

2013 -- S 0447

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO ELECTIONS --MAIL BALLOTS

Introduced By: Senators McCaffrey, and Lombardo

Date Introduced: February 28, 2013

Referred To: Senate Judiciary

(Board of Elections)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-20-2.2 of the General Laws in Chapter 17-20 entitled "Mail
2 Ballots" is hereby amended to read as follows:

3 **17-20-2.2. Requirements for validity of emergency mail ballots.** -- (a) Any legally
4 qualified elector of this state whose name appears upon the official voting list of the town or
5 district of the city or town where the elector is so qualified, who on account of circumstances
6 ~~manifested~~ twenty (20) days or less prior to any election becomes eligible to vote by mail ballot
7 according to this chapter, may obtain from the local board an application for an emergency mail
8 ballot.

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

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

15 ~~(d)~~(c) In addition to those requirements set forth elsewhere in this chapter, an emergency
16 mail ballot, in order to be valid, must have been cast in conformance with the following
17 procedures:

18 (1) All mail ballots issued pursuant to subdivision 17-20-2(1) shall be mailed to the
19 elector at the State of Rhode Island address provided on the application by the office of the

1 secretary of state, or delivered by the local board to a person presenting written authorization
2 from the elector to receive the ballots, or cast in private at the local board of canvassers. In order
3 to be valid, the signature of the voter on the certifying envelope containing a voted ballot must be
4 made before a notary public, or other person authorized by law to administer oaths where signed,
5 or where the elector voted, or before two (2) witnesses who shall set forth their addresses on the
6 form. In order to be valid, all ballots sent to the elector at the board of canvassers must be voted
7 in conformance with the provisions of section 17-20-14.2.

8 (2) All applications for emergency mail ballots pursuant to subdivision 17-20-2(2) must
9 state under oath the name and location of the hospital, convalescent home, nursing home, or
10 similar institution where the elector is confined. All mail ballots issued pursuant to this
11 subdivision shall be delivered to the elector by the bi-partisan pair of supervisors, appointed in
12 conformance with this chapter, and shall be voted and witnessed in conformance with the
13 provisions of section 17-20-14.

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

21 (4) All mail ballots issued pursuant to subdivision 17-20-2(4) shall be cast at the board of
22 canvassers in the city or town where the elector maintains his or her voting residence or mailed
23 by the office of the secretary of state to the elector at the address within the United States
24 provided by the elector on the application, or delivered to the voter by a person presenting written
25 authorization by the voter to pick up the ballot. In order to be valid, the signature of the voter on
26 all certifying envelopes containing a voted ballot must be made before a notary public, or other
27 person authorized by law to administer oaths where signed, or where the elector voted, or before
28 two (2) witnesses who shall set forth their addresses on the form. In order to be valid, all ballots
29 sent to the elector at the board of canvassers must be voted in conformance with the provisions of
30 section 17-20-14.2.

31 ~~(e)~~(d) The secretary of state shall provide each of the ~~several~~ boards of canvassers with a
32 sufficient number of mail ballots for their voting districts so that the local boards may provide the
33 appropriate ballot or ballots to the applicants. It shall be the duty of each board of canvassers to
34 process each emergency ballot application in accordance with this chapter, and it shall be the duty

1 of each board to return to the secretary of state any ballots not issued immediately after each
2 election.

3 ~~(f)~~(e) Any person knowingly and willfully making a false application or certification, or
4 knowingly and willfully aiding and abetting in the making of a false application or certification,
5 shall be guilty of a felony and shall be subject to the penalties provided for in section 17-26-1.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would allow voters to file emergency mail ballot applications without setting
- 2 forth the fact that necessitated the application.
- 3 This act would take effect upon passage.

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