

**Testimony of
J. Christian Adams**

**Before the Rhode Island House State Government &
Elections Committee**

On

House Bill 6099 by Morgan, Nardone, and Roberts

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Chairman DiPalma, members of the Committee, thank you for the opportunity to testify today.

I am the President and General Counsel of the Public Interest Legal Foundation, a non-partisan charity devoted to promoting election integrity and best practices for election officials. I served as an attorney in the Voting Section of the U.S. Department of Justice and brought cases related to the Voting Rights Act, National Voter Registration Act and Help America Vote Act. I also currently am a commissioner on the U.S. Commission on Civil Rights though I do not speak for the Commission on these issues.

We have brought dozens of lawsuits around the country related to voters rolls and the conduct of list maintenance on those rolls.

The Public Interest Legal Foundation in recent years opted to develop a robust data analysis program with particular emphasis on voter registration list maintenance audit functions. In essence, the Foundation can see how well of a job states are doing to identify and timely remove registrants who are deceased, relocated, exist in duplicate (or worse), and may be claiming improper addresses as residences.

Our data findings are deployed in a variety of means, ranging from direct leads to voter registrars for potential follow-up maintenance, litigation, or *amicus* briefs. We just settled a significant case last week with the Commonwealth of Pennsylvania where the state agreed to remove over 21,000 dead registrants on the active voter rolls, some whom were dead for two decades.

In the aftermath of the 2020 Election, legislators must come to understand that the overall quality of an election experience relying heavily on mail balloting rests on the reliability of the voter registration lists. Vote by mail plus inaccurate registration lists equal problems.

I speak today in support of the concepts offered in H.B. 6099. When it comes to election administration and legal compliance, seemingly unrelated actions can have downstream effects on other aspects of our elections. H.B. 6099 offers a textbook example of how any improvement in one element in the system can create efficiencies in another.

The bill's voter ID-for-voter registration requirement may appear as just yet another example of the increasingly popular election integrity practice¹—but the downstream effects would continue to pay dividends with respect to broader administration concerns.

If the Rhode Island-printed voter registration application requires certain proofs of identification, those data collected at the point of entry to the voter roll will later serve to help maintain the accuracy and reliability of the information in the years to come. Those identifying data will speed the process to verify when the registrant has either died or moved—given that such efforts often require those data to ensure accurate list matching.

Rhode Island is evidencing a specific vulnerability that HB 6099 can help to solve. My Foundation regularly collects voter registration data from states to ascertain how many voters exist without personal identifying information or PII attached to their records (like Social Security or driver's license numbers).

According to our research, Rhode Island actually leads the nation with respect to percentage of voter roll *without* PII – at 20 percent. One out of every five. Arkansas and New York are not too far behind with 16 and 10 percent, respectfully. States like Texas, Louisiana, and West Virginia hardly register this problem at all.

I've seen first-hand how lacking PII in significant portions of the voter roll can have a negative, down-stream effect on record quality. As I mentioned, my Foundation settled a federal lawsuit with our legal expenses paid by the Pennsylvania Department of State.² The Commonwealth carried at least 21,000 dead registrants on the rolls going into the 2020 General Election and we weren't seeing reasonable official efforts made under federal law to mitigate the problem. We eventually learned that their lack of PII in many instances directly contributed to their not being able to positively identify and remove dead registrants—so they sat—often for decades.

In summary: H.B. 6099's voter ID requirement in registration will pay off in the short- and long-term for the better of all. Voters can act with confidence that

¹ Rasmussen Reports; 75% Support Voter ID Laws (March 17, 2021), https://www.rasmussenreports.com/public_content/lifestyle/general_lifestyle/march_2021/75_support_voter_id_laws

² PILF; Lawsuit to Remove Dead Voters in Pennsylvania Ends with Win for Election Integrity (April 7, 2021), <https://publicinterestlegal.org/blog/lawsuit-to-remove-dead-voters-in-pennsylvania-ends-with-win-for-election-integrity/>

their systems are operating with bona fide participants. Registration officials will have more reliable data to maintain their records in a timely manner. On a broader scale, plans like 6099 help to tamp down fears and disinformation shared among any groups unhappy with a particular election outcome.

One cautionary note. Our Foundation has been immersed in multiple lawsuits in federal court, one in Kansas and one in the District of Columbia. In both cases, we have defended the power of states to assess the qualifications of potential registrants by requiring documents – such as a passport - to establish eligibility. In both cases, other organizations have contested these requirements. I wish I could report that the issue is clear whether or not states may assess qualifications in this fashion under the National Voter Registration Act of 1993. I believe states have the power to assess qualifications. In any event, I am happy to advise further on this point.

It is for these reasons and more that I, on behalf of the Public Interest Legal Foundation, stand in support of H.B. 6099. I look forward to any further questions the members of the committee may have.

Thank you for the opportunity to appear.

Date: April 12, 2021
Respectfully submitted,
J. Christian Adams

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J. Christian Adams is the President and General Counsel of the Public Interest Legal Foundation. He is also a commissioner for the U.S. Commission on Civil Rights. PILF is dedicated to fostering election integrity and preserving the constitutional power of states in administering elections. He served from 2005 to 2010 in the Voting Section at the United States Department of Justice where he brought a wide range of election cases to protect racial minorities in South Carolina, Florida, and Texas. He litigates election law cases throughout the United States. He received the Department of Justice award for outstanding service and numerous other Justice Department performance awards. Prior to his time at the Justice Department, he served as General Counsel to the South Carolina Secretary of State. He has a law degree from the University of South Carolina School of Law. He is a member of the South Carolina and Virginia Bars.