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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO ELECTIONS -- RHODE ISLAND VOTING RIGHTS ACT

Introduced By: Representatives Kazarian, Shanley, Fogarty, Edwards, Furtado, Messier,
Alzate, Casimiro, Stewart, and Boylan

Date Introduced: March 20, 2026

Referred To: House State Government & Elections

(Secretary of State)

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative findings.

2 The general assembly finds and declares that our form of government is built on the
3 foundation of each citizen's right to vote and that electoral systems or practices that deny or abridge
4 that right are counter to the intent, principles, and practices expressed in the Voting Rights Act of
5 1965 and its subsequent reauthorizations. Prevention of discrimination in voting is a matter of
6 statewide concern that necessitates the enactment of the Rhode Island Voting Rights Act ensuring
7 crucial procedures and protections that provide Rhode Island voters the right to fully participate in
8 the electoral process free from discrimination.

9 SECTION 2. Title 17 of the General Laws entitled "ELECTIONS" is hereby amended by
10 adding thereto the following chapter:

11 CHAPTER 31

12 RHODE ISLAND VOTING RIGHTS ACT

13 **17-31-1. Short title.**

14 This chapter shall be known and may be cited as the "Rhode Island Voting Rights Act".

15 **17-31-2. Definitions.**

16 As used in this chapter, unless the context otherwise requires:

17 (1) "Disability" has the meaning as used in the Americans with Disabilities Act, 42 U.S.C.
18 § 12102 and in § 17-20-2 relating to circumstances under which an elector is eligible for a mail
19 ballot.

1 (2) "Early voting" means casting a ballot in person, as described in § 17-20-2.2(g) or any
2 other method of casting a ballot in person before election day adopted by the state.

3 (3) "Election policy or practice" means any qualification to be a voter, prerequisite to
4 voting, method of election, or any other law, statute, ordinance, resolution, charter or code
5 provision, regulation, rule, policy, practice, procedure, standard, or any other action with respect to
6 voting, electoral or jurisdictional boundaries, or the administration or schedule of elections.

7 (4) "Governing body" means the entity with official authority to make and/or enforce
8 decisions, policies, and laws for a political subdivision. For the purposes of this chapter, fire
9 districts and regional school districts are not governing bodies.

10 (5) "Limited English proficient individuals" or "LEP individuals" means individuals who
11 self-report speaking, reading, or understanding the English language less than "very well,"
12 according to the United States Census Bureau data or data of comparable quality collected by a
13 governmental entity, including as self-reported by such persons to a governmental entity.

14 (6) "Method of election" means the manner or mechanism by which elections occur as
15 prescribed by § 17-1-2 and includes any method of election allowed under state law or ordered by
16 a court, as well as any districting or redistricting plan used to elect candidates to the governing body
17 of a political subdivision.

18 (7) "Political subdivision" means the State of Rhode Island; any of its agencies; cities and
19 towns; its other political subdivisions; and other authorities. For the purposes of this chapter, fire
20 districts and regional school districts are not political subdivisions.

21 (8) "Polling place" means any location designated by boards of canvassers under the
22 supervision of the state board of elections for the casting of ballots including, but not limited to,
23 early voting locations, election day polling places, ballot receptacles, and ballot drop box locations.

24 (9) "Protected class" means any group of individuals who are members of any race, color
25 or language-minority including, but not limited to, a class of two (2) or more such groups, and
26 includes individuals who are members of a minimum reporting category that has been officially
27 recognized by the United States Census Bureau.

28 (10) "Qualifying school" means a public or private school accredited by a United States
29 territory or the Commonwealth of Puerto Rico in which the predominant classroom language is
30 other than English.

31 (11) "Racially polarized voting" means voting in which there is a divergence in the
32 candidate preferences, political preferences, or electoral choices of members in a protected class,
33 including the combined preferences of a protected class comprised of two (2) or more groups of
34 voters, from the candidate preferences, political preferences, or electoral choices of members of

1 another class or set of classes.

2 (12) "Vote" or "voting" means all actions necessary to make a vote effective in any election
3 as defined in § 17-1-2 including, but not limited to, registration or other action required by law
4 prerequisite to voting, casting a ballot by any method permitted, including any method available as
5 a remedy under this chapter, and having such ballot counted properly and included in the
6 appropriate totals of votes received for questions or for candidates for public or party office.

7 **17-31-3. Prohibition on voter suppression and vote dilution.**

8 (a) No political subdivision shall engage in voter suppression as set forth in this section.

9 (1) No political subdivision may implement, impose, or enforce any election policy or
10 practice that results in, is likely to result in, or is motivated in whole or in part by the intent to result
11 in, voter suppression.

12 (2) A violation of subsection (a)(1) of this section is established if the following is present:

13 (i) A material disparity affecting protected class members or voters based on race or color,
14 religion, sex, sexual orientation, gender identity or expression, disability, age, country of ancestral
15 origin, or change in marital status in voter participation, access to voting opportunities, or the
16 opportunity or ability to participate in any stage of the political process, as a result of the policy or
17 practice; or

18 (ii) Based on the totality of circumstances, an impairment of the equal opportunity or ability
19 of protected class members to participate in any stage of the political process.

20 (3) There is no violation under subsection (a)(2)(i) of this section if the political subdivision
21 demonstrates by clear and convincing evidence that:

22 (i) The election policy or practice is necessary to significantly further a compelling and
23 particularized governmental interest; and

24 (ii) There is no reasonable alternative election policy or practice that comparably furthers
25 the compelling and particularized governmental interest and results in a smaller disparity between
26 protected class members and other members of the electorate.

27 (4) A violation of this section may also be established through direct or circumstantial
28 evidence of intentional discrimination; however, evidence of intentional discrimination, including
29 evidence concerning the intent of electors, elected officials, or public officials to discriminate
30 against protected class members, is never required under subsection (a)(2) of this section.

31 (b) No political subdivision shall engage in vote dilution as set forth in this section.

32 (1) No political subdivision shall employ any method of election that has the effect, will
33 likely have the effect, or is motivated in part by the intent, of diluting the vote of protected class
34 members.

1 (2) A violation of subsection (b)(1) of this section is established if:

2 (i) Either:

3 (A) Elections in the political subdivision exhibit racially polarized voting resulting in an
4 impairment of the equal opportunity or ability of protected class members to nominate or elect
5 candidates of their choice; or

6 (B) Based on the totality of circumstances, the equal opportunity or ability of protected
7 class members to nominate or elect candidates of their choice is impaired; and

8 (ii) Another method of election or change to the existing method of election exists that
9 could be constitutionally adopted or ordered under § 17-31-9(g) would likely mitigate the
10 impairment.

11 (3) A violation of this section may also be established through direct or circumstantial
12 evidence of intentional discrimination; however, evidence of intentional discrimination, including
13 evidence concerning the intent of electors, elected officials, or public officials to discriminate
14 against protected class members, is never required under subsection (b)(2) of this section.

15 (c) Claims brought under subsections (a) and (b) of this section are established subject to
16 the guidelines and rules enumerated below.

17 (1) To establish the totality of circumstances under subsections (a)(2)(ii) or (b)(2)(i)(B) of
18 this section:

19 (i) The following factors may be relevant:

20 (A) The history of discrimination with respect to the protected class at issue;

21 (B) The extent to which members of the relevant protected class are disadvantaged or
22 otherwise bear the effects of public or private discrimination in areas such as education,
23 employment, health, criminal justice, housing, transportation, land use, or environmental
24 protection;

25 (C) The use of any election policy or practice that may enhance the discriminatory or
26 dilutive effects of the relevant election policy or practice or method of election in the political
27 subdivision;

28 (D) The extent to which members of the relevant protected class vote or register to vote at
29 lower rates;

30 (E) The extent to which candidates who are members of the relevant protected class have
31 faced hostility or barriers with respect to campaigning, getting on the ballot, receiving financial
32 support, or receiving any other support for an election;

33 (F) The extent to which the members of the relevant protected class have been elected to
34 office;

1 (G) Whether the election policy or practice is necessary to significantly further a
2 compelling and particularized governmental interest;

3 (H) The process that led to the adoption of the election policy or practice; and

4 (I) Other factors deemed relevant.

5 (ii) No set number or combination of these factors must be met to determine that a violation
6 occurred.

7 (iii) There is no requirement that evidence must affect all individuals or groups within a
8 protected class to be relevant.

9 (iv) For alleged violations pertaining to a particular political subdivision, evidence of these
10 factors may be deemed more probative if it relates to the political subdivision in which the alleged
11 violation occurred, but evidence related to the state or the geographic region in which that political
12 subdivision is located may also be probative. The fact that similar or worse circumstances may
13 exist in other political subdivisions does not reduce the probative value of the evidence relevant to
14 the particular political subdivision.

15 (2) To establish that elections in the political subdivision exhibit racially polarized voting
16 under subsection (b)(2)(i)(A) of this section:

17 (i) Racially polarized voting must be assessed based on the relevant election results, which
18 may include, but are not limited to, elections for offices of the political subdivision; elections held
19 in the political subdivision for other offices, such as state or federal offices; and other electoral
20 choices that bear on the rights and privileges of the protected class.

21 (ii) No set number or combination of elections is required to establish the existence of
22 racially polarized voting.

23 (A) Evidence of non-polarized voting in elections for offices outside the political
24 subdivision does not preclude a finding of racially polarized voting based on elections for offices
25 of the political subdivision.

26 (B) Non-statistical or non-quantitative evidence does not preclude a finding of racially
27 polarized voting based on statistical or quantitative evidence.

28 (C) Low or high turnout or registration rates among protected class members does not
29 preclude a finding of racially polarized voting.

30 (iii) When establishing the combined candidate preferences, political preferences, or
31 electoral choices of a protected class comprised of two (2) or more groups of voters, there is no
32 requirement that it be statistically shown that each group or subgroup be separately polarized from
33 those of other voters.

34 (iv) Evidence presented by a political subdivision regarding the causes of racially polarized

1 voting is not relevant to a determination of whether racially polarized voting exists, and the
2 existence of alternative explanations, including partisan explanations, does not preclude a finding
3 of racially polarized voting.

4 (3) The following guidelines apply to evidence presented by a political subdivision to refute
5 that a violation of this section occurred:

6 (i) The following circumstances are never relevant:

7 (A) The absolute number or share of protected class members on whom the election policy
8 or practice imposes a material burden is small;

9 (B) The degree to which the election policy or practice has a long pedigree or was in
10 widespread use at some earlier date;

11 (C) The use of an identical or similar election policy or practice in other states or political
12 subdivisions; or

13 (D) The availability of forms of voting unimpacted by the election policy or practice.

14 (ii) Whether protected class members typically elect candidates of their choice to the
15 governing body in approximate proportion to their total number or share of the population may be
16 relevant under subsection (b) of this section.

17 (iii) For the purpose of satisfying subsection (b) of this section including, but not limited
18 to, subsection (b)(2)(ii), it is not necessary for the total number or share of protected class members
19 to exceed any numerical threshold in any district or in the political subdivision as a whole.

20 (iv) Upon finding a violation of this section, notwithstanding any other law, a court must
21 exercise its equitable powers to fashion relief so it completely remedies the dilution or suppression.

22 **17-31-4. Judicial preapproval for political subdivisions.**

23 (a) Except as otherwise provided in this subsection, in any action in which a court finds a
24 violation of this chapter, the federal Voting Rights Act, the Rhode Island constitution concerning
25 the right to vote for protected class members, the Fourteenth Amendment of the United States
26 Constitution concerning the right to vote, the Fifteenth Amendment of the United States
27 Constitution, or any other state or federal law concerning the right to vote for protected class
28 members, in addition to the remedies available under § 17-31-9(g), the court may retain jurisdiction
29 and require that, for a period of up to ten (10) years, the political subdivision obtain the court's
30 preapproval before enacting or modifying any election policy or practice.

31 (b) When considering whether to order this remedy, the court shall take into consideration
32 the severity of the violation, whether the violation was intentional, the number of violations, and
33 whether the political subdivision has any previous violations. A court must retain jurisdiction for a
34 violation described in this section if the court finds that the violation is susceptible to repetition.

1 the remedy is susceptible to circumvention, there is evidence of intentional discrimination by the
2 political subdivision, or the political subdivision failed to adopt broad prophylactic measures to
3 prevent any future violations.

4 (c) A request for judicial preapproval submitted to a court under subsection (a) of this
5 section may be granted only if the court concludes that:

6 (1) The election policy or practice policy will not diminish, in relation to the status quo
7 before the enactment or implementation of the election policy or practice, the equal opportunity or
8 ability of members of the protected class that provided the basis for judicial preapproval to
9 participate in the political process and, in order of priority:

10 (i) Elect candidates of their choice; or

11 (ii) Otherwise influence the outcome of elections; and

12 (2) The election policy or practice is unlikely to violate this chapter with respect to claims
13 that could be brought by members of the protected class that provided a basis for judicial
14 preapproval.

15 (d) In any request for judicial preapproval, the political subdivision shall indicate the
16 position of each party as to whether the proposed election policy or practice complies with
17 standards for preapproval as described in this section. The parties or their successors in interest
18 may submit a stipulated order for judicial preapproval for the court's consideration.

19 (e) To the extent a political subdivision subject to the judicial preapproval procedures under
20 this section must make emergency changes to locations of polling places, early voting sites, or mail
21 ballot drop boxes within seven (7) days before an election due to exigent circumstances that are
22 outside of the political subdivision's control, the political subdivision may implement the
23 emergency changes without first obtaining judicial preapproval under this section, as long as that
24 political subdivision notifies, in writing, the court and all parties to the action of the emergency
25 changes before implementing those changes and explains in detail the exigent circumstances that
26 made the emergency changes necessary.

27 (1) Any party to the action may request that the court subject emergency changes to the
28 judicial preapproval process under this section.

29 (2) To the extent a political subdivision intends to maintain any emergency changes beyond
30 that election, the political subdivision must obtain judicial preapproval for those changes as
31 provided under this section.

32 (f) The political subdivision bears the burden of proof in a proceeding involving judicial
33 preapproval under this section.

34 **17-31-5. Protections for limited English proficient and disabled voters.**

1 (a) The secretary of state shall make a determination of which political subdivisions meet
2 the demographic threshold for language access coverage per the parameters of subsection (b) of
3 this section based on census data as of the effective date of this section and every time upon the
4 release of decennial census data.

5 (1) The secretary of state shall publish a list of the covered political subdivisions and the
6 languages for which they are required to provide language access on its website.

7 (2) All coverage determinations shall be made by the secretary of state based on data from
8 the United States Census Bureau.

9 (3) The secretary of state shall give notice directly to each covered political subdivision
10 specifying the language or languages for which the political subdivision is covered, and the
11 corresponding requirements accompanying such coverage.

12 (4) The secretary of state may promulgate rules and regulations to implement this section
13 pursuant to chapter 35 of title 42 ("administrative procedures").

14 (b) A political subdivision shall implement language assistance programs when found to
15 meet certain demographic thresholds for voting-eligible LEP individuals in accordance with this
16 section.

17 (1) The secretary of state shall designate one or more languages, other than English, for
18 which language assistance in voting and elections shall be provided assistance as required in
19 subsection (c)(1) of this section by a political subdivision responsible for election administration
20 if:

21 (i) More than five percent (5%) of the voting-eligible population of a political subdivision
22 are members of a single language minority and are LEP individuals; or

23 (ii) More than ten thousand (10,000) individuals in the voting-eligible population of such
24 political subdivision are members of a single language minority and are LEP individuals; or

25 (iii) In the case of a political subdivision that contains in whole or in part a Native American
26 reservation, more than one percent (1%) of the Native American voting-eligible population within
27 the relevant Native American reservation are members of a single language minority and are LEP
28 individuals.

29 (2) If the voting-eligible population of any language minority group in one or more political
30 subdivisions does not meet the criteria necessary for assistance as prescribed in subsection (b)(1)
31 of this section, the voting-eligible population may request the secretary of state for assistance. Upon
32 the request for assistance from the voting-eligible population that does not meet the criteria set in
33 subsection (b)(1) of this section, the secretary of state shall designate one or more languages, other
34 than English, for which language assistance in voting and elections shall be provided assistance as

1 required in subsection (c)(2) of this section by a political subdivision responsible for election
2 administration if it is determined that:

3 (i) More than three percent (3%), but in no instance fewer than one hundred (100)
4 individuals, of the voting-eligible population of a political subdivision are members of a single
5 language minority and are LEP individuals; or

6 (ii) More than five thousand (5,000) individuals in the voting-eligible population of such
7 political subdivision are members of a single language minority and are LEP individuals; or

8 (iii) In the case of a political subdivision that contains in whole or in part a Native American
9 reservation, more than one-half percent (0.5%) of the Native American voting-eligible population
10 within the Native American reservation are members of a single language minority and are LEP
11 individuals.

12 (3) The secretary of state shall use its best efforts to inform the appropriate organizations
13 representing the minority language/LEP population not covered by subsection (b) of this section
14 that persons who cannot read or write English are able to vote will be given assistance in marking
15 their ballot by a person of the voter's choice, other than the voter's employer or agent of that
16 employer, or an officer or agent of the voter's union as prescribed in § 17-19-26.1.

17 (c) Compliance with this section requires materials and assistance to be provided in a way
18 designed to allow voters who are members of a single language minority to be effectively informed
19 of and participate effectively in voting-connected activities.

20 (1) Where applicable, a political subdivision required to provide language assistance in a
21 particular language other than English pursuant to subsection (b)(1) of this section shall ensure that
22 each of the following forms of voting assistance is translated and provided to LEP voters:

23 (i) All official and sample ballots used on election day and during early voting shall be
24 fully translated into the covered language and made available to voters in all voting locations and
25 online.

26 (ii) All forms used for voter registration, including online, mail, and in-person registration,
27 along with any explanatory materials, must be provided in the covered language.

28 (iii) All public notices relating to the electoral process, including notices about registration
29 deadlines, polling place changes, early voting site changes, voter education materials, and voting
30 instructions that provide direction during the voting process must be fully translated and
31 disseminated in the covered language to the same extent that English-language notices are made
32 available.

33 (iv) Signage identifying the availability of translated ballots, bilingual poll workers, and
34 live over-the-phone interpretation services must be made available in the covered language on the

1 political subdivision's website, at local elections offices, at early voting sites, and at polling places.

2 (v) Covered political subdivisions must have sufficient trained bilingual poll workers or
3 interpreters available at each in-person voting site to provide effective language assistance in the
4 covered language to any voters who need it. Bilingual staff must be easily identifiable by LEP
5 voters through prominently displayed badges or other identifying materials indicating their
6 bilingual capabilities.

7 (vi) Each political subdivision must have an accessible bilingual staff member who is
8 trained in its election and voting procedures and able to respond to questions, issues, and the needs
9 of covered language speakers within the political subdivision.

10 (vii) Live language interpretation services by telephone, allowing voters to request and
11 receive real-time assistance in the covered language during early voting, on election day, and for
12 any voter-related inquiries within sixty (60) days of a statewide primary or general election.

13 (viii) Any information relating to voter registration, polling places, early voting, official
14 ballots, or other voting related materials and notifications provided on the website used by a
15 political subdivision to share information related to elections and voting must be made available in
16 the covered language.

17 (2) Where applicable, a political subdivision required to provide language assistance in a
18 particular language other than English pursuant to subsection (b)(2) of this section shall provide
19 the following physical and online voting materials in the covered language:

20 (i) Sample ballots must be translated into the covered language within thirty (30) days of a
21 statewide primary or general election and made available at polling places, early voting sites, and
22 online.

23 (ii) Voter registration forms and instructions must be provided in the covered language to
24 the same extent and manner as made available in English, including direct mailings requested by a
25 voter.

26 (iii) Any notifications about polling place or early voting site changes or relocations must
27 be provided in the covered language and disseminated in the covered language to the same extent
28 that English-language notices are made available.

29 (iv) In-language signage identifying the availability of covered language sample ballots
30 and live over-the-phone interpretation services must be made available on the political subdivision's
31 website, a local elections office, at early voting sites, and at polling places during voting periods.

32 (v) The secretary of state shall provide live language interpretation services by telephone,
33 allowing voters to request and receive real-time assistance in the covered language during early
34 voting, on election day, and for any voter-related inquiries within sixty (60) days of a statewide

1 primary or general election.

2 (3) Any electoral and voting materials created, produced, or disseminated physically or
3 online by the secretary of state, state board of elections, or local board shall be made available
4 within sixty (60) days of a statewide primary or general election and in compliance with the
5 requirements of this section.

6 (d) No voter who has attended a qualifying school may be denied the right to vote in any
7 state or local election because of their inability to read, write, understand, or interpret any matter in
8 the English language.

9 (e) All materials and notices provided by a political subdivision as required by this section
10 in a particular language other than English must be of an equal quality to the corresponding English-
11 language materials and produced at the same time as the corresponding English-language materials.
12 All provided translated materials must convey the intent and essential meaning of the original
13 English language text or communication. Translated materials produced solely by automated
14 translation services are presumed to be insufficient to completely convey intent and essential
15 meaning.

16 (f) Pursuant to § 17-19-26.1, any voter who requires assistance at any stage of the voting
17 process, by reason of blindness, disability, or inability to read, write, or understand any aspect of
18 the voting process, has the right to receive assistance from any person of the voter's choice, other
19 than the voter's employer or agent of that employer or officer or agent of the voter's union.

20 (g) A political subdivision that has been designated as a covered political subdivision under
21 subsection (b) of this section may challenge the determination within sixty (60) days of its
22 publication in accordance with chapter 35 of title 42 ("administrative procedures"), including the
23 applicable standard of review of such actions. Such actions may only be filed by the covered
24 political subdivision, and intervention is not permitted.

25 (h) Any party, as defined in § 17-31-9(a), that is aggrieved by the exclusion of a political
26 subdivision from the list of covered political subdivision under subsection (b) of this section may
27 file an action to challenge the exclusion of a political subdivision. Such actions are subject to a
28 three (3) year statute of limitations, accruing from the date of any coverage determinations under
29 subsection (b) of this section, and are subject to a de novo standard of review.

30 (i) This section shall take effect one year after the effective date of this chapter.

31 **17-31-6. Online repository of voting and elections data.**

32 (a) Effective January 1, 2028, the secretary of state shall establish and maintain and make
33 publicly available an online repository of election and voting data, geospatial data, and any other
34 information that the secretary of state deems necessary for the purpose of collecting and archiving

1 data pertaining to elections, electoral structure, voter registration, and ballot access in this state; to
2 foster and pursue research of existing laws and regulations; and to support and enable the
3 development of best practices in voting and elections. Any data and information collected and
4 archived within the online repository are sourced from the United States Census Bureau including,
5 but not limited to, total population, voting age population, and citizen voting age population by
6 race, ethnicity, language minority group, and disability status, or based on existing sources of data
7 from a state or local government entity and are thereby entitled to a presumption of authenticity
8 and constitute judicially noticeable facts.

9 (b) This section shall take effect January 1, 2028.

10 **17-31-7. Prohibition on intimidation, deception, and obstruction.**

11 (a) No person, whether acting under color of law or otherwise, may engage in or attempt
12 to engage in acts of intimidation, deception, or obstruction that affect the right of voters to
13 participate in elections.

14 (b) Violations of this section include, but are not limited to, the following:

15 (1) A person uses, threatens to use, or attempts to use any force, violence, restraint,
16 abduction or duress, or inflicts, threatens to inflict, or attempts to inflict any injury, damage, harm,
17 or loss, or in any other manner practices or attempts to practice intimidation that causes or will
18 reasonably have the effect of causing any person to vote or refrain from voting;

19 (2) A person uses or attempts to use any deceptive or fraudulent device, contrivance, or
20 communication, regarding the time, place, or manner of conducting an election or the qualifications
21 for or restrictions on voter eligibility for an election, with reckless disregard for the truth, that
22 impedes, prevents, or otherwise interferes with the free exercise of the elective franchise by any
23 person, or that causes or will reasonably have the effect of causing any person to vote or refrain
24 from voting; or

25 (3) A person obstructs, impedes, or otherwise interferes, or attempts to obstruct, impede,
26 or otherwise interfere with access to any early voting location, polling place, or elections office, or
27 with any voter in any manner that causes or would reasonably have the effect of causing any delay
28 in voting or the voting process, including the canvassing, certification, and tabulation of ballots.

29 (c) A person who violates this section or who aids in the violation of this section shall be
30 liable for any damages awarded by the court, including nominal damages for any violation and
31 compensatory or punitive damages for any willful violation.

32 (d) Nothing in this section, nor in its enforcement pursuant to §§ 17-31-9(f) and (g), shall
33 be construed to prohibit any activity protected under the Constitution of the United States.

34 **17-31-8. Democracy canon.**

1 (a) Any provision of state law, regulation, charter, home rule ordinance, or other enactment
2 of the state or any political subdivision relating to voting or the right to vote must be construed
3 liberally in favor of the factors listed below. To the extent courts are afforded discretion on any
4 issue including, but not limited to, questions concerning discovery, procedure, admissibility of
5 evidence, or remedies, it is the policy of the state that courts must exercise that discretion, and
6 weigh other equitable discretion, in favor of the factors listed below.

7 (1) Making voting, the fundamental right to vote and the ability to participate in the
8 democratic process more accessible to eligible voters;

9 (2) Safeguarding and vindicating, to the fullest extent possible by law, the voting rights of
10 protected class members including, but not limited to, equitable access to opportunities to register
11 to vote and vote, and the equal opportunity to elect candidates of choice; and

12 (3) Ensuring protected class members have full access to relief from discrimination in
13 voting.

14 **17-31-9. Enforcement.**

15 (a) An action to cure a violation of this chapter may be brought by any individual or entity
16 aggrieved by a violation of this chapter or by the attorney general.

17 (1) An entity aggrieved by a violation of this chapter includes, but is not limited to, any
18 entity:

19 (i) Whose membership includes individuals aggrieved by a violation of this chapter;

20 (ii) Whose mission would be frustrated by a violation of this chapter including, but not
21 limited to, an entity that would expend or divert resources to fulfill its mission as a result of such
22 violation or who must expend greater resources or efforts to advocate before an elected body that
23 is less responsive to the entity or its members due to the alleged violation; or

24 (iii) An entity must not be compelled to disclose the identity of any specific member to
25 pursue a claim on behalf of its members.

26 (2) This section must be construed liberally to confer standing as broadly as the
27 Constitution of the State of Rhode Island permits.

28 (b) Except as provided in subsection (b)(5) of this section, before filing an action against a
29 political subdivision under this chapter, a party described in subsection (a) of this section except
30 for the attorney general shall send a notice letter to the political subdivision identifying the potential
31 violation(s) and the type of remedy the party believes may address the potential violation(s). The
32 party shall not file an action within sixty (60) days after sending the notice letter.

33 (1) The political subdivision may work with the party that provided notice to implement a
34 remedy that cures the potential violation(s). If the legislative body of the political subdivision

1 adopts a resolution identifying a remedy, affirming its intent to enact and implement a remedy, and
2 establishing a timeline and specific steps it will take to do so, the party shall not file an action within
3 one hundred twenty (120) days after sending the notice letter.

4 (2) In response to a notice letter, the political subdivision may adopt a resolution denying
5 that a violation exists, or otherwise formally deny a violation, which will abrogate the sixty (60)
6 day waiting period described in subsection (b) of this section and permit the party who sent a notice
7 letter to file an action immediately.

8 (3) If, under the laws of this state, the legislative body of a political subdivision lacks
9 authority to enact or implement a remedy identified in such a resolution, the political subdivision
10 may nonetheless enact and implement a proposed remedy upon approval of a court of suitable
11 jurisdiction.

12 (4) Following the party's submission of a notice letter, the party may file an action if the
13 political subdivision has not enacted or implemented a remedy within the time periods designated
14 by this subsection or the political subdivision has enacted or implemented a remedy that would not
15 remedy the violation identified in the party's notice letter.

16 (5) A party with standing pursuant to subsection (a) of this section may file an action
17 against a political subdivision under this chapter notwithstanding this subsection if:

18 (i) The party is seeking preliminary relief with respect to an upcoming election;

19 (ii) Another party has already submitted a notice letter alleging a substantially similar
20 violation and that party is eligible to file an action under this section; or

21 (iii) The prospect of obtaining relief under subsection (b)(1) of this section would be futile.

22 (c) An action to enforce this chapter may be brought in superior court pursuant to the rules
23 of civil procedure.

24 (d) Actions brought pursuant to this chapter must be subject to expedited pretrial and trial
25 proceedings and receive an automatic calendar preference.

26 (e) In any action alleging a violation of this chapter in which a party seeks preliminary
27 relief with respect to an upcoming election, a court must grant relief if it determines that:

28 (1) Plaintiffs are more likely than not to succeed on the merits; and

29 (2) It is possible to implement an appropriate remedy that would resolve the alleged
30 violation in the upcoming election.

31 (f) Upon finding a violation of any provision of this chapter, a court must order appropriate
32 remedies notwithstanding any other law.

33 (1) The court has authority to order remedies that are tailored to best mitigate the violation,
34 including any and all forms of preliminary and injunctive relief. Without limitation, the court may

1 consider, among others, any remedy that is available to a federal court or the court of another state
2 jurisdiction, including through a court-approved consent decree or settlement adopted in the context
3 of similar facts or to remedy a similar violation.

4 (2) A remedy ordered under this section must be implemented in the next relevant election,
5 scheduled or ordered, wherever possible.

6 (g) This chapter provides rights and remedies under state law to enforce state constitutional
7 rights or statutory rights and does not enforce any rights established under the United States
8 Constitution or federal law. Nothing in this chapter may be construed to create a cause of action
9 under federal law. Persuasive use of relevant federal legal standards, precedents, or evidentiary
10 frameworks to aid in the interpretation or application of this chapter should not be construed to give
11 rise to a federal question. Moreover, use of such federal legal standards, precedent, or evidentiary
12 frameworks may be persuasive, but is not necessary to the interpretation or application of this
13 chapter.

14 (h) A political subdivision may not assert that plaintiffs have failed to comply with any
15 notice, exhaustion, or other procedural requirements under state law, other than the requirements
16 in this section, as a defense to claims brought under this section.

17 (i) In any action to enforce any provision of this chapter, a prevailing plaintiff party, other
18 than the political subdivision, is entitled to recover all reasonable costs and fees from the defendant
19 party.

20 (1) A plaintiff shall be deemed to have prevailed in an action when, as a result of a suit, the
21 defendant party yields some or all of the relief sought in the action, regardless of whether a final
22 judgment on the merits is entered.

23 (2) If the political subdivision prevails in an action under this chapter, the court may not
24 award the defendant party any fees or costs unless the court finds the action to be frivolous,
25 unreasonable, or without foundation.

26 (j) To the extent any provision of this chapter, including any legal standard, requirement,
27 or any part thereof, may be construed or applied in a manner that is unconstitutional or otherwise
28 invalid, such provision must be construed or applied in the manner that preserves its validity and is
29 most consistent with the purposes set forth in § 17-31-8.

30 (k) Nothing contained in this chapter shall be deemed to repeal any of the provisions of
31 any law of this state relating to discrimination because of race or color, religion, sex, sexual
32 orientation, gender identity or expression, disability, age, country of ancestral origin, or marital
33 status.

34 **17-31-10. Severability.**

1 This chapter is severable. If any provision of this chapter or its application to any person
2 or circumstance is held invalid, such invalidity must be applied as narrowly as possible and the
3 remaining provisions and applications must remain in effect to the fullest extent possible.

4 SECTION 3. Section 17-19-24.1 of the General Laws in Chapter 17-19 entitled "Conduct
5 of Election and Voting Equipment, and Supplies" is hereby amended to read as follows:

6 **17-19-24.1. Provisional voting under the Help America Vote Act of 2002.**

7 (a) If an individual's name does not appear on the certified voting list as provided for in §
8 17-19-24(b) and the individual is eligible to vote in an election for federal office or an election
9 official asserts that the individual is not eligible to vote in the district in which the individual desires
10 to vote, then the individual shall be permitted to cast a provisional ballot as provided in Section
11 302 of the Help America Vote Act (P.L. 107-252) [42 U.S.C. § 15481].

12 (b) Provisional ballots provided for in this section shall be cast in accordance with rules
13 and regulations which shall be promulgated by the state board of elections in accordance with the
14 Help America Vote Act (P.L. 107-252) [42 U.S.C. § 15301 et seq.].

15 (c) If an individual casting the ballot is a registered voter in the city or town and precinct
16 in which the individual voted, a provisional ballot shall be counted as a full ballot as long as the
17 signature matches what is on the voter's voter record in accordance with § 17-19-24.3

18 (d) If the individual is a registered voter in the city or town and proper congressional
19 district, but not the precinct in which the individual voted, the ballot will be counted for all federal,
20 state-wide, city-wide or town-wide elections and for all ballot questions as long as the signature
21 matches what is on the voter's voter record in accordance with § 17-19-24.3.

22 (e) In all other instances, where the individual is not a registered voter in the city or town
23 or is in the wrong congressional district in which the individual cast their ballot, the ballot shall be
24 counted for all elections and ballot questions for which the person is qualified, by reason of
25 residency, to vote as long as the signature matches what is on the voter's voter record in accordance
26 with § 17-19-24.3.

27 SECTION 4. This act shall take effect on January 1, 2027.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ELECTIONS -- RHODE ISLAND VOTING RIGHTS ACT

- 1 This act would create the Rhode Island voting rights act to establish procedures to prevent
- 2 discrimination in the voting process.
- 3 This act would take effect on January 1, 2027.

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