



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Lee Wilcox

**SUBJECT: PROPOSITION 17 ON THE
NOVEMBER 3, 2020 CALIFORNIA
GENERAL ELECTION BALLOT**

DATE: September 9, 2020

Approved

Date

9/10/2020

SUPPLEMENTAL

REASON FOR SUPPLEMENTAL

Provide the City Council with information on Proposition 17 on the November 3, 2020 California General Election ballot.

BACKGROUND

On September 2, 2020, the Rules and Open Government Committee placed Councilmember Carrasco's memorandum on Proposition 17 on the September 15, 2020 Council agenda.

On June 25, 2020, the Governor signed ACA 6 (McCarthy), which placed a constitutional amendment on voting rights on the November 3, 2020 California General Election ballot. ACA 6 became Proposition 17. Currently, the California State Constitution does not allow people who have committed felonies from voting until the end of their imprisonment and parole. Proposition 17 amends the language of the constitution and allows people who committed felonies to vote after they complete their prison term and while they are on parole.

According to the National Conference of State Legislatures, currently sixteen states plus the District of Columbia allow people to vote immediately upon their release from incarceration. Two states, Maine and Vermont, allow felons to keep their voting rights during and after incarceration. In a 2019 "Democracy Needs Everyone" report, Initiate Justice found that roughly 40,000 people in California are on parole for a felony and do not have the right to vote. The organization conducted a survey of people who are incarcerated and on parole and found that 37% voted before incarceration and 98% said they would vote if they could.

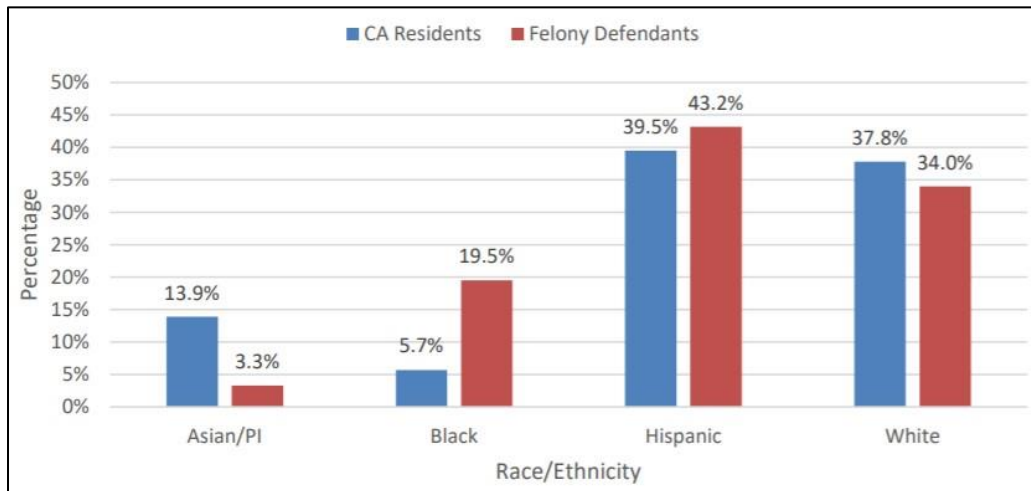
For additional background, the Legislative Analysts' Office conducted an analysis of Proposition 17, which can be found here:

<https://lao.ca.gov/BallotAnalysis/Proposition?number=17&year=2020>.

ANALYSIS

As shown in Table 1, in California, felony defendants are disproportionately Black and Latinx people.

**Table 1 – Judicial Council 2018 Report
Race/Ethnicity Distributions of California Residents and Felony Defendants in 2017**



A support position on Proposition 17 would allow more people, especially Black and Latinx people, to vote. A support position aligns with the intent of recent Council actions including the adoption of the Equity Pledge and creation of the Office of Racial Equity.

Supporters of Proposition 17 (partial list)

Local Governments and Elected Officials

Secretary of State Alex Padilla, City and County of San Francisco, City of Los Angeles, County of Los Angeles Board of Supervisors, and San Francisco Public Defender’s Office.

Community Stakeholders

#Cut50, All of Us or None, American Civil Liberties Union of California, Anti-Recidivism Coalition, Californians United for a Responsible Budget, Initiate Justice, League of Women Voters of California, Legal Services for Prisoners with Children, People Over Profits San Diego, Vote Allies, White People 4 Black Lives, A New Path, A New Way of Life Re-entry Project, Advancement Project California, Alameda County Public Defenders, Alliance for Boys and Men of Color, American Friends Service Committee, American Probation and Parole Association, Anti-Defamation League, Asian Americans Advancing Justice, Asian Prisoner Support Committee, Bay Area Community Services, Bay Rising, Bend the Arc: Jewish Action, Brennan Center for Justice, California Attorneys for Criminal Justice, California Calls, California Coalition for Women Prisoners, California Common Cause, Californians for Safety and Justice, California Innocence Coalition, California League of Conservation Voters, California Public

Defenders Association, California Voices for Progress, Californians for Safety and Justice, Center for Employment Opportunities, Center on Juvenile and Criminal Justice, Change Begins with ME, Change for Justice, Clergy & Laity United for Economic Justice, Cloverdale Indivisible, Community Coalition for Substance Abuse Prevention and Treatment, Community Housing Partnership, Community Legal Services in East Palo Alto, Communities United for Restorative Youth Justice, Conference on American-Islamic Relations, Courage Campaign, Criminal Justice Clinic of UC Irvine School of Law, Democratic Party of San Fernando Valley, Democratic Woman's Club of San Diego County, Drug Policy Alliance, East Bay Community Law Center, Ella Baker Center for Human Rights, Fair Change Project, Fair Vote California, Fathers and Families of San Joaquin, Feminists in Action Los Angeles, Flyaway Productions, Friends Committee on Legislation of California, Homeboy Industries, Homie Up, Human Impact Partners, Immigrant Legal Resource Center, Indivisible (various chapters), Insight Center for Community Economic Development, Interfaith Council of Contra Costa County, Justice LA, Law Enforcement Action Partnership, Lawyers' Committee for Civil Rights of the San Francisco Bay Area, LitLab, Mi Familia Vota, NARAL Pro-Choice California, National Association of Social Work California Chapter, National Center for Youth Law, National Immigration Law Center, National Women's Political Caucus, New Jersey Institute for Social Justice, Our Revolution Long each, Overpass Light Brigade- San Diego Pacific Beach Democratic Club, Pacifica Social Justice, Pasadenans Empowering Parent Participation in Education Governance, Peace and Freedom Party of California, Peach Resource Center of San Diego, Prisoner Advocacy Network, Project Rebound, Public Health Justice Collective, Re:Store Justice, Right2Vote Campaign, Riverside All of Us of None, Rock the Vote, Rot & Rebound, Rubicon Programs, RYSE Center, Safe Return Project, SF Association for Bilingual Education, SF Financial Justice Project, San Jose/Silicon Valley Branch of the NAACP, Secure Democracy, Smart Justice California, Showing Up for Racial Justice (several chapters), Sister Warriors Freedom Coalition, SpeakOut, STAND, Stanford Computational Policy Lab, Starting Over Inc., Stonewall Democratic Club, Students Overcoming Adversity and Recidivism, Tadini House, Terps for Bay Area Resistance, Tides Advocacy, Time for Change Foundation, Torrey Pines Democratic Club, Transforming Justice OC, Transitions Clinic Network, Tutors for Incarcerated Individuals, UDW/AFSCME Local 3930, UnCommon Law, Underground Scholars Initiative (several chapters), University of California Student Association, University Professional and Technical Employees CWA Local 9119, Voice of the Experienced, W. Haywood Burns Institute, We the People – San Diego, Women's Building of San Francisco, Young Women's Freedom Center, and Youth Alive.

Opponents of Proposition 17 (partial list)

Election Integrity Project California

EVALUATION AND FOLLOW-UP

The Administration will report out on the November 2020 election results as part of the Intergovernmental Relations Annual Report to Council in November 2020.

PUBLIC OUTREACH

The Administration will post this memorandum on the City's Council Agenda website for the September 15, 2020 Council Meeting.

COORDINATION

The Administration coordinated this memo with the City Attorney's Office.



LEE WILCOX
Chief of Staff, City Manager's Office

For questions, please contact Bena Chang, Director of Intergovernmental Relations, 408-975-3240.