

August 14, 2014

Richard Pierce  
Chair  
RI Board of Elections  
50 Branch Avenue  
Providence, RI 02904

Dear Mr. Pierce:

Last week, as you know, our organizations sent a letter to Robert Kando about references in the Board's pollworker training manual to the voter ID requirements that have taken effect this year. Our letter raised concerns that the description of the new requirements was confusing, and potentially misleading to voters. After receiving our letter, Mr. Kando promptly called the letter's lead signatory, Ms. Byrne, and discussed it with her (and indicated he would be sending a confirmatory letter as well). While we appreciate his prompt response, our concerns about the manual remain. We are therefore writing to request that the Board put this item on its next meeting agenda for discussion and action.

Our specific concerns involve two key sentences in the manual: "If the voter does not present valid and current photo identification, they may only vote using a provisional ballot, which is handled by the clerk. After voting the provisional ballot, the voter has until 4 pm the day after the election to contact the Board of Canvassers and provide information which could help qualify their ballot." In a nutshell, our concern with the first sentence is that it does not make clear that a voter without ID is *entitled* as a matter of right to a provisional ballot. Our concern about the second sentence is that it wrongly suggests that any voter without proper ID must follow up with the local board of canvassers to have his or her vote counted.

Mr. Kando agreed that poll workers should advise voters without proper ID that they *must* be provided with a provisional ballot and referred to the clerk. However, he said that since the manuals had already been printed, a clarification to that effect would be made only in the training video. He indicated there would be no attempt to include an insert or other clarification in the manual itself.

He further advised Ms. Byrne that he did not agree to any change in the second sentence. He said the reference to contacting the board of canvassers was there because certain individuals – specifically, those voting for the first time under the "Help America Vote Act" who had failed to provide proper identification upon

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registering – were required to contact their local board with appropriate identification in order to have their provisional ballot counted. But this, of course, is just a small subset of the people failing to present ID at the polls. Most will not have to engage in any follow-up to have their provisional ballot counted.

Nonetheless, Mr. Kando stated that the pollworker training is already very complicated and long, so he did not wish to make note of this distinction. While we recognize that the voting laws are sometimes quite complicated, that is no reason for the Board's manual, and consequently pollworkers, to be providing inaccurate or misleading information to voters. That is especially the case this year since, in light of the new photo ID mandate, one can expect many more provisional ballots than usual to be handed out. Any complication is minimal here in any event – the voter registration books are distinctly marked for those individuals needing to present HAVA ID, and thus pollworkers will know precisely which voters need to be apprised of contacting their board of canvassers.

The bottom line is that, as we noted in our previous letter, these instructions, however unintentionally, have the potential to unfairly disenfranchise qualified voters. Anecdotal evidence leads us to believe that similar misinformation from pollworkers in 2012 may have done just that in isolated cases.

It is essential that instructions to pollworkers be as clear as possible. As Mr. Kando stated in his conversation with Ms. Byrne, it is our shared goal that all eligible Rhode Islanders are able to vote. We maintain that changes are necessary to the poll worker manual and training to achieve this goal. Therefore, as we asked of Mr. Kando, we urge the Board to take immediate steps to revise the manual's voter ID section in some way in order to clarify and amplify these two sentences, and to ensure that any trainings likewise clarify these issues. We respectfully request that you consider this at your next meeting.

Thank you for considering this request.

Sincerely,

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cc: Robert Kando