

The Virgin Islands Consortium

Territorial Litigants Respond To Federal Opposition To Voting Rights Challenge

VIC News / **Published On May 04, 2016 11:17 PM /**

Staff **May 04, 2016**



ST. CROIX -- As Democratic presidential primaries approach in Guam (May 7), U.S. Virgin Islands (June 4), and Puerto Rico (June 5), and as the Republican and Democratic National Conventions draw near, voting rights advocates in U.S. territories are taking action both inside and outside the courtroom to bring an end to the disenfranchisement of the more than 4 million Americans living in U.S. territories.

Yesterday, plaintiffs from Puerto Rico, Guam, and the U.S. Virgin Islands [filed a response](#) in the Northern District of Illinois to the federal government's opposition to a voting rights lawsuit seeking expanded voting rights in U.S. territories. At the same time, We the People Project – a nonprofit advocacy organization that fights for voting rights in U.S.

territories and the District of Columbia – is [releasing a proposal](#) for an amendment to the U.S. Constitution that would provide full enjoyment of the right to vote for U.S. citizens who call these areas home.

“As residents of U.S. territories prepare to vote in the upcoming primaries and caucuses, there is an important opportunity to stand up for the right to vote for President in November,” said Neil Weare, President and Founder of We the People Project. “We are fighting both inside and outside the courtroom to ensure that where you live does not affect your right to vote as a U.S. citizen.” Also serving as counsel in the voting rights lawsuit is St. Croix attorney Semaj Johnson.

Efforts to expand voting rights in U.S. territories received a boost last month from Senator Elizabeth Warren, who during a Senate Hearing called for an end to continued disenfranchisement in U.S. territories, criticizing the discrimination being challenged in the federal voting rights lawsuit as [absurd](#).

[Segovia v. Board of Election Commissioners](#), filed last November, raises an equal protection challenge against federal and state laws that protect the right to vote for President and voting representation in Congress for certain U.S. citizens living outside the 50 states, but not others.

Outside of court, We the People Project is releasing a [proposal](#) for a constitutional amendment to provide full enjoyment of representation and the right to vote for the nearly 5 million Americans living in U.S. territories and the District of Columbia. The proposed amendment builds on the 23rd Amendment providing a right to vote for President to residents of the District of Columbia, and the D.C. Voting Rights Amendment, which received greater than two-thirds support from Congress, but did not secure support from three-quarters of the states. In short, the amendment would provide:

- Presidential electors for U.S. territories equal to the number of House Representatives they would have if they were a state (5-6 for Puerto Rico, 1 each for Guam, the U.S. Virgin Islands, American Samoa, and the Northern Mariana Islands).
- Proportional *voting* representation in the U.S. House of Representatives (5-6 for Puerto Rico, 1 each for Guam, the U.S. Virgin Islands, American Samoa, and the Northern Mariana Islands).
- One U.S. Senator to represent the territories together; one U.S. Senator to represent the District of Columbia

Upon the invitation of Stetson University College of Law, Neil Weare, President of We the People Project, will be submitting a law review article making the case for a voting rights amendment for residents of U.S. territories and the District of Columbia – earlier this year he spoke at a [symposium](#) hosted by the law school. A draft of the law review article will be made public in the coming weeks, although it won't be published for some time.

The text of the proposed voting rights amendment is provided below. We the People Project is working with non-voting Delegates to Congress to introduce an amendment proposal in the coming months.

Proposed Federal Voting Rights Amendment

Section 1. When the Number of Persons in a Territory of the United States shall exceed thirty Thousand inhabitants, that Territory shall appoint in such manner as Congress may direct: A number of electors of President and Vice President equal to the whole number of Representatives to the United States House of Representatives to which it would be entitled if it were a State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a state; and they shall meet in the Territory in which they were appointed and perform such duties as provided by the twelfth article of amendment.

For purposes of choosing a President should no candidate for President receive a majority of the whole number of Electors appointed, the District constituting the seat of government of the United States together with the Territories of the United States shall be treated as though they were a State.

Section 2. For purposes of representation in the United States House of Representatives, the District constituting the seat of government of the United States and, separately, each Territory of the United States with a population of thirty Thousand inhabitants, shall be treated as though it was a State.

Section 3. For purposes of representation in the United States Senate, the District constituting the seat of government of the United States and, considered together, the Territories of the United States, shall each be entitled to one Senator, who shall have the same rights, duties and qualifications as Senators elected by a State.

Section 4. For purposes of Article V of the Constitution, the District constituting the seat of government of the United States together with the Territories of the United States shall be treated as though they were a State.

Section 5. The Congress shall have power to enforce this article by appropriate legislation.