

**100-RICR-20-00-2**

## **TITLE 100 - DEPARTMENT OF STATE**

### **CHAPTER 20 - ELECTIONS**

#### **SUBCHAPTER 00 - N/A**

PART 2 - Rhode Island Restoration of Voting Rights Act of 2006 (RIRVRA)

### **2.1 Purpose and Authority**

A. The RIRVRA, R.I. Gen. Laws § [17-9.2-3\(g\)](#) charged the Department of State with the responsibility to develop and implement a program to educate attorneys, judges, election officials, correctional officers and members of the public about the requirements of the Restoration of Voting Rights Act, ensuring that:

1. Judges are informed of their obligations;
2. The Department of Corrections is prepared to carry out its responsibilities;
3. Voter registration forms are appropriately revised;
4. Probation and Parole Officers are informed and prepared to notify probationers and parolees;
5. Information concerning RIRVRA is made available to government officials and the public through a single publication; and
6. Voting rights are restored to persons discharged from incarceration, or never incarcerated following felony convictions, whether discharged or sentenced before or after the effective date of RIRVRA.

#### **B. AUTHORITY**

1. These rules and regulations are established pursuant to R.I. Gen. Laws Chapter [17-28](#) and in accordance with the Administrative Procedures Act (R.I. Gen. Laws Chapter [42-35](#)) and are available for public inspection, submissions or requests at the Department of State, Administrative Records Office, State House, 82 Smith St., Providence, Rhode Island 02903.

## **2.2 Notification to the Judiciary and Attorneys**

- A. The Department of State shall notify, in writing, the Chief Justices of the Rhode Island Superior, Family and District Courts, requesting that such notification be shared with associate justices of the respective Courts, of the obligation imposed by RIRVRA to notify criminal defendants of the potential loss and restoration of their voting rights. Before accepting a plea of guilty or nolo contendere to a felony, and before imposing a felony sentence after trial, the Court must notify the defendant that the conviction will result in their loss of the right to vote only if, and for so long as, the person is incarcerated, but voting rights are restored upon discharge from incarceration. Incarceration is interpreted to mean confinement in a prison and does not include home confinement or mandatory confinement in rehabilitation (as opposed to correctional) facilities, or confinement in a so-called halfway house. Such notification shall also be provided to the Chief Judge of the United States District Court of Rhode Island whose compliance will be requested as a matter of accommodation.
- B. The Department of State shall notify, in writing, the Rhode Island Bar Association of the provisions of RIRVRA with a request that the Bar Association disseminate the information to all of its member attorneys.
- C. A copy of these Rules and Regulations, as formally approved and adopted, will be delivered to the Chief Justices of each court listed above and to the Rhode Island Bar Association.
- D. A person convicted of a felony under the laws of any other state, or under the laws of the United States and subsequently incarcerated, shall have their voting rights likewise restored upon discharge from such incarceration.

## **2.3 Members of the Public**

- A. The Department of State will prepare, provide and make available to the public a single publication which will be available electronically, in hard copy and posted on its website in both English and Spanish. This publication will include:
  - 1. information about the voting rights, including the right to cast a provisional ballot, of persons who have been charged with, or convicted of, crimes, whether disenfranchising or not;
  - 2. a copy of these Rules and Regulations; and
  - 3. a listing of agencies able to provide additional information or voter registration assistance.

## 2.4 Department of Corrections

- A. The Department of Corrections (DOC) will act as a voter registration agency. As part of the release process leading to a sentenced felon's discharge from incarceration, the DOC shall notify that person, in writing, that voting rights are restored and provide that person with a voter registration form and a declination form, and offer that person assistance in filling out the appropriate form. The DOC will transmit the completed voter registration form to the State Board of Elections (BOE) in a timely manner, and according to a process and schedule established by the BOE, or alternatively, the DOC shall retain the declination form as part of its official records. No person shall be compelled to complete either form as a condition of release. If a person refuses to permit the DOC to transmit a completed voter registration form to the BOE, the person shall be permitted to make their own arrangements for delivery of the form to the BOE.
- B. The BOE will train DOC staff to assure proper completion of the voter registration form and the declination form and will provide all necessary forms to the DOC. Training will also occur upon hiring and annually for all relevant employees, and within 30 days of any procedural changes or updates. The DOC will transmit completed voter registration forms to the BOE in a timely manner, and according to a process and schedule established by the BOE. The process and schedule will be to ensure that persons completing the voter registration form are added to the statewide Central Voter Registration System (CVRS) as quickly as possible.
- C. The DOC shall once a month transmit to the Elections Division of the Department of State two lists, as follows:
  - 1. persons convicted of a felony, who during the preceding monthly period, have become ineligible to vote because of their incarceration; and
  - 2. persons convicted of a felony, who during the preceding monthly period, have become eligible to vote because of their discharge from incarceration.
  - 3. Each list shall contain the following information about such persons:
    - a. name;
    - b. date of birth;
    - c. date of entry of judgment of conviction;
    - d. description of offense (Note: The Department of Corrections is not the official keeper of the records for offense descriptions and

therefore DOC descriptions should not be relied upon in lieu of official court records);

- e. sentence;
  - f. any alias identity(ies);
  - g. last known address (including city or town);
4. Additionally, in the 60-day period prior to a statewide primary or election, the DOC shall also transmit the above-mentioned two lists on a more frequent schedule as determined by the Department of State.

## **2.5 Probation and Parole Staff**

The Department of State, in cooperation with the BOE and the DOC, shall inform Probation and Parole staff of the rights of convicted felons, who are citizens of the United States and who have been discharged from incarceration, of their eligibility to register to vote, even if they remain on probation or parole. Such staff shall be instructed by the DOC that when meeting with such probationers and parolees to inform them of their eligibility to register to vote. Training will also occur upon hiring and annually for all relevant employees, and within 30 days of any procedural changes or updates. Probation and Parole staff shall not be responsible for instructing such persons in the completion of the voter registration forms, but shall only be responsible for referring such persons to the BOE or local board of canvassers in the city or town where the person resides.

## **2.6 Voter Registration Forms**

Voter registration instructions shall clearly indicate that people who have been disqualified from voting because of felony convictions will regain the right to vote when they are discharged from incarceration. The oath on voter registration forms shall be revised to contain a statement that the registrant is not incarcerated in a correctional facility upon final conviction of a felony, thereby deleting any reference to probation and parole.

## **2.7 Statewide Central Voter Registration System (CVRS)**

The Department of State shall ensure that persons who are eligible and registered to vote following their discharge from incarceration shall have their names added to the CVRS and forwarded to the appropriate local board of canvassers in the same manner as all other names are added to the CVRS.

## **2.8 Election Officials**

- A. The RIRVRA mandates that the Department of State shall ensure that persons who have become eligible to vote because of their discharge from incarceration face no continued barriers to registration or voting resulting from their felony convictions.
- B. The Department of State shall provide training to all local election officials on the CVRS processing of removals and restoration of voter registrations based on information provided by the DOC. Local election officials shall be trained by the Department of State and the BOE on the mandates of the RIRVRA. Training will occur upon hiring and annually for all relevant employees, and within 30 days of any procedural changes or updates.
- C. The BOE will train staff at the Division of Motor Vehicles (DMV) and other voter registration agencies about the eligibility of people with felony convictions to register to vote. Training will also occur annually for all relevant employees, and within 30 days of any procedural changes or updates.

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Editorial Note: This Part was filed with the Department of State prior to the launch of the Rhode Island Code of Regulations. As a result, this digital copy is presented solely as a reference tool. To obtain a certified copy of this Part, contact the Administrative Records Office at (401) 222-2473.