



State of Rhode Island and Providence Plantations

A. Ralph Mollis

Secretary of State

State of Rhode Island and Providence Plantations

Office of the Secretary of State

Division of Elections

Public Notice of Proposed Rule-Making

Pursuant to the provisions of § 17-19-24.2 of the General Laws of Rhode Island, and in accordance with the Administrative Procedures Act Chapter 42-35 of the General Laws, the Office of the Secretary of State Division of Elections hereby gives notice of its intent to adopt the regulation titled Rules and Regulations of the Rhode Island Secretary of State Establishing the Procedure for the Issuance of Voter Identification Cards.

The purpose of this adoption is to establish Rules and Regulations in compliance with *Rhode Island General Laws Section 17-19-24.2(c)*, concerning the issuance of Rhode Island Voter Identification Cards by the Office of the Rhode Island Secretary of State and to provide personnel of the Office of the Secretary of State and the public with established procedures for acquisition of a Voter Identification Card.

The proposed Voter Identification regulation is available for public inspection at <http://sos.ri.gov/ProposedRules/>, in person at Office of the Secretary of State A. Ralph Mollis, 82 Smith Street, Room 217, Providence, RI 02903, or requested by email mwelch@sos.ri.gov or by calling Mark P. Welch, Esquire at (401) 222-2357 or TTY 711.

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, overlap or impact on small business was identified based upon available information.

All interested parties are invited to submit written or oral comments concerning the proposed regulations by December 9, 2011 to Mark P. Welch, Esquire, Executive Counsel for the Office of the Secretary of State A. Ralph Mollis at 82 Smith Street, Room 217, Providence, RI 02903 telephone (401) 222-2357 fax (401) 222-1356 TTY 711 E-Mail: mwelch@sos.ri.gov. A public hearing to consider the proposed adoption shall be held on Friday, December 9, 2011 at 10:30 am at the Rhode Island State House, 82 Smith Street, Room 313 Providence, RI 02903 at which time and place all persons interested therein will be heard. If you need communication assistance (readers/interpreters/captioners) or any other accommodation to ensure equal participation, please contact Pam Lombardi at 222-1035, TTY 711 or plombardi@sos.ri.gov at least three business days prior to the date of the meeting. Requests for accommodation will be arranged at no cost to the public.

**RULES & REGULATIONS ADOPTED BY THE OFFICE OF THE
RHODE ISLAND SECRETARY OF STATE
ESTABLISHING THE PROCEDURE FOR THE ISSUANCE OF RHODE
ISLAND VOTER IDENTIFICATION CARDS
PURSUANT TO R.I.G.L. SECTION 17-19-24.2c**

I. AUTHORITY

Rhode Island General Laws (“R.I.G.L.”) Title 17, Chapter 19, Section 24.2(c) charges the Office of the Rhode Island Secretary of State (“Secretary of State”) with the responsibility to develop and implement procedures for the issuance of Rhode Island Voter Identification (“Voter ID”) Cards upon request by Voters.

Accordingly, the Secretary of State has promulgated the within rules and regulations relative to the issuance of Voter ID Cards upon request by a Voter.

Said rules and regulations are established pursuant to the Administrative Procedures Act (**R.I.G.L. Section 42-35-1 et seq**) and available for public inspection, submissions or requests at the Office of the Secretary of State, Administrative Records Division, 337 Westminster Street, Providence, Rhode Island 02903.

II. INTRODUCTION/PURPOSE

This Regulation:

A. Is hereby promulgated to establish Rules and Regulations in compliance with **R. I.G.L. Section 17-19-24.2(c)**, concerning the issuance of Voter ID Cards by the Secretary of State.

B. To provide personnel of the Secretary of State and the public with established procedures for acquisition of a Voter ID Card.

III. DEFINITIONS

For purposes of this Regulation and as used in this Regulation:

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

B. “CVRS” shall mean the State’s Central Voter Registration System created under **R.I.G.L. Section 17-6-1.2**.

C. “Secretary of State” shall mean the Rhode Island Secretary of State, or his/her designee.

D. "Voter" or "Voters" shall mean an individual(s) who has (have) registered to vote pursuant to State law or Regulation.

E. "Voter ID Application " shall mean an application submitted to the Rhode Island Secretary of State at the time a Voter ID is requested, which shall be substantially in the form appended hereto and marked as "Exhibit A".

F. "Voter ID Card" shall mean the Voter Identification Card issued to an individual who qualifies for such under State law and this Regulation.

IV. PROCEDURE TO OBTAIN A VOTER ID CARD

A. Only applicants who are Voters in the State of Rhode Island and do not possess any one of the current and valid Voter Identifications set forth in Subsection (B) are eligible to obtain a Voter ID Card.

B. Voters who possess one of the following forms of current and valid photo identification will not be eligible to acquire a Voter ID Card:

- 1) Rhode Island driver's license;
- 2) United States passport;
- 3) Identification Card issued by a United States educational institution;
- 4) United States military identification card;
- 5) Identification card issued by the United States or the State of Rhode Island; or
- 6) Government issued medical card

C. Voters who do not possess one of the forms of current and valid photo identification set forth in Subsection (B) above, at the time of application, will be required to provide either:

(i) one of the following forms of current and valid identification:

- 1) Employee identification card;
- 2) Identification card provided by a commercial establishment;
- 3) Credit or debit card;
- 4) Military identification card;
- 5) Student identification card;
- 6) Health club identification card;
- 7) Insurance plan identification card;
- 8) Public housing identification card; or

(ii) A copy of any one of the following documents, provided that it includes the name and current address 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 or discharge:

- 9) Utility bill;
- 10) Bank statement;

- 11) Government paycheck;
- 12) Document issued by a government agency;
- 13) Official elections document issued by a government agency, dated for the election in which the registered voter is providing it as proof of identity;
- 14) Voter notification card issued by a governmental agency;
- 15) Public housing identification card issued by a governmental agency;
- 16) Lease or rental statement or agreement issued by a governmental agency;
- 17) Student identification card issued by a governmental institution/agency or non-governmental institution/agency;
- 18) Tuition statement or bill issued by a governmental agency;
- 19) Insurance plan card or drug discount card issued by a government agency;
- 20) Discharge certificates, pardons, or other official documents issued to the registered voter by a governmental agency in connection with the resolution of a criminal case, indictment, sentence or other matter;
- 21) Public transit authority senior citizen and disabled discount cards issued by a governmental agency;
- 22) Identification documents issued by governmental disability agencies;
- 23) Identification documents issued by government homeless shelters and other government temporary or transitional facilities;
- 24) Drug prescription issued by a government document or other governmental health care provider;
- 25) Property tax statement issued by a governmental agency;
- 26) Vehicle registration issued by a governmental agency; or
- 27) Vehicle certificate of ownership issued by a governmental agency

D. Voters who do not possess one of the forms of identification set forth in Subsection (C) above at the time of application may still apply. The employee designated by the Secretary of State shall compare the voter's signature on the Voter Identification Application (Voter ID Application) to the signature on file for the Voter in the CVRS. If the employee designated by the Secretary of State determines that the signatures match, the Voter ID Application shall be valid.

E. In order to obtain a Voter ID Card, Voters must submit a Voter ID Application which shall be in substantially the form attached hereto and marked as **Exhibit A**. Voters who submit a Voter ID Application in substantially the form of **Exhibit A** which contains a false or erroneous statement or is defective in any important fact with intent to mislead the Secretary of State shall be guilty of a misdemeanor and upon conviction shall be imprisoned for a term not exceeding one year or be fined an amount not exceeding one thousand (\$1,000.00) dollars.

F. The Voter ID Card issued by the Secretary State shall include, but not be limited to, (1) the Seal of the State of Rhode Island; (2) the name of the Voter as it appears in the CVRS; (3) a color photo of the Voter; (4) a holographic security

feature; (5) a disclaimer that the card is to be used only for the purpose of voter identification and is not proof of Voter eligibility; (6) other features as the Secretary of State shall determine.

V. WHERE TO OBTAIN VOTER IDENTIFICATION CARDS:

- 1) Office of the Secretary of State, Elections Division, 148 West River Street, Providence, RI 02904;
- 2) The Rhode Island Secretary of State Mobile Unit will visit locations around the State of Rhode Island, as determined by the Secretary of State, for the convenience of Voters whose circumstances may prohibit them from appearing at its Office at 148 West River Street, Providence, RI;
- 3) Such other locations throughout the State of Rhode Island as the Secretary of State shall determine.

For information regarding the location and schedule of the Mobile Unit site visits, please contact the **Secretary of State's Office at 401-222-2340 or visit www.sos.ri.gov**.

VI. COST AND VALIDITY OF VOTER ID CARDS:

- 1) There shall be no cost or fee to Voters to acquire the Voter ID card;
- 2) Voter ID Cards will only be valid while an individual's voting status is Active or Inactive in the CVRS. Issuance of a Voter ID Card does not, in and of itself, give an individual the right to vote. An individual will need to comply with all other provisions of State and Federal Law to be allowed voting status within the State of Rhode Island; and
- 3) There shall be no fee to replace a Voter ID Card.

VII. PROCEDURE TO REPLACE LOST/ MISPLACED OR STOLEN VOTER ID CARDS:

- 1) Voters who lose, misplace or report their Voter ID Card stolen, may apply for a replacement Voter ID Card following the identical process for acquisition of an original Voter ID Card set forth in **Section IV** above.

VIII. SEVERABILITY

If any provision of this Regulation or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or application of this Regulation which can be given effect, and to this end, the provisions of this Regulation are declared to be severable.

CERTIFICATION

I hereby attest that the within Regulation relating to the Issuance of Voter Identification Cards by the Office of the Secretary of State has been adopted by the Office of the Secretary of State and is a true copy.

Date

A. Ralph Mollis, Secretary of State

