

2015 -- H 5952

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO ELECTIONS - VOTER REGISTRATION

Introduced By: Representatives Tanzi, Carson, Ruggiero, Hearn, and Marcello

Date Introduced: March 19, 2015

Referred To: House Judiciary

(Board of Elections)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-9.1-16 of the General Laws in Chapter 17-9.1 entitled  
2 "Registration of Voters" is hereby amended to read as follows:

3 **17-9.1-16. Procedure on change of address -- Fail safe voting provisions. --** (a)

4 Change of address within the same city or town. - (1) A registered voter who has moved from a  
5 residence address within a voting district to another residence address within the same voting  
6 district and who has not notified the local board of the change of residence address thirty (30)  
7 days or more prior to the election shall be permitted to vote at the polling place designated for the  
8 voting district or at the local board upon completion of a written affirmation form which shall  
9 record the voter's change of address within the voting district. The form may be completed by the  
10 voter at the polling place designated for the voting district and thereafter transmitted, after the  
11 close of the polls, to the local board or may be completed at the local board.

12 (2) Any registered voter who has moved his or her residence from one residence address  
13 to another residence address within the same city or town and who has not notified the local  
14 board of the change of residence address thirty (30) days or more prior to the election shall be  
15 permitted to vote as follows:

16 (i) A registered voter who has moved from a residence address in one voting district to a  
17 residence address in another voting district within the same city or town thirty (30) days or more  
18 preceding an election shall be permitted to vote a full ballot at the polling place of the new  
19 residence address or at the local board upon completion of an affirmation form which shall record

1 the voter's change of address. If the form is completed at the polling place, the form shall be  
2 forwarded to the local board after the close of the polls; or

3 (ii) Any registered voter who has moved less than thirty (30) days preceding an election  
4 from one address to another address within a different voting district within the same city or town  
5 shall be permitted to vote at the polling place of the former address or at the local board and is  
6 entitled to vote the full ballot for the old polling place upon completion of an affirmation form  
7 which shall record the voter's change of address.

8 (3) Any registered voter to whom a confirmation mailing was sent by either the state  
9 board or a local board, based upon information other than change of address information received  
10 from or through the postal service, shall be placed on the inactive list of voters if the recipient of  
11 the confirmation mailing fails to return the related confirmation card. If the voter continues to  
12 reside in the same city or town and at the residence address currently recorded on the voter's  
13 registration card or at a residence address within the same voting district, the voter shall be  
14 permitted to vote at the polling place for that residence address upon signing an affirmation form.  
15 If the voter has moved to a new residence address within the same city or town but within a  
16 different voting district the registered voter shall be permitted to vote a full ballot at the polling  
17 place of the new residence address or at the local board upon completion of an affirmation form  
18 which shall record the voter's change of address.

19 (4) Any registered voter to whom a confirmation mailing was sent by either the state  
20 board or a local board, based upon change of address information provided by or through the  
21 postal service, shall not be placed on the inactive list even if the recipient of the confirmation  
22 mailing fails to return the related confirmation card. The registered voter shall be permitted to  
23 vote at the polling place of the new residence address or the local board without the requirement  
24 of signing an affirmation form. If the change of address information provided by or through the  
25 postal service was in error, the registered voter shall be permitted to vote at the polling place of  
26 his or her former address or at the local board upon signing the required affirmation form.

27 (b) Change of address from one city or town to another city or town. - (1) A voter who  
28 has moved his or her residence, as defined in § 17-1-3.1, from the address at which the voter is  
29 registered to another within a different city or town shall be required to register in the city or town  
30 to which the voter has moved; provided, that no person qualified to vote in any city or town in  
31 this state shall lose his or her right to vote in that city or town by reason of his or her removal to  
32 another city or town in this state during the thirty (30) days, less one day, next preceding an  
33 election or primary in the former city or town.

34 (2) That a voter who remains within the state, although he or she fails to register in the

1 city or town to which the voter has moved within time to vote in the city or town, shall be  
2 permitted to vote by special paper ballot to be provided by the secretary of state upon application  
3 for it approved by the board of canvassers of the voter's former city or town for federal and  
4 statewide elected officials only during the six (6) months, less one day, next preceding an election  
5 or primary.

6 (c) Persons erroneously excluded from certified voting list. - Any voter finding that his  
7 or her name is not on the certified voting list of his or her city or town being used at any election  
8 may ~~make an affidavit before the local board, each member or employee of which is empowered~~  
9 ~~to take his or her affidavit, that he or she is duly registered in the city or town and is not otherwise~~  
10 ~~disqualified from voting in the election. The board may examine the voter and if it finds that the~~  
11 ~~voter is qualified to vote, the voter shall, upon making the affidavit provided for, be allowed to~~  
12 ~~vote either at the local board or at the polling place for the voting district in which the voter~~  
13 ~~resides. In the latter case, the local board shall issue a temporary registration certificate as~~  
14 ~~provided in § 17-10-18. Local boards shall be required to be continuously in session during the~~  
15 ~~hours assigned for voting in each city or town.~~ cast a provisional ballot in accordance with § 17-  
16 19-24.1.

17 SECTION 2. 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 REGISTRATION

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1           This act would allow a voter to vote a provisional ballot without obtaining a temporary  
2 registration certificate. For purposes of understanding this amendment, the following § 17-19-  
3 24.1 is set forth below.

4           **17-19-24.1. Provisional voting under the Help America Vote Act of 2002.**

5           -- (a) If an individual's name does not appear on the certified voting list as  
6 provided for in § 17-19-24(b) and the individual is eligible to vote in an  
7 election for federal office or an election official asserts that the individual is  
8 not eligible to vote in the district in which the individual desires to vote, then  
9 the individual shall be permitted to cast a provisional ballot as provided in  
10 Section 302 of the Help America Vote Act (P.L. 107-252) [42 U.S.C. §  
11 15481].

12           (b) Provisional ballots provided for in this section shall be cast in accordance  
13 with rules and regulations which shall be promulgated by the state board of  
14 elections in accordance with the Help America Vote Act (P.L. 107-252) [42  
15 U.S.C. § 15301 et seq.].

16           This act would take effect upon passage.

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