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## 40 years later, the state constitution still works

Today, July 1, 2011, marks the 40th anniversary of the day that the 1970 Illinois Constitution became effective. On June 30, 1971, many of the delegates and staff of the 1970 Constitutional Convention gathered in Springfield to await midnight when the constitution they had drafted would become the new charter of Illinois.

In many respects, that “countdown to midnight” was truly a New Year’s Eve celebration. It was, in many ways, a new beginning for Illinois 40 years ago.

In previous columns I have related my impressions of the 40th anniversary of convention milestones: Opening day ceremonies (Dec. 8, 2009); the day the convention moved to the Old State Capitol (March 23, 2010); and the day that the voters adopted the new constitution (Dec. 15, 2010).

Faithful readers, do not fear that this, the last column in the series, will simply reiterate the high points of the constitution. I just want to point out two little-noticed innovations. Perhaps they affect only a few Illinoisans, but those who benefit from them are among the most vulnerable of us.

The first innovation is Article III, Section 2, which provides that anyone convicted of a felony automatically has his right to vote restored “no later than upon completion of his sentence.” Many states, notably those in the Old Confederacy, once forbade a felon from ever voting again unless the governor specifically pardoned him. Kentucky and Virginia continue this practice.

This was a convenient way to keep an underclass from being full citizens. Under the guise of keeping people who had broken faith with society from voting for public officials, these states made an entire class of people into permanent half-citizens. Most of the ex-felons were poor, uneducated black men.

In modern times, we know that it is necessary to help restore felons to society. In Illinois, prison officials give a felon a list of his restored rights as he leaves prison. One of those rights is “the right to vote.” He can then register to vote from his new home and vote again because he has been “released from prison.” (730 ILCS 5/5-5-5(c).)

We saw the effect of the different approaches toward released prisoners in the 2000 presidential election. According to reports, someone in authority claimed that hundreds of Florida citizens seeking to vote were ex-felons still on parole. Most of those whose status was questioned were black or Hispanic males. Because the election judges could not quickly verify the status of the questioned voters, many Floridians were not allowed to vote. As it turned out, the majority of those prohibited from voting were not really convicted felons.

Did you notice that this did not happen in Illinois? I have not heard a single report of any Illinoisan who has served time in prison being denied the right to vote. Illinois is one of 13 states that allow ex-prisoners to vote even if they are on parole. Perhaps this is only a small step towards rehabilitation, but it can help.



### Law and Public Issues

By Ann M. Lousin

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The second innovation is Article X, Section 1, Sentence 3: “Education in public schools through the secondary level shall be free.” Before 1971, Illinois, like many states, charged pupils tuition when they turned 21. This discouraged many adults from taking the evening courses necessary to receive their high school diplomas. Before the GI Bill of Rights went into effect in 1944, there were few working-class boys who completed high school. In fact, only 23 percent of the Americans who served in World War II had a high school diploma.

The Illinois Constitution effectively extends the GI Bill through high school for all Illinoisans. Elementary and secondary education are tuition-free, even special education programs. A public school may still charge “use” fees or fees for books and equipment, but only if the fees are reasonable.

The Illinois Supreme Court has held that a school can impose those fees only on “parents who were financially able to pay.” *Beck v. Bd. of Educ. of Harlem Consol. School Dist. No. 122*, 63 Ill. 2d 10, 344 N.E.2d 440 (1976). Think what this means to parents who are just scraping by. Decades ago, a family in Iowa was in that situation. The parents decided they could not rent a house in a school district that charged fees for books. They could not afford to pay for textbooks.

The daughter of that family later moved to Illinois. She voted for the 1970 constitution. When I told her about that court decision, she said that such a benefit would have “meant the world” to her parents.

Maybe there aren’t many ex-felons who want to vote. Maybe there aren’t many parents who need relief from fees. But I am so glad that the Illinois Constitution gave all of them those rights 40 years ago today. On June 30, 2011, I counted down to midnight once again and toasted the Illinois Constitution as if it were New Year’s Eve.

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