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ACLU OF RI POSITION: OPPOSE

TESTIMONY ON 22-H 7830, AN ACT RELATING TO ELECTIONS – REGISTRATION OF VOTERS March 24, 2022

While many of the bills being heard tonight by this committee positively seek to expand voting access, this legislation would place unwarranted barriers in front of qualified voters who wish to exercise their fundamental right to the franchise. As such, the ACLU of RI is opposed to H 7830, which contains several provisions that constitute overt voter suppression tactics and which, in light of nationwide efforts to limit access to the franchise, should be condemned in its attempt to bring these policies to Rhode Island.

Given that, in the past two years, Rhode Island has conducted multiple major elections with readjusted and relaxed voting requirements and has not found a single incidence of voter fraud, it is clear that there is no basis for revising our voting statutes to seek to suppress voting rights in the manner that this bill does.

We highlight below a few of its particularly egregious provisions.

- The types of identification that this bill would require to vote significantly limit the current list of permissible ID formats and could inappropriately disenfranchise voters who do not possess a driver's license, official state ID card, or passport – the three of which are the only identification that this bill would accept from a voter. This would exclude many documents, like a photo ID military card, a tribal ID card, or a student ID card, all of which are currently permitted to prove identification at the polls. As such, it could serve to disenfranchise individuals who are, for example, in the military, members of a Native American tribe, or students.
- This bill would put in place penalties for two vague and inappropriate offenses. First, this legislation would make it a felony for an individual to “unlawfully manipulate[] the voter registration process.” An individual could also be subject to misdemeanor charges, a \$250 fine, and a *three-month mandatory minimum prison sentence* for a crime of “ballot harvesting,” an offense for which there is no actual definition in the legislation (only a definition of a “ballot harvester”). The inevitable and deleterious effect of these provisions would be the chilling of voter registration efforts and accessible and expanded mail ballot access, both of which negatively impact the ability for individuals to engage in their fundamental right to vote.

- The definition of “ballot harvester” could easily encompass a multitude of innocent voters who should not run the risk of any penalties, much less the harsh penalties contained in this bill. It encompasses anyone, for example, who is merely “associated with a political campaign” or any “person or organization with a vested [...] interest in the outcome of a campaign.” It is nearly impossible for us to imagine that this imprecise language *couldn't* in some way involve nearly every voter in the state – for example, one could argue that a person who votes has, by virtue of that action, a vested interest in the outcome of a campaign. Similarly, merely expressing support for a certain candidate could be construed as association with that campaign. In short, a bill which could subject every voter in the state to mandatory prison time is a bill which should be seen only as a tool of voter suppression.

We hope that the Committee will recognize that this legislation is antithetical to voter rights and would inappropriately limit the ability for qualified voters to exercise the franchise. We strongly urge rejection of this bill.

Thank you for your consideration.