



ACA 6: Community Fact Sheet
Restore the Right to Vote for People on Parole

Summary: ACA 6 by Assemblymembers McCarty, Bonta, Carrillo, Kalra, Kamlager-Dove, Gipson, Gonzales, Mullin, Stone, and Weber, and Senator Wiener will restore the right to vote for Californians on parole by placing an initiative on the ballot to amend the California Constitution and updating related provisions in the state Elections Code.

Background: Felony disenfranchisement in the California Constitution can be traced directly to a history of racially discriminatory Jim Crow laws passed in the 1800s. After the 15th Amendment of the U.S. Constitution banned voter disenfranchisement based on race, many states used criminal convictions - coupled with the intense over-policing of communities of color - as a way to keep Black and Brown communities out of the polling place. Fearing a rise in the political power of African Americans, Native Americans, Latinos, and Chinese immigrants, California wrote felony disenfranchisement into the state's first constitution in 1849. After being the only former free state to initially reject the 14th Amendment ending slavery, California also rejected the 15th Amendment in 1870.¹

Though amended to become less restrictive in the 1970s, our state constitution still prohibits voting for otherwise eligible adults who are "imprisoned or on parole for the conviction of a felony." As Californians have moved away from overly-punitive tough-on-crime laws in recent years, including with the passage of the Criminal Justice Realignment Act of 2011 (AB 109), we've clarified that people may still vote if they are in county jail, on probation, or on Post-Release Community Supervision. State elections law, however, still blocks Californians from voting if they are in state or federal prison or on state parole.

Need for this bill: Our democracy is rooted in the idea that everyone's voice matters. Promoting civic engagement not only makes our country stronger; it also makes it safer. When people feel that they are valued members of their community, and that their needs and concerns are addressed, they are less likely to re-engage in criminal activity.

As the rate of mass incarceration in the U.S. has exploded in recent decades, the voter suppression impact of felony disenfranchisement has only intensified. Currently, nearly 50,000 Californians are unable to participate in local, state, and federal elections because they are on parole. These individuals are working, paying taxes, and raising families in our communities, but they are being denied the opportunity to help choose the representatives and shape the policies that impact their daily lives.

¹ It took until 1962 for California to finally ratify the 15th Amendment.

Today, felony disenfranchisement laws continue to disproportionately lock people of color out of the voting booth. Because of persistent and systematic racial inequalities in our criminal legal system, African Americans are four times as likely to experience felony disenfranchisement as are white Americans.² Three out of four men leaving California prisons are Black, Latino, or Asian American.³

Voting is one of the most fundamental rights of citizenship. Laws that declare people coming home from prison “civically dead” unfairly strip these individuals of their full citizenship and run counter to the purpose of the reentry period. Parole is intended to be a process of reintegration into society after prison and allowing people on parole to vote is a critical way to give them a stake in their communities.

California currently lags behind 18 other states and Washington, D.C, which either automatically restore voting rights upon release from prison or have no felony disenfranchisement whatsoever. National momentum is also growing to restore voting rights to people with convictions in other states. Governors in New York and Virginia recently used executive power to re-enfranchise certain people who had finished their sentences. In 2019, Colorado and Nevada have restored voting rights to people on parole. Last year, both Florida and Louisiana rolled back their bans on voting for formerly incarcerated people and several other states have introduced similar legislation this year.

It's time for California to join the growing movement to end the racist legacy of felony disenfranchisement by restoring the vote to people on parole.

For more information:

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Bill Sponsors:

The following organizations and California Secretary of State Alex Padilla are co-sponsors of ACA 6: *Initiate Justice, ACLU of California, All of Us or None (AOUON), Anti-Recidivism Coalition (ARC), Californian's United for a Responsible Budget (CURB), League of Women Voters of California, Legal Services for Prisoners with Children (LSPC), People Over Profits- San Diego, Vote Allies, and White People for Black People (WP4BL).*

² The Sentencing Project, 6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, (October 16, 2016), Christopher Uggen, Ryan Larson, and Sarah Shannon, available at: <http://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>.

³ Los Angeles Times, Restore voting rights for low-level felons in California, (September 16, 2016), Janai Nelson.