

2020 -- H 7763

=====  
LC004841  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

—————  
A N A C T

RELATING TO ELECTIONS -- MAIL BALLOTS -- EARLY VOTING

Introduced By: Representatives Slater, Kislak, and Diaz

Date Introduced: February 26, 2020

Referred To: House Judiciary

(Secretary of State)

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~~ **Requirements for**  
4 **validity of emergency mail ballots and emergency mail ballot applications.**

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

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

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

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

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

1 state, or delivered by the local board to a person presenting written authorization from the elector  
2 to receive the ballots, ~~or cast in private at the local board of canvassers.~~ In order to be valid, the  
3 signature of the voter on the certifying envelope containing a voted ballot must be made before a  
4 notary public, or other person authorized by law to administer oaths where signed, or where the  
5 elector voted, or before two (2) witnesses who shall set forth their addresses on the form. ~~In order  
6 to be valid, all ballots sent to the elector at the board of canvassers must be voted in conformance  
7 with the provisions of § 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 similar  
10 institution where the elector is confined. All mail ballots issued pursuant to this subdivision shall  
11 be delivered to the elector by the bi-partisan pair of supervisors, appointed in conformance with  
12 this chapter, and shall be voted and witnessed in conformance with the provisions of § 17-20-14.

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

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

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

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

4 SECTION 2. Chapter 17-19 of the General Laws entitled "Conduct of Election and Voting  
5 Equipment, and Supplies" is hereby amended by adding thereto the following section:

6 **17-19-24.4. In-person early voting.**

7 (a) In-person early voting shall be made available to any registered voter and eligible  
8 elector of this state whose name appears upon the official voting list of the city or town where the  
9 elector is so qualified to vote for all elections.

10 (b) The in-person early voting period shall begin on the twentieth day before a general or  
11 primary election and extend through four o'clock (4:00) p.m. on the day before the general or  
12 primary election.

13 (c) During the in-person early voting period as set forth in subsection (b) of this section,  
14 in-person early voting shall take place at locations to be determined by each local board and  
15 approved by the state board, with at least one location for each town or city. Prior to the beginning  
16 of the in-person early voting period, a notice shall be published by the secretary of state in a  
17 newspaper or newspapers having aggregate general circulation throughout the state, at least three  
18 (3) days prior to the beginning of the in-person early voting period. Adequate notice of at least  
19 seven (7) days shall be posted at each local board's office and on the city or town's website, if any,  
20 informing the public of the locations where in-person early voting is to be conducted. Notice of the  
21 in-person early voting period for each city or town shall also be posted on the secretary of state's  
22 website, and the board of elections' website.

23 (1) Effective October 1, 2020, in-person early voting shall take place during normal  
24 business hours in each city or town on Monday, Tuesday, Wednesday, Thursday and Friday during  
25 the twenty (20) day in-person early voting period. In-person early voting shall take place on the  
26 Saturday preceding a primary or general election day during the hours of twelve o'clock (12:00)  
27 p.m. to four o'clock (4:00) p.m. and on the Sunday preceding a primary or general election day  
28 during the hours of twelve o'clock (12:00) p.m. to four o'clock (4:00) p.m. during the twenty (20)  
29 day in-person early voting period.

30 (2) Nothing contained herein shall be construed to prohibit a municipality from including  
31 additional days and times where early voting is available, during the in-person early voting period.

32 (d) Prior to the in-person early voting period, the state board shall provide the local boards  
33 with the ballots, ballot on-demand printers, ballot applications, tabulation equipment, ballot storage  
34 boxes, voting booths, electronic poll books, instructions as to voting, and other supplies necessary

1 to effectuate the provisions of this section. During the in-person early voting period, the state board  
2 shall provide technical support, as needed, at in-person early voting sites.

3 (e) The secretary shall make available, no later than the next business day, the updated list  
4 of those persons that have cast their ballot during the in-person early voting period.

5 (f) At the conclusion of the early voting period, the local board shall note on the appropriate  
6 electronic or paper-based voter roll, that the voter has cast an early vote, so as to prevent the voter  
7 from casting an additional vote at the polls on election day.

8 (g) The procedure for voting during the in-person early voting period shall be established  
9 through rules promulgated by the state board.

10 (h) The secretary of state and state board shall convene an in-person early voting advisory  
11 committee to assist in the drafting of rules for the in-person early voting period. The advisory  
12 committee shall be comprised of the following:

13 (1) Secretary of state, or his or her designee;

14 (2) Three (3) representatives from the board of elections to be selected by the board; and

15 (3) Three (3) representatives from the Rhode Island town and city clerks' association  
16 elections committee appointed by the president of the Rhode Island town and city clerks'  
17 association.

18 (i) The advisory committee shall advise the state board on issues including, but not limited  
19 to:

20 (1) Staffing of in-person early voting locations;

21 (2) Suitable in-person early voting locations;

22 (3) Accessibility criteria to be considered for the selection of in-person early voting  
23 locations.

24 (j) The in-person early voting advisory committee shall sunset on December 31, 2020.

25 SECTION 3. This act shall take effect upon passage.

=====  
LC004841  
=====

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

\*\*\*

1           This act would eliminate the voting of mail ballots at the board of canvassers. It would also  
2 authorize early voting for registered and eligible electors, in all elections for the twenty (20) days  
3 before an election, at designated city and town locations, with advance public notice and regulated  
4 by rules promulgated by the state board of elections. The board will be assisted in its rulemaking  
5 by a temporary in-person early voting advisory committee, composed of interested parties, that  
6 would sunset on December 31, 2020.

7           This act would take effect upon passage.

=====  
LC004841  
=====