

# 2011 -- H 5680 SUBSTITUTE A

LC01517/SUB A

## STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO ELECTIONS - VOTER IDENTIFICATION

Introduced By: Representatives Brien, Fox, JP O'Neill, Trillo, and Costa

Date Introduced: March 03, 2011

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-19-24 of the General Laws in Chapter 17-19 entitled "Conduct  
2 of Election and Voting Equipment, and Supplies" is hereby amended to read as follows:

3 **17-19-24. Procedure for voting.** -- (a) Each person desiring to vote shall [provide proof](#)  
4 [of identification as required by section 17-19-24.2 and](#) state his or her name and residence,  
5 including that person's street address, if he or she has any, to the pair of bi-partisan supervisors,  
6 who shall then announce the name and residence in a loud and distinct voice, clear and audible.

7 (b) A bipartisan pair shall locate the voter's name on the certified voting list for the  
8 voting district. Upon finding the voter's name on the certified voting list for the district, the voter  
9 shall sign their name on the line next to their printed name on the certified voter list, and the  
10 bipartisan pair shall initial the certified voter list in the place provided next to the voter's signature  
11 entered on the certified list of voters. The bipartisan pair shall also make a proper notation on the  
12 certified voter list that the applicant has voted in the election. If the bipartisan pair cannot locate  
13 the voter's name on the certified voting list for the voting district the bipartisan pair shall direct  
14 the voter to the clerk who shall review the certified list for the city or town and determine if the  
15 voter is registered to vote and in which voting district they are eligible to vote. The bipartisan pair  
16 of supervisors shall provide the voter with the appropriate computer ballot and security sleeve.  
17 The warden shall direct the voter to the voting booth which the voter shall use, and unless the  
18 voter needs instruction or assistance as provided in this chapter, the voter shall cast his or her  
19 vote, and if he or she desires place the voted computer ballot in a security sleeve, and shall

1 proceed to the optical scan precinct count unit and shall personally place his or her voted ballot  
2 into the designated ballot slot on the unit, and after doing so, shall leave the enclosure at once. No  
3 voter shall remain within the voting booth longer than ten (10) minutes, and if the voter refuses to  
4 leave after the lapse of ten (10) minutes, the voter shall be removed from the voting booth by  
5 order of the warden. Except for the election officials and the election inspector, not more than two  
6 (2) voters in excess of the number of voting booths shall be permitted within the enclosed space  
7 at any time.

8 (c) The optical scan precinct count unit shall be programmed to return a ballot to the  
9 voter if the voter has cast votes for more persons than which he or she is entitled to cast. The  
10 warden, by reading the message given on the optical scan precinct count unit, must advise the  
11 voter of the fact that the ballot has been over-voted. The voter will be instructed by the warden to  
12 remove his or her own ballot from the optical scan precinct count unit ballot slot. The warden will  
13 then ask the voter to surrender the ballot as void and receive a new ballot. If the voter agrees, the  
14 voter will make additional marks on the ballot so as not to identify the actual votes intended by  
15 the voter for the ballot. The ballot will be marked void by the warden and deposited in the  
16 receptacle for void ballots provided at the polling place. If the voter insists on casting the over-  
17 voted ballot, he or she will be advised that all races, other than the over-voted race, will be  
18 counted by the optical scan precinct count unit, and if he or she still insists, the warden will  
19 manually override the appropriate control on the unit and allow for the ballot to be entered and  
20 counted for all races other than the over-voted race.

21 (d) In the event a voter incorrectly marks a ballot by indicating his or her choices other  
22 than in the spaces provided for them, the ballot will be returned to the voter. The warden, by  
23 reading the message given on the optical scan precinct count unit, must advise the voter of the  
24 fact that the ballot has been marked incorrectly. The voter will be instructed by the warden to  
25 remove his or her own ballot from the optical scan precinct unit ballot slot. The warden will then  
26 advise the voter to surrender the ballot as void and receive a new ballot. If the voter agrees, the  
27 voter will make additional marks on the ballot so as not to identify the actual votes intended by  
28 the voter for the ballot. The ballot will be marked void by the warden and deposited in the  
29 receptacle for void ballots provided at the polling place. The warden will then provide for the  
30 instruction of the voter on the correct manner of marking his or her vote and the voter will be  
31 issued a new ballot. If the voter insists on casting the incorrectly marked ballot, the warden will  
32 manually override the appropriate control on the optical scan precinct count unit and allow for the  
33 ballot to be accepted.

34 SECTION 2. Chapter 17-19 of the General Laws entitled "Conduct of Election and

1 Voting Equipment, and Supplies" is hereby amended by adding thereto the following sections:

2 **17-19-24.2. Voter Identification.** – (a) Beginning on January 1, 2012, any person  
3 claiming to be a registered and eligible voter who desires to vote at a primary election, special  
4 election or general election shall provide proof of identity. For purposes of this section, proof of  
5 identity shall include:

6 (1) A valid and current document showing a photograph of the person to whom the  
7 document was issued, including without limitation:

8 (i) Rhode Island driver's license;

9 (ii) Rhode Island voter identification card;

10 (iii) United States passport;

11 (iv) Identification card issued by a United States educational institution;

12 (v) United States military identification card;

13 (vi) Identification card issued by the United States or the State of Rhode Island;

14 (vii) Government issued medical card.

15 (2) A valid and current document without a photograph of the person to whom the  
16 document was issued, including without limitation:

17 (i) Birth certificate;

18 (ii) Social security card;

19 (iii) Government issued medical card.

20 (b) From and after January 1, 2014, any person claiming to be a registered and eligible  
21 voter who desires to vote at a primary election, special election or general election shall provide  
22 proof of identity listed in subdivisions (a)(1).

23 (c) No later than January 1, 2012, Rhode Island voter identification cards will be issued  
24 upon request, and at no expense to the voters, at locations and in accordance with procedures  
25 established by rules and regulations promulgated by the secretary of state. The purpose of this  
26 section is to provide voter identification cards to those voters who do not possess the  
27 identification listed in subdivision (a)(1).

28 (d) If the person claiming to be a registered and eligible voter is unable to provide proof  
29 of identity as required in subdivisions (1) and (2) above, the person claiming to be a registered  
30 voter shall be allowed to vote a provisional ballot pursuant to section 17-19-24.2 upon completing  
31 a provisional ballot voter's certificate and affirmation. The local board shall determine the  
32 validity of the provisional ballot pursuant to section 17-19-24.3.

33 **17-19-24.3. Provisional Ballot Procedures.** – (a) At all elections, a person claiming to  
34 be a registered and eligible voter, but who has failed to provide proof of identity pursuant to

1 section 17-19-24.2 shall be allowed to vote a provisional ballot upon executing a provisional  
2 ballot voter's application. All provisional ballots, together with a provisional ballot voter's  
3 application, shall be placed in an envelope in the form prescribed by the state board and deposited  
4 in a ballot box.

5 (b) The local board shall examine each provisional ballot application to determine if the  
6 signature matches the signature on the voter's registration. If the local board determines that the  
7 signatures match, the provisional ballot shall count. If the local board determines that the  
8 signatures do not match, the provisional ballot shall not count and the ballot shall remain in the  
9 envelope containing the provisional ballot application and the envelope shall be marked  
10 "Rejected as Illegal".

11 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO ELECTIONS - VOTER IDENTIFICATION

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1           This act would provide that any person claiming to be a registered and eligible voter who  
2           desires to vote at a primary election, special election or general election, shall provide proof of  
3           identity. In the event such person fails to provide the required proof of identity, this act would  
4           provide that the person may vote a provisional ballot upon completing a provisional ballot  
5           application and the local board shall determine the validity of the provisional ballot.

6           This act would take effect upon passage.

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