

Testimony on H 8102 Sub-A and H 7200 Sub-A

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 Latino PAC, Rhode Island Working Families Party, Sunrise Providence, Women's Fund of Rhode Island, The Womxn Project.

Last week our organizations testified against H 7896, 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 as envisioned in H 7896 are satisfied by H 8102 Sub-A. We also urged you to take additional steps to facilitate voting by regular mail ballots. The new legislation before you, H 7200 Sub-A, addresses most of our concerns regarding the availability of regular mail ballots. Our groups enthusiastically support both bills, but only if they are passed together, and after consideration of several changes we suggest. Separately they do not do enough to ensure that eligible voters have enough options to safely cast their ballot during the COVID-19 pandemic.

H 8102 Sub-A 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. In other words, it provides a good option for voters wishing to cast their ballot in-person in advance of Election Day.

Now H 7200 Sub-A has emerged making important changes to the regular mail ballot process that are largely consistent with how the June Presidential Preference Primary was conducted. It requires the Secretary of State to send mail ballot applications to all eligible voters for both the September primary and November general elections as she did for the Presidential Preference Primary ("PPP"). It waives the requirement that the voter obtain the signature of two witnesses or a notary public on the mail ballot oath envelope. It centralizes the process for qualifying the mail ballot. And it requires the installation of secure drop boxes to receive mail ballots throughout the state. In other

words, it provides a good option for voters needing to cast their ballot without visiting a polling place on or before Election Day.

Sending mail ballot applications with postage-paid return envelopes is critical for making sure that voters are not disenfranchised during the pandemic. The decision to send applications for the PPP shifted the proportion of voters who chose the mail ballot option from less than 5% in 2016 to more than 80% in 2020. Waiving the requirement for witness or notary signatures eliminates the need for voters to interact with people outside their household and was also done for the PPP. We know that 62% of households contain two or fewer people. By reassigning the process of qualifying mail ballots, this legislation mitigates a potential administrative bottleneck. By requiring drop boxes throughout the state, which are used by a majority of voters in many states that vote primarily by mail and which were very successfully deployed in the PPP, it allows the voter to be certain their voted ballot will be received by the Board of Elections in time.

Based on the experience of the PPP and states that have successfully transitioned to primarily vote by mail, we have two additional suggestions. We 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 H 7200 Sub-A to allow for all ballots that arrive by mail the day after the election, or that are postmarked by Election Day and arrive within three days of the election, to be counted. Voters should not be disenfranchised because the Postal Service took too long to deliver a ballot.

While we believe that drop boxes are an important component of a successful voting system, we recognize that not all communities are the same. More populous communities, and those communities whose residents are more likely to rely on mass transit, should logically have more drop boxes. Let's make sure that what zip code a voter lives in doesn't determine how easy, or hard, it is for them to cast 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. Together, these bills go a long way to making sure every Rhode Islander, no matter how they want to cast their ballot, can do so safely.

We strongly urge the House Judiciary Committee to support H 8102 Sub-A and H 7200 Sub-A, with our additional suggestions, and send them to the full House.