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ACLU OF RI POSITION: OPPOSE

TESTIMONY ON 24-H 7223, RELATING TO CONDUCT OF ELECTION AND VOTING EQUIPMENT AND SUPPLIES February 6, 2024

As we have in past years, the ACLU of Rhode Island opposes this Board of Elections' proposal, which would require individuals seeking to run as write-in candidates to file a notice of intent in advance, and would provide that the only write-in votes that would be tallied would be for those of "qualified" candidates.

We continue to 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, and it should be respected, counted and noted.

We understand that write-ins are almost always futile and occasionally trivial, but individuals 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 ignoring the choices that electors willingly and deliberately make in the polling booth.

Finally, it is our reading of the bill, whether intended or not, that if voters write-in the name of a candidate who has not filed a "declaration of intent," and that candidate receives a majority or plurality of the votes, none of those votes would count. We consider this to be anti-democratic to an extreme.

For all these reasons, the ACLU urges the committee's rejection of this legislation.