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COMMENTS ON PROPOSED SECRETARY OF STATE AMENDMENTS TO ITS REGULATIONS ESTABLISHING THE PROCEDURE FOR THE ISSUANCE OF VOTER IDENTIFICATION CARDS
[100-RICR-20-00-3]
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The American Civil Liberties Union of Rhode Island urges the Secretary of State to withdraw this proposed rulemaking and keep the Voter ID card regulations in their current form.

The one change being proposed is the deletion of a provision that authorizes the issuance of a voter ID card for a person who is otherwise without identification by comparing their signature on the application to that in the state's Central Voter Registration System (CVRS). This change would eliminate a safety valve that currently exists in the regulations for individuals who are unable to otherwise provide any of the identification documents listed in the regulations that would qualify them for a voter ID card.

This safety valve is an important one, particularly for Rhode Island's growing unhoused population. At a time when that population is increasing, and when we are aware of repeated complaints that in raiding encampments, their property, including their identification documents, is often destroyed, the repeal of this alternate pathway to obtaining a voter ID card is very untimely.

The easy availability of voter ID cards was a core element in the passage of the state's voter ID law over a decade ago, and while the Secretary's regulations allow for the acceptance of a wide array of identity documents, there is no compelling reason to eliminate this last-resort avenue for obtaining a card. The required signature matching with the CVRS should be more than sufficient, especially in light of how this process to confirm voter identity is routinely used in other electoral contexts, such as the acceptance of mail ballots.

We believe there is another reason to reject the repeal of this provision. When there is absolutely no evidence over the course of a decade that this option has been misused for fraudulent purposes, repealing it could only lend unwarranted credence to those who espouse the false view that other voting qualifications also need to be tightened up to avert an alleged prevalence of existing voter fraud. Soon enough, a change like this could be touted by such individuals as providing justification for the adoption of more stringent proposals like those we have seen at the federal level – such as President Trump's recent executive order to require documented proof of U.S. citizenship every time a person votes, and the Congressional SAVE Act – that would have the effect of disenfranchising large numbers of voters.

The Secretary of State's office has explained that they are aware of only one person who has made use of this option to obtain a voter ID card, and therefore its repeal will have no meaningful impact. However, that number is one more than the number of people who have been shown to misuse this option in order to vote fraudulently, and the availability of that option potentially remans an important one for certain sectors of the state's population.

In conclusion, we believe that efforts should continue to be made to make availability of the franchise easier, not harder, and that tightening up voting procedures in the absence of real evidence of a problem is a step backwards towards that goal. For all these reasons, we urge the Secretary of State to withdraw this proposed rule amendment.

We appreciate your attention to our views. If the suggestion we have made is not adopted, we request, pursuant to R.I.G.L. §42-35-2.6(1), a statement of the reasons for not accepting it.

Submitted by: Steven Brown, Executive Director
American Civil Liberties Union of Rhode Island