AN ACT
RELATING TO ELECTIONS -- MAIL BALLOTS

Introduced By: Representatives Abney, Martin, Casey, and Phillips

Date Introduced: February 14, 2013

Referred To: House Judiciary

(Board of Elections)

It is enacted by the General Assembly as follows:

SECTION 1. Section 17-20-2.2 of the General Laws in Chapter 17-20 entitled "Mail Ballots" is hereby amended to read as follows:

17-20-2.2. Requirements for validity of emergency mail ballots. -- (a) Any legally qualified elector of this state whose name appears upon the official voting list of the town or district of the city or town where the elector is so qualified, who on account of circumstances manifested twenty (20) days or less prior to any election becomes eligible to vote by mail ballot according to this chapter, may obtain from the local board an application for an emergency mail ballot.

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

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

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

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

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

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

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

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

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

SECTION 2. This act shall take effect upon passage.
EXPLANATION
BY THE LEGISLATIVE COUNCIL

OF

A N A C T
RELATING TO ELECTIONS --MAIL BALLOTS

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1 This act would allow voters to file emergency mail ballot applications without setting
   forth the fact that necessitated the application.

2 This act would take effect upon passage.

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