



Governor's Commission on Disabilities' Legislation Committee

Monday April 12, 2010 3 – 5:00 PM

John O. Pastore Center, 41 Cherry Dale Court,
Cranston, RI 02920-3049

(voice) 401-462-0100 (tty) 462-0101 (fax) 462-0106

(e-mail) disabilities@gcd.ri.gov (website) www.disabilities.ri.gov

Attendees:	Linda Ward (Chair.); William R. Inlow (Vice Chair.); Jeanne Behie; Rebecca Boss; Sharon Brinkworth; Rosemary C. Carmody; Julie DeRosa; Linda Deschenes; Timothy Flynn; Elaina Goldstein; Liberty Goodwin; Jean Lawlor; Gwendolyn Reeve; & Theresa Thielke
Absent:	Ray Bandusky; Laura Jones; Maureen Maigret; Kate McCarthy-Barnett; Paula Parker; Arthur M. Plitt; Msgr. Gerard O. Sabourin; & Sarah Everhart Skeels

----- Minutes -----

Call to Order and Acceptance of the Minutes	Linda Ward, Chairperson	5 min.
--	------------------------------------	---------------

Introductions: Called to order at 3:06

MOTION: To accept the minutes of the Feb. 2nd & March 8th meetings as presented
BI/TF passed unanimously

Action Items:	Discussion Leader:	Time:
1. Planning for the July Public Forums on the Concerns of People with Disabilities and their Families	Bob Cooper, Executive Secretary	10 min.

Discussion: Early planning to:

Secure rooms | Secure accessible locations that can accommodate a crowd of about **thirty** people. The room needs to have tables for approximately 8-10 panelists at the head of the room, a table for registration, table for voting registration (can also be done at the same table as general registration providing the size of the table), chairs for approximately thirty people in the audience, and a microphone (if available).

Host organizations | Each forum will have a host organization that will run that forum. A member of the organization, typically the executive director, will serve as the moderator and host. This person will typically be your contact throughout the process.

Send mailings to 2009 forum sponsors and potential sponsors (a.k.a. agencies that have sponsored in the past or have expressed interest in sponsoring).

Region	Location	Host
Bristol County	Galley Rm. Barrington	Ask SILC
Greater Providence	Dept of Admin (5:30 PM)	Ask Health
Kent County	Warwick Public Library (4:30 PM)	Ask OSCIL
Newport County	Middletown Public Library	Ask Looking Upwards
Northern RI	Cumberland Public Library (AM)	Ask PARI
Washington (South) County	Wakefield Library	Ask RIPIN

2. Status of the Commission's Legislative Package	10 min.
--	----------------

Status of the Legislative Package on 4/9/2010

Commission Supports

Medicaid Buy-In: Rep Naughton wants a meeting, doesn't like the GCD/DHS version

Held for Further Study or Continued

House Corporations Committee

10 H 7498 AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS--WHEELCHAIR

ACCESSIBLE TRANSPORTATION Rep. Coderre E Requested by the Governor's Commission

Sent House Letter 3/16/2010 Sent Senate Letter 4/8/2010 House Testimony Senate Testimony

10 S 2674 AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS--WHEELCHAIR

ACCESSIBLE TRANSPORTATION Sen. Walaska Requested by the Governor's Commission referred to

Sen. Finance *Speaker Pro-Tempore Coderre will set up a meeting of interested parties*

House Finance Committee

10 H 7397 Article 19 RELATING TO CHILDREN'S HEALTH ACCOUNT

Rep. Watson Requested by the Governor

Sent House Letter Sent Senate Letter 3/1/2010 House Testimony 2/25/2010 Senate Testimony 3/4/2010

House Municipal Government Committee

10 H 7300 AN ACT RELATING TO HIGHWAYS - ACCESSIBLE CROSSWALKS

Rep. Kennedy Requested by the Governor's Commission &

10 S 2133 AN ACT RELATING TO HIGHWAYS - ACCESSIBLE CROSSWALKS

Sen. Tassoni Requested by the Governor's Commission in **Senate Housing and Municipal Government**

Committee *League of Cities & Towns reviewing draft sub A below*

Sent House Letter 2/24/2010 Sent Senate Letter 2/24/2010 House Testimony 2/25/2010 Senate Testimony 3/23/10

10 Amending 10 S2133/10 H 7300 AN ACT RELATING TO HIGHWAYS - ACCESSIBLE CROSSWALKS

The League of Cities and Towns is opposed to the bill as introduced and wants it amended.

1-1 SECTION 1. Section 24-7-1 of the General Laws in Chapter 24-7 entitled "Sidewalks" is
1-2 hereby amended to read as follows:

1-3 **24-7-1. Power of towns to establish and regulate sidewalks.** – (a) The town council of
1-4 any town shall have the power to order sidewalks, including curbing of stone or other material,
1-5 made and laid in and upon the streets and highways of the town, and may make ordinances and
1-6 regulations relative to the altering or repairing thereof, to the use, maintenance, care, and cleaning
1-7 of the sidewalks, to removing ice and snow therefrom, to the removal of posts, steps, and other
1-8 obstructions therein, and to the maintenance and removal of awnings, signs, and other structures
1-9 projecting over the sidewalks; provided, that the ordinances and regulations shall not be contrary
1-10 to the laws of this state.

1-11 (b) The construction and maintenance of municipally owned sidewalks and curbs by all cities and towns shall

1-12 be in compliance with all state regulations promulgated by the director of transportation pursuant
1-13 to subsection 42-13-1(b).

1-14 SECTION 2. Section 42-13-1 of the General Laws in Chapter 42-13 entitled "Department
1-15 of Transportation" is hereby amended to read as follows:

1-16 **42-13-1. Establishment – Head of departments – Powers.** – (a) There shall be a
1-17 department of transportation. The head of the department shall be the director of transportation,
1-18 appointed by the governor with the advice and consent of the senate, who shall carry out the
1-19 provisions of this chapter and, except as otherwise provided by this title, the provisions of
2-1 chapters 2 and 4 of title 1; chapters 8 and 10 of title 24; chapter 13 of title 31; chapter 12 of title
2-2 37; and of all other general laws heretofore carried out by the director of public works and the
2-3 department of public works, the Rhode Island turnpike and bridge authority, and the council on
2-4 highway safety. The director shall also be responsible for preparation of short-range plans, project
2-5 plans, and implementation programs for transportation; for port and waterways facilities where
2-6 the principal purpose is transportation and management of port properties, warehouses, and state
2-7 piers which function primarily as transportation facilities; and for maintaining an adequate level
2-8 of rail passenger and freight services, including the administration of any financial or technical
2-9 assistance which may be made available to operators of railroad transportation facilities;
2-10 provided, however, that all contracts for the construction, reconstruction, maintenance, and
2-11 repairs of all public roads and bridges, public buildings and all other properties of the state
2-12 government, and the purchase of all equipment, materials, and supplies used in accordance
2-13 therewith shall be negotiated by the purchasing agent in the department of administration.

2-14 (b) The director shall adopt and promulgate state regulations which will set standards for
2-15 future state, city and town construction and maintenance of sidewalks and curbs, in a manner
2-16 which will make the use of the sidewalks more easily accessible to people who are disabled. Said
2-17 standards shall require the installation of curb cuts and/or ramps at both ends of any pedestrian
2-18 crosswalk. The governor's commission on disabilities shall provide assistance and training in the
design of sidewalk and pedestrian crosswalk construction, renovation and alteration projects. The
director shall adopt and promulgate a procedure to process all claims pursuant to

2-19 section 24-8-35, for damages to motor vehicles caused by potholes on state highways and in all
2-20 instances have the final determination as to the merits of each claim.

2-21 (c) The director shall promulgate and adopt regulations which will prohibit any
2-22 contractors who have been convicted of fraud, bid-rigging, or a violation of any state or federal
2-23 antitrust law from bidding on any construction projects administered by the department for a
2-24 period of five (5) years from the date of any of the above convictions.

2-25 SECTION 3. This act shall take effect upon passage.

**MOTION: To authorize staff/officers to negotiate an amendment with the League of
Cities & Towns for 10 S2133/10 H 7300 AN ACT RELATING TO HIGHWAYS -
ACCESSIBLE CROSSWALKS BI/SB passed, Abstain LD, RB, JL**

Commission Supports if amended

Held for Further Study or Continued

House Finance Committee

**10 H 7397 Article 29 GBA 01 Governor's Amendment RELATING TO GOVERNMENT
RESTRUCTURING**

Senate Health and Human Services Committee

10 S 2206 AN ACT RELATING TO CRIMINAL OFFENSES-ADULT CRISIS INTERVENTION-

CENTER AND PROTECTIVE SERVICES Sen. McCaffrey Requested by the Governor's Commission
Sent House Letter 2/25/2010 Sent Senate Letter 2/25/2010 House Testimony Senate Testimony 4/7/2010

10 H 7369 AN ACT RELATING TO CRIMINAL OFFENSES – ADULT CRISIS INTERVENTION –

CENTER AND PROTECTIVE SERVICES Rep. Naughton Requested by the Governor's Commission
Referred to House Finance Committee

b. Amending 10 S 2206/10 H 7369 ACTS RELATING TO CRIMINAL OFFENSES - ADULT CRISIS INTERVENTION - CENTER AND PROTECTIVE SERVICES

The ACLU and Council 94 (State Employees Union) voice concern about some aspects of the bill that they believe could be easily addressed. *ACLU proposed replacement for the #“(3) after the victim is informed of his or her right to does not refuse to accept crisis intervention and/or supportive services.”* clauses through-out the bill.

SECTION 1. Sections 11-5-10, 11-5-10.1, 11-5-10.2, 11-5-10.3, 11-5-10.4, 11-5-11, 11-5-12 of Chapter 11 of the General Laws entitled “Assaults” are hereby amended to read as follows:

11-5-10. Assault on persons 60 years of age or older causing bodily injury.

(a) Any person who shall commit an assault and battery upon a person sixty (60) years of age or older, causing bodily injury, shall be deemed to have committed a felony and shall be imprisoned not exceeding five (5) years, or fined not exceeding one thousand dollars (\$1,000), or both.

(b) After January 1, 2011 pursuant to section 42-7.2-17 the local police department shall request the adult crisis intervention program provide crisis intervention services for the victim when:

(1) necessary to ensure the immediate health and safety of the victim;

(2) the victim relies on the person believed to have committed the abuse, neglect and/or exploitation, for assistance in performing three (3) or more major life activities; and

(3) the victim does not refuse to accept crisis intervention or supportive services.

11-5-10.1. Assault on persons 60 years of age or older causing serious bodily injury.

(a) Any person who shall commit an assault or battery, or both, upon a person sixty (60) years of age or older, causing serious bodily injury, shall be deemed to have committed a felony and shall be imprisoned for not less than three (3) years but not more than twenty (20) years, or fined not more than ten thousand dollars (\$10,000), or both. Every person so convicted shall be ordered to make restitution to the victim of the offense or to perform up to five hundred (500) hours of public community restitution work or attend violence counseling and/or substance abuse counseling, or any combination of them imposed by the sentencing judge. The court may not waive the obligation to make restitution and/or public community restitution work. The restitution and/or public community restitution work shall be in addition to any fine or sentence which may be imposed and not in lieu of the fine or sentence.

(b) "Serious bodily injury" means physical injury that:

(1) Creates a substantial risk of death;

(2) Causes protracted loss or impairment of the function of any bodily part, member or organ; or

(3) Causes serious permanent disfigurement.

(c) After January 1, 2011 pursuant to section 42-7.2-17 the local police department shall request the adult crisis intervention program provide crisis intervention services for the victim when:

(1) necessary to ensure the immediate health and safety of the victim;

(2) the victim relies on the person believed to have committed the abuse, neglect and/or exploitation, for assistance in performing three (3) or more major life activities; and

(3) the victim does not refuse to accept crisis intervention or supportive services.

11-5-10.2. Assault on persons with severe impairments causing serious bodily injury.

(a) Any person who shall commit an assault or battery, or both, upon a person, with severe impairments causing serious bodily injury, shall be deemed to have committed a felony and shall be imprisoned for not less than two (2) years but not more than twenty (20) years, or fined not more than five thousand dollars (\$5,000), or both. Every person so convicted shall be ordered to make restitution to the victim of the offense or to perform up to five hundred (500) hours of public community restitution work, or both, or any combination of them imposed by the sentencing judge. The court may not waive the obligation to make restitution and/or public community restitution work. The restitution and/or public community restitution work shall be in addition to any fine or sentence which may be imposed and not in lieu of the fine or sentence.

(b) "Serious bodily injury" means physical injury that:

(1) Creates a substantial risk of death, serious disfigurement;

(2) Causes protracted loss or impairment of the function of any bodily part, member or organ; or

(3) Causes serious permanent disfigurement.

(c) For the purposes of this section:

(1) "Adult" means a person over the age of eighteen (18).

(2) "Major life activities" means: (i) mobility; (ii) self-care; (iii) communication; (iv) receptive and/or expressive language; (v) learning; (vi) self-direction; (vii) capacity for independent living; or (viii) economic self-sufficiency.

(3) "Person with severe impairments" means a child or adult who has a disability which is attributable to a mental or physical impairment or combination of mental and physical impairments and results in substantial functional limitations in one or more major life activities.

(d) Violations of this section shall be reported to the local police department.

(e) After ~~July 1, 2007~~ January 1, 2011 pursuant to § ~~40-8.5-2~~ 42-7.2-17, the local police department ~~may shall~~ request the ~~department of mental health, retardation, and hospitals~~ adult crisis intervention program provide crisis intervention services for the adult victim with severe impairments when:

(1) Necessary to ensure the immediate health and safety of the adult victim;

1 (2) The adult victim relies on the person believed to have committed the assault and/or battery, for assistance in
2 performing three (3) or more major life activities; and
3 (3) the victim does not refuse to accept crisis intervention or supportive services.

4 **11-5-10.3. Assault on persons 60 years of age or older by caretaker causing bodily injury.**

5 (a) Any person who shall commit an assault and battery upon a person sixty (60) years of age or older, causing
6 bodily injury, and who was, at the time of the assault and battery, responsible for the care and treatment of the
7 victim, shall be deemed to have committed a felony and shall be imprisoned not exceeding five (5) years, or fined
8 not exceeding two thousand five hundred dollars (\$2,500), or both. Further, if at the time of the assault and battery
9 the person committing the act was employed by a health care facility that either condoned the act or attempted to
10 conceal it, the health care facility shall be fined not exceeding five thousand dollars (\$5,000).

11 (b) After January 1, 2011 pursuant to section 42-7.2-17 the local police department shall request the adult crisis
12 intervention program provide crisis intervention services for the victim when:

13 (1) necessary to ensure the immediate health and safety of the victim;

14 (2) the victim relies on the person believed to have committed the abuse, neglect and/or exploitation, for
15 assistance in performing three (3) or more major life activities; and

16 (3) the victim does not refuse to accept crisis intervention or supportive services.

17 **11-5-10.4. Assault on persons 60 years of age or older by caretaker causing serious bodily injury.**

18 (a) Any person who shall commit an assault or battery, or both, upon a person sixty (60) years of age or older,
19 causing serious bodily injury, and who was, at the time of the assault and battery, responsible for the care and
20 treatment of the victim, shall be deemed to have committed a felony and shall be imprisoned for not less than two
21 (2) years but not more than twenty (20) years, or fined not more than ten thousand dollars (\$10,000), or both.
22 Further, if at the time of the assault and battery the person committing the act was employed by a health care
23 facility that either condoned the act or attempted to conceal it, the health care facility shall be fined not exceeding
24 fifteen thousand dollars (\$15,000). Every person so convicted shall be ordered to make restitution to the victim of
25 the offense or to perform up to five hundred (500) hours of public community restitution work or attend violence
26 counseling and/or substance abuse counseling, or any combination of them imposed by the sentencing judge. The
27 court may not waive the obligation to make restitution and/or public community restitution work. The restitution
28 and/or public community restitution work shall be in addition to any fine or sentence which may be imposed and
29 not in lieu of the fine or sentence.

30 (b) "Serious bodily injury" means physical injury that:

31 (1) Creates a substantial risk of death;

32 (2) Causes protracted loss or impairment of the function of any bodily part, member or organ; or

33 (3) Causes serious permanent disfigurement.

34 (c) After January 1, 2011 pursuant to section 42-7.2-17 the local police department shall request the adult crisis
35 intervention program provide crisis intervention services for the victim when:

36 (1) necessary to ensure the immediate health and safety of the victim;

37 (2) the victim relies on the person believed to have committed the abuse, neglect and/or exploitation, for
38 assistance in performing three (3) or more major life activities; and

39 (3) the victim does not refuse to accept crisis intervention or supportive services.

40 **11-5-11. Assault on persons with severe impairments.**

41 (a) For the purposes of this section:

42 (1) "adult" means a person over the age of eighteen (18).

43 (2) "major life activities" means: (i) mobility; (ii) self-care; (iii) communication; (iv) receptive and/or expressive
44 language; (v) learning; (vi) self-direction; (vii) capacity for independent living; or (viii) economic self-sufficiency.

45
46 (3) "person with severe impairments" means a child or adult who has a disability which is attributable to a mental
47 or physical impairment or combination of mental and physical impairments which results in a substantial
48 limitation on the person's ability to function independently in the family or community and in one or more major
49 life activities.

50 (b) Any person who shall commit an assault and battery upon a person who is severely impaired as defined in
51 subsection (a) of this section, causing bodily injury, shall be deemed to have committed a felony and shall be
52 imprisoned not exceeding five (5) years, or fined not exceeding two thousand dollars (\$2,000), or both.

53 (c) Violations of this section shall be reported to the local police department.

54 (d) After ~~July 1, 2007~~ January 1, 2011 pursuant to § ~~40-8.5-2-42-7.2-17~~, the local police department ~~may~~ shall
55 request the ~~department of mental health, retardation, and hospitals~~ adult crisis intervention program provide crisis
56 intervention services for the adult victim with severe impairments when:

57 (1) Necessary to ensure the immediate health and safety of the adult victim;

58 (2) The adult victim relies on the person believed to have committed the assault and/or battery, for assistance in
59 performing three (3) or more major life activities; and

60 (3) the victim does not refuse to accept crisis intervention or supportive services.

61 **11-5-12. Abuse, neglect and/or exploitation of adults with severe impairments.**

62 (a) Any person primarily responsible for the care of an adult with severe impairments who shall willfully and
63 knowingly abuse, neglect or exploit that adult shall be subject to a fine of not more than two thousand dollars
64 (\$2,000), or imprisoned not more than five (5) years, or both, and ordered to make full restitution of any funds as
65 the result of any exploitation which results in the misappropriation of funds. Every person convicted of or placed
66 on probation for violation of this section shall be ordered by the sentencing judge to attend appropriate
67 professional counseling to address his or her abusive behavior.

68 (b) As used in this section:

69 (1) "Abuse" means the subjection of an adult with a severe impairment to willful infliction of physical pain,
70 willful deprivation of services necessary to maintain the physical or mental health of the person, or unreasonable
71 confinement.

1 (2) "Adult with severe impairments" means a person over the age of eighteen (18) who has a disability which is
2 attributable to a mental or physical impairment or combination of mental and physical impairments and results in
3 substantial functional limitations in one or more of the following areas of major life activity: (i) mobility; (ii) self-
4 care; (iii) communication; (iv) receptive and/or expressive language; (v) learning; (vi) self-direction; (vii) capacity
5 for independent living; or (viii) economic self-sufficiency.

6 (3) "Exploitation" means an act or process of taking pecuniary advantage of impaired persons by use of undue
7 influence, harassment, duress, deception, false representation, false pretenses, or misappropriation of funds.

8 (4) "Neglect" means the willful refusal to provide services necessary to maintain the physical or mental health of
9 an adult with severe impairments.

10 (5) "Person primarily responsible for care" or "caregiver" means any person who is for a significant period of time
11 the primary caregiver or is primarily responsible for the management of the funds of an adult with severe
12 impairments.

13 (c) Violations of this section shall be reported to the local police department.

14 (d) After ~~July 1, 2007~~ January 1, 2011 pursuant to section ~~40-8.5-2~~ 42-7.2-17, the local police department ~~may~~
15 shall request the ~~department of mental health, retardation, and hospitals~~ adult crisis intervention program provide
16 crisis intervention services for the adult victim with severe impairments when:

17 (1) necessary to ensure the immediate health and safety of the adult victim;

18 (2) the adult victim relies on the person believed to have committed the abuse, neglect and/or exploitation, for
19 assistance in performing three (3) or more major life activities; and

20 (3) the victim does not refuse to accept crisis intervention or supportive services.

21 (e) Any person who fails to report known or suspected abuse or neglect shall be guilty of a misdemeanor and
22 upon conviction shall be subject to a fine of not more than five hundred dollars (\$500).

23 (f) Nothing in this section shall be interpreted to apply to the discontinuance of life-support systems or life-
24 sustaining treatment for an adult for whom, if the treatment were terminated, death may result.

25 (g) Any person participating in good faith in making a report pursuant to this chapter, excluding any perpetrator
26 or conspirator of the acts, shall have immunity from any civil liability that might otherwise be incurred or
27 imposed.

28 (h) Nothing in this section shall be interpreted to prohibit the use of any medical or psychological treatment
29 procedure designed and conducted in accordance with applicable professional standards when performed by
30 appropriately trained personnel under the supervision of a person or facility licensed or approved by the state of
31 Rhode Island and when any consent as is required by law has been obtained.

32 (i) Nothing in this chapter shall be construed to mean a person is abused or neglected for the sole reason that the
33 person is being furnished or relies upon treatment by spiritual means through prayer alone in accordance with the
34 tenets and practices of a church or religious denomination recognized by the laws of this state.

35 (j) Nothing in this chapter shall be construed to mean a person is abused or neglected when the parent or legal
36 guardian of an adult with severe impairments, who is the person primarily responsible for care of the adult, (1)
37 decides, in good faith, not to accept support services from a governmental agency, which in the opinion of the
38 parent or legal guardian and the adult, is considered to be inappropriate or inconsistent with the best interests of
39 that adult; or (2) decides, in good faith, to reduce or discontinue assistance to that adult who is developing,
40 acquiring or practicing independent decision-making or living skills.

41 SECTION 2. Chapter 12.1.4 of the General Laws entitled "Citizens' Commission for the Safety and Care of the
42 Elderly" is hereby renamed as follows:

43 ~~"Citizens' Commission for the Safety and Care of the Elderly"~~

44 "Citizens' Commission for the Safety and Care of the Elderly and Adults with Severe Impairments."

45 SECTION 3. Sections 12-1.4-1, 12-1.4-2, 12-1.4-3, and 12-1.4-4 and of Chapter 12-1.4 of the General Laws
46 entitled "Citizens' Commission for the Safety and Care of the Elderly" is hereby amended to read as follows:

47 **12-1.4-1 Short title.** – This chapter shall be known and may be cited as the "Citizens' Commission for the Safety
48 and Care of the Elderly and Adults with Disabilities."

49 **12-1.4-2 Creation.** – There is established within the ~~department of elderly affairs~~ executive office of health and
50 human services the citizens' commission for the safety and care of the elderly and adults with disabilities.

51 **12-1.4-3 Purpose.** – The purpose of the commission shall be to act as a liaison between the legislature, public
52 safety officials, the ~~department~~ departments of elderly affairs; human services; and mental health, retardation of
53 hospitals, and the older ~~and disabled population~~ populations of Rhode Island in the area of crime against the
54 elderly, fire safety, adults with disabilities, and protective service options available to the elderly and adults with
55 disabilities.

56 **12-1.4-4 Membership.** – (a) The commission shall consist of ~~twenty-one (21)~~ twenty-nine (29) members, eight
57 (8) of whom shall be older citizens appointed by the speaker and seven (7) of whom shall be older citizens
58 appointed by the president of the senate. The speaker shall appoint three (3) members and the president of the
59 senate shall appoint two (2) members for terms of three (3) years; the speaker shall appoint three (3) members and
60 the president of the senate shall appoint two (2) members for terms of two (2) years; and the speaker shall appoint
61 two (2) members and the president of the senate shall appoint three (3) members for a term of one year. Three (3)
62 of whom shall be adults with disabilities appointed by the speaker and two (2) of whom shall be adults with
63 disabilities appointed by the president of the senate. The speaker shall appoint one (1) member and the president
64 of the senate shall appoint one (1) member for terms of three (3) years; the speaker shall one (1) member and the
65 president of the senate shall appoint one (1) member for terms of two (2) years; and the one (1) member and the
66 president of the senate shall appoint one (1) member for terms of one year. These terms shall commence with the
67 date of appointment and expire on the January 31 after the appointment corresponding with the number of years
68 of the term to which appointed. Appointments shall be made for terms of three (3) years commencing on February
69 1 in the year of appointment and ending on January 31 in the third year after the appointment. Any vacancy
70 among the members shall be filled by the appointing authority for the remainder of the unexpired term.

71 (b) The remaining ~~six (6)~~ nine (9) members of the commission shall be the president of the Police Chiefs'
72 Association or his or her designee; the attorney general or his or her designee; the director of elderly affairs or his

1 or her designee; the director of the department of human services or his or her designee; the director of the
2 department of mental health, retardation, and hospitals or his or her designee; the chairperson of the governor's
3 commission on disabilities or his or her designee; a representative of the state police appointed by the
4 superintendent of the state police, the president of the fire chief's association, or his or her designee and the state
5 fire marshal or his or her designee; all eight (8) six-(6) of whom shall be appointed for a term of three (3) years.
6 (c) The members of the commission shall meet at the call of the speaker of the house and organize and shall
7 select a chairperson from among themselves.

8 **12-1.4-7 Cooperation of departments.** – (a) All departments and agencies of the state shall furnish any
9 advice and information, documentary and otherwise, to the commission and its agents deemed necessary or
10 desirable by the commission to facilitate the purposes of this chapter.

11 (b) Each local police and fire chief shall designate at least one police officer or fire fighter to serve as the
12 department's "senior citizen police advocate" to work as a liaison between the department and the elderly and
13 disabled communities community to help address ~~elderly~~-safety and protection issues for elders and adults with
14 disabilities.

15 SECTION 4. Section 23-17.2-5 of Chapter 23-17.2 the General Laws entitled "Accountability of Services to
16 Patients of Nursing or Personal Care Homes" are hereby amended to read as follows:

17 **23-17.2-5. Duty to report violations.**

18 Any person who knows or has reason to know of any violations of this chapter shall report the violations to the
19 ~~director of the department of health who~~ adult crisis intervention program ~~that~~ shall conduct an immediate
20 investigation and report his or her findings to the attorney general.

21 SECTION 5. Section 23-17.8-2 & 23-17.8-3.1 of Chapter 23-17.8 the General Laws entitled "Abuse in Health
22 Care Facilities" are hereby amended to read as follows:

23 **23-17.8-2. Duty to report.**

24 (a) Any physician, medical intern, registered nurse, licensed practical nurse, nurse's aide, orderly, certified
25 nursing assistant, medical examiner, dentist, optometrist, optician, chiropractor, podiatrist, coroner, police officer,
26 emergency medical technician, fire-fighter, speech pathologist, audiologist, social worker, pharmacist, physical or
27 occupational therapist, or health officer, or any person, within the scope of their employment at a facility or in
28 their professional capacity, who has knowledge of or reasonable cause to believe that a patient or resident in a
29 facility has been abused, mistreated, or neglected shall make, within twenty-four (24) hours or by the end of the
30 next business day, a telephone report to the adult crisis intervention program ~~director of the health or his or her~~
31 ~~designee for those incidents involving health care facilities,~~ and in addition to the office of the state long-term
32 care ombudsperson for those incidents involving nursing facilities, assisted living residences, home care and
33 home nursing care providers, veterans' homes and long-term care units in Eleanor Slater Hospital, ~~or to the~~
34 ~~director of the department of mental health, retardation and hospitals or his or her designee for those incidents~~
35 ~~involving community residences for people who are mentally retarded or persons with developmental disabilities.~~

36 The report shall contain:

- 37 (1) The name, address, telephone number, occupation, and employer's address and the phone number of the
38 person reporting;
- 39 (2) The name and address of the patient or resident who is believed to be the victim of the abuse, mistreatment, or
40 neglect;
- 41 (3) The details, observations, and beliefs concerning the incident(s);
- 42 (4) Any statements regarding the incident made by the patient or resident and to whom they were made;
- 43 (5) The date, time, and place of the incident;
- 44 (6) The name of any individual(s) believed to have knowledge of the incident;
- 45 (7) The name of any individual(s) believed to have been responsible for the incident.

46 (b) In addition to those persons required to report pursuant to this section, any other person may make a report if
47 that person has reasonable cause to believe that a patient or resident of a facility has been abused, mistreated, or
48 neglected.

49 (c) Any person required to make a report pursuant to this section shall be deemed to have complied with these
50 requirements if a report is made to a high managerial agent of the facility in which the alleged incident occurred.
51 Once notified, the high managerial agent shall be required to meet all reporting requirements of this section within
52 the time frames specified by this chapter.

53 (d) Telephone reports made pursuant to subsection (a) shall be followed-up within three (3) business days with a
54 written report.

55 **23-17.8-3.1. Physician's, certified registered nurse practitioner's and physician assistant's report of**
56 **examination - Duty of facility.**

57 Whenever a facility shall receive a report by a person other than a physician or a certified registered nurse
58 practitioner or physician assistant that a patient or resident of the facility has been harmed as a result of abuse,
59 neglect, or mistreatment, the facility shall have the patient examined by a licensed physician or a certified
60 registered nurse practitioner or physician assistant. It shall be mandatory for the physician or certified registered
61 nurse practitioner or physician assistant to make a preliminary report of his or her findings to the adult crisis
62 intervention program ~~department of health for a health care facility, or to the department of mental health,~~
63 ~~retardation and hospitals for a community residence for people who are mentally retarded or persons with~~
64 ~~developmental disabilities and to the facility~~ within forty-eight (48) hours after his or her examination, and a
65 written report within five (5) days after his or her examination.

66 SECTION 6. Section 40-8.5-12 of Chapter 40-8.5 the General Laws entitled "Health Care for Elderly and
67 Disabled Residents Act" are hereby amended to read as follows:

68 **40-8.5-2 Services for adult victims with severe impairments of abuse, neglect and/or exploitation.** – (a) As
69 used in this section the terms:

- 70 (1) "Adult victim with severe impairments" means:

1 (i) A person over the age of eighteen (18) who has a disability which is attributable to a mental or physical
2 impairment or combination of mental and physical impairments and results in substantial functional limitations in
3 three (3) or more major life activities;

4 (ii) Is an alleged victim of abuse, neglect or exploitation pursuant to § 11-5-12; or assault pursuant to § 11-5-
5 10.2 or 11-5-11 by a caregiver of the victim;

6 (iii) The adult victim relies on the person believed to have committed the abuse, neglect, and/or exploitation, for
7 assistance in performing three (3) or more major life activities; and

8 (iv) Crisis intervention services are necessary to ensure the immediate health and safety of the adult victim.

9 (2) "Crisis intervention services" means the short term provision of health care and residential services in the
10 immediate hours and days following the abuse, neglect and/or exploitation of an adult victim with severe
11 impairments;

12 (3) "Major life activities" mean: (i) mobility; (ii) self-care; (iii) communication; (iv) receptive and/or expressive
13 language; (v) learning; (vi) self-direction; (vii) capacity for independent living; or (viii) economic self-
14 sufficiency; and

15 (4) "Supportive services" means longer term support services for an adult victim with severe impairments, and
16 when appropriate that victim's family.

17 (b) After July 1, 2007, local police departments may pursuant to § 42-7.2-17 request the ~~department of mental~~
18 ~~health, retardation, and hospitals~~ adult crisis intervention program provide crisis intervention services for the adult
19 victim with severe impairments when:

20 (1) Necessary to ensure the immediate health and safety of the adult victim;

21 (2) The adult victim with severe impairments relies on the person believed to have committed the abuse, neglect
22 and/or exploitation for assistance in performing three (3) or more major life activities; and

23 (3) the victim does not refuse to accept crisis intervention or supportive services.

24 (c) If the ~~department of mental health, retardation, and hospitals~~ adult crisis intervention program determines
25 that longer term supportive services are necessary, the victim and when appropriate that victim's family will be
26 referred to the public and private agencies and departments whose supportive services are within its statutory
27 and/or regulatory responsibility, as are needed by the victim.

28 (2) In developing the supportive services care plan, the adult victim with severe impairments' rights to self-
29 determination and lifestyle preferences commensurate with his or her needs shall be of prime consideration.

30 (3) If the adult victim with severe impairments withdraws consent or refuses to accept crisis intervention or
31 supportive services, the services shall not be provided.

32 (d) The department of human services is hereby authorized to seek federal approval of a state plan amendment
33 to its title XIX state plan to initiate crisis intervention services and support services for adults who qualify for title
34 XIX services and are victims of ~~severe impairments of~~ abuse, assault, neglect or exploitation.

35 SECTION 7. Section 40.1-5-40.1 of Chapter 40.1-5 of the General Laws entitled "Mental Health Law" is hereby
36 amended to read as follows:

37 **40.1-5-40.1 Duty to report.** – Any employee who has reasonable cause to believe that an assault or a battery has
38 been committed upon a patient shall make an immediate report, including the identity of parties and witnesses and
39 details of the incident, to the ~~director of the department of mental health, retardation, and hospitals~~ adult crisis
40 intervention program or his or her designee. The ~~director of the department~~ adult crisis intervention program shall
41 cause the report to be investigated immediately and further shall notify the mental health advocate and appropriate
42 law enforcement agencies of the investigation. Any person who fails to make a report shall be guilty of a
43 misdemeanor punishable by a fine of not more than five hundred dollars (\$500).

44 SECTION 8. Section 40.1-5.3-17 of Chapter 40.1-5 of the General Laws entitled "Incompetency to Stand Trial
45 and Persons Adjudged Not Guilty By Reason of Insanity" is hereby amended to read as follows:

46 **40.1-5.3-17. Penalties for deprivation of rights - Disciplinary action - Duty to report.**

47 (a) Any person who willfully withholds from or denies to a person committed to a facility pursuant to this
48 chapter any of his or her rights as herein granted, shall, on conviction thereof, be fined not exceeding two
49 thousand dollars (\$2,000) or imprisoned not exceeding two (2) years.

50 (b) Any employee of a facility who shall deny to or withhold from any person any right granted him or her by
51 this chapter shall, independently of the above criminal sanctions, be subject to such disciplinary action as the
52 officer in charge shall see fit to impose, after notice, a hearing, and a finding of a violation of the right.

53 (c) Any employee who has reasonable cause to believe that an assault or a battery has been committed upon a
54 committed person shall make an immediate report, including the identity of parties and witnesses and details of
55 the incident, to the adult crisis intervention program ~~director of the department of mental health, retardation, and~~
56 ~~hospitals or his or her designee.~~ The ~~director of the department~~ adult crisis intervention program shall cause the
57 report to be investigated immediately and further shall notify the mental health advocate and appropriate law
58 enforcement agencies of the results of the investigation. Any person who fails to make such a report shall be
59 guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500).

60 SECTION 9. Sections 40.1-27-2, 40.1-27-3, and 40.1-27-5 of Chapter 40.1-27 the General Laws entitled
61 "Penalties for Abuse of Persons with Developmental Disabilities" are hereby amended to read as follows:

62 **40.1-27-2. Duty to report.**

63 (a) Any person within the scope of their employment at a program or in their professional capacity who has
64 knowledge of or reasonable cause to believe that a participant in a program has been abused, mistreated or
65 neglected shall make, within twenty-four (24) hours or by the end of the next business day, a written report to the
66 adult crisis intervention program ~~director of the department of mental health, retardation, and hospitals~~ or his or
67 her designee. The report shall contain:

68 (1) The name, address, telephone number, occupation, and employer's address and the phone number of the
69 person reporting;

70 (2) The name and address of the participant who is believed to be the victim of the abuse, mistreatment, or
71 neglect;

72 (3) The details, observations, and beliefs concerning the incident(s);

1 (4) Any statements regarding the incident made by the participant and to whom they were made;

2 (5) The date, time, and place of the incident;

3 (6) The name of any individual(s) believed to have knowledge of the incident; and

4 (7) The name of any individual(s) believed to have been responsible for the incident.

5 (b) In addition to those persons required to report pursuant to this section, any other person may make a report if
6 that person has reasonable cause to believe that a participant has been abused, mistreated, or neglected.

7 **40.1-27-3. Duties of the ~~director secretary of the department of mental health, retardation, and hospitals~~**
8 **executive office of health and human services.**

9 The adult crisis intervention program ~~director of the department of mental health, retardation, and hospitals or his~~
10 ~~or her designee~~ shall:

11 (1) Notify the attorney general or his or her designee, the chair of the program's human rights committee forthwith
12 upon receipt of an oral or written report made pursuant to § 40.1-27-2;

13 (2) Investigate and evaluate or cause to be investigated and evaluated the information reported in those reports.

14 The investigation and evaluation shall be made within twenty-four (24) hours if the ~~director secretary of the~~
15 ~~department of mental health, retardation, and hospitals~~ executive office of health and human services has
16 reasonable cause to believe the participant's health or safety is in immediate danger of further abuse or neglect and
17 within seven (7) days for all other reports. The investigations shall include a visit to the program, an interview
18 with the participant allegedly abused, mistreated or neglected, an interview with all witnesses to the alleged
19 incident, a determination of the nature, extent, and cause or causes of the injuries, the identity of the person or
20 persons responsible therefor, all other pertinent facts and recommendations to prevent further abuse, mistreatment
21 or neglect of the participant or other program participants. The determination shall be in writing;

22 (3) Evaluate the environment in the program named in the report and make a written determination of the risk of
23 physical or emotional injury to any other participants in the same program;

24 (4) Forward to the attorney general and the chair of the program's human rights committee within fifteen (15)
25 days after a case is initially reported pursuant to § 40.1-27-2 a summary of the findings and recommendations on
26 each case;

27 (5) If the ~~director secretary of the department of mental health, retardation, and hospitals~~ executive office of
28 health and human services has reasonable cause to believe that a participant had died as a result of abuse,
29 mistreatment, or neglect, immediately report the death to the attorney general and to the office of the medical
30 examiner. The office of the medical examiner shall investigate the report and communicate its preliminary
31 findings, orally within seventy-two (72) hours, and in writing within seven (7) working days to the attorney
32 general and to the adult crisis intervention program ~~department of mental health, retardation, and hospitals~~. The
33 office of the medical examiner shall also communicate its final findings and conclusions, with the basis therefore
34 to the same parties within sixty (60) days;

35 (6) Promulgate such regulations as may be necessary to implement the provisions of this chapter; and

36 (7) Maintain a file of the written reports prepared pursuant to this chapter. The written reports shall be
37 confidential, but shall be released to the attorney general, to a court of competent jurisdiction, and upon written
38 request to the participant, his or her counsel, the reporting person or agency, the appropriate review board or a
39 social worker assigned to the case.

40 **40.1-27-5. Physician's report of examination - Duty of program.**

41 Whenever a program shall receive a report by a person other than a physician that a participant has been harmed
42 as a result of abuse, neglect, or mistreatment, the program shall have the patient examined by a licensed physician.
43 It shall be mandatory for the physician to make a preliminary report of his or her findings to the adult crisis
44 intervention program ~~director of the department of mental health, retardation, and hospitals~~ and to the program
45 within forty-eight (48) hours after his or her examination, and a written report within five (5) days after his or her
46 examination.

47 SECTION 10. Section 42-7.2 Chapter 42.7 of the General Laws entitled "Office of Health and Human Services"
48 are hereby amended to read as follows:

49 **42-7.2-6.1. Transfer of powers and functions. --** (a) There are hereby transferred to the executive office of
50 health and human services the powers and functions of the departments with respect to the following:

51 (1) By July 1, 2007, fiscal services including budget preparation and review, financial management,
52 purchasing and accounting and any related functions and duties deemed necessary by the secretary;

53 (2) By July 1, 2007, legal services including applying and interpreting the law, oversight to the rule-making
54 process, and administrative adjudication duties and any related functions and duties deemed necessary by the
55 secretary;

56 (3) By September 1, 2007, communications including those functions and services related to government
57 relations, public education and outreach and media relations and any related functions and duties deemed
58 necessary by the secretary;

59 (4) By March 1, 2008, policy analysis and planning including those functions and services related to the
60 policy development, planning and evaluation and any related functions and duties deemed necessary by the
61 secretary;

62 (5) By June 30, 2008, information systems and data management including the financing, development and
63 maintenance of all data-bases and information systems and platforms as well as any related operations deemed
64 necessary by the secretary;

65 (6) By October 1, 2009, assessment and coordination for long-term care including those functions related to
66 determining level of care or need for services, development of individual service/care plans and planning,
67 identification of service options, the pricing of service options and choice counseling; and

68 (7) By October 1, 2009, program integrity, quality control and collection and recovery functions including any
69 that detect fraud and abuse or assure that beneficiaries, providers, and third-parties pay their fair share of the cost
70 of services, as well as any that promote alternatives to publicly financed services, such as the long-term care
71 health insurance partnership.

1 (8) By January 1, 2011, ~~client crisis intervention and adult~~ protective services ~~including any such services~~
2 ~~provided to children, for vulnerable~~ elders and adults with ~~developmental and other~~ disabilities;

3 (9) By March 1, 2010, administrative management of food and nutritional services including food stamps,
4 WIC and any other such programs or initiatives in which operational efficiencies that improve access may be
5 achieve through greater consolidation or coordination of functions.

6 (b) The secretary shall determine in collaboration with the department directors whether the officers,
7 employees, agencies, advisory councils, committees, commissions, and task forces of the departments who were
8 performing such functions shall be transferred to the office.

9 (c) In the transference of such functions, the secretary shall be responsible for ensuring:

10 (1) Minimal disruption of services to consumers;

11 (2) Elimination of duplication of functions and operations;

12 (3) Services are coordinated and functions are consolidated where appropriate;

13 (4) Clear lines of authority are delineated and followed;

14 (5) Cost-savings are achieved whenever feasible;

15 (6) Program application and eligibility determination processes are coordinated and, where feasible,
16 integrated; and

17 (7) State and federal funds available to the office and the entities therein are allocated and utilized for service
18 delivery to the fullest extent possible.

19 (d) Except as provided herein, no provision of this chapter or application thereof shall be construed to limit
20 or otherwise restrict the departments of children, youth and families, human services, elderly affairs, health, and
21 mental health, retardation, and hospitals from fulfilling any statutory requirement or complying with any
22 regulation deemed otherwise valid.

23 (e) The secretary shall prepare and submit to the leadership of the house and senate finance committees, by no
24 later than January 1, 2010, a plan for restructuring functional responsibilities across the departments to establish a
25 consumer centered integrated system of health and human services that provides high quality and cost-effective
26 services at the right time and in the right setting across the life-cycle.

27 SECTION 11. Chapter 42-7.2 of the General Laws entitled "Office of Health and Human Services" is hereby
28 amendment by adding the following section:

29 **42-7.2-17. Adult crisis intervention and protective services.** (a)(1) There is hereby established within the
30 executive office of health and human services an adult crisis intervention program to coordinate crisis intervention
31 services for the dependant adult during the immediate hours and days following:

32 the arrest or removal of the caregiver of a dependant adult who is the alleged victim of abuse, neglect or
33 exploitation pursuant to sections 11-5-11, 11-5-12, or 42-66-4.1; or assault pursuant to sections 11-5-10, 11-5-
34 10.1, 11-5-10.2, 11-5-10.3, 11-5-10.4 11-5-11, 11-37 or 42-66-8 by that caregiver; or
35 the unplanned absence of the caregiver of a dependant adult, due to accident, illness, or death of that caregiver;
36 and

37 crisis intervention services are necessary to ensure the immediate health and safety of the dependant adult.

38 (2) On or before July 1, 2010 the center shall provide, for the use of public safety agencies, health and human
39 service providers, and the general public a statewide toll free, twenty-four (24) hour a day, seven (7) days a week
40 telephone line, to report assault, abuse, neglect, or exploitation of the dependant adults.

41 (3) After January 1, 2011, public safety agency may request the center provide crisis intervention services for the
42 dependent adult victim when:

43 Necessary to ensure the immediate health and safety of the adult victim; and

44 The dependant adult victim relies on the person believed to have committed the assault and battery, abuse, neglect
45 and/or exploitation for assistance in performing three (3) or more major life activities.

46 (4) After July 1, 2011, public safety, health or human service providers, may request the center provide crisis
47 intervention services for the dependent adult when:

48 Necessary to ensure the immediate health and safety of the dependant adult; and

49 The dependant adult victim relies on the absent caregiver for assistance in performing three (3) or more major life
50 activities.

51 The caregiver has an unplanned absence, due to accident, illness, or death of involving the caregiver.

52 (5) The center shall upon being contacted by public safety, health or human service providers immediate
53 determine if the dependant adult needs and will accept crisis intervention services and/or longer term protective
54 services.

55 (6) The center shall notify the

56 (i) attorney general, and

57 (ii) director of the department of health for those incidents involving health care facilities;

58 (iii) office of the state long-term care ombudsperson for those incidents involving nursing facilities, assisted living
59 residences, home care and home nursing care providers, veterans' homes and long-term care units in Eleanor
60 Slater Hospital; or

61 (iv) director of the department of mental health, retardation and hospitals or his or her designee for those incidents
62 involving community residences for adults with developmental and or behavioral health disabilities.

63 (7) If the adult crisis intervention program determines that longer term supportive services are necessary, the
64 dependant adult and when appropriate that dependant adult's family the executive office of health and human
65 services shall coordinate the development of a longer term supportive services care plan to:

66 identify the appropriate public and private agencies and departments whose supportive services are within its
67 statutory and/or regulatory responsibility, as are needed by the dependant adult; and

68 ensure a smooth transition from crisis intervention services to long term supportive services;

69 (7) In developing the supportive services care plan, the dependant adult's rights to self-determination and lifestyle
70 preferences commensurate with his or her needs shall be of prime consideration.

71 (8) If the dependant adult withdraws consent or refuses to accept crisis intervention services or supportive
72 services, the services shall not be provided.

1 (b) As used in this section the terms:

2 (1) "Caregiver" means a person who has assumed the responsibility for the care of the dependant adult
3 voluntarily, by contract or by order of a court of competent jurisdiction, or who is otherwise legally responsible
4 for the care of the dependant adult.

5 (2) "Dependant adult" means:

6 A person over the age of eighteen (18) who due to age and/or disability has substantial functional limitations in
7 three (3) or more major life activities; and

8 needs assistance of a caregiver in performing three (3) or more major life activities.

9 (3) "Crisis intervention services" means the short term provision of health care and residential services in the
10 immediate hours and days following the abuse, neglect and/or exploitation of a dependant adult;

11 (4) "Major life activities" mean: (i) mobility; (ii) self-care; (iii) communication; (iv) receptive and/or expressive
12 language; (v) learning; (vi) self-direction; (vii) capacity for independent living; or (viii) economic self-
13 sufficiency; and

14 (5) "Supportive services" means longer term support services for a dependant adult, and when appropriate that
15 adult's family.

16 (c) No person in the classified, non-classified, or unclassified service of the state who is transferred to the "adult
17 crisis intervention and protective services program" on January 1, 2011 shall be discharged, separated from
18 service, or downgraded in service by reason of the enactment of this act as provided by law or in the personnel
19 rules and regulations of the state applicable to affected personnel.

20 SECTION 12. Section 42-9.2-3 of Chapter 9.2 the General Laws entitled "Office of Elder Justice Prosecution
21 Unit" are hereby amended to read as follows:

22 **42-9.2-3 Establishment.** – There shall be established and funded within the department of attorney general an
23 elder justice prosecution unit. The elder justice prosecution unit shall be an assistant or special assistant attorney
24 general appointed by the attorney general. Additionally, the unit shall have both an inspector and paralegal to be
25 appointed by the attorney general. The elder justice prosecution unit is authorized to perform the following duties
26 as the attorney general may direct:

27 (1) Prosecute cases relating to elder abuse, neglect and exploitation;

28 (2) Educate law enforcement personnel of the department of elderly affairs and adult crisis intervention program
29 personnel on investigative issues unique to elder justice;

30 (3) Intervene in, or request that the state or any agency thereof initiate administrative, legal and legislative
31 actions related to elder justice issues as determined by the attorney general.

32 SECTION 13. Section 42-66-8, of Chapter 66 the General Laws entitled "Elderly Affairs Department" are
33 hereby amended to read as follows:

34 **§ 42-66-8. Abuse, neglect, exploitation and self-neglect of elderly persons – Duty to report.** – Any person
35 who has reasonable cause to believe that any person sixty (60) years of age or older has been abused, neglected, or
36 exploited, or is self-neglecting, shall make an immediate report to the director of the department of elderly affairs
37 or his or her designee. In cases of abuse, neglect or exploitation, any person who fails to make the report shall be
38 punished by a fine of not more than one thousand dollars (\$1,000). Nothing in this section shall require an elder
39 who is a victim of abuse, neglect, exploitation or who is self-neglecting to make a report regarding such abuse,
40 neglect, exploitation or self-neglect to the adult crisis intervention program ~~director of the department of elderly~~
41 ~~affairs or his or her designee.~~

42 SECTION 14. Section 42-66.7-5 of Chapter 66.7 of the General Laws entitled "Long-Term Care
43 Ombudsperson Act of 1995" is hereby amended to read as follows:

44 **42-66.7-5. Powers and duties.**

45 The long-term care ombudsperson shall:

46 (1) Identify, investigate, and resolve complaints that: (a) are made by, or on behalf of, residents; and (b) relate to
47 action, inaction, or decisions, that may adversely effect the health, safety, welfare, or rights of the residents
48 (including the welfare and rights of the residents with respect to the appointment and activities of guardians and
49 representative payees) and health care and financial powers of attorney;

50 (2) Receive all reports of incidents reportable to the department of health adult crisis intervention program within
51 twenty-four (24) hours, or by the next business day of the occurrence, in cases of resident abuse, neglect,
52 exploitation, theft, sexual abuse, accidents involving fires, elopement and patient to patient abuses;

53 (3) Receive all reports of thirty (30) day notices of resident discharge from long-term care facilities; (4) Provide
54 referral services to assist residents in protecting their health, safety, welfare and rights;

55 (5) Inform residents of their rights and advocate on their behalf to improve their quality of life and live with
56 dignity and respect;

57 (6) Formulate policies and procedures to identify, investigate, and resolve complaints;

58 (7) Make appropriate referrals of investigations to other state agencies, including, but not limited to, the
59 departments of health, human services and attorney general;

60 (8) Offer assistance and training to public and private organizations on long-term care of elders and persons with
61 disabilities;

62 (9) Represent the interests of residents of facilities before government agencies and seek administrative, legal, and
63 other remedies to protect the health, safety, welfare, and rights of the residents including, but not limited to, rights
64 with respect to the appointment or removal of guardians and representative payees powers of attorney;

65 (10) Review and, if necessary, comment on any existing and proposed laws, regulations, and other government
66 policies and actions, that pertain to the rights and well-being of residents of facilities.

67 SECTION 15. Section 42-66-8.1 Chapter 66 the General Laws entitled "Elderly Affairs Department" is hereby
68 repealed:

69 ~~§ 42-66-8.1 Abuse of elderly persons – Telephone line. – The director shall provide, for the use of the general~~
70 ~~public, a statewide toll free, twenty-four (24) hour a day, seven (7) days a week telephone line, to report abuse,~~
71 ~~neglect, exploitation and self-neglect of the elderly.~~

1 SECTION 16. Sections 2, 3, 6, 10, and 11 shall take effect on July 1, 2010. The remaining sections of this act
2 shall take effect on January 1, 2011.

MOTION: To approve to incorporate ACLU language (changes on page-lines: 1-12, 2-13, 3-12, 3-25, 4-17 the phrase to read “(3) after the victim is informed of his or her right to does not refuse to accept crisis intervention and/or supportive services” with the proposed amendment (above) in 10 S 2206/10 H 7369 ACTS RELATING TO CRIMINAL OFFENSES - ADULT CRISIS INTERVENTION - CENTER AND PROTECTIVE SERVICES GR/BI passed Abstain LD, RB

Senate Finance Committee

10 S 2189 AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- MINORITY BUSINESS ENTERPRISE Sen. Metts

Sent House Letter 3/16/2010 Sent Senate Letter House Testimony Senate Testimony

Commission Neutral now that it has been amended

Recommend Passage

House Calendar 4/13/2010 # 001

10 H 7105 Article 04 (formerly 7397 Article 25 GBA 07) Sub A RELATING TO FEES AND FINES

Rep. Watson Requested by the Governor

Sent House Letter 2/24/2010 Sent Senate Letter House Testimony 3/3/2010 Senate Testimony

Notes: BC testified to Ho Fin at 3/3 - Chair & DoA Director agree to Comm. request.

Commission Opposes unless amended

Recommend Passage

House Calendar 4/13/2010 # 001

10 H 7105 Article 19 (formerly GBA 09 & H 7397 Article 21) Sub A RELATING TO MEDICAID REFORM ACT Requested by the Governor

Sent House Letter 2/8/2010 Sent Senate Letter House Testimony 2/8/2010 Senate Testimony

Commission Recommends Held for Further Study

Indefinitely Postponed

House Finance Committee

10 H 7397 Article 21 (Merged into H 7105) RELATING TO MEDICAID REFORM ACT

Rep. Watson Requested by the Governor

Sent House Letter 2/8/2010 Sent Senate Letter 3/4/2010 House Testimony 2/8/2010 Senate Testimony 3/4/2010

c. ARTICLE 19 (formerly GBA 09 & H 7397 Art. 21) RELATING TO MEDICAID REFORM ACT

The Substitute merged with H 7397 Article 21 RELATING TO MEDICAID REFORM ACT, authorizing category II changes for:

- (a) Expansion and integration of care management strategies;
- (b) Re-procure Medicaid managed care;
- (c) Modify payment system for supportive employment programs and day treatment;
- (d) Refine payment system for multi-disciplinary treatment planning;
- (e) Establish behavioral health community safety net;
- (f) Restructuring of the network of providers serving persons with developmental disabilities;
- (g) Transfer of state funded methadone maintenance and treatment to costs not otherwise matchable;
- (h) Pharmacy – SMAC Program for fee for service; and
- (i) Personal Choice and Habilitation Services Reform. This article shall take effect upon passage.

140-10

ARTICLE 19

140-11

RELATING TO MEDICAID REFORM ACT

140-12 SECTION 1. This article shall serve as a Joint Resolution required pursuant to Rhode
140-13 Island General Laws § 42-12.4-1, et seq.

140-14 WHEREAS, the General Assembly enacted Chapter 12.4 of Title 42 entitled “The Rhode
140-15 Island Medicaid Reform Act of 2008”; and

140-16 WHEREAS, Rhode Island General Law § 42-12.4-7 provides that any change that
140-17 requires the implementation of a rule or regulation or modification of a rule or regulation in
140-18 existence prior to the implementation of the global consumer choice section 1115 demonstration
140-19 (“the demonstration”) shall require prior approval of the general assembly; and further provides
140-20 that any category II change or category III change as defined in the demonstration shall also
140-21 require prior approval to the general assembly; and

140-22 WHEREAS, Rhode Island General Law § 42-7.2-5 states that the Secretary of the Office
140-23 of Health and Human Services is responsible for the “review and coordination of any Global
140-24 Consumer Choice Compact Waiver requests and renewals as well as any initiatives and proposals
140-25 requiring amendments to the Medicaid state plan or category I or II changes” as described in the
140-26 demonstration, with “the potential to affect the scope, amount, or duration of publicly-funded
140-27 health care services, provider payments or reimbursements, or access to or the availability of
140-28 benefits and services provided by Rhode Island general and public laws”; and

140-29 WHEREAS, in pursuit of a more cost-effective consumer choice system of care that is
140-30 fiscally sound and sustainable, the Secretary requests that the following proposals to amend the

140-31 demonstration be approved by the general assembly:

140-32 (a) Expansion and integration of care management strategies. The department of human
140-33 services proposes to establish a contractual agreement between the Medicaid agency and a
140-34 contractor (e.g., managed care entity) to manage primary, acute and long-term care services for
141-1 Medicaid-only beneficiaries and managed long-term care benefits for individuals dually eligible
141-2 for Medicaid and Medicare. The changes in service delivery will require changes to the rules,
141-3 regulations and procedures governing this area for Medicaid-only and dually eligible
141-4 beneficiaries, as well as Category II changes to the Global Consumer Choice Compact Waiver
141-5 authorizing the expansion of managed care to new service areas and populations.

141-6 (b) Re-procure Medicaid managed care. The department of human services proposes to
141-7 seek a new managed care procurement for RIte Care children and families; children with special
141-8 health care needs; and adults enrolled in Rhody Health Partners living in the community with no
141-9 other form of coverage for the purposes of achieving cost-effective program modifications
141-10 including implementation of communities of care, rate reform, pharmacy efficiencies, selective
141-11 contracting and enhanced benefit management. The re-procurement will follow purchasing rules
141-12 pursuant to Chapter 37-2 of the Rhode Island General Laws. Implementation of these
141-13 modifications may require changes to the rules, regulations and procedures related to managed
141-14 care for the populations affected and Category II changes to the Global Consumer Choice
141-15 Compact Waiver in those areas where additional authority under the terms and conditions of the
141-16 demonstration agreement are warranted.

141-17 (c) Modify payment system for supportive employment programs and day treatment. The
141-18 department of mental health, retardation, and hospitals proposes to modify the payment system
141-19 for certain day programs and treatments provided to beneficiaries receiving behavioral health
141-20 service. These modifications will alter the way these programs and treatments are categorized
141-21 under Medicaid, and will require a Category II change under the terms and conditions established
141-22 for the Global Consumer Choice Compact Waiver.

141-23 (d) Refine payment system for multi-disciplinary treatment planning. The department of
141-24 mental health, retardation, and hospitals proposes to modify the current payment strategy for a
141-25 multi-disciplinary treatment plan to ensure program integrity and accuracy. The changes in the
141-26 payment structure for Medicaid funded services will require a Category II change under the terms
141-27 and conditions established for the Global Consumer Choice Compact Waiver.

141-28 (e) Establish behavioral health community safety net. The department of mental health,
141-29 retardation, and hospitals proposes that the division of behavioral health services use contracting
141-30 to provide community mental health centers a consistent and predictable payment system that
141-31 provides performance and financial incentives. The contracting strategy proposed may result in
141-32 payment restructuring requiring a Category II change under the Global Waiver and amendments
141-33 to the department's rules, regulations and procedures.

141-34 (f) Restructuring of the network of providers serving persons with developmental
142-1 disabilities. The department of mental health, retardation, and hospitals amendment intends to
142-2 establish through a competitive bidding process one or more networks of service providers, each
142-3 headed by a lead agency, for the purposes of maximizing services and operational efficiencies
142-4 and assuring beneficiaries' needs are met with the most appropriate services in the most
142-5 appropriate setting. The changes in payment structures and service delivery will require a
142-6 Category II change to the Global Consumer Choice Compact Waiver and certain modifications to
142-7 department rules, regulations and procedures.

142-8 (g) Transfer of state funded methadone maintenance and treatment to costs not otherwise
142-9 matchable. The department of mental health, retardation, and hospitals proposes to obtain federal
142-10 matching funds for certain state-only funded methadone maintenance and treatment costs under
142-11 the terms and conditions of the Global Consumer Choice Compact Waiver. Although such
142-12 matching funds are authorized, the department may need to request certain Category II changes to
142-13 the waiver demonstration prior to implementation.

142-14 (h) Pharmacy – SMAC Program for fee for service. The department of human services
142-15 proposes to establish a state maximum allowable cost (SMAC) program for multi-source generic
142-16 prescription drugs dispensed to Medicaid beneficiaries through fee for service delivery that
142-17 furthers ongoing efforts to leverage the state's purchasing power to obtain the best health
142-18 outcomes at the best price. The implementation of this program requires a Category II change to
142-19 the demonstration under the terms and conditions established under the Global Consumer Choice
142-20 Compact Waiver.

142-21 (i) Personal Choice and Habilitation Services Reform. The department of human services
142-22 is proposing changes to the personal choice and habilitation services programs, which will ensure
142-23 that appropriate, cost effective care is provided in the in the least restrictive setting with improved
142-24 oversight and monitoring and a broader array of service alternatives. The reforms will require
142-25 changes to the department of human services rules, regulations and procedures for these
142-26 programs. Now, therefore, be it

142-27 RESOLVED, that the general assembly hereby approves the changes set forth in
142-28 proposals (a) through (i) listed above to amend the demonstration; and be it further

142-29 RESOLVED, that the secretary of the office of health and human services is authorized
142-30 to pursue and implement any such necessary waiver amendments, category II or category III
142-31 changes, state plan amendments and/or changes to the applicable department's rules, regulations
142-32 and procedures approved herein and as authorized by § 42-12.4-7.

142-33 SECTION 2. This article shall take effect upon passage.

d. 10 H 7105 ARTICLE 20 RELATING TO MEDICAL ASSISTANCE

The Substitute replaces the incorporates several elements of 10 H 7395 Article 20 RELATING TO MEDICAL ASSISTANCE:

- 1) Payment and rate setting methodology for services provided by in state and out of state hospitals;
- 2) Selective contracting for non-emergency transportation;
- 3) Hospital payments;
- 4) Medicaid managed care contracts for elderly and disabled residents (including those for managed long-term care). Managed care systems may also include services and supports that optimize the health and independence of recipients who are determined to need Medicaid funded long-term care under § 40-8.10 {Long Term Care Service Reform for Medicaid Eligible Individuals} or to be at risk for such care under applicable rules and regulations. The department would be authorized to obtain any approval for category II or III changes. Those category II or III changes would include authorization to extend managed care to cover long term care services and supports. This article would take effect upon passage.

142-34

ARTICLE 20

143-1

RELATING TO MEDICAL ASSISTANCE

143-2

SECTION 1. Sections 40-8-13.3, 40-8-13.4 and 40-8-29 of the General Laws in Chapter 40-8 entitled "Medical Assistance" are hereby amended to read as follows:

143-3

40-8-13.3. Payment for services provided by in state and out of state hospitals. -- The department of human services and/or the secretary of executive office of health and human services is hereby authorized and directed to amend its rules and regulations and amend the Rhode Island state plan for medical assistance (Medicaid) pursuant to Title XIX of the federal Social Security Act in order to provide for payment to hospitals for services provided to eligible recipients in accordance with this chapter. The provisions of this section shall be effective upon the promulgation of the amendments and new payment methodology pursuant to this section and section 40-8-13.4, which shall in any event be no later than ~~March 30, 2010~~ July 1, 2010, at which time the provisions of sections 40-8-13.2, 27-19-14, 27-19-15 and 27-19-16 shall be repealed in their entirety.

143-4

143-5

143-6

143-7

143-8

143-9

143-10

143-11

143-12

143-13

143-14

143-15

143-16

143-17

143-18

143-19

143-20

143-21

143-22

143-23

143-24

143-25

143-26

143-27

143-28

143-29

143-30

143-31

143-32

143-33

143-34

144-1

144-2

144-3

144-4

144-5

144-6

144-7

144-8

144-9

144-10

144-11

144-12

144-13

144-14

144-15

144-16

144-17

144-18

144-19

40-8-13.4. Rate methodology for payment for in state and out of state hospital

services. -- (a) The department of human services shall implement a new methodology for payment for in state and out of state hospital services in order to ensure access to and the provision of high quality and cost-effective hospital care to its eligible recipients.

(b) In order to improve efficiency and cost effectiveness, the department of human services shall:

(1) With respect to inpatient services: Implement a new payment methodology for inpatient services utilizing the Diagnosis Related Groups (DRG) method of payment, which is, a patient classification method which provides a means of relating payment to the hospitals to the type of patients cared for by the hospitals. It is understood that a payment method based on Diagnosis Related Groups may include cost outlier payments and other specific exceptions.

(2) With respect to outpatient services: Notwithstanding any provisions of the law to the contrary, the department will reimburse hospitals for outpatient services using a rate methodology determined by the department and in accordance with federal regulations.

(c) It is intended that payment utilizing the Diagnosis Related Groups method shall reward hospitals for providing the most efficient care, and provide the department the opportunity to conduct value based purchasing of inpatient care.

(d) The director of the department of human services and/or the secretary of executive office of health and human services is hereby authorized to promulgate such rules and regulations consistent with this chapter, and to establish fiscal procedures he or she deems necessary for the proper implementation and administration of this chapter in order to provide payment to hospitals using the Diagnosis Related Group payment methodology. Furthermore, amendment of the Rhode Island state plan for medical assistance (Medicaid) pursuant to Title XIX of the federal Social Security Act is hereby authorized to provide for payment to hospitals for services provided to eligible recipients in accordance with this chapter.

(e) The department shall comply with all public notice requirements necessary to implement these rate changes.

(f) As a condition of participation in the DRG methodology for payment of hospital services, every hospital shall submit year-end settlement reports to the department within one year from the close of a hospital's fiscal year. Should a participating hospital fail to timely submit a year-end settlement report as required by this section, the department shall withhold financial cycle payments due by any state agency with respect to this hospital by not more than ten percent (10%) until said report is submitted.

(g) The provisions of this section shall be effective upon implementation of the amendments and new payment methodology pursuant to this section and section 40-8-13.3, which shall in any event be no later than ~~March 30, 2010~~ July 1, 2010, at which time the provisions of §§ 40-8-13.2, 27-19-14, 27-19-15 and 27-19-16 shall be repealed in their entirety.

40-8-29. Selective contracting. -- (a) Notwithstanding any other provision of state law, the department of human services is authorized to utilize selective contracting with prior general assembly approval for the purpose of purchasing for Medicaid recipients shared living provider

144-20 services, durable medical equipment and supplies, non-emergency transportation, and any other
144-21 Medicaid services, when appropriate, in order to assure that all service expenditures under this
144-22 chapter have the maximum benefit of competition, and afford Rhode Islanders the overall best
144-23 value, optimal quality, and the most cost-effective care possible. Beneficiaries will be limited to
144-24 using the services/products of only those providers determined in a competitive bidding process
144-25 to meet the standards for best quality, performance and price set by the department in accordance
144-26 with applicable federal and state laws.

144-27 (b) For purposes of this section "selective contracting" shall mean the process for
144-28 choosing providers to serve Medicaid beneficiaries based on their ability to deliver the best
144-29 quality products or services, at the best value or price.

144-30 (c) To ensure all services allowable for Medicare reimbursement for beneficiaries who
144-31 are dually eligible, selective contractors must be willing and able to accept Medicare.

144-32 SECTION 2. Section 40-8.3-5 of the General Laws in Chapter 40-8.3 entitled
144-33 "Uncompensated Care" is hereby amended to read as follows:

144-34 **40-8.3-5. Hospital payments.** -- Due to the high ratio of unqualified uncompensated
145-1 care expenses to qualified uncompensated care expenses, the department of human services is
145-2 hereby authorized and directed to pay ~~during state fiscal years 2009 and~~ by September 1, 2010
145-3 from revenues derived from taxes imposed in accordance with § 44-17-1: (1) acute care hospitals
145-4 in Washington County the amount of five hundred thousand dollars (\$500,000) to South County
145-5 Hospital, and seven hundred and fifty thousand dollars (\$750,000) to The Westerly Hospital; (2)
145-6 any acute care hospital in Kent County the amount of eight hundred thousand dollars (\$800,000);
145-7 and (3) Miriam Hospital the amount of one million six hundred thousand dollars (\$1,600,000).

145-8 SECTION 3. Section 40-8.5-1.1 of the General Laws in Chapter 40-8.5 entitled "The
145-9 Health Care for Elderly and Disabled Residents Act" is hereby amended to read as follows:

145-10 **40-8.5-1.1. Managed health care delivery systems.** -- (a) To ensure that all medical
145-11 assistance beneficiaries, including the elderly and all individuals with disabilities, have access to
145-12 quality and affordable health care, the department of human services is authorized to implement
145-13 mandatory managed care health systems.

145-14 (b) "Managed care" is defined as systems that: integrate an efficient financing
145-15 mechanism with quality service delivery; provides a "medical home" to assure appropriate care
145-16 and deter unnecessary services; and place emphasis on preventive and primary care. For purposes
145-17 of Medical Assistance, managed care systems are also defined to include a primary care case
145-18 management model in which ancillary services are provided under the direction of a physician in
145-19 a practice that meets standards established by the department of human services. Managed care
145-20 systems may also include services and supports that optimize the health and independence of
145-21 recipients who are determined to need Medicaid funded long-term care under § 40-8.10 or to be
145-22 at risk for such care under applicable rules and regulations promulgated by the department. ~~Those~~
145-23 Any medical assistance recipients who have third-party medical coverage or insurance may be
145-24 provided such services through an entity certified by or in a contractual arrangement with the
145-25 department or, as deemed appropriate, exempt from mandatory managed care in accordance with
145-26 rules and regulations promulgated by the department of human services. The department is
145-27 further authorized to redesign benefit packages for medical assistance beneficiaries subject to
145-28 appropriate federal approval.

145-29 (c) ~~The~~ In accordance with § 42-12.4-7, the department is authorized to obtain any
145-30 approval through waiver(s), category II or III changes, and/or state plan amendments, from the
145-31 secretary of the United States department of health and human services, that are necessary to
145-32 implement mandatory managed health care delivery systems for all medical assistance recipients,
145-33 including the primary case management model in which ancillary services are provided under the
145-34 direction of a physician in a practice that meets standards established by the department of human
146-1 services. The waiver(s), category II or III changes, and/or state plan amendments shall include the
146-2 authorization to ~~exempt~~ extend managed care to cover long-term care services and supports.
146-3 Such authorization shall also include, as deemed appropriate, exempting certain beneficiaries
146-4 with third-party medical coverage or insurance from mandatory managed care in accordance with
146-5 rules and regulations promulgated by the department of human services.

146-6 (d) To ensure the delivery of timely and appropriate services to persons who become
146-7 eligible for Medicaid by virtue of their eligibility for a U.S. social security administration
146-8 program, the department of human services is authorized to seek any and all data sharing
146-9 agreements or other agreements with the social security administration as may be necessary to
146-10 receive timely and accurate diagnostic data and clinical assessments. Such information shall be
146-11 used exclusively for the purpose of service planning, and shall be held and exchanged in
146-12 accordance with all applicable state and federal medical record confidentiality laws and
146-13 regulations.

146-14 SECTION 4. Section 35-17-1 of the General Laws in Chapter 35-17 entitled "Medical
146-15 Assistance and Public Assistance Caseload Estimating Conferences" is hereby amended to read
146-16 as follows:

146-17 **35-17-1. Purpose and membership.** -- (a) In order to provide for a more stable and
146-18 accurate method of financial planning and budgeting, it is hereby declared the intention of the
146-19 legislature that there be a procedure for the determination of official estimates of anticipated
146-20 medical assistance expenditures and public assistance caseloads, upon which the executive budget
146-21 shall be based and for which appropriations by the general assembly shall be made.

146-22 (b) The state budget officer, the house fiscal advisor, and the senate fiscal advisor shall
146-23 meet in regularly scheduled caseload estimating conferences (C.E.C.). These conferences shall be

- 146-24 open public meetings.
- 146-25 (c) The chairpersonship of each regularly scheduled C.E.C. will rotate among the state
- 146-26 budget officer, the house fiscal advisor, and the senate fiscal advisor, hereinafter referred to as
- 146-27 principals. The schedule shall be arranged so that no chairperson shall preside over two (2)
- 146-28 successive regularly scheduled conferences on the same subject.
- 146-29 (d) Representatives of all state agencies are to participate in all conferences for which
- 146-30 their input is germane.
- 146-31 (e) The department of human services shall provide monthly data to the members of the
- 146-32 caseload estimating conference by the fifteenth day of the following month. Monthly data shall
- 146-33 include, but is not limited to, actual caseloads and expenditures for the following case assistance
- 146-34 programs: temporary assistance to needy families, SSI federal program and SSI state program,
- 147-1 general public assistance, child care, state food stamp program, and weatherization. The report
- 147-2 shall include relevant caseload information and expenditures for the following medical assistance
- 147-3 categories: hospitals, nursing homes, managed care, special education, and all other. In the
- 147-4 category of managed care, caseload information and expenditures for the following populations
- 147-5 shall be separately identified and reported: children with disabilities, children in foster care, and
- 147-6 children receiving adoption assistance. The information shall include the number of Medicaid
- 147-7 recipients whose estate may be subject to a recovery, the anticipated recoveries from the estate
- 147-8 and the total recoveries collected each month.
- 147-9 SECTION 5. This article shall take effect upon passage.

Commission Opposes

Held for Further Study or Continued

House Finance Committee

10 H 7397 Article 31 RELATING TO RITE CARE PROGRAM Rep. Watson Requested by the Governor
Sent House Letter 2/24/2010 Sent Senate Letter 3/1/2010 House Testimony 2/25/2010 Senate Testimony 3/4/2010

Committee finds this bill Beneficial

Held for Further Study or Continued

House Corporations Committee

10 H 7361 AN ACT RELATING TO INSURANCE -- INSURANCE COVERAGE FOR MENTAL ILLNESS AND SUBSTANCE ABUSE Rep. Ajello

Sent House Letter 3/16/2010 Sent Senate Letter House Testimony Senate Testimony

House Health, Education, & Welfare Committee

10 H 7315 AN ACT RELATING TO HEALTH AND SAFETY Rep. Palumbo

Sent House Letter 3/16/2010 Sent Senate Letter House Testimony Senate Testimony

House Judiciary Committee

10 H 7044 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT-STATE POLICE Rep. Ajello

Sent House Letter 2/24/2010 Sent Senate Letter House Testimony Senate Testimony

10 H 7490 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - CRIMINAL PROCEDURE SENTENCE AND EXECUTION - HATE CRIMES Rep. Segal

Sent House Letter 3/16/2010 Sent Senate Letter House Testimony Senate Testimony

Senate Judiciary Committee

Committee finds this bill Beneficial if amended

Held for Further Study or Continued

House Municipal Government Committee

10 H 7352 AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES Rep. Kilmartin

Sent House Letter 3/16/2010 Sent Senate Letter House Testimony Senate Testimony

Senate Education Committee

10 S 2034 AN ACT RELATING TO EDUCATION Sen. Felag

Sent House Letter Sent Senate Letter 2/24/2010 House Testimony Senate Testimony

Passed

House Desk

10 H 7378 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF MENTAL HEALTH, RETARDATION AND HOSPITALS -- NEW TITLE Rep. Ferri

Sent House Letter 2/24/2010 Sent Senate Letter House Testimony Senate Testimony

Postponed by sponsor

House Health, Education, & Welfare Committee

10 H 7036 AN ACT RELATING TO EDUCATION Rep. Gallison

Sent House Letter 2/24/2010 Sent Senate Letter House Testimony Senate Testimony

Referred to Committee

Senate Finance Committee

10 S 2121 AN ACT RELATING TO EDUCATION - SCHOOL AND MUNICIPAL PLAYGROUND SAFETY Sen. Blais

Sent House Letter Sent Senate Letter 3/16/2010 House Testimony Senate Testimony

Committee finds this bill Harmful unless amended

Referred to Committee

House Finance Committee

10 H 7408 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - OFFICE OF HEALTH AND HUMAN SERVICES Rep. Costantino

Sent House Letter 3/1/2010 Sent Senate Letter House Testimony Senate Testimony

Committee finds this bill Harmful

Held for Further Study or Continued

House Judiciary Committee

10 H 7388 AN ACT RELATING TO ELECTIONS - VOTER IDENTIFICATION Rep. Brien
 Sent House Letter 2/24/2010 Sent Senate Letter House Testimony Senate Testimony

Senate Judiciary Committee

10 S 2141 AN ACT RELATING TO ELECTIONS Sen. Blais
 Sent House Letter Sent Senate Letter 2/24/2010 House Testimony Senate Testimony

Referred to Committee

Senate Finance Committee

10 S 2113 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR FUEL TAX Sen. Felag
 Sent House Letter Sent Senate Letter 3/1/2010 House Testimony Senate Testimony

3. RIPTA Elimination of Low and No Fare discounts for seniors and persons with disabilities	Bob Cooper	5 min.
At the request of Representative Lisa Baldelli-Hunt (D 49) of Woonsocket, the RIPTA undertook a review of the ridership and cost of no fare and low fare riders. Below is their presentation.		

No Fare Pass Program

RI Public Laws. Chapter 39-18. Section 39-18-4

(i) the authority shall not require any person who meets the means test criteria ... and who is either sixty-five (65) years of age, or over, or who is disabled to pay any fare or charge for bus rides during peak hours;... Any person who is either sixty-five (65) years of age, or over, or who is disabled, and who meets the means test criteria as heretofore provided, shall not be required to pay any fare or charge for bus rides during off-peak hours...

Federal Requirement

Federal regulation requires that elderly persons, persons with disabilities, or individuals presenting Medicare cards be charged half-fare during non-peak hours for transportation financed under Section 5307.

Due to this federal requirement, the half-fare program was not evaluated for changes, and the no-fare program was evaluated to conform with the half-fare regulations.

Background

- 2002: RIPTA was asked by the Budget Office to evaluate eliminating the No Fare Pass
- Little actual data existed for either study
 - .. Number of passes and usage were estimated
- Operational impact could not be determined
- Estimated revenue gain: \$560,000
- Ridership-based federal revenue loss was estimated at \$50,000
- 2008: Governor's Review Panel recommended eliminating the No Fare Pass
- Electronic fare cards not fully implemented
- Estimated revenue gain: \$800,000

Evaluation Background

Actual pass usage from the farebox is now available to estimate ridership impact

- Weekday Peak is between the hours of 7AM-gAM and 3PM-6PM
- Non-Peak hours are a/l other Weekday times, and a/l day on Saturdays, Sundays, and Holidays
- No Fare pass holders are lower income than Half Fare pass holders

Current No Fare Pass Usage

- 14% of trips are taken by heavy usage riders, who take more than 180 trips per month
- 1% of individuals using the pass each month
- Seniors average about 250 trips and people with disabilities average about 335 trips per month
- 52% of trips are taken by those riding 80-180 times per month
- 19% of individuals using the pass each month
- The remaining one-third of trips (80% of individuals) average 13 trips per month per pass used

No Fare vs. Half Fare Usage

Annualized Trips	Half Fare Trips		No Fare Trips	
	Disabled	Senior	Disabled	Senior
Weekday Peak	1,458	2,148	535,389	114,282
Weekday Non-Peak	5,187	11,325	2,095,731	459,741
Saturday	786	1,752	297,510	66,651
Sunday/Holiday	519	1,509	235,974	48,543
Total Passenger Trips	7,950	16,734	3,164,604	689,217
	Disabled		Senior	
	Disabled	Senior	Disabled	Senior
Passes				
Registered Active Passes	346	754	13,250	3,150
Unique Passes Used/Month	91	211	8,080	2,221
% of Active Used/Month	24%	28%	61%	71
Average Annual Trips per Unique Pass Used	87	79	392	310

No Fare vs. Half Fare Pass Usage

A higher percentage of registered No Fare individuals use their passes each month than Half Fare individuals

- About 25% of Half Fare pass holders vs. about 66% of No Fare pass holders use the pass each month
- Half Fare pass holders who do ride, ride much less often than No Fare pass holders
- People with disabilities: No Fare pass users ride 4 ½ times more often than Half Fare pass users
- Seniors: No Fare pass users ride 4 times more often than Half Fare pass users

Evaluation Assumptions

Riders paying full fare during the peak will use fare products that include a free transfer (e.g. Riptiks)

- There are no Half-fare products that include free transfers, so Half fare transfers would pay cash
- Difference in usage between No Fare and Half Fare passes is attributed to fare payment
- The overall ridership will become more like the pattern of the current Half Fare ridership

The low-income, no-fare pass population is very sensitive to costs and will limit trips when possible given a higher personal cost Some peak riders will not be able to alter their usage (e.g. work trips)

Riders paying full fare during the peak will use fare products that include a free transfer (e.g. Riptiks)

- There are no Half-fare products that include free transfers, so Half fare transfers would pay cash

Financial Impact on RIPTA

RIPTA IMPACT	Revenue	Description/Assumption
Weekday Peak	\$492,914	35% loss of ridership; 33% of trips = free transfers
Weekday Non Peak	\$663,861	60% loss of ridership; 33% of trips = paid transfers
Saturday	\$94,602	60% loss of ridership; 33% of trips = paid transfers
Sunday/Holiday	\$74,202	60% loss of ridership; 33% of trips = paid transfers
Revenue Gain	\$1,325,578	
Added Cost	(\$490,514)	0.5% of Disabled rides transferring to Ride ADA
Net Gain to RIPTA	\$835,084	NOTE: Federal revenue loss and operational impact costs cannot be determined at this time

Potential Areas of Operational Impact

Day of Week	Route	Time Period	No Fare Percent of Total Route Ridership
Sunday/Holiday	73	Non Peak	66.75%
Weekday	79	Non Peak	65.28%
Weekday	6	Non Peak	63.58%
Sunday/Holiday	75	Non Peak	60.01%
Weekday	71	Non Peak	50.67%
Sunday/Holiday	80	Non Peak	50.27%
Sunday/Holiday	71	Non Peak	49.31%
Weekday	76	Non Peak	48.20%
Weekday	58	Non Peak	47.70%
Weekday	29	Non Peak	47.24%
Sunday/Holiday	23	Non Peak	45.70%
Sunday/Holiday	77	Non Peak	45.40%
Sunday/Holiday	76	Non Peak	45.20%
Sunday/Holiday	11	Non Peak	44.49%
Sunday/Holiday	99	Non Peak	44.30%
Sunday/Holiday	31	Non Peak	44.11%
Sunday/Holiday	57	Non Peak	43.89%
Weekday	51	Non Peak	43.07%
Weekday	75	Non Peak	42.90%
Sunday/Holiday	22	Non Peak	41.88%
Weekday	31	Non Peak	41.11%
Saturday	76	Non Peak	41.10%
Weekday	99	Non Peak	40.15%
Saturday	73	Non Peak	40.07%
Weekday	87	Non Peak	40.01%
Sunday/Holiday	30	Non Peak	39.75%

MOTION: To send letter to House & Senate leadership and members of the Finance Cmtes. opposing elimination of the RIPTA no fare & half fare (w/ cc to RIPTA chair) TF/LG passed Abstain: LD, RB Recused: BI

4. Consideration of Tabled Bills

25 min.

10 2292 AN ACT RELATING TO TOWNS AND CITIES -- LOW AND MODERATE INCOME HOUSING

Linda Ward's Comments & Recommendation: Need more info from housing folks on S2292 which expands units considered to meet definition of affordable housing.

1-1 SECTION 1. Section 45-53-3 of the General Laws in Chapter 45-53 entitled "Low and
1-2 Moderate Income Housing" is hereby amended to read as follows:

1-3 **45-53-3. Definitions.** -- The following words, wherever used in this chapter, unless a
1-4 different meaning clearly appears from the context, have the following meanings:

1-5 (1) "Affordable housing plan" means a component of a housing element, as defined in
1-6 subdivision 45-22.2-4(1), to meet housing needs in a city or town that is prepared in accordance
1-7 with guidelines adopted by the state planning council, and/or to meet the provisions of subsection
1-8 45-53-4(b)(1) and (c).

1-9 (2) "Approved affordable housing plan" means an affordable housing plan that has been
1-10 approved by the director of administration as meeting the guidelines for the local comprehensive
1-11 plan as promulgated by the state planning council; provided, however, that state review and
1-12 approval, for plans submitted by December 31, 2004, shall not be contingent on the city or town
1-13 having completed, adopted, or amended its comprehensive plan as provided for in sections 45-
1-14 22.2-8, 45-22.2-9, or 45-22.2-12.

1-15 (3) "Comprehensive plan" means a comprehensive plan adopted and approved by a city
1-16 or town pursuant to chapters 22.2 and 22.3 of this title.

1-17 (4) "Consistent with local needs" means reasonable in view of the state need for low and
1-18 moderate income housing, considered with the number of low income persons in the city or town
1-19 affected and the need to protect the health and safety of the occupants of the proposed housing or
2-1 of the residence of the city or town, to promote better site and building design in relation to the
2-2 surroundings, or to preserve open spaces, and if the local zoning or land use ordinances,
2-3 requirements, and regulations are applied as equally as possible to both subsidized and
2-4 unsubsidized housing. Local zoning and land use ordinances, requirements, or regulations are
2-5 consistent with local needs when imposed by a city or town council after comprehensive hearing
2-6 in a city or town where:

2-7 (i) Low or moderate income housing exists which is: (A) in the case of an urban city or
2-8 town which has at least 5,000 occupied year-round rental units and the units, as reported in the
2-9 latest decennial census of the city or town, comprise twenty-five percent (25%) or more of the
2-10 year-round housing units, is in excess of fifteen percent (15%) of the total occupied year-round
2-11 rental units; or (B) in the case of all other cities or towns, is in excess of ten percent (10%) of the
2-12 year-round housing units reported in the census.

2-13 (ii) The city or town has promulgated zoning or land use ordinances, requirements, and
2-14 regulations to implement a comprehensive plan which has been adopted and approved pursuant to
2-15 chapters 22.2 and 22.3 of this title, and the housing element of the comprehensive plan provides
2-16 for low and moderate income housing in excess of either ten percent (10%) of the year-round
2-17 housing units or fifteen percent (15%) of the occupied year-round rental housing units as
2-18 provided in subdivision (2)(i).

2-19 (5) "Infeasible" means any condition brought about by any single factor or combination
2-20 of factors, as a result of limitations imposed on the development by conditions attached to the
2-21 approval of the comprehensive permit, to the extent that it makes it impossible for a public
2-22 agency, nonprofit organization, or limited equity housing cooperative to proceed in building or
2-23 operating low or moderate income housing without financial loss, within the limitations set by the
2-24 subsidizing agency of government, on the size or character of the development, on the amount or
2-25 nature of the subsidy, or on the tenants, rentals, and income permissible, and without substantially
2-26 changing the rent levels and unit sizes proposed by the public agency, nonprofit organization, or
2-27 limited equity housing cooperative.

2-28 (6) "Letter of eligibility" means a letter issued by the Rhode Island housing and
2-29 mortgage finance corporation in accordance with subsection 42-55-5.3(a).

2-30 (7) "Local board" means any town or city official, zoning board of review, planning
2-31 board or commission, board of appeal or zoning enforcement officer, local conservation
2-32 commission, historic district commission, or other municipal board having supervision of the
2-33 construction of buildings or the power of enforcing land use regulations, such as subdivision, or
2-34 zoning laws.

3-1 (8) "Local review board" means the planning board as defined by subdivision 45-22.2-
3-2 4(26), or if designated by ordinance as the board to act on comprehensive permits for the town,
3-3 the zoning board of review established pursuant to section 45-24-56.

3-4 (9) "Low or moderate income housing" means any housing whether built or operated by
3-5 any public agency or any nonprofit organization or by any limited equity housing cooperative or
3-6 any private developer, that is subsidized by a federal, state, or municipal government subsidy
3-7 under any program to assist the construction or rehabilitation of housing affordable to low or
3-8 moderate income households, as defined in the applicable federal or state statute, or local
3-9 ordinance and that will remain affordable through a land lease and/or deed restriction for ninety-
3-10 nine (99) years or such other period that is either agreed to by the applicant and town or
3-11 prescribed by the federal, state, or municipal government subsidy program but that is not less than
3-12 thirty (30) years from initial occupancy. "Low and moderate income housing" shall also mean all
3-13 rental units, including, but not limited to, naturally occurring rental units, not subsidized, in which
3-14 the amount of rent charged for said unit falls within the appropriate amounts as defined by the
3-15 applicable federal or state statutes, relating to low and moderate income housing. The
3-16 aforementioned rental units shall have a lease with a minimum term of eight (8) months. Low and
3-17 moderate income housing shall also include any rental unit utilizing the H.U.D. section 8 program
3-18 and reported to the Rhode Island office of housing and community development on January 1 of
3-19 any given year.

- 3-20 (10) "Meeting housing needs" means adoption of the implementation program of an
 3-21 approved affordable housing plan and the absence of unreasonable denial of applications that are
 3-22 made pursuant to an approved affordable housing plan in order to accomplish the purposes and
 3-23 expectations of the approved affordable housing plan.
 3-24 (11) "Municipal government subsidy" means assistance that is made available through a
 3-25 city or town program sufficient to make housing affordable, as affordable housing is defined in
 3-26 section 42-128-8.1(d)(1); such assistance may include, but is not limited to, direct financial
 3-27 support, abatement of taxes, waiver of fees and charges, and approval of density bonuses and/or
 3-28 internal subsidies, and any combination of forms of assistance.
 3-29 SECTION 2. This act shall take effect upon passage.

MOTION: To find harmful 10 S 2292 AN ACT RELATING TO TOWNS AND CITIES -- LOW AND MODERATE INCOME HOUSING BI/TF passed
 Abstain: TT, LD, RB

10 H 7451 AN ACT RELATING TO HUMAN SERVICES – INTERPRETER SERVICES
Rep. Coderre, House Health, Education and Welfare Committee

This act would set forth various standards for the department of human services to properly ensure that persons who are not proficient in English are informed that there are interpreter services available in various languages. This act would take effect upon passage.

Elaina Goldstein’s comments:

Recommendation:

Response from the Commission on the Deaf and Hard of Hearing Actually, we could do both ways, adding a language that would apply to sign language if someone needs one because this bill would create a system within DHS to get an interpreter regardless of language other than English. The language could include....when sign language interpreter is requested, they would need to contact RICDHH interpreter referral service.

Or your suggestion to avoid potential confusion with the Interpreter of the Deaf law, inserting, " but not sign language".

I wish they would change from "DHS" to "EOHHS" that would cover DCYF and DOH since they are dealing with many families of other languages especially emergencies.

I have sent this bill to the RI Registry of the Interpreters for the Deaf, a nonprofit organization of interpreters, asking their position on this bill a month or so ago. I have not yet heard from them yet. I probably need to speak with one of the sponsors to find out what are their thoughts with our situation.

This is something I need to talk with people about this.” Steven Florio

1-1 SECTION 1. Title 40 of the General Laws entitled “HUMAN SERVICES” is hereby
 1-2 amended by adding thereto the following chapter:

CHAPTER 9.2
INTERPRETER SERVICES

1-5 **40-9.2-1. Definitions. – As used in this chapter:**

1-6 (1) “Applicant” means a person applying for, or receiving, benefit services.

1-7 (2) “Appropriate language” means any language other than English, Spanish or
 1-8 Portuguese, which more than one hundred (100) persons in Rhode Island receiving benefit
 1-9 services from the department are determined to be using as their primary language.

1-10 (3) “Benefit services” means any financial or health support program offered by or
 1-11 through the department pursuant to this title.

1-12 (4) “Department” means the department of human services.

1-13 (5) “Limited English proficiency person” means any person who can not readily speak or
 1-14 understand the English language and whose native language is Spanish, Portuguese, or other
 1-15 appropriate language.

1-16 **40-9.2-2. Interpreter services. – The department shall:**

1-17 (1) Conspicuously and continuously display in all department offices providing benefit
 1-18 services, a poster or posters, clearly stating, in English, Spanish, Portuguese and any other
 1-19 appropriate languages the following information:

2-1 (i) If the applicant is applying for or receiving benefits and is not fluent in English, he or
 2-2 she does not have to bring his or her own interpreter to a department office;

2-3 (ii) The department will schedule interpreters or bilingual staff in a timely manner when
 2-4 necessary to communicate with the applicant, unless, after being informed of a right to interpreter
 2-5 services, the applicant expresses a clear preference to bring his or her own interpreter;

2-6 (iii) The department will schedule an interpreter or bilingual staff member in a timely
 2-7 manner to help the applicant read English language notices, letters or other written information
 2-8 from the department; and

2-9 (iv) If the applicant has problems obtaining or using interpreter or bilingual staff services
 2-10 at a department office, he or she may contact the department coordinator of interpreter services
 2-11 for assistance, and contact information for such coordinator is included.

2-12 (2) Disseminate written notice or brochure in English, Spanish, Portuguese and other
 2-13 appropriate language to individual applicants with limited English proficiencies such notice or
 2-14 brochure shall contain the information set forth in subdivision (1).

2-15 (3) Attach a statement in English, Spanish, Portuguese or other appropriate language to
 2-16 all English language notices and letters sent by the department to limited English proficiency
 2-17 persons that a person who needs help translating the notice of letter may contact his/her local
 2-18 department office for assistance.
 2-19 (4) Annually redetermine the appropriate languages to appear on the poster, notice and
 2-20 statement specified in subsections (a), (b) and (c).
 2-21 (5) Provide that department staff may obtain interpreter services from outside sources as
 2-22 necessary for communication with applicants in a timely and effective manner when department
 2-23 interpreters and bilingual staff are not available.
 2-24 (6) Adopt uniform procedures permitting timely and effective telephone communication
 2-25 between applicants and DHS staff, including instructions for English speaking employees to
 2-26 obtain assistance from interpreters or bilingual staff when receiving calls from, and originating
 2-27 calls to, limited English proficiency persons.
 2-28 (7) Designate a statewide coordinator of interpreter services to act as liaison between
 2-29 department district offices and limited English proficiency persons, community groups and their
 2-30 representatives. The statewide coordinator shall evaluate the effectiveness of department policies
 2-31 and procedures for communicating with limited English proficiency persons, and shall resolve
 2-32 questions and complaints about the adequacy and availability of bilingual staff or interpreter
 2-33 services at department offices.
 2-34 (8) Train, on an on-going basis, department managers and staff on the provisions of this
 3-1 chapter.
 3-2 (9) Review at least annually, in consultation with district offices and staff, limited
 3-3 English proficiency persons, community groups and their representatives, the current
 3-4 communication needs of such persons at each office and whether existing interpreter and
 3-5 bilingual staffing, outside interpreter services, and translated materials are meeting such needs or
 3-6 should be modified, and prepare a public report summarizing the review. Such review shall be
 3-7 conducted in consultation with district offices and staff, limited English proficiency persons and
 3-8 community groups and their representatives.
 3-9 (10) Adopt and implement all policies necessary to comply with subdivisions (2) through
 3-10 (10) and the department's obligations pertaining to the poster required by subdivisions (1).
 3-11 **40-9.2-3. Remedies for violations.** – In any civil action alleging a violation of this
 3-12 chapter, the court may award to a prevailing plaintiff a minimum of five hundred dollars (\$500)
 3-13 in damages for each violation in addition to any compensatory damages, reasonable attorneys'
 3-14 fees and costs, and appropriate injunctive and equitable relief.
 3-15 SECTION 2. This act shall take effect upon passage.

MOTION: To find beneficial if amended (to include interpreters for the deaf and include all of OHHS) 10 H 7451 AN ACT RELATING TO HUMAN SERVICES – INTERPRETER SERVICES EG/JL passed, Abstain: TT, LD, RB, TF

10 S 2396 AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS – TERMINATION OF SERVICE Sen. Metts, Senate Corporations Committee

This act would amend the process of the termination of service to the elderly, disabled and seriously ill by simplifying the regulations and rules and institute rules for a person in arrears of payment and amend the chapter name. This act would take effect upon passage.

Linda Ward's Comments & Recommendation:

Sarah Everhart Skeels' Comments & Recommendation: I am not familiar with the current process of termination, so will defer to those who are familiar with reviewing this type of legislation. I DO have questions: it seems harmful to terminate services to those who depend on medical equipment that requires power. Do the 1st and 2nd termination warnings include information about other resources that might be available to help with payment so that services are not terminated? Is anyone contacted (social services, etc.) if termination is imminent and this will threaten the life of an individual who is elderly, disabled and seriously ill?

Response from DPUC – "The division has no position on this bill." & George Wiley Center

1-1 SECTION 1. The title of Chapter 39-1.1 of the General Laws entitled "Termination of
 1-2 Service to Persons Who Are Disabled and Seriously Ill" is hereby amended to read as follows:
 1-3 **CHAPTER 39-1.1**
 1-4 ~~**TERMINATION OF SERVICE TO PERSONS WHO ARE DISABLED AND SERIOUSLY ILL**~~
 1-5 **CHAPTER 39-1.1**
 1-6 **TERMINATION OF SERVICE TO PERSONS WHO ARE DISABLED, SERIOUSLY ILL OR**
 1-7 **ARE IN ARREARS OF PAYMENT**
 1-8 SECTION 2. Section 39-1.1-1 of the General Laws in Chapter 39-1.1 entitled
 1-9 "Termination of Service to Persons Who Are Disabled and Seriously Ill" is hereby amended to
 1-10 read as follows:
 1-11 **39-1.1-1. Compliance with rules prior to termination.** – (a) No public utility which
 1-12 distributes electricity or supplies natural or manufactured gas, electric, or water service shall
 1-13 terminate service to any household in which all adult residents are sixty-five (65) years of age or
 1-14 older, or where any resident is disabled or seriously ill, for failure to pay an outstanding
 1-15 indebtedness for service, without first complying with all rules and regulations for such
 1-16 terminations issued by the commission.

1-17 (b) A utility shall not shut off service to a household if the person's bill is three hundred
 1-18 dollars (\$300) or less and not more than three (3) months in arrears.
 1-19 (c) Service may not be terminated unless two (2) notices of termination have been sent.
 2-1 SECTION 3. Section 39-1.1-2 of the General Laws in Chapter 39-1.1 entitled
 2-2 "Termination of Service to Persons Who Are Disabled and Seriously Ill" is hereby amended to
 2-3 read as follows:
 2-4 **39-1.1-2. Determination of persons subject to nontermination.** – (a) The commission
 2-5 shall promulgate appropriate rules and regulations to determine which persons who are elderly,
 2-6 disabled, or seriously ill are subject to the nontermination provisions of section 39-1.1-1, and in
 2-7 what manner relief will be made available to the subject persons.
 2-8 (b) The rules and regulations to determine which persons who are elderly, disabled,
 2-9 seriously ill, or who have young children in the residence shall be through a short simplified
 2-10 declaration.
 2-11 (c) In the case of the elderly a declaration of age stating the occupant's name, date of
 2-12 birth and the name of the person billed will be sufficient.
 2-13 SECTION 4. This act shall take effect upon passage.

MOTION: To find harmful unless amended so the language is clarified to strengthen protections **10 S 2396 AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS – TERMINATION OF SERVICE** GR/JDR passed, Abstain: LD, RB, SB, EG, JL

10 S 2418 AN ACT RELATING TO MENTAL HEALTH, RETARDATION, AND HOSPITALS -- MENTAL HEALTH LAW

Sen. Levesque, Senate Health and Human Services Committee

This act would remove “general specialized hospitals” from the definition of facility as it pertains to the department of mental health, retardation and hospitals. This act would take effect upon passage
 Response from MHRH “This is MHRH's bill” Craig Stenning.

1-1 SECTION 1. Section 40.1-5-2 of the General Laws in Chapter 40.1-5 entitled "Mental
 1-2 Health Law" is hereby amended to read as follows:
 1-3 **40.1-5-2. Definitions. --** Whenever used in this chapter, or in any order, rule, or
 1-4 regulation made or promulgated pursuant to this chapter, or in any printed forms prepared by the
 1-5 department or the director, unless otherwise expressly stated, or unless the context or subject
 1-6 matter otherwise requires:
 1-7 (1) "Alternatives to admission or certification" means alternatives to a particular facility
 1-8 or treatment program, and shall include, but not be limited to, voluntary or court-ordered
 1-9 outpatient treatment, day treatment in a hospital, night treatment in a hospital, placement in the
 1-10 custody of a friend or relative, placement in a nursing home, referral to a community mental
 1-11 health clinic and home health aide services, or any other services that may be deemed
 1-12 appropriate.
 1-13 (2) "Care and treatment" means psychiatric care, together with such medical, nursing,
 1-14 psychological, social, rehabilitative, and maintenance services as may be required by a patient in
 1-15 association with the psychiatric care provided pursuant to an individualized treatment plan
 1-16 recorded in the patient's medical record.
 1-17 (3) "Department" means the state department of mental health, retardation, and hospitals.
 1-18 (4) "Director" means the director of the state department of mental health, retardation,
 2-1 and hospitals.
 2-2 (5) "Facility" means a state hospital or psychiatric inpatient facility in the department, a
 2-3 psychiatric inpatient facility maintained by a political subdivision of the state for the care and/or
 2-4 treatment of the mentally disabled, ~~a general or specialized hospital maintaining staff and~~
 2-5 ~~facilities for such purpose~~, any of the several community mental health services established
 2-6 pursuant to chapter 8.5 of this title, and any other facility within the state providing inpatient
 2-7 psychiatric care and/or treatment and approved by the director upon application of this facility.
 2-8 Included within this definition shall be all hospitals, institutions, facilities, and services under the
 2-9 control and direction of the director and the department, as provided in this chapter. Nothing
 2-10 contained herein shall be construed to amend or repeal any of the provisions of chapter 16 of title
 2-11 23.
 2-12 (6) "Indigent person" means a person who has not sufficient property or income to
 2-13 support himself or herself, and to support the members of his or her family dependent upon him
 2-14 or her for support, and/or is unable to pay the fees and costs incurred pursuant to any legal
 2-15 proceedings conducted under the provisions of this chapter.
 2-16 (7) "Likelihood of serious harm" means:
 2-17 (i) A substantial risk of physical harm to the person himself or herself as manifested by
 2-18 behavior evidencing serious threats of, or attempts at, suicide;
 2-19 (ii) A substantial risk of physical harm to other persons as manifested by behavior or
 2-20 threats evidencing homicidal or other violent behavior; or
 2-21 (iii) A substantial risk of physical harm to the mentally disabled person as manifested by
 2-22 behavior which has created a grave, clear, and present risk to his or her physical health and safety.
 2-23 (iv) In determining whether there exists a likelihood of serious harm the physician and
 2-24 the court may consider previous acts, diagnosis, words or thoughts of the patient. If a patient has

2-25 been incarcerated, or institutionalized, or in a controlled environment of any kind, the court may
 2-26 give great weight to such prior acts, diagnosis, words, or thoughts.
 2-27 (8) "Mental disability" means a mental disorder in which the capacity of a person to
 2-28 exercise self control or judgment in the conduct of his or her affairs and social relations, or to care
 2-29 for his or her own personal needs, is significantly impaired.
 2-30 (9) "Mental health professional" means a psychiatrist, psychologist, or social worker and
 2-31 such other persons, including psychiatric nurse clinicians, as may be defined by rules and
 2-32 regulations promulgated by the director.
 2-33 (10) "Patient" means a person certified or admitted to a facility according to the
 2-34 provisions of this chapter.
 3-1 (11) "Physician" means a person duly licensed to practice medicine or osteopathy in this
 3-2 state.
 3-3 (12) "Psychiatric nurse clinician" means a licensed professional registered nurse with a
 3-4 master's degree in psychiatric nursing or related field who is currently working in the mental
 3-5 health field as defined by the American Nurses Association.
 3-6 (13) "Psychiatrist" means a person duly licensed to practice medicine or osteopathy in
 3-7 this state who has in addition completed three (3) years of graduate psychiatric training in a
 3-8 program approved by the American Medical Association or American Osteopathic Association.
 3-9 (14) "Psychologist" means a person certified pursuant to chapter 44 of title 5.
 3-10 (15) "Social worker" means a person with a masters or further advanced degree from a
 3-11 school of social work, which is accredited by the council of social work education.
 3-12 SECTION 2. This act shall take effect upon passage.

No position taken

10 H 7512 AN ACT RELATING TO HEALTH AND SAFETY

Rep. Shallcross Smith, House Health, Education, & Welfare Committee

This act would require the director of health to promulgate regulations permitting the administration of needle/injections, prescriptions and nonprescription medications by certified nursing assistants, home health care aides and medical technicians to individuals who are homebound or home care services within the state of Rhode Island. This act would take effect upon passage.

Linda Ward's Comments & Recommendation: Expands who can give medications – should get feedback from Health Dept. on this.

Response from Department of Health & Board of Nursing “We are opposed based on discussions with our CNA board and based on the training that Nursing Assistants receive which does not provide training for needle/injections and medications.” Helen Drew

1-1 SECTION 1. Chapter 23-17.9 of the General Laws entitled "Registration of Nursing
 1-2 Assistants" is hereby amended by adding thereto the following section:
 1-3 **23-17.9-15. Regulation of administrators of medication by nursing assistants. -- The**
 1-4 **director shall promulgate regulations permitting the administration of needles/injections,**
 1-5 **prescriptions and nonprescription medications by certified nursing assistants, home health care**
 1-6 **aides and medical technicians to individuals who are homebound (home based, shut-ins) or home**
 1-7 **care services within the state of Rhode Island. Any regulations adopted under this section shall**
 1-8 **include education and training to insure the health and safety of the patients.**
 1-9 SECTION 2. This act shall take effect upon passage.

MOTION: To find beneficial if amendment to delete “needles/injections” 10 H 7512 AN ACT RELATING TO HEALTH AND SAFETY BI/GR passed, Abstain: LD, RB, TF, LG

5. Consideration of New Bills

Health Insurance

10 S 2747 AN ACT RELATING TO INSURANCE -- HEALTH CARE--FREEDOM OF CHOICE Sen. Blais

This act would create the “Freedom of Choice in Health Care Act” for the purpose of preventing the state from requiring participation in any particular health care plan. This act would take effect upon passage.

Reviewer's Comments: Those with disabilities or parents of those with disabilities especially need the freedom to choose a plan that meets their needs. Liberty Goodwin

Reviewer's Recommendation: beneficial

1-1 SECTION 1. Title 27 of the General Laws entitled "INSURANCE" is hereby amended
 1-2 by adding thereto the following chapter:
 1-3 **CHAPTER 18.7**
 1-4 **FREEDOM OF CHOICE IN HEALTH CARE ACT**
 1-5 **27-18.7-1. Short title. – This chapter shall be known and may be cited as the “Freedom**
 1-6 **of Choice in Health Care Act.”**
 1-7 **27-18.7-2. Legislative findings and purpose. – The general assembly hereby finds that:**
 1-8 **(1) The people of the State of Rhode Island have the right to enter into private contracts**
 1-9 **with health care providers for health care services and to purchase private health care coverage.**

1-10 [The state may not require any person to participate in any health care system or plan, nor may it](#)
 1-11 [impose a penalty or fine, of any type, for choosing to obtain or decline health care coverage or for](#)
 1-12 [participation in any particular health care system or plan.](#)
 1-13 [\(2\) The attorney general is directed to challenge the constitutionality of any provision](#)
 1-14 [enacted by the United States Congress that would require any citizen of this state to participate in](#)
 1-15 [any health care system or plan or that imposes a penalty or fine for choosing to obtain or decline](#)
 1-16 [health care coverage or for participation in any particular health care system or plan. No state](#)
 1-17 [agency, agent, department, instrumentality, or subdivision shall cooperate or participate in any](#)
 1-18 [way with any mandate passed by Congress upon notification by the attorney general that the](#)
 1-19 [mandate must be challenged pursuant to this section, unless and until otherwise ordered to so by a](#)
 2-1 [court of competent jurisdiction.](#)
 2-2 [\(3\) If any provision of this chapter or the application of any provision to any person or](#)
 2-3 [circumstances is for any reason held invalid, the remainder of the chapter and the application of](#)
 2-4 [that provision to other persons or circumstances shall not be affected by that invalidity.](#)
 2-5 [\(4\) Any provision of the general or public laws in conflict with the provisions of this](#)
 2-6 [section is hereby repealed.](#)
 2-7 SECTION 2. This act shall take effect upon passage.

MOTION: To find harmful **10 S 2747 AN ACT RELATING TO INSURANCE -- HEALTH CARE--FREEDOM OF CHOICE** BI/TF passed, Nay: TT, LG, Abstained: JB, EG, SB, LD, RB

Professional Standards

10 H 7921 AN ACT RELATING TO HEALTH AND SAFETY - PRICE DIFFERENTIALS
 Rep. Trillo
 This act would prevent health care providers and pharmacies from charging uninsured patients or customers a higher rate than that charged to insured patients or customers. This act would take effect upon passage.
Reviewer's Comments: Linda Ward
Reviewer's Recommendation: beneficial

1-1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
 1-2 amended by adding thereto the following chapter:
 1-3 **CHAPTER 17.25**
 1-4 **PRICE DIFFERENTIALS**
 1-5 **23-17.25-1. Prohibition of differential charges. --** [No provider of medical, dental,](#)
 1-6 [pharmaceutical or hospital supplies, goods or services shall charge an uninsured patient or](#)
 1-7 [customer at a higher rate for those supplies, goods or services than the lowest rate charged by](#)
 1-8 [such provider to an insured patient or customer or an uninsured patient or customer covered by a](#)
 1-9 [governmental program.](#)
 1-10 SECTION 2. This act shall take effect upon passage.

MOTION: To find beneficial **10 H 7921 AN ACT RELATING TO HEALTH AND SAFETY - PRICE DIFFERENTIALS** BI/JL passed, Abstain: TT, LD, LG, RB, JB, JDaR, TF.

10 H 7950 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF HUMAN SERVICES Rep. Shallcross House Judiciary Committee
 This act would require any facility or business which teaches, gives lessons, classes or training to children and youth to have employees submit to a background check through the state or local police department prior to them being hired. This act would take effect upon passage.
Reviewer's Comments: Good, but needs to define age of "youth" Liberty Goodwin.
Reviewer's Recommendation: beneficial if amended

1-1 SECTION 1. Chapter 42-12 of the General Laws entitled "Department of Human
 1-2 Services" is hereby amended by adding thereto the following sections:
 1-3 **42-12-25.1. Background check of service providers for children and youth. –** [\(a\) Any](#)
 1-4 [facility or business which teaches, gives lessons, classes or training to children and youth shall be](#)
 1-5 [required to submit all its employees to a background check before they may be employed by said](#)
 1-6 [facility or business.](#)
 1-7 [\(b\) The state police or police department in the city or town where the facility or business](#)
 1-8 [is located shall perform the background check.](#)
 1-9 [\(c\) The owner and/or the operator of the facility of business shall pay all the costs](#)
 1-10 [incurred to perform the required background checks.](#)
 1-11 **42-12-25.2. Disqualifying information. –** [\(a\) Information produced by a criminal](#)
 1-12 [records review pertaining to conviction, for the following crimes, will result in a letter to the](#)
 1-13 [employee and employer disqualifying the applicant from the employment: murder, voluntary](#)
 1-14 [manslaughter, involuntary manslaughter, first degree sexual assault, second degree sexual assault,](#)
 1-15 [third degree sexual assault, assault with intent to commit specified felonies \(murder, robbery,](#)
 1-16 [rape, burglary, or an abominable and detestable crime against nature\), felony assault, first degree](#)
 1-17 [arson, robbery, felony drug offenses, larceny, or felony banking law violations.](#)
 1-18 [\(b\) Information produced by a criminal records review pertaining to convictions for](#)
 2-1 [crimes other than those listed in subsection \(a\) of this section shall entitle, but not obligate the](#)
 2-2 [employer to decline to hire the applicant. An employee against whom conviction information](#)

2-3 [related to this subsection has been found may request that a copy of the criminal background](#)
 2-4 [report be sent to the employer who shall make a determination regarding the continued](#)
 2-5 [employment of the employee.](#)
 2-6 [\(c\) For purposes of this section, "conviction" means, in addition to judgments of](#)
 2-7 [conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances](#)
 2-8 [where the defendant has entered a plea of nolo contendere and has received a sentence of](#)
 2-9 [probation and those instances where a defendant has entered into a deferred sentence agreement](#)
 2-10 [with the attorney general.](#)
 2-11 [42-12-25.3. Immunity from liability. – No employer who disqualifies an individual](#)
 2-12 [from employment or continued employment within thirty \(30\) days of receipt of a letter](#)
 2-13 [containing disqualifying information as defined in section 42-12-25.2 or of a criminal background](#)
 2-14 [report relating to that information shall be liable for civil damages or subject to any claim, cause](#)
 2-15 [of action, or proceeding of any nature as a result of the disqualification.](#)
 2-16 SECTION 2. This act shall take effect upon passage.

MOTION: TO find Harmful 10 H 7950 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF HUMAN SERVICES RB/BI passed, Nay: LG ,EG, SB Abstain: TT, LD, JDaR

Special Education

10 H 7897 AN ACT RELATING TO EDUCATION, Rep. Carter, House Finance Committee
 This act would require that educational mandates be fully funded or else unenforceable, and would also allow the board of regents for elementary and secondary education to grant variances to title 16. This act would take effect upon passage.
Reviewer's Comments: Some mandates that could affect children with disabilities could be important, regardless of funding availability. I don't know about title 16, Liberty Goodwin
Reviewer's Recommendation: harmful
Reviewer's Comments: Mandate some towns even if not fully funded. Msgr. Sabourin
Reviewer's Recommendation: harmful

1-1 SECTION 1. Title 16 of the General Laws entitled "Education" is hereby amended by
 1-2 adding thereto the following chapter:
 1-3 **CHAPTER 91**
 1-4 **RELATING TO EDUCATION**
 1-5 **16-91-1. Mandate defined.** – [For the purpose of this chapter, "an educational mandate"](#)
 1-6 [shall mean any requirement or dictate enacted by the general assembly or promulgated by a](#)
 1-7 [regulator of a state agency addressed to any school district.](#)
 1-8 **16-91-2. Future mandates.** – [\(a\) No educational mandate shall be enacted or](#)
 1-9 [promulgated after the effective date of this chapter, unless the body enacting or promulgating the](#)
 1-10 [same shall first, after public hearing, determine the cost of the proposed mandate to each of the](#)
 1-11 [school districts of the state. No rule, regulation or policy adopted by state departments, agencies](#)
 1-12 [or quasi-state departments or agencies which require any new expenditure of money or increased](#)
 1-13 [expenditure of money by a city or town shall take effect unless full and adequate funding, as](#)
 1-14 [determined by public hearing, is included as a portion of the language of the mandate document.](#)
 1-15 [\(b\) The lack of full and adequate funding as a provision of an educational mandate shall](#)
 1-16 [be an absolute defense against any legal action filed by any party for the purpose of enforcing the](#)
 1-17 [provisions of the mandate.](#)
 1-18 [The lack of full and adequate funding as a provision of an educational mandate shall be](#)
 1-19 [an absolute defense against any legal action filed by any party for the purpose of enforcing the](#)
 2-1 [provisions of the mandate.](#)
 2-2 **16-91-3. Applicability of other provisions of title 16.** – [The following provisions of this](#)
 2-3 [title shall be binding on public schools and may not be waived by the board of regents for](#)
 2-4 [elementary and secondary education:](#)
 2-5 [\(1\) Section 16-2-2 \(minimum length of school year\);](#)
 2-6 [\(2\) Section 15-2-17 \(right to a safe school\);](#)
 2-7 [\(3\)Section 16-8-10 \(federal funds for school lunch\);](#)
 2-8 [\(4\) Section 16-11-1 \(certification of public school teachers\);](#)
 2-9 [\(5\) Section 16-12-3 \(duty to cultivate principles of morality\);](#)
 2-10 [\(6\) Section 16-12-10 \(immunity for report of suspected substance abuse\);](#)
 2-11 [\(7\) Chapter 13 \(teachers tenure\) \(with the exception of mayoral academies\);](#)
 2-12 [\(8\) Chapter 16 \(teachers' retirement\) \(with the exception of mayoral academies\);](#)
 2-13 [\(9\) Section 16-19-1 \(compulsory attendance\);](#)
 2-14 [\(10\) Sections 16-20-1 \(school holidays enumerated\);](#)
 2-15 [\(11\) Sections 16-21-3 and 16-21-4 \(fire safety\);](#)
 2-16 [\(12\) Sections 16-21-14, and 16-21-16 \(health screenings\);](#)
 2-17 [\(13\) Sections 16-22-9 \(uniform testing\);](#)
 2-18 [\(14\) Section 16-24-2 \(regulations of state board\);](#)
 2-19 [\(15\)Section 16-38-1 \(discrimination because of race or age\);](#)
 2-20 [\(16\) Section 16-38-1.1 \(discrimination because of sex\);](#)
 2-21 [\(17\) Section 16-38-2 \(immunizations\);](#)
 2-22 [\(18\) Section 16-38-4 \(exclusive club\);](#)
 2-23 [\(19\) Section 16-38-6 \(commercial activities prohibited\);](#)

- 2-24 [\(20\) Section 16-38-9 \(misconduct of school officers\);](#)
- 2-25 [\(21\) Section 16-38-10 \(power of officials to visit schools\);](#)
- 2-26 [\(22\) Section 16-39-1 \(appeal of matters of dispute to commissioner\);](#)
- 2-27 [\(23\) Section 16-39-2 \(appeal of school committee actions to commissioner\);](#)
- 2-28 [\(24\) Section 16-39-3 \(appeal to state board\);](#)
- 2-29 [\(25\) Section 16-39-3.1 \(enforcement of final decision\);](#)
- 2-30 [\(26\) Section 16-39-3.2 \(interim protective orders\);](#)
- 2-31 SECTION 2. This act shall take effect upon passage.

MOTION: To find harmful **10 H 7897 AN ACT RELATING TO EDUCATION**
 JB/LG passed, Abstain: JL, LD

Civil Rights Bills

10 H 7931 AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

Rep. Silva, House Health, Education, & Welfare Committee

This act would require the use of environmentally preferable cleaning supplies in all elementary and secondary schools. This act would take effect upon passage.

Reviewer's Comments: The following bill is on same topic but better. Provides for use of green cleaning products at each school. Good for everyone. Jean Lawlor

Reviewer's Recommendation: no position

Reviewer's Comments: this bill does not require the use of third party certified products, nor any good standard. It depends on state agency evaluation of products that is unrealistic, unlikely to happen any time soon. Its vagueness is an encouragement to "greenwashing". We tried last year unsuccessfully to get rep. Silva to amend a similar bill. Liberty Goodwin

Reviewer's Recommendation: harmful

10 H 7949 AN ACT RELATING TO HEALTH AND SAFETY -- SCHOOLS

Rep. Palumbo

This act would address the use of cleaning products in schools which are environmentally better and better for the health of the children and adults in schools. This act would require that beginning in July 1, 2010, schools would procure only environmentally preferable cleaning products but could continue to use cleaning products bought prior to July 1, 2010 until the products are depleted over the course of a two (2) year period. For violations fines of \$500 - \$2,500 would be imposed, also information would be disseminated from the department of elementary and secondary education and department of health in cooperation with the department of environmental management. This act would take effect upon passage.

Reviewer's Comments: Provides for use of green cleaning products at each school. Good for everyone. Addresses the issue of environmental sensitivity. Jean Lawlor

Reviewer's Recommendation: beneficial

Reviewer's Comments: this is the bill which should be supported. It provides clear and strong direction on which products to use - those tested for safety and effectiveness by third party independent certifiers. It takes the burden off agency people and also includes a provision allowing accommodation of individuals that may be sensitive to certain products. Liberty Goodwin

Reviewer's Recommendation: beneficial

Key Provisions	10 H 7931	10 H 7949
Codified in Title - Chapter	16-21 Education – Green Cleaning Act of 2010	23-12 Health and Safety – Schools
Covered entities	Any school district, charter school, school for students with disabilities, other private or parochial elementary or secondary school with greater than 25 students Lines 2-5 to 2-11	Any public or independent preschool, kindergarten, elementary school, middle school or high school, including technical and occupational high schools, located in Rhode Island Lines 3-15 to 3-17
Implementation by	Issue guidelines and specifications within 180 days of enactment 90 days after guidelines are issued Lines 3-14 to 3-25	July 1, 2010 Lines 3-18 to 3-30
Phase out of existing cleaning supplies	One year after guidelines are issued	July 1, 2012 Lines 3-31 to 3-32
Penalties	none	Not less than \$500 or more than \$2,500 for each violation Lines 4-18 to 4-22

10 H 7931 AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

1-1 SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended

1-2 by adding thereto the following chapter:

1-3

CHAPTER 21.6

GREEN CLEANING ACT OF 2010

16-21.6-1. Title. – This chapter shall be known and may be cited as the "Green Cleaning Act of 2010."

16-21.6-2. Legislative findings and intent. – It is hereby found and declared as follows:

(1) Research shows a clear link between poor indoor air quality, sick students and teachers, and poor academic and occupational performance. While an effective cleaning program has been scientifically proven to protect against the spread of a variety of diseases and contaminants, some traditional cleaners contain chemicals that may have a greater impact on the environment or a vulnerable population.

(2) Cleaning and maintenance products and procedures that are more sustainable in terms of human and environmental health are increasingly being developed, are commonly available and have become cost competitive.

(3) School districts, public and private elementary and secondary schools should implement green cleaning programs which utilize environmentally preferable cleaning and maintenance products and which promote practices for sustainable cleaning, including paper and equipment procurement.

(4) There is a widespread benefit from a marketplace that encourages innovation to develop products that perform effectively while reducing their environmental impact.

16-21.6-3. Definitions. – The following words and phrases as used in this chapter, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Elementary or secondary school" means a facility used for instruction of elementary or secondary students by:

(i) Any school district;

(ii) Any charter school;

(iii) Any school for students with disabilities;

(iv) Any other private or parochial elementary or secondary school with greater than twenty-five (25) students.

(2) "Environmentally preferable cleaning and maintenance products" means those cleaning and maintenance products and equipment intended to clean surfaces within a school facility (such as, but not limited to: glass cleaners, bathroom cleaners, carpet cleaners and general surface cleaners) that perform effectively and simultaneously meet the cleaning needs of the school while minimizing adverse impacts on human health and the environment.

(3) "Environmentally preferable paper" means janitorial paper products that minimize the environmental impact resulting from their use, production transport and disposal.

(4) "Facility" means any school building or facility used for instructional purposes and the surrounding grounds or other sites used for playgrounds, athletics or other instructional purposes.

16-21.6-4. Green cleaning supply guidelines and specifications. – (a) The department of secondary and elementary education (which shall be designated the lead agency for the purposes of this chapter) shall, in consultation with the department of health, and a panel of stakeholders (to be appointed by the **director** of secondary and elementary education which shall include cleaning industry representatives, nongovernmental organization, and others) establish and amend on a biennial basis guidelines and specifications for environmentally preferable cleaning and maintenance products, equipment and paper, for use in school facilities. The department of secondary and elementary education shall provide multiple avenues by which cleaning and maintenance products, equipment and paper may be determined to be environmentally preferable under the guidelines. At a minimum, the guidelines shall include the United States Environmental Protection Agency's Design for the Environment (DfE) Program, the EcoLogo program administered by TerraChoice, Green Seal as avenues, as well as alternative means of qualification, such as: a submission of testing by an accredited third-party verifying that the product meets the criteria of one of the recognized standards and others as determined appropriate by the department of elementary and secondary education.

(b) The guidelines and specifications established under this section shall not prohibit the use of disinfectants, disinfecting cleaners, sanitizers, or any other antimicrobial product regulated by the federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. Sec. 136 et seq.), when necessary to protect public health; provided, that the use of these products is in accordance with responsible cleaning procedures requirements. The guidelines and specifications may stipulate environmentally preferable requirements preferability (including, but not limited to, the use of third-party certifications of environmental preferability) to be made in reference to such products.

(c) The guidelines and specifications established under this section shall permit the use of products outside the scope of the guidelines developed under this section, and those products otherwise excluded from the environmental standards established by any of the generally recognized third-party entities listed in the guidelines developed herein.

(d) Guidelines and specifications must be established after a review and evaluation of existing research and must be completed no later than one hundred eighty (180) days after the effective date of this act. Guidelines and specifications should include implementation practices, including inspection and evaluation. The completed guidelines and specifications must be posted on the department of elementary and secondary education website.

16-21.6-5. Use of environmentally preferable cleaning supplies. – No later than ninety (90) days after implementation of the guidelines and specifications established under section 16-21.6-4 herein, all elementary and secondary schools shall establish a sustainable cleaning policy and exclusively purchase and use environmentally preferable cleaning products, equipment and

3-23 paper pursuant to said guidelines and specifications; provided, however, that schools shall not
3-24 dispose of existing products, equipment or paper, but rather shall be permitted to deplete existing
3-25 supplies and implement the new requirements in the procurement cycle for the following year.
3-26 **16-21.6-6. Dissemination.** – (a) Within thirty (30) days of the completion of the
3-27 guidelines and specifications pursuant to section 16-21.6-4 herein, the department of secondary
3-28 and elementary education shall determine and implement a method for disseminating to each
3-29 elementary or secondary school in the state, a copy of said guidelines and specifications. The
3-30 department of elementary and secondary education shall maintain a website that promotes the use
3-31 of environmentally preferable cleaning and maintenance programs, which provides information
3-32 on how procurement officials and others can determine which cleaning products, paper and/or
3-33 equipment meet the criteria for environmental preferability, and that will include best practices
3-34 for covered schools regarding environmentally preferable cleaning and maintenance products.
4-1 Said website should contain prominent language stating that the guidelines do not apply to
4-2 products excluded under subsections 16-21.6-4(b) and (c). The department of secondary and
4-3 elementary education shall also provide on-going assistance to schools to carry out the
4-4 requirements of this chapter.
4-5 (b) In the event that the guidelines and specifications under section 16-21.6-4 herein are
4-6 updated by the department of secondary and elementary education, the department shall provide a
4-7 copy of updates to each school and shall post all updated materials on its website.
4-8 SECTION 2. This act shall take effect upon passage.

10 H 7949 AN ACT RELATING TO HEALTH AND SAFETY -- SCHOOLS

1-1 SECTION 1. Chapter 23-28.12 of the General Laws entitled "Schools" is hereby
1-2 amended by adding thereto the following section:
1-3 **23-28.12-43. Cleaning products in schools.** – (a) Findings:
1-4 (1) Institutional cleaning products can contain ingredients that have been linked to new
1-5 onset asthma, cancer, reproductive problems, developmental disorders, hormone disruption, and
1-6 asthma triggering episodes.
1-7 (2) Children are more vulnerable than adults to toxic exposures. Children have
1-8 developing organs, do not detoxify as quickly, and breathe more air per pound of body weight
1-9 than adults. They have frequent hand-to-mouth contact which can lead to the accidental ingestion
1-10 of harmful chemicals. Adverse exposure and injuries during childhood may have a lifetime
1-11 impact on health.
1-12 (3) The Federal Environmental Protection Agency estimates that human exposure to air
1-13 pollutants indoors can be two (2) to five (5) times and occasionally one hundred (100) times
1-14 higher than outdoor levels.
1-15 (4) Children, custodians, teachers, and other staff members spend a significant part of
1-16 their lives in school buildings and are exposed to chemicals from cleaning products, air fresheners
1-17 and disinfectants.
1-18 (5) Health threats caused by the presence of chemicals in institutional cleaning products
1-19 can result in increased costs to individual schools, school districts and the state in terms of staff
2-1 time and effort, cleanup costs, school closings and student and staff absenteeism.
2-2 (6) Custodial workers and teachers have high occupational asthma rates.
2-3 (7) Safer alternatives that are comparable in form, function and utility as conventional
2-4 cleaning products containing toxic constituents have been found to be effective, cost-neutral,
2-5 already in use in many schools and are readily available in the marketplace.
2-6 (8) The National Institute of Building Sciences states that "the presence of perfume,
2-7 cologne, scented cleaners, and other scented products contribute to poor indoor air quality and is
2-8 one of the major access barriers for people with asthma and multiple chemical sensitivities."
2-9 Minimizing exposure to products containing added fragrances is recommended to all Rhode
2-10 Island schools.
2-11 (9) Both public and private elementary and secondary schools throughout Rhode Island
2-12 can benefit from the receipt of information regarding the health and safety benefits associated
2-13 with the purchase and use of independently third-party certified environmentally preferable
2-14 cleaning products.
2-15 (b) Definitions:
2-16 (1) "Air freshener" means an aerosol spray, liquid deodorizer, plug-in, para-di-
2-17 chlorobenzene block or scented urinal screen or other preparation used to mask odors, excluding
2-18 charcoal based air cleaners.
2-19 (2) "Cleaning for health program" means a cleaning program that includes the use of
2-20 independently third-party certified environmentally preferable cleaning products, endorses best
2-21 management practices that improve indoor air quality and promotes the use of equipment that
2-22 enables effective cleaning.
2-23 (3) "Cleaning product" means an intuitional product intended for use for routine cleaning,
2-24 including, but not limited to, general purpose cleaners, bathroom cleaners, glass cleaners, carpet
2-25 cleaners, floor care products and hand soaps.
2-26 (4) "Commissioner" means the commissioner of the department of public health.
2-27 (5) "Disinfectant" means a product that is registered with the EPA to be used on hard
2-28 inanimate surfaces and objects to destroy or irreversibly inactivate all forms of microbial life but
2-29 not necessarily their spores.
2-30 (6) "Environmentally preferable" means products or services that have a lesser or reduced

2-31 effect on human health and the environment when compared with competing products or services
 2-32 that serve the same purpose.
 2-33 (7) "Independently third-party certified" means that cleaning products have been certified
 2-34 by an established and legitimate, nationally-recognized program developed with the purpose of
 3-1 identifying environmentally referable products. Any such certification shall:
 3-2 (i) Clearly define the fees a manufacturer must pay for certification;
 3-3 (ii) Indentify any potential conflicts of interest;
 3-4 (iii) Base certification on consideration of human health sand safety, ecological toxicity,
 3-5 other environmental impacts, and resource conversation, as appropriate, for the products and its
 3-6 packaging, on a life cycle basis;
 3-7 (iv) Develop certification standards in an open, public and transparent manner that
 3-8 involves the public and key stakeholders;
 3-9 (v) Periodically revise and update the standards to remain consistent with current research
 3-10 about the impacts of chemicals on human health;
 3-11 (vi) Monitor and enforce, have the authority to inspect the manufacturing facility, and
 3-12 have a registered/legally protected certification mark;
 3-13 (vii) Make the standards easily accessible to purchasers and manufacturers (e.g. available
 3-14 for download on the program's website).
 3-15 (8) "School" means any public or independent preschool, kindergarten, elementary
 3-16 school, middle school or high school, including technical and occupational high schools, located
 3-17 in Rhode Island.
 3-18 (c) Environmentally preferable cleaning products:
 3-19 (1) Beginning July 1, 2010, and reflected in the rules and regulations for school health
 3-20 programs, public and private school authorities, instrumentalities with purchasing responsibility
 3-21 and private contractors hired to perform cleaning services shall:
 3-22 (i) Procure only cleaning products that independently third-party certified as
 3-23 environmentally preferable and procure only environmentally preferable disinfectants when such
 3-24 disinfectants become readily available.
 3-25 (ii) Where no independent third-party certification standard exists for a product, a school
 3-26 stakeholder committee shall review requests and choose the most effective environmentally
 3-27 preferable product available.
 3-28 (2) Beginning July 1, 2010, public and private school authorities and instrumentalities
 3-29 with purchasing responsibility and private contractors hired to perform cleaning procedures shall
 3-30 not procure room deodorizers/air fresheners and toilet deodorizers.
 3-31 (3) Public and private schools may continue to use cleaning products bought prior to July
 3-32 1, 2010 until such products are depleted within a two (2) year period.
 3-33 (4) Public and private schools shall adopt and enforce a policy that prohibits any school
 3-34 personnel from accepting distributed or donated cleaning products that are not independently
 4-1 third-party certified.
 4-2 (5) An individual in a regulated building who experiences adverse health effects from
 4-3 allergic or hypersensitivity reactions due to exposure to a cleaning product may request that the
 4-4 facility utilize an alternative product.
 4-5 (d) Outreach and education:
 4-6 (1) The department of elementary and secondary education and the department of health,
 4-7 in cooperation with the department of environmental management, shall disseminate information
 4-8 to provide guidance on independently third-party certified environmentally preferable products,
 4-9 accompanying procedures and equipment to all Rhode Island schools in connection with the
 4-10 implementation of this section. This could include:
 4-11 (i) Offering links to resources in other state on one or more Rhode Island agency
 4-12 websites;
 4-13 (ii) Facilitating sharing by Rhode Island facilities personnel of their experiences with
 4-14 successful and cost-effective products.
 4-15 (iii) Policies to encourage facilities workers to participate in training on the use of green
 4-16 products and practices.
 4-17 (e) Violations:
 4-18 Any representative for a distributor, wholesale or retail, or manufacturer of cleaning
 4-19 products who sells or distributes a cleaning product in violation of this section shall be punished
 4-20 by a fine of not less than five hundred dollars (\$500) and not more than twenty-five hundred
 4-21 dollars (\$2,500) for each violation. The department of health may seize any cleaning product
 4-22 found at a school in violation of this section.
 4-23 SECTION 2. This act shall take effect upon passage.

MOTIONS: To find harmful 10 H 7931 AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS LG/BI passed, Nay: JL, SB Abstain: LD To find beneficial if amended (required change4-3 change “may” to “shall” 10 H 7949 AN ACT RELATING TO HEALTH AND SAFETY – SCHOOLS LG/TF, passed, Nay: TT, Abstained: LD

10 H 7953 AN ACT RELATING TO ELECTIONS -- MAIL BALLOTS

Rep. San Bento, By Request, House Judiciary Committee

This act would make significant changes to voters' eligibility to vote by mail ballots. It would

change the process for application for mail ballots, the requirements for their execution and in the emergency mail ballot process. This act would take effect upon passage.

Reviewer's Comments: This bill appears to make it easier to vote by mail ballot or emergency ballot. Jean Lawlor

Reviewer's Recommendation: beneficial

Reviewer's Comments: Allows easier access to voting. Would appear to be a good thing. Linda Ward

Reviewer's Recommendation: beneficial

10 S 2707 AN ACT RELATING TO ELECTIONS - MAIL BALLOTS

Sen. Lynch, Senate Judiciary Committee

This act would make several revisions to the mail balloting election statutes including a permanent absentee voting option, removal of witness/notary requirements and shortening of certain deadlines. This act would take effect upon passage.

Reviewer's Comments: This is a very similar but more strongly worded version of H7953, above.

7953 and 2707 both make it easier for people with disabilities and the general public to vote by mail in ballot. The Senate bill uses stronger language. To shorten the list of bills on the agenda can we drop 7953 from the bills reviewed and just say there's a similar measure in the House? Jean Lawlor

Reviewer's Recommendation: beneficial

This act would make several revisions to the mail balloting election statutes including a permanent absentee voting option, removal of witness/notary requirements and shortening of certain deadlines. This act would take effect upon passage.

Reviewer's Comments: would appear to be a good thing. Linda Ward

Reviewer's Recommendation: beneficial

Key Provisions	10 H 7953	10 S 2707
Eligibility for mail ballots	Any registered voter who is: 1. incapacitated because of illness, or mental or physical disability 2. confined in any convalescent home, nursing home rest home, or similar institution 3. temporarily absent from the state because of employment, military service or a spouse or legal dependent or 4. not be able to vote at the polling place during the entire period of time the polls are open <u>Line 1-4 to 2-10 {17-20-2. Eligibility for mail ballots}</u>	Any registered voter. <u>Line 1 -16 {17-20-1. Voting by mail ballot} to line 2-28 {17-20-2. Eligibility for mail ballots}</u>
Application for mail ballots	Available at local boards of canvassers <u>Lines 2-11 to 5-5 {17-20-2.1. Requirements for validity of mail ballots}</u>	Available at local boards of canvassers, government offices, voter registration locations. <u>Lines 2-29 to 5-21 {17-20-2.1. Requirements for validity of mail ballots}</u>
Deadline for application	Received by 4 PM on the 21 st day before the day of election <u>Lines 2-19 to 2-21</u>	Delivered by 4 PM on the 7 th day before the day of election <u>Lines 3-6 to 3-10</u>
Automatic Mail Ballot	Voter indefinitely confined because of physical illness or infirmity or disabled for an indefinite period <u>Lines 11-21 to 12-7 {17-20-9. Application by permanently disabled or incapacitated voters}</u>	Voter requests mail ballot be automatically be sent for every election <u>Lines 11-21 to 12-7 {17-20-9. Application by permanently disabled or incapacitated voters}</u>

10 H 7953 AN ACT RELATING TO ELECTIONS -- MAIL BALLOTS

1-1 SECTION 1. Sections 17-20-2, 17-20-2.1, 17-20-2.2, 17-20-10, 17-20-10.2, 17-20-13,
1-2 17-20-13.1, 17-20-21 and 17-20-23 of the General Laws in Chapter 17-20 entitled "Mail Ballots"
1-3 are hereby amended to read as follows:

1-4 **17-20-2. Eligibility for mail ballots.** -- Any otherwise qualified elector may vote by mail
1-5 ballot in the following circumstances:

1-6 (1) ~~An elector who will be absent from the state on the day of election during the entire~~
1-7 ~~period of time when the polls are to be open;~~

1-8 ~~(2) An elector who will be absent from the city or town of his or her voting residence on~~
1-9 ~~the day of election during the entire period of time when the polls are to be open due to the~~

1-10 elector's status as a student or the spouse of a student at an institution of higher learning located
1-11 within this state;

1-12 ~~(3) (1)~~ An elector who is incapacitated to the extent that it would be an undue hardship to
1-13 vote at the polls because of illness, or mental or physical disability, blindness, or serious
1-14 impairment of mobility;

1-15 ~~(4)~~ An elector who is forbidden by the tenets of his or her religious faith from engaging
1-16 in secular activity, including voting, on the day of election;

1-17 ~~(5) (2)~~ An elector who is confined in any hospital, convalescent home, nursing home,
1-18 rest home, or similar institution, public or private within the State of Rhode Island;

1-19 ~~(6)~~ An elector who is being detained while awaiting trial or is being imprisoned for any
2-1 cause, other than final conviction of a felony, and by reason of that detention or imprisonment is
2-2 unable to vote at the polls;

2-3 ~~(7) (3)~~ An elector who will be temporarily absent from the state because of employment
2-4 or service intimately connected with military operations or who is a spouse or legal dependent
2-5 residing with that person;

2-6 ~~(4)~~ An elector who may not be able to vote at the polling place in their city/town on the
2-7 day of the election during the entire period of time the polls are open.

2-8 ~~(8)~~ An elector who is employed by the state board of elections, elections division of the
2-9 secretary of state, a member of the staff of a local canvassing authority, or a poll worker assigned
2-10 to work on Election Day outside of their voting district.

2-11 **17-20-2.1. Requirements for validity of mail ballots.** -- (a) Any legally qualified elector
2-12 of this state whose name appears upon the official voting list of the city, town, or district of the
2-13 city or town where the elector is qualified, and who desires to avail himself or herself of the right
2-14 granted to him or her by the Constitution and declared in this chapter, may obtain from the local
2-15 board in the city or town an affidavit form prepared by the secretary of state as prescribed in this
2-16 section, setting forth the elector's application for a mail ballot.

2-17 (b) Whenever any person is unable to sign his or her name because of physical
2-18 incapacity or otherwise, that person shall make his or her mark "X".

2-19 (c) The application, when duly executed, shall be delivered in person or by mail so that it
2-20 is received by the local board not later than four o'clock (4:00) p.m. on the twenty-first (21st) day
2-21 before the day of any election referred to in section 17-20-1.

2-22 (d) In addition to those requirements set forth elsewhere in this chapter, a mail ballot, in
2-23 order to be valid, must have been cast in conformance with the following procedures:

2-24 ~~(1)~~ All applications for mail ballots pursuant to section 17-20-2(1) must state under oath
2-25 that the elector will be absent from the state on the day of election during the entire period of time
2-26 the polls are to be open. All applications for mail ballot made pursuant to said subdivision must
2-27 be notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.
2-28 All mail ballots issued pursuant to section 17-20-2(1) shall be mailed to the elector at an address
2-29 outside the state of Rhode Island to be provided by the elector on the application or sent to the
2-30 board of canvassers in the city or town where the elector maintains his or her voting residence. In
2-31 order to be valid, all ballots mailed to the elector outside of the state must be voted outside of the
2-32 state of Rhode Island and the signature of the elector notarized by a person authorized by law to
2-33 administer oaths in the state or country where signed or where the elector voted, or before two (2)
2-34 witnesses who shall set forth their addresses on the form, and must be mailed from outside of the
3-1 state of Rhode Island. In order to be valid, all ballots sent to the elector at the board of canvassers
3-2 must be voted in private at the board and the signature of the elector witnessed by a pair of
3-3 supervisors, appointed in conformance with this chapter, who shall return the completed ballot to
3-4 the board of elections for certification. Provided, however, that any elector qualifying under
3-5 section 17-20-2(1) or 17-20-2(7) who is outside the continental United States, shall additionally
3-6 be entitled to apply for a mail ballot and to vote such ballot through facsimile, upon request made
3-7 to the secretary of state in writing containing the elector's facsimile number, and the application
3-8 to be used shall be that prescribed by section 17-20-13. The secretary of state shall establish
3-9 procedures to protect the anonymity of any votes submitted by facsimile in the same manner as
3-10 ballots submitted through the mail.

3-11 ~~(2)~~ All applications for mail ballots pursuant to section 17-20-2(2) must state, under
3-12 oath, the institution of higher learning at which the elector or spouse of the elector is a student.
3-13 All applications for mail ballot made pursuant to said subdivision must be notarized or witnessed
3-14 by two (2) persons who shall sign their names and affix their addresses. All mail ballots issued
3-15 pursuant to said subdivision shall be sent to the elector at the address of the institution of higher
3-16 learning provided by the elector on the application or to the elector at his or her voting residence.
3-17 The signature of the elector on ballots being sent to the elector at their institution of higher
3-18 learning must be notarized or witnessed by two (2) persons who shall sign their names and affix
3-19 their addresses.

3-20 ~~(3) (1)~~ All applications for mail ballots pursuant to section 17-20-2(3) subdivision 17-20-
3-21 2(1) must be notarized or witnessed by two (2) persons who shall sign their names and affix their
3-22 addresses. All mail ballots issued pursuant to said subdivision shall be mailed to the elector at his
3-23 or her voting residence. The signature of the elector on ballots being sent to the elector pursuant
3-24 to this subdivision does not need to be notarized or witnessed.

3-25 ~~(4)~~ All applications for mail ballots pursuant to section 17-20-2(4) must be notarized or
3-26 witnessed by two (2) persons who shall sign their names and affix their addresses. All mail
3-27 ballots issued pursuant to said subdivision shall be sent to the elector at his or her voting
3-28 residence. The signature of the elector on the ballots being sent to the elector must be notarized or

3-29 ~~witnessed by two (2) persons who shall sign their names and affix their addresses.~~
3-30 (5) ~~(2)~~ All applications for mail ballots pursuant to ~~section 17-20-2(5)~~ subdivision 17-20-
3-31 2(2) must state under oath the name and location of the ~~hospital~~, convalescent home, nursing
3-32 home, or similar institution where the elector is confined. All applications for mail ballots
3-33 pursuant to said subdivision must be notarized or witnessed by two (2) persons who shall sign
3-34 their names and affix their addresses. All mail ballots issued pursuant to said subdivision shall be
4-1 delivered to the elector at the **hospital**, convalescent home, nursing home, or similar institution
4-2 where the elector is confined; and the ballots shall be voted and witnessed in conformance with
4-3 the provisions of section 17-20-14.
4-4 ~~(6) All applications for mail ballots pursuant to section 17-20-2(6) must be notarized or~~
4-5 ~~witnessed by two (2) persons who shall sign their names and affix their addresses. All mail~~
4-6 ~~ballots issued pursuant to said subdivision shall be mailed to the elector at the elector's place of~~
4-7 ~~confinement. The signature of the elector on ballots being sent to the elector must be notarized or~~
4-8 ~~witnessed by two (2) persons who shall sign their names and affix their addresses.~~
4-9 (7) ~~(3)~~ All applications for mail ballots made pursuant to ~~section 17-20-2(7)~~ subdivision
4-10 17-20-2(3) do not need to be witnessed or notarized. All mail ballots issued pursuant to said
4-11 subdivision shall be mailed to the elector at an address outside the state of Rhode Island to be
4-12 provided by the elector on the application, or sent to the board of canvassers in the city or town
4-13 where the elector maintains his or her voting residence. The signature of the elector on ballots
4-14 being sent to the elector pursuant to this subdivision does not need to be notarized or witnessed.
4-15 (8) ~~All applications for mail ballots pursuant to section 17-20-2(8) must be notarized or~~
4-16 ~~witnessed by two (2) persons who shall sign their names and affix their addresses. All mail~~
4-17 ~~ballots issued pursuant to said subdivision to an elector who is employed by the state board of~~
4-18 ~~elections shall be mailed or delivered to the elector at the state board of elections. All mail ballots~~
4-19 ~~issued pursuant to said subdivision to a member of the staff of the elections division of the office~~
4-20 ~~of the secretary of state shall be mailed or delivered to the elector at the state board of elections.~~
4-21 ~~All mail ballots issued pursuant to said subdivision to a member of the staff of a local canvassing~~
4-22 ~~authority shall be mailed or delivered to the elector at his or her local board of canvassers. All~~
4-23 ~~mail ballots issued pursuant to said subdivision to a poll worker assigned to work election day~~
4-24 ~~outside of their voting district shall be mailed or delivered to the elector at his or her local board~~
4-25 ~~of canvassers. All ballots being sent to the elector pursuant to this subdivision must be voted in~~
4-26 ~~private at the state board or the local board, as the case may be, and the signature of the elector~~
4-27 ~~witnessed by a pair of supervisors, appointed in conformance with this chapter.~~
4-28 (4) All applications for mail ballots pursuant to subdivision 17-20-2(4) must state under
4-29 oath that the elector may be unable to vote at the polling place in their city/town during the entire
4-30 period of time the polls are to be open. All applications for mail ballots made pursuant to said
4-31 subdivision must be notarized or witnessed by two (2) persons who shall sign their names and
4-32 affix their addresses. Mail ballots issued pursuant to subdivision 17-20-2(4) may be mailed to the
4-33 elector at the address provided by the elector on the application or sent to the board of canvassers
4-34 in the city or town where the elector maintains his or her voting residence. In order to be valid,
5-1 all ballots must have the signature of the elector notarized by a person authorized by law to
5-2 administer oaths where signed or where the elector voted, or before two (2) witnesses who shall
5-3 set forth their addresses on the form. In order to be valid, all ballots sent to the elector at the
5-4 board of canvassers must be voted in private at the board and the signature of the elector
5-5 witnessed by notary public or a pair of supervisors, appointed in conformance with this chapter,
5-6 who shall return the completed ballot to the board of elections for certification. Provided,
5-7 however, that any elector qualifying under subdivision 17-20-2(3) or 17-20-2(4) who is outside
5-8 the continental United States, shall additionally be entitled to apply for a mail ballot and to vote
5-9 such ballot through facsimile, upon request made to the secretary of state in writing containing
5-10 the elector's facsimile number, and the application to be used shall be that prescribed by section
5-11 17-20-13. The secretary of state shall establish procedures to protect the anonymity of any votes
5-12 submitted by facsimile in the same manner as ballots submitted through the mail.
5-13 (e) Any person knowingly and willfully making a false application or certification, or
5-14 knowingly and willfully aiding and abetting in the making of a false application or certification,
5-15 shall be guilty of a felony and shall be subject to the penalties provided for in section 17-26-1.
5-16 **17-20-2.2. Requirements for validity of emergency mail ballots. --** (a) Any legally
5-17 qualified elector of this state whose name appears upon the official voting list of the town or
5-18 district of the city or town where the elector is so qualified, who on account of circumstances
5-19 manifested twenty (20) days or less prior to any election becomes eligible to vote by mail ballot
5-20 according to this chapter, may obtain from the local board an application for an emergency mail
5-21 ballot.
5-22 (b) The emergency mail ballot application, when duly executed, shall be delivered in
5-23 person or by mail so that it shall be received by the local board not later than four o'clock (4:00)
5-24 p.m. on the last day preceding the date of the election.
5-25 (c) The elector shall execute the emergency mail ballot application in accordance with
5-26 the requirements of this chapter, which application shall contain a certificate setting forth the
5-27 facts relating to the circumstances necessitating the application.
5-28 (d) In addition to those requirements set forth elsewhere in this chapter, an emergency
5-29 mail ballot, in order to be valid, must have been cast in conformance with the following
5-30 procedures:
5-31 ~~(1) All applications for emergency mail ballots pursuant to section 17-20-2(1) must be~~
5-32 ~~notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.~~

5-33 All mail ballots issued pursuant to section 17-20-2(1) shall be cast at the board of canvassers in
5-34 the city or town where the elector maintains his or her voting residence or mailed by the office of
6-1 the secretary of state to the elector at an address outside the state of Rhode Island to be provided
6-2 by the elector on the application. In order to be valid, all ballots mailed to the elector out of state
6-3 must be voted outside the state of Rhode Island and the signature of the elector notarized by a
6-4 person authorized by law to administer oaths in the state or country where signed or where the
6-5 elector voted, or before two (2) witnesses who shall set forth their addresses on the form, and
6-6 must be mailed from outside the state of Rhode Island. In order to be valid, all ballots cast by the
6-7 elector at the board of canvassers must be voted in private at the board and the signature of the
6-8 elector witnessed by a pair of supervisors, appointed in conformance with this chapter, who shall
6-9 return the completed ballot to the board of elections for certification.

6-10 ~~(2) All applications for emergency mail ballots pursuant to section 17-20-2(2) must state~~
6-11 ~~under oath the institution of higher learning at which the elector or spouse of the elector is a~~
6-12 ~~student. All applications for mail ballot made pursuant to this subdivision must be notarized or~~
6-13 ~~witnessed by two (2) persons who shall sign their names and affix their addresses. All mail~~
6-14 ~~ballots issued pursuant to this subdivision shall be cast at the board of canvassers in the city or~~
6-15 ~~town where the elector maintains his or her voting residence, or mailed by the office of the~~
6-16 ~~secretary of state to the elector at the address of the institution of higher learning provided by the~~
6-17 ~~elector on the application. Ballots being cast at the local board of canvassers must be voted in~~
6-18 ~~private and the signature of the elector witnessed by a pair of supervisors, appointed in~~
6-19 ~~conformance with this chapter, who shall return the completed ballot to the board of elections for~~
6-20 ~~certification. The signature of the elector on ballots being sent to the elector at their institution of~~
6-21 ~~higher learning must be notarized or witnessed by two (2) persons who shall sign their names and~~
6-22 ~~affix their addresses.~~

6-23 ~~(3) (1) All applications for emergency mail ballots pursuant to section 17-20-2(3)~~
6-24 ~~subdivision 17-20-2(1) must be notarized or witnessed by two (2) persons who shall sign their~~
6-25 ~~names and affix their addresses, and must be accompanied by a certificate from a licensed~~
6-26 ~~physician or a Christian Science practitioner setting forth the location of his or her medical~~
6-27 ~~offices or the Christian Science practitioner's office, the date when that physician last examined~~
6-28 ~~the elector, or in the case of a Christian Science practitioner, when the practitioner last treated the~~
6-29 ~~elector, and attesting that the illness, disability, blindness or serious impairment of mobility did~~
6-30 ~~not manifest itself until twenty (20) days or less prior to the date of the election and as a result it~~
6-31 ~~would be an undue hardship for the elector to vote at the polls based upon a physical examination~~
6-32 ~~performed by that physician or an observation by that Christian Science practitioner. The state~~
6-33 ~~board of elections shall prepare forms for physicians and practitioners to use in making the~~
6-34 ~~certification required in this subdivision and shall distribute the forms prior to each general~~
7-1 ~~election to those physicians licensed to practice medicine in this state and, upon request, to any~~
7-2 ~~other persons and at any other times as necessary. The forms shall also be made available at each~~
7-3 ~~board of canvassers. It shall not be required that a physician or practitioner use the form in~~
7-4 ~~certifying the illness, disability, blindness or serious impairment of mobility of a voter as long as~~
7-5 ~~the certification provided contains all of the required information. Any physician knowingly and~~
7-6 ~~willfully making a false certification, and any person knowingly and willfully aiding and abetting~~
7-7 ~~in the making of a false certification, shall be guilty of a felony. All mail ballots issued pursuant~~
7-8 ~~to section 17-20-2(3) subdivision 17-20-2(1) shall be mailed to the elector at his or her voting~~
7-9 ~~residence by the office of the secretary of state, or delivered by the local board to a person~~
7-10 ~~presenting written authorization from the elector to receive the ballots, or cast in private at the~~
7-11 ~~local board of canvassers. The signature of the elector on ballots being cast pursuant to this~~
7-12 ~~subdivision does not need to be notarized or witnessed.~~

7-13 ~~(4) All applications for emergency mail ballots pursuant to section 17-20-2(4) must be~~
7-14 ~~notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.~~
7-15 ~~All mail ballots issued pursuant to this subdivision shall be mailed to the elector at his or her~~
7-16 ~~voting residence by the office of the secretary of state, or cast by the elector at the board of~~
7-17 ~~canvassers in the city or town where he or she resides. Ballots being cast at the local board of~~
7-18 ~~canvassers must be voted in private at the board and the signature of the elector witnessed by a~~
7-19 ~~pair of supervisors, appointed in conformance with this chapter, who shall return the completed~~
7-20 ~~ballot to the board of elections for certification. The signature of the elector on ballots being sent~~
7-21 ~~to the elector at his or her voting residence must be notarized or witnessed by two (2) persons~~
7-22 ~~who shall sign their names and affix their signatures.~~

7-23 ~~(5) (2) All applications for emergency mail ballots pursuant to section 17-20-2(5)~~
7-24 ~~subdivision 17-20-2(2) must state under oath the name and location of the hospital, convalescent~~
7-25 ~~home, nursing home, or similar institution where the elector is confined within the State of Rhode~~
7-26 ~~Island. All applications for mail ballots pursuant to this subdivision must be notarized or~~
7-27 ~~witnessed by two (2) persons who shall sign their names and affix their addresses. All mail~~
7-28 ~~ballots issued pursuant to this subdivision shall be delivered to the elector by the bi-partisan pair~~
7-29 ~~of supervisors, appointed in conformance with this chapter, and shall be voted and witnessed in~~
7-30 ~~conformance with the provisions of section 17-20-14.~~

7-31 ~~(6) All applications for emergency mail ballots pursuant to section 17-20-2(6) must be~~
7-32 ~~notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.~~
7-33 ~~All mail ballots issued pursuant to this subdivision shall be mailed by the office of the secretary~~
7-34 ~~of state to the elector at the elector's place of confinement, or delivered to a person presenting~~
8-1 ~~written authorization from the elector to receive the ballot. The signature of the elector on ballots~~
8-2 ~~being sent to the elector must be notarized or witnessed by two (2) persons who shall sign their~~

8-3 ~~names and affix their addresses.~~

8-4 (7) (3) All applications for emergency mail ballots made pursuant to ~~section 17-20-2(7)~~
8-5 subdivision 17-20-2(3) do not need to be witnessed or notarized. All mail ballots issued pursuant
8-6 to this subdivision shall be mailed by the office of the secretary of state to the elector at an
8-7 address outside the state of Rhode Island to be provided by the elector on the application, or cast
8-8 at the board of canvassers in the city or town where the elector maintains his or her voting
8-9 residence. The signature of the elector on ballots being sent to the elector pursuant to this
8-10 subdivision does not need to be notarized or witnessed.

8-11 ~~(8) All applications for emergency mail ballots pursuant to section 17-20-2(8) must be~~
8-12 ~~notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.~~
8-13 ~~All mail ballots issued pursuant to this subdivision to an elector who is employed by the state~~
8-14 ~~board of elections shall be mailed or delivered by the office of the secretary of state to the elector~~
8-15 ~~at the state board of elections. All mail ballots issued pursuant to this subdivision to a member of~~
8-16 ~~the staff of the elections division of the office of the secretary of state shall be mailed or delivered~~
8-17 ~~to the elector at the state board of elections. All mail ballots issued pursuant to this subdivision to~~
8-18 ~~a member of the staff of a local canvassing authority shall be cast by the elector at his or her local~~
8-19 ~~board of canvassers. All mail ballots issued pursuant to this subdivision to a poll worker assigned~~
8-20 ~~to work election day outside of their voting district shall be cast by the elector at his or her local~~
8-21 ~~board of canvassers. All ballots being sent to the elector pursuant to this subdivision must be~~
8-22 ~~voted in private at the state board or the local board, as the case may be, and the signature of the~~
8-23 ~~elector witnessed by a pair of supervisors, appointed in conformance with this chapter.~~

8-24 (4) All applications for emergency mail ballots pursuant to subdivision 17-20-2(4) must
8-25 be notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.
8-26 All bail ballots issued pursuant to subdivision 17-20-2(4) shall be cast at the board of canvassers
8-27 in the city or town where the elector maintains his or her voting residence or mailed by the office
8-28 of the secretary of state to the elector at the address provided by the elector on the application. In
8-29 order to be valid, all ballots mailed to the elector must have the signature of the elector notarized
8-30 by a person authorized by law to administer oaths where signed or where the elector voted, or
8-31 before two (2) witnesses who shall set forth addresses on the form. In order to be valid, all
8-32 ballots cast by the elector at the board of canvassers must be voted in private at the board and the
8-33 signature of the elector notarized or witnessed by a pair of supervisors, appointed in conformance
8-34 with this chapter, who shall return the completed ballot to the board of elections for certification.

9-1 (e) The secretary of state shall provide each of the several boards of canvassers with a
9-2 sufficient number of mail ballots for their voting districts so that the local boards may provide the
9-3 appropriate ballot or ballots to the applicants. It shall be the duty of each board of canvassers to
9-4 process each emergency ballot application in accordance with this chapter, and it shall be the duty
9-5 of each board to return to the secretary of state any ballots not issued immediately after each
9-6 election.

9-7 (f) Any person knowingly and willfully making a false application or certification, or
9-8 knowingly and willfully aiding and abetting in the making of a false application or certification,
9-9 shall be guilty of a felony and shall be subject to the penalties provided for in section 17-26-1.

9-10 **17-20-10. Certification of applications -- Issuance of ballots -- Marking of lists --**
9-11 **Mailing address.** -- (a) Upon receipt of the application, the local board shall immediately
9-12 examine it and determine whether it complies with each of the requirements set forth by this
9-13 chapter and compare the signature on the ballot application with the signature contained on the
9-14 original registration card, except as may be otherwise provided by law, to satisfy itself that the
9-15 applicant is a qualified voter. Upon determining that it does meet each requirement of this chapter
9-16 and that the signature appears to be the same, the local board shall mark the application
9-17 "accepted" and record in the space provided on the ballot application the senatorial,
9-18 representative, and voting district in which the applicant should vote.

9-19 (b) The local board shall also record the city or town code and district information in the
9-20 mailing label section of the mail ballot application. The local board shall also print or type the
9-21 name of the elector and the complete mailing address in that section. If the local board does not
9-22 accept the application, the local board shall return the application to the elector, together with a
9-23 form prescribed by the secretary of state, specifying the reason or reasons for the return of the
9-24 application.

9-25 (c) Not later than 4:00 p.m. on the eighteenth (18th) day before the day of any election
9-26 referred to in this chapter or within seven (7) days of receipt by the local board, whichever occurs
9-27 first, the local board shall certify the applications to the secretary of state through the CVRS
9-28 system as this procedure is prescribed by the secretary of state. Upon the certification of a mail
9-29 ballot application to the secretary of state, the local board shall enter on the voting list the fact
9-30 that a mail ballot application for the voter has been certified and shall cause the delivery of the
9-31 certified mail ballot applications together with the signed certified listing thereof in sealed
9-32 packages to the state board of elections.

9-33 (d) (1) Upon the ballots becoming available, the secretary of state shall immediately,
9-34 issue and mail, by first class mail, postage prepaid, a mail ballot to each eligible voter who has
10-1 been certified. With respect to voters who have applied for these mail ballots under the provisions
10-2 of ~~section 17-20-2(3)~~ subdivision 17-20-2(1), the secretary of state shall include with the mail
10-3 ballots a stamped return envelope addressed: "Board of Elections, 50 Branch Avenue,
10-4 Providence, Rhode Island 02904-2790".

10-5 (2) The secretary of state shall include on the mail ballot envelope a numerical or
10-6 alphabetical code designating the city or town where the voter resides. The secretary of state shall

10-7 immediately thereafter indicate on the voter's record that the secretary of state has sent mail
10-8 ballots provided, that this mark shall serve solely to indicate that a mail ballot has been issued and
10-9 shall not be construed as voting in the election.

10-10 (e) Prior to each election, the secretary of state shall also furnish to the chairperson of the
10-11 state committee of each political party a list of the names and residence addresses of all persons
10-12 to whom mail ballots have been issued. The secretary of state shall also furnish to a candidate for
10-13 political office upon request a list of the names and residence addresses of all persons to whom
10-14 mail ballots have been issued within his or her district.

10-15 (f) [Deleted by P.L. 2005, ch. 167, section 2.]

10-16 (g) If a ballot is returned to the secretary of state by the postal service as undeliverable,
10-17 the secretary of state shall consult with the appropriate local board to determine the accuracy of
10-18 the mailing address, and the secretary of state shall be required to remail the ballot to the voter
10-19 using the corrected address provided by the local board. If the local board is unable to provide a
10-20 different address than that to which the ballot was originally mailed, the ballot shall be reissued
10-21 by the secretary of state to the board of canvassers in the city or town where the voter resides
10-22 utilizing the numerical or alphabetical code established in subsection (d) of this section. The
10-23 board shall then attempt to notify the voter at his or her place of residence that the ballot has been
10-24 returned as undeliverable. The ballot must be voted and witnessed in accordance with the
10-25 provisions of this chapter.

10-26 (h) The acceptance of a mail ballot application by the board of canvassers and the
10-27 issuance of a mail ballot by the secretary of state shall not create any presumption as to the
10-28 accuracy of the information provided by the applicant or as to the applicant's compliance with the
10-29 provisions of this chapter. Any inaccuracy in the provided information or irregularity in the
10-30 application may be raised as a challenge to the ballot before the board of elections at the time of
10-31 certification. If the challenge raised at that time is meritorious, the ballot shall be voided.

10-32 ~~(i) Upon the request of any candidate for public office and upon a showing of good cause~~
10-33 ~~or upon its own motion, the board of elections shall make inquiry into the legitimacy of the~~
10-34 ~~certifications issued pursuant to section 17-20-2.2(3) by any physician or practitioner who issues~~
11-1 ~~more than fifty (50) certifications in any one election or by any physician or practitioner who the~~
11-2 ~~board has reason to believe has made a false certification. The inquiry shall include a~~
11-3 ~~determination as to whether the physician or practitioner conducted an examination of the~~
11-4 ~~electors he or she certified as ill or disabled to determine whether it would be an undue hardship~~
11-5 ~~on them to go to the polls. The provisions of chapter 37.3 of title 5 shall not apply to any~~
11-6 ~~proceeding before the state board of elections conducted pursuant to this title. The boards of~~
11-7 ~~canvassers shall immediately notify the board of elections of any physician who has issued more~~
11-8 ~~than twenty five (25) certifications in their city or town in the same election.~~

11-9 ~~(i)(j)~~ Within two (2) business days of receipt by the local board, the board shall certify
11-10 emergency mail ballot applications and shall cause the delivery of the emergency mail ballot
11-11 applications, and certification sheet in sealed packages to the state board of elections.

11-12 **17-20-10.2. Official state blank ballots.** -- In the event the official ballot is not available
11-13 for issuance and mailing forty-five (45) days before a general, primary, or special election,
11-14 persons applying for a mail ballot under ~~section 17-20-2(7)~~ subdivision 17-20-2(3) and persons
11-15 applying for a mail ballot through the use of the Federal Post Card Application (FPCA) shall be
11-16 issued an official state blank ballot forty-five (45) days before the election. Additionally, the voter
11-17 shall be sent the official ballot immediately upon the ballots becoming available. The office of
11-18 secretary of state shall be responsible for the arrangement, preparation, printing and distribution
11-19 of the official state blank ballots. The secretary of state shall also be responsible for all
11-20 accompanying candidate listings to the extent that information is available, instruction sheets, and
11-21 envelopes.

11-22 **17-20-13. Form of application.** -- The application to be subscribed by the voters before
11-23 receiving a mail ballot shall, in addition to those directions that may be printed, stamped, or
11-24 written on it by authority of the secretary of state, be in substantially the following form:

11-25 STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS APPLICATION
11-26 OF VOTER FOR BALLOT FOR ELECTION ON _____

11-27 (COMPLETE HIGHLIGHTED SECTIONS) NOTE - THIS APPLICATION MUST BE
11-28 RECEIVED BY THE BOARD OF CANVASSERS OF YOUR CITY OR TOWN NOT LATER
11-29 THAN 4:00 P.M ON _____

11-30 BOX A

11-31 (PRINT OR TYPE) NAME

11-32 VOTING ADDRESS CITY/TOWN

11-33 STATE RI ZIP CODE _____

11-34 DATE OF BIRTH PHONE # _____

12-1 BOX B

12-2 (PRINT OR TYPE) NAME OF INSTITUTION (IF APPLICABLE)

12-3 ADDRESS

12-4 ADDRESS

12-5 CITY/TOWN _____ STATE _____ ZIP CODE _____

12-6 FACSIMILE NUMBER (if applicable)

12-7 I CERTIFY THAT I AM ELIGIBLE FOR A MAIL BALLOT ON THE FOLLOWING
12-8 BASIS; (CHECK ONE ONLY)

12-9 (-) I will be absent from the state on the date of the election during the entire period of
12-10 time when the polls are to be open. Provide an out-of-state mailing address in BOX B above or

12-11 ~~the ballot will be mailed to the local board of canvassers.~~

12-12 ~~(-) 2. I will be absent from the city or town of my voting residence during the entire~~

12-13 ~~period of time when the polls are to be open because of my status as a student, or spouse of a~~

12-14 ~~student, at an institution of higher learning within the state of Rhode Island. Complete BOX B~~

12-15 ~~above with your entire address or the ballot will be mailed to the address in BOX A. Indicate~~

12-16 ~~name of institution _____~~

12-17 ~~(-) 3. 1. I am incapacitated to such an extent that it would be an undue hardship to vote at~~

12-18 ~~the polls because of illness, mental or physical disability, blindness or a serious impairment of~~

12-19 ~~mobility. Ballot will be mailed to address in BOX A. This application must be either sworn to~~

12-20 ~~before a notary public OR before two (2) witnesses who must sign their names and affix their~~

12-21 ~~addresses.~~

12-22 ~~(-) 4. I belong to a religion whose tenets forbid secular activity, including voting, on the~~

12-23 ~~day of election. Ballot will be mailed to address in BOX A.~~

12-24 ~~(-) 5. 2. I am confined in a hospital, convalescent home, nursing home, rest home, or~~

12-25 ~~similar institution within the State of Rhode Island. Complete BOX B above. This application~~

12-26 ~~must be either sworn to before a notary public OR before two (2) witnesses who must sign their~~

12-27 ~~names and affix their addresses.~~

12-28 ~~(-) 6. I am detained while awaiting trial or imprisoned for a cause other than final~~

12-29 ~~conviction of a felony. Complete BOX B above.~~

12-30 ~~(-) 7. 3. I am employed or in service intimately connected with military operations or~~

12-31 ~~because I am a spouse or dependent of such person. Complete BOX B above or the ballot will be~~

12-32 ~~mailed to the local board of canvassers. Signatures of a notary public or before two (2) witnesses~~

12-33 ~~are NOT required for this category.~~

12-34 ~~(-) 8. I am employed by the (a)(-) state board of elections, (b)(-) elections division of the~~

13-1 ~~secretary of state, (c)(-) a member of the staff of a local canvassing authority, (d)(-) or a poll~~

13-2 ~~worker assigned to work election day outside of their voting district.~~

13-3 ~~(-) 4. I may not be able to vote at my polling place on the date of the election during~~

13-4 ~~voting hours. Provide an address in BOX B, where you would like your ballot mailed if it is~~

13-5 ~~different from the address in BOX A. If BOX B is left blank, the ballot will be mailed to the~~

13-6 ~~address in BOX A. This application must either be sworn to before a notary public or two (2)~~

13-7 ~~witnesses who must sign their names and affix their addresses.~~

13-8 I declare that all of the information I have provided on this form is true and correct to the

13-9 best of my knowledge. I further state that I am not a qualified voter of any other city or town or

13-10 state and have not claimed and do not intend to claim the right to vote in any other city or town or

13-11 state. If unable to sign name because of physical incapacity or otherwise, applicant shall make his

13-12 or her mark "X".

13-13 SIGNATURE IN FULL _____

13-14 This application must either be sworn to before a notary public OR before two (2)

13-15 witnesses who must sign their names and affix their addresses. No witness or notary is necessary

13-16 if checking category No. 7 3.

13-17 WITNESSES:

13-18 Name Address

13-19 Name Address

13-20 OR NOTARY:

13-21 (If executed outside of RI by a notary public, attest in manner authorized by law of places

13-22 where taken.) Sworn to (or affirmed) before me, this _____ day of _____, 20____ .

13-23 Notary Public My Commission Expires: _____

13-24 **17-20-13.1. Form of Emergency Mail Ballot Application. --** The emergency mail

13-25 ballot application to be subscribed by the voters before receiving a mail ballot shall, in addition to

13-26 any directions that may be printed, stamped, or written on the application by authority of the

13-27 secretary of state, be in substantially the following form:

13-28 STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS EMERGENCY

13-29 APPLICATION OF VOTER FOR BALLOT FOR ELECTION ON _____ (COMPLETE

13-30 HIGHLIGHTED SECTIONS) NOTE - THIS APPLICATION MUST BE RECEIVED BY THE

13-31 BOARD OF CANVASSERS OF YOUR CITY OR TOWN NOT LATER THAN 4:00 P.M.

13-32 ON _____

13-33 BOX A

13-34 (PRINT OR TYPE) NAME

14-1 VOTING ADDRESS

14-2 CITY/TOWN STATE RI ZIP CODE _____

14-3 DATE OF BIRTH PHONE# _____

14-4 BOX B

14-5 (PRINT OR TYPE)

14-6 NAME OF INSTITUTION (IF APPLICABLE)

14-7 ADDRESS

14-8 ADDRESS

14-9 CITY/TOWN STATE _____ ZIP CODE _____

14-10 I CERTIFY THAT I AM ELIGIBLE FOR A MAIL BALLOT ON THE FOLLOWING

14-11 BASIS: (CHECK ONE ONLY)

14-12 ~~(-) 1. I will be absent from the state on the day of the election during the entire period of~~

14-13 ~~time when the polls are to be open. If not voting ballot at local board, provide an out of state~~

14-14 ~~mailing address in BOX B above.~~

14-15 ~~() 2. I will be absent from the city or town of my voting residence during the entire~~
14-16 ~~period of time when the polls are to be open because of my status as a student, or spouse of a~~
14-17 ~~student, at an institution of higher learning within the state of Rhode Island. If not voting ballot at~~
14-18 ~~local board, provide address in BOX B above. Indicate name of institution.~~

14-19 () ~~3. 1.~~ I am incapacitated to such an extent that it would be an undue hardship to vote at
14-20 the polls because of illness, mental or physical disability, blindness or a serious impairment of
14-21 mobility. ~~Medical form R-50 must be completed. If not voting ballot at local board, The ballot~~
14-22 ~~will be delivered mailed to the address in BOX A above. This application must be either sworn to~~
14-23 ~~before a notary public OR before two (2) witnesses who must sign their names and affix their~~
14-24 ~~addresses.~~

14-25 ~~() 4. I belong to a religion whose tenets forbid secular activity, including voting, on the~~
14-26 ~~day of election. If not voting ballot at local board, ballot will be delivered to address in BOX A~~
14-27 ~~above.~~

14-28 () ~~5. 2.~~ I am confined in a hospital, convalescent home, nursing home, rest home, or
14-29 similar institution within the State of Rhode Island. Complete BOX B above. This application
14-30 must be either sworn to before a notary public OR before two (2) witnesses who must sign their
14-31 names and affix their addresses.

14-32 ~~() 6. I am detained while awaiting trial or imprisoned for a cause other than final~~
14-33 ~~conviction of a felony. Complete BOX B above.~~

14-34 () ~~7. 3.~~ I am employed or in service intimately connected with military operations or
15-1 because I am a spouse or dependent of such person. If not voting ballot at local board, provide
15-2 address in BOX B above. Signatures of a notary public or before two (2) witnesses are NOT
15-3 required for this category.

15-4 ~~() 8. I am employed by the state board of elections, elections division of the secretary of~~
15-5 ~~state, a member of the staff of a local canvassing authority, or a poll worker assigned to work~~
15-6 ~~Election Day outside of their voting district.~~

15-7 () 4. I may not be able to vote at my polling place on the date of the election during
15-8 voting hours. Provide an address in BOX B, where you would like your ballot mailed if it is
15-9 different from the address in BOX A. If BOX B is left blank, the ballot will be mailed to the
15-10 address in BOX A. This application must either be sworn to before a notary public or two (2)
15-11 witnesses who must sign their names and affix their addresses.

15-12 Under the pains and penalty of perjury, I certify that on account of the following
15-13 circumstances manifested twenty (20) days or less prior to the election for which I make this
15-14 application. I will be unable to vote at the polls. Circumstances necessitating mail ballot: (Please
15-15 describe below if checking category 1, 2, 3 or 4, 5, 6, 7 ~~or 8~~)

15-16 I declare that all of the information I have provided on this form is true and correct to the
15-17 best of my knowledge. I further state that I am not a qualified voter of any other city or town or
15-18 state and have not claimed and do not intend to claim the right to vote in any other city or town or
15-19 state. If unable to sign name because of physical incapacity or otherwise, applicant shall make his
15-20 or her mark "X". SIGNATURE IN FULL

15-21 This application must either be sworn to before a notary public OR before two (2)
15-22 witnesses who must sign their names and affix their addresses. No witness or notary is necessary
15-23 if checking category No. 7 3.

15-24 WITNESSES:

15-25 Name Address

15-26 Name Address

15-27 OR NOTARY: (If executed outside of RI by a Notary Public, attest in manner authorized
15-28 by law of place where taken.) Sworn to (or affirmed) before me, this _____ day
15-29 of _____, 20 _____. Notary Public

15-30 My Commission Expires: _____

15-31 MAIL TO:

15-32 BOARD OF CANVASSERS,

15-33 Address City/Town RI Zip Code _____

15-34 TO BE COMPLETED BY THE LOCAL BOARD OF CANVASSERS

16-1 CITY/TOWN CODE

16-2 CONG DIST SEN DIST REP DIST VOTE DIST WARD# DIST#

16-3 ACCEPTED DATE

16-4 Pursuant to section 17-20-8 of the election laws of the State of Rhode Island, "Any
16-5 person knowingly and willfully making a false application or certification or knowingly and
16-6 willfully aiding and abetting in the making of a false application or certification shall be guilty of
16-7 a felony." Pursuant to section 17-26-1 of the election laws of the State of Rhode Island, "Felonies
16-8 -- Every person who shall be convicted of any offense under this title which has been classified
16-9 by the general assembly as a felony, shall be imprisoned for a term of not more than ten (10)
16-10 years, or be fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars
16-11 (\$5,000), or both, for each offense."

16-12 **17-20-21. Certifying envelopes.** -- The secretary of state shall cause to be prepared and
16-13 printed and shall furnish with each mail ballot an envelope for sealing up and certifying the ballot
16-14 when returned. The envelope shall be printed in substantially the following form:

16-15 "After marking ballot or ballots, fold and enclose in this envelope and seal it. Certify to
16-16 statement hereon. Enclose in envelope addressed to board of elections, which must receive the
16-17 envelope not later than nine o'clock (9:00) p.m. the day of election."

16-18 Date of Election: _____ City/Town of: _____

16-19 Certificate of Voter I
16-20 certify under penalty of perjury Print
16-21 Name of Voter that I am a resident of the state of Rhode Island and a qualified voter of
16-22 the state residing at
16-23 (Street and number, if any) in the city or town of _____
16-24 and that I am eligible to cast a mail ballot for the reason set forth in my application and that I
16-25 have not qualified to vote elsewhere than as set forth on this envelope, nor do I intend to vote for
16-26 any of the candidates, amendments or propositions named in the enclosed ballot elsewhere or in
16-27 any other manner. Voter must sign full name here:
16-28 (If unable to sign name because of physical incapacity or otherwise, voter shall make his
16-29 or her mark "(X)"). Before me the _____ day of _____ 20_____, at
16-30 _____ (city or town), county of _____, state of
16-31 _____, personally appeared the above named voter, to me known and known
16-32 by me to be the person who affixed his or her signature to this ballot envelope.
16-33 _____
16-34 Notary Public Notary must also print his or her name Witness:
17-1 _____ (Signature) (Residence)
17-2 Note: Mail ballots must either be sworn to before a notary public or before two (2)
17-3 witnesses who must sign their names and addresses. If the voter is incapacitated because of
17-4 illness, mental or physical disability, blindness or a serious mobility impairment and checked
17-5 subdivision ~~(3)~~ (1) on the mail ballot application, no notarization or witnesses are necessary.
17-6 **17-20-23. Marking and certification of ballot.** -- (a) A voter desiring to vote for all
17-7 candidates of one political party for national and state, or city or town, offices, shall fill in the
17-8 appropriate space next to the designation of that party upon the appropriate ballot. A voter casting
17-9 a straight party vote may also individually vote for candidates and, in doing so, the straight party
17-10 vote will not be counted for that office and the individual vote, or votes in the case where more
17-11 than one candidate will be elected for an office, will override the straight party vote for that
17-12 office.
17-13 (b) A voter may omit to mark as provided in subsection (a) of this section and may vote
17-14 for the candidates of the voter's choice by making a mark in the space provided opposite their
17-15 respective names.
17-16 (c) In case a voter desires to vote upon a question submitted to the vote of the electors of
17-17 the state, the voter shall mark in the appropriate space associated with the answer that the voter
17-18 desires to give.
17-19 (d) The voter shall mark the ballot in the presence of two (2) witnesses or some officer
17-20 authorized by the law of the place where marked to administer oaths; provided, that electors
17-21 casting their ballot pursuant to ~~section 17-20-2(3) or (7)~~ subdivision 17-20-2(1) or (3) do not need
17-22 to have their ballot witnessed or notarized. Except as otherwise provided for by this chapter, the
17-23 voter shall not allow the official or witnesses to see how he or she marks the ballot and the
17-24 official or witnesses shall hold no communication with the voter, nor the voter with the official or
17-25 witnesses, as to how the voter is to vote. Thereafter, the voter shall enclose and seal the ballot in
17-26 the envelope provided for it. The voter shall then execute before the official or witnesses the
17-27 certification on the envelope. The voter shall then enclose and seal the certified envelope with the
17-28 ballot in the envelope addressed to the state board and cause the envelope to be delivered to the
17-29 state board on or before election day.
17-30 (e) These ballots shall be counted only if received within the time limited by this chapter.
17-31 (f) There shall be a space provided on the general election ballot to allow the voter to
17-32 write in the names of persons not in nomination by any party as provided for in sections 17-19-31
17-33 and 17-20-24.
18-1 SECTION 2. This act shall take effect upon passage.

10 S 2707 AN ACT RELATING TO ELECTIONS - MAIL BALLOTS

1-1 SECTION 1. Sections 17-20-1, 17-20-1.1, 17-20-2, 17-20-2.1, 17-20-2.2, 17-20-6, 17-
1-2 20-6.1, 17-20-8, 17-20-9, 17-20-10, 17-20-13, 17-20-14, 17-20-14.1, 17-20-14.2, 17-20-21, 17-
1-3 20-23, 17-20-24.1, 17-20-25, 17-20-26, 17-20-29, 17-20-30 and 17-20-34 of the General Laws in
1-4 Chapter 17-20 entitled "Mail Ballots" are hereby amended to read as follows:
1-5 **17-20-1. Voting by mail ballot.** -- The electors of this state ~~who, for any of the reasons~~
1-6 ~~set forth in section 17-20-2, being otherwise qualified to vote, are unable to vote in person,~~ shall
1-7 have the right to vote, in the manner and time provided by this chapter, in all general and special
1-8 elections and primaries, including presidential primaries in this state for electors of president and
1-9 vice-president of the United States, United States senators in congress, representatives in
1-10 congress, general officers of the state, senators and representatives in the general assembly for the
1-11 respective districts in which the elector is duly qualified to vote, and for any other officers whose
1-12 names appear on the state ballot and for any city, town, ward, or district officers whose names
1-13 appear on the respective city or town ballots in the ward or district of the city or town in which
1-14 the elector is duly qualified to vote, and also to approve or reject any proposition of amendment
1-15 to the Constitution or other propositions appearing on the state, city, or town ballot.
1-16 **17-20-1.1. Declaration of policy.** -- Those electors who ~~are unable to vote in person at~~
1-17 ~~the polls for the reasons set forth in section 17-20-2~~ choose to cast a mail ballot are entitled to
1-18 vote in a manner which reasonably guarantees the secrecy of their ballots. The procedures set
1-19 forth in this chapter are designed to promote the effective exercise of their rights while

2-1 safeguarding those voters who utilize the mail ballot process from harassment, intimidation, and
2-2 invasion of privacy. ~~The procedures are intended to prevent misuse of the electoral system by~~
2-3 ~~persons who are not eligible to vote by mail ballot.~~ The provisions of this chapter shall be
2-4 interpreted to effectuate the policies set forth in this section.

2-5 **17-20-2. Eligibility for mail ballots.** -- Any otherwise qualified elector may vote by mail
2-6 ballot, ~~in the following circumstances:~~

2-7 ~~(1) An elector who will be absent from the state on the day of election during the entire~~
2-8 ~~period of time when the polls are to be open;~~

2-9 ~~(2) An elector who will be absent from the city or town of his or her voting residence on~~
2-10 ~~the day of election during the entire period of time when the polls are to be open due to the~~
2-11 ~~elector's status as a student or the spouse of a student at an institution of higher learning located~~
2-12 ~~within this state;~~

2-13 ~~(3) An elector who is incapacitated to the extent that it would be an undue hardship to~~
2-14 ~~vote at the polls because of illness, or mental or physical disability, blindness, or serious~~
2-15 ~~impairment of mobility;~~

2-16 ~~(4) An elector who is forbidden by the tenets of his or her religious faith from engaging~~
2-17 ~~in secular activity, including voting, on the day of election;~~

2-18 ~~(5) An elector who is confined in any hospital, convalescent home, nursing home, rest~~
2-19 ~~home, or similar institution, public or private;~~

2-20 ~~(6) An elector who is being detained while awaiting trial or is being imprisoned for any~~
2-21 ~~cause, other than final conviction of a felony, and by reason of that detention or imprisonment is~~
2-22 ~~unable to vote at the polls;~~

2-23 ~~(7) An elector who will be temporarily absent from the state because of employment or~~
2-24 ~~service intimately connected with military operations or who is a spouse or legal dependent~~
2-25 ~~residing with that person;~~

2-26 ~~(8) An elector who is employed by the state board of elections, elections division of the~~
2-27 ~~secretary of state, a member of the staff of a local canvassing authority, or a poll worker assigned~~
2-28 ~~to work on Election Day outside of their voting district.~~

2-29 **17-20-2.1. Requirements for validity of mail ballots.** -- (a) Any legally qualified elector
2-30 of this state whose name appears upon the official voting list of the city, town, or district of the
2-31 city or town where the elector is qualified, and who desires to avail himself or herself of the right
2-32 granted to him or her by the Constitution and declared in this chapter, may obtain from the local
2-33 board in the city or town an affidavit form prepared by the secretary of state as prescribed in this
2-34 section, setting forth the elector's application for a mail ballot. In addition to board offices, mail
3-1 ballot applications may be made available at public locations including, but not limited to, other
3-2 government agencies that service the public, and locations where voter registration forms are
3-3 made available.

3-4 (b) Whenever any person is unable to sign his or her name because of physical
3-5 incapacity or otherwise, that person shall make his or her mark "X".

3-6 (c) ~~The~~ In order to be processed for the next upcoming election, the application, when
3-7 duly executed, shall be delivered in person or by mail so that it is received by the local board not
3-8 later than four o'clock (4:00) p.m. on the ~~twenty-first (21st)~~ seventh (7th) day before the day of
3-9 any election referred to in section 17-20-1. Applications delivered after this time up until the
3-10 election shall be processed as if received on the day after the next election.

3-11 (d) In addition to those requirements set forth elsewhere in this chapter, a mail ballot, in
3-12 order to be valid, must have been cast in conformance with the following procedures:

3-13 (1) ~~All applications for mail ballots pursuant to section 17-20-2(1) must state under oath~~
3-14 ~~that the elector will be absent from the state on the day of election during the entire period of time~~
3-15 ~~the polls are to be open. All applications for mail ballot made pursuant to said subdivision must~~
3-16 ~~be notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.~~
3-17 ~~All mail ballots issued pursuant to section 17-20-2(1) shall be mailed to the elector at an address~~
3-18 ~~outside the state of Rhode Island to be provided by the elector on the application or sent to the~~
3-19 ~~board of canvassers in the city or town where the elector maintains his or her voting residence. In~~
3-20 ~~order to be valid, all ballots mailed to the elector outside of the state must be voted outside of the~~
3-21 ~~state of Rhode Island and the signature of the elector notarized by a person authorized by law to~~
3-22 ~~administer oaths in the state or country where signed or where the elector voted, or before two (2)~~
3-23 ~~witnesses who shall set forth their addresses on the form, and must be mailed from outside of the~~
3-24 ~~state of Rhode Island. In order to be valid, all ballots sent to the elector at the board of canvassers~~
3-25 ~~must be voted in private at the board, and the signature of the elector witnessed by a pair of~~
3-26 ~~supervisors, appointed in conformance with this chapter, who shall return the completed ballot to~~
3-27 ~~the board of elections for certification. Provided, however, that any Any elector qualifying under~~
3-28 ~~section 17-20-2(1) or 17-20-2(7) who is outside the continental United States, shall additionally~~
3-29 ~~be entitled to apply for a mail ballot and to vote such ballot through facsimile, upon request made~~
3-30 ~~to the secretary of state in writing containing the elector's facsimile number, or internet service~~
3-31 ~~provider number from which the transmission originated, and the application to be used shall be~~
3-32 ~~that prescribed by section 17-20-13. The secretary of state shall establish procedures to protect~~
3-33 ~~the anonymity of any votes submitted by facsimile in the same manner as ballots submitted~~
3-34 ~~through the mail.~~

4-1 (2) ~~All applications for mail ballots pursuant to section 17-20-2(2) must state, under~~
4-2 ~~oath, the institution of higher learning at which the elector or spouse of the elector is a student.~~
4-3 ~~All applications for mail ballot made pursuant to said subdivision must be notarized or witnessed~~
4-4 ~~by two (2) persons who shall sign their names and affix their addresses. All mail ballots issued~~

4-5 pursuant to said subdivision shall be sent to the elector at the address of the institution of higher
4-6 learning provided by the elector on the application or to the elector at his or her voting residence.
4-7 The signature of the elector on ballots being sent to the elector at their institution of higher
4-8 learning must be notarized or witnessed by two (2) persons who shall sign their names and affix
4-9 their addresses.

4-10 ~~(3) All applications for mail ballots pursuant to section 17-20-2(3) must be notarized or~~
4-11 ~~witnessed by two (2) persons who shall sign their names and affix their addresses. All mail~~
4-12 ~~ballots issued pursuant to said subdivision shall be mailed to the elector at his or her voting~~
4-13 ~~residence. The signature of the elector on ballots being sent to the elector pursuant to this~~
4-14 ~~subdivision does not need to be notarized or witnessed.~~

4-15 ~~(4) All applications for mail ballots pursuant to section 17-20-2(4) must be notarized or~~
4-16 ~~witnessed by two (2) persons who shall sign their names and affix their addresses. All mail~~
4-17 ~~ballots issued pursuant to said subdivision shall be sent to the elector at his or her voting~~
4-18 ~~residence. The signature of the elector on the ballots being sent to the elector must be notarized or~~
4-19 ~~witnessed by two (2) persons who shall sign their names and affix their addresses.~~

4-20 ~~(5) All applications for mail ballots pursuant to section 17-20-2(5) must state under oath~~
4-21 ~~the name and location of the hospital, convalescent home, nursing home, or similar institution~~
4-22 ~~where the elector is confined. All applications for mail ballots pursuant to said subdivision must~~
4-23 ~~be notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.~~
4-24 ~~All mail ballots issued pursuant to said subdivision shall be delivered to the elector at the~~
4-25 ~~hospital, convalescent home, nursing home, or similar institution where the elector is confined;~~
4-26 ~~and the ballots shall be voted and witnessed in conformance with the provisions of section 17-20-~~
4-27 ~~14.~~

4-28 ~~(6) All applications for mail ballots pursuant to section 17-20-2(6) must be notarized or~~
4-29 ~~witnessed by two (2) persons who shall sign their names and affix their addresses. All mail~~
4-30 ~~ballots issued pursuant to said subdivision shall be mailed to the elector at the elector's place of~~
4-31 ~~confinement. The signature of the elector on ballots being sent to the elector must be notarized or~~
4-32 ~~witnessed by two (2) persons who shall sign their names and affix their addresses.~~

4-33 ~~(7) All applications for mail ballots made pursuant to section 17-20-2(7) do not need to~~
4-34 ~~be witnessed or notarized. All mail ballots issued pursuant to said subdivision shall be mailed to~~
5-1 ~~the elector at an address outside the state of Rhode Island to be provided by the elector on the~~
5-2 ~~application, or sent to the board of canvassers in the city or town where the elector maintains his~~
5-3 ~~or her voting residence. The signature of the elector on ballots being sent to the elector pursuant~~
5-4 ~~to this subdivision does not need to be notarized or witnessed.~~

5-5 ~~(8) All applications for mail ballots pursuant to section 17-20-2(8) must be notarized or~~
5-6 ~~witnessed by two (2) persons who shall sign their names and affix their addresses. All mail~~
5-7 ~~ballots issued pursuant to said subdivision to an elector who is employed by the state board of~~
5-8 ~~elections shall be mailed or delivered to the elector at the state board of elections. All mail ballots~~
5-9 ~~issued pursuant to said subdivision to a member of the staff of the elections division of the office~~
5-10 ~~of the secretary of state shall be mailed or delivered to the elector at the state board of elections.~~
5-11 ~~All mail ballots issued pursuant to said subdivision to a member of the staff of a local canvassing~~
5-12 ~~authority shall be mailed or delivered to the elector at his or her local board of canvassers. All~~
5-13 ~~mail ballots issued pursuant to said subdivision to a poll worker assigned to work election day~~
5-14 ~~outside of their voting district shall be mailed or delivered to the elector at his or her local board~~
5-15 ~~of canvassers. All ballots being sent to the elector pursuant to this subdivision must be voted in~~
5-16 ~~private at the state board or the local board, as the case may be, and the signature of the elector~~
5-17 ~~witnessed by a pair of supervisors, appointed in conformance with this chapter.~~

5-18 (e) Any person knowingly and willfully making a false application or certification, or
5-19 knowingly and willfully aiding and abetting in the making of a false application or certification,
5-20 shall be guilty of a felony and shall be subject to the penalties provided for in section 17-26-1.

5-21 **17-20-2.2. Requirements for validity of emergency mail ballots.** -- (a) Any legally
5-22 qualified elector of this state whose name appears upon the official voting list of the town or
5-23 district of the city or town where the elector is so qualified, who on account of circumstances
5-24 manifested ~~twenty (20)~~ seven (7) days or less prior to any election becomes ~~eligible to vote by~~
5-25 ~~mail ballot according to this chapter, unable to vote at their polling place on election day,~~ may
5-26 obtain from the local board an application for an emergency mail ballot.

5-27 (b) The emergency mail ballot application, when duly executed, shall be delivered ~~in~~
5-28 ~~person or by mail so that it shall be received by~~ to the local board not later than four o'clock
5-29 (4:00) p.m. on the last day ~~preceding the date~~ of the election. The emergency ballot issued by the
5-30 local board pursuant to an application for an emergency ballot may be delivered to the voter by a
5-31 person of their choosing, provided that the person possesses signed, written authorization to so
5-32 deliver the ballot from the applicant. No person shall be allowed to deliver emergency ballots to
5-33 more than two (2) electors in a single election.

5-34 (c) The elector shall execute the emergency mail ballot application in accordance with
6-1 the requirements of this chapter, which application shall contain a certificate setting forth the
6-2 facts relating to the circumstances necessitating the application.

6-3 (d) ~~In addition to those requirements set forth elsewhere in this chapter, an emergency~~
6-4 ~~mail ballot, in order to be valid, must have been cast in conformance with the following~~
6-5 ~~procedures:~~

6-6 ~~(1) All applications for emergency mail ballots pursuant to section 17-20-2(1) must be~~
6-7 ~~notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.~~
6-8 ~~All mail ballots issued pursuant to section 17-20-2(1) shall be cast at the board of canvassers in~~

6-9 the city or town where the elector maintains his or her voting residence or mailed by the office of
6-10 the secretary of state to the elector at an address outside the state of Rhode Island to be provided
6-11 by the elector on the application. In order to be valid, all ballots mailed to the elector out of state
6-12 must be voted outside the state of Rhode Island and the signature of the elector notarized by a
6-13 person authorized by law to administer oaths in the state or country where signed or where the
6-14 elector voted, or before two (2) witnesses who shall set forth their addresses on the form, and
6-15 must be mailed from outside the state of Rhode Island. In order to be valid, all ballots cast by the
6-16 elector at the board of canvassers must be voted in private at the board and the signature of the
6-17 elector witnessed by a pair of supervisors, appointed in conformance with this chapter, who shall
6-18 return the completed ballot to the board of elections for certification.

6-19 (2) All applications for emergency mail ballots pursuant to section 17-20-2(2) must state
6-20 under oath the institution of higher learning at which the elector or spouse of the elector is a
6-21 student. All applications for mail ballot made pursuant to this subdivision must be notarized or
6-22 witnessed by two (2) persons who shall sign their names and affix their addresses. All mail
6-23 ballots issued pursuant to this subdivision shall be cast at the board of canvassers in the city or
6-24 town where the elector maintains his or her voting residence, or mailed by the office of the
6-25 secretary of state to the elector at the address of the institution of higher learning provided by the
6-26 elector on the application. Ballots being cast at the local board of canvassers must be voted in
6-27 private and the signature of the elector witnessed by a pair of supervisors, appointed in
6-28 conformance with this chapter, who shall return the completed ballot to the board of elections for
6-29 certification. The signature of the elector on ballots being sent to the elector at their institution of
6-30 higher learning must be notarized or witnessed by two (2) persons who shall sign their names and
6-31 affix their addresses.

6-32 (3) All applications for emergency mail ballots pursuant to section 17-20-2(3) must be
6-33 notarized or witnessed by two (2) persons who shall sign their names and affix their addresses
6-34 and must be accompanied by a certificate from a licensed physician or a Christian Science
7-1 practitioner setting forth the location of his or her medical offices or the Christian Science
7-2 practitioner's office, the date when that physician last examined the elector, or in the case of a
7-3 Christian Science practitioner, when the practitioner last treated the elector, and attesting that the
7-4 illness, disability, blindness or serious impairment of mobility did not manifest itself until twenty
7-5 (20) days or less prior to the date of the election and as a result it would be an undue hardship for
7-6 the elector to vote at the polls based upon a physical examination performed by that physician or
7-7 an observation by that Christian Science practitioner. The state board of elections shall prepare
7-8 forms for physicians and practitioners to use in making the certification required in this
7-9 subdivision and shall distribute the forms prior to each general election to those physicians
7-10 licensed to practice medicine in this state and, upon request, to any other persons and at any other
7-11 times as necessary. The forms shall also be made available at each board of canvassers. It shall
7-12 not be required that a physician or practitioner use the form in certifying the illness, disability,
7-13 blindness or serious impairment of mobility of a voter as long as the certification provided
7-14 contains all of the required information. Any physician knowingly and willfully making a false
7-15 certification, and any person knowingly and willfully aiding and abetting in the making of a false
7-16 certification, shall be guilty of a felony. All mail ballots issued pursuant to section 17-20-2(3)
7-17 shall be mailed to the elector at his or her voting residence by the office of the secretary of state,
7-18 or delivered by the local board to a person presenting written authorization from the elector to
7-19 receive the ballots, or cast in private at the local board of canvassers. The signature of the elector
7-20 on ballots being cast pursuant to this subdivision does not need to be notarized or witnessed.

7-21 (4) All applications for emergency mail ballots pursuant to section 17-20-2(4) must be
7-22 notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.
7-23 All mail ballots issued pursuant to this subdivision shall be mailed to the elector at his or her
7-24 voting residence by the office of the secretary of state, or cast by the elector at the board of
7-25 canvassers in the city or town where he or she resides. Ballots being cast at the local board of
7-26 canvassers must be voted in private at the board and the signature of the elector witnessed by a
7-27 pair of supervisors, appointed in conformance with this chapter, who shall return the completed
7-28 ballot to the board of elections for certification. The signature of the elector on ballots being sent
7-29 to the elector at his or her voting residence must be notarized or witnessed by two (2) persons
7-30 who shall sign their names and affix their signatures.

7-31 (5) All applications for emergency mail ballots pursuant to section 17-20-2(5) must state
7-32 under oath the name and location of the hospital, convalescent home, nursing home, or similar
7-33 institution where the elector is confined. All applications for mail ballots pursuant to this
7-34 subdivision must be notarized or witnessed by two (2) persons who shall sign their names and
8-1 affix their addresses. All mail ballots issued pursuant to this subdivision shall be delivered to the
8-2 elector by the bi-partisan pair of supervisors, appointed in conformance with this chapter, and
8-3 shall be voted and witnessed in conformance with the provisions of section 17-20-14.

8-4 (6) All applications for emergency mail ballots pursuant to section 17-20-2(6) must be
8-5 notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.
8-6 All mail ballots issued pursuant to this subdivision shall be mailed by the office of the secretary
8-7 of state to the elector at the elector's place of confinement, or delivered to a person presenting
8-8 written authorization from the elector to receive the ballot. The signature of the elector on ballots
8-9 being sent to the elector must be notarized or witnessed by two (2) persons who shall sign their
8-10 names and affix their addresses.

8-11 (7) All applications for emergency mail ballots made pursuant to section 17-20-2(7) do
8-12 not need to be witnessed or notarized. All mail ballots issued pursuant to this subdivision shall be

8-13 mailed by the office of the secretary of state to the elector at an address outside the state of Rhode
8-14 Island to be provided by the elector on the application, or cast at the board of canvassers in the
8-15 city or town where the elector maintains his or her voting residence. The signature of the elector
8-16 on ballots being sent to the elector pursuant to this subdivision does not need to be notarized or
8-17 witnessed.

8-18 ~~(8) All applications for emergency mail ballots pursuant to section 17-20-2(8) must be~~
8-19 ~~notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.~~
8-20 ~~All mail ballots issued pursuant to this subdivision to an elector who is employed by the state~~
8-21 ~~board of elections shall be mailed or delivered by the office of the secretary of state to the elector~~
8-22 ~~at the state board of elections. All mail ballots issued pursuant to this subdivision to a member of~~
8-23 ~~the staff of the elections division of the office of the secretary of state shall be mailed or delivered~~
8-24 ~~to the elector at the state board of elections. All mail ballots issued pursuant to this subdivision to~~
8-25 ~~a member of the staff of a local canvassing authority shall be cast by the elector at his or her local~~
8-26 ~~board of canvassers. All mail ballots issued pursuant to this subdivision to a poll worker assigned~~
8-27 ~~to work election day outside of their voting district shall be cast by the elector at his or her local~~
8-28 ~~board of canvassers. All ballots being sent to the elector pursuant to this subdivision must be~~
8-29 ~~voted in private at the state board or the local board, as the case may be, and the signature of the~~
8-30 ~~elector witnessed by a pair of supervisors, appointed in conformance with this chapter.~~

8-31 (e) The secretary of state shall provide each of the several boards of canvassers with a
8-32 sufficient number of mail ballots for their voting districts so that the local boards may provide the
8-33 appropriate ballot or ballots to the applicants. It shall be the duty of each board of canvassers to
8-34 process each emergency ballot application in accordance with this chapter, and it shall be the duty
9-1 of each board to return to the secretary of state any ballots not issued immediately after each
9-2 election.

9-3 (f) Any person knowingly and willfully making a false application or certification, or
9-4 knowingly and willfully aiding and abetting in the making of a false application or certification,
9-5 shall be guilty of a felony and shall be subject to the penalties provided for in section 17-26-1.

9-6 **17-20-6. Alternative methods of voting. --** Any qualified elector who is a member of the
9-7 armed forces or of the merchant marine of the United States, or who is absent from the state in the
9-8 performance of "services intimately connected with military operations" as defined in section 17-
9-9 20-3(c), and any qualified elector of this state exempt from registration under section 17-20-4,
9-10 shall have the right to vote at his or her option during the period of his or her service and for two
9-11 (2) years thereafter by any one of the following methods:

9-12 (1) ~~If the person is present within the state on the day of any election, that person~~ The
9-13 voter shall have the right to vote in the manner prescribed in chapter 19 of this title, subject to any
9-14 other provisions of this chapter.

9-15 (2) ~~If the person is absent from the state on the day of any election, that person~~ The voter
9-16 has the right to vote by absentee ballot in accordance with the provisions of this chapter, upon
9-17 compliance with its provisions.

9-18 (3) (i) The elector may cast an official ~~federal absentee ballot~~ federal write-in absentee
9-19 ballot "FWAB" in accordance with the laws of the United States.

9-20 (ii) The elector may use the "FWAB" to cast a vote for each federal, state and local
9-21 office for which he or she is entitled to vote in a general, primary or special election.

9-22 (4) The elector may also cast an official state blank ballot issued by the office of the
9-23 secretary of state in accordance with this chapter.

9-24 **17-20-6.1. Alternative methods of voting by citizens covered by the Uniformed and**
9-25 **Overseas Citizens Absentee Voting Act (UOCAVA) and other citizens residing outside the**
9-26 **United States. --** (a) It is the intent and purpose that the provisions set forth in this section are
9-27 designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee
9-28 Voting Act (UOCAVA), 42 U.S.C. section 1973ff et seq.

9-29 (b) The Federal Post Card Application (FPCA) may be used as a request for an absentee
9-30 ballot by:

9-31 (1) A member of the armed forces who is absent from the state by reason of being in
9-32 active service;

9-33 (2) Any person absent from the state in performance of "services intimately connected
9-34 with military operations" as defined in section 17-20-3(d);

10-1 (3) Any person who is employed outside of the United States as defined in section 17-
10-2 20-3(c); and

10-3 (4) Any person who does not qualify under subparagraph (1), (2), or (3) above, but who
10-4 is a citizen of the United States and absent from the state and residing outside the United States as
10-5 described in chapter 21.1 of title 17.

10-6 (c) The single FPCA card shall permit the person to request an absentee ballot for each
10-7 primary and election through the next two (2) regularly scheduled general elections for federal
10-8 office in which the voter is eligible to vote.

10-9 (d) The FPCA card must be received by the local board of canvassers where the person
10-10 last maintains his/her residence for voting purposes within the time frame for applying for
10-11 absentee ballots as set forth in this title.

10-12 (e) If the FPCA, when used in accordance with this section, is sent by the voter through
10-13 electronic transmission, it must be sent to the secretary of state and it must be received by the
10-14 secretary of state by the deadline for applying for absentee ballots as set forth in this title. The
10-15 secretary of state shall then forward the FPCA to the appropriate local authority who shall
10-16 immediately certify and return the FPCA to the secretary of state with the notation that the

10-17 corresponding ballots shall be sent by mail and electronic transmission. The secretary of state
10-18 shall transmit ballots only to the facsimile number provided by the Federal Voter Assistance
10-19 Program. The ballots sent by electronic transmission shall be returned to the state board by
10-20 electronic transmission. These ballots will be counted at the state board in accordance with rules
10-21 and regulations promulgated by the state board.

10-22 ~~(f) The voter's signature on the FPCA does not need to be witnessed or notarized, when~~
10-23 ~~the FPCA is submitted as provided in this section.~~

10-24 ~~(g) If a voter is casting a mail ballot received through the use of the FPCA card as~~
10-25 ~~provided in this section, the voter's signature does not need to be witnessed or notarized on the~~
10-26 ~~certifying envelope used for the return of the voted mail ballot.~~

10-27 **17-20-8. Application for ballot.** -- (a) Whenever any person is unable to sign his or her
10-28 name because of physical incapacity or otherwise, that person shall make his or her mark "X".

10-29 (b) Notwithstanding any other provision of this chapter as to time and manner thereof, it
10-30 shall be the duty of the applicant to cause the mail ballot application or the emergency mail ballot
10-31 application, as the case may be, to be processed by the local board so that the applicant may
10-32 receive the ballot, cast it, and cause delivery thereof to be made to the state board not later than
10-33 nine o'clock (9:00) p.m. on the date of election.

10-34 (c) The local board shall maintain a separate list of names and addresses of all
11-1 applicants, ~~and their subscribing witnesses and a copy of the list shall be made available for~~
11-2 ~~inspection to any person upon request. The list shall include the date on which the application~~
11-3 ~~was made, the date mail ballots were sent or delivered, the date the ballots were returned for~~
11-4 ~~every individual on the list, and shall indicate if the voter has requested permanent mail voter~~
11-5 ~~status or if they have requested a mail ballot for a single election. If a mail ballot is not returned~~
11-6 ~~by the voter or if it is rejected, that fact shall be noted on the list. The list shall be updated at least~~
11-7 ~~twice per week, and shall be available to the public in the same manner as voter registration lists,~~
11-8 ~~except that in the period between the time that mail ballots are sent to voters and election day the~~
11-9 ~~list shall be updated daily and shall be available to the public in electronic format in addition to~~
11-10 ~~being available in the same manner as voter registration lists.~~

11-11 ~~(d) A voter whose name appears on the list as a permanent vote by mail voter shall~~
11-12 ~~remain on the list and shall be mailed a mail ballot for each election.~~

11-13 ~~(e) A permanent vote by mail voter shall be deleted from the list if:~~

11-14 ~~(1) The eligible voter notifies the designated election official that he or she no longer~~
11-15 ~~wishes to vote by mail ballot.~~

11-16 ~~(2) The mail ballot sent to the (voter/elector) is returned as undeliverable.~~

11-17 ~~(3) The elector has been designated "inactive".~~

11-18 ~~(f)(d) Any person knowingly and willfully making a false application or certification or~~
11-19 ~~knowingly and willfully aiding and abetting in the making of a false application or certification~~
11-20 ~~shall be guilty of a felony.~~

11-21 **17-20-9. Application by permanently disabled or incapacitated voters.** -- (a) A voter
11-22 ~~who is indefinitely confined because of physical illness or infirmity or is disabled for an~~
11-23 ~~indefinite period may, by signing an affidavit to that effect, request that an absentee mail ballot~~
11-24 ~~application be sent to him or her automatically for every election. The affidavit form and~~
11-25 ~~instructions shall be prescribed by the secretary of state, and furnished upon request to any elector~~
11-26 ~~by each local board of canvassers. The envelope containing the absentee ballot application shall~~
11-27 ~~be clearly marked as not forwardable. The request shall be made by checking the appropriate box~~
11-28 ~~designating a choice to register as a permanent mail voter on the mail ballot application form. If~~
11-29 ~~any elector is no longer indefinitely confined, wishes to receive a mail ballot, he or she shall~~
11-30 ~~notify the clerk of the local board of canvassers of this fact. The clerk shall remove the name of~~
11-31 ~~any voter from the mailing list established under this section upon receipt of reliable information~~
11-32 ~~that a voter no longer qualifies for the service. The voter shall be notified of the action within five~~
11-33 ~~(5) days after the board takes the action.~~

11-34 (b) A voter who is indefinitely confined because of physical illness or infirmity or is
12-1 disabled for an indefinite period may, by signing an affidavit to that effect, request that a stamped
12-2 return envelope be included with their mail ballot at each election. The affidavit form and
12-3 instructions shall be prescribed by the secretary of state, and furnished upon request to any elector
12-4 by each local board of canvassers.

12-5 ~~(1)(b)~~ The affidavit form and instructions prescribed in this section subsection (b) shall
12-6 be mailed to the applicant along with a stamped return envelope addressed to the local boards of
12-7 canvassers.

12-8 **17-20-10. Certification of applications -- Issuance of ballots -- Marking of lists --**

12-9 **Mailing address.** -- (a) Upon receipt of the application, the local board shall immediately
12-10 examine it and determine whether it complies with each of the requirements set forth by this
12-11 chapter and compare the signature on the ballot application with the signature contained on the
12-12 original registration card, except as may be otherwise provided by law, to satisfy itself that the
12-13 applicant is a qualified voter. Upon determining that it does meet each requirement of this chapter
12-14 and that the signature appears to be the same, the local board shall mark the application
12-15 "accepted" and record in the space provided on the ballot application the senatorial,
12-16 representative, and voting district in which the applicant should vote.

12-17 (b) The local board shall also record the city or town code and district information in the
12-18 mailing label section of the mail ballot application. The local board shall also print or type the
12-19 name of the elector and the complete mailing address in that section. If the local board does not
12-20 accept the application, the local board shall return the application to the elector, together with a

12-21 form prescribed by the secretary of state, specifying the reason or reasons for the return of the
12-22 application.

12-23 (c) Not later than 4:00 p.m. on the ~~eighteenth (18th)~~ sixth (6th) day before the day of any
12-24 election referred to in this chapter or within ~~seven (7)~~ five (5) days of receipt by the local board,
12-25 whichever occurs first, the local board shall certify the applications to the secretary of state
12-26 through the CVRS system as this procedure is prescribed by the secretary of state. Upon the
12-27 certification of a mail ballot application to the secretary of state, the local board shall enter on the
12-28 voting list the fact that a mail ballot application for the voter has been certified and shall cause the
12-29 delivery of the certified mail ballot applications together with the signed certified listing thereof
12-30 in sealed packages to the state board of elections.

12-31 (d) (1) Upon the ballots becoming available, the secretary of state shall immediately,
12-32 issue and mail, by first class mail, postage prepaid, a mail ballot to each eligible voter who has
12-33 been certified. With respect to voters who have applied for these mail ballots under the provisions
12-34 of ~~section 17-20-2(3)~~ subsection 17-20-9(b), the secretary of state shall include with the mail
13-1 ballots a stamped return envelope addressed: "Board of Elections, 50 Branch Avenue,
13-2 Providence, Rhode Island 02904-2790".

13-3 (2) The secretary of state shall include on the mail ballot envelope a numerical or
13-4 alphabetical code designating the city or town where the voter resides. The secretary of state shall
13-5 immediately thereafter indicate on the voter's record that the secretary of state has sent mail
13-6 ballots provided, that this mark shall serve solely to indicate that a mail ballot has been issued and
13-7 shall not be construed as voting in the election.

13-8 (e) ~~Prior~~ On or before the date the initial mail ballots are distributed to voters by the
13-9 secretary of state prior to each election, the secretary of state shall also furnish to the chairperson
13-10 of the state committee of each political party members of the public upon request a list in
13-11 electronic and printed format of the names and residence addresses of all persons to whom mail
13-12 ballots have been issued. Such list shall also indicate whether each voter's mail ballot has been
13-13 returned. The secretary of state shall also furnish to a candidate for political office upon request a
13-14 list of the names and residence addresses of all persons to whom mail ballots have been issued
13-15 within his or her district.

13-16 (f) [Deleted by P.L. 2005, ch. 167, section 2.]

13-17 (g) If a ballot is returned to the secretary of state by the postal service as undeliverable,
13-18 the secretary of state shall consult with the appropriate local board to determine the accuracy of
13-19 the mailing address, and the secretary of state shall be required to remail the ballot to the voter
13-20 using the corrected address provided by the local board. If the local board is unable to provide a
13-21 different address than that to which the ballot was originally mailed, the ballot shall be reissued
13-22 by the secretary of state to the board of canvassers in the city or town where the voter resides
13-23 utilizing the numerical or alphabetical code established in subsection (d) of this section. The
13-24 board shall consult the United States Postal Service Change of Address Directory to determine if
13-25 an alternative address exists for the voter. The board shall then attempt to notify the voter at his or
13-26 her place of residence, at the alternative address provided for receiving the ballot, that the ballot
13-27 has been returned as undeliverable. The ballot must be voted and witnessed in accordance with
13-28 the provisions of this chapter.

13-29 (h) The acceptance of a mail ballot application by the board of canvassers and the
13-30 issuance of a mail ballot by the secretary of state shall not create any presumption as to the
13-31 accuracy of the information provided by the applicant or as to the applicant's compliance with the
13-32 provisions of this chapter. Any inaccuracy in the provided information or irregularity in the
13-33 application may be raised as a challenge to the ballot before the board of elections at the time of
13-34 certification. If the challenge raised at that time is meritorious, the ballot shall be voided.

14-1 (i) ~~Upon the request of any candidate for public office and upon a showing of good cause~~
14-2 ~~or upon its own motion, the board of elections shall make inquiry into the legitimacy of the~~
14-3 ~~certifications issued pursuant to section 17-20-2.2(3) by any physician or practitioner who issues~~
14-4 ~~more than fifty (50) certifications in any one election or by any physician or practitioner who the~~
14-5 ~~board has reason to believe has made a false certification. The inquiry shall include a~~
14-6 ~~determination as to whether the physician or practitioner conducted an examination of the~~
14-7 ~~electors he or she certified as ill or disabled to determine whether it would be an undue hardship~~
14-8 ~~on them to go to the polls. The provisions of chapter 37.3 of title 5 shall not apply to any~~
14-9 ~~proceeding before the state board of elections conducted pursuant to this title. The boards of~~
14-10 ~~canvassers shall immediately notify the board of elections of any physician who has issued more~~
14-11 ~~than twenty five (25) certifications in their city or town in the same election.~~

14-12 (i)(j) Within ~~two (2)~~ one business days day of receipt by the local board, the board shall
14-13 certify emergency mail ballot applications and shall cause the delivery of the emergency mail
14-14 ballot applications, and certification sheet in sealed packages to the state board of elections.

14-15 **17-20-13. Form of application. --** The application to be subscribed by the voters before
14-16 receiving a mail ballot shall, in addition to those directions that may be printed, stamped, or
14-17 written on it by authority of the secretary of state, be in substantially the following form:

14-18 STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS APPLICATION
14-19 OF VOTER FOR BALLOT FOR ELECTION ON _____

14-20 (COMPLETE HIGHLIGHTED SECTIONS)

14-21 NOTE - THIS APPLICATION MUST BE RECEIVED BY THE BOARD OF
14-22 CANVASSERS OF YOUR CITY OR TOWN NOT LATER THAN 4:00 P.M.

14-23 ON _____

14-24 BOX A VOTING ADDRESS (PRINT OR TYPE)

14-25 NAME _____
14-26 VOTING ADDRESS _____
14-27 CITY/TOWN _____ STATE RI ZIP CODE _____
14-28 DATE OF BIRTH _____ PHONE # _____
14-29 BOX B Mailing address if different than voting address (PRINT OR TYPE)
14-30 NAME OF INSTITUTION (IF APPLICABLE) _____
14-31 ADDRESS _____
14-32 ADDRESS _____
14-33 CITY/TOWN _____ STATE _____ ZIP CODE _____
14-34 FACSIMILE NUMBER (if applicable) _____

15-1 ~~I CERTIFY THAT I AM ELIGIBLE FOR A MAIL BALLOT ON THE FOLLOWING~~
15-2 ~~BASIS; (CHECK ONE ONLY) () 1. I will be absent from the state on the date of the election~~
15-3 ~~during the entire period of time when the polls are to be open. Provide an out of state mailing~~
15-4 ~~address in BOX B above or the ballot will be mailed to the local board of canvassers. () 2. I will~~
15-5 ~~be absent from the city or town of my voting residence during the entire period of time when the~~
15-6 ~~polls are to be open because of my status as a student, or spouse of a student, at an institution of~~
15-7 ~~higher learning within the state of Rhode Island. Complete BOX B above with your the entire~~
15-8 ~~address to which you would like your ballot mailed or the ballot will be mailed to the address in~~
15-9 ~~BOX A.~~

15-10 () Check here if you would prefer to automatically receive a mail ballot for all future
15-11 elections.

15-12 Indicate name of institution _____

15-13 ~~() 3. I am Are you~~ incapacitated to such an extent that it would be an undue hardship to
15-14 vote at the polls because of illness, mental or physical disability, blindness or a serious
15-15 impairment of mobility. ~~Ballot will be mailed to address in BOX A. () YES () NO () 4. I belong~~
15-16 ~~to a religion whose tenets forbid secular activity, including voting, on the day of election. Ballot~~
15-17 ~~will be mailed to address in BOX A.~~

15-18 ~~5. I am confined in a hospital, convalescent home, nursing home, rest home, or similar~~
15-19 ~~institution. Complete BOX B above. () 6. I am detained while awaiting trial or imprisoned for a~~
15-20 ~~cause other than final conviction of a felony. Complete BOX B above. () 7. I am employed or in~~
15-21 ~~service intimately connected with military operations or because I am a spouse or dependent of~~
15-22 ~~such person. Complete BOX B above or the ballot will be mailed to the local board of canvassers.~~
15-23 ~~() 8. I am employed by the (a)() state board of elections, (b)() elections division of the secretary~~
15-24 ~~of state, (c)() a member of the staff of a local canvassing authority, (d)() or a poll worker~~
15-25 ~~assigned to work election day outside of their voting district.~~

15-26 I declare, under penalty of perjury, that all of the information I have provided on this
15-27 form is true and correct to the best of my knowledge. I further state that I am not a qualified voter
15-28 of any other city or town or state and have not claimed and do not intend to claim the right to vote
15-29 in any other city or town or state.

15-30 If unable to sign name because of physical incapacity or otherwise, applicant shall make
15-31 his or her mark "X".

15-32 SIGNATURE IN FULL _____

15-33 ~~This application must either be sworn to before a notary public OR before two (2)~~
15-34 ~~witnesses who must sign their names and affix their addresses. No witness or notary is necessary~~
16-1 ~~if checking category No. 7. WITNESSES: Name=rf Address=rf Name=rf Address=rf OR~~
16-2 ~~NOTARY: (If executed outside of RI by a notary public, attest in manner authorized by law of~~
16-3 ~~places where taken.) Sworn to (or affirmed) before me, this _____ day of _____,~~
16-4 ~~20____. Notary Public=rf My Commission Expires: _____~~

16-5 **17-20-14. Voting from hospitals and convalescent homes -- Penalty for interference.**

16-6 **--** (a) The state board of elections shall appoint as many bipartisan pairs of supervisors as are
16-7 necessary whose duty it shall be to attend each hospital, rest home, nursing home and
16-8 convalescent home, or similar types of personal care facility in the state within twenty (20) days
16-9 prior to the election. They shall supervise the casting of votes by persons using mail ballots at a
16-10 place that preserves their secrecy ~~and shall take acknowledgments or serve as witnesses,~~ and
16-11 jointly provide assistance, if requested, to assure proper marking, sealing, and mailing of ballots
16-12 as voted. ~~Every mail ballot cast by a patient in a hospital or convalescent home within this state~~
16-13 ~~must be witnessed by the state supervisors.~~ It shall be the duty of the person or persons in charge
16-14 of hospitals, rest homes, nursing homes and convalescent homes, or similar types of personal care
16-15 facility to allow the state supervisors to perform their duties as set forth in this section at all
16-16 reasonable times. Every person who willfully hinders the state supervisors in performing their
16-17 duties as set forth in this section shall be guilty of a misdemeanor.

16-18 (b) It shall be the responsibility of the state board of elections to provide all bipartisan
16-19 pairs of supervisors with an official identification card. All bipartisan pairs of supervisors will be
16-20 required to have in their possession their identification card when conducting official business.

16-21 (c) Any person who deliberately misrepresents themselves as an official of the board of
16-22 elections, or who deceives, coerces, or interferes with a voter casting a ballot, shall be subject to
16-23 prosecution under section 17-20-30.

16-24 **17-20-14.1. Mail ballots -- Local supervision. --** Each local board shall be authorized to
16-25 appoint one or more bipartisan pairs of supervisors in the manner that other bipartisan pairs of
16-26 supervisors are appointed for each election, whose duty it shall be to attend each person who
16-27 makes an application for a mail ballot under sections 17-20-2.1 and 17-20-2.2, who does not fall
16-28 under the provisions of section 17-20-14, and who requests that a bipartisan pair of supervisors be

16-29 sent by the board of canvassers to that person's place of residence for the purpose of supervising
16-30 or assisting the mail voter in casting his or her vote. The bipartisan pairs of supervisors shall
16-31 supervise the casting of votes by persons using the mail ballot at a place that preserves their
16-32 secrecy ~~and shall take acknowledgments or serve as witnesses~~, and jointly provide assistance, if
16-33 requested, to assure proper marking, sealing, and mailing of ballots as voted. The failure or
16-34 neglect of any local board to appoint these bipartisan pairs, or the failure or neglect of any pair to
17-1 attend any place at which a mail voter's ballot may be used, or the marking, sealing, or mailing of
17-2 ballots in the absence of any pair, shall not invalidate any ballot.

17-3 **17-20-14.2. Voting from board of canvassers.** -- The state board of elections shall
17-4 appoint as many pairs of supervisors as are necessary whose duty it shall be to attend each board
17-5 of canvassers in the state on each of the six (6) business days prior to the election, on election
17-6 day, and on any additional days that the state board shall direct to supervise the casting of votes
17-7 by persons using mail ballots at a place that preserves their secrecy ~~and to take acknowledgments~~
17-8 ~~or serve as witnesses~~, and jointly provide assistance, if requested, to assure proper marking,
17-9 sealing, and mailing of ballots as voted. The pairs appointed by the board of elections shall be
17-10 "bipartisan", as defined in this title, unless the persons are members or employees of the boards of
17-11 canvassers of the cities and towns. The state board of elections may, in its discretion, appoint
17-12 members and employees of the boards of canvassers of the cities and towns to the pairs of
17-13 supervisors provided for in this section. Every mail ballot cast at a board of canvassers must be
17-14 witnessed by the state supervisors. Every person who willfully hinders the state supervisors in
17-15 performing their duties as set forth in this section shall be guilty of a misdemeanor.

17-16 **17-20-21. Certifying envelopes.** -- The secretary of state shall cause to be prepared and
17-17 printed and shall furnish with each mail ballot an envelope for sealing up and certifying the ballot
17-18 when returned. The envelope shall be printed in substantially the following form:

17-19 "After marking ballot or ballots, fold and enclose in this envelope and seal it. ~~Certify to~~
17-20 ~~statement hereon.~~ Certify the ballot by signing your name in the place provided on the
17-21 certification envelope. Enclose in envelope addressed to board of elections, which must receive
17-22 the envelope not later than nine o'clock (9:00) p.m. the day of election."

17-23 Date of Election: _____ City/Town of: _____

17-24 Certificate of Voter

17-25 I _____, certify under penalty of perjury

17-26 Print Name of Voter

17-28 that I am a resident of the state of Rhode Island and a qualified voter of the state residing
17-29 at _____

17-30 Street and number, if any)

17-31 in the city or town of _____ and ~~that I am eligible to cast a~~

17-32 ~~mail ballot for the reason set forth in my application and that I have not qualified to vote~~
17-33 elsewhere than as set forth on this envelope, nor do I intend to vote for any of the candidates,
17-34 amendments or propositions named in the enclosed ballot elsewhere or in any other manner.

18-1 Voter must sign full name here: (If unable to sign name because of physical incapacity or
18-2 otherwise, voter shall make his or her mark "(X)").

18-3 Before me the _____ day of _____ 20_____, at

18-4 _____ (city or town), county of _____, state of

18-5 _____, personally appeared the above named voter, to me known and known
18-6 by me to be the person who affixed his or her signature to this ballot envelope.

18-7 _____ Notary Public Notary must also print

18-8 his or her name Witness: _____ =rf (Signature) (Residence) =forme

18-9 Note: Mail ballots must either be sworn to before a notary public or before two (2)
18-10 witnesses who must sign their names and addresses. If the voter is incapacitated because of
18-11 illness, mental or physical disability, blindness or a serious mobility impairment and checked
18-12 subdivision (3) on the mail ballot application, no notarization or witnesses are necessary.

18-13 **17-20-23. Marking and certification of ballot.** -- (a) A voter desiring to vote for all
18-14 candidates of one political party for national and state, or city or town, offices, shall fill in the
18-15 appropriate space next to the designation of that party upon the appropriate ballot. A voter casting
18-16 a straight party vote may also individually vote for candidates and, in doing so, the straight party
18-17 vote will not be counted for that office and the individual vote, or votes in the case where more
18-18 than one candidate will be elected for an office, will override the straight party vote for that
18-19 office.

18-20 (b) A voter may omit to mark as provided in subsection (a) of this section and may vote
18-21 for the candidates of the voter's choice by making a mark in the space provided opposite their
18-22 respective names.

18-23 (c) In case a voter desires to vote upon a question submitted to the vote of the electors of
18-24 the state, the voter shall mark in the appropriate space associated with the answer that the voter
18-25 desires to give.

18-26 (d) The voter shall mark the ballot, ~~in the presence of two (2) witnesses or some officer~~
18-27 ~~authorized by the law of the place where marked to administer oaths; provided, that electors~~
18-28 ~~casting their ballot pursuant to section 17-20-2(3) or (7) do not need to have their ballot witnessed~~
18-29 ~~or notarized. Except as otherwise provided for by this chapter, the voter shall not allow the~~
18-30 ~~official or witnesses to see how he or she marks the ballot and the official or witnesses shall hold~~
18-31 ~~no communication with the voter, nor the voter with the official or witnesses, as to how the voter~~

18-32 is to vote. Thereafter, the voter shall enclose and seal the ballot in the envelope provided for it.
18-33 The voter shall then execute before the official or witnesses the certification on the envelope. The
18-34 voter shall then enclose and seal the certified envelope with the ballot in the envelope addressed
19-1 to the state board and cause the envelope to be delivered to the state board on or before election
19-2 day.

19-3 (e) These ballots shall be counted only if received within the time limited by this chapter.

19-4 (f) There shall be a space provided on the general election ballot to allow the voter to
19-5 write in the names of persons not in nomination by any party as provided for in sections 17-19-31
19-6 and 17-20-24.

19-7 **17-20-24.1. Irregularities in obtaining and casting mail ballots. --** The requirements
19-8 set forth by this chapter controlling mail ballot eligibility and the procedure by which mail ballots
19-9 are obtained and cast shall be strictly applied to assure the integrity of the electoral system. No
19-10 mail ballot which was not obtained and/or cast in material conformance with the provisions of
19-11 this title shall be certified by the board of elections. ~~Notwithstanding the provisions of section 34-~~
19-12 ~~42-3 to the contrary, any mail ballot application or mail ballot certification notarized by a person~~
19-13 ~~who is not in fact a notary public or other officer authorized to administer oaths and take~~
19-14 ~~acknowledgements shall be void.~~ Nothing in this chapter shall be construed to require the
19-15 disqualification of a ballot merely because the elector did not sign the elector's full name as it is
19-16 listed on the voter registration list, but omitted or included a middle initial or name, abbreviated a
19-17 first and/or middle name, or made a similar omission or inclusion, as long as the board of
19-18 elections can reasonably determine the identity of the voter.

19-19 **17-20-25. Return of unused ballots. --** Every voter who has received a mail ballot and
19-20 has not cast it shall nevertheless return the unvoted ballot and its uncertified enclosing envelope
19-21 to the state board or local board with a statement that the voter is not using the mail ballot, before
19-22 nine o'clock (9:00) p.m. on election day.

19-23 **17-20-26. Opening and counting of ballots. --** (a) (1) Beginning prior to and continuing
19-24 on election day the state board, upon receipt of mail ballots, shall keep the ballots in a safe and
19-25 secure place which shall be separate and apart from the general public area, and shall:

19-26 (i) Open the outer envelope and attach the matching ballot application to the inner
19-27 certifying envelope;

19-28 (ii) Beginning fourteen (14) days prior to and continuing on election day, proceed to
19-29 certify the mail ballots.

19-30 (2) Notice of these sessions shall be given to the public by announcements in newspapers
19-31 of general circulation published at least twenty-four (24) hours before the commencing of any
19-32 session. All candidates for state and federal office, as well as all state party chairpersons, shall be
19-33 given notice by telephone or otherwise of the day on which ballots effecting that candidate's
19-34 district will be certified; provided, that failure to effect the notice shall in no way invalidate the
20-1 ballots.

20-2 (b) This processing shall be done within a railed space in the room in which it takes
20-3 place, and the board shall admit within the railed space, in accordance with those rules that the
20-4 board shall adopt, to witness the processing and certification of the ballots, the interested voter or
20-5 the voter's representative, the candidates, or at least one representative of each candidate for
20-6 whom votes are at the time being processed, and an equal number of representatives of each
20-7 political party. These representatives shall be authorized in writing by the voter, the candidate, or
20-8 the chairperson of the state committee of the political party, respectively, as the case may be. The
20-9 board shall also, in accordance with these rules, admit representatives of the press and
20-10 newscasting agencies and any other persons that it deems proper.

20-11 (c) At these sessions, and before certifying any ballot, the state board shall:

20-12 (1) Determine the city or town, in which the voter cast his or her ballot and classify
20-13 accordingly; and

20-14 (2) Compare the name, residence, and signature of the voter with the name, residence,
20-15 and signature on the ballot application for mail ballots and satisfy itself that both signatures are
20-16 identical.

20-17 (d) If upon completion of the certification of a mail ballot no objection has been raised
20-18 against the certification of the ballot, the outer envelope shall be discarded. However, if an
20-19 objection has been raised that entails further consideration and determination by the board, the
20-20 outer envelope shall remain attached to the certifying inner envelope for identification purposes.

20-21 (e) The board shall establish guidelines setting forth the grounds for challenging the
20-22 certification of mail ballots. These guidelines shall recognize that if a ballot can be reasonably
20-23 identified to be that of the voter it purports to be, and if it can reasonably be determined that the
20-24 voter was eligible to vote by mail ballot and if the requirements of section 17-20-2.1 were
20-25 complied with, it should not be subject to frivolous or technical challenge. The burden of proof in
20-26 challenging a mail ballot as not obtained and/or cast in conformance with this chapter is on the
20-27 person challenging the ballot. Once the irregularity is shown, the burden of proof shall shift to the
20-28 person defending the ballot to demonstrate that it is the ballot of the voter it purports to be, that
20-29 the voter was eligible to vote by mail ballot, and that all of the applicable requirements of section
20-30 17-20-2.1 were complied with. The guidelines shall be adopted at a public meeting of the board
20-31 and shall be made available prior to the start of the certification process for mail ballots.

20-32 (f) After processing and certification of the mail ballots, they shall be separated in
20-33 packages in accordance with their respective cities and towns, in the presence of the board and all
20-34 other interested parties. Thereupon, in each instance the board shall open the enclosing envelope,
21-1 and without looking at the votes cast on the enclosed ballot, shall remove the ballot from the

21-2 envelope. The state board shall proceed to count the ballots on election day through the use of a
 21-3 central count optical scan unit with the same effect as if the ballots had been cast by the electors
 21-4 in open town or district meetings.

21-5 (g) When a local election is held at a time other than in conjunction with a statewide
 21-6 election, the state board, after the processing and certification of the mail ballots cast in the local
 21-7 election, shall package the local ballots to be promptly delivered in sealed packages, bearing upon
 21-8 the seals the signatures of the members of the board, to the appropriate local board which shall
 21-9 [a]thereupon proceed to count the ballots in the same manner and with the same effect as state
 21-10 mail ballots are counted by the state board.

21-11 (h) When a local election is held in New Shoreham at a time other than in conjunction
 21-12 with a statewide election, the state board, after the processing and certification of the mail ballots
 21-13 cast in the local election, shall have the authority to count the ballots in the same manner and with
 21-14 the same effect as state mail ballots are counted by the state board in a statewide election. Once
 21-15 the ballots are counted, the results shall be sent via facsimile to the local board in New Shoreham.

21-16 **17-20-29. Mail applicant not permitted to vote at polls. --** (a) No person, or one
 21-17 claiming to be that person, whose name has been marked upon any voting list, provided for
 21-18 official use at any election, with the mark as provided by section 17-20-10, shall be permitted to
 21-19 vote in person at the election; provided, that the person may re-establish his or her right to vote in
 21-20 person by presenting himself or herself at that person's local board on or before election day and
 21-21 surrendering his or her mail ballot. Upon that surrender the person's name shall be restored to the
 21-22 voting list. Any person whose name has been marked on the voting list may also be permitted to
 21-23 vote in person at their regular polling place on election day by provisional ballot if that person
 21-24 executes ~~and delivers to the local board~~ an affidavit stating that the person did not receive the
 21-25 mail ballot, or that the mail ballot was spoiled, lost or destroyed.

21-26 (b) Each local board shall, immediately after the close of the polls, certify and deliver to
 21-27 the state board the names and addresses of all persons restored to the voting list, together with the
 21-28 affidavits and surrendered ballots received pursuant to this section.

21-29 **17-20-30. Penalty for violations. --** (a) Any person who knowingly makes or causes to
 21-30 be made any material false statement in connection with his or her application to vote as a mail
 21-31 voter, or who votes or attempts to vote under the provisions of this chapter, by fraudulently
 21-32 signing the name of another upon any envelope provided for in this chapter, or who, not being a
 21-33 qualified voter and having knowledge or being chargeable with knowledge of the fact, attempts to
 21-34 vote under this chapter, or who votes the ballot of another voter, or who deliberately prevents or
 22-1 causes to prevent the mail ballot to be received by the voter or to be returned to the board of
 22-2 elections, ~~or who falsely notarizes or witnesses the voter signature on the ballot application or~~
 22-3 ~~mail ballot~~, or who deceives, coerces, or interferes with the voter casting his or her ballot, and any
 22-4 person who does or attempts to do, or aid in doing or attempting to do, a fraudulent act in
 22-5 connection with any vote cast or to be cast under the provisions of this chapter, shall be guilty of
 22-6 a felony.

22-7 ~~(b) Any person who, having received a mail voter's ballot and having voted or not voted~~
 22-8 ~~the mail ballot, votes or fraudulently attempts to vote at any elective meeting within the state held~~
 22-9 ~~on the day for which the ballot was issued shall be guilty of a felony.~~

22-10 ~~(b)(e)~~ Any officer or other person who intentionally opens a mail voter's certified
 22-11 envelope or examines the contents before the envelope is opened by the board of elections, as
 22-12 provided in this chapter, shall be guilty of a felony.

22-13 ~~(c)(d)~~ The offenses in this section shall be punishable by imprisonment of not more than
 22-14 ten (10) years and/or by a fine of not less than five hundred dollars (\$500) nor more than five
 22-15 thousand dollars (\$5000).

22-16 **17-20-34. Liberal construction. --** This chapter shall be construed liberally to effect the
 22-17 purposes of maintaining the integrity and the secrecy of the mail ballot ~~by assuring that only~~
 22-18 ~~electors eligible to vote by mail ballot are allowed to utilize that method of voting~~, by assuring
 22-19 that the procedures set forth in this chapter controlling the application and balloting processes are
 22-20 strictly enforced, and by safeguarding the mail ballot voter from harassment, intimidation, and
 22-21 invasion of privacy.

22-22 SECTION 2. This act shall take effect upon passage.

<p>MOTION: To find beneficial if amended to mirror S 2707 10 H 7953 AN ACT RELATING TO ELECTIONS -- MAIL BALLOTS JL/BI passed Nay: TT, SB, JB, Astain: RC To find beneficial 10 S 2707 AN ACT RELATING TO ELECTIONS -- MAIL BALLOTS JL/BI passed Nay: TT, SB, JB Abstain: RC, EG</p>		
6. Announcements and Scheduling of Meetings	Chairperson	5 min.
Next meeting will be on:	Monday May 10 th	Starting at: 3 PM
Adjournment:	Chairperson adjourned the meeting at 4:58 PM	
Observers:	Anthony Robinson (House of Representatives)	
Resource persons:	Bob Cooper, Committee Staff	