

**Testimony on behalf of ACLU of Rhode Island, Alliance of Rhode Island Southeast Asians for Education, Clean Water Action Rhode Island, Common Cause Rhode Island, Latino Policy Institute, League of Women Voters of Rhode Island, NAACP Providence Branch, Planned Parenthood of Southern New England, Rhode Island Coalition Against Gun Violence, Rhode Island Coalition for the Homeless, Rhode Island Commission for Human Rights, Rhode Island Democratic Women’s Caucus, Rhode Island Latino PAC, Rhode Island Working Families Party, Sunrise Providence, Women’s Fund of Rhode Island, The Womxn Project.**

Last week our organizations testified against S 2598, a bill that would have severely limited access to the ballot for qualified voters during the height of an unprecedented global pandemic. The specific objections we raised with the emergency mail ballot process are satisfied by S 2598 Substitute A. However, this new emergency mail ballot process only helps one type of voter—those who wish to cast a ballot in person prior to election day. The General Assembly must also make voting both safe and healthy for all voters, particularly for those who wish, or need, to cast ballots by mail.

This legislation creates a parallel process for voters to cast an emergency mail ballot. If the voter chooses, they can fill out an emergency mail ballot application on an electronic poll book and vote a regular ballot that they will then place directly into the tabulator. This provides significant relief to election administrators. It also maintains the 20-day period for voting by emergency mail ballot, preserves the current system for voters who cannot make it to the board of canvassers to vote their ballot, and eliminates the discretion of the Board of Elections to alter the reason the voter must provide for voting an emergency mail ballot.

But this new process for emergency mail ballots does nothing to help the vast majority of voters who, to protect themselves from contracting COVID-19, are expected to vote by mail. The General Assembly should take immediate steps to facilitate a primarily mail ballot election, as is being done throughout the United States, and as was done for the Presidential Preference Primary (“PPP”) on June 2nd. The Secretary of State has shown that for the PPP, 99% of voters 96 or older, 94% of voters 75 or older, and 88% of voters 56 or older voted by mail. The age groups most ravaged by the COVID-19 pandemic chose to keep themselves safe by using mail ballots and the General Assembly should make sure they have equal access to those ballots this fall.

The legislature is leaving in place the requirement that a voted mail ballot be accompanied by the signatures of two witnesses and/or a notary public. It is also leaving in place the deadline of 8 p.m. on election night for mail ballots to be returned to

the Board of Elections or not be tabulated, despite learning the significant disenfranchising consequence of that policy when it was left in place for the PPP.

Based on the experience from the PPP on June 2nd, our groups believe that without those changes, thousands of people will be disenfranchised on September 8th and November 3rd. For the PPP, Governor Gina Raimondo waived the statutory requirement for the signatures of two witnesses and/or a notary public. 62% of households contain two or fewer people, meaning that unless there is a notary in the household, they would need to interact with someone outside of their household to successfully vote a mail ballot.

More than 100,000 Rhode Island voters successfully cast their votes using a mail ballot because of those changes. As we are seeing with voters in states across the nation, when given the opportunity to safely vote by mail, most Rhode Island voters chose that option during the current pandemic. We need to provide equal access to mail ballots for the fall elections.

We also know from the PPP that over 2,800 ballots were not counted because they arrived by mail after 8 p.m. on June 2nd. The General Assembly should amend the law to allow for all ballots that arrive by mail the day after the election to be counted, and that are postmarked by Election Day and arrive within three days of the election. Voters should not be disenfranchised because the Postal Service took too long to deliver a ballot.

The eligible voters of Rhode Island deserve the opportunity to cast their ballot safely by mail, during an early voting period, or on Election Day. This legislation makes improvements to just one of those three types of voting. Why is the General Assembly doing more to help gamblers who wish to bet on sports safe from the coronavirus than voters who wish to exercise their fundamental right to vote? By only addressing the emergency mail ballot process the Assembly is ignoring the health and safety of the majority of voters in Rhode Island.

We strongly urge the Judiciary Committee to take up H 7200 Sub A, a bill that takes additional steps to safeguard the health and safety of voters during the pandemic.