

**RULES AND REGULATIONS
ADOPTED BY THE OFFICE OF THE SECRETARY OF STATE
IN CONNECTION WITH
THE RHODE ISLAND RESTORATION OF VOTING RIGHTS ACT OF 2006 (RIRVRA)
PURSUANT TO TITLE 17, CHAPTER 9.2
OF THE GENERAL LAWS OF RHODE ISLAND**

The RIRVRA, Section 17-9.2-3(g) charges the Secretary of State with the responsibility to develop and implement a program to educate attorneys, judges, election officials, correctional officers and members of the public about the requirements of the Restoration of Voting Rights Act, ensuring that:

- (1) Judges are informed of their obligations;
- (2) The Department of Corrections is prepared to carry out its responsibilities;
- (3) Voter registration forms are appropriately revised;
- (4) Probation and Parole Officers are informed and prepared to notify probationers and parolees;
- (5) Information concerning RIRVRA is made available to government officials and the public through a single publication;
- (6) Voting rights are restored to persons discharged from incarceration, or never incarcerated following felony convictions, whether discharged or sentenced before or after the effective date of RIRVRA.

Accordingly, the Secretary of State has promulgated the within rules and regulations relative to the restoration of voting rights of a person incarcerated upon final conviction of a felony when that person is discharged from incarceration.

Said rules and regulations are established pursuant to the Administrative Procedures Act (R.I.G.L. Section 42-35-1, et al.) and available for public inspection, submissions or requests at the Office of the Secretary of State, Administrative Records Division, 337 Westminster Street, Providence, Rhode Island.

Notification to the Judiciary

The Secretary of State shall notify, in writing, the Chief Justices of the Rhode Island Superior, Family and District Courts, with a request that such notification be shared with associate justices of the respective Courts, of the obligation imposed by RIRVRA to notify criminal defendants of the potential loss and restoration of their voting rights. Before accepting a plea of guilty or nolo contendere to a felony, and before imposing a felony sentence after trial, the Court must notify the defendant that conviction will result in his/her loss of the right to vote only if, and for so long as, the person is incarcerated, but voting rights are restored upon discharge. Incarceration is interpreted to mean confinement in a prison and does not include home

confinement or mandatory confinement in rehabilitation (as opposed to correctional) facilities, or confinement in a so-called halfway house. Such notification shall also be provided to the Chief Judge of the United States District Court of Rhode Island whose compliance will be requested as a matter of accommodation.

A person convicted of a felony under the laws of any other state, or under the laws of the United States and subsequently incarcerated, shall have his or her voting rights likewise restored upon discharge from such incarceration.

Attorneys and Members of the Public

The Secretary of State shall notify, in writing, the Rhode Island Bar Association of the provisions of RIRVRA with a request that the Bar Association disseminate the information to all of its member attorneys.

A copy of these Rules and Regulations, as formally approved and adopted, will be delivered by mail to the Chief Justices of the aforementioned Courts and to the Rhode Island Bar Association.

The Secretary of State will prepare, provide and make available to the public a single publication which will be available electronically, in hard copy and posted on website in both English and Spanish. This publication will include **(a)** information about the voting rights, including the right to cast a provisional ballot, of persons who have been charged with, or convicted of, crimes, whether disenfranchising or not; **(b)** a copy of these Rules and Regulations; and **(c)** a listing of agencies able to provide additional information or voter registration assistance.

Department of Corrections

The Department of Corrections (the “DOC”) will act as a voter registration agency. As part of the release process leading to a sentenced felon’s discharge from incarceration, the DOC shall notify that person, in writing (in the form appended hereto as **Exhibit A**), that voting rights are restored and provide that person with a voter registration form and a declination form (appended hereto as **Exhibit B**), and offer that person assistance in filling out the appropriate form. The DOC will transmit the completed voter registration form to the State Board of Elections (the “BOE”) on a timely basis, and according to a process and schedule established by the BOE, or alternatively, the DOC shall retain the declination form as part of its official records. No person shall be compelled to execute either form as a condition of release. If a person refuses to permit the DOC to transmit a completed voter registration form to the BOE, the person shall be permitted to make his or her own arrangements for delivery of the form to the BOE.

The BOE will train DOC staff to assure proper completion of the voter registration form and the declination form and will provide all necessary forms to the DOC. Training will take place prior to the effective date of these rules and regulations. Training will also occur upon hiring and annually for all relevant employees, and within 30 days of any procedural changes or updates. The DOC will transmit completed voter registration forms to the BOE on a timely basis, and according to a process and schedule established by the BOE. The BOE will file reports with the Secretary of

State on this activity in accordance with a process and schedule established by the Secretary of State. The process and schedule will be such as to insure that persons completing the voter registration form are added to the Statewide Central Voter Register as promptly as possible.

The DOC shall, on or before the 15th day of each month transmit to the Elections Division of the Office of the Secretary of State two lists, as follows:

(a) persons convicted of a felony, who during the preceding monthly period, have become ineligible to vote because of their incarceration; and

(b) persons convicted of a felony, who during the preceding monthly period, have become eligible to vote because of their discharge from incarceration.

Each list shall contain the following information about such persons:

- (a) name;
- (b) date of birth;
- (c) date of entry of judgment of conviction;
- (d) description of offense¹;
- (e) sentence;
- (f) any alias identity(ies);
- (g) last known address (including city or town);

Additionally, in the 60-day period prior to a statewide primary or election, the DOC shall also transmit the above-mentioned two lists on a more frequent schedule as determined by the Secretary of State.

Voter Registration Forms

The instructions on voter registration forms shall clearly indicate that people who have been disqualified from voting because of felony convictions will regain the right to vote when they are discharged from incarceration. The oath on voter registration forms shall be revised to contain a statement that the registrant is not incarcerated in a correctional facility upon final conviction of a felony, thereby deleting any reference to probation and parole.

Statewide Central Voter Registration System (CVRS)

The Secretary of State shall ensure that persons who are eligible and registered to vote following their discharge from incarceration shall have their names added to the Statewide Central Voter Register and forwarded to the appropriate local Board of Canvassers in the same manner as all other names are added to the Register.

¹ Note: The Department of Corrections is not the official keeper of the records for offense descriptions and therefore DOC descriptions should not be relied upon in lieu of official court records

The DOC shall provide to the Secretary of State the names, addresses, citizenship status and other information as hereinabove provided of all persons discharged from incarceration on felony convictions from November 7, 2006 (the effective date of the amendment of Article II, Section 1 of the Rhode Island Constitution) to the date of the first monthly report to the Secretary of State from the DOC as required hereunder.

The Secretary of State shall notify, in writing, all such persons who are citizens of the United States (other than those whose names appear on said first monthly report) of their right to register and vote, such notification to be in the form appended hereto as **Exhibit C**.

Probation and Parole Staff

The Secretary of State, in cooperation with the BOE and the DOC, shall inform Probation and Parole staff of the rights of convicted felons, who are citizens of the United States of America and who have been discharged from incarceration, of their eligibility to register to vote, notwithstanding that they remain on probation or parole. Such staff shall be instructed by the DOC that when meeting with such probationers and parolees to inform them of their eligibility to register to vote. Training by DOC will take place prior to the effective date of these rules and regulations. Training will also occur upon hiring and annually for all relevant employees, and within 30 days of any procedural changes or updates. Probation and Parole staff shall not be responsible for instructing such persons in the completion of the voter registration forms, but shall only be responsible for referring such persons to the BOE or Board of Canvassers in the city or town where the person resides.

Election Officials

The RIRVRA mandates that the Secretary of State shall ensure that persons who have become eligible to vote because of their discharge from incarceration face no continued barriers to registration or voting resulting from their felony convictions.

Accordingly, the Secretary of State shall provide training to all local election officials on the CVRS processing of removals and restoration of Voter Registrations based on information provided by the DOC. Local election officials shall also be trained by the Secretary of State and the BOE on the mandates of the RIRVRA. Training will take place prior to the effective date of these rules and regulations. Training will also occur upon hiring and annually for all relevant employees, and within 30 days of any procedural changes or updates.

The BOE will train staff at the Division of Motor Vehicles (DMV) and other voter registration agencies about the eligibility of people with felony convictions to register to vote. Training will take place prior to the effective date of these rules and regulations. Training will also occur annually for all relevant employees, and within 30 days of any procedural changes or updates.

Exhibit A

TO: Persons Being Released from Prison

A convicted felon who is being released from prison will, when released, be able to vote if that person will be living in Rhode Island and is a citizen of the United States and is registered to vote.

The Department of Corrections will help you to register to vote if you want to register so that you will be able to vote. After you have filled out and signed the voter registration form which we will give to you, we will, if you want us to, send the form to the State Board of Elections so that your name will appear on official voter registration records. If you do not want us to forward the completed form to the Board of Elections, you will be responsible for delivery of the form to the Board of Elections.

If you do not want to register to vote, we will ask you to sign a form stating that you have been offered the right to register, but that you do not want to register. This form will be kept at the Department of Corrections. You may still register to vote at any time after you have been released from prison.

You may refuse to fill out and sign either the voter registration form or the other form stating that you do not want to register. The terms and conditions of your release from prison will not be affected if you refuse to fill out and sign these forms.

This is a service provided to you by the State of Rhode Island to restore your right to vote which you lost when you were convicted of a felony and sentenced to prison.

Exhibit B

Voter Registration & Declination Form

Form on Next Page

RHODE ISLAND AGENCY VOTER REGISTRATION FORM

TO REGISTER TO VOTE IN RHODE ISLAND, YOU MUST BE:

- A resident of Rhode Island.
- A citizen of the United States.
- At least 18 years of age on or before election day.

YOU MAY USE THIS FORM TO:

- Register to vote in Rhode Island.
- Change your name and/or address on your voter registration.
- Choose a political party or change parties.

INSTRUCTIONS FOR COMPLETING THE AGENCY VOTER REGISTRATION FORM

Please Print and complete form **IN INK**

- 1. Declaration of "Citizenship" & "Age"** - The applicant must check the appropriate boxes indicating whether or not he/she is: a) a citizen of the United States, and b) will be 18 years of age on or before election day. *An applicant who answers "NO" to either question is ineligible to register to vote and must not complete this form.*
- 2. RI Driver's License Number / Last 4 Digits Of Social Security Number** - The applicant shall provide his/her driver's license number if the applicant has a current and valid Rhode Island driver's license. In the case of an applicant who does not have a Rhode Island driver's license he/she shall provide the last 4 digits of his/her social security number. An applicant who does NOT have a Rhode Island driver's license or social security number shall place a check mark in the box provided.
NOTE: An applicant who is registering to vote for the first time in Rhode Island who indicates that he/she does not have a RI driver's license or social security number or, whose driver's license or social security number cannot be verified or, who fails to complete Item 2 will be required to present the appropriate identification to an election official prior to voting.
- 3. Applicant's Full Name** - The applicant shall enter his/her last name, first name and middle name (or initial).
- 4. Home Address** - The applicant shall enter the full address of the location where he/she resides. Persons are required to register to vote using the address at which they live. (Note: A post office box is not a sufficient declaration of residence.)
- 5. Mailing Address** - If the applicant receives mail at an address which is different from the home address (Item #4) that address should be included here. If the mailing address is the same as the home address leave Item #5 blank.
- 6. Date of Birth** - The applicant shall include his/her month, day and year of birth.

- 7. Phone Number or E-Mail Address (Optional)** - The inclusion of a phone number or e-mail address is optional.
 - 8. Party Affiliation** - Check one. If an applicant wishes to register with a political party he/she must place a check mark in the box next to the party of his/her choice. If an applicant does not wish to register with a party he/she should check the box next to "Unaffiliated."
(Note: Applicants who leave Item #8 blank will be registered as "Unaffiliated.")
 - 9. Affirmation, Signature & Date** - The applicant shall read the "Affirmation" and "Warning" in this item. After doing so, the applicant must SIGN and DATE the registration form in the space provided.
 - 10.** If an applicant is unable to complete the voter registration form and is assisted by someone other than agency staff, the person who assisted the applicant must record his/her name, address and phone number (phone number is optional).
IF YOU WERE REGISTERED UNDER A DIFFERENT NAME AND/OR ADDRESS, COMPLETE ITEMS 11, 12 & 13.
 - 11. Last Year You Voted** - The applicant shall include the last year he/she voted in a primary or election.
 - 12. Under The Name Of (If Different From The Name In Item #3 Above)** - If an applicant is registered to vote and has since changed their name, the registrant's name as it appears on their previous registration must be included here.
 - 13. Your Previous Address** - If a registrant was previously registered to vote from another address, then the old address must be entered here; include the previous street number, city or town, and state.
- ✓ **If you are interested in working at the polls on Election Day**, check the box provided on the reverse side of this form.

*Completed Voter Registration Forms may be returned or mailed to your local board of canvassers or the State Board of Elections.
For instructions on mailing this form, see reverse side.*

NOTICE: An application for voter registration will not be accepted or processed and will be returned to the applicant if the application fails to include the information required in Item 1 ("Declaration of Citizenship & Age") of the Rhode Island Voter Registration Form or if the applicant fails to sign the application (Item 9 of the Registration Form).

RHODE ISLAND VOTER REGISTRATION FORM

1 Are you a citizen of the United States? <input type="checkbox"/> Yes <input type="checkbox"/> No Will you be 18 years of age on or before election day? <input type="checkbox"/> Yes <input type="checkbox"/> No If you checked "No" in response to either of these questions, you can not register to vote. DO NOT COMPLETE THIS FORM		2 RI Driver's Lic. No. / Last 4 Digits of Soc. Sec. No. <input style="width: 100%;" type="text"/> I do NOT have a RI driver's license or social security no. <input type="checkbox"/>	
3 MISS Last Name <input style="width: 150px;" type="text"/> First Name (or initial) <input style="width: 150px;" type="text"/> Middle Name (or initial) <input style="width: 150px;" type="text"/> MS. _____ SR. _____ MRS. _____ II _____ MR. _____ III _____		See Instructions For Item #2 If you are registering to vote for the first time in Rhode Island and have indicated in the box above that you do not have a RI driver's license or social security number or, if your driver's license or social security number cannot be verified or, if you fail to complete this item, you will be required to present the appropriate identification to an election official prior to voting.	
4 Home Address (include Apt. number) <input style="width: 400px;" type="text"/> City <input style="width: 100px;" type="text"/> State <input style="width: 50px;" type="text"/> RI		Zip Code <input style="width: 100px;" type="text"/>	
5 Mailing Address (if different from Home Address) <input style="width: 400px;" type="text"/> City <input style="width: 100px;" type="text"/> State <input style="width: 50px;" type="text"/> RI		Zip Code <input style="width: 100px;" type="text"/>	
6 Date of Birth: Month <input style="width: 30px;" type="text"/> Day <input style="width: 30px;" type="text"/> Year <input style="width: 50px;" type="text"/> Designation <input style="width: 100px;" type="text"/>	7 Phone No. or E-Mail Address (optional) <input style="width: 200px;" type="text"/>		8. Party Affiliation - check one (party) <input type="checkbox"/> Democratic <input type="checkbox"/> Republican <input type="checkbox"/> Unaffiliated <input type="checkbox"/> Other _____
9 I swear or affirm that: <ul style="list-style-type: none"> • I am not incarcerated in a correctional facility upon a felony conviction. • I am not presently judged "mentally incompetent" by a court of law. • I have told the truth on this registration. 		For office use only <div style="border: 1px solid black; height: 80px; width: 100%;"></div>	
Signature or Mark. <div style="border: 1px solid black; width: 150px; height: 40px; display: inline-block;"></div>		WARNING: If you sign this form and know it to be false, you can be convicted and fined up to \$5,000 or jailed up to 10 years.	
10 See instructions above if the applicant is unable to sign and is assisted by someone other than agency staff.			
Complete Items 11, 12 & 13 If You Have Changed Your Name And/Or Address.		11 Last Year That You Voted <input style="width: 50px;" type="text"/>	12 Under The Name Of (If Different From The Name In Item #3 Above) <input style="width: 150px;" type="text"/>
13 Your Previous Address (Street, City or Town and State) <input style="width: 900px;" type="text"/>			

IMPORTANT!! If you do not receive a notice acknowledging receipt of this voter registration form within three (3) weeks of its submission, call the board of canvassers in your community.

Exhibit C

Notice of Restoration of Voter Rights

**(to persons not included on First Monthly Report from DOC to the
Rhode Island Secretary of State)**

Name of Person
Street Address
City, ST ZIP

Dear _____ :

Important! If you are a United States citizen, please read this letter. If you are not a United States citizen, please disregard this letter.

Because of a change in the law, any person who has been released from prison after serving a sentence upon conviction of a felony is now eligible to vote, even if that person is now on probation or parole. The person must be a resident of the State of Rhode Island, a citizen of the United States of America and must be registered to vote.

You may register to vote and receive help in filling out the voter registration form either at the State Board of Elections, 50 Branch Avenue, Providence, Rhode Island (222-2345) or at the Board of Canvassers in the city or town where you live. A listing of the addresses and phone numbers of each Board of Canvassers is included with this letter.

If you were released from prison on or after November 7, 2006, you may also receive help in filling out the voter registration form by calling the Department of Corrections (462-____). The Department of Corrections will then forward the voter registration form signed by you directly to the Board of Elections so that your name will be added to the list of registered voters.

Very truly yours,

A. Ralph Mollis
Secretary of State