



128 Dorrance Street, Suite 400  
Providence, RI 02903  
Phone: (401) 831-7171  
Fax: (401) 831-7175  
[www.riaclu.org](http://www.riaclu.org)  
[info@riaclu.org](mailto:info@riaclu.org)

## **ACLU OF RI POSITION: AMEND**

### **TESTIMONY ON 24-H 7664, RELATING TO NOMINATION OF PARTY AND INDEPENDENT CANDIDATES March 26, 2024**

This bill “provides a process for local canvassing clerks to notify the state board of elections regarding patterns of forgery.” Concerns about improperly submitted ballot application papers at the last statewide election certainly warrant a process such as that being proposed by this legislation. However, the bill leaves many of the details of that process to the Board of Elections and the regulatory process to determine, and it is that process that is of concern to us.

While this delegation of details to the Board makes sense, it is important to recognize that, absent specific legislative direction, the Board of Elections is not subject to the rule-making provisions of the Administrative Procedures Act. It remains one of the only state agencies left that has this exemption. This is a significant deficiency, but especially in such a critical context like this, where public input deserves careful and *formal* consideration.

In recent years, the General Assembly has begun to acknowledge that there are no longer good reasons – if there ever were – for exempting this powerful Board from the transparency and accountability that the APA rule-making process demands of just about every other state agency. Instead, legislators have required Board compliance with the APA in the enactment of a few recently passed election laws.

We therefore strongly urge the committee to do the same here, and amend this bill on Page 5, line 13 and on Page 6, line 13 to specify that the rules to be promulgated shall be “in accordance with the rule-making provisions of the Administrative Procedures Act.”

Thank you for considering our views.