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ACLU OF RI POSITION: OPPOSE

TESTIMONY ON 23-H 5267, RELATING TO RHODE ISLAND RESTORATION OF VOTING RIGHTS ACT March 8, 2023

This bill would permanently bar any person convicted of “sedition, insurrection, rebellion or a felony in relation to such act” from being a voter, candidate or state or municipal employee. While, in light of the events of January 6, 2021, we certainly can appreciate the motivations behind this legislation, we nonetheless must strongly oppose it for at least three reasons, which we briefly summarize below.

1. We do not believe the General Assembly has the authority to bar individuals from voting or running for office. Instead, the *state Constitution* lays out the standards that disqualify a person from voting or being a candidate based on their criminal record, and it is not something that can or should be expanded by legislation.

2. The terms of the crimes that disqualify a person are nowhere defined.

3. The breadth of the proposal’s language and punitive reach, including its application to employment, bears too much of a resemblance – however unintentionally – to activities that occurred in this country during the Red Scare, when individuals were charged and convicted of dubious crimes that might very well fall within this proposal. The infamous Smith Act, making it a crime to “knowingly or willfully advocate, abet, advise, or teach the duty, necessity, desirability, or propriety of over-throwing . . . the government of the United States by force or violence” or to be a member of any organization teaching or advocating that goal, was used to punish, blacklist, deny employment to, and imprison people because of their involvement with the Communist Party. Unwittingly, this bill’s standards could be used to promote a similar purge of individuals based on their political views in a 21st Century context. This would be a large step backwards for civil liberties.

Again, we don’t question the impetus behind this proposal. We recognize the perils to democracy that were demonstrated by the actions of thousands of people two short years ago. But we also believe that in punishing individuals for similar activities by withdrawing their participation in the political sphere, this bill could open the door to large breaches of civil rights and, as we argue above, would itself violate the Constitution. For these reasons, the ACLU of RI respectfully opposes this legislation.