

**RULES AND REGULATIONS ADOPTED
BY THE SECRETARY OF STATE
PURSUANT TO TITLE 17, CHAPTER 28
OF THE RHODE ISLAND GENERAL LAWS ENTITLED
“ADDRESS CONFIDENTIALITY FOR
VICTIMS OF DOMESTIC VIOLENCE”**

The Secretary of State has promulgated the within rules and regulations relating to address confidentiality for victims of domestic violence pursuant to and in accordance with the provisions of section 17-28-8 of the Rhode Island General Laws of 1956, as amended.

Said rules and regulations are established pursuant to the Administrative Procedures Act (R.I.G.L. Section 42-35-1, et seq.) and are available for public inspection, submissions, or requests at the Office of the Secretary of State, Administrative Records, State House, Room 208, Providence, Rhode Island.

Purpose

The following rules and regulations are adopted in order to enable victims of domestic violence to participate in the electoral process by providing address confidentiality.

Application filed in the Office of the Secretary of State

An adult person who is a victim of domestic violence, as defined in section 17-28-2 (c) of the Rhode Island General Laws, is eligible to make application to the Office of the Secretary of State, Elections Division (hereinafter sometimes in these rules and regulations referred to as the “Elections Division”) to enroll in the Address Confidentiality Program for Victims of Domestic Violence for the purpose of participating in the electoral process. Application must be made on the form provided by the Elections Division.

A voter registration form prepared by the Rhode Island State Board of Elections shall be attached to the application and must also be completed by the applicant. The home address listed on the voter registration form shall be the participant’s actual place of residence; the mailing address listed on the voter registration form shall be the address designated by the Elections Division pursuant to these rules and regulations.

Requests for Applications

Applications may be obtained from the Office of the Secretary of State, Elections Division, 148 West River Street, Providence, RI 02904. Applications may be obtained in person or by mail upon request to the Elections Division.

The secretary of state shall also name state and local agencies and non-profit agencies that provide counseling and shelter services to victims of domestic violence as designated sites for victims of domestic violence to obtain applications. This list may be updated as agencies are brought to the attention of the secretary of state.

The Elections Division shall provide each agency with a supply of applications and return envelopes as well as a copy of these rules and regulations and any other instructional materials that the secretary of state may deem appropriate.

Application made at Counseling and Shelter Services

If any individual or representative of any office designated in writing under section 17-28-6 assisted in the preparation of the application, this individual or representative must sign the application where indicated.

Completed applications must be delivered to the Office of the Secretary of State, Elections Division, 148 West River Street, Providence, RI 02904 in a sealed envelope which is clearly marked "Attention: ACP".

Agencies assuming the responsibility for the delivery of the application to the Elections Division must deliver the application within seven (7) days of completion.

Determination of Residence Address

The applicant shall list the address of actual residence on the application. This shall be the address used by the Elections Division for routing the application to the appropriate local board of canvassers for the purpose of determining the appropriate ballot or ballots to be provided to the voter.

Determination of Designated Address for Mailing Purposes

The applicant shall also designate a mailing address where mail associated with the electoral process can be received. It is the address where the participant's mail ballot application, actual ballot, and other related voting materials will be sent. The mailing address provided by the program participant would be the address deemed designated by the secretary of state for the particular program participant pursuant to section 17-28-3.

In the event that the program participant does not wish to or is unable to provide a mailing address, the secretary of state will designate a mailing address. Accordingly, the address designated by the secretary of state as the person's mailing address pursuant to section 17-28-3 shall be the Office of the Secretary of State, Elections Division – "ACP", 148 West River Street, Providence, RI 02904. In these cases, the Elections Division will contact the program participant by phone to advise that election related mail is being held for him or her at 148 West River Street.

Determination of Eligibility of Applicant

The Elections Division shall review each application and shall contact the appropriate court as listed on the application to verify the issuance of the restraining order or no contact order. The applicant must also attach a copy of the order to the application.

Certification as a Program Participant

Upon finding that the application is properly completed and that the applicant is eligible to participate in the program, the Elections Division shall certify the individual as a program participant for a period of four (4) years from the date of filing unless the certificate is withdrawn or invalidated before that date.

Notice of acceptance into the program shall be sent to the participant at the mailing address listed on the application. Notice shall also include terms and conditions of participation in the program, an explanation of the procedures and methods of voting available, and the date of expiration of the certificate.

The Elections Division shall forward the completed voter registration card to the appropriate local board of canvassers with a cover letter explaining the procedures to be followed. The original application shall be kept on file at the Elections Division.

Maintenance of Records by Local Board of Canvassers

The local board of canvassers shall maintain all registrations pertaining to program participants in a separate file maintained in a location which is not accessible to the public. Access to such separate file shall be expressly limited to local board of canvasser employees. The local board of canvassers shall not include the name or the address of a program participant in any list of registered voters available to the public. The board of canvassers may not make the participant's address contained in voter registration records available for public inspection or copying except as permitted under section 17-28-5.

Disclosure of Residence Address and Mailing Address

The actual residence address and mailing address of a program participant cannot be disclosed other than as set forth in section 17-28-6 of the Rhode Island General Laws.

Voting in Person on Election Day

The program participant may vote in person by going to the local board of canvassers in the city or town in which he or she resides and obtaining a temporary certificate of registration on election day. The local board shall prepare such temporary certificate of registration in accordance with regulations set issued by the State Board of Elections. The local board will direct the voter to the appropriate polling place within the city or town. The voter shall present the certificate to the warden at the polling place where he or she will be allowed to vote.

Voting By Mail Ballot

The program participant may vote by mail ballot by requesting a mail ballot application from the Elections Division. The participant shall receive a mail ballot application, an envelope addressed to the appropriate local board of canvassers, and instructions on the information to be provided on the mail ballot application. This instruction sheet will include instructions on applying for a mail ballot including, but not be limited to, the following:

- (1) Filling out the mail ballot application using the designated address in lieu of registered address on the application;
- (2) Checking off category #1 and print “ACP” in the space provided for location; and
- (3) Entering the designated address as the mailing address under category #1.

The applicant must return the completed application to the appropriate local board of canvassers in the envelope pre-addressed and provided by the Elections Division.

The local board of canvassers shall process and certify such applications. The local board shall print “ACP” as well as the district number in the space provided in the top right hand corner of the mail ballot application. The application and accompanying certification sheets must be sent to the Elections Division separate from any other mail ballot applications in a sealed envelope marked “Attention: ACP” in the same manner and time frame as all other certified mail ballot applications. Names of program participants voting by mail ballot shall not be made public or included in any public list of mail ballot voters.

Issuance of Ballot

The Elections Division shall process the mail ballot application and send the mail ballot to the program participant at the mailing address provided on the address confidentiality application. The ballot sent to the program participant shall be the ballot that corresponds to the residence address of the program participant. The Elections Division shall print “ACP” as well as the district number on the inner-certifying envelope. The return envelope provided to the program participant and addressed to the state board of elections shall include the notation “Attention: ACP”.

Board of Elections Notification

The Elections Division shall maintain a confidential listing of persons participating in the address confidentiality program. The listing shall contain the name of the voter, the actual residence address, the designated mailing address, and the congressional, senatorial, representative, and local district information of the person’s residence address.

Twenty (20) days prior to any primary or election, the Elections Division shall forward a sealed envelope containing the list of persons participating in the address confidentiality program, and voting by mail ballot in said election, to the Chairman of the Rhode Island State Board of Elections. Said envelope shall be opened only if requested by a law enforcement agency or if directed by a court order as set forth in section 17-28-6. If not opened in accordance with section 17-28-6, the board of elections shall return the sealed envelope to the Elections Division upon certification of the election results.

Tabulation of Ballots Cast by Program Participants

Voted mail ballots shall be certified and tabulated in a manner to maintain address confidentiality in accordance with rules and regulations set forth by the board of elections.

Re-certification and/or Removal from the Program

At the conclusion of the four (4)-year certification, the participant must reapply to the Elections Division in order to be eligible to participate in the program. The Elections Division shall send notice to the program participant ninety (90) days prior to the expiration of the four (4)-year certification.

The Elections Division shall cancel the certification of a program participant if mail sent to the designated address is returned as undeliverable, or if material information on the application is found to be false. The certification shall also be canceled if the program participant obtains a name change, or if the program participant moves without providing the Secretary of State with seven (7) days prior notice. The Elections Division shall immediately send such notice of cancellation to the program participant. If the notice of cancellation is returned as undeliverable, then it shall be retained as part of the file and the return notice shall be deemed to have been given.

Board of Elections Rules and Regulations

This rules and regulations must be read and interpreted in conjunction with the board of elections rules and regulations adopted pursuant to section 17-28-8.