

Rainbow/PUSH Coalition's "Right-To-Vote" Campaign

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In A Democracy...

Voting Is Fundamental

NEEDED: A RIGHT-TO-VOTE AMENDMENT ADDED TO THE U.S. CONSTITUTION

In a democracy, the right to vote is a **moral imperative**, the most fundamental **legal right** and is **protective of all other rights**. When President Lyndon B. Johnson signed the 1965 Voting Rights Act (VRA) he said, "The right to vote is the basic right, without which all others are meaningless." Such a fundamental right should be **explicitly** guaranteed to all Americans in the U.S. Constitution.

Yet, "nowhere in the United States Constitution is there an explicit declaration of the right to vote. Initially the Constitution appears to have left that right up to the states." (*Oxford Companion to the U.S. Supreme Court*)

Prior to becoming President of the United States, Barack Obama, as a professor of constitutional law at the University of Chicago, began each of his constitutional law classes sharing with his students the surprising fact that an "explicit federal individual right to vote" is *not* in the U.S. Constitution.

The U.S. Constitution has been amended 17 times since the Bill of Rights and 7 of those amendments pertain to voting – 14, 15, 17, 19, 23, 24 and 26 – but none of them add the **explicit, fundamental, affirmative, individual, citizenship or federal right to vote** to the U.S. Constitution. A voting rights constitutional amendment would **fulfill** the 15th, 19th and 26th Amendments.

Three amendments **outlawed discrimination in voting** on the basis of **race** (15th) - the 1965 VRA was the implementing legislation for this amendment 95 years later - **sex** (19th) and **age** (26th).

Of the 119 nations that elect their public officials using some form of democratic elections, 108 have the right to vote in their constitution, but the United States is one of the 11 nations - including **Azerbaijan, Chechnya, Indonesia, Iran, Iraq, Jordan, Libya, Pakistan, Singapore and the United Kingdom** - that does not explicitly contain a citizen's right to vote in its constitution.

The U.S. has a "states' rights and local control" voting system. And since **voting is a state right**, with virtually no enforceable national standards, we have

ended up with multiple and varied election systems in the 50 states (plus DC), 3,143 counties (or county equivalents), 13,000 local voting jurisdictions and 186,000 precincts, all organized on what amounts to a “separate and unequal” voting system, controlled and managed by local election officials. Prior to the SCOTUS decision in *Shelby*, which undermined the most effective sections of the 1965 VRA, 86% of Section 5 Preclearance objections involved **local**, not national or state, voting issues.

It’s important that a right Americans find to be **fundamental** is explicitly guaranteed by the U.S. Constitution! The Supreme Court in ***District of Columbia v. Heller*** ruled that the 2nd Amendment **did** guarantee a fundamental individual right to a gun. So we have the ironic situation that the world’s so-called leading democracy has the fundamental individual right to a gun but **not** the fundamental individual right to vote guaranteed in its Constitution.

A “right-to-vote” constitutional amendment is: (a) **non-partisan** – not Democratic, Republican or independent; (b) **non-ideological** – not liberal or conservative; (c) **non-programmatic** – it doesn’t require one to support or oppose any particular policy or legislative programs(s) in order to fulfill the amendment; and (d) **non-special interest** – it’s application is not limited to minorities, women, labor, businesspersons, lesbians and gays or any other special interest group. **It applies to and benefits all Americans!**

House Joint Resolution 44

Section 1. Every citizen of the United States, who is of legal voting age, shall have the fundamental right to vote in any public election held in the jurisdiction in which the citizen resides.

Section 2. Congress shall have the power to implement and enforce this article by appropriate legislation.

“I would not look to the U.S. Constitution if I were drafting a Constitution in the year 2012. I might look at the Constitution of South Africa. That was a deliberate attempt to have a fundamental instrument of government that embraced basic human rights, had an independent judiciary. It really is, I think, a great piece of work that was done. Much more recent than the U.S. Constitution.”

*Supreme Court Justice Ruth Bader Ginsburg
Al Hayat TV in Egypt, February 1, 2012*

“What is striking is the role legal principles have played throughout America’s history in determining the condition of Negroes. They were enslaved by law; emancipated by law; disenfranchised and segregated by law; and finally, they have begun to win equality by law. Along the way, new constitutional principles have emerged to meet the challenges of a changing society. The progress has been dramatic, and it will continue.”

*Justice Thurgood Marshall
May 6, 1987 Honoring the 200th Anniversary of the U.S.
Constitution*