

2016 -- S 2358

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LC004247
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO ELECTIONS -- IN-PERSON EARLY VOTING

Introduced By: Senators Lynch Prata, Miller, Crowley, and Nesselbush

Date Introduced: February 10, 2016

Referred To: Senate Judiciary

(Secretary of State)

It is enacted by the General Assembly as follows:

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

3 ~~**17-20-2.2. Requirements for validity of emergency mail ballots.---**~~ **Requirements for**
4 **validity of emergency mail ballots and emergency mail ballot applications.** -- (a) Any legally
5 qualified elector of this state whose name appears upon the official voting list of the town or
6 district of the city or town where the elector is so qualified, who on account of circumstances
7 manifested twenty (20) days or less prior to any election becomes eligible to vote by mail ballot
8 according to this chapter, may obtain from the local board an application for an emergency mail
9 ballot.

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

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

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

19 (1) All mail ballots issued pursuant to subdivision 17-20-2(1) shall be mailed to the

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

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

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

22 (4) All mail ballots issued pursuant to subdivision 17-20-2(4) shall be ~~cast at the board of
23 canvassers in the city or town where the elector maintains his or her voting residence or~~ mailed
24 by the office of the secretary of state to the elector at the address within the United States
25 provided by the elector on the application, or delivered to the voter by a person presenting written
26 authorization by the voter to pick up the ballot. In order to be valid, the signature of the voter on
27 all certifying envelopes containing a voted ballot must be made before a notary public, or other
28 person authorized by law to administer oaths where signed, or where the elector voted, or before
29 two (2) witnesses who shall set forth their addresses on the form. ~~In order to be valid, all ballots
30 sent to the elector at the board of canvassers must be voted in conformance with the provisions of
31 § 17-20-14.2.~~

32 (e) The secretary of state shall provide each of the several boards of canvassers with a
33 sufficient number of mail ballots for their voting districts so that the local boards may provide the
34 appropriate ballot or ballots to the applicants. It shall be the duty of each board of canvassers to

1 process each emergency ballot application in accordance with this chapter, and it shall be the duty
2 of each board to return to the secretary of state any ballots not issued immediately after each
3 election.

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

7 SECTION 2. Title 17 of the General Laws entitled "ELECTIONS" is hereby amended by
8 adding thereto the following chapter:

9 CHAPTER 20.1

10 IN-PERSON EARLY VOTING

11 **17-20.1-1. Declaration of policy.** – (a) Improving access and convenience for registered
12 voters in casting a ballot is critical to ensuring that the voice of democracy is heard. Presently, at
13 least thirty-three (33) states and the District of Columbia provide citizens with an opportunity to
14 vote before election day and in person.

15 (b) While an election day is designated as the time when the majority of voters cast their
16 ballots, the majority of Rhode Island voters did not vote in this most recent historic election in our
17 state. To meet demands and challenges of modern life, additional opportunities to cast a ballot
18 should be provided to increase voter turnout in Rhode Island. Designating a period of time
19 leading up to election day when Rhode Islanders can vote in person expands the opportunities to
20 cast a ballot and participate in the electoral process.

21 **17-20.1-2. In-person early voting.** -- (a) In-person early voting shall be made available
22 to any registered voter and eligible elector of this state whose name appears upon the official
23 voting list of the city or town where the elector is so qualified to vote for all elections.

24 (b) The in-person early voting period shall begin on the twentieth day before a general,
25 primary or special election and extend through 4 p.m. on the day before the general, primary or
26 special election.

27 (c) During the in-person early voting period as set forth in subsection (b) of this section,
28 in-person early voting shall take place at locations to be determined by each local board and
29 approved by the state board, with no fewer than one location for each town or city. Prior to the
30 beginning of the in-person early voting period, a notice shall be published by the secretary of
31 state in a newspaper or newspapers having aggregate general circulation throughout the state at
32 least ten (10) days prior to the beginning of the in-person early voting period. Adequate notice of
33 at least seven (7) days shall be posted at each local board's office informing the public of the
34 locations where in-person early voting is being conducted. Said notice shall be filed electronically

1 with the secretary of state in accordance with §42-46-6(f). Such notice shall also be posted on the
2 city's or town's website, if any, the website of the secretary of state, the board of elections
3 website, and the websites of the local boards of canvassers, if any.

4 Effective July 1, 2018, in-person early voting shall take place during normal business
5 hours in each city or town on Monday, Tuesday, Wednesday, Thursday and Friday. In-person
6 early voting shall take place on the Saturday preceding a primary, general or special election day
7 during the hours of 12 p.m. to 4 p.m. and on the Sunday preceding a primary, special or general
8 election day during the hours of 12 p.m. to 4 p.m.

9 Effective January 1, 2020, in-person early voting shall take place during normal business
10 hours in each city or town on Monday, Tuesday, Wednesday, Thursday and Friday. In-person
11 early voting shall take place on the Saturday preceding a primary or special election day during
12 the hours of 12 p.m. to 4 p.m. and on the Sunday preceding a primary or special election day
13 during the hours of 12 p.m. to 4 p.m. In-person early voting shall take place on the two (2)
14 Saturdays preceding a general election day during the hours of 12 p.m. to 4 p.m. and on the two
15 (2) Sundays preceding a general election day during the hours of 12 p.m. to 4 p.m.

16 Nothing contained herein shall be construed to prohibit a municipality from including
17 additional days and times where early voting is available during the in-person early voting period.
18 The state board is empowered to grant, upon the application of the board of canvassers, an
19 exception permitting it to maintain an in-person early voting location in a nonconforming
20 building.

21 (d) The local board shall provide a ballot and ballot envelope to an early voter to cast in
22 private at the local board of canvassers. Once the early voter has completed the ballot, the early
23 voter shall place the ballot in the ballot envelope and seal the envelope. The early voter shall
24 submit the envelope to the on-site official of the local board. The ballot envelope must have the
25 signature of the elector notarized by an appointed person authorized by law to administer oaths or
26 before two (2) appointed witnesses who shall set forth their signature on the form.

27 (e) At the conclusion of the early voting period each day, the local board shall make
28 available the updated list of those persons that have cast their ballot.

29 (f) At the conclusion of the early voting period the local board shall note on the
30 appropriate voting list that the voter has cast an early vote so as to prevent the voter from casting
31 an additional vote at the polls on election day.

32 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ELECTIONS -- IN-PERSON EARLY VOTING

1 This act would create a procedure for in-person early voting for all general, primary and
2 special elections, beginning twenty (20) days before the scheduled election.

3 This act would take effect upon passage.

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