

File No. 230781

Committee Item No. _____

Board Item No. 59

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____

Date: _____

Board of Supervisors Meeting

Date: July 11, 2023

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OTHER

- Assembly Constitutional Amendment No. 4 - 2/6/23
- CSAC and LCC Standing
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Prepared by: Lisa Lew

Date: July 7, 2023

Prepared by: _____

Date: _____

1 [Supporting Assembly Constitutional Amendment No. 4 (Bryan and Becker) - Restoring the
2 Right to Vote for Incarcerated People]

3

4 **Resolution supporting Assembly Constitutional Amendment No. 4, authored by**
5 **Assembly Member Isaac Bryan and Senator Josh Becker, to restore the right to vote for**
6 **incarcerated people in the California State Constitution.**

7

8 WHEREAS, The California Constitution authorizes a person to vote if the person is a
9 United States citizen, at least 18 years of age, and a resident of the state but this right does
10 not extend to a person currently incarcerated and serving a state or federal prison term; and

11 WHEREAS, California has a long history of redistricting voting rights based on race
12 and until 1962, California refused to ratify the 14th Amendment, which granted equal
13 protection of the law after the Civil War, and the 15th Amendment, which prohibits voting
14 restrictions based on race; and

15 WHEREAS, Disenfranchising people in prison was written into California's first
16 constitution and the prohibition arose alongside the legacy of Jim Crow when laws were
17 designed to neutralize the political participation of Black, Brown, and Indigenous communities;
18 and

19 WHEREAS, In recent years, California has made significant and historic reforms that
20 have expanded voting rights and voter access with the goal of achieving a more
21 representative democracy, but to this day, California citizens serving a prison term are denied
22 the right to vote; and

23 WHEREAS, The prohibition of the right to vote for incarcerated people
24 disproportionately disenfranchises Black, Brown, Poor and Indigenous people and veterans;
25 and

1 WHEREAS, Black people make up 6 percent of California’s population but account for
2 approximately 30 percent of the state’s prison population, and in 2020, 50,000 Black people
3 and over 77,000 Latino people in California were prohibited from voting because of their
4 contact with the criminal legal system; and

5 WHEREAS, California currently has nearly 7,000 veterans who are denied their voting
6 rights because they are incarcerated and many of those veterans return to civilian life with
7 visible and invisible trauma, and face a likelihood of becoming unhoused and arrested that is
8 significantly higher than the general public; and

9 WHEREAS, Incarcerated Californians in the Los Angeles County Jails already have the
10 right to vote as the LA County Registrar-Recorder conducts elections regularly with mobile
11 voting booths and California should ensure that all incarcerated people have meaningful
12 access to exercising this right; and

13 WHEREAS, According to the Brennan Center for Justice, voting helps support reentry-
14 it gives people a voice and reduces recidivism; and

15 WHEREAS, When people feel that they are valued members of their community, and
16 that their needs and concerns are addressed, they are less likely to re-engage in criminal
17 activity and they are also more likely to volunteer in the community and positively participate
18 in local government; and

19 WHEREAS, Voting creates an opportunity for people in prison to think about their
20 communities positively as they prepare to reenter society and allows people in prison to vote
21 and participate in our democratic process to promote accountability and rehabilitation; and

22 WHEREAS, Many other modern democracies such as Canada, Israel, France,
23 Denmark, Japan, Germany, Czech Republic, Kenya, Netherlands, Poland, Peru, Romania,
24 Sweden, and Zimbabwe allow the right to vote for incarcerated people, and the United States
25 is behind on this; and

1 WHEREAS, In the United States, Vermont, Maine, Washington D.C., and Puerto Rico
2 have restored the right to vote for people in prison; and

3 WHEREAS, Assembly Constitution Amendment No. 4 (ACA 4), introduced by
4 Assembly Member Isaac Bryan and Senator Josh Becker, will give the opportunity for
5 California voters to decide whether to restore voting rights to people completing their prison
6 sentence and allow; and

7 WHEREAS, If passed, ACA 4 will remove the prohibition against people in prison
8 voting that exists in the state constitution and the companion bill, Assembly Bill No. 1595,
9 would remove mention of this prohibition throughout the California Code; and

10 WHEREAS, In a statewide poll, over 60 percent of participants said that voting rights
11 should be restored for people completing their prison sentence; now, therefore, be it

12 RESOLVED, That the San Francisco Board of Supervisors supports Assembly
13 Constitutional Amendment No. 4, and urges its passage in the California State Legislature;
14 and, be it

15 FURTHER RESOLVED, That the San Francisco Board of Supervisors directs the Clerk
16 to submit a copy of this Resolution to the Speaker of the State Assembly, Assembly Member
17 Isaac Bryan, Senator Josh Becker, and the members of San Francisco's legislative
18 delegation, Senator Scott Wiener, Assembly Members Matt Haney and Phil Ting.

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Assembly Constitutional Amendment

No. 4

Introduced by Assembly Member Bryan

**(Principal coauthors: Assembly Members Bonta, Jackson, Kalra,
Weber, and Wilson)**

(Principal coauthor: Senator Becker)

**(Coauthors: ~~Assembly Members Haney and McKinnor~~ Haney,
McKinnor, Jones-Sawyer, Low, Santiago, and Lee)**

(~~Coauthor: Senator Cortese~~)

(*Coauthors: Senators Bradford, Cortese, and Smallwood-Cuevas*)

February 6, 2023

Assembly Constitutional Amendment No. 4—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 4, as introduced, Bryan. Elections: eligibility to vote.

The California Constitution authorizes a person to vote if the person is a United States citizen, at least 18 years of age, and a resident of the state. The California Constitution requires the Legislature to provide for the disqualification of electors while serving a state or federal prison term for the conviction of a felony.

This measure would repeal that requirement regarding the disqualification of electors incarcerated for felony convictions, thereby authorizing an otherwise qualified elector serving a state or federal prison term for the conviction of a felony to vote.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring,* That the
 2 Legislature of the State of California at its 2023–24 Regular
 3 Session commencing on the fifth day of December 2022, two-thirds
 4 of the membership of each house concurring, hereby proposes to
 5 the people of the State of California that the Constitution of the
 6 State be amended as follows:

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

8 SEC. 2. (a) A United States citizen *who is at least 18 years of*
 9 *age and a resident in this State may vote.*

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

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

14 SEC. 4. The Legislature shall prohibit improper practices that
 15 affect elections and shall provide for the disqualification of electors
 16 while ~~mentally incompetent or serving a state or federal prison~~
 17 ~~term for the conviction of a felony:~~ *incompetent.*

18

19

20 **REVISIONS:**

21 **Heading—Lines 6 and 7.**

22

From: [Gee, Natalie \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Walton, Shamann \(BOS\)](#); [Ferrigno, Jennifer \(BOS\)](#); [Angulo, Sunny \(BOS\)](#); [Farrah, Michael \(BOS\)](#); [Hernandez, Melissa G \(BOS\)](#); [Burke, Robyn \(BOS\)](#); [Goldberg, Jonathan \(BOS\)](#)
Subject: Walton - Introduction - Resolution in Support of ACA 4
Date: Tuesday, June 27, 2023 4:11:38 PM
Attachments: [20230ACA4_99.pdf](#)
[Introduction Form - ACA 4.pdf](#)
[Walton - Resolution in Support of ACA 4.doc](#)
[Re Co-Sponsor Request ACA 4 Restoring Voting Rights.msg](#)
[Re Co-Sponsor Request ACA 4 Restoring Voting Rights.msg](#)
[FW Co-Sponsor Request ACA 4 Restoring Voting Rights.msg](#)
[RE Co-Sponsor Request ACA 4 Restoring Voting Rights.msg](#)
[RE Co-Sponsor Request ACA 4 Restoring Voting Rights.msg](#)
[RE Co-Sponsor Request ACA 4 Restoring Voting Rights.msg](#)

Good afternoon Clerk Team,

Attached is Supervisor Walton's Introduction Form, Resolution in Support of ACA 4, and text of ACA 4. Supervisor Walton will mention at Roll Call: Supervisor Ronen, President Peskin, Supervisor Melgar, Supervisor Preston, Supervisor Chan, and Supervisor Engardio are early co-sponsors. I've also attached the email from respective staff with the time stamp of their confirmation of co-sponsorship.

We can confirm that this matter is routine and not contentious in nature, and of no special interest. We are requesting this item to be on the For Adoption Without Committee Reference Agenda.

The CSAC has a pending position for this bill and the LCC has a watch position.

Thank you,
Natalie

Natalie Gee 朱凱勤, Chief of Staff
Supervisor Shamann Walton, District 10
1 Dr. Carlton B. Goodlett Pl, San Francisco | Room 282
Direct: 415.554.7672 | **Office:** 415.554.7670
District 10 Community Events Calendar: <https://bit.ly/d10communityevents>

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquires..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: