

2021 -- H 6099

LC001481

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO ELECTIONS -- REGISTRATION OF VOTERS

Introduced By: Representatives Morgan, Nardone, and Roberts

Date Introduced: March 03, 2021

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-9.1-6 of the General Laws in Chapter 17-9.1 entitled "Registration
2 of Voters" is hereby amended to read as follows:

3 ~~17-9.1-6. Form of registration cards -- Confidentiality of place of registration Voter~~
4 ~~registration requirements -- Form of registration cards -- Confidentiality of place of~~
5 ~~registration.~~

6 (a) Notwithstanding any general laws or regulations to the contrary, all persons attempting
7 to register to vote shall comply with the following requirements and procedures:

8 (1) All registering voters shall produce, as proof of identification, a valid driver's license,
9 state identification card with photograph, or a United States passport.

10 (2) All voters will be at least eighteen (18) years of age on or before election day.

11 (3) They must be a United States citizen.

12 (4) A valid address for their residence shall be provided.

13 (5) They have not been barred from voting, by reason of a disqualifying felony conviction.

14 (6) The registration form must be signed by the registrant, under of penalty of perjury.

15 (b) Any applicant who registers to vote online, pursuant to § 17-9.1-34 shall be mailed a
16 signature card to the provided residence address. That signature card when completed shall be
17 stored on the local board of canvasser's voter roll.

18 (c) Before the registration is officially accepted and approved, all the provided information
19 shall be verified by the registering entity.

1 (d) Any person who willfully violates these requirements, submits false documents or
2 information or unlawfully manipulates the voter registration process will be subject to felony
3 criminal penalties.

4 ~~(a)~~(e) Registration forms shall consist of the number of sets of cards and of the size and
5 color that shall be determined by the state board of elections, one of which forms shall be designated
6 as the original and any others as duplicates. The forms shall be ruled with appropriate spaces and
7 headings to indicate the registrant's name, residence address, mailing address if different from
8 residence address, date of birth, and registrant's signature and date of affixation of signature, and
9 may include any other information, certifications, and declarations, including those made under the
10 penalty of perjury, that may be required by the state board in order to administer a single and unified
11 system of voter registration in accordance with applicable state and federal laws which shall enable
12 duly registered voters to vote in all elections in their respective voting districts, including elections
13 for federal officers.

14 ~~(b)~~(f) Notwithstanding that registration forms are public records, nothing contained in the
15 registration forms, nor any identifying characteristics of the forms such as size or color, shall
16 indicate the particular office of the division of motor vehicles at which the voter was registered,
17 nor shall there be any indication that the voter was registered at any other state, federal, or private
18 agency. Nothing contained in this section shall restrict the state board of elections from maintaining
19 confidential records showing the actual place of registration of all voters.

20 SECTION 2. Section 17-20-30 of the General Laws in Chapter 17-20 entitled "Mail
21 Ballots" is hereby amended to read as follows:

22 **17-20-30. Penalty for violations.**

23 (a) Any person who knowingly makes or causes to be made any material false statement in
24 connection with his or her application to vote as a mail voter, or who votes or attempts to vote
25 under the provisions of this chapter, by fraudulently signing the name of another upon any envelope
26 provided for in this chapter, or who, not being a qualified voter and having knowledge or being
27 chargeable with knowledge of the fact, attempts to vote under this chapter, or who votes the ballot
28 of another voter, or who deliberately prevents or causes to prevent the mail ballot to be received by
29 the voter or to be returned to the board of elections, or who falsely notarizes or witnesses the voter
30 signature on the ballot application or mail ballot, or who deceives, coerces, or interferes with the
31 voter casting his or her ballot, and any person who does or attempts to do, or aid in doing or
32 attempting to do, a fraudulent act in connection with any vote cast or to be cast under the provisions
33 of this chapter, shall be guilty of a felony.

34 (b) Any person who, having received a mail voter's ballot and having voted or not voted

1 the mail ballot, votes or fraudulently attempts to vote at any elective meeting within the state held
2 on the day for which the ballot was issued shall be guilty of a felony.

3 (c) Any officer or other person who intentionally opens a mail voter's certified envelope or
4 examines the contents before the envelope is opened by the board of elections, as provided in this
5 chapter, shall be guilty of a felony.

6 (d) Anyone who engaged in ballot harvesting shall be guilty of a felony. Ballot harvesting
7 is the practice of an intermediary collecting paper ballots of voters and then mailing them or turning
8 them into a polling place.

9 ~~(e)~~(e) The offenses in this section shall be punishable by imprisonment of not more than
10 ten (10) years and/or by a fine of not less than five hundred dollars (\$500) nor more than five
11 thousand dollars (\$5000).

12 SECTION 3. Section 31-10-26 of the General Laws in Chapter 31-10 entitled "Operators'
13 and Chauffeurs' Licenses" is hereby amended to read as follows:

14 **31-10-26. Issuance of license.**

15 (a) The division of motor vehicles shall, upon payment of the required fee, issue to every
16 qualifying applicant an operator's or chauffeur's license. The license shall be approximately two
17 and one-half inches (2 1/2") wide and three and one-half inches (3 1/2") long and shall bear on it a
18 distinguishing number assigned to the licensee; the full name; date of birth; residence address; brief
19 description of the licensee; a photograph of the licensee; whether the licensee has indicated a desire
20 to donate tissue or organs pursuant to the provisions of chapter 18.6.1 of title 23; and either a space
21 upon which the licensee shall write his or her usual signature with pen and ink or a facsimile of the
22 signature of the licensee. No license shall be valid until it has been so signed by the licensee
23 designated on it. A negative file of all photographs of licensees shall be maintained by the division
24 of motor vehicles for a period of five (5) years.

25 (b) The division of motor vehicles shall issue an operator's or chauffeur's license pursuant
26 to this chapter to every qualifying applicant, including, but not limited to, any current or past
27 recipient of a grant of deferred action under the Deferred Action for Childhood Arrivals (DACA)
28 program, provided any applicant subject to the DACA program shall provide evidence of having
29 received the grant from the United States Citizenship and Immigration Services.

30 All Rhode Island operator's or chauffeur's licenses issued to noncitizen residents must
31 contain a large "FN" across the face of the license. This marking designates the holder, as a foreign
32 national, who is not eligible to vote. The barcode on the driver's license will be coded to prevent its
33 use for registering to vote or for voting.

34 (c) The division of motor vehicles shall issue special licenses to those licensees who have

1 indicated that they desire to donate tissue or organs, which conform to the provisions of the Revised
2 Uniform Anatomical Gift Act, chapter 18.6.1 of title 23.

3 (d) Any person who is a law enforcement officer, meaning any permanently employed
4 member of the state, city, or town police departments, sheriffs and deputy sheriffs, members of the
5 marshal's unit, capitol police, and the state fire marshal and deputy fire marshals of the division of
6 building, design and fire professionals or a member of the department of attorney general, any
7 permanently employed federal law enforcement officer assigned in Rhode Island, or any member
8 of the United States Attorney's Office in Rhode Island or any employee of the R.I. department of
9 corrections, as recommended by the director of the department of corrections, upon request of the
10 applicant, shall be issued a license that contains the applicant's official business address in lieu of
11 a residence address as required under the general provisions of this section.

12 (e) The license issued to a person applying for the first time shall be designated as a "first
13 license." A first license shall be issued for a one-year period after which time a permanent driver's
14 license shall be issued according to this section.

15 (f) If an applicant has been adjudicated for committing one moving motor vehicle violation,
16 has been involved in one reportable motor vehicle accident, or both, he or she shall be summoned
17 for a hearing before a judge of the traffic tribunal at which time the driving record will be reviewed.
18 The traffic tribunal judge shall determine if the person should be granted an operator's license, be
19 reissued a first license, or be denied a license to operate a motor vehicle in the state of Rhode Island.

20 (g) Any person who is under the age of twenty-one (21) years shall, upon payment of the
21 required fee and upon meeting the qualifications for the receipt of an operator's or chauffeur's
22 license, be issued a license that shall be readily distinguishable in color from those licenses issued
23 to persons who are twenty-one (21) years of age or older. When a person under the age of twenty-
24 one (21) years to whom a license has been issued and whose license is in full force and effect,
25 attains his or her twenty-first birthday, he or she shall be entitled to receive a new license of the
26 type issued to persons who are older than the age of twenty-one (21) years from the administrator
27 of the division of motor vehicles upon demand at no expense. Every person shall supply to the
28 division of motor vehicles satisfactory proof of his or her date of birth.

29 (h) The division of motor vehicles shall issue special licenses upon the request of a licensee
30 that conform to the provisions of the Revised Uniform Anatomical Gift Act, chapter 18.6.1 of title
31 23.

32 (i) The division of motor vehicles shall note in an appropriate manner a restriction on any
33 person's license who is prohibited from operating a motor vehicle that is not equipped with an
34 ignition interlock system as provided in chapter 27 of this title.

1 (j) Any personal digitized information contained within an operator's or chauffeur's license
2 shall be limited to: (a) the licensee's name, age, date of birth, address, gender, physical description
3 such as weight, height, hair color and eye color, signature and organ donor status; and (b) the license
4 number, commercial endorsements, expiration date, issue date, restriction, and class.

5 (k) Except to the extent an entity is authorized to renew drivers' licenses, or except for
6 financial institutions engaged in the verification of information for financial transactions,
7 nongovernmental entities shall not have access to any digitized information contained in an
8 operator's or chauffeur's license other than the licensee's name, age, date of birth, signature, and
9 photographic image, and the license's expiration date; nor shall they store, record, or retain any
10 such information obtained through a digital reading device. Access to digitized information by
11 these entities shall be solely for the purpose of determining the age of an individual for a transaction,
12 right, or privilege available by law only to persons of a certain age.

13 (l) To the extent that nongovernmental entities shall have access to the digitized
14 information stored on an operator's or chauffeur's license, the entity shall be civilly liable for the
15 unauthorized access to, or retention or use of, the information by its agents or persons acting in the
16 name of the entity.

17 (m) The division of motor vehicles shall collect from applicants and licensees their social
18 security numbers and tax identification numbers only to the extent required by federal law. The
19 numbers shall not be included, either digitally or visually, on the operator's or chauffeur's license.

20 (n) Issuance of a Rhode Island operator's license under this chapter to a current or past
21 recipient of a grant of deferred action under the Deferred Action for Childhood Arrivals (DACA)
22 program shall not confer the right to vote in the state of Rhode Island.

23 SECTION 4. Section 3-8-6 of the General Laws in Chapter 3-8 entitled "Regulation of
24 Sales" is hereby amended to read as follows:

25 **3-8-6. Unlawful drinking and misrepresentation by underage persons -- Identification**
26 **cards for persons twenty-one and older.**

27 (a) It is unlawful for:

28 (1) A person who has not reached his or her twenty-first (21st) birthday to enter any
29 premises licensed for the retail sale of alcoholic beverages for the purpose of purchasing or having
30 served or delivered to him or her alcoholic beverages; or

31 (2) A person who has not reached his or her twenty-first (21st) birthday to consume any
32 alcoholic beverage on premises licensed for the retail sale of alcoholic beverages or to purchase,
33 attempt to purchase, or have another purchase for him or her any alcoholic beverage; or

34 (3) A person to misrepresent or misstate his or her age, or the age of any other persons, or

1 to misrepresent his or her age through the presentation of any of the following documents:

2 (i) An armed service identification card, valid passport, the identification card license, or
3 any other documentation used for identification purposes that may belong to any other person who
4 is twenty-one (21) years or older;

5 (ii) A motor vehicle operator's license that bears the date of birth of the licensee and that is
6 issued by this state or any other state;

7 (iii) A Rhode Island identification card, as defined in subsection (b), for the purpose of
8 inducing any licensee, or any employee of any licensee, to sell, serve, or deliver any alcoholic
9 beverage to a minor.

10 (b)(1) The administrator of the division of motor vehicles shall issue to any person who
11 has reached his or her twenty-first (21st) birthday a Rhode Island identification card upon payment
12 of a fee of twenty-five dollars (\$25), and, upon presentation of a certified birth or baptismal
13 certificate, or U.S. or foreign passport, or U.S. naturalization certificate or a valid immigrant or
14 refugee document issued by the United States Citizenship and Immigration Services, including, but
15 not limited to, any one of the following: Form I-551, Form I-94, Form I-688A, Form I-688, and a
16 form evidencing that the applicant is a current or past recipient of a grant of deferred action under
17 the Deferred Action for Childhood Arrivals program, together with a document bearing the
18 applicant's signature.

19 All Rhode Island identification cards, issued to noncitizens, must contain a large "FN"
20 barcode across the face of the card. This required marking designates the holder as a foreign
21 national, who is ineligible to vote. The barcode on the identification card will be coded to prevent
22 its use for registering to vote or for voting.

23 (2) A person who has reached his or her fifty-ninth (59th) birthday is not required to pay
24 the fee.

25 (3) Each registration card shall be subject to renewal every five (5) years upon payment of
26 a fee of twenty-five dollars (\$25).

27 (4) No person who holds an operator's license issued by this state or any other state shall
28 be issued a Rhode Island identification card.

29 (5) The identification card shall be signed by the administrator of the division of motor
30 vehicles and by the applicant and his or her picture shall appear on the card along with the required
31 information and the card shall be encased in laminated plastic. The card shall be two inches (2") in
32 height and four inches (4") in length and shall be printed in the following form:

33 RHODE ISLAND IDENTIFICATION CARD
34 Date Issued No.....

1 First Name Middle Name Last Name
 2
 3 Address
 4

5 BIRTH RECORD

6 Month.....Day.....Year.....

7 Secure Photo by Pasting here Color of hair Color of eyes Sex Ht Wt.
 8

9 Issued by
 10 Administrator of the Division of Motor Vehicles
 11
 12
 13

14 Administrator

15 (6) The identification cards shall be produced at the adult correctional institutions if they
 16 have facilities to do so; if the adult correctional institutions have no facilities to do so, then all cards
 17 shall be manufactured by the lowest responsible bidder following advertisement for the solicitation
 18 of bids.

19 (7) The identification cards shall be clearly distinguishable from those issued pursuant to
 20 § 3-8-6.1 and operators' and chauffeurs' licenses issued pursuant to title 31.

21 (8) Any person who has been designated as permanently and totally disabled by the social
 22 security administration or who upon certification by an optometrist, ophthalmologist, or physician
 23 that a holder of a valid and current motor vehicle operator's license is no longer able to operate a
 24 motor vehicle, the administrator of the division of motor vehicles shall issue to such person, upon
 25 request, a Rhode Island identification card for the unexpired term of the person's motor vehicle
 26 operator's license at no additional cost. Thereafter, a renewal of such card shall be subject to the
 27 standard renewal charge of twenty-five dollars (\$25) until the person shall reach his or her fifty-
 28 ninth (59th) birthday.

29 (9) The administrator of the division of motor vehicles shall, upon presentation of a United
 30 States Department of Defense (DD) FORM 214 or other acceptable documentation of military
 31 service and verification of an honorable discharge, issue an identification card to the presenter that
 32 is clearly marked "veteran," at no additional cost.

33 (c)(1) Every retail Class A, B, C, and D licensee shall cause to be kept a book or
 34 photographic reproduction equipment that provides the same information as required by the book.

1 That licensee or the licensee's employee shall require any person who has shown a document as set
2 forth in this section substantiating his or her age to sign that book or to permit the taking of his or
3 her photograph and indicate what document was presented. Use of the photographic reproduction
4 equipment is voluntary for every Class A, B, C and D licensee.

5 (2) The sign-in-as-minor book and photographic reproduction equipment shall be
6 prescribed, published, and approved at the direction and control of the division. The book shall
7 contain at least four hundred (400) pages; shall be uniform throughout the state; and shall be
8 distributed at a cost not to exceed seven dollars (\$7.00).

9 (3) If a person whose age is in question signs the sign-in-as-minor book or has a photograph
10 taken before he or she is sold any alcoholic beverage and it is later determined that the person had
11 not reached his or her twenty-first (21st) birthday at the time of sale, it is considered prima facie
12 evidence that the licensee and/or the licensee's agent or servant acted in good faith in selling any
13 alcoholic beverage to the person producing the document as set forth in this section misrepresenting
14 his or her age.

15 (4) Proof of good-faith reliance on any misrepresentation is a defense to the prosecution of
16 the licensee and/or the licensee's agent or servant for an alleged violation of this section.

17 (d)(1) Any person who violates this section shall be punished for the first offense by a
18 mandatory fine of not less than one hundred dollars (\$100) nor more than five hundred dollars
19 (\$500) and shall be further punished by thirty (30) hours of community service and shall be further
20 punished by a suspension of his or her motor vehicle operator's license or driving privileges for a
21 period of thirty (30) days; for the second offense by a mandatory fine of not less than five hundred
22 dollars (\$500) nor more than seven hundred fifty dollars (\$750) and shall be further punished by
23 forty (40) hours of community service and will be further punished by a suspension of his or her
24 motor vehicle operator's license or driving privileges for a period of three (3) months; and for the
25 third and subsequent offenses by a mandatory fine for each offense of not less than seven hundred
26 fifty dollars (\$750) nor more than one thousand dollars (\$1,000) and shall be further punished by
27 fifty (50) hours of community service and will be further punished by a suspension of his or her
28 motor vehicle operator's license or driving privileges for a period of one year.

29 (2) Any suspension of an operator's license or driving privilege pursuant to this section
30 shall not operate to affect the insurance rating of the offender and any operator's license or driving
31 privilege suspended pursuant to this section shall be reinstated without further expense upon
32 application.

33 (e) Within thirty (30) days after this incident the police chief of the city or town where the
34 incident took place is directed to inform, in writing, the department of business regulation whether

1 or not charges in accordance with this section have been preferred against a person who has not
2 reached his or her twenty-first (21st) birthday and has violated this section. If no charge is brought
3 against any person who has not reached his or her twenty-first (21st) birthday and has violated the
4 provisions of this section, then the police chief of the city or town where the incident took place
5 will state the reason for his or her failure to charge the person who has not reached his or her twenty-
6 first (21st) birthday.

7 (f) The Rhode Island identification card may be withdrawn at any time for just cause, at
8 the discretion of the administrator of the division of motor vehicles. The administrator of the
9 division of motor vehicles shall keep a record of the cards issued and each card shall contain an
10 identification number specifically assigned to the person to whom the card was issued.

11 (g) Issuance of a Rhode Island identification card under this section to a current or past
12 recipient of a grant of deferred action under the Deferred Action for Childhood Arrivals (DACA)
13 program shall not confer the right to vote in the state of Rhode Island.

14 SECTION 5. 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 -- REGISTRATION OF VOTERS

1 This act would tighten up the requirements and procedures for registering to vote and for
2 applying for a mail ballot. It would also mandate that driver's licenses and motor vehicle
3 identification cards for non-drivers, have a marking on them which identifies the holder as a foreign
4 national. Finally it would expressly outlaw the practice of ballot harvesting with criminal penalties.

5 This act would take effect upon passage.

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