Emergency Rule and Regulation Establishing Vote-by-Mail Ballot Drop Boxes for 2020 Presidential Preference Primary

Purpose.

The purpose for this Rule and Regulation is to provide mail ballot voters with an alternative method for the submission of ballots to the Board of Elections for tabulation in the June 2, 2020 Presidential Preference Primary by establishing drop box receptacles in each city and town in the State of Rhode Island and to address the need to offer an alternative method of transmitting the mail ballots to the Board on a timely basis under the requirements of R.I. Gen. Laws § 17-20-16.

Definitions.

A. “Drop Box” shall mean a locked and secure container that shall serve as a receptacle for the receipt of mail and emergency ballots cast by voters under Chapter 20 of Title 17 of the General Laws during the June 2, 2020 Presidential Preference Primary (“PPP”). Every Drop Box established by the Board shall be deemed to be the property of the Board and shall be available to the public on June 2, 2020 from 7 a.m. through 8 p.m. (except for New Shoreham which shall be available from 9 a.m. through 8 p.m.), in accordance with R.I. Gen. Laws §§ 17-18-10 and 17-18-11.

B. “Sealed Certification Envelope” shall mean the envelope described under R.I. Gen. Laws §17-20-21 that is provided to the mail ballot applicant by the Secretary of State for purposes of returning by mail the completed ballot to the Board of Elections. The Sealed Certification Envelope includes the certification provision set forth under R.I. Gen. Laws § 17-20-21.

C. “Secure Ballot Transfer Device” shall mean a lockable bag or container in which ballots deposited at a Drop Box shall be placed for purposes of transporting to the Board of Elections. Said device shall be tamper proof and sealed in a manner to readily disclose any opening of the bag or container after being closed and sealed.

Effect of Depositing Ballot in any Designated Drop Box on June 2, 2020.

A. For purposes of this Rule and Regulation, any ballot that is cast by a voter as either a mail ballot or emergency ballot and is deposited by the voter into a Drop Box on or before 8 p.m. on June 2, 2020, shall be deemed to be received by

B. Any ballots deposited in a Drop Box by 8 p.m. on June 2, 2020 and enclosed within its Sealed Certification Envelope shall be processed, certified and tabulated in the same manner as all other mail and emergency ballots that have been cast and received by the Board of Elections by 8 p.m. on June 2, 2020.

Drop Box Requirements and Locations

A. A Drop Box shall be established in each city and town in the State of Rhode Island and shall be located prominently and in close proximity to the entrance of the city or town hall building in each community. The Drop Box may be established inside a city or town hall building but only if the building remains open and accessible to the public up until the close of the polls at 8 p.m. and provided further that prominent signage be displayed outside of the municipal building that notifies the public of the existence and location of the Drop Box.

B. Each Drop Box shall be tamper-proof and the Drop Box shall use a slot opening that is capable of receiving mail and emergency ballots within the sealed certification envelopes. The opening of the Drop Box shall not be capable of receiving any larger item, including any package or material that could damage any deposited ballot. If the Drop Box is outside, it must also be designed to protect deposited ballots from any outside elements, including rainwater.

C. The location of the Drop Box and the slot opening must be accessible to any handicapped person, and be at a height that permits the deposit of a ballot from the height of a wheelchair.

D. The Drop Box shall be clearly and visibly marked, as an “OFFICIAL BALLOT DROP BOX PRESIDENTIAL PREFERENCE PRIMARY. Ballots must be deposited here no later than 8 p.m. on June 2, 2020 unless the voter is in line to deposit his or her ballot at 8 p.m.” Each Drop Box shall also display the official seal of the Board of Elections.

E. The Drop Box shall also notify the voter that no postage is required when depositing the ballot into the Drop Box and that each ballot must be deposited within the Sealed Certification Envelope provided to the voter.
Public Notice of Drop Box Locations for Presidential Preference Primary.

The Board of Elections and Secretary of State shall provide public notice of the availability and location of each Drop Box for the PPP on June 2, 2020. Said notice shall also be posted on the websites of the Board of Elections and Secretary of State and, to the extent feasible, on the official website for each city and town in Rhode Island.

Process for Retrieval and Delivery of Ballots Deposited in Drop Boxes

A. The Board of Elections shall designate one or more staff members of each local board of canvassers as the official agents of the Board of Elections, for purposes of retrieving ballots deposited in Drop Boxes.

B. At 8 p.m. on June 2, 2020, upon the last ballot deposited by any person in line at that time, the designated agent of the Board of Elections shall ensure that no other ballots are deposited in the Drop Box.

B. Each Drop Box must be sealed and locked. The Drop Boxes should also be covered to prevent voters from attempting to deposit ballots after the close of the polls on June 2, 2020.

C. Ballots shall then be retrieved from the Drop Boxes by the designated agent of the Board of Elections, accompanied by one or more staff members of the local board of canvassers.

D. The Board of Elections agent and a staff member of the local board of canvassers shall then collect all ballots from the Drop Box and place the ballots in a Secure Ballot Transfer Device.

E. The date and time of retrieval, and the number of ballots contained in the Drop Box, shall be noted on a retrieval form provided by the Board of Elections.

F. Upon retrieval of the ballots from the Drop Box, the Board of Elections agent shall also inspect the Drop Box for any evidence of tampering and shall note any such finding on the ballot retrieval form.

G. The completed ballot retrieval form shall be affixed to the outside of the Secure Ballot Transfer Device.

H. The ballots shall be transported to the Board of Elections in the Secure Ballot Transfer Device for processing and tabulation. Only persons designated by the Board, including assigned law enforcement officers, shall be authorized to transport the ballots to the Board. The Board shall record the time and date that the transported ballots were received.
I. When the Secure Ballot Transfer Device is received and opened by the Board, the number of ballots contained therein shall be counted by the Board staff to confirm the information contained on the ballot retrieval form. The Board findings shall be set forth on a ballot receipt form. The Board shall then process and certify the Sealed Certification Envelopes and tabulate the enclosed ballots in the same manner as all other mail and emergency ballots in accordance with the statutory requirements of Chapter 20 of Title 17 of the General Laws.