



April 21, 2023

VIA Online Portal to Author, Assembly Elections Committee and Assembly Appropriations Committee

The Honorable Isaac Bryan
Chair, Assembly Elections Committee
California State Assembly
1021 O St., Ste. 5630
Sacramento, CA 95814

Re: ACA 4 (Bryan) and AB 1595 (Bryan) - Elections: eligibility to vote – CO-SPONSOR

Dear Chair Bryan:

The League of Women Voters of California has been fighting for voting rights for 100 years. We are co-sponsoring ACA 4 and its companion bill, AB 1595, because the fight is far from over. Voting is a fundamental right of citizenship and people in prison maintain their citizenship throughout incarceration. Mass incarceration disproportionately impacts Black, Latino, and Indigenous Californians. Therefore, refusing people in prison voting rights results in a less representative electorate. Extending suffrage to California citizens serving a prison term is a moral imperative, sound public policy, and essential to achieving an inclusive democracy.

The history of felony disenfranchisement in California is shameful. Written into our constitution during the state's inception in 1849, the prohibition arose alongside the legacy of Jim Crow, when laws were instituted to neutralize Black and Brown voters. In 1870 California refused to ratify the 15th Amendment, which prohibits voting restrictions based on race. The reasoning can be found buried in Democratic State Committee¹ resolutions from 1867, one of which states:

[W]e believe it impracticable to maintain republican institutions based upon the suffrages of negroes, Chinese, and Indians, and that the doctrines avowed by the radical leaders of indiscriminate suffrage, regardless of race, color, or qualification, if carried into practice, would end in the degradation of the white race and the speedy destruction of the government.²

¹ In this historical period the Democratic party was the party of segregation.

² Davis, Winfield J. "History of Political Conventions in California, 1849-1892," pp. 264-266 (Sacramento: California State Library, 1893), bit.ly/HathiTrustDigitalLibraryYale.

Forced to implement the 15th Amendment, California legislators reasserted institutional racism where they could - by adopting a new constitution in 1879 that, among other things, prohibited Chinese immigrants from being electors.

Preventing people in prison from voting, in keeping with this history and coupled with persistently large racial disparities in arrest and sentencing, is another tool that has perniciously but successfully diluted the voting strength of communities of color. In 2020, over 5.1 million citizens in the United States were prohibited from voting because of their contact with the criminal legal system. This included over 50,000 Black people and over 77,000 Latino people in California alone.³ The rates of these legal barriers to civic participation and social engagement are shocking: Black men are disenfranchised through incarceration at a rate of nearly 10 times that of white men; Native American men at a rate 5.2 times greater; Latino men more than double that of white men; and Black women at a rate 5.5 times greater than white women.⁴

The League of Women Voters of California has long advocated to expand the voting rights of people impacted by the criminal justice system. In 1974 we were proponents of Proposition 10 that amended the state constitution to end lifetime disenfranchisement. In 2006 we were a plaintiff in *League of Women Voters v. McPherson*, where a unanimous court held that “imprisoned” meant in a state prison, and that only those people serving time for a felony conviction in a state prison or who are on parole were ineligible to vote. In 2014 the League was a plaintiff in *Scott v. Bowen*, a case restoring voting rights to more than 50,000 Californians sentenced under the Criminal Justice Realignment Act of 2011. We co-sponsored AB 2466 (Weber, 2016), legislation that codified and fleshed out the court’s decision in *Scott v. Bowen*. In 2020 we co-sponsored ACA 6 (McCarty) and were proponents of the successful ballot measure to restore voting rights to people on parole.

In recent years, California has led the nation in ensuring the right to participate in free and fair elections. Protecting the right to vote – and ensuring that the voices of all citizens are heard, equally and without bias or favoritism, is a core California value. As the U.S. Supreme Court has ruled, restrictions on those values and that right “strike at the heart of representative government.”

And yet to this day, California citizens serving a prison term are denied the right to vote. These restrictions emerged as a counterweight to the righteously won efforts to expand the franchise to include people who had previously been denied both their citizenship and personhood. Various methods of disenfranchisement were enacted in many states across the nation in the aftermath of Reconstruction and the 14th

³ Uggen, Larson, Shannon and Pulido-Nava, “Locked Out 2020: Estimates of People Denied Voting Rights Due to a Felony Conviction,” The Sentencing Project, October 2020.

sentencingproject.org/app/uploads/2022/08/Locked-Out-2020.pdf

⁴ Graves, Scott, “Racial Disparities in California’s State Prisons,” California Budget Center, June 2021.

calbudgetcenter.org/app/uploads/2021/06/R-FP-Prison-Racial-Disparities.pdf

Amendment, as efforts by states to restrict and suppress the voting rights of their Black citizens.

These efforts to restrict voting rights were facially race-neutral – but their intent was obvious and maliciously effective. Along with poll taxes, and literacy tests, criminalization and increasing penalties for minor crimes, the effect was exactly as intended – a dramatic and lethal restriction on the political participation of Black, Brown, Poor, and Indigenous communities.

There are states and U.S. territories that allow everyone to participate in the democratic process. Maine, Vermont, Washington D.C., and Puerto Rico all allow people in prison to vote. In fact, the United States as a whole is a dramatic outlier in the community of developed global democracies. Nearly all Western European countries allow incarcerated people to vote, as do others around the world, including 28 European nations, Israel, Canada, Zimbabwe, Japan, Kenya, Peru, and others.

Additionally, here in California, we already facilitate elections in carceral settings. People in jails have the right to vote, and some jails already serve as polling places for the people who are inside each election – including in Los Angeles County.

This disenfranchisement also disproportionately impacts our veterans, many of whom return to civilian life with visible and invisible trauma and face a likelihood of becoming unhoused and arrested that is significantly higher than the general public. California currently has nearly 7,000 veterans who are denied their voting rights because they are incarcerated.

Preserving the right to vote for all people, including those who are currently incarcerated, will have significant and positive impacts on community safety. The vast majority of people incarcerated in state prison – upward of 95 percent – will eventually return home. Research has found strong correlations between voting and a reduced likelihood of recidivism.⁵ By fostering civic engagement, and giving people a stake in our democracy, we increase the likelihood of successful rehabilitation and improve public safety.⁶

California voters should have the opportunity to decide if our democracy is one that thrives with the participation of everyone. ACA 4 will give the people of California a choice – should we be an inclusive, democratic society, or should we turn back to our own dark history of racially motivated disenfranchisement, voter suppression, and restriction of civil rights and participation.

⁵ Uggen, Christopher & Manza, Jeff, *Voting and Subsequent Crime and Arrest: Evidence from a Community Sample*, 36 Colum. Hum. Rts. L. Rev. 193 (2004-2005)

users.soc.umn.edu/~uggen/Uggen_Manza_04_CHRLR2.pdf

⁶ Wood, Erika K., *Florida: An Outlier in Denying Voting Rights*, p. 18 (Brennan Center for Justice, 2016), https://www.brennancenter.org/sites/default/files/publications/Florida_Voting_Rights_Outlier.pdf.

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The time has come to restore the right to vote to people in prisons in California. We thank you for authoring this important legislation and urge the passage of ACA 4 and AB 1595 so that the matter may be put before California's voters.

Sincerely,

A handwritten signature in cursive script that reads "Carol Moon Goldberg".

Carol Moon Goldberg

President