



128 DORRANCE STREET, SUITE 400
PROVIDENCE, RI 02903
401.831.7171 (t)
401.831.7175 (f)
www.riaclu.org | info@riaclu.org

**TESTIMONY ON ELECTION BILLS
S-316, S-323, S-326, S-474, S-486, S-487, S-488, S-588, S-611, AND S-631
BEFORE SENATE JUDICIARY COMMITTEE
March 21, 2019**

S-316. SUPPORT. S-316 would give employees the ability, with advance notice, to take two hours of paid leave during election day in order to vote. This would help address the legitimate obstacles that some employees face in being able to get to the polls due to their work schedules. While the polls may be open for 13 hours, many employees in today's work environment have two or more jobs or significant child care responsibilities. Obtaining an absentee ballot may not be practical. This minor accommodation would be extremely helpful in ensuring that workers have the opportunity to exercise their fundamental right to the franchise.

S-323. SUPPORT. This bill would allow candidates to use campaign funds for child care expenses. Presently, candidates for office can use their campaign funds for such things as travel, food and beverages, and even purchases of graduation and marriage gifts. Under the circumstances, it is impossible to make an argument against including child care expenses in that list. The balancing of family and politics is always difficult, but it is a particularly significant burden on women candidates. As a matter of fundamental fairness, the ACLU urges passage of this bill.

S-326. SUPPORT. This bill would eliminate the current requirement that the names of endorsed candidates appear first on primary ballots. Those candidates also have an asterisk placed next to their name on the ballot, and while that beneficial hint may not be improper, there is no compelling reason to also give endorsed candidates the advantage of additionally being first on the ballot. We therefore support having the order listing of all primary candidate names chosen by lot.

S-474. AMEND. This bill would expand the Board's ability to consolidate polling places for certain elections. In order to do so, however, we believe some conditions should be included in the legislation to help guide the Board's discretion. Specifically, there should be objective standards in place for the Board to use in making decisions to consolidate polling locations, including an express maximum number of voters allowable in any combined polling place. In addition, we believe that the notification to voters whose polling location is being changed as a result of such a consolidation should include more than a newspaper advertisement.

S-486, S-487, S-488. OPPOSE. Each of these bills would make it harder for individuals to make use of the mail and/or emergency ballot process. Because some of the voters making use of this process include vulnerable members of the population, such as the elderly and individuals

with disabilities, any such efforts are troubling. As the rest of our testimony indicates, we believe the legislature should be removing, not adding, barriers to voting. We therefore strongly oppose these bills.

S-588. Presently, there is no enforceable law governing access to voter lists. The one that appears on the books – and that this bill amends – was ruled unconstitutional a few decades ago and never revised. S-588 would address this by establishing a process for third parties to obtain voter information and setting out the specific information that would be available. There has been some controversy over the Secretary of State's decision, as codified in this bill, to release only the year of a voter's birth rather than their entire birthdate. The ACLU recognizes there are legitimate and competing interests between a voter's right to privacy and the public's right to know. On balance, the ACLU believes that, in an age of widespread identity theft where easy access to a person's birthdate along with other provided information can too easily be used for illicit purposes, this restriction is appropriate. We therefore support this specific limitation in providing voter record information in bulk to requesters.

S-611. SUPPORT. This proposal would allow expired driver's licenses and ID cards to be accepted as photo ID if the card expired within the previous six months. Since even an expired license serves the purpose of identifying the person, which is the only intention of voter ID, we support this change – along with any others that would expand the universe of acceptable identification for this purpose.

S-631. SUPPORT AND AMEND. This bill would establish an in-person early voting process twenty days before election day. The ACLU strongly supports this concept, as we believe that early voting is a key way of increasing the ability of the public to exercise the franchise. The long lines that await some voters at polling places during general elections confirm the utility of this approach, which a majority of states have already adopted in one form or another. We particularly applaud the fact that this bill, in order to best promote its goal, contains provisions for early voting periods that include weekends. For that reason, the ACLU much prefers this version of early voting to that proposed by the Board of Elections in **S-482**.

However, in order to ensure that the standards for implementing early voting are both clear and transparent, we urge that the legislation require the Board of Elections to implement the program through the Administrative Procedures Act. Presently the Board is not subject to the APA's rule-making requirements. It is virtually the only major state agency exempt from those provisions. As a result, the Board can adopt regulations affecting the voting process without having to go through a public notice or hearing process. There is no legitimate rationale for exempting such an important agency from this oversight process, especially on such a key issue as this; we therefore urge an amendment to address this by adding on Page 4, at the end of line 12, the words "in accordance with the rule-making provisions of the Administrative Procedures Act." We note that the General Assembly has done this before – most prominently, in requiring the Board to follow the APA when implementing the Help America Vote Act. See R.I.G.L. §17-7-5(f).