_\_\_\_

15 **BOX A (PRINT OR TYPE)**

16 NAME \_\_\_\_\_  
17 VOTING ADDRESS \_\_\_\_\_  
18 CITY/TOWN \_\_\_\_\_ STATE RI  
19 ZIP CODE \_\_\_\_\_  
20 DATE OF BIRTH \_\_\_\_\_  
21 PHONE # \_\_\_\_\_

22 **BOX B (PRINT OR TYPE)**

23 NAME OF INSTITUTION (IF APPLICABLE) \_\_\_\_\_  
24 ADDRESS \_\_\_\_\_  
25 ADDRESS \_\_\_\_\_  
26 CITY/TOWN \_\_\_\_\_ STATE \_\_\_\_\_  
27 ZIP CODE \_\_\_\_\_  
28 FACSIMILE NUMBER (if  
29 applicable) \_\_\_\_\_

30 I CERTIFY THAT I AM ELIGIBLE FOR A MAIL BALLOT ON THE FOLLOWING  
31 BASIS: **(CHECK ONE ONLY)**

32 ( ) 1. I am incapacitated to such an extent that it would be an undue hardship to vote at the  
33 polls because of illness, mental or physical disability, blindness, or a serious impairment of  
34 mobility. If the ballot is not being mailed to your voter registration address (BOX A above) please

1 provide the Rhode Island address where you are temporarily residing in BOX B above.

2 ( ) 2. I am confined in a hospital, convalescent home, nursing home, rest home, or similar  
3 institution within the State of Rhode Island. Provide the name and address of the facility where you  
4 are residing in BOX B above.

5 ( ) 3. I am employed or in service intimately connected with military operations or because  
6 I am a spouse or dependent of such person, or I am a United States citizen and will be outside the  
7 United States. Complete BOX B above or the ballot will be mailed to the local board of canvassers.

8 ( ) 4. I choose to vote by mail. If the ballot is not being mailed to your voter registration  
9 address (BOX A above) please provide the address within the United States where you are  
10 temporarily residing in BOX B above. If you request that your ballot be sent to your local board of  
11 canvassers please indicate so in BOX B above.

12 BOX D OATH OF VOTER

13 I declare that all of the information I have provided on this form is true and correct to the  
14 best of my knowledge. I further state that I am not a qualified voter of any other city or town or  
15 state and have not claimed and do not intend to claim the right to vote in any other city or town or  
16 state. If unable to sign name because of ~~physical incapacity or otherwise, applicant shall make his~~  
17 ~~or her mark "X"~~ blindness, disability, or inability to read or write, the applicant shall mark the box  
18 to indicate the voter cannot sign due to blindness, disability, or inability to read or write, and include  
19 the full name, residence address, signature, and optionally the telephone number and e-mail address  
20 of the person who provided assistance to the voter.

21 SIGNATURE IN FULL \_\_\_\_\_

22 Please note: A Power of Attorney signature is not valid in Rhode Island.

23 **17-20-21. Certifying envelopes.**

24 The secretary of state shall cause to be prepared and printed and shall furnish with each  
25 mail ballot an envelope for sealing up and certifying the ballot when returned. The envelope shall  
26 be printed in substantially the following form:

27 "After marking ballot or ballots, fold and enclose in this envelope and seal it. Certify to  
28 statement hereon. Enclose in envelope addressed to board of elections, which must receive the  
29 envelope not later than the time prescribed by § 17-18-11 for the closing of polling places on the  
30 day of election."

31 Date of Election: \_\_\_\_\_ City/Town of: \_\_\_\_\_

32 Certificate of Voter

33 Print Name of Voter

34 I swear or affirm, under penalty of perjury, that I am:

- 1 • I am a United States citizen;
- 2 • I am a resident and qualified voter of the State of Rhode Island;
- 3 • I am eligible to cast a mail ballot under the provisions of § 17-20-2; and
- 4 • I have not and will not vote elsewhere in this election.

5 I hereby attest under the pains and penalty of perjury, that the enclosed voted ballot was  
6 cast by me, and that the signature or mark on this certifying envelope was made by me.

7 Voter must sign full name here: \_\_\_\_\_

8 (If unable to sign name because of ~~physical incapacity or otherwise, voter shall make his~~  
9 ~~or her mark "(X)"~~ blindness, disability, or inability to read or write, the voter or their assistant shall  
10 mark a box to indicate the voter cannot sign due to blindness, disability, or inability to read or write  
11 and include the full name, residence address, signature, and optionally the telephone number and  
12 e-mail address, of the person who provided assistance to the voter on the certifying envelope  
13 provided by the secretary of state. The representation relating to the voter's inability to sign shall  
14 be made under the pains and penalties of perjury).

15 SECTION 2. This act shall take effect upon passage.

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LC002089/SUB A  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO ELECTIONS -- MAIL BALLOTS

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1           This act would eliminate the requirement of signing with an "X" for voters who cannot  
2 sign their name due to blindness, disability, or inability to read or write and would establish a three  
3 (3) day transmittal period after the deadline for local boards to accept mail ballot applications, if  
4 delivered via the postal service.

5           This act would take effect upon passage.

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