

2020 -- S 2598

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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: Senator Erin Lynch Prata

Date Introduced: February 25, 2020

Referred To: Senate Judiciary

(Board of Elections)

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, twelve (12) days
7 prior to any election, who ~~on account of circumstances manifested twenty (20) days or less prior to~~
8 ~~any election~~ becomes eligible to vote by mail ballot according to this chapter, may obtain from the
9 local board an application for an emergency mail ballot.

10 (b) The applicable emergency mail ballot application, when duly executed, shall be
11 delivered in person or by mail so that it shall be received by the local board not later than four
12 o'clock (4:00) 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 an emergency
16 mail ballot under § 17-20-2(4) at the local board of canvassers, who shall sign an electronic poll
17 book containing an attestation identifying the reason offered justifying the need for an emergency
18 mail ballot application. The electronic pollbook shall be programmed by the state board to display
19 a list of acceptable grounds to be prescribed by policy promulgated by the state board, from which

1 [the voter may select a reason which identifies the justification for the emergency mail ballot](#)
2 [application.](#)

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

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

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

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

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

1 the voter is required to sign the electronic pollbook. ~~In order to be valid, all ballots sent to the~~
2 ~~elector at the board of canvassers must be voted in conformance with the provisions of § 17-20-~~
3 ~~14.2.~~

4 (5) Any emergency ballot issued pursuant to this section and cast at the board of canvassers,
5 in the city or town where the elector maintains his or her voting residence, shall be cast into an
6 optical scan precinct count unit provided to the board of canvassers by the board of elections, and
7 shall not be tabulated until the close of the polls on election day.

8 (6) Emergency ballots cast at the board of canvassers pursuant to this subsection shall be
9 secured in accordance with board of elections' policy.

10 (7) Electors, prior to casting their emergency ballots pursuant to this section, shall present
11 photo identification that complies with § 17-19-24.2 and sign their name on an electronic pollbook.

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

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would require that electors that cast emergency ballots at the board of canvassers
2 in the twelve (12) day period prior to any election day, to also sign an electronic pollbook attestation
3 giving a reason why he or she cannot get to the polls. Upon the completion of the emergency ballot,
4 it shall be cast immediately into a voting machine.

5 This act would take effect upon passage.

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