

# REPORT OF THE CHIEF LEGISLATIVE ANALYST

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DATE: August 11, 2023

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso  
Chief Legislative Analyst

Council File No. 23-0002-S78  
Assignment No. 23-08-0412

SUBJECT: Resolution to Support ACA 4 (Bryan), which allows those serving in State or federal prison the right to vote.

CLA RECOMMENDATION: Adopt the attached Resolution (Raman, Hernandez, Harris-Dawson—Soto-Martinez) to include in the 2023-2024 State Legislative Program support for ACA 4 (Bryan), which would repeal constitutional provisions that prohibit those convicted of a felony serving in State or federal prison convicted of a felony from voting.

## SUMMARY

Resolution (Raman, Hernandez, Harris-Dawson—Soto-Martinez), introduced August 2, 2023, notes that State constitutional provisions disqualify a person from voting while serving a sentence in State or federal prison. The Resolution reports that there are over 50,000 Black people and 77,000 Latinx people incarcerated with a felony conviction in California. These provisions cause major barriers to civic participation and social engagement as Black men and Latino men are disenfranchised at a rate 10 times that of white men. Veterans are also negatively impacted by these provisions as many return to civilian life suffering trauma that can cause a higher possibility of becoming unhoused or arrested. The Resolution reports that ACA 4 would alter these constitutional provisions by allowing those serving in State or federal prison to vote. The Resolution recommends that the City support ACA 4 to lift those voting restrictions because a democratic system fails to be whole while prohibiting people from voting.

## BACKGROUND

Until 2020, California law prohibited a person who was incarcerated or on parole for the conviction of a felony from registering to vote or voting. ACA 6 (McCarty) proposed an amendment to the State constitution to allow a person who is on parole for the conviction of a felony to vote. ACA 6 was approved by the Assembly and placed on the ballot at the November 2020 Statewide election, as Proposition 17. According to the final official election results, Proposition 17 was approved by the voters with 58.6 percent of ballots cast in favor of the amendment.

While Proposition 17 addressed the voting rights of people on parole, it did not provide voting rights to those who are still incarcerated. ACA 4 (Bryan) was introduced this year and would place on the ballot a measure to repeal constitutional provision that disqualifies persons convicted of a felony from voting.

State law does not restrict the voting rights of those who are in a local detention facility while serving any of the following: (1) serving a misdemeanor sentence, (2) serving jail time as a condition of probation, (3) serving a felony jail sentence, or (4) awaiting trial.

According to information from the National Conference of State Legislatures, State approaches to felon disenfranchisement vary tremendously. In Maine and Vermont, and the District of Columbia, felons never lose their right to vote, even while incarcerated.

Arguments in support of ACA 4 mention that the current constitutional amendment significantly impacts Black and Latinx communities and note that the vast majority of people incarcerated in State prison, upward of 95 percent, will eventually return home. Data shows that people who vote while incarcerated and shortly thereafter are 50 percent less likely to ever be arrested. Coalitions in support also mention that this amendment would alleviate incarcerated people from disenfranchisement and increase civic engagement. There are over 65 registered organizations in support of ACA 4, including ACLU California Action, Advancing Justice - Asian Law Caucus, Black Los Angeles Young Democrats, Black Women Organized for Political Action, and Los Angeles LGBT Center.

Election Integrity Project California, Inc is in opposition of the measure as they note the right to vote should be considered during their exit from prison, rather than during a sentence.

The State constitution would still prohibit a person who is mentally incompetent from voting. ACA 4 does not address this remaining prohibition in the State constitution.

#### BILL STATUS

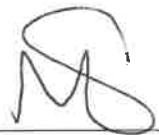
02/06/23 - Read First time

04/19/23 - From committee: Be adopted, and re-refer to Com. on APPR. Re-referred. (Ayes 6. Noes 2.)

05/10/23 - In committee: Set, first hearing. Referred to APPR.

05/18/23- From committee: Be adopted. (Ayes 11. Noes 4.)

05/18/23- Read second time. Ordered to third reading.

  
Salma Murphy  
Analyst

Attachments: Resolution (Raman, Hernandez, Harris-Dawson—Soto-Martinez)

## RESOLUTION

RULES, ELECTIONS INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations of policies proposed to of pending before a local, State or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council; and

WHEREAS, State constitutional provisions disqualify a person from voting while serving a State or federal prison term for conviction of a felony; and

WHEREAS, there are over 93,000 incarcerated people in California as of April 2023, close to 80% of whom are Black or Latinx, and these provisions disenfranchise Black and Latino men at a rate ten times that of White men; and

WHEREAS, Black women are incarcerated at a rate five times that of White men, and there are approximately 3,900 total incarcerated women in California, many of whom are the parents of the roughly 195,000 predominantly Black and Brown children in the state who have an incarcerated parent, who would be empowered to participate in school board races and other local elections if their right to vote is restored; and

WHEREAS, over 7,000 veterans in California are also disproportionately impacted by these provisions as many return to civilian life suffering trauma, which can cause a higher possibility of becoming unhoused or arrested; and


WHEREAS, currently pending before the Assembly is ACA 4 (Bryan) that would repeal requirements that disqualify electors and create a more equitable electoral system that is inclusive of everyone; and

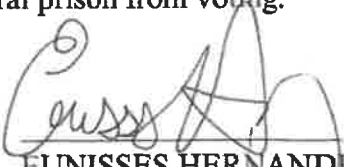
WHEREAS, ACA 4 would lift voting restrictions for people serving in State or federal prison and allow them to cast their vote despite their conviction, giving them a choice in our democratic process; and

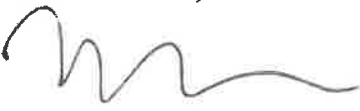
WHEREAS, a democratic system fails to be whole when a multitude of citizens are prohibited from voting and restricts them from having input on policies, laws, and representatives that affect them as well the rest of their community;

NOW, THEREFORE, BE IT RESOLVED, that by the adoption of this Resolution, the City of Los Angeles here by includes in its 2023-2024 State Legislative Program support of ACA 4 (Bryan), which would repeal constitutional provisions that disqualify people convicted in State or federal prison from voting.

PRESENTED BY:

  
NITHYA RAMON  
Councilmember, 4th District

  
EUNISSES HERNANDEZ  
Councilmember, 1st District

  
MARQUEECE HARRIS-DAWSON  
Councilmember, 8th District

Seconded by:



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