

2022 -- S 2992

LC005320

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO ELECTIONS -- CONDUCT OF ELECTION AND VOTING EQUIPMENT  
AND SUPPLIES

Introduced By: Senator Dawn M. Euer

Date Introduced: June 02, 2022

Referred To: Senate Judiciary

(Secretary of State)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-19-8.1 of the General Laws in Chapter 17-19 entitled "Conduct  
2 of Election and Voting Equipment, and Supplies" is hereby amended to read as follows:

3 **17-19-8.1. Ballots for voters who are blind, visually impaired or disabled.**

4 (a) Any voter who is blind or visually impaired or disabled is eligible to request a special  
5 ballot for voting by mail ballot. Special mail ballots are available in Braille or tactile format.

6 (b) Requests must be made in writing to the local board of canvassers where the person is  
7 registered to vote [or through the electronic voter registration portal established in § 17-20-8](#) at least  
8 ~~forty five (45)~~ [twenty-one \(21\)](#) days before the election for which the voter is requesting the special  
9 ballot. In addition, the request will be valid for all elections held during the calendar year in which  
10 the request was received and in which the voter is eligible to participate. Applicants must also file  
11 the appropriate mail ballot application as required by chapter 20 of this title for each election in  
12 which they wish to participate. [An applicant may request the special ballot when indicating that he  
13 or she wishes to be a permanent mail voter, in accordance with § 17-20-8 and that request will be  
14 valid for all subsequent elections, as long as the applicant remains a permanent mail voter.](#)

15 (c) The office of the secretary of state shall prepare and provide the appropriate form, which  
16 shall be available at local boards and upon request from the office of the secretary of state. The  
17 voter may also choose to submit his or her request in writing without using the form provided, as  
18 long as the communication contains all of the required information. The request shall include the

1 following information:

2 (1) The name and registered address of the voter;

3 (2) A daytime telephone number;

4 (3) An indication of whether this request is for the entire calendar year or only for the next  
5 upcoming election;

6 (4) The voter's political party affiliation, if the request for a special ballot is also for  
7 primaries;

8 (5) Indicate the special ballot format.

9 (d) All requests received by local boards must be processed and forwarded to the office of  
10 the secretary of state within twenty-four (24) hours of receipt. The secretary of state shall maintain  
11 a list of all persons requesting special Braille or tactile mail ballots and must forward a copy of the  
12 list to the state board of elections at least eighteen (18) days before the date of any election.

13 (e) The state board may adopt rules and regulations for the procedure for the manual  
14 reproduction of voted ballots, when necessary, and the tabulation of Braille and tactile mail ballots.

15 (f) The office of the secretary of state shall be responsible for the preparation and  
16 distribution of special Braille and tactile mail ballots. Whenever possible, the secretary of state  
17 shall prepare the Braille or tactile mail ballot so that the voted ballot can be read by the tabulation  
18 equipment, rather than being manually reproduced by election officials onto a machine readable  
19 ballot.

20 (g) The office of the secretary of state may adopt rules and regulations setting forth the  
21 procedure for the preparations and distribution of the Braille and tactile mail ballots.

22 (h) The office of the secretary of state shall prepare and publish a guide describing the types  
23 of ballots available and the manner in which each ballot can be voted. This guide shall be revised  
24 whenever the types of ballots available are updated. This guide shall be available in print, Braille,  
25 audio, or other accessible formats.

26 (i) The office of the secretary of state shall establish a special Braille and tactile ballot  
27 program for voters who are blind or visually impaired. The office of the secretary of state shall  
28 expand the special ballot service to other voters with disabilities, as feasible, as determined by the  
29 secretary of state, and incorporate other accessible formats as technology and resources allow.

30 (j) In accordance with the Help America Vote Act of 2003, the voting system at each  
31 polling place shall be accessible for individuals with disabilities, including nonvisual accessibility  
32 for the blind and visually impaired, in a manner that provides the same opportunity for access and  
33 participation as for other voters.

34 SECTION 2. Sections 17-20-8 and 17-20-10 of the General Laws in Chapter 17-20 entitled

1 "Mail Ballots" are hereby amended to read as follows:

2 **17-20-8. Application for ballot.**

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

5 (b) Notwithstanding any other provision of this chapter as to time and manner thereof, it  
6 shall be the duty of the applicant to cause the mail ballot application or the emergency mail ballot  
7 application, as the case may be, to be processed by the local board so that the applicant may receive  
8 the ballot, cast it, and cause delivery thereof to be made to the state board not later than eight o'clock  
9 (8:00) p.m. on the date of election.

10 (c) The local board shall maintain a separate list of names and addresses of all applicants  
11 ~~and their subscribing witnesses~~ and a copy of the list shall be made available for inspection to any  
12 person upon request.

13 (d) Any voter may apply to receive an absentee ballot, in accordance with § 17-20-2.1, in  
14 one of the following ways:

15 (1) By indicating that the voter wants to receive a ballot for the next upcoming general  
16 election.

17 (2) By indicating that the voter wants to receive a ballot for the next upcoming primary and  
18 general elections.

19 (3) By indicating that the voter wants to be a permanent mail voter and receive a ballot for  
20 all elections covered under § 17-20-1 in perpetuity, until the voter indicates otherwise by  
21 application or through the state's online voter registration portal.

22 (e) The secretary of state shall maintain a list within the central voter register system of all  
23 voters who are eligible to remain on the permanent mail voter list, as described in subsection (d)(3)  
24 of this section.

25 ~~(f)~~ Any person knowingly and willfully making a false application or certification or  
26 knowingly and willfully aiding and abetting in the making of a false application or certification  
27 shall be guilty of a felony.

28 **17-20-10. Certification of applications -- Issuance of ballots -- Marking of lists --**  
29 **Mailing address.**

30 (a) Upon receipt of the application, the local board shall immediately examine it and  
31 determine whether it complies with each of the requirements set forth by this chapter and compare  
32 the signature on the ballot application with the signature contained on the original registration card,  
33 except as may be otherwise provided by law, to satisfy itself that the applicant is a qualified voter.  
34 Upon determining that it does meet each requirement of this chapter and that the signature appears

1 to be the same, the local board shall mark the application "accepted" and record in the space  
2 provided on the ballot application the senatorial, representative, and voting district in which the  
3 applicant should vote.

4 (b) The local board shall also record the city or town code and district information in the  
5 mailing label section of the mail ballot application. The local board shall also print or type the name  
6 of the elector and the complete mailing address in that section. If the local board does not accept  
7 the application, the local board shall return the application to the elector, together with a form  
8 prescribed by the secretary of state, specifying the reason or reasons for the return of the application.

9 (c) Not later than 4:00 p.m. on the eighteenth (18th) day before the day of any election  
10 referred to in this chapter or within seven (7) days of receipt by the local board, whichever occurs  
11 first, the local board shall certify the applications to the secretary of state through the CVRS system  
12 as this procedure is prescribed by the secretary of state. Upon the certification of a mail ballot  
13 application to the secretary of state, the local board shall enter on the voting list the fact that a mail  
14 ballot application for the voter has been certified and shall cause the delivery of the certified mail  
15 ballot applications together with the signed certified listing thereof in sealed packages to the state  
16 board of elections.

17 (d)(1) Upon the ballots becoming available, but not sooner than thirty (30) days before a  
18 primary election, the secretary of state shall immediately issue and mail, by first-class mail, postage  
19 prepaid, a mail ballot to each eligible voter who has been certified. ~~With respect to voters who have~~  
20 ~~applied for these mail ballots under the provisions of § 17-20-2(1), the secretary of state shall~~  
21 ~~include with the mail ballots a stamped, return envelope addressed to the board of elections~~ or who  
22 appears on the list of permanent mail voters.

23 (2) The secretary of state shall include on the mail ballot envelope a numerical or  
24 alphabetical code designating the city or town where the voter resides. The secretary of state shall  
25 immediately thereafter indicate on the voter's record that the secretary of state has sent mail ballots;  
26 provided that this mark shall serve solely to indicate that a mail ballot has been issued and shall not  
27 be construed as voting in the election.

28 (e) Prior to each election, the secretary of state shall also furnish to the chairperson of the  
29 state committee of each political party a list of the names and residence addresses of all persons to  
30 whom mail ballots have been issued. The secretary of state shall also furnish to a candidate for  
31 political office, upon request, a list of the names and residence addresses of all persons to whom  
32 mail ballots have been issued within his or her district.

33 (f) If a ballot is returned to the secretary of state by the postal service as undeliverable, the  
34 secretary of state shall consult with the appropriate local board to determine the accuracy of the

1 mailing address, and the secretary of state shall be required to remail the ballot to the voter using  
2 the corrected address provided by the local board. If the local board is unable to provide a different  
3 address than that to which the ballot was originally mailed, the ballot shall be reissued by the  
4 secretary of state to the board of canvassers in the city or town where the voter resides utilizing the  
5 numerical or alphabetical code established in subsection (d) of this section. The board shall then  
6 attempt to notify the voter at his or her place of residence that the ballot has been returned as  
7 undeliverable. The ballot must be voted and witnessed in accordance with the provisions of this  
8 chapter.

9 (g) The acceptance of a mail ballot application by the board of canvassers and the issuance  
10 of a mail ballot by the secretary of state shall not create any presumption as to the accuracy of the  
11 information provided by the applicant or as to the applicant's compliance with the provisions of  
12 this chapter. Any inaccuracy in the provided information or irregularity in the application may be  
13 raised as a challenge to the ballot before the board of elections at the time of certification. If the  
14 challenge raised at that time is meritorious, the ballot shall be voided.

15 (h) Within two (2) business days of receipt by the local board, the board shall certify  
16 emergency mail ballot applications and shall cause the delivery of the emergency mail ballot  
17 applications, and certification sheet in sealed packages to the state board of elections.

18 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 -- CONDUCT OF ELECTION AND VOTING EQUIPMENT  
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- 1 This act would amend certain provisions relative to the application for absentee mail
- 2 ballots, including a process to be included on a permanent mail voter list.
- 3 This act would take effect upon passage.

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