

Date: December 7, 2019
From: Uma Fry Demetria & Jessica Sass

The Honorable Toni G. Atkins
Capitol Office
State Capitol, Room 205
Sacramento, CA 95814

Dear Senator Toni G. Atkins,

We write to implore you, as the President Pro Tempore of the California State Senate, to cosponsor Assembly Constitutional Amendment ACA 6. This bill, introduced by assembly members in 2019, would re-establish the fundamental right to vote for Californians on parole with a 2021 ballot initiative to amend California's Constitution and update relevant state Elections Code. Today, 50,000 Californians are prohibited from participating in local, state, and federal elections merely because they are on parole.¹ As individuals with diverse identities who have lived in California our entire lives, we are proud that our home state is renowned for being a champion of its residents' civil rights. However, California fails to meet its promise of a just and inclusive democracy without ACA 6.

Felony disenfranchisement in California's Constitution is traced to a legacy of racial discrimination beginning with Jim Crow laws in the 1800s. When the 15th Amendment of the U.S Constitution outlawed voter disenfranchisement based on race, California - fearing a rise in the political power of black and brown communities - rejected it. Accordingly, California wrote felony disenfranchisement into its constitution in 1849 to thwart racial minorities' access to the polls.² Although our state constitution was amended in the 1970s to be less oppressive, California state elections law still bars individuals in state or federal prison, or on parole, from voting. In contrast, various amendments have granted individuals on probation or in county jails the right to vote.³

More and more, efforts to restore voting rights among individuals with convictions are transpiring across the country. Currently, 18 states and the District of Columbia either have automatic restoration of voting rights following release from incarceration, or have no felony

¹ Apostol-Dooley, Ariana. "Free the Vote: Unlocking Democracy for People on Parole in California." *Ella Baker Center for Human Rights*, Ella Baker Center, 1 Nov. 2019, ellabakercenter.org/ACA6Ariana.

² "Restoring the Right to Vote for People on Parole ." *League of Women Voters*, LWVBAE, 28 Mar. 2019, www.lwvbae.org/league-news/restoring-the-right-to-vote-for-people-on-parole/.

³ "California Code, Elections Code - ELEC § 2300." *FindLaw*, Thomson Reuters, 2019, codes.findlaw.com/ca/elections-code/elec-sect-2300.html.

disenfranchisement to begin with.⁴ In the past year, Colorado and Nevada have restored voting rights to individuals on parole, and New York Governor Andrew Cuomo invoked an executive order to remove a ban on parolees voting. Even traditionally conservative states such as Florida, Wyoming and Louisiana have begun the process of voting restoration for felons following sentence completion.⁵ The time has come for California to finally grant individuals on parole their fundamental right to vote, and join other states in the movement to end a history of racist felony disenfranchisement.

Felony disenfranchisement is a euphemism for voter suppression and embodies a criminal justice system that has historically deprived minorities of their political power. Due to felony disenfranchisement laws, one in every 13 African Americans have lost their right to vote. In comparison, only one in every 56 non-African Americans have lost their right to vote for the same reason.⁶ California's granting of the right to vote to individuals on probation not only fails to address this issue, but perpetuates felony disenfranchisement laws that disproportionately affect people of color. This is due to the fact that prosecutors are twice as likely to charge people of color with heavier sentences than whites.⁷ Further, judges significantly award probation more to whites in comparison to minorities - making this not only an issue of race, but class as well.⁸ California is systematically extinguishing the votes of colored and lower income individuals through felony disenfranchisement laws. Passing ACA 6 not only confronts racial discrimination and voter suppression, it also supports racial justice and invigorates California's democracy.

Opponents of ACA 6 argue that individuals on parole sacrifice the right to vote the minute they commit a crime and that voter disenfranchisement protects public safety. However, Californians on parole work, pay taxes, raise families, and are overall active members in our communities. Robbing individuals who are being reintegrated into society of their right to vote is detrimental because states that restore voting rights to parolees have lower recidivism rates.⁹ One study found that former felons who voted were 50% less likely to commit a crime in the following three years compared to those who did not.¹⁰ The American Probation and Parole Association

⁴ "Felon Voting Rights ." *NCSL: National Conference of State Legislatures* , NCSL, 2019, www.ncsl.org/research/elections-and-campaigns/felon-voting-rights.aspx.

⁵ "Felon Voting Rights ." *NCSL, 2019*

⁶ Chung, Jean. "Felony Disenfranchisement." *The Sentencing Project*, The Sentencing Project, 26 Nov. 2019, www.sentencingproject.org/issues/felony-disenfranchisement/.

⁷ Crawford , Charles, and Ted Chiricos . "Race, Racial Threat, and Sentencing of Habitual Offenders ." *Criminology* , vol. 36, no. 3, 1998, pp. 481–512.

⁸ Morgan, Kathryn D. "Race Issues in Probation and Parole." *Encyclopedia of Criminology and Criminal Justice*, 27 Nov. 2018, pp. 48–63.

⁹ Chung, Jean. "Felony Disenfranchisement.", 2019

¹⁰ Bala et al., "Restoring voting rights for felons embraces the American tenet of second chances." *The Hill* (December 16, 2019), available at <https://thehill.com/opinion/criminal-justice/474650-restoring-voting-rights-for-felons-embraces-the-american-tenet-of>

supports ACA 6 because it recognizes that when individuals feel their voices are valued, they are less likely to be reinolved in criminal activity.¹¹

Parole is designed to be a re-entry period that assists individuals reintegration into society.¹² Yet, denying people on parole the right to vote renders them “civically dead” and bars them from having a stake in their community. For example, parolees would benefit from voting on legislation about whether job applications can ask a criminal record question. Opponents to ACA 6 fail to recognize the context of parolees everyday lives are impacted by laws they have no say in. Overall, this furthers the divide between the formerly incarcerated and the rest of society, a consequence that reverses the healing process and obstructs re-integration.

As your constituents, and passionate advocates for the racial and civic equality our state promises, we believe you have the unique power as the President Pro Tempore of the California State Senate, to enhance the support required for ACA 6 to pass. Co-sponsoring this bill would signify your commitment to confront the legacy of racial discrimination in California’s felony disenfranchisement laws and demonstrate your understading that for our democracy to be true, every voice must matter. Civic engagement is democracy in practice. Passing ACA 6 will lower recidivism rates, give deserving individuals the opportunity to choose the representatives and policies that shape their lives, and restore citizens’ most fundamental right.

Even more, you have the ability to make California an important example and spark attention to the larger issue our nation faces. In our country today, 4.6 million people are unable to vote due to a felony conviction.¹³ California has historically been a leader for the rest of the nation on civil rights issues, yet, we have fallen short. We urge you to cosponsor ACA 6 and allow our state to join in a movement of justice, equality, and freedom, like it has done so many times in the past. This goal may seem daunting, but nothing is impossible with small amounts of progress. That is why to begin, we ask you to stand alongside California residents and fight to change the history of our states undemocratic felony disenfranchisement laws.

Sincerely,
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¹¹ McCarthy et al., “Community Fact Sheet - Restore the Vote to People on Parole.” *Ella Baker Center*(September 9,2019), available at: https://ellabakercenter.org/sites/default/files/ACA%206_%20Free%20The%20Vote%20Community%20Fact%20Sheet.pdf

¹² Wood , Erika. *Restoring the Right to Vote* . 2nd ed., Brennan Center for Justice at New York University School of Law, 2009.

¹³ “Assembly Constitutional Amendment (ACA) 6 Passes CA Assembly.” *ACLU Northern California*, ACLU , 5 Sept. 2019, www.aclunc.org/news/assembly-constitutional-amendment-aca-6-passes-ca-assembly.

Project Proposal:

Overview:

Today around 50,000 residents of California are unable to vote in local, state, and federal elections, simply because they are on parole. As a result, California fails to be a just and inclusive democracy. We aim to solve this problem by meeting directly with elected officials and running workshops with politically active coalitions to break down information barriers parolee populations face when it comes to civic engagement. By taking a trip to our state's capital and engaging in community outreach, we believe we can harness the support that ACA 6 needs in order to pass in the Senate.

Goal:

The goal of this project is to launch policy action by California elected officials while addressing the issue among the affected community itself through education and raising awareness. This would not only put ACA 6 on the 2021 ballot, but ensure that individuals on parole have resources and information that help them understand why their vote matters so much. Even more, we believe that California's commitment to confront racial discrimination and voter suppression can set an example for the rest of the nation. We aim to launch a project that's larger effects reduce recidivism rates, support racial justice, and invigorate not only California's democracy, but our own.

Target audience:

Our target audience is members of the California State Legislative process. We intend to target members of Assembly and state senators that are on Election and Constitutional Amendments, Education, Human Services. The ACA 6 has already been addressed and passed on the assembly floor. Our next steps are gaining support on the senate floor, then support from California Governor Newsom to get it on the 2020 ballot initiative. Our second target audience are politically active coalitions such as Critical Resistance, Ella Baker Center, ACLU, Initiate Justice, and Anti Recidivism Coalition (ARC). They will aid us in creating workshops for people on parole and probation geared towards creating an influx in political engagement and voter mobilization. Each organization has multiple locations across the state, therefore, each community will be reached.

Activities:

Our two activities enable legislative change through grassroots organizing. We intend to travel to Sacramento in order to meet with Toni Atkins and get her to cosponsor ACA 6. Senator Atkins, has the most amount of sway among other state senators due to her position as President Pro Tempore. While in Sacramento, we will meet with other Congressmen to explain the significance of this issue and gain support. In order to enact lasting legislative change, we need

members of Congress on board that may be traditionally against this reform. To sway members of Congress that are non-receptive, we will explain similar changes in Election Codes that have been implemented in other states. We will emphasize the impact of lower recidivism rates due to the change in California State Election Code. Additionally, we will make clear the bill is non-partisan. Going to Sacramento will facilitate legislative change “in the room where it happens.”

For our second activity we will implement a workshop with coalitions that specialize in criminal justice reform. These organizations include Anti Recidivism Coalition, Critical Resistance, Ella Baker Center, ACLU, and Initiate Justice. This workshop will be created with the expertise of education facilitators and organizers from these coalitions. The workshop will be geared towards people on parole or probation to help them seek clarity around civic engagement. The workshop will mobilize voters and increase voter turnout and political engagement. Having workshops that engage with vulnerable populations are critical to lowering recidivism rates and helping people get reintegrated back into society.

Budget breakdown:

Activity	Supplies	Cost
Flight to Sacramento	(2 Tickets) Metro from Claremont to Union Station Shuttle Bus → LAX Round Trip LAX → SAC	\$325
Activities in Coalition Spaces	Creative supplies for workshop Small honorarium for speakers	\$175