



VPIRG testimony before the House Government Operations and Military Affairs Committee in support of S.298

April 1, 2026

Chair Birong and Members of the Committee, for the record, my name is Paul Burns, and I'm the Executive Director of VPIRG, the Vermont Public Interest Research Group. I'm joined here by Quinn Houston, our Democracy Associate. We're here to express VPIRG's support for the passage of S. 298, which will provide greater protections for Vermont voters and election workers.

VPIRG has worked for decades to advance a more participatory and inclusive democracy, advocating for government transparency and integrity and for fairer, more accessible elections. It is no exaggeration to say that we are now facing some of the greatest threats to democracy in our nation's history.

Just yesterday, in fact, President Trump issued an Executive Order attempting to take control of the mail-in voting process. Elections are of course controlled by the states, so this action is clearly unconstitutional. But it's another example of the threat we're facing.

Vermont rightfully prides itself as a national leader in making voting easy and secure, but we are not immune to the effects of anti-democratic behavior. Although the state has, in recent years, passed measures to strengthen our democracy, it is also true that the protections provided by the federal Voting Rights Act are hanging on by a thread.

Fortunately, S.298 protects every Vermonter's fundamental right to vote by prohibiting any practice that denies or dilutes voting rights based on race, color, or language minority status. It empowers the Attorney General to enforce these protections in court, shields voters and election workers from intimidation and deception, and ensures that those who suppress votes face real consequences. These are the protections that Vermonters need to guarantee that every eligible voter can take part equally in our democracy.

In *Shelby County v. Holder* 2013, the US Supreme Court struck down the preclearance requirement of the Voting Rights Act of 1965, the provision that required jurisdictions with a history of voting discrimination to obtain federal approval before changing their voting laws. The consequences have been severe: in the decade that followed, 29 states passed 94 restrictive voting laws, most still in effect today, disproportionately harming communities of color, the poor, the elderly, young voters, and new citizens.

With the upcoming US Supreme Court's decision in *Louisiana v. Callais* threatening to further weaken Section 2 of the federal Voting Rights Act, Vermont cannot wait for federal protections that may never be restored. Nine states have already stepped up by adopting their own Voting Rights Acts since 2002. With this legislation, Vermont can begin to provide protections of our own. It is our hope that the protections offered under S.298 will be augmented by further legislation to be considered next year.

We have two proposed amendments to S.298 that would aim to make the legislation as effective as possible.

Incorporate Remedies into § 2802 Vote Denial or Dilution.

Vote dilution remedies are essential because they transform the right to equal political participation from a theoretical promise into a practical reality.

Even when all eligible voters can cast ballots, electoral structures like at-large voting or gerrymandered districts can systematically wash out minority communities' votes, preventing them from electing candidates of their choice or influencing policy outcomes. Remedies, such as redrawn maps, single-member districts, or changed voting methods, correct these structural disadvantages. Remedies also fill gaps left by a weakened federal VRA and deter future dilutive schemes. They ensure that minority representation translates into real accountability and a guide for the courts.

Vote dilution isn't about being physically blocked from a polling place; it's about electoral "math" that effectively cancels out the voting power of a specific group (a "protected class"). Under the proposed legislation, vote dilution generally falls into two categories: how lines are drawn (redistricting) and how elections are structured (at-large systems).

At-Large Election Systems

This is one of the most common forms of vote dilution. In an at-large system, the entire municipality votes for all open seats. Imagine a municipality where 75 percent of the population is white and 25 percent belongs to a protected minority class. If there are five open city council seats and everyone votes "at-large," the 75 percent majority can effectively win all five seats by voting as a bloc.

Even though the minority group makes up one fourth of the town, they have 0% representation because their votes are "submerged" by the majority in every single race. This is voter dilution, and it effectively disenfranchises a sizable percentage of the population.

There are other forms of voter discrimination as well, including voter "cracking," which occurs during redistricting when a concentrated community is split up into multiple districts, and voter "packing," which involves cramming as many members of a protected class as possible into a single district to minimize their influence elsewhere.

Remedies

Traditional remedies for voter dilution often default to drawing single-member districts. However, proportional or semi-proportional systems can often remedy dilution without the need for controversial or "gerrymandered" district lines, allowing minority groups to gain representation naturally through their voting strength.

Proposed language on remedies:

§2802(d): Notwithstanding any other law, upon finding a violation of this section or upon the mutual agreement of the parties, the court shall order remedies that are tailored to best remedy the alleged violation. The court may consider any remedy that has been ordered, adopted, or otherwise authorized by law in any other state or locality, including but not limited to a district-based, proportional, or semi-proportional method of election. The court shall consider remedies proposed by any party and may consider remedies proposed by interested nonparties, but shall not provide deference or priority to any remedy simply because that remedy has been proposed by the defendant or municipality.

Private Right of Action

VPIRG also supports the addition of a private right of action in Section 2802, so that this provision can essentially be "self-executing" and not rely solely on the Attorney General for enforcement. Already, the bill contains private rights of action that apply to other provisions within the bill, specifically the election offenses in §2023(c) Intimidation of Voters, and §2024(c) Communication of False Information to Voters. Citizens should be empowered in the same way in cases of vote denial or dilution.

Proposed language on private right of action:

§2802(e): Any voter who is a member of a protected class and who resides in a municipality where a violation of this section is alleged shall be entitled to initiate a cause of action in the Superior Court in the county in which the alleged violation has occurred. In such action, the court may, in its discretion, allow a private plaintiff a reasonable attorney's fee as part of the costs, if such plaintiff is the prevailing party.

A private right of action empowers citizens to act as "private attorneys general." If a community feels their rights are being violated, they don't have to wait for a state official in Montpelier to notice or approve of their cause.

The language we have proposed specifically grants the right to any voter who is a "member of a protected class and who resides in [the] municipality." This ensures that the people with the most at stake—the residents whose votes are actually being diluted—have the legal standing to seek a remedy.

The provision allowing for a "reasonable attorney's fee" for the prevailing party is consistent with the other private rights of action in the bill and is a cornerstone of civil rights law. Voting rights litigation is often very expensive. It often includes expert witnesses (statisticians, historians, and demographers) and may require hundreds of hours of legal work. Most individual voters cannot afford this.

By allowing a winning plaintiff to recover fees, the bill makes it possible for civil rights attorneys to take these cases on contingency. Without this, the right to sue would exist "on paper" only, as no regular citizen could afford the cost of a full trial.

The mere existence of a private right of action can change how municipalities behave. For instance, if a municipality knows that a group of local residents can legally challenge an unfair system—and that the municipality might have to pay the residents' legal bills if they lose—the municipality is much more likely to fix the system voluntarily.

Finally, a private right of action isolates the enforcement of the law from the political cycle, ensuring that the protection of the "protected class" is a permanent legal reality, not a temporary policy preference.

Thank you for your consideration. We strongly urge this Committee to pass S.298 and the amendments we have proposed.