



February 3, 2026

RI Board of Elections
2000 Plainfield Pike
Cranston, RI 02921

VIA EMAIL

Dear Members of the RI Board of Elections:

Last month, the ACLU of Rhode Island and Common Cause Rhode Island sent the Board a letter in response to its consideration of legislation seeking to prohibit so-called ballot harvesting. The letter, which is attached, raised various concerns about the proposal. Today, the Board is scheduled to consider that legislation again, along with two alternative versions. Because we believe that the two new versions also may adversely impact the casting of legitimate mail ballots, we again urge you to withhold your support of these proposals, and instead consider a more narrowly tailored approach, if one is needed, to address any specific concerns the Board has about misuse of the mail ballot process.

Our letter from last month summarizes the issues we have with the first version on the Board's agenda today, so we will not repeat them. Version #2 has many of those same flaws, with at least one additional concern: more tightly circumscribing the locations where a third party could deliver a completed mail ballot, including a prohibition on returning ballots to a polling place on election day. As you know, the Board of Elections has previously authorized placement of mail ballot receptacles at polling places that have been used by hundreds of voters.

Alternative #3 takes a somewhat different approach by barring any "compensation" to third parties who return a mail ballot. However, in *Meyer v. Grant*, 486 U.S. 414 (1988), the U.S. Supreme Court unanimously ruled unconstitutional as a violation of the First Amendment a state law that prohibited any payments to petition circulators gathering signatures for placing referenda issues on the ballot. We have not had time to research that decision's applicability to a complete ban on compensation for mail ballot collection, but such a ban seems analogous enough to the law in *Meyer* to warrant strong caution before moving forward with such an approach.

Version #3 has additional problems, in our view. Like version #2, it would not allow third parties to return ballots to a polling place on election day. Further, "compensation" is so broadly defined that it would make a felon out of an in-home caregiver who returned their client's mail ballot on their behalf. Finally, we are deeply troubled by the bill's expansion of R.I.G.L. §17-20-30, which already makes it a felony to "deceive[], coerce[], or interfere[]" with a voter casting a ballot. By further making it a felony to "unduly influence" a person casting a mail ballot, version #3 could easily be weaponized to challenge legitimate mail ballot voting in a variety of innocuous circumstances.

As we noted in our January 13th letter, R.I.G.L. §17-20-30 would already appear to criminalize the conduct that this proposal appears designed to address. If it does not, we urge that Board members come back with a revised proposal that is much more narrowly tailored and specific to address the particular problem that current law fails to account for. Otherwise, as we previously argued about the first version, we fear the Board may unintentionally create barriers for the return of legitimate ballots by some voters who need assistance in this effort.

Thank you once again for your attention to our views.

Sincerely,



John Marion
Executive Director
Common Cause Rhode Island



Steven Brown
Executive Director
ACLU of Rhode Island

cc: Miguel Nuñez
Ray Marcaccio

Enclosure



January 13, 2026

VIA EMAIL

RI Board of Elections
2000 Plainfield Pike
Cranston, RI 02921

Dear Members of the RI Board of Elections:

On behalf of Common Cause Rhode Island and the ACLU of Rhode Island, we are writing in response to the Board's consideration today of legislation that seeks to prohibit so-called ballot harvesting. We urge the Board's opposition to this proposal for reasons both substantive and practical.

We believe that there is nothing inherently wrong with allowing third parties to collect completed mail ballots from voters and deliver them to election officials. In many cases it serves a salutary purpose, especially for certain populations of voters who may need assistance with their ballot, including the elderly, those with disabilities, and individuals for whom English is not their first language. The significant limits imposed by this proposal could seriously hamper the exercise of the franchise for members of those groups.

The bill appears to create exceptions to a complete ban, but they are ambiguous and confusing, which is particularly problematic when criminal penalties are attached to the conduct. For example, voters appear to be allowed to have third parties return their ballot if they are "designated" or "deemed authorized" to do so. But this language suggests an element of formality to the process that is not explained in the bill. Similarly, while "designated" persons are allowed to return up to ten ballots, they appear to be completely barred from "possessing" the ballots in the first place. Finally, the bill does not make clear the methods by which the state will determine that a third party has returned more than ten ballots without "authorization."

It is important to emphasize that state law already contains serious felony penalties for any person who "deceives, coerces, or interferes with" a voter casting a ballot, or who even attempts to do so. R.I.G.L. §17-20-30. The incident that appears to be driving the introduction of this proposal also clearly involves conduct that is already criminally punishable.

Because this bill is unnecessary and may create barriers for the return of legitimate ballots by some voters, we request that the Board turn down this proposal, as we believe it has done in the past.

Sincerely,

A handwritten signature in black ink that reads "Steven Brown". The signature is fluid and cursive.

John Marion
Executive Director
Common Cause Rhode Island

Steven Brown
Executive Director
ACLU of Rhode Island

cc: Miguel Nuñez
Ray Marcaccio