

Date of Hearing: June 24, 2014

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Paul Fong, Chair

SB 1063 (Block) – As Amended: June 12, 2014

SENATE VOTE: 21-12

SUBJECT: Voter registration: juvenile detention facilities.

SUMMARY: Requires state and local juvenile detention facilities, as specified, to identify individuals housed in those facilities who are of age to register to vote and not currently serving a sentence for a conviction of a felony, and to provide and assist in completing affidavits of registration and returning the completed voter registration cards, as specified. Specifically, this bill:

- 1) Requires a state or local juvenile detention facility, including, but not limited to, a juvenile hall, juvenile ranch, juvenile camp, or a facility of the California Department of Corrections and Rehabilitation (CDCR), Division of Juvenile Justice (DJJ) to do all of the following:
 - a) Identify each individual housed in the facility that is of age to register to vote and not currently serving a sentence for a conviction of a felony.
 - b) Provide an affidavit of registration to each individual housed in the facility who is of age to register to vote and not currently serving a sentence for a conviction of a felony by doing either of the following:
 - i) Providing the individual a paper affidavit of registration; or,
 - ii) Directing the individual to an affidavit of registration provided on the Internet Web site of the Secretary of State (SOS).
 - c) Assist each individual in the facility that is of age to register to vote and not currently serving a sentence for a conviction of a felony with the completion of an affidavit of registration, unless the individual declines assistance.
- 2) Requires a facility providing paper affidavits of registration to do either of the following:
 - a) Assist the individual who completed the voter registration card in returning the completed card to the county elections official; or
 - b) Accept any completed voter registration card and transmit the card to the county elections official.

EXISTING LAW:

- 1) Specifies that in order to be eligible to vote, an individual must be a United States citizen, a resident of California, not in prison or on parole for the conviction of a felony, not deemed

mentally incompetent, and at least 18 years of age at the time of the next election.

- 2) Requires the election board of each county, in order to promote and encourage voter registration, to establish a sufficient number of registration places throughout the county, and outside the county courthouse, for the convenience of a person desiring to register to vote.
- 3) Requires the SOS to adopt regulations requiring each county to design and implement programs to identify qualified individuals who are not registered voters and to register those individuals to vote.
- 4) Requires each county probation department to establish a hyperlink on its Internet Web site to the SOS voting rights guide for incarcerated persons, or to post a notice that contains the SOS Internet Web site address where the voting rights guide can be found.
- 5) Requires the facility administrator of a local detention facility to develop written policies and procedures whereby the county registrar of voters allows qualified voters to vote in local, state, and federal elections.
- 6) Requires the county elections official to cancel the voter registration of a person upon proof that the person is presently imprisoned or on parole for conviction of a felony.
- 7) Requires the clerk of the superior court of each county to notify the county elections official twice a year of those persons that have been convicted of a felony since the clerk's last report.

FISCAL EFFECT: According to the Senate Appropriations Committee, unknown, potentially significant reimbursable mandate costs to local detention facilities (General Fund) and minor costs to the CDCR. (General Fund)

COMMENTS:

- 1) Purpose of the Bill: According to the author:

SB 1063 will direct juvenile detention centers to identify incarcerated youth who are of age to register to vote, provide them with an electronic or paper affidavit of registration, assist with the completion of registration cards, and accept and transmit, or assist the individual in the transmission of, completed voter registration cards to local elections officials.

Juvenile detention and correction facilities in California housed 11,532 individuals under the age of 21 in 2010. The United States locks up more juveniles than any other industrialized country and California ranks among the top twelve states for rates of juvenile incarceration.

Additionally, California has a voter turn-out problem that ranks it 48th among the states in voting participation. Currently, nearly one quarter of California's eligible voters are not registered.

The use of governmental agencies to register citizens to vote is not unprecedented. Section 7 of the National Voter Registration Act (NVRA) requires public assistance

agencies, particularly those that serve low-income or disabled populations, to provide voter registration materials. NVRA voter registration agencies include county welfare department offices, which accept applications and administer benefits for CalFresh, CalWorks, Medi-Cal, and other state programs. Yet none of these agencies have the ability to specifically target youth.

SB 1063 encourages civic participation amongst a hard-to-reach population while simultaneously addressing low youth voter turnout. Additionally, productive participation in society, such as voting, reduces recidivism.

- 2) Facilitating Voter Registration: According to statistics from the SOS's website and the UC Davis Center for Regional Change, currently there are over six million eligible voters in the state that remain unregistered to vote. Slightly less than half of the state's eligible voters between the age of 18 and 24 are registered to vote. Consequently, efforts to encourage and improve voter registration have been a focus of legislative proposals over past legislative sessions.

This bill focuses on a specific sector of the electorate—currently incarcerated youth—and requires a state and local juvenile detention facility to identify individuals housed in their facilities who are of age to register to vote and not currently serving a sentence for a conviction of a felony, to provide and assist in completing an affidavit of registration, and to return or transmit the completed registration cards to the county elections official, as specified.

On the local level, existing law requires the facility administrator of each local detention facility to adopt written policies and procedures whereby the county registrar of voters allows those qualified voters in the detention facility to vote. Despite the fact that these procedures are adopted at each facility and therefore may not result in uniformity across the state, they are currently in place and provide inmates at the detention facility with information regarding their voting rights. Additionally, last year the Legislature passed and the Governor signed AB 149 (Weber), Chapter 580, Statutes of 2013, which requires a county probation department to either establish a hyperlink on its Internet Web site to the SOS's voting rights guide for incarcerated persons, or to post a notice that contains the SOS Internet Web site address where the voting rights guide can be found

Additionally, on the state level, the CDCR DJJ has a policy in place pertaining to voting which requires the DJJ to advise eligible wards that are 18 years of age and over of their right to register and vote, provide voter registration forms obtained from the county clerks, assist the ward in completing the voter registration form, and ensure that eligible voters are provided with the ballot, as specified.

Given that the CDCR DJJ already has processes in place that are very similar to the requirements in this bill, the provisions of this bill may be duplicative or unnecessary. However, on the local level, this bill may take the processes they have in place a step further and require local facilities to not only provide eligible voters information on their voting rights, but to also provide an affidavit of registration, as specified, assist in completing the affidavit of registration, and returning or transmitting completed affidavits of registration to the county elections officials, as specified.

- 3) States and Felon Disenfranchisement: According to the Sentencing Project's 2012 report entitled "State-Level Estimates of Felon Disenfranchisement in the United States, 2010," 48 states prohibit inmates from voting while incarcerated for felony offense. Only Maine and Vermont permit inmates who are incarcerated for a felony offense to vote. California is one of 35 states that prohibits felons from voting while they are on parole, and is one of 18 states that allows people on probation for a felony to vote. Individuals imprisoned in the county jail for misdemeanor offenses are eligible to vote in California. Furthermore, once an individual completes his or her term of imprisonment and any period of parole for a felony conviction, that person is allowed to register to vote again in California.

According to the author, this bill encourages civic participation amongst a hard-to-reach population while simultaneously addressing low youth voter turnout. Juvenile detention and correction facilities in California housed 11,532 individuals under the age of 21 in 2010. Current law provides that if an individual is incarcerated for a misdemeanor offense he or she is eligible to vote in California. This bill will ensure incarcerated youths that are eligible to register and vote not only receive information on their voting rights, but are also provided with assistance in completing an affidavit of registration and transmitting it to the appropriate elections official. Codifying these practices will help increase voter registration and turnout amongst a hard to reach population of eligible youth voters.

- 4) Arguments in Support: The American Civil Liberties Union of California writes in support:

As of 2012, California's voter registration rate ranked forty fifth in the nation. Presently, 6.4 million eligible voters in the state remain unregistered to vote, including barely half of eligible voters between the age of 18 and 24. Among the millions of unregistered voters in California are people who often mistakenly believe they are ineligible to voter due to a criminal charge or conviction. SB 1063 will help facilitate the dissemination of information to people who may have questions about their eligibility to vote.

Additionally, voting is often correlated to successful re-entry and the reduced likelihood of re-offense. Voting creates a greater sense of citizenship, participation, and ultimately a vested interest in achieving the overall goals of the community...

If returning offenders see themselves as productive members of society, and are able to have input on policies affecting the entire community, this will have a noticeable impact on recidivism. Hence, juvenile detention facilities should identify potentially eligible voters housed in their facilities and give them the opportunity to register to vote.

- 5) Previous Legislation: AB 149 (Weber), Chapter 580, Statutes of 2013, required each county probation department to provide voting rights information for incarcerated persons. Specifically, AB 149 required each county department to either establish a hyperlink on its Internet Web site to the SOS's voting rights guide for incarcerated persons, or to post a notice that contains the SOS Internet Web site address where the voting rights guide can be found.

AB 821 (Ridley-Thomas) of 2005, would have required county elections officials to provide affidavits of registration and copies of the "Guide to Inmate Voting" to state and local detention facilities so that those detention facilities could notify specified individuals of their right to vote. AB 821 failed passage in the Senate Elections & Constitutional Amendments Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

American Civil Liberties Union of California

A New PATH

Lawyers' Committee for Civil Rights of the San Francisco Bay Area

Legal Services for Prisoners with Children

National Association of Social Workers, California Chapter

Southwest Voter Registration Education Project

Opposition

Department of Finance

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