



## ACA 4 and AB 1595 – Voting Rights for All Californians

### SUMMARY

Assembly Constitutional Amendment 4 will put a fundamental question to the voters of California: should we restore voting rights to citizens of our State who are completing their prison sentences? Specifically, ACA 4 proposes amending Article II Section 4 to remove the disqualification of incarcerated people from civic participation.

### BACKGROUND

For much of its history, California has taken steps to restrict the rights of both poor and nonwhite citizens. Until 1962, the state refused to ratify the 14<sup>th</sup> Amendment, which guaranteed equal protection of the law after the Civil War, and the 15<sup>th</sup> Amendment, which prohibits voting restrictions based on race. But in recent years, California has led the nation in ensuring the right to participate in free and fair elections. Protecting the right to vote – and ensuring that the voices of all citizens are heard, equally and without bias or favoritism, is a core Californian value. As the U.S. Supreme Court has ruled, restrictions on those values and that right “strike at the heart of representative government.”<sup>1</sup>

And yet to this day, California citizens serving a prison term are denied the right to vote. These restrictions emerged as a counterweight to the righteously won efforts to expand the franchise to include people who had previously been denied both their citizenship and personhood. Various methods of disenfranchisement were enacted in many states across the nation in the aftermath of Reconstruction and the 14<sup>th</sup> Amendment, as efforts by states to restrict and suppress the voting rights of their Black citizens.

These efforts to restrict voting rights were facially race-neutral – but clear in intent, and maliciously effective.

<sup>1</sup> *Reynolds v. Sims*, 377 U. S. 533 (1964)

<sup>2</sup> Uggen, Larson, Shannon and Pulido-Nava, “Locked Out 2020: Estimates of People Denied Voting Rights Due to a Felony Conviction,” The Sentencing Project, October 2020.

Along with poll taxes, and literacy tests, criminalization and increasing penalties for minor crimes, the effect was exactly as intended – a dramatic and lethal restriction on the political participation of Black, Brown, Poor, and Indigenous communities.

There are States and U.S. territories that allow everyone to participate in the democratic process. Maine, Vermont, Washington D.C. and Puerto Rico all allow people in prison to vote. In fact, the United States as a whole is a dramatic outlier in the community of developed global democracies. Nearly all Western European countries allow incarcerated people to vote, as do others around the world, including 28 European nations, Israel, Canada, Zimbabwe, Japan, Kenya, Peru, and others.

Additionally, here in California, we already facilitate elections in carceral settings. People in jails have the right to vote, and some jails already serve as polling places for the people who are inside each election – including in Los Angeles County.

### PROBLEM

In 2020, over 5.1 million citizens in the United States were prohibited from voting because of their contact with the criminal legal system. This included over 50,000 Black people and over 77,000 Latinx people in California alone.<sup>2</sup> The rates of these legal barriers to civic participation and social engagement are shocking: Black men are disenfranchised at a rate 10 times that of white men; Black women at a rate 5 times greater; Latino and Native American men at a rate double that of white men.<sup>3</sup>

This disenfranchisement also disproportionately impacts our veterans, many of whom return to civilian life with visible and invisible trauma, and face a likelihood of

<sup>3</sup> Widara, Gomez. “Where People in Prison Come From: The Geography of Mass Incarceration in California,” Prison Policy Institute and Essie Justice Group, August 2022.

becoming unhoused and arrested that is significantly higher than the general public.<sup>4</sup> California currently has nearly 7,000 veterans who are denied their voting rights because they are incarcerated.<sup>5</sup>

## **SOLUTION**

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Preserving the right to vote for all people, including those who are currently incarcerated, will have significant and positive impacts on community safety. The vast majority of people incarcerated in state prison – upward of 95% – will eventually return home. Data shows that people who vote while incarcerated and shortly thereafter are 50% less likely to ever be arrested.

California voters should have the opportunity to decide if our Democracy is one that thrives with the participation of everyone. ACA 4 will give the people of California a choice – should we be an inclusive, democratic society, or should we turn back to our own dark history of racially motivated disenfranchisement, voter suppression, and restriction of civil rights and participation.

## **SUPPORT**

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Initiate Justice (Co-Sponsor)  
Initiate Justice Action (Co-Sponsor)  
ACLU California Action (Co-Sponsor)  
Anti-Recidivism Coalition (Co-Sponsor)  
California Black Power Network (Co-Sponsor)  
Ella Baker Center (Co-Sponsor)  
Jewish Center for Justice (Co-Sponsor)  
League of Women Voters of California (Co-Sponsor)  
National Lawyers Guild Los Angeles (Co-Sponsor)  
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Building the California Dream Alliance

## **FOR MORE INFORMATION**

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<sup>4</sup> “From Service through Reentry,” Council on Criminal Justice Veterans Justice Commission, August 2022.

<sup>5</sup> Coupp. “California opens a dedicated prison yard for veterans, hoping camaraderie helps rehabilitate them,” American Homefront Project, December 2021.