

Summary of Amicus Brief Submitted by National and Rhode Island League of Women Voters and the American Civil Liberties Union of Rhode Island

Extensive evidence from fifty years of social science research and Amici's direct experience encouraging informed voting demonstrate that failure to provide meaningful civics education impinges on fundamental right to vote.

The failure to provide students with a meaningful opportunity to obtain a civic education that prepares them to be informed, capable voters impinges upon their right to vote. The right to vote is fundamental under the United States Constitution and protection of that right extends beyond mere access to the ballot box.³ Social science research over the last fifty years has shown a powerful and robust causal connection between voter participation and education, particularly civic education. Moreover, *Amici's* decades of experience encouraging informed voting have given them direct knowledge of the powerful connection between civic education and voting, which is shared here.

The expansion of the right to vote – from a privilege afforded only to white male property holders when the Constitution was adopted, to a right that today is widely held and accepted as fundamental to an inclusive democracy – requires a corresponding expansion of the right to education.

The District Court held that the “imperative[s] for citizen participation in a functioning democracy,” such as voting, taxes, and jury duty “are all indeed ‘inaccessible without a basic level of literacy’ — but they are not wholly inaccessible without civics education.” *Id.* This was error. A law need not make fundamental rights, such as the right to vote, “wholly inaccessible” to constitute unconstitutional infringement. On the contrary, the Supreme Court has held that “the right of suffrage can be denied by a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise.” *Reynolds v. Sims*, 377 U.S. 533, 555 (1964.) The same is true in the First Amendment context, where the Supreme Court has struck down laws that do not wholly prohibit – but still impinge upon – the exercise of a fundamental right. See e.g. *NAACP v. State of Ala. ex rel. Patterson*, 357 U.S. 449, 463 (1958.)