

2022 -- S 2119 SUBSTITUTE A

LC003243/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO ELECTIONS -- MAIL BALLOTS

Introduced By: Senators Coyne, Euer, McCaffrey, F Lombardi, Ciccone, Burke,
Kallman, Archambault, Miller, and Goodwin

Date Introduced: January 25, 2022

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-20-10 and 17-20-26 of the General Laws in Chapter 17-20
2 entitled "Mail Ballots" are hereby amended to read as follows:

3 **17-20-10. Certification of applications -- Issuance of ballots -- Marking of lists --**
4 **Mailing address.**

5 (a) Upon receipt of the application, the local board shall immediately examine it and
6 determine whether it complies with each of the requirements set forth by this chapter and compare
7 the signature on the ballot application with the signature contained on the original registration card
8 [or on the central voter registration system](#), except as may be otherwise provided by law, to satisfy
9 itself that the applicant is a qualified voter. Upon determining that it does meet each requirement
10 of this chapter and that the signature appears to be the same, the local board shall mark the
11 application "accepted" and record in the space provided on the ballot application the senatorial,
12 representative, and voting district in which the applicant should vote.

13 (b) The local board shall also record the city or town code and district information in the
14 mailing label section of the mail ballot application. The local board shall also print or type the name
15 of the elector and the complete mailing address in that section. If the local board does not accept
16 the application, the local board shall return the application to the elector, together with a form
17 prescribed by the secretary of state, specifying the reason or reasons for the return of the application.

18 (c) Not later than 4:00 p.m. on the eighteenth (18th) day before the day of any election
19 referred to in this chapter or within seven (7) days of receipt by the local board, whichever occurs

1 first, the local board shall certify the applications to the secretary of state through the ~~CVRS system~~
2 [central voter registration system](#) as this procedure is prescribed by the secretary of state. Upon the
3 certification of a mail ballot application to the secretary of state, the local board shall enter on the
4 voting list the fact that a mail ballot application for the voter has been certified and shall cause the
5 delivery of the certified mail ballot applications together with the signed certified listing thereof in
6 sealed packages to the state board of elections.

7 (d)(1) Upon the ballots becoming available, the secretary of state shall immediately issue
8 and mail, by first-class mail, postage prepaid, a mail ballot to each eligible voter who has been
9 certified. With respect to voters who have applied for these mail ballots under the provisions of §
10 17-20-2(1), the secretary of state shall include with the mail ballots a stamped, return envelope
11 addressed to the board of elections.

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

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

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

32 (g) The acceptance of a mail ballot application by the board of canvassers and the issuance
33 of a mail ballot by the secretary of state shall not create any presumption as to the accuracy of the
34 information provided by the applicant or as to the applicant's compliance with the provisions of

1 this chapter. Any inaccuracy in the provided information or irregularity in the application may be
2 raised as a challenge to the ballot before the board of elections at the time of certification. If the
3 challenge raised at that time is meritorious, the ballot shall be voided.

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

7 **17-20-26. Opening and counting of ballots.**

8 (a)(1) Beginning prior to and continuing on election day the state board, upon receipt of
9 mail ballots, shall keep the ballots in a safe and secure place that shall be separate and apart from
10 the general public area and sufficiently monitored through security measures including security
11 cameras. The board shall:

12 ~~(i) Open the outer envelope and attach the matching ballot application to the inner~~
13 ~~certifying envelope;~~

14 ~~(ii) Beginning fourteen (14), beginning twenty (20) days prior to and continuing on election~~
15 ~~day, proceed to certify the mail ballots.~~

16 (2) Notice of these sessions shall be given to the public on the state board of elections'
17 website; and the secretary of state's website, ~~and announcements in newspapers of general~~
18 ~~circulation published posted~~ at least twenty-four (24) hours before the commencing of any session.
19 All candidates for state and federal office, as well as all state party chairpersons, shall be given
20 notice by telephone, email or otherwise of the day on which ballots ~~affecting that candidate's district~~
21 will be certified; provided, that failure to effect the notice shall in no way invalidate the ballots.

22 (b) This processing shall be done within a railed space in the room in which it takes place,
23 and the board shall admit within the railed space, in accordance with those rules that the board shall
24 adopt, to witness the processing and certification of the ballots, the interested voter or the voter's
25 representative, the candidates, or at least one representative of each candidate for whom votes are
26 at the time being processed, and an equal number of representatives of each political party. These
27 representatives shall be authorized in writing by the voter, the candidate, or the chairperson of the
28 state committee of the political party, respectively, as the case may be. The board shall also, in
29 accordance with these rules, admit representatives of the press and newscasting agencies and any
30 other persons that it deems proper.

31 (c) At these sessions, and before certifying any ballot, the state board shall:

32 (1) Determine the city or town in which the voter cast his or her ballot ~~and classify~~
33 ~~accordingly;~~ and

34 (2) Compare the name, residence, and signature of the voter with the name, residence, and

1 signature on the central voter registration system ~~ballot application~~ for mail ballots and satisfy itself
2 that both signatures are identical. The board shall designate two (2) persons, to review and compare
3 each voter's signature with the voter's signature found in the central voter registration system. If
4 both designees agree that the signatures match, the mail ballot shall proceed to be processed,
5 certified and tabulated. In the event that one or both designees find a discrepancy with the voter's
6 signature, the certification envelope shall then be reviewed by a pair of supervising board staff
7 members. If the pair of supervising board staff members find that the signatures match, then the
8 mail ballot shall proceed to be processed, certified and tabulated. In the event that one or both
9 supervising board staff members find a discrepancy in the voter's signature, the supervising board
10 staff shall compare the signature on the certification envelope to the voter's ballot application. If
11 the pair of supervising board staff members find that those signatures match, then the mail ballot
12 shall proceed to be processed, certified and tabulated. In the event that one or both supervising
13 board staff members find a discrepancy in the voter's signature, the supervising board staff shall
14 compare the signature on the certification envelope to the voter's ballot application. If the pair of
15 supervising board staff members find that the signatures match, then the mail ballot shall proceed
16 to be processed, certified and tabulated. In the event that one or both supervising board staff
17 members find a discrepancy in the voter's signature, the certification envelope shall be segregated,
18 and the board will notify the voter of the discrepancy, in accordance with regulations and
19 procedures promulgated by the board. Any segregated certification envelope that has not been
20 cured or fully addressed by the voter, in accordance with the board's promulgated regulations and
21 procedures, shall be reviewed by the board to make a final determination on the signature set forth
22 on the certification envelope.

23 (d) [Deleted by P.L. 2015, ch. 259, § 1.]

24 (e) ~~The board shall establish guidelines setting forth the grounds for challenging the~~
25 ~~certification of mail ballots. These guidelines shall recognize that if a ballot can be reasonably~~
26 ~~identified to be that of the voter it purports to be, and if it can reasonably be determined that the~~
27 ~~voter was eligible to vote by mail ballot and if the requirements of § 17-20-2.1 were complied with,~~
28 ~~it should not be subject to frivolous or technical challenge. The burden of proof in challenging a~~
29 ~~mail ballot as not obtained and/or cast in conformance with this chapter is on the person challenging~~
30 ~~the ballot. Once the irregularity is shown, the burden of proof shall shift to the person defending~~
31 ~~the ballot to demonstrate that it is the ballot of the voter it purports to be, that the voter was eligible~~
32 ~~to vote by mail ballot, and that all of the applicable requirements of § 17-20-2.1 were complied~~
33 ~~with. The guidelines shall be adopted at a public meeting of the board and shall be made available~~
34 ~~prior to the start of the certification process for mail ballots.~~ The board shall promulgate regulations

1 that allow for challenges to the certification process by the interested voter, the voter's
2 representative, the candidates and representatives of the recognized political parties. Such
3 challenges shall be made to the executive director of the board, or the executive director's designee.
4 The decision of the executive director or designee, shall be subject to review by the board.

5 (f) After processing and certification of the mail ballots, they shall be separated in packages
6 in accordance with their respective cities and towns, in the presence of ~~the board and~~ all ~~other~~
7 interested parties. Thereupon, in each instance the board staff shall open the enclosing envelope,
8 and without looking at the votes cast on the enclosed ballot, shall remove the ballot from the
9 envelope. The ~~state~~-board staff shall proceed to tabulate the ballots through the use of a central
10 count optical-scan unit with the same effect as if the ballots had been cast by the electors in open
11 town or district meetings.

12 (g) When a local election is held at a time other than in conjunction with a statewide
13 election, the state board, after the processing and certification of the mail ballots cast in the local
14 election, shall package the local ballots to be promptly delivered in sealed packages, bearing upon
15 the seals the signatures of the members of the board, to the appropriate local board which shall [a]
16 thereupon proceed to count the ballots in the same manner and with the same effect as state mail
17 ballots are counted by the state board.

18 (h) When a local election is held in New Shoreham at a time other than in conjunction with
19 a statewide election, the state board, after the processing and certification of the mail ballots cast
20 in the local election, shall have the authority to count the ballots in the same manner and with the
21 same effect as state mail ballots are counted by the state board in a statewide election. Once the
22 ballots are counted, the results shall be sent via facsimile to the local board in New Shoreham.

23 SECTION 2. 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 -- MAIL BALLOTS

1 This act would allow the board of elections to begin the certification of mail ballots twenty
2 (20) days prior to election day. It also establishes a new and more comprehensive mail ballot voter
3 signature verification process.

4 This act would take effect upon passage.

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