

2024 -- H 7247

LC004267

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO ELECTIONS -- MAIL BALLOTS

Introduced By: Representatives J. Brien, Corvese, Shanley, Chippendale, Noret, and Baginski

Date Introduced: January 19, 2024

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-20-2.1 and 17-20-2.2 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)(1) Any legally qualified elector of this state whose name appears upon the official
5 voting list of the city, town, or district of the city or town where the elector is qualified, and who
6 desires to avail himself or herself of the right granted to him or her by the Constitution and declared
7 in this chapter, may obtain from the local board in the city or town a form prepared by the secretary
8 of 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 (2) The application shall include proof of the voter's date of birth and a Rhode Island
11 driver's license number or state identification number.

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

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

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

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

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

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

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

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

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

30 **17-20-2.2. Requirements for validity of emergency mail ballots.**

31 (a)(1) Any legally qualified elector of this state whose name appears upon the official
32 voting list of the town or district of the city or town where the elector is so qualified is eligible to
33 vote by emergency mail ballot according to this chapter. Within twenty (20) days or less prior to
34 any election, the elector may obtain from the local board an application for an emergency mail

1 ballot or may complete an emergency in-person mail ballot application on an electronic poll pad at
2 the board of canvassers where the elector maintains his or her residence.

3 (2) The application shall include proof of the voter's date of birth and a Rhode Island
4 driver's license number or state identification number.

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

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

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

14 (1) All mail ballots issued pursuant to § 17-20-2(1) shall be mailed to the elector at the
15 state of Rhode Island address provided on the application by the office of the secretary of state, or
16 delivered by the local board to a person presenting written authorization from the elector to receive
17 the ballots, or cast in private at the local board of canvassers. In order to be valid, the voter must
18 affix his or her signature on the certifying envelope containing a voted ballot. In order to be valid,
19 all ballots sent to the elector at the board of canvassers must be voted in conformance with the
20 provisions of § 17-20-14.2.

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

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

32 (4) All mail ballots issued pursuant to § 17-20-2(4) shall be cast at the board of canvassers
33 in the city or town where the elector maintains his or her voting residence or mailed by the office
34 of the secretary of state to the elector at the address within the United States provided by the elector

1 on the application, or delivered to the voter by a person presenting written authorization by the
2 voter to pick up the ballot. In order to be valid, the voter must affix his or her signature on all
3 certifying envelopes containing a voted ballot. In order to be valid, all ballots sent to the elector at
4 the board of canvassers must be voted in conformance with the provisions of § 17-20-14.2.

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

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

14 (g) An emergency mail ballot application may be completed in person using an electronic
15 poll pad provided by the board of canvassers upon presentation by the voter of valid proof of
16 identity pursuant to § 17-19-24.2. Upon completion of the poll pad application, the voter shall be
17 provided with a ballot issued by the secretary of state and upon completion of the ballot by the
18 voter, the voter shall place the ballot into the state-approved electronic voting device, provided by
19 the board of elections and secured in accordance with a policy adopted by the board of elections.

20 SECTION 2. 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 -- MAIL BALLOTS

1 This act would require verification of an applicant's date of birth and either a Rhode Island
2 driver's license number or state identification number on all applications seeking mail ballots and
3 emergency mail ballots.

4 This act would take effect upon passage.

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