

2019 -- H 5712

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO ELECTIONS -- MAIL BALLOTS

Introduced By: Representatives Marszalkowski, Caldwell, Hawkins, and Jackson

Date Introduced: February 27, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-20-2.2 of the General Laws in Chapter 17-20 entitled "Mail
2 Ballots" is hereby amended to read as follows:

3 **17-20-2.2. ~~Requirements for validity of emergency mail ballots~~ Requirements for**
4 **validity of emergency mail ballots and emergency mail ballot applications.**

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

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

13 (c) The elector shall execute the emergency mail ballot application in accordance with the
14 requirements of this chapter, which application shall contain a certificate setting forth the facts
15 relating to the circumstances necessitating the application, except electors casting the emergency
16 mail ballot under § 17-20-2(4) at the local board of canvassers, who shall sign an electronic poll
17 book containing a certificate setting forth the facts relating to the circumstances necessitating the
18 application.

19 (d) In addition to those requirements set forth elsewhere in this chapter, an emergency

1 mail ballot, in order to be valid, must have been cast in conformance with the following
2 procedures:

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

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

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

25 (4) All mail ballots issued pursuant to subdivision 17-20-2(4) shall be cast at the board of
26 canvassers in the city or town where the elector maintains his or her voting residence or mailed
27 by the office of the secretary of state to the elector at the address within the United States
28 provided by the elector on the application, or delivered to the voter by a person presenting written
29 authorization by the voter to pick up the ballot. In order to be valid, the signature of the voter on
30 all certifying envelopes containing a voted ballot must be made before a notary public, or other
31 person authorized by law to administer oaths where signed, or where the elector voted, or before
32 two (2) witnesses who shall set forth their addresses on the form. If the ballot is cast immediately
33 at the local board by the elector into an optical scan precinct count unit, the certifying envelope is
34 not necessary, and the voter is required to sign the electronic poll book. ~~In order to be valid, all~~

1 ~~ballots sent to the elector at the board of canvassers must be voted in conformance with the~~
2 ~~provisions of § 17-20-14.2.~~

3 (5) Any emergency ballot issued under the provisions of this section and cast at the board
4 of canvassers in the city or town where the elector maintains his or her voting residence shall be
5 cast into an optical scan precinct count unit provided to the board of canvassers by the board of
6 elections. Electors casting ballots pursuant to this subsection shall comply with § 17-19-24.2 and
7 sign their name on an electronic poll book prior to casting a ballot.

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

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

17 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 permit emergency mail ballots at any time prior to any election and would
2 require that electors sign an electronic poll book containing a certificate of facts relating to the
3 circumstances necessitating the emergency application. If the elector casts their ballot
4 immediately using an optical scan precinct count unit, the certifying envelope is not necessary.

5 This act would take effect upon passage.

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