

1 [Supporting Assembly Constitutional Amendment No. 6 (McCarty et al.) - Free the Vote Act]

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3 **Resolution supporting Assembly Constitutional Amendment No. 6, introduced by**  
4 **Assembly Members Kevin McCarty, Rob Bonta, Wendy Carillo, Mike Gipson, Lorena**  
5 **Gonzalez, Ash Kalra, Sydney Kamlager-Dove, Kevin Mullin, Mark Stone, and Shirley**  
6 **Weber, and co-authored by Senator Scott Wiener, to allow automatic restoration of**  
7 **voting rights to those on parole upon completion of a state or federal prison term.**

8

9 WHEREAS, The right to vote is a fundamental right that should be protected,  
10 promoted, and practiced in the United States; and

11 WHEREAS, California law permits an individual who is 1) a United States citizen, 2) a  
12 resident of California, and 3) at least 18 years of age at the time of the next election, to  
13 register to vote; and

14 WHEREAS, The exception to this law is that those imprisoned in state or federal prison  
15 or on parole for a felony are expressly prohibited from voting; and

16 WHEREAS, Of the estimated six million Americans unable to vote because of felony  
17 disenfranchisement laws nationwide, nearly 50,000 Californians on parole are currently  
18 unable to vote in state, federal, or local elections, as a result of felony disenfranchisement  
19 inscribed in California's constitution since 1849; and

20 WHEREAS, Assembly Constitutional Amendment No. 6 ("Free the Vote Act")  
21 introduced by Assembly Members McCarty, Bonta, Carillo, Gipson, Gonzalez, Kalra,  
22 Kamlager-Dove, Mullin, Stone, and Weber, and co-authored by Senator Scott Wiener, will  
23 allow California voters the opportunity to re-enfranchise and restore the right to vote to people  
24 on parole on the 2020 ballot; and

25

1           WHEREAS, The Free the Vote Act would amend Sections 2 and 4 of Article II in the  
2 state constitution, which will: 1) delete a provision of law that requires the Legislature to  
3 provide for the disqualification of electors while on parole for the conviction of a felony; 2)  
4 provide that an elector disqualified from voting while serving a state or federal prison term  
5 shall have their right to vote restored upon the completion of their prison term; and 3) make  
6 other technical and conforming changes to ensure restoration; and

7           WHEREAS, AB 646 is the implementing legislation for the Free the Vote Act, which  
8 enacts corresponding changes to California’s Elections Code and was approved by the  
9 California Assembly Elections and Redistricting Committee on April 10, 2019, by a 5-1 vote,  
10 and is currently pending in the Assembly Appropriations Committee; and

11           WHEREAS, Our nation’s history is marked by struggles to expand voting rights and  
12 correct voting injustices to those previously barred due to race, class, or gender; and

13           WHEREAS, Felony disenfranchisement has an extensive discriminatory history in the  
14 United States and functions as a form of voter suppression that is rooted in racially  
15 discriminatory laws which have disproportionately impacted Black and Brown communities;  
16 and

17           WHEREAS, Suppression of the Black vote has existed for over a century and a half—  
18 tracing back to the 1870s with the implementation of Jim Crow laws and California’s rejection  
19 to ratify the 15th Amendment, which prohibits voting restrictions based on race, until 1962,  
20 both of which have repercussions to the current day; and

21           WHEREAS, According to the Public Policy Institute of California, African Americans are  
22 overly represented in the parole population— African Americans make up only 6% of  
23 California’s adult population, yet account for 26% of the parole population; and

1           WHEREAS, The Free the Vote Act introduced by Assembly Members McCarty et al.  
2 would be a major step forward in addressing the racial discrimination of California’s felony  
3 disenfranchisement laws, expanding voting rights, and correcting voter injustice; and

4           WHEREAS, The United States Department of Justice grants parole when the release  
5 of an individual would not jeopardize the public welfare; and

6           WHEREAS, 50,000 Californians on parole are working, paying taxes, and positively  
7 contributing to their communities, yet are unable to vote; and

8           WHEREAS, Research published in UC Berkeley’s La Raza Law Journal suggests that  
9 felony disenfranchisement results in alienation, isolation, and a sense of disconnection from  
10 community, which only serves to increase further incidences of criminal activity; and

11           WHEREAS, A survey conducted by Initiate Justice in 2018 of more than 1,000 people  
12 in prison and on parole in California found that more than 76% of respondents on parole  
13 believed that voting would help them feel more connected to their communities and would  
14 help reduce recidivism; and

15           WHEREAS, This bill would fully realize the goals of parole by restoring a fundamental  
16 civil right, allowing the formerly incarcerated full participation in our country’s democracy; and

17           WHEREAS, California is currently behind 18 other states and Washington D.C., which  
18 have all either restored voting rights upon release from prison or have no felony  
19 disenfranchisement laws in place; and

20           WHEREAS, National momentum is growing to restore voting and civil rights to people  
21 with convictions, including California’s AB 1008 “Ban the Box” legislation and San Francisco’s  
22 “Ban the Box” ordinance codified in Administrative Code, Article 49, both of which prohibit  
23 employers from considering any criminal conviction, expunged or not, prior to making a  
24 conditional job offer; and

1           WHEREAS, This legislation introduced by Assembly Members McCarty et al. will  
2 reflect the United States' shift towards ending felony disenfranchisement; and

3           WHEREAS, By eliminating an arbitrary barrier to voting, this bill will align California with  
4 the goals of securing and expanding voting rights to the marginalized and disenfranchised as  
5 well as correct historically racially discriminatory laws; now, therefore, be it

6           RESOLVED, That the Board of Supervisors of the City and County of San Francisco  
7 hereby urges the California State Legislature and Governor Newsom to support and pass  
8 Assembly Constitutional Amendment No. 6; and, be it

9           FURTHER RESOLVED, That the City and County of San Francisco Board of  
10 Supervisors hereby directs the Clerk of the Board to send a copy of the resolution to the  
11 California State Legislature and Governor Gavin Newsom.