

Chaffey College
VOTING RIGHTS OF CONVICTED
FELONS

“EVERY VOTE COUNTS AND EVERY VOICE MATTERS”

NOVEMBER 8, 2022

General Election

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Guide to State Voting Rules That Apply After a Felony Criminal Conviction

A question that has come up on more than one occasion is this: Can a person convicted of a felony offense vote in the State of California?

A quick answer is voting rights in California for convicted felons are only lost during incarceration and are automatically restored after release. In 2020 California voters passed Proposition 17, restoring voting rights to citizens on parole. Nearly 60 percent of California voters approved Prop 17.

If one is incarcerated for a felony offense and serves time in state or federal prison, one can register to vote immediately after release.

Pretrial detention, probation, and parole do not restrict your voting rights.

<https://www.justice.gov>> file

California Proposition 17

- This proposition restored voting rights to persons that have served time in state or federal prison and have been released.
- Background: About 5.2 million people with felony convictions (2.3 percent of the US voting population) were barred from voting prior to the passing of Prop 17. 1 in 16 African Americans ages 18 and older was disenfranchised (deprive of the right to vote) because of a felony conviction- a rate nearly four times greater than that of non-African Americans
- California Prop 17 restored voting rights to people with felony convictions and on parole and equally as important, addresses racial injustice
- Prop 17 also allowed convicted felons to run for office under current state law (as long as they have not been convicted of perjury or bribery).

Voting Rights In The County Jails

- In 2016, California passed legislation allowing those in county jails to vote while incarcerated, but not state or federal prison. You can vote while in the county jail if:
 - 18 years of age or older, and
 - A citizen of the United States, and
 - Awaiting trial or on trail for any crime, or
 - In jail for a misdemeanor conviction, or
 - In jail on a probation violation, or
 - In jail on felony probation, or
 - Serving a county jail sentence under Realignment. (AB 109)

California Assembly Bill 109

- Assembly Bill 109 establishes the California Public Safety Realignment Act of 2011 which allows for current non-violent, non-serious, and non-sex offenders who, after they are released from California State prison, are to be supervised at the local County level rather than at the state level. County probation departments supervise parolees rather than the state parole office
- California Public Safety Realignment initiative represents an attempt by the state of California to reduce its state prison population by shifting much of that population to county jails. It was the result of a court order in response to shortfalls in medical and mental health care for the state's prison population.
- Criminal justice realignment changes the place where many felony sentences are served when the defendant is not granted probation. Instead of being sentence to state prison, defendants convicted of a non-serious, non-violent, non-sexual felony *with no prior such offenses* serve their time in county jail.
- [1https://probation.lacounty.gov](https://probation.lacounty.gov) › [ab-109 https://www.courts.cago.gov/partners](https://www.courts.cago.gov/partners)

Restrictions On Voting In The County Jail

The only time you cannot vote while in the county jail is when you are:

- In jail awaiting transfer to a state or federal prison for a felony conviction, or
 - In jail for a parole violation, or
 - Serving a state prison sentence under a contract with a county jail, or
 - Currently found mentally incompetent to vote by a court.
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- ACLU So Cal Attn: Jail Project 1313 W. 8th Street LA, CA 90017 213.977.9543

Voting Information Provided to Felons Upon Release of Prison

- In 2017 California passed additional legislation requiring information be provided about “voting rights restoration” via the internet and in person to felons exiting prison.
- Although voting may not be an immediate priority to persons leaving prison, they must know and understand that their voice counts, *and voting is an avenue to make it public knowledge regarding arrest procedures, police conduct, court procedures, and treatment to inmates in prison.*

Restoration Process For Convicted Felons

Typically, prison officials automatically inform *election officials* that an individual's rights have been restored. The person is then responsible for re-registering through normal processes. California requires that voter registration information be provided to formerly incarcerated persons. The voting process in California is as follows:

- You must be a United States citizen
 - Be a resident of California
 - Be at least 18 years old or older on Election Day
 - Not be currently serving a state or federal prison term for the conviction of a felony
 - Not be currently found to be mentally incompetent to vote by a court.
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- NCSL (National Conference of State Legislatures) 2011 – current Election Legislation Database (Voters-Felon Voting Rights) <https://www.ncsl.org>

What You Will Need To Register To Vote

To register on line you need:

- Your California drivers license or California identification card number (you may have to obtain a new CDL or ID card from DMV if yours expired).
- The last four digits of your social security number (you may have to contact your local Social Security Office for a duplicate social security card for a duplicate) and
- Your date of birth.

If you are registering or re-registering less than 15 days before an election you will need to complete the Same - Day Voter Registration process and request your ballot in person at your county election office or polling location.

You may visit the Secretary of State website at **vote.ca.gov** or call the toll-free Voter Hotline at (800) 345.VOTE (8683).

You can also text “Vote “ to GOVOTE (468683) to find the location of your polling place or nearest vote center.

How To Register To Vote

- Complete a voter registration application on paper or online at RegisterToVote.ca.gov.
- Pick up a paper application at your county elections office, any Department of Motor Vehicles field office, and many post offices, public libraries, and other government offices.
- To have an application mailed to you , call your county elections office or the Secretary of State tollfree Voter Hotline at 800.345.VOTE (8683)
- An Ipad, tablet, or smartphone can be used to fill out California online voter registration application.

California Secretary of State Shirley N. Weber Ph.D.

Additional Resources For Felon Voting Rights

- **The Sentencing Project:** an advocacy group that offers information on felon disenfranchisement in the states. Its page [Felony Disenfranchisement: A Primer](#) - contains a state-by-state chronology of state action on felony disenfranchisement laws since 1997.
- **The Restoration of Rights Project:** from the National Association of Criminal Defense Lawyers also provide assistance on felon disenfranchisement.
- **Department of Justice's Guide:** [State Voting Rules That Apply After a Criminal Conviction](#) (2022).
- **Campaign Legal Center's:** [Restore Your Vote](#) recourse.

Military – Dishonorable Discharge and Voting

- A person who has received a dishonorable discharge is no longer permitted to own firearms or vote in elections.
- Dishonorable discharges are handed down for what the military considers the most reprehensible conduct. This type of discharge may be rendered only by conviction at a general court-martial for serious offenses (e.g., desertion, sexual assault, murder, etc.) that call for dishonorable discharge as part of the sentence.

- <https://study.com> <https://www.vetverify.org>

Voter Bill of Rights

1. The right to vote if you are a registered voter.
2. The right to vote if you are a registered voter even if your name is not on the list.
3. The right to vote if you are still in line when the polls close.
4. The right to cast a secret ballot (a method of voting in which a person writes their choice on a piece of paper so that no one else knows how they have voted. The voter then folds the ballot paper in half and places it in a sealed box).
5. The right to get a new ballot if you have made a mistake.
6. The right to get help casting your ballot.
7. The right to drop off your completed vote-by-mail ballot at any polling place.
8. The right to get election materials in a language other than English.
9. The right to ask questions to elections officials about election procedures.
10. The right to report any illegal or fraudulent election activity.

November 8, 2022

GENERAL ELECTION

Dates To Remember

- October 10: County election officials will begin mailing vote-by-mail ballots on or before this date.
- October 11: Vote-by-mail secure drop boxes open
- October 11 – November 8: Voting period to return vote-by-mail ballots.
- October 24: **Last day to register to vote**. Same day voter registration is available at your county election office or voting location after the voter registration deadline, up to and including Election Day.
- October 29: First day early voting centers open in Voter's Choice Act counties.
- Tuesday, November 8, 2022: **Last day to vote in person or return a vote-by-mail ballot by 8:00 p.m.** Polls are open from 7:00a.m. to 8:00 p.m. Vote by mail ballots must be postmarked no later than November 8.

Assistance for Voters with Disabilities

- California polling places and vote centers provide voters with disabilities the opportunity to vote their ballot privately and independently. All voting locations are surveyed in advance to ensure they are accessible to voters with disabilities. All voting locations provide:
 - ✓ Accessible voting technology available to all voters (audio and large print voter information guides).
 - ✓ Designated accessible parking as close to the voting area as possible.
 - ✓ Curbside voting allowing voters with disabilities to park their vehicle close to the voting area and vote from their vehicle. Look for a posted number at your polling location to contact election workers to let them know you require assistance.

The Power of One Vote

- In 1800 Did you know that Thomas Jefferson was elected President by one vote in the House of Representatives after a tie in the Electoral College.
- In 2000 The Presidential election was decided by an extremely narrow margin. George W. Bush won the state of Florida by just 537 votes, making him the next President of the United States.

I'm sure that everyone has heard of the expression, "if you don't vote, then don't complain." Get involved, be empowered, and make your voice heard. It's a real warm and fuzzy feeling to know that you did your part and participated in elections, even local elections.

As of Dec 13, 2018, 209,765 persons were on probation, 102,586 persons were on parole.

- The Power of One Vote middletonma.gov [https://NICIC](https://NICIC.gov-states) .gov-states statistics