



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember Magdalena
Carrasco

SUBJECT: SEE BELOW

DATE: August 25, 2020

Approved by:

Date: August 25, 2020

SUBJECT: PROPOSITION 17 (The Free the Vote California Act)

RECOMMENDATION

1. Adopt a position of support for Proposition 17 - The Free the Vote California Act.
2. Recommend this item be agendaized for the September 15, 2020 City Council Meeting for Council discussion and action to advocate the City's support.

BACKGROUND

Voting is a cornerstone to our democracy, a system of government that is stronger when it is fair and inclusive, and stripping the right to vote from formerly incarcerated people is a form of voter suppression that is deeply out of step with California's values. When a person completes their prison sentence and is released to parole, they should be encouraged to re-enter society and have a stake in their community, including the freedom to vote. California Penal Code section 3000 describes parole as a period that is critical to "positive citizenship," and voting is a fundamental right of citizenship. Studies have repeatedly shown that states that allow people to vote immediately upon their release from prison have lower rates of recidivism, meaning that re-entering people are less likely to return to prison when their voices are included in the voting process.

Felony disenfranchisement is part of a legacy of Jim Crow segregation and, because of continuing racial discrimination in policing and incarceration, continues to disproportionately lock Black and Brown people out of civic engagement. During the post-Reconstruction period, several Southern states tailored their disenfranchisement

laws in order to bar black male voters, targeting those offenses believed to be committed most frequently by the black population.¹

50,000 Californians have completed their prison sentences and are living in their communities, working, raising families, and paying taxes, yet because they are on parole they are currently prohibited from voting on the policies and representatives who affect their daily lives. California currently lags behind 19 other states and the District of Columbia, all of which either automatically restore voting rights upon release from prison or have no felony disenfranchisement whatsoever.

Public opinion surveys report that eight in ten U.S. residents support voting rights for citizens who have completed their sentence, and nearly two-thirds support voting rights for those on probation or parole.² Proposition 17 (The Free the Vote California Act) will end the disenfranchisement of otherwise-eligible Californians on parole by amending the state constitution.

¹ Holloway, P. (2009). 'A chicken-stealer shall lose his vote': Disenfranchisement for larceny in the South, 1874-1890. *Journal of Southern History*, 75 (4), 931-962. *Sociological Review*, 67 (6), 777-803. 22 Ibid.

²Manza, J., Brooks, C., & Uggen, C. (2004). Public attitudes towards felon disenfranchisement law in the United States. *Wisconsin Law Review*, 2002 (5), 1045-1137. Retrieved from <http://sobelk.colorado.edu/~preuhs/state/ewaldcivildeath.pdf>