



September 11, 2019

**VIA Email to Authors and Senate Elections and Constitutional Amendments  
Committee**

The Honorable Kevin McCarty and Scott Wiener  
California State Assembly and Senate  
State Capitol  
Sacramento, CA 95814

**Re: ACA 6 (McCarty) - Elections: disqualification of electors – CO-SPONSOR**

Dear Assemblymember McCarty and Senator Wiener:

**The League of Women Voters of California has been fighting for voting rights for 100 years. We are co-sponsoring ACA 6 because the fight is far from over.** Mass incarceration disproportionately impacts Black and Brown Californians -- resulting in a less representative electorate. Extending suffrage to the 50,000 Californians on parole, who are living and working in our communities right now, is a moral imperative, sound public policy, and essential to achieving an inclusive democracy.

The history of felony disenfranchisement in California is shameful. Written into our constitution during the state's inception in 1849, the prohibition arose alongside the legacy of Jim Crow, when laws were instituted to neutralize Black and Brown voters. In 1870 California refused to ratify the 15th Amendment, which prohibits voting restrictions based on race. The reasoning can be found buried in Democratic State Committee resolutions from 1867, one of which states:

[W]e believe it impracticable to maintain republican institutions based upon the suffrages of negroes, Chinese, and Indians, and that the doctrines avowed by the radical leaders of indiscriminate suffrage, regardless of race, color, or qualification, if carried into practice, would end in the degradation of the white race and the speedy destruction of the government.<sup>1</sup>

Forced to implement the 15<sup>th</sup> Amendment, California legislators reasserted institutional racism where they could - by adopting a new constitution in 1879 that, among other

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<sup>1</sup> Winfield J. Davis, *History of Political Conventions in California, 1849-1892*, pp. 264-266 (Sacramento: California State Library, 1893), [bit.ly/HathiTrustDigitalLibraryYale](https://bit.ly/HathiTrustDigitalLibraryYale) (accessed April 4, 2019).

things, prohibited Chinese immigrants from being electors. Felony disenfranchisement, in keeping with this history and coupled with persistently large racial disparities in arrest and sentencing, is another tool that has perniciously but successfully diluted the voting strength of communities of color. Currently, 75 percent of men leaving California prisons are either African American, Latino, or Asian American. Black Americans are four times more likely to experience felony disenfranchisement than are white Americans.<sup>2</sup>

Restoring voting rights to people who are on parole advances the interests of society as a whole. Parole is intended to be a period of reintegration into the community. By fostering civic engagement, and giving returning citizens a stake in our democracy, we increase the likelihood of successful rehabilitation and improve public safety.<sup>3</sup>

The League of Women Voters of California, firm in the belief that the strength of our democratic government depends on the active participation of everyone, has long advocated to expand the voting rights of people impacted by the criminal justice system. In 1974 we were proponents of Proposition 10 that amended the state constitution to end lifetime disenfranchisement. In 2006 we were a plaintiff in *League of Women Voters v. McPherson*, where a unanimous court held that “imprisoned” meant in a state prison, and that only those people serving time for a felony conviction in a state prison or who are on parole were ineligible to vote. In 2014 the League was a plaintiff in *Scott v. Bowen*, a case restoring voting rights to more than 50,000 Californians sentenced under the Criminal Justice Realignment Act of 2011. Finally, we co-sponsored AB 2466 (Weber, 2016), legislation that codified and fleshed out the court’s decision in *Scott v. Bowen*.

Today, Californians may vote if they are in county jail, on probation, or on post-release community supervision, but they are prohibited from voting if they are living in the community on parole. People on parole are working, paying taxes, raising and caring for children, and rebuilding their lives. They are citizens and they deserve to be fully represented.

The time has come to restore the right to vote to people on parole. We thank you all for authoring this important legislation, and urge the passage of ACA 6 so that the matter may be put before California’s voters.

Sincerely,



Carol Moon Goldberg  
President

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<sup>2</sup> Justin Goss & Joseph Hayes, *California’s Changing Prison Population*, (Public Policy Institute of California, 2018), [ppic.org/wp-content/uploads/jtf-prison-population-jtf.pdf](http://ppic.org/wp-content/uploads/jtf-prison-population-jtf.pdf) (accessed April 3, 2019).

<sup>3</sup> Erika K. Wood, *Florida: An Outlier in Denying Voting Rights*, p. 18 (Brennan Center for Justice, 2016), [brennancenter.org/sites/default/files/publications/Florida\\_Voting\\_Rights\\_Outlier.pdf](http://brennancenter.org/sites/default/files/publications/Florida_Voting_Rights_Outlier.pdf) (accessed April 4, 2019).