

2023 -- H 5955

LC002089

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO ELECTIONS -- MAIL BALLOTS

Introduced By: Representatives Dawson, McEntee, O'Brien, and Craven

Date Introduced: March 01, 2023

Referred To: House State Government & Elections

(Board of Elections)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-20-2.1 and 17-20-10 of the General Laws in Chapter 17-20
2 entitled "Mail Ballots" are hereby amended to read as follows:

3 **17-20-2.1. Requirements for validity of mail ballot and mail ballot applications.**

4 (a) Any legally qualified elector of this state whose name appears upon the official voting
5 list of the city, town, or district of the city or town where the elector is qualified, and who desires
6 to avail himself or herself of the right granted to him or her by the Constitution and declared in this
7 chapter, may obtain from the local board in the city or town a form prepared by the secretary of
8 state as prescribed in this section, setting forth the elector's application for a mail ballot or may
9 apply online in accordance with § 17-20-2.3.

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" [voter](#).

12 (c) To receive a ballot in the mail, an elector must submit an application in person or by
13 mail, so that it is received by the local board, or received electronically through the portal
14 established by § 17-20-2.3, not later than four o'clock (4:00) p.m. on the twenty-first (21st) day
15 before the day of any election referred to in § 17-20-1. [In those cases where an application to receive
16 a mail ballot is received not later than three \(3\) days after the twenty-first day before the date of an
17 election and which is delivered by the postal service to the local board, the application shall be
18 considered received on or prior to the last day to apply for a mail ballot.](#)

19 (d) In addition to those requirements set forth elsewhere in this chapter, a mail ballot, in

1 order to be valid, must have been cast in conformance with the following procedures:

2 (1) All mail ballots issued pursuant to § 17-20-2(1) shall be mailed to the elector at the
3 Rhode Island address provided by the elector on the application. In order to be valid, the voter must
4 affix his or her signature on all certifying envelopes containing a voted ballot.

5 (2) All applications for mail ballots pursuant to § 17-20-2(2) must state under oath the
6 name and location of the hospital, convalescent home, nursing home, or similar institution where
7 the elector is confined. All mail ballots issued pursuant to § 17-20-2(2) shall be delivered to the
8 elector at the hospital, convalescent home, nursing home, or similar institution where the elector is
9 confined.

10 (3) All mail ballots issued pursuant to § 17-20-2(3) shall be mailed to the address provided
11 by the elector on the application or sent to the board of canvassers in the city or town where the
12 elector maintains his or her voting residence. In order to be valid, the voter must affix his or her
13 signature on the certifying envelope containing voted ballots. Any voter qualified to receive a mail
14 ballot pursuant to § 17-20-2(3) shall also be entitled to cast a ballot pursuant to the provisions of
15 United States Public Law 99-410, the Uniformed and Overseas Citizens Absentee Voting Act
16 (UOCAVA).

17 (4) All mail ballots issued pursuant to § 17-20-2(4) may be mailed to the elector at the
18 address within the United States provided by the elector on the application or sent to the board of
19 canvassers in the city or town where the elector maintains his or her voting residence. In order to
20 be valid, the voter must affix his or her signature on all certifying envelopes containing a voted
21 ballot. In order to be valid, all ballots sent to the elector at the board of canvassers, must be voted
22 in conformance with the provisions of § 17-20-14.2.

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

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

31 **17-20-10. Certification of applications — Issuance of ballots — Marking of lists —**
32 **Mailing address.**

33 (a) Upon receipt of the application, the local board shall immediately examine it and
34 determine whether it complies with each of the requirements set forth by this chapter and compare

1 the signature on the ballot application with the signature contained on the original registration card
2 or on the central voter registration system, except as may be otherwise provided by law, to satisfy
3 itself that the applicant is a qualified voter. Upon determining that it does meet each requirement
4 of this chapter and that the signature appears to be the same, the local board shall mark the
5 application “accepted” and record in the space provided on the ballot application the senatorial,
6 representative, and voting district in which the applicant should vote.

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

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

20 (d)(1) Upon the ballots becoming available, the secretary of state shall immediately issue
21 and mail, by first-class mail, postage prepaid, a mail ballot to each eligible voter who has been
22 certified. With respect to voters who have applied for these mail ballots under the provisions of §
23 17-20-2(1), the secretary of state shall include with the mail ballots a stamped, return envelope
24 addressed to the board of elections.

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

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

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

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

16 (h) Within two (2) business days of receipt by the local board, the board shall certify
17 emergency mail ballot applications and, [when directed by the state board or its staff](#), shall cause
18 the delivery of the emergency mail ballot applications, and certification sheet in sealed packages to
19 the state board of elections.

20 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 establish a three (3) day transmittal period after the deadline for local boards
2 to accept mail ballot applications, if delivered via the postal service, and would eliminate the
3 requirement that local boards bring mail ballot certification sheets and applications to the state
4 board, unless directed to do so by the state board.

5 This act would take effect upon passage.

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