

**Proposition 6:
Eliminates Constitutional Provision Allowing Involuntary
Servitude For Incarcerated Persons**

Legislative Constitutional Amendment

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I. EXECUTIVE SUMMARY

Proposition 6 is a constitutional amendment proposed by the California Assembly and passed by both houses of the California Legislature and supported by Governor Newsom. Proposition 6 would amend the California Constitution to remove the current exception that allows for involuntary servitude for those duly convicted of a crime.¹ This new constitutional amendment would simply abolish slavery and involuntary servitude without exception.

Proposition 6 would further prohibit the Department of Corrections from disciplining those who refuse to work and allow incarcerated persons to voluntarily accept work assignments in exchange for credit to reduce their sentences.² That is in addition to currently working for payment, which they are already eligible to do.

Currently, states across the United States are addressing the exception for those duly convicted of a crime that exists within the 13th Amendment to the United States Constitution that abolished slavery and involuntary servitude.³ Most of the states in the U.S. just carried over the 13th Amendment's language exactly into their own state constitutions. Starting around the publication of the nonfiction book, *The New Jim Crow*⁴ by Michelle Alexander and gaining speed in the wake of the 2016 election and the protests surrounding George Floyd's death more states have started to address the exception in their state's constitutions regarding involuntary servitude.⁵ Many of these have done so with overwhelming bi-partisan support.⁶

A "YES" vote would remove the current exception that allows prisons and jails to impose involuntary servitude on incarcerated persons from the state constitution and prohibit the Department of Corrections from disciplining someone who refused to work. The California Constitution would explicitly prohibit slavery and involuntary servitude with no exceptions.

A "NO" vote would not change the California Constitution and would leave the exception that currently exists for those duly convicted of a crime. Further, it would not restrict or prohibit the Department of Corrections from disciplining those who refuse to work.

¹ ACA 8, 2024 Leg., 2023-2024 Reg. Sess. (Cal. 2024)

² *Id.*

³ Bamieh, Ryanne, *The New Abolition: The Legal Consequences of Ending All Slavery and Involuntary Servitude*, Harvard Civil Rights-Civil Liberties Law Review (April 13, 2023), https://journals.law.harvard.edu/crcl/wp-content/uploads/sites/80/2024/02/08_HLC_59_1_Ryanne-Bamieh.pdf.

⁴ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (The New Press, 2010).

⁵ Bamieh, *supra* note 3, at 248-249.

⁶ CAL. SEC. OF STATE, OFFICIAL VOTER INFORMATION GUIDE: November 5th, 2024 Election, 34-37, available at <https://vig.cdn.sos.ca.gov/2024/general/pdf/prop6.pdf>.

II. THE LAW

A. Existing Law

The current provision of the California Constitution, Article 1, Sec. 6 is modeled after the United States Constitution in abolishing slavery and involuntary servitude but keeping an exception for those duly convicted of a crime.⁷ It also does not prevent prisons or jails from disciplining prisoners who refuse work assignments.⁸ Originally crafted in the aftermath of the Civil War, the 13th Amendment and the offspring it produced in the various state constitutions across the country were crafted to formally and legally abolish slavery and involuntary servitude.⁹

The current California constitutional provision makes no restriction on prisons and jails to keep them from punishing prison laborers who refuse to do assigned work, thus allowing prisons to engage in different tactics and punishments to get inmates to do their assigned work. The California Constitution is one of 16 in the U.S. that still explicitly carves out an exception to its prohibition against involuntary servitude for those convicted of a crime.¹⁰

B. Proposed Law

Proposition 6 would amend the California Constitution, specifically Article 1 section 6 to state that:

- A) Slavery and involuntary servitude are prohibited.
- B) The Department of Corrections and Rehabilitation shall not discipline any incarcerated person for refusing a work assignment.
- C) Nothing in this section shall prohibit the Department of Corrections and Rehabilitation from awarding credits to an incarcerated person who voluntarily accepts a work assignment.
- D) Amendments made to this section by the measure adding this subdivision shall become operative on January 1, 2025.¹¹

If this amendment is approved, slavery and involuntary servitude would be prohibited without exceptions, and prisons and jails would be prohibited from disciplining anyone who refuses their work assignment.¹² The goal of this proposition is to make absolute the state constitutional restrictions and prohibitions against slavery and involuntary servitude.

⁷ Cal. Const. art. I, sec. 6,

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CONS§ionNum=SEC.%206.&article=1.

⁸ *Id.*

⁹ Bamieh, *supra* note 3, at 254-257.

¹⁰ November 2024 Voter Guide at 36.

¹¹ ACA 8.

¹² November 2024 Voter Guide at 35.

1. *Background information*

The current movement to remove the exceptions that exist in the 13th Amendment to the U.S. Constitution abolishing slavery and involuntary servitude and the various state constitutions that mimic it began to pick up steam around 2010.¹³ The impetus for the current movement began in the wake of a new re-examination of race relations and Black identity and history in the United States with the election and presidency of Barack Obama, America's first Black president and the publication of *The New Jim Crow*.¹⁴ Indeed, President Obama's election and the increasingly public attention being drawn to incidents of police shootings of young Black men led to an increased focus on America's troubled and tumultuous history with its Black citizens and the tools and methods it has used to work against their interests.¹⁵

2. *Other States' efforts to remove involuntary servitude exceptions.*

It was in the wake of all these intersecting threads that Colorado became the first state in the modern era to remove the exception for prison labor from its state constitution via ballot initiative.¹⁶ That measure passed with over 66% of the vote after the state legislature unanimously approved it.¹⁷ Colorado's successful initiative came in the wake of a narrow defeat two years prior where by a margin of less than 20,000 votes it failed to pass, a defeat that many attributed to the confusing language of the proposed initiative that it was claimed left voters confused as to whether they were or were not removing the exception in question.¹⁸ The successful proposition two years later can be noted for the striking clarity of its language which read simply "Slavery prohibited. There shall never be in this state either slavery or involuntary servitude."¹⁹

Following the successful Colorado initiative, and in the wake of global protests surrounding the police killing of George Floyd, more states put forward ballot initiatives in the 2020 election removing the exceptions for prison labor from their state constitutions' prohibitions against involuntary servitude.²⁰ Utah and Nebraska both passed their respective initiatives by huge margins, with Utah's passing with over 80 percent support and Nebraska by a two-thirds margin.²¹

¹³ Bamieh, *supra* note 3, at 261.

¹⁴ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (The New Press, 2010).

¹⁵ David Remnick, *Ten Years After "The New Jim Crow"*, *The New Yorker*, Jan. 17, 2020.

<https://www.newyorker.com/news/the-new-yorker-interview/ten-years-after-the-new-jim-crow>.

¹⁶ Bamieh, *supra* note 3, at 262.

¹⁷ Bamieh, *supra* note 3, at 262-263.

¹⁸ *Id.*

¹⁹ HCR18-1002, 2018 Reg. Sess. (CO 2018). <https://leg.colorado.gov/bills/hcr18-1002>.

²⁰ Kaelan Deese, *Utah, Nebraska voters approve measures stripping slavery language from state constitutions*, *The Hill*, Nov. 4, 2022. <https://thehill.com/homenews/state-watch/524469-utah-nebraska-voters-approve-measure-stripping-slavery-language-in/>.

²¹ *Id.*

Utah’s ballot measure language mirrored Colorado’s while also adding that nothing in the measure would “affect the lawful administration of the criminal justice system.”²²

Two years later in the 2022 election, four more states passed constitutional amendments to prohibit slavery and involuntary servitude without exceptions in their states.²³ The states: Alabama, Oregon, Tennessee, and Vermont each passed the measures with clear majorities, with three of the four states seeing their measure pass by over 75 percent of the vote and with Vermont in particular achieving a shockingly high 88 percent support for its measure, indicating the breadth of support for the various measures across the nation.²⁴

This wave of support for these types of measures saw one defeat in the 2022 election with the Louisiana measure having 61% of the vote go against it.²⁵ But Louisiana was a unique case where the original author of the measure in the state Legislature ultimately came out against it because of worries over ambiguities in the measure and what exactly it was changing.²⁶ Yet, again there were also concerns about voters being confused about whether they were voting for or against involuntary servitude.²⁷

In addition to California, Nevada also has a similar measure on its ballot this November seeking to remove the exception for those duly convicted of a crime from the Nevada Constitution’s prohibition on involuntary servitude.²⁸

3. *Path to the ballot.*

The California Legislature first debated a measure seeking to remove the exception against involuntary servitude from the California Constitution back in 2022.²⁹ That measure was ultimately sunk over fears and concerns about the potential costs of the measure and whether it would ultimately lead to prison laborers being forced to be paid the minimum wage.³⁰ The California Department of Finance in particular came out against the measure after estimating it could cost \$1.5 billion to pay prisoners at the minimum wage.³¹ The proposed 2022 measure that failed to clear the California Senate noted that most prisoners, apart from firefighters, get paid

²² Bamieh, *supra* note 3, at 264.

²³ Aaron Morrison, *Voters in 4 States reject slavery, involuntary servitude as punishment for crime*, PBS News, Nov. 9, 2022, <https://www.pbs.org/newshour/politics/voters-in-4-states-reject-slavery-involuntary-servitude-as-punishment-for-crime>.

²⁴ November 2024 Voter Guide at 36.

²⁵ Bamieh, *supra* note 3, at 266.

²⁶ *Id.* at 266.

²⁷ *Id.* at 266.

²⁸ November 2024 Voter Guide at 36.

²⁹ Bamieh, *supra* note 3, at 266-267.

³⁰ Byrhonda Lyons, *California Lawmakers reject ballot proposal that aimed to end forced labor*, Cal Matters, June 30, 2022, <https://calmatters.org/justice/2022/06/california-prisoners-work-involuntary-servitude/>.

³¹ *Id.*

between 8-35 cents an hour, a far cry from the proposed \$18 an hour state minimum wage measure that is on the ballot this year for non-prison workers.³²

Proposition 6 was one of 14 bills prioritized by the California Legislative Black Caucus as part of their 2024 Reparations Legislative Package that aimed to right the wrongs historically done to Black Americans in California.³³ Assemblymember Lori Wilson, the author of the constitutional amendment and chairperson of the California Legislative Black Caucus called for “a comprehensive approach to dismantling the legacy of slavery and systemic racism” when the 2024 Reparations Priority Bill Package was unveiled.³⁴

Assemblymember Wilson made even more explicit the clear purpose and moral push behind Proposition 6 during a speech in the California Assembly stating “Involuntary servitude is an extension of slavery. There’s no room for slavery in our constitution, which should reflect our values in 2023.”³⁵

The measure on the ballot ultimately passed both houses of the California Legislature by overwhelming near unanimous margins, clearing the Assembly by a 68-0 vote and the State Senate by a 33-3 vote.³⁶

III. DRAFTING ISSUES

The biggest potential drafting issues revolve around a similar ambiguity theme. Whether it is an issue of the amendment not going far enough to fully eradicate involuntary servitude or going so far as to fully do away with prison labor all together, the opposition that has been generated in the other states that have confronted this issue have largely come from this idea of what exactly the amendment is or is not doing.³⁷

In that same vein what exactly constitutes discipline by prison officials and what does not is left ambiguous by the constitutional amendment and thus could be the subject of future litigation. If Proposition 6 passes, both prison officials and inmates will need to make sense of the full ramifications of prison laborers refusing work assignments and what rights and protections are afforded to them. This issue and the question of what wage prison laborers would be entitled to are both left open by the Proposition. The state would ultimately need to make some changes to its prison regulations or pass a statute to provide more clarity if the amendment ultimately does pass.

One example of this type of legislative and regulatory solution comes from the state’s experience with the conservation camp firefighters. These firefighters are a group of minimum-

³² SENATE COMMITTEE ON APPROPRIATIONS, COMMITTEE ANALYSIS OF ACA 3, at 2 (June 16, 2022).

³³ Press release from California Legislative Black Caucus (Jan. 31, 2024), in *California Legislative Black Caucus Introduces 2024 Reparations Legislative Package*, <https://blackcaucus.legislature.ca.gov/news/california-legislative-black-caucus-introduces-2024-reparations-legislative-package>.

³⁴ *Id.*

³⁵ ACA 8, California Assembly Floor Speech by Lori Wilson (June 27, 2024).

³⁶ November 2024 Voter Guide at 36.

³⁷ Bamieh, *supra* note 3, at 266-267.

security incarcerated persons who have volunteered to help fight fires across the state, now numbering over 1,000 people at over 35 conservation camps.³⁸ For all the work the firefighters do in creating fire break lines, establishing point camps, and more, they have historically earned as little as \$2-6 a day.³⁹ Given the disparity between the crucial lifesaving work the incarcerated firefighters do and the incredibly low pay they received there were many long-standing efforts and advocacy to raise their pay, these efforts were universally unsuccessful.⁴⁰ After 30 years of stagnated wages and after extensive efforts that brought together a diverse coalition of parties, this year incarcerated firefighters received raises that nearly doubled their pay to a maximum of \$10.24 a day.⁴¹ While it of course is not a guarantee that if Proposition 6 passes it will follow a similar path as the conservation camp prison firefighters, it provides perhaps the most instructive guide as to the potential avenue prison laborers of all kinds could go to increase their pay.

IV. CONSTITUTIONAL AND STATUTORY ISSUES

The biggest constitutional issues relate to the potential interplay between federal and state law when it comes to the U.S. Constitution's 8th Amendment prohibitions against cruel and unusual punishment. While the U.S. Constitution allows for forced prison labor due to its exceptions for those duly convicted of a crime embedded within the 13th Amendment, that does not stop the states from going further than the United States Constitution does.⁴²

It is important to remember that the U.S. Constitution in essence sets the floor for standards not the ceiling, thus states can and have gone further in their protections and expansion of rights on a whole host of issues.⁴³ From certain states outlawing the death penalty even though the United States still allows it at the federal level⁴⁴, to the states passing more expansive environmental protections⁴⁵, or greater protections for criminal defendants, states frequently go beyond what the United States federal government has mandated. Indeed, the states are also free to extend these protections for various groups or causes as well, hence how California and other states have passed

³⁸ Root, Brady L., *California's Incarcerated Firefighters Are Owed The Minimum Wage*, USC Gould School of Law Review (March 22, 2023),

<https://gould.usc.edu/students/journals/rlsj/issues/assets/docs/volume32/winter2023/root.pdf>.

³⁹ Root, *supra* note 38, at 40.

⁴⁰ *Id.*

⁴¹ Farida Jhabvala Romero, *State Prisons Offset New Inmate Wage Hikes By Cutting Hours for Some Workers*, KQED, Apr. 23, 2024. <https://www.kqed.org/news/11983846/state-prisons-offset-new-inmate-wage-hikes-by-cutting-hours-for-some-workers>.

⁴² Bamieh, *supra* note 3, at 268-269.

⁴³ Neil Vigdor, *Colorado Abolishes Death Penalty and Commutes Sentences of Death Row Inmates*, N.Y. Times, March 23, 2020. <https://www.nytimes.com/2020/03/23/us/colorado-death-penalty-repeal.html>.

⁴⁴ *Id.*

⁴⁵ California Air Resources Board, *2022 Scoping Plan for Achieving Carbon Neutrality*, November 22, 2022. <https://ww2.arb.ca.gov/sites/default/files/2022-11/2022-sp.pdf>.

Constitutional amendments protecting abortion rights⁴⁶, the right to gay marriage, and environmental protections that the federal government has not.⁴⁷ This explains how California could propose to remove the exception for prison labor from its involuntary servitude section of its constitution, like 8 other states have, despite the federal government still keeping it within the 13th amendment that otherwise abolished slavery and involuntary servitude.⁴⁸

V. PUBLIC POLICY CONSIDERATIONS

A. Proponents' Argument

The major public policy considerations at play according to the proponents of Proposition 6 is that involuntary servitude is inherently inhumane and morally wrong no matter the circumstances.⁴⁹ Whether someone has been convicted of a crime or not they still are human beings deserving of the basic human right to decide when, where, and whether they will work. To hold otherwise strips them of their basic human dignity and denies them the full measure of their self-worth.⁵⁰ The proponents of the measure also state that nearly 160 years after the end of the Civil War, it is finally time to make true for all of California's citizens the ideal that slavery and involuntary servitude are forever abolished and prohibited.⁵¹ The proponents further argue that the solemn promise that the 13th Amendment and its state counterparts were built on has been denied to a not insignificant population of Americans ever since their passage.⁵² Indeed, the exception for prison labor built on a mid-19th century idea that working while behind bars could help to rehabilitate the laborers, an idea that very quickly became twisted into a tool to entrap millions of Americans into a, largely race-based, system of free or near free labor that over time has developed into a multi-billion dollar prison industrial complex.⁵³

Proposition 6's proponents further argue that by ending forced labor rehabilitation is better served.⁵⁴ Successful rehabilitation in turn leads to safer and less crime filled neighborhoods because people can better keep their self-worth and respect while imprisoned, leading to fewer repeat offenders.⁵⁵ This decrease in repeat offenders would then lead to a subsequent decline in

⁴⁶ Jackie Fortier, *California voters enshrine right to abortion and contraception in state constitution*, NPR, Nov. 9, 2022. <https://www.npr.org/2022/11/09/1134833374/california-results-abortion-contraception-amendment-midterms>.

⁴⁷ SCA 10, 2022 Leg., 2021-2022 Reg. Sess. (Cal. 2022).

⁴⁸ Morrison, *supra* note 23.

⁴⁹ November 2024 Voter Guide at 36.

⁵⁰ Bamieh, *supra* note 3, at 297.

⁵¹ November 2024 Voter Guide at 36.

⁵² *Id.*

⁵³ Bamieh, *supra* note 3, at 252-253..

⁵⁴ November 2024 Voter Guide at 36.

⁵⁵ *Id.*

the cost of prisoners generally as fewer and fewer repeat offenders go back behind bars, thus leading to a financial incentive in favor of the measure.⁵⁶

Finally, the proponents of the measure point to the enormous, overwhelming bi-partisan support of the measure both within California and nationally as another reason for Proposition 6's passage.⁵⁷ Pointing to the recent wave of states passing similar constitutional amendments, often by two-thirds or greater margins in support as further indication of being on the right side of history on this issue.⁵⁸ Indeed, California continuing to be one of only 16 states that explicitly still carve out an exception for prison labor does not just put it in the minority of states nationwide, it increasingly makes it seem unmoored from its professed self-image of being at the vanguard of liberal and progressive causes nationally.⁵⁹ Thus, proponents argue that California should join the states that have prohibited involuntary servitude without exception from its state constitution.

B. Opponents' Argument

There is no registered or formal opposition to Proposition 6 and thus no arguments have been put forth by any organized opposition to the proposed constitutional amendment.⁶⁰ That said, the opposition public policy arguments put forward in other states circle around a few possible negative outcomes. First, there is the recurring fear that passing the amendment would outlaw prison labor altogether, paid or unpaid, and thus lead to a rise in prices and a shortage of goods produced by prisoners throughout the state.⁶¹ This is an argument put forward by the small opposition to the various state amendments dealing with this issue over the past few years.⁶² It should be noted that despite these fears, in no state has the total and complete abolition of all prison labor resulted from the state in question passing an amendment to remove the exception against involuntary servitude from its state constitution nor have any of the states ever proposed to do so. California proposes no such thing with the Proposition 6 constitutional amendment.⁶³ Thus, giving this argument little factual basis.

Likely the other biggest potential public policy issue raised against similar amendments is that it would force the states to pay prison laborers their state minimum wage.⁶⁴ Again, such concerns were why the 2022 proposed constitutional amendment addressing this issue ultimately failed to pass the California Senate after the state Department of Finance came out against the

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ Bamieh, *supra* note 3, at 261.

⁵⁹ November 2024 Voter Guide at 36.

⁶⁰ November 2024 Voter Guide at 37.

⁶¹ Lyons, *supra* note 30.

⁶² Bamieh, *supra* note 3, at 266.

⁶³ ACA 8.

⁶⁴ Bamieh, *supra* note 3, at 266.

measure saying that to pay all laborers within the California prison system the state minimum wage was likely to cost over \$1.5 billion.⁶⁵ Yet, incarcerated individuals throughout the years have brought cases seeking to be paid at least the state minimum wage and to end compulsory work and have been almost universally unsuccessful in ending either policy across the nation.⁶⁶ Just as with the issue of ending prison labor altogether there is very little factual evidence to support the idea that passing this proposition will force the state to pay all prison laborers the state minimum wage, or for that matter allow prisoners to unionize, another fear with little factual basis when we look at the other states that have passed similar constitutional amendments.⁶⁷

Finally, another argument raised against Proposition 6, indeed the core thesis of the only state paper to come out against the Proposition, the Mercury News and East Bay Times, made its argument on the simple idea that prisoners shouldn't be able to "dictate what chores they do while behind bars."⁶⁸ Making the case that while involuntary servitude and abuse within prisons are both wrong, the additional step of prisons being unable to discipline laborers and workers who refuse their work assignment will lead to chaos.⁶⁹ They further contend that people outside the prison system must work to pay for their housing and living expenses and thus it would be unfair for prisoners to not have to do the same.⁷⁰ While this is a relatively new argument within the various states that have debated this issue, it is worth noting that while it is true that people outside the prison system must work and make money to pay for their housing and living expenses, they are free to pick their own job and work and also free to leave said employment whenever they like. This is in direct contrast with prison laborers who are neither allowed to leave, due to their imprisonment, or to decide to quit and go do work at something else without fear of discipline and loss of privileges. It should also be noted that both the amount prisoners are paid as well as the cost of basic living necessities are in the former's case dramatically lower than for those outside prison and in the latter's case vastly more expensive for basic goods.⁷¹ Accordingly, this new argument does not appear strong.

⁶⁵ Lyons, *supra* note 30.

⁶⁶ *Danneskjold v. Hausrath*, 82 F .3d 37, 42 (2d Cir. 1996); *see also Gambetta v. Prison Rehabilitative Indus. & Diversified Enters. Inc.*, 112 F .3d 1119 (11th Cir.1997); *Reimonenq v. Foti*, 72 F .3d 472, 475 (5th Cir.1996); *Henthorn v. Dep't of Navy*, 29 F .3d 682, 684-87 (D.C. Cir.1994).

⁶⁷ *Jones v. North Carolina Prisoner's Labor Union* 433 U .S . 119 (1977).

⁶⁸ Mercury News and East Bay Times Editorial Board, *No, California inmates should not be entitled to refuse to do chores in prison*, Mercury News and Easy Bay Times, Sep. 13, 2024, <https://www.mercurynews.com/2024/09/12/california-proposition-6-editorial-slavery-involuntary-servitude/>.

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ SENATE COMMITTEE ON APPROPRIATIONS, COMMITTEE ANALYSIS ON ACA 3, at 2 (June 16, 2022).

VI. CONCLUSION

Proposition 6's ultimate objective is to finally abolish, without exception, involuntary servitude in the state of California.⁷² In doing so it seeks to remove the current constitutional language that allows prisons and jails to impose involuntary servitude to punish a crime.⁷³ It also aims to restrict prisons and jails from disciplining those who refuse work assignments.⁷⁴ In sum it seeks to make real the idea and promise that nobody, whether convicted of a crime or not, should be forced to work against their will and without payment.

The proponents of the proposition argue that this vote is a simple matter of human rights, that no one should be compelled to work without their own consent and that basic human dignity is at stake with the proposition's vote.⁷⁵ Whether someone is in prison or not makes no difference as to their basic value and respect as human beings and thus they should be entitled to the same protections and safeguards as anyone else.⁷⁶ They further point out the inherent cruelty and harshness of the current system and how in aiming to punish it actually undermines the goal of creating a safer society by devaluing rehabilitative approaches that lead to reductions in re-offending and thus create a safer public environment.⁷⁷ Finally, the proponents of the proposition point out that passing Proposition 6 would place California within the majority of U.S. states that outlaw forced labor, even within prisons.⁷⁸ They argue that this is not a new and untested idea but instead one with years of evidence showing that outlawing forced labor within prisons does not make them more dangerous or lead to prison created goods coming to a halt due to inmates not wanting to work.⁷⁹

There are no official or organized opponents to the proposition.⁸⁰ In other states that have similar initiatives on the ballot, the line of attack they have used is usually centered around the language of the proposition being so broad as to ban any form of prison labor altogether, or so narrow that nothing of substance is being changed.⁸¹ There are also some voices that have questioned the potential Pandora's box that would be opened by this, with regards to prisoners being able to unionize or prison laborers being required to be paid the state minimum wage.⁸² Those may be questions that would be resolved through additional legislation later, but there is nothing in the current language of Proposition 6 that would open the door to those issues.

A **YES** vote would remove the current exception that allows prisons and jails to impose involuntary servitude on prisoners from the state constitution and prohibit the Dept. of Corrections

⁷² ACA 8.

⁷³ *Id.*

⁷⁴ November 2024 Voter Guide at 36.

⁷⁵ November 2024 Voter Guide at 36.

⁷⁶ *Id.*

⁷⁷ Bamieh, *supra* note 3, at 299-300.

⁷⁸ *Id.*

⁷⁹ Bamieh, *supra* note 3, at 299-300.

⁸⁰ November 2024 Voter Guide at 37.

⁸¹ Bamieh, *supra* note 3, at 266.

⁸² Lyons, *supra* note 30.

from disciplining someone who refused to work. Credit for work could still be used as an incentive for incarcerated persons. The California constitution would explicitly prohibit slavery and involuntary servitude with no exceptions.

A **NO** vote would not change the California Constitution and would leave the exception that currently exists for those duly convicted of a crime. Further, it would not restrict or prohibit the Department Of Corrections from disciplining those who refuse to work.