

2010 -- H 7788

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

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A N A C T

RELATING TO ELECTIONS - GENERAL PROVISIONS

Introduced By: Representatives MacBeth, Carnevale, Brien, and Driver

Date Introduced: February 25, 2010

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.** -- (a) A person's residence for voting purposes  
4 is his or her fixed and established domicile. The determinant of one's domicile is that person's  
5 factual physical presence in the voting district on a regular basis ~~incorporating an intention to~~  
6 ~~reside for an indefinite period~~ and that the person actually physically resides therein more than  
7 fifty percent (50%) of the time. This domicile is the place to which, upon temporary absence, he  
8 or she has the intention of returning. Once acquired, this domicile continues until another  
9 domicile is established. A person can have only one domicile, and the domicile shall not be  
10 considered lost solely by reason of absence for any of the following reasons:

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

14 (2) Confinement in a correctional facility;

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

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

19 (b) The following shall be considered prima facie evidence of a person's residence for

1 voting purposes:

2 (1) The address furnished to the division of motor vehicles for the voter's operator's  
3 license;

4 (2) The address from which the voter's motor vehicle is registered;

5 (3) The address from which the voter filed his last federal income tax return;

6 (4) The address from which the voter filed his last state income tax return;

7 (5) The address furnished to the companies from which the voter has obtained retail  
8 credit cards;

9 (6) The address furnished to the financial institutions where the voter maintains  
10 accounts;

11 (7) The address furnished to the tax collector and/or assessor in those communities  
12 where the voter owns taxable real or personal property for the purpose of notification to him or  
13 her;

14 (8) The address furnished to the insurance companies with which the voter maintains  
15 policies;

16 (9) The address furnished to the voter's employer;

17 (10) The address furnished by the voter to any business, professional, union, or fraternal  
18 organizations of which he or she is a member;

19 (11) The address furnished to governmental agencies with which the voter has contact;

20 (12) The address of a hospital, convalescent home, nursing home or rest home, or like  
21 facility at which the voter has been a patient or resident for the preceding thirty (30) days or  
22 longer;

23 (13) The address furnished to the United States postal service on a change of address  
24 form as verified by the United States postal service.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO ELECTIONS - GENERAL PROVISIONS

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1           This act would require actual physical residence more than fifty percent (50%) of the  
2 time within the voting district to establish residence for voting purposes.

3           This act would take effect upon passage.

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