Federal Register

Thursday,
December 9, 2010

Part V

Election Assistance Commission

Publication of State Plan Pursuant to the Help America Vote Act; Notice

ELECTION ASSISTANCE COMMISSION

Publication of State Plan Pursuant to the Help America Vote Act

AGENCY: U.S. Election Assistance Commission (EAC)

ACTION: Notice.

SUMMARY: Pursuant to Sections 254(a)(11)(A) and 255(b) of the Help America Vote Act (HAVA), Public Law 107–252, the U.S. Election Assistance Commission (EAC) hereby causes to be published in the **Federal Register** changes to the HAVA state plans previously submitted by Rhode Island.

DATES: This notice is effective upon publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Bryan Whitener, Telephone 202–566–3100 or 1–866–747–1471 (toll-free).

Submit Comments: Any comments regarding the plans published herewith should be made in writing to the chief election official of the individual state at the address listed below.

SUPPLEMENTARY INFORMATION: On March 24, 2004, the U.S. Election Assistance Commission published in the **Federal Register** the original HAVA state plans filed by the fifty states, the District of Columbia and the territories of American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands. 69 FR 14002. HAVA anticipated that states, territories and the District of Columbia would change or update their plans from time to time pursuant to HAVA Section 254(a)(11) through (13). HAVA Sections 254(a)(11)(A) and 255 require EAC to publish such updates. This is the second revision to the state plan for Rhode Island.

The amendments to Rhode Island's state plan provide for compliance with the Military and Overseas Voter Empowerment Act (MOVE Act) and address changes in the budget to account for the use of requirements payments for Fiscal Year 2010 and beyond. In accordance with HAVA Section 254(a)(12), all the state plans submitted for publication provide information on how the respective state succeeded in carrying out its previous state plan. Rhode Island confirms that its amendments to the state plan were developed and submitted to public comment in accordance with HAVA Sections 254(a)(11), 255, and 256.

Upon the expiration of thirty days from December 9, 2010, the state is eligible to implement the changes addressed in the plan that is published herein, in accordance with HAVA Section 254(a)(11)(C). EAC wishes to acknowledge the effort that went into revising this state plan and encourages further public comment, in writing, to the state election official listed below.

Chief State Election Official

Secretary A. Ralph Mollis, Secretary of State, State House Room 217, Providence, Rhode Island 02903, Phone: (401) 222- 2357, Fax: (401) 222–1356.

Thank you for your interest in improving the voting process in America.

Dated: December 1, 2010.

Thomas R. Wilkey,

Executive Director, U.S. Election Assistance Commission.

BILLING CODE 6820–KF–P

RHODE ISLAND STATE PLAN

HELP AMERICA VOTE ACT OF 2002 (HAVA)

SECOND REVISED AND UPDATED VERSION, 2010

A. Ralph Mollis
Secretary of State

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
Office of the Secretary of State

July 19, 2010

Dear Rhode Islander:

As Secretary of State, I continue to be committed to making it easier to vote and restoring Rhode Island's faith in the fairness of our elections. I am pleased to present Rhode Island's Updated 2010 State Plan for continued enhancements to our state's voting system through the federal Help America Vote Act (HAVA). Congress passed HAVA in 2002, providing guidelines and funding to help states reform their elections and improves their voting systems.

Thanks to the work done by this office in recent years, Rhode Island's elections are among the most accessible, fair and accurate in the nation.

- Our **optical scan balloting** uses simple, easy-to-use ballots and provide fast and accurate automated vote counts as well as a crucial paper back-up system.
- New **accessible technology** in every polling place enables nearly every Rhode Islander to vote conveniently regardless of physical challenges.
- Our statewide **Centralized Voter Registration System** makes it simple to register and vote while ensuring the integrity of our voter rolls.

The major technical and legislative innovations in Rhode Island's original 2002 HAVA plan have now been fully implemented.
The challenge before us now is insuring that Rhode Island is in compliance with the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA") and the Military and Overseas Voter Empowerment Act ("MOVE Act"). Section 14 of the Rhode Island State Plan details the accomplishments that we have already made over the years in working with the Federal Voting Assistance Program (FVAP) and it details our plans for further compliance with the MOVE Act mandates.

Sincerely,

A. Ralph Mollis
Secretary of State

Secretary of State A. Ralph Mollis

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INTRODUCTION

This 2010 State Plan is the second revision of the *Rhode Island State Plan, Help America Vote Act of 2002 (HAVA).* This revision is largely a report of successful statewide implementation of the major reforms and enhancements of voting law and process required by Congress in the wake of controversial problems with key local elections during the Presidential election of 2000. Additionally, this update provides our current status and plans with respect to the requirements of the MOVE Act.

The individual chapters of this plan and the summary tables in the appendices show when Rhode Island met most of the key HAVA requirements and what we are now doing or will do to ensure permanent compliance.

But one critical measure of successful elections – the rate of voter participation – still requires considerable improvement across the United States and here in Rhode Island. Future resources and efforts under HAVA will be focused on bringing more eligible UOCAVA Rhode Island citizens to register and vote.

Background on HAVA

In 2002, the United States Congress, with broad bipartisan support, passed landmark election reform legislation known as HAVA. This historic legislation required states to reform numerous aspects of the way elections are run, and appropriated federal funding to help them meet these challenges. Secretary of State A. Ralph Mollis has posted a copy of this law at www.sos.ri.gov/elections/resources.

Rhode Island was a leader in election reform, long before the enactment of HAVA. Through the foresight of former Secretary of State and now U.S. Rep. Jim Langevin, Rhode Island put in place a unified, optical scan precinct count voting system for each of its 39 cities and towns that enables the state Board of Elections and our local boards of canvassers to conduct fair and accurate elections. Scanning technology makes counts fast and accurate. The use of paper ballots offers voters a simple and familiar way to vote and provides a reliable paper record of each vote. As a result, Rhode Island avoided the election problems experienced in other parts of the country during the 2000 and 2004 elections.

HAVA provided Rhode Island with a unique opportunity – and significant federal dollars – to realize elements of election system reform, which, until then, had been only a dream. Our original HAVA State Plan drew on the time and talents of 75 members of our HAVA Advisory Committee, which carefully assessed our state's current electoral practices and capacities against the HAVA requirements. The draft plan was publicly reviewed and discussed at meetings held throughout Rhode Island. The final plan was submitted in August 2003.

The Secretary of State shared statewide oversight and implementation responsibility with the Board of Elections. Boards of canvassers in each of our state's 39 cities and towns also played crucial roles.

HAVA implementation, 2003 to 2010

Between 2003 and 2010, Rhode Island successfully implemented all of the HAVA requirements, most notably, a central, statewide database of voter registrations and new systems to strengthen the integrity of the voting process while also ensuring that every eligible voter will be able to cast a vote.

By December 2004, we had developed and implemented a powerful election tool – a statewide, uniform, computerized, interactive, central voter registration list known as the **Central Voter Register System** (CVRS). By linking cities and towns into a statewide network, the CVRS allows Rhode Island to maintain a highly accurate, up-to-date voter registration list. The CVRS enables election officials to ensure that those who are eligible to vote are able to vote and those who are not eligible to vote do not. This system was completely deployed and operational in all 39 towns in December 2004.

To meet HAVA mandates, the Board of Elections also established and put into place a system for **new identification requirements for voters.** At the same time, new **provisional voting** rules enable individuals whose exact status or voting address is unclear to cast a vote which will be counted when and if their eligibility is established.

HAVA also mandates that Rhode Island provide voters who are physically challenged with accessible voting systems that provide the same opportunity for access, participation, privacy and independence afforded to other voters. As planned, every polling place in the state was equipped with an **accessible voting unit** by 2006.

All Rhode Islanders should be proud of the progress our state has made since our first HAVA State Plan was filed in 2003. Rhode Island has now met the requirements of the federal law.

These enhancements were made possible thanks to more than $17 million in federal HAVA funding through the end of 2007. But, they could not have been achieved without a statewide commitment to meet the requirements of HAVA within a few short years.

Our success resulted from the hard work and dedication of many partners: the Secretary of State, local boards of canvassers, the General Assembly, the Governor and State Officers, our political parties and voters. However, we must particularly credit the Board of Elections for drafting the legislation and regulations and conducting the training for local election officials and volunteers that translated this plan to reality.

With these essential systems in place, our state has met all of the HAVA requirements. We will now monitor, maintain and enhance our system to continue to meet and, where possible, exceed, HAVA requirements.

Improving the integrity of elections

One of our primary goals continues to be educating the people who are involved:, our **election officials**, our **poll workers** and our **Rhode Island citizens**.

That work has already begun. In 2007,Secretary of State Mollis appointed a ten-member Voters First Advisory Commission to review and reform the state's election laws. With testimony at five public hearings and deliberation at eleven public workshop sessions, the Commissioners developed thoroughly researched positions on nine specific issues. Several recommendations focused on the integrity of the process, including increased voting booth privacy, restrictions on political canvassing at polling places and cleaning up voter rolls. Other reforms promoted expanded access for citizens with early voting initiatives, uniform statewide polling hours and expanded opportunities to register to vote. In 2009 legislation was enacted to assist us in cleaning up voter rolls by allowing us to send reminder notices to graduating college students concerning their voter registration statuses.

We will **improve training** for front-line workers – both **election officials and poll workers --** who must be well versed in the new systems and procedures. New partnerships with businesses, schools and civic organizations will emerge to recruit a larger and more diverse pool of qualified poll workers, including people in high school and college. We have added a module to the CVRS that tracks poll workers so that they can be located and recruited for future elections.

The critical element underlying all of these changes is our commitment to continue to increase **civic participation in elections**. 701,307 Rhode Islanders were registered and eligible to vote in the 2008 election, and 68% exercised that right,, an increase of 10.5% over the 2006 turnout.. The Board of Elections and the Secretary of State have jointly developed comprehensive voter education for youth and are bringing that curriculum to every high school and college in the state.

Rhode Island has carefully reviewed the requirements of the 2009 enacted Military and Overseas Voters Empowerment Act. While we have been committed to assisting UOCAVA Voters in their efforts to cast a ballot, we find that we have already met many of the mandates of the MOVE Act. We will continue to ensure that we meet these mandates and we will work diligently to reach our remaining MOVE Act goals.

Section 14 of this Plan will detail our accomplishments and goals with respect to: Clarification of State Responsibilities; Transmitting Voter Registration Application and Absentee ballot Applications; Designating a Means of Electronic Communication; Transmitting Blank Ballots;

Ballot Tracking Mechanism; Accepting UOCAVA ballot materials; Single Application for Multiple Elections; Ballot Transmittal Time; Runoff Election Plan; and Requirements Payments

Rhode Island's future challenge will be to make the voting experience as important, accessible, secure and rewarding as possible for every voter, with a clear and concise plan in place for assisting our Rhode Island UOCAVA voters.

SECTION 1: TITLE III REQUIREMENTS AND OTHER ACTIVITIES

How the State will use the requirements payment to meet the requirements of Title III, and, if applicable, under section 251(b)(2), to carry out other activities to improve the administration of elections. – HAVA §254 (a)(1)

1.1. VOTING SYSTEMS STANDARDS REQUIREMENTS – §301(A)

Deadline for compliance: January 1, 2006: no waiver permitted.
Status as of 2010: FULLY MET

With great foresight, Rhode Island enacted legislation (Chapters 277 & 298 of Public Laws of 1996) that mandated the statewide use of a uniform, optical scan precinct count voting system. Since September 1998, this optical scan precinct count voting system (OpTech III-PE, "Eagle" voting system) has been in use for all elections at all polling places in the 39 cities and towns which make up the State of Rhode Island (the State).

The State's optical scan precinct count voting system already met most of the requirements under Section 301 of HAVA. Specifically:

- Voters can verify, in private, their selected votes on the ballot before their vote is cast and counted
- Voters can change their ballots or correct any error before the vote is cast and counted, including the opportunity to receive replacement ballots
- The optical scan system automatically notifies voters if they have selected more than one candidate for the same office, a warden/moderator informs them of the effect of their over-voting and the voters are given the opportunity to correct their errors before their votes are cast
- A permanent paper record with a manual audit capacity is produced and available for recount
- The system has the ability for an alternative language
- The error rate meets federal standards

In our HAVA planning, we fully assessed other voting equipment options, with particular attention to the Direct Recording Election (DRE) voting systems in use in many states. In the end, the State determined that the optical scan equipment in place was superior to DRE and should be retained.

Voting Instructions for Mail Ballots
Currently, the Secretary of State provides ballots and printed voter information to voters who vote by mail. The staffs of the local boards of canvassers, the Board of Elections and the Secretary of State's Elections Division are available by phone to provide one-on-one information to mail voters.

Our biennial Voter Information Handbook has been updated to include new instructions to voters who vote by mail. The new instructions include information on the effect of casting multiple votes for the same office and how to correct a ballot before it is cast, including instructions on how to obtain a replacement ballot.

Uniform, Nondiscriminatory Standards for What Constitutes A Vote
In 2002, the Board of Elections adopted rules and regulations that defined what constituted a "vote" on the State's optical scan precinct count voting system. Those definitions were codified by Rhode Island General Law (RIGL) 17-19-1, which was passed by the Rhode Island General Assembly on July 7, 2004. In the now unlikely event that other voting systems are implemented, the Board of Elections will take the steps necessary to ensure that a uniform and nondiscriminatory definition of a "vote" is adopted in conformance with the requirements of HAVA.

Accessibility for Individuals with Disabilities - Equipment
HAVA requires that by January 1, 2006, the State must have had, in each polling place, at least one voting system that:

- Is accessible to individuals with disabilities
- Provides the same opportunity for access, participation, privacy and independence that is afforded to other voters

In 2002, the State enacted RIGL 17-19-8.2 directing the Secretary of State to acquire such an accessible system for every Rhode Island polling place. Upon assessment of available systems, the State used HAVA funding to acquire and install two "AutoMark" systems for every polling place in time for the 2006 election.

AutoMark works in conjunction with the State's existing optical scan system, actually marking a conventional paper ballot and thus maintaining the paper ballot trail that Rhode Islanders strongly prefer. The system provides a range of input options and accommodations for many voter needs, such as sip-puff tubes, audio activation, text enlargement and support for multiple languages. The system reads back and confirms the voter's choices before counting.

During the AutoMark system's first use in the 2006 election, blind persons experienced technical difficulties using the system in many polling places in Rhode Island and other states. We have added training for poll workers and technical retrofits of the equipment that addressed and minimized those problems for the 2008 election.

Accessibility for Individuals with Disabilities – Polling Places
Rhode Island General Laws require every polling place to be accessible to the disabled and elderly. With the implementation of the optical scan precinct count voting system in 1998,

new efforts were made that resulted in all polling places meeting required polling place accessibility standards by November 2000.

Under HAVA, the U.S. Dept. of Health and Human Services (HHS) made grants available to the states to ensure full access for individuals with disabilities. These funds were awarded and accounted for separately from direct HAVA funding.

The Governor's Commission on Disabilities, as the official designee of the Chief State Election Official, prepared Rhode Island's State Grant for Election Assistance for Individuals with Disabilities (EAID) and secured federal grants of $100,000 each in the years 2003 through 2009 for a total of $600,000.

Information on activities below is taken from the HAVA EAID application for2010.

To date, expenditures by category of allowable expenditure have been

Category	1. Polling Place Access	2. Equal Opportunity	3. Train Election Officials	4. Information on Accessible Elections	Total Spent
Amount Spent	$162,058	$4,988	$15,976	$97,577	$280,600

Polling Place Access Expenditures:

- Assisted and will continue to assist local boards in choosing accessible sites and encouraging community-based providers of services to people with disabilities to offer their sites as polling places
- Surveyed and will continue to survey potential new polling sites on an as-needed basis to certify compliance with the HAVA accessibility guidelines
- Providing technical assistance in designing the removal of any barriers to access found at the polling sites
- Awarded and will continue to award grants to local boards of canvassers to fund accessibility renovations at polling places
- Monitored and will continue to monitor the renovations to ensure compliance with the U.S. Dept. of Justice's Americans With Disabilities Act Checklist for Polling Places, through either permanent renovations or temporary solutions for election days.

Equal Opportunity Allowable Expenditures:

- Continue funding the RI Disability Vote Project to:
  - Provide outreach about polling place accessibility, availability and opportunity to people with disabilities throughout the state

  - Conduct a public awareness campaign to help voting awareness among people with disabilities
  - Recruit and train people with disabilities to serve as poll workers
- Maintained and will continue to maintain the Election Assistance Committee of the Governor's Commission on Disabilities as an advisor to the Governor's Commission on Disabilities, the RI Disability Law Center, the Secretary of State and the Board of Elections' ongoing attempts to ensure polling site accessibility and greater participation by people with disabilities in the electoral process. The Committee includes representatives from the state Dept. of Administration (DOA), Office of Personnel Administration; National Federation of the Blind of RI; Opportunities Unlimited for People With Differing Abilities, Inc; state Dept. of Human Services, Office of Rehabilitation Services; the Secretary of State; RI Disability Law Center; Board of Elections; state Commission on the Deaf and Hard of Hearing; state Dept. of Human Services, Assistive Technology Access Partnership; CranstonArc and RI Disability Vote Project.

Train Election Officials Allowable Expenses

The Governor's Commission on Disabilities, the RI Disability Law Center and the Board of Elections developed a poll worker training video that will be used by the Board of Elections to train election officials and poll workers. EAID funds were used to revise the training video to better prepare officials and workers to meet the needs of the diverse universe of voters including persons with disabilities. In 2010 the Governor's Commission on Disabilities and the State Board of Elections continue to work toward improving ways to distribute the poll worker training video while the State Board continues to use its contents as part of their poll working training.

Information on Accessible Elections Allowable Expenses

With EAID funding, the Governor's Commission on Disabilities will continue funding the RI Disability Vote Project to:

- Provide outreach about polling place accessibility, availability and opportunity to people with disabilities throughout the state
- Conduct a public awareness campaign to help voting awareness amongst people with disabilities
- Develop training modules to be used by consumer organizations and providers of services for people with disabilities to better prepare people with disabilities to vote independently and in secret
- Recruit and train people with disabilities to serve as poll workers.

The Rhode Island Disability Law Center provides technical assistance to the RI Disability Vote Project and is a dues paying member.

1.2. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS -- §302

Deadline for compliance: January 1, 2004; no waiver permitted.

Status as of 2010: FULLY MET

Provisional Voting

The intent of **provisional voting** is to ensure that no individual who goes to the polls intending to cast a ballot is turned away without having the opportunity to do so. Under HAVA, individuals who believe they are registered, but are not on the certified voting list must be allowed to vote using a provisional ballot. Once the appropriate state or local election official verifies that the individuals are eligible to vote under state law, the provisional ballots are counted. The state or local election official must also create a free access system which allows individuals who cast provisional ballots to verify whether their votes were counted, and if not, the reason they were not counted.

Rhode Island now meets HAVA requirements for provisional voting.

During its 2003 session, the Rhode Island General Assembly adopted RIGL 17-19-24.1 to bring the State into compliance with HAVA §302 requirements. This legislation instructs the Board of Elections to promulgate the rules and regulations for Provisional Voting in accordance with HAVA. The Board of Elections adopted appropriate regulations on August 23, 2006 and re-filed them on January 3, 2007. The Board of Elections updated them again in 2008.

Board of Elections regulations provide that provisional votes shall be held in sealed envelopes pending verification of the voter's registration via the CVRS, which accurately registers and records the disposition of the vote (fully counted, partly counted or disallowed). The Board of Elections enables voters to view the disposition of their ballots at www.ri.gov/election/provisional_ballots.

Voting Information Requirements

At the time HAVA was enacted in 2002, Rhode Island law already met most of the HAVA §302 provisions. The State currently meets all of the requirements for providing voter information.

The Board of Elections packages and delivers election supplies for each voting district to local election officials. Information on state and federal laws on voter fraud and misrepresentation is posted in all polling places on Election Day. The public is also notified of the date, time and location of polling places in advance of all elections, either through postings in public places or postings in the local newspaper. Outside each polling place is a clearly marked sign, conspicuous and visible from the street, indicating the location of the polling place.

Information on all new procedures, such as provisional voting or access to AutoMark voting machines is also posted. Information is made available to the public through the *How to Register and Vote* guide and the *Voter Information Handbook* updated and re-issued by mail to every registered voter before every election. Complete registration and voting information is also posted at www.elections.state.ri.us.

1.3. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL – §303

Status as of 2010: FULLY MET

RIGL 17-9.1-6 mandates the State to *"administer a single and unified system of voter registration in accordance with all state and federal laws which shall enable duly registered voters to vote in all elections in their respective voting districts including elections for federal office."* All new systems implemented to bring Rhode Island into compliance with HAVA requirements will ensure the continuation of a single and uniform voter registration system for in-person and mail registration as well as for all federal, state and local elections.

Computerized Statewide Voter Registration List

For Rhode Island, the HAVA offered opportunity to implement a computerized, uniform, centralized, interactive, statewide voter registration database. For years Rhode Island had recognized the need for this system, but until the passage of HAVA, the State did not have the resources to create the uniform, centralized CVRS to enable election officials to ensure that those who are eligible to vote are able to vote and that those who are not eligible to vote do not.

Prior to HAVA, all official voter registration records were maintained at the local level. While the Secretary of State maintained a central list of all persons registered to vote in Rhode Island, this list was not immediately and electronically available to the local boards of canvassers or other statewide and local election officials. In 2002, the State adopted RIGL 17-6-1.2, directing the Secretary of State to create a CVRS in anticipation of the opportunity HAVA would create.

With the authorization of HAVA funding, the Secretary of State immediately began the procurement process for a computerized statewide voter records system.

The specifications for Rhode Island's CVRS were developed by a task force of users and election officials. The Board of Elections and members of the public formed the technical review committee. The State was granted a two-year extension of the original HAVA deadline of Jan. 1, 2004. However, by December 2004, the system was in place.

Today, thanks to HAVA and the efforts of state officials:

- Rhode Island has a single, uniform, official, centralized, interactive computerized statewide voter registration list – the CVRS – defined, maintained and administered at the state level
- The CVRS is now the official voter registration list for the conduct of all federal, state and local elections
- The CVRS contains the name and registration information of every legally registered voter
- Every legally registered voter has been assigned a unique identifier for the CVRS
- The CVRS is the single system for storing and managing the official list of registered voters throughout the state
- The CVRS is coordinated with the state Division of Motor Vehicles (DMV) database and will soon be coordinated with other state agency databases
- Election officials have immediate access to the information contained in the CVRS
- Local election officials update all voter registration information in the CVRS on an expedited basis
- The State provides support as needed so that local election officials are able to enter information and produce voter registration lists when needed
- Maintenance is performed on this computerized list on a regular basis:
    - Ineligible voters are removed in accordance with the National Voter Registration Act
    - In accordance with RIGL, the State works in partnership with the state Dept. of Corrections (DOC) to remove from the voting lists felons who are serving time in prison for felony convictions. In addition, the State works in partnership with the DOC and the state and federal judiciaries to make voter registration available to felons upon their releases from prison, even if on probation or parole
    - The State is in the process of coordinating with agencies that record vital statistics for death records to remove deceased voters
    - List maintenance ensures that the name of each registered voter appears on the computerized list
    - Only individuals who are not registered or who are not eligible to vote are removed from the computerized list
    - Duplicate names are eliminated from the computerized list
- State and local election officials have now provided adequate technological security measures to prevent unauthorized access to the computerized list
- The CVRS includes provisions to ensure that voter registration records are accurate and updated regularly, including:
    - A system of file maintenance that removes registrants who are ineligible to vote, i.e. in accordance with the National Voter Registration Act (NVRA), those individuals who have not responded to a notice and have not voted in two consecutive federal elections
    - Safeguards to insure that eligible voters are not removed in error
    - Voter registration information is verified in accordance with HAVA requirements

The Secretary of State has provided local boards of canvassers with all hardware, software and training that they need to participate in the CVRS. The Secretary of State has also provided the Board of Elections, other state agencies and the public access to the CVRS database as appropriate, in accordance with State law and subject to the applicable privacy provisions for the *HAVA-Mandated Identifier* (see next section).

The Secretary of State has also further enhanced the electoral process with additional modules related to the CVRS. These include the immediate electronic transmittal and statewide access to:

- Voter registrations completed at the Division of Motor Vehicles
- Mail ballot processing
- Maintenance of all polling places
- Maintenance of nomination and candidate records
- Street file
- Voter history, including name and address change and redistricting

Special Provisions for Voter Registration Information

HAVA mandates that an application received by mail for first-time voter registration for any election for federal office may not be accepted or processed by the State unless the application includes at least one of the following forms of ID:

- The voter's valid driver's license number, if the voter has a driver's license
- For those voters who do not have a current and valid driver's license, the last 4 digits of the voter's social security number (SSN)
- A unique identifier assigned by the CVRS in those cases where the voter does not have either a valid driver's license or a SSN

To meet this requirement, the CVRS maintains two unique numbers for every registered voter in Rhode Island:

- A *State Voter Identification Number*, automatically assigned by the system, which will be part of the public record
- A *HAVA-Mandated Identifier* (driver's license number, last four digits of SSN or unique identifier), which will be protected from public view

This allows the State to both verify the accuracy of information provided in accordance with Section 303 requirements and protect the privacy of personal information. State statutes were amended to ensure privacy protections for the HAVA-Mandated Identifier.

In order to verify the accuracy of the information provided on applications for voter registration, the Secretary of State and the DMV now match the information in the CRVS with information at the DMV.

The Social Security Administration (SSA) agreed to verify the accuracy of social security numbers, dates of birth and names provided with voter registrations through the DMV and to screen those individuals against the death records. Those procedures were in place in time for the pre-election statewide mailing to Rhode Island voters in March 2006.

As required by HAVA, the DMV is seeking an agreement with the SSA to verify the accuracy of information provided by DMV for those applications for voter registration on which the last four digits of a SSN were provided instead of a driver's license number. The information that will be verified includes:

- The name, date of birth and social security number of an individual given to the SSA to match the information on file with the SSA
- If such individual is shown on the records of the SSA as deceased

Changes to voter registration forms now must be reviewed by the Secretary of State to ensure compatibility with the CVRS and ongoing compliance with HAVA requirements.

Requirements for Voters Who Register by Mail

The mail-in voter registration process in Rhode Island now meets HAVA §303 requirements for voter identification or voter instructions. Beginning January 1, 2003, voters who register by mail who did not provided their driver's license number or SSN upon registering and have not previously voted in an election for federal office in the state must present identification either at the time of registration or at the time of first voting. The new first-time voter must present this identification either with the mail registration, at the polls on Election Day, or with the mail ballot if the voter chooses to vote by mail.

An individual will meet this requirement upon presenting either:

- A valid photo identification
- A copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter

Rhode Island will modify its mail registration and voter information to notify new voters of the identification requirements of HAVA. The CVRS will be designed to support and track compliance with HAVA identification requirements.

The State will modify the voter registration form and polling place voter qualification processes to allow for the verification of identification provided by first-time voters who were registered by mail.

To comply with HAVA requirements, the Board of Elections changed the mail registration form by the statutory deadline to include the required citizenship and age question.

- Additionally, a statement was included on the registration form informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required must be included in order to avoid additional identification requirements upon voting for the first time

1.4. MINIMUM REQUIREMENTS – §304

The requirements laid out in HAVA are minimum requirements. The State may establish election technology and administrative requirements that are more stringent. Any more stringent requirement that the State imposes must comply with all Title III requirements, as well as the laws described in HAVA §906.

Since 1996, state law mandates uniformity in statewide voting systems and the administration of a single and unified system of voter registration in accordance with all state and federal laws. Therefore, Rhode Island legislation in these two areas could be considered more rigorous than HAVA. The State will continue to ensure uniformity in all State voting and voter registration systems for all federal, state and local elections. These uniform systems will be in full compliance with all HAVA requirements and with the relevant laws listed in HAVA §906.

1.5. METHODS OF IMPLEMENTATION LEFT TO DISCRETION OF STATE – §305

The State chose various means to comply with the requirements of HAVA Title III. Specific details on the implementation methodology chosen can be found in Sections 1.1. through 1.3 of this State Plan.

1.6. ADOPTION OF VOLUNTARY GUIDANCE BY COMMISSION – §311

Once the federal Election Assistance Commission (EAC) has issued its voluntary recommendations with respect to Title III, the State will consider that guidance in updating the State Plan. The State welcomes this assistance and will incorporate those recommendations deemed appropriate into subsequent versions of the State Plan.

1.7. PROCESS FOR ADOPTION – §312

The State will stay aware of the progress of the EAC in developing the Title III recommendations. If appropriate, the State will provide feedback during the public comment

period after the recommendations are published in the Federal Register and participate in public hearings regarding the recommendations.

1.8. OTHER ACTIVITIES – §251 (B)(2)

The State shall use HAVA requirements funding to meet Title III requirements. In the event that the State has completely implemented the requirements of Title III, future State Plans will be amended to include how requirements funding shall be used for other activities to improve the administration of elections for federal office in keeping with the conditions of this section.

SECTION 2. RHODE ISLAND'S DISTRIBUTION OF REQUIREMENTS PAYMENT

How the State will distribute and monitor the distribution of the requirements payments to units of local government or other entities in the State for carrying out the activities described in paragraph (1), including a description of:

> *(A) the criteria to be used to determine the eligibility of such units or entities for receiving the payment, and*
> *(B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8). – HAVA §254 (a)(2)*

2.1 ELIGIBILITY OF LOCAL UNITS TO RECEIVE THE PAYMENT

In Rhode Island, the State is responsible for the procurement, maintenance, preparation, delivery and storage of all optical scan precinct count voting systems used by local boards of canvassers in all federal, state and local elections. The State is responsible for the administration of a single, uniform voter registration system for all in person and mail registrations and for all federal, state and local elections. This centralized system provides for improved efficiency of elections.

In keeping with these practices, the State will continue to use HAVA funds to:

- Provide services and materials to local boards of canvassers as needed to meet HAVA requirements
- Support other activities to improve the administration of elections as described in HAV

HAVA funds will be centrally managed by the Secretary of State to ensure compliance with HAVA requirements and the State fiscal control systems.

2.2 PERFORMANCE MEASURES FOR LOCAL UNITS

The State monitors HAVA funds in accordance with the statewide performance measures adopted under HAVA §254(a)(8) and as outlined in Section 8 of this State Plan. The Secretary of State will centrally manage the distribution of all funds appropriated to the Rhode Island HAVA Election Fund, including but not limited to the requirements payments. Priorities and timelines will be incorporated into the budgeting process so that Rhode Island will implement mandates and improvements in a wise and timely manner.

SECTION 3. VOTER EDUCATION, ELECTION OFFICIAL EDUCATION AND TRAINING, POLL WORKER RECRUITMENT AND TRAINING

How the State will provide for programs for voter education, election official education and training and poll worker training which will assist the State in meeting the requirements of Title III. – HAVA §254(a)(3)

Status as of 2010: FULLY MET

Throughout the preparation of the State Plan, Rhode Islanders strongly urged the State to develop improved education and training programs for current, potential and future voters; for election officials and for poll workers. A well-informed electorate, supported by well-trained and voter-oriented election officials, is essential – not only for the successful implementation of HAVA requirements, but to improve voter participation in the electoral process.

In redesigning its training and education programs, the State standardized election terms to make information and training easier to understand and more accessible to more audiences.

3.1 VOTER EDUCATION AND OUTREACH

The Secretary of State has pursued a vigorous program of outreach, with particular attention to students. From 2008 through June 2010, the Secretary of State conducted 41 voter registration drives at Rhode Island high schools; 19 drives at colleges; along with 7 school-based mock elections. Additionally, the Secretary of State conducted voter registration drives at 10 citizenship ceremonies and 17 workplaces. Registration and voter information was promoted at eight events at colleges, hospitals, business expos and other venues and the AutoMark accessible voting equipment was demonstrated at 17 venues during this period.

The Secretary of State also produces the following educational materials which are posted on our website and available to the public:

- *How to Register and Vote* - explains voters' rights, the mechanics of how to vote, highlights the importance of voting and motivates people to engage in the democratic process by voting.
- *Election Calendar* - makes voters aware of all the key dates in the annual election calendar including the deadlines for registering to vote and disaffiliating
- *How to Run for Office Guide* - encourages voters to run for office by clearly explaining all the steps necessary to become a candidate

As required by HAVA, the Board of Elections now ensures that the following materials are posted at each polling place:

- Sample ballots to be used in the election at each polling place
- Instructions on how to vote

- General information on federal and state laws regarding fraud and misrepresentation
- Date and hours during which the polling place will be open
- Instructions for mail-in registrants and first-time voters under Section 303(b)

- General information on voting rights under federal and state laws, including information on how to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to be violated

Rhode Island recognizes the need to ensure that voter information is uniform, that it is communicated in plain and easily understood wording and that it must be accessible to individuals in the variety of ways necessary to ensure widespread inclusion

Rhode Island set three goals for public outreach and education programs in its 2003 State Plan:

- Assure that voters are informed of their rights and receive proper and timely instructions on how to vote in accordance with HAVA requirements
- Improve voter education and information materials and delivery systems
- Motivate individuals to exercise their democratic responsibility to register and vote

The Secretary of State has implemented comprehensive voter education and outreach programs in every election since 2004. Elements have included:

- Broadcast public service announcements urging people to vote and publicizing the voter information hotline for voter-related questions
- Use of diverse media and content to promote registration and voting for different needs within the electorate:
  - Promoting uniform terminology in all materials
  - Bus, broadcast, print and web materials
  - Simple and direct language in voter education materials in English and Spanish
  - Considering the special needs of voters with disabilities.
- The Secretary of State reached out to youth, military voters and the general public in partnership with Campus Compact of Rhode Island, non-profit organizations and corporate citizens that allowed his staff to reach out to their patrons
- A toll-free voter information hotline to help Rhode Island voters find their polling locations and understand the electoral system

3.2 ELECTION OFFICIAL EDUCATION AND TRAINING

As a result of HAVA mandates, local election officials needed to learn new voter registration systems and procedures and are now responsible for ensuring compliance with many new requirements.

Training was provided to election officials in all HAVA mandates, including:

- The use of all voting equipment including optical scans and AutoMark
- CVRS
- Registration requirements
- Provisional voting
- Voting by mail ballot
- Voting on election day
- Other applicable state and federal election laws

3.3 POLL WORKER RECRUITMENT AND TRAINING

During public hearings to develop the State Plan, local election officials as well as voters expressed the need for improved poll worker recruitment and training. Rhode Island has been chronically challenged by its ability to recruit a sufficient number of qualified poll workers for the conduct of elections.

The changes under HAVA required that poll workers be well-versed in these new and sometimes complex requirements, especially voter identification requirements, provisional voting and the use of standard and AutoMark voting equipment. Poll worker training is the responsibility of the Board of Elections

From 2003 onward, numerous innovations in poll worker training were introduced. The Secretary of State and the Board of Elections now routinely hold training and refresher training on changes in the law.

In 2004, the Rhode Island General Assembly passed H-8033 and S-2856, which expanded the pool of eligible voters qualified to serve as poll workers and provided for the earlier appointment of poll workers. This enables election officials to better identify those precincts where poll worker shortages exist and to recruit additional persons to fill the vacancies. These bills became effective without the Governor's signature.

Much remains to be done. Following statewide hearings last year, Secretary of State A. Ralph Mollis' Voters First Advisory Commission made the following recommendations:

- Standardize compensation for poll workers statewide (legislation required)
- Create regional poll worker training centers
- Provide hands-on training with voting equipment
- Create web-accessible training videos for review purposes (not training)
- Provide poll workers with access to computers for training reviews
- Limit the number of hours each poll worker must serve on election day
- Create a standard manual including "problem solver" sections for all poll workers
- Require post-election evaluation of poll-worker performance and develop steps to help those encountering difficulty improve
- Require each city and town to send at least six poll workers per election precinct to Board of Elections training and to send at least 10% of the total number of poll workers for training so they may act as replacements and provide relief for poll workers on election day

3.4 PRE-REGISTRATION OF 16 YEAR OLDS

During the 2010 session of the General Assembly, legislation was introduced and passed allowing 16 year olds to "pre-register" to vote by using the regular voter registration forms. These 16 and 17 year olds who will not be 18 by the next general election are sent notices indicating their pre-registration status. Thirty days before they turn 18, they are sent the regular voter registration acknowledgement notice and their voting status becomes active.

We anticipate that this pre-registration process will engage the youth in our community in the events and steps in the electoral process and will help create registered voters who are informed and interested in participating in the electoral process on all levels.

SECTION 4. VOTING SYSTEM GUIDELINES AND PROCESSES

How the State will adopt voting system guidelines and processes that are consistent with the requirements of Section 301. – HAVA §254 (a)(4)

Status as of 2010: FULLY MET

With the adoption of Chapters 277 & 298 of Rhode Island Public Law of 1996 and the implementation of the optical scan precinct count voting system in 1998, Rhode Island voting systems already met most HAVA requirements listed in Section 301.

Where Rhode Island was not in compliance, the State adopted internal procedures or legislation to come into compliance, specifically:

- The adoption of uniform and nondiscriminatory standards. RIGL 17-19-1 enacted on July 7, 2004 defines what constitutes a vote and what will be counted as a vote for each category of voting system used in the state
- Modified printed instructions and voter education for mail ballots explaining the effect of casting multiple votes and instructing the voter how to correct errors, including how to receive a replacement ballot if necessary

SECTION 5. RHODE ISLAND'S HAVA FUND MANAGEMENT

How the State will establish an election fund described in subsection (b) for purposes of administering the State's activities under this part, including information on fund management. – HAVA §254 (a)(5)

Status as of 2010: FULLY MET

In accordance with state law and in coordination with the DOA, the Secretary of State established the Rhode Island HAVA Election Fund (Fund) within the State's treasury whose appropriations are accounted for separately within the State accounting system. The DOA created accounting structures to ensure federal fund receipts and expenditures, the 5% State match and Fund interest are tracked separately from all other state funds as required under HAVA.

The Fund consists of the following:

- Amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment is made to the State under this part
- The requirements payment made to the State
- Other amounts as may be appropriated under law
- Interest earned on deposits of the Fund

The Secretary of State formed a HAVA Election Fund Management Committee to advise on and review the budget in connection with the original 2003 HAVA State Plan. That Committee approved the multi-year budget for full HAVA implementation. The Secretary of State has had responsibility for day-to-day management of the Fund since 2003.

SECTION 6. RHODE ISLAND'S HAVA BUDGET

The State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on –

(A) the costs of the activities required to be carried out to meet the requirements of Title III,

(B) the portion of the requirements payment that will be used to carry out activities to meet such requirements, and

(C) the portion of the requirements payment that will be used to carry out other activities.

– HAVA §254(a)(6)

Status as of 2010: FULLY MET

HAVA funding was provided under Title I and Title II of the Act. Title I funds must be used for voting equipment, while Title II funds support all other needs. HAVA funds are "no-year" money, that is, federal funds that do not have to be expended in the year they are authorized. The original budget was designed to steward HAVA funds over many years to ensure that funding was reserved to continue to meet HAVA requirements after initial implementation.

The original budget anticipated federal payments of $21 million over three years to in 2005 – based on the authorization of funds. Actual federal appropriations and payments to Rhode Island to date total $17,673,533.

HAVA Fund Summary as of December 31, 2009

Total Title I Funds Received	$5,001,730.71
Total Title II Funds Received	$12,671,803.00
Total	**$17,673,533.71**
Interest earned on Title I Funds	**$140,275.09**
Interest earned on Title II Funds	**$484,994.82**
Total Interest Earned	**$625,269.91**
Total Title I Funds Disbursed	$5,142,005.80
Total Title II Funds Disbursed	$12,934,876.11
Total HAVA Funds Disbursed	**$18,076,881.91**
Balance – Title I Funds	-
Balance – Title II Funds	$221,921.71
Balance HAVA Funds	**$221,921.71**
5% Match of $12,671,803.00 (to be spent from State general revenues)	**$666,937.00-**

Fortunately, the State realized major savings (more than $9 million) with the decision not to convert its voting equipment to DRE voting machines.

On the other hand, the DOA decided that multi-year-payment obligations for the State's optical scan equipment and its service contract should be met with HAVA funding. That equipment was purchased in the 1990s, long before HAVA. DOA's decision obligated more than $5 million that the State Plan had envisioned using to fund additional improvements to our voting system.

Those factors, together with variances in other line items, resulted in total spending of $18,738,834 through 2009.

Summary of HAVA expenditures through Dec. 31, 2009

Category	Spent from Title I, Title II and Interest	Spent from 5% Match	Total by category
Central Voter Registration System	$7,081,597	$372,716	$7,454,313
Provisional Voting	$169,097	$8,900	$177,997
Accessible Voting Equipment	$8,568,455	$185,585	$8,754,040
Optical Scan Voting Equipment	$2,048,731	$92,158	$2,140,889
Election Official Training	$39,108	$13	$39,121
Poll Worker Recruitment & Training	$57,351	-	$57,531
Voter Registration	$0.00	$0.00	$0.00
Voter Education	$103,810	$2,445	$106,255
Complying with Requirements	$5,893	$26	$5,919
Preparation of State Plan	$2,840	$110	$2,950
TOTAL	**$18,076,882**	**$661,952**	**$18,738,834**

SECTION 7. MAINTENANCE OF EFFORT

How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000. – HAVA §254(a)(7)

Status as of 2010: FULLY MET

The intent of HAVA funding is to pay for new or enhanced efforts, not to supplant State funding. Consistent with HAVA §254(a)(7), in using any requirements payment, Rhode Island must maintain expenditures of the State for activities funded by the payment at a level equal to or greater than the level of expenditures in State FY 2000 so long as the State has any HAVA funds in its account.

That amount totaled $421,742, which has been met in each year.

SECTION 8. HAVA PERFORMANCE GOALS AND MEASURES

How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the Plan, including timetables for meeting each of the elements of the Plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.

Status as of 2010: FULLY MET

The original State Plan itself laid out clear, time-bound and measurable objectives for each element of HAVA and designated the state officials whose duties and responsibilities as outlined by Rhode Island statute corresponded to particular HAVA sections (see list below). This revision of the State Plan specifically details how and when each objective was met, thus satisfying the intent and requirement of HAVA Section 8.

This revised State Plan also makes clear that the State did all that it said it would do in 2003 to bring its law and regulations, equipment and electoral procedures into compliance with HAVA. The physical and administrative structures for fair, fully accessible elections over the next 20 years or more have been put in place.

Ultimately, the success of the State Plan will be judged by its ability to continue to improve voter participation and confidence in elections in Rhode Island.

The original State Plan anticipated developing a HAVA measurement system to assess both process and impact performance. Specifically,

- Did the State do what it said it would do within HAVA mandates and timetables (*process* measures)
- Did those activities make a difference in the conduct of and participation in elections in Rhode Island (*impact* measures)?

Reduced funding has been a factor in deferring development of a formal assessment system to answer the second question: the quality of the conduct of election or the level and nature of voter participation.

However, data from the Board of Elections show that the steps taken have had direct impact: New and updated voter registrations via the new DMV "motor-voter" electronic registration process have grown steadily. During the first year of implementation in 2004, 1,196 new voters were registered at DMV and 3,409 updated their registration information. In 2007, 20,532 new voters registered at DMV and 5,671 updated their voter records. In 2008 there were 21,000 new voter registrations and 8,226 registered voters updated their registration information. This continues to represent a significant expansion of the electorate itself as well

as an important new path by which voters themselves now help ensure the integrity and currency of our statewide voter registration records

Rhode Island continues to rely on provisional ballots to ensure that every properly eligible voter can exercise his right to vote, even when Election Day voter-record-errors or discrepancies exist. The Office of the Secretary of State has increased voter education and created a web-based Voter Information Center database so Rhode Islanders can confirm the status of their voter registration status and address discrepancies prior to the day of voting. Since that time, it is worthwhile to note that number of voters requiring a provisional ballot has decreased.

2004 General Election:	2,246
2006 General Election:	1,850
2006 Primary Election:	3,204
2008 Presidential Primary:	1,104
2008 Presidential Election	924

Each provisional ballot represents a voter who would have been turned away from the polls on Election Day under prior procedures.

Rhode Island's Presidential Preference Primary (PPP) in March 2008 attracted a record number of voters – 213,435, up more than 550% compared to the 2004 PPP and three times the number of voters who turned out in 2000 for the last competitive PPP. Thanks to HAVA, Rhode Island's election systems, voting equipment, polling places and public information were up to the challenge. The election took place without serious problems, delays or challenges at any polling place in the state.

Specific responsibilities for HAVA implementation:

Secretary of State

- Voting Systems, §301
- Voter Registration (CVRS), §303(a)
- Voter Education, §254(a)(3)
- Election official training, §254(a)(3)
- Budget and Fiscal Controls, §254(a)(3), §254(a)(6), §254(a)(7) and §254(a)(10)

Chair, Board of Elections

- Provisional Voting, §302 (a)
- Voting Information Requirements, §302(b)
- Voter Registration, §303(b)
- Poll worker training, §254(a)(3)
- Election official training, §254(a)(3), jointly with Secretary of State
- Administrative Complaint Procedures, §254(a)(9) and §402

SECTION 9. STATE-BASED ADMINISTRATIVE COMPLAINT PROCEDURE

A description of the uniform, nondiscriminatory State-based administrative complaint procedure in effect under Section 402.

Status as of 2010: FULLY MET

The Rhode Island General Laws empower the Board of Elections to *"make the rules, regulations, and directives that it deems necessary to carry out the objects and purposes of this title (Title 17 – Rhode Island Election Laws) not inconsistent with law… including the jurisdiction over all election matters on appeal from any local board and over any other matters pertinent and necessary to the proper supervision of election laws."*

In its 2003 session, the Rhode Island General Assembly adopted RIGL 17-7-5(15), which authorizes the Board of Elections to "establish and maintain an administrative complaint procedure in accordance with Section 402 of HAVA."

In Rhode Island, the Board of Elections hears complaints and conducts investigations on all election matters. After duly posting proposed regulations and holding public hearings, the Board of Elections adopted new regulations meeting the HAVA requirements on March 25, 2004. Those regulations were re-filed on January 3, 2007 and may be viewed online at: www.sos.ri.gov/rules.

SECTION 10. EFFECT OF TITLE I PAYMENTS

If the State received any payments under Title I, a description of how such payment will affect the activities proposed to be carried out under the Plan, including the amount of funds available for such activities.
– HAVA §254(a)(10)

Status as of 2010: FULLY MET

The 2003 *Rhode Island State Plan* for HAVA included details on the planned use of Title I funds, including amounts for each activity.

Rhode Island used its Title I payments to carry out the following activities:

- Complying with Centralized Voter Registration System requirements under Title III
- Improving the administration of elections
- Recruiting poll workers including high school and college students
- Educating voters concerning voting procedures, voting rights and voting technology
- Training election officials, poll workers and election volunteers
- Developing the State Plan for requirements payments to be submitted under Part 1 of Subtitle D of Title II
- Acquiring, improving and increasing the total number of voting systems
- Establishing toll-free telephone hotlines

SECTION 11. RHODE ISLAND'S HAVA STATE PLAN MANAGEMENT

How the State will conduct ongoing management of the Plan, except that the State may not make any material change in the administration of the plan unless the change –

> *(A) is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;*
> *(B) is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and*
> *(C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A). – HAVA §254 (a) (11)*

Status as of 2010: FULLY MET

The Secretary of State, as Rhode Island's designated "Chief State Election Official" (Chapter 29 & 30 of Rhode Island Public Law 2003) is responsible for coordination of the State's responsibilities under HAVA and for ongoing management of the State Plan.

Rhode Island was a national leader in developing fair, accurate and accessible elections prior to the passage of HAVA in 2002 and has leveraged HAVA assistance since 2002 to extend its leadership in this area. The Secretary of State considers the ongoing management of the State Plan as a continuation of Rhode Island's commitment to election reform. Each element has been managed to achieve compliance, maximize improvements to all aspects of the election process and ensure responsible stewardship of funding received through HAVA.

Of course, the Secretary of State does not act alone. The Board of Elections and the local boards of canvassers are critical partners in the implementation of HAVA, as they are in the conduct of all elections in Rhode Island. The Board of Elections and the local boards of canvassers are responsible for specific elements of the State Plan. Within the Office of the Secretary of State, the Elections Division is the administrative agency charged with the implementation and management of many aspects of HAVA.

The Secretary of State appointed a ten-member Voters First Advisory Commission in April 2007 to review and reform the state's election laws. The Commission was charged with initiating changes in law, regulation and rules which would make it easier for Rhode Islanders to vote and which would restore their confidence in the fairness of our electoral process. Those recommendations were before the Rhode Island General Assembly

The responsibility for fair, accurate and accessible elections and for increasing voter participation in our democracy is shared throughout Rhode Island. The legislature is a critical partner, ensuring that Rhode Island state law is consistent with all federal election mandates, including HAVA. In addition, all elected officials, civic and business leaders, community-based organizations, every citizens and educators share a commitment to improving voter

outreach and education in order to increase the participation of all segments of our community in the electoral process which is the bedrock of our democracy.

The Secretary of State has worked with the Federal Voting Assistance Program (FVAP) over the past several years. In doing so, many of the suggestions to assist UOCAVA voters have already been codified in Rhode Island law. Section 14 of this Plan details are our accomplishments to date and our plans for further compliance.

Once again, the State understands and agrees to comply with HAVA requirements related to the ongoing management of the State Plan. Specifically, the State agrees not to make any material change in the administration of the State Plan unless the change:

- Is developed and published in the Federal Register in accordance with HAVA §255 in the same manner as the State Plan
- Is subject to public notice and comment in accordance with HAVA §256 in the same manner as the State Plan
- Takes effect only after the expiration of the 30-day period that begins on the date the change is published in the Federal Register in accordance with subparagraph (A)

SECTION 12. CHANGES TO STATE PLAN FROM PREVIOUS FISCAL YEAR

In the case of a State with a State Plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State Plan for the previous fiscal year and of how the State succeeded in carrying out the State Plan for such previous fiscal year. – HAVA 254 (a)(12)

This is Rhode Island's 2010 State Plan, addressing Fiscal Years 2011 and beyond. As the second update of the State Plan following seven years of implementation, every element of this Plan reflects the achievement of HAVA requirements and planned objectives in the 2003 plan. All of the HAVA requirements have been fully met and no further actions are planned under most of the sections of the Act. Funding permitting, future work through HAVA will address training, education and outreach to voters.

Additionally, this Plan addresses our achievements with respect to the MOVE Act requirements as listed in our narratives in Section 14.

Specifics on those achievements and future activities are given in the narrative under each Section above. A concise summary without narrative may also be found in Tables I, II and III in this report.

SECTION 13. STATE PLAN DEVELOPMENT AND COMMITTEE

A description of the committee which participated in the development of the State Plan in accordance with section 255 and the procedures followed by the committee under such Section 255 and Section 256 – HAVA §254 (a) (13)

13.1 PUBLIC ENGAGEMENT

The process for producing Rhode Island's original HAVA State Plan reflected a genuine, statewide commitment to improving elections, to public engagement and to open and ethical government. This State Plan reflects careful consideration of the ideas and concerns of hundreds of individuals and public officials from throughout Rhode Island.

The draft of the 2003 Rhode Island State Plan was created by the Secretary of State in partnership with a 75-member HAVA Rhode Island Advisory Committee. The committee included a wide representation of diverse stakeholders selected from all segments of the Rhode Island community, including elected officials, racial and ethnic communities, nonprofits and advocacy groups, students, business leaders, academics and labor unions.

Between March 10 and March 21, 2003, the subcommittees of the HAVA Rhode Island Advisory Committee met to discuss Rhode Island's current compliance with HAVA and identify key issues. They presented their preliminary reports for consideration and discussion at their March 24, 2003 meeting. These subcommittee reports were posted on the HAVA website of the Secretary of State. On May 19, 2003, a draft of the State Plan was presented to the full HAVA Advisory Committee for final review and comments and made available for public comment for 30 days. The final State Plan was released on August 13, 2003.

Rhode Island successfully implemented many HAVA requirements in time for the 2004 Presidential election as documented above. Comments and input based on practical experience in the 2004 and 2006 elections have been solicited from members of the public, poll workers and state and local election officials in creating this revised plan.

In 2007, Secretary of State Mollis appointed a ten-member Voters First Advisory Commission to review and reform the state's election laws. With testimony at five public hearings and deliberation at 11 workshop sessions, the Commissioners developed non-partisan White Papers on specific issues. Several recommended policies focused on the integrity of the process, including voting-booth privacy, restrictions on political canvassing at polling places and cleaning up voter rolls. Others promoted improving voter access through an early voting initiative, uniform statewide polling hours and expanded opportunities to register to vote.

13.2 VOTERS FIRST ADVISORY COMMISSION

In 2007 and 2008 ten members of the Voters First Advisory Commission worked closely with Secretary of State Mollis as Chief State Election Officer of Rhode Island in gathering the public's concerns and suggestions in improving the electoral process in Rhode Island. They have performed outstanding public service. The members are:

- Secretary of State Mollis, Chairman
- State Rep. Joe Almeida (D-Providence)
- State Rep. Jon D. Brien (D-Woonsocket)
- State Sen. June Gibbs (R- Little Compton, Middletown, Newport, Tiverton)
- Roger Harris, RI Disability Vote Project
- Robert Kando, executive director, state Board of Elections
- Ken McGill, registrar, Pawtucket Board of Canvassers
- State Sen. Juan Pichardo (D-Providence)
- Jan Ruggiero, director of Elections, Office of the Secretary of State
- Sue Stenhouse, deputy director, Governor's Office of Community Relations

13.3 HAVA RHODE ISLAND ADVISORY COMMITTEE

The HAVA Rhode Island Advisory Committee met in June and July 2010 to work with the Office of the Secretary of State in updating the current State Plan and adding all pertinent information with respect to the new section 14 of the Plan.

The members of the 2010 HAVA Rhode Island Advisory Committee are

Dennis L. Algiere, ***Senate Minority Leader***

Jane Anthony, ***Past Chairwoman, Rhode Island Commission on Women***

Bob Arruda, ***Past President, Operation Clean Government***

Scott Avedisian, ***Mayor, City of Warwick***

Catherine Avila, ***Director of Administration, Office of the Secretary of State***

Rick Battistoni, ***Professor of Political Science, Providence College***

Kate Bowden, ***Staff Attorney, Rhode Island Disability Law Center***

Robert T. Bray, ***Adjutant General***

Kerry Brusini, Director, ***North Providence Board of Canvassers***

Mario Bueno, Executive Director, Progreso Latino, Inc.

Rory Carmody, ***Director of Program Development, Cranston ARC***

Wayne Charness, ***Senior Vice President of Corporate Communications, Hasbro***

David N. Cicilline, ***Mayor, City of Providence***

Elaine Coderre, Speaker Pro Tempore

Kathleen Connell, *State Director, AARP- RI*

Bob Cooper, *Executive Secretary, Governor's Commission on Disabilities*

Robert Corrente, Chairman, Moderate Party

Michelle Cortes-Harkins, Interim Executive Director, Center for Hispanic Policy and Advocacy

Antonio Costa, *Portuguese-American Community Leader*

John Daluz, *Chairman, RI State Board of Elections*

Melba Depeña, *Past President, Rhode Island Latino Civic Fund*

Joanne DeVoe, President, League of Women Voters

Grace Farmer, *Financial Manager, HELP Coalition*

Dave Fleming, *President, Local 328, United Food & Commercial Workers*

Laurence K. Flynn, *Chairman, Providence Board of Canvassers*

Gordon D. Fox, *House Majority Leader*

Allan Fung, Mayor, City of Cranston

Richard Gaffney, *President, National Federation of the Blind of Rhode Island*

Mary Alyce Gasbarro, *League of Women Voters*

Brian Goldner, Chairman & Executive Officer, Hasbro

Elaina K. Goldstein, *Member, Republican State Central Committee*

Meghan Grady, President, Rhode Island Young Democrats

A. Vincent Igliozzi, *Providence Resident*

Stan Israel, *Vice President New England Health Care Employees Union, District 1199/SEIU*

Hannah Johnston, College Democrats

Robert Kando, *Executive Director, State Board of Elections*

Sara Koch, President, RI College Republicans

Dennis B. Langley, *Executive Director, Urban League of Rhode Island*

Peter Lee, *Executive Director, John Hope Settlement House*

Charlene Lima, *State Representative*

Ray Marcaccio, *Legal Counsel, Rhode Island State Board of Elections*

John Marion, Executive Director, Common Cause

Nicholas Mattiello, House Majority Leader

Donna McDonald, *Warwick Board of Canvassers*

Norrene D. McGeary, *East Greenwich Board of Canvassers*

Ken McGill, Registrar, *Pawtucket Board of Canvassers*

Kristen Meuse, *Past President, Rhode Island Young Democrats*

Maureen Moakley, *Professor of Political Science, University of Rhode Island*

Kate Monteiro, *Rhode Island Alliance for Lesbian & Gay Civil Rights*

Clifford R. Montiero, *President, NAACP - Providence Branch*

Domingo Morel, RI Latino Civic Fund

John Muggeridge, *General Manager and Vice President of Public Affairs, Fidelity Investments*

Ellen O'Hara, *Past President, Rhode Island Chapter of the National Association of Social Workers*

Rick O'Neill, *Canvassing Clerk, Newport Board of Canvassers*

Edwin Pacheco, Chairman, RI Democratic Committee

M. Teresa Paiva-Weed, President of the Senate

Thomas Palombo, *Assistant Attorney General*

Madeleine Pencak, *Registrar, Portsmouth Board of Canvassers*

Bob Rapoza, *Supervisor of Elections and Voter Registration Services, State Board of Elections*

Elizabeth H. Roberts, *Lieutenant Governor*

Rob Rock, *CIVICS Coordinator, Office of the Secretary of State*

Jan Ruggiero, *Director of Elections & Civics Division, Office of the Secretary of State*

Merrill Sherman, *President and Chief Executive Officer, Bank RI*

Eric Siegel, Co-Chair, Green Party of Rhode Island

Molly Soum, *President, The Cambodian Society*

Cathy Speer, *State Governing Board, Common Cause/Rhode Island*

June Spink, *Operation Clean Government*

Katrina A. Therien, *North Smithfield resident*

Matthew Thomas, *Chief Sachem, Narragansett Indian Tribe*

James Vincent, *Manager of Constituent Services, Rhode Island Housing*

Robert A. Walsh Jr., *Executive Director, National Education Association/Rhode Island*

SECTION 14. RHODE ISLAND COMPLIANCE WITH THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT ("UOCAVA") AND THE MILITARY AND OVERSEAS VOTER EMPOWERMENT ACT ("MOVE ACT")

How Rhode Island will meet the requirements of the MOVE Act.

14.1. CLARIFICATION OF STATE RESPONSIBILITIES

MOVE Act §576
Deadline for compliance: November 2010 Election
Status as of April 30, 2010: FULLY MET

Requirement:

1. States may delegate the responsibilities under the Act to jurisdictions within the State.

Compliance:

1. In Rhode Island, the State is responsible for the administration of a single, uniform voter registration system for all voter registrations and mail ballot applications for all federal, state and local elections, including all UOCAVA voters. This centralized system provides for improved efficiency of the conduct of the electoral process. Thus, the state has delegated the responsibility to itself for the subject changes.

14.2. TRANSMITTING VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS

MOVE Act §577; UOCAVA §§102(a) and (f)
Deadline for compliance: November 2010 Election
Status as of April 30, 2010: FULLY MET

Requirements:

1. States must establish procedures that allow UOCAVA voters to request voter registration applications and absentee ballot applications by mail or electronically for general, special, primary, and runoff elections for Federal office. The procedures must include a means for the voter to designate how they want to receive the application – by mail or electronically.

2. The State must transmit the voter registration application or absentee ballot application based on the preference selected by the voter. If the voter does not indicate a preference, the application must be delivered in accordance with State law. In the absence of any relevant State law, the application must be delivered by mail.

3. To the extent practicable, the procedures must: (1) protect the security and integrity of the voter registration and absentee ballot application request process and (2) protect the privacy of the identity and personal data of the UOCAVA voter when the voter requests, and is sent a voter registration application or absentee ballot application.

Compliance:

1. Rhode Island General Laws, Title 17, Chapter 20 provides the authority for the transmission of voter registration applications and absentee ballot applications to all Rhode Island voters including all UOCAVA voters. It is important to note that UOCAVA voters are exempt from registration. [§ 17-20-4].[i]

2. Rhode Island accepts the mailing or faxing of an FPCA as a mail ballot application and is processed accordingly. The ballot is mailed and/or faxed to the voter based on the manner in which the FPCA was received. For applications that are faxed to RI, the ballot is mailed to the address and faxed to the number provided on the application. State mail ballot applications are also accepted by mail and/or fax for UOCAVA voters. [§17-20-6.1(e)][ii]

3. FPCA forms and mail ballot applications from UOCAVA voters are currently processed through our state central voter registration system (CVRS), which is HAVA compliant. Additionally UOCAVA voters use the fax transmission program sponsored by the FVAP for the transmittal of their ballot and related ballot materials. [§17-20-6.1(e)][iii]

14.3. DESIGNATING A MEANS OF ELECTRONIC COMMUNICATION

MOVE Act §577; UOCAVA §102(e)
Deadline for compliance: November 2010 Election
Status as of April 30, 2010: FULLY MET

Requirement:

1. Each State must designate at least one means of electronic communication for the following purposes: (1) for use by UOCAVA voters to request voter registration applications and absentee ballot applications; (2) for use by the States to send voter registration and absentee ballot applications to voters; and (3) for providing UOCAVA voters with election and voting information.

2. In addition to the means of electronic communication designated by the State, the State may provide a means of electronic communication for jurisdictions within the State to communicate with UOCAVA voters.

3. The State must include the designated means of electronic communication on all information and instructional materials that accompany balloting materials sent by the State to UOCAVA voters.

Compliance:

1. RI currently allows UOCAVA voters to send and receive mail ballot applications, mail ballots and all related materials through fax transmission. [§17-20-6.1(e)][iv]

2. Local boards of canvassers, in addition to the Office of the Secretary of State's Elections Division and the State Board of Elections, may also communicate through fax transmissions with UOCAVA voters.

3. State mail ballot applications and FPCA forms provide a space for applicant to indicate the fax number to which their materials should be sent. Rhode Island also provides this information to the Federal Voting Assistance Program (FVAP) for inclusion in their Voting Assistance Guide. [§17-20-13][v]

14.4. TRANSMITTING BLANK BALLOTS

MOVE Act §578; UOCAVA §102(f)
Deadline for compliance: November 2010 Election
Status as of April 30, 2010: FULLY MET

Requirements:

1. The States must develop procedures for transmitting blank ballots to UOCAVA voters by mail and electronically for general, special, primary, and runoff elections for Federal office.

2. The procedures must include a means for the voter to designate how they want to receive the blank ballot – by mail or electronically. The State must transmit the ballot based on the preference selected by the voter. If the voter does not indicate a preference, the ballot must be delivered in accordance with State law. In the absence of any relevant State law, the ballot must be delivered by mail.

3. To the extent practicable, the procedures must: (1) protect the security and integrity of absentee ballots and (2) protect the privacy of the identity and personal data of the UOCAVA voter throughout the transmission process.

Compliance:

1. Rhode Island currently has a procedure for transmittal of blank ballots to UOCAVA voters. We automatically send blank ballots to all UOCAVA voters, as our official ballots are not available 45 days before an election. [§17-20-10.2][vi]

2. If the applicant requested a faxed official ballot, we automatically fax and mail a blank ballot and then we fax and mail an official ballot when it becomes available. [§17-20-6.1(e)][vii]

3. Mail ballot requests from UOCAVA voters are currently processed through our state central voter registration system (CVRS), which is HAVA compliant for security and integrity. The State Board of Elections has promulgated rules and regulations for the receipt and counting of faxed voted ballots. [§17-20-6.1(e)][viii]

14.5. BALLOT TRACKING MECHANISM

MOVE Act §580; UOCAVA §102(b)
Deadline for compliance: November 2010 Election
Status as of April 30, 2010: FULLY MET

Requirement:

1. Each Chief State Election Official must work with local jurisdictions to develop a free access system that allows a UOCAVA voter to determine whether his/her absentee ballot was received by the election official.

Compliance:

1. In Rhode Island, the CVRS is a state-based "top-down" system and all voter registration and mail ballot data entered is stored real-time in the state CVRS database. The Office of the Secretary of State, local canvassing authorities and the State Board of Elections, as the case may be, enter information regarding the dates each step occurred in the delivery and receipt of each absentee ballot application and official ballot. This information is made available with a nightly update on the Secretary of State's website's Voter Information Center (VIC) application. VIC is easily accessible to any UOCAVA voter that has access to the Internet at www.sos.ri.gov/vic/.

14.6. ACCEPTING UOCAVA BALLOT MATERIALS

MOVE Act §581(a) and 582 UOCAVA §103
Deadline for compliance: (1) December 31, 2010
(2) November 2010 General Election
Status as of April 30, 2010: FULLY MET

Requirements:

1. Expands the use of the Federal Write-In Absentee Ballot (FWAB) to include all special, primary, and runoff elections for Federal office.

2. Prohibits States from refusing to accept and process an otherwise valid voter registration application, absentee ballot application, voted ballot, or FWAB from an overseas voter due to notarization requirements, paper type, weight and size, or envelope type, weight and size.

Compliance:

1. RI currently allows for the use of the FWAB for all UOCAVA voters to cast a ballot for each federal, state and local office for which he or she is entitled to vote in any general, primary or special election. [§17-20-6][ix]

2. UOCAVA voter materials are exempt from any notarization requirements under state law. State law does not contain any prohibition regarding paper type, weight and size or envelope type, weight and size with respect to a voter registration application, mail ballot application or voted ballot from a UOCAVA voter. [§§17-20-6.1(f) and (g)][x]

14.7. SINGLE APPLICATION FOR MULTIPLE ELECTIONS

MOVE Act §585 UOCAVA §104
Deadline for compliance: November 2010
Status as of April 30, 2010: IN PROGRESS

Requirement:

1. Removes the UOCAVA requirement that a single absentee ballot request serves as a request to receive absentee ballots through the subsequent two Federal election cycles.

Compliance:

1. Rhode Island law currently tracks the previous HAVA mandate that an FPCA application serves as a mail ballot request through two subsequent Federal election cycles. Rhode Island will be introducing legislation in the 2011 session to bring state law into conformance with UOCAVA §104 regarding single applications for multiple elections. [§17-20-6.1(c)][xi]

   Additionally, the state CVRS will be programmed to send UOCAVA voters a notice after the expiration of one calendar year, advising them that their FPCA card has expired.

Local canvassing authorities have also been trained to accept the most recent FPCA application as the current and active filing.

14.8. BALLOT TRANSMITTAL TIME

MOVE Act §579; UOCAVA §§102(a) and (g)
Deadline for compliance: November 2010 Election
Status as of April 30, 2010: IN PROGRESS

Requirements:

1. Absentee ballots must be sent at least 45 days before the election to any UOCAVA voter who has submitted a request by that date. If the request is received less than 45 days before the election, the ballot may be sent in accordance with State law and, if practicable, in an expedited manner.

2. A State may request a waiver from the 45-day transit time provision if the Chief State Election Official determines that the State cannot meet the requirements due to undue hardship. The undue hardship must be one of the following: (1) the date of the State primary; (2) a delay in generating ballots due to a legal contest; or (3) the State constitution prohibits the state from complying with the time frame requirements.

3. The waiver request must include: (1) a recognition that the purpose of the 45-day transit time is to allow UOCAVA voters enough time to vote in Federal elections; (2) an explanation of why the State cannot meet the requirement; (3) the number of days prior to Federal elections that the State requires absentee ballots be sent to UOCAVA voters; and (4) a comprehensive plan to ensure that overseas voters are able to receive and submit an absentee ballot in time for it to be counted. If the undue hardship is based on either the State primary date or the State constitution, the waiver request must be submitted no later than 90 days before the upcoming election. After consulting with the Attorney General, the Department of Defense must grant the waiver request if the comprehensive plan is deemed sufficient. The Department of Defense must approve or deny a waiver request based on the State primary date or State constitution no later than 65 days before the Election. If a State requests a waiver based on a delay in generating ballots due to a legal contest, the request must be submitted as soon as practicable. The Department of Defense must approve or deny the request no later than 5 days after the waiver request is received. If a waiver request is granted, it is valid only for the Election for which the request was submitted.

Compliance:

1. In Rhode Island, the date of the state primary prohibits us from having full official mail ballots available 45 days before an election. Ballots for federal office are generally

available and mailed by the 45th day before an election. This year our primary is September 14th. Primary results are certified to the Secretary of State on September 17th and the ballot preparation process begins forthwith. The 45th day before the election is Saturday, September 18th at which time ballots styles are still being generated, proofed, and sent to the printing company. The earliest full official ballots for some precincts are available is the 35th day before the election. All official mail ballots are usually available and in the mail and/or fax by the 30th day before the election, barring any court cases or unforeseen circumstances. [§§17-15-1 and 17-19-7][xii]

2. Rhode Island is currently in the process of requesting a waiver from the 45-day transit time in the event that unusual circumstances prevent us from having the federal ballot available by the 45-day deadline.

3. As part of the waiver we must provide a comprehensive plan to ensure that UOCAVA voters are able to receive and submit an absentee ballot in time for it to be counted. We are currently developing a plan whereby UOCAVA voters can download their ballot and related materials and mail or fax their voted ballot back to Rhode Island.

   Our plan is to modify our mail ballot module in our state central voter registration system (CVRS) to separate UOCAVA mail ballot applicants from regular mail ballot applicants to better assist UOCAVA voters in receiving their ballot as close to the 45-day deadline as possible.

   We will also modify our current VIC (Voter Information Center) on our website to better assist UOCAVA voters in (1) tracking the status of their mail ballot application and voted ballot, and (2) receiving their ballot as close to the 45-day deadline as possible.

   With respect to tracking ballot status, the Secretary of State's VIC allows every mail ballot applicant to follow the travel of their ballot, i.e. date their mail ballot application was received by local board; date local board certified application to SOS; date SOS mailed ballot; and date BOE received voted ballot. Accordingly, UOCAVA voters will be able to track the travel of their ballot.

   Through our VIC, we are planning to give UOCAVA voters the ability to print (1) the PDF version of their official ballot, (2) a document containing the language on their oath envelope and the return mailing address, and (3) any and all other pertinent voting instructions and cover sheets that will allow them to vote their ballot and either mail or fax it back to the State Board of Elections in accordance with RIGL 17-20-6.1

as close to the 45-day transit period as possible. While official printed ballots are not available until approximately 30-35 days before an election, the official PDF from which a ballot is printed is available anywhere from 40-42 days before an election. We will load these PDF files onto the voter record in VIC where they can download them

   Rhode Island has used official state blank ballots when the official ballot is not yet printed. UOCAVA voters requesting a ballot are sent a blank ballot by mail prior to the 45th day before an election; and when the official ballot becomes available they are also sent the official ballot by mail. UOCAVA voters requesting a ballot by fax are sent a blank ballot by mail and fax prior to the 45th day before an election; and when the official ballot becomes available they are also sent the official ballot by mail and fax. Additionally, UOCAVA voters are allowed by law to use the FWAB. [§17-20-6.1(e) and 17-20-6] [xiii]

4. Section 588 of the MOVE Act amends HAVA by authorizing the appropriation of "such sums as necessary" for FY2010 and beyond as requirements payments specifically for implementing the MOVE Act. Rhode Island plans on using these funds to update our central voter registration system (CVRS) to identify UOCAVA voters and their mail ballot requests and download this information into our Voter Information Center (VIC) as described in #3 above. Additionally, these funds will be used to update the programming of the VIC to identify the UOCAVA mail voters and provide the appropriate ballot and documents, again as described in #3 above.

14.9. RUNOFF ELECTION PLAN

MOVE Act §579(b); UOCAVA §102(a)
Deadline for compliance: November 2010 Election
Status as of April 30, 2010: NOT APPLICABLE

Requirement:

1. If a State holds a runoff election, it must have a written plan to make absentee ballots available to UOCAVA voters with sufficient time to vote.

Compliance:

1. Rhode Island does not conduct runoff elections.

14.10. REQUIREMENTS PAYMENTS

MOVE Act §588 UOCAVA §251
Deadline for compliance: (1) September 30, 2010
(2) May 1, 2010
Status as of April 30, 2010: IN PROGRESS

Requirements:

1. Amends the Help America Vote Act (HAVA) by authorizing the appropriation of "such sums as necessary" for FY 2010 and beyond as requirements payments to the States specifically for implementing the MOVE Act. Any funds appropriated under this provision may only be used to carry out the requirements of the MOVE Act. Nothing in the MOVE Act prohibits the States from using existing HAVA funds (or those authorized by a future appropriations bill) to implement the MOVE Act. If a State receives a FY 2010 requirements payment specifically authorized for implementation of the MOVE Act, it has until the last day of the 2011 fiscal year (September 30, 2012) to comply with the 5% match requirement.

2. States must amend their State plans to indicate how they will comply with the requirements of the MOVE Act.

Compliance:

1. Rhode Island intends to comply with the 5% match requirement by the September 30, 2012 deadline.

2. Rhode Island is currently in the process of amending our State Plan to show how we will comply or have complied with the MOVE Act requirements. We have filed the necessary paperwork requesting a waiver from May 1, 2010 deadline. The state plan will be filed with the EAC by September 1, 2010.

Section 14 Footnotes

[i] **§ 17-20-4 Exemption from registration.** – Any member of the armed forces or of the merchant marine of the United States in active service, any person absent from the state in the performance of "services intimately connected with military operations", as defined in § 17-20-3(d), and any person employed outside of the United States, as defined in § 17-20-3(c) who, except for registration, would be a qualified elector of this state, shall be exempt during the period of his or her service or employment and for two (2) years thereafter from the registration requirements of the Constitution of this state.

[ii] **§ 17-20-6.1 Alternative methods of voting by citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and other citizens residing outside the United States.** – (a) It is the intent and purpose that the provisions set forth in this section are designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), 42 U.S.C. § 1973ff et seq.

(b) The Federal Post Card Application (FPCA) may be used as a request for an absentee ballot by:

(1) A member of the armed forces who is absent from the state by reason of being in active service;

(2) Any person absent from the state in performance of "services intimately connected with military operations" as defined in § 17-20-3(d);

(3) Any person who is employed outside of the United States as defined in § 17-20-3(c); and

(4) Any person who does not qualify under subparagraph (1), (2), or (3) above, but who is a citizen of the United States and absent from the state and residing outside the United States as described in chapter 21.1 of title 17.

(c) The single FPCA card shall permit the person to request an absentee ballot for each primary and election through the next two (2) regularly scheduled general elections for federal office in which the voter is eligible to vote.

(d) The FPCA card must be received by the local board of canvassers where the person last maintains his/her residence for voting purposes within the time frame for applying for absentee ballots as set forth in this title.

(e) If the FPCA, when used in accordance with this section, is sent by the voter through electronic transmission, it must be sent to the secretary of state and it must be received by the secretary of state by the deadline for applying for absentee ballots as set forth in this title. The secretary of state shall then forward the FPCA to the appropriate local authority who shall immediately certify and return the FPCA to the secretary of state with the notation that the corresponding ballots shall be sent by mail and electronic transmission. The secretary of state shall transmit ballots only to the facsimile number provided by the Federal Voter Assistance Program. The ballots sent by electronic transmission shall be returned to the state board by electronic transmission. These ballots will be counted at the state board in accordance with rules and regulations promulgated by the state board.

(f) The voter's signature on the FPCA does not need to be witnessed or notarized, when the FPCA is submitted as provided in this section.

(g) If a voter is casting a mail ballot received through the use of the FPCA card as provided in this section, the voter's signature does not need to be witnessed or notarized on the certifying envelope used for the return of the voted mail ballot.

[iii] See ii

[iv] See ii

[v] **§ 17-20-13 Form of application.** – The application to be subscribed by the voters before receiving a mail ballot shall, in addition to those directions that may be printed, stamped, or written on it by authority of the secretary of state, be in substantially the following form:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS APPLICATION OF VOTER FOR BALLOT FOR ELECTION ON
(COMPLETE HIGHLIGHTED SECTIONS)
NOTE – THIS APPLICATION MUST BE RECEIVED BY THE BOARD OF CANVASSERS OF YOUR CITY OR TOWN NOT LATER THAN 4:00 P.M ON___
BOX A (PRINT OR TYPE)
NAME
VOTING ADDRESS
CITY/TOWN STATE RI ZIP CODE DATE OF BIRTH PHONE#
BOX B (PRINT OR TYPE)
NAME OF INSTITUTION (IF APPLICABLE)
ADDRESS
ADDRESS
CITY/TOWN STATE ZIP CODE
FACSIMILE NUMBER (if applicable)

[vi] **§ 17-20-10.2 Official state blank ballots.** – In the event the official ballot is not available for issuance and mailing forty-five (45) days before a general, primary, or special election, persons applying for a mail ballot under § 17-20-2(7) and persons applying for a mail ballot through the use of the Federal Post Card Application (FPCA) shall be issued an official state blank ballot forty-five (45) days before the election. Additionally, the voter shall be sent the official ballot immediately upon the ballots becoming available. The office of secretary of state shall be responsible for the arrangement, preparation, printing and distribution of the official state blank ballots. The secretary of state shall also be responsible for all accompanying candidate listings to the extent that information is available, instruction sheets, and envelopes.

[vii] See ii

[viii] See ii

[ix] **§ 17-20-6 Alternative methods of voting.** – Any qualified elector who is a member of the armed forces or of the merchant marine of the United States, or who is absent from the state in the performance of "services intimately connected with military operations" as defined in § 17-20-3(c), and any qualified elector of this state exempt from registration under § 17-20-4, shall have the right to vote at his or her option during the period of his or her service and for two (2) years thereafter by any one of the following methods:

(1) If the person is present within the state on the day of any election, that person shall have the right to vote in the manner prescribed in chapter 19 of this title, subject to any other provisions of this chapter.

(2) If the person is absent from the state on the day of any election, that person has the right to vote by absentee ballot in accordance with the provisions of this chapter, upon compliance with its provisions.

(3) The elector may cast an official federal absentee ballot federal write-in absentee ballot "FWAB" in accordance with the laws of the United States.

(ii) The elector may use the "FWAB" to cast a vote for each federal, state and local office for which he or she is entitled to vote in a general, primary or special election.

(4) The elector may also cast an official state blank ballot issued by the office of the secretary of state in accordance with this chapter.

[x] See ii

[xi] See ii

[xii] **§ 17-15-1 Date of primaries.** – A primary election for the nomination of candidates for each political party shall be held in each voting district in the manner provided in this chapter on the second Tuesday after the first Monday in September in each even numbered year.

§ 17-19-7 Local candidates and questions – Certification – Ballots. – The local board of each city or town shall certify to the secretary of state, not later than four o'clock (4:00) p.m. of the third (3rd) day following the last day for the holding of the primary held pursuant to the provisions of chapter 15 of this title, preceding any regular city or town election to be held on the Tuesday next after the first Monday in November in any year, or not later than twenty-nine (29) days before any regular city or town election held at any time other than on the Tuesday next after the first Monday in November in any year, or not later than twenty-nine (29) days before any special city or town election, the offices to be voted for at the election, the names of the candidates for each office and the party name under which the respective candidates were nominated, and any other information necessary to enable the secretary of state to prepare ballots uniform in size, type, color, and appearance with those prepared by the secretary for the state election, and in like manner the local board shall certify to the secretary of state, not later than four o'clock (4:00) p.m. on the ninetieth (90th) day preceding any regular city or town election to be held on the Tuesday next after the first Monday in November in any year, or not later than fifty (50) days before any regular city or town election held at any time other than on the Tuesday next after the first Monday in November in any year, or not later than fifty (50) days before any special city or town election, a copy of each question to be submitted to the electors of the city or town so that suitable ballots may be prepared and furnished for the election.

[xiii] See ii and ix

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