

SUPPORT HOUSE BILL 39 & SENATE BILL 1483

VOTING IN PRISON

Sponsored by Representative La Shawn Ford and Senator Mike Simmons

The Illinois Constitution states that a person in prison “shall lose the right to vote, which right shall be restored not later than upon completion of his sentence.” The exact length of disenfranchisement is not specified. HB39 restores the right to vote for voters post-conviction.

Ninety-five percent of people in prison return to their communities. [Having strong ties to the community through civic engagement, specifically voting, increases the ability for reintegration, reducing recidivism, and making communities safer.](#) Studies have shown that individuals in states with permanent felony disenfranchisement laws were about 10 percent more likely to recidivate than those in states that restore voting rights post-release.*

“
It's a very dangerous thing when you strip the right to vote from any person because it's just a matter of time before it gets to you.

-Renaldo Hudson
Community Organizer



[The failure to include people in prisons in Illinois' COVID-19 mitigation plan, resulting in the death of many and indefinite lockdown of thousands, highlights the urgency of including people in prison in our democracy. Without a means to hold elected officials accountable, the needs of people in prison are not considered.](#)

The lives of people in prison are influenced by policies made by elected officials. Those who are elected are held accountable by their constituents. [Until people in prison are given the right to vote, making up the constituency, they are unable to hold elected officials accountable.](#)

We cannot overlook the intersection of veterans and people experiencing incarceration. Twenty-three percent of incarcerated veterans in Illinois have 38-life sentences. [Their voice is important and their vote is needed.](#)

*Data from the Illinois Department of Corrections Data Set as of 6/30/2021

**Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities," U.S. Commission on Civil Rights.

Who is in prison?

27,299

PEOPLE ARE
INCARCERATED IN
ILLINOIS PRISONS

55%

OF PEOPLE
INCARCERATED IN
ILLINOIS ARE BLACK

23%

OF VETERANS
INCARCERATED IN
ILLINOIS HAVE 38-
LIFE SENTENCES

80%

OF WOMEN
INCARCERATED IN
ILLINOIS ARE
MOTHERS

43%

OF PEOPLE IN
ILLINOIS PRISONS ARE
UNDER 35 YEARS OLD

#HB39 #SB1483 #UNLOCKCIVICS @CHICAGOVOTES

Alex Boutros, Community Organizing Manager: Alex@chicagovotes.com, 248.520.2481
Frederique Desrosiers, Policy Associate, Freddie@chicagovotes.com, 618-713-4241

Chicago
Votes★

IS HOUSE BILL 39 CONSTITUTIONAL? YES.

The Illinois Constitution states in Article 3, Section 2 that “A person convicted of a felony, or otherwise under sentence in a correctional institution or jail, shall lose the right to vote, **which right shall be restored not later than upon completion of his sentence.**” The plain language of the phrase “no later than” is clear: the General Assembly can return the right to vote before someone completes their sentence.

This unambiguous definition is supported by the debate around Article 3 when the Constitution was drafted. At the Constitutional Convention of 1970, when discussing a proposed amendment to the language of Article 3, Section 2, so that it would read “...which right shall be restored *upon* completion of his sentence,” **Delegate Peter Tomei stated that “the ‘not later than’ is simply intended as a final cut-off and does permit earlier restoration.”** Sixth Illinois Constitutional Convention Debates, p. 1085. Immediately before voting on this proposed amendment, one of the proponents of the amendment, Delegate David Davis, explained that removing the phrase “not later than” would “preclude the legislature from granting an earlier restoration of rights prior to completion of sentence.” *Id.* at 1086. The amendment failed by a vote of 46 to 31, affirming that the Illinois legislature would retain the power to choose a time earlier than the completion of a sentence to restore voting rights.

House Bill 39, which is being sponsored by Representative LaShawn Ford and Senator Mike Simmons amends the Illinois Election and Corrections Code to end the practice of disenfranchising people throughout the full duration of incarceration in prison. **House Bill 39 will instead ensure that a person’s right to vote may be reinstated after they have been detained in prison (14 days) and before they have been released.** This legislation comports with the Illinois Constitution and does not require a constitutional amendment to take effect. House Bill 39 is also in line with the constitutional delegates’ intent to grant the legislature the power to decide when a person who has been incarcerated should have their voting rights reinstated.

When the amendment to Article 3 Section 2 failed at the Constitutional Convention to replace “not later than” with “upon”, the state legislature was given the power to decide when a person in prison should have their right to vote restored. House Bill 39 is a constitutional change that will restore the right to vote to nearly 30,000 Illinoisans and will continue to make Illinois a national leader in modernizing democratic systems.

*All legal analysis was done in conjunction with Dechert LLP and the Chicago Lawyers' Committee for Civil Rights

OUR COALITION

UNLOCK CIVICS LEGISLATION COMMUNITY SUPPORT

**The following community groups have pledged
to help Chicago Votes Unlock Civics by supporting Voting in Prison:**

Right2Vote Campaign & SawariMedia
Judicial Accountability PAC
Shiller Preyar Jarard and Samuels Law Firm
Indivisible Illinois
Faith in Place Action Fund
Parole Illinois
Chicago Books to Women in Prison
Business & Professional People for the Public Interest
Illinois Coalition for Immigrant and Refugee Rights
Michigan Prisoner Rehabilitation Credit Act Coalition
SoapBox Productions and Organizing
Restore Justice
Jean and Jane 420
Precious Blood Ministry of Reconciliation
Engage Miami
Sister Survivor Network
Bullets 4 Life Chicago
Moms United Against Violence & Incarceration
Students Against Incarceration
Prison Neighborhood Arts Project
Milwaukee LIT
GoodKids MadCity
Illinois Chapter of the Sierra Club
Chicago Area Peace Action DePaul
Project Hardknocks
Herbal Notes
Contextos
UIC BSU
Babes Only
The #LetUsBreathe Collective
Chicago Appleseed
Westside Justice Center
We Bridge Consulting
The Underrepd
Ohio Student Association
Students for Justice in Palestine UIC
The John Howard Association
Invisible Institute
Flood's Hall
Illinois Alliance for Reentry

She Votes Illinois
Illinois Environmental Council
Campaign Nonviolence Depaul
Compound Yellow
Herbal Legal
SJP DePaul
The Vagabond Trials
IGNITE
KAMP Music Group
Heavenly Hands Construction
Little Bright Blessings Daycare
Young Invincibles
Uptown People's Law Center
Cannabis Equity IL Coalition
NAACP Legal Defense & Educational Fund, Inc.
Illinois Prison Project
For the People Artist Collective
Bronzeville Barber Salon
Teach for America
Tray Five News
Resident Association of Greater Englewood
Circles & Ciphers
Chicago Freedom School
Center for Racial and Gender Equity
NAPAWF Chicago
Justin Brill
Cabrine Green Legal Aid
CUREIL
Community Renewal Society
Planned Parenthood of Illinois/Planned Parenthood Illinois Action
Rainbow PUSH Coalition
Asian Americans Advancing Justice | Chicago
Love & Protect
Prison+Neighborhood Arts and Education Project
Safer Foundation
Faith First Project
Logan Square Neighborhood Association
Chicago Food Policy Action Council
Developing Capacity Consulting, LLC
Liberation Library
360

#UNLOCKCIVICS @CHICAGOVOTES

Alex Boutros, Community Organizing Director: Alex@chicagovotes.com
Frederique Desrosiers, Policy Manager: Freddie@chicagovotes.com

Chicago
Votes★