

PUBLIC INTEREST

— LEGAL FOUNDATION —

June 9, 2020

VIA EMAIL, FACSIMILE, AND USPS

ATTN: Rob Rock, Director of Elections
The Hon. Nellie M. Gorbea
Rhode Island Secretary of State
148 West River Street
Providence, RI 02904-2615
Email: elections@sos.ri.gov

ATTN: Miguel J. Nunez, Deputy Director
Diane C. Mederos, Chairwoman
Stephen P. Erickson, Vice-Chairman
Robert Rapoza, Executive Director
Raymond Marcaccio, Legal Counsel
Rhode Island State Board of Elections
2000 Plainfield Pike
Cranston, RI 02921
Email: boe.elections@elections.ri.gov
Fax: 401-222-3135

Re: Voter List Maintenance Information & Inspection Request

Dear Secretary Gorbea, Chairwoman Mederos:

Our organization—the Public Interest Legal Foundation—is a non-partisan, 501(c)(3) public-interest organization that is dedicated entirely to promoting the integrity of elections nationwide through research, education, remedial programs, and litigation. As part of our mission, we study, audit, and analyze voter rolls throughout the country to assess their accuracy.

We write today to further understand the news media and official reports regarding mail/absentee balloting occurring for the past June 2 primary election.

Reporting published this week suggest that roughly **1 in 8 unsolicited mail ballot applications sent to registered voters throughout Rhode Island were returned undeliverable** by the U.S. Postal Service.¹ Local news reporting, based on your office’s public figures, note that, “approximately 100,000 of the mail ballot applications the state sent, unsolicited, to 779,463 registered voters were returned.”

We request the following information pursuant to the National Voter Registration Act of 1993 (NVRA), 52 U.S.C. 20501 *et seq.*, and the Rhode Island Public Records Act § 38-2-1 *et seq.* The NVRA requires your office to “make available for public inspection and, where available,

¹ *Providence Journal*; R.I. reports final results from presidential primary (June 7, 2020), <https://www.providencejournal.com/news/20200607/ri-reports-final-results-from-presidential-primary>

photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters[.]” 52 U.S.C. § 20507(i)(1).

Pursuant to the NVRA and RIPRA, we request that you permit inspection or provide copies of the following records outlined below.

1. Copies of records, reports, and correspondence concerning the approximated 100,000 registrants whose unsolicited ballot applications were returned undeliverable for the June 2 Election.
2. All written plans or procedures intended for the registrants whose unsolicited mail voting applications were returned undeliverable for the June 2 Election, as outlined in a recent press release.²
3. All correspondence received by your office concerning complaints, errors, or mistakes relating to mail-in ballot request applications or mail-in ballots.
4. A complete list of all current registrants who do not have driver’s licenses or full/partial Social Security Numbers within their respective records. This would particularly pertain to registrants who stated on their initial application they have “not been issued a RI Driver’s License, State ID card, or a Social Security Number.”³

If at all possible, please provide the requested records electronically. If they must be sent via standard mail, please direct them to following address:

32 E. Washington Street
Suite 1675
Indianapolis, IN 46204

Should you need to contact us regarding this matter, please contact me at lchurchwell@publicinterestlegal.org. Thank you for your service on this matter.

Sincerely,



Logan Churchwell
Communications & Research Director
Public Interest Legal Foundation

² RI.gov Press Releases; Secretary Gorbea Reminds Rhode Islanders: Check Your Mailbox and Help Maintain Voter Rolls (April 24, 2020), <https://www.ri.gov/press/view/38215>

³ ENGLISH Rhode Island Voter Registration Form (accessed June 8, 2020), https://elections.ri.gov/publications/Election_Publications/Voter_Registration/RI_Registration_Form_Eng_Rev_5-16-19.pdf