

RESOLUTION 03-04-2007

DIGEST

Elections: Qualifications to Register to Vote

Amends Elections Code section 2101 to permit paroled felons to vote.

RESOLUTIONS COMMITTEE RECOMMENDATION

APPROVE IN PRINCIPLE

History:

No similar resolutions found.

Reasons:

This resolution amends Elections Code section 2101 to permit paroled felons to vote. This resolution should be approved in principle because it would help to better assimilate those on parole back into society.

Paroled felons face the constant struggle of being rehabilitated back into society. Giving greater opportunities for those on parole to participate in activities available to all citizens can give parolees the confidence to fit better into society. Being able to vote and have a voice in our democratic society can go far to parolee’s reintegration into normal life. Moreover, those who play a role by participating in our democratic society are more likely to be law-abiding citizens.

Voting is the most fundamental right we have as citizens. Thirteen states and the District of Columbia allow voting by those on parole. Four other states go further and allow prisoners to vote. Yet, the United States, as a whole, has one of the lowest voting percentages among the world’s democracies. The present system in California disenfranchises over 122,000 people who are on parole, of which over two-thirds are minorities. (California Department of Corrections and Rehabilitation, Offender Information Services Branch, Estimates and Statistical Analysis Unit Report of March, 2007.) This resolution would open up voting opportunities for more people who are now disenfranchised, and would foster the goal of rehabilitating former prisoners back into society.

TEXT OF RESOLUTION

RESOLVED, that the Conference of Delegates of California Bar Associations recommends that legislation be sponsored to amend the California Election Code section 2101 as follows:

- 1 §2101
- 2 A person entitled to register to vote shall be a United States citizen, a resident of California,
- 3 not in prison ~~or on parole~~ for the conviction of a felony, and at least 18 years of age at the
- 4 time of the next election.

(Proposed new language underlined; language to be deleted stricken.)

PROPONENT: Sacramento County Bar Association

STATEMENT OF REASONS

Existing Law: The California Constitution, and Elections Code section 2101, prohibits all persons while mentally incompetent or imprisoned or on parole for the conviction of a felony, from voting.

This Resolution: Would permit convicted felons in California who have served their time in prison but remain on parole, to vote.

The Problem: Current California law disenfranchises a significant segment of our society. Persons who have completed their prison sentences and been released into society to work and participate in family life, are denied the right to vote until their long periods of parole are completed.

Election laws vary enormously from state to state: three states have no disenfranchisement for felony convictions (prisoners may vote); 13 states and the District of Columbia restore voting rights after release from prison. Thus 17 other states and the District of Columbia, enfranchise a larger percentage of their population than California.

Exercising the right to vote is the means by which each of us, as citizens in a free society, preserve all our other rights. California's denial of the franchise for extended periods of parole, precludes those persons who are trying to rehabilitate themselves from full participation in public life. To restore the franchise would be to encourage rehabilitation, as the individuals would feel invested in a government that represents them. A greater focus on rehabilitation might lead to a reduction in crime.

The racial disparity in disenfranchisement is clear. California had approximately 115,000 persons on parole in 2005. According to the California Department of Corrections and Rehabilitation, approximately 25% of the male parolees are Black and 40% are Hispanic. www.corr.ca.gov/ReportsResearch/OffenderInfoServices/Annual/CalPris/CALPRISd2005.pdf Based on U.S. Census data, in California, approximately 4.4% of Black and 1.2% of Hispanic voters are disenfranchised by current law. Only 0.6% of non-Black or non-Hispanic voters are disenfranchised by current law. <http://quickfacts.census.gov/qfd/states/06000.html> In California, a state where racial and ethnic minorities are becoming the majority population, our franchise laws discriminate against minorities.

Disenfranchising minority communities has political consequences. Disenfranchising any segment of the population impacts government. Disenfranchising persons who have been or are being rehabilitated denies a right of citizenship. Issues of importance to these communities are less likely to be addressed by elected officials. Candidates that do address issues of importance to the minority communities, are less likely to be elected.

IMPACT STATEMENT

This resolution requires the amendment of California Constitution Article II, Section 4 to read: “The Legislature shall prohibit improper practices that affect elections and shall provide for the disqualification of electors while mentally incompetent or imprisoned ~~or on parole~~ for the conviction of a felony.”

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