

JAN 20 2010

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE II, SECTION 2 OF THE HAWAII
CONSTITUTION TO ALLOW FOR CONVICTED FELONS TO VOTE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that by disallowing
2 convicted felons to vote, the State is disenfranchising them
3 based on ideas that are not necessarily true. Much of the
4 background of forbidding convicted felons to vote is the fear
5 that these people will "outvote" everyone else and destroy our
6 country. To assume that, if allowed to vote, felons would vote
7 more than the general population is far-fetched. Voting is an
8 essential, if not quintessential part, of democracy. People may
9 choose to vote or refrain, but the State should not be making
10 that decision for them. If the State is to truly embrace the
11 policy that incarceration should include an element of
12 rehabilitation, then convicted felons should be allowed the
13 freedom to vote as every other citizen is.

14 The history of felony disenfranchisement is also highly
15 based on race and discriminatory prosecution. It has been
16 widely reported, and it is still the case, that people of color
17 are targeted, arrested, and prosecuted in higher numbers than



1 their white counterparts. The numbers of non-white felons
2 incarcerated still continues to outpace the actual proportion of
3 their race in the general population. For example, in a Ninth
4 Circuit Court of Appeals case where the court ruled against
5 Seattle's disenfranchisement laws, evidence was presented that
6 blacks and latinos were disproportionately arrested because the
7 police targeted crack cocaine, while the majority of drug
8 dealers and drug users in the city were found to be white.

9 The purpose of this Act is to propose a constitutional
10 amendment to allow for convicted felons to vote.

11 SECTION 2. Article 2, section 2, of the Constitution of
12 the State of Hawaii is amended to read as follows:

13 **"DISQUALIFICATION**

14 **Section 2.** No person who is non compos mentis shall be
15 qualified to vote. [~~No person convicted of a felony shall be~~
16 ~~qualified to vote except upon the person's final discharge or~~
17 ~~earlier as provided by law.] "~~

18 SECTION 3. The question to be printed on the ballot shall
19 be as follows:

20 "Shall a convicted felon who is presently incarcerated be
21 qualified to vote prior to their final discharge?"



S.B. NO. 2171

1 SECTION 4. Constitutional material to be repealed is
2 bracketed and stricken.

3 SECTION 5. This amendment shall take effect upon
4 compliance with article XVII, section 3, of the Constitution of
5 the State of Hawaii.

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INTRODUCED BY:



By Request



Report Title:

Constitutional Amendment; Allowing Convicted Felons to Vote

Description:

Proposes a constitutional amendment to allow convicted felons to vote while still imprisoned.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

