

2021 -- H 5745

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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: Representatives Giraldo, and Morales

Date Introduced: February 24, 2021

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-20-2.1, 17-20-2.2, 17-20-8, 17-20-9, 17-20-14.2, 17-20-21 and
2 17-20-23 of the General Laws in Chapter 17-20 entitled "Mail Ballots" are hereby amended to read
3 as follows:

4 **17-20-2.1. Requirements for validity of mail ballot and mail ballot applications.**

5 (a) Any legally qualified elector of this state whose name appears upon the official voting
6 list of the city, town, or district of the city or town where the elector is qualified, and who desires
7 to avail himself or herself of the right granted to him or her by the Constitution and declared in this
8 chapter, may obtain from the local board in the city or town an affidavit form prepared by the
9 secretary of state as prescribed in this section, setting forth the elector's application for a mail ballot.

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

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

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

17 (1) All mail ballots issued pursuant to subdivision 17-20-2(1) shall be mailed to the elector
18 at the Rhode Island address provided by the elector on the application, along with voting
19 instructions. ~~In order to be valid, the signature on all certifying envelopes containing a voted ballot~~

1 ~~must be made before a notary public or before two (2) witnesses who shall set forth their addresses~~
2 ~~on the form.~~

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

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

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

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

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

32 **17-20-2.2. Requirements for validity of emergency mail ballots.**

33 (a) Any legally qualified elector of this state whose name appears upon the official voting
34 list of the town or district of the city or town where the elector is so qualified, who on account of

1 circumstances manifested twenty (20) days or less prior to any election becomes eligible to vote by
2 mail ballot according to this chapter, may obtain from the local board an application for an
3 emergency mail ballot or may complete an emergency in-person mail ballot application on an
4 electronic poll pad at the board of canvassers where the elector maintains his or her residence.

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

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

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

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

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

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

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

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

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

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

25 **17-20-8. Application for ballot.**

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

28 (b) Notwithstanding any other provision of this chapter as to time and manner thereof, it
29 shall be the duty of the applicant to cause the mail ballot application or the emergency mail ballot
30 application, as the case may be, to be processed by the local board so that the applicant may receive
31 the ballot, cast it, and cause delivery thereof to be made to the state board not later than eight o'clock
32 (8:00) p.m. on the date of election.

33 (c) The local board shall accept absentee ballot applications by the electronic means
34 authorized by the secretary of state. The secretary of state shall design or approve the form of the

1 [absentee ballot application to be submitted by electronic means. A voter may make an application](#)
2 [for the voter's own ballot by electronic means using the form designed or approved by the secretary](#)
3 [of state. The local board shall verify that it is the voter who is requesting the ballot by confirming](#)
4 [the voter's residence address and birth date with the information in the voter's record. The clerk](#)
5 [shall print the electronically submitted application and write "electronic request" on the application.](#)

6 (d)(e) The local board shall maintain a separate list of names and addresses of all applicants
7 and their subscribing witnesses and a copy of the list shall be made available for inspection to any
8 person upon request.

9 (e)(d) Any person knowingly and willfully making a false application or certification or
10 knowingly and willfully aiding and abetting in the making of a false application or certification
11 shall be guilty of a felony.

12 **17-20-9. ~~Application by permanently disabled or incapacitated voters. Permanent~~**
13 **placement on absentee ballot application list.**

14 (a) A voter who ~~is indefinitely confined because of physical illness or infirmity or is~~
15 ~~disabled for~~ [wishes to vote by mail ballot for](#) an indefinite period may, by signing an affidavit to
16 that effect, request that an absentee ballot application be sent to him or her automatically for every
17 election. The affidavit form and instructions shall be prescribed by the secretary of state, and
18 furnished upon request to any elector by each local board of canvassers. The envelope containing
19 the absentee ballot application shall be clearly marked as not forwardable. If any elector ~~is~~ no longer
20 ~~indefinitely confined,~~ [wishes to vote by mail ballot](#) he or she shall notify the clerk of the local board
21 of canvassers of this fact. ~~The clerk shall remove the name of any voter from the mailing list~~
22 ~~established under this section upon receipt of reliable information that a voter no longer qualifies~~
23 ~~for the service. The voter shall be notified of the action within five (5) days after the board takes~~
24 ~~the action.~~

25 (b) The affidavit form and instructions prescribed in this section shall be mailed to the
26 applicant along with a stamped return envelope addressed to the local boards of canvassers.

27 **17-20-14.2. Voting from board of canvassers.**

28 The local board of canvassers shall appoint as many supervisors as are necessary whose
29 duty it shall be to supervise the casting of votes by persons using mail ballots at a place that
30 preserves their secrecy and to take acknowledgments or serve as witnesses, and jointly provide
31 assistance, if requested, to assure proper marking, sealing, and mailing of ballots as voted. ~~Every~~
32 ~~certifying envelope containing a mail ballot cast at a board of canvassers must have the signature~~
33 ~~of the elector notarized by an appointed person authorized by law to administer oaths or before two~~
34 ~~(2) appointed witnesses who shall set forth their signature on the form.~~ The certifying envelope of

1 any mail ballot voted at the local board of canvassers shall be stamped by the local board to indicate
2 it was voted on in conformance with the law. Every person who willfully hinders the local
3 supervisors in performing their duties as set forth in this section shall be guilty of a misdemeanor.
4 The local board shall transmit a list to the state board of elections containing the names and
5 signatures of people authorized to witness mail ballots.

6 **17-20-21. Certifying envelopes.**

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

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

14 Date of Election _____ City/Town of _____

15 Certificate of Voter

16 Print Name of Voter

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

- 18 1. I am a United States citizen;
19 2. I am a resident and qualified voter of the State of Rhode Island;
20 3. I am eligible to cast a mail ballot under the provisions of § 17-20-2; and
21 4. I am not qualified to vote elsewhere.

22 Voter must sign full name here: _____

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

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

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

32 _____

33 _____ Notary Public

34 Notary must also print his or her name

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Witness:

~~(Signature)(Print Name) (Address)~~

~~(Signature)(Print Name) (Address)~~

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

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

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

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

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

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

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

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

17-19-55. Early in-person voting.

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

(b) The in-person early voting period shall begin on the twentieth day before a general or

1 primary election and extend through four o'clock (4:00) p.m. on the day before the general or
2 primary election.

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

13 (1) Effective January 1, 2022, in-person early voting shall take place during normal
14 business hours in each city or town on Monday, Tuesday, Wednesday, Thursday and Friday during
15 the twenty (20) day in-person early voting period, with at least one weekend of early voting.

16 (2) Each municipality may schedule additional days and times where early voting is
17 available, during the in-person early voting period.

18 (d) Prior to the in-person early voting period, the state board shall provide the local boards
19 with the ballots, ballot on-demand printers, ballot applications, tabulation equipment, ballot storage
20 boxes, voting booths, electronic poll books, instructions as to voting, and other supplies necessary
21 to effectuate the provisions of this section. During the in-person early voting period, the state board
22 shall provide technical support, as needed, at in-person early voting sites.

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

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

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

30 SECTION 3. 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 create early in-person voting and online applications for mail ballots. It
2 removes the two (2) witnesses' notarization of voter signature for mail ballots. It also establishes a
3 procedure whereby a voter can be indefinitely sent a mail ballot for each election, without
4 requesting it for each election.

5 This act would take effect upon passage.

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