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TESTIMONY IN SUPPORT OF 18-H 7342, RELATING TO VOTER ID

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The ACLU strongly supports this legislation, which would repeal the Voter ID law that took effect in 2012. We believe that passage of the law was a step backward in the long and continuing struggle for voting equality.

Leaving aside the many policy arguments for repealing the voter ID law, it is important to note the practical argument as well: although no person in Rhode Island in recent memory has been criminally charged with voter impersonation fraud, the implementation of the voter ID law has clearly impacted the legitimate voting rights of some residents.

A number of voter ID proponents, in pushing for passage of voter ID, claimed that residents were sure to have one of the acceptable forms of required identification under the law. But the Secretary of State's office had to issue over 900 free voter identification cards in 2012. This did not eliminate the problem of voters arriving at the polls without identification. In fact, for the 2012 election season, the Secretary of State's office reported that 190 voters requested provisional ballots solely because they lacked an acceptable form of voter identification.

In elections since the adoption of voter ID, we have had poll monitors routinely see people improperly denied the right to vote because of this law. Reports we have issued after the 2012 and 2016 elections provide anecdotal evidence of the problems caused by this law. To give just a few examples:

* In Smithfield during the 2012 primary election, an ACLU poll monitor witnessed one voter turned away for lack of identification. Because she arrived shortly before the polls closed, she did not return with acceptable ID and thus never got to vote.

* In Providence, a voter without ID was allowed to cast a provisional ballot, but was wrongly told he had to go to the Board of Canvassers the following day, with identification, in order to have his vote count.

* In Warwick, a voter was turned away not because he did not have identification, but because he refused to present it. This voter was denied a provisional ballot, and wrongly told that such ballots were available only to those *unable* to present identification.

* An elderly Hispanic voter, suffering with a broken foot, was disenfranchised in Providence when poll workers told him that his Rhode Island driver's license was not a valid form of identification because the address did not match his address on the voter rolls. The poll worker manual specified that the address on photo identification was not required to match the address on file in the voter rolls. He was not given a provisional ballot, and so returned home to obtain proof of

his residency. However, it was learned in follow-up contact with this resident that, suffering from continued pain related to his fractured foot, he was unable to return to the polling place and never cast his vote.

Anecdotal evidence from other advocacy organizations and individuals indicates voters ran into similar problems elsewhere as well. Phone bank volunteers in 2012 reported voters turned away for lack of identification and not offered provisional ballots. The same scenarios played out in 2016.

A key element in the state's voter ID law, and one that has made it less susceptible to legal challenge than the laws of many other states, is its so-called fail-safe provision: anybody not presenting authorized ID at the polls is supposed to be offered a provisional ballot which they can fill out. If the signature on the ballot application matches that on the voting rolls, the ballot is counted just like one cast at the polling place. But as in 2012, we continued to see in 2016 – the first Presidential election when photo ID was required of voters – that this fail-safe is sometimes ignored by poll workers.

In Warwick, for example, an elderly woman was turned away for lack of identification and was not offered a provisional ballot at all. After the woman left very upset, the ACLU poll monitor spoke to the moderator about the issue at hand. The moderator then spoke to the poll worker who had rejected the woman and informed him that such voters should be provided provisional ballots. However, for that specific voter, and anyone else before her, this inexcusable lack of knowledge on the poll worker's part caused them to lose their right to vote.

Similarly, in at least one polling location in Providence, people without acceptable identification were not being told about their right to receive a provisional ballot. The supervisor who was approached about the issue by the ACLU poll monitor became argumentative and defensive. The monitor had to show the supervisor the state-prepared signs posted right at the polling place that highlighted the provisional ballot requirement. Only then did the supervisor make sure to inform the other poll workers about it in order to prevent future incidents.

Considering the absence of any prosecutions in recent memory for voter identification fraud in Rhode Island, and in light of the incidents of voters without ID being denied provisional ballots, it is clear that voter ID has created more issues than it solved. What cannot be documented is the number of voters who, because of voter ID, did not even attempt to cast their vote.

However it is implemented, it is clear that voter ID requirements will have a disproportionate and unfair impact on the poor, racial and ethnic minorities, senior citizens and voters with disabilities. It is further worth noting that, over the years, the most consistent cries of voting misconduct in Rhode Island have arisen in the context of absentee ballots or people voting from places other than their actual residence, something that is not in any way addressed by a polling place ID requirement. Instead, the new law has erected a completely unnecessary barrier to voting.

The ACLU therefore wholeheartedly supports this law's repeal.