

2021 -- H 6004 SUBSTITUTE A AS AMENDED

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LC001807/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO ELECTIONS - MAIL BALLOTS

Introduced By: Representatives O'Brien, and Baginski

Date Introduced: February 26, 2021

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-20-6.1 and 17-20-9 of the General Laws in Chapter 17-20 entitled
2 "Mail Ballots" are hereby amended to read as follows:

3 **17-20-6.1. Alternative methods of voting by citizens covered by the Uniformed and**
4 **Overseas Citizens Absentee Voting Act (UOCAVA) and other citizens residing outside the**
5 **United States.**

6 (a) It is the intent and purpose that the provisions set forth in this section are designed to
7 facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act
8 (UOCAVA), 42 U.S.C. § 1973ff et seq.

9 (b) The Federal Post Card Application (FPCA) may be used as a request for an absentee
10 ballot by:

11 (1) A member of the armed forces who is absent from the state by reason of being in active
12 service;

13 (2) Any person absent from the state in performance of "services intimately connected with
14 military operations" as defined in § 17-20-3(d);

15 (3) Any person who is employed outside of the United States as defined in § 17-20-3(c);
16 and

17 (4) Any person who does not qualify under subparagraph (1), (2), or (3) above, but who is
18 a citizen of the United States and absent from the state and residing outside the United States as
19 described in chapter 21.1 of title 17.

1 (c) The single FPCA card shall permit the person to request an absentee ballot for each
2 primary and election through the next general election for federal office or for the time period
3 specified by federal law in which the voter is eligible to vote.

4 (d) The FPCA card must be received by the local board of canvassers where the person last
5 maintains his/her residence for voting purposes within the time frame for applying for absentee
6 ballots as set forth in this title.

7 (e) If the FPCA, when used in accordance with this section, is sent by the voter through
8 electronic transmission, it must be sent to the secretary of state and it must be received by the
9 secretary of state by the deadline for applying for absentee ballots as set forth in this title. The
10 secretary of state shall then forward the FPCA to the appropriate local authority who shall
11 immediately certify and return the FPCA to the secretary of state with the notation that the
12 corresponding ballots shall be sent by mail and electronic transmission. ~~The secretary of state shall~~
13 ~~transmit ballots only to the facsimile number provided by the Federal Voter Assistance Program.~~
14 The secretary of state shall approve electronically transmitted ballots to and from eligible voters
15 only through a service or solution that meets the following requirements:

16 (1) The system has had one or more independent security reviews;

17 (2) Demonstrates the system meets the National Institute of Standards and Technology
18 (NIST) Cybersecurity Framework guidelines or federal cybersecurity framework guidelines of a
19 successor designated federal agency or organization; and

20 (3) Approved by the secretary of state.

21 The ballots sent by electronic transmission shall be returned to the state board by electronic
22 transmission. These ballots will be counted at the state board in accordance with rules and
23 regulations promulgated by the state board.

24 (f) The voter's signature on the FPCA does not need to be witnessed or notarized, when the
25 FPCA is submitted as provided in this section.

26 (g) If a voter is casting a mail ballot received through the use of the FPCA card as provided
27 in this section, the voter's signature does not need to be witnessed or notarized on the certifying
28 envelope used for the return of the voted mail ballot.

29 **17-20-9. Application by permanently disabled or incapacitated voters.**

30 (a) A voter who is indefinitely confined because of physical illness or infirmity or is
31 disabled for an indefinite period may, by signing an affidavit to that effect, request that an absentee
32 ballot application be sent to him or her automatically for every election. The affidavit form and
33 instructions shall be prescribed by the secretary of state, and furnished upon request to any elector
34 by each local board of canvassers. The envelope containing the absentee ballot application shall be

1 clearly marked as not forwardable. If any elector is no longer indefinitely confined, he or she shall
2 notify the clerk of the local board of canvassers of this fact. The clerk shall remove the name of
3 any voter from the mailing list established under this section upon receipt of reliable information
4 that a voter no longer qualifies for the service. The voter shall be notified of the action within five
5 (5) days after the board takes the action.

6 (b) The affidavit form and instructions prescribed in this section shall be mailed to the
7 applicant along with a stamped return envelope addressed to the local boards of canvassers.

8 (c) Eligible disabled voters, shall be entitled to electronically receive and return their mail
9 ballot, using the same electronic transmission system as that used by voters covered by the
10 Uniformed and Overseas Citizens Absentee Voting Act. (UOCAVA). This electronic process shall
11 satisfy the federal Rehabilitation Act, section 508 concerning accessibility standards.

12 (d) For purposes of this section, "eligible disabled voter" means a disabled person eligible
13 to vote who is incapacitated to such an extent that it would be an undue hardship to vote at the polls
14 because of illness, mental or physical disability, blindness or a serious impairment of mobility.

15 SECTION 2. This act shall take effect upon passage and the provisions of which shall
16 expire on December 31, 2024.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ELECTIONS - MAIL BALLOTS

1 This act would entitle disabled and military voters to utilize electronically transmitted
2 ballots.

3 This act would take effect upon passage and the provisions of which shall expire on
4 December 31, 2024.

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