

2016 -- S 2537

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO ELECTIONS -- MAIL BALLOTS

Introduced By: Senators McCaffrey, Lombardi, Lynch Prata, Conley, and Nesselbush

Date Introduced: February 25, 2016

Referred To: Senate Judiciary

(Board of 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. --** (a)
4 Any legally qualified elector of this state whose name appears upon the official voting list of the
5 city, town, or district of the city or town where the elector is qualified, and who desires to avail
6 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 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
11 incapacity 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. [The application for a mail ballot may](#)
15 [serve as affirmation if the voter has been placed on the inactive list and the Box A voting address](#)
16 [on the mail ballot application matches the address on the voter's registration record.](#)

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

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

1 elector at the Rhode Island address provided by the elector on the application. In order to be
2 valid, the signature on all certifying envelopes containing a voted ballot must be made before a
3 notary public or before two (2) witnesses who shall set forth their addresses on the form.

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 subdivision 17-20-2(2) shall be
7 delivered to the elector at the hospital, convalescent home, nursing home, or similar institution
8 where the elector is confined; and the ballots shall be voted and witnessed in conformance with
9 the provisions of § 17-20-14.

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

17 (4) All mail ballots issued pursuant to subdivision 17-20-2(4) may be mailed to the
18 elector at the address within the United States provided by the elector on the application or sent to
19 the board of canvassers in the city or town where the elector maintains his or her voting
20 residence. In order to be valid, the signature on all certifying envelopes containing a voted ballot
21 must be made before a notary public, or other person authorized by law to administer oaths where
22 signed, or where the elector voted, or before two (2) witnesses who shall set forth their addresses
23 on the form. In order to be valid, all ballots sent to the elector at the board of canvassers must be
24 voted in conformance with the provisions of § 17-20-14.2.

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

28 (f) 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
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.

33 **17-20-2.2. Requirements for validity of emergency mail ballots.** -- (a) Any legally
34 qualified elector of this state whose name appears upon the official voting list of the town or

1 district of the city or town where the elector is so qualified, who on account of circumstances
2 ~~manifested~~ twenty (20) days or less prior to any election becomes eligible to vote by mail ballot
3 according to this chapter, may obtain from the local board an application for an emergency mail
4 ballot.

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 not later than four o'clock (4:00)
7 p.m. on the last day preceding the date of the election. [The application for an emergency mail](#)
8 [ballot may serve as affirmation if the voter has been placed on the inactive list and the Box A](#)
9 [voting address on the mail ballot application matches the address on the voter's registration](#)
10 [record.](#)

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

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

17 (1) All mail ballots issued pursuant to subdivision 17-20-2(1) shall be mailed to the
18 elector at the State of Rhode Island address provided on the application by the office of the
19 secretary of state, or delivered by the local board to a person presenting written authorization
20 from the elector to receive the ballots, or cast in private at the local board of canvassers. In order
21 to be valid, the signature of the voter on the certifying envelope containing a voted ballot must be
22 made before a notary public, or other person authorized by law to administer oaths where signed,
23 or where the elector voted, or before two (2) witnesses who shall set forth their addresses on the
24 form. In order to be valid, all ballots sent to the elector at the board of canvassers must be voted
25 in conformance with the provisions of § 17-20-14.2.

26 (2) All applications for emergency mail ballots pursuant to subdivision 17-20-2(2) must
27 state under oath the name and location of the hospital, convalescent home, nursing home, or
28 similar institution where the elector is confined. All mail ballots issued pursuant to this
29 subdivision shall be delivered to the elector by the bi-partisan pair of supervisors, appointed in
30 conformance with this chapter, and shall be voted and witnessed in conformance with the
31 provisions of § 17-20-14.

32 (3) All mail ballots issued pursuant to subdivision 17-20-2(3) shall be mailed by the
33 office of the secretary of state to the elector at an address provided by the elector on the
34 application, or cast at the board of canvassers in the city or town where the elector maintains his

1 or her voting residence. The signature of the elector on the certifying envelope containing the
2 voted ballots issued pursuant to the subdivision does not need to be notarized or witnessed. Any
3 voter qualified to receive a mail ballot pursuant to subdivision 17-20-2(3) shall also be entitled to
4 cast a ballot pursuant to the provisions of United States Public Law 99-410 ("UOCAVA Act").

5 (4) All mail ballots issued pursuant to subdivision 17-20-2(4) shall be cast at the board of
6 canvassers in the city or town where the elector maintains his or her voting residence or mailed
7 by the office of the secretary of state to the elector at the address within the United States
8 provided by the elector on the application, or delivered to the voter by a person presenting written
9 authorization by the voter to pick up the ballot. In order to be valid, the signature of the voter on
10 all certifying envelopes containing a voted ballot must be made before a notary public, or other
11 person authorized by law to administer oaths where signed, or where the elector voted, or before
12 two (2) witnesses who shall set forth their addresses on the form. In order to be valid, all ballots
13 sent to the elector at the board of canvassers must be voted in conformance with the provisions of
14 § 17-20-14.2.

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

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO ELECTIONS -- MAIL BALLOTS

1 This act would change the mail ballot application allowing the applications to serve as an
2 affirmation form for inactive voters who request a mail ballot from the address from which the
3 voter is currently registered. It also eliminates the mail ballot application language that requires
4 voters to verify the emergency which necessitated the mail ballot application.

5 This act would take effect upon passage.

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