

Testimony of Common Cause Rhode Island in Opposition to H 7979--An Act Relating to Elections--Mail Ballots

Position: Oppose

Common Cause Rhode Island writes to express our opposition to H 7979 which would make changes to the statute related to the marking and return of mail ballots and emergency mail ballots. Common Cause Rhode Island takes any manipulation of the voting process seriously and we support the right of every voter, regardless of how they choose to cast their ballot, to do so without coercion. However, we believe this legislation, as written, contains a number of problematic provisions.

The proposed legislation would make it illegal for someone who is “affiliated with a candidate for office or a political campaign” to return or possess a mail ballot other than their own, unless that person is an “immediate family member or a member of a voter’s household.” The legislation does not explain what would happen to a ballot that is returned by someone who is not authorized to return the ballot.

The legislation also bars the same class of people from being “knowingly present when a voter executes their mail ballot,” with some limited exceptions. Again, the legislation does not explain what would happen to the ballot if someone violates this prohibition. Furthermore, it makes it a misdemeanor even if the voter asks the person to be present.

The legislation also does not define what it means to be “affiliated with a candidate for office or a political campaign.” Would someone who liked a social media post from a political candidate then be “affiliated” with that candidate?

The legislation defines an “immediate family member” as “a parent, grandparent, sibling, spouse, partner, child, or grandchild by blood, marriage, or adoption.” We note that there are more expansive definitions elsewhere in law, such as [42 USC § 1320a-7\(j\)\(1\)](#) which includes, “(A) the husband or wife of the person; (B) the natural or adoptive parent, child, or sibling of the person; (C) the stepparent, stepchild, stepbrother, or stepsister of the person; (D) the father-, mother-, daughter-, son-, brother-, or sister-in-law of the person; (E) the grandparent or grandchild of the person; and (F) the spouse of a grandparent or grandchild of the person.” Similarly, the Rhode Island Code of Ethics defines “any person within his or her family” as including a “father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, halfbrother or halvesister.”

Finally, we note that § 17-20-30(a) already contains language that makes criminal some of the behavior this legislation seeks prohibit, making it a felony when anyone “deceives, coerces, or interferes with the voter casting his or her ballot.”