

2020 -- S 2438

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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

Introduced By: Senators Morgan, Paolino, Rogers, de la Cruz, and Raptakis

Date Introduced: February 13, 2020

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-20-2.1 of the General Laws in Chapter 17-20 entitled "Mail
2 Ballots" is 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
19 valid, the signature on all certifying envelopes containing a voted ballot must be made before a

1 notary public or before two (2) witnesses who shall set forth their addresses on the form.

2 (2) All applications for mail ballots pursuant to § 17-20-2(2) must state under oath the
3 name and location of the hospital, convalescent home, nursing home, or similar institution where
4 the elector is confined. All mail ballots issued pursuant to subdivision 17-20-2(2) shall be
5 delivered to the elector at the hospital, convalescent home, nursing home, or similar institution
6 where the elector is confined; and the ballots shall be voted and witnessed in conformance with
7 the provisions of § 17-20-14.

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

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

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

26 (f) Except as set forth in subsection (g) of this section, no person shall offer to mail or
27 mail another person's mail ballot. This prohibition does not apply to the spouse, court-appointed
28 guardian, cohabitant, or any adult person related by blood or marriage to the person voting by a
29 mail ballot. Any person who violates the provisions of this section, shall be guilty of a
30 misdemeanor and shall be subject to the penalties set forth in § 17-26-2.

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

1 circumstances to a mail ballot voter.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
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1 This act would require that only the mail ballot voter, their spouse, court appointed
2 guardian, cohabitant, or any adult person related to the voter by blood or marriage, be allowed to
3 physically mail the voted mail ballot.

4 This act would take effect upon passage.

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