

The State of Rhode Island is violating federal elections law, specifically the Help America Vote Act of 2002 (HAVA), 42 U.S.C. 15483: <https://www.gpo.gov/fdsys/pkg/USCODE-2008-title42/html/USCODE-2008-title42-chap146-subchapIII-partA-sec15483.htm>.

The State of Rhode Island does not mandate the collection of driver's license numbers or Social Security numbers from all registering voters, as is required by HAVA, 42 U.S.C. 15483 (a)(5)(A). The State only requires this information (hereinafter referred to as "PII" (Personally Identifying Information)) from voters registering by mail, Section 4(A)(3) of the Rules and Regulations for Voter Registration promulgated by the Rhode Island Board of Elections: <http://sos.ri.gov/documents/archives/regdocs/released/pdf/BOE/8381.pdf>

Upon their original adoption in 2003, the State's registration rules did not violate HAVA. An August 2008 Rule change, only two months ahead of the 2008 General Election, appears to begin Rhode Island's pattern of HAVA violations. The impact of this Rule change was an unprecedented explosion of voters who registered to vote without PII in the two months before the 2008 elections.

The above Rule change was promulgated under the auspices of then Secretary of State Ralph Mollis and then Executive Director of the Board of Elections Robert Kando.

The Rhode Island implementation of optional collection of PII for in-person voter registrations is not authorized by HAVA.

Results from the 2016 General Election show more than thirty percent (over 143,000 votes) of the total votes cast were from voters who did not have PII on file in Rhode Island's voter registration system. This raw data was provided by the Rhode Island Department of State.

Rhode Island also violates HAVA §42 U.S.C. 15483 (a)(5)(B), which requires the State to verify the PII of new voter registrants with the Department of Motor Vehicles and/or the Social Security Administration. Rhode Island voter registration rules only mandate verification of data for new voters who register by *mail* (emp. added).

Notably, the Department of Justice filed a complaint against the State of New Jersey in 2006 for near identical actions as the violations as noted above. On the date that the complaint was filed, a stipulation and order were filed wherein the State agreed to correct the documented violations.

The complaint is located at:

https://www.justice.gov/sites/default/files/crt/legacy/2010/12/15/nj_hava_comp.pdf and the stipulation and order is located at:

https://www.justice.gov/sites/default/files/crt/legacy/2010/12/15/nj_hava_cd.pdf

Beyond adherence to HAVA, an important cure mandated against the State of New Jersey was that they backfill missing dates of birth from voter registration records. Apparently, the State had a large number of registrations that also lacked dates of birth entries. As an aside, in the 2016 general election in New Jersey, 31,394 votes were cast by voters with dates of birth in the

voter registration data older than 1/1/1900, with 31,260 of those voters with a date of birth of 1/1/1800.

Accordingly, justice demands that the State of Rhode Island be compelled to backfill PII information for the hundreds of thousands of voter registrations that are missing this information. Without PII in the voter registration data, it is exceedingly difficult for Rhode Island to conform to HAVA requirements to remove deceased voters from the voter registration system, not to mention maintain Rhode Island's voter registration data - the bedrock of Rhode Island's elections system.

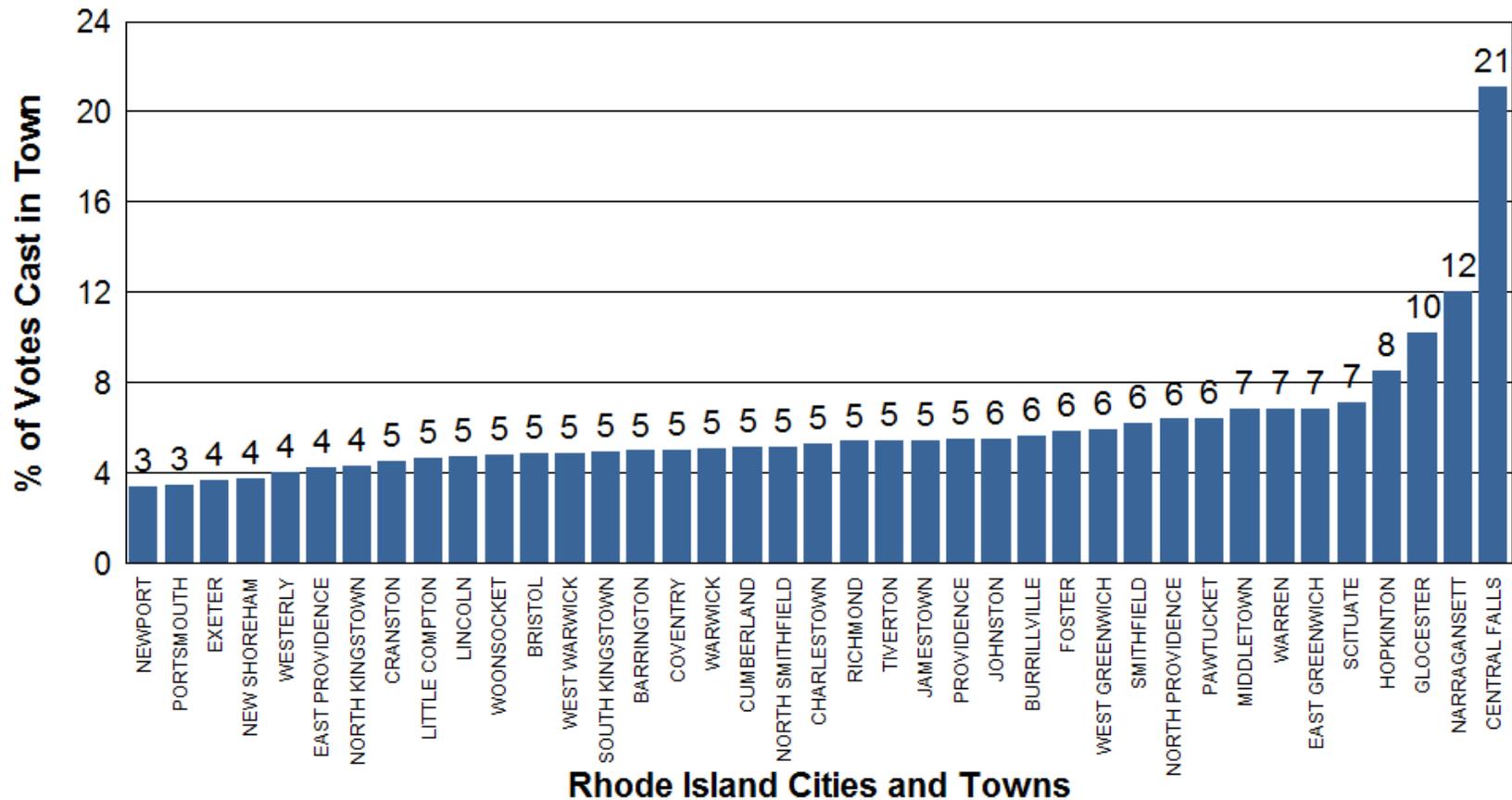
Another tentacle that bears investigation is Rhode Island's recently enacted automatic voter registration. It is unclear how, and if, this newly defined mechanism for voter registration conforms to HAVA legal requirements.

The variance between HAVA requirements and Rhode Island's implementation of the rules is stark. A preponderance of the evidence begs the question of whether Rhode Island's State Election Officials, charged with compliance, intentionally or ignorantly ran afoul of HAVA.

There is a substantial pressure of time in terms of dealing with the fallout from these violations of federal election law. The 2018 elections are just over a year away, and the State of Rhode Island has an election system with a serious integrity problem. It is incumbent on your Office to impartially determine if the findings of this letter, and the attached graphics showing disparities within similarly sized legislative districts, violate the Help America Vote Act of 2002 and ensure next year's elections are fair and equitable to all.

All Voters Registered After 1/1/2003 Voting Without PII

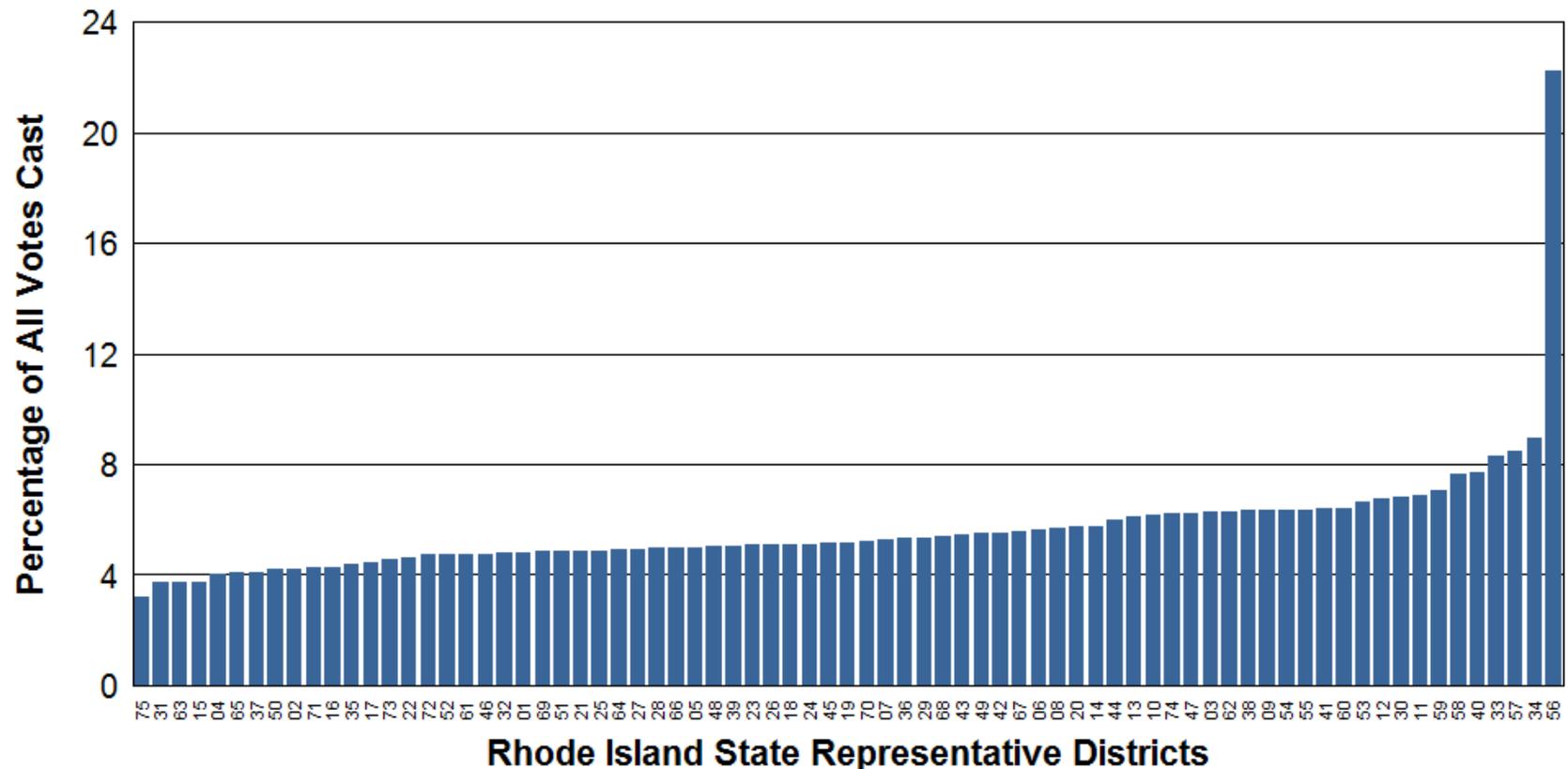
Personally Identifying Information (PII) e.g. driver's license or SSN is not in the voter registration system as mandated by federal law.



Percentage of all 2016 general election votes cast in Rhode Island by all voters documented as registered to vote after 1/1/2003 and who do not have PII in the voter registration database. Federal law requires that all voters who register after 1/1/2003 have PII on file and verified. Rhode Island law violates federal law by not mandating and validating that all registrants post 1/1/2003 provide this data. **Please note that the RI Secretary of State's office was unable to verify the accuracy of the voter registration date for all of these voters.

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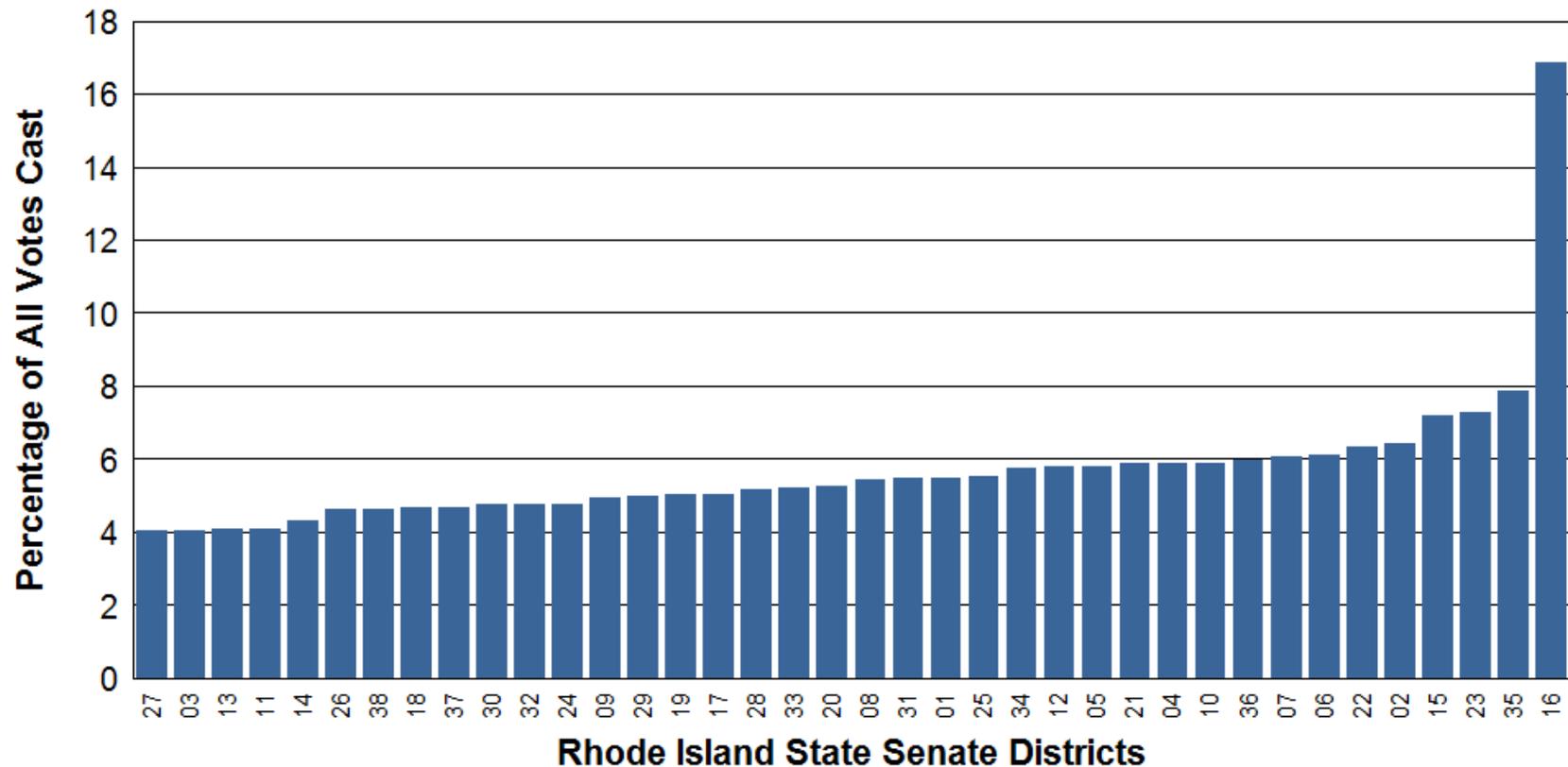
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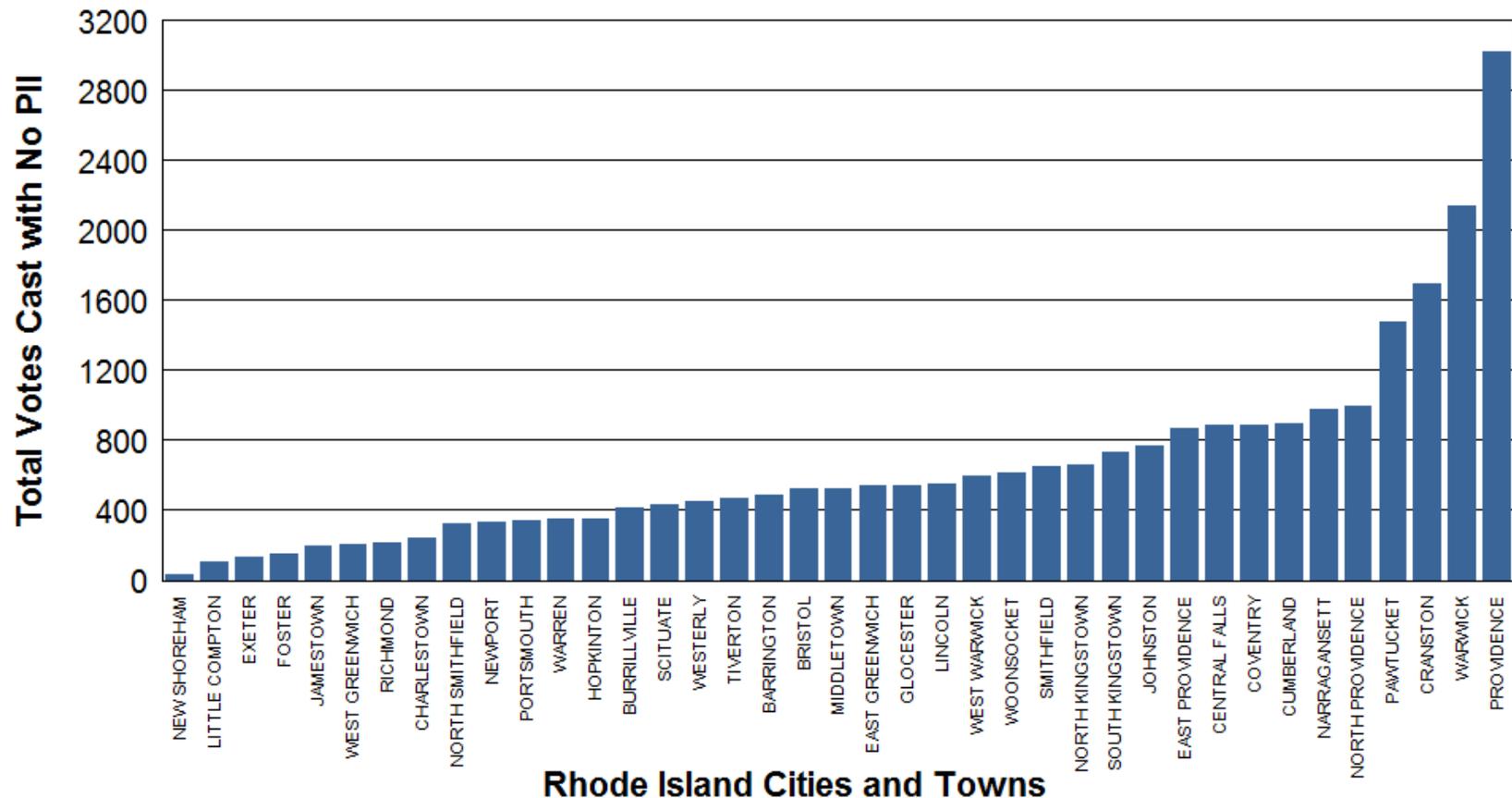
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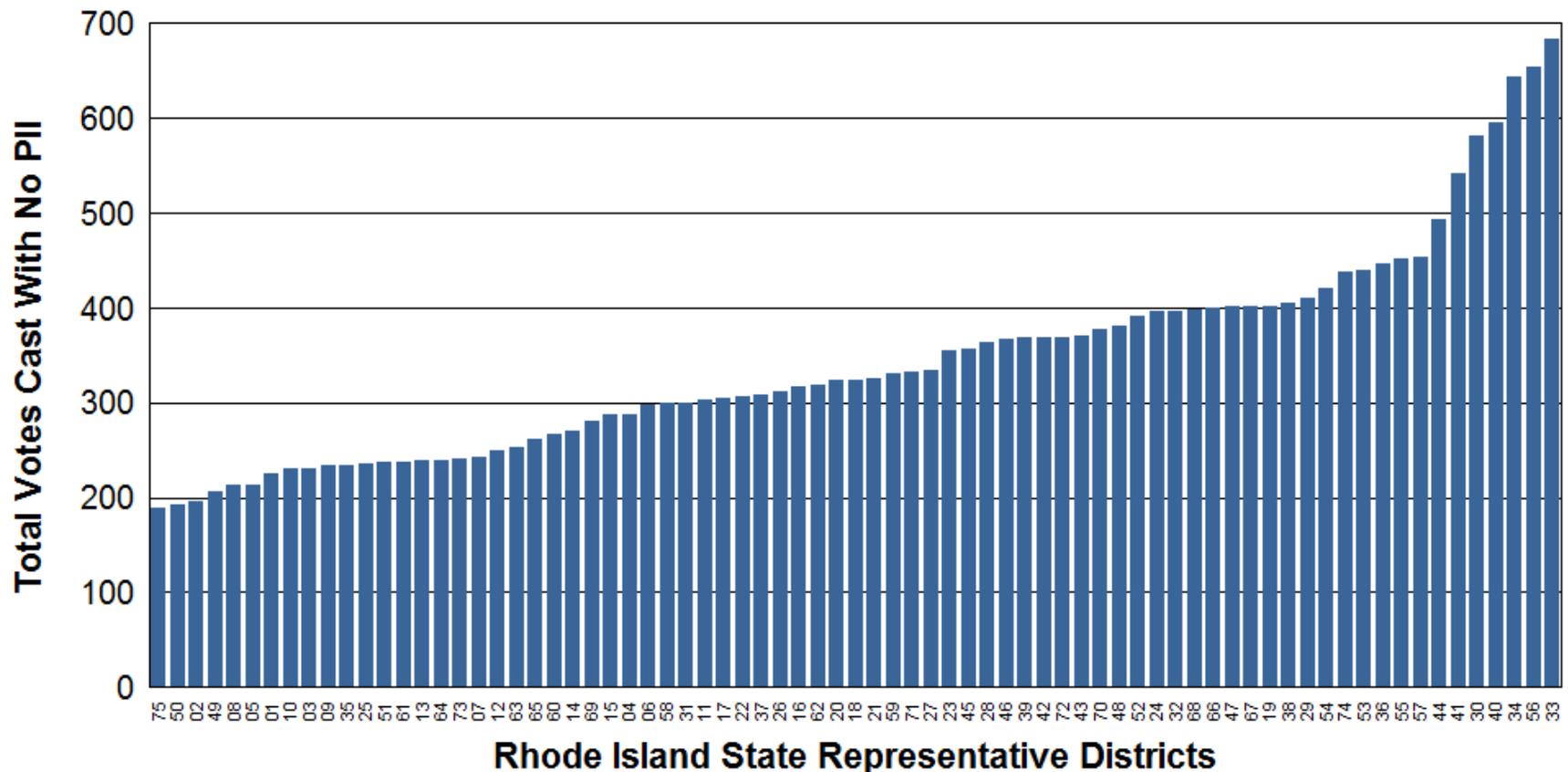
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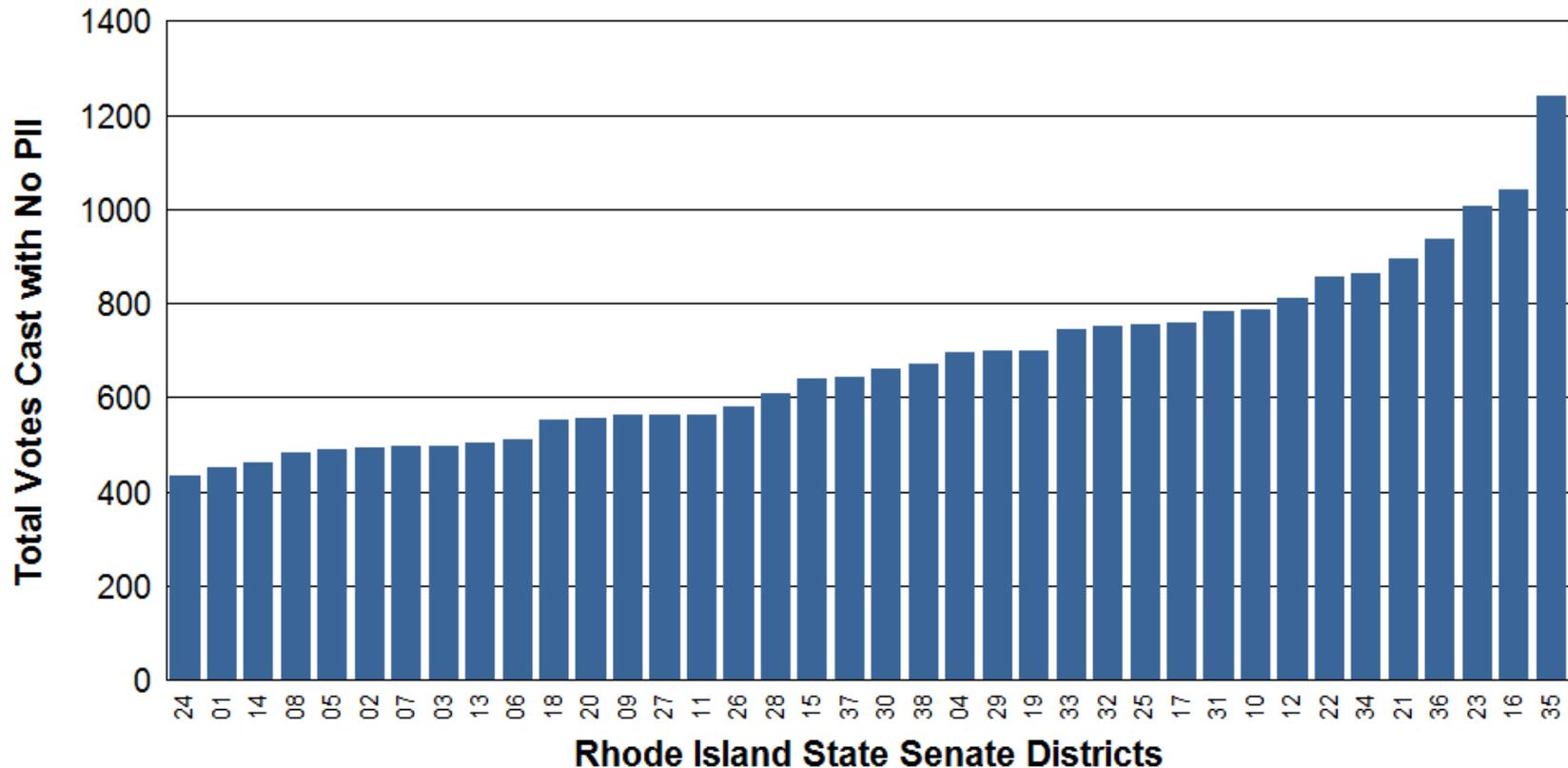
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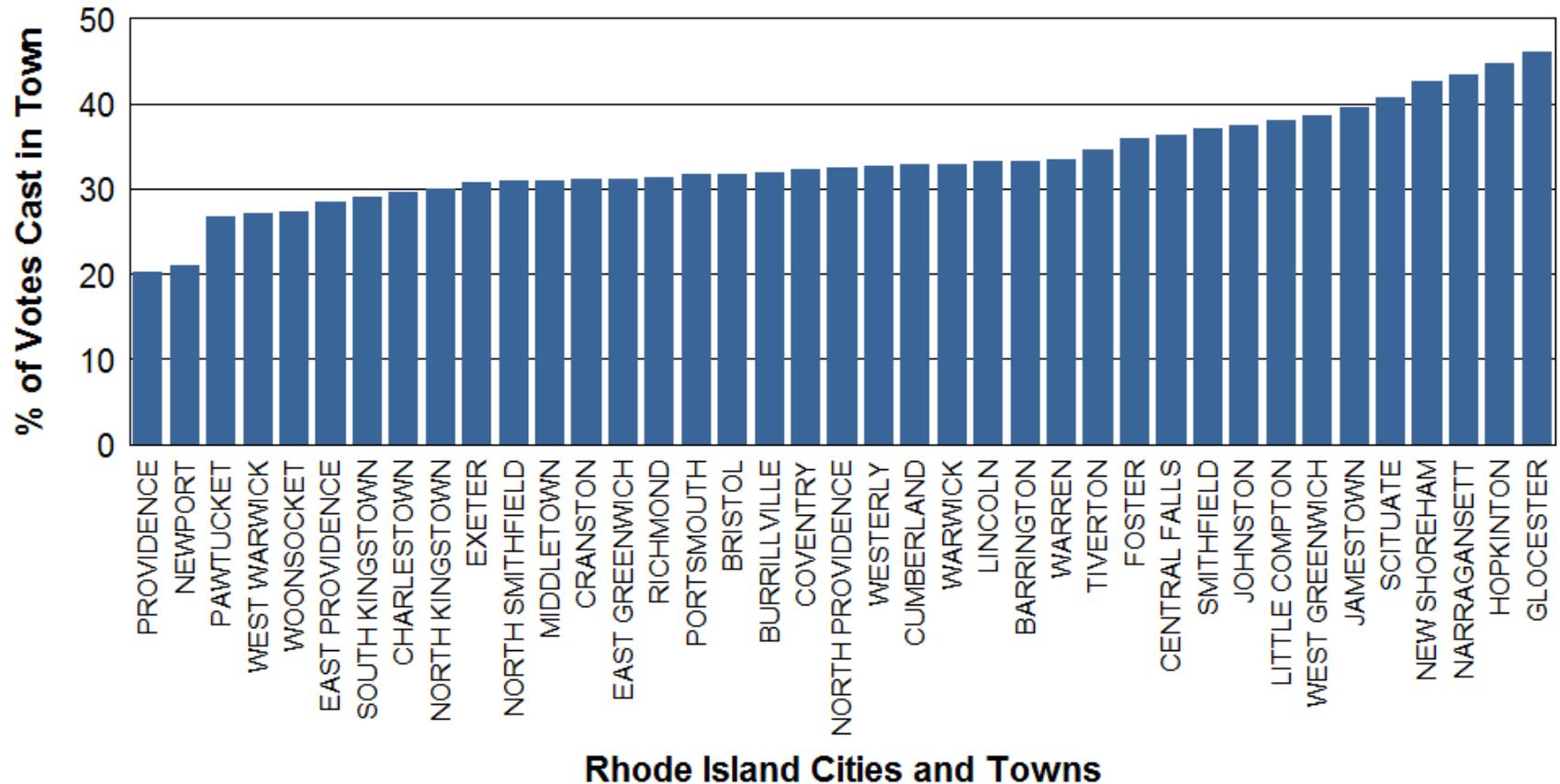
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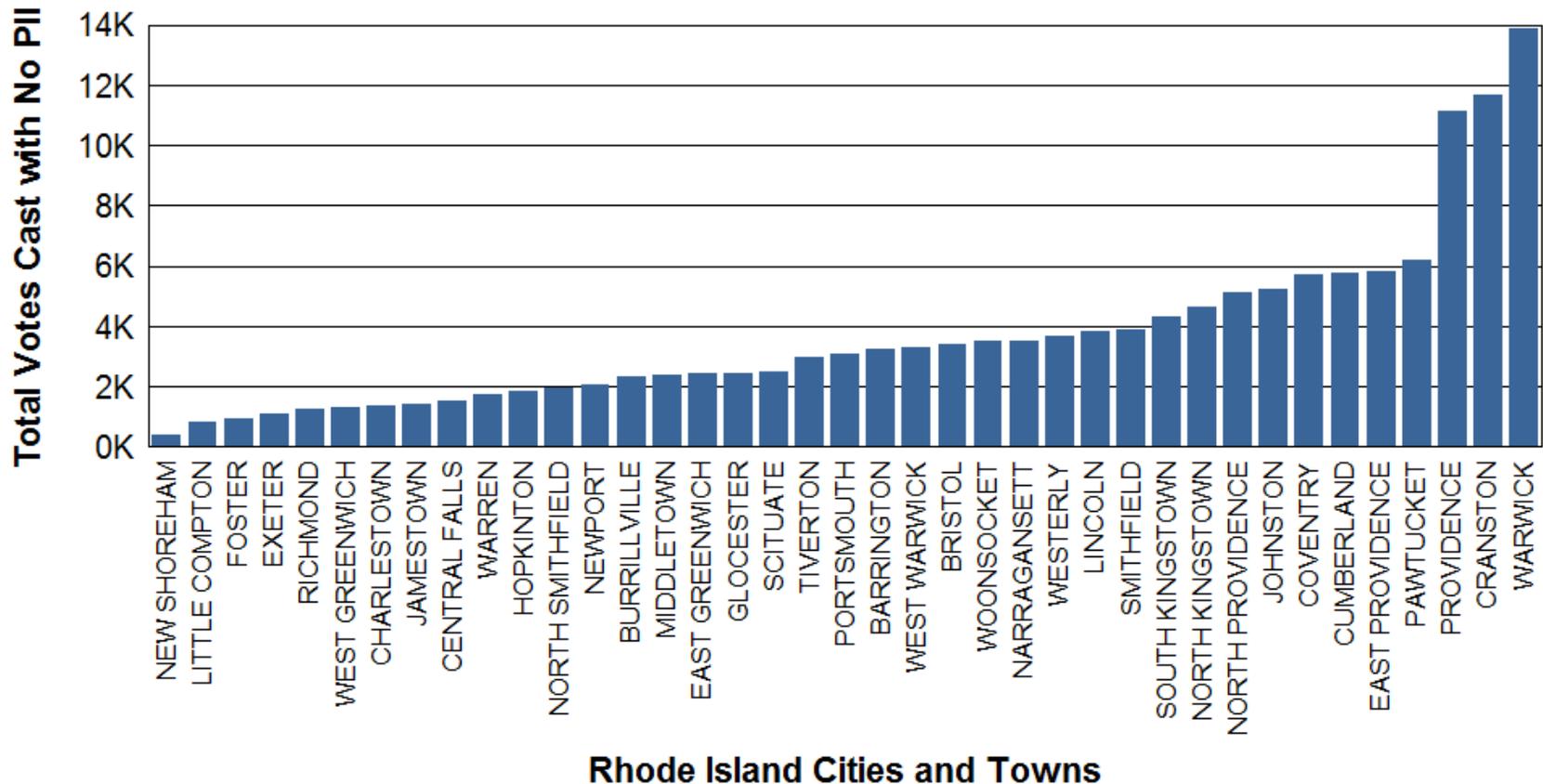
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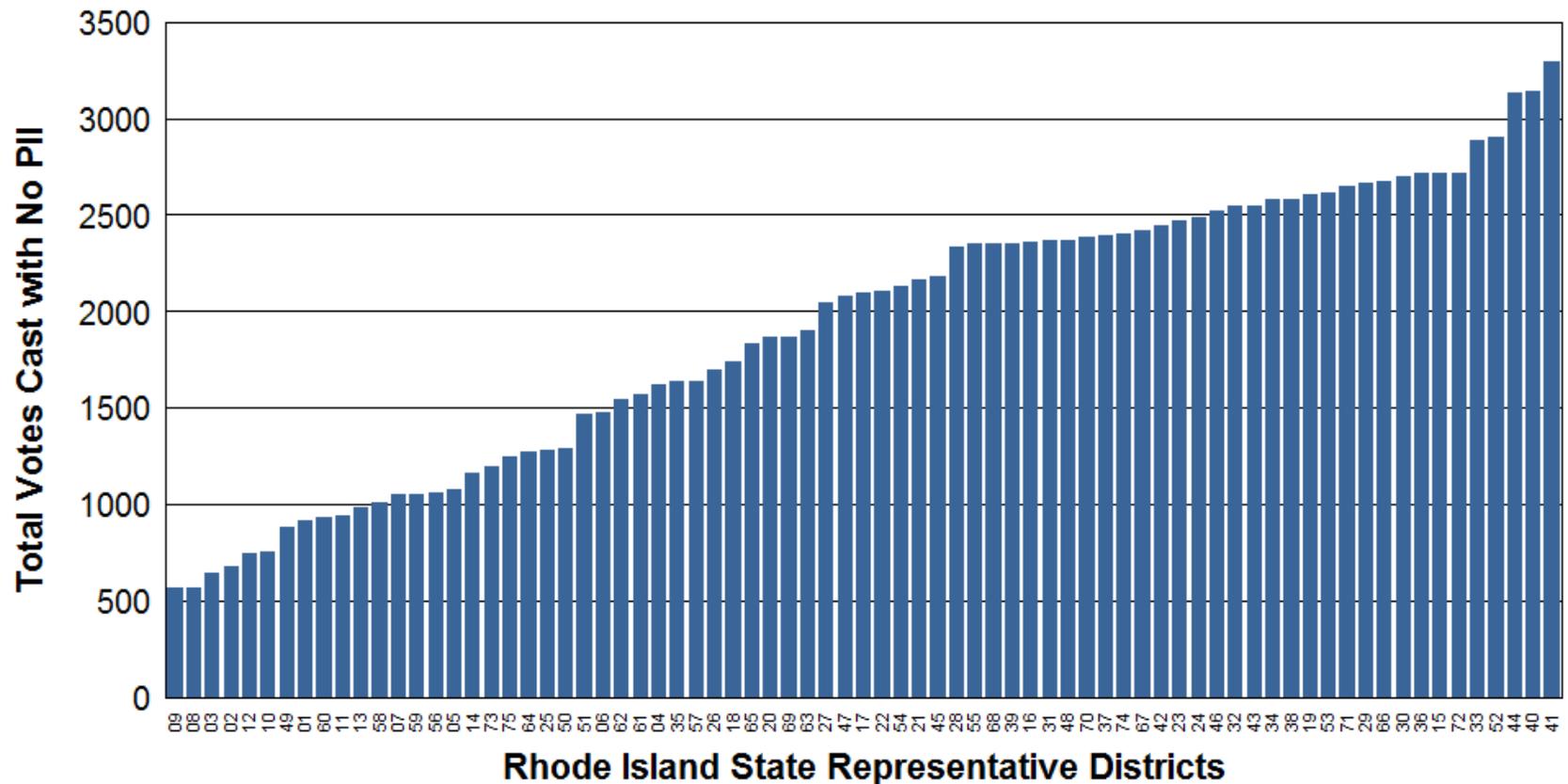
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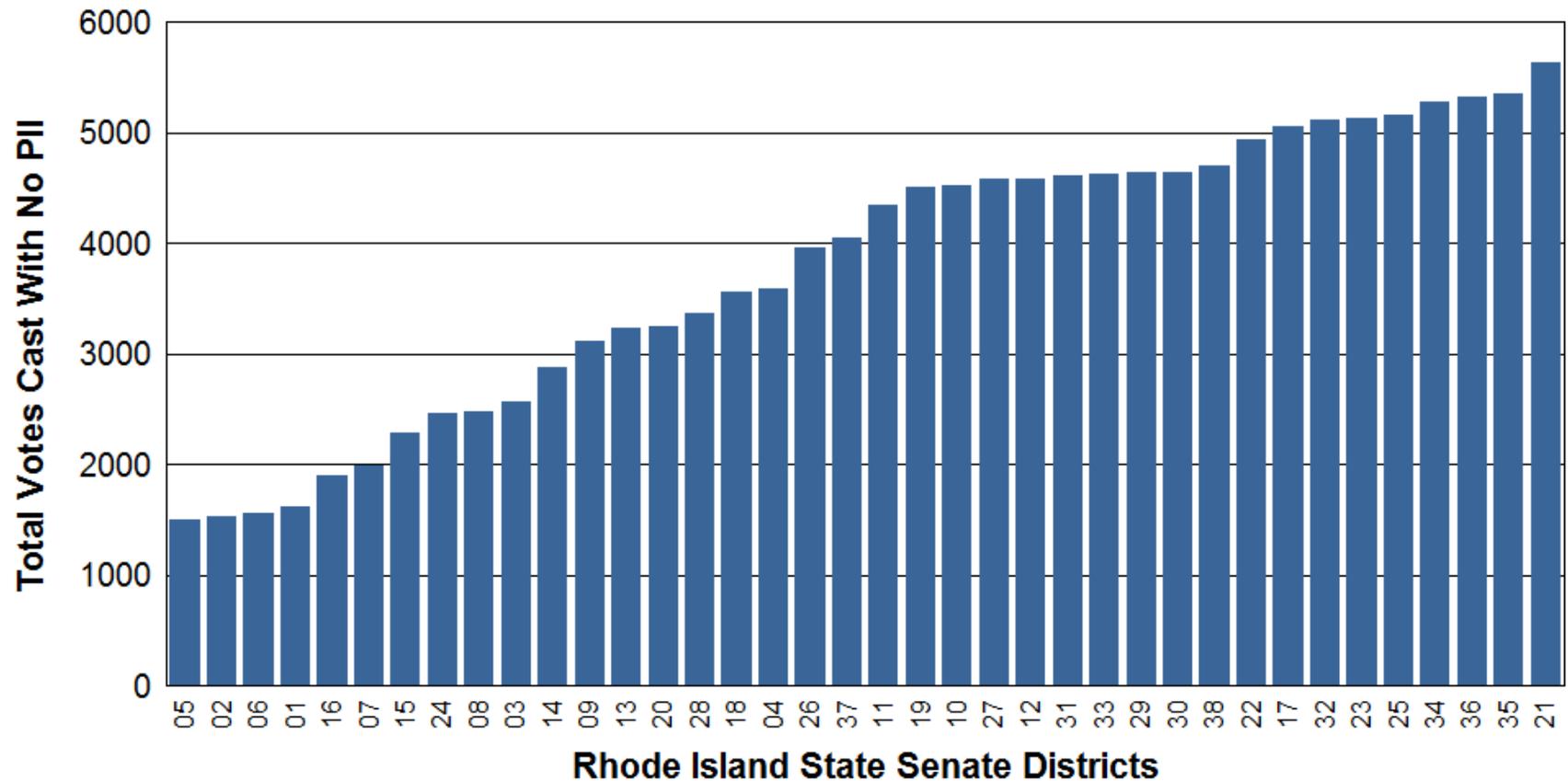
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