

# A Constitutional Right to Vote

2014 POLICY GUIDE



Federal Policy

August 2014

*A Right to Vote Constitutional Amendment, like HJ Res 44, would guarantee citizens have an explicit right to vote.*

**The Problem:** The right to vote is the foundation of democracy. Nearly every established democracy in the world has enacted an explicit constitutional right to vote. Many Americans are unaware that the U.S. Constitution lacks such an explicit right to vote despite its protections against some forms of voting discrimination. As a result, the right to vote is left to the discretion of states, all separate and unequal. This allows state governments to disenfranchise Americans directly and indirectly through confusing and contradictory policies. Ballot design, polling hours, voting equipment, voter registration, and voting rights for citizens with felony convictions are a few areas where the drawbacks of this current policy are apparent.

**The Solution:** Passing a Right to Vote Amendment to the Constitution would uphold our fundamental right to vote. The amendment would empower Congress to set national minimal electoral standards for all jurisdictions to follow, provide

greater protection against attempts to disenfranchise individual voters, and strengthen the impact of state and local laws seeking to uphold suffrage. Introduced in 2013, H.J. Res. 44 would amend the constitution to explicitly guarantee the right to a vote. Past legislation for a right to vote amendment has earned the support of more than 50 Members of Congress.

H.J. Res. 44 would strengthen the claims of all citizens seeking to exercise their suffrage rights and establish strict scrutiny of federal, state and local government voting laws and practices. FairVote's full analysis of H.J. Res. 44 provides additional details about the amendment, its potential impact and voting rights history.

**Local and State Action:** States, cities, campuses and NGO's are starting to pass right to vote resolutions that call for right to vote amendment and commit to actions to protect, promote and expand suffrage. See <http://PromoteOurVote.com>.

## An explicit right to vote in the Constitution would:

- Guarantee the right to vote of every citizen of voting age
- Protect against attempts to disenfranchise individual voters
- Ensure rights to have every vote counted correctly
- Strengthen state right to vote provisions that are now weakened when state courts "lockstep" with federal law
- Empower Congress to set national minimum electoral standards for all states to follow, but not mandate the same rules and policies

## Key Facts

More than 90% of the world's democracies have the right to vote in their national constitution.

Arizona's state constitution is the only one without a right to vote provision, but lack of a federal right to vote can undercut voting rights due to deference to federal law.

## Fiscal Impact

No direct fiscal impact. If a right to vote amendment increased voter turnout, there could be minor associated costs. But there would not be any necessary changes to the nation's election infrastructure.

## Additional Resources

- Analysis of H.J. Res. 44
- Guide on Local Right to Vote and Turnout Policies
- Model State, Local and Campus Resolutions on Right to Vote