



State of Rhode Island

Department of State | Office of the Secretary of State

Nellie M. Gorbea, *Secretary of State*

July 7, 2020

The Honorable Robert E. Craven, Sr., Chairman
House Committee on Judiciary
State House
Providence, RI 02903

Dear Chairman Craven:

I am writing with regards to House bill 7896 that proposes revisions to the emergency mail ballot process, the 20-days prior to an election where voters can cast a vote in person at their local city or town hall using mail ballots. This legislation presents opportunities and challenges that I present below.

Rhode Island voters have increasingly been utilizing this convenient method of voting as evidenced by the 119% increase in emergency mail voters from 2014 to 2018. In the most recent election cycle, more than 10,700 voters cast emergency mail ballots. Even prior to the coronavirus pandemic, the volume of emergency mail ballots was straining the election system due to the labor-intensive paper-based process involved. Election officials have continued to raise concerns that the volume of emergency mail ballots in the 2020 election cycle would be overwhelming.

To address these concerns and provide convenient voting options for Rhode Islanders, the Department of State has introduced in-person early voting legislation. House bill 7896 streamlines the emergency mail ballot process by allowing voters to cast ballots directly into a voting machine in advance of Election Day. This provides for the secure custody of voted ballots and eliminates additional processing by local elections officials.

The bill also streamlines the 20-day voting period in advance of Election Day. This process would be similar to those in at least 39 other states and the District of Columbia which allow for in-person early voting without an excuse. This includes 24 states that allow for some period of weekend voting.

However, while I believe there is a benefit to elections administration, I want to raise two concerns with this legislation. First, as currently drafted this bill creates an eight-day period where Rhode Islanders cannot cast ballots. The bill shortens the emergency mail ballot period

from 20-days to 12-days, yet it does not change the mail ballot application deadline, which remains at 21-days. Second, our experience with the June 2 primary gives us concern that moving the mail ballot application deadline closer to the election could create serious administrative challenges and risk disenfranchising voters. This is of particular concern when we know there will be an increase in mail ballots due to the concerns voters have of being in large crowds indoors, such as polling places.

Again, while I support the establishment of a formal early voting process that offers more convenient times to vote to accommodate working families and busy schedules, I am concerned with the limitations and vacuums created in this legislation. I recommend that the early voting period remain at 20-days to ensure voters have access to the ballot in advance of Election Day.

I also want to take the opportunity to advocate for measures that I put forward last month to address the unique circumstances presented by the coronavirus during this year's election. They are measures included in the Safe and Healthy Voting in 2020 Act that election officials and leaders across our government need to ensure the health and safety of our voters and poll workers, many of whom are in the vulnerable age group for the virus.

The proposal focuses on the simplification of the process to allow voters to cast ballots from the safety of their homes. Over 80 percent of Rhode Islanders chose to vote by mail in June. Our data shows that **nearly all of our older generations who voted in June, voted safely by mail**. The favorable response to mail ballots helped lessen the burden for cities and towns and polling place operations on Election Day. Despite this, local boards of canvassers still found it difficult to recruit poll workers and locations suitable for the safety procedures required for in-person voting. Nonetheless, the revised procedures of the June 2nd Presidential Primary also helped us continue the downward trajectory of positive coronavirus cases.

The state's election cycle timeline is extremely tight and every day that passes makes it more difficult to address the changes we must make to ensure the safety of voters and security of our election. The General Assembly does have the time to enact revisions to our election laws that allow the expected record turnout in the November general election to be distributed more safely through mail, early in-person and election day voting. We've discussed above streamlining the emergency mail ballot process. Additionally, **I strongly recommend removing the barrier of requiring a notary or two witnesses on the voter's Mail Ballot Certificate**. Furthermore, **I believe it is critical that we allow for ballots to be postmarked by Election Day or received the day after Election Day to be counted**.

Across the country states are taking action to ensure their voters can safely cast ballots this year. Among the recent steps legislatures across the country have taken to protect the right to vote and the health of their citizens are the following:

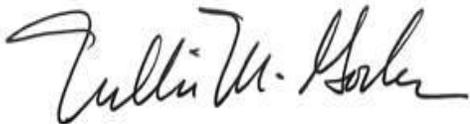
- Massachusetts passed legislation that requires the Secretary of State to send mail ballot applications to all registered voters.

- Vermont passed legislation allowing for mail ballots to be sent to all voters given the unique public health circumstances this year.
- Delaware passed legislation allowing for mail ballot applications to be mailed to all registered voters.

These are unprecedented times. We must look no further than how you have conducted your respective sessions to protect the health of your members to see this. It is critical that we take the same precautions to provide our constituents, many of whom are vulnerable to this virus, an opportunity to exercise their constitutional right to vote safely and securely.

At a time when many states are expanding access to voting options for their citizens, Rhode Island cannot take a step backward. Voters in June overwhelmingly supported casting ballots in advance of Election Day from their homes. As Secretary of State it is my responsibility to ensure voters have access to safe and healthy voting options. As our elected legislative representatives, I believe you have a similar duty. I hope you will act swiftly so that we can ensure Rhode Island voters are able to vote safely and securely in September and November.

Sincerely,

A handwritten signature in black ink, appearing to read "Nellie M. Gorbea". The signature is fluid and cursive, with a large initial "N" and "G".

Nellie M. Gorbea
Secretary of State

cc. House Judiciary Committee members