

**TESTIMONY IN OPPOSITION TO 20-H 7901A,  
RELATING TO ELECTIONS – REGISTRATION OF VOTERS  
June 10, 2020**

This bill would lower from 1,000 to 500 the number of signatures a candidate for U.S. Senator would need to obtain to qualify for the ballot this year, and similarly halve from 500 to 250 the number of signatures necessary to run for the U.S. House of Representatives. While the ACLU appreciates what is behind these amendments – a recognition that steps must be taken to address the importance of social distancing during the Covid-19 pandemic – the legislation fails to meaningfully tackle the issue by being so limited in its scope and solution. We therefore urge an extensive overhaul of this proposal so as to promote the public health.

Under current law, signatures must be gathered through one-to-one physical contact. A person collecting and submitting signatures must aver under oath that they were witnessed in his or her presence. Thus, signature gathering cannot be performed without violating social distancing standards. However, the ACLU firmly believes that residents of Rhode Island should not be forced to choose between protecting their health and exercising their right to participate in the electoral process.

While the number of signatures to be nominated for certain offices appears low (100 for state senate; 50 for state representative), it is important to emphasize that those signatures must consist of registered voters from the district in which the candidate is running. Further, as you know, it is common practice for candidates to obtain many more signatures than required to mitigate against signatures that end up being disqualified. The statutory process therefore requires contact with persons far in excess of the number of signatures required, making even a seemingly small number of required signatures a huge burden in terms of undermining social distancing best practices.

Further, consider candidates who are immunocompromised or over the age of 65 and thus at high risk of serious illness or death if they contract the virus. Consider a candidate who works in the health care profession worried about being pre-symptomatic in light of their constant contact with infected patients and who is legitimately concerned about engaging in close contact with hundreds of people outside their work to gather signatures. Consider a candidate with small children who is running for office in an urban community with an extremely high prevalence of Covid-19. They all face the impossible choice of risking infection to themselves, their families, or the voters they reach out to in order to collect signatures.

Merely reducing the number of signatures required for the two particular offices with the highest signature requirements, as H-7901A does, thus accomplishes little in terms of protecting

the public health. Failure to act on behalf of *all* candidates may place their health and safety – and those of interested voters – in jeopardy.

Not surprisingly, this issue has cropped up elsewhere in recent months, and it has been proactively addressed by executive agencies, legislatures or the courts in some states in a manner far more conducive to public safety than H-7901A proposes. For example, Florida, New Jersey, and Utah have allowed nomination petitions to be signed and verified electronically, and Vermont has entirely suspended its signature requirements for elections in 2020.

The ACLU of Rhode Island believes that a combination of reducing the number of signatures required to qualify to appear on the ballot for *any* race, not just federal office, *along with* allowing signatures to be collected remotely and verified by signature matching, balances the state's interest in ensuring only "serious" candidates appear on the ballot while not unnecessarily exposing to infection persons engaged in the signature collection process or providing signatures.

The current signature collection standards in state law might not seem that onerous in normal times. But these are not normal times. We therefore urge that this legislation be expanded to institute broader one-year-only common-sense modifications to the ballot nomination processes in response to the Covid-19 pandemic, by both reducing the number of signatures required to appear on the ballot for any office and by allowing for electronic signatures.

We thank you for considering our views.