



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

ACLU OF RI POSITION: SUPPORT/AMEND

TESTIMONY ON 25-S 3143, AN ACT RELATING TO ELECTIONS -- RHODE ISLAND VOTING RIGHTS ACT April 7, 2026

The ACLU of Rhode Island strongly supports this legislation, which would establish a state voting rights act that is largely based on the federal Voting Rights Act of 1965. Such action at the state level is essential in order to preserve this fundamental right, especially in light of the U.S. Supreme Court's continued actions undermining the scope of that historic law. We are therefore very grateful for the interest shown by legislative leadership in addressing this issue.

While every aspect of this bill is important and necessary,¹ we wish to focus on two of particular critical significance. Like the federal VRA, this bill would establish a private right of action² and would also allow prevailing plaintiffs to recover their attorneys' fees. Both of these provisions are absolutely essential to ensure meaningful implementation and enforcement of this law, just as they have been for over 50 years at the federal level.

The absence of these important enforcement mechanisms would severely undercut the law's utility and its goal of overturning practices that have the effect of diluting or suppressing votes, and the votes of Black and Latino Rhode Islanders in particular. The availability of attorney fee awards has been a key remedy in the federal law for decades. Much of the federal litigation that has been brought under the VRA might never have happened if attorneys had not had the ability to recoup their fees if successful.

It is worth noting that eight states thus far have passed state VRAs. ***Every one of them*** authorizes the award of attorneys' fees to successful plaintiffs, a clear recognition of its crucial role in allowing the law to be enforced. We would be happy to share the citations for those statutes with the committee.

The idea behind this remedy is simple, but powerful. Most people cannot afford to pay an attorney to sue when their civil rights are violated. Most attorneys cannot afford to take cases for free without any prospect of monetary reimbursement for their time and expenses

¹ There are a few additional amendments being proposed by the Campaign Legal Center that we are also supporting and that we urge be included as a Sub A.

² Voting rights advocates were particularly alarmed last year when a federal appeals court for the first time held that the federal VRA did not allow private individuals to sue. For the moment, that limitation applies only to the states covered by that appellate court.

in bringing a suit. Awarding attorneys' fees to **successful** plaintiffs (and only successful plaintiffs) allows individuals to bring these suits, and attorneys to take them on.

The prospect of attorneys' fees awards is particularly crucial in voting cases. These lawsuits are often extremely complex, expensive, and time-consuming. They also frequently require the hiring of expert witnesses, who can easily cost tens of thousands of dollars. We feel confident in saying that no attorney brings a voting rights case with either the goal or expectation of getting rich.

Over the years, like Congress, the General Assembly has also recognized the importance of this specific remedy in vindicating civil rights. The award of attorneys' fees is a key remedy in such important state laws as the Fair Employment Practices Act, the Fair Housing Act, the open meetings and open records laws, the Rhode Island Whistleblowers' Protection Act, and many more – laws all designed, like the VRA, to vindicate critical individual **and** public rights.

In short, expecting plaintiffs to pay, or attorneys to expend and forego reimbursement of, tens - and potentially hundreds - of thousands of dollars when they win a case vindicating the rights established by the bill is unrealistic and unfair. As we know committee members can appreciate, it means little to pass a law containing strong voting protections if people will not be able to afford to vindicate their rights in many circumstances.

There is a great fear nationally in the civil rights community that the Supreme Court may reject the long-standing, once unanimous, view that the federal VRA contains a private right of action, allowing individuals to sue for violations of the statute. The state bill's inclusion of a private right of action is thus critical. But it loses most of its force if it does not allow, as the federal law does, for the recovery of attorneys' fees. It makes the private right of action in the bill a paper tiger and much more of a hollow promise than a truly meaningful remedy.

Some public bodies may express fiscal concerns about the potential cost to the state or municipalities if they lose a voting rights case under this law and have to pay attorneys' fees. But they only have to pay if they lose – that is, if a court has found they violated the rights of voters – and, frankly, that is how it should be. Otherwise, it means that the person whose rights were violated and vindicated (or their attorney) must pay for the “privilege” of winning that right. In any event, as noted above, this remedy is contained in many other state laws as well as federal litigation over constitutional rights.

We therefore strongly urge your support of this legislation as drafted and with the additional revisions recommended by the Campaign Legal Center. With its passage, Rhode Island can continue to be a leader in promoting this truly fundamental right.