

**SOPHIE HAHN**

Berkeley City Council, District 5  
 2180 Milvia Street, 5th Floor  
 Berkeley, CA 94704  
 (510) 981-7150  
 shahn@cityofberkeley.info

CONSENT CALENDAR  
 September 22, 2020

**To:** Honorable Members of the City Council  
**From:** Vice Mayor Sophie Hahn (Author), Councilmember Rigel Robinson (Co-Sponsor)  
 Councilmember Ben Bartlett (Co-Sponsor), and Councilmember Wengraf (Co-Sponsor)  
**Subject:** Resolution in Support of California Proposition 17, Restores Right to Vote After  
 Completion of Prison Term, Legislative Constitutional Amendment

RECOMMENDATION

Adopt a Resolution in support of California Proposition 17, Restores Right to Vote After Completion of Prison Term, Legislative Constitutional Amendment, on the November 3, 2020 ballot, to amend the State Constitution to eliminate disenfranchisement for people on parole, restoring voting rights upon release from prison.

BACKGROUND

In 1974, California voters approved Proposition 10, which amended the State Constitution to remove provisions disqualifying voters convicted of certain serious crimes from voting for life, and instead restoring voting rights after release from prison and completion of parole.<sup>1</sup> The result is that all individuals who have been released from prison continue to be denied the right to vote during the time that they are on parole.

Currently, about 50,000 Californians are on state parole, after having finished their prison term.<sup>2</sup> In general, these are individuals who are working, paying taxes, raising families, and living in our communities. And yet the state prohibits them from voting.

Nationwide, 6.1 million Americans are prohibited from voting due to felony disenfranchisement or laws restricting voting rights for those convicted of felony offenses.<sup>3</sup> Although some states are more draconian, California lags behind 17 other states and the District of Columbia in restoring voting rights upon release from prison. Two other states, Maine and Vermont, have no felony disenfranchisement whatsoever.

<sup>1</sup> [https://repository.uchastings.edu/cgi/viewcontent.cgi?article=1795&context=ca\\_ballot\\_props](https://repository.uchastings.edu/cgi/viewcontent.cgi?article=1795&context=ca_ballot_props)

<sup>2</sup> <https://www.ppic.org/publication/californias-changing-parole-population/>

<sup>3</sup> <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>

Though the idea of felony disenfranchisement goes back to Aristotle and to the “civil death” tradition of medieval Europe, most other countries have long since abandoned it. In fact, almost half of the countries in Europe allow people to vote in prison.

In the United States, felony disenfranchisement has a racist history rooted in Jim Crow Segregation. For example, in the post-Reconstruction period, several Southern states tailored their disenfranchisement laws in order to keep Black Americans from voting. And from 1850 to 1900, the number of states with felony disenfranchisement laws more than tripled.<sup>4</sup>

Due to racial disparities in policing and incarceration, felony disenfranchisement has a disproportionate impact on Black and Brown communities. According to the Public Policy Institute of California, African Americans are overrepresented in the parole population, making up only 6% of California’s adult population but 26% of individuals on parole.<sup>5</sup>

The right to vote is fundamental and is a cornerstone of our democracy. Denying the right to vote to individuals who have completed their prison sentences is arbitrary, unfair, and deeply out of step with Berkeley values.

Felony disenfranchisement is also counterproductive to public safety. Research published in the *Berkeley La Raza Law Journal* suggests that felony disenfranchisement results in alienation, isolation, and disconnection from community, which only serves to increase recidivism. When a person completes their prison sentence, they should be encouraged to reenter society and have a stake in their community.

California Proposition 17, on the November 3, 2020 ballot, would amend the State Constitution to eliminate disenfranchisement for people on parole, restoring voting rights upon release from prison.

#### FINANCIAL IMPLICATIONS

None.

#### CONTACT INFORMATION

Vice Mayor Sophie Hahn, Council District 5, 510-682-5905 (Cell)

#### ATTACHMENTS

1. Resolution

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<sup>4</sup> Jeff Manza & Christopher Uggen, *Locked Out – Felon Disenfranchisement and American Democracy* (2006).

<sup>5</sup> <https://www.ppic.org/publication/californias-changing-parole-population/>

RESOLUTION NO. ##,###-N.S.  
SUPPORTING CALIFORNIA PROPOSITION 17 TO RESTORE  
VOTING RIGHTS TO CALIFORNIANS UPON RELEASE FROM PRISON

WHEREAS, the right to vote is a fundamental democratic right that must be protected;

WHEREAS, the California Constitution requires the Legislature to provide for the disqualification of voters who are imprisoned or on parole for the conviction of a felony;

WHEREAS, about 50,000 Californians have completed their prison sentences and are living in their communities and paying taxes, and yet are unable to vote because they are on parole;

WHEREAS, California lags behind 19 other states and the District of Columbia which restore voting rights upon release from prison or have no felony disenfranchisement;

WHEREAS, across the United States, felony disenfranchisement laws are rooted in a racist history of voter suppression, and have a disproportionate impact on Black and Brown communities;

WHEREAS, according to the Public Policy Institute of California, African Americans are overrepresented in the parole population, making up 26% of individuals on parole but only 6% of California's adult population;

WHEREAS, research published in the *Berkeley La Raza Law Journal* suggests that felony disenfranchisement results in alienation, isolation, and disconnection from community, which only serves to increase recidivism;

WHEREAS, a survey conducted by Initiate Justice of individuals on parole in California found that 76% of respondents believed voting would help them stay out of jail;

WHEREAS, denying the right to vote to formerly incarcerated people is a form of voter suppression that is deeply out of step with Berkeley values;

WHEREAS, Proposition 17 changes the California Constitution to allow people on state parole to register to vote, thereby allowing them to vote;

WHEREAS, by eliminating an arbitrary barrier to voting, Proposition 17 will move California toward a fairer and more inclusive democracy;

NOW THEREFORE, BE IT RESOLVED that the Berkeley City Council hereby urges approval of Proposition 17 on the November 3, 2020 ballot.

