

2015 -- H 5950

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO ELECTIONS - MAIL BALLOTS

Introduced By: Representatives Keable, Johnston, Solomon, and Blazewski

Date Introduced: March 19, 2015

Referred To: House Judiciary

(Board of Elections)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-20-23 and 17-20-29 of the General Laws in Chapter 17-20
2 entitled "Mail Ballots" are hereby amended to read as follows:

3 **17-20-23. Marking and certification of ballot. [Effective January 1, 2015.] --** (a) A
4 voter may vote for the candidates of the voter's choice by making a mark in the space provided
5 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
10 ballot in the presence of two (2) witnesses or some officer authorized by the law of the place
11 where marked to administer oaths. Voters receiving a mail ballot pursuant to § 17-20-2(3) do not
12 need to have their ballot witnessed or notarized. Except as otherwise provided for by this chapter,
13 the voter shall not allow the official or witnesses to see how he or she marks the ballot and the
14 official or witnesses shall hold no communication with the voter, nor the voter with the official or
15 witnesses, as to how the voter is to vote. Thereafter, the voter shall enclose and seal the ballot in
16 the envelope provided for it. The voter shall then execute before the official or witnesses the
17 certification on the envelope. The voter shall then ~~enclose and seal the certified envelope with the~~
18 ~~ballot in the envelope addressed to the state board and~~ cause the certified envelope containing the
19 ballot to be delivered to the state board not later than the time prescribed by § 17-18-11 for the

1 ~~closing of polling places on the day of election. on or before election day.~~

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

4 (e) There shall be a space provided on the general election ballot to allow the voter to
5 write in the names of persons not in nomination by any party as provided for in §§ 17-19-31 and
6 17-20-24.

7 **17-20-29. Mail applicant not permitted to vote at polls Mail applicant permitted to**
8 **vote a provisional ballot. --**

9 (a) No person, or one claiming to be that person, whose name has
10 been marked upon any voting list, provided for official use at any election, with the mark as
11 provided by § 17-20-10, shall be permitted to vote in person at the election; provided, that the
12 person may re-establish his or her right to vote in person by presenting himself or herself at that
13 person's local board ~~on or~~ before election day and surrendering his or her mail ballot. Upon that
14 surrender the person's name shall be restored to the voting list. Any person whose name has been
15 marked on the voting list as applying for a mail ballot ~~may also~~ shall be permitted to ~~vote in~~
16 ~~person if that person executes and delivers to the local board an affidavit stating that the person~~
17 ~~did not receive the mail ballot, or that the mail ballot was lost or destroyed~~ cast a provisional
ballot in accordance with § 17-19-24.1.

18 (b) Each local board shall, immediately after the close of the polls, certify and deliver to
19 the state board the names and addresses of all persons restored to the voting list, together with the
20 affidavits and surrendered ballots received pursuant to this section.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
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1 This act would eliminate the need for the certified envelope containing the mail ballot to
2 be placed in the outer envelope, would require that the certified envelope must be delivered to the
3 board of elections by closing time of the polling place on Election Day, and would allow a voter
4 who has applied for a mail ballot to cast a provisional ballot.

5 This act would take effect upon passage.

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