

Rhode Island's 45-day Waiver

Subject	Rhode Island's 45-day Waiver
From	[REDACTED]
To	Burgess, Robin CIV WHS/FVAP; RSS - WHS/FVAP Waiver Application
Cc	Jan Ruggiero
Sent	Tuesday, August 03, 2010 12:57 PM
Attachments	 45-waiver request fro...

Hi Robin,

Attached is Rhode Island's 45-day waiver request. I will be faxing the request and hard mailing it as well. If you have any questions please let me know. Thank you.

Rob

Rob Rock

Elections Division

Secretary of State A. Ralph Mollis

[REDACTED]

[REDACTED] (phone)

[REDACTED] (fax)



State of Rhode Island and Providence Plantations

A. Ralph Mollis

Secretary of State

State Undue Hardship Waiver Request
Under the MOVE Act Section 579

1. State Name Rhode Island and postal abbreviation RI

2. Chief State Election Official (CSEO)

First Name: A. Ralph Last Name: Mollis
Title: Secretary of State
Address: [Redacted]
Address: [Redacted]
City: Providence State: RI Zip: [Redacted]
Email: [Redacted] Phone: [Redacted] Fax: [Redacted]

August 3, 2010

Signature (digital signature accepted):

Date:

3. Preferred State Election Contact:

First Name: Janet Last Name: Ruggiero
Title: Director of Elections
Address: Office of the Secretary of State
Address: [Redacted]
City: Providence State: RI Zip: [Redacted]
Email: [Redacted] Phone: [Redacted] Fax: [Redacted]

4. Acknowledgement of UOCAVA voters' right to vote

Rhode Island recognizes that the purpose of 42 USC 1973ff-1(a)(8)(A) is to allow absent uniformed services voters and overseas voters sufficient time to vote in an election for federal office.

Type initials: jlr

Date: July 26, 2010

5. Type of hardship claimed (check one)

- 2(b)i. Undue hardship due to a late primary.
- 2(b)ii. Undue hardship due to a legal challenge
- 2(b)iii. Undue hardship caused by a state constitutional prohibition.

Please indicate location in package that identifies your plan to resolve the problem:
See pages 3 and 4.

6. Please indicate the location in the package that contains the section in the comprehensive plan identifying the State’s explanation for the necessity of the waiver request. Explanation is on Page 2.

7. On what date(s) will the State require ballots to be available and sent? Explanation is on Page 2.

8. Please indicate the location in the package that contains the section in the comprehensive plan identifying how the State plans to provide sufficient time for UOCAVA voters, who have timely submitted an absentee ballot request, to receive, mark, and submit their ballots in time to have those ballots counted? Explanation is on pages 3 and 4.

9. If included, indicate the location in the package that contains the section in the comprehensive plan identifying how the State plans to resolve the underlying issue prior to the next election for federal office, including steps already taken, to be taken, timelines, and supporting documentation? See page 4.

Rhode Island’s Comprehensive Plan

Rhode Island recognizes and acknowledges that the purpose of the 45-day transit time is to allow UOCAVA voters enough time to vote in Federal elections. Rhode Island’s Comprehensive Plan includes an explanation of why the State cannot meet the requirement. Our Plan also details the number of days prior to Federal elections that the State requires absentee ballots be sent to UOCAVA voters. Our Plan, as detailed below, ensures that overseas voters are able to receive and submit an absentee ballot in time for it to be counted

Rhode Island is requesting this waiver based on the hardship due to a late primary. In Rhode Island, the date of the state primary prohibits us from having mail ballots available 45 days before an election. This year our primary is September 14, 2010.ⁱ By statute, the State Board of Elections and the 39 local boards of canvassers certify the primary results to the Secretary of State on Friday, September 17th.ⁱⁱ The steps for the ballot preparation process begin forthwith in the Elections Division of the Office of the Secretary of State.

The 45th day before the election is Saturday, September 18, which is the day after the Elections Division receives candidate certifications for all candidates that will appear on the November ballot with the exception of candidates who have been challenged.

On September 18th, the Elections Division is still generating and proofing approximately 570 ballot styles. These ballot styles are then sent to the appropriate local boards for their review and approval. Once approved by the local board, the Elections Division sends the final PDF file to the printing company. The soonest some of the PDF files are sent to the printer is the 42nd day before the Election. The Elections Division sends the printing company PDF files on a daily basis from that point forward until all files for the 39 cities and towns have been sent.

The earliest the hard copy of the official mail ballot is available for some precincts is the 39th day before the election. All hard copies of official mail ballots are available and in the mail or fax by the 32nd day before the election, barring any court cases or unforeseen circumstances. By administrative policy, the Elections Division processes and mails all mail ballots, for which they have a certified mail ballot application and/or FPCA, on the day the mail ballot is delivered to us by the printer. It is the policy of the Elections Division to continue working each day until all possible mail ballot applications are processed and sent to the State Mail Room and/or the USPS. The Elections Division brings all UOCAVA ballots directly to the USPS, as they do not need postage applied in the State Mail Room.

We have developed a comprehensive plan whereby UOCAVA voters can download their ballot and related materials and mail or fax their voted ballot back to Rhode Island.

The Office of the Secretary of State has modified its mail ballot module in its state central voter registration system (CVRS). This modification allows the CVRS to separate and clearly identify UOCAVA mail ballot applicants from regular mail ballot applicants to better assist UOCAVA voters in receiving their ballot as close to the 45-day deadline as possible.

We have also modified our current VIC (Voter Information Center) on our website to better assist UOCAVA voters in (1) tracking the status of their mail ballot application and voted ballot, and (2) receiving their ballot as close to the 45-day deadline as possible.

With respect to tracking ballot status, the Secretary of State's VIC allows every mail ballot applicant to follow the travel of their ballot, i.e. date their mail ballot application was received by local board; date local board certified application to SOS; date SOS mailed ballot; and date BOE received voted ballot. Accordingly, UOCAVA voters will be able to track the travel of their ballot.

Through our VIC, we have given UOCAVA voters the ability to print (1) the PDF of their official mail ballot. While official printed ballots are not available until approximately 30-35 days before an election, the official PDF from which a ballot is printed is available anywhere from 39-42 days before an election. Our IT Division has developed a program where they can link the official mail ballot PDF to the applicant's file in VIC.

In addition, we post PDFs of the oath envelope and return mailing address label as well as any and all other pertinent voting instructions and cover sheets that will allow them to vote their ballot and mail it back to the State Board of Elections in accordance with RIGL 17-20-6.1 as close to the 45-day transit period as possible.

Additionally, if the UOCAVA applicant faxed his/her mail ballot application/FPCA, he/she will be given the option to download the informational files and forms necessary for the applicant to fax his/her voted ballot to Rhode Island.

In the past Rhode Island has used official state blank ballots when the official ballot is not yet printed and will continue to do so in addition to the above procedure. UOCAVA voters requesting a ballot will be sent a blank ballot by mail prior to the 45th day before an election; and

when the official ballot becomes available they will also be sent the official ballot by mail. UOCAVA voters requesting a ballot by fax will be sent a blank ballot by mail and fax prior to the 45th day before the election; and when the official ballot becomes available they will also be sent the official ballot by mail and fax. Additionally, UOCAVA voters are allowed by law to use the FWAB. [§17-20-6.1(e) and 17-20-6] ⁱⁱⁱ

At this time Rhode Island does not have a plan identifying how the State will resolve the underlying issue (Primary date is too close to the Election date) prior to the next election for federal office. However, the Office of the Secretary of State will bring this matter to the attention of the General Assembly during their 2011 session.

ⁱ **§ 17-15-1 Date of primaries.** – A primary election for the nomination of candidates for each political party shall be held in each voting district in the manner provided in this chapter on the second Tuesday after the first Monday in September in each even numbered year.

ⁱⁱ **§ 17-19-7 Local candidates and questions – Certification – Ballots.** – The local board of each city or town shall certify to the secretary of state, not later than four o'clock (4:00) p.m. of the third (3rd) day following the last day for the holding of the primary held pursuant to the provisions of chapter 15 of this title, preceding any regular city or town election to be held on the Tuesday next after the first Monday in November in any year, or not later than twenty-nine (29) days before any regular city or town election held at any time other than on the Tuesday next after the first Monday in November in any year, or not later than twenty-nine (29) days before any special city or town election, the offices to be voted for at the election, the names of the candidates for each office and the party name under which the respective candidates were nominated, and any other information necessary to enable the secretary of state to prepare ballots uniform in size, type, color, and appearance with those prepared by the secretary for the state election, and in like manner the local board shall certify to the secretary of state, not later than four o'clock (4:00) p.m. on the ninetieth (90th) day preceding any regular city or town election to be held on the Tuesday next after the first Monday in November in any year, or not later than fifty (50) days before any regular city or town election held at any time other than on the Tuesday next after the first Monday in November in any year, or not later than fifty (50) days before any special city or town election, a copy of each question to be submitted to the electors of the city or town so that suitable ballots may be prepared and furnished for the election.