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ACLU OF RI POSITION: OPPOSE

TESTIMONY ON 26-S 3044, RELATING TO THE REGISTRATION OF VOTERS March 26, 2026

The ACLU of Rhode Island strongly supports the underlying goal of this bill – adding more eligible residents to the voting rolls – but we are constrained to oppose its method of promoting it.

Rhode Island, like most other states, has what is known as a front-end voter registration system for people applying for or renewing their drivers' licenses. At the time of a transaction at the DMV, the person is asked whether they want to register to vote and are apprised of the qualifications necessary to do so. Under the back-end system that this bill proposes, the individual doesn't take any action; instead, if the DMV determines, based on their qualifications for obtaining a REAL ID license or the information they provide for a standard license, that the person is a U.S. citizen, their information is automatically shipped to the board of canvassers to register them. The board then sends a mailer to the person advising them they are being registered, and gives them a two-week time period to opt-out. Our concerns about this proposed process include the following:

* Any actions by the DMV to make determinations about a person's citizenship may lead to fraught encounters between clerks and individuals, especially immigrants, conducting business with the agency. An opt-in system creates the opportunity for some people, who may not be eligible to vote, to be unintentionally added to the voting rolls through no fault of their own. Many people are likely to ignore the notice they get in the mail that gives them the after-the-fact opportunity to keep their name from being erroneously added to the voter rolls. This process could thus unintentionally foster the scare tactics some have used to attack voting reform by falsely alleging the ease by which ineligible people can supposedly vote.

* We have similar concerns about the authority given to state agencies other than the DMV to engage in automatic voter registration practices. [Page 5, lines 1-19] It would give these agencies access to databases and other matching techniques to verify citizenship that we believe are unwarranted and inappropriate.

* Just as there is a fundamental right to vote, we believe there is a corollary right not to vote (and, similarly, to not register to vote), and that registering should involve an affirmative decision by the person affected. Ultimately, there is an element of deception in signing people up to register to vote at the time of their interaction with the DMV – an interaction that has absolutely nothing at all to do with elections or voting – without telling them so, much less offering them the opportunity to opt out at that time.

This dispute over an opt-in vs. opt-out system is something that the ACLU has dealt with in a variety of other contexts, and we generally favor the former in terms of ensuring informed consent. We believe opt-in should apply in this situation as well.

For all these reasons, while we are very sympathetic to this legislation's objective, we instead urge that stronger efforts be made, if needed, to make residents more aware of their ability to sign up to vote while conducting business at the DMV through the "front end" system already in place.