

**RESOLUTION 12-08-2018 – AS AMENDED**

**DIGEST**

Voting Rights: Redefine Definition of Felony

Amends Elections Code section 2101, 2106 and 2212 to narrow the exclusion of those who are prohibited from voting due to a felony conviction by limiting the exclusion to felons actually imprisoned, not on parole.

**STATEMENT OF REASONS**

The Problem: The right to vote is one of the basic fundamental rights guaranteed to citizens of the U.S. Under current law, individuals who are convicted of felonies are disenfranchised while imprisoned or on parole. This has resulted in several problems. First, disenfranchisement of felons has helped create a racial divide within voting privileges. Second, depriving felons who have served their base time and are on parole of the right to vote discourages civic activism and creates a further barrier to reintegration. Third, disenfranchisement serves no deterrent purpose and exists solely as an additional punishment, which is not logically connected to the crime committed.

The Solution: Those who are convicted of felonies should not be denied the right to vote while on parole.

**TEXT OF RESOLUTION**

**RESOLVED** that the Conference of California Bar Associations recommends that legislation be sponsored to amend Elections Code section 2101, 2106 and 2212, and to amend the California Constitution Article II, Section IV, to read as follows:

- 1 § 2101.
- 2 (a) A person entitled to register to vote shall be a United States citizen, a resident of
- 3 California, not imprisoned ~~or on parole~~ for the conviction of a felony, and at least 18 years of age
- 4 at the time of the next election.
- 5 (b) A person entitled to preregister to vote in an election shall be a United States citizen, a
- 6 resident of California, not imprisoned ~~or on parole~~ for the conviction of a felony, and at least 16
- 7 years of age.
- 8 (c) For purposes of this section, the following definitions apply:
- 9 (1) “Imprisoned” means currently serving a state or federal prison sentence.
- 10 (2) “Parole” means a term of supervision by the Department of Corrections and
- 11 Rehabilitation.
- 12 (3) “Conviction” does not include a juvenile adjudication made pursuant to Section 203
- 13 of the Welfare and Institutions Code.
- 14
- 15 § 2106
- 16 A program adopted by a county pursuant to Section 2103 or 2105, that is designed to
- 17 encourage the registration of electors, shall contain the following statement in printed literature
- 18 or media announcements made in connection with the program: “A person entitled to register to
- 19 vote must be a United States citizen, a resident of California, not currently imprisoned in a state

20 or federal prison ~~or on state parole~~ for the conviction of a felony, and at least 18 years of age at  
21 the time of the election. A person may preregister to vote if he or she is a United States citizen, a  
22 resident of California, not currently imprisoned in a state or federal prison ~~or on state parole~~ for  
23 the conviction of a felony, and at least 16 years of age.” A county elections official may continue  
24 to use existing materials before printing new or revised materials required by any changes to this  
25 section.

26  
27 § 2212

28 The clerk of the superior court of each county, on the basis of the records of the court,  
29 shall furnish to the Secretary of State and the county elections official in the format prescribed by  
30 the Secretary of State, not less frequently than the first day of every month, a statement showing  
31 the names, addresses, and dates of birth of all persons who have been committed to state prison  
32 as the result of a felony conviction since the clerk’s last report. The Secretary of State or county  
33 elections official shall cancel the affidavits of registration of those persons who are currently  
34 imprisoned ~~or on parole~~ for the conviction of a felony. The clerk shall certify the statement under  
35 the seal of the court.

36  
37 California Constitution, Article II, §4

38 The Legislature shall prohibit improper practices that affect elections and shall provide  
39 for the disqualification of electors while mentally incompetent or imprisoned ~~or on parole~~ for the  
40 conviction of a felony.

(Proposed new language underlined; language to be deleted stricken)

**PROPONENT:** Bar Association of San Francisco

**IMPACT STATEMENT**

This resolution does not affect any other law, statute or rule other than those expressly identified.

**CURRENT OR PRIOR RELATED LEGISLATION**

AB 2466 (2016), effective January 1, 2017, expanded voting rights to define “imprisoned” as currently serving a state or federal prison sentence, and to define “parole” as a term of supervision by the Department of Corrections and Rehabilitation. However, AB 2466 did not define the term “felony.”

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