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**COMMENTS ON PROPOSED RULES AND REGULATIONS
PERTAINING TO EARLY VOTING CONDUCT [410-RICR-20-00-29]
June 22, 2026**

The ACLU of Rhode Island offers the following comments on the Board of Elections' proposed rules regarding early voting conduct.

1. We would like to reiterate our support for certain provisions in this revised draft that we had addressed in previously submitted testimony. Specifically, we support:

- The clarification in **Section 29.5(A)(1)** that individuals who have applied for a mail ballot retain the right to vote by provisional ballot on election day;

- **Section 29.6(B)(2)(b)**, which addresses the need to ensure that surveillance cameras at early voting sites are disabled when necessary to avoid compromising a voter's right to cast a secret ballot;

and

- **Section 29.7(A)(8)**, codifying the obligation of certain municipalities, under state and federal law, to have appropriate translation services and assistance at their polling locations.

2. However, we continue to urge the removal of language in **Section 29.7(D)(1)**, which would extend the current statutory "50-foot electioneering" ban outside polling places on election day to apply to early voting facilities. While we appreciate the intent behind it, we believe this provision raises serious practical concerns. A targeted electioneering ban is realistic when it applies to one specific voting day, but it becomes much more problematic when expanded to the 20 days before an election at municipal facilities, most commonly city and town hall, used for early voting.

We understand the need to regulate electioneering within and immediately around the actual area being used for voting during this lengthy voting period, but it is of a different magnitude to impose

such a significant durational restriction outside the building itself. Unlike on election day, the vast majority of people visiting the building are not there to vote.

A prohibition like this has a significant adverse impact on the exercise of free speech. It is one thing to ban partisan activities within 50 feet of a polling place for one day, but it is another thing to essentially cut off virtually all political activities, and especially protests and demonstrations, around a city or town hall for three weeks if it involves an elected official, a challenger running for office, or a political issue appearing on the ballot. The seat of municipal government is often the most logical, practical, and symbolic location to hold a political rally. Yet the effect of this legislation would be to cut off that opportunity for three key weeks of the year.

The proposal recognizes an additional problem: city and town halls are likely to have notices, flyers and other paraphernalia that mention elected officials by name. It attempts to address this issue by allowing their names to be posted and displayed on “official” documents, but bars inclusion of their images. But a flyer or brochure hanging up on a bulletin board in the building that includes the mayor’s name and announces how to apply for a municipal benefit can just as easily “tend to aid” the candidate for public office as much as a photo of them. Further, if the mere wearing of a candidate’s name on a button outside city hall while waiting for a bus is enough to violate these early voting electioneering rules, an incumbent official should not have the advantage of displaying their name within the building itself (or at least the places leading to the space where early voting is occurring) for the three weeks leading up to election day.

For these reasons, we oppose the breadth of a three-week fifty-foot ban on political activities outside of city and town halls and urge its deletion. At the very least, this is a political decision that should be left to the General Assembly for consideration.¹ Thank you for considering our views.

Submitted by: Steven Brown, Executive Director

¹ We note that efforts in recent years to statutorily impose an early voting electioneering ban have failed in the General Assembly. *See* 26-H 7572: <http://webserver.rilegislature.gov/BillText/BillText26/HouseText26/H7572.pdf>