

**State of Rhode Island and Providence Plantations  
Rhode Island Board of Elections**

**Public Notice of Proposed Rule-Making**

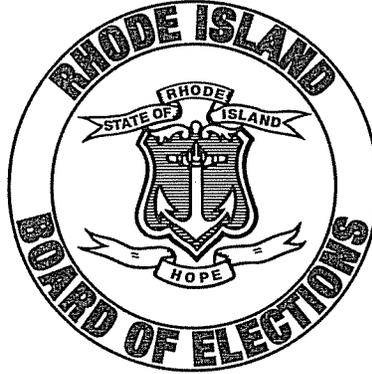
Pursuant to the provisions of Title 17 of the General Laws of Rhode Island, and in accordance with the Administrative Procedures Act Chapter 42-35 of the General Laws, the Rhode Island Board of Elections hereby gives notice of its intent to adopt the following; **Rules and Regulations for Voter Identification**

These rules and regulations are proposed for adoption by the Board of Elections for the purpose of implementing the voter identification (Voter ID) requirements of R.I. Gen. Law §17-19-24.2 and to address those voter identification issues not otherwise specifically referred to in the Rhode Island General laws.

The proposed Rules and Regulations are available for public inspection online at the Rhode Island Secretary of States proposed rules and regulations database ([www.sos.ri.gov/ProposedRules/](http://www.sos.ri.gov/ProposedRules/)), via the Board of Elections website ([www.elections.ri.gov](http://www.elections.ri.gov)), in person at the Rhode Island Board of Elections, 50 Branch Ave. Providence, R.I. 02904, requested by email at [GMcBurney@elections.ri.gov](mailto:GMcBurney@elections.ri.gov) or by calling Gregory McBurney at 401-222-1914.

In the development of the proposed adoption consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

All interested parties are invited to submit written or oral comments concerning the proposed regulations by 02/22/2012 to Robert Kando, Rhode Island Board of Elections, 50 Branch Ave. Providence, R.I. 02904, 401-222-2345, [Feedback@elections.ri.gov](mailto:Feedback@elections.ri.gov). A public hearing to consider the proposed adoption shall be held on 02/22/2012 at 3:30 P.M. at 50 Branch Ave. Providence, R.I. 02904 at which time and place all persons interested will be heard. The room is accessible to the disabled and interpreter services for the hearing impaired will be provided if requested 48 hours prior to the hearing. Requests for this service can be made in writing or by calling 401-222-2345.



**RULES AND REGULATIONS  
FOR VOTER IDENTIFICATION**

**PROPOSED**

**Promulgated by order of  
The Rhode Island State Board of Elections  
Frank J. Rego, Chairman**

# **RULES & REGULATIONS FOR VOTER IDENTIFICATION ADOPTED BY THE RHODE ISLAND BOARD OF ELECTIONS**

*The Rhode Island Board of Elections hereby proposes rules and regulations relating to voter identification pursuant to and in accordance with R.I. Gen. Laws §§17-7 et seq. and 17-19 et seq., due to the enactment of Rhode Island General Law §17-19-24.2 effective January 1, 2012*

*Said rules and regulations are adopted pursuant to the Administrative Procedures Act (R.I.G.L. §42-35 et seq.) and are available for public inspection at the offices of the Rhode Island Board of Elections, 50 Branch Avenue, Providence, Rhode Island.*

## **Section 1. Purpose**

These rules and regulations are adopted by the Board of Elections for the purpose of implementing the voter identification (Voter ID<sup>®</sup>) requirements of R.I. Gen. Law §17-19-24.2 and to address those voter identification issues not otherwise specifically referred to in the Rhode Island General laws.

## **Section 2. Definitions**

Board of Canvassers or Local Board shall mean the Board of Canvassers in a city or town.

Board of Elections or State Board shall mean the Rhode Island Board of Elections.

“Current and Valid” shall mean the document has not expired by its terms prior to the date it is presented.

Election Day shall mean any time the polls are open for the conduct of a primary, general or special election, or referendum.

ID shall mean identification.

Non-Photo ID is further described in Section 3(B) below, and shall mean a current and valid document without a photograph of the person to whom the document was issued

Photo ID is further defined in Section 3(A) below, and shall mean a current and valid document that includes a photograph of the voter.

Proof of identity shall mean current and valid identification

RI shall mean the State of Rhode Island.

“Voter identification card” shall mean a voter identification issued by the Rhode Island Secretary of State.

### **Section 3. Proof of Identity**

Any person claiming to be a registered and eligible voter who desires to vote on Election Day shall provide proof of identity. Acceptable proof of identity is as follows:

#### **A. Photo Identification**

Voters presenting themselves to vote at the polling place shall present to polling place election officials a current and valid document listed below, that includes a photograph of the person to whom the document was issued:

- 1) Rhode Island Driver's license;
- 2) Rhode Island voter identification card
- 3) United States passport;
- 4) Identification issued by a United States educational institution;
- 5) United States military identification card;
- 6) Identification card issued by the United States or the State of Rhode Island;
- 7) Government issued medical card;
- 8) Employee identification card;
- 9) Identification card provided by a commercial establishment;
- 10) Credit or debit card;
- 11) Health club identification card;
- 12) Insurance plan identification card;
- 13) Public housing identification card.

#### **B. Non-Photo Identification**

On any Election Day held before January 1, 2014, a voter need not present a Photo ID and, instead may present a Non-Photo ID. Such identification must include the name of the Voter presenting it and is dated since the date of the last general election, unless the document is intended to be of a permanent nature such as a pardon, discharge, birth certificate, social security card or a government issued medical card. Such valid Non-Photo ID documents include, but are not limited to a.:

- 1) Birth certificate;
- 2) Social Security card;
- 3) Government issued medical card;
- 4) Utility bill;
- 5) Bank statement;
- 6) Document issued by a government agency;
- 7) Lease or rental statement;

- 8) Student identification;
- 9) Tuition statement or bill;
- 10) Insurance plan card;

**C. Failure to present current and valid identification**

Up to and including January 1, 2014, if a person claiming to be a registered and eligible voter does not present a valid Photo ID or Non-Photo ID to the polling place official on Election Day, in accordance with either Section 3(A) or (B) above, said person shall be provided a provisional ballot pursuant to RIGL 17-19-24.2. The local board shall determine the validity of the provisional ballot pursuant to RIGL 17-19-24.3 and regulations established by this board governing provisional ballots.

For any Election Day that occurs after January 1, 2014, if a person claiming to be a registered and eligible voter does not present a valid Photo ID to the polling place official, in accordance with Section 3(A) above, said person shall be provided with a provisional ballot, pursuant to RIGL 17-19-24.2. The local board shall determine the validity of the provisional ballot pursuant to RIGL 17-19-24.3 and rules & regulations established by this board governing provisional ballots.

**D. First time mail or third party voter registration applicants in Rhode Island – identification requirements.**

In accordance with the Help America Vote Act of 2002 (“HAVA”), first-time mail or third-party voter registrations applicants must present the current and valid identification types as required under HAVA and rules & regulations governing voter registration established by this board. RIGL 17-19-24.3 does not apply to voters subject to this section.

**Section 4. Implementation**

The Board of Elections may promulgate procedures and forms necessary to implement the within rules and regulations required under the Rhode Island General Laws.

These rules and regulations were adopted at a meeting of the State Board of Elections held on the Twenty-second day of February, 2012 pursuant to the Administrative Procedures Act (R.I.G.L. 42-35-1, et sq.).

By Order of the Rhode Island Board of Elections

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Frank J. Rego, Chairman

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Date

Witnessed by

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Robert Kando, Executive Director

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Date

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