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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 - CONDUCT OF ELECTION AND VOTING
EQUIPMENT AND SUPPLIES

Introduced By: Senators Morgan, and de la Cruz

Date Introduced: March 18, 2021

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 17-20-2.1 and 17-20-2.2 of the General Laws in Chapter 17-20
2 entitled "Mail Ballots" are hereby amended to read as follows:

3 **17-20-2.1. Requirements for validity of mail ballot and mail ballot applications.**

4 (a) Any legally qualified elector of this state whose name appears upon the official voting
5 list of the city, town, or district of the city or town where the elector is qualified, and who desires
6 to avail himself or herself of the right granted to him or her by the Constitution and declared in this
7 chapter, may obtain from the local board in the city or town an affidavit form prepared by the
8 secretary of state as prescribed in this section, setting forth the elector's application for a mail ballot.

9 (b) Whenever any person is unable to sign his or her name because of physical incapacity
10 or otherwise, that person shall make his or her mark "X".

11 (c) The application, when duly executed, shall be delivered in person or by mail so that it
12 is received by the local board not later than four o'clock (4:00) p.m. on the twenty-first (21st) day
13 before the day of any election referred to in § 17-20-1.

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

16 (1) All mail ballots issued pursuant to subdivision 17-20-2(1) shall be mailed to the elector
17 at the Rhode Island address provided by the elector on the application. In order to be valid: (i) The
18 ~~the~~ signature on all certifying envelopes containing a voted ballot must be made before a notary

1 public or before two (2) witnesses who shall set forth their addresses on the form-; and

2 (ii) The elector shall provide proof of identity to the notary public or the two (2) witnesses
3 pursuant to the provisions of § 17-19-24.2; provided, however, that this requirement shall not apply
4 to a person who is hospitalized or is a patient in a hospice or skilled nursing facility.

5 (2) All applications for mail ballots pursuant to § 17-20-2(2) must state under oath the
6 name and location of the hospital, convalescent home, nursing home, or similar institution where
7 the elector is confined. All mail ballots issued pursuant to subdivision 17-20-2(2) shall be delivered
8 to the elector at the hospital, convalescent home, nursing home, or similar institution where the
9 elector is confined; and the ballots shall be voted and witnessed in conformance with the provisions
10 of § 17-20-14. The elector shall provide proof of identity to the notary public or the two (2)
11 witnesses pursuant to the provisions of § 17-19-24.2; provided, however, that this requirement shall
12 not apply to a person who is hospitalized or is a patient in a hospice or skilled nursing facility.

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

20 (4) All mail ballots issued pursuant to subdivision 17-20-2(4) may be mailed to the elector
21 at the address within the United States provided by the elector on the application or sent to the
22 board of canvassers in the city or town where the elector maintains his or her voting residence. In
23 order to be valid, the signature on all certifying envelopes containing a voted ballot must be made
24 before a notary public, or other person authorized by law to administer oaths where signed, or where
25 the elector voted, or before two (2) witnesses who shall set forth their addresses on the form. In
26 order to be valid, all ballots sent to the elector at the board of canvassers must be voted in
27 conformance with the provisions of § 17-20-14.2. The elector shall provide proof of identity to the
28 notary public or the two (2) witnesses pursuant to the provisions of § 17-19-24.2; provided,
29 however, that this requirement shall not apply to a person who is hospitalized or is a patient in a
30 hospice or skilled nursing facility.

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

34 (f) In no way shall a mail ballot application be disqualified if the voter's circumstances

1 change between the time of making the application and voting his or her mail ballot as long as voter
2 remains qualified to receive a mail ballot under the provisions of § 17-20-2. The local board of
3 canvassers shall provide the state board of elections with written notification of any change in
4 circumstances to a mail ballot voter.

5 **17-20-2.2. Requirements for validity of emergency mail ballots.**

6 (a) Any legally qualified elector of this state whose name appears upon the official voting
7 list of the town or district of the city or town where the elector is so qualified, who on account of
8 circumstances manifested twenty (20) days or less prior to any election becomes eligible to vote by
9 mail ballot according to this chapter, may obtain from the local board an application for an
10 emergency mail ballot or may complete an emergency in-person mail ballot application on an
11 electronic poll pad at the board of canvassers where the elector maintains his or her residence.

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

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

18 (d) In addition to those requirements set forth elsewhere in this chapter, an emergency mail
19 ballot, except those emergency mail ballots being cast pursuant to subsection (g) of this section, in
20 order to be valid, must have been cast in conformance with the following procedures:

21 (1) All mail ballots issued pursuant to § 17-20-2(1) shall be mailed to the elector at the
22 state of Rhode Island address provided on the application by the office of the secretary of state, or
23 delivered by the local board to a person presenting written authorization from the elector to receive
24 the ballots, or cast in private at the local board of canvassers. In order to be valid, the signature of
25 the voter on the certifying envelope containing a voted ballot must be made before a notary public,
26 or other person authorized by law to administer oaths where signed, or where the elector voted, or
27 before two (2) witnesses who shall set forth their addresses on the form. In order to be valid, all
28 ballots sent to the elector at the board of canvassers must be voted in conformance with the
29 provisions of § 17-20-14.2. [The elector shall provide proof of identity to the notary public or the](#)
30 [two \(2\) witnesses pursuant to the provisions of § 17-19-24.2; provided, however, that this](#)
31 [requirement shall not apply to a person who is hospitalized or is a patient in a hospice or skilled](#)
32 [nursing facility.](#)

33 (2) All applications for emergency mail ballots pursuant to § 17-20-2(2) must state under
34 oath the name and location of the hospital, convalescent home, nursing home, or similar institution

1 where the elector is confined. All mail ballots issued pursuant to this subdivision shall be delivered
2 to the elector by the bipartisan pair of supervisors, appointed in conformance with this chapter, and
3 shall be voted and witnessed in conformance with the provisions of § 17-20-14. [The elector shall](#)
4 [provide proof of identity to the notary public or the two \(2\) witnesses pursuant to the provisions of](#)
5 [§ 17-19-24.2; provided, however, that this requirement shall not apply to a person who is](#)
6 [hospitalized or is a patient in a hospice or skilled nursing facility.](#)

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

14 (4) All mail ballots issued pursuant to § 17-20-2(4) shall be cast at the board of canvassers
15 in the city or town where the elector maintains his or her voting residence or mailed by the office
16 of the secretary of state to the elector at the address within the United States provided by the elector
17 on the application, or delivered to the voter by a person presenting written authorization by the
18 voter to pick up the ballot. In order to be valid, the signature of the voter on all certifying envelopes
19 containing a voted ballot must be made before a notary public, or other person authorized by law
20 to administer oaths where signed, or where the elector voted, or before two (2) witnesses who shall
21 set forth their addresses on the form. In order to be valid, all ballots sent to the elector at the board
22 of canvassers must be voted in conformance with the provisions of § 17-20-14.2. [The elector shall](#)
23 [provide proof of identity to the notary public or the two \(2\) witnesses pursuant to the provisions of](#)
24 [§ 17-19-24.2; provided, however, that this requirement shall not apply to a person who is](#)
25 [hospitalized or is a patient in a hospice or skilled nursing facility.](#)

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

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

1 (g) An emergency mail ballot application may be completed in person using an electronic
2 poll pad provided by the board of canvassers upon presentation by the voter of valid proof of
3 identity pursuant to § 17-19-24.2. Upon completion of the poll pad application, the voter shall be
4 provided with a ballot issued by the secretary of state and upon completion of the ballot by the
5 voter, the voter shall place the ballot into the state-approved electronic voting device, provided by
6 the board of elections and secured in accordance with a policy adopted by the board of elections.

7 SECTION 2. This act shall take effect on January 1, 2022.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO ELECTIONS - MAIL BALLOTS - CONDUCT OF ELECTION AND VOTING
EQUIPMENT AND SUPPLIES

1 This act would require any person voting by mail ballot or emergency mail ballot to provide
2 proof of identity, exempting those who are hospitalized or residents in a hospice or skilled nursing
3 facility.

4 This act would take effect on January 1, 2022.

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