

2020 -- H 7897

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

A N A C T

RELATING TO ELECTIONS -- RESIDENCE FOR VOTING PURPOSES

Introduced By: Representatives McKiernan, Williams, Barros, Jackson, and Craven

Date Introduced: February 26, 2020

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-1-3.1 of the General Laws in Chapter 17-1 entitled "General
2 Provisions" is hereby amended to read as follows:

3 **17-1-3.1. Residence for voting purposes.**

4 (a) A person's residence for voting purposes is his or her fixed and established domicile.
5 The determinant of one's domicile is that person's ~~factual~~ actual physical presence in the voting
6 district on a continuing regular basis, incorporating an intention to permanently reside for an
7 indefinite, not temporary, period and verified by their sworn statement, if requested by the local
8 board of canvassers. This domicile is the place to which, upon temporary absence, he or she has
9 the intention of returning. Once acquired, this domicile continues until another domicile is
10 established. A person can have only one domicile, and the domicile shall not be considered lost
11 solely by reason of absence for any of the following reasons:

12 (1) Employment or service outside of the state intimately connected with military
13 operations or with the federal government, including the spouse and dependents of an elector so
14 employed;

15 (2) Confinement in a correctional facility;

16 (3) Being a patient in a hospital, convalescent home, nursing home or rest home, or like
17 facility; or

18 (4) Attendance as a student at an academic institution, including the spouse and dependents
19 of an elector who is a student.

1 (b) Where a resident owns and/or controls only one property suitable for residential
2 purposes, the ~~The~~ following shall be considered prima facie evidence of a person's residence for
3 voting purposes:

- 4 (1) The address furnished to the division of motor vehicles for the voter's operator's license;
- 5 (2) The address from which the voter's motor vehicle is registered;
- 6 (3) The address from which the voter filed his last federal income tax return;
- 7 (4) The address from which the voter filed his last state income tax return;
- 8 (5) The address furnished to the companies from which the voter has obtained retail credit
9 cards;
- 10 (6) The address furnished to the financial institutions where the voter maintains accounts;
- 11 (7) The address furnished to the tax collector and/or assessor in those communities where
12 the voter owns taxable real or personal property for the purpose of notification to him or her;
- 13 (8) The address furnished to the insurance companies with which the voter maintains
14 policies;
- 15 (9) The address furnished to the voter's employer;
- 16 (10) The address furnished by the voter to any business, professional, union, or fraternal
17 organizations of which he or she is a member;
- 18 (11) The address furnished to governmental agencies with which the voter has contact;
- 19 (12) The address of a hospital, convalescent home, nursing home or rest home, or like
20 facility at which the voter has been a patient or resident for the preceding thirty (30) days or longer;
- 21 (13) The address furnished to the United States postal service on a change of address form
22 as verified by the United States postal service.

23 (c) Where a resident owns and/or controls more than one property suitable for residential
24 purposes, those items listed in subsection (b) of this section may be considered as only suggestive
25 evidence of a person's residence for voting purposes.

26 (d) Where a resident owns and/or controls more than one property suitable for residential
27 purposes, the following shall be considered prima facie evidence of a person's residence for voting
28 purposes:

29 (1) With respect to the stated voting address and each property suitable for residential
30 purposes, owned or controlled by the resident; the volume, not the content, of phone or computer
31 traffic associated with any landline or Internet connection associated with said address, for a period
32 not to exceed twenty-four (24) months;

33 (2) The location of cell towers associated with any cell phone used by the subject voter,
34 not to include specific telephone numbers or content of communications for a period not to exceed

1 twenty-four (24) months;

2 (3) The items listed in subsection (b) of this section as they pertain to other properties
3 owned or controlled by the prospective voter;

4 (4) Credit card statements from the subject voter, redacted in part, showing only dates and
5 places where charges were made, not to exceed twenty-four (24) months;

6 (5) Bank records from the subject voter, redacted in part, showing only dates and places
7 where charges were made, not to exceed twenty-four (24) months; and

8 (6) With respect to the stated voting address and each property suitable for residential
9 purposes owned or controlled by the resident; insurance information including, name of insureds;
10 nature of coverage, and nature of claims made for a period not to exceed forty-eight (48) months.

11 (e) A person who owns or controls more than one property suitable for residential purposes
12 shall be obligated to furnish or allow access to evidence in subsection (d) of this section only if
13 there continues to exist a credible question as to their residence, after they have submitted a sworn
14 statement identifying their permanent residence. Nothing in subsection (d) of this section shall
15 require the dissemination of the detailed substance of any communication or computer search, or
16 the identities of the subjects of any communication or search. All financial data shall be redacted
17 from any statements, and the statements shall be used solely to identify the dates and places of
18 transactions. Local boards of canvassers may adopt rules, whereby costs of gathering materials
19 associated in any investigation will be imposed on a losing party. A voter found to be falsely
20 claiming residence shall be a losing party. Any citizen filing a letter, request, complaint or similar
21 document with the board, seeking an investigation of a voter's claimed residency, may also be
22 considered a "party."

23 (f)(1) For purposes of this section, "control" means that a property is:

24 (i) Actually controlled by the subject resident;

25 (ii) Owned in whole or part by the subject resident or by a family member or relative of
26 that resident;

27 (iii) Owned by a business entity that is owned in whole or part by the subject resident or
28 by a family member or relative of that resident;

29 (iv) Under lease, contract or other legal obligation, including a life estate, for the benefit of
30 the subject resident or for the benefit of a family member or relative of that resident; or

31 (v) Under lease, contract or other legal obligation, including a life estate, for the benefit of
32 a business entity that is owned in whole or part by the subject resident, a family member or relative
33 of that resident.

34 (2) "Property suitable for residential purposes" means any house, apartment,

1 [condominium or other similar property.](#)

2 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO ELECTIONS -- RESIDENCE FOR VOTING PURPOSES

1 This act would clarify the definition of "domicile" for the purposes of voting, especially
2 with regard to prospective voters who own more than one residential property, by identifying
3 specific relevant and critical documentary evidence and information.

4 This act would take effect upon passage.

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