

**Testimony of Elaina Goldstein,
Advocate- Independent Voting.org
Pro Convention
Before the Bi-Partisan Preparatory Commission
for a Constitutional Convention
Tuesday, July 30, 2024**

I want to thank the Co-Chairs of this Commission, Representative Craven and Senator Euer and all Commissioners for allowing me to testify today. My name is Elaina Goldstein, I'm an advocate representing Independent Voting.org. I will be explaining why we think it is important for Rhode Islanders to vote for a Constitutional Convention this November.

Every ten years the voters of Rhode Island have a constitutional right to decide whether or not we want to hold a constitutional convention. This provides citizens throughout the State the possibility to come together, review our living Constitution, and determine if changes are needed in how we, the people, are governed. For example, as citizens, do we want a more direct voice in how laws are passed or vetoed? Does it make sense that a candidate can win an election in RI without a majority of votes?

When House Judiciary Committee Chairman, Craven introduced his bill to prepare for the constitutional convention ballot question he eloquently stated:

“Times change and so do the issues that the public deeply cares about over time. We are living in a very different state than we did in 1986 when the last constitutional convention was held and it is vitally important that the public has the opportunity to decide whether or not our state constitution needs to be updated.”

It's embarrassing to admit that I have been a Rhode Islander for over twenty years and I did not know about this opportunity to participate in our democracy, which was added to our Constitution fifty years ago. It wasn't until I watched a documentary, *“Slaying the Dragon”*, while locked down during COVID that I realized citizens in certain states, twenty-six to be exact, can get state initiatives on the ballot which then can become law. This documentary, which I highly recommend, followed a ballot initiative campaign to create a Citizens Redistricting Commission in Michigan, which ultimately did become law.

The young woman who spearheaded this initiative, Katie Fahey, is now the Executive Director, The People, a national democracy reform organization, where I currently serve on it's House of Delegates. A constitutional convention would give the citizens of RI the ability to discuss the pros and cons of changing our constitution to allow for citizen initiatives and referendums (I&R). The People has a comprehensive tool kit that assists states in how best to educate the electorate to enable lively, civil discussions on both the process and substance of various I&Rs on ballots across the county. It would be my privilege to bring this education process to our state in preparation for a constitutional convention.

As of July 2024, the RI Voter Registration database shows that there are 38% registered Democrats, 14% registered Republicans and 47% registered Unaffiliated voters— of which I am one— in our state. Gallop issued their latest report on Party Affiliation in June 2024. Our country now identifies as 28% Democrat, 25% Republican, and 51% Independent as compared to RI's 47% Unaffiliated. That means the majority of Americans and RI'ers have chosen not to identify with either of our two-party duopoly. What is even more amazing President, George Washington, ominously forecasted what would happen to our democracy if we remained a two-party system:

“However [political parties] may now and then answer popular ends, they are likely in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government...”

Over the past twenty years party affiliation has shifted significantly. According to Gallop's historical data in 2004, party affiliation was as follows: Democrat 34%, Republican 32% and Independents 33%. Comparing this to the 2024 data I mentioned above Independents are now the largest voting group in the country, having increased by eighteen percentage points since RI last held a constitutional convention. What does this mean for our democracy? In essence, the twelve states that currently have closed primaries could be excluding up to 51% of their citizens from participating in primary elections.

In RI, we have open partisan primaries with partisan registration. Unaffiliated voters in RI, can choose to become a Democrat or Republican depending on the primary they wish to vote in. This becomes problematic when multiple candidates are running in the Democratic primary for Congress, and at the same time, multiple candidates are running in the Republican primary for Governor.

To resolve this issue, I would recommend a nonpartisan open primary system, where all candidates are on one ballot, no matter their party affiliation. All voters would participate in one primary and receive a single ballot where all the candidates for all offices are listed.

Nonpartisan primaries can take different forms and advance different numbers of candidates onto the general election ballot. Nonpartisan primaries are often called Top 2, Top 4, or Top 5 primaries based on the number of candidates that advance to the November ballot. In the General Election, a state might also choose to incorporate Ranked Choice Voting. This ensures that the elected candidates have the backing of the majority of the voting public. As you can see there are many options for us to choose.

We RI'ers have been given the right to vote for and then hold a constitutional convention. It has been thirty-eight years since our last convention and I agree with the Commission Co-chair, Representative Craven, that we are indeed living in a very different state than we did in 1986. I, therefore, support voting Yes this November, to hold a constitutional convention so that we can first, fully examine our election system to ensure that it is one that serves all the voters of RI, including our largest group of registered voters in the state, those of us who are Unaffiliated. Second, to discuss the pros and cons of amending our Constitution to allow for citizen ballot initiatives and referendum. Lastly, debate amending our Constitution to require candidates to obtain a majority of votes rather than a plurality to be elected.

Commissioners, thank you for this opportunity to become an active participant in our democracy, and recommend to you a few reforms I'd like to see debated by the elected delegates at our next constitutional convention.