

September 24, 2020

The Honorable Gina M. Raimondo
Governor of Rhode Island
State House
Providence, RI 02903

Diane Mederos
Chair, Rhode Island Board of Elections
200 Plainfield Pike
Cranston, RI 02921

Dear Governor Raimondo and Chair Mederos:

Our organizations write today with an important request of a change in policy for handling late-arriving mail ballots. This change, if enacted, will potentially save thousands of voters from being disenfranchised in the upcoming general election.

Our organizations ask that Governor Raimondo issue an executive order waiving the statutory deadline in R.I.G.L. § 17-20-16 that only allows mail ballots received by 8 p.m. on Election Day to count. In its place we ask that the state Board of Elections adopt a policy to count ballots received by November 6th that are postmarked by November 3rd, and to count any ballots received by mail that arrive on November 4th.

Currently sixteen (16) states from Alaska to Wisconsin have policies allowing ballots that are postmarked by November 3rd to count if received after Election Day. Of those 16, at least six have adopted the policy as a result of the COVID-19 pandemic. Based on the results of Rhode Island's June 2nd Presidential Preference Primary and September 8th Statewide Primary we expect that a significant number of ballots will arrive too late to be counted under the current statute.

According to the Board of Elections they received 105 ballots after the close of polls on September 8th that were postmarked by Election Day. By their own estimates they expect to receive up to ten times the number of mail ballots for November 3rd, meaning over 1,000 potential disenfranchised voters. We expect that number to possibly be significantly higher because so many voters will be using mail ballots for the first time.

Rhode Island already has a similar policy for military and overseas ballots cast under R.I.G.L. § 17-20-6.1. Those ballots are counted if they are received--regardless of whether they have a postmark--within three (3) days of the primary and seven (7) days of the general election. We ask that in-state voters receive a similar accommodation.

By counting only ballots that arrive by mail the day after Election Day, or that are clearly postmarked by that day, it ensures that no impermissible late voting occurred. As the

Postmaster of Rhode Island testified before the Board of Elections earlier this year, no mail is delivered the same day it is sent. Such a policy will honor voters' exercise of the franchise and compensate for the well-documented delays in mail service that are fault of the voter.

Through executive order, Board policy, and litigation, Rhode Island has taken significant steps to provide voters a variety of options to vote safely during the COVID-19 pandemic. Now we ask you to take one more step to make sure all legitimately-cast votes are counted.

Sincerely,

ACLU of Rhode Island
Alliance of Rhode Island Southeast Asians for Education (ARISE)
CaneWalk
Clean Water Action Rhode Island
Common Cause Rhode Island
Formerly Incarcerated Union of Rhode Island
Latino Policy Institute
League of Women Voters of Rhode Island
NAACP Providence Branch
National Council of Jewish Women Rhode Island
Planned Parenthood of Southern New England
Rhode Island Coalition Against Gun Violence
Rhode Island Coalition for the Homeless
Rhode Island Commission for Human Rights
Rhode Island Democratic Women's Caucus
Rhode Island Latino PAC
Rhode Island Working Families Party
Sunrise Providence
Women's Fund of Rhode Island
The Womxn Project

cc: The Honorable Nellie M. Gorbea, Secretary of State
David Ortiz, Chief of Staff, Office of the Governor
Robert Rapoza, Executive Director, Rhode Island Board of Elections
Rob Rock, Director of Elections, Department of State