



March 25, 2020

The Honorable Nellie M. Gorbea
State House
82 Smith Street
Providence, RI 02903

Chairwoman Diane Mederos
Rhode Island Board of Elections
2000 Plainfield Pike
Cranston, RI 02921

Dear Secretary Gorbea and Chairwoman Mederos:

We write concerning changes being made to elections due to the COVID-19 pandemic. Our groups have recommendations regarding needed changes to ensure that all qualified voters can cast a ballot and make sure it is counted correctly.

Press reports indicate that you intend to send mail ballot applications to all registered voters. We ask that you send those applications to both active and inactive voters. The deadline for receipt of those applications should be extended. Furthermore, we ask that the application be provided in English and Spanish, at least for all voters in communities covered by Section 203 of the Voting Rights Act. The burden for rejecting mail ballot applications should be high.

We ask that you prepare contingencies for allowing voters to apply for and vote emergency mail ballots. Currently many city and town halls are closed, the location where emergency mail ballots are typically processed. Each municipality should submit to the Board a plan for how

they will make emergency mail ballots available in keeping with any guidance from state or local health officials.

Because we do not know how the Postal Service will be operating in June, we ask that you extend the deadline for the receipt of absentee ballots and emergency mail ballots delivered by mail, and require them to be counted as long as they are postmarked on or before election day. The return envelope for both the absentee ballot applications and voted ballots should be postage paid.

To assist voters, we ask that you establish a bilingual voter assistance hotline to answer questions. The phone number for that hotline should be printed clearly on the mail ballot application as well as the instructions with the ballot. We should expect that some voters will not, for a variety of reasons, receive their requested ballots. Rhode Island should put in place sufficient capacity to respond to those requests.

We know that you will likely decrease significantly the number of polling places for the June 2nd primary. We caution that you should ensure the remaining polling places are sufficiently staffed in case an unexpected large number of voters avail themselves of that option. Recently Los Angeles County California moved to the use of vote centers, and their recent primary demonstrated how difficult it is to predict turnout at various locations.

States that already vote by mail provide dedicated drop boxes for their return. In Oregon more than half of all ballots are returned to drop boxes. The Board should make sure that a sufficient number of boxes are available throughout the state and their locations are advertised.

Perhaps the greatest challenge to a successful transition to a primarily mail ballot election is the current requirement of signatures by two witnesses or a notary public. We ask that you eliminate the notary requirement and mandate, at most, the signature of only a single witness as some other states require. We consider this a more than reasonable step under current circumstances. Given that some countries have encouraged that groups no larger than two people gather together, requiring three people (the voter and two witnesses) to interact for each voted ballot is unreasonable at this time. As an alternative, Rhode Island could also implement a process for signature matching as many states rely on. Of course, any signature matching process would require significant safeguards to protect against disqualifying the ballots of eligible voters. Furthermore, the process allowing voters to cure ballots that did not contain the proper signatures should not require them to appear in person.

Finally, during a period of transition in our election system, it is more important than ever that the techniques for helping to verify results not be scuttled. Risk-limiting audits are an important part of providing confidence in our election system. Now is not the time to retreat from that requirement. The state has a dedicated funding stream and extra help should be brought on if needed to complete the audits.

Looking beyond June 2nd, we hope you are considering alternatives, for the June candidate declaration period, as well as the September and November elections and will consider public input. With news of the recent appropriation from Congress, Rhode Island will receive an injection of money that will ease any burden placed on your offices as you make changes that safeguard the health of voters while protecting their right to vote.

Like you, our organizations have had very little time to thoroughly consider all of the ramifications and needs involved in running a predominately mail ballot election. In addition to the important recommendations we have made in this letter, we hope you will be open to additional suggestions in the coming days as we all work to make an election during such trying times a successful experience in preserving this critical constitutional right.

Again, to summarize:

- Send applications in Spanish and English to both active and inactive voters.
- Municipalities need to submit plans for how they will make emergency ballots. The plans should align with state and local guidance by health officials.
- Extend the deadline for receipt of absentee ballot applications and voted ballots and add postage paid on voted ballots and ballot applications.
- Create a bilingual voter assistance hotline printed on mail ballots and well-staffed.
- Ensure that an adequate number of polling places are operational.
- Drop boxes need to be made available throughout the state.
- Require only a single witness signature or in the alternative signature matching with proper safeguards in place.
- Continue with critical risk-limiting audits especially now as the state goes through this challenging transition.

Sincerely,

John Marion, Executive Director
Common Cause Rhode Island
john_marion@commoncauseri.org

Steven Brown, Executive Director
American Civil Liberties Union of Rhode Island
sbrown@riaclu.org

Jane W. Koster, President
League of Women Voters of Rhode Island
president@lwvri.org

cc: The Hon. Gina Raimondo, Governor of the State of Rhode Island
Stephen Erickson, Vice-Chair, Rhode Island Board of Elections
Rob Rock, Director of Elections, Office of the Secretary of State
Robert Rapoza, Executive Director, Rhode Island Board of Elections