



CITY HALL ■ 1 FRANK H. OGAWA PLAZA, 2<sup>nd</sup> Floor ■ OAKLAND, CALIFORNIA 94612

Honorable Lynette Gibson McElhaney  
*Finance & Management Chair, District 3*

[LMcElhaney@Oaklandca.gov](mailto:LMcElhaney@Oaklandca.gov)

**Date:** 9/17/20

**To:** Members of the City Council

**Cc:** Ed Reiskin, City Administrator  
Barbara Parker, City Attorney

**Re:** Supporting Proposition 17

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Dear Members of the Oakland City Council,

I urge that you join me in strongly supporting Proposition 17 which seeks to enfranchise formerly incarcerated Californians.

Stripping the right to vote from formerly incarcerated people is a form of voter suppression inconsistent with Oakland'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.

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. 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.

Please join me in supporting Proposition 17 to help build a more equitable and just California.

Regards,

Lynette McElhaney,  
Councilmember District 3





## Proposition 17

# RESTORES RIGHT TO VOTE AFTER COMPLETION OF PRISON TERM. LEGISLATIVE CONSTITUTIONAL AMENDMENT.

## ANALYSIS OF MEASURE

### Background

*People in Prison or on Parole Are Not Allowed to Vote.* The State Constitution allows most U.S. citizens who are residents of California and at least 18 years of age to vote, if they register to vote. (Under current state law, people who are registered to vote are also allowed to run for elective offices they are qualified for.) People eligible to register to vote include those who are in county jail or supervised by county probation in the community. However, the State Constitution prevents some people from registering to vote, including those in state prison or on state parole. (People are generally supervised in the community on state parole for a period of time after they serve a state prison term for a serious or violent crime. Currently, there are roughly 50,000 people on state parole.)

*County and State Agencies Have Voting-Related Workload.* County election officials manage most elections in California. As part of this work, these officials keep lists of registered voters and cancel the registration of anyone not allowed to vote—including anyone in state prison or on state parole. In addition, these officials provide ballot materials to registered voters. Some state agencies also have voting-related workload. For example, the Secretary of State provides voter registration cards and operates an electronic voter registration system.

### Proposal

*Allows People on State Parole to Register to Vote.* Proposition 17 changes the State Constitution to allow people on state parole to register to vote, thereby allowing them to vote. (Because current state law allows registered voters to run for elective offices, this measure would result in people on state parole being able to do so as well, if they meet existing qualifications such as not having been convicted of perjury or bribery.)

### Fiscal Effects

*Increased Ongoing County Costs.* Proposition 17 would increase the number of people who can register to vote and vote in elections. This would increase ongoing workload for county election officials in two main ways. First, election officials would have to process the voter registrations of people on state parole who register to vote. Second, election officials would have to send ballot materials to people on state parole who register to vote. We estimate that the **annual county costs for this workload would likely be in the hundreds of thousands of dollars statewide.** The actual cost would depend on the number of people on state parole who choose to register to vote and the specific costs of providing them ballot materials during an election.

**Increased One-Time State Costs.** Proposition 17 would create one-time workload for the state to update voter registration cards and systems to reflect that people on state parole could register to vote. We estimate that this workload would result in **one-time state costs likely in the hundreds of thousands of dollars**. This amount is less than 1 percent of the state’s current General Fund budget.

## **YES/NO STATEMENT**

A **YES** vote on this measure means: People on state parole who are U.S. citizens, residents of California, and at least 18 years of age would be able to vote, if they register to vote.

A **NO** vote on this measure means: People on state parole would continue to be unable to vote in California.

## **SUMMARY OF LEGISLATIVE ANALYST’S ESTIMATE OF NET STATE AND LOCAL GOVERNMENT FISCAL IMPACT**

- Increased annual county costs, likely in the hundreds of thousands of dollars statewide, for voter registration and ballot materials.
- Increased one-time state costs, likely in the hundreds of thousands of dollars, to update voter registration cards and systems.

## **BALLOT LABEL**

**Fiscal Impact:** Annual county costs, likely in the hundreds of thousands of dollars statewide, for voter registration and ballot materials. One-time state costs, likely in the hundreds of thousands of dollars, for voter registration cards and systems.

**Assembly Constitutional Amendment No. 6**

Adopted in Assembly SEP 5 2019

*Eve Parker*

*Chief Clerk of the Assembly*

Adopted in Senate JUN 24 2020

*John Andrews*

*Secretary of the Senate*

This resolution was received by the Secretary of State this 25<sup>th</sup> day of June, 2020, at 4 o'clock P.M.

*Deane D. Shumaker*

*Deputy Secretary of State*

RESOLUTION CHAPTER 24

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 2 and 4 of Article II thereof, relating to elections.

## LEGISLATIVE COUNSEL'S DIGEST

ACA 6, McCarty. Elections: disqualification of electors.

The California Constitution requires the Legislature to provide for the disqualification of electors while mentally incompetent or imprisoned or on parole for the conviction of a felony. Existing statutory law, for purposes of determining who is entitled to register to vote, defines imprisoned as currently serving a state or federal prison sentence.

This measure would instead direct the Legislature to provide for the disqualification of electors who are serving a state or federal prison sentence for the conviction of a felony. This measure would also delete the requirement that the Legislature provide for the disqualification of electors while on parole for the conviction of a felony. The measure would provide for the restoration of voting rights upon completion of the prison term.

*Resolved by the Assembly, the Senate concurring,* That the Legislature of the State of California at its 2019–20 Regular Session commencing on the third day of December 2018, two-thirds of the membership of each house concurring, hereby proposes to the people of the State of California, that the Constitution of the State be amended as follows:

First—That Section 2 of Article II thereof is amended to read:

SEC. 2. (a) A United States citizen 18 years of age and resident in this State may vote.

(b) An elector disqualified from voting while serving a state or federal prison term, as described in Section 4, shall have their right to vote restored upon the completion of their prison term.

Second—That Section 4 of Article II thereof is amended to read:

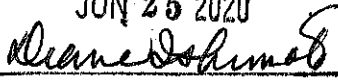
SEC. 4. The Legislature shall prohibit improper practices that affect elections and shall provide for the disqualification of electors

while mentally incompetent or serving a state or federal prison term for the conviction of a felony.

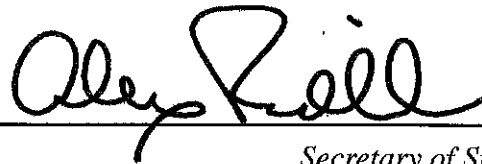
**FILED**

In the office of the Secretary of State  
of the State of California

JUN 25 2020

By   
Deputy Secretary of State

Attest:



Secretary of State