

2023 -- S 0395

LC001520

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO ELECTIONS -- MAIL BALLOTS

Introduced By: Senators E Morgan, de la Cruz, Paolino, DeLuca, and Raptakis

Date Introduced: February 16, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-20-2.1 of the General Laws in Chapter 17-20 entitled "Mail
2 Ballots" is 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".

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.

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

18 (1) All mail ballots issued pursuant to § 17-20-2(1) shall be mailed to the elector at the
19 Rhode Island address provided by the elector on the application. In order to be valid, the voter must

1 affix his or her signature on all certifying envelopes containing a voted ballot.

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

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

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

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

23 (f) Except as set forth in subsection (g) of this section, no person shall offer to mail or mail
24 another person's mail ballot. This prohibition does not apply to the spouse, court-appointed
25 guardian, cohabitant, or any adult person related by blood or marriage to the person voting by a
26 mail ballot. Any person who violates the provisions of this subsection, shall be guilty of a
27 misdemeanor and shall be subject to the penalties set forth in § 17-26-2.

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

1 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 require that only the mail ballot voter, their spouse, court appointed
2 guardian, cohabitant, or any adult person related to the voter by blood or marriage, be allowed to
3 physically mail the voted mail ballot. A violation would be a misdemeanor punishable by
4 imprisonment not to exceed one year or a fine not to exceed one thousand dollars (\$1,000), or both.

5 This act would take effect upon passage.

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