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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO ELECTIONS - MAIL BALLOTS

Introduced By: Representatives Messier, Ferri, Malik, E Coderre, and Fellela

Date Introduced: January 09, 2013

Referred To: House 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, 17-20-10, 17-
2 20-10.2, 17-20-13, 17-20-13.1, 17-20-21, 17-20-22, 17-20-23, 17-20-33 and 17-20-34 of the
3 General Laws in Chapter 17-20 entitled "Mail Ballots" are hereby amended to read as follows:

4 **17-20-1. Voting by mail ballot. --** The electors of this state who, ~~for any of the reasons~~
5 ~~set forth in section 17-20-2~~, being otherwise qualified to vote, are unable or unwilling to vote in
6 person, shall have the right to vote, in the manner and time provided by this chapter, in all general
7 and special elections and primaries, including presidential primaries in this state for electors of
8 president and vice-president of the United States, United States senators in congress,
9 representatives in congress, general officers of the state, senators and representatives in the
10 general assembly for the respective districts in which the elector is duly qualified to vote, and for
11 any other officers whose names appear on the state ballot and for any city, town, ward, or district
12 officers whose names appear on the respective city or town ballots in the ward or district of the
13 city or town in which the elector is duly qualified to vote, and also to approve or reject any
14 proposition of amendment to the Constitution or other propositions appearing on the state, city, or
15 town ballot.

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

1 utilize the mail ballot process from harassment, intimidation, and invasion of privacy. The
2 procedures are intended to prevent misuse of the electoral system by persons who are not eligible
3 to vote by mail ballot. The provisions of this chapter shall be interpreted to effectuate the policies
4 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, within the State of Rhode Island who is incapacitated to the extent that it~~
8 ~~would be an undue hardship to vote at the polls because of illness, or mental or physical~~
9 ~~disability, blindness, or serious impairment of mobility;~~

10 ~~(2) An elector who is confined in any hospital, convalescent home, nursing home, rest~~
11 ~~home, or similar institution, public or private, within the State of Rhode Island;~~

12 ~~(3) An elector who will be temporarily absent from the state because of employment or~~
13 ~~service intimately connected with military operations or who is a spouse or legal dependent~~
14 ~~residing with that person, or a United States citizen that will be outside of the United States;~~

15 ~~(4) An elector who may not be able to vote at his or her polling place in his or her city or~~
16 ~~town on the day of the election.~~

17 **17-20-2.1. Requirements for validity of mail ballot and mail ballot applications.** -- (a)

18 Any legally qualified elector of this state whose name appears upon the official voting list of the
19 city, town, or district of the city or town where the elector is qualified, and who desires to avail
20 himself or herself of the right granted to him or her by the Constitution and declared in this
21 chapter, may obtain from the local board in the city or town an affidavit form prepared by the
22 secretary of state as prescribed in this section, setting forth the elector's application for a mail
23 ballot.

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

26 (c) The application, when duly executed, shall be delivered in person or by mail so that it
27 is received by the local board not later than four o'clock (4:00) p.m. on the twenty-first (21st) day
28 before the day of ~~any the~~ election ~~referred to in section 17-20-1.~~

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

31 (1) All mail ballots issued pursuant to ~~subdivision section~~ section 17-20-2(1) shall be mailed to
32 the elector at the Rhode Island address provided by the elector on the application. In order to be
33 valid, the signature on all certifying envelopes containing a voted ballot must be made before a
34 notary public or before two (2) witnesses who shall set forth their addresses on the form.

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

8 (3) All mail ballots issued to an elector who will be temporarily absent from the state
9 because of employment or service intimately connected with military operations or who is a
10 spouse or legal dependent residing with that person, or to a United States citizen that will be
11 outside of the United States ~~pursuant to subdivision 17-20-2(3)~~ shall be mailed to the address
12 provided by the elector on the application or sent to the board of canvassers in the city or town
13 where the elector maintains his or her voting residence. In order to be valid, the signature of the
14 elector on the certifying envelope containing voted ballots does not need to be notarized or
15 witnessed. Any voter qualified to receive a this mail ballot ~~pursuant to subdivision 17-20-2(3)~~
16 shall also be entitled to cast a ballot pursuant to the provisions of United States Public Law 99-
17 410 ("UOCAVA Act").

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

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

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

34 **17-20-2.2. Requirements for validity of emergency mail ballots.** -- (a) Any legally

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

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

9 (c) The elector shall execute the emergency mail ballot application in accordance with
10 the requirements of this chapter, which application shall contain a certificate setting forth the
11 facts relating to the circumstances necessitating the application.

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

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

24 (2) All ~~applications~~ applicants for emergency mail ballots from electors who are
25 confined in any hospital, convalescent home, nursing home or similar institution, public or private
26 shall ~~pursuant to subdivision 17-20-2(2) must~~ state under oath the name and location of the
27 hospital, convalescent home, nursing home, or similar institution where the elector is confined.
28 All of these mail ballots issued pursuant to this subdivision shall be delivered to the elector by the
29 bi-partisan pair of supervisors, appointed in conformance with this chapter, and shall be voted and
30 witnessed in conformance with the provisions of section 17-20-14.

31 (3) All mail ballots issued to an elector who will be temporarily absent from the state
32 because of employment or service intimately connected with military operations or who is a
33 spouse or legal dependent residing with that person, or to a United States citizen that will be
34 outside of the United States ~~pursuant to subdivision 17-20-2(3)~~ shall be mailed by the office of

1 the secretary of state to the elector at an address provided by the elector on the application, or cast
2 at the board of canvassers in the city or town where the elector maintains his or her voting
3 residence. The signature of the elector on the certifying envelope containing the voted ballots
4 issued pursuant to the subdivision does not need to be notarized or witnessed. Any voter qualified
5 to receive a [this](#) mail ballot ~~pursuant to subdivision 17-20-2(3)~~ shall also be entitled to cast a
6 ballot pursuant to the provisions of United States Public Law 99-410 ("UOCAVA Act").

7 ~~(4) All mail ballots issued pursuant to subdivision 17-20-2(4) shall be cast at the board of~~
8 ~~canvassers in the city or town where the elector maintains his or her voting residence or mailed~~
9 ~~by the office of the secretary of state to the elector at the address within the United States~~
10 ~~provided by the elector on the application, or delivered to the voter by a person presenting written~~
11 ~~authorization by the voter to pick up the ballot. In order to be valid, the signature of the voter on~~
12 ~~all certifying envelopes containing a voted ballot must be made before a notary public, or other~~
13 ~~person authorized by law to administer oaths where signed, or where the elector voted, or before~~
14 ~~two (2) witnesses who shall set forth their addresses on the form. In order to be valid, all ballots~~
15 ~~sent to the elector at the board of canvassers must be voted in conformance with the provisions of~~
16 ~~section 17-20-14.2.~~

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

23 (f) 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 section 17-26-1.

26 **17-20-10. Certification of applications -- Issuance of ballots -- Marking of lists --**

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

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

7 (c) Not later than 4:00 p.m. on the eighteenth (18th) day before the day of any election
8 referred to in this chapter or within seven (7) days of receipt by the local board, whichever occurs
9 first, the local board shall certify the applications to the secretary of state through the CVRS
10 system as this procedure is prescribed by the secretary of state. Upon the certification of a mail
11 ballot application to the secretary of state, the local board shall enter on the voting list the fact
12 that a mail ballot application for the voter has been certified and shall cause the delivery of the
13 certified mail ballot applications together with the signed certified listing thereof in sealed
14 packages to the state board of elections.

15 (d) (1) Upon the ballots becoming available, the secretary of state shall immediately,
16 issue and mail, by first class mail, postage prepaid, a mail ballot to each **eligible** voter who has
17 been certified. With respect to voters who have applied for these mail ballots under the provisions
18 of **subdivision** section 17-20-2(1), the secretary of state shall include with the mail ballots a
19 stamped return envelope addressed: "Board of Elections, 50 Branch Avenue, Providence, Rhode
20 Island 02904-2790".

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

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

31 (f) If a ballot is returned to the secretary of state by the postal service as undeliverable,
32 the secretary of state shall consult with the appropriate local board to determine the accuracy of
33 the mailing address, and the secretary of state shall be required to remail the ballot to the voter
34 using the corrected address provided by the local board. If the local board is unable to provide a

1 different address than that to which the ballot was originally mailed, the ballot shall be reissued
2 by the secretary of state to the board of canvassers in the city or town where the voter resides
3 utilizing the numerical or alphabetical code established in subsection (d) of this section. The
4 board shall then attempt to notify the voter at his or her place of residence that the ballot has been
5 returned as undeliverable. The ballot must be voted and witnessed in accordance with the
6 provisions of this chapter.

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

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

16 **17-20-10.2. Official state blank ballots.** -- In the event the official ballot is not available
17 for issuance and mailing forty-five (45) days before a general, primary, or special election,
18 persons applying for a mail ballot ~~under subdivision 17-20-2(3)~~ [who will be temporarily absent](#)
19 [from the state because of employment or service intimately connected with military operations or](#)
20 [who is a spouse or legal dependent residing with that person, or to a United States citizen that will](#)
21 [be outside of the United States](#) and persons applying for a mail ballot through the use of the
22 Federal Post Card Application (FPCA) shall be issued an official state blank ballot forty-five (45)
23 days before the election. Additionally, the voter shall be sent the official ballot immediately upon
24 the ballots becoming available. The office of secretary of state shall be responsible for the
25 arrangement, preparation, printing and distribution of the official state blank ballots. The
26 secretary of state shall also be responsible for all accompanying candidate listings to the extent
27 that information is available, instruction sheets, and envelopes.

28 **17-20-13. Form of application.** -- The application to be subscribed by the voters before
29 receiving a mail ballot shall, in addition to those directions that may be printed, stamped, or
30 written on it by authority of the secretary of state, be in substantially the following form:

31 STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS APPLICATION
32 OF VOTER FOR BALLOT FOR ELECTION ON_____

33 (COMPLETE HIGHLIGHTED SECTIONS)

34 NOTE - THIS APPLICATION MUST BE RECEIVED BY THE BOARD OF

1 CANVASSERS OF YOUR CITY OR TOWN NOT LATER THAN 4:00 P.M.

2 ON _____

3 BOX A (PRINT OR TYPE)

4 NAME _____

5 VOTING ADDRESS _____

6 CITY/TOWN _____ STATE RI ZIP CODE _____

7 DATE OF BIRTH _____ PHONE # _____

8 BOX B (PRINT OR TYPE)

9 NAME OF INSTITUTION (IF APPLICABLE) _____

10 ADDRESS _____

11 ADDRESS _____

12 CITY/TOWN _____ STATE _____ ZIP CODE _____

13 FACSIMILE NUMBER (if applicable) _____

14 I CERTIFY THAT I AM ELIGIBLE FOR A MAIL BALLOT ON THE FOLLOWING
15 BASIS; (CHECK ONE ONLY)

16 1. I am incapacitated to such an extent that it would be an undue hardship to vote at
17 the polls because of illness, mental or physical disability, blindness or a serious impairment of
18 mobility. If the ballot is not being mailed to your voter registration address (BOX A above)
19 please provide the Rhode Island address where you are temporarily residing in BOX B above.

20 2. I am confined in a hospital, convalescent home, nursing home, rest home, or similar
21 institution within the State of Rhode Island. Provide the name and address of the facility where
22 you are residing in BOX B above.

23 3. I am employed or in service intimately connected with military operations or
24 because I am a spouse or dependent of such person, or I am a United States citizen and will be
25 outside the United States. Complete BOX B above or the ballot will be mailed to the local board
26 of canvassers.

27 4. I have decided that I do not wish ~~may not be able~~ to vote at the polling place in my
28 city or town on the day of the election. If the ballot is not being mailed to your voter registration
29 address (BOX A above) please provide the address within the United States where you are
30 temporarily residing in BOX B above. If you request that your ballot be sent to your local board
31 of canvassers please indicate so in BOX B above.

32 BOX D OATH OF VOTER

33 I declare that all of the information I have provided on this form is true and correct to the
34 best of my knowledge. I further state that I am not a qualified voter of any other city or town or

1 state and have not claimed and do not intend to claim the right to vote in any other city or town or
2 state. If unable to sign name because of physical incapacity or otherwise, applicant shall make his
3 or her mark "X".

4 SIGNATURE IN FULL_____

5 Please note: A Power of Attorney signature is not valid in Rhode Island.

6 **17-20-13.1. Form of emergency mail ballot application.** -- The emergency mail ballot
7 application to be subscribed by the voters before receiving a mail ballot shall, in addition to any
8 directions that may be printed, stamped, or written on the application by authority of the secretary
9 of state, be in substantially the following form:

10 STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS EMERGENCY
11 APPLICATION OF VOTER FOR BALLOT FOR ELECTION ON_____

12 (COMPLETE HIGHLIGHTED SECTIONS)

13 NOTE - THIS APPLICATION MUST BE RECEIVED BY THE BOARD OF
14 CANVASSERS OF YOUR CITY OR TOWN NOT LATER THAN 4:00 P.M.

15 ON_____

16 BOX A (PRINT OR TYPE)

17 NAME_____

18 VOTING ADDRESS_____

19 CITY/TOWN_____ STATE RI ZIP CODE_____

20 DATE OF BIRTH_____ PHONE#_____

21 BOX B (PRINT OR TYPE)

22 NAME OF INSTITUTION (IF APPLICABLE)_____

23 ADDRESS_____

24 ADDRESS_____

25 CITY/TOWN_____ STATE_____ ZIP CODE_____

26 I CERTIFY THAT I AM ELIGIBLE FOR A MAIL BALLOT ON THE FOLLOWING
27 BASIS: (CHECK ONE ONLY)

28 () 1. I am incapacitated to such an extent that it would be an undue hardship to vote at
29 the polls because of illness, mental or physical disability, blindness or a serious impairment of
30 mobility. If not voting ballot at local board, ballot will be mailed to the address in BOX A above
31 or to the Rhode Island address provided in BOX B above. If the ballot is to be delivered by the
32 local board of canvassers to a person presenting written authorization to pick up the ballot,
33 complete BOX A above and fill in the person's name below.

34 I hereby authorize _____ to pick up my ballot

1 at my local board of canvassers.

2 () 2. I am confined in a hospital, convalescent home, nursing home, rest home, or similar
3 institution within the State of Rhode Island. Provide the name and address of the facility where
4 you are residing in BOX B above.

5 () 3. I am employed or in service intimately connected with military operations or
6 because I am a spouse or dependent of such person, or I am a United States citizen who will be
7 outside the United States. If not voting ballot at local board, provide address in BOX B above.

8 () 4. I ~~may not be able~~ have decided that I do not wish to vote at the polling place in my
9 city or town on the day of the election. If the ballot is not being mailed to your voter registration
10 address (BOX A above) please provide the address within the United States where you are
11 temporarily residing in BOX B above. If you request that your ballot be sent to your local board
12 of canvassers please indicate so in BOX B above.

13 I hereby authorize _____ to pick up my ballot
14 at my local board of canvassers.

15 Under the pains and penalty of perjury, I certify that on account of the following
16 circumstances manifested twenty (20) days or less prior to the election for which I make this
17 application. I will be unable to vote at the polls.

18 BOX D OATH OF VOTER

19 I declare that all of the information I have provided on this form is true and correct to the
20 best of my knowledge. I further state that I am not a qualified voter of any other city or town or
21 state and have not claimed and do not intend to claim the right to vote in any other city or town or
22 state. If unable to sign name because of physical incapacity or otherwise, applicant shall make his
23 or her mark "X".

24 SIGNATURE IN FULL

25 Please note: A Power of Attorney signature is not valid in Rhode Island.

26 **17-20-21. Certifying envelopes. --** The secretary of state shall cause to be prepared and
27 printed and shall furnish with each mail ballot an envelope for sealing up and certifying the ballot
28 when returned. The envelope shall be printed in substantially the following form:

29 "After marking ballot or ballots, fold and enclose in this envelope and seal it. Certify to
30 statement hereon. Enclose in envelope addressed to board of elections, which must receive the
31 envelope not later than nine o'clock (9:00) p.m. the day of election."

32 Date of Election: _____ City/Town

33 of: _____

34 Certificate of Voter

1 Print Name of Voter

2 I swear or affirm, under penalty of perjury, that I am:

- 3 • I am a United States citizen;
- 4 • I am a resident and qualified voter of the State of Rhode Island; [and](#)
- 5 • ~~I am eligible to cast a mail ballot under the provisions of section 17-20-2; and~~
- 6 • I am not qualified to vote elsewhere.

7 Voter must sign full name here: _____

8 (If unable to sign name because of physical incapacity or otherwise, voter shall make
9 his or her mark "(X)").

10 I hereby attest under penalty of perjury that the enclosed voted ballot was cast, and
11 the signature or mark on this certifying envelope was made by the voter whose name
12 appears on the label above.

13 Before me the _____ day of _____ 20_____, at
14 _____ (city or town), county of _____, state of
15 _____, personally appeared the above named voter, to me known
16 and known by me to be the person who affixed his or her signature to this ballot
17 envelope.

18 _____

19 Notary Public

20 Notary must also print his or her name

21 Witness:

22 _____

23 (Signature)

(Residence)

24 Note: Mail ballots must either be sworn to before a notary public or before two (2)
25 witnesses who must sign their names and addresses.

26 **17-20-22. Certification envelopes for mail ballots of persons intimately connected**
27 **with military service and persons employed outside of the United States. --** The distinctively
28 colored certification envelope for persons intimately connected with military service and persons
29 employed outside of the United States shall be printed in substantially the following form:

30 After marking ballot or ballots, fold and enclose in this envelope and seal it. Certify to
31 statement hereon. Enclose in envelope addressed to board of elections, which must receive the
32 envelope not later than nine o'clock (9:00) p.m. the day of election.

33 Date of Election_____ City/Town of_____

34 Oath of Elector Casting the Enclosed Ballot or Ballots

1 Print Name

2 I do hereby affirm, under penalty of perjury that:

- 3 • I am a United States citizen;
- 4 • I am a resident and qualified voter of the State of Rhode Island;
- 5 • ~~I am eligible to cast a mail ballot, because I am one of the following:~~
- 6 • I am ~~A~~ a member of the Uniformed Services or merchant marine on active duty
- 7 or an eligible spouse or dependent.
- 8 • ~~A U.S. citizen who~~ I will be outside the United States.
- 9 • I am not qualified to vote elsewhere. _____

10 (Signature of voter)

11 **17-20-23. Marking and certification of ballot.** -- (a) A voter desiring to vote for all
 12 candidates of one political party for national and state, or city or town, offices, shall fill in the
 13 appropriate space next to the designation of that party upon the appropriate ballot. A voter casting
 14 a straight party vote may also individually vote for candidates and, in doing so, the straight party
 15 vote will not be counted for that office and the individual vote, or votes in the case where more
 16 than one candidate will be elected for an office, will override the straight party vote for that
 17 office.

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

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

24 (d) Voters receiving a mail ballot ~~pursuant to subdivisions 17-20-2(1), (2), and (4)~~ shall
 25 mark the ballot in the presence of two (2) witnesses or some officer authorized by the law of the
 26 place where marked to administer oaths. ~~Voters receiving a mail ballot pursuant to subdivision~~
 27 ~~17-20-2(3)~~ ; provided, however, that mail ballot voter who will be temporarily absent from the
 28 state because of employment or service intimately connected with military operations or who is a
 29 spouse or legal dependent residing with that person, or to a United States citizen that will be
 30 outside of the United States do not need to have their ballot witnessed or notarized. Except as
 31 otherwise provided for by this chapter, the voter shall not allow the official or witnesses to see
 32 how he or she marks the ballot and the official or witnesses shall hold no communication with the
 33 voter, nor the voter with the official or witnesses, as to how the voter is to vote. Thereafter, the
 34 voter shall enclose and seal the ballot in the envelope provided for it. The voter shall then execute

1 before the official or witnesses the certification on the envelope. The voter shall then enclose and
2 seal the certified envelope with the ballot in the envelope addressed to the state board and cause
3 the envelope to be delivered to the state board on or before election day.

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

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

8 **17-20-33. Disqualification of ballot by board of elections.** -- The board of elections
9 shall, on its own motion, disqualify any mail ballot which it determines, based upon a
10 preponderance of the evidence, was not voted by the elector who purportedly cast it, ~~or was voted~~
11 ~~by an elector who was not eligible to vote by mail ballot,~~ or was not obtained and voted in the
12 manner prescribed by this chapter. The board of elections may take this action even in the
13 absence of a challenge to the ballot and may take this action at any time prior to the separation of
14 the ballot from its application and certifying envelope.

15 **17-20-34. Liberal construction.** -- This chapter shall be construed liberally to effect the
16 purposes of maintaining the integrity and the secrecy of the mail ballot ~~by assuring that only~~
17 ~~electors eligible to vote by mail ballot are allowed to utilize that method of voting,~~ by assuring
18 that the procedures set forth in this chapter controlling the application and balloting processes are
19 strictly enforced, and by safeguarding the mail ballot voter from harassment, intimidation, and
20 invasion of privacy.

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

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LC00036
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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 all electors to vote by mail ballot without providing a reason for its
- 2 use.
- 3 This act would take effect upon passage.

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