

Testimony in Support of S 3143—An Act Relating to Elections—Rhode Island Voting Rights Act

Position: Support

Common Cause Rhode Island strongly supports S 3143, the Rhode Island Voting Rights Act (RIVRA). We are grateful to Secretary of State Gregg Amore for putting his office's stamp on the bill, and for Senate President Valarie Lawson for sponsoring the legislation. We believe the time has come for Rhode Island to put these vital protections for voters into state law.

In 1965 Congress passed the federal Voting Rights Act (VRA) which helped make the promise of the 15th Amendment a reality for Black voters. In subsequent decades Congress built upon that landmark legislation to provide protections for language minorities, voters with disabilities, and others.

Since its inception the federal Voting Rights Act has met resistance. Those forces are on the march. In 2013 the U.S. Supreme Court significantly weakened the law in the case of *Shelby County v. Holder* by functionally eliminating the preclearance requirement in Sections 4 & 5. It is poised to further weaken the law by undermining the ability of protected classes to bring claims of vote dilution under Section 2 in the case of *Calais v. Louisiana*. And next term there are several cases that threaten to eliminate the private right of action.

While the RIVRA does not propose a preclearance system like the federal VRA has in Sections 4 and 5, it does contain important protections against vote dilution and suppression of voters based on their race or color, like the federal VRA has in Section 2. And the RIVRA would put the protections for language minorities that have existed in Section 203 of the federal VRA since the 1970s into state law.

Meanwhile the United States Department of Justice does not seem interested in enforcing the law. This is critical because currently our state's fourth largest municipality, Pawtucket, RI, is under a consent order until 2028 for having violated Section 203 of the federal VRA. The voters of Pawtucket have no safety net should the DOJ choose not to enforce that consent order.

We need to put the protections of the VRA into state law so they continue to meaningfully exist. But we not only need to put the protections into Rhode Island law, we need to create the proper mechanisms for their enforcement. Otherwise those protections are just words on paper.

Under the RIVRA the Rhode Island Attorney General can go to court to vindicate a voter's rights, or a voter or organization can go to court directly by using the private right of action. With a hostile U.S. Supreme Court, an indifferent DOJ, and a withering private right of action, the RIVRA may be a Rhode Island voter's only hope.

The RIVRA doesn't just copy the language of the VRA and put it into state law. It is carefully crafted to make sure state courts do not rely on decisions such as *Brnovich v. DNC* which makes it difficult for members of a protected class to make a successful claim of vote suppression or vote dilution. Some of the leading voting rights groups in the nation including the Campaign Legal Center, NAACP Legal Defense Fund, Asian American Legal Defense and Education Fund, and LatinoJustice drafted the language on which this bill is based to make it an effective tool.

The RIVRA also improves upon the VRA by creating a path to avoid litigation. Affected voters can send a notice letter to a covered jurisdiction giving that jurisdiction time to correct the problem before litigation can begin. This is a win not only for voters, but for jurisdictions who have to abide by the law.

States are increasingly passing State Voting Rights Acts to protect their voters in the face of a weakened federal VRA. Nine states have passed them, including New York in 2022 and Connecticut in 2023. Maryland, Michigan, and New Jersey are poised to pass them this year.

State Voting Rights Acts are popular. A January 2025 poll conducted by the NAACP LDF found that 78% of voters support their state legislature passing a State Voting Rights Act, including 89% of Democrats, 74% of Republicans, and 69% of Independents.

In Rhode Island this bill is being supported by a broad array of groups from those focused on voting rights, like the ACLU and the League of Women Voters, to those focused on women's rights like The Womxn Project, and the Women's Fund of Rhode Island, to the leader of the labor movement, the AFL-CIO, and groups representing the Latino community like the Latino Policy Institute, and the Black community like the Delta Sigma Theta Sorority, Inc., the Rhode Island Coalition of Black Women, and many more.

Common Cause Rhode Island supports the proposed amendments to the RIVRA outlined in the written testimony of the Campaign Legal Center to bring the legislation into alignment with the federal Voting Rights Act, and to clarify and strengthen the RIVRA.

We urge the Senate Judiciary Committee to protect the rights of Rhode Island voters at this time when they are under attack.