

Voter ID in Rhode Island

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The passage of a Voter ID law in Rhode Island in 2011 was unexpected; indeed it came out of one of the bluest states in the Union. Rhode Island, one of the most Democratic in the country, has a strong union presence and an enduring tradition of liberal social and welfare policies, particularly in relation to immigrants and minorities. Moreover, the change was certainly not partisan. Although Voter ID had long been promoted by Republicans and good government groups across the country, the GOP in the state is weak and relatively disorganized.¹ Republicans comprise just 16 percent of the bicameral legislature's members. The initiative would never have passed had it not been for the support of key Democrat political elites and constituencies. In the aftermath of the 2010 election, the idea that the GOP would be able to promote restrictive voting policies did not apply. Voter ID, which had long been promoted by Republicans, got unexpected traction during the 2011 legislative session, won the support of the Democrat legislative leadership and Independent Governor Lincoln Chafee, and passed overwhelmingly at the end of the 2011 session.

The political culture of the state supports a strong liberal legacy but also a pragmatic streak associated with individualistic politics. Rhode Island reflects the moralistic tradition, as noted by Elazar (1966), which continues to manifest itself in New England politics and public policy. But it also displays a well-developed tradition of an individualistic political culture

¹ Registered voters in Rhode Island include 351,736 Unaffiliated, 301,216 Democrats, 77,435 Republicans, 1,031 Moderate Party members and 91 other for a total of 732,511 eligible voters. Office of the Secretary of State, 9 October 2012.

evident in a pattern of tough hardball election politics and a legacy of corruption (Moakley and Cornwell). The latter perhaps lent credibility to the notion, during an unsettling political season, that voting reform was in order. In the end however, the success of the Voter ID initiative was about politics related to frayed partisan coalitions, statewide outrage over a stunning fiscal crisis, and a curious blend of ethnic politics.

The election of 2010 resulted in an unusual slate of elected statewide leaders that influenced the effort for Voter ID. In the governor's race, reacting to unusual partisan disarray and continued economic decline—Rhode Island had the third highest unemployment rate in the country—voters upended the traditional choices. Democrat Frank Caprio, long considered the frontrunner, saw his candidacy implode as a result of political missteps that included revelations that he considered becoming a Republican earlier in the campaign, his instruction to President Obama to “shove it” during a contentious interview about a presidential visit, and his indication that he had an inclination to take on the unions. He received less than 23 percent of the vote. The Republican candidate, a relative newcomer without much political experience, garnered just over a third of the voters' support by virtue of default. Voters instead elected Independent Lincoln Chafee, a former GOP U. S. Senator who had been defeated in 2006 by Democrat Sheldon Whitehouse. Chafee then left the GOP, ran as an Independent and won—with strong union support—in a four-way race with just under 37 percent of the vote.

The real game changer was a newly elected Democratic Treasurer, Gina Raimondo, a highly accomplished venture capitalist who campaigned on traditional Democratic positions but indicated she was inclined to look into the underfunded state pension system and propose reforms. Upon entering office in January, she did just that and after a few months concluded that the state retirement system alone—not including public safety workers and many municipal

plans—was underfunded by at least 7 billion dollars. (The entire annual state and federal budget in Rhode Island that year was just over 7 billion). She also indicated that several municipalities were on the verge of bankruptcy. This assessment, in the midst of a continued economic downturn, created considerable outrage toward the ruling establishment and particularly the unions, as the details of some of the more cushy pension provisions and unsustainable costs were calculated. This also engendered a snarky attitude among voters who displayed a strong inclination to support reform options.

Another general officer, Secretary of State Ralph Mollis, was handily reelected. Mollis had been a mayor of a small city and was generally part of a traditional old line Democratic political organization. Early in his first term, this competent and savvy politician had supported Voter ID. During his first term in office, he spent considerable time and energy interacting with voters all over the state working to streamline and update voter rolls. A series of public forums in several communities indicated strong support for Voter ID and he began to campaign for the legislation. When he ran for reelection, he indicated that he had come to accept both voter ID and the elimination of the master party lever and he began to push for a moderate and inclusive ID bill. After voter ID passed, he then indicated that in the 2013 session he will for legislation to eliminate the master party lever. Mollis is term limited and will probably run in 2014 for Lt. Governor.

The election of 2010 also saw a talented and competent Latino, Angel Taveras elected as the first Latino mayor of Providence, the capital and largest city in this city state. Taveras is a first generation Dominican whose ascent represented a “Head Start to Harvard” success story. A source of enormous pride among Latinos, his election handily signaled that Latinos in the state

had indeed arrived. Taveras consistently ranks as one of the most popular elected officials in statewide polls.

The fiscal crisis also created a shift in the standard coalitions related to these reform efforts. For one, the unions, which steadfastly opposed both Voter ID and the elimination of the master party lever, were in no position to mount any kind of opposition. Unions were on the defensive in that they were fighting to justify past contracts and preserve existing benefits that were in great danger of being cut or eliminated. In addition, during the 2011 legislative session, some union officials were involved in visible court trial about hardball campaign activity that documented illegal political intimidation which did nothing to help their standing with the public. The ruckus around the trial promoted the idea that unsavory election tactics in the state were not uncommon.

The Rhode Island chapters of the ACLU and Common Cause mounted a campaign against the proposed ID legislation but their activities lacked heft and traction. At the statehouse, defensiveness about the fiscal crisis permeated all aspects of the legislative agenda. The leadership of the House and Senate, at the urging of the Governor and General Treasurer, agreed to hold a special session of the legislature after they finished up with the budget in June to focus on statewide public pension reform. So that crisis lingered on the agenda throughout the session until the General Assembly reconvened in October. Through all of this, Voter ID was not the subject of much debate or attention. Partially it was the result of the distraction of the fiscal crisis and partially it was because most observers, given the prevailing crisis mode, did not expect legislation of this type to go forward. But the legislative leadership had been working closely with the governor on a number of issues and there was apparently an emerging

agreement on supporting this legislation, which was also backed by some minority members of the legislature.

The Ethnic Component

Probably the most unusual aspect of the voter ID initiative was the support it had from segments of the minority community. For years, one of the State's largest minority groups was African Americans, many of whom had a long history in Rhode Island, especially in the city of Newport, where generations of blacks had settled. Others came north after the WW II and settled in enclaves in and around Providence along with more recent arrivals from countries like Liberia. While the number of blacks remained fairly stable, newer immigrant groups, especially Latinos, moved to the same urban areas creating inevitable ethnic tensions and rivalries. The state has generally had a progressive tradition of support for minorities and immigrant groups and most political leaders were sensitive to the declining influence of the black political community and the emerging electoral strength of new immigrant groups. There were a few black members of the state house of representatives and traditionally there had been one black state senate seat. As various groups of Latinos began to settle in Providence in significant numbers, they began to seek their own representation in the city and in the state legislature. Immigrants from the Dominican Republic are relative newcomers having arrived in significant numbers since the mid-1980s. They are especially energetic politically and have had remarkable electoral success, in some instances squeezing out black elected representatives. This created some dissonance within the minority community.

One instructive debate played out in the state senate in the aftermath of the 2000 redistricting plan. Legislative leaders in the Senate were able to accommodate a black and Latino seat. As the Latino population grew, however, it became apparent that blacks were losing

ground. Yet in the 2002 redistricting plan, lines were drawn to preserve a black seat and keep one Latino seat in the state senate. Latinos, sensing they could do better, initially brought one of many suits against the plan. Later, probably realizing that time and demography were on their side, they dropped the suit. State leaders were then able to draw a wildly gerrymandered district to maintain one black senate district. But it was apparent that after the current 2010 census, sustaining that seat would be increasingly difficult. The one black state senator, although initially planning to retire, decided to run for reelection and supported, campaigned for and introduced the Voter ID in the state senate.

There had long been anecdotal evidence of voter fraud, but these demographic and political changes created support for monitoring elections with IDs. Not all minority groups went along with the proposal. Indeed, the official NAACP response was to strongly oppose it. Nonetheless it received support from various Latino activists and elected representatives who because of their most recent successes probably felt that, given demographic trends, ultimately they had nothing to lose from the new regulations that it would put to rest questions about the legitimacy of their electoral successes.

There had been lingering questions about “energetic” campaign practices by Latinos not only in support of minority candidates but also among various factions within Latino neighborhoods in local races (Marcelo 2012b). Some of these allegations went back years, but the election of Mayor Taveras and other respected Latino leaders signaled that as a group they had more to gain by adopting a more coordinated strategy. More recently, given the ethnic diversity within the Latino community, they are now remarkably cohesive—especially in terms of avoiding divisive primaries.

While reformers were quick to point out that allegations of fraud abounded, the progressive coalition, including the unions, noted that there was not any substantial legal documentation that fraud existed. They countered that anecdotal evidence, and the perception of fraud, was not a sufficient basis for creating more restrictive voting regulations. The critical aspect of this debate was that some of the allegations came from people in high and influential electoral places. For one, the speaker of the House, an openly gay black who is a liberal progressive Democrat provided one example. In an interview he noted that on one occasion when he was poll watching for a friend, he noticed examples of voters who cast a ballot and then later returned and got on the voting line again. He co-sponsored the voter ID bill in the House. Another black legislator from the house recounted an incident whereby she went one evening on to vote and was told that she had already voted. She testified in favor of the bill in the house.

Ironically, most observers on both sides of the issue conceded that the real fraud traditionally has been with mail ballots, which are not affected by this legislation. It is believed that campaign workers routinely go to key areas, particularly high -rise senior housing, and either get signatures from unwitting seniors and mark the ballot or apply for mail ballots, sign a registered name and vote for them.

Voter ID Becomes Law

After very little debate and not much media coverage, proponents of the legislation took advantage of the end of session rush and passed Voter ID. In the state senate, the bill was introduced by Senator Harold Metts, the lone black legislator in that body. He sought no co-sponsors and his bill was passed in May of 2012 by a vote of 28 to 6 with the support of the Senate President and the Latino state senator from Providence. There was some reaction from progressive interest groups about the May vote but for awhile the speculation was that this was a

good cop/bad cop strategy, used frequently in the legislature, whereby one chamber passes a bill and, at the last minute the other chamber does not bring it up for a vote, essentially killing the legislation. Much to the surprise of most observers, however, the house version made it to the floor on June 30, 2011 and passed with a vote of 52 to 21. In that chamber the bill was co-sponsored by the speaker, Gordon Fox. Supporters included not only an array of GOP legislators but also other minority legislators. It was opposed in the house by a progressive group that included one Latino representative.

Governor Lincoln Chafee promptly signed the bill. In his signing statement, he noted that he had spoken “with representatives of our State’s minority communities, and I found their concerns about voter fraud and their support for their bill particularly compelling” (Office of the Governor 2012). Chafee, although usually supportive of progressive issues, has proved to be a somewhat quirky but principled leader and it is likely that he was persuaded by these arguments.

The legislature recessed for the summer a few days later.

A Solution Looking For a Problem?

The reaction was strong but somewhat belated. Clearly the Democratic National Committee was chagrined given its national position on the issue and the consistent message from Washington was that this was “a solution looking for a problem.” This mantra was echoed by a broad coalition of progressive interest groups who issued a scathing rebuttal to the governor noting that “this bill represents a significant and shameful step backward in the fight for equality at the voting booth” (“Letter to Governor” 2011). But local criticism quickly dissipated, especially after a poll found that voters supported the change. A poll taken in December of 2011 asked respondents whether or not they approved of the new law that will require voters to show identification at the polls. Overwhelming numbers supported the measure: 84.9 percent approved

of the change, with little difference by party affiliation. Nearly 4 in 5 Democrats agreed (79.4 percent) and almost all Republicans (96.6 percent) were likewise in favor of voter ID. Given the breadth of support for the measure, any changes in the system appear unlikely (Combs and Orr 2011).

In late August of 2012, as a prelude to the Democrat primary, the incumbent, David Cicilline who was running for reelection in the First Congressional District, was challenged by a wealthy businessman, Anthony Gemma. He conducted an unusual campaign that essentially consisted of hiring a private investigative firm to look into multiple allegations of voter fraud by the Cicilline campaign in past elections. At a press conference, Gemma made extensive and serious charges relating to his opponent's involvement in voter fraud that have yet to be proven (Marcelo 2012a). Most observers consider the charges relating to Congressman Cicilline's involvement farfetched, but some of the accusations, many involving members of the Latino community, are now presumably under investigation by the US Attorney.

Voter ID in Rhode Island

The law that was passed represents a relatively liberal policy. The ID system will be phased in over two election cycles. In 2012 and 2013, poll workers will request ID from voters as they sign in. Acceptable IDs include a driver's license, passport, college ID, U. S. military ID, government-issued medical card, and other forms like credit or debit cards. If voters do not have any of these, they can use other non-photo identification, including social security cards or utility bills with their name and address. No voters will be turned away. Voters who do not bring any of the listed acceptable IDs can still vote using a standard provisional ballot. As long as the signature they provide matches the signature on their voter registration form, their ballot will be

counted. Voters are not required to return to the polling place or local elections office with any additional verification as is required in many other states.

Since the bill passed, the Secretary of State's office has had a mobile operation that travels to senior centers, homeless shelters, non-profit organizations and special events to provide free IDs to citizens who lack a photo ID. The state has budgeted funds for this initiative which is a critical component of avoiding a constitutionally troubling indirect poll tax. Since the new law took effect in January of this year, more than 800 IDs have been issued (Bidgood 2012). Beginning in 2014, only photo IDs will be accepted at the polls ("Where to Get" 2012).

Most national assessments acknowledge that voter ID in Rhode Island is less restrictive than in most other states. The Brennan Center for Justice at New York University School of Law calculates that a photo ID requirement could have a restrictive impact on 3.2 million voters, but they exempt Rhode Island from that count "because Rhode Island's requirements are significantly less onerous than those in other states" (Weiser and Norden 2011). They also note that:

Rhode Island's bill is significantly less restrictive and differs substantially from the others that passed this session in two major respects. First, unlike the other states that provide a narrow list of acceptable photo IDs, Rhode Island broadly accepts any ID with a voter's name and photograph. Second, although Rhode Island now requires that all voters present photo ID before receiving a ballot in person, a voter without a photo ID may sign an affidavit that she does not have a photo ID and cast a provisional ballot that will count if the signature on the ballot matches the voter's registration signature (Weiser and Norden 2011).

The initial implementation of the law seems to have gone fairly well. In the April 2012 presidential primary, Rhode Island had its first run with the implementation of this policy. In that election, 26 Voter ID related provisional ballots were cast and just one was rejected. To date, more than 111,000 ballots have been cast in two municipal elections and two statewide elections, including the presidential primary. Eighty-five Voter ID related provisional ballots have been cast and 20 were rejected (Office of Secretary of State 2012). The critical test, of course, will be the 2012 general election. Once we have these results and compare them to previous elections, we can get a better idea of the impact of the new system in Rhode Island as well as in other states across the country. Court challenges to various requirements in other states have yielded some successful challenges to particularly restrictive regulations, but opponents have yet to “win the critical argument—that voter ID laws are unconstitutional infringements on voting rights” (Grover 2012).

Whatever the ultimate outcome of the implementation of these policies, and the ultimate decision of the courts, the trend seems to be toward more restrictive policies. Thirty-one states now require voters to show ID and more than half require photo ID. Pending legislation suggests more states will follow (National Conference of State Legislatures 2012).

The opposition may further dissipate as younger voters, who are somewhat inured to such intrusions, see IDs as a way of life, and may not find these requirements at all unsettling. Informal surveys of undergraduate classes found broad acceptance of the idea of voter ID. As one student noted “I have to have my hand scanned to go to the dining hall to get coffee and Cheerios, so why shouldn’t I have to show an ID to vote?”

This may be an idea whose time has come.

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