

2010 -- S 2707

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO ELECTIONS - MAIL BALLOTS

Introduced By: Senator Erin P. Lynch

Date Introduced: March 18, 2010

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-20-1, 17-20-1.1, 17-20-2, 17-20-2.1, 17-20-2.2, 17-20-6, 17-
2 20-6.1, 17-20-8, 17-20-9, 17-20-10, 17-20-13, 17-20-14, 17-20-14.1, 17-20-14.2, 17-20-21, 17-
3 20-23, 17-20-24.1, 17-20-25, 17-20-26, 17-20-29, 17-20-30 and 17-20-34 of the General Laws in
4 Chapter 17-20 entitled "Mail Ballots" are hereby amended to read as follows:

5 **17-20-1. Voting by mail ballot.** -- The electors of this state ~~who, for any of the reasons~~
6 ~~set forth in section 17-20-2, being otherwise qualified to vote, are unable to vote in person,~~ shall
7 have the right to vote, in the manner and time provided by this chapter, in all general and special
8 elections and primaries, including presidential primaries in this state for electors of president and
9 vice-president of the United States, United States senators in congress, representatives in
10 congress, general officers of the state, senators and representatives in the general assembly for the
11 respective districts in which the elector is duly qualified to vote, and for any other officers whose
12 names appear on the state ballot and for any city, town, ward, or district officers whose names
13 appear on the respective city or town ballots in the ward or district of the city or town in which
14 the elector is duly qualified to vote, and also to approve or reject any proposition of amendment
15 to the Constitution or other propositions appearing on the state, city, or town ballot.

16 **17-20-1.1. Declaration of policy.** -- Those electors who ~~are unable to vote in person at~~
17 ~~the polls for the reasons set forth in section 17-20-2~~ choose to cast a mail ballot are entitled to
18 vote in a manner which reasonably guarantees the secrecy of their ballots. The procedures set
19 forth in this chapter are designed to promote the effective exercise of their rights while

1 safeguarding those voters who utilize the mail ballot process from harassment, intimidation, and
2 invasion of privacy. ~~The procedures are intended to prevent misuse of the electoral system by~~
3 ~~persons who are not eligible to vote by mail ballot.~~ The provisions of this chapter shall be
4 interpreted to effectuate the policies set forth in this section.

5 **17-20-2. Eligibility for mail ballots.** -- Any otherwise qualified elector may vote by mail
6 ballot. ~~in the following circumstances:~~

7 ~~(1) An elector who will be absent from the state on the day of election during the entire~~
8 ~~period of time when the polls are to be open;~~

9 ~~(2) An elector who will be absent from the city or town of his or her voting residence on~~
10 ~~the day of election during the entire period of time when the polls are to be open due to the~~
11 ~~elector's status as a student or the spouse of a student at an institution of higher learning located~~
12 ~~within this state;~~

13 ~~(3) An elector who is incapacitated to the extent that it would be an undue hardship to~~
14 ~~vote at the polls because of illness, or mental or physical disability, blindness, or serious~~
15 ~~impairment of mobility;~~

16 ~~(4) An elector who is forbidden by the tenets of his or her religious faith from engaging~~
17 ~~in secular activity, including voting, on the day of election;~~

18 ~~(5) An elector who is confined in any hospital, convalescent home, nursing home, rest~~
19 ~~home, or similar institution, public or private;~~

20 ~~(6) An elector who is being detained while awaiting trial or is being imprisoned for any~~
21 ~~cause, other than final conviction of a felony, and by reason of that detention or imprisonment is~~
22 ~~unable to vote at the polls;~~

23 ~~(7) An elector who will be temporarily absent from the state because of employment or~~
24 ~~service intimately connected with military operations or who is a spouse or legal dependent~~
25 ~~residing with that person;~~

26 ~~(8) An elector who is employed by the state board of elections, elections division of the~~
27 ~~secretary of state, a member of the staff of a local canvassing authority, or a poll worker assigned~~
28 ~~to work on Election Day outside of their voting district.~~

29 **17-20-2.1. Requirements for validity of mail ballots.** -- (a) Any legally qualified elector
30 of this state whose name appears upon the official voting list of the city, town, or district of the
31 city or town where the elector is qualified, and who desires to avail himself or herself of the right
32 granted to him or her by the Constitution and declared in this chapter, may obtain from the local
33 board in the city or town an affidavit form prepared by the secretary of state as prescribed in this
34 section, setting forth the elector's application for a mail ballot. [In addition to board offices, mail](#)

1 ballot applications may be made available at public locations including, but not limited to, other
2 government agencies that service the public, and locations where voter registration forms are
3 made available.

4 (b) Whenever any person is unable to sign his or her name because of physical
5 incapacity or otherwise, that person shall make his or her mark "X".

6 (c) ~~The~~ In order to be processed for the next upcoming election, the application, when
7 duly executed, shall be delivered in person or by mail so that it is received by the local board not
8 later than four o'clock (4:00) p.m. on the ~~twenty first (21st)~~ seventh (7th) day before the day of
9 any election referred to in section 17-20-1. Applications delivered after this time up until the
10 election shall be processed as if received on the day after the next election.

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

13 (1) ~~All applications for mail ballots pursuant to section 17-20-2(1) must state under oath~~
14 ~~that the elector will be absent from the state on the day of election during the entire period of time~~
15 ~~the polls are to be open. All applications for mail ballot made pursuant to said subdivision must~~
16 ~~be notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.~~
17 ~~All mail ballots issued pursuant to section 17-20-2(1) shall be mailed to the elector at an address~~
18 ~~outside the state of Rhode Island to be provided by the elector on the application or sent to the~~
19 ~~board of canvassers in the city or town where the elector maintains his or her voting residence. In~~
20 ~~order to be valid, all ballots mailed to the elector outside of the state must be voted outside of the~~
21 ~~state of Rhode Island and the signature of the elector notarized by a person authorized by law to~~
22 ~~administer oaths in the state or country where signed or where the elector voted, or before two (2)~~
23 ~~witnesses who shall set forth their addresses on the form, and must be mailed from outside of the~~
24 ~~state of Rhode Island.~~ In order to be valid, all ballots sent to the elector at the board of canvassers
25 must be voted in private at the board, and the signature of the elector witnessed by a pair of
26 supervisors, appointed in conformance with this chapter, who shall return the completed ballot to
27 the board of elections for certification. Provided, however, that any Any elector ~~qualifying under~~
28 ~~section 17-20-2(1) or 17-20-2(7)~~ who is outside the continental United States, shall ~~additionally~~
29 be entitled to apply for a mail ballot and to vote such ballot through facsimile, upon request made
30 to the secretary of state in writing containing the ~~elector's~~ facsimile number, or internet service
31 provider number from which the transmission originated, and the application to be used shall be
32 that prescribed by section 17-20-13. The secretary of state shall establish procedures to protect
33 the anonymity of any votes submitted by facsimile in the same manner as ballots submitted
34 through the mail.

1 ~~(2) All applications for mail ballots pursuant to section 17-20-2(2) must state, under~~
2 ~~oath, the institution of higher learning at which the elector or spouse of the elector is a student.~~
3 ~~All applications for mail ballot made pursuant to said subdivision must be notarized or witnessed~~
4 ~~by two (2) persons who shall sign their names and affix their addresses. All mail ballots issued~~
5 ~~pursuant to said subdivision shall be sent to the elector at the address of the institution of higher~~
6 ~~learning provided by the elector on the application or to the elector at his or her voting residence.~~
7 ~~The signature of the elector on ballots being sent to the elector at their institution of higher~~
8 ~~learning must be notarized or witnessed by two (2) persons who shall sign their names and affix~~
9 ~~their addresses.~~

10 ~~(3) All applications for mail ballots pursuant to section 17-20-2(3) must be notarized or~~
11 ~~witnessed by two (2) persons who shall sign their names and affix their addresses. All mail~~
12 ~~ballots issued pursuant to said subdivision shall be mailed to the elector at his or her voting~~
13 ~~residence. The signature of the elector on ballots being sent to the elector pursuant to this~~
14 ~~subdivision does not need to be notarized or witnessed.~~

15 ~~(4) All applications for mail ballots pursuant to section 17-20-2(4) must be notarized or~~
16 ~~witnessed by two (2) persons who shall sign their names and affix their addresses. All mail~~
17 ~~ballots issued pursuant to said subdivision shall be sent to the elector at his or her voting~~
18 ~~residence. The signature of the elector on the ballots being sent to the elector must be notarized or~~
19 ~~witnessed by two (2) persons who shall sign their names and affix their addresses.~~

20 ~~(5) All applications for mail ballots pursuant to section 17-20-2(5) must state under oath~~
21 ~~the name and location of the hospital, convalescent home, nursing home, or similar institution~~
22 ~~where the elector is confined. All applications for mail ballots pursuant to said subdivision must~~
23 ~~be notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.~~
24 ~~All mail ballots issued pursuant to said subdivision shall be delivered to the elector at the~~
25 ~~hospital, convalescent home, nursing home, or similar institution where the elector is confined;~~
26 ~~and the ballots shall be voted and witnessed in conformance with the provisions of section 17-20-~~
27 ~~14.~~

28 ~~(6) All applications for mail ballots pursuant to section 17-20-2(6) must be notarized or~~
29 ~~witnessed by two (2) persons who shall sign their names and affix their addresses. All mail~~
30 ~~ballots issued pursuant to said subdivision shall be mailed to the elector at the elector's place of~~
31 ~~confinement. The signature of the elector on ballots being sent to the elector must be notarized or~~
32 ~~witnessed by two (2) persons who shall sign their names and affix their addresses.~~

33 ~~(7) All applications for mail ballots made pursuant to section 17-20-2(7) do not need to~~
34 ~~be witnessed or notarized. All mail ballots issued pursuant to said subdivision shall be mailed to~~

1 ~~the elector at an address outside the state of Rhode Island to be provided by the elector on the~~
2 ~~application, or sent to the board of canvassers in the city or town where the elector maintains his~~
3 ~~or her voting residence. The signature of the elector on ballots being sent to the elector pursuant~~
4 ~~to this subdivision does not need to be notarized or witnessed.~~

5 ~~(8) All applications for mail ballots pursuant to section 17-20-2(8) must be notarized or~~
6 ~~witnessed by two (2) persons who shall sign their names and affix their addresses. All mail~~
7 ~~ballots issued pursuant to said subdivision to an elector who is employed by the state board of~~
8 ~~elections shall be mailed or delivered to the elector at the state board of elections. All mail ballots~~
9 ~~issued pursuant to said subdivision to a member of the staff of the elections division of the office~~
10 ~~of the secretary of state shall be mailed or delivered to the elector at the state board of elections.~~
11 ~~All mail ballots issued pursuant to said subdivision to a member of the staff of a local canvassing~~
12 ~~authority shall be mailed or delivered to the elector at his or her local board of canvassers. All~~
13 ~~mail ballots issued pursuant to said subdivision to a poll worker assigned to work election day~~
14 ~~outside of their voting district shall be mailed or delivered to the elector at his or her local board~~
15 ~~of canvassers. All ballots being sent to the elector pursuant to this subdivision must be voted in~~
16 ~~private at the state board or the local board, as the case may be, and the signature of the elector~~
17 ~~witnessed by a pair of supervisors, appointed in conformance with this chapter.~~

18 (e) 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 section 17-26-1.

21 **17-20-2.2. Requirements for validity of emergency mail ballots.** -- (a) Any legally
22 qualified elector of this state whose name appears upon the official voting list of the town or
23 district of the city or town where the elector is so qualified, who on account of circumstances
24 manifested ~~twenty (20)~~ seven (7) days or less prior to any election becomes ~~eligible to vote by~~
25 ~~mail ballot according to this chapter,~~ unable to vote at their polling place on election day, may
26 obtain from the local board an application for an emergency mail ballot.

27 (b) The emergency mail ballot application, when duly executed, shall be delivered ~~in~~
28 ~~person or by mail so that it shall be received by~~ to the local board not later than four o'clock
29 (4:00) p.m. on the ~~last~~ day ~~preceding the date~~ of the election. The emergency ballot issued by the
30 local board pursuant to an application for an emergency ballot may be delivered to the voter by a
31 person of their choosing, provided that the person possesses signed, written authorization to so
32 deliver the ballot from the applicant. No person shall be allowed to deliver emergency ballots to
33 more than two (2) electors in a single election.

34 (c) The elector shall execute the emergency mail ballot application in accordance with

1 the requirements of this chapter, which application shall contain a certificate setting forth the
2 facts relating to the circumstances necessitating the application.

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

6 ~~(1) All applications for emergency mail ballots pursuant to section 17-20-2(1) must be~~
7 ~~notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.~~
8 ~~All mail ballots issued pursuant to section 17-20-2(1) shall be cast at the board of canvassers in~~
9 ~~the city or town where the elector maintains his or her voting residence or mailed by the office of~~
10 ~~the secretary of state to the elector at an address outside the state of Rhode Island to be provided~~
11 ~~by the elector on the application. In order to be valid, all ballots mailed to the elector out of state~~
12 ~~must be voted outside the state of Rhode Island and the signature of the elector notarized by a~~
13 ~~person authorized by law to administer oaths in the state or country where signed or where the~~
14 ~~elector voted, or before two (2) witnesses who shall set forth their addresses on the form, and~~
15 ~~must be mailed from outside the state of Rhode Island. In order to be valid, all ballots cast by the~~
16 ~~elector at the board of canvassers must be voted in private at the board and the signature of the~~
17 ~~elector witnessed by a pair of supervisors, appointed in conformance with this chapter, who shall~~
18 ~~return the completed ballot to the board of elections for certification.~~

19 ~~(2) All applications for emergency mail ballots pursuant to section 17-20-2(2) must state~~
20 ~~under oath the institution of higher learning at which the elector or spouse of the elector is a~~
21 ~~student. All applications for mail ballot made pursuant to this subdivision must be notarized or~~
22 ~~witnessed by two (2) persons who shall sign their names and affix their addresses. All mail~~
23 ~~ballots issued pursuant to this subdivision shall be cast at the board of canvassers in the city or~~
24 ~~town where the elector maintains his or her voting residence, or mailed by the office of the~~
25 ~~secretary of state to the elector at the address of the institution of higher learning provided by the~~
26 ~~elector on the application. Ballots being cast at the local board of canvassers must be voted in~~
27 ~~private and the signature of the elector witnessed by a pair of supervisors, appointed in~~
28 ~~conformance with this chapter, who shall return the completed ballot to the board of elections for~~
29 ~~certification. The signature of the elector on ballots being sent to the elector at their institution of~~
30 ~~higher learning must be notarized or witnessed by two (2) persons who shall sign their names and~~
31 ~~affix their addresses.~~

32 ~~(3) All applications for emergency mail ballots pursuant to section 17-20-2(3) must be~~
33 ~~notarized or witnessed by two (2) persons who shall sign their names and affix their addresses~~
34 ~~and must be accompanied by a certificate from a licensed physician or a Christian Science~~

1 ~~practitioner setting forth the location of his or her medical offices or the Christian Science~~
2 ~~practitioner's office, the date when that physician last examined the elector, or in the case of a~~
3 ~~Christian Science practitioner, when the practitioner last treated the elector, and attesting that the~~
4 ~~illness, disability, blindness or serious impairment of mobility did not manifest itself until twenty~~
5 ~~(20) days or less prior to the date of the election and as a result it would be an undue hardship for~~
6 ~~the elector to vote at the polls based upon a physical examination performed by that physician or~~
7 ~~an observation by that Christian Science practitioner. The state board of elections shall prepare~~
8 ~~forms for physicians and practitioners to use in making the certification required in this~~
9 ~~subdivision and shall distribute the forms prior to each general election to those physicians~~
10 ~~licensed to practice medicine in this state and, upon request, to any other persons and at any other~~
11 ~~times as necessary. The forms shall also be made available at each board of canvassers. It shall~~
12 ~~not be required that a physician or practitioner use the form in certifying the illness, disability,~~
13 ~~blindness or serious impairment of mobility of a voter as long as the certification provided~~
14 ~~contains all of the required information. Any physician knowingly and willfully making a false~~
15 ~~certification, and any person knowingly and willfully aiding and abetting in the making of a false~~
16 ~~certification, shall be guilty of a felony. All mail ballots issued pursuant to section 17-20-2(3)~~
17 ~~shall be mailed to the elector at his or her voting residence by the office of the secretary of state,~~
18 ~~or delivered by the local board to a person presenting written authorization from the elector to~~
19 ~~receive the ballots, or cast in private at the local board of canvassers. The signature of the elector~~
20 ~~on ballots being cast pursuant to this subdivision does not need to be notarized or witnessed.~~

21 ~~-(4) All applications for emergency mail ballots pursuant to section 17-20-2(4) must be~~
22 ~~notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.~~
23 ~~All mail ballots issued pursuant to this subdivision shall be mailed to the elector at his or her~~
24 ~~voting residence by the office of the secretary of state, or cast by the elector at the board of~~
25 ~~canvassers in the city or town where he or she resides. Ballots being cast at the local board of~~
26 ~~canvassers must be voted in private at the board and the signature of the elector witnessed by a~~
27 ~~pair of supervisors, appointed in conformance with this chapter, who shall return the completed~~
28 ~~ballot to the board of elections for certification. The signature of the elector on ballots being sent~~
29 ~~to the elector at his or her voting residence must be notarized or witnessed by two (2) persons~~
30 ~~who shall sign their names and affix their signatures.~~

31 ~~-(5) All applications for emergency mail ballots pursuant to section 17-20-2(5) must state~~
32 ~~under oath the name and location of the hospital, convalescent home, nursing home, or similar~~
33 ~~institution where the elector is confined. All applications for mail ballots pursuant to this~~
34 ~~subdivision must be notarized or witnessed by two (2) persons who shall sign their names and~~

1 ~~affix their addresses. All mail ballots issued pursuant to this subdivision shall be delivered to the~~
2 ~~elector by the bi-partisan pair of supervisors, appointed in conformance with this chapter, and~~
3 ~~shall be voted and witnessed in conformance with the provisions of section 17-20-14.~~

4 ~~(6) All applications for emergency mail ballots pursuant to section 17-20-2(6) must be~~
5 ~~notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.~~
6 ~~All mail ballots issued pursuant to this subdivision shall be mailed by the office of the secretary~~
7 ~~of state to the elector at the elector's place of confinement, or delivered to a person presenting~~
8 ~~written authorization from the elector to receive the ballot. The signature of the elector on ballots~~
9 ~~being sent to the elector must be notarized or witnessed by two (2) persons who shall sign their~~
10 ~~names and affix their addresses.~~

11 ~~(7) All applications for emergency mail ballots made pursuant to section 17-20-2(7) do~~
12 ~~not need to be witnessed or notarized. All mail ballots issued pursuant to this subdivision shall be~~
13 ~~mailed by the office of the secretary of state to the elector at an address outside the state of Rhode~~
14 ~~Island to be provided by the elector on the application, or cast at the board of canvassers in the~~
15 ~~city or town where the elector maintains his or her voting residence. The signature of the elector~~
16 ~~on ballots being sent to the elector pursuant to this subdivision does not need to be notarized or~~
17 ~~witnessed.~~

18 ~~(8) All applications for emergency mail ballots pursuant to section 17-20-2(8) must be~~
19 ~~notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.~~
20 ~~All mail ballots issued pursuant to this subdivision to an elector who is employed by the state~~
21 ~~board of elections shall be mailed or delivered by the office of the secretary of state to the elector~~
22 ~~at the state board of elections. All mail ballots issued pursuant to this subdivision to a member of~~
23 ~~the staff of the elections division of the office of the secretary of state shall be mailed or delivered~~
24 ~~to the elector at the state board of elections. All mail ballots issued pursuant to this subdivision to~~
25 ~~a member of the staff of a local canvassing authority shall be cast by the elector at his or her local~~
26 ~~board of canvassers. All mail ballots issued pursuant to this subdivision to a poll worker assigned~~
27 ~~to work election day outside of their voting district shall be cast by the elector at his or her local~~
28 ~~board of canvassers. All ballots being sent to the elector pursuant to this subdivision must be~~
29 ~~voted in private at the state board or the local board, as the case may be, and the signature of the~~
30 ~~elector witnessed by a pair of supervisors, appointed in conformance with this chapter.~~

31 (e) The secretary of state shall provide each of the several boards of canvassers with a
32 sufficient number of mail ballots for their voting districts so that the local boards may provide the
33 appropriate ballot or ballots to the applicants. It shall be the duty of each board of canvassers to
34 process each emergency ballot application in accordance with this chapter, and it shall be the duty

1 of each board to return to the secretary of state any ballots not issued immediately after each
2 election.

3 (f) 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 and shall be subject to the penalties provided for in section 17-26-1.

6 **17-20-6. Alternative methods of voting.** -- Any qualified elector who is a member of the
7 armed forces or of the merchant marine of the United States, or who is absent from the state in the
8 performance of "services intimately connected with military operations" as defined in section 17-
9 20-3(c), and any qualified elector of this state exempt from registration under section 17-20-4,
10 shall have the right to vote at his or her option during the period of his or her service and for two
11 (2) years thereafter by any one of the following methods:

12 (1) ~~If the person is present within the state on the day of any election, that person~~ The
13 voter shall have the right to vote in the manner prescribed in chapter 19 of this title, subject to any
14 other provisions of this chapter.

15 (2) ~~If the person is absent from the state on the day of any election, that person~~ The voter
16 has the right to vote by absentee ballot in accordance with the provisions of this chapter, ~~upon~~
17 ~~compliance with its provisions.~~

18 (3) (i) The elector may cast an official ~~federal absentee ballot~~ federal write-in absentee
19 ballot "FWAB" in accordance with the laws of the United States.

20 (ii) The elector may use the "FWAB" to cast a vote for each federal, state and local
21 office for which he or she is entitled to vote in a general, primary or special election.

22 (4) The elector may also cast an official state blank ballot issued by the office of the
23 secretary of state in accordance with this chapter.

24 **17-20-6.1. Alternative methods of voting by citizens covered by the Uniformed and**
25 **Overseas Citizens Absentee Voting Act (UOCAVA) and other citizens residing outside the**
26 **United States.** -- (a) It is the intent and purpose that the provisions set forth in this section are

27 designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee
28 Voting Act (UOCAVA), 42 U.S.C. section 1973ff et seq.

29 (b) The Federal Post Card Application (FPCA) may be used as a request for an absentee
30 ballot by:

31 (1) A member of the armed forces who is absent from the state by reason of being in
32 active service;

33 (2) Any person absent from the state in performance of "services intimately connected
34 with military operations" as defined in section 17-20-3(d);

1 (3) Any person who is employed outside of the United States as defined in section 17-
2 20-3(c); and

3 (4) Any person who does not qualify under subparagraph (1), (2), or (3) above, but who
4 is a citizen of the United States and absent from the state and residing outside the United States as
5 described in chapter 21.1 of title 17.

6 (c) The single FPCA card shall permit the person to request an absentee ballot for each
7 primary and election through the next two (2) regularly scheduled general elections for federal
8 office in which the voter is eligible to vote.

9 (d) The FPCA card must be received by the local board of canvassers where the person
10 last maintains his/her residence for voting purposes within the time frame for applying for
11 absentee ballots as set forth in this title.

12 (e) If the FPCA, when used in accordance with this section, is sent by the voter through
13 electronic transmission, it must be sent to the secretary of state and it must be received by the
14 secretary of state by the deadline for applying for absentee ballots as set forth in this title. The
15 secretary of state shall then forward the FPCA to the appropriate local authority who shall
16 immediately certify and return the FPCA to the secretary of state with the notation that the
17 corresponding ballots shall be sent by mail and electronic transmission. The secretary of state
18 shall transmit ballots only to the facsimile number provided by the Federal Voter Assistance
19 Program. The ballots sent by electronic transmission shall be returned to the state board by
20 electronic transmission. These ballots will be counted at the state board in accordance with rules
21 and regulations promulgated by the state board.

22 ~~(f) The voter's signature on the FPCA does not need to be witnessed or notarized, when~~
23 ~~the FPCA is submitted as provided in this section.~~

24 ~~(g) If a voter is casting a mail ballot received through the use of the FPCA card as~~
25 ~~provided in this section, the voter's signature does not need to be witnessed or notarized on the~~
26 ~~certifying envelope used for the return of the voted mail ballot.~~

27 **17-20-8. Application for ballot.** -- (a) Whenever any person is unable to sign his or her
28 name because of physical incapacity or otherwise, that person shall make his or her mark "X".

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

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

1 applicants, ~~and their subscribing witnesses and a copy of the list shall be made available for~~
2 ~~inspection to any person upon request.~~ The list shall include the date on which the application
3 was made, the date mail ballots were sent or delivered, the date the ballots were returned for
4 every individual on the list, and shall indicate if the voter has requested permanent mail voter
5 status or if they have requested a mail ballot for a single election. If a mail ballot is not returned
6 by the voter or if it is rejected, that fact shall be noted on the list. The list shall be updated at least
7 twice per week, and shall be available to the public in the same manner as voter registration lists,
8 except that in the period between the time that mail ballots are sent to voters and election day the
9 list shall be updated daily and shall be available to the public in electronic format in addition to
10 being available in the same manner as voter registration lists.

11 (d) A voter whose name appears on the list as a permanent vote by mail voter shall
12 remain on the list and shall be mailed a mail ballot for each election.

13 (e) A permanent vote by mail voter shall be deleted from the list if:

14 (1) The eligible voter notifies the designated election official that he or she no longer
15 wishes to vote by mail ballot.

16 (2) The mail ballot sent to the (voter/elector) is returned as undeliverable.

17 (3) The elector has been designated “inactive”.

18 (f)(d) 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.

21 **17-20-9. Application by permanently disabled or incapacitated voters.** -- (a) A voter
22 ~~who is indefinitely confined because of physical illness or infirmity or is disabled for an~~
23 ~~indefinite period~~ may, ~~by signing an affidavit to that effect,~~ request that an absentee mail ballot
24 ~~application~~ be sent to him or her automatically for every election. ~~The affidavit form and~~
25 ~~instructions shall be prescribed by the secretary of state, and furnished upon request to any elector~~
26 ~~by each local board of canvassers. The envelope containing the absentee ballot application shall~~
27 ~~be clearly marked as not forwardable.~~ The request shall be made by checking the appropriate box
28 designating a choice to register as a permanent mail voter on the mail ballot application form. If
29 any elector ~~is~~ no longer ~~indefinitely confined,~~ wishes to receive a mail ballot, he or she shall
30 notify the clerk of the local board of canvassers of this fact. ~~The clerk shall remove the name of~~
31 ~~any voter from the mailing list established under this section upon receipt of reliable information~~
32 ~~that a voter no longer qualifies for the service. The voter shall be notified of the action within five~~
33 ~~(5) days after the board takes the action.~~

34 (b) A voter who is indefinitely confined because of physical illness or infirmity or is

1 disabled for an indefinite period may, by signing an affidavit to that effect, request that a stamped
2 return envelope be included with their mail ballot at each election. The affidavit form and
3 instructions shall be prescribed by the secretary of state, and furnished upon request to any elector
4 by each local board of canvassers.

5 ~~(1)(b)~~ The affidavit form and instructions prescribed in this ~~section~~ subsection (b) shall
6 be mailed to the applicant along with a stamped return envelope addressed to the local boards of
7 canvassers.

8 **17-20-10. Certification of applications -- Issuance of ballots -- Marking of lists --**

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

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

23 (c) Not later than 4:00 p.m. on the ~~eighteenth (18th)~~ sixth (6th) day before the day of any
24 election referred to in this chapter or within ~~seven (7)~~ five (5) days of receipt by the local board,
25 whichever occurs first, the local board shall certify the applications to the secretary of state
26 through the CVRS system as this procedure is prescribed by the secretary of state. Upon the
27 certification of a mail ballot application to the secretary of state, the local board shall enter on the
28 voting list the fact that a mail ballot application for the voter has been certified and shall cause the
29 delivery of the certified mail ballot applications together with the signed certified listing thereof
30 in sealed packages to the state board of elections.

31 (d) (1) Upon the ballots becoming available, the secretary of state shall immediately,
32 issue and mail, by first class mail, postage prepaid, a mail ballot to each eligible voter who has
33 been certified. With respect to voters who have applied for these mail ballots under the provisions
34 of ~~section 17-20-2(3)~~ subsection 17-20-9(b), the secretary of state shall include with the mail

1 ballots a stamped return envelope addressed: "Board of Elections, 50 Branch Avenue,
2 Providence, Rhode Island 02904-2790".

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

8 (e) ~~Prior~~ On or before the date the initial mail ballots are distributed to voters by the
9 secretary of state prior to each election, the secretary of state shall ~~also~~ furnish to ~~the chairperson~~
10 ~~of the state committee of each political party~~ members of the public upon request a list in
11 electronic and printed format of the names and residence addresses of all persons to whom mail
12 ballots have been issued. Such list shall also indicate whether each voter's mail ballot has been
13 returned. ~~The secretary of state shall also furnish to a candidate for political office upon request a~~
14 ~~list of the names and residence addresses of all persons to whom mail ballots have been issued~~
15 ~~within his or her district.~~

16 (f) [Deleted by P.L. 2005, ch. 167, section 2.]

17 (g) If a ballot is returned to the secretary of state by the postal service as undeliverable,
18 the secretary of state shall consult with the appropriate local board to determine the accuracy of
19 the mailing address, and the secretary of state shall be required to remail the ballot to the voter
20 using the corrected address provided by the local board. If the local board is unable to provide a
21 different address than that to which the ballot was originally mailed, the ballot shall be reissued
22 by the secretary of state to the board of canvassers in the city or town where the voter resides
23 utilizing the numerical or alphabetical code established in subsection (d) of this section. The
24 board shall consult the United States Postal Service Change of Address Directory to determine if
25 an alternative address exists for the voter. The board shall then attempt to notify the voter at his or
26 her place of residence, at the alternative address provided for receiving the ballot, that the ballot
27 has been returned as undeliverable. The ballot must be voted and witnessed in accordance with
28 the provisions of this chapter.

29 (h) The acceptance of a mail ballot application by the board of canvassers and the
30 issuance of a mail ballot by the secretary of state shall not create any presumption as to the
31 accuracy of the information provided by the applicant or as to the applicant's compliance with the
32 provisions of this chapter. Any inaccuracy in the provided information or irregularity in the
33 application may be raised as a challenge to the ballot before the board of elections at the time of
34 certification. If the challenge raised at that time is meritorious, the ballot shall be voided.

1 ~~(i) Upon the request of any candidate for public office and upon a showing of good cause~~
2 ~~or upon its own motion, the board of elections shall make inquiry into the legitimacy of the~~
3 ~~certifications issued pursuant to section 17-20-2.2(3) by any physician or practitioner who issues~~
4 ~~more than fifty (50) certifications in any one election or by any physician or practitioner who the~~
5 ~~board has reason to believe has made a false certification. The inquiry shall include a~~
6 ~~determination as to whether the physician or practitioner conducted an examination of the~~
7 ~~electors he or she certified as ill or disabled to determine whether it would be an undue hardship~~
8 ~~on them to go to the polls. The provisions of chapter 37.3 of title 5 shall not apply to any~~
9 ~~proceeding before the state board of elections conducted pursuant to this title. The boards of~~
10 ~~canvassers shall immediately notify the board of elections of any physician who has issued more~~
11 ~~than twenty five (25) certifications in their city or town in the same election.~~

12 ~~(i)(j)~~ Within ~~two (2)~~ one business ~~days~~ day of receipt by the local board, the board shall
13 certify emergency mail ballot applications and shall cause the delivery of the emergency mail
14 ballot applications, and certification sheet in sealed packages to the state board of elections.

15 **17-20-13. Form of application.** -- The application to be subscribed by the voters before
16 receiving a mail ballot shall, in addition to those directions that may be printed, stamped, or
17 written on it by authority of the secretary of state, be in substantially the following form:

18 STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS APPLICATION
19 OF VOTER FOR BALLOT FOR ELECTION ON _____

20 (COMPLETE HIGHLIGHTED SECTIONS)

21 NOTE - THIS APPLICATION MUST BE RECEIVED BY THE BOARD OF
22 CANVASSERS OF YOUR CITY OR TOWN NOT LATER THAN 4:00 P.M
23 ON _____

24 BOX A VOTING ADDRESS (PRINT OR TYPE)

25 NAME _____

26 VOTING ADDRESS _____

27 CITY/TOWN _____ STATE RI ZIP CODE _____

28 DATE OF BIRTH _____ PHONE # _____

29 BOX B Mailing address if different than voting address (PRINT OR TYPE)

30 NAME OF INSTITUTION (IF APPLICABLE) _____

31 ADDRESS _____

32 ADDRESS _____

33 CITY/TOWN _____ STATE _____ ZIP CODE _____

34 FACSIMILE NUMBER (if applicable) _____

1 ~~I CERTIFY THAT I AM ELIGIBLE FOR A MAIL BALLOT ON THE FOLLOWING~~
2 ~~BASIS; (CHECK ONE ONLY) () 1. I will be absent from the state on the date of the election~~
3 ~~during the entire period of time when the polls are to be open. Provide an out of state mailing~~
4 ~~address in BOX B above or the ballot will be mailed to the local board of canvassers. () 2. I will~~
5 ~~be absent from the city or town of my voting residence during the entire period of time when the~~
6 ~~polls are to be open because of my status as a student, or spouse of a student, at an institution of~~
7 ~~higher learning within the state of Rhode Island. Complete BOX B above with ~~your~~ the entire~~
8 address to which you would like your ballot mailed or the ballot will be mailed to the address in
9 BOX A.

10 () Check here if you would prefer to automatically receive a mail ballot for all future
11 elections.

12 ~~Indicate name of institution _____~~

13 ~~() 3. I am Are you incapacitated to such an extent that it would be an undue hardship to~~
14 ~~vote at the polls because of illness, mental or physical disability, blindness or a serious~~
15 ~~impairment of mobility. ~~Ballot will be mailed to address in BOX A. () YES () NO~~ () 4. I belong~~
16 ~~to a religion whose tenets forbid secular activity, including voting, on the day of election. Ballot~~
17 ~~will be mailed to address in BOX A.~~

18 ~~5. I am confined in a hospital, convalescent home, nursing home, rest home, or similar~~
19 ~~institution. Complete BOX B above. () 6. I am detained while awaiting trial or imprisoned for a~~
20 ~~cause other than final conviction of a felony. Complete BOX B above. () 7. I am employed or in~~
21 ~~service intimately connected with military operations or because I am a spouse or dependent of~~
22 ~~such person. Complete BOX B above or the ballot will be mailed to the local board of canvassers.~~
23 ~~() 8. I am employed by the (a)() state board of elections, (b)() elections division of the secretary~~
24 ~~of state, (c)() a member of the staff of a local canvassing authority, (d)() or a poll worker~~
25 ~~assigned to work election day outside of their voting district.~~

26 I declare, under penalty of perjury, that all of the information I have provided on this
27 form is true and correct to the best of my knowledge. I further state that I am not a qualified voter
28 of any other city or town or state and have not claimed and do not intend to claim the right to vote
29 in any other city or town or state.

30 If unable to sign name because of physical incapacity or otherwise, applicant shall make
31 his or her mark "X".

32 SIGNATURE IN FULL _____

33 ~~This application must either be sworn to before a notary public OR before two (2)~~
34 ~~witnesses who must sign their names and affix their addresses. No witness or notary is necessary~~

1 ~~if checking category No. 7. WITNESSES: Name=rf Address=rf Name=rf Address=rf OR~~
2 ~~NOTARY: (If executed outside of RI by a notary public, attest in manner authorized by law of~~
3 ~~places where taken.) Sworn to (or affirmed) before me, this _____ day of _____,~~
4 ~~20____. Notary Public=rf My Commission Expires: _____~~

5 **17-20-14. Voting from hospitals and convalescent homes -- Penalty for interference.**

6 -- (a) The state board of elections shall appoint as many bipartisan pairs of supervisors as are
7 necessary whose duty it shall be to attend each hospital, rest home, nursing home and
8 convalescent home, or similar types of personal care facility in the state within twenty (20) days
9 prior to the election. They shall supervise the casting of votes by persons using mail ballots at a
10 place that preserves their secrecy ~~and shall take acknowledgments or serve as witnesses,~~ and
11 jointly provide assistance, if requested, to assure proper marking, sealing, and mailing of ballots
12 as voted. ~~Every mail ballot cast by a patient in a hospital or convalescent home within this state~~
13 ~~must be witnessed by the state supervisors.~~ It shall be the duty of the person or persons in charge
14 of hospitals, rest homes, nursing homes and convalescent homes, or similar types of personal care
15 facility to allow the state supervisors to perform their duties as set forth in this section at all
16 reasonable times. Every person who willfully hinders the state supervisors in performing their
17 duties as set forth in this section shall be guilty of a misdemeanor.

18 (b) It shall be the responsibility of the state board of elections to provide all bipartisan
19 pairs of supervisors with an official identification card. All bipartisan pairs of supervisors will be
20 required to have in their possession their identification card when conducting official business.

21 (c) Any person who deliberately misrepresents themselves as an official of the board of
22 elections, or who deceives, coerces, or interferes with a voter casting a ballot, shall be subject to
23 prosecution under section 17-20-30.

24 **17-20-14.1. Mail ballots -- Local supervision.** -- Each local board shall be authorized to

25 appoint one or more bipartisan pairs of supervisors in the manner that other bipartisan pairs of
26 supervisors are appointed for each election, whose duty it shall be to attend each person who
27 makes an application for a mail ballot under sections 17-20-2.1 and 17-20-2.2, who does not fall
28 under the provisions of section 17-20-14, and who requests that a bipartisan pair of supervisors be
29 sent by the board of canvassers to that person's place of residence for the purpose of supervising
30 or assisting the mail voter in casting his or her vote. The bipartisan pairs of supervisors shall
31 supervise the casting of votes by persons using the mail ballot at a place that preserves their
32 secrecy ~~and shall take acknowledgments or serve as witnesses,~~ and jointly provide assistance, if
33 requested, to assure proper marking, sealing, and mailing of ballots as voted. The failure or
34 neglect of any local board to appoint these bipartisan pairs, or the failure or neglect of any pair to

1 attend any place at which a mail voter's ballot may be used, or the marking, sealing, or mailing of
2 ballots in the absence of any pair, shall not invalidate any ballot.

3 **17-20-14.2. Voting from board of canvassers.** -- The state board of elections shall
4 appoint as many pairs of supervisors as are necessary whose duty it shall be to attend each board
5 of canvassers in the state on each of the six (6) business days prior to the election, on election
6 day, and on any additional days that the state board shall direct to supervise the casting of votes
7 by persons using mail ballots at a place that preserves their secrecy ~~and to take acknowledgments~~
8 ~~or serve as witnesses~~, and jointly provide assistance, if requested, to assure proper marking,
9 sealing, and mailing of ballots as voted. The pairs appointed by the board of elections shall be
10 "bipartisan", as defined in this title, unless the persons are members or employees of the boards of
11 canvassers of the cities and towns. The state board of elections may, in its discretion, appoint
12 members and employees of the boards of canvassers of the cities and towns to the pairs of
13 supervisors provided for in this section. Every mail ballot cast at a board of canvassers must be
14 witnessed by the state supervisors. Every person who willfully hinders the state supervisors in
15 performing their duties as set forth in this section shall be guilty of a misdemeanor.

16 **17-20-21. Certifying envelopes.** -- The secretary of state shall cause to be prepared and
17 printed and shall furnish with each mail ballot an envelope for sealing up and certifying the ballot
18 when returned. The envelope shall be printed in substantially the following form:

19 "After marking ballot or ballots, fold and enclose in this envelope and seal it. ~~Certify to~~
20 ~~statement hereon.~~ Certify the ballot by signing your name in the place provided on the
21 certification envelope. Enclose in envelope addressed to board of elections, which must receive
22 the envelope not later than nine o'clock (9:00) p.m. the day of election."

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

24 Certificate of Voter

25 I _____, certify under penalty of perjury
26 Print Name of Voter

27
28 that I am a resident of the state of Rhode Island and a qualified voter of the state residing
29 at _____

30 Street and number, if any)

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

1 Voter must sign full name here: (If unable to sign name because of physical incapacity or
2 otherwise, voter shall make his or her mark "(X)").

3 ~~Before me the _____ day of _____ 20_____, at~~
4 ~~_____ (city or town), county of _____, state of~~
5 ~~_____, personally appeared the above named voter, to me known and known~~
6 ~~by me to be the person who affixed his or her signature to this ballot envelope.~~
7 ~~_____ Notary Public Notary must also print~~
8 ~~his or her name Witness: _____ =rf (Signature) (Residence) =forme~~

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

13 **17-20-23. Marking and certification of ballot.** -- (a) A voter desiring to vote for all
14 candidates of one political party for national and state, or city or town, offices, shall fill in the
15 appropriate space next to the designation of that party upon the appropriate ballot. A voter casting
16 a straight party vote may also individually vote for candidates and, in doing so, the straight party
17 vote will not be counted for that office and the individual vote, or votes in the case where more
18 than one candidate will be elected for an office, will override the straight party vote for that
19 office.

20 (b) A voter may omit to mark as provided in subsection (a) of this section and may vote
21 for the candidates of the voter's choice by making a mark in the space provided opposite their
22 respective names.

23 (c) In case a voter desires to vote upon a question submitted to the vote of the electors of
24 the state, the voter shall mark in the appropriate space associated with the answer that the voter
25 desires to give.

26 (d) The voter shall mark the ballot ~~in the presence of two (2) witnesses or some officer~~
27 ~~authorized by the law of the place where marked to administer oaths; provided, that electors~~
28 ~~casting their ballot pursuant to section 17-20-2(3) or (7) do not need to have their ballot witnessed~~
29 ~~or notarized. Except as otherwise provided for by this chapter, the voter shall not allow the~~
30 ~~official or witnesses to see how he or she marks the ballot and the official or witnesses shall hold~~
31 ~~no communication with the voter, nor the voter with the official or witnesses, as to how the voter~~
32 ~~is to vote.~~ Thereafter, the voter shall enclose and seal the ballot in the envelope provided for it.
33 The voter shall then execute ~~before the official or witnesses~~ the certification on the envelope. The
34 voter shall then enclose and seal the certified envelope with the ballot in the envelope addressed

1 to the state board and cause the envelope to be delivered to the state board on or before election
2 day.

3 (e) These ballots shall be counted only if received within the time limited by this chapter.

4 (f) There shall be a space provided on the general election ballot to allow the voter to
5 write in the names of persons not in nomination by any party as provided for in sections 17-19-31
6 and 17-20-24.

7 **17-20-24.1. Irregularities in obtaining and casting mail ballots.** -- The requirements
8 set forth by this chapter controlling mail ballot eligibility and the procedure by which mail ballots
9 are obtained and cast shall be strictly applied to assure the integrity of the electoral system. No
10 mail ballot which was not obtained and/or cast in material conformance with the provisions of
11 this title shall be certified by the board of elections. ~~Notwithstanding the provisions of section 34-~~
12 ~~12-3 to the contrary, any mail ballot application or mail ballot certification notarized by a person~~
13 ~~who is not in fact a notary public or other officer authorized to administer oaths and take~~
14 ~~acknowledgements shall be void.~~ Nothing in this chapter shall be construed to require the
15 disqualification of a ballot merely because the elector did not sign the elector's full name as it is
16 listed on the voter registration list, but omitted or included a middle initial or name, abbreviated a
17 first and/or middle name, or made a similar omission or inclusion, as long as the board of
18 elections can reasonably determine the identity of the voter.

19 ~~**17-20-25. Return of unused ballots.** -- Every voter who has received a mail ballot and~~
20 ~~has not cast it shall nevertheless return the unvoted ballot and its uncertified enclosing envelope~~
21 ~~to the state board or local board with a statement that the voter is not using the mail ballot, before~~
22 ~~nine o'clock (9:00) p.m. on election day.~~

23 **17-20-26. Opening and counting of ballots.** -- (a) (1) Beginning prior to and continuing
24 on election day the state board, upon receipt of mail ballots, shall keep the ballots in a safe and
25 secure place which shall be separate and apart from the general public area, and shall:

26 (i) Open the outer envelope and attach the matching ballot application to the inner
27 certifying envelope;

28 (ii) Beginning fourteen (14) days prior to and continuing on election day, proceed to
29 certify the mail ballots.

30 (2) Notice of these sessions shall be given to the public by announcements in newspapers
31 of general circulation published at least twenty-four (24) hours before the commencing of any
32 session. All candidates for state and federal office, as well as all state party chairpersons, shall be
33 given notice by telephone or otherwise of the day on which ballots effecting that candidate's
34 district will be certified; provided, that failure to effect the notice shall in no way invalidate the

1 ballots.

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

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

12 (1) Determine the city or town, in which the voter cast his or her ballot and classify
13 accordingly; and

14 (2) Compare the name, residence, and signature of the voter with the name, residence,
15 and signature on the ballot application for mail ballots and satisfy itself that both signatures are
16 identical.

17 (d) If upon completion of the certification of a mail ballot no objection has been raised
18 against the certification of the ballot, the outer envelope shall be discarded. However, if an
19 objection has been raised that entails further consideration and determination by the board, the
20 outer envelope shall remain attached to the certifying inner envelope for identification purposes.

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

32 (f) After processing and certification of the mail ballots, they shall be separated in
33 packages in accordance with their respective cities and towns, in the presence of the board and all
34 other interested parties. Thereupon, in each instance the board shall open the enclosing envelope,

1 and without looking at the votes cast on the enclosed ballot, shall remove the ballot from the
2 envelope. The state board shall proceed to count the ballots on election day through the use of a
3 central count optical scan unit with the same effect as if the ballots had been cast by the electors
4 in open town or district meetings.

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

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

16 **17-20-29. Mail applicant not permitted to vote at polls.** -- (a) No person, or one
17 claiming to be that person, whose name has been marked upon any voting list, provided for
18 official use at any election, with the mark as provided by section 17-20-10, shall be permitted to
19 vote in person at the election; provided, that the person may re-establish his or her right to vote in
20 person by presenting himself or herself at that person's local board on or before election day and
21 surrendering his or her mail ballot. Upon that surrender the person's name shall be restored to the
22 voting list. Any person whose name has been marked on the voting list may also be permitted to
23 vote in person [at their regular polling place on election day by provisional ballot](#) if that person
24 executes ~~and delivers to the local board~~ an affidavit stating that the person did not receive the
25 mail ballot, or that the mail ballot was [spoiled](#), lost or destroyed.

26 (b) Each local board shall, immediately after the close of the polls, certify and deliver to
27 the state board the names and addresses of all persons restored to the voting list, together with the
28 affidavits and surrendered ballots received pursuant to this section.

29 **17-20-30. Penalty for violations.** -- (a) Any person who knowingly makes or causes to
30 be made any material false statement in connection with his or her application to vote as a mail
31 voter, or who votes or attempts to vote under the provisions of this chapter, by fraudulently
32 signing the name of another upon any envelope provided for in this chapter, or who, not being a
33 qualified voter and having knowledge or being chargeable with knowledge of the fact, attempts to
34 vote under this chapter, or who votes the ballot of another voter, or who deliberately prevents or

1 causes to prevent the mail ballot to be received by the voter or to be returned to the board of
2 elections, ~~or who falsely notarizes or witnesses the voter signature on the ballot application or~~
3 ~~mail ballot~~, or who deceives, coerces, or interferes with the voter casting his or her ballot, and any
4 person who does or attempts to do, or aid in doing or attempting to do, a fraudulent act in
5 connection with any vote cast or to be cast under the provisions of this chapter, shall be guilty of
6 a felony.

7 ~~(b) Any person who, having received a mail voter's ballot and having voted or not voted~~
8 ~~the mail ballot, votes or fraudulently attempts to vote at any elective meeting within the state held~~
9 ~~on the day for which the ballot was issued shall be guilty of a felony.~~

10 (b)(e) Any officer or other person who intentionally opens a mail voter's certified
11 envelope or examines the contents before the envelope is opened by the board of elections, as
12 provided in this chapter, shall be guilty of a felony.

13 (c)(d) The offenses in this section shall be punishable by imprisonment of not more than
14 ten (10) years and/or by a fine of not less than five hundred dollars (\$500) nor more than five
15 thousand dollars (\$5000).

16 **17-20-34. Liberal construction.** -- This chapter shall be construed liberally to effect the
17 purposes of maintaining the integrity and the secrecy of the mail ballot ~~by assuring that only~~
18 ~~electors eligible to vote by mail ballot are allowed to utilize that method of voting~~, by assuring
19 that the procedures set forth in this chapter controlling the application and balloting processes are
20 strictly enforced, and by safeguarding the mail ballot voter from harassment, intimidation, and
21 invasion of privacy.

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

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LC02212
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ELECTIONS - MAIL BALLOTS

1 This act would make several revisions to the mail balloting election statutes including a
2 permanent absentee voting option, removal of witness/notary requirements and shortening of
3 certain deadlines.

4 This act would take effect upon passage.

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