

2016 -- H 7389

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO ELECTIONS -- PUBLIC RECORDS -- RESTORATION OF VOTING
RIGHTS

Introduced By: Representatives Williams, Lombardi, Regunberg, Hull, and Tobon

Date Introduced: January 28, 2016

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.** -- (a) A person who has lost the right of suffrage
4 under Article II, Section 1 of the Constitution of Rhode Island because of such person's
5 incarceration upon a felony conviction shall be restored the right to vote when that person is
6 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. As part of the
18 release process, the department shall also provide each person written notice, prepared in

1 [collaboration with the secretary of state, explaining how those who have declined to register to](#)
2 [vote may do so in the future, and shall include a list of informational resources for learning more](#)
3 [about their right to vote.](#)

4 (d) The department of corrections shall, on or before the 15th day of each month,
5 transmit to the secretary of state two (2) lists. The first shall contain the following information
6 about persons convicted of a felony who, during the preceding period, have become ineligible to
7 vote because of their incarceration; the second, [which shall be deemed a public record subject to](#)
8 [disclosure pursuant to the provisions of chapter 2 of title 38,](#) shall contain the following
9 information about persons convicted of a felony who, during the preceding period, have become
10 eligible to vote because of their discharge from incarceration:

- 11 (1) name;
- 12 (2) date of birth;
- 13 (3) date of entry of judgment of conviction;
- 14 (4) description of offense;
- 15 (5) sentence.

16 (e) The secretary of state shall ensure that the statewide central voter registration is
17 purged of the names of persons who are ineligible to vote because of their incarceration upon a
18 felony conviction. The secretary of state shall likewise ensure that the names of persons who are
19 eligible and registered to vote following their discharge from incarceration are added to the
20 statewide central voter register in the same manner as all other names are added to that register.

21 (f) The secretary of state shall ensure that persons who have become eligible to vote
22 because of their discharge from incarceration face no continued barriers to registration or voting
23 resulting from their felony convictions.

24 (g) The secretary of state shall develop and implement a program to educate attorneys,
25 judges, election officials, corrections officials, and members of the public about the requirements
26 of this section, ensuring that:

27 (1) Judges are informed of their obligation to notify criminal defendants of the potential
28 loss and restoration of their voting rights in accordance with subsection (b) hereof.

29 (2) The department of corrections is prepared to assist people with registration to vote in
30 anticipation of their discharge from incarceration, including by forwarding completed voter
31 registration forms to the state board or local board where the registrant resides.

32 (3) The language on voter registration forms makes clear that people who have been
33 disqualified from voting because of felony convictions regain the right to vote when they are
34 discharged from incarceration.

1 (4) The state department of corrections is prepared to transmit to the secretary of state
2 the information specified in subsection (d) hereof.

3 (5) Probation and parole officers are informed of the change in the law and are prepared
4 to notify probationers and parolees that their right to vote is restored.

5 (6) Accurate and complete information about the voting rights of people who have been
6 charged with or convicted of crimes, whether disfranchising or not, is made available through a
7 single publication to government officials and the public.

8 (h) Voting rights shall be restored to all Rhode Island residents who have been
9 discharged from incarceration or who were never incarcerated following felony convictions,
10 whether they were discharged or sentenced before or after the effective date of this section.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would make a public record of the list sent by the department of corrections to
2 the secretary of state containing information about formerly incarcerated inmates who have
3 become eligible to vote because of their discharge from incarceration. It would also require the
4 department to inform released inmates of their right to vote.

5 This act would take effect upon passage.

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