
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: AB 1344 **Hearing Date:** June 20, 2017
Author: Weber
Version: May 22, 2017
Urgency: No **Fiscal:** Yes
Consultant: NG

Subject: *Voting Rights: Inmates and Persons Formerly Incarcerated*

HISTORY

Source: Author

Prior Legislation: AB 2243 (Weber) Chapter 899, Statutes of 2014
AB 821 (Ridley-Thomas) failed in Senate Elections and Constitutional Amendments, 2006
AB 149 (Weber) Chapter 580, Statutes of 2013

Support: Alliance for Boys and Men of Color; American Civil Liberties Union of California; Anti-Recidivism Coalition; Black American Political Association of California – Sacramento Chapter; Black Women Organized for Political Action; California Public Defenders Association; Center on Juvenile and Criminal Justice; Fathers & Families of San Joaquin; Greenlining Institute; LA Voice; League of Women Voters of California; National Association of Social Workers – California Chapter

Opposition: Chief Probation Officers of California

Assembly Floor Vote: 46 - 27

PURPOSE

The purpose of this bill is to require the Department of Corrections and Rehabilitation, and each county probation department to provide additional information regarding voting rights to incarcerated and formerly incarcerated persons; and information authored by the Secretary of State regarding persons with a criminal history to each parolee, upon completion of their parole, and at the request of the parolee.

Existing law requires the Legislature to provide for the disqualification of electors while mentally incompetent or imprisoned or on parole for the conviction of a felony. (Cal. Const., Article II § 4.)

Existing law requires that a person be a U.S. citizen, California resident, not in prison or on parole for the conviction of a felony, and at least 18 years of age, at the time of the next election to be entitled to register to vote in this state. (Elec. Code § 2101)

Existing law declares that it is the intent of the Legislature that voter registration be maintained at the highest possible level. The Secretary of State shall adopt regulations requiring each county to design and implement programs intended to identify qualified electors who are not registered voters, and to register those persons to vote. (Elec. Code § 2105)

Existing law requires the facility administrator of a local detention facility to develop written policies and procedures whereby the county registrar of voters allows qualified voters to vote in local, state, and federal elections, pursuant to election codes. (Cal. Code Regs., Title 15, § 1071.)

Existing law requires the California Department of Corrections and Rehabilitation (CDCR) to do one of the following:

- Establish and maintain on the department's Internet Web site a hyperlink to the Internet Web site at which the Secretary of State's voting rights guide for incarcerated may be found.
- Post, in each parole office where paroles are seen, a notice that contains the Internet Web site address at which the Secretary of State's voting rights guide for incarcerated persons may be found. (Elec. Code § 2105.5, subd. (a).)

Existing law requires each county probation department to do one of the following:

- Establish and maintain on the county probation department's Internet Website a hyperlink to the Internet Website at which the Secretary of State's voting rights guide for incarcerated persons may be found; or,
- Post, in each county probation department where probationers are seen, a notice that contains the Internet Website address at which the Secretary of State's voting rights guide for incarcerated persons may be found. (Penal Code § 2101.5, subd. (b).)

This bill would require the CDCR to do both of the following:

- Establish and maintain on the department's Internet Web site a hyperlink to the Internet Web site at which information provided by the Secretary of State regarding voting rights for persons with a criminal history may be found.
- Post, in each parole office where paroles are seen, a notice that contains the Internet Website address at which information provided by the Secretary of State regarding voting rights for persons with a criminal history may be found.

This bill would require each county probation department shall do both of the following:

- Establish and maintain on the county probation department's Internet Web site hyperlink to the Internet Web site at which information provided by the Secretary of State regarding voting rights for persons with a criminal history may be found.
- Post, in each probation office where probationers are seen, a notice that contains the Internet Web site address at which information provided by the Secretary of State regarding voting rights for persons with a criminal history may be found.

This bill would require CDCR to provide each parolee, upon the completion of his or her parole, upon the parolee's request, information provided by the Secretary of State regarding voting rights for persons with a criminal history.

This bill would encourage each county probation department to notify persons that a printed version of information regarding voter rights for persons with a criminal history, who are under the department's supervision, is available upon request.

This bill would require each county probation department to provide each person under the department's supervision, upon the person's request, information provided by the Secretary of State regarding voting rights for persons with a criminal history.

COMMENTS

1. Need for This Bill

According to the author:

Civic participation can be a critical aspect of re-entry and has been linked to reducing recidivism. However, many in California's criminal justice system are not accurately apprised of their voting rights and correct voting information is not readily accessible. To add to this confusion, almost every state handles voting rights for incarcerated and formerly incarcerated individuals differently. This leads to rumors and misinformation about an individual's voting eligibility.

The result is thousands of eligible voters remain unregistered to vote. These individuals are effectively deprived of the opportunity to exercise their fundamental right to vote on issues critical to them and their families. At every level of government, elected officials have a direct impact on their constituents, and having a voice in that process contributes to the well-being of the entire community. AB 1344 provides information to clarify any misconceptions about voter eligibility for individuals returning to society.

2. What This Bill Does

a. Expansion of Existing Services Provided by the Department of Corrections and Rehabilitation (CDCR)

As stated above, existing law requires CDCR is to provide one of two following services in regards to voting information:

- Establish and maintain on the department's Internet Web site a hyperlink to the Internet Web site at which the Secretary of State's voting rights guide for incarcerated may be found; or,
- Post, in each parole office where paroles are seen, a notice that contains the Internet Web site address at which the Secretary of State's voting rights guide for incarcerated persons may be found.

This bill requires CDCR to provide both of the services stated above. This bill additionally expands these services by providing general information regarding voting rights for persons with a criminal history, instead of only providing the voting rights guide for incarcerated persons.

This bill also requires CDCR to provide to parolees, upon the completion of their parole, and upon request of the parolee, additional information authored by the Secretary of State regarding voting rights for persons with a criminal history.

b. Expansion of Existing Services Provided by County Probation Departments.

As stated above, existing law requires each county probation department to provide one of the two following services in regards to voting information:

- Establish and maintain on the county probation department's Internet Website a hyperlink to the Internet Website at which the Secretary of State's voting rights guide for incarcerated persons may be found; or,
- Post, in each county probation department where probationers are seen, a notice that contains the Internet Website address at which the Secretary of State's voting rights guide for incarcerated persons may be found.

This bill requires county probation department to provide both of the services stated above. This bill additionally expands these services by providing general information regarding voting rights for persons with a criminal history, instead of only providing the voting rights guide for incarcerated persons.

This bill also encourages each county probation department to notify persons who are under the department's supervision that a printed version of information regarding voter rights for persons with a criminal history is available upon request. If such request is made upon the completion of parole, this bill requires each county probation department to provide information authored by the Secretary of State regarding voting rights for persons with a criminal history.

3. Argument in Support

The American Civil Liberties Union (ACLU) states, in support:

Civic participation is a critical aspect of re-entry and has been linked to reducing recidivism. At every level of government, elected officials have a direct impact on their constituents, and having a voice in that process contributes to the well-being of the entire community. However, due to a lack of accurate information, there may be thousands of unregistered Californians who mistakenly believe they are permanently ineligible to vote due to a criminal charge or conviction.

This situation is exacerbated by the fact that the laws regarding the voting rights for incarcerated and formerly incarcerated individuals vary widely from state to state, and that the law has changed several times in California over the past five years. Since people of color are incarcerated at disproportionate rates to their white counterparts, this lack of accurate voter registration information has a particularly disparate impact on communities of color in California.

AB 1344 will help eliminate misinformation and provide accurate voter information:

- Require the Department of Corrections and Rehabilitation to provide parolees with the most recent version of the Secretary of State's voting rights guide and an affidavit or registration upon completion of their parole.
- Require the county probation departments to provide probationers with the most recent version of the Secretary of State's voting rights guide, and, upon request, an affidavit of registration.

5. Argument in Opposition

The Chief Probation Officers of California (CPOC) states, in opposition:

Probation supports fostering pro-social activities and recognizes the role of civic engagement in a person's rehabilitation. Toward this end, CPOC worked closely with [Dr. Weber's] office to find resolution on language in AB 149 (Weber, Chapter 508, Statutes of 2014) which required probation to include a link on their department website to the Secretary of State's voting rights guide or post, in each probation office where probationers are seen, a notice that contains the internet we address for the voting guide.

AB 1344 would require probation to obtain or print these voting guides for each person under our supervision which is a significant cost and workload. For example, as of June 30, 2015, there were 387,057 adults with supervision cases with California's county probation departments. Probation remains extremely committed to our core mission and the supervision and rehabilitative work we do in our communities. However, the work mandated within this legislation has been, and should be, the responsibility of county elections personnel.

Adding the additional mandates to probation to provide voting guides and affidavits to persons add workload and costs to departments who are actively working to assist the persons that we supervise with a myriad of services and treatment. For these reasons, we must respectfully oppose AB 1344.

– END –