

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO ELECTIONS -- MAIL BALLOTS--IN-PERSON EARLY VOTING

Introduced By: Senators Lynch Prata, and Gallo

Date Introduced: March 16, 2017

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

3 ~~17-20-2.2. Requirements for validity of emergency mail ballots.~~ **Requirements for**  
4 **validity of emergency mail ballots and emergency mail ballot applications.**

5 (a) Any legally qualified elector of this state whose name appears upon the official voting  
6 list of the town or district of the city or town where the elector is so qualified, ~~who on account of~~  
7 ~~circumstances manifested twenty (20) days or less prior to any election becomes eligible to vote~~  
8 ~~by mail ballot according to this chapter,~~ may obtain from the local board an application for an  
9 emergency mail 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 the  
14 requirements of this chapter, ~~which application shall contain a certificate setting forth the facts~~  
15 ~~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 ~~east 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. Chapter 17-19 of the General Laws entitled "Conduct of Election and  
8 Voting Equipment, and Supplies" is hereby amended by adding thereto the following section:

9 **17-19-24.4. In-person early voting.**

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

13 (b) The in-person early voting period shall begin on the twentieth day before a general or  
14 primary election and extend through four o'clock p.m. (4:00 p.m.) on the day before the general  
15 or primary election.

16 (c) During the in-person early voting period as set forth in subsection (b) of this section,  
17 in-person early voting shall take place at locations to be determined by each local board and  
18 approved by the state board, with no fewer than one location for each town or city. Prior to the  
19 beginning of the in-person early voting period, a notice shall be published by the secretary of  
20 state in a newspaper or newspapers having aggregate general circulation throughout the state, at  
21 least three (3) days prior to the beginning of the in-person early voting period. Adequate notice of  
22 at least seven (7) days shall be posted at each local board's office and the city or town's website, if  
23 any, informing the public of the locations where in-person early voting is being conducted. Notice  
24 of the in-person early voting period for each city or town shall also be posted on the websites of  
25 the secretary of state, and the board of elections.

26 Effective July 1, 2018, in-person early voting shall take place during normal business  
27 hours in each city or town on Monday, Tuesday, Wednesday, Thursday and Friday. In-person  
28 early voting shall take place on the Saturday preceding a primary or general election day during  
29 the hours of twelve o'clock p.m. (12:00 p.m.) to four o'clock p.m. (4:00 p.m.) and on the Sunday  
30 preceding a primary or general election day during the hours of twelve o'clock p.m. (12:00 p.m.)  
31 to four o'clock p.m. (4:00 p.m.)

32 Effective January 1, 2020, in-person early voting shall take place during normal business  
33 hours in each city or town on Monday, Tuesday, Wednesday, Thursday and Friday. In-person  
34 early voting shall take place on the Saturday preceding a primary election day during the hours of

1 twelve o'clock p.m. (12:00 p.m.) to four o'clock p.m. (4:00 p.m.) and on the Sunday preceding a  
2 primary election day during the hours of twelve o'clock p.m. (12:00 p.m.) to four o'clock p.m.  
3 (4:00 p.m.) In-person early voting shall take place on the two (2) Saturdays preceding a general  
4 election day during the hours of twelve o'clock p.m. (12:00 p.m.) to four o'clock p.m. (4:00 p.m.)  
5 and on the two (2) Sundays preceding a general election day during the hours of twelve o'clock  
6 p.m. (12:00 p.m.) to four o'clock p.m. (4:00 p.m.).

7 Nothing contained herein shall be construed to prohibit a municipality from including  
8 additional days and times where early voting is available during the in-person early voting period.  
9 A municipality may establish an in-person early voting period for any special election.

10 (d) Prior to the in-person early voting period, the state board shall provide the local  
11 boards with the ballots, ballot on-demand printers, ballot applications, tabulation equipment,  
12 ballot storage boxes, voting booths, electronic poll books, instructions as to voting, and other  
13 supplies necessary to effectuate the provisions of this section. During the in-person early voting  
14 period, the state board shall provide technical support as needed at in-person early voting sites.

15 (e) The secretary shall make available, no later than the next business day, the updated  
16 list of those persons that have cast their ballot during the in-person early voting period.

17 (f) At the conclusion of the early voting period, the local board shall note on the  
18 appropriate electronic or paper-based voter roll, that the voter has cast an early vote, so as to  
19 prevent the voter from casting an additional vote at the polls on election day.

20 (g) The procedure for voting during the in-person early voting period shall be established  
21 through rules promulgated by the state election board.

22 (h) The secretary of state and state election board shall convene an in-person early voting  
23 advisory committee to assist in the drafting of rules and the monitoring of the implementation for  
24 the in-person early voting process. The advisory committee comprised of the following  
25 individuals:

26 (1) Secretary of state, or their designee;

27 (2) Representative of the board of elections;

28 (3) Three (3) representatives of the Rhode Island town and city clerk's association;

29 (4) Three (3) representatives of the general public, appointed by the secretary of state.

30 (i) The advisory committee shall advise the state board on issues including, but not  
31 limited to:

32 (1) Staffing of in-person early voting locations;

33 (2) Suitable in-person early voting locations; and

34 (3) Accessibility criteria to be considered for in-person early voting locations.

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

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LC001708  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO ELECTIONS -- MAIL BALLOTS--IN-PERSON EARLY VOTING

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1           This act would end the voting of mail ballots at local board of canvassers. It would also  
2 authorize in-person early voting effective July 1, 2018, with the actual procedures to be  
3 established by rules promulgated by the state board of elections after consultation with the newly  
4 created in-person early voting advisory committee.

5           This act would take effect upon passage.

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