



**TESTIMONY BY CHICAGO LAWYERS' COMMITTEE FOR CIVIL RIGHTS  
BEFORE THE ILLINOIS ETHICS & ELECTIONS COMMITTEE  
IN SUPPORT OF HOUSE BILL 39  
MAY 9, 2023**

Submitted By:  
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**I. Introduction**

Mr. Chair West, Vice-Chair Stuart, and members of the Committee:

Thank you for the opportunity to provide testimony today in support of Illinois House Bill 39 (HB39), a bill that would remove barriers to voting for incarcerated community members. My name is Cliff Helm and I am a Senior Counsel at Chicago Lawyers' Committee for Civil Rights, a non-profit, non-partisan organization that works to advance racial equity and economic opportunity for all.

I work in our voting rights practice area, where we partner with community and grassroots organizations to reduce barriers to voting and civic participation across the state of Illinois, especially in communities of color and low-income communities.

Chicago Lawyers' Committee also provides direct legal representation through partnerships with our forty member law firms. Erik Snapp, partner at the law firm of Dechert LLP, is here with us today. Dechert has provided legal support to the advocacy and grassroots organizations advocating for this bill.

**II. Importance of this bill**

I personally have the privilege of working with people who are detained and incarcerated to make sure that they continue to have a civic voice. For example, I help manage Chicago Lawyers' Committee's voter protection program in Cook County Jail and Will County Adult Detention Facility. We train and supervise pro bono volunteers to serve as non-partisan poll-watchers on site during in-person voting held at each of those facilities. Through this work, we see people that are detained and removed from their community now have an opportunity to engage with those communities through voting.

This bill is about ensuring that people who are incarcerated can continue to engage in society in one of the most meaningful ways we have: voting.



This bill is also about fair representation for the people and communities most impacted by mass incarceration. Notably, the General Assembly has identified equitable representation as an important issue and has taken meaningful steps in this regard, including through ending prison-based gerrymandering. Re-enfranchising people in prison is the next step and is long overdue.

### **III. Implementation**

As has been discussed in this hearing, voters will be using vote by mail based on their last known address, rather than creating new polling places in correctional facilities.

HB 39 builds on the work that Election Authorities have done with their respective Sheriff's offices already coordinating to ensure people who are detained pretrial can still vote. Most pre-trial detention facilities vote through vote by mail. With this experience, both the Illinois Association of County Clerks and Records and the Illinois Sheriffs' Association remain neutral on the bill.

To address many of the common implementation questions surrounding HB 39, the bill creates a Taskforce composed of numerous agency officials, staff, elected officials, and advocates that will be charged with working through implementation issues and making recommendations. This means that, structurally, there will be a balanced approach to implementation.

We are all committed to this voting reform being implemented in a safe and secure way. Chicago Lawyers' Committee would be pleased to serve as a resource on implementation, as we have done for many other voting reforms in Illinois and in our collaborations with authorities during every election.

### **IV. Constitutionality**

We have also heard and fielded questions relating to the constitutionality of this bill under the Illinois Constitution. Along with attorneys from Dechert LLP, we analyzed the constitutionality of HB 39. The plain language of the 1970 Illinois Constitution, supported by the legislative history of the Constitutional Convention, clearly allows the General Assembly to return the right to vote to people that are incarcerated.

Both myself and Erik Snapp are available for questions during this hearing or after if anyone wishes to further discuss this particular issue.

### **V. Conclusion**

This bill is an important step forward in ensuring equitable civic engagement in Illinois and maintaining the state as a leader in voter access and voting rights. Chicago Lawyers' Committee for Civil Rights has long advocated to return the right to vote for people who are incarcerated, and I urge you to support the passage of House Bill 39 as a stand-alone bill or include it in an elections omnibus bill. Thank you.