



HJ0076

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1 HOUSE JOINT RESOLUTION

2 WHEREAS, In a democracy, the right to vote is a moral  
3 imperative, the most fundamental legal right and is protective  
4 of all other rights; and

5 WHEREAS, When President Lyndon B. Johnson signed the 1965  
6 Voting Rights Act he said, "The right to vote is the basic  
7 right, without which all others are meaningless"; and

8 WHEREAS, Each state, except for the State of Arizona, has  
9 explicitly enshrined the right to vote with at least some level  
10 of protection in its state constitution; and

11 WHEREAS, Nowhere in the United States Constitution is there  
12 an explicit declaration of the right to vote, which weakens  
13 protection in federal courts and undercuts state voting rights  
14 protections due to state courts often "lock stepping" rights to  
15 the level of support provided federally; and

16 WHEREAS, The United States Supreme Court has called the  
17 right to vote a fundamental right, this fundamental right  
18 should be explicitly guaranteed to all Americans in the U.S.  
19 Constitution; and

20 WHEREAS, As President Barack Obama, as a professor of

1 constitutional law at the University of Chicago, began each of  
2 his constitutional law classes sharing with his students the  
3 surprising fact that an explicit "federal individual right to  
4 vote" is not in the U.S. Constitution; and

5 WHEREAS, The only reference to an individual right to vote  
6 in the original U.S. Constitution and Bill of Rights is the  
7 requirement that any citizen qualified to vote for a member of  
8 a state's most "numerous house of the state legislature" is  
9 eligible to vote for Members of the House of Representatives;  
10 and

11 WHEREAS, The Constitution has been amended 17 times since  
12 the passage of the Bill of Rights and 7 of those amendments  
13 pertain to voting - 14th, 15th, 17th, 19th, 23rd, 24th and 26th  
14 - but none of them add the explicit, fundamental, affirmative,  
15 individual, citizenship, or federal right to vote to the  
16 Constitution; and

17 WHEREAS, Three amendments outlaw discrimination in voting,  
18 whether on the basis of race (15th) with the 1965 Voting Rights  
19 Act serving as the implementing legislation for this amendment  
20 95 years later, sex (19th), or age (26th); and

21 WHEREAS, A constitutional right to vote would fulfill the  
22 promise of the 15th, 19th and 26th Amendments; and

1           WHEREAS, Of the 119 nations that elect their public  
2 officials using some form of democratic elections, 108 have the  
3 right to vote in their constitution, but the United States is  
4 one of the democratic 11 nations - including Australia, the  
5 Bahamas, Bangladesh, Barbados, Belize, India, Indonesia,  
6 Nauru, Samoa, and the United Kingdom - that does not explicitly  
7 contain a citizen's right to vote in its constitution; and

8           WHEREAS, With the exception of certain federal laws such as  
9 the National Voter Registration Act of 1993, the Help America  
10 Vote Act of 2002, and the Military and Overseas Voter  
11 Empowerment Act of 2009, the U.S. has virtually no national  
12 uniform standards for voting systems controlled by the states;  
13 and

14           WHEREAS, Since voting is a state right with virtually no  
15 national uniform standards, we have multiple and varied  
16 election systems in the 50 states (plus the District of  
17 Columbia), 3,143 counties (or county equivalents), and about  
18 13,000 local voting jurisdictions that administer about  
19 186,000 precincts, all organized and controlled and managed by  
20 local election officials with 86% of Section 5 of the Voting  
21 Rights Act Preclearance objections involving local, not  
22 national or state, voting issues; and

1           WHEREAS, The United States Supreme Court has unfortunately  
2 undermined the right to vote in recent years, notably in its  
3 2013 decision of *Shelby County v. Holder* which made the  
4 preclearance requirement ineffective and, as Freedom Rider,  
5 Selma marcher, and US Congressman, John Lewis, so aptly stated,  
6 "struck a dagger in the heart of the Voting Rights Act"; and

7           WHEREAS, Since 2014 at least 83 restrictive voting rights  
8 bills were introduced in 29 states, and the Brennan Center for  
9 Justice reports that 21 states have enacted restrictive voting  
10 laws since 2011, including North Carolina, Ohio, Texas, and  
11 Wisconsin, and that in Texas alone this will affect more than  
12 600,000 adult-age citizens who do not have state-issued photo  
13 identification; and

14           WHEREAS, Voter turnout in November 2014 represented a  
15 smaller percentage of eligible voters than in a congressional  
16 election since 1942, voter turnout in many primary elections in  
17 2014 was at an all-time low in more than half of states holding  
18 primaries, and voter turnout in some major cities is now in  
19 single digits; and

20           WHEREAS, A "right to vote" constitutional amendment  
21 applies to and should be supported by all Americans because it  
22 is (a) nonpartisan - not Democratic, Republican, or  
23 independent; (b) non-ideological - not liberal or

1 conservative; (c) non-programmatic - it does not require you to  
2 support or oppose any particular legislative program; and (d)  
3 non-special interest - its application is not limited to  
4 minorities, women, labor, business, seniors, lesbians and  
5 gays, or any other special interest groups; therefore, be it

6 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE  
7 NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE  
8 SENATE CONCURRING HEREIN, that we support amending the United  
9 States Constitution to explicitly guarantee an individual's  
10 right to vote; and be it further

11 RESOLVED, That suitable copies of this resolution be  
12 delivered the members of the Illinois congressional  
13 delegation.