

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO ELECTIONS -- MAIL BALLOTS

Introduced By: Senator Michael J. McCaffrey

Date Introduced: February 11, 2010

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-20-2, 17-20-2.1, 17-20-2.2, 17-20-10, 17-20-10.2, 17-20-13,
2 17-20-13.1, 17-20-21 and 17-20-23 of the General Laws in Chapter 17-20 entitled "Mail Ballots"
3 are hereby amended to read as follows:

4 **17-20-2. Eligibility for mail ballots.** -- Any otherwise qualified elector may vote by mail
5 ballot in the following circumstances:

6 ~~(1) An elector who will be absent from the state on the day of election during the entire~~
7 ~~period of time when the polls are to be open;~~

8 ~~(2) An elector who will be absent from the city or town of his or her voting residence on~~
9 ~~the day of election during the entire period of time when the polls are to be open due to the~~
10 ~~elector's status as a student or the spouse of a student at an institution of higher learning located~~
11 ~~within this state;~~

12 ~~(3)~~ (1) An elector who is incapacitated to the extent that it would be an undue hardship to
13 vote at the polls because of illness, or mental or physical disability, blindness, or serious
14 impairment of mobility;

15 ~~(4) An elector who is forbidden by the tenets of his or her religious faith from engaging~~
16 ~~in secular activity, including voting, on the day of election;~~

17 ~~(5)~~ (2) An elector who is confined in any ~~hospital~~, convalescent home, nursing home,
18 rest home, or similar institution, public or private within the State of Rhode Island;

19 ~~(6) An elector who is being detained while awaiting trial or is being imprisoned for any~~

1 ~~cause, other than final conviction of a felony, and by reason of that detention or imprisonment is~~
2 ~~unable to vote at the polls;~~

3 ~~(7)~~ (3) An elector who will be temporarily absent from the state because of employment
4 or service intimately connected with military operations or who is a spouse or legal dependent
5 residing with that person;

6 (4) An elector who may not be able to vote at the polling place in their city/town on the
7 day of the election during the entire period of time the polls are open.

8 ~~(8) An elector who is employed by the state board of elections, elections division of the~~
9 ~~secretary of state, a member of the staff of a local canvassing authority, or a poll worker assigned~~
10 ~~to work on Election Day outside of their voting district.~~

11 **17-20-2.1. Requirements for validity of mail ballots.** -- (a) Any legally qualified elector
12 of this state whose name appears upon the official voting list of the city, town, or district of the
13 city or town where the elector is qualified, and who desires to avail himself or herself of the right
14 granted to him or her by the Constitution and declared in this chapter, may obtain from the local
15 board in the city or town an affidavit form prepared by the secretary of state as prescribed in this
16 section, setting forth the elector's application for a mail ballot.

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

19 (c) The application, when duly executed, shall be delivered in person or by mail so that it
20 is received by the local board not later than four o'clock (4:00) p.m. on the twenty-first (21st) day
21 before the day of any election referred to in section 17-20-1.

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

24 ~~(1) All applications for mail ballots pursuant to section 17-20-2(1) must state under oath~~
25 ~~that the elector will be absent from the state on the day of election during the entire period of time~~
26 ~~the polls are to be open. All applications for mail ballot made pursuant to said subdivision must~~
27 ~~be notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.~~
28 ~~All mail ballots issued pursuant to section 17-20-2(1) shall be mailed to the elector at an address~~
29 ~~outside the state of Rhode Island to be provided by the elector on the application or sent to the~~
30 ~~board of canvassers in the city or town where the elector maintains his or her voting residence. In~~
31 ~~order to be valid, all ballots mailed to the elector outside of the state must be voted outside of the~~
32 ~~state of Rhode Island and the signature of the elector notarized by a person authorized by law to~~
33 ~~administer oaths in the state or country where signed or where the elector voted, or before two (2)~~
34 ~~witnesses who shall set forth their addresses on the form, and must be mailed from outside of the~~

1 ~~state of Rhode Island. In order to be valid, all ballots sent to the elector at the board of canvassers~~
2 ~~must be voted in private at the board and the signature of the elector witnessed by a pair of~~
3 ~~supervisors, appointed in conformance with this chapter, who shall return the completed ballot to~~
4 ~~the board of elections for certification. Provided, however, that any elector qualifying under~~
5 ~~section 17-20-2(1) or 17-20-2(7) who is outside the continental United States, shall additionally~~
6 ~~be entitled to apply for a mail ballot and to vote such ballot through facsimile, upon request made~~
7 ~~to the secretary of state in writing containing the elector's facsimile number, and the application~~
8 ~~to be used shall be that prescribed by section 17-20-13. The secretary of state shall establish~~
9 ~~procedures to protect the anonymity of any votes submitted by facsimile in the same manner as~~
10 ~~ballots submitted through the mail.~~

11 ~~(2) All applications for mail ballots pursuant to section 17-20-2(2) must state, under~~
12 ~~oath, the institution of higher learning at which the elector or spouse of the elector is a student.~~
13 ~~All applications for mail ballot made pursuant to said subdivision must be notarized or witnessed~~
14 ~~by two (2) persons who shall sign their names and affix their addresses. All mail ballots issued~~
15 ~~pursuant to said subdivision shall be sent to the elector at the address of the institution of higher~~
16 ~~learning provided by the elector on the application or to the elector at his or her voting residence.~~
17 ~~The signature of the elector on ballots being sent to the elector at their institution of higher~~
18 ~~learning must be notarized or witnessed by two (2) persons who shall sign their names and affix~~
19 ~~their addresses.~~

20 (3) (1) All applications for mail ballots pursuant to ~~section 17-20-2(3)~~ subdivision 17-20-
21 2(1) must be notarized or witnessed by two (2) persons who shall sign their names and affix their
22 addresses. All mail ballots issued pursuant to said subdivision shall be mailed to the elector at his
23 or her voting residence. The signature of the elector on ballots being sent to the elector pursuant
24 to this subdivision does not need to be notarized or witnessed.

25 ~~(4) All applications for mail ballots pursuant to section 17-20-2(4) must be notarized or~~
26 ~~witnessed by two (2) persons who shall sign their names and affix their addresses. All mail~~
27 ~~ballots issued pursuant to said subdivision shall be sent to the elector at his or her voting~~
28 ~~residence. The signature of the elector on the ballots being sent to the elector must be notarized or~~
29 ~~witnessed by two (2) persons who shall sign their names and affix their addresses.~~

30 (5) (2) All applications for mail ballots pursuant to ~~section 17-20-2(5)~~ subdivision 17-20-
31 2(2) must state under oath the name and location of the ~~hospital~~, convalescent home, nursing
32 home, or similar institution where the elector is confined. All applications for mail ballots
33 pursuant to said subdivision must be notarized or witnessed by two (2) persons who shall sign
34 their names and affix their addresses. All mail ballots issued pursuant to said subdivision shall be

1 delivered to the elector at the hospital, convalescent home, nursing home, or similar institution
2 where the elector is confined; and the ballots shall be voted and witnessed in conformance with
3 the provisions of section 17-20-14.

4 ~~(6) All applications for mail ballots pursuant to section 17-20-2(6) must be notarized or~~
5 ~~witnessed by two (2) persons who shall sign their names and affix their addresses. All mail~~
6 ~~ballots issued pursuant to said subdivision shall be mailed to the elector at the elector's place of~~
7 ~~confinement. The signature of the elector on ballots being sent to the elector must be notarized or~~
8 ~~witnessed by two (2) persons who shall sign their names and affix their addresses.~~

9 (7) (3) All applications for mail ballots made pursuant to ~~section 17-20-2(7)~~ subdivision
10 17-20-2(3) do not need to be witnessed or notarized. All mail ballots issued pursuant to said
11 subdivision shall be mailed to the elector at an address outside the state of Rhode Island to be
12 provided by the elector on the application, or sent to the board of canvassers in the city or town
13 where the elector maintains his or her voting residence. The signature of the elector on ballots
14 being sent to the elector pursuant to this subdivision does not need to be notarized or witnessed.

15 ~~(8) All applications for mail ballots pursuant to section 17-20-2(8) must be notarized or~~
16 ~~witnessed by two (2) persons who shall sign their names and affix their addresses. All mail~~
17 ~~ballots issued pursuant to said subdivision to an elector who is employed by the state board of~~
18 ~~elections shall be mailed or delivered to the elector at the state board of elections. All mail ballots~~
19 ~~issued pursuant to said subdivision to a member of the staff of the elections division of the office~~
20 ~~of the secretary of state shall be mailed or delivered to the elector at the state board of elections.~~
21 ~~All mail ballots issued pursuant to said subdivision to a member of the staff of a local canvassing~~
22 ~~authority shall be mailed or delivered to the elector at his or her local board of canvassers. All~~
23 ~~mail ballots issued pursuant to said subdivision to a poll worker assigned to work election day~~
24 ~~outside of their voting district shall be mailed or delivered to the elector at his or her local board~~
25 ~~of canvassers. All ballots being sent to the elector pursuant to this subdivision must be voted in~~
26 ~~private at the state board or the local board, as the case may be, and the signature of the elector~~
27 ~~witnessed by a pair of supervisors, appointed in conformance with this chapter.~~

28 (4) All applications for mail ballots pursuant to subdivision 17-20-2(4) must state under
29 oath that the elector may be unable to vote at the polling place in their city/town during the entire
30 period of time the polls are to be open. All applications for mail ballots made pursuant to said
31 subdivision must be notarized or witnessed by two (2) persons who shall sign their names and
32 affix their addresses. Mail ballots issued pursuant to subdivision 17-20-2(4) may be mailed to the
33 elector at the address provided by the elector on the application or sent to the board of canvassers
34 in the city or town where the elector maintains his or her voting residence. In order to be valid,

1 all ballots must have the signature of the elector notarized by a person authorized by law to
2 administer oaths where signed or where the elector voted, or before two (2) witnesses who shall
3 set forth their addresses on the form. In order to be valid, all ballots sent to the elector at the
4 board of canvassers must be voted in private at the board and the signature of the elector
5 witnessed by notary public or a pair of supervisors, appointed in conformance with this chapter,
6 who shall return the completed ballot to the board of elections for certification. Provided,
7 however, that any elector qualifying under subdivision 17-20-2(3) or 17-20-2(4) who is outside
8 the continental United States, shall additionally be entitled to apply for a mail ballot and to vote
9 such ballot through facsimile, upon request made to the secretary of state in writing containing
10 the elector's facsimile number, and the application to be used shall be that prescribed by section
11 17-20-13. The secretary of state shall establish procedures to protect the anonymity of any votes
12 submitted by facsimile in the same manner as ballots submitted through the mail.

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

16 **17-20-2.2. Requirements for validity of emergency mail ballots.** -- (a) Any legally
17 qualified elector of this state whose name appears upon the official voting list of the town or
18 district of the city or town where the elector is so qualified, who on account of circumstances
19 manifested twenty (20) days or less prior to any election becomes eligible to vote by mail ballot
20 according to this chapter, may obtain from the local board an application for an emergency mail
21 ballot.

22 (b) The emergency mail ballot application, when duly executed, shall be delivered in
23 person or by mail so that it shall be received by the local board not later than four o'clock (4:00)
24 p.m. on the last day preceding the date of the election.

25 (c) The elector shall execute the emergency mail ballot application in accordance with
26 the requirements of this chapter, which application shall contain a certificate setting forth the
27 facts relating to the circumstances necessitating the application.

28 (d) In addition to those requirements set forth elsewhere in this chapter, an emergency
29 mail ballot, in order to be valid, must have been cast in conformance with the following
30 procedures:

31 ~~(1) All applications for emergency mail ballots pursuant to section 17-20-2(1) must be~~
32 ~~notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.~~
33 ~~All mail ballots issued pursuant to section 17-20-2(1) shall be cast at the board of canvassers in~~
34 ~~the city or town where the elector maintains his or her voting residence or mailed by the office of~~

1 ~~the secretary of state to the elector at an address outside the state of Rhode Island to be provided~~
2 ~~by the elector on the application. In order to be valid, all ballots mailed to the elector out of state~~
3 ~~must be voted outside the state of Rhode Island and the signature of the elector notarized by a~~
4 ~~person authorized by law to administer oaths in the state or country where signed or where the~~
5 ~~elector voted, or before two (2) witnesses who shall set forth their addresses on the form, and~~
6 ~~must be mailed from outside the state of Rhode Island. In order to be valid, all ballots cast by the~~
7 ~~elector at the board of canvassers must be voted in private at the board and the signature of the~~
8 ~~elector witnessed by a pair of supervisors, appointed in conformance with this chapter, who shall~~
9 ~~return the completed ballot to the board of elections for certification.~~

10 ~~(2) All applications for emergency mail ballots pursuant to section 17-20-2(2) must state~~
11 ~~under oath the institution of higher learning at which the elector or spouse of the elector is a~~
12 ~~student. All applications for mail ballot made pursuant to this subdivision must be notarized or~~
13 ~~witnessed by two (2) persons who shall sign their names and affix their addresses. All mail~~
14 ~~ballots issued pursuant to this subdivision shall be cast at the board of canvassers in the city or~~
15 ~~town where the elector maintains his or her voting residence, or mailed by the office of the~~
16 ~~secretary of state to the elector at the address of the institution of higher learning provided by the~~
17 ~~elector on the application. Ballots being cast at the local board of canvassers must be voted in~~
18 ~~private and the signature of the elector witnessed by a pair of supervisors, appointed in~~
19 ~~conformance with this chapter, who shall return the completed ballot to the board of elections for~~
20 ~~certification. The signature of the elector on ballots being sent to the elector at their institution of~~
21 ~~higher learning must be notarized or witnessed by two (2) persons who shall sign their names and~~
22 ~~affix their addresses.~~

23 ~~(3) (1) All applications for emergency mail ballots pursuant to section 17-20-2(3)~~
24 ~~subdivision 17-20-2(1) must be notarized or witnessed by two (2) persons who shall sign their~~
25 ~~names and affix their addresses. and must be accompanied by a certificate from a licensed~~
26 ~~physician or a Christian Science practitioner setting forth the location of his or her medical~~
27 ~~offices or the Christian Science practitioner's office, the date when that physician last examined~~
28 ~~the elector, or in the case of a Christian Science practitioner, when the practitioner last treated the~~
29 ~~elector, and attesting that the illness, disability, blindness or serious impairment of mobility did~~
30 ~~not manifest itself until twenty (20) days or less prior to the date of the election and as a result it~~
31 ~~would be an undue hardship for the elector to vote at the polls based upon a physical examination~~
32 ~~performed by that physician or an observation by that Christian Science practitioner. The state~~
33 ~~board of elections shall prepare forms for physicians and practitioners to use in making the~~
34 ~~certification required in this subdivision and shall distribute the forms prior to each general~~

1 ~~election to those physicians licensed to practice medicine in this state and, upon request, to any~~
2 ~~other persons and at any other times as necessary. The forms shall also be made available at each~~
3 ~~board of canvassers. It shall not be required that a physician or practitioner use the form in~~
4 ~~certifying the illness, disability, blindness or serious impairment of mobility of a voter as long as~~
5 ~~the certification provided contains all of the required information. Any physician knowingly and~~
6 ~~willfully making a false certification, and any person knowingly and willfully aiding and abetting~~
7 ~~in the making of a false certification, shall be guilty of a felony.~~ All mail ballots issued pursuant
8 to ~~section 17-20-2(3)~~ [subdivision 17-20-2\(1\)](#) shall be mailed to the elector at his or her voting
9 residence by the office of the secretary of state, or delivered by the local board to a person
10 presenting written authorization from the elector to receive the ballots, or cast in private at the
11 local board of canvassers. The signature of the elector on ballots being cast pursuant to this
12 subdivision does not need to be notarized or witnessed.

13 ~~(4) All applications for emergency mail ballots pursuant to section 17-20-2(4) must be~~
14 ~~notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.~~
15 ~~All mail ballots issued pursuant to this subdivision shall be mailed to the elector at his or her~~
16 ~~voting residence by the office of the secretary of state, or cast by the elector at the board of~~
17 ~~canvassers in the city or town where he or she resides. Ballots being cast at the local board of~~
18 ~~canvassers must be voted in private at the board and the signature of the elector witnessed by a~~
19 ~~pair of supervisors, appointed in conformance with this chapter, who shall return the completed~~
20 ~~ballot to the board of elections for certification. The signature of the elector on ballots being sent~~
21 ~~to the elector at his or her voting residence must~~ be notarized or witnessed by two (2) persons
22 who shall sign their names and affix their signatures.

23 ~~(5)~~ [\(2\)](#) All applications for emergency mail ballots pursuant to ~~section 17-20-2(5)~~
24 [subdivision 17-20-2\(2\)](#) must state under oath the name and location of the ~~hospital~~, convalescent
25 home, nursing home, or similar institution where the elector is confined [within the State of Rhode](#)
26 [Island](#). All applications for mail ballots pursuant to this subdivision must be notarized or
27 witnessed by two (2) persons who shall sign their names and affix their addresses. All mail
28 ballots issued pursuant to this subdivision shall be delivered to the elector by the bi-partisan pair
29 of supervisors, appointed in conformance with this chapter, and shall be voted and witnessed in
30 conformance with the provisions of section 17-20-14.

31 ~~(6) All applications for emergency mail ballots pursuant to section 17-20-2(6) must be~~
32 ~~notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.~~
33 ~~All mail ballots issued pursuant to this subdivision shall be mailed by the office of the secretary~~
34 ~~of state to the elector at the elector's place of confinement, or delivered to a person presenting~~

1 ~~written authorization from the elector to receive the ballot. The signature of the elector on ballots~~
2 ~~being sent to the elector must be notarized or witnessed by two (2) persons who shall sign their~~
3 ~~names and affix their addresses.~~

4 ~~(7)~~ (3) All applications for emergency mail ballots made pursuant to ~~section 17-20-2(7)~~
5 subdivision 17-20-2(3) do not need to be witnessed or notarized. All mail ballots issued pursuant
6 to this subdivision shall be mailed by the office of the secretary of state to the elector at an
7 address outside the state of Rhode Island to be provided by the elector on the application, or cast
8 at the board of canvassers in the city or town where the elector maintains his or her voting
9 residence. The signature of the elector on ballots being sent to the elector pursuant to this
10 subdivision does not need to be notarized or witnessed.

11 ~~(8) All applications for emergency mail ballots pursuant to section 17-20-2(8) must be~~
12 ~~notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.~~
13 ~~All mail ballots issued pursuant to this subdivision to an elector who is employed by the state~~
14 ~~board of elections shall be mailed or delivered by the office of the secretary of state to the elector~~
15 ~~at the state board of elections. All mail ballots issued pursuant to this subdivision to a member of~~
16 ~~the staff of the elections division of the office of the secretary of state shall be mailed or delivered~~
17 ~~to the elector at the state board of elections. All mail ballots issued pursuant to this subdivision to~~
18 ~~a member of the staff of a local canvassing authority shall be cast by the elector at his or her local~~
19 ~~board of canvassers. All mail ballots issued pursuant to this subdivision to a poll worker assigned~~
20 ~~to work election day outside of their voting district shall be cast by the elector at his or her local~~
21 ~~board of canvassers. All ballots being sent to the elector pursuant to this subdivision must be~~
22 ~~voted in private at the state board or the local board, as the case may be, and the signature of the~~
23 ~~elector witnessed by a pair of supervisors, appointed in conformance with this chapter.~~

24 (4) All applications for emergency mail ballots pursuant to subdivision 17-20-2(4) must
25 be notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.
26 All bail ballots issued pursuant to subdivision 17-20-2(4) shall be cast at the board of canvassers
27 in the city or town where the elector maintains his or her voting residence or mailed by the office
28 of the secretary of state to the elector at the address provided by the elector on the application. In
29 order to be valid, all ballots mailed to the elector must have the signature of the elector notarized
30 by a person authorized by law to administer oaths where signed or where the elector voted, or
31 before two (2) witnesses who shall set forth addresses on the form. In order to be valid, all
32 ballots cast by the elector at the board of canvassers must be voted in private at the board and the
33 signature of the elector notarized or witnessed by a pair of supervisors, appointed in conformance
34 with this chapter, who shall return the completed ballot to the board of elections for certification.

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

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

10 **17-20-10. Certification of applications -- Issuance of ballots -- Marking of lists --**

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

19 (b) The local board shall also record the city or town code and district information in the
20 mailing label section of the mail ballot application. The local board shall also print or type the
21 name of the elector and the complete mailing address in that section. If the local board does not
22 accept the application, the local board shall return the application to the elector, together with a
23 form prescribed by the secretary of state, specifying the reason or reasons for the return of the
24 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 CVRS
28 system as this procedure is prescribed by the secretary of state. Upon the certification of a mail
29 ballot application to the secretary of state, the local board shall enter on the voting list the fact
30 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
32 packages to the state board of elections.

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

1 been certified. With respect to voters who have applied for these mail ballots under the provisions
2 of ~~section 17-20-2(3)~~ subdivision 17-20-2(1), the secretary of state shall include with the mail
3 ballots a stamped return envelope addressed: "Board of Elections, 50 Branch Avenue,
4 Providence, Rhode Island 02904-2790".

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

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

15 (f) [Deleted by P.L. 2005, ch. 167, section 2.]

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

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

32 ~~(i) Upon the request of any candidate for public office and upon a showing of good cause~~
33 ~~or upon its own motion, the board of elections shall make inquiry into the legitimacy of the~~
34 ~~certifications issued pursuant to section 17-20-2.2(3) by any physician or practitioner who issues~~

~~more than fifty (50) certifications in any one election or by any physician or practitioner who the board has reason to believe has made a false certification. The inquiry shall include a determination as to whether the physician or practitioner conducted an examination of the electors he or she certified as ill or disabled to determine whether it would be an undue hardship on them to go to the polls. The provisions of chapter 37.3 of title 5 shall not apply to any proceeding before the state board of elections conducted pursuant to this title. The boards of canvassers shall immediately notify the board of elections of any physician who has issued more than twenty five (25) certifications in their city or town in the same election.~~

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

17-20-10.2. Official state blank ballots. -- In the event the official ballot is not available for issuance and mailing forty-five (45) days before a general, primary, or special election, persons applying for a mail ballot under ~~section 17-20-2(7)~~ [subdivision 17-20-2\(3\)](#) and persons applying for a mail ballot through the use of the Federal Post Card Application (FPCA) shall be issued an official state blank ballot forty-five (45) days before the election. Additionally, the voter shall be sent the official ballot immediately upon the ballots becoming available. The office of secretary of state shall be responsible for the arrangement, preparation, printing and distribution of the official state blank ballots. The secretary of state shall also be responsible for all accompanying candidate listings to the extent that information is available, instruction sheets, and envelopes.

17-20-13. Form of application. -- The application to be subscribed by the voters before receiving a mail ballot shall, in addition to those directions that may be printed, stamped, or written on it by authority of the secretary of state, be in substantially the following form:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS APPLICATION
OF VOTER FOR BALLOT FOR ELECTION ON _____

(COMPLETE HIGHLIGHTED SECTIONS) NOTE - THIS APPLICATION MUST BE
RECEIVED BY THE BOARD OF CANVASSERS OF YOUR CITY OR TOWN NOT LATER
THAN 4:00 P.M ON _____

BOX A

(PRINT OR TYPE) NAME

VOTING ADDRESS CITY/TOWN

STATE RI ZIP CODE _____

DATE OF BIRTH PHONE # _____

1 BOX B
2 (PRINT OR TYPE) NAME OF INSTITUTION (IF APPLICABLE)
3 ADDRESS
4 ADDRESS
5 CITY/TOWN _____ STATE _____ ZIP CODE _____

6 FACSIMILE NUMBER (if applicable)

7 I CERTIFY THAT I AM ELIGIBLE FOR A MAIL BALLOT ON THE FOLLOWING
8 BASIS; (CHECK ONE ONLY)

9 ~~() 1. I will be absent from the state on the date of the election during the entire period of~~
10 ~~time when the polls are to be open. Provide an out of state mailing address in BOX B above or~~
11 ~~the ballot will be mailed to the local board of canvassers.~~

12 ~~() 2. I will be absent from the city or town of my voting residence during the entire~~
13 ~~period of time when the polls are to be open because of my status as a student, or spouse of a~~
14 ~~student, at an institution of higher learning within the state of Rhode Island. Complete BOX B~~
15 ~~above with your entire address or the ballot will be mailed to the address in BOX A. Indicate~~
16 ~~name of institution _____~~

17 () ~~3.~~ 1. I am incapacitated to such an extent that it would be an undue hardship to vote at
18 the polls because of illness, mental or physical disability, blindness or a serious impairment of
19 mobility. Ballot will be mailed to address in BOX A. This application must be either sworn to
20 before a notary public OR before two (2) witnesses who must sign their names and affix their
21 addresses.

22 ~~() 4. I belong to a religion whose tenets forbid secular activity, including voting, on the~~
23 ~~day of election. Ballot will be mailed to address in BOX A.~~

24 () ~~5.~~ 2. I am confined in a ~~hospital~~, convalescent home, nursing home, rest home, or
25 similar institution within the State of Rhode Island. Complete BOX B above. This application
26 must be either sworn to before a notary public OR before two (2) witnesses who must sign their
27 names and affix their addresses.

28 ~~() 6. I am detained while awaiting trial or imprisoned for a cause other than final~~
29 ~~conviction of a felony. Complete BOX B above.~~

30 () ~~7.~~ 3. I am employed or in service intimately connected with military operations or
31 because I am a spouse or dependent of such person. Complete BOX B above or the ballot will be
32 mailed to the local board of canvassers. Signatures of a notary public or before two (2) witnesses
33 are NOT required for this category.

34 ~~() 8. I am employed by the (a)() state board of elections, (b)() elections division of the~~

1 ~~secretary of state, (e)(-) a member of the staff of a local canvassing authority, (d)(-) or a poll~~
2 ~~worker assigned to work election day outside of their voting district.~~

3 () 4. I may not be able to vote at my polling place on the date of the election during
4 voting hours. Provide an address in BOX B, where you would like your ballot mailed if it is
5 different from the address in BOX A. If BOX B is left blank, the ballot will be mailed to the
6 address in BOX A. This application must either be sworn to before a notary public or two (2)
7 witnesses who must sign their names and affix their addresses.

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

13 SIGNATURE IN FULL_____

14 This application must either be sworn to before a notary public OR before two (2)
15 witnesses who must sign their names and affix their addresses. No witness or notary is necessary
16 if checking category No. ~~7~~ 3.

17 WITNESSES:

18 Name Address

19 Name Address

20 OR NOTARY:

21 (If executed outside of RI by a notary public, attest in manner authorized by law of places
22 where taken.) Sworn to (or affirmed) before me, this_____ day of_____, 20____ .

23 Notary Public My Commission Expires: _____

24 **17-20-13.1. Form of Emergency Mail Ballot Application.** -- The emergency mail
25 ballot application to be subscribed by the voters before receiving a mail ballot shall, in addition to
26 any directions that may be printed, stamped, or written on the application by authority of the
27 secretary of state, be in substantially the following form:

28 STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS EMERGENCY
29 APPLICATION OF VOTER FOR BALLOT FOR ELECTION ON_____ (COMPLETE
30 HIGHLIGHTED SECTIONS) NOTE - THIS APPLICATION MUST BE RECEIVED BY THE
31 BOARD OF CANVASSERS OF YOUR CITY OR TOWN NOT LATER THAN 4:00 P.M.
32 ON_____

33 BOX A

34 (PRINT OR TYPE) NAME

1 VOTING ADDRESS
2 CITY/TOWN STATE RI ZIP CODE _____

3 DATE OF BIRTH PHONE# _____

4 BOX B

5 (PRINT OR TYPE)

6 NAME OF INSTITUTION (IF APPLICABLE)

7 ADDRESS

8 ADDRESS

9 CITY/TOWN STATE _____ ZIP CODE _____

10 I CERTIFY THAT I AM ELIGIBLE FOR A MAIL BALLOT ON THE FOLLOWING
11 BASIS: (CHECK ONE ONLY)

12 ~~() 1. I will be absent from the state on the day of the election during the entire period of~~
13 ~~time when the polls are to be open. If not voting ballot at local board, provide an out of state~~
14 ~~mailing address in BOX B above.~~

15 ~~() 2. I will be absent from the city or town of my voting residence during the entire~~
16 ~~period of time when the polls are to be open because of my status as a student, or spouse of a~~
17 ~~student, at an institution of higher learning within the state of Rhode Island. If not voting ballot at~~
18 ~~local board, provide address in BOX B above. Indicate name of institution.~~

19 () ~~3.~~ 1. I am incapacitated to such an extent that it would be an undue hardship to vote at
20 the polls because of illness, mental or physical disability, blindness or a serious impairment of
21 mobility. ~~Medical form R-50 must be completed. If not voting ballot at local board, The~~ ballot
22 will be ~~delivered~~ mailed to the address in BOX A above. This application must be either sworn to
23 before a notary public OR before two (2) witnesses who must sign their names and affix their
24 addresses.

25 ~~() 4. I belong to a religion whose tenets forbid secular activity, including voting, on the~~
26 ~~day of election. If not voting ballot at local board, ballot will be delivered to address in BOX A~~
27 ~~above.~~

28 () ~~5.~~ 2. I am confined in a hospital, convalescent home, nursing home, rest home, or
29 similar institution within the State of Rhode Island. Complete BOX B above. This application
30 must be either sworn to before a notary public OR before two (2) witnesses who must sign their
31 names and affix their addresses.

32 ~~() 6. I am detained while awaiting trial or imprisoned for a cause other than final~~
33 ~~conviction of a felony. Complete BOX B above.~~

34 () ~~7.~~ 3. I am employed or in service intimately connected with military operations or

1 because I am a spouse or dependent of such person. If not voting ballot at local board, provide
2 address in BOX B above. Signatures of a notary public or before two (2) witnesses are NOT
3 required for this category.

4 ~~(-) 8. I am employed by the state board of elections, elections division of the secretary of~~
5 ~~state, a member of the staff of a local canvassing authority, or a poll worker assigned to work~~
6 ~~Election Day outside of their voting district.~~

7 () 4. I may not be able to vote at my polling place on the date of the election during
8 voting hours. Provide an address in BOX B, where you would like your ballot mailed if it is
9 different from the address in BOX A. If BOX B is left blank, the ballot will be mailed to the
10 address in BOX A. This application must either be sworn to before a notary public or two (2)
11 witnesses who must sign their names and affix their addresses.

12 Under the pains and penalty of perjury, I certify that on account of the following
13 circumstances manifested twenty (20) days or less prior to the election for which I make this
14 application. I will be unable to vote at the polls. Circumstances necessitating mail ballot: (Please
15 describe below if checking category 1, 2, 3 or ~~4, 5, 6, 7 or 8~~)

16 I declare that all of the information I have provided on this form is true and correct to the
17 best of my knowledge. I further state that I am not a qualified voter of any other city or town or
18 state and have not claimed and do not intend to claim the right to vote in any other city or town or
19 state. If unable to sign name because of physical incapacity or otherwise, applicant shall make his
20 or her mark "X". SIGNATURE IN FULL

21 This application must either be sworn to before a notary public OR before two (2)
22 witnesses who must sign their names and affix their addresses. No witness or notary is necessary
23 if checking category No. ~~7~~ 3.

24 WITNESSES:

25 Name Address

26 Name Address

27 OR NOTARY: (If executed outside of RI by a Notary Public, attest in manner authorized
28 by law of place where taken.) Sworn to (or affirmed) before me, this _____ day
29 of _____, 20_____. Notary Public

30 My Commission Expires: _____

31 MAIL TO:

32 BOARD OF CANVASSERS,

33 Address City/Town RI Zip Code _____

34 TO BE COMPLETED BY THE LOCAL BOARD OF CANVASSERS

1 CITY/TOWN CODE
2 CONG DIST SEN DIST REP DIST VOTE DIST WARD# DIST#
3 ACCEPTED DATE

4 Pursuant to section 17-20-8 of the election laws of the State of Rhode Island, "Any
5 person knowingly and willfully making a false application or certification or knowingly and
6 willfully aiding and abetting in the making of a false application or certification shall be guilty of
7 a felony." Pursuant to section 17-26-1 of the election laws of the State of Rhode Island, "Felonies
8 -- Every person who shall be convicted of any offense under this title which has been classified
9 by the general assembly as a felony, shall be imprisoned for a term of not more than ten (10)
10 years, or be fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars
11 (\$5,000), or both, for each offense."

12 **17-20-21. Certifying envelopes.** -- The secretary of state shall cause to be prepared and
13 printed and shall furnish with each mail ballot an envelope for sealing up and certifying the ballot
14 when returned. The envelope shall be printed in substantially the following form:

15 "After marking ballot or ballots, fold and enclose in this envelope and seal it. Certify to
16 statement hereon. Enclose in envelope addressed to board of elections, which must receive the
17 envelope not later than nine o'clock (9:00) p.m. the day of election."

18 Date of Election: _____ City/Town of: _____

19 Certificate of Voter I
20 certify under penalty of perjury Print

21 Name of Voter that I am a resident of the state of Rhode Island and a qualified voter of
22 the state residing at
23 (Street and number, if any) in the city or town of _____

24 and that I am eligible to cast a mail ballot for the reason set forth in my application and that I
25 have not qualified to vote elsewhere than as set forth on this envelope, nor do I intend to vote for
26 any of the candidates, amendments or propositions named in the enclosed ballot elsewhere or in
27 any other manner. Voter must sign full name here:

28 (If unable to sign name because of physical incapacity or otherwise, voter shall make his
29 or her mark "(X)"). Before me the _____ day of _____ 20_____, at
30 _____ (city or town), county of _____, state of
31 _____, personally appeared the above named voter, to me known and known
32 by me to be the person who affixed his or her signature to this ballot envelope.
33 _____

34 Notary Public Notary must also print his or her name Witness:

1 _____ (Signature) (Residence)

2 Note: Mail ballots must either be sworn to before a notary public or before two (2)
3 witnesses who must sign their names and addresses. If the voter is incapacitated because of
4 illness, mental or physical disability, blindness or a serious mobility impairment and checked
5 subdivision ~~(3)~~ (1) on the mail ballot application, no notarization or witnesses are necessary.

6 **17-20-23. Marking and certification of ballot.** -- (a) A voter desiring to vote for all
7 candidates of one political party for national and state, or city or town, offices, shall fill in the
8 appropriate space next to the designation of that party upon the appropriate ballot. A voter casting
9 a straight party vote may also individually vote for candidates and, in doing so, the straight party
10 vote will not be counted for that office and the individual vote, or votes in the case where more
11 than one candidate will be elected for an office, will override the straight party vote for that
12 office.

13 (b) A voter may omit to mark as provided in subsection (a) of this section and may vote
14 for the candidates of the voter's choice by making a mark in the space provided opposite their
15 respective names.

16 (c) In case a voter desires to vote upon a question submitted to the vote of the electors of
17 the state, the voter shall mark in the appropriate space associated with the answer that the voter
18 desires to give.

19 (d) The voter shall mark the ballot in the presence of two (2) witnesses or some officer
20 authorized by the law of the place where marked to administer oaths; provided, that electors
21 casting their ballot pursuant to ~~section 17-20-2(3) or (7)~~ subdivision 17-20-2(1) or (3) do not need
22 to have their ballot witnessed or notarized. Except as otherwise provided for by this chapter, the
23 voter shall not allow the official or witnesses to see how he or she marks the ballot and the
24 official or witnesses shall hold no communication with the voter, nor the voter with the official or
25 witnesses, as to how the voter is to vote. Thereafter, the voter shall enclose and seal the ballot in
26 the envelope provided for it. The voter shall then execute before the official or witnesses the
27 certification on the envelope. The voter shall then enclose and seal the certified envelope with the
28 ballot in the envelope addressed to the state board and cause the envelope to be delivered to the
29 state board on or before election day.

30 (e) These ballots shall be counted only if received within the time limited by this chapter.

31 (f) There shall be a space provided on the general election ballot to allow the voter to
32 write in the names of persons not in nomination by any party as provided for in sections 17-19-31
33 and 17-20-24.

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

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LC01424
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ELECTIONS -- MAIL BALLOTS

1 This act would make significant changes to voters' eligibility to vote by mail ballots. It
2 would change the process for application for mail ballots, the requirements for their execution
3 and in the emergency mail ballot process.

4 This act would take effect upon passage.

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LC01424
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