Lawyers' Committee For Rhode Island

April 16, 2026

Chairman Evan Shanley
House Committee on State Government and Elections
State House
82 Smith St.
Providence, RI 02903
HouseStateGovernmentandElections@rilegislature.gov

Re: Letter in SUPPORT of H.8334 - The Rhode Island Voting Rights Act

Dear Chairman Shanley,

I write on behalf of the Lawyers' Committee for Rhode Island (LCRI) in support of H.8334, the Rhode Island Voting Rights Act.

LCRI was created in December 2024 by lawyers as a legal and democracy project, committed to protecting all in Rhode Island from unlawful actions by the federal government. It supports the Rhode Island Voting Rights Act, which would ensure no citizen in Rhode Island will have their right to vote denied or abridged because of their race, color, or membership in other protected classes. Many of the rights the bill would protect are rights that Americans have enjoyed since the landmark passage of the Voting Rights Act in 1965. Federal protection of voting rights is no longer assured. The Rhode Island Voting Rights Act creates a new avenue to continue the protection of the voting rights of citizens in Rhode Island, grounded in our state constitution and laws and enforceable by the Rhode Island Attorney General and private litigants.

As voters now face the greatest assault on their voting rights since the Jim Crow era, Rhode Island must stand up to protect the voting rights of Rhode Islanders and safeguard our democracy. In recent years, the Supreme Court has attacked federal voting rights starting with *Shelby County v. Holder*, 570 U.S. 529 (2013), which struck down the requirement that jurisdictions with a history of discrimination receive "pre-clearance" by the Department of Justice or a federal court for any change to a standard, practice, or procedure related to voting. That left enforcement of the Voting Rights Act to individual lawsuits brought under Section 2 of the law. In *Brnovich v. Democratic National Committee*, 594 U.S. 647 (2021), the Supreme Court introduced new factors into the analysis of Section 2 cases, making it even more difficult

for advocates, including the DOJ, to challenge discriminatory voting laws. The standard for proving certain Section 2 cases was further heightened in *Alexander v. South Carolina State Conference of the NAACP*, 602 U.S. 1 (2024), which required litigants to "disentangle race and politics" and "start with a presumption that the legislature acted in good faith."

Today, lawsuits brought under Section 2 by people hurt by discrimination in voting–private litigants–are at risk. The Supreme Court is currently weighing whether to hear an appeal in *Turtle Mountain Band of Chippewa Indians v. Howe*, 137 F.4th 710 (8th Cir. 2025), which held that private parties cannot enforce Section 2 of the Voting Rights Act. If affirmed, this decision will prevent private parties from bringing lawsuits to vindicate their federal rights, eliminating one of the few tools left to enforce federal law.

The current Trump administration has extended this assault by eviscerating the Voting Rights Section of the Civil Rights Division of the Department of Justice, the federal government's primary body for enforcing the Voting Rights Act. The chief of that section, a career civil servant with decades of experience enforcing civil rights laws, was reassigned and subsequently left the Department. An exodus followed, leaving a mere handful of experienced attorneys to enforce voting laws nationwide. Experts in voting rights enforcement at United States Attorneys offices have similarly left federal service. Today's Department of Justice is focused almost entirely on alleged voter fraud prevention. Instead of bringing lawsuits to vindicate the rights of individuals whose votes have been diluted or face obstacles to voting because of their race, color, disability, or language spoken, this DOJ is suing states, including Rhode Island, to obtain private information on their voter rolls under the pretext of preventing voting fraud for which they show no evidence. Courts are routinely rejecting DOJ's lawsuits as unlawful.

These changes portend a new era in voting rights enforcement. Historically, Republican and Democratic administrations have had different enforcement priorities which would be reflected in the kinds and quantity of cases brought from one administration to the next. The pendulum of federal voting rights enforcement no longer swings along a constant arc. Even if the next presidential administration affirms its commitment to the protection of voting rights, cases like *Shelby County*, *Brnovich*, and *Alexander* have raised the burden to prove many voting rights claims, or eliminated them altogether. The Department of Justice will face a herculean task of rebuilding its workforce of civil rights attorneys. The Supreme Court may soon block private litigants from filling the gaps. While we may hope and work for this federal rebuilding to happen quickly, we must plan and prepare for a future in which Rhode Island has state laws to protect the voting rights of Rhode Island citizens. The Rhode Island Voting Rights Act achieves that goal.

LCRI would like to emphasize the importance of two parts of this bill. First, proposed section 17-31-9 authorizes both the attorney general and private parties to enforce the Act

through civil litigation in Rhode Island courts. Shared responsibility for enforcing voting rights laws has been a successful aspect of federal law since the 1960s. With federal enforcement no longer likely, even a Rhode Island attorney general who prioritizes enforcement of state voting rights laws may not have the capacity to address all potential violations of the law. Private enforcement fills that gap, and in this bill does so in a way that provides political jurisdictions that may be in violation of the law a reasonable opportunity to remedy their alleged violation before litigation.

Second, the bill explicitly acknowledges that it provides rights and remedies to address violations under the Rhode Island Constitution and General Laws, and not the federal Constitution and federal law. While federal legal standards and precedents may, on occasion, be persuasive for Rhode Island courts, Rhode Island will need to develop its own interpretation of what our Constitution and laws require. We believe the sharp limitations many federal courts, including the Supreme Court, have read into the federal Voting Rights Act are not consistent with what the Rhode Island Constitution requires and that the protection of the voting rights of citizens in Rhode Island should be as expansive as possible, consistent with what the federal constitution permits.

For the reasons stated above, we urge the Committee to pass the Rhode Island Voting Rights Act.

On behalf of the Lawyers' Committee for Rhode Island,

/s/

Joe Gaeta
Chair, Legislation and Policy Committee
Lawyers' Committee for Rhode Island