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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO ELECTIONS - REGISTRATIONS OF VOTERS

Introduced By: Senators Goldin, Lynch, Walaska, Conley, and Lombardi

Date Introduced: April 09, 2015

Referred To: Senate Judiciary

(Secretary of State)

It is enacted by the General Assembly as follows:

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

3 **17-9.1-10. Additional method of registering.** -- (a) In addition to the methods for
4 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
5 person who is or may be by the next election qualified to vote desires to register, that person may
6 appear before the local board of the city or town in which he or she has his or her residence, as
7 defined in § 17-1-3.1, or before the clerk or other duly authorized agent of the board, or before a
8 registrar appointed by the state board of elections, and shall furnish the information required of
9 him or her by this chapter and any information described in §§ 17-9.1-23 and 17-9.1-24 that the
10 registrant may wish to record, and after the information has been recorded on the registry card
11 furnished for that purpose, the person shall sign his or her name and certify to the truth of the
12 facts recorded in the appropriate spaces in the card; provided, whenever any person is unable to
13 sign his or her name because of physical incapacity or otherwise, he or she shall make his mark
14 "(X)", which shall be witnessed by the person receiving the registration.

15 (b) It shall be the duty of the local board or clerk or other duly authorized agent of the
16 board or registrar of the state board of elections to inform the person registering to vote that the
17 voter will be mailed an acknowledgement card advising the person of the disposition of the
18 registration and in the process verifying that the person resides at the address provided on the
19 registration form. The person shall also be advised that if the acknowledgement card is returned

1 as undeliverable, the person will be placed on the inactive list of voters pending the results of the
2 confirmation process described in § 17-9.1-26. Nothing contained in this section shall be deemed
3 to entitle a person to vote whose registration form has not been filed with the local board at least
4 thirty (30) days before an election.

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

7 **17-9.1-34. Electronic registration of voters. --** (a) The secretary of state shall establish
8 and maintain a system for electronic voter registration that must be administered by the secretary
9 of state. An applicant may use such system to register to vote, or to update existing voter
10 registration information, provided:

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

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

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

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

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

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

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

34 (1) I am the person whose name and identifying information is provided on this form, and

1 I desire to register to vote or update my voter registration information in the State of Rhode
2 Island.

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

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

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

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

17 SECTION 3. Sections 17-20-2.2, 17-20-3 and 17-20-23 of the General Laws in Chapter
18 17-20 entitled "Mail Ballots" are hereby amended to read as follows:

19 **17-20-2.2. Requirements for validity of emergency mail ballots. --- Requirements for**
20 **validity of emergency mail ballots and emergency mail ballot applications. --** (a) Any legally
21 qualified elector of this state whose name appears upon the official voting list of the town or
22 district of the city or town where the elector is so qualified, who on account of circumstances
23 manifested twenty (20) days or less prior to any election becomes eligible to vote by mail ballot
24 according to this chapter, may obtain from the local board an application for an emergency mail
25 ballot.

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

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

32 (d) In addition to those requirements set forth elsewhere in this chapter, an emergency
33 mail ballot, in order to be valid, must have been cast in conformance with the following
34 procedures:

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

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

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

23 (4) All mail ballots issued pursuant to subdivision 17-20-2(4) shall be ~~cast at the board of
24 canvassers in the city or town where the elector maintains his or her voting residence or~~ mailed
25 by the office of the secretary of state to the elector at the address within the United States
26 provided by the elector on the application, or delivered to the voter by a person presenting written
27 authorization by the voter to pick up the ballot. In order to be valid, the signature of the voter on
28 all certifying envelopes containing a voted ballot must be made before a notary public, or other
29 person authorized by law to administer oaths where signed, or where the elector voted, or before
30 two (2) witnesses who shall set forth their addresses on the form. ~~In order to be valid, all ballots
31 sent to the elector at the board of canvassers must be voted in conformance with the provisions of
32 § 17-20-14.2.~~

33 (e) The secretary of state shall provide each of the several boards of canvassers with a
34 sufficient number of mail ballots for their voting districts so that the local boards may provide the

1 appropriate ballot or ballots to the applicants. It shall be the duty of each board of canvassers to
2 process each emergency ballot application in accordance with this chapter, and it shall be the duty
3 of each board to return to the secretary of state any ballots not issued immediately after each
4 election.

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

8 **17-20-3. Definitions.** -- (a) Wherever used in this chapter, every word importing only the
9 masculine gender is construed to extend to, and include, females as well as males.

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

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

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

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

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

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

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

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

32 (g) Wherever used in this chapter, "family member" includes spouse, brother, sister,
33 parent, grandparent, child, adopted child, grandchild, mother-in-law, father-in-law, daughter-in-
34 law, son-in-law, stepparent, stepchild, or legal guardian.

1 **17-20-23. Marking and certification of ballot. [Effective January 1, 2015.]** -- (a) A
2 voter may vote for the candidates of the voter's choice by making a mark in the space provided
3 opposite their respective names.

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

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

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

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

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

27 CHAPTER 20.1
28 IN-PERSON EARLY VOTING

29 **17-20.1-1. Declaration of policy.** -- (a) Improving access and convenience for registered
30 voters with regard to casting a ballot is critical to ensuring that the voice of democracy is heard.
31 Presently, at least thirty-two (32) states plus the District of Columbia provide citizens with an
32 opportunity to vote early and in-person.

33 (b) While an election day is designated as the time when the majority of voters cast their
34 ballots, the majority of Rhode Island voters did not vote in this most recent historic election in our

1 state. To meet demands and challenges of modern life, additional opportunities to cast a ballot
2 should be provided to increase voter turnout in Rhode Island. Designating a period of time
3 leading up to election day where Rhode Islanders can vote in-person expands the opportunities to
4 cast a ballot and participate in the electoral process.

5 **17-20.1-2. In-person early voting. --** (a) In-person early voting shall be made available
6 to any registered voter and eligible elector of this state whose name appears upon the official
7 voting list of the district of the city or town where the elector is so qualified to vote for all
8 elections.

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

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

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

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

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

34 (d) The local board shall provide a ballot and ballot envelope to an early voter to cast in

1 private at the local board of canvassers. Once the early voter has completed the ballot, the early
2 voter shall place the ballot in the ballot envelope and seal the envelope. An official of the local
3 board shall mark the envelope with the appropriate voting precinct designation and return the
4 envelope to the early voter. The early voter shall submit the envelope to the on-site official of the
5 local board.

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

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

10 (1) A representative from the board of elections;

11 (2) Three (3) representatives of the Rhode Island town and city clerks association;

12 (3) A member of the house of representatives appointed by the speaker of the house;

13 (4) A member of the senate appointed by the president of the senate; and

14 (5) Three (3) representatives of the general public appointed by the secretary of state.

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

17 (1) Reductions in the length of lines, waiting in lines and congestion at polling places on
18 election day;

19 (2) The administrative requirements of implementing and providing early voting;

20 (3) The feasibility of requiring additional early voting sites and hours;

21 (4) Expanding the use of technology in order to improve the election process;

22 (5) The process to apply for and to return mail and emergency mail ballots, including
23 number of ballots cast by mail; and

24 (6) Violations of laws prohibiting fraudulent voting.

25 SECTION 5. This act shall take effect upon passage.

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

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