

# 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 3/31/2023

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

Who is in prison?

**29,671**

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**

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## 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