


**REPORT OF THE  
CHIEF LEGISLATIVE ANALYST**

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DATE: July 1, 2019

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso   
Chief Legislative Analyst

Council File No: 19-0002-S113  
Assignment No: 19-06-0697

SUBJECT: Resolution (Harris-Dawson) to SUPPORT ACA 6 (McCarty – Bonta, et al.).

CLA RECOMMENDATION: Adopt Resolution (Harris-Dawson) to include in the City’s 2019-2020 State Legislative Program, SUPPORT for ACA 6 (McCarty – Bonta, et al.) which would provide for the restoration of voting rights for electors upon completion of their prison term.

SUMMARY

Resolution (Harris-Dawson), introduced June 26, 2019, advises that under the California Constitution a United States citizen, a resident of California, not imprisoned or on parole for the conviction of a felony, and at least 18 years of age at the time of the next election, is permitted to register to vote. The California Constitution also says that the State’s Legislature is required to provide for the disqualification of electors while mentally incompetent or imprisoned or on parole for the conviction of a felony. This Resolution further advises that ACA 6 (McCarty – Bonta, et al.), currently pending before the State Assembly would place a Constitutional Amendment before the California voters to permit a person who is on parole for the conviction of a felony to register to vote, and to vote. ACA 6 would delete a provision of law that requires the State Legislature to provide for the disqualification of electors while on parole for the conviction of a felony; and provides that an elector disqualified from voting while serving a state or federal prison term shall have their right to vote restored upon completion of their prison term. The Resolution therefore requests that the City support ACA 6.

BACKGROUND

Sections 2 and 4 of Article II of the California Constitution are the subjects of amendment by ACA 6 (McCarty – Bonta, et al.) that describe the grounds on which the State Legislature can disqualify electors. Section 2 establishes that a United States citizen of 18 years of age and resident in this State may vote. Section 4 establishes that the State Legislature shall provide for the disqualification of electors while mentally incompetent or imprisoned or on parole for the conviction of a felony.

Further, Section 2101 of the Elections Code is the statute that implements Article II, both Sections 2 and 4, of the California Constitution. Section 2101 states that “[a] person entitled to register to vote shall be a United States citizen, a resident of California, not imprisoned or on parole for the conviction of a felony, and at least 18 years of age at the time of the next election.” Under current law, an elector has their right to vote restored once their parole is completed. In contrast, a person who is on probation for a conviction of a felony is permitted to vote.

In 2018, a report by the National Conference of State Legislatures (NCSL) explained that felony disenfranchisement laws vary greatly across states:

- Electors in the states of Maine and Vermont never have their voting rights rescinded, even while incarcerated.
- In 14 states, as well as the District of Columbia, electors are only disqualified during incarceration.
- In 22 states, electors are disqualified during incarceration and for a designated period of time after, typically on parole and or probation.
- In 12 states, electors that are convicted of a felony are disqualified indefinitely, or the only means of restoration is via gubernatorial pardon, or to undergo an additional waiting period upon completion of their prison term, including parole and probation.

Additionally, the NCSL reported recent actions in states on this issue. In 2018, Florida passed a citizen-initiated constitutional amendment to automatically restore the voting rights of felons after completion of their sentences (including parole and probation). In 2017, Wyoming enacted HB75 to automatically restore the voting rights of nonviolent felons. Nationwide there is a growing trend of reinstating voting rights to felons:

- 7 states have repealed lifetime disenfranchisement laws.
- 2 states gave voting rights to electors on probation.
- 9 states passed requirements that electors be given information and or assistance in restoring their voting rights.
- 12 states streamlined the paperwork process to restore electors' voting rights.

The NCSL shows that felon voting rights have been getting the attention of state legislatures across the nation since 1996.

DEPARTMENTS NOTIFIED

None

BILL STATUS

01/28/19	Introduced
06/19/19	Passed through Com. on E. & R.
06/20/19	Referred to Com. on APPR.



Christopher Fields  
Analyst

Attachment: 1. Resolution (Harris-Dawson)  
2. ACA 6

## RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, under existing law, a person who is a United States citizen, a resident of California, not imprisoned or on parole for the conviction of a felony, and at least 18 years of age at the time of the next election, is permitted to register to vote; and

WHEREAS, the State's Legislature is required to provide for the disqualification of electors while mentally incompetent or imprisoned or on parole for the conviction of a felony; and

WHEREAS, currently pending before the State Legislature, is a bill, ACA 6 (McCarty - Bonta, et al.), which proposes a constitutional amendment that will grant individuals on parole the opportunity to vote; and

WHEREAS, ACA 6 would delete a provision of law that requires the State's Legislature to provide for the disqualification of electors while on parole for the conviction of a felony; and

WHEREAS, ACA 6 would also provide that an elector disqualified from voting while serving a state or federal prison term shall have their right to vote restored upon the completion of their prison term; and

WHEREAS, the City of Los Angeles should SUPPORT ACA 6 because states that allow people on parole to vote have lower rates of recidivism, and people on parole who are given the right to vote have an increased stake in their communities due to their renewed ability to address the issues that impact their daily lives;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2019-2020 State Legislative Program SUPPORT for ACA 6 (McCarty - Bonta, et al.), which would provide for the restoration of voting rights for electors upon completion of their prison term.

PRESENTED BY: \_\_\_\_\_  
MARQUEECE HARRIS-DAWSON  
Councilmember, 8<sup>th</sup> District

SECONDED BY: \_\_\_\_\_

AMENDED IN ASSEMBLY JUNE 12, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**Assembly Constitutional Amendment**

**No. 6**

**Introduced by Assembly Members McCarty, Bonta, Carrillo,  
Gipson, Gonzalez, Kalra, Kamlager-Dove, Mullin, Mark Stone,  
and Weber**

*(Principal coauthor: Senator Wiener)*

January 28, 2019

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Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending ~~Section 4~~ *Sections 2 and 4* of Article II thereof, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

ACA 6, as amended, McCarty. Elections: disqualification of electors.

The California Constitution requires the Legislature to provide for the disqualification of electors while mentally incompetent or imprisoned or on parole for the conviction of a felony. Existing statutory law, for purposes of determining who is entitled to register to vote, defines imprisoned as currently serving a state or federal prison sentence.

This measure would instead direct the Legislature to provide for the disqualification of electors who are serving a state or federal prison sentence for the conviction of a felony. This measure would also delete the requirement that the Legislature provide for the disqualification of electors while on parole for the conviction of a felony. *The measure would provide for the restoration of voting rights upon completion of the prison term.*

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