

2022 -- H 7100 SUBSTITUTE A

LC003657/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO ELECTIONS -- SECRETARY OF STATE -- LET RI VOTE ACT

Introduced By: Representatives Kazarian, Amore, Fogarty, Alzate, Shanley, Williams, Felix, Giraldo, Kislak, and Carson

Date Introduced: January 12, 2022

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-6-13 of the General Laws in Chapter 17-6 entitled "Secretary of
2 State" is hereby amended to read as follows:

3 **17-6-13. ~~Electoral process education~~ Electoral process education -- Voter information**
4 **hotline.**

5 (a) During each year in which a general election is to be held, the secretary of state shall
6 identify communities within the state in need of electoral process education by outreaching
7 community organizations. Electoral process education shall consist of instruction on how a person
8 may become a candidate for electoral office and how a person registers and votes for candidates
9 for electoral office. The secretary of state shall furnish electoral process education throughout the
10 state of Rhode Island in a manner to be determined by the secretary of state.

11 (b) The secretary of state shall make available a free telephone hotline to provide the public
12 with information about the electoral process, including the voting process, registering to vote, and
13 polling locations. This hotline shall be available in multiple languages.

14 SECTION 2. Section 17-9.1-27 of the General Laws in Chapter 17-9.1 entitled
15 "Registration of Voters" is hereby amended to read as follows:

16 **17-9.1-27. Periodic updating of voter registration records.**

17 (a) ~~In every odd-numbered year~~ Not less than four (4) times within a calendar year, the
18 secretary of state shall update the central voter register using the United States Postal Service
19 National Change of Address (NCOA) Program. The office of the Secretary of State shall be

1 responsible for obtaining the NCOA data and providing each local board of canvassers with their
2 data; provided, that the updating shall be performed by each local board. The NCOA list of address
3 changes shall be compared by the local board with lists of registered voters, and if address changes
4 are detected for any voter, the local board shall institute the confirmation process described in §
5 17-9.1-26.

6 (b) Each local board of canvassers in each city or town shall send annually, a notice
7 prescribed by the secretary of state and marked "Do Not Forward -- Return if Undeliverable", to
8 every active registered voter who has not voted in the past five (5) calendar years and has not
9 otherwise communicated with the board during that period of time, advising them of their current
10 polling place and voting eligibility, and informing them that mail that is returned as undeliverable
11 will initiate the confirmation process described in § 17-9.1-26; provided, however, that the local
12 boards shall not be obligated to send such notice if the state or federal government fails to
13 appropriate the necessary funds. ~~The mailing shall take place in all municipalities and be performed~~
14 ~~in a uniform manner, in accordance with standards adopted by the secretary of state and the list~~
15 ~~maintenance procedures provided by the National Voting Rights Act, 42 U.S.C. § 1973gg.~~

16 (c) The secretary of state shall promulgate regulations for the uniform implementation of
17 this section, consistent with all applicable federal voting laws.

18 (d) Beginning ninety (90) days before any state election and through certification of that
19 election, local boards shall cease all list maintenance procedures required by this section.

20 SECTION 3. Section 17-10-1 of the General Laws in Chapter 17-10 entitled "Canvassing
21 the Lists of Qualified Electors" is hereby amended to read as follows:

22 **17-10-1. Maintenance of registration -- Inactive file.**

23 (a) The local board or its duly authorized agent shall maintain the files of registration cards
24 in a condition that will correctly represent the registration of qualified voters at all times. It shall
25 continually purge the cards of voters no longer qualified to vote in the city or town. It shall promptly
26 record all changes of address, changes of name, and transfers and cancellations of registration.

27 (b) If a confirmation card has been mailed to a registered voter at an address outside of the
28 city or town of the voter's current registered address for voting purposes, or if the confirmation card
29 has been mailed to an address within the same city or town where the voter is registered, which
30 card was sent to confirm the voter's continuing residence within the city or town and not merely to
31 confirm information provided by or through the postal service concerning a change of address
32 within the city or town, and in both cases the voter has failed to respond to the confirmation card,
33 the voter shall be stricken from the voting list and the voter registration shall be canceled if the
34 voter has not voted or appeared to vote in an election during the period beginning on the date of

1 mailing of the confirmation card and ending on the date after the date of the second general election
2 that occurs after the date of mailing of the card. Provided, that the registration of any person shall
3 not be canceled during his or her service in the armed forces of the United States and during two
4 (2) years thereafter. A voter whose registration has been canceled shall not thereafter be eligible to
5 vote unless that voter shall again register in accordance with the provisions of this title and in
6 accordance with the provisions of the Constitution of this state. The local board shall notify the
7 secretary of state of any cancellation. The local board shall notify each voter whose registration has
8 been canceled by a notice addressed to the voter at the voter's last known address, and a
9 memorandum that the notice has been sent shall be maintained on file by the local board; ~~provided,~~
10 ~~that failure to give or receive the notice shall not affect the cancellation of the voter's registration.~~
11 The local board shall take affirmative action to purge the voter's name from its files of registration
12 cards.

13 (c) Using the central voter registration system, upon receipt of the monthly list of
14 individuals who have died from the office of vital statistics, as prescribed by § 23-3-5 or provided
15 by the federal Social Security Administration's master death list, the secretary of state shall identify
16 all voter registrations that may be reflected on the list and so notify electronically, the local board
17 of canvassers of each applicable city or town. The local board, upon receipt of the list of deceased
18 persons from the secretary of state, or upon receipt of an affidavit of death on forms prescribed by
19 the secretary of state, shall promptly purge its files of registration cards by removing the cards of
20 each deceased elector and canceling the voter registration information of the deceased elector from
21 the central voter registration system.

22 (d) The local board shall maintain a separate list of all new registrations and all transfers
23 of registration which are received by the board within the thirty (30) day period prior to the close
24 of registration prior to each primary, regular, and special election. The list shall be maintained until
25 the time that the election is held.

26 SECTION 4. Section 17-19-8.1 of the General Laws in Chapter 17-19 entitled "Conduct
27 of Election and Voting Equipment, and Supplies" is hereby amended to read as follows:

28 **17-19-8.1. Ballots for voters who are blind, visually impaired or disabled.**

29 (a) Any voter who is blind or visually impaired or disabled is eligible to request a special
30 ballot for voting by mail ballot. Special mail ballots are available in Braille or tactile format.

31 (b) Requests must be made in writing to the local board of canvassers where the person is
32 registered to vote or through the electronic voter registration portal established by §§ 17-20-2.3 and
33 17-20-8 at least ~~forty-five (45)~~ twenty-one (21) days before the election for which the voter is
34 requesting the special ballot. In addition, the request will be valid for all elections held during the

1 calendar year in which the request was received and in which the voter is eligible to participate.
2 Applicants must also file the appropriate mail ballot application as required by chapter 20 of this
3 title for each election in which they wish to participate.

4 (c) The office of the secretary of state shall prepare and provide the appropriate form, which
5 shall be available at local boards and upon request from the office of the secretary of state. The
6 voter may also choose to submit his or her request in writing without using the form provided, as
7 long as the communication contains all of the required information. The request shall include the
8 following information:

9 (1) The name and registered address of the voter;

10 (2) A daytime telephone number;

11 (3) An indication of whether this request is for the entire calendar year or only for the next
12 upcoming election;

13 (4) The voter's political party affiliation, if the request for a special ballot is also for
14 primaries;

15 (5) Indicate the special ballot format.

16 (d) All requests received by local boards must be processed and forwarded to the office of
17 the secretary of state within twenty-four (24) hours of receipt. The secretary of state shall maintain
18 a list of all persons requesting special Braille or tactile mail ballots and must forward a copy of the
19 list to the state board of elections at least eighteen (18) days before the date of any election.

20 (e) The state board may adopt rules and regulations for the procedure for the manual
21 reproduction of voted ballots, when necessary, and the tabulation of Braille and tactile mail ballots.

22 (f) The office of the secretary of state shall be responsible for the preparation and
23 distribution of special Braille and tactile mail ballots. Whenever possible, the secretary of state
24 shall prepare the Braille or tactile mail ballot so that the voted ballot can be read by the tabulation
25 equipment, rather than being manually reproduced by election officials onto a machine readable
26 ballot.

27 (g) The office of the secretary of state may adopt rules and regulations setting forth the
28 procedure for the preparations and distribution of the Braille and tactile mail ballots.

29 (h) The office of the secretary of state shall prepare and publish a guide describing the types
30 of ballots available and the manner in which each ballot can be voted. This guide shall be revised
31 whenever the types of ballots available are updated. This guide shall be available in print, Braille,
32 audio, or other accessible formats.

33 (i) The office of the secretary of state shall establish a special Braille and tactile ballot
34 program for voters who are blind or visually impaired. The office of the secretary of state shall

1 expand the special ballot service to other voters with disabilities, as feasible, as determined by the
2 secretary of state, and incorporate other accessible formats as technology and resources allow.

3 (j) In accordance with the Help America Vote Act of 2003, the voting system at each
4 polling place shall be accessible for individuals with disabilities, including nonvisual accessibility
5 for the blind and visually impaired, in a manner that provides the same opportunity for access and
6 participation as for other voters.

7 SECTION 5. Sections 17-20-1, 17-20-1.1, 17-20-2, 17-20-2.1, 17-20-2.2, 17-20-3, 17-20-
8 8, 17-20-9, 17-20-10, 17-20-13, 17-20-13.1, 17-20-14, 17-20-14.1, 17-20-14.2, 17-20-21, 17-20-
9 23, 17-20-24.1 and 17-20-30 of the General Laws in Chapter 17-20 entitled "Mail Ballots" are
10 hereby amended to read as follows:

11 **17-20-1. Voting by mail ballot.**

12 The electors of this state who, for any of the reasons set forth in § 17-20-2, being otherwise
13 qualified to vote, ~~are unable to vote in person,~~ shall have the right to vote, in the manner and time
14 provided by this chapter, in all general and special elections and primaries, including presidential
15 primaries in this state for electors of president and vice-president of the United States, United States
16 senators in congress, representatives in congress, general officers of the state, senators and
17 representatives in the general assembly for the respective districts in which the elector is duly
18 qualified to vote, and for any other officers whose names appear on the state ballot and for any city,
19 town, ward, or district officers whose names appear on the respective city or town ballots in the
20 ward or district of the city or town in which the elector is duly qualified to vote, and also to approve
21 or reject any proposition of amendment to the Constitution or other propositions appearing on the
22 state, city, or town ballot.

23 **17-20-1.1. Declaration of policy.**

24 Those electors who ~~are unable to vote in person at the polls for the reasons set forth in §~~
25 ~~17-20-2~~ vote by mail are entitled to vote in a manner which reasonably guarantees the secrecy of
26 their ballots. The procedures set forth in this chapter are designed to promote the effective exercise
27 of their rights while safeguarding those voters who utilize the mail ballot process from harassment,
28 intimidation, and invasion of privacy. The procedures are intended to prevent misuse of the
29 electoral system ~~by persons who are not eligible to vote by mail ballot.~~ The provisions of this
30 chapter shall be interpreted to effectuate the policies set forth in this section.

31 **17-20-2. Eligibility for mail ballots.**

32 Any otherwise qualified elector may vote by mail ballot in the following circumstances:

33 (1) An elector, within the State of Rhode Island who is incapacitated to the extent that it
34 would be an undue hardship to vote at the polls because of illness, or mental or physical disability,

1 blindness, or serious impairment of mobility;

2 (2) An elector who is confined in any hospital, convalescent home, nursing home, rest
3 home, or similar institution, public or private, within the State of Rhode Island;

4 (3) An elector who will be temporarily absent from the state because of employment or
5 service intimately connected with military operations or who is a spouse or legal dependent residing
6 with that person, or a United States citizen that will be outside of the United States;

7 (4) An elector who ~~may not be able to vote at his or her polling place in his or her city or~~
8 ~~town on the day of the election~~ chooses to vote by mail for any reason.

9 **17-20-2.1. Requirements for validity of mail ballot and mail ballot applications.**

10 (a) Any legally qualified elector of this state whose name appears upon the official voting
11 list of the city, town, or district of the city or town where the elector is qualified, and who desires
12 to avail himself or herself of the right granted to him or her by the Constitution and declared in this
13 chapter, may obtain from the local board in the city or town ~~an affidavit~~ a form prepared by the
14 secretary of state as prescribed in this section, setting forth the elector's application for a mail ballot
15 or may apply online in accordance with § 17-20-2.3.

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

18 (c) ~~The application, when duly executed, shall be delivered~~ To receive a ballot in the mail,
19 an elector must submit an application in person or by mail, so that it is received by the local board,
20 or received electronically through the portal established by § 17-20-2.3, not later than four o'clock
21 (4:00) p.m. on the twenty-first (21st) day before the day of any election referred to in § 17-20-1.

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

24 (1) All mail ballots issued pursuant to subdivision 17-20-2(1) shall be mailed to the elector
25 at the Rhode Island address provided by the elector on the application. In order to be valid, the
26 voter must affix his or her signature on all certifying envelopes containing a voted ballot ~~must be~~
27 ~~made before a notary public or before two (2) witnesses who shall set forth their addresses on the~~
28 ~~form.~~

29 (2) All applications for mail ballots pursuant to § 17-20-2(2) must state under oath the
30 name and location of the hospital, convalescent home, nursing home, or similar institution where
31 the elector is confined. All mail ballots issued pursuant to subdivision 17-20-2(2) shall be delivered
32 to the elector at the hospital, convalescent home, nursing home, or similar institution where the
33 elector is confined; ~~and the ballots shall be voted and witnessed in conformance with the provisions~~
34 ~~of § 17-20-14.~~

1 (3) All mail ballots issued pursuant to subdivision 17-20-2(3) shall be mailed to the address
2 provided by the elector on the application or sent to the board of canvassers in the city or town
3 where the elector maintains his or her voting residence. In order to be valid, the voter must affix
4 his or her signature ~~of the elector~~ on the certifying envelope containing voted ballots ~~does not need~~
5 ~~to be notarized or witnessed~~. Any voter qualified to receive a mail ballot pursuant to subdivision
6 17-20-2(3) shall also be entitled to cast a ballot pursuant to the provisions of United States Public
7 Law 99-410 ("UOCAVA Act").

8 (4) All mail ballots issued pursuant to subdivision 17-20-2(4) may be mailed to the elector
9 at the address within the United States provided by the elector on the application or sent to the
10 board of canvassers in the city or town where the elector maintains his or her voting residence. In
11 order to be valid, the voter must affix his or her signature on all certifying envelopes containing a
12 voted ballot ~~must be made before a notary public, or other person authorized by law to administer~~
13 ~~oaths where signed, or where the elector voted, or before two (2) witnesses who shall set forth their~~
14 ~~addresses on the form~~. In order to be valid, all ballots sent to the elector at the board of canvassers,
15 must be voted in conformance with the provisions of § 17-20-14.2.

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

19 (f) In no way shall a mail ballot application be disqualified if the voter's circumstances
20 change between the time of making the application and voting his or her mail ballot as long as voter
21 remains qualified to receive a mail ballot under the provisions of § 17-20-2. The local board of
22 canvassers shall provide the state board of elections with written notification of any change in
23 circumstances to a mail ballot voter.

24 **17-20-2.2. Requirements for validity of emergency mail ballots.**

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

32 (b) The emergency mail ballot application, when duly executed, shall be delivered in
33 person or by mail so that it shall be received by the local board, or received electronically through
34 the portal established by § 17-20-2.3, not later than four o'clock (4:00) p.m. on the last day

1 preceding the date of the election.

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

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

8 (1) All mail ballots issued pursuant to § 17-20-2(1) shall be mailed to the elector at the
9 state of Rhode Island address provided on the application by the office of the secretary of state, or
10 delivered by the local board to a person presenting written authorization from the elector to receive
11 the ballots, or cast in private at the local board of canvassers. In order to be valid, the voter must
12 affix his or her signature of the voter on the certifying envelope containing a voted ballot ~~must be~~
13 ~~made before a notary public, or other person authorized by law to administer oaths where signed,~~
14 ~~or where the elector voted, or before two (2) witnesses who shall set forth their addresses on the~~
15 ~~form.~~ In order to be valid, all ballots sent to the elector at the board of canvassers must be voted in
16 conformance with the provisions of § 17-20-14.2.

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

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

29 (4) All mail ballots issued pursuant to § 17-20-2(4) shall be cast at the board of canvassers
30 in the city or town where the elector maintains his or her voting residence or mailed by the office
31 of the secretary of state to the elector at the address within the United States provided by the elector
32 on the application, or delivered to the voter by a person presenting written authorization by the
33 voter to pick up the ballot. In order to be valid, the voter must affix his or her signature ~~of the voter~~
34 on all certifying envelopes containing a voted ballot ~~must be made before a notary public, or other~~

1 ~~person authorized by law to administer oaths where signed, or where the elector voted, or before~~
2 ~~two (2) witnesses who shall set forth their addresses on the form.~~ In order to be valid, all ballots
3 sent to the elector at the board of canvassers must be voted in conformance with the provisions of
4 § 17-20-14.2.

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

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

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

20 **17-20-3. Definitions.**

21 (a) Wherever used in this chapter, every word importing only the masculine gender is
22 construed to extend to, and include, females as well as males.

23 (b) Whenever used in this chapter, "bipartisan pairs of supervisors" for primaries means a
24 supervisor representing the endorsed candidates and a supervisor representing a majority of
25 unendorsed candidates, and for nonpartisan elections and primaries means non-partisan pairs of
26 supervisors.

27 (c) Wherever used in this chapter, "employed outside of the United States" includes any
28 person who is:

29 (1) Employed by any agency, department or division of the United States government and
30 who, by reason of that employment, resides outside of the continental United States;

31 (2) Employed outside the territorial limits of the United States; or

32 (3) A spouse or dependent residing with persons so employed.

33 (d) Wherever used in this chapter "services intimately connected with military operations"
34 includes members of religious groups or welfare agencies assisting members of the armed forces

1 who are officially attached to and serving with the armed forces and their spouses and dependents,
2 and the spouses and dependents of members of the armed forces and of the merchant marine;
3 provided, that the spouses and dependents are residing outside of the state with the members of the
4 armed forces, merchant marine, or members of the religious or welfare agencies.

5 (e) Whenever a signature is required by a voter in this chapter, "signature" also means the
6 voter's mark "X" if the person is unable to sign his or her name because of physical incapacity or
7 otherwise.

8 (f) Whenever used in this chapter, "bipartisan" means not of the same recognized political
9 party.

10 [\(g\) Whenever used in this chapter, "emergency" voting pursuant to § 17-20-2.2\(g\) shall be](#)
11 [construed to mean "early" voting.](#)

12 **17-20-8. Application for ballot.**

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

15 (b) Notwithstanding any other provision of this chapter as to time and manner thereof, it
16 shall be the duty of the applicant to cause the mail ballot application or the emergency mail ballot
17 application, as the case may be, to be processed by the local board so that the applicant may receive
18 the ballot, cast it, and cause delivery thereof to be made to the state board not later than eight o'clock
19 (8:00) p.m. on the date of election.

20 (c) The local board shall maintain a separate list of names and addresses of all applicants
21 ~~and their subscribing witnesses~~ and a copy of the list shall be made available for inspection to any
22 person upon request.

23 (d) Any person knowingly and willfully making a false application or certification or
24 knowingly and willfully aiding and abetting in the making of a false application or certification
25 shall be guilty of a felony.

26 [\(e\) Voters shall be able to apply for a mail ballot electronically through the voter](#)
27 [registration portal established by § 17-20-2.3.](#)

28 **17-20-9. ~~Application by permanently disabled or incapacitated voters~~ Application by**
29 **permanently disabled or incapacitated voters and nursing home residents.**

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

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

7 (b) The affidavit form and instructions prescribed in this section shall be mailed to the
8 applicant along with a stamped return envelope addressed to the local boards of canvassers. The
9 secretary of state may process applications pursuant to this section through the online mail ballot
10 application portal established by § 17-20-2.3.

11 (c) For purposes of this section, "nursing home" refers to facilities defined and licensed by
12 the department of health. "Long-term" excludes any residents temporarily residing in such a facility
13 for rehabilitation.

14 (d) The secretary of state shall maintain a list in the central voter registration system of all
15 voters who automatically receive applications for mail ballots, pursuant to this section.

16 **17-20-10. Certification of applications -- Issuance of ballots -- Marking of lists --**
17 **Mailing address.**

18 (a) Upon receipt of the application, the local board shall immediately examine it and
19 determine whether it complies with each of the requirements set forth by this chapter and compare
20 the signature on the ballot application with the signature contained on the original registration card,
21 except as may be otherwise provided by law, to satisfy itself that the applicant is a qualified voter.
22 Upon determining that it does meet each requirement of this chapter and that the signature appears
23 to be the same, the local board shall mark the application "accepted" and record in the space
24 provided on the ballot application the senatorial, representative, and voting district in which the
25 applicant should vote.

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

31 (c) Not later than 4:00 p.m. on the eighteenth (18th) day before the day of any election
32 referred to in this chapter or within seven (7) days of receipt by the local board, whichever occurs
33 first, the local board shall certify the applications to the secretary of state through the CVRS system
34 as this procedure is prescribed by the secretary of state. Upon the certification of a mail ballot

1 application to the secretary of state, the local board shall enter on the voting list the fact that a mail
2 ballot application for the voter has been certified and shall cause the delivery of the certified mail
3 ballot applications together with the signed certified listing thereof in sealed packages to the state
4 board of elections.

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

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

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

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

30 (g) The acceptance of a mail ballot application by the board of canvassers and the issuance
31 of a mail ballot by the secretary of state shall not create any presumption as to the accuracy of the
32 information provided by the applicant or as to the applicant's compliance with the provisions of
33 this chapter. Any inaccuracy in the provided information or irregularity in the application may be
34 raised as a challenge to the ballot before the board of elections at the time of certification. If the

1 challenge raised at that time is meritorious, the ballot shall be voided.

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

5 **17-20-13. Form of application.**

6 The application to be subscribed by the voters before receiving a mail ballot shall, in
7 addition to those directions that may be printed, stamped, or written on it by authority of the
8 secretary of state, be in substantially the following form:

9 STATE OF RHODE ISLAND
10 APPLICATION OF VOTER FOR BALLOT FOR ELECTION ON
11 (COMPLETE HIGHLIGHTED SECTIONS)

12 NOTE -- THIS APPLICATION MUST BE RECEIVED BY THE BOARD OF
13 CANVASSERS OF YOUR CITY OR TOWN NOT LATER THAN 4:00 P.M ON _____

14 BOX A (PRINT OR TYPE)

15 NAME _____

16 VOTING ADDRESS _____

17 CITY/TOWN _____ STATE RI ZIP CODE _____

18 DATE OF BIRTH _____ PHONE # _____

19 BOX B (PRINT OR TYPE)

20 NAME OF INSTITUTION (IF APPLICABLE) _____

21 ADDRESS _____

22 ADDRESS _____

23 CITY/TOWN _____ STATE _____ ZIP CODE _____

24 FACSIMILE NUMBER (if applicable) _____

25 I CERTIFY THAT I AM ELIGIBLE FOR A MAIL BALLOT ON THE FOLLOWING BASIS;
26 (CHECK ONE ONLY)

27 () 1. I am incapacitated to such an extent that it would be an undue hardship to vote at the
28 polls because of illness, mental or physical disability, blindness or a serious impairment of mobility.
29 If the ballot is not being mailed to your voter registration address (BOX A above) please provide
30 the Rhode Island address where you are temporarily residing in BOX B above.

31 () 2. I am confined in a hospital, convalescent home, nursing home, rest home, or similar
32 institution within the State of Rhode Island. Provide the name and address of the facility where you
33 are residing in BOX B above

34 () 3. I am employed or in service intimately connected with military operations or because

1 I am a spouse or dependent of such person, or I am a United States citizen and will be outside the
2 United States. Complete BOX B above or the ballot will be mailed to the local board of canvassers.

3 () 4. ~~I may not be able to vote at the polling place in my city or town on the day of the~~
4 ~~election.~~ I choose to vote by mail. If the ballot is not being mailed to your voter registration address
5 (BOX A above) please provide the address within the United States where you are temporarily
6 residing in BOX B above. If you request that your ballot be sent to your local board of canvassers
7 please indicate so in BOX B above.

8 BOX D OATH OF VOTER

9 I declare that all of the information I have provided on this form is true and correct to the
10 best of my knowledge. I further state that I am not a qualified voter of any other city or town or
11 state and have not claimed and do not intend to claim the right to vote in any other city or town or
12 state. If unable to sign name because of physical incapacity or otherwise, applicant shall make his
13 or her mark "X".

14 SIGNATURE IN FULL _____

15 Please note: A Power of Attorney signature is not valid in Rhode Island.

16 **17-20-13.1. Form of emergency mail ballot application.**

17 The emergency mail ballot application to be subscribed by the voters before receiving a
18 mail ballot shall, in addition to any directions that may be printed, stamped, or written on the
19 application by authority of the secretary of state, be in substantially the following form:

20 STATE OF RHODE ISLAND

21 EMERGENCY APPLICATION OF VOTER FOR BALLOT FOR ELECTION ON _____

22 (COMPLETE HIGHLIGHTED SECTIONS)

23 **NOTE -- THIS APPLICATION MUST BE RECEIVED BY THE BOARD OF**

24 **CANVASSERS OF YOUR CITY OR TOWN NOT LATER THAN 4:00 P.M. ON _____**

25 BOX A (PRINT OR TYPE)

26 NAME _____

27 VOTING ADDRESS _____

28 CITY/TOWN _____ STATE RI ZIP CODE _____

29 DATE OF BIRTH _____ PHONE# _____

30 BOX B (PRINT OR TYPE)

31 NAME OF INSTITUTION (IF APPLICABLE) _____

32 ADDRESS _____

33 ADDRESS _____

34 CITY/TOWN _____ STATE _____ ZIP CODE _____

1 I CERTIFY THAT I AM ELIGIBLE FOR A MAIL BALLOT ON THE
2 FOLLOWING BASIS: (CHECK ONE ONLY)

3 () 1. I am incapacitated to such an extent that it would be an undue hardship to vote at
4 the polls because of illness, mental or physical disability, blindness or a serious impairment of
5 mobility. If not voting ballot at local board, ballot will be mailed to the address in BOX A above
6 or to the Rhode Island address provided in BOX B above. If the ballot is to be delivered by the
7 local board of canvassers to a person presenting written authorization to pick up the ballot, complete
8 BOX A above and fill in the person's name below.

9 I hereby authorize _____ to pick up my ballot at
10 my local board of canvassers.

11 () 2. I am confined in a hospital, convalescent home, nursing home, rest home, or
12 similar institution within the State of Rhode Island. Provide the name and address of the facility
13 where you are residing in BOX B above.

14 () 3. I am employed or in service intimately connected with military operations or
15 because I am a spouse or dependent of such person, or I am a United States citizen who will be
16 outside the United States. If not voting ballot at local board, provide address in BOX B above.

17 () 4. ~~I may not be able to vote at the polling place in my city or town on the day of the~~
18 ~~election~~ I choose to vote by mail. If the ballot is not being mailed to your voter registration address
19 (BOX A above) please provide the address within the United States where you are temporarily
20 residing in BOX B above. If you request that your ballot be sent to your local board of canvassers
21 please indicate so in BOX B above.

22 I hereby authorize _____ to pick up my ballot at
23 my local board of canvassers.

24 ~~Under the pains and penalty of perjury, I certify that on account of the following~~
25 ~~circumstances manifested twenty (20) days or less prior to the election for which I make this~~
26 ~~application. I will be unable to vote at the polls.~~

27 BOX D OATH OF VOTER

28 I declare that all of the information I have provided on this form is true and correct to the
29 best of my knowledge. I further state that I am not a qualified voter of any other city or town or
30 state and have not claimed and do not intend to claim the right to vote in any other city or town or
31 state. If unable to sign name because of physical incapacity or otherwise, applicant shall make his
32 or her mark "X".

33 SIGNATURE IN FULL _____

34 Please note: A Power of Attorney signature is not valid in Rhode Island.

1 **17-20-14. Voting from hospitals, convalescent homes, nursing homes, rest homes or**
2 **similar institutions public or private within the State of Rhode Island -- Penalty for**
3 **interference.**

4 (a) The state board of elections shall appoint as many bipartisan pairs of supervisors as are
5 necessary whose duty it shall be to attend each hospital, rest home, nursing home and convalescent
6 home, or similar types of personal care facility in the state within twenty (20) days prior to the
7 election. They shall supervise the casting of votes by persons using mail ballots at a place that
8 preserves their secrecy and shall take acknowledgments ~~or serve as witnesses~~, and jointly provide
9 assistance, if requested, to assure proper marking, sealing, and mailing of ballots as voted. ~~Every~~
10 ~~mail ballot cast by a patient in a hospital or convalescent home within this state must be witnessed~~
11 ~~by the state supervisors.~~ It shall be the duty of the person or persons in charge of hospitals, rest
12 homes, nursing homes and convalescent homes, or similar types of personal care facility to allow
13 the state supervisors to perform their duties as set forth in this section at all reasonable times. Every
14 person who willfully hinders the state supervisors in performing their duties as set forth in this
15 section shall be guilty of a misdemeanor.

16 (b) It shall be the responsibility of the state board of elections to provide all bipartisan pairs
17 of supervisors with an official identification card. All bipartisan pairs of supervisors will be
18 required to have in their possession their identification card when conducting official business.

19 (c) Any person who deliberately misrepresents themselves as an official of the board of
20 elections, or who deceives, coerces, or interferes with a voter casting a ballot, shall be subject to
21 prosecution under § 17-20-30.

22 **17-20-14.1. Mail ballots -- Local supervision.**

23 Each local board shall be authorized to appoint one or more bipartisan pairs of supervisors
24 in the manner that other bipartisan pairs of supervisors are appointed for each election, whose duty
25 it shall be to attend each person who makes an application for a mail ballot under §§ 17-20-2.1 and
26 17-20-2.2, who does not fall under the provisions of § 17-20-14, and who requests that a bipartisan
27 pair of supervisors be sent by the board of canvassers to that person's place of residence for the
28 purpose of supervising or assisting the mail voter in casting his or her vote. The bipartisan pairs of
29 supervisors shall supervise the casting of votes by persons using the mail ballot at a place that
30 preserves their secrecy and shall take acknowledgments ~~or serve as witnesses~~, and jointly provide
31 assistance, if requested, to assure proper marking, sealing, and mailing of ballots as voted. The
32 failure or neglect of any local board to appoint these bipartisan pairs, or the failure or neglect of
33 any pair to attend any place at which a mail voter's ballot may be used, or the marking, sealing, or
34 mailing of ballots in the absence of any pair, shall not invalidate any ballot.

1 (If unable to sign name because of physical incapacity or otherwise, voter shall make his
2 or her mark "(X)").

3 ~~I hereby attest under penalty of perjury that the enclosed voted ballot was cast, and the~~
4 ~~signature or mark on this certifying envelope was made by the voter whose name appears on~~
5 ~~the label above.~~

6 Before me the _____ day of _____, 20____, at _____ (city or town),
7 county of _____, state of _____, personally appeared the above named voter,
8 to me known and known by me to be the person who affixed his or her signature to this ballot
9 envelope.

10 _____
11 _____ Notary Public

12 Notary must also print his or her name

13 Witness:
14 _____

15 (Signature)(Print Name) _____ (Address)

16 (Signature)(Print Name) _____ (Address)

17 Note: ~~Mail ballots must either be sworn to before a notary public or before two (2)~~
18 ~~witnesses who must sign their names and addresses.~~

19 **17-20-23. Marking and certification of ballot.**

20 (a) A voter may vote for the candidates of the voter's choice by making a mark in the space
21 provided opposite their respective names.

22 (b) In case a voter desires to vote upon a question submitted to the vote of the electors of
23 the state, the voter shall mark in the appropriate space associated with the answer that the voter
24 desires to give.

25 (c) ~~Voters receiving a mail ballot pursuant to § 17-20-2(1), (2), and (4) shall mark the ballot~~
26 ~~in the presence of two (2) witnesses or some officer authorized by the law of the place where~~
27 ~~marked to administer oaths. Voters receiving a mail ballot pursuant to § 17-20-2(3) do not need to~~
28 ~~have their ballot witnessed or notarized. Except as otherwise provided for by this chapter, the voter~~
29 ~~shall not allow the official or witnesses to see how he or she marks the ballot and the official or~~
30 ~~witnesses shall hold no communication with the voter, nor the voter with the official or witnesses,~~
31 ~~as to how the voter is to vote. Thereafter, the~~ The voter shall enclose and seal the ballot in the
32 envelope provided for it. ~~The voter shall then execute before the official or witnesses the~~
33 ~~certification on the envelope.~~ The voter shall then enclose and seal the certified envelope with the
34 ballot in the envelope addressed to the state board and cause the envelope to be delivered to the

1 state board on or before election day.

2 (d) These ballots shall be counted only if received within the time limited by this chapter.

3 (e) There shall be a space provided on the general election ballot to allow the voter to write
4 in the names of persons not in nomination by any party as provided for in §§ 17-19-31 and 17-20-
5 24.

6 **17-20-24.1. Irregularities in obtaining and casting mail ballots.**

7 The requirements set forth by this chapter controlling mail ballot eligibility and the
8 procedure by which mail ballots are obtained and cast shall be strictly applied to assure the integrity
9 of the electoral system. No mail ballot which was not obtained and/or cast in material conformance
10 with the provisions of this title shall be certified by the board of elections. ~~Notwithstanding the~~
11 ~~provisions of § 34-12-3 to the contrary, any mail ballot application or mail ballot certification~~
12 ~~notarized by a person who is not in fact a notary public or other officer authorized to administer~~
13 ~~oaths and take acknowledgements shall be void.~~ Nothing in this chapter shall be construed to
14 require the disqualification of a ballot merely because the elector did not sign the elector's full name
15 as it is listed on the voter registration list, but omitted or included a middle initial or name,
16 abbreviated a first and/or middle name, or made a similar omission or inclusion, as long as the
17 board of elections can reasonably determine the identity of the voter.

18 **17-20-30. Penalty for violations.**

19 (a) Any person who knowingly makes or causes to be made any material false statement in
20 connection with his or her application to vote as a mail voter, or who votes or attempts to vote
21 under the provisions of this chapter, by fraudulently signing the name of another upon any envelope
22 provided for in this chapter, or who, not being a qualified voter and having knowledge or being
23 chargeable with knowledge of the fact, attempts to vote under this chapter, or who votes the ballot
24 of another voter, or who deliberately prevents or causes to prevent the mail ballot to be received by
25 the voter or to be returned to the board of elections, ~~or who falsely notarizes or witnesses the voter~~
26 ~~signature on the ballot application or mail ballot,~~ or who deceives, coerces, or interferes with the
27 voter casting his or her ballot, and any person who does or attempts to do, or aid in doing or
28 attempting to do, a fraudulent act in connection with any vote cast or to be cast under the provisions
29 of this chapter, shall be guilty of a felony.

30 (b) Any person who, having received a mail voter's ballot and having voted or not voted
31 the mail ballot, votes or fraudulently attempts to vote at any elective meeting within the state held
32 on the day for which the ballot was issued shall be guilty of a felony.

33 (c) Any officer or other person who intentionally opens a mail voter's certified envelope or
34 examines the contents before the envelope is opened by the board of elections, as provided in this

1 chapter, shall be guilty of a felony.

2 (d) The offenses in this section shall be punishable by imprisonment of not more than ten
3 (10) years and/or by a fine of not less than five hundred dollars (\$500) nor more than five thousand
4 dollars (\$5000).

5 SECTION 6. Chapter 17-20 of the General Laws entitled "Mail Ballots" is hereby amended
6 by adding thereto the following sections:

7 **17-20-2.3. Online application for mail ballot.**

8 (a) In addition to any other available means of applying for a mail ballot, the secretary of
9 state shall establish and maintain a system, through which voters may apply for a mail ballot online.

10 (b) Applications filed using such system shall be considered filed on the calendar date the
11 application is initially transmitted by the voter through the online mail ballot application system.

12 (c) A voter shall be able to apply for a mail ballot using the online ballot application system
13 when the voter:

14 (1) Completes an online mail ballot application form, established by the secretary of state,
15 substantially similar to the paper-based mail ballot application form established by § 17-20-13;

16 (2) Affirms, subject to penalty of perjury, by means of electronic or manual signature, that
17 the information contained in the mail ballot application is true; and

18 (3) Verifies the voter's identity by providing the voter's date of birth and a Rhode Island
19 driver's license number or state identification number.

20 (d) The portal for mail ballot applications shall be available in any language required by
21 federal or state voting rights laws.

22 (e) To ensure full, equal, and independent access to all voters with disabilities, the portal
23 for mail ballot applications shall comply with all requirements under Title II of the Americans with
24 Disabilities Act, 42 U.S.C. §§ 12131-12165, and Web Content Accessibility Guidelines (WCAG)
25 2.0 compliance level AA.

26 **17-20-22.1. Mail ballot drop boxes.**

27 (a) "Drop box" means the locked and secure container established and maintained by the
28 board of elections, in accordance with this section, that shall serve as a receptacle for the receipt of
29 mail and emergency ballots cast by voters. Every drop box established by the board of elections
30 shall be deemed to be the property of the board of elections and shall be accessible to the public,
31 beginning twenty (20) days prior to the date of a state election and twenty-four (24) hours per day
32 and seven (7) days per week throughout this period, if established outside a municipal building,
33 and during the normal business hours of the facility if established inside a municipal building. All
34 drop boxes must be accessible on election day, from the time polls open until the time they close,

1 in accordance with §§ 17-18-10 and 17-18-11. Any ballot that is cast by a voter, as either a mail
2 ballot, or emergency ballot and is deposited into a drop box on or before the close of polls on
3 election day, shall be deemed to be received by and in the possession of the board of elections. At
4 the close of polls on election day, upon the last ballot deposited by any person in line at that time,
5 a designated agent of the board of elections shall ensure that no other ballots are deposited in the
6 drop box.

7 (b) Drop boxes must be labeled "State of Rhode Island Official Ballot Drop Box for Mail
8 Ballots," and include language about postage and display the official seal of the board of elections.
9 Drop boxes must be accessible by persons with disabilities. Drop boxes shall be monitored by a
10 video surveillance system.

11 (c) No town or city shall have fewer than one drop box. A drop box may be established
12 inside a municipal building, only if the building remains open and accessible to the public
13 throughout the prescribed time period prior to election day and until the close of the polls, in
14 accordance with § 17-18-10. A drop box shall also be placed outside the Office of the Board of
15 Elections and the Election Division of the Office of the Secretary of State. Drop boxes must be
16 placed in locations that are accessible to persons with disabilities.

17 (d) Each local board of canvassers shall determine the location of every drop box located
18 within the geographic area over which that local board has authority, in accordance with the
19 regulations promulgated by the board of elections.

20 (e) Each drop box shall not accept the deposit of mail ballots after the last person in line to
21 deposit a ballot in that drop box at the time the polls close, on the day of the election, has deposited
22 their ballot.

23 (f) Each local board shall make the location of every drop box within the area over which
24 it has authority publicly available on its website, to the extent feasible. The board of elections shall
25 make the location of all drop boxes located within the state, publicly available at its office and on
26 its website.

27 (g) The board of elections shall designate one or more staff members of each local board
28 of canvassers, as the official agents of the board of elections, for purposes of retrieving ballots
29 deposited in drop boxes and establish a schedule and process by which drop boxes are regularly
30 emptied and any ballots they contain are securely and promptly transported to the board of
31 elections.

32 (h) The board of elections shall promulgate regulations consistent with this section,
33 including regulations for the location of drop boxes and the receipt, storage, security, regular
34 collection, and transportation of the mail ballots returned.

1 (i) The board of elections may promulgate regulations for the use of drop boxes for
2 depositing mail ballot applications during the applicable timeframe for accepting mail ballot
3 applications.

4 SECTION 7. Section 17-20-32 of the General Laws in Chapter 17-20 entitled "Mail
5 Ballots" is hereby repealed.

6 ~~**17-20-32. Inquiry by board of elections.**~~

7 ~~Upon the request of any candidate for public office and upon a showing of good cause for~~
8 ~~it or upon its own motion, the board of elections shall inquire into any notary public or witness who~~
9 ~~witnesses the voter signatures on more than fifty (50) mail ballot envelopes in any one election and~~
10 ~~any notary public or witness who the board has reason to believe has not complied with the~~
11 ~~provisions of this chapter. The inquiry shall attempt to determine whether the notary public or~~
12 ~~witness was actually present when the documents were signed by the voters and whether all other~~
13 ~~applicable requirements set forth in this chapter were complied with. Any criminal violation of this~~
14 ~~chapter uncovered by the board of elections shall be referred to the state police for further~~
15 ~~investigation.~~

16 SECTION 8. This act shall take effect upon passage.

=====
LC003657/SUB A
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO ELECTIONS -- SECRETARY OF STATE -- LET RI VOTE ACT

1 This act, to be known as the "Let RI Vote Act," would allow voting by mail without needing
2 an excuse, improve voter roll cleanup procedures, allow voters to apply for mail ballots through an
3 online system, allow long-term nursing home residents to receive mail ballot applications
4 automatically, codify mail ballot drop box requirements, remove the notary and witness
5 requirement for mail ballots, establish a voter information hotline, and allow more time to request
6 special Braille ballots.

7 This act would take effect upon passage.

=====
LC003657/SUB A
=====