

**2021 -- H 5890 SUBSTITUTE A**

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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2021**

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A N A C T

RELATING TO ELECTIONS -- MAIL BALLOTS

Introduced By: Representatives Shanley, Ruggiero, Craven, Barros, and Amore

Date Introduced: February 24, 2021

Referred To: House State Government & Elections

(Board of Elections)

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 17-20-10 and 17-20-26 of the General Laws in Chapter 17-20  
2 entitled "Mail Ballots" are hereby amended to read as follows:

3           **17-20-10. Certification of applications -- Issuance of ballots -- Marking of lists --**  
4 **Mailing address.**

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

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

18           (c) Not later than 4:00 p.m. on the eighteenth (18th) day before the day of any election  
19 referred to in this chapter or within seven (7) days of receipt by the local board, whichever occurs

1 first, the local board shall certify the applications to the secretary of state through the CVRS system  
2 as this procedure is prescribed by the secretary of state. Upon the certification of a mail ballot  
3 application to the secretary of state, the local board shall enter on the voting list the fact that a mail  
4 ballot application for the voter has been certified and shall cause the delivery of the certified mail  
5 ballot applications together with the signed certified listing thereof in sealed packages to the state  
6 board of elections.

7 (d)(1) Upon the ballots becoming available, the secretary of state shall immediately issue  
8 and mail, by first-class mail, postage prepaid, a mail ballot to each eligible voter who has been  
9 certified. With respect to voters who have applied for these mail ballots under the provisions of §  
10 17-20-2(1), the secretary of state shall include with the mail ballots a stamped, return envelope  
11 addressed to the board of elections.

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

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

22 (f) If a ballot is returned to the secretary of state by the postal service as undeliverable, the  
23 secretary of state shall consult with the appropriate local board to determine the accuracy of the  
24 mailing address, and the secretary of state shall be required to re-mail the ballot to the voter using  
25 the corrected address provided by the local board. If the local board is unable to provide a different  
26 address than that to which the ballot was originally mailed, the ballot shall be reissued by the  
27 secretary of state to the board of canvassers in the city or town where the voter resides utilizing the  
28 numerical or alphabetical code established in subsection (d) of this section. The board shall then  
29 attempt to notify the voter at his or her place of residence that the ballot has been returned as  
30 undeliverable. The ballot must be voted and witnessed in accordance with the provisions of this  
31 chapter.

32 (g) The acceptance of a mail ballot application by the board of canvassers and the issuance  
33 of a mail ballot by the secretary of state shall not create any presumption as to the accuracy of the  
34 information provided by the applicant or as to the applicant's compliance with the provisions of

1 this chapter. Any inaccuracy in the provided information or irregularity in the application may be  
2 raised as a challenge to the ballot before the board of elections at the time of certification. If the  
3 challenge raised at that time is meritorious, the ballot shall be voided.

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

7 **17-20-26. Opening and counting of ballots.**

8 (a)(1) Beginning prior to and continuing on election day the state board, upon receipt of  
9 mail ballots, shall keep the ballots in a safe and secure place that shall be separate and apart from  
10 the general public area and shall:

11 ~~(i) Open the outer envelope and attach the matching ballot application to the inner~~  
12 ~~certifying envelope;~~

13 ~~(ii) Beginning fourteen (14) , beginning twenty (20) days prior to and continuing on~~  
14 election day, proceed to certify the mail ballots.

15 (2) Notice of these sessions shall be given to the public on the state board of elections'  
16 website, [and](#) the secretary of state's website, ~~and announcements in newspapers of general~~  
17 ~~circulation~~ published at least twenty-four (24) hours before the commencing of any session. All  
18 candidates for state and federal office, as well as all state party chairpersons, shall be given notice  
19 by telephone, [email](#) or otherwise of the day on which ballots ~~affecting that candidate's district~~ will  
20 be certified; provided, that failure to effect the notice shall in no way invalidate the ballots.

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

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

31 (1) Determine the city or town in which the voter cast his or her ballot ~~and classify~~  
32 ~~accordingly;~~ and

33 (2) Compare the name, residence, and signature of the voter with the name, residence, and  
34 signature on the [CVRS database](#) ~~ballot application~~ for mail ballots and satisfy itself that both

1 signatures are identical. The board shall designate two (2) persons, to review and compare each  
2 voter's signature with the voter's signature found in the CVRS database. If both designees agree  
3 that the signatures match, the mail ballot shall proceed to be processed, certified and tabulated. In  
4 the event that one or both designees find a discrepancy with the voter's signature, the certification  
5 envelope shall then be reviewed by a pair of supervising board staff members. If the pair of  
6 supervising board staff members find that the signatures match, then the mail ballot shall proceed  
7 to be processed, certified and tabulated. In the event that one or both supervising board staff  
8 members find a discrepancy in the voter's signature, the supervising board staff shall compare the  
9 signature on the certification envelope to the voter's ballot application. If the pair of supervising  
10 board staff members find that those signatures match, then the mail ballot shall proceed to be  
11 processed, certified and tabulated. In the event that one or both supervising board staff members  
12 find a discrepancy in the voter's signature, the supervising board staff shall compare the signature  
13 on the certification envelope to the voter's ballot application. If the pair of supervising board staff  
14 members find that the signatures match, then the mail ballot shall proceed to be processed, certified  
15 and tabulated. In the event that one or both supervising board staff members find a discrepancy in  
16 the voter's signature, the certification envelope shall be segregated, and the board will notify the  
17 voter of the discrepancy, in accordance with regulations and procedures promulgated by the board.  
18 Any segregated certification envelope that has not been cured or fully addressed by the voter, in  
19 accordance with the board's promulgated regulations and procedures, shall be reviewed by the  
20 board to make a final determination on the signature set forth on the certification envelope.

21 (d) [Deleted by P.L. 2015, ch. 259, § 1].

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

1 challenges shall be made to the executive director of the board, or the executive director's designee.

2 The decision of the executive director or designee, shall be subject to review by the board.

3 (f) After processing and certification of the mail ballots, they shall be separated in packages  
4 in accordance with their respective cities and towns, in the presence of ~~the board and~~ all ~~other~~  
5 interested parties. Thereupon, in each instance the board staff shall open the enclosing envelope,  
6 and without looking at the votes cast on the enclosed ballot, shall remove the ballot from the  
7 envelope. The ~~state~~ board staff shall proceed to tabulate the ballots through the use of a central  
8 count optical-scan unit with the same effect as if the ballots had been cast by the electors in open  
9 town or district meetings.

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

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

21 SECTION 2. 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 -- MAIL BALLOTS

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- 1           This act would allow the board of elections to begin the certification of mail ballots twenty
- 2 (20) days prior to election day and require notice of such certification sessions. It also establishes
- 3 a new and more comprehensive mail ballot voter signature verification process.
- 4           This act would take effect upon passage.

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