

2011 -- H 5511

LC00387

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO ELECTIONS -- ELECTIVE MEETINGS

Introduced By: Representative Donald J. Lally

Date Introduced: March 02, 2011

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-18-11 of the General Laws in Chapter 17-18 entitled "Elective
2 Meetings" is hereby amended to read as follows:

3 **17-18-11. Time of closing of polls.** -- Elective meetings in all cities and towns shall be
4 continuously kept open for voting until 9 8:00 p.m.; provided, that any qualified voter who is
5 within the building in which the elective meeting is being conducted and is waiting in line to vote
6 at 9 8:00 p.m. shall be entitled to cast his or her vote. When all persons entitled to vote have been
7 afforded a reasonable opportunity to do so, the polls shall be closed; ~~provided, that the city~~
8 ~~council of the city of Pawtucket shall have the authority, solely in local elections, to close the~~
9 ~~polls one hour earlier than set forth in this section.~~

10 SECTION 2. Sections 17-20-8, 17-20-16, 17-20-21, 17-20-22 and 17-20-25 of the
11 General Laws in Chapter 17-20 entitled "Mail Ballots" are hereby amended to read as follows:

12 **17-20-8. Application for ballot.** -- (a) Whenever any person is unable to sign his or her
13 name because of physical incapacity or otherwise, that person shall make his or her mark "X".

14 (b) Notwithstanding any other provision of this chapter as to time and manner thereof, it
15 shall be the duty of the applicant to cause the mail ballot application or the emergency mail ballot
16 application, as the case may be, to be processed by the local board so that the applicant may
17 receive the ballot, cast it, and cause delivery thereof to be made to the state board not later than
18 ~~nine o'clock (9:00)~~ eight o'clock (8:00) p.m. on the date of election.

19 (c) The local board shall maintain a separate list of names and addresses of all applicants

1 and their subscribing witnesses and a copy of the list shall be made available for inspection to any
2 person upon request.

3 (d) Any person knowingly and willfully making a false application or certification or
4 knowingly and willfully aiding and abetting in the making of a false application or certification
5 shall be guilty of a felony.

6 **17-20-16. Time of casting vote.** -- Mail ballots may be cast in the manner provided by
7 law on or before election day; provided, that no mail ballot shall be counted unless it is received
8 by the state board not later than ~~nine o'clock (9:00)~~ eight o'clock (8:00) p.m. local time on
9 election day.

10 **17-20-21. Certifying envelopes.** -- The secretary of state shall cause to be prepared and
11 printed and shall furnish with each mail ballot an envelope for sealing up and certifying the ballot
12 when returned. The envelope shall be printed in substantially the following form:

13 "After marking ballot or ballots, fold and enclose in this envelope and seal it. Certify to
14 statement hereon. Enclose in envelope addressed to board of elections, which must receive the
15 envelope not later than ~~nine o'clock (9:00)~~ eight o'clock (8:00) p.m. the day of election."

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

17 Certificate of Voter

18 I _____ certify under penalty of perjury
19 Print Name of Voter

20 that I am a resident of the Sate of Rhode Island and a qualified voter of the state residing
21 at _____
22 Street and number, if any

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

28 Voter must sign full name here: _____

29 (If unable to sign name because of physical incapacity or otherwise, voter shall make his
30 or her mark "(X)".)

31 Before me the _____ day of _____ 20____, at
32 _____(city or town), county of _____, state of
33 _____, personally appeared the above named voter, to me
34 known and known by me to be the person who affixed his or her signature to this ballot envelope.

35 _____
36 Notary Public

1 Notary must also print his or her name

2 Witness:

3 _____
4 (Signature)

5 _____
6 (Residence)

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

11 **17-20-22. Certification envelopes for mail ballots of persons intimately connected**
12 **with military service and persons employed outside of the United States.** -- The distinctively
13 colored certification envelope for persons intimately connected with military service and persons
14 employed outside of the United States shall be printed in substantially the following form:

15 After marking ballot or ballots, fold and enclose in this envelop 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)~~ eight o'clock (8:00) p.m. the day of election

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

19 Oath of Elector Casting the Enclosed

20 Ballot or Ballots

21 I do hereby affirm that:

22 (1) I am a citizen of the United States;

23 (2) The date of my birth was _____;

24 (3) I am (Check appropriate item);

25 (a) In the armed forces of the United States ();

26 (b) In the merchant marines of the United States ();

27 (c) A member of _____ which is a
28 (Insert name of group or agency)

29 religious group or welfare agency assisting members of the armed forces of the United States, and
30 am officially attached to the serving with the armed forces ().

31 (d) Employed outside of the United States and have applied for a mail ballot through the
32 use of the FPCA (Federal Post Card Application) ();

33 (e) The spouse () or dependent () (check one) of, and residing outside of the state of
34 Rhode Island with, _____ who is: (check an appropriate item)

35 (i) In the armed forces of the United States ();

36 (ii) In the merchant marines of the United States ();

1 (iii) A member of _____ which is a
2 (Insert name of group or agency)
3 religious group or welfare agency assisting members of the armed forces of the United States, and
4 am officially attached to the serving with the armed forces ().

5 (iv) Employed outside of the United States and has applied for a mail ballot through the
6 use of the FPAC (Federal Post Card Application) ();
7 _____
8 (Signature of voter)

9 **17-20-25. Return of unused ballots. --** Every voter who has received a mail ballot and
10 has not cast it shall nevertheless return the unvoted ballot and its uncertified enclosing envelope
11 to the state board or local board with a statement that the voter is not using the mail ballot, before
12 ~~nine o'clock (9:00)~~ eight o'clock (8:00) p.m. on election day.

13 SECTION 3. Section 17-22-1 of the General Laws in Chapter 17-22 entitled "Tabulation
14 and Certification of Returns by State Board" is hereby amended to read as follows:

15 **17-22-1. Commencement and continuance of tabulations. --** The state board shall
16 commence the counting, canvassing, and tabulating of all votes cast, including mail ballots, at
17 ~~nine o'clock (9:00)~~ eight o'clock (8:00) p.m. on any election day at which mail ballots may be
18 cast and within twenty-four (24) hours after any other election or primary, and shall continue and
19 complete the tabulation with all reasonable expedition by using an optical scan count system.

20 SECTION 4. 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 -- ELECTIVE MEETINGS

- 1 This act would set the statewide poll closing time at 8:00 p.m.
- 2 This act would take effect upon passage.

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