

2020 -- H 8102 SUBSTITUTE A

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

A N A C T

RELATING TO ELECTIONS -- MAIL BALLOTS

Introduced By: Representative Evan P. Shanley

Date Introduced: July 10, 2020

Referred To: House Judiciary

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.**

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

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 [except those emergency mail ballots being cast pursuant to § 17-20-2.2\(g\)](#), in order to be
18 valid, must have been cast in conformance with the following procedures:

19 (1) All mail ballots issued pursuant to subdivision 17-20-2(1) shall be mailed to the elector

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

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

14 (3) All mail ballots issued pursuant to subdivision 17-20-2(3) shall be mailed by the office
15 of the secretary of state to the elector at an address provided by the elector on the application, or
16 cast at the board of canvassers in the city or town where the elector maintains his or her voting
17 residence. The signature of the elector on the certifying envelope containing the voted ballots issued
18 pursuant to the subdivision does not need to be notarized or witnessed. Any voter qualified to
19 receive a mail ballot pursuant to subdivision 17-20-2(3) shall also be entitled to cast a ballot
20 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 by
23 the office of the secretary of state to the elector at the address within the United States provided by
24 the elector on the application, or delivered to the voter by a person presenting written authorization
25 by the voter to pick up the ballot. In order to be valid, the signature of the voter on all certifying
26 envelopes containing a voted ballot must be made before a notary public, or other person authorized
27 by law to administer oaths where signed, or where the elector voted, or before two (2) witnesses
28 who shall set forth their addresses on the form. In order to be valid, all ballots sent to the elector at
29 the board of canvassers must be voted in conformance with the provisions of § 17-20-14.2.

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

1 election.

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

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

11 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 permit emergency mail ballot applications to be processed at voter's board
2 of canvassers in person on electronic poll pads allowing the voter to then cast his or her ballot and
3 place the ballot in the state-approved voting machine.

4 This act would take effect upon passage.

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