INTRODUCED

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N

A C T

RELATING TO ELECTIONS - REGISTRATIONS OF VOTERS

Introduced By: Representatives Regunberg, Handy, Keable, Blazejewski, and Barros

Date Introduced: April 08, 2015

Referred To: House Judiciary

(Secretary of State)

It is enacted by the General Assembly as follows:

SECTION 1. Section 17-9.1-10 of the General Laws in Chapter 17-9.1 entitled "Registration of Voters" is hereby amended to read as follows:

17-9.1-10. Additional method of registering. -- (a) In addition to the methods for registering to vote provided in §§ 17-9.1-7, 17-9.1-8, and 17-9.1-9, and 17-9.1-34 whenever any person who is or may be by the next election qualified to vote desires to register, that person may appear before the local board of the city or town in which he or she has his or her residence, as defined in § 17-1-3.1, or before the clerk or other duly authorized agent of the board, or before a registrar appointed by the state board of elections, and shall furnish the information required of him or her by this chapter and any information described in §§ 17-9.1-23 and 17-9.1-24 that the registrant may wish to record, and after the information has been recorded on the registry card furnished for that purpose, the person shall sign his or her name and certify to the truth of the facts recorded in the appropriate spaces in the card; provided, whenever any person is unable to sign his or her name because of physical incapacity or otherwise, he or she shall make his mark "(X)", which shall be witnessed by the person receiving the registration.

(b) It shall be the duty of the local board or clerk or other duly authorized agent of the board or registrar of the state board of elections to inform the person registering to vote that the voter will be mailed an acknowledgement card advising the person of the disposition of the registration and in the process verifying that the person resides at the address provided on the registration form. The person shall also be advised that if the acknowledgement card is returned
as undeliverable, the person will be placed on the inactive list of voters pending the results of the confirmation process described in § 17-9.1-26. Nothing contained in this section shall be deemed to entitle a person to vote whose registration form has not been filed with the local board at least thirty (30) days before an election.

SECTION 2. Chapter 17-9.1 of the General Laws entitled “Registration of Voters” is hereby amended by adding thereto the following section:

17-9.1-34. Electronic registration of voters. -- (a) The secretary of state shall establish and maintain a system for electronic voter registration that must be administered by the secretary of state. An applicant may use such system to register to vote, or to update existing voter registration information, provided:

(1) The applicant's information is verifiable in the manner described in subsection (b) of this section;

(2) The applicant's signature is in a database described in subsection (b) of this section; and

(3) Such signature may be imported into such system for electronic voter registration.

(b) Upon request of the secretary of state, a state agency, quasi-public agency or municipality shall provide information to the secretary of state that the secretary of state deems necessary to maintain the system for electronic voter registration. The secretary of state may verify applicant information by cross-referencing information submitted by applicants with data or information contained in any state agency, quasi-public agency or municipality's database or a database administered by the federal government, or any voter registration database of another state. The secretary of state shall not use the information obtained from any such database except to verify information submitted by the applicant. The applicant's signature, if part of the data contained in the state agency, quasi-public agency or municipality's database, shall be included as part of the applicant's information contained in the system for electronic voter registration.

(c) The submission of an electronic application shall contain all of the information that is required for an application in accordance with the provisions of § 17-9.1-9, with the exception of the signature which shall be obtained from another state agency, quasi-public agency, or municipality's database pursuant to subsection (b) of this section.

(d) An applicant using the system shall mark the box associated with the following statement included as part of the electronic application:

“By clicking on the box below, I swear or affirm all of the following under penalty of perjury:

(1) I am the person whose name and identifying information is provided on this form, and
I desire to register to vote or update my voter registration information in the State of Rhode Island.

(2) All of the information I have provided on this form is true and correct as of the date I am submitting this form.

(3) I authorize a Rhode Island state agency, quasi-public agency, or municipality to transmit, for voter registration purposes, to the secretary of state and my city/town's board of canvassers my signature that is on file with such agency, quasi-public agency or municipality. I understand that the secretary of state and my city/town's board of canvassers will use such signature on this electronic voter registration application as if I had signed this form personally."

(e) Upon approval of such application, the boards of canvassers shall send a confirmation notice to the applicant.

(f) The secretary of state may enter into an agreement and provide information or data with any other state in order to update the statewide central voter register. A Rhode Island state agency shall provide the secretary of state with information or data to be used for voter registration purposes and shall advise the secretary of state if such information or data is held confidential.

SECTION 3. Sections 17-20-2.2, 17-20-3 and 17-20-23 of the General Laws in Chapter 17-20 entitled "Mail Ballots" are hereby amended to read as follows:

17-20-2.2. Requirements for validity of emergency mail ballots. -- Requirements for validity of emergency mail ballots and emergency mail ballot applications. -- (a) Any legally qualified elector of this state whose name appears upon the official voting list of the town or district of the city or town where the elector is so qualified, who on account of circumstances manifested twenty (20) days or less prior to any election becomes eligible to vote by mail ballot according to this chapter, may obtain from the local board an application for an emergency mail ballot.

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

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

(d) In addition to those requirements set forth elsewhere in this chapter, an emergency mail ballot, in order to be valid, must have been cast in conformance with the following procedures:
(1) All mail ballots issued pursuant to subdivision 17-20-2(1) shall be mailed to the elector at the State of Rhode Island address provided on the application by the office of the secretary of state, or delivered by the local board to a person presenting written authorization from the elector to receive the ballots, or cast in private at the local board of canvassers. In order to be valid, the signature of the voter on the certifying envelope containing a voted ballot must be made before a notary public, or other person authorized by law to administer oaths where signed, or where the elector voted, or before two (2) witnesses who shall set forth their addresses on the form. In order to be valid, all ballots sent to the elector at the board of canvassers must be voted in conformance with the provisions of § 17-20-14.2.

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

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

(4) All mail ballots issued pursuant to subdivision 17-20-2(4) shall be cast at the board of canvassers in the city or town where the elector maintains his or her voting residence, or mailed by the office of the secretary of state to the elector at the address within the United States provided by the elector on the application, or delivered to the voter by a person presenting written authorization by the voter to pick up the ballot. In order to be valid, the signature of the voter on all certifying envelopes containing a voted ballot must be made before a notary public, or other person authorized by law to administer oaths where signed, or where the elector voted, or before two (2) witnesses who shall set forth their addresses on the form. In order to be valid, all ballots sent to the elector at the board of canvassers must be voted in conformance with the provisions of § 17-20-14.2.

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

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

17-20-3. Definitions. -- (a) Wherever used in this chapter, every word importing only the masculine gender is construed to extend to, and include, females as well as males.

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

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

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

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

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

(d) Wherever used in this chapter "services intimately connected with military operations" includes members of religious groups or welfare agencies assisting members of the armed forces who are officially attached to and serving with the armed forces and their spouses and dependents, and the spouses and dependents of members of the armed forces and of the merchant marine; provided, that the spouses and dependents are residing outside of the state with the members of the armed forces, merchant marine, or members of the religious or welfare agencies.

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

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

(g) Wherever used in this chapter, "family member" includes spouse, brother, sister, parent, grandparent, child, adopted child, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepparent, stepchild, or legal guardian.
17-20-23. Marking and certification of ballot. [Effective January 1, 2015.] -- (a) A voter may vote for the candidates of the voter's choice by making a mark in the space provided opposite their respective names.

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

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

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

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

SECTION 4. Title 17 of the General Laws entitled "ELECTIONS" is hereby amended by adding thereto the following chapter:

CHAPTER 20.1

IN-PERSON EARLY VOTING

17-20.1-1. Declaration of policy. -- (a) Improving access and convenience for registered voters with regard to casting a ballot is critical to ensuring that the voice of democracy is heard. Presently, at least thirty-two (32) states plus the District of Columbia provide citizens with an opportunity to vote early and in-person.

(b) While an election day is designated as the time when the majority of voters cast their ballots, the majority of Rhode Island voters did not vote in this most recent historic election in our
state. To meet demands and challenges of modern life, additional opportunities to cast a ballot should be provided to increase voter turnout in Rhode Island. Designating a period of time leading up to election day where Rhode Islanders can vote in-person expands the opportunities to cast a ballot and participate in the electoral process.

17-20.1-2. In-person early voting. – (a) In-person early voting shall be made available to any registered voter and eligible elector of this state whose name appears upon the official voting list of the district of the city or town where the elector is so qualified to vote for all elections.

(b) The in-person early voting period shall begin on the twenty-eighth day before a general or primary election and extend through the day before the general or primary election. In the case of a special election, the in-person early voting period shall begin by the twenty-first day before the special election and extend through the day before the special election.

(c) During the in-person early voting period as set forth in subsection (b) above, in-person early voting shall take place at locations to be determined by each local board and approved by the state board, with no fewer than one location for each town or city. Prior to the beginning of the in-person early voting period, adequate notice of at least seven (7) days shall be posted at each local board’s office informing the public of the locations where in-person early voting is being conducted. Said notice shall be filed electronically with the secretary of state in accordance with § 42-46-6(f). Such notice shall also be posted on the city or town’s website, if any, the website of the secretary of state, the board of elections website, and the websites of the local boards of canvassers, if any.

Effective January 1, 2016, in-person early voting shall take place during normal business hours in each city or town on Monday, Tuesday, Wednesday, Thursday and Friday. In-person early voting shall take place on the Saturday and Sunday preceding election day during the hours of 9:00 a.m. to 4:00 p.m.

Effective January 1, 2018, in-person early voting shall take place during normal business hours in each city or town on Monday, Tuesday, Wednesday, Thursday and Friday. In-person early voting shall take place on the two (2) Saturdays and two (2) Sundays preceding election day during the hours of 9:00 a.m. to 4:00 p.m.

Effective January 1, 2020 and thereafter, in-person early voting shall take place during normal business hours in each city or town on Monday, Tuesday, Wednesday, Thursday and Friday. In-person early voting shall take place on the three (3) Saturdays and three (3) Sundays preceding election day during the hours of 9:00 a.m. to 4:00 p.m.

(d) The local board shall provide a ballot and ballot envelope to an early voter to cast in
private at the local board of canvassers. Once the early voter has completed the ballot, the early
voter shall place the ballot in the ballot envelope and seal the envelope. An official of the local
board shall mark the envelope with the appropriate voting precinct designation and return the
envelope to the early voter. The early voter shall submit the envelope to the on-site official of the
local board.

(e) The secretary of state shall conduct outreach programs throughout the state in order to
educate the public with respect to in-person early voting.

(f) The secretary of state may convene an early voting implementation advisory
committee comprised of the following:

(1) A representative from the board of elections;
(2) Three (3) representatives of the Rhode Island town and city clerks association;
(3) A member of the house of representatives appointed by the speaker of the house;
(4) A member of the senate appointed by the president of the senate; and
(5) Three (3) representatives of the general public appointed by the secretary of state.

(g) The advisory committee shall undertake a study of early voting issues, including, but
not limited to:

(1) Reductions in the length of lines, waiting in lines and congestion at polling places on
election day;
(2) The administrative requirements of implementing and providing early voting;
(3) The feasibility of requiring additional early voting sites and hours;
(4) Expanding the use of technology in order to improve the election process;
(5) The process to apply for and to return mail and emergency mail ballots, including
number of ballots cast by mail; and
(6) Violations of laws prohibiting fraudulent voting.

SECTION 5. This act shall take effect upon passage.
EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N   A C T
RELATING TO ELECTIONS - REGISTRATIONS OF VOTERS

***
1 This act would establish in-person early voting, electronic registration of voters, prohibit
2 the casting of emergency mail ballots at the local boards of canvassers, define "family member",
3 and specify methods of delivery to state board.
4 This act would take effect upon passage.

=========
LC002305
=========