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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY
JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO ELECTIONS -- MAIL BALLOTS

Introduced By: Senators Sosnowski, Coyne, Miller, Euer, and DiPalma

Date Introduced: February 05, 2021

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-20-2.1, 17-20-2.2, 17-20-14.2, 17-20-21 and 17-20-23 of the
2 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 an affidavit form prepared by the
8 secretary of state as prescribed in this section, setting forth the elector's application for a mail ballot.

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

11 (c) The application, when duly executed, shall be delivered in person or by mail so that it
12 is received by the local board not later than four o'clock (4:00) p.m. on the twenty-first (21st) day
13 before the day of any election referred to in § 17-20-1.

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

16 (1) All mail ballots issued pursuant to subdivision 17-20-2(1) shall be mailed to the elector
17 at the Rhode Island address provided by the elector on the application. ~~In order to be valid, the~~
18 ~~signature on all certifying envelopes containing a voted ballot must be made before a notary public~~
19 ~~or before two (2) witnesses who shall set forth their addresses on the form.~~

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

7 (3) All mail ballots issued pursuant to subdivision 17-20-2(3) shall be mailed to the address
8 provided by the elector on the application or sent to the board of canvassers in the city or town
9 where the elector maintains his or her voting residence. In order to be valid, the signature of the
10 elector on the certifying envelope containing voted ballots does not need to be notarized or
11 witnessed. Any voter qualified to receive a mail ballot pursuant to subdivision 17-20-2(3) shall also
12 be entitled to cast a ballot pursuant to the provisions of United States Public Law 99-410
13 ("UOCAVA Act").

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

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

30 **17-20-2.2. Requirements for validity of emergency mail ballots.**

31 (a) Any legally qualified elector of this state whose name appears upon the official voting
32 list of the town or district of the city or town where the elector is so qualified, who on account of
33 circumstances manifested twenty (20) days or less prior to any election becomes eligible to vote by
34 mail ballot according to this chapter, may obtain from the local board an application for an

1 emergency mail ballot or may complete an emergency in-person mail ballot application on an
2 electronic poll pad at the board of canvassers where the elector maintains his or her residence.

3 (b) The emergency mail ballot application, when duly executed, shall be delivered in
4 person or by mail so that it shall be received by the local board not later than four o'clock (4:00)
5 p.m. on the last day preceding the date of the election.

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

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

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

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

26 (3) All mail ballots issued pursuant to § 17-20-2(3) shall be mailed by the office of the
27 secretary of state to the elector at an address provided by the elector on the application, or cast at
28 the board of canvassers in the city or town where the elector maintains his or her voting residence.
29 The signature of the elector on the certifying envelope containing the voted ballots issued pursuant
30 to the subdivision does not need to be notarized or witnessed. Any voter qualified to receive a mail
31 ballot pursuant to § 17-20-2(3) shall also be entitled to cast a ballot pursuant to the provisions of
32 United States Public Law 99-410 ("UOCAVA Act").

33 (4) All mail ballots issued pursuant to § 17-20-2(4) shall be cast at the board of canvassers
34 in the city or town where the elector maintains his or her voting residence or mailed by the office

1 of the secretary of state to the elector at the address within the United States provided by the elector
2 on the application, or delivered to the voter by a person presenting written authorization by the
3 voter to pick up the ballot. ~~In order to be valid, the signature of the voter on all certifying envelopes
4 containing a voted ballot must be made before a notary public, or other person authorized by law
5 to administer oaths where signed, or where the elector voted, or before two (2) witnesses who shall
6 set forth their addresses on the form.~~ In order to be valid, all ballots sent to the elector at the board
7 of canvassers must be voted in conformance with the provisions of § 17-20-14.2.

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

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

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

23 **17-20-14.2. Voting from board of canvassers.**

24 The local board of canvassers shall appoint as many supervisors as are necessary whose
25 duty it shall be to supervise the casting of votes by persons using mail ballots at a place that
26 preserves their secrecy and to take acknowledgments or serve as witnesses, and jointly provide
27 assistance, if requested, to assure proper marking, sealing, and mailing of ballots as voted. Every
28 certifying envelope containing a mail ballot cast at a board of canvassers must have the signature
29 of the elector ~~notarized by an appointed person authorized by law to administer oaths or before two
30 (2) appointed witnesses who shall set forth their signature on the form.~~ The certifying envelope of
31 any mail ballot voted at the local board of canvassers shall be stamped by the local board to indicate
32 it was voted on in conformance with the law. Every person who willfully hinders the local
33 supervisors in performing their duties as set forth in this section shall be guilty of a misdemeanor.
34 The local board shall transmit a list to the state board of elections containing the names and

1 signatures of people authorized to witness mail ballots.

2 **17-20-21. Certifying envelopes.**

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

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

10 Date of Election _____ City/Town of _____

11 Certificate of Voter

12 Print Name of Voter

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

- 14 • I am a United States citizen;
- 15 • I am a resident and qualified voter of the State of Rhode Island;
- 16 • I am eligible to cast a mail ballot under the provisions of § 17-20-2; and
- 17 • I am not qualified to vote elsewhere.

18 Voter must sign full name here: _____

19 (If unable to sign name because of physical incapacity or otherwise, voter shall make his
20 or her mark "(X)").

21 I hereby attest under penalty of perjury that the enclosed voted ballot was cast, and the
22 signature or mark on this certifying envelope was made by the voter whose name appears on
23 the label above.

24 ~~Before me the _____ day of _____, 20____, at _____ (city or town),
25 county of _____, state of _____, personally appeared the above named voter,
26 to me known and known by me to be the person who affixed his or her signature to this ballot
27 envelope.~~

28 _____

29 _____ Notary Public

30 ~~Notary must also print his or her name~~

31 ~~Witness:~~

32 _____

33 ~~(Signature)(Print Name) _____ (Address)~~

34 ~~(Signature)(Print Name) _____ (Address)~~

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

3 **17-20-23. Marking and certification of ballot.**

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

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

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

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

21 (e) There shall be a space provided on the general election ballot to allow the voter to write
22 in the names of persons not in nomination by any party as provided for in §§ 17-19-31 and 17-20-
23 24.

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

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

- 1 This act would remove the requirement that mail ballot voters sign necessary mail ballot
- 2 documents in front of a notary public and/or signed in the presence of two witnesses.
- 3 This act would take effect upon passage.

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