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State of Rhode Island

Gina M. Raimondo
Governor

EXECUTIVE ORDER

20-74

September 4, 2020

SIXTY-NINTH SUPPLEMENTAL EMERGENCY DECLARATION – MODIFYING PROCESSES FOR THE PRIMARY AND GENERAL PREDOMINANTLY MAIL BALLOT ELECTIONS

WHEREAS, on March 9, 2020, I declared a state of emergency due to the dangers to the health and life posed by COVID-19 and such declaration has been extended until at least October 3, 2020;

WHEREAS, the Centers for Disease Control and Prevention (CDC) and the Rhode Island Department of Health (RIDOH) recognize that certain populations continue to remain at a higher risk for both the transmission and effects of COVID-19 and are strongly advised to remain at home unless necessary for work, medical treatment or to obtain necessities such as groceries, gas or medication;

WHEREAS, minimizing contact between individuals, including those who would ordinarily vote at a polling place, will help to slow the spread of COVID-19;

WHEREAS, a predominantly mail ballot election is projected to significantly increase the use of mail ballots, with an anticipated 43,000 mail ballots to be certified and tabulated for the Primary and between 350,000 and 400,000 mail ballots to be certified and tabulated for the General election;

WHEREAS, the Board of Elections (Board) convened meetings throughout the course of this pandemic to gather testimony and evidence from various sources, including RIDOH and the CDC, to determine the adverse impact upon the health and welfare of the public, including the threat of an increased rate in the transmission of COVID-19, if traditional in-person elections are conducted in the State during the pandemic; and

WHEREAS, the Board conducted a public meeting on August 28, 2020 to discuss and vote upon modifications to the elections process, including provisions of Chapters 15 and 20 of Title 17 of the General Laws in order to effectuate a predominantly mail ballot election for both the Primary and General elections.

NOW, THEREFORE, I, GINA M. RAIMONDO, by virtue of the authority vested in me as Governor of the State of Rhode Island, pursuant to Article IX of the Rhode Island Constitution and the Rhode Island General Laws, including but not limited to Title 30, Chapter 15 and Title 23, Chapter 8, do hereby order and direct the following:

1. The statutory requirements set forth under R. I. Gen. Laws § 17-20-26(a)(1)(i) are hereby suspended to the extent that the statute requires the Board to attach the mail ballot applications to the certification envelopes for the comparison of the voter's signature set forth on the application with the signature set forth on the certification envelope. Consistent with its vote taken on August 28, 2020, the Board will instead compare the voter's signature located on the certification envelope with the voter's signature retrieved from the Central Voter Registration System (CVRS) database maintained by the Secretary of State. Provided, that no signature set forth on the certification envelope shall be rejected until and unless the signature is also compared to the signature set forth on the voter's mail ballot application.

2. Pursuant to the intent of the General Assembly, as set forth under R.I. Gen. Laws § 17-20-26(e), and consistent with the Board's longstanding practice and procedure, no voter's signature shall be rejected if it appears to match the signature retrieved from either the CVRS or the mail ballot application, unless it is subject to a valid challenge. The burden of proof in challenging any mail ballot signature rests on the person asserting said challenge. Further, any voter whose mail ballot is rejected shall be notified and provided an opportunity to cure his or her ballot pursuant to the Board's protocol to cure any facial deficiency, omission or discrepancy pertaining to the voter's certification envelope, as promulgated under the Board's

Rules and Regulations for Mail Ballot Certification Process, 410 – RICR – 20-00-23.

3. The statutory requirements set forth under R.I. Gen. Laws § 17-20-26(a)(2) are hereby suspended to the extent that the statute requires notice of the Board's mail ballot certification sessions to individual candidates for the day on which ballots for their races will be examined and certified. Given the projected number of mail ballots to be returned for both the Primary and General elections, the certification process cannot be segregated by individual races. Consistent with the Board's vote taken on August 28, 2020, mail ballots will be processed as they are received on a daily basis throughout the certification period. Each certification session shall remain public and shall be noticed to the public in accordance with the remaining requirements set forth under R.I. Gen. Laws § 17-20-26(a)(2).

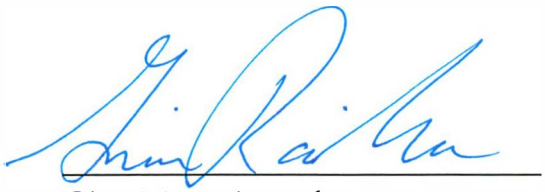
4. The 14-day period set forth under R.I. Gen. Laws § 17-20-26(a)(1)(ii) for the opening and certification of mail ballots is hereby suspended for the General election. The period for the opening and certification of mail ballots shall be extended to 20 days in accordance with the vote taken by the Board during its August 28, 2020 meeting. The extension will alleviate some of the administrative burden relating to the projected increase in mail ballots resulting from a predominantly mail ballot election.

5. The deadline for the receipt of an emergency mail ballot under R.I. Gen. Laws § 17-20-2.2(b) is hereby suspended so that, consistent with the Board's August 28, 2020 vote, a voter shall have one additional day, until the November 3, 2020 General election at 4:00 p.m., to submit an emergency mail ballot application to the local board of canvassers.

6. The deadline to request a recount, or file a protest, as set forth under R.I. Gen. Laws § 17-15-34, shall be suspended for the Primary election. The law requires that all recount requests, or protests, be filed with the Board no later than 4:00 p.m. on the day following the Primary election. Since the results of the Primary election will not be tabulated by that time, candidates will have no basis to seek a recount, or file a protest. Consequently, the Board voted to extend the deadline for filing a recount request, or other protest, until 4:00 p.m. on the day following the Board's declared tabulation of the results for the Primary election.

This Order shall take effect immediately and remain in full force and effect until October 4, 2020 to be renewed or modified as necessary and appropriate to carry out the purpose of this Order.

So Ordered:



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