

September 24, 2020

The Honorable Gina M. Raimondo  
Governor of Rhode Island  
State House  
Providence, RI 02903

Diane Mederos  
Chair, Rhode Island Board of Elections  
200 Plainfield Pike  
Cranston, RI 02921

Dear Governor Raimondo and Chair Mederos:

Our organizations write today with an important request of a change in policy for handling late-arriving mail ballots. This change, if enacted, will potentially save thousands of voters from being disenfranchised in the upcoming general election.

Our organizations ask that Governor Raimondo issue an executive order waiving the statutory deadline in R.I.G.L. § 17-20-16 that only allows mail ballots received by 8 p.m. on Election Day to count. In its place we ask that the state Board of Elections adopt a policy to count ballots received by November 6th that are postmarked by November 3rd, and to count any ballots received by mail that arrive on November 4th.

Currently sixteen (16) states from Alaska to Wisconsin have policies allowing ballots that are postmarked by November 3rd to count if received after Election Day. Of those 16, at least six have adopted the policy as a result of the COVID-19 pandemic. Based on the results of Rhode Island's June 2nd Presidential Preference Primary and September 8th Statewide Primary we expect that a significant number of ballots will arrive too late to be counted under the current statute.

According to the Board of Elections they received 105 ballots after the close of polls on September 8th that were postmarked by Election Day. By their own estimates they expect to receive up to ten times the number of mail ballots for November 3rd, meaning over 1,000 potential disenfranchised voters. We expect that number to possibly be significantly higher because so many voters will be using mail ballots for the first time.

Rhode Island already has a similar policy for military and overseas ballots cast under R.I.G.L. § 17-20-6.1. Those ballots are counted if they are received--regardless of whether they have a postmark--within three (3) days of the primary and seven (7) days of the general election. We ask that in-state voters receive a similar accommodation.

By counting only ballots that arrive by mail the day after Election Day, or that are clearly postmarked by that day, it ensures that no impermissible late voting occurred. As the

Postmaster of Rhode Island testified before the Board of Elections earlier this year, no mail is delivered the same day it is sent. Such a policy will honor voters' exercise of the franchise and compensate for the well-documented delays in mail service that are fault of the voter.

Through executive order, Board policy, and litigation, Rhode Island has taken significant steps to provide voters a variety of options to vote safely during the COVID-19 pandemic. Now we ask you to take one more step to make sure all legitimately-cast votes are counted.

Sincerely,

ACLU of Rhode Island  
Alliance of Rhode Island Southeast Asians for Education (ARISE)  
CaneWalk  
Clean Water Action Rhode Island  
Common Cause Rhode Island  
Formerly Incarcerated Union of Rhode Island  
Latino Policy Institute  
League of Women Voters of Rhode Island  
NAACP Providence Branch  
National Council of Jewish Women Rhode Island  
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

cc: The Honorable Nellie M. Gorbea, Secretary of State  
David Ortiz, Chief of Staff, Office of the Governor  
Robert Rapoza, Executive Director, Rhode Island Board of Elections  
Rob Rock, Director of Elections, Department of State