2017 -- H 5270

S T A T E   O F   R H O D E   I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N   A C T

RELATING TO ELECTIONS - RHODE ISLAND RESTORATION OF VOTING RIGHTS ACT

Introduced By: Representatives Williams, Perez, Almeida, Ranglin-Vassell, and Walsh

Date Introduced: January 27, 2017

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1   SECTION 1. Section 17-9.2-3 of the General Laws in Chapter 17-9.2 entitled "Rhode

2 Island Restoration of Voting Rights Act" is hereby amended to read as follows:

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

4   (a) A person who has lost the right of suffrage under Article II, Section 1 of the

5 Constitution of Rhode Island because of such person's incarceration upon a felony conviction

6 shall be restored the right to vote when that person is discharged from incarceration.

7   (b) Before accepting a plea of guilty or nolo contendere to a felony, and before imposing

8 a felony sentence after trial, the court shall notify the defendant that conviction will result in loss

9 of the right to vote only if and for as long as the person is incarcerated and that voting rights are

10 restored upon discharge.

11   (c) The department of corrections shall act as a voter registration agency in accordance

12 with § 17-9.1-8. In this capacity, and as part of the release process leading to a person's discharge

13 from a correctional facility, the department of corrections shall notify that person in writing that

14 voting rights will be restored, provide that person with a voter registration form and a declination

15 form, and offer that person assistance in filling out the appropriate form. Unless the registrant

16 refuses to permit it to do so, the department of corrections shall transmit the completed voter

17 registration form to the state board or local board where the registrant resides. The department of

18 corrections shall provide the secretary of state with the number of eligible persons who have

1   registered to vote pursuant to this subsection.

2   (d) The department of corrections shall, on or before the 15th day of each month, transmit

3   to the secretary of state ~~two (2)~~ three (3) lists. The first shall contain the following information

4   about persons convicted of a felony who, during the preceding period, have become ineligible to

5   vote because of their incarceration; the second shall contain the following information about

6   persons convicted of a felony who, during the preceding period, have become eligible to vote

7   because of their discharge from incarceration:

8   (1) name;

9   (2) date of birth;

10   (3) date of entry of judgment of conviction;

11   (4) description of offense;

12   (5) sentence.

13   The third shall contain the number of eligible persons who elected to register to vote

14   through the department of corrections pursuant to subsection (c) of this section.

15   (e) The secretary of state shall ensure that the statewide central voter registration is

16   purged of the names of persons who are ineligible to vote because of their incarceration upon a

17   felony conviction. The secretary of state shall likewise ensure that the names of persons who are

18   eligible and registered to vote following their discharge from incarceration are added to the

19   statewide central voter register in the same manner as all other names are added to that register.

20   The secretary of state shall publish, on a biannual basis, the number of discharged persons who

21   are eligible and registered to vote pursuant to subsection (c) of this section.

22   (f) The secretary of state shall ensure that persons who have become eligible to vote

23   because of their discharge from incarceration face no continued barriers to registration or voting

24   resulting from their felony convictions.

25   (g) The secretary of state shall develop and implement a program to educate attorneys,

26   judges, election officials, corrections officials, and members of the public about the requirements

27   of this section, ensuring that:

28   (1) Judges are informed of their obligation to notify criminal defendants of the potential

29   loss and restoration of their voting rights in accordance with subsection (b) hereof.

30   (2) The department of corrections is prepared to assist people with registration to vote in

31   anticipation of their discharge from incarceration, including by forwarding completed voter

32   registration forms to the state board or local board where the registrant resides.

33   (3) The language on voter registration forms makes clear that people who have been

34   disqualified from voting because of felony convictions regain the right to vote when they are

1   discharged from incarceration.

2   (4) The state department of corrections is prepared to transmit to the secretary of state the

3   information specified in subsection (d) hereof.

4   (5) Probation and parole officers are informed of the change in the law and are prepared

5   to notify probationers and parolees that their right to vote is restored.

6   (6) Accurate and complete information about the voting rights of people who have been

7   charged with or convicted of crimes, whether disfranchising or not, is made available through a

8   single publication to government officials and the public.

9   (h) Voting rights shall be restored to all Rhode Island residents who have been discharged

10   from incarceration or who were never incarcerated following felony convictions, whether they

11   were discharged or sentenced before or after the effective date of this section.

12   SECTION 2. This act shall take effect upon passage.

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

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RELATING TO ELECTIONS - RHODE ISLAND RESTORATION OF VOTING RIGHTS
ACT

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1   This act would require the department of corrections to provide the secretary of state with

2   the number of eligible persons who, upon release from incarceration, have registered to vote and

3   it would require the secretary of state to publish that number twice a year.

4   This act would take effect upon passage.

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