

2024 -- H 7850

LC004566

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY  
JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO ELECTIONS -- MAIL BALLOTS

Introduced By: Representatives P. Morgan, Quattrocchi, Rea, and Nardone

Date Introduced: March 01, 2024

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-20-1, 17-20-1.1, 17-20-2, 17-20-2.1, 17-20-2.2, 17-20-3, 17-20-  
2 8, 17-20-9, 17-20-10, 17-20-13, 17-20-13.1, 17-20-14, 17-20-14.1, 17-20-14.2, 17-20-21, 17-20-  
3 23, 17-20-24.1 and 17-20-30 of the General Laws in Chapter 17-20 entitled "Mail Ballots" are  
4 hereby amended to read as follows:

5 **17-20-1. Voting by mail ballot.**

6 The electors of this state who, for any of the reasons set forth in § 17-20-2, being otherwise  
7 qualified to vote, [are unable to vote in person](#), shall have the right to vote, in the manner and time  
8 provided by this chapter, in all general and special elections and primaries, including presidential  
9 primaries in this state for electors of president and vice-president of the United States, United States  
10 senators in Congress, representatives in Congress, general officers of the state, senators and  
11 representatives in the general assembly for the respective districts in which the elector is duly  
12 qualified to vote, and for any other officers whose names appear on the state ballot and for any city,  
13 town, ward, or district officers whose names appear on the respective city or town ballots in the  
14 ward or district of the city or town in which the elector is duly qualified to vote, and also to approve  
15 or reject any proposition of amendment to the Constitution or other propositions appearing on the  
16 state, city, or town ballot.

17 **17-20-1.1. Declaration of policy.**

18 Those electors who ~~vote by mail~~ [are unable to vote in person at the polls for the reasons](#)  
19 [set forth in § 17-20-2](#), are entitled to vote in a manner which reasonably guarantees the secrecy of

1 their ballots. The procedures set forth in this chapter are designed to promote the effective exercise  
2 of their rights while safeguarding those voters who utilize the mail ballot process from harassment,  
3 intimidation, and invasion of privacy. The procedures are intended to prevent misuse of the  
4 electoral system [by persons who are not eligible to vote by mail ballot](#). The provisions of this  
5 chapter shall be interpreted to effectuate the policies set forth in this section.

6 **17-20-2. Eligibility for mail ballots.**

7 Any otherwise qualified elector may vote by mail ballot in the following circumstances:

8 (1) An elector, within the State of Rhode Island who is incapacitated to the extent that it  
9 would be an undue hardship to vote at the polls because of illness, or mental or physical disability,  
10 blindness, or serious impairment of mobility;

11 (2) An elector who is confined in any hospital, convalescent home, nursing home, rest  
12 home, or similar institution, public or private, within the State of Rhode Island;

13 (3) An elector who will be temporarily absent from the state because of employment or  
14 service intimately connected with military operations or who is a spouse or legal dependent residing  
15 with that person, or a United States citizen who will be outside of the United States;

16 (4) An elector who ~~chooses to vote by mail for any reason~~ [may not be able to vote at the](#)  
17 [voter's polling place in the voter's city or town on the day of the election.](#)

18 **17-20-2.1. Requirements for validity of mail ballot and mail ballot applications.**

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

25 (b) Whenever any person is unable to sign his or her name because of physical incapacity  
26 or otherwise, that person shall make his or her mark "X".

27 (c) ~~To receive a ballot in the mail, an elector must submit an application~~ [The application,](#)  
28 [when duly executed, shall be delivered](#) in person or by mail, so that it is received by the local board,  
29 ~~or received electronically through the portal established by § 17-20-2.3,~~ not later than four o'clock  
30 (4:00) p.m. on the twenty-first (21st) day before the day of any election referred to in § 17-20-1.

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

33 (1) All mail ballots issued pursuant to § 17-20-2(1) shall be mailed to the elector at the  
34 Rhode Island address provided by the elector on the application. [The ballot shall not be eligible for](#)

1 [forwarding and if the addressee has moved, the postal service shall immediately return the ballot](#)  
2 [to the board of elections.](#) In order to be valid, the ~~voter must affix his or her~~ signature on all  
3 certifying envelopes containing a voted ballot [shall be made before a notary public or before two](#)  
4 [\(2\) witnesses who shall set forth their addresses on the form.](#)

5 (2) All applications for mail ballots pursuant to § 17-20-2(2) must state under oath the  
6 name and location of the hospital, convalescent home, nursing home, or similar institution where  
7 the elector is confined. All mail ballots issued pursuant to § 17-20-2(2) shall be delivered to the  
8 elector at the hospital, convalescent home, nursing home, or similar institution where the elector is  
9 confined; [and the ballots shall be voted and witnessed in conformance with the provisions of § 17-](#)  
10 [20-14.](#)

11 (3) All mail ballots issued pursuant to § 17-20-2(3) shall be mailed to the address provided  
12 by the elector on the application or sent to the board of canvassers in the city or town where the  
13 elector maintains his or her voting residence. In order to be valid, the ~~voter must affix his or her~~  
14 signature [of the elector](#) on the certifying envelope containing voted ballots [does not need to be](#)  
15 [notarized or witnessed.](#) Any voter qualified to receive a mail ballot pursuant to § 17-20-2(3) shall  
16 also be entitled to cast a ballot pursuant to the provisions of United States Public Law 99-410, the  
17 Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).

18 (4) All mail ballots issued pursuant to § 17-20-2(4) may be mailed to the elector at the  
19 address within the [State of Rhode Island, United States](#) provided by the elector on the application  
20 or sent to the board of canvassers in the city or town where the elector maintains his or her voting  
21 residence. In order to be valid, the ~~voter must affix his or her~~ signature on all certifying envelopes  
22 containing a voted ballot [shall be made before a notary public, or other person authorized by law](#)  
23 [to administer oaths where signed, or where the elector voted, or before two \(2\) witnesses who shall](#)  
24 [set forth their addresses on the form.](#) In order to be valid, all ballots sent to the elector at the board  
25 of canvassers, must be voted in conformance with the provisions of § 17-20-14.2.

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

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

34 **17-20-2.2. Requirements for validity of emergency mail ballots.**

1 (a) Any legally qualified elector of this state whose name appears upon the official voting  
2 list of the town or district of the city or town where the elector is so qualified ~~is~~, who on account of  
3 circumstances manifested twenty (20) days or less prior to any election becomes eligible to vote by  
4 ~~emergency~~ mail ballot according to this chapter. ~~Within twenty (20) days or less prior to any~~  
5 ~~election, the elector~~ may obtain from the local board an application for an emergency mail ballot  
6 or may complete an emergency in-person mail ballot application on an electronic poll pad at the  
7 board of canvassers where the elector maintains his or her residence.

8 (b) The emergency mail ballot application, when duly executed, shall be delivered in  
9 person or by mail so that it shall be received by the local board, ~~or received electronically through~~  
10 ~~the portal established by § 17-20-2.3~~, not later than four o'clock (4:00) p.m. on the last day  
11 preceding the date of the election.

12 (c) The elector shall execute the emergency mail ballot application in accordance with the  
13 requirements of this chapter, which application shall contain a certificate setting forth the facts  
14 relating to the circumstances necessitating the application.

15 (d) In addition to those requirements set forth elsewhere in this chapter, an emergency mail  
16 ballot, except those emergency mail ballots being cast pursuant to subsection (g) of this section, in  
17 order to be valid, must have been cast in conformance with the following procedures:

18 (1) All mail ballots issued pursuant to § 17-20-2(1) shall be mailed to the elector at the  
19 state of Rhode Island address provided on the application by the office of the secretary of state, or  
20 delivered by the local board to a person presenting written authorization from the elector to receive  
21 the ballots, or cast in private at the local board of canvassers. In order to be valid, the ~~voter must~~  
22 ~~affix his or her~~ signature of the voter on the certifying envelope containing a voted ballot shall be  
23 made before a notary public, or other person authorized by law to administer oaths where signed,  
24 or where the elector voted, or before two (2) witnesses who shall set forth their addresses on the  
25 form. In order to be valid, all ballots sent to the elector at the board of canvassers must be voted in  
26 conformance with the provisions of § 17-20-14.2.

27 (2) All applications for emergency mail ballots pursuant to § 17-20-2(2) must state under  
28 oath the name and location of the hospital, convalescent home, nursing home, or similar institution  
29 where the elector is confined. All mail ballots issued pursuant to this subdivision shall be delivered  
30 to the elector by the bipartisan pair of supervisors, appointed in conformance with this chapter, and  
31 shall be voted and witnessed in conformance with the provisions of § 17-20-14.

32 (3) All mail ballots issued pursuant to § 17-20-2(3) shall be mailed by the office of the  
33 secretary of state to the elector at an address provided by the elector on the application, or cast at  
34 the board of canvassers in the city or town where the elector maintains his or her voting residence.

1 [The signature of the elector on the certifying envelope containing the voted ballots issued pursuant](#)  
2 [to this subsection does not need to be notarized or witnessed.](#) Any voter qualified to receive a mail  
3 ballot pursuant to § 17-20-2(3) shall also be entitled to cast a ballot pursuant to the provisions of  
4 United States Public Law 99-410, the Uniformed and Overseas Citizens Absentee Voting Act  
5 (UOCAVA).

6 (4) All mail ballots issued pursuant to § 17-20-2(4) shall be cast at the board of canvassers  
7 in the city or town where the elector maintains his or her voting residence or mailed by the office  
8 of the secretary of state to the elector at the address within the [State of Rhode Island, United States](#)  
9 provided by the elector on the application, or delivered to the voter by a person presenting written  
10 authorization by the voter to pick up the ballot. In order to be valid, the ~~voter must affix his or her~~  
11 signature [of the voter](#) on all certifying envelopes containing a voted ballot [shall be made before a](#)  
12 [notary public, or other person authorized by law to administer oaths where signed, or where the](#)  
13 [elector voted, or before two \(2\) witnesses who shall set forth their addresses on the form.](#) In order  
14 to be valid, all ballots sent to the elector at the board of canvassers must be voted in conformance  
15 with the provisions of § 17-20-14.2.

16 (e) The secretary of state shall provide each of the several boards of canvassers with a  
17 sufficient number of mail ballots for their voting districts so that the local boards may provide the  
18 appropriate ballot or ballots to the applicants. It shall be the duty of each board of canvassers to  
19 process each emergency ballot application in accordance with this chapter, and it shall be the duty  
20 of each board to return to the secretary of state any ballots not issued immediately after each  
21 election.

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

25 (g) An emergency mail ballot application may be completed in person using an electronic  
26 poll pad provided by the board of canvassers upon presentation by the voter of valid proof of  
27 identity pursuant to § 17-19-24.2. Upon completion of the poll pad application, the voter shall be  
28 provided with a ballot issued by the secretary of state and upon completion of the ballot by the  
29 voter, the voter shall place the ballot into the state-approved electronic voting device, provided by  
30 the board of elections and secured in accordance with a policy adopted by the board of elections.

31 **17-20-3. Definitions.**

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

34 (b) Whenever used in this chapter, “bipartisan pairs of supervisors” for primaries means a

1 supervisor representing the endorsed candidates and a supervisor representing a majority of  
2 unendorsed candidates, and for nonpartisan elections and primaries means non-partisan pairs of  
3 supervisors.

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

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

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

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

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

16 (e) Whenever a signature is required by a voter in this chapter, “signature” also means the  
17 voter’s mark “X” if the person is unable to sign his or her name because of physical incapacity or  
18 otherwise.

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

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

23 **17-20-8. Application for ballot.**

24 (a) Whenever any person is unable to sign his or her name because of physical incapacity  
25 or otherwise, that person shall make his or her mark “X”.

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

31 (c) The local board shall maintain a separate list of names and addresses of all applicants  
32 [and their subscribing witnesses](#) and a copy of the list shall be made available for inspection to any  
33 person upon request.

34 (d) Any person knowingly and willfully making a false application or certification or

1 knowingly and willfully aiding and abetting in the making of a false application or certification  
2 shall be guilty of a felony.

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

5 ~~**17-20-9. Application by permanently disabled or incapacitated voters and nursing**  
6 **home residents. Application by permanently disabled or incapacitated voters.**~~

7 (a) A voter who is indefinitely confined because of physical illness or infirmity or is  
8 disabled for an indefinite period ~~or who is a long-term resident in a nursing home~~, may, by signing  
9 an affidavit to that effect, request that ~~a mail~~ an absentee ballot application be sent to him or her  
10 automatically for every election. The affidavit form and instructions shall be prescribed by the  
11 secretary of state, and furnished upon request to any elector by each local board of canvassers. The  
12 envelope containing the ~~mail~~ absentee ballot application shall be clearly marked as not forwardable.  
13 If any elector is no longer indefinitely confined ~~or is no longer residing in a nursing home~~, he or  
14 she shall notify the clerk of the local board of canvassers of this fact. The clerk shall remove the  
15 name of any voter from the mailing list established under this section upon receipt of reliable  
16 information that a voter no longer qualifies for the service. The voter shall be notified of the action  
17 within five (5) days after the board takes the action.

18 (b) The affidavit form and instructions prescribed in this section shall be mailed to the  
19 applicant along with a stamped return envelope addressed to the local boards of canvassers. ~~The~~  
20 ~~secretary of state may process applications pursuant to this section through the online mail ballot~~  
21 ~~application portal established by § 17-20-2.3.~~

22 ~~(c) For purposes of this section, “nursing home” refers to facilities defined and licensed by~~  
23 ~~the department of health. “Long-term” excludes any residents temporarily residing in such a facility~~  
24 ~~for rehabilitation.~~

25 ~~(d) The secretary of state shall maintain a list in the central voter registration system of all~~  
26 ~~voters who automatically receive applications for mail ballots, pursuant to this section.~~

27 ~~(e) [Expires December 31, 2025.] Eligible disabled voters shall be entitled to electronically~~  
28 ~~receive and return their mail ballot, using the same electronic transmission system as that used by~~  
29 ~~voters covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). This~~  
30 ~~electronic process shall satisfy the federal Rehabilitation Act, section 508 concerning accessibility~~  
31 ~~standards.~~

32 ~~(f) [Expires December 31, 2025.] For purposes of this section, “eligible disabled voter”~~  
33 ~~means a person with disabilities eligible to vote who is incapacitated to such an extent that it would~~  
34 ~~be an undue hardship to vote at the polls because of illness, mental or physical disability, blindness,~~



1 ~~or a serious impairment of mobility.~~

2 **17-20-10. Certification of applications — Issuance of ballots — Marking of lists —**

3 **Mailing address.**

4 (a) Upon receipt of the application, the local board shall immediately examine it and  
5 determine whether it complies with each of the requirements set forth by this chapter and compare  
6 the signature on the ballot application with the signature contained on the original registration card  
7 or on the central voter registration system, except as may be otherwise provided by law, to satisfy  
8 itself that the applicant is a qualified voter. Upon determining that it does meet each requirement  
9 of this chapter and that the signature appears to be the same, the local board shall mark the  
10 application “accepted” and record in the space provided on the ballot application the senatorial,  
11 representative, and voting district in which the applicant should vote.

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

17 (c) Not later than 4:00 p.m. on the eighteenth (18th) day before the day of any election  
18 referred to in this chapter or within seven (7) days of receipt by the local board, whichever occurs  
19 first, the local board shall certify the applications to the secretary of state through the central voter  
20 registration system as this procedure is prescribed by the secretary of state. Upon the certification  
21 of a mail ballot application to the secretary of state, the local board shall enter on the voting list the  
22 fact that a mail ballot application for the voter has been certified and shall cause the delivery of the  
23 certified mail ballot applications together with the signed certified listing thereof in sealed packages  
24 to the state board of elections.

25 (d)(1) Upon the ballots becoming available, the secretary of state shall immediately issue  
26 and mail, by first-class mail, postage prepaid, a mail ballot to each eligible voter who has been  
27 certified. With respect to voters who have applied for these mail ballots under the provisions of §  
28 17-20-2(1), the secretary of state shall include with the mail ballots a stamped, return envelope  
29 addressed to the board of elections.

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



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

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

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

22 (h) Within two (2) business days of receipt by the local board, the board shall certify  
23 emergency mail ballot applications and shall cause the delivery of the emergency mail ballot  
24 applications, and certification sheet in sealed packages to the state board of elections.

25 **17-20-13. Form of application.**

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

29 STATE OF RHODE ISLAND  
30 APPLICATION OF VOTER FOR BALLOT FOR ELECTION  
31 ON \_\_\_\_\_  
32 (COMPLETE HIGHLIGHTED SECTIONS)

33 **NOTE — THIS APPLICATION MUST BE RECEIVED BY THE BOARD OF**  
34 **CANVASSERS OF YOUR CITY OR TOWN NOT LATER THAN 4:00 P.M. ON**

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BOX A (PRINT OR TYPE)

NAME \_\_\_\_\_  
VOTING ADDRESS \_\_\_\_\_  
CITY/TOWN \_\_\_\_\_ STATE [RI](#)  
ZIP CODE \_\_\_\_\_  
DATE OF BIRTH \_\_\_\_\_  
PHONE # \_\_\_\_\_

BOX B (PRINT OR TYPE)

NAME OF INSTITUTION (IF APPLICABLE) \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY/TOWN \_\_\_\_\_ STATE \_\_\_\_\_  
ZIP CODE \_\_\_\_\_  
FACSIMILE NUMBER (if applicable) \_\_\_\_\_

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

1. I am incapacitated to such an extent that it would be an undue hardship to vote at the polls because of illness, mental or physical disability, blindness, or a serious impairment of mobility. If the ballot is not being mailed to your voter registration address (BOX A above) please provide the Rhode Island address where you are temporarily residing in BOX B above.

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

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

4. ~~I choose to vote by mail.~~ [I may not be able to vote at the polling place in my city or town on the day of the election.](#) If the ballot is not being mailed to your voter registration address (BOX A above) please provide the address within the United States where you are temporarily residing in BOX B above. If you request that your ballot be sent to your local board of canvassers please indicate so in BOX B above.

BOX D OATH OF VOTER

1 I declare that all of the information I have provided on this form is true and correct to the  
2 best of my knowledge. I further state that I am not a qualified voter of any other city or town or  
3 state and have not claimed and do not intend to claim the right to vote in any other city or town or  
4 state. If unable to sign name because of physical incapacity or otherwise, applicant shall make his  
5 or her mark "X".

6 SIGNATURE IN FULL \_\_\_\_\_

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

8 **17-20-13.1. Form of emergency mail ballot application.**

9 The emergency mail ballot application to be subscribed by the voters before receiving a  
10 mail ballot shall, in addition to any directions that may be printed, stamped, or written on the  
11 application by authority of the secretary of state, be in substantially the following form:

12 STATE OF RHODE ISLAND  
13 EMERGENCY APPLICATION OF VOTER FOR BALLOT FOR ELECTION  
14 ON \_\_\_\_\_

15 (COMPLETE HIGHLIGHTED SECTIONS)

16 **NOTE — THIS APPLICATION MUST BE RECEIVED BY THE BOARD OF**  
17 **CANVASSERS OF YOUR CITY OR TOWN NOT LATER THAN 4:00 P.M. ON**

18 \_\_\_\_\_

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

20 NAME \_\_\_\_\_

21 VOTING ADDRESS \_\_\_\_\_

22 CITY/TOWN \_\_\_\_\_ STATE [RI](#)

23 ZIP CODE \_\_\_\_\_

24 DATE OF BIRTH \_\_\_\_\_

25 PHONE# \_\_\_\_\_

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

27 NAME OF INSTITUTION (IF APPLICABLE) \_\_\_\_\_

28 ADDRESS \_\_\_\_\_

29 ADDRESS \_\_\_\_\_

30 CITY/TOWN \_\_\_\_\_ STATE \_\_\_\_\_

31 ZIP CODE \_\_\_\_\_

32 I CERTIFY THAT I AM ELIGIBLE FOR A MAIL BALLOT ON THE FOLLOWING  
33 BASIS:

34 **(CHECK ONE ONLY)**

1           ( ) 1. I am incapacitated to such an extent that it would be an undue hardship to vote at the  
2 polls because of illness, mental or physical disability, blindness or a serious impairment of mobility.  
3 If not voting ballot at local board, ballot will be mailed to the address in BOX A above or to the  
4 Rhode Island address provided in BOX B above. If the ballot is to be delivered by the local board  
5 of canvassers to a person presenting written authorization to pick up the ballot, complete BOX A  
6 above and fill in the person's name below.

7           I hereby authorize  
8 \_\_\_\_\_ to pick  
9 up my ballot at my local board of canvassers.

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

13           ( ) 3. I am employed or in service intimately connected with military operations or because  
14 I am a spouse or dependent of such person, or I am a United States citizen who will be outside the  
15 United States. If not voting ballot at local board, provide address in BOX B above.

16           ( ) 4. ~~I choose to vote by mail.~~ I may not be able to vote at the polling place in my city or  
17 town on the day of the election. If the ballot is not being mailed to your voter registration address  
18 (BOX A above) please provide the address within the United States where you are temporarily  
19 residing in BOX B above. If you request that your ballot be sent to your local board of canvassers  
20 please indicate so in BOX B above.

21           I hereby authorize  
22 \_\_\_\_\_ to pick up  
23 my ballot at my local board of canvassers. Under the pains and penalty of perjury, I certify that on  
24 account of the following circumstances manifested twenty (20) days or less prior to the election  
25 for which I make this application. I will be unable to vote at the polls.

26           BOX D OATH OF VOTER

27           I declare that all of the information I have provided on this form is true and correct to the  
28 best of my knowledge. I further state that I am not a qualified voter of any other city or town or  
29 state and have not claimed and do not intend to claim the right to vote in any other city or town or  
30 state. If unable to sign name because of physical incapacity or otherwise, applicant shall make his  
31 or her mark "X".

32           SIGNATURE IN FULL \_\_\_\_\_

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

34           **17-20-14. Voting from hospitals, convalescent homes, nursing homes, rest homes or**

1 **similar institutions, public or private, within the State of Rhode Island — Penalty for**  
2 **interference.**

3 (a) The state board of elections shall appoint as many bipartisan pairs of supervisors as are  
4 necessary whose duty it shall be to attend each hospital, rest home, nursing home and convalescent  
5 home, or similar types of personal care facility in the state within twenty (20) days prior to the  
6 election. They shall supervise the casting of votes by persons using mail ballots at a place that  
7 preserves their secrecy and shall take acknowledgments [or serve as witnesses](#), and jointly provide  
8 assistance, if requested, to assure proper marking, sealing, and mailing of ballots as voted. [Every](#)  
9 [mail ballot cast by a patient in a hospital or convalescent home within this state shall be witnessed](#)  
10 [by the state supervisors](#). It shall be the duty of the person or persons in charge of hospitals, rest  
11 homes, nursing homes and convalescent homes, or similar types of personal care facility to allow  
12 the state supervisors to perform their duties as set forth in this section at all reasonable times. Every  
13 person who willfully hinders the state supervisors in performing their duties as set forth in this  
14 section shall be guilty of a misdemeanor.

15 (b) It shall be the responsibility of the state board of elections to provide all bipartisan pairs  
16 of supervisors with an official identification card. All bipartisan pairs of supervisors will be  
17 required to have in their possession their identification card when conducting official business.

18 (c) Any person who deliberately misrepresents themselves as an official of the board of  
19 elections, or who deceives, coerces, or interferes with a voter casting a ballot, shall be subject to  
20 prosecution under § 17-20-30.

21 **17-20-14.1. Mail ballots — Local supervision.**

22 Each local board shall be authorized to appoint one or more bipartisan pairs of supervisors  
23 in the manner that other bipartisan pairs of supervisors are appointed for each election, whose duty  
24 it shall be to attend each person who makes an application for a mail ballot under §§ 17-20-2.1 and  
25 17-20-2.2, who does not fall under the provisions of § 17-20-14, and who requests that a bipartisan  
26 pair of supervisors be sent by the board of canvassers to that person's place of residence for the  
27 purpose of supervising or assisting the mail voter in casting his or her vote. The bipartisan pairs of  
28 supervisors shall supervise the casting of votes by persons using the mail ballot at a place that  
29 preserves their secrecy and shall take acknowledgments [or serve as witnesses](#), and jointly provide  
30 assistance, if requested, to assure proper marking, sealing, and mailing of ballots as voted. The  
31 failure or neglect of any local board to appoint these bipartisan pairs, or the failure or neglect of  
32 any pair to attend any place at which a mail voter's ballot may be used, or the marking, sealing, or  
33 mailing of ballots in the absence of any pair, shall not invalidate any ballot.

34 **17-20-14.2. Voting from board of canvassers.**



1 signature or mark on this certifying envelope was made by the voter whose name appears on the  
2 label above.

3 Before me the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_ (city or town),  
4 county of \_\_\_\_\_, state of \_\_\_\_\_, personally appeared the above named voter, to  
5 me known and known by me to be the person who affixed his or her signature to this ballot  
6 envelope.

7 \_\_\_\_\_

8 Notary Public

9 Notary must also print his or her name

10 Witness:

11 \_\_\_\_\_

12 (Signature)(Print Name)(Address)

13 (Signature)(Print Name)(Address)

14 Note: Mail ballots shall either be sworn to before a notary public or before two (2)  
15 witnesses who must sign their names and addresses.

16 **17-20-23. Marking and certification of ballot.**

17 (a) A voter may vote for the candidates of the voter's choice by making a mark in the space  
18 provided opposite their respective names.

19 (b) In case a voter desires to vote upon a question submitted to the vote of the electors of  
20 the state, the voter shall mark in the appropriate space associated with the answer that the voter  
21 desires to give.

22 (c) Voters receiving a mail ballot pursuant to § 17-20-2(1), (2), and (4) shall mark the ballot  
23 in the presence of two (2) witnesses or some officer authorized by the law of the place where  
24 marked to administer oaths. Voters receiving a mail ballot pursuant to § 17-20-2(3) do not need to  
25 have their ballot witnessed or notarized. Except as otherwise provided for by this chapter, the voter  
26 shall not allow the official or witnesses to see how he or she marks the ballot and the official or  
27 witnesses shall hold no communication with the voter, nor the voter with the official or witnesses,  
28 as to how the voter is to vote. Thereafter, the ~~The~~ voter shall enclose and seal the ballot in the  
29 envelope provided for it. ~~The~~ voter shall then execute before the official or witnesses the  
30 certification on the envelope. The voter shall then enclose and seal the certified envelope with the  
31 ballot in the envelope addressed to the state board and cause the envelope to be delivered to the  
32 state board on or before election day.

33 (d) These ballots shall be counted only if received within the time limited by this chapter.

34 (e) There shall be a space provided on the general election ballot to allow the voter to write



1 in the names of persons not in nomination by any party as provided for in §§ 17-19-31 and 17-20-  
2 24.

3 **17-20-24.1. Irregularities in obtaining and casting mail ballots.**

4 The requirements set forth by this chapter controlling mail ballot eligibility and the  
5 procedure by which mail ballots are obtained and cast shall be strictly applied to assure the integrity  
6 of the electoral system. No mail ballot which was not obtained and/or cast in material conformance  
7 with the provisions of this title shall be certified by the board of elections. [Notwithstanding the](#)  
8 [provisions of § 34-12-3 to the contrary, any mail ballot application or mail ballot certification](#)  
9 [notarized by a person who is not in fact a notary public or other officer authorized to administer](#)  
10 [oaths and take acknowledgments shall be void.](#) Nothing in this chapter shall be construed to require  
11 the disqualification of a ballot merely because the elector did not sign the elector's full name as it  
12 is listed on the voter registration list, but omitted or included a middle initial or name, abbreviated  
13 a first and/or middle name, or made a similar omission or inclusion, as long as the board of elections  
14 can reasonably determine the identity of the voter.

15 **17-20-30. Penalty for violations.**

16 (a) Any person who knowingly makes or causes to be made any material false statement in  
17 connection with his or her application to vote as a mail voter, or who votes or attempts to vote  
18 under the provisions of this chapter, by fraudulently signing the name of another upon any envelope  
19 provided for in this chapter, or who, not being a qualified voter and having knowledge or being  
20 chargeable with knowledge of the fact, attempts to vote under this chapter, or who votes the ballot  
21 of another voter, or who deliberately prevents or causes to prevent the mail ballot to be received by  
22 the voter or to be returned to the board of elections, [or who falsely notarizes or witnesses the voter](#)  
23 [signature on the ballot application or mail ballot](#), or who deceives, coerces, or interferes with the  
24 voter casting his or her ballot, and any person who does or attempts to do, or aid in doing or  
25 attempting to do, a fraudulent act in connection with any vote cast or to be cast under the provisions  
26 of this chapter, shall be guilty of a felony.

27 (b) Any person who, having received a mail voter's ballot and having voted or not voted  
28 the mail ballot, votes or fraudulently attempts to vote at any elective meeting within the state held  
29 on the day for which the ballot was issued shall be guilty of a felony.

30 (c) Any officer or other person who intentionally opens a mail voter's certified envelope  
31 or examines the contents before the envelope is opened by the board of elections, as provided in  
32 this chapter, shall be guilty of a felony.

33 (d) The offenses in this section shall be punishable by imprisonment of not more than ten  
34 (10) years and/or by a fine of not less than five hundred dollars (\$500) nor more than five thousand

1 dollars (\$5,000).

2 SECTION 2. Chapter 17-20 of the General Laws entitled "Mail Ballots" is hereby amended  
3 by adding thereto the following section:

4 **17-20-36. Inquiry by board of elections.**

5 Upon the request of any candidate for public office and upon a showing of good cause for  
6 it or upon its own motion, the board of elections shall inquire into any notary public or witness who  
7 witnesses the voter signatures on more than ten (10) mail ballot envelopes in any one election and  
8 any notary public or witness who the board has reason to believe has not complied with the  
9 provisions of this chapter. The inquiry shall attempt to determine whether the notary public or  
10 witness was actually present when the documents were signed by the voters and whether all other  
11 applicable requirements set forth in this chapter were complied with. Any criminal violation of this  
12 chapter uncovered by the board of elections shall be referred to the state police for further  
13 investigation.

14 SECTION 3. Chapter 25-2 of the General Laws entitled "Days of Special Observance" is  
15 hereby amended by adding thereto the following section:

16 **25-2-60. Election day.**

17 The first Tuesday of November, of an even numbered year, shall be set aside to be known  
18 as "Election Day" and the governor shall issue a biennial proclamation inviting and urging the  
19 people of the state to observe this day by voting. Additionally, this observance will call to the  
20 attention of the people of our state the importance of elections and its impact on our democracy.

21 SECTION 4. Sections 17-20-2.3 and 17-20-22.1 of the General Laws in Chapter 17-20  
22 entitled "Mail Ballots" are hereby repealed.

23 **~~17-20-2.3. Online application for mail ballot.~~**

24 ~~(a) In addition to any other available means of applying for a mail ballot, the secretary of~~  
25 ~~state shall establish and maintain a system through which voters may apply for a mail ballot online.~~

26 ~~(b) Applications filed using such system shall be considered filed on the calendar date the~~  
27 ~~application is initially transmitted by the voter through the online mail ballot application system.~~

28 ~~(c) A voter shall be able to apply for a mail ballot using the online ballot application system~~  
29 ~~when the voter:~~

30 ~~(1) Completes an online mail ballot application form, established by the secretary of state,~~  
31 ~~substantially similar to the paper-based mail ballot application form established by § 17-20-13;~~

32 ~~(2) Affirms, subject to penalty of perjury, by means of electronic or manual signature, that~~  
33 ~~the information contained in the mail ballot application is true; and~~

34 ~~(3) Verifies the voter's identity by providing the voter's date of birth and a Rhode Island~~

1 ~~driver's license number or state identification number.~~

2 ~~(d) The portal for mail ballot applications shall be available in any language required by~~  
3 ~~federal or state voting rights laws.~~

4 ~~(e) To ensure full, equal, and independent access to all voters with disabilities, the portal~~  
5 ~~for mail ballot applications shall comply with all requirements under Title II of the Americans with~~  
6 ~~Disabilities Act, 42 U.S.C. §§ 12131-12165, and Web Content Accessibility Guidelines (WCAG)~~  
7 ~~2.0 compliance level AA.~~

8 ~~**17-20-22.1. Mail ballot drop boxes.**~~

9 ~~(a) "Drop box" means the locked and secure container established and maintained by the~~  
10 ~~board of elections, in accordance with this section, that shall serve as a receptacle for the receipt of~~  
11 ~~mail and emergency ballots cast by voters. Every drop box established by the board of elections~~  
12 ~~shall be deemed to be the property of the board of elections and shall be accessible to the public,~~  
13 ~~beginning twenty (20) days prior to the date of a state election and twenty four (24) hours per day~~  
14 ~~and seven (7) days per week throughout this period, if established outside a municipal building,~~  
15 ~~and during the normal business hours of the facility if established inside a municipal building. All~~  
16 ~~drop boxes must be accessible on election day, from the time polls open until the time they close,~~  
17 ~~in accordance with §§ 17-18-10 and 17-18-11. Any ballot that is cast by a voter, as either a mail~~  
18 ~~ballot or emergency ballot, and is deposited into a drop box on or before the close of polls on~~  
19 ~~election day, shall be deemed to be received by and in the possession of the board of elections. At~~  
20 ~~the close of polls on election day, upon the last ballot deposited by any person in line at that time,~~  
21 ~~a designated agent of the board of elections shall ensure that no other ballots are deposited in the~~  
22 ~~drop box.~~

23 ~~(b) Drop boxes must be labeled "State of Rhode Island Official Ballot Drop Box for Mail~~  
24 ~~Ballots," and include language about postage and display the official seal of the board of elections.~~  
25 ~~Drop boxes must be accessible by persons with disabilities. Drop boxes shall be monitored by a~~  
26 ~~video surveillance system.~~

27 ~~(c) No town or city shall have fewer than one drop box. A drop box may be established~~  
28 ~~inside a municipal building, only if the building remains open and accessible to the public~~  
29 ~~throughout the prescribed time period prior to election day and until the close of the polls, in~~  
30 ~~accordance with § 17-18-10. A drop box shall also be placed outside the office of the board of~~  
31 ~~elections and the election division of the office of the secretary of state. Drop boxes must be placed~~  
32 ~~in locations that are accessible to persons with disabilities.~~

33 ~~(d) Each local board of canvassers shall determine the location of every drop box located~~  
34 ~~within the geographic area over which that local board has authority, in accordance with the~~

1 ~~regulations promulgated by the board of elections.~~

2 ~~(e) Each drop box shall not accept the deposit of mail ballots after the last person in line to~~  
3 ~~deposit a ballot in that drop box at the time the polls close, on the day of the election, has deposited~~  
4 ~~their ballot.~~

5 ~~(f) Each local board shall make the location of every drop box within the area over which~~  
6 ~~it has authority publicly available on its website, to the extent feasible. The board of elections shall~~  
7 ~~make the location of all drop boxes located within the state publicly available at its office and on~~  
8 ~~its website.~~

9 ~~(g) The board of elections shall designate one or more staff members of each local board~~  
10 ~~of canvassers as the official agents of the board of elections, for purposes of retrieving ballots~~  
11 ~~deposited in drop boxes and establish a schedule and process by which drop boxes are regularly~~  
12 ~~emptied and any ballots they contain are securely and promptly transported to the board of~~  
13 ~~elections.~~

14 ~~(h) The board of elections shall promulgate regulations consistent with this section,~~  
15 ~~including regulations for the location of drop boxes and the receipt, storage, security, regular~~  
16 ~~collection, and transportation of the mail ballots returned.~~

17 ~~(i) The board of elections may promulgate regulations for the use of drop boxes for~~  
18 ~~depositing mail ballot applications during the applicable timeframe for accepting mail ballot~~  
19 ~~applications.~~

20 SECTION 5. This act shall take effect upon passage.

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LC004566  
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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 establish election day as a day of special observation in the State of Rhode
- 2   Island. The act would also restrict the use of mail ballots in elections.
- 3           This act would take effect upon passage.

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LC004566  
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