

410-RICR-20-00-19

TITLE 410 - RI BOARD OF ELECTIONS

CHAPTER 20 - ELECTIONS

SUBCHAPTER 00 - N/A

PART 19 - Voter Registration

19.1 Purpose

These rules and regulations are adopted by the Board of Elections for the purpose of implementing the voter registration requirements of both federal and state laws.

19.2 Authority

The Rhode Island Board of Elections hereby amends the rules and regulations relating to voter registration pursuant to and in accordance with R.I. Gen. Laws §§ 17-7-5(c) and 17-9.1-1 *et seq.* Said rules and regulations are adopted pursuant to the Administrative Procedures Act (R.I. Gen. Laws § 42-35-1 *et seq.*) and are available for public inspection at the offices of the Rhode Island Board of Elections, 50 Branch Avenue, Providence, Rhode Island and are also available electronically on the website of the Secretary of State in the Rhode Island Code of Regulations.

19.3 Definitions

- A. "Board of canvassers" or "Local board" means the board of canvassers in a city or town.
- B. "Board of Elections" or "State board" means the Rhode Island Board of Elections.
- C. "CVRS" or "Central voter registration system" shall mean the single, unified, centralized, interactive computerized statewide voter registration system maintained and administered by the Office of the Secretary of State. The CVRS shall be the official voter registration system utilized by local boards of canvassers for the conduct of all federal, state and local elections in Rhode Island and shall include the name and registration information for every registered voter in the state.
- D. "Current" and "valid" means the document has not expired by its terms prior to the date it is presented.

- E. "Election day" means any time the polls are open for the conduct of an election, primary, or referendum.
- F. "Election official" means the Board of Elections and its designees, the local boards of canvassers and its designees, including but not limited to, Moderator/ Wardens, Clerks and Supervisors.
- G. "Government agency" means any governmental agency of a city, town, state or the United States.
- H. "Recognized political party" means a political party that has met the recognition requirements of R.I. Gen. Laws § 17-1-2(9).
- I. "Secretary of State" or "Secretary" means the Office of the Secretary of State of Rhode Island.
- J. "Rhode Island state ID" means an identification card issued by the Rhode Island Division of Motor Vehicles.
- K. "Voter identification number" or "Voter ID number" means the number assigned to each registered voter by the CVRS.
- L. "Voter registration agency" means an office designated by the State Board to perform voter registration activities. Offices so designated include: Board Of Elections; Office of the Secretary of State; local Boards of Canvassers; Division of Motor Vehicles; Department of Corrections; Department of Human Services; Department of Behavioral Healthcare, Developmental Disabilities & Hospitals; Department of Health Women, Infants and Children (WIC) program; United States armed forces (subject to procedures developed by the State Board in cooperation with the United States Department of Defense); offices in the state that provide state funded programs primarily engaged in providing services to persons with disabilities, in accordance with R.I. Gen. Laws § 17-9.1-8(a)(2); state or local government offices such as public libraries, public schools, offices of city and town clerks (including marriage license bureaus); fishing and hunting license bureaus; government revenue offices; unemployment compensation offices; and offices not described in subdivision R.I. Gen. Laws § 17-9.1-8(a)(2) of this section that provide services to persons with disabilities, in accordance with R.I. Gen. Laws § 17-9.1-8(b)(1), federal and nongovernmental offices, with agreement of those offices, in accordance with R.I. Gen. Laws § 17-9.1- 8(b)(2), and any other offices designated by the State Board.

19.4 Voter Registration Process

- A. Every person who is or may be qualified by the next Election Day to vote may register by any of the following methods:

1. By completing a Rhode Island voter registration form, as prescribed by the State Board at the Board of Elections, either by In-Person, Third-Party, or by Mail, as set forth in § 19.5 of this Part;
 2. By submitting an electronic voter registration application through the Secretary of State website, as prepared by the Secretary, or other electronic portal established and maintained by the Secretary for the purpose of accepting electronic voter registrations,
 3. Through annual registrations at high schools, and vocational schools, as conducted under the supervision of the local boards of canvassers in accordance with R.I. Gen. Laws § 17-9.1-4.1,
 4. Through local registration agents appointed by the local boards of canvassers in accordance with R.I. Gen. Laws § 17-9.1-5,
 5. Through statewide registration agents appointed by the State Board,
 6. By submitting an application at the Division of Motor Vehicles for a driver's license or a renewal of the license,
 7. At the time that a person is discharged from incarceration from the Department of Corrections in accordance with R.I. Gen. Laws §§ 17-9.1-8(a) and 17-9.2-1, *et seq.*, and
 8. At any office in the state that provides public assistance.
- B. Every person who is otherwise qualified to register to vote and is at least sixteen (16) years of age but will be eighteen (18) years of age by the date of the next election, may preregister by using any of the methods prescribed in § 19.4(A) of this Part, and otherwise complying with the terms of this regulation and R.I. Gen. Laws § 17-9.1-1 *et seq.* Individuals who are preregistered will be automatically registered to vote in accordance with this regulation upon reaching eighteen (18) years of age. Until preregistered individuals reach eighteen (18) years of age, they will not be registered to vote, and may not be on the voter rolls or otherwise permitted to vote.

19.5 Voter Registration Form

- A. Voter Registration Data. Persons may register to vote in Rhode Island by completing a Rhode Island Voter Registration Form, in a format prescribed and authorized by the Board of Elections within these regulations; or a federal voter registration application prepared by the Federal Election Assistance Commission, or other designated federal agency; or when casting a vote for president or vice president on election day, in accordance with R.I. Gen. Laws § 17-1-3; or submitting an application for a provisional ballot at the polling place on election day; or submitting an electronic application for voter registration through the

Rhode Island Division of Motor Vehicles in accordance with R.I. Gen. Laws § 17-9.1-7; or submitting an electronic registration through the Secretary of State website or other electronic portal established and maintained by the Secretary for the purpose of accepting electronic voter registrations.

1. Registration Form - The State Board shall publish a Rhode Island Voter Registration Form and instructions that include:
 - a. Type of registration
 - (1) The applicant shall check the purpose for the submission of the voter registration form including: new registration, address change, party change, or name change.
 - b. Declaration of "Citizenship", "Residence" & "Age"
 - (1) The applicant shall be required to check the appropriate boxes acknowledging that he/she:
 - (AA) is a citizen of the United States and the State of Rhode Island;
 - (BB) is at least 16 years of age (You must be 18 years of age to vote).
 - (2) In the event that the applicant answers "No" to either question, he/she shall be instructed to not complete the form and the application shall be rejected and not processed.
 - c. Rhode Island Driver's License or State ID Card Number/Last 4 Digits of Social Security number
 - d. The applicant shall provide information as set forth below and more fully set forth under § 19.5(C) of this Part.
 - (1) The applicant shall provide his/her Rhode Island driver's license number or Rhode Island State ID number. In the case of an applicant who has not been issued a current and valid Rhode Island driver's license or a current and valid Rhode Island State ID, he/she shall provide the last 4 digits of his/her Social Security number. If an applicant has not been issued either a current and valid Rhode Island driver's license, Rhode Island State ID number or Social Security number, then he/she shall be instructed to place a check mark in the box provided indicating that he/she has not been issued a Rhode Island driver's license, Rhode Island State ID number or Social Security number. The applicant shall then

be assigned a unique identification number for voter registration purposes by the CVRS.

e. Applicant's Full Name

- (1) The applicant shall print his/her last name, first name and middle name (or initial).

f. Home Address (residence address)

- (1) The applicant shall enter the full address of the city/town where he/she resides including the street address, apartment number, and zip code. A Post Office box shall not be considered a residence. Residents without a permanent address may register to vote from the address of the board of canvassers of their city/town or may provide a location to the board of canvassers of their city/town where they are commonly located.

g. Mailing Address (address where mail is received if different from (e). Home Address)

h. Date of Birth

i. Phone Number/E-Mail Address (The completion of this data is optional and information submitted on the voter registration form is statutorily defined as a public record.)

j. Party Affiliation (if any)

- (1) An applicant may choose to register with a recognized political party in Rhode Island by checking the name of the recognized political party, or selecting "Other" and writing the name of the unlisted recognized political party on the line provided. An applicant who does not wish to register with a party shall check "Unaffiliated." An applicant who leaves this item blank, or lists the name of a political party not recognized in the state will be registered as "Unaffiliated." New forms with a listing of all recognized parties shall be used within 60 days of when a party achieves party recognition in the State of Rhode Island at the local boards of canvassers and on-line as soon as possible. The Board of Elections may not use outdated forms for more than 90 days from when a party achieves party recognition in the State of Rhode Island.

k. Affirmation, Signature & Date

- (1) The applicant shall be required to sign his/her name (or make his/her mark) in ink and shall enter the date the registration form was completed.

I. Previous Name

- (1) If an applicant is registered to vote and has since legally changed his/her name, the registrant's name, as recorded on their previous registration, shall be included here.

m. Previous Address

- (1) If an applicant was previously registered to vote from another address, then the previous address including the street number and name, city or town, state and zip code shall be entered here.

2. Nothing in these rules and regulations shall prevent a person from receiving assistance in the preparation or filing of a Voter Registration Form.

B. Voter Registration Form Submission Categories

1. The manner in which voter registrations may be submitted and the effective date of registration shall be as follows:
 - a. "In-Person" registrations are those registrations that are personally delivered by the applicant or are completed by the applicant at the Board of Elections or other Voter Registration Agency where election officials are available to assist registrants and receive the registration forms; or submitting an electronic in-person application for voter registration through the Rhode Island Division of Motor Vehicles in accordance with R.I. Gen. Laws § 17-9.1-7. The effective date of registration shall be the date of submission of the completed registration form to the Voter Registration Agency or the Rhode Island Division of Motor Vehicles.
 - b. "Third Party" registrations are voter registrations that are delivered by someone other than the applicant to either the State Board, Secretary of State or local board of canvassers, or downloaded from the Rhode Island Division of Motor Vehicles website in conjunction with an online driver's license renewal. The effective date of registration shall be the date of submission by the third party of the completed registration form to either the State Board, Secretary of State or local board.

- c. "Mail" registrations are those registrations mailed through the United States Postal Service or delivered by commercial carrier to the State Board, Secretary of State or a local board of canvassers. The effective date of registration shall be the date the completed registration form is postmarked, however, if there is no postmark or the postmark is illegible and the registration form is received within 5 days of the registration deadline, then the application is effective on the last day to vote for that election. If there is no postmark or the postmark is illegible and the registration form is received more than 5 days after the registration deadline, then the effective date of registration is the date received by the State Board or local board.
- d. "Electronic registration of voters." A person may register to vote or update existing voter registration information by electronically submitting the registration on the website for the Secretary of State or other electronic portal established by the Secretary for the purpose of receiving voter registrations. The electronic application shall contain all of the information required by Rhode Island law, including the criteria set forth under R.I. Gen. Laws § 17-9.1-9 and this regulation, except that said application shall be accepted without signature when such signature may be obtained from another state agency, quasi-public agency, or municipality data base. In such circumstance, the Secretary shall verify that the applicant information is accurate by cross-referencing the information submitted with the data or information contained in a data base administered by a state agency, quasi-public agency, or municipality or by the federal government or any other voter registration data base of any other state. The use of such information from any other data base shall be exclusively for the purpose of verifying the information submitted by an applicant and shall not be conveyed to or shared with any other governmental or non-governmental entity or person for any reason except for voter registration purposes or pursuant to a court order. The applicant shall expressly authorize the transmittal for voter registration purposes to the Secretary and the local boards of canvassers his or her signature that is on file with any state agency, quasi-public agency or municipality. The voter registrant shall also certify that all of the information submitted electronically to the Secretary is both true and correct as of the date of electronic submission.
 - (1) When a person registers for the first time and does so electronically through the website or portal established by the Secretary of State, the applicant must enter a valid Rhode Island driver's license or Rhode Island ID number. Otherwise, the applicant will be permitted to prepare an application online, print it and either mail or deliver the

application to the appropriate local board of canvassers. Said application will then be subject to the registration requirements of either In-Person or Mail, as applicable.

- e. The Secretary's portal for voter registrations and any related form shall be available in any language required by either federal or state voting rights laws and shall comply with all requirements under Title II of the Americans With Disabilities Act, 42 U.S.C. §§ 12131 through 12165, and with the Web Content Accessibility Guidelines (WCAG) 2.0 Compliance Level AA.

C. Documentation Requirements Regarding Voter Registration

1. The applicant shall enter his /her valid Rhode Island driver's license number or Rhode Island State ID number on the voter application. In the case of an applicant who has not been issued a current and valid Rhode Island driver's license or a current and valid Rhode Island State ID, the applicant shall enter the last 4 digits of his/her Social Security number.
2. If the applicant is registering In Person and has not been issued either a current and valid Rhode Island driver's license, Rhode Island State ID or Social Security number, he/she shall be instructed to place a check mark in the box provided indicating that he/she has not been issued a Rhode Island driver's license, Rhode Island ID number or Social Security number and he/she shall then be assigned a unique identification number by the CVRS for voter registration purposes.
3. If the applicant is registering by Mail or Third Party and is a person who has not voted in an election for federal office in Rhode Island and also has not been issued either a current and valid Rhode Island driver's license, Rhode Island State ID or Social Security number, he/she shall be instructed to place a check mark in the box provided indicating that he/she has not been issued a Rhode Island driver's license, Rhode Island ID number or Social Security number and the applicant will be required to provide one of the following forms of identification:
 - a. A copy of a current and valid photo identification provided by a third party in the ordinary course of business that includes the name and photograph of the applicant. In addition to a current and valid Rhode Island driver's license and Rhode Island State ID, the acceptable forms of photo identification include:
 - (1) United States passport;
 - (2) Identification issued by a United States educational institution;

- (3) United States military identification card;
- (4) Identification card issued by the United States or the State of Rhode Island;
- (5) Valid photo identification issued to tribal members by a federally recognized tribal government, including the Narragansett Tribe.
- (6) Government issued medical card;
- (7) Employee identification card;
- (8) Identification card provided by a commercial establishment;
- (9) Credit or debit card;
- (10) Student identification card issued by a recognized United States educational institution;
- (11) Health club identification card;
- (12) Insurance plan identification card;
- (13) Public housing identification card; or,

b. A copy of a current utility bill, bank statement, lease or rental statement, government check, paycheck, or other government document that shows the name and address of the applicant.

c. A copy of the above-listed document must be provided:

- (1) with the application; or
- (2) at the polling place if voting in person; or
- (3) enclosed in the envelope with the mail ballot if voting by mail; or
- (4) at the board of canvassers at any time before the close of the polls or at the polling place on Election Day.

d. Upon confirmation of the applicant's identity, the identification documents submitted by the voter shall be destroyed.

D. Incomplete and/or Defective Registrations. Registrations that are determined to be incomplete or defective by the local board of canvassers shall be treated as follows:

1. Rejected Applications. A voter registration form will not be accepted or processed if:
 - a. the applicant fails to respond to the questions regarding age and citizenship or answers "No" to either or both questions; or
 - b. The applicant fails to sign the form.
 - c. The local board of canvassers shall notify the applicant of the reason the registration was not accepted. Said notice shall be in writing and sent immediately, no later than seven (7) days following receipt of the registration.
2. Incomplete or Defective Voter Registrations
 - a. When a first-time voter registration applicant provides a Rhode Island driver's license number, Rhode Island State ID number or last 4 digits of a Social Security number that cannot be matched to the applicant but the State or local board of canvassers is able to otherwise accurately match an applicant's driver's license number, State identification number, or last four digits of his or her Social Security number with data maintained either on the CVRS, Division of Motor Vehicles or federal Social Security Administration, with or without seeking additional information or clarification from the applicant, then the applicant shall be registered to vote, effective as of the date of the submission or receipt of the application;
 - b. In the event that the State or local board of canvassers is unable to match the first-time voter registration applicant to a driver's license number, State identification number or last four digits of the Social Security number, despite a search of the CVRS, or an inquiry to the Division of Motor Vehicles or federal Social Security Administration, then the local board of canvassers will immediately (no later than 7 days) notify the applicant in writing and inform the applicant that he or she must present an alternative form of identification listed in §§ 19.5(C)(3)(a) or (b) of this Part above to the local board of canvassers or to a polling place official and shall be deemed registered to vote effective as of the original date of submission or his or her application.
 - c. Notwithstanding any other provision in this Section, if the State or local board of canvassers is able to match an applicant's driver's license number, State identification card, or last four digits of his or her Social Security number with the records maintained on the CVRS, Division of Motor Vehicles or federal Social Security Administration, with or without seeking additional information or clarification from the applicant, then the applicant shall be registered

to vote, effective as of the date of the submission or receipt of the original application, unless there exists a separate basis for concluding that the applicant is ineligible to vote independent of the matching process.

- E. Registrations that do not select a recognized political party in Rhode Island shall be processed as "Unaffiliated."
- F. Currently Registered Voters
 - 1. Notwithstanding the provisions and requirements of this section, election officials shall accept and process a registration form which has been signed and submitted by an individual who is currently a registered voter in Rhode Island and who is submitting the form for the purpose of changing his/her name and/or address or to change his/her political party affiliation.
- G. Voter Affirmation Forms
 - 1. A Voter Affirmation form (R.I. Gen. Laws § 17-9.1-16) completed and signed at the polling place on Election Day by an individual who is at that time a registered voter within the city/town where the Voter Affirmation card is submitted, may be used for the purpose of changing his/her name and/or address.
- H. Rhode Island Division of Motor Vehicle Change of Address Form
 - 1. Any change of address form submitted to the Rhode Island Division of Motor Vehicles in accordance with Rhode Island state law for purposes of a state motor vehicle license or State ID shall serve as a notification of change of address for voter registration purposes for the registrant involved, unless the registrant states on the form that the change is not for voter registration purposes. Such change of address notification shall be transmitted by the Division of Motor Vehicles to the CVRS in accordance with R.I. Gen. Laws § 17-9.1-7.
- I. Confidentiality
 - 1. To the extent permitted by law, all applicants' Rhode Island driver's license numbers, Rhode Island State ID numbers, the last 4 digits of applicants' Social Security numbers or photocopies of all such documents and any other documents submitted in conjunction with meeting the identification requirements for first-time voter registration applicants shall remain confidential and shall only be available to election officials solely for election purposes and shall not be part of the public record or available for public inspection.
- J. Declarations of Candidacy

1. Notwithstanding any other provisions of these rules and regulations, a person filing a declaration of candidacy whose application for voter registration is subject to the requirements of § 19.5 of this Part, shall be required to present the necessary identification to the appropriate local board prior to or at the time of filing said declaration.

19.6 CVRS-issued Identification Numbers of Registered Voters

The CVRS shall assign a unique "voter identification number" to every registered voter that shall remain assigned to the voter while the voter resides in Rhode Island.

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PART 19 - VOTER REGISTRATION (410-RICR-20-00-19)

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