

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO ELECTIONS -- MAIL BALLOTS--VOTING

Introduced By: Senators Kallman, Miller, Burke, Bell, Acosta, McCaffrey, Coyne,
Quezada, Euer, and Archambault

Date Introduced: March 10, 2022

Referred To: Senate Judiciary

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 mail ballot, even if they
28 have not registered to vote. The mail ballot application shall provide a check box for a person
29 applying for a mail ballot, to indicate they are incarcerated, but not for a felony conviction. On the
30 application, the applicant shall include the address at which they are either registered to vote or
31 qualified to vote from and the address 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 "jail
34 voting coordinator" who shall educate and facilitate the voting by eligible inmate voters. That

1 designation shall take place immediately upon its creation and that employee shall be continuously
2 available to assist inmate voting. That coordinator shall be responsible for ensuring that all the
3 department of corrections' responsibilities, pursuant to § 17-9.2-3, are fulfilled in a timely manner.
4 The coordinator shall prepare and submit to the secretary of state an annual implementation plan
5 detailing the department of corrections' compliance and which shall include, but not be limited to:
6 (1) Identifying which staff members in each correctional facility building shall be
7 responsible for providing voter information to incarcerated persons;
8 (2) Incorporating voter registration procedures;
9 (3) Methods for notifying persons incarcerated for misdemeanor convictions of their right
10 to continue voting, when incarcerated; and
11 (4) Ensuring access to mail ballot requests and submissions for incarcerated individuals
12 eligible to vote.
13 (b) The coordinator shall be responsible for all phases of the inmate voting process, from
14 registering voters, to the acquisition of the mail ballots, to the final return of the voted ballots to the
15 board of elections.

16 **17-20-1.4. Enforcement of inmate voting.**

17 In accordance with the requirements of title 17, any incarcerated eligible voter who is
18 denied access to the voting process at any juncture, shall have the right to file a formal complaint
19 with the secretary of state. The secretary of state shall promulgate rules and regulations necessary
20 to ensure all aspects of this process are followed, as well as to aid in the enforcement and protection
21 of inmate voting rights.

22 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 for eligible incarcerated inmates to vote. It would also create
2 the title of "jail voting coordinator" within the department of corrections, to help facilitate inmate
3 voting from start to finish. Finally, it would authorize the secretary of state to promulgate rules and
4 regulations to enforce inmate voting rights.

5 This act would take effect upon passage.

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