

2023 -- H 6032

LC002084

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO ELECTIONS -- MAIL BALLOTS

Introduced By: Representative Evan P. Shanley

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, 17-20-3, 17-20-8, 17-20-10, 17-20-13 and 17-20-21 of  
2 the General Laws in Chapter 17-20 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 a physical incapacity  
11 ~~or otherwise, that person shall make his or her mark "X"~~ the voter or their assistant shall mark a  
12 box to indicate the voter cannot sign due to a physical incapacity and include the full name,  
13 residence address, and signature of the person who provided assistance to the voter on a form  
14 provided by the secretary of state. The representation relating to a physical incapacity shall be made  
15 under the pains and penalties of perjury.

16 (c) To receive a ballot in the mail, an elector must submit an application in person or by  
17 mail, so that it is received by the local board, or received electronically through the portal  
18 established by § 17-20-2.3, not later than four o'clock (4:00) p.m. on the twenty-first (21st) day  
19 before the day of any election referred to in § 17-20-1.

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

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

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

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

18 (4) All mail ballots issued pursuant to § 17-20-2(4) may be mailed to the elector at the  
19 address within the United States provided by the elector on the application or sent to the board of  
20 canvassers in the city or town where the elector maintains his or her voting residence. In order to  
21 be valid, the voter must affix his or her signature on all certifying envelopes containing a voted  
22 ballot. In order to be valid, all ballots sent to the elector at the board of canvassers, must be voted  
23 in 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 the  
29 voter remains qualified to receive a mail ballot under the provisions of § 17-20-2. The local board  
30 of canvassers shall provide the state board of elections with written notification of any change in  
31 circumstances to a mail ballot voter.

32 **17-20-3. Definitions.**

33 (a) Wherever used in this chapter, every word importing only the masculine gender is  
34 construed to extend to, and include, females as well as males.

1 (b) Whenever used in this chapter, “bipartisan pairs of supervisors” for primaries means a  
2 supervisor representing the endorsed candidates and a supervisor representing a majority of  
3 unendorsed candidates, and for nonpartisan elections and primaries means non-partisan pairs of  
4 supervisors.

5 (c) Wherever used in this chapter, “employed outside of the United States” includes any  
6 person who is:

7 (1) Employed by any agency, department, or division of the United States government and  
8 who, by reason of that employment, resides outside of the continental United States;

9 (2) Employed outside the territorial limits of the United States; or

10 (3) A spouse or dependent residing with persons so employed.

11 (d) Wherever used in this chapter, “services intimately connected with military operations”  
12 includes members of religious groups or welfare agencies assisting members of the armed forces  
13 who are officially attached to and serving with the armed forces and their spouses and dependents,  
14 and the spouses and dependents of members of the armed forces and of the merchant marine;  
15 provided, that the spouses and dependents are residing outside of the state with the members of the  
16 armed forces, merchant marine, or members of the religious or welfare agencies.

17 (e) Whenever a signature is required by a voter in this chapter, “signature” also means the  
18 voter’s mark ~~“X”~~ if the person is unable to sign his or her name because of a physical incapacity ~~or~~  
19 ~~otherwise~~ or by affixing the voter's signature by a person providing assistance to the voter in  
20 accordance with the requirements of this chapter.

21 (f) Whenever used in this chapter, “bipartisan” means not of the same recognized political  
22 party.

23 (g) Whenever used in this chapter, “emergency” voting pursuant to § 17-20-2.2(g) shall be  
24 construed to mean “early” voting.

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

26 (a) Whenever any person is unable to sign his or her name because of a physical incapacity  
27 ~~or otherwise, that person shall make his or her mark “X”~~ the voter or their assistant shall mark a  
28 box to indicate the voter cannot sign due to a physical incapacity and include the full name,  
29 residence address, and signature of the person who provided assistance to the voter on a form  
30 provided by the secretary of state. The representation relating to a physical incapacity shall be made  
31 under the pains and penalties of perjury.

32 (b) Notwithstanding any other provision of this chapter as to time and manner thereof, it  
33 shall be the duty of the applicant to cause the mail ballot application or the emergency mail ballot  
34 application, as the case may be, to be processed by the local board so that the applicant may receive

1 the ballot, cast it, and cause delivery thereof to be made to the state board not later than eight  
2 o'clock (8:00) p.m. on the date of election.

3 (c) The local board shall maintain a separate list of names and addresses of all applicants  
4 and a copy of the list shall be made available for inspection to any person upon request.

5 (d) Any person knowingly and willfully making a false application or certification or  
6 knowingly and willfully aiding and abetting in the making of a false application or certification  
7 shall be guilty of a felony.

8 (e) Voters shall be able to apply for a mail ballot electronically through the voter  
9 registration portal established by § 17-20-2.3.

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

12 (a) Upon receipt of the application, the local board shall immediately examine it and  
13 determine whether it complies with each of the requirements set forth by this chapter and compare  
14 the signature on the ballot application with the signature contained on the original registration card  
15 or on the central voter registration system, except as may be otherwise provided by law, to satisfy  
16 itself that the applicant is a qualified voter. Upon determining that it does meet each requirement  
17 of this chapter and that the signature appears to be the same, the local board shall mark the  
18 application "accepted" and record in the space provided on the ballot application the senatorial,  
19 representative, and voting district in which the applicant should vote.

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

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

33 (d)(1) Upon the ballots becoming available, the secretary of state shall immediately issue  
34 and mail, by first-class mail, postage prepaid, a mail ballot to each eligible voter who has been

1 certified. With respect to voters who have applied for these mail ballots under the provisions of §  
2 17-20-2(1), the secretary of state shall include with the mail ballots a stamped, return envelope  
3 addressed to the board of elections.

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

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

14 (f) If a ballot is returned to the secretary of state by the postal service as undeliverable, the  
15 secretary of state shall consult with the appropriate local board to determine the accuracy of the  
16 mailing address, and the secretary of state shall be required to re-mail the ballot to the voter using  
17 the corrected address provided by the local board. If the local board is unable to provide a different  
18 address than that to which the ballot was originally mailed, the ballot shall be reissued by the  
19 secretary of state to the board of canvassers in the city or town where the voter resides utilizing the  
20 numerical or alphabetical code established in subsection (d) of this section. The board shall then  
21 attempt to notify the voter at his or her place of residence that the ballot has been returned as  
22 undeliverable. The ballot must be voted in accordance with the provisions of this chapter.

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

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

32 **17-20-13. Form of application.**

33 The application to be subscribed by the voters before receiving a mail ballot shall, in  
34 addition to those directions that may be printed, stamped, or written on it by authority of the

1 secretary of state, be in substantially the following form:

2 STATE OF RHODE ISLAND

3 APPLICATION OF VOTER FOR BALLOT FOR ELECTION

4 ON \_\_\_\_\_

5 (COMPLETE HIGHLIGHTED SECTIONS)

6 **NOTE — THIS APPLICATION MUST BE RECEIVED BY THE BOARD OF**  
7 **CANVASSERS OF YOUR CITY OR TOWN NOT LATER THAN 4:00 P.M ON**

8 \_\_\_\_\_  
9 BOX A (PRINT OR TYPE)

10 NAME \_\_\_\_\_

11 VOTING ADDRESS \_\_\_\_\_

12 CITY/TOWN \_\_\_\_\_ STATE RI

13 ZIP CODE \_\_\_\_\_

14 DATE OF BIRTH \_\_\_\_\_

15 PHONE # \_\_\_\_\_

16 BOX B (PRINT OR TYPE)

17 NAME OF INSTITUTION (IF APPLICABLE) \_\_\_\_\_

18 ADDRESS \_\_\_\_\_

19 ADDRESS \_\_\_\_\_

20 CITY/TOWN \_\_\_\_\_ STATE \_\_\_\_\_

21 ZIP CODE \_\_\_\_\_

22 FACSIMILE NUMBER (if  
23 applicable) \_\_\_\_\_

24 I CERTIFY THAT I AM ELIGIBLE FOR A MAIL BALLOT ON THE FOLLOWING  
25 BASIS: **(CHECK ONE ONLY)**

26 ( ) 1. I am incapacitated to such an extent that it would be an undue hardship to vote at the  
27 polls because of illness, mental or physical disability, blindness, or a serious impairment of  
28 mobility. If the ballot is not being mailed to your voter registration address (BOX A above) please  
29 provide the Rhode Island address where you are temporarily residing in BOX B above.

30 ( ) 2. I am confined in a hospital, convalescent home, nursing home, rest home, or similar  
31 institution within the State of Rhode Island. Provide the name and address of the facility where you  
32 are residing in BOX B above.

33 ( ) 3. I am employed or in service intimately connected with military operations or because  
34 I am a spouse or dependent of such person, or I am a United States citizen and will be outside the

1 United States. Complete BOX B above or the ballot will be mailed to the local board of canvassers.  
2 ( ) 4. I choose to vote by mail. If the ballot is not being mailed to your voter registration  
3 address (BOX A above) please provide the address within the United States where you are  
4 temporarily residing in BOX B above. If you request that your ballot be sent to your local board of  
5 canvassers please indicate so in BOX B above.

6 BOX D OATH OF VOTER

7 I declare that all of the information I have provided on this form is true and correct to the  
8 best of my knowledge. I further state that I am not a qualified voter of any other city or town or  
9 state and have not claimed and do not intend to claim the right to vote in any other city or town or  
10 state. If unable to sign name because of a physical incapacity ~~or otherwise~~, the applicant shall ~~make~~  
11 ~~his or her~~ mark ~~"X"~~ the box to indicate the voter cannot sign due to a physical incapacity and  
12 include the full name, residence address, and signature of the person who provided assistance to  
13 the voter.

14 SIGNATURE IN FULL \_\_\_\_\_

15 Please note: A Power of Attorney signature is not valid in Rhode Island.

16 **17-20-21. Certifying envelopes.**

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

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

24 Date of Election: \_\_\_\_\_ City/Town of: \_\_\_\_\_

25 Certificate of Voter

26 Print Name of Voter

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

- 28 • I am a United States citizen;
- 29 • I am a resident and qualified voter of the State of Rhode Island;
- 30 • I am eligible to cast a mail ballot under the provisions of § 17-20-2; and
- 31 • I have not and will not vote elsewhere in this election.

32 I hereby attest under the pains and penalty of perjury, that the enclosed voted ballot was  
33 cast by me, and that the signature or mark on this certifying envelope was made by me.

34 Voter must sign full name here: \_\_\_\_\_

1 (If unable to sign name because of a physical incapacity ~~or otherwise, voter shall make his~~  
2 ~~or her mark "(X)"~~ the voter or their assistant shall mark a box to indicate the voter cannot sign due  
3 to a physical incapacity and include the full name, residence address, and signature of the person  
4 who provided assistance to the voter on the certifying envelope provided by the secretary of state.  
5 The representation relating to physical incapacity shall be made under the pains and penalties of  
6 perjury.

7 SECTION 2. This act shall take effect upon passage.

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LC002084  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO ELECTIONS -- MAIL BALLOTS

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1           This act would eliminate the requirement of signing with an "X" for voters who cannot  
2 sign their name due to a physical incapacity and would require that a box is checked on the  
3 application or ballot certification envelope and any person providing assistance to the voter in  
4 signing the ballot must provide their signature and information.

5           This act would take effect upon passage.

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