

2020 -- S 2475

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO ELECTIONS - MAIL BALLOTS - CONDUCT OF ELECTION AND VOTING
EQUIPMENT AND SUPPLIES

Introduced By: Senator Elaine J. Morgan

Date Introduced: February 13, 2020

Referred To: Senate Judiciary

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) 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
7 this chapter, may obtain from the local board in the city or town an affidavit form prepared by the
8 secretary of state as prescribed in this section, setting forth the elector's application for a mail
9 ballot.

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

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

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

1 valid;

2 (i) The ~~he~~ signature on all certifying envelopes containing a voted ballot must be made
3 before a notary public or before two (2) witnesses who shall set forth their addresses on the form;
4 and

5 (ii) The elector shall provide proof of identity to the notary public or the two (2)
6 witnesses pursuant to the provisions of § 17-19-24.2; provided, however, that this requirement
7 shall not apply to a person who is hospitalized or is a patient in a hospice or skilled nursing
8 facility.

9 (2) All applications for mail ballots pursuant to § 17-20-2(2) must state under oath the
10 name and location of the hospital, convalescent home, nursing home, or similar institution where
11 the elector is confined. All mail ballots issued pursuant to subdivision 17-20-2(2) shall be
12 delivered to the elector at the hospital, convalescent home, nursing home, or similar institution
13 where the elector is confined; and the ballots shall be voted and witnessed in conformance with
14 the provisions of § 17-20-14. The elector shall provide proof of identity to the notary public or the
15 two (2) witnesses pursuant to the provisions of § 17-19-24.2; provided, however, that this
16 requirement shall not apply to a person who is hospitalized or is a patient in a hospice or skilled
17 nursing facility.

18 (3) All mail ballots issued pursuant to subdivision 17-20-2(3) shall be mailed to the
19 address provided by the elector on the application or sent to the board of canvassers in the city or
20 town where the elector maintains his or her voting residence. In order to be valid, the signature of
21 the elector on the certifying envelope containing voted ballots does not need to be notarized or
22 witnessed. Any voter qualified to receive a mail ballot pursuant to subdivision 17-20-2(3) shall
23 also be entitled to cast a ballot pursuant to the provisions of United States Public Law 99-410
24 ("UOCAVA Act").

25 (4) All mail ballots issued pursuant to subdivision 17-20-2(4) may be mailed to the
26 elector at the address within the United States provided by the elector on the application or sent to
27 the board of canvassers in the city or town where the elector maintains his or her voting
28 residence. In order to be valid, the signature on all certifying envelopes containing a voted ballot
29 must be made before a notary public, or other person authorized by law to administer oaths where
30 signed, or where the elector voted, or before two (2) witnesses who shall set forth their addresses
31 on the form. In order to be valid, all ballots sent to the elector at the board of canvassers must be
32 voted in conformance with the provisions of § 17-20-14.2. The elector shall provide proof of
33 identity to the notary public or the two (2) witnesses pursuant to the provisions of § 17-19-24.2;
34 provided, however, that this requirement shall not apply to a person who is hospitalized or is a

1 [patient in a hospice or skilled nursing facility.](#)

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

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

10 **17-20-2.2. Requirements for validity of emergency mail ballots.**

11 (a) Any legally qualified elector of this state whose name appears upon the official voting
12 list of the town or district of the city or town where the elector is so qualified, who on account of
13 circumstances manifested twenty (20) days or less prior to any election becomes eligible to vote
14 by mail ballot according to this chapter, may obtain from the local board an application for an
15 emergency mail ballot.

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

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

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

25 (1) All mail ballots issued pursuant to subdivision 17-20-2(1) shall be mailed to the
26 elector at the State of Rhode Island address provided on the application by the office of the
27 secretary of state, or delivered by the local board to a person presenting written authorization
28 from the elector to receive the ballots, or cast in private at the local board of canvassers. In order
29 to be valid, the signature of the voter on the certifying envelope containing a voted ballot must be
30 made before a notary public, or other person authorized by law to administer oaths where signed,
31 or where the elector voted, or before two (2) witnesses who shall set forth their addresses on the
32 form. In order to be valid, all ballots sent to the elector at the board of canvassers must be voted
33 in conformance with the provisions of § 17-20-14.2. [The elector shall provide proof of identity to](#)
34 [the notary public or the two \(2\) witnesses pursuant to the provisions of § 17-19-24.2; provided,](#)

1 [however, that this requirement shall not apply to a person who is hospitalized or is a patient in a](#)
2 [hospice or skilled nursing facility.](#)

3 (2) All applications for emergency mail ballots pursuant to subdivision 17-20-2(2) must
4 state under oath the name and location of the hospital, convalescent home, nursing home, or
5 similar institution where the elector is confined. All mail ballots issued pursuant to this
6 subdivision shall be delivered to the elector by the bi-partisan pair of supervisors, appointed in
7 conformance with this chapter, and shall be voted and witnessed in conformance with the
8 provisions of § 17-20-14. [The elector shall provide proof of identity to the notary public or the](#)
9 [two \(2\) witnesses pursuant to the provisions of § 17-19-24.2; provided, however, that this](#)
10 [requirement shall not apply to a person who is hospitalized or is a patient in a hospice or skilled](#)
11 [nursing facility.](#)

12 (3) All mail ballots issued pursuant to subdivision 17-20-2(3) shall be mailed by the
13 office of the secretary of state to the elector at an address provided by the elector on the
14 application, or cast at the board of canvassers in the city or town where the elector maintains his
15 or her voting residence. The signature of the elector on the certifying envelope containing the
16 voted ballots issued pursuant to the subdivision does not need to be notarized or witnessed. Any
17 voter qualified to receive a mail ballot pursuant to subdivision 17-20-2(3) shall also be entitled to
18 cast a ballot pursuant to the provisions of United States Public Law 99-410 ("UOCAVA Act").

19 (4) All mail ballots issued pursuant to subdivision 17-20-2(4) shall be cast at the board of
20 canvassers in the city or town where the elector maintains his or her voting residence or mailed
21 by the office of the secretary of state to the elector at the address within the United States
22 provided by the elector on the application, or delivered to the voter by a person presenting written
23 authorization by the voter to pick up the ballot. In order to be valid, the signature of the voter on
24 all certifying envelopes containing a voted ballot must be made before a notary public, or other
25 person authorized by law to administer oaths where signed, or where the elector voted, or before
26 two (2) witnesses who shall set forth their addresses on the form. In order to be valid, all ballots
27 sent to the elector at the board of canvassers must be voted in conformance with the provisions of
28 § 17-20-14.2. [The elector shall provide proof of identity to the notary public or the two \(2\)](#)
29 [witnesses pursuant to the provisions of § 17-19-24.2; provided, however, that this requirement](#)
30 [shall not apply to a person who is hospitalized or is a patient in a hospice or skilled nursing](#)
31 [facility.](#)

32 (e) The secretary of state shall provide each of the several boards of canvassers with a
33 sufficient number of mail ballots for their voting districts so that the local boards may provide the
34 appropriate ballot or ballots to the applicants. It shall be the duty of each board of canvassers to

1 process each emergency ballot application in accordance with this chapter, and it shall be the duty
2 of each board to return to the secretary of state any ballots not issued immediately after each
3 election.

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

7 SECTION 2. This act shall take effect on January 1, 2021.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO ELECTIONS - MAIL BALLOTS - CONDUCT OF ELECTION AND VOTING
EQUIPMENT AND SUPPLIES

1 This act would require any person voting by mail ballot or emergency mail ballot to
2 provide proof of identity, exempting those who are hospitalized or residents in a hospice or
3 skilled nursing facility.

4 This act would take effect on January 1, 2021.

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