



March 25, 2022

VIA Online Portal to Author and Senate Committee on Elections and Constitutional Amendments

The Honorable Josh Becker  
1021 O St.  
Ste. 7250  
Sacramento, CA 95814

**Re: SB 504 as amended 3/21/22  
SUPPORT**

Dear Senator Becker:

The American Civil Liberties Union California Action and League of Women Voters of California are pleased to support SB 504, your bill to increase access to democracy. This important measure would protect and promote voting rights for people who have finished their prison sentences by improving the accuracy of conviction data that is reported to elections officials; clarify that military and overseas voters and voters with disabilities may complete a conditional voter registration and cast a provisional ballot or nonprovisional ballot; and authorize the Secretary of State to adopt emergency regulations to implement provisions relating to conditional voter registration.

Our organizations have a long history of working to protect and expand voting rights for people impacted by the criminal legal system, including by successfully restoring voting rights to Californians coming home from prison by passing Proposition 17 on the November 2020 ballot and co-sponsoring SB 72 (Umberg 2019), the legislation that expanded conditional voter registration to every voting location in the state.

Although in recent years states like California have rolled back the felony disenfranchisement laws on their books, voters impacted by the criminal legal system still often experience *de facto* disenfranchisement. This is because widespread confusion about the voting rights of people with convictions often leads eligible individuals to mistakenly believe that they are prohibited from participating in their own democracy and because outdated government systems sometimes incorrectly flag eligible voters with convictions for removal from voter rolls, further compounding confusion about who is actually eligible to vote.<sup>1</sup> Since structural discrimination still leads to the overrepresentation of Black and Brown people in our criminal legal system, *de*

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<sup>1</sup> See, e.g., THE GREENLINING INSTITUTE, COMMUNITY VOICES: BARRIERS TO VOTING FOR CALIFORNIA'S FORMERLY INCARCERATED (January 2015), available at [greenlining.org/wp-content/uploads/2015/01/Community-Voices-Barriers-to-Voting-for-Californias-Formerly-Incarcerated-spreads.pdf](https://greenlining.org/wp-content/uploads/2015/01/Community-Voices-Barriers-to-Voting-for-Californias-Formerly-Incarcerated-spreads.pdf) ("More than 60 percent of our participants said they have been confused at some point about their eligibility to vote due to a criminal conviction."); THE SENTENCING PROJECT, STUDIES OF VOTING BEHAVIOR AND FELONY DISENFRANCHISEMENT AMONG INDIVIDUALS IN THE CRIMINAL JUSTICE SYSTEM IN NEW YORK, CONNECTICUT, AND OHIO (2005), available at [prisonpolicy.org/scans/sp/fd\\_studiesvotingbehavior.pdf](https://prisonpolicy.org/scans/sp/fd_studiesvotingbehavior.pdf).

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*facto* disenfranchisement acts as another form of voter suppression that unfairly robs communities of color of their political power.<sup>2</sup>

In order to combat *de facto* disenfranchisement, it is essential that we improve California's systems for reporting and tracking prison commitments for voter registration purposes and improve the information that elections officials provide to voters with convictions.<sup>3</sup> Current law requires the clerk of each superior court to report prison commitments to local elections offices monthly and requires elections officials to cancel the registrations of individuals who are currently imprisoned for the conviction of a felony.<sup>4</sup> Unfortunately, our organizations and our partners have observed that county elections officials sometimes receive and rely on over-inclusive lists from superior courts and cancel the registrations of eligible voters who have *not* been sentenced to state prison. These erroneous cancellations have resulted in the disenfranchisement of thousands of eligible California voters and have spawned legal action in some counties.<sup>5</sup>

SB 504 would help resolve these problems by improving how conviction data is reported and used and by requiring county elections officials to provide notice to eligible individuals when their voting rights are restored after the completion of their prison term. By making the California Department of Corrections (CDCR), instead of the county courts, responsible for sending relevant conviction data to elections officials, SB 504 will reduce the possibility that these reports will contain the names of people who were not sentenced to prison and, therefore, are still eligible to vote. This is because CDCR has data only about people in prison or on parole, whereas county courts have data about anyone charged or convicted with any kind of crime in that court.

AB 504 also expands access to elections by ensuring that military and overseas voters and voters with disabilities have the same rights afforded other Californians through SB 72 (Umberg 2019), and are able to register to vote and vote all the way up through Election Day. The urgency clause is a critical element to ensure that elections officials have sufficient time to implement the changes.

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<sup>2</sup> See, e.g., JUSTICE COUNCIL OF CALIFORNIA, DISPOSITION OF CRIMINAL CASES ACCORDING TO THE RACE AND ETHNICITY OF THE DEFENDANT (2018), available at [courts.ca.gov/documents/lr-2019-JC-disposition-of-criminal-cases-race-ethnicity-pc1170\\_45.pdf](https://courts.ca.gov/documents/lr-2019-JC-disposition-of-criminal-cases-race-ethnicity-pc1170_45.pdf); THE SENTENCING PROJECT, 6 MILLION LOST VOTERS (2016), available at [sentencingproject.org/wp-content/uploads/2016/10/6-Million-Lost-Voters.pdf](https://sentencingproject.org/wp-content/uploads/2016/10/6-Million-Lost-Voters.pdf).

<sup>3</sup> See, e.g., James M. Binnall & Lauren M. Davis, *Californians with a Felony Conviction are Now Eligible for Jury Service: How Would They Know?*, 32 Stan. L. & Pol'y Rev. Online, 11 (Aug. 2020), available at [cdn.law.stanford.edu/wp-content/uploads/2020/08/32-Stan.-L.-Poly.-Rev.-Online-1-1.pdf](https://cdn.law.stanford.edu/wp-content/uploads/2020/08/32-Stan.-L.-Poly.-Rev.-Online-1-1.pdf) ("Overall, studies of record-based voter restrictions highlight a stunning level of de facto disenfranchisement fueled by notification failures and active presentations of misinformation by government officials").

<sup>4</sup> Cal. Elec. Code § 2212.

<sup>5</sup> "[I]n L.A. County alone, more than 3,000 eligible voters were dropped in 2017." SUZANNE POTTER, PUBLIC NEWS SERVICE, GROUPS CLAIM THOUSANDS IMPROPERLY REMOVED FROM CA VOTING ROLLS (April 6, 2018), available at [publicnewsservice.org/index.php?content/article/62096-1](https://publicnewsservice.org/index.php?content/article/62096-1).

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We appreciate your office's leadership in introducing this bill, as well as your willingness to work with our organizations on amendments, and we look forward to continued discussion about how to improve registration access for California voters .

For all these reasons, our organizations are pleased to support SB 504.

Sincerely,



Kevin G. Baker  
Director of Governmental Relations  
ACLU California Action



Brittany Stonesifer  
Voting Rights Attorney  
ACLU of Northern California



Dora Rose  
Deputy Director  
League of Women Voters of California