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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO ELECTIONS -- VOTING

Introduced By: Representatives Cruz, Ajello, Felix, Sanchez, Morales, Potter, Kislak,  
Casimiro, Alzate, and Tanzi

Date Introduced: February 28, 2025

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

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

3 **17-1-2. Definitions.**

4 For the purposes this title, except as may otherwise be required by the context:

5 (1) "Election" means the filling of any public office or the determination of any public  
6 question by vote of the electorate, and includes without limitation any state, town, or city office or  
7 question, and any political party primary election for the nomination of any candidate for public  
8 office; except that it shall not include a financial town meeting or a meeting to elect officers of a  
9 fire, water, or sewer district;

10 (2) "General election" means an election held on the first Tuesday next after the first  
11 Monday in November in even numbered years for the election of members of the general assembly  
12 and/or for the election of general officers, and/or for the election of presidential electors for  
13 president/vice-president of the United States;

14 (3) "General officer" means an officer designated as a general officer by chapter 2 of this  
15 title;

16 (4) "Independent candidate" means a candidate who has no affiliation with any political  
17 party;

18 (5) "Local board" means a town or city board of canvassers, board of canvassers and  
19 registration, canvassing authority, or any other local board, commission, or officer empowered by

1 law to have custody of the permanent registration records;

2 (6) "Local election" means any election limited to the electorate of any city or town, or any  
3 part, at which any city, town, ward, or district officers are to be chosen, or any elective meeting at  
4 which a question is to be submitted to the voters of a city, town, or any subdivision of a city or  
5 town, but it shall not include a financial town meeting;

6 (7) "Party member" means any person who is a member of a designated political party  
7 pursuant to § 17-9.1-23;

8 (8) "Party voter" means any qualified voter who is eligible to vote at the primary election  
9 of a political party;

10 (9) "Political party" or "party" means: (i) any political organization which, at the next  
11 preceding general election for the election of general officers, nominated a candidate for governor,  
12 and whose candidate for governor at the election polled at least five percent (5%) of the entire vote  
13 cast in the state for governor, or (ii) any political organization which at the next preceding general  
14 election for the election of a president of the United States nominated a candidate for president and  
15 whose candidate for president at the election polled at least five percent (5%) of the entire vote cast  
16 in the state for president, or (iii) any political organization which, on petition forms provided to the  
17 chairperson of the organization by the state board of elections, obtains the signatures and addresses  
18 of that number of registered qualified voters equal to five percent (5%) of the entire vote cast in the  
19 state for governor or president in the immediately preceding general election. All the signatures  
20 must be obtained no earlier than January 1 of the year in which the political organization desires to  
21 place a candidate or candidates on any ballot as a "party" candidate. If the political organization  
22 wishes to select its nominees in a primary election, the petitions, bearing the requisite number of  
23 valid signatures, shall be presented to the appropriate local boards of canvassers no later than June  
24 1 of the same year. If the petitions are validated by the local boards as containing the requisite  
25 number of valid signatures, the political organization shall be deemed to be a political party for all  
26 elections held during the year and may select its nominees in a primary election. If the political  
27 organization does not wish to select its nominees in a primary election, then the petitions need not  
28 be returned to local boards of canvassers until August 1 of the same year. An organization  
29 qualifying as a political party through the petition process shall qualify as a political party only  
30 during the year in which signatures are obtained unless the candidates for governor or president of  
31 the United States of the party at a general election held in the year, shall receive five percent (5%)  
32 of the vote as provided in this subdivision for either governor or president of the United States. If  
33 the candidates do not receive five percent (5%) of the vote, the organization shall no longer qualify  
34 as a political party unless and until it shall, in a subsequent year, once again qualify by the

1 submission of petitions;

2 (10) "Polling place" means the room in which any election or elective meeting is  
3 conducted;

4 (11) "Primary election" means any election to select the candidates of a political party;

5 (12) "Proposition" or "public question" means any question put to a referendum of the  
6 electorate of the entire state or any part of it;

7 (13) "Qualified voter" means any person who is eligible to vote under the requirements of  
8 age, residence, and citizenship prescribed by the state constitution and who is duly registered to  
9 vote, or who is exempt from registration, pursuant to this title, and who is not otherwise disqualified  
10 as a voter pursuant to law;

11 (14) "Special election" means any election other than a local election or primary election  
12 which is not held on a general election day;

13 (15) "Specially qualified voter" means a person who is otherwise eligible to register as a  
14 voter and whose present domicile is Rhode Island and who is confined in a correctional facility or  
15 jail, except by reason of a felony conviction.

16 ~~(15)~~(16) "State board" means the state board of elections constituted pursuant to this title;

17 ~~(16)~~(17) "State election" means any election at which any presidential electors, senator or  
18 representatives in congress, general officers of the state, or members of the general assembly are to  
19 be chosen, or at which a public question or an amendment to the Constitution is submitted to the  
20 electors of the state;

21 ~~(17)~~(18) "State officer" means the governor, lieutenant governor, secretary of state,  
22 attorney general, general treasurer, state senator, and state representative;

23 ~~(18)~~(19) "Vacancy in office" means the condition resulting from any failure to elect or  
24 appoint an eligible and qualified person to public office, or the failure of any person duly elected  
25 or appointed to qualify, or from the death, resignation, or removal of an incumbent prior to the  
26 expiration of his or her term of office and where no fixed term is prescribed upon the death,  
27 resignation, or removal;

28 ~~(19)~~(20) "Voting list" means the complete list of all voters prepared from the information  
29 contained in the original permanent registration records in the possession of the local board of  
30 canvassers;

31 ~~(20)~~(21) "Warden" includes "moderator" and vice versa;

32 ~~(21)~~(22) Words importing the masculine gender shall include the feminine gender.

33 SECTION 2. Section 17-9.2-3 of the General Laws in Chapter 17-9.2 entitled "Rhode  
34 Island Restoration of Voting Rights Act" is hereby amended to read as follows:

1           **17-9.2-3. Restoration of voting rights.**

2           (a) A person who has lost the right of suffrage under Article II, Section 1 of the Constitution  
3 of Rhode Island because of such person's incarceration upon a felony conviction shall be restored  
4 the right to vote when that person is discharged from incarceration.

5           (b) Before accepting a plea of guilty or nolo contendere to a felony, and before imposing a  
6 felony sentence after trial, the court shall notify the defendant that conviction will result in loss of  
7 the right to vote only if and for as long as the person is incarcerated and that voting rights are  
8 restored upon discharge.

9           (c) The department of corrections shall act as a voter registration agency in accordance  
10 with § 17-9.1-8. In this capacity, and as part of the release process leading to a person's discharge  
11 from a correctional facility, the department of corrections shall notify that person in writing that  
12 voting rights will be restored, provide that person with a voter registration form and a declination  
13 form, and offer that person assistance in filling out the appropriate form. Unless the registrant  
14 refuses to permit it to do so, the department of corrections shall transmit the completed voter  
15 registration form to the state board or local board where the registrant resides.

16           (d) The department of corrections shall, on or before the 15th day of each month, transmit  
17 to the secretary of state two (2) lists. The first shall contain the following information about persons  
18 convicted of a felony who, during the preceding period, have become ineligible to vote because of  
19 their incarceration; the second shall contain the following information about persons convicted of  
20 a felony who, during the preceding period, have become eligible to vote because of their discharge  
21 from incarceration:

- 22           (1) name;  
23           (2) date of birth;  
24           (3) date of entry of judgment of conviction;  
25           (4) description of offense;  
26           (5) sentence.

27           (e) The secretary of state shall ensure that the statewide central voter registration is purged  
28 of the names of persons who are ineligible to vote because of their incarceration upon a felony  
29 conviction. The secretary of state shall likewise ensure that the names of persons who are eligible  
30 and registered to vote following their discharge from incarceration are added to the statewide  
31 central voter register in the same manner as all other names are added to that register.

32           (f) The secretary of state shall ensure that persons who have become eligible to vote  
33 because of their discharge from incarceration face no continued barriers to registration or voting  
34 resulting from their felony convictions.

1 (g) The secretary of state shall develop and implement a program to educate attorneys,  
2 judges, election officials, corrections officials, and members of the public about the requirements  
3 of this section, ensuring that:

4 (1) Judges are informed of their obligation to notify criminal defendants of the potential  
5 loss and restoration of their voting rights in accordance with subsection (b) hereof.

6 (2) The department of corrections is prepared to assist people with registration to vote in  
7 anticipation of their discharge from incarceration, including by forwarding completed voter  
8 registration forms to the state board or local board where the registrant resides.

9 (3) The language on voter registration forms makes clear that people who have been  
10 disqualified from voting because of felony convictions regain the right to vote when they are  
11 discharged from incarceration.

12 (4) The state department of corrections is prepared to transmit to the secretary of state the  
13 information specified in subsection (d) hereof.

14 (5) Probation and parole officers are informed of the change in the law and are prepared to  
15 notify probationers and parolees that their right to vote is restored.

16 (6) Accurate and complete information about the voting rights of people who have been  
17 charged with or convicted of crimes, whether disfranchising or not, is made available through a  
18 single publication to government officials and the public.

19 (7) All voting information shall be posted in a visible location at all correctional facility  
20 buildings, where notices are customarily posted.

21 (h) Voting rights shall be restored to all Rhode Island residents who have been discharged  
22 from incarceration or who were never incarcerated following felony convictions, whether they were  
23 discharged or sentenced before or after the effective date of this section.

24 SECTION 3. Chapter 17-20 of the General Laws entitled "Mail Ballots" is hereby amended  
25 by adding thereto the following sections:

26 **17-20-1.2. Specially qualified voter.**

27 A specially qualified voter, as defined in § 17-1-2, can request a ballot or mail ballot. The  
28 mail ballot application shall provide a check box for a person applying for a mail ballot, to indicate  
29 they are incarcerated, but not for a felony conviction. On the application, the applicant shall also  
30 include the address at which they are either registered to vote or qualified to vote and the address  
31 where they would like the mail ballot sent.

32 **17-20-1.3. Jail voting coordinator.**

33 The director of the department of corrections shall designate one of its employees the  
34 "voting coordinator", who shall coordinate the education and facilitate the voting of eligible

1  specially qualified voters. That designation shall take place immediately upon its creation and that  
2  employee shall be continuously available to assist voting for specially qualified voters held at the  
3  adult correctional institutions. That coordinator shall be responsible for ensuring that all the  
4  department of corrections' responsibilities, pursuant to § 17-9.2-3, are fulfilled to ensure the right  
5  to vote of a specially qualified voter. The coordinator shall prepare and submit to the secretary of  
6  state an annual implementation plan detailing the department of corrections' compliance which  
7  shall include, but not be limited to:

8  (1) Identifying which staff members in each correctional facility building shall be  
9  responsible for coordinating and providing voter information to incarcerated persons;

10  (2) Incorporating voter registration procedures;

11  (3) Methods for notifying persons incarcerated for misdemeanor convictions of their right  
12  to continue voting, while incarcerated; and

13  (4) Ensuring access to mail ballot and ballot requests and submissions for incarcerated  
14  individuals eligible to vote.

15  (b) The coordinator shall be responsible for all phases of the voting process for the specially  
16  qualified voter, from registering voters, to the acquisition of the mail ballots and ballots, and to the  
17  final return of the voted ballots to the board of elections.

18 **17-20-1.4. Enforcement of inmate voting.**

19  In accordance with the requirements of title 17, any incarcerated eligible voter who is  
20  denied access to the voting process at any juncture, shall have the right to file a formal complaint  
21  with the secretary of state. The secretary of state shall promulgate rules and regulations necessary  
22  to ensure all aspects of this process are followed, as well as, to aid in the enforcement and protection  
23  of voting rights for specially qualified voters incarcerated at the Rhode Island adult correctional  
24  institutions.

25 SECTION 4. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would make it easier to vote for people eligible to vote who are incarcerated at the  
2 adult correctional institutions. It would also create the position of "voting coordinator," within the  
3 department of corrections to help facilitate incarcerated people who are eligible to vote from start  
4 to finish. Finally, it would authorize the secretary of state to promulgate rules and regulations to  
5 enforce voting rights for people eligible to vote, who are incarcerated at the adult correctional  
6 institutions.

7           This act would take effect upon passage.

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