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ACLU OF RI POSITION: OPPOSE

TESTIMONY ON 26-H 7979, AN ACT RELATING TO ELECTIONS – MAIL BALLOTS March 26, 2026

For both substantive and practical reasons, the ACLU of Rhode Island opposes this legislation, which seeks to strictly limit the third parties who can possess or return mail ballots.

We believe that there is nothing inherently wrong with allowing third parties to collect completed mail ballots from voters and deliver them to election officials. In many cases it serves a salutary purpose, especially for certain populations of voters who may need assistance with their ballot, including the elderly, those with disabilities, and individuals for whom English is not their first language. The limits imposed by this proposal could seriously hamper the exercise of the franchise for members of those groups.

The bill appears to create exceptions to a complete ban, but they are ambiguous and confusing, which is particularly problematic when criminal penalties are attached to the conduct. For example:

- There is an exception for voters who need assistance “by reason of blindness, disability, or inability to read or write.” [Page 2, lines 20-21] But there are other categories of voters who might similarly need assistance, including the elderly and people for whom English is not their native language, but who would be barred from obtaining it under the bill. (In addition, as drafted, this provision appears to immunize the voter who receives the assistance from liability, but not necessarily the person providing the assistance.)

- We can easily foresee the politicization of the disability exemption, where people could challenge the legitimacy of the voter’s “disability” allowing for third party assistance, and forcing individuals with disabilities to disclose their medical history.

- The bill allows third parties to return a ballot on a voter’s behalf, but only if they are “deemed authorized” by the voter to do so. [Page 1, lines 16-17] This language suggests an element of formality to the process that is not explained anywhere in the bill.

- Similarly, while those individuals may be allowed to *return* a ballot, they appear to be completely barred from “*possessing*” the ballot in the first place unless they are also “authorized” to do so by the board of elections. [Page 2, line 9]

- Finally, we are also concerned how the bill tightly circumscribes the locations where a voter *or* a third party could deliver a completed mail ballot. The Board of Elections has previously authorized placement of mail ballot receptacles at polling places on election day, and they have been used by hundreds of voters. As worded, however, this bill would completely prohibit that practice. [Page 1, lines 14-16]

It is important to emphasize that state law already contains serious felony penalties for any person who “deceives, coerces, or interferes with” a voter casting a ballot, or who even attempts to do so. R.I.G.L. §17-20-30.

Because this bill is unnecessary and may create barriers for the return of legitimate ballots by some voters, the ACLU urges its rejection.