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ACLU OF RI POSITION: OPPOSE

TESTIMONY IN OPPOSITION TO 21-H 5999, AN ACT RELATING TO WRITE-IN VOTES March 15, 2021

This bill would eliminate the counting of write-in votes for persons who have not filed in advance a “declaration of intent.” The ACLU opposes this change. We believe that this bill inappropriately minimizes the value of write-in votes. Voters should have the right to have their votes tallied, even for an obviously losing cause. A voter is making a statement by deciding to cast a write-in vote, regardless of whom that vote is for. It should be respected and counted.

We understand that write-ins are almost inevitably futile and occasionally trivial, but they nonetheless remain a valid exercise of a person’s individual right to vote. People using this option are often attempting to make a point, and while the time spent tallying them may seem wasteful, it should be considered part of the process of recognizing the role of the franchise. We have all heard the mantra that in a democratic society, every vote counts. Yet passage of this bill would literally mean that every vote does *not* count.

The notion that these are “wasted” votes and therefore do not need to be counted is deeply troubling. Electors routinely vote for independent and third-party candidates with the knowledge that there is no chance their candidate will win. Yet we count, and respect, those votes. The same should be true for write-in votes. Bureaucratic convenience and goals of efficiency should not be the basis for discounting the choices that electors willingly and deliberately make in the polling booth. The ACLU of RI urges rejection of this legislation.