

File No. 201097

Committee Item No. _____

Board Item No. 83

COMMITTEE/BOARD OF SUPERVISORS

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Date: _____

Board of Supervisors Meeting

Date: September 29, 2020

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OTHER

- Proposition 17 Voter Information Guide _____
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Prepared by: Lisa Lew

Date: September 25, 2020

Prepared by: _____

Date: _____

1 [Supporting California State Proposition 17 - Free the Vote - November 3, 2020, Ballot]

2

3 **Resolution supporting California State Proposition 17, Free the Vote, on the November**
4 **3, 2020, ballot.**

5

6 WHEREAS, Voting is a cornerstone of our democracy, a system of government that is
7 stronger when it is fair and inclusive, and stripping the right to vote from formerly incarcerated
8 people is a form of voter suppression that is deeply out of step with California's values; and

9 WHEREAS, When a person completes their prison sentence and is released to parole,
10 they should be encouraged to re-enter society and have a stake in their community, including
11 the freedom to vote; and

12 WHEREAS, California Penal Code, Section 3000 describes parole as a period that is
13 critical to "positive citizenship," and voting is a fundamental right of citizenship; and

14 WHEREAS, Studies have repeatedly shown that states that allow people to vote
15 immediately upon their release from prison have lower rates of recidivism, meaning that re-
16 entering people are less likely to return to prison when their voices are included in the voting
17 process; and

18 WHEREAS, Felony disenfranchisement is part of a legacy of Jim Crow segregation
19 and, because of continuing racial discrimination in policing and incarceration, continues to
20 disproportionately lock Black and Brown people out of civic engagement; and

21 WHEREAS, About 50,000 Californians have completed their prison sentences and are
22 living in their communities, working, raising families, and paying taxes, yet because they are
23 on parole they are currently prohibited from voting on the policies and representation that
24 affect their daily lives; and

25

1 WHEREAS, California currently lags behind 19 other states and the District of
2 Columbia, all which either automatically restore voting rights upon release from prison or have
3 no felony disenfranchisement whatsoever; and

4 WHEREAS, Assembly Member Kevin McCarty (D-Sacramento) authored and
5 introduced Assembly Constitutional Amendment No. 6 in 2019, which passed the Assembly
6 with a two-thirds majority in September of 2019 and the Senate by 28-9 in June 2020, thereby
7 receiving the two-thirds required for a constitutional amendment; on June 25, 2020, Governor
8 Gavin Newsom signed ACA-6 to place this constitutional amendment on the November 3,
9 2020, California General Election ballot as Proposition 17; and

10 WHEREAS, Currently, the California State Constitution does not allow people who
11 have committed felonies from voting until the end of their imprisonment and parole;
12 Proposition 17 amends the language of the constitution and allows people who committed
13 felonies to vote after they complete their prison term and while they are on parole; according
14 to the National Conference of State Legislatures, currently sixteen states plus the District of
15 Columbia allow people to vote immediately upon their release from incarceration; two states,
16 Maine and Vermont, allow felons to keep their voting rights during and after incarceration; and

17 WHEREAS, In a 2019 “Democracy Needs Everyone” report, Initiate Justice found that
18 roughly 40,000 people in California are on parole for a felony and do not have the right to vote
19 [<https://www.initiatejustice.org/project/democracy-needs-everyone/>]; the organization
20 conducted a survey of people who are incarcerated and on parole and found that 37% voted
21 before incarceration and 98% said they would vote if they could; and

22 WHEREAS, Proposition 17 will end the disenfranchisement of otherwise-eligible
23 Californians on parole by amending the state constitution; now, therefore, be it

24 RESOLVED, That the City and County of San Francisco hereby formally endorses
25 Proposition 17, Free the Vote Act, on the November 3, 2020, ballot; and, be it

1 FURTHER RESOLVED, That the City and County of San Francisco go on record
2 in support of Proposition 17, Free the Vote Act, on the November 3, 2020, ballot; and, be it

3 FURTHER RESOLVED, That the City and County of San Francisco urges other
4 municipalities to support Proposition 17, Free the Vote Act, on the November 3, 2020, ballot.

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PROPOSITION **RESTORES RIGHT TO VOTE AFTER COMPLETION OF PRISON TERM.**
17 **LEGISLATIVE CONSTITUTIONAL AMENDMENT.**

OFFICIAL TITLE AND SUMMARY

PREPARED BY THE ATTORNEY GENERAL

The text of this measure can be found on the Secretary of State's website at voterguide.sos.ca.gov.

- Amends state constitution to restore voting rights to persons who have been disqualified from voting while serving a prison term as soon as they complete their prison term.
- Increased one-time state costs, likely in the hundreds of thousands of dollars, to update voter registration cards and systems.

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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.

FINAL VOTES CAST BY THE LEGISLATURE ON ACA 6 (PROPOSITION 17)
(RESOLUTION CHAPTER 24, STATUTES OF 2020)

Senate:	Ayes 28	Noes 9
Assembly:	Ayes 54	Noes 19

ANALYSIS BY THE LEGISLATIVE ANALYST

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

ANALYSIS BY THE LEGISLATIVE ANALYST

CONTINUED

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.

Visit <http://cal-access.sos.ca.gov/campaign/measures/> for a list of committees primarily formed to support or oppose this measure.

Visit <http://www.fppc.ca.gov/transparency/top-contributors.html> to access the committee's top 10 contributors.

If you desire a copy of the full text of this state measure, please call the Secretary of State at (800) 345-VOTE (8683) or you can email vigfeedback@sos.ca.gov and a copy will be mailed at no cost to you.

★ ARGUMENT IN FAVOR OF PROPOSITION 17 ★

VOTE YES ON PROPOSITION 17

Proposition 17 is simple—it restores a person’s right to vote upon completion of their prison term.

- When a person completes their prison sentence, they should be encouraged to reenter society and have a stake in their community. Restoring their voting rights does that. Civic engagement is connected to lower rates of recidivism. When people feel that they are valued members of their community, they are less likely to return to prison.
- 19 other states allow people to vote once they have successfully completed their prison sentence. It’s time for California to do the same.
- A Florida study found that people who have completed their prison sentences and had their voting rights restored were less likely to commit crimes in the future.
- Nearly 50,000 Californians who have completed their prison sentences pay taxes at the local, state, and federal levels. However, they are not able to vote at any level of government.

PROP. 17 WILL HAVE REAL LIFE IMPACTS—STORIES FROM CALIFORNIANS WHO HAVE COMPLETED THEIR SENTENCES

After a parole board granted Richard his freedom, he was shocked to learn that he still could not cast a vote in California. Over the last 20 years, Richard has become what he describes as “a man built for others”—helping develop a drug and alcohol counseling program while still in prison and advocating for better criminal justice

policies. “I work hard, serve my community, pay taxes, give back, and I am still a citizen of this country,” Richard said. “I believe that qualifies me to have the right to vote again.”

Andrew is a Navy veteran who served his country but developed a drinking problem and made big mistakes that led to prison. He earned parole by working toward his rehabilitation, and now that his prison sentence is completed, he’s building a new life as a veteran learning to contribute to his community. Andrew says, “I believe in working hard for what you get in life, and I believe that I’ve earned the right to vote so I can be a full member of my community.”

YES ON PROPOSITION 17

Parole is intended to be a period of reintegration into the community. People on parole who have completed their prison sentences raise families, hold jobs, pay taxes, and contribute to society in every other way. Restoring a person’s voting eligibility removes stigma and helps strengthen their connection to the community.

Yeson17.vote #FreeTheVote

CAROL MOON GOLDBERG, President
League of Women Voters of California

JAY JORDAN, Executive Director
Californians for Safety and Justice

KEVIN MCCARTY, Assemblymember
Prop. 17 Author

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★ REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 17 ★

Proponents claim that Proposition 17 will restore a convicted felon’s voting rights “upon completion of their prison sentence.” THIS IS FALSE.

THE TRUTH: In California, parole is a legally part of the prison sentence, and a convicted felon must successfully complete parole upon release from incarceration in order to have served their sentence and have their voting rights restored. *Proposition 17 will eliminate this critical requirement.*

Proponents do not tell you that 30 states require more than the completion of prison incarceration, *before a felon’s voting rights are restored.* Most require the completion of parole while some require the addition of executive action.

While proponents highlight two stories about released criminals, “Richard” and “Andrew,” they don’t share with you their criminal histories—as if burglars, armed robbers, murderers and child molesters are all the same. *Nothing could be further from the truth.*

THE TRUTH: For every “Richard” or “Andrew” there is a “Robert” or “Scott” who commits a violent felony while

on parole. Proposition 17 restores voting rights before felons complete this critical parole sentence.

Parole is the adjustment period when violent felons prove they are no longer a violent threat to innocent citizens living in a civil society. Their every move is monitored and supervised by a trained state officer.

BOTTOM LINE: PROPOSITION 17 WILL ALLOW CRIMINALS CONVICTED OF MURDER, RAPE, CHILD MOLESTATION, AND OTHER SERIOUS AND VIOLENT CRIMES TO VOTE BEFORE COMPLETING THEIR SENTENCE INCLUDING PAROLE.

Proposition 17 is not justice. VOTE NO ON PROPOSITION 17

HARRIET SALARNO, Founder
Crime Victims United of California

JIM NIELSEN, California State Senator

RUTH WEISS, Vice President
Election Integrity Project California

★ ARGUMENT AGAINST PROPOSITION 17 ★

PROPOSITION 17 WILL ALLOW CRIMINALS CONVICTED OF MURDER, RAPE, SEXUAL ABUSE AGAINST CHILDREN, KIDNAPPING, ASSAULT, GANG GUN CRIMES AND HUMAN TRAFFICKING TO VOTE BEFORE COMPLETING THEIR SENTENCE INCLUDING PAROLE.

In 1974, California voters approved restoring the right to vote to convicted felons once they have completed their sentences (including parole). More recently, California's prison reform measures have moved all but the most vicious criminals out of prisons and into local jails. People convicted of nonviolent felonies like car theft or drug dealing are incarcerated in county jails *and have the right to vote while serving their sentence*. For them there is no parole.

PAROLE IN CALIFORNIA IS FOR SERIOUS AND VIOLENT CRIMINALS.

Criminals in prison have been convicted of murder or manslaughter, robbery, rape, child molestation or other serious and violent crimes and sex offenses. They have victimized innocent, law-abiding citizens who are condemned for life to revisit those crimes in every nightmare. Certain sounds, smells and everyday experiences will always return them mentally and emotionally to the scene of the crime, and for them there is no end to their sentence. Knowing that their victimizers would have social equality with them before they have been fully rehabilitated simply adds to their lifelong pain and misery.

PAROLE IS TO PROVE REHABILITATION BEFORE FULL LIBERTY, INCLUDING VOTING RIGHTS, IS RESTORED.

Offenders released from PRISON after serving a term for a serious or violent felony are required to complete parole (usually three years) as part of their sentences. Parole is an adjustment period when violent felons prove their desire to adjust to behaving properly in a free

society. Their every move is monitored and supervised by a trained state officer. *If the state does not trust them to choose where to live or travel, with whom to associate and what jobs to do, it MUST NOT trust them with decisions that will impact the lives and finances of all other members of society.*

MOST PAROLEES STUMBLE AND 50% ARE CONVICTED OF NEW CRIMES.

Unfortunately, about half of parolees commit new crimes within three years of release. Clearly, they are not ready to join the society of law-abiding citizens. Rewards and privileges in life must be earned and deserved. Giving violent criminals the right to vote before they have successfully completed their full sentence, which INCLUDES A PERIOD OF PAROLE, is like giving students a high school diploma at the end of tenth grade. It makes no sense, and hurts their future and all of society.

JUSTICE DEMANDS A NO VOTE ON PROPOSITION 17. Crime victims deserve justice. Granting violent criminals the right to vote before the completion of their sentence is not justice. Offenders deserve justice as well. Their self-respect depends upon knowing that they have made full restitution for their crimes and have earned a second chance. Californians deserve a justice system where offenders pay for their crimes, prove their rehabilitation, and only then are welcomed back into civil society. Proposition 17 is NOT justice.

VOTE NO ON PROPOSITION 17

HARRIET SALARNO, Founder
 Crime Victims United of California

JIM NIELSEN, Chairman
 California Board of Prison Terms (Ret.)

RUTH WEISS, Vice President
 Election Integrity Project California

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★ REBUTTAL TO ARGUMENT AGAINST PROPOSITION 17 ★

VOTE YES ON PROP. 17

PROP. 17 opponents are using scare tactics to try and stop you from fixing a nearly 50-year-old, out-of-date voting policy.

THE FACTS:

- Prop. 17 will simply restore a citizen's right to vote upon completion of their prison term aligning California with 19 other states that already do the same.
- After a similar law was changed in Florida, a parole commission study found that citizens who have completed their prison sentences and had their voting rights restored *were less likely to commit crimes in the future.*
- Parole is intended to be a period of reintegration into the community. Citizens on parole who have completed their prison sentences raise families, hold jobs, pay taxes, and contribute to society in every other way.
- Nearly 50,000 Californians who have completed their prison sentences pay taxes at the local, state and

federal levels and yet, are not able to vote at any level of government.

DON'T BELIEVE OPPONENTS AND THEIR SCARE TACTICS. DEMOCRATS AND REPUBLICANS SUPPORT PROP. 17

- More than two thirds of the state legislature—Democrats and Republicans, supported asking California voters to consider Prop. 17.
- Prop. 17 does nothing to change anyone's prison term including those convicted of serious and violent crimes. VOTE YES ON PROP. 17!

CAROL MOON GOLDBERG, President
 League of Women Voters of California

JAY JORDAN, Executive Director
 Californians for Safety and Justice

ABDI SOLTANI, Executive Director
 American Civil Liberties Union (ACLU)—Northern California

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

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

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

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

Sponsor(s):

Ronen; Walton, Preston, Haney, Fewer

Subject:

[Supporting California State Proposition 17 – Free the Vote - November 3, 2020 Ballot]

The text is listed:

Resolution supporting California State Proposition 17, Free the Vote, on the November 3, 2020, ballot.

Signature of Sponsoring Supervisor: /s/ Hillary Ronen

For Clerk's Use Only