

AB 2466: Voting Rights Clarification

Building a More Inclusive Democracy

Assemblymember Shirley N. Weber (D – 79)

Co-Author: Senator Holly J. Mitchell (D – 30)

SUMMARY

AB 2466 clarifies existing California law on voter eligibility and guarantees a more inclusive and participatory electorate.

BACKGROUND

California's Constitution was amended in 1976 to end permanent disenfranchisement and prohibit from voting only people who are currently "imprisoned or on parole for the conviction of a felony." Courts have consistently interpreted this provision in favor of the enfranchisement of voters. As a result, until 2011, individuals serving a sentence for a felony conviction could vote unless they were actually serving a state-prison sentence or under California Department of Corrections and Rehabilitation (CDCR) supervision.

The Criminal Justice Realignment Act of 2011 (CJRA) created three new categories of sentencing for people convicted of low-level felonies: mandatory supervision, post-release community supervision, and a term in county jail. These new categories caused confusion for local elections officials and voters. Last year, in *Scott v. Bowen*, the issue of the voting rights of people sentenced under the first two categories of local supervision was finalized, and with the support of the Secretary of State, more than 50,000 people under mandatory and post-release community supervision had their voting rights restored.

AB 2466 amends the Elections Code to reflect the decision in *Scott v. Bowen* and clarifies that the third category of CJRA sentencing – a term in county jail – likewise does not strip people of their constitutional right to vote. This clarification completes the restoration of the law prior to the CJRA: only those serving a state-prison sentence or on parole and under CDCR supervision lose the right to vote.

Finally, civic participation can be a critical component of re-entry and has been linked to reduced recidivism. The general welfare and safety of our communities will be enhanced with the civic participation of all eligible voters, including those who are attempting to successfully re-enter their communities.

EXISTING LAW

Existing law provides that a person is entitled to register to vote if he or she is a United States citizen, a resident of California, not imprisoned or on parole for the conviction of a felony, and at least 18 years of age at the time of the next election.

SPECIFICALLY, THIS BILL

AB 2466 eliminates confusion and avoids likely litigation by clarifying the Elections Code. Specifically, this bill:

- Amends Election Code Section 2101 to mirror the language of the constitutional provision on voter eligibility.
- Codifies last year's court ruling in *Scott v. Bowen* by defining "parole" as a term of supervision by the CDCR.
- Defines the term "imprisoned" for purposes of voting as a state-prison or federal-prison sentence.
- Clarifies a juvenile adjudication is not a conviction and does not bar a juvenile from voting if otherwise eligible.
- Clarifies the information courts are required to transmit to elections officials regarding felony conviction status to ensure accurate voter file maintenance.

This bill does not change the Penal Code, affect any interpretation of the CJRA, or require Sheriffs or other law enforcement agencies to do anything new relating to voter registration or voting. Instead, AB 2466 simply provides guidance to local election officials and the Secretary of State to ensure the constitutional provision on voter eligibility is applied consistently across California.

PREVIOUS LEGISLATION

AB 938 (Weber) 2013-14 – This bill attempted to clarify that people sentenced pursuant to the Criminal Justice Realignment Act retain their constitutional right to vote. AB 938 was amended substantially in 2014 to reflect another subject area.

AB 742 (Saldana) 2009-2010 – This bill would have required courts to provide county registrars with specific information about the type of felony conviction a person suffered so as to ensure accurate voter rolls.

SUPPORT

Co-Sponsors:

- ACLU of California
- All of Us or None
- Asian Americans Advancing Justice – California
- League of Women Voters of California
- Legal Services for Prisoners with Children
- Lawyers’ Committee for Civil Rights of the San Francisco Bay Area
- Mexican American Legal Defense and Education Fund

National Organizations:

- Anti-Defamation League
- Brennan Center for Justice
- Center on Juvenile and Criminal Justice
- Drug Policy Alliance
- Mi Familia Vota
- NAACP Legal Defense Fund
- National Council of La Raza
- National Association of Social Workers – California Chapter
- Project Vote
- Rock the Vote
- Voto Latino
- Youth Law Center

California Organizations:

- A New PATH
- Alliance of Californians for Community Empowerment (ACCE)
- California Association of Nonprofits
- California Attorneys for Criminal Justice

- California Calls
- California Catholic Conference
- California Coalition for Women Prisoners
- California Immigrant Policy Center
- California Public Defenders Association
- Californians for Safety and Justice
- Californians United for a Responsible Budget
- Chinese for Affirmative Action
- Friends Committee on Legislation of California
- Further The Work
- Homeboy Industries
- Justice Not Jails
- Law Foundation of Silicon Valley
- National Lawyers Guild – Los Angeles
- Orange County Reentry Partnership
- PICO California
- Pillars of the Community
- Root & Rebound
- Rubicon Programs
- San Diego Immigrant Rights Consortium
- San Diego La Raza Lawyers Association
- San Francisco Public Defender’s Office

OPPOSITION

- California State Sheriffs’ Association

STATUS

Introduced (2/19/16)

FOR MORE INFORMATION

Scott Matsumoto
Office of Assemblymember Shirley N. Weber
(916) 319-2079
Scott.Matsumoto@asm.ca.gov