

MODEL

A MODEL RESOLUTION

FOR A CONSTITUTIONAL AMENDMENT TO

THE CONSTITUTION OF THE STATE OF [INSERT STATE NAME HERE]

A resolution to propose to the people of the State of [INSERT STATE NAME HERE] an amendment to the Constitution of the State by amending Sections \_\_\_\_ of Article \_\_\_\_ of said Constitution, relating to the Voting Rights of Incarcerated People.

WHEREAS, The State Constitution Article [Insert] Sections [Insert] excludes from the right of suffrage and prohibits from voting, people:

- i. convicted of a felony or infamous crime; and/or
- ii. incarcerated in a prison, jail, correctional facility, or community correctional center; and/or
- iii. formerly incarcerated people under probation or parole; and/or
- iv. formerly incarcerated after discharge and completion of service of the person's sentence; and

WHEREAS, people convicted and/or incarcerated remain citizens of the United States and the State following conviction and throughout their sentences, and therefore should enjoy the most basic of their civil rights, namely the right to vote; and

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WHEREAS, the State is committed to fair and humane reform of the criminal justice system; and

WHEREAS, deprivation of liberty and the loss of control over everyday interaction, including the ability to see one's loved ones on a daily basis, are all severe punishments imposed by incarceration; and

WHEREAS, the concept of a "civil death" is an antiquated one, not founded in progressive modern theory of criminal justice reform; and

WHEREAS, disenfranchisement based on criminal conviction has a disproportionate effect on communities of color, which experience a much higher incarceration rate than white communities; and

WHEREAS, allowing incarcerated persons to vote will benefit the State by helping inmates remain aware of issues that are important to society so that they may participate more fully in their communities upon release; and

WHEREAS, this measure will authorize the Legislature to permit citizens who are currently disenfranchised due to felony convictions and/or incarceration and/or probation or parole, to regain their right to vote,

*Now Therefore It Is Resolved that:*

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The Legislature of the State of [INSERT STATE NAME HERE] at its [current year] Regular Session, commencing on [INSERT DATE], [Insert majority or super-majority required here]<sup>1</sup> of all members elected to each of the two houses of the Legislature voting in favor thereof, hereby proposes to the people of the State of [INSERT STATE HERE] that Section \_\_\_ of Article \_\_\_ of the Constitution of the State of [Insert State Name Here] be amended as follows.

Article [Insert Article number for Qualification of Voters] is amended as follows:

- i. The section titled "Qualified Voters or Electors" is hereby DELETED and REPLACED with the following:

- a. **[Insert Section on Qualified Voters]** Every citizen of the United States of the age of 18 years and upwards, (excepting persons under guardianship due to incapacitation as defined by law), having his or

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49 States allow a legislatively proposed constitutional amendment by ballot measure. The outlier is Delaware. In the case of Delaware, omit the language "hereby proposes to the people of the State of [Delaware]"  
See:[https://ballotpedia.org/Legislatively\\_referred\\_constitutional\\_amendment](https://ballotpedia.org/Legislatively_referred_constitutional_amendment)

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her residence in this State, shall be a qualified voter, and eligible to vote.

b. **[Insert Section on Residency]** For the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his or her presence or absence while employed in the service of the United States; nor while a student of any institution of learning; nor while incarcerated in any public prison, jail, correctional facility, or community correctional center.

c. **[Insert Section on Absentee Ballots]** The Legislature shall provide a manner in which qualified voters who may be absent from the county of their residence or unable to appear personally at the polling place because of incarceration, illness or physical or other disability, on the occurrence of any election, may vote by absentee ballot, and for the return and canvass of their votes.

Adopted This Day of \_\_\_\_\_