

410-RICR-20-00-20

TITLE 410 - BOARD OF ELECTIONS

CHAPTER 20 - ELECTIONS

SUBCHAPTER 00 - N/A

PART 20 - Challenging the Registration of a Voter Pursuant to R.I. Gen. Laws § 17-9.1-28

20.1

- A. Any person desiring to challenge the registration of any registered voter must file a separate affidavit with the local board of canvassers for each voter they wish to challenge. The affiant must affix any supporting documents to the affidavit. Each affidavit must be based upon the personal knowledge of the affiant and must set forth evidence which would create a reasonable cause to suspect that the challenged voter is not in fact eligible to vote. Evidence of the return of undeliverable mail shall not, in and of itself, constitute reasonable cause and affidavits alleging undeliverable mail must contain additional evidence that the voter is not eligible to vote.
- B. For the purposes of determining reasonable cause, all information and documentation must be affixed to the affidavit and submitted to the local board of canvassers at least 20 days before an impending election. Challengers will not be allowed to supplement their affidavits less than 20 days before an election. Provided, however, that no person may be removed from a voting list within the ninety (90) day period prior to any election unless such person shall request such removal or testify under oath that such person no longer resides within such city or town, or by reason of criminal conviction, mental incapacity or death.
- C. If the response to item #3 in the affidavit requires the attachment of additional pages the affiant must indicate in the appropriate space on the affidavit the number of additional pages so attached and each additional page must be labeled at the top of the page "Item #3 continued".
- D. Any challenge not in conformance with this regulation will be returned to the challenger.
- E. The affidavit used to challenge a voter's right to vote shall be in substantially the following form:

(Last Name of Challenger)

(Last Name of Voter being Challenged)

(Registered Address of Voter being Challenged)

AFFIDAVIT CHALLENGING REGISTRATION OF VOTER

1. I _____ residing at _____ in the
(Full Name of Challenger) (Street of Challenger)
city or town of _____, Rhode Island, pursuant to RIGL §17-

9.1-28 hereby challenge the registration of _____
(Name of voter being Challenged)
who is currently registered to vote from _____
(Address of voter being Challenged)

2. I am an elector in the city or town of _____
(City or Town of Challenger)

3. My challenge of the above named voter is based upon the following evidence, of which I am personally aware, which I believe creates a reasonable cause to suspect that the challenged voter is not in fact eligible to vote: _____

Number of additional pages attached in response to item #3 is _____

4. I have attached the following documents in support of this affidavit (list or otherwise identify all supporting documents affixed to this affidavit): _____

I DECLARE UNDER PENALTIES OF PERJURY THAT ALL OF THE INFORMATION I HAVE PROVIDED ON THIS FORM IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE. (Please note: Any person who willfully and maliciously challenges the registration of a voter without reasonable cause to suspect that the voter is not qualified may be guilty of a misdemeanor and liable to the challenged voter for compensatory and punitive damages and counsel fees).

Signature of Challenger

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public (Signature)

Printed Name of Notary Public

- F. By Order of the Rhode Island State Board of Elections. ADOPTED AT A MEETING OF THE BOARD OF ELECTIONS HELD ON JUNE 20, 1995. At a June 27, 2006 meeting of the board and in accordance with R.I. Gen. Laws § [42-35-4.1](#), the members voted to refile Amended Regulations Adopted By the State Board of Elections in Connection with Challenging the Registration of a Voter Pursuant to R.I. Gen. Laws § [17-9.1-28](#) (last filed with Administrative Records on 9/26/95).

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PART 20 - CHALLENGING THE REGISTRATION OF A VOTER PURSUANT TO R.I.
GEN. LAWS § 17-9.1-28 (410-RICR-20-00-20)

Type of Filing: Refile Capabilities

Department of State

Regulation Effective Date

Original Signing Date

Department of State Initials

Department of State Date