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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

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A N A C T

RELATING TO ELECTIONS -- MAIL BALLOTS

Introduced By: Representatives J. Brien, Corvese, Azzinaro, Chippendale, O'Brien, and Phillips

Date Introduced: April 07, 2023

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-20-2.2 and 17-20-3 of the General Laws in Chapter 17-20 entitled

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

3 **17-20-2.2. Requirements for validity of emergency mail ballots.**

4 (a) Any legally qualified elector of this state whose name appears upon the official voting
5 list of the town or district of the city or town where the elector is so qualified is eligible to vote by
6 emergency mail ballot according to this chapter. Within twenty (20) days or less prior to any
7 election, the elector may obtain from the local board an application for an emergency mail ballot
8 or may complete an emergency in-person mail ballot application on an electronic poll pad at the
9 board of canvassers where the elector maintains his or her residence.

10 (b) The emergency mail ballot application, when duly executed, shall be delivered in
11 person or by mail so that it shall be received by the local board, or received electronically through
12 the portal established by § 17-20-2.3, not later than four o'clock (4:00) p.m. on the last day
13 preceding the date of the election.

14 (c) The elector shall execute the emergency mail ballot application in accordance with the
15 requirements of this chapter.

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

19 (1) All mail ballots issued pursuant to § 17-20-2(1) shall be mailed to the elector at the

1 state of Rhode Island address provided on the application by the office of the secretary of state, or
2 delivered by the local board to a person presenting written authorization from the elector to receive
3 the ballots, or cast in private at the local board of canvassers. In order to be valid, the voter must
4 affix his or her signature on the certifying envelope containing a voted ballot. In order to be valid,
5 all ballots sent to the elector at the board of canvassers must be voted in conformance with the
6 provisions of § 17-20-14.2.

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

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

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

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

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

34 (g) ~~An emergency mail ballot application may be completed in person using an electronic~~

~~poll pad provided by the board of canvassers upon presentation by the voter of valid proof of identity pursuant to § 17-19-24.2. Upon completion of the poll pad application, the voter shall be provided with a ballot issued by the secretary of state and upon completion of the ballot by the voter, the voter shall place the ballot into the state approved electronic voting device, provided by the board of elections and secured in accordance with a policy adopted by the board of elections.~~

17-20-3. Definitions.

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

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

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

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

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

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

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

(e) Whenever a signature is required by a voter in this chapter, “signature” also means the voter’s mark “X” if the person is unable to sign his or her name because of physical incapacity or otherwise.

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

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

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:

17-19-24.4. Early voting.

1 (a) An early voting ballot application may be completed in person using an electronic poll
2 pad provided by the board of canvassers, upon presentation of the voter of valid proof of identity,
3 pursuant to § 17-19-24.2. Upon the completion of the poll pad application; the voter shall be
4 provided with a ballot issued by the secretary of state and upon completion of the ballot by the
5 voter, the voter shall place the ballot into the state approved electronic voting device provided by
6 the board of elections and secured in accordance with the policy adopted by the board of elections.

7 (b) Early voting shall commence on the fourteenth calendar day prior to election day and
8 shall be conducted on weekdays during the fourteen (14) day period. In the event that a municipality
9 desires to allow for early voting on the weekend days during the fourteen (14) day period, then the
10 municipality shall be so authorized. Early voting shall be conducted during normal business hours
11 of each municipality.

12 (c) All the voter and election protections and procedures provided by this chapter 19 of this
13 title 17 on election day shall govern the prior fourteen (14) days of early voting.

14 SECTION 3. 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 authorize early voting for the fourteen (14) calendar days immediately
2 preceding election day, while requiring that all the election day protections and procedures be
3 afforded to early voters.

4 This act would take effect upon passage.

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