



# California's Formerly Incarcerated: Challenges and Opportunities in Accessing Voting Rights

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### About the Center for Inclusive Democracy (CID)

The Center for Inclusive Democracy (CID), formerly known as the California Civic Engagement Project, is part of the USC Sol Price School of Public Policy and is based in Sacramento. CID conducts a range of national and multi-state research initiatives exploring voting behavior, civic engagement, electoral and economic research, the intersection of social justice and democracy, and more. Its non-partisan research informs and empowers a wide range of policy and organizing efforts aimed at eliminating disparities in social and economic wellbeing. To learn more about CID's research, visit: [cid.usc.edu](http://cid.usc.edu). For more information about this report, contact Dr. Romero at [msromero@usc.edu](mailto:msromero@usc.edu).

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## Introduction

In California, those who have been incarcerated or have a criminal conviction represent a significant group facing voter disenfranchisement. Over the last 50 years, incarceration and conviction rates hit record highs, both nationally and within California. On any given day, approximately a half-million people are incarcerated in California jails and prisons. Voting rights for those incarcerated or with a criminal conviction have been rapidly changing in California over the last two decades. Voting rights have been extended to people under certain community supervision programs, to people serving a felony sentence in jail, and most recently, in 2020, to people on parole. Those convicted of a felony and currently incarcerated in prison still legally lose their right to vote. However, a greater number of individuals within the criminal legal system – either incarcerated in jails or with a criminal conviction and serving their sentence under criminal supervision programs – continue to face de facto disenfranchisement due to informational or procedural barriers.

Organizations are working in California to mobilize voters and potential voters, while advocating to improve policy on voting access for people who are incarcerated, formerly incarcerated, or have a criminal conviction. However, the official California state voter file does not include data specific to this population so it is difficult to track increases in voter turnout. With this report, CID addresses the following topics related to the formerly incarcerated and those with a criminal conviction in California:

1. What are the voting experiences of people who have been incarcerated or have a criminal conviction?
2. What are the voting preferences of people who are incarcerated, formerly incarcerated, or have a criminal conviction?
3. What is the experience of organizations addressing voter enfranchisement serving people who are incarcerated, formerly incarcerated, or have a criminal conviction?

CID conducted focus groups with incarcerated people, formerly incarcerated people, and those with a criminal conviction to learn what challenges they have faced or currently face as voters, how and why they vote and don't vote, or how they get their voting information. The report also includes interviews with leading organizations working in this field to glean further insights about efforts towards re-enfranchisement and the next steps for progress. This report is the first in a series of CID research examining voting access for people who are incarcerated, formerly incarcerated, or have a criminal conviction.

Note: Please see Appendix for a glossary of terms related to the criminal legal system.

## Methodology

### Voter Data for who are People Formerly Incarcerated, Incarcerated, or with a Criminal Conviction

Due to privacy concerns, the official California voter file data does not include information on which voters have a criminal conviction. Nor is public data available for the number of people voting at California jails. There is also limited research on voting method preferences and how this group of voters is informed. This gap in data poses challenges for organizations that are seeking funding or evidence of their impact because it is difficult to demonstrate that they are creating change.

### Background Sources

Quantitative and qualitative data in the background section of this report was gathered from the following sources:

- Federal prison data generated from the Federal Bureau of Prisons;
- State prison data from the California Department of Corrections and Rehabilitation;
- Local jail data from the California Board of State and Community Corrections; and
- Published reports from advocacy organizations.

## Focus Groups of Californians who are Formerly Incarcerated or Have a Criminal Conviction

CID conducted three confidential focus group interviews with a total of 17 formerly incarcerated or convicted participants across the state of California from September 16, 2021 to September 23, 2021. Each interview was 90-minutes long and included participants representing different genders, races or ethnicities, age groups, geographic regions, and voting frequency. The participants also varied in types of convictions with a few having faced felony disenfranchisement while serving their sentence. The most recent release among the participants was two weeks prior to their focus group participation while a few had been out of jail or prison for over twenty years. A majority of the participants had been incarcerated or convicted at some point within the last ten years. We note that the focus group participants do not represent the entire population of incarcerated, formerly incarcerated, and convicted individuals; however, their experiences are helpful in understanding the voting challenges faced by this population. The focus group interviews took place virtually. Audio was recorded and transcribed for research analysis.

## Interviews with Organizations

CID also conducted six confidential organizational interviews with leading service providers and/or advocacy groups that engage on the topic of voting rights with Californians who are incarcerated, formerly incarcerated, or have a criminal conviction. The interviews ranged from 60 to 90 minutes and took place between May 2, 2022 to June 3, 2022. Respondents were asked to answer questions from their organizations' perspective, although some interviewees who had previously been incarcerated or had family members incarcerated also answered questions from their individual experiences. Audio from the interviews was recorded and transcribed, and the transcriptions were used for research analysis. The report does not identify interviewees or reveal specific responses, but with permission from the interviewees, we provide a list of the organizations that were interviewed:

- Anti-Recidivism Coalition (Los Angeles and Sacramento)
- Initiate Justice (Los Angeles)
- Pillars of the Community (San Diego)
- Safe Return Project (Richmond)
- Starting Over, Inc. (Riverside)
- Time for Change Foundation (San Bernardino and Pleasanton)

## Background

The United States has a long history of voter disenfranchisement and suppression. At its founding, most states only allowed white landowners to vote, then the 15<sup>th</sup> and 19<sup>th</sup> Amendments extended the right to all citizens regardless of race, ethnicity, or sex. Since that time, however, states enacted laws to restrict voting. California embedded criminal disenfranchisement in its 1849 constitution and only removed permanent voting restrictions for people who had felonies in 1974.<sup>1</sup>

In California, incarceration rates grew sharply between the 1970's and 2000's, but for the last 20 years – in part due to efforts to address overcrowding in jails and prisons – California has been in a period of criminal legal reform that has reduced the number of incarcerated individuals (Table 1 and Figure 1).<sup>2</sup> California also has several versions of community supervision; the most common forms are probation, parole, mandatory community supervision, and post-release community supervision. Throughout this report CID refers to these programs collectively as “community supervision.”

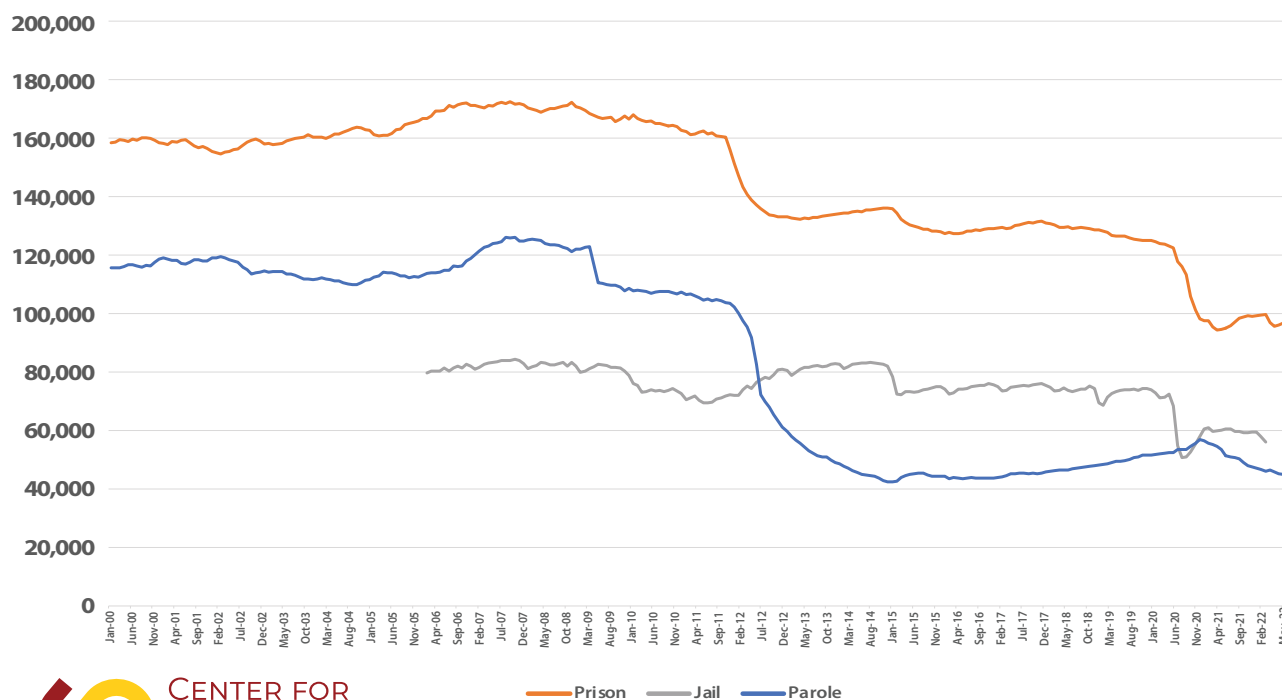
Note: Please see Appendix for a glossary of terms related to the criminal legal system, including a description of the main community supervision programs.

**Table 1: California Criminal Legal System Reforms  
2000-2020**

2000	Proposition 21 increased a variety of criminal penalties for crimes committed by youth and allowed youth to serve in the adult criminal justice system.
2000	Proposition 36 revised the three strikes law to impose a life sentence only when a new felony conviction is serious or violent; otherwise, defendants may qualify for probation instead of incarceration on non-violent drug possession offenses if they participate in a drug treatment program.
2005	California Attorney General issued Opinion No. 05–306, concluding that anyone “who is incarcerated in a local detention facility, such as a county jail, for the conviction of a felony is not eligible to vote.” Voting rights organizations later filed a lawsuit challenging the determination of the Attorney General.
2006	In <i>League of Women Voters v. McPherson</i> , the court unanimously agreed that the Attorney General’s opinion (No. 05-306) wrongfully disenfranchised individuals in county jail as a condition of felony probation, who, as “probationers,” are clearly entitled to vote under California law. The court held that only persons who are serving a sentence in state prison or are on parole for a felony conviction are disenfranchised.
2010	Senate Bill 18 allowed the Department of Corrections to increase credits toward early release from state prison of a limited number of non-violent, non-serious, and non-sex offenders to Non-Revocable Parole (no parole conditions and no parole supervision).
2011	California Public Safety Realignment Act (Assembly Bill 109) required the prison population not exceed 137.5% of design capacity within two years. The policy shifted lower-level felony offenders from state prison and parole systems to county jail and probation. In the first year, the prison population dropped by over 25,000 people while the jail population increased by about 9,000. <sup>3</sup> The California Secretary of State expanded disenfranchisement to include people who are neither imprisoned nor on parole but are on new forms of community supervision created by the act. Voting rights organizations later filed a lawsuit challenging the determination by the Secretary of State.
2012	Proposition 36 modestly scaled back California’s “three strikes” law and allowed resentencing for persons serving life sentences for felonies that were non-serious and non-violent.
2014	Proposition 47 reclassified certain drug and property crimes (non-serious, non-violent) as misdemeanors. As of 2019, Proposition 47 allowed for 10,000 offenders in prison or on parole to be eligible for resentencing which helped in reducing the rate of the prison population.
2015	<i>Scott v. Bowen</i> became law. Californians subject to post-release community supervision or mandatory supervision under Realignment became eligible to register to vote.
2016	Proposition 57 changed the parole considerations process and gave state officials new authority to award sentencing credits to reduce prison stays.
2016	Assembly Bill 2486 amended the Elections Code, extending voting rights to more than 50,000 people under mandatory and post-release community supervision. AB 2466 also clarifies that the third category of Realignment sentencing – a term in county jail – likewise does not strip people of their right to vote.
2017	Senate Bill 620 enhanced or extended felony sentences if a gun was possessed or used during the commission of a crime.
2020	COVID-19 response by Governor Gavin Newsom, the California Department of Corrections and Rehabilitation, law enforcement, policymakers, and the courts contributed to changes that aided in the early release of prisoners and reduced the intake of new inmates.
2020	Proposition 17 automatically restored voting rights to nearly 50,000 people on parole.

FIGURE 1

## California Prison and Parole Population January 2000 - May 2022



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— Prison — Jail — Parole

Prison and parole data from the California Department of Corrections and Rehabilitation (March 31, 2022);  
Jail data from the California Board of State and Community Corrections (ADP 2021)

### Proposition 47

In 2014, California Proposition 47 also known as Reduced Penalties for Some Crimes or Safe Neighborhoods and Schools Act reduced the penalties of certain non-serious, non-violent crimes from a felony to a misdemeanor, if there was no previous conviction for violent crimes or sex offenses. As of 2019, Proposition 47 allowed for 10,000 offenders in prison or on parole to be eligible for resentencing which helped in reducing the rate of the prison population.<sup>4</sup>

### Proposition 57

In 2016, California Proposition 57 also known as the Public Safety and Rehabilitation Act was passed by an overwhelming number of Californians. The law gave state officials new authority to award sentencing credits for reduced prison stays and was intended to incentivize those in California Department of Corrections and Rehabilitation (CDCR) facilities to show good behavior or to participate in rehabilitative programs in order to earn Good Conduct Credit for early release. The policy aided in the early release of people incarcerated during the COVID-19 pandemic.<sup>5</sup>

### Proposition 17

In November 2020, Proposition 17 passed changing the state constitution and automatically restored voting rights to nearly 50,000 people on parole.<sup>6</sup> The proposition also allows parolees to run for office if they have not been convicted of perjury or bribery. Proposition 17 was spearheaded by advocacy groups that believed those who completed their sentence and were living and working in communities deserved to have their voice represented. As of May 31, 2022, California had 44,358 residents on parole, all of whom are eligible to vote in the 2022 mid-term elections (Figure 2).<sup>7</sup> This group includes an outsized number of male (96.1%) as well as Latino (45.4%) and Black (28.1%) Californians.<sup>8</sup>

### Proposition Funding

The United States and California have strict campaign finance laws regulating how much individuals or groups can donate to campaigns. California propositions, however, allow for unlimited contributions.<sup>9</sup> Financial contributions can sometimes be a significant factor for which propositions become law. More money is common in more competitive elections and typically helps draw more awareness to the topic. As seen in the table below, Proposition 47 and Proposition 57 had significantly more supportive funding as well as opposition funding when compared to Proposition 17.

**Table 2: Funding for Major Criminal Legal System Reforms**

	Prop 47	Prop 57	Prop 17
In Favor	\$14,519,324	\$13,719,776	\$1,363,887
Opposition	\$551,800	\$1,762,858	Unopposed
Passing Margin	59.61%	64.46%	58.55%

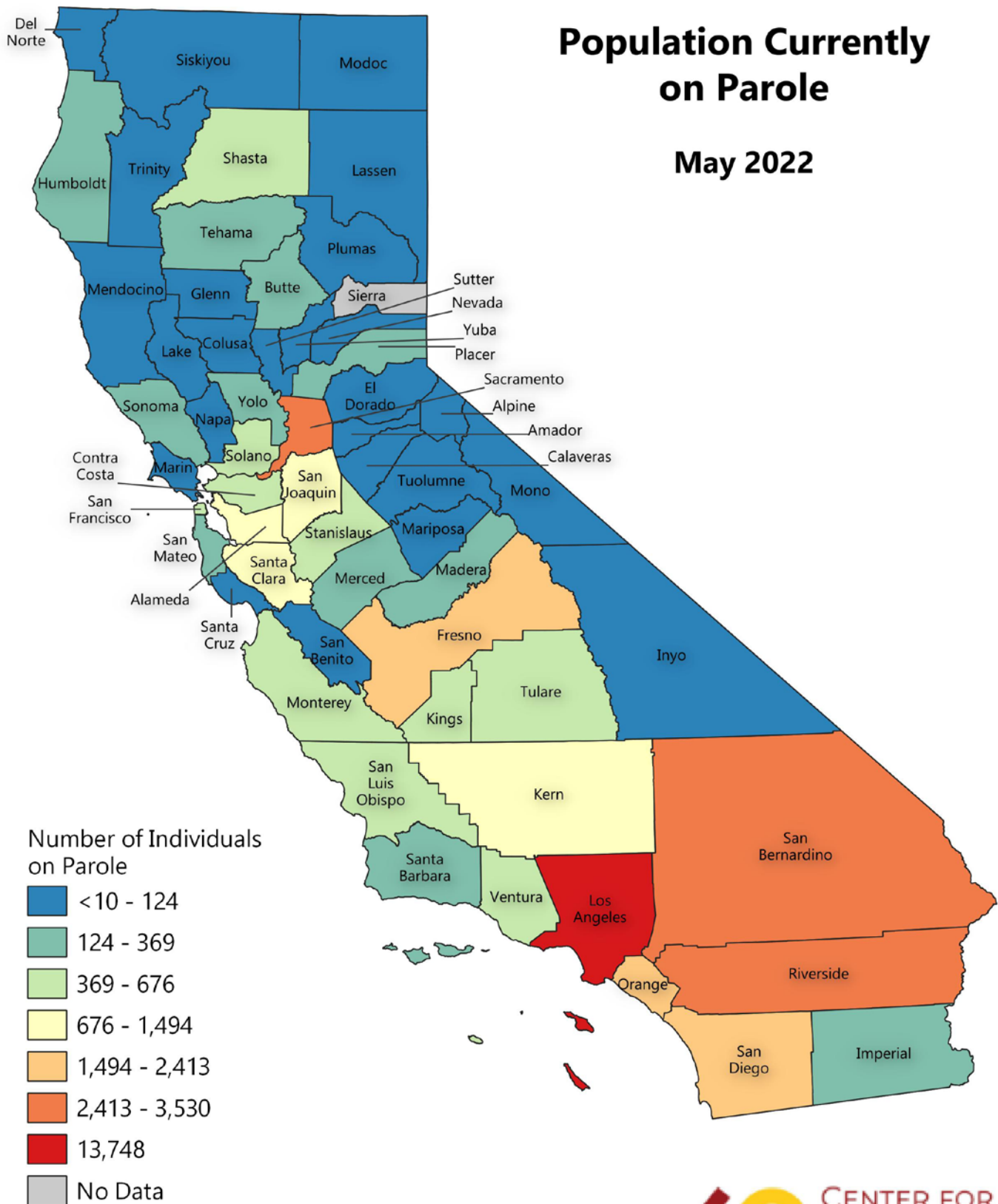
Data Source: Cal Access, California Secretary of State<sup>10</sup>



**FIGURE 2**

# Population Currently on Parole

## May 2022



Data Source: Prison and parole data from the California Department of Corrections and Rehabilitation (May 31, 2022)

## California Voter Eligibility<sup>11</sup>

### You can register to vote and vote if you are:

- A United States citizen and a resident of California,
- 18 years old or older on Election Day,
- Not currently serving a state or federal prison term for the conviction of a felony, and
- Not currently found mentally incompetent to vote by a court.

### Persons with a criminal history who can register to vote and vote:

- In county jail:
  - Serving a misdemeanor sentence (a misdemeanor never affects your right to vote)
  - Because jail time is a condition of probation (misdemeanor or felony)
  - Serving a felony jail sentence
  - Awaiting trial
- On parole
- On probation
- On mandatory supervision
- On post-release community supervision
- On federal supervised release
- A person with a juvenile wardship adjudication

### Persons with a criminal history who cannot register and vote:

Currently serving a state or federal prison term for the conviction of a felony in:

- State prison
- Federal prison
- County jail or other correctional facility<sup>12</sup>

NOTE: Once you have finished serving a sentence in California, your right to vote is automatically restored but you still must register to vote in order to receive voting materials in advance of an election, including the voter guide and vote-by-mail ballot.

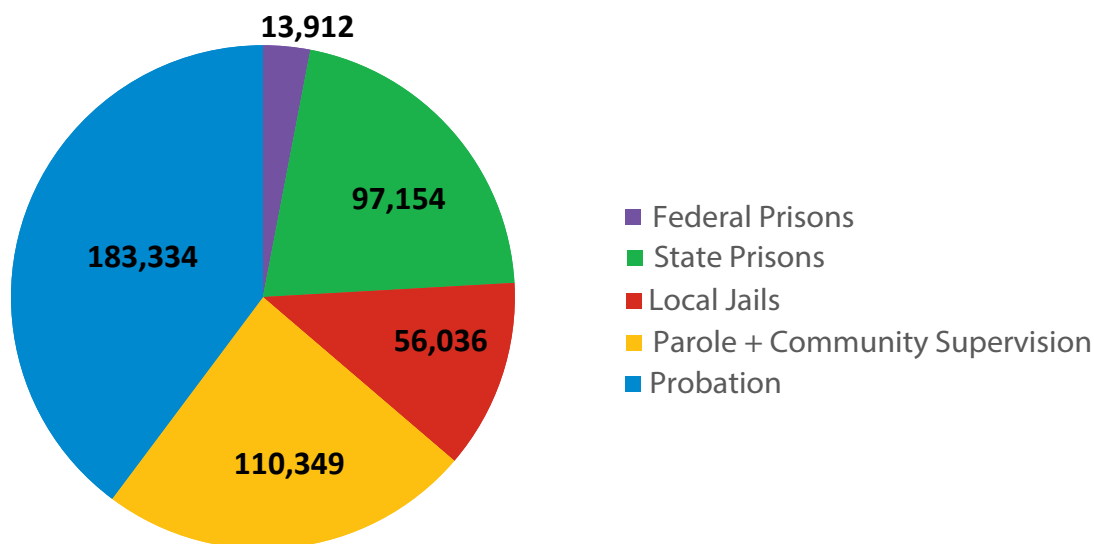
## Current Context

For at least the last 20 years, and as outlined in the policies above, there have been efforts by advocacy groups and elected officials to decrease mass incarceration in California. Several of these policies extended voting rights to Californians who did not previously have them. First to those under certain community supervision programs, then to people serving their felony sentences in jails, and most recently to people on parole. In addition to the policies outlined above, the COVID-19 pandemic put additional pressure on policymakers to address overcrowding in prisons. During the first several months of the pandemic various entities including the Governor, policymakers, the California Department of Corrections and Rehabilitation (CDCR), law enforcement, and courts implemented changes that aided in the early release of prison-ers and reduced the intake of new inmates.<sup>13</sup>

Today, California's criminal legal system includes approximately 460,000 residents who are either behind bars or serving their sentence under criminal supervision.<sup>14</sup> This includes those incarcerated in federal prisons (13,912 people), state prisons (97,154 people), and local jails (56,036 people) or under criminal legal supervision, which includes those on parole and post-release community supervision (110,349 people), as well as those on probation (183,334 people) (Figure 3).<sup>15</sup> According to CDCR, the rate of recidivism in California – the percent of people who are incarcerated or convicted within three years of reentry – was around 46% in 2019 (the most recent year that data is available).<sup>16</sup>

FIGURE 3

### California Incarcerated and Community Supervision Population 2020-2022



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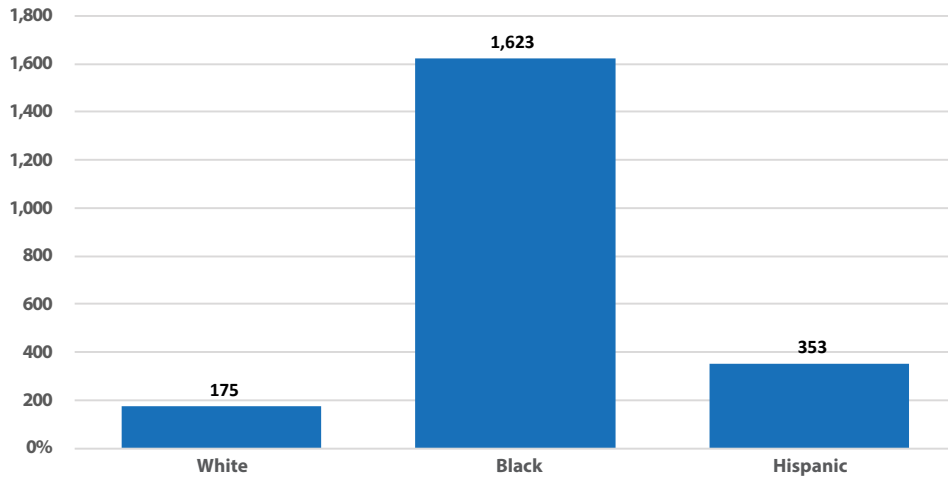
Federal prison data generated from the Federal Bureau of Prisons (April 14, 2022); State prison data from the California Department of Corrections and Rehabilitation (May 31, 2022); Local jail data from the California Board of State and Community Corrections (ADP 2021); Probation, Parole and Community Supervision data from the Bureau of Justice Statistics: Probation and Parole in the United States Appendixes 6 and 9 (December 31, 2020). For simplicity, this graphic excludes youth and involuntary commitment data.

## Demographics of California's Incarcerated Population

There are large disparities in the criminal legal system both nationally and within California. These well-documented trends stem from the long history of discriminatory policies and practices.<sup>17</sup> In California, recent reforms have reduced the numbers of incarcerated individuals, however, Black and Latino male residents continue to be overrepresented in prisons and jails and white residents underrepresented.<sup>18</sup> When looking at racial and ethnic groups, we see that there are over nine times the number of Black people imprisoned (1,623) compared to white people (175) per 100,000 in that racial or ethnic group, according to the Bureau of Justice Statistics most recently available data (2019) (Figure 4). When looking at the percent of the population, Figure 5 shows that Black male residents made up 5.5% of the California adult population and 28.1% of the imprisoned population according to the U.S. Census (2020) and CDCR (2022). Similarly, Latinos were 36.0% of the state adult population and made up 45.4% of those in prison. Conversely, the white proportion of the state adult population was 37.9% and only made up 20.0% of the prison population. There are also outsized numbers of male prisoners incarcerated in California (Figure 6). Disparities between gender, racial and ethnic groups highlight that overrepresentation of specific demographic groups in California's criminal legal system limits those groups voting potential and hinders democracy. Note, CDCR does not provide racial and ethnic data for any other groups.

**FIGURE 4**

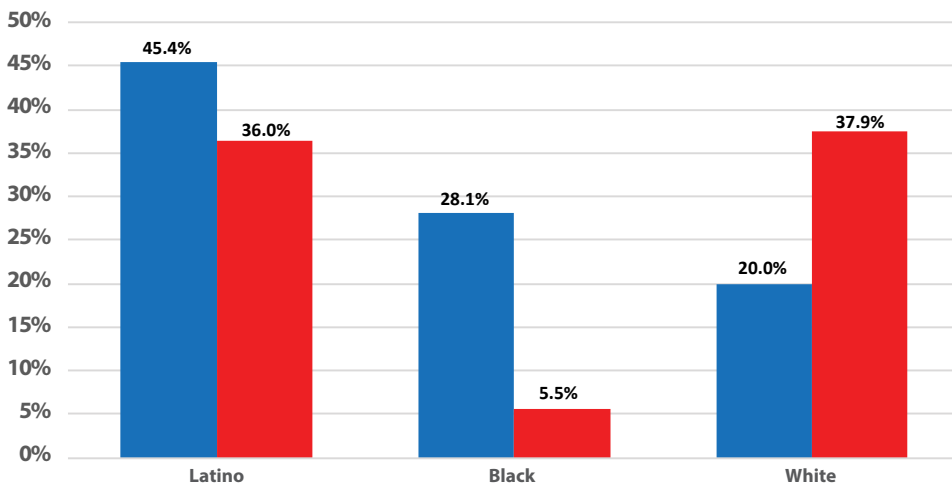
### California Imprisonment by Race and Ethnicity, 2019 Number of people in prisons per 100,000 in that racial and ethnic group



U.S. Bureau of Justice Statistics; The Sentencing Project

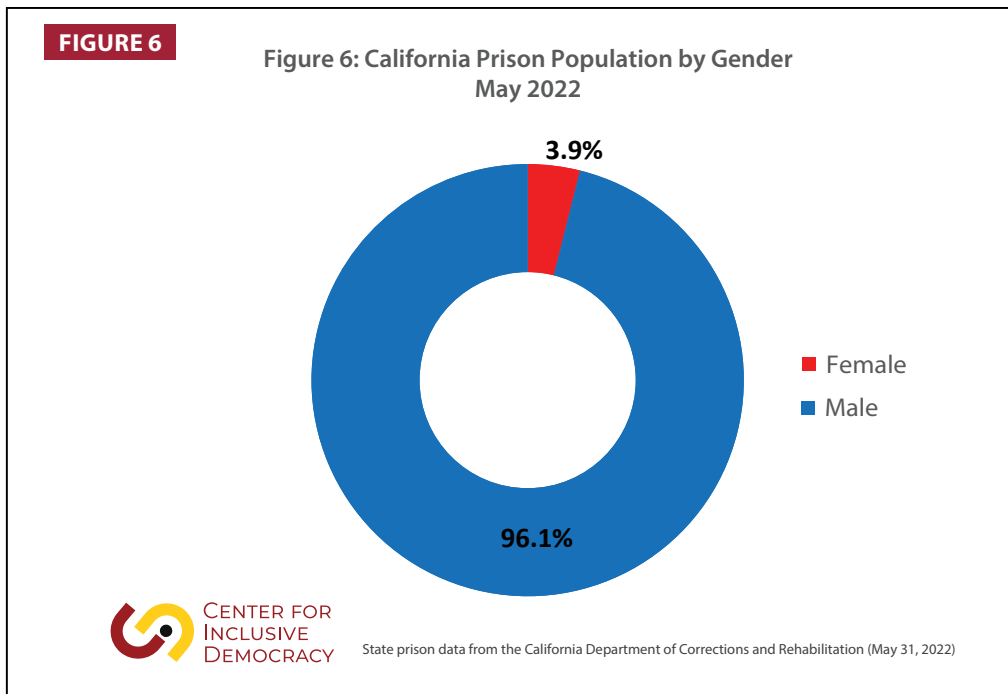
**FIGURE 5**

### California Prison Population by Race/Ethnicity May 2022



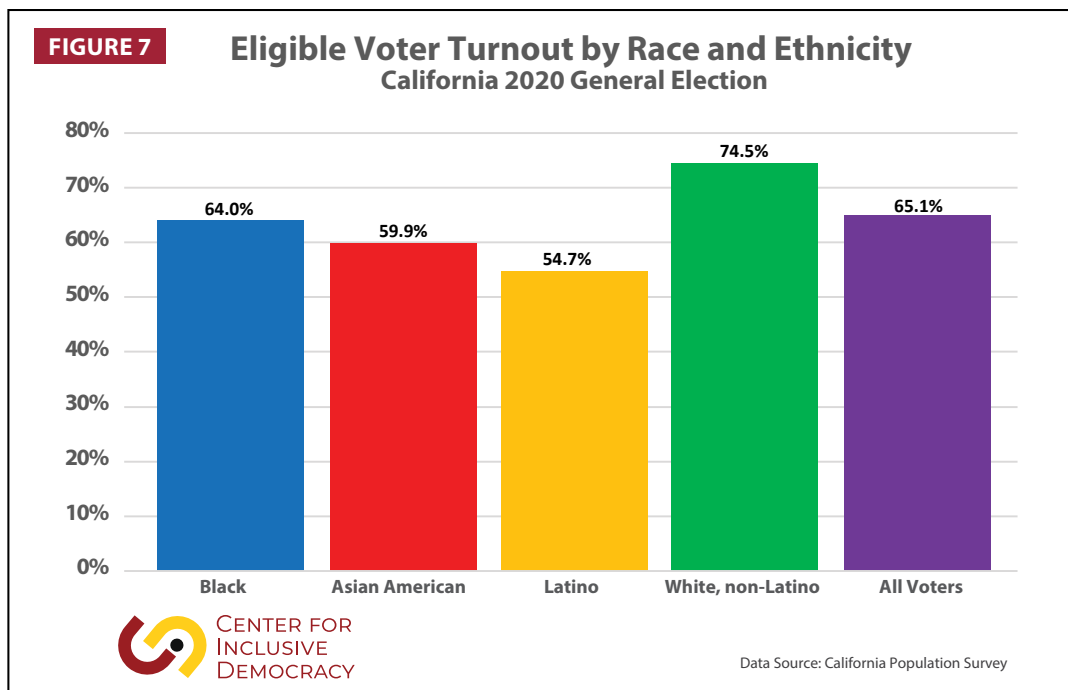
■ State Incarceration ■ CA Adult Population

California Department of Corrections and Rehabilitation (May 31, 2022); US Census Bureau (2020)



### Voter Turnout Disparities in California

In California’s 2020 general election, as in all other modern statewide elections, there were noticeable discrepancies among racial and ethnic groups in eligible voter (adult citizens) turnout (Figure 7). Racial and ethnic disparities of those impacted by the criminal legal system is especially noteworthy considering that Black and Latinos are underrepresented among California voters and overrepresented among those incarcerated.



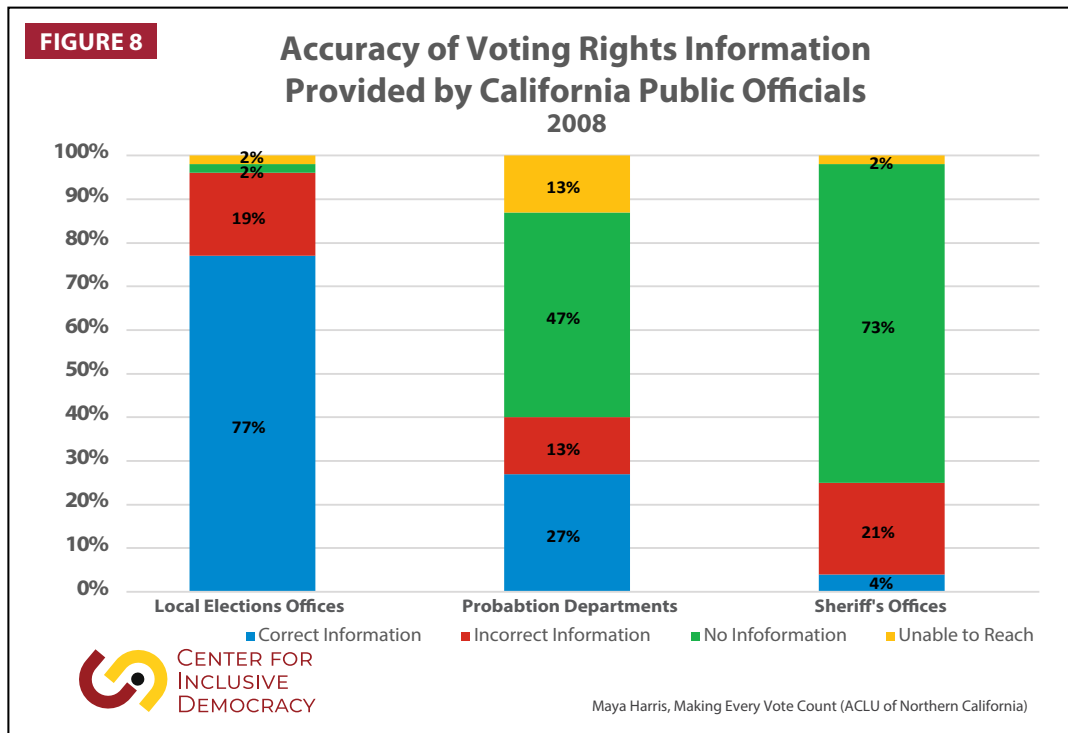
For more information on voting trends by race and ethnicity see the CID report, [California’s Changing Electorate: A 2020 Post Election Analysis of Voting Behavior](#) and for detailed information specifically related to Black voters see the CID report, [The Experience of Black Voters in California: 2020 General Election and Beyond](#).

## Context of Voting for Currently and Formerly Incarcerated

California voters may be disenfranchised legally while incarcerated due to felony conviction, or face de facto disenfranchisement for reasons including lack of access to voting or misinformation. According to the Sentencing Project, California had 123,930 residents disenfranchised because they were incarcerated due to felony conviction in 2020.<sup>19</sup> As seen with Proposition 17 and other reforms, there has been a growing movement to reduce the number of people facing legal barriers to voting and some advocates are fighting for an end to criminal disenfranchisement all together.

As highlighted later in the report, some formerly incarcerated voters are denied the right to vote due to de facto disenfranchisement which includes informational barriers, procedural barriers, or voter suppression. This form of disenfranchisement can be especially common for formerly incarcerated voters who are incorrectly told or believe that they are ineligible to vote.

Informational barriers may stem from a lack of staff training and public education.<sup>20</sup> A 2008 ACLU report found that a majority of California's sheriff's offices, probation departments, and local elections officials provided incorrect or no information when asked about the voting rights of Californians with criminal convictions (Figure 8).<sup>21</sup> The ACLU also found that signs translated to Spanish and posted in facilities were often inaccurately translated and gave incorrect information. In one example, "He cannot vote if convicted of a felony," was translated to, "He cannot vote if convicted of a crime." The lack of education and training of public employees highlights an important factor in why people who are formerly incarcerated can sometimes incorrectly believe they are not eligible to vote. This issue is compounded by a lack of public education on this topic, which makes it difficult for family or members of the community to correct misinformation relating to voting rights.



People who are formerly incarcerated, incarcerated, or have a criminal conviction also face procedural barriers to voting in California which includes barriers to accessing voter registration and casting a ballot. While the National Voter Registration Act (NVRA) of 1993 requires ease in registering to vote for underrepresented populations, sheriff's offices, probation departments, and county jails are not required under the NVRA to offer voter registration to incarcerated voters.<sup>22</sup> Incarcerated voters must request a vote-by-mail (VBM) ballot which can be challenging due to limited access to registration forms, limited access to personal information needed for registration, and registration deadlines which can pose challenges due to delayed mail service in jails.<sup>23</sup>

If an incarcerated voter receives their Vote-by-Mail (VBM) ballot in time to vote, they may face additional procedural barriers including challenges filling out and mailing their VBM ballot. While most California voters receive a voter guide to their residential address, these are not always distributed at jails so voters may not know the details of the ballot initiatives or candidates.<sup>24</sup> Further, electoral ballots need to be filled out in pen, which are prohibited in jails.<sup>25</sup> Incarcerated voters may also be concerned about ballot tampering and even retaliation as outgoing mail may be read by staff or delayed.<sup>26</sup> And again, a completed VBM ballot may get stuck in a jail mail queue and miss the deadline to be counted.

Potential voters who are impacted by the criminal legal system but not currently incarcerated may also miss their voting opportunity due to the timing of when they are in jail or not having a permanent mailing address. In California, since 2020, all residents actively registered to vote are automatically sent a VBM ballot to the address on file with their county elections office.<sup>27</sup> The average length of time in jail is between three to four weeks, so voters may be in and out of jail between registering to vote and casting their ballot.<sup>28</sup> A person's registration location may hinder their ability to register or vote. People may also lose their housing while incarcerated, go into transitional housing, or face a number of other factors that make registering to vote and receiving voting information challenging.

California voting laws are continually changing and formerly incarcerated voters may not have the resources available to navigate the complicated voting process. Everything from registering to vote, filling out a VBM ballot, and researching candidates can pose challenges for people who have been disconnected from society. The longer people have been incarcerated the harder it can be to learn these processes. The California Secretary of State has a [voting eligibility tool](#) for those with previous convictions to determine their eligibility and various community-based organizations work to educate formerly incarcerated individuals about their voting rights. Nevertheless, questions around voter eligibility persist.

### VCA County Elections Office Outreach to Incarcerated Voters for the 2020 Election Cycle

CID conducted a survey of the 15 counties that adopted the Voter's Choice Act (VCA) CA in 2020 and found that less than one-third of the counties reported doing outreach and education to incarcerated voters in the 2020 general election cycle. In the primary election, just two counties (Los Angeles and Orange) reported reaching this population and four counties (Los Angeles, Orange, Sacramento, and Santa Clara) reported doing so for the general election. Outreach included:

- Providing information to incarcerated individuals in partnership with the ACLU and county sheriff
- Playing a voting video on loop at county jails
- Providing voting presentations to people who are incarcerated and eligible to vote
- Conducting an Inmate Voting Program

Please note, CID only collected this data for the 15 counties adopting the VCA and therefore does not have additional information for the remaining California counties. For more information see CID reports: [2020 Primary Election: Voter Outreach and Education in Counties Adopting the California Voter's Choice Act](#) and [2020 General Election: Voter Outreach and Education in Counties Adopting the California Voter's Choice Act](#).

Voter suppression, which includes voter intimidation and voter deception, is also an issue for formerly incarcerated, incarcerated, or convicted California residents.<sup>29</sup> There are laws in place to protect voters from suppression tactics including voter intimidation, illegal electioneering, as well as requirements for poll observers.<sup>30</sup> However, voter suppression tactics still take place in the form of state or federal laws, as well as actions from government employees and individual citizens who seek to limit the voting power of this group. The nonpartisan Election Protection Coalition reported that California voters experienced harassment and intimidation from poll workers, law enforcement, or third parties during all elections over the past decade.<sup>31</sup> Additionally, California has two laws that can punish people with jail time for registering to vote if they are ineligible.<sup>32</sup> As noted previously, only those serving a felony conviction in prison have their voting rights legally stripped, however, the laws' legacy may instill fear in potential voters who are uncertain about their voting status.

## Perspectives of Persons Formerly Incarcerated, Incarcerated, or Having a Criminal Conviction

There is limited research available examining the voting lives of people who are incarcerated, formerly incarcerated, or have a criminal conviction in California. In order to learn more about their experiences, CID conducted a series of focus group interviews reaching a total of 17 formerly incarcerated or convicted voters to gain understanding about their motivations for voting and voting experience.

Only two of the 17 focus group participants were able to vote while incarcerated. Of the remaining 15, six were incorrectly informed that they lost their right to vote and two knew they were eligible but said that they were denied voting access. Two had their voting rights stripped due to felony disenfranchisement.

Since reentering society, only 10 of the 17 focus group participants have voted. The remaining seven people all voted prior to incarceration but had not voted recently because they were unsure of their eligibility status. With the passing of Proposition 17 in 2020 and at the time of the focus groups, all participants were eligible to vote.

### Voter Experiences of People who are Formerly Incarcerated, Incarcerated, and Have a Criminal Conviction

#### Motivations for Voting

The focus group participants were asked about their motivation for voting or not voting. Across all three focus groups, participants explained that the main reasons for voting were to have “their voice heard” or to “be part of the change.” Being incarcerated also changed some voters’ positions on voting. Some mentioned that they used to believe that their vote didn’t matter with one person explaining:

Yeah, the reason why I voted is because I just wanted to exercise that right. You know, that I have to vote. And the first couple elections that I was eligible for, I didn’t really think much of it until 2016, where I had my first vote and I just wanted to [...] be a part of change for our country.

A few people, however, expressed that losing the right to vote made them more skeptical about voting, for example, “I wasn’t allowed to vote for a little while I was in the slammer. But now that I’m back in business again, I don’t know if I want to vote.”

#### Voting Challenges

Nearly all formerly incarcerated participants mentioned having difficulty in trying to vote while incarcerated. For those who were in county jail and did not lose their right to vote, they said that discussions of voting were strongly discouraged by their pods (see glossary for definition),<sup>32</sup> and among correctional officers and guards. A few focus group participants explained that although they never lost their right to vote, the guards told them that they were not allowed to vote and one person described the guards’ response to questions about voting as “nasty.” Some focus group participants reported feeling as though voting from within jail would be “impossible.” As another person stated:

I think this is important that you understand that when you’re incarcerated, when you’re asking the deputies questions like voting, they forget the climate. They don’t want you to vote. It’s not a system that’s designed for you to vote. Matter a fact, I’ve had one deputy tell me that if I was so concerned about voting, maybe I should have kept myself outside on the street.

A few participants explained that conversations around voting were also discouraged among others who were incarcerated. As one person explained:

It wasn’t even discussed in the pod I was in. Nobody even talked about it. [...] I’m wondering how big of a population just wasn’t even acknowledged [...] Like it wasn’t spoken about [among] the CO’s [correctional



officers], obviously are not going to talk about something that they think might cause any kind of friction. A couple participants managed to vote while in jail but echoed other participants who indicated voting was strongly discouraged. As one focus group participant described: “Yeah, I was able to [vote] in Fresno County and was able to get the ballot [but] it took a while. Like the other guys said, I had to beg and plead [...] almost every day. It didn’t seem like something that was encouraged.”

Focus group participants also reported confusion about their voter eligibility while on community supervision programs (including probation and parole) or after reentering society freely. Most focus group participants were frustrated that voting eligibility was not discussed as they went through the criminal legal system. As one focus group participant encapsulated, “No, they don’t tell you what your rights are, whether you can or can’t vote, and that’s something that should be in a pamphlet or [...] on paperwork that I got a million copies of already.” A few participants felt as if this was an intentional decision to keep those who had been incarcerated or convicted from voting while others felt like the process was just unclear. One participant said that there was a sign posted at their facility but explained that it did not provide useful information:

I saw something about it [voting], but they never gave you any very clear understanding toward it. It said there’s a possibility that you could vote in the future, but they didn’t say if you’re on parole, if you’re on probation. They didn’t say specifically. [...] How many years later. It’s not clear on anything. [...] It was just like a big poster. They have these things out with all the different recent laws that have been amended and all this stuff that we don’t understand. We don’t have a book that we can look up all the actual stuff. [...] I mean, everyone that read it was like, “What the hell does that even mean?”

## Voter Eligibility

Focus group participants were asked how they found out about their voter eligibility. The focus group participants fell into three categories regarding their knowledge of voter eligibility: 1) unknown voter eligibility status, 2) learned they were eligible by attempting to register to vote or automatically receiving a VBM ballot when their registration was active (despite history of conviction), or 3) contacted criminal legal system to check voter eligibility status.

Many focus group participants were still unaware of their voting eligibility and were hesitant about asking if they were eligible because they had already done much to clear their record. As one person who was recently released said, “I’ve heard that we can [vote]. Someone said that we can. I don’t know if it’s true or not. But I would like to have the option. But I have no idea if I can.” Of these participants, a few mentioned being worried that if they tried to learn their eligibility or if they tried to vote before they were eligible that they may get another conviction. For example, one focus group participant noted:

Some of us are kind of fearful of showing up and having the, you know, felony that we’re voting and possibly going to vote or have voted. You just kind of want to stay under the radar and you don’t want to push your envelope, and it seems like the steps that are involved are so bureaucratic, like going down the rabbit hole like. I don’t even want to go there.

This fear was not shared by all participants, however, and others said that they learned they regained eligibility after attempting to register to vote and receiving official voting material in the mail or showing up in-person and filling out a provisional ballot. As one person noted, “I found out I was going to vote because I got the mail-in ballot sent to me. [...] I just filled it out, sent it off. And I was like, ‘Oh, okay, I guess I can vote again.’” Another voter went in person and filled out a provisional ballot: “Just because I wasn’t sure. I wasn’t quite clear if I could, and then when I got there, it took me like half an hour because they couldn’t find my information. So at the end of the day, we just put in my information by hand.”

The focus group participants who found out they could vote through someone in the criminal legal system said that they had to ask for this information. One person asked their probation officer and the other asked about their voting rights while speaking with a judge on another issue.

## Voting Knowledge and Information Sources

### Knowledge of Voting Options

For the 2020 general election, California counties expanded voting options for how and when people can vote, and focus group participants were asked whether or not they heard about the new options. A slim majority of formerly incarcerated focus group participants were aware of all the voting options (in person, by mail, and VBM ballot via drop box or drop off at a vote center offered in the 2020 election cycle). They learned about voting options from diverse sources of information, including community groups, politicians, elections offices, traditional media and online media, social media, mail (including official elections mail and candidate flyers, billboards, neighborhood canvassers, and through work, friends or family). Several focus group participants based in Los Angeles County reported that voting information was prevalent across the county. One focus group participant explained, “So there was a lot of different advertisements on the various people and how you can vote.” Another said, “[Voting information] was from LA. I think it was LA County Voters Registration Office and they had the county logo or symbol, and then we have a community newsletter online and, if you’re a part of that, it was there. Unless you were under a rock you would know that it [the voting options] exists”

Note: To learn about the knowledge of California’s eligible voters, overall, regarding voting options see: [California’s Changing Electorate: A 2020 Post Election Analysis of Voting Behavior](#).

Focus group participants were also asked whether or not they knew about the signature verification process of VBM ballots. Nearly all of the focus group participants were unaware of the signature verification process. In discussing this requirement participants had mixed reactions to learning about it. While one person called it “egregious” another found it to be a “good process.” Overall, participants agreed that this requirement should be made clearer with one person summing up all viewpoints saying “Yeah, so I really kind of understand where they’re coming from but at the same time I feel it’s their job also to let the participants know.”

### Impact of Incarceration on Voter Participation

A majority of focus group participants shared that losing their right to vote – because they had a felony conviction, because they were not able to access voting materials while incarcerated, or were unsure of their voting status – made them realize the importance of voting. As one person explained:

I didn’t really think too much of voting. I really didn’t think our votes really counted until I got into trouble. And then I started hearing more and more. People educating me regarding how this country runs based on our votes. And for the longest time, it was kind of contemplated in my head, whether I should vote or not. And going through all the obstacles I’ve had to go through, to kind of just set myself right, to give myself that chance to vote. Everything kind of taught me a lesson at the end. Now I see the importance of voting and the struggle I had to go through to get to this point.

Many participants shared this sentiment with some adding that the criminal legal system made them feel unimportant. For instance, one said:

Yeah, it’s critical. It changes the whole outlook on voting, period. You know, after going through what we have to go through the incarcerated, it just changed your purpose. It changes my purpose anyway. [...] It makes you feel like you don’t matter. I don’t feel that way anymore, but in the past? Yes, that’s how I felt.

A few Black formerly incarcerated voters mentioned that losing their voting rights was upsetting because of the history of voter suppression of Black people. As one participant described:

As an African American, it’s a big thing in our family and a privilege to vote. That’s what the civil rights rule was all about. So in our family, you had to vote. So, when I got the criminal charges and conviction, that was kind of embarrassing, and I let down my family, especially when our ancestors fought so hard and went through so

much, just to have that privilege. And then for me, just to take it lightly. That was a negative impact on what my parents instilled in me. And like I said, I was embarrassed. But once I got the opportunity to have my voting rights back restored. I didn't feel like such an outcast at the family functions when we talked about the importance of voting and the sacrifices that my ancestors went through.

A few participants said that their incarceration experience discouraged their feelings about voting. One person said "it's probably soured my feelings about the democratic process."

Some participants did not think that being formerly incarcerated affected their voting habits but also believed that felony disenfranchisement should be reconsidered. One participant explained:

I don't think that there's really any major impact [on my voting]. And I'm aware of how various administrations want to suppress the opinions of those they deem unresolved and desirable or demonic or whatever. [...] I appreciate the fact that I can [vote]. And I think that someone really needs to look into this whole, you've committed a felony and you made a mistake so you don't matter. But as far as myself, I think it's had very little impact on the decisions or my ability to vote.

Another participant echoed this sentiment and said, "Our votes should matter even if we made mistakes and [have] been incarcerated."

## Voting Preferences

### Vote Method Preferences

Focus group participants were asked which method of voting they used in the last election in which they voted. Like California voters overall ([see CID research of California voting methods](#), formerly incarcerated voters chose a voting method that was convenient, secure, or gave them a sense of civic community. Additionally, some formerly incarcerated voters were unsure of their voter status and had not voted since before being incarcerated.

Many focus group participants – especially those who were voting for the first time since incarceration – preferred to vote in person so they could confirm that they were registered to vote and so they could have the full voting experience, including receiving an "I Voted" sticker. As one voter explained, "With the general election, it was in person. I don't know what it is, it's just the whole idea of lining up and putting through your civic duty, and all of that, and going through the motions, and complaining with the rest of everybody else." This person went on to explain that in the recall election they voted by mail because they were too busy to do it in person. Others who voted in-person in 2020 agreed that voting in person invoked a good feeling but due to long lines or busy schedules they may either vote by mail or use a drop box in future elections.

Some voters chose to vote in person to avoid ballot tampering or security concerns. One person described their decision to vote in person as follows, "It was the trust issues. It seems to be more reliable, like you will get counted."

Focus group participants also mentioned security concerns specifically related to USPS and indicated that they felt most secure dropping off their VBM ballot at a drop-box or polling location. One person explained that they used a vote-by-mail drop box because "I just didn't trust the Postal Service. I did not. And I didn't want to stand in that long line like I did before. [...] But put them [the VBM ballot] in a [drop] box and taking a picture was better for me. That was a safer place. Not only practical, but that whoever it was supposed to go to would get it." Another focus group participant echoed this sentiment but choose to drop their ballot off at a vote center to get part of the in-person experience, they explained "because I wanted to have at least part of the civic duty and going down to see if everybody [was] in line and then dropped it off in the box. [...] So I thought I wanted to make sure that it got to the destination that there was no hiccups with the mail."

Two focus group participants specifically mentioned [BallotTrax](#), a secure software application used by all California counties that tracks ballot envelopes and sends alert to voters when their ballot is sent to when it gets collected and counted. The formerly incarcerated voters said using it was fun and took away their security concerns. One voter described:

I actually went online and I registered with my ballot website so I could actually track by my ballot, which was cool. It was very, very cool. First off, I actually knew when my ballot hit my mailbox so I can take it and fill it out. And then secondly, I knew that my ballot had actually gone to the counting center and it had actually been registered. I actually got an email from them that said, “hey, we’ve received your ballot and it has been counted, you’re good to go.” So that was a nice peace of mind. Definitely. You hear about people doing stupid stuff, you know, stealing ballots and all this kind of stuff. So it’s nice to know, your voice is actually heard.

Across focus group participants there was a sense of appreciation for the new options for voting in California, as one voter summed up, “I’m glad we have a lot of options, it makes things easier.” Another participant, who previously voted in person, decided to fill out their VBM ballot at home then drop it off explained, “It felt good to be able to have my ballot come to my house, be able to select my ballot, and then just to go with it and put it into the Dropbox. So that was the first time that I was able to do that. I didn’t know that I could do that. I was always under the impression that you had to go in and vote physically, but it was good and refreshing to have those options.” Another voter who used a VBM ballot explained that the ballot sent to their home felt like “their personal ballot.” The voter stated,

Up to that point, I didn’t really feel like they wanted [me to vote] and I’m just going to be honest, I didn’t think they wanted ex-felons and people of color to vote. So once I got the ballot, I was like, “Okay, now I’m in the system. Everything is okay, I’m legal, then they want me to vote.” So now I can go ahead and pursue this with 100%.

This voter agreed that dropping a ballot at a voting location was ideal because they still got the in-person voting experience and the “I Voted” sticker.

Several focus group participants shared that while in jail, they experienced voter suppression which influenced their method of voting. One focus group participant said that the treatment they received while incarcerated made voting an emotional experience so they decided to vote by mail:

For the recall, I did it by mail. I felt that was a little easier and simpler. I was a little emotional when I was in prison. So I felt like that was just better than I didn’t have to deal with, you know, no one else. [...] Because it was so hard for me to vote while I was incarcerated just the rude things that the guards say, you know, that was emotional. It made me feel like I didn’t matter. You know what I mean? So that’s why it was easier to do by mail.

### Vote Method Preferences in Future Elections

In previous elections, our focus group participants were almost evenly split between voting in-person or using a VBM ballot, but in future elections a majority said that they would use a VBM ballot and most said they would send it through the mail. The main reason cited for using this method was convenience with many not wanting to wait in line in future elections. One participant noted, “I just prefer to do it by mail. Mail is much easier. I have gone in-person and one of the reasons I prefer by mail now is because the long lines. It’s just like the line at Disneyland.” Some focus group participants felt that mail was more secure than dropping it off at an unattended drop box location. As one put it, “I feel more comfortable sending it through mail than just like dropping it off, you know, never know what can happen to it.” While others felt that dropping off their VBM ballot at a vote center or a drop box attached to a government building was safest.

Some participants discussed how they may decide to vote by mail in the future and track their ballot using BallotTrax. One voter who learned about BallotTrax during the focus group said that it would alleviate their concerns regarding USPS: “I would rather vote by mail if I can track the ballots because then I can remove the post office out of the situation and out of the equation. [...] I think it’s going to change the way that I cast ballots now. And I think I’ll just do it all from home and I won’t even have to make that extra trip.” A couple voters said that they would most likely continue to vote by mail and cited health reasons, including physical disabilities or concerns over COVID-19, as reasons for using that option.

Only two formerly incarcerated voters said that they would not vote by mail in the future, citing ballot security concerns. As one voter described “It can lead to voter fraud. [...] I received a few of the vote-by-mail ballots, that you know, that I returned to the post office because there’s no proof that the person actually voted. [...] So, I’d rather do it in person.”

A few focus group participants explained that while they would like to vote in person they also do not like to go places where they might interact with police officers. This predicament was explained by one participant, “I don’t think I’ll ever try to do it by mail if I do try to vote again. [...] But I don’t want to have to be anywhere near police anywhere near a situation like that, especially not knowing [if I’m eligible to vote] going forward. If it was clear that ‘Yes, you can vote, there’s not going to be an issue.’ That’d be different.” Another participant who shared the concern of being near law enforcement instead found vote by mail to be a good option.

### Preferences for Early Voting versus Election Day Voting

Looking ahead to future elections, focus group participants were split between preferring to either vote early or waiting until Election Day. About half of the participants said they liked to vote as soon as they possibly could with many of these participants saying they wanted to “get it over with.” As one person explained “I like to just get it out the way and this is one less thing I have to do instead of waiting till the last minute, because something may come up.”

The remaining participants said that they vote closer to or on Election Day. One of these voters explained, “I just feel like towards the end of the elections, you get some of the juicy details about what’s happening with the money, what’s happening with the finance, so I just always want to wait. And so I feel like I have the final decision is my choice.” This voter later added that if they decided to vote by mail in the future that they may vote a few days before Election Day. Some participants were unsure about timing and said that they would vote when convenient.

## Perspectives of Organizations Working on Voting Access

CID conducted six interviews with staff from organizations that are working to ensure voting rights for Californians who are formerly incarcerated, incarcerated, or have a criminal conviction (see methodology for details). These interviews represent the experiences and perspectives of organizations as advocates and/or service providers. Additionally, almost every person we interviewed had been previously incarcerated or system impacted. The following section of the report provides an analysis of the confidential interviews which took place with staff from the following organizations:

- Anti-Recidivism Coalition (Los Angeles and Sacramento)
- Initiate Justice (Los Angeles)
- Pillars of the Community (San Diego)
- Safe Return Project (Richmond)
- Starting Over, Inc. (Riverside)
- Time for Change Foundation (San Bernardino and Pleasanton)

### State of the Field

CID asked the organizations about the current state of their work and how it has evolved over the last two decades. The advocacy organizations and service providers that CID interviewed were focused on a combination of voter engagement and policy advocacy to increase civic engagement and representation for people who were formerly incarcerated, incarcerated, or convicted. The organizations shared a sense of pride about the recent accomplishments made across the state of California, while also acknowledging that more work was needed. As one interviewee said:

How it has evolved is it went from individuals not knowing they had the right to vote, especially if they were on probation. If they were in jail, they didn't know they had the right to vote. Parolees didn't know they had the right, for the most part. [...] And so it's just an amazing time in California, just watching people go from being misinformed on the right to vote to being blocked from the right to vote, to now being able to have all the information you need about your rights to vote.

### Implementation of Proposition 17

Many of the organizations interviewed were involved in the efforts to pass Proposition 17 and with its implementation in 2021 the groups are now focused on combating outdated information on government websites and educating voters. However, one organization was not aware of Proposition 17 and only learned that voting rights had been restored to people on parole on the day of the interview.

Some of the organizations shared frustration that government websites, including county clerk webpages and the Department of Motor Vehicles voter registration webpage, had not been updated to indicate that people on parole are now eligible to vote. The organizations believed that if their organizations were not urging government agencies to correct this information that this voting bloc would continue to be disenfranchised. As one interviewee explained "So it was just like a lot of misinformation [and] disinformation. The system was not educating folks on their rights to vote."

The organizations were exploring ways to reach the roughly 50,000 people on parole who had regained voting rights under Proposition 17. As one interviewee noted, "I think the biggest challenge we have faced in the U.S. today is getting this new information out to the public, our people, identifying where they are, and informing them that they have a right to participate in 'small d' democracy." While some interviewees were pleased with their efforts to inform those on parole that they could vote in California's 2022 primary election, one interviewee felt that "Right now, the [outreach] efforts are minimal. And if we aim for the general election, we still have time, but we've lost the primary."

## Voter Engagement Strategies

Several groups reported that voter education and engagement were their top priorities for improving voting access for people who are formerly incarcerated, incarcerated, or have a criminal conviction. Many of the organizations mentioned grassroots-based strategies such as door knocking and neighborhood canvassing. One organization explained, “it’s not just a matter of saying, ‘Hey, you can vote. And here’s how you register.’ There’s a lot more to it than that, because it’s teaching a person to stand up, stand up straight and take part in all of it.”

One interviewee explained that by building relationships their organization could overcome hesitation and engage people who are formerly incarcerated or convicted:

I think relationships are [what works]. I think making people feel like you care, so then they care. [...] I’ll register somebody to vote who hasn’t registered, who hasn’t voted before. And then, give them the information [and] call them, text them, stay in relationship with them, invite them to meetings, send them information. And then when the time to vote comes, do ballot parties where we call, let people know, “Hey, did your ballot come? Do you want to hop on the phone? Do you want to talk about it?” Encouraging people to just get more active. And I think building the relationships help.

Several organizations mentioned that they host ballot parties where they get voters together to fill out ballots. As one group explained their process in more detail:

When [the] election comes up, one of the things that we do is we’ll have a [...] coming together and going over our voter education guides and going over the ballot and just explaining how to vote and how to respond. So getting registered is one thing, but we walk them through the process, [...] but they’ll also do their own research. And we’ll talk about the candidates, and we’ll have conversations about them, we’ll talk about if there’s propositions on the ballot, we’ll look those up. And [...] really give the space to have conversation about how to go about the process.

## Voter Engagement Challenges

The organizations also discussed challenges of voter engagement including how to expand their networks and best engagement strategies for formerly incarcerated or convicted people. A majority of the organizations mentioned the challenge of reaching incarcerated or convicted eligible voters, and one summed it up as:

While you have organizations like [organization name], who do this work and, on the ground, and are educating the people that we serve, there’s still a large population [of] people who may never come into contact with the organization like ours to receive that information. So I think there’s still a huge gap between the work that’s been done and the information actually reaching people. [...] Things are changing faster than people are getting the information.

Another interviewee explained that some voters, such as those who were incarcerated ten or more years ago, are hard to identify and often get missed by outreach efforts. One interviewee who was utilizing various methods of voter education and felt positive about their organizations’ impact also expressed uncertainty on how to best engage people who are formerly incarcerated or convicted:

I think the challenges everybody is talking about right now is how do you get to those folks? How do you communicate with them? How do you get them registered to vote? How do you get them enthusiastic about democracy given that democracy for the most part historically has been what has driven prison, mass criminalization [and] incarceration. [...] How do you educate folks to help them understand that their vote does matter?

This interviewee later added that there is a need for data and research so that organizations across the state can approach their work more systematically. Another organization shared similar questions relating to how best to engage system-impacted voters but also added opportunities:

I think the challenges are, how you engage this population understanding the stigma, the marginalization and the checking out of civic life for a lot of people incarcerated? I think that's one challenge. But the opportunity has been, at least in the state of California, there have been so many things on the ballot that directly impact their lives. [...] And so education has been invaluable in terms of getting system impacted voters to the polls, and [...] that we flag those things in our outreach efforts.

One organization noted that they did not see voting rights as a current priority among other organizations serving people who are formerly incarcerated, saying, "I have not been at a table or any place recently where stakeholders are really discussing voting rights for formerly incarcerated people. COVID hit and people are talking about safety. People are talking about economic mobility, people are talking about housing and the need for housing. So I've been in a lot more conversations that are focused on those basic necessities for formerly incarcerated people."

## Stakeholder Collaboration

### Organizational Networks

In order to reach formerly incarcerated and convicted voters and influence policies, the organizations interviewed leveraged their network of other advocacy or service providers. One way these organizations collaborate is by creating coalitions, working groups, or other ongoing partnerships. One group explained:

So it's become what they call tables, political tables, that now look at system-impacted-people and their ability to change voting outcomes. And so, being part of an ecosystem, it's not just criminal justice folks, but people who are, maybe part of Planned Parenthood, part of immigration rights organizations, gives us a certain leverage. Faith-based communities gives us certain leverage and power. You don't have to do everything. Because we're part of an ecosystem and what we're not doing, other people can do.

This interviewee went on to say that this cross-sector collaboration allows them to expand their network because other organizations will send out their voter outreach information in their newsletters.

Several advocacy groups noted that they would collaborate with statewide organizations who were supportive with their resources, networks, or influence. One interviewee explained their group's relationship in more detail, "I love working with [national organization] because they always got some lawyers [...] [that can] explain why this had to be a ballot proposition or this a bill. It's helpful to have those relationships who can break down more of the legality around certain issues." The interviewee went on to talk about how their partner organization also had capacity to do a Public Records Act request and analyze voter information. They also described the mutual benefit of the relationship, noting how these larger groups "recognize that their base is not system impacted people so we kind of need each other to be effective."

A few organizations mentioned how statewide advocacy organizations serve as bridge builders and helped them to get meetings and access to information that they had previously been denied. One group explained how a larger organization brought their group into conversation with the sheriff and now they are, "working on a video between the people who are in jail [and] people that look like the people in jail, but also where we're going to be able to show that so everyone in jail will be able to see that video on how to vote, who's eligible to vote, how to get a voter registration card, [and] what happens if your ballot doesn't come."

Another interviewee expressed frustration around not having the same leverage as the larger organizations. They described their strategy as, "grassroots organizations that represent the people that are mostly impacted, partnering with organizations that represent the decision makers or are more in line with the decision makers has been my best strategy. Basically, white women opening up the door for me." They went on to say that while this was frustrating they knew it was an effective strategy.



## Organizations Influencing Government

The organizations also described ways in which they influence government entities in order to reach more people, access data, and influence policy. In addition to the influence that the organizations had on correcting outdated information related to Proposition 17 on government websites, one interviewee also worked with government agencies to spread awareness that voting rights had been restored. The interviewee explained with a sense of frustration:

We met with the Secretary of State's office and actually asked them to send a letter to all people on parole, letting them know, "Hey, your right to vote has been restored." But they were only able to reach about half of the people who are on parole because the information they got from CDCR about who was on parole was inaccurate [...] Had we not met with CDCR and the Secretary of State, they would not have sent out those letters to people on parole because they didn't even realize they should be talking to each other about that. We [also] had to meet directly with the DMV. We had to meet directly with the governor's office to get the governor to talk to the DMV and call them to update their information.

The organizations also mentioned ongoing direct relationships with government personnel including both elected and non-elected officials. Several organizations mentioned relationships with Senator Alex Padilla and Secretary of State Shirley Weber. They also mentioned working with the sheriff's departments, CDCR, and county and state departments. In one example, a government partner was able to provide an organization with data on the number of votes cast at local jails, which helped this group realize its impact and also highlighted the jail where they should focus further efforts.

Some of the organizations also expressed how relationships with government personnel allow them to influence policy. As one group explained:

We've always had local elected [officials], who see us as the experts, open up the doors, and allow us to bring our expertise along with our partners, and draft policy that actually creates access to jobs, housing, and all of these other things like strong policies for our folks, that has always helped us. The disconnect in public policy is when you have people without personal experience creating policies.

Another group explained that through a partnership with their District Attorney, that "[The DA] introduced directives that are important to us, most specifically, the juvenile justice directives and ending the transfer kids under 18 to adult court." This interviewee went on to explain that they also engaged with elected officials to improve community outcomes for people reentering society.

## Organizations Collaborating with Sheriffs and Carceral Personnel

The organizations that we spoke with had various experiences collaborating with institutions within the criminal legal system. Only two organizations discussed having a strong relationship with the prisons and jails while a majority found partnering with the Sheriffs or jails to be difficult. One organization explained that people who come through their program have very low recidivism rates and because of that the prisons have been welcoming of their programs. They explained, "Our partnership in prison has been successful because our work has shown to make yards in prison safer. Just by the simple hope we've been able to provide through laws that have been changing to examples of what success looks like for people who are currently incarcerated. And that has gone a long way." This organization also explained that they take a non-partisan approach to their work and try to stay neutral on topics that might be contentious, which allows them to maintain these partnerships.

Another organization stated that although it seems counterproductive it is important to have “great relationships and partnerships” with law enforcement:

We’ve got to go to the Sheriff, and we’ve got to go through the warden, and we’ve got to go through these people. So, it’s important to have good collaborative relationships with law enforcement. While sometimes they don’t share our same perspective, having that relationship will allow us to go in and provide information and get [incarcerated people] registered to vote and leave them with information. That way, they can make that decision that they want to get registered and give them an understanding of why they should be registered to vote and participate in voting.

This organization explained that they have not been able to access jails since the COVID-19 pandemic began. This same organization went on to explain how several years ago they had a more difficult experience partnering with jails:

It was difficult, just getting into the jail to do a presentation. And finally, when we did, they didn’t let us present to the [people incarcerated], they only brought some of their staff, and then it was like two staff. And there was plenty of time for them to prepare for this. We sent them information, we sent the flyers, and they confirmed that it was going to happen. And then when we show up, it’s two people, and they didn’t really seem like they gave much effort nor did they care. [...] I don’t think that they wanted those incarcerated to know their rights. I just think that it’s a form of oppression and that they don’t want them to exercise their rights and know what’s legal and what’s not legal.

Another organization in a different part of the state shared a similar experience, however they did not have a working relationship with the jails but a partner organization attempted to bring them in for a voting rights training. They explained:

We went through all the background checks, the trainings through the county, the trainings through the [...] program. We had two dates that were scheduled for us to go in. And on both occasions, the day before, or actually one of them the day of the training, we were informed that for some reason we weren’t going to be allowed to go in. But don’t worry, the sheriff’s department staff was going to take care of it.

Another organization that did not mention having a direct collaboration with jail staff or a sheriff, instead influenced internal policy by filing a lawsuit. The interviewee shared why they opposed the jail policy:

They said, “If you want to vote, then you need to contact an officer so that you can get a form to vote.” And so that was a barrier because some people locked up ain’t trying to be in the police’s face, and the police ain’t trying to have them in their face. So when they ask for a voting affidavit, they may or may not receive one. So we were able to change the policies there so that everyone inside was given the affidavit if they wanted to register, and they actually put it on the commissary corner that went around to everyone.

### **Organizational Staff who are Formerly Incarcerated, Incarcerated, or Have a Criminal Conviction**

All of the organizations we interviewed employed or had training programs for those who were formerly incarcerated or convicted and some of the organizations worked with people who are currently incarcerated. The organizations all shared that those with firsthand experience were the most trusted messengers for informing people who are formerly incarcerated, incarcerated, or convicted about their voting rights and also played important roles in educating voters, building partnerships, and influencing policy.

One organization explained that a core value of their organization is the inclusion of those with direct experience:

If you are focusing on voting rights for formerly incarcerated individuals, then you should have them at the table to tell you why they deserve the rights or how you can create those changes. And so, if we’re making decisions on behalf of people that we’ve never been in their shoes, and we don’t know how it’s impacting them, then how do we really know we’re making an effective change?

Formerly incarcerated or convicted individuals helped build or foster partnerships with other stakeholders, especially those in which they had a direct connection. One organization noted that their formerly incarcerated or convicted employees have relationships at transitional homes which gives them access to do voter education. As the organization explained:

We have formerly incarcerated people on our staff [that] have gone through these transitional facilities themselves and have relationships with the administrators at these places. So that helps us get in: one, because that trust is already built because that relationship is already there; two, having formerly incarcerated people actually participate in the presentation is so helpful because folks who are listening to somebody who is in their shoes or who has been in their shoes, and if that person can talk to them about why it's important to vote then that's a trusted source.

A few of the organizations interviewed also struck partnerships with those currently incarcerated. One group described the benefit have having a trusted messenger, saying, "inside organizing, I believe is effective if we keep the fidelity of the credible messenger with the inside organizer, so I'm going to build on that and keep building on multiple levels of voting and civic engagement with the inside organizers." Another organization highlighted how people organizing from the inside also have relationships with jail staff and know how to best communicate this information in a way that someone coming in from outside might not understand.

### Improving Collaboration

When discussing how collaborative strategies could be improved, a few organizations noted that there needs to be more widespread efforts on voting rights to reach more people throughout the state. Respondents from a few organizations had strong relationships with elected officials, many wished for more support, and found working with Sheriffs to be particularly challenging. Additionally, interviewees from several organizations acknowledged that there are too few groups doing outreach to people who are formerly incarcerated, incarcerated, or have a conviction, and often these organizations are limited in size and geographical scope.

One organization suggested greater collaboration between service providers and policy advocates. This organization explained, "[Service providers] are already registering people to vote the moment they come in their door, but they can't do advocacy work like we can and tell people to go out and vote. They can't give people information and direction and have conversations around where should your vote lean. And we do have the power to do that. So they can't tell people how to vote, but we can, so we should partner."

Some organizations see a need for more political work among nonprofits. One interviewee noted recent discussion among organizations in the field about erecting more C-4 nonprofits in the local space that can do the political work and run candidates for office, this organization however, explained "But it's still a half conversation, right? Because even if we never did all of that, if all of our folks were 100% voting, we wouldn't need that." This person went on to say, "The other side of that is also this conversation around how do we exercise the vote of formerly incarcerated [or] convicted people that have not been effectively organized yet. So, when we talk about when we talk about one, we have to talk about the other. So, they both need to be had at the same time."

Another challenge is lack of coordinated efforts among organizations, coalitions and other mass movement spaces to reach voters on parole. One interviewee expressed frustration about this, saying even with these very key elections, no one is talking about how to get that vote. That concerns me, because we should have been talking about how to get that vote, the moment Prop. 17 passed. [...] And so it's just interesting that even now, in an election year, that is so important to most, if not all of us, that we are not talking about that vote."

### Perspective on Voting Access

#### Voter Motivations

Some of the organizations pointed out that voting is personal and emotions surrounding voting are not easily summed up for any group of people. People who are formerly incarcerated, incarcerated, or have a criminal conviction may share similar lived experiences, but the interviewees could not easily describe their feelings about voting. One interviewee explained that they did not think that this group of people thought of voting in relation to their experience with the

criminal legal system; they explained that some people have always voted and will continue to vote after reentering society while others have never voted and need to be educated on the importance of it.

Another perspective shared by a few organizations was that people who are formerly incarcerated or have a conviction may be disillusioned by the system or not feel represented by candidates or policies on the ballot. One organization shared that:

People just don't care about voting. You hear it all the time. If you're on parole, you're coming home, [and asking], "Why am I going to vote? My vote is not going to count. My vote is not going to matter." And so you come home to these communities where you usually feel marginalized, pushed out [and] stigmatized. And that has been usually a person's experience prior to incarceration in marginalized communities that are under resourced. [...] People are demoralized, in our democracy and the opportunity to engage because we don't see change or we can't imagine change through the power of our voice and vote.

Another organization shared:

I can only speak for myself and [if] our issues don't even make the top ten, then you start to feel it doesn't matter. And so I think it's the adults enfranchise, this base of people, this huge base of people. And I think it's really an issue of responding to their needs. They're responding to the issues that are important to them.

Some of the advocacy groups explained that once people understood how the policies impacted them they were inspired to vote and get involved with mobilization but the apathy comes in when they don't see the change or it's not happening fast enough or in their communities. One organization explained:

Lifting some of the discrimination that this population has faced is like lifting any other discriminatory practices, that the act alone invigorates people and inspires movement. And so we see a lot of people really warm up to the idea of voting, and not only voting, but getting other people to vote. So that part is good. And then the apathy comes in, I think, when nothing happens or they feel nothing's happening or it's not happening fast enough.

## Voter Concerns

Another group explained that people who are formerly incarcerated may want to stay under the radar for a while and not give out their personal information to the government, deterring them from voting. This interviewee explained, "I've definitely spoken to folks who are like, 'I don't want to put my driver's license number on anything, I don't want to have to put my address on anything.' Folks who are coming home and want to reenter successfully, maybe they just want to be lower profile, and the process itself of just registering and sharing their personal data is a little bit scary for them."

## Complicated Voting Procedures

For all potential California voters – and especially for those who may not have voted for a while – the election process can feel daunting; this includes navigating our lengthy voter guides and ballots. Voting rights are complicated, in part because some voting laws in the state have changed, giving more people the opportunity to vote. As discussed throughout this report, the organizations interviewed have been working to inform voters of their rights and to get outdated voter eligibility information updated. One organization shared the challenge of combating misinformation about voting rights, commenting, "So there's a secondary disenfranchisement that happens where people think, because of a felony, or even if they have a misdemeanor, or if they're on probation, or whatever category of them being impacted by incarceration, that they actually [incorrectly believe they] don't have the right to vote."

Authority figures actively providing misinformation is another problem. According to one respondent, "So they're told by people that they can't vote. I've seen probation officers give inaccurate voting information. I've seen sheriffs give inaccurate voter information. That's a huge barrier. And the fear that you're going to jail if you vote when you're not supposed to. And so that's another really scary tactic used."

One organization added, "I think [it's] not only having the information and knowing the facts, but it's a matter of being empowered and feeling as if their vote matters. It's just a lot of times people shy away from it if 'I don't know anything

about what's going on, and I haven't been involved.' It's intimidating." As touched on earlier in the report, several organizations explained that voting can be made more complicated for people who are reentering society. As one interviewee summed up:

There's just so many overwhelming things going on at the same time when someone is released from prison. The technology gap is a huge one, I have spoken to dozens of formerly incarcerated folks who will hold up their cell phone and just be like, "I don't know how to use this. I don't know how to even open up my browser so that I could register to vote."

This interviewee further explained that people who are reentering society don't always have stable housing so they're not really sure which address to put where they should register to vote. Another interviewee emphasized how these challenges get compounded if a formerly incarcerated, incarcerated, or convicted person also has another challenge such as having difficulty speaking English, having a disability, or being unhoused. These combined challenges can make voting a lower priority.

Organizations spoke in detail about the some of the electoral information and procedures that formerly incarcerated or convicted people have experienced. As one described:

For a lot of system-impacted folks, this might be the first time they've ever voted, or the first time that they have voted in several years, or in some cases several decades. So we want to make sure that people know what is on their ballot [and] know the different ways that they can register to vote. [They need to] know the significance and the difference between a primary election and a general election, and know how to correctly complete their ballots and to correctly turn them in, and things like that.

Other organizations highlighted additional electoral information including:

- Knowing how and where to register to vote;
- Filling out voter registration forms;
- Understanding election cycles;
- Understanding what is on the ballot (candidates and propositions) and how these will impact their lives;
- Where to vote;
- How to fill out a ballot;
- How to fill out a vote-by-mail envelope; and
- How to track a ballot to ensure it is counted.

## Voting from Jail

As mentioned earlier, organizations overall found it very difficult to gain access to jails to educate or help eligible voters with the voting process. Some organizations also noted being unsure if eligible voters were able to access voting from within jails from a logistical viewpoint. As one interviewee noted "In jails, specifically, it will be not just registering to vote, but what is the process and procedure? What are the procedures, policies and practices around making sure that people vote in an informed way in an institution have been some of the biggest challenges I've seen."

This interviewee went on to explain that one of their current strategies is to write to people in jail to see if they are given access to the right to vote. Another interviewee simply stated, "I don't think I've ever spoken to anybody who has told me that they successfully cast a ballot from jail."

The organizations noted many challenges for jail inmates, including getting registered to vote, receiving or sending a VBM ballot due to mail delays, and security issues of jail staff being able to access voter information on voter registration and ballots. There was also some confusion among interviewees about about how to vote from jail. Some groups believed eligible voters would need to register to vote using a permanent address and have someone mail or deliver their ballot; others thought they would need to use the jails' address which is challenging because people who are incarcerated can get moved around. One interviewee suggested that different facilities have different policies. One interviewee pointed out that voting in an informed way is difficult because "while you're incarcerated, it's like, the level of electoral information you have at [your] disposal is also limited."

One interviewee, who reported that their organization was not able to gain access to jails and cited unfriendly sheriffs, explained efforts by electoral candidates and organizations. “There are folks who are doing a lot of advocacy around voting, saying, ‘What can we do to support this vote being actualized?’ And there are also candidates who are running, who I’ve been able to help understand, if you want to win, that’s your swing vote.”

## Summary

This report, the first in a series of CID research reports on the topic, examines voting access for people who are formerly incarcerated, incarcerated, or have a criminal conviction in California. It also includes interviews with leading organizations working this field to glean further insights about efforts to enfranchise votes, as well as needed action steps for progress. This report discusses the motivations for voting and the challenges that formerly incarcerated or convicted people have experienced while voting.

Nearly all formerly incarcerated focus group participants discussed experiencing various forms of de facto disenfranchisement while incarcerated and after completing their sentences. Some participants explained that they were incorrectly informed that they were not eligible to vote and others simply could not access voting material while serving their sentences. Almost all participants had been unaware of their eligibility at some point, including those who never lost their voting rights, highlighting an immense need for education about voting rights within the criminal legal system. Many focus group participants were currently unaware of their voting eligibility and noted hesitation around jeopardizing their clear records. The participants overwhelmingly expressed that voting information needs to be explained to those going through the criminal legal system.

When voting, focus group respondents used different voting methods with many voting in-person the first time after incarceration, but switching to a different method later on. Like voters across California, formerly incarcerated voters shared concerns related to voting fraud and some said that using BallotTrax eased those concerns.

The organizations acknowledged the diversity of people in the criminal legal system and how incarceration or conviction is just a small part of who they are. However, the groups also explained that for those incarcerated the system can be degrading to self-confidence and empowerment, and can push people further to the margins of society rather than towards rehabilitation. The organizations overwhelmingly highlighted the important role of people who are formerly incarcerated in working to improve voting rights by influencing policy, expanding networks, and educating formerly incarcerated, incarcerated, and convicted Californians about their voting rights. By civically engaging incarcerated, formerly incarcerated, and those with a criminal conviction, voting rights organizations felt that they were empowering people and improving democracy.

Interviews with organizations working as service providers and/or policy advocates also provided insights into the complicated structure of our elections system and how barriers to voting are compounded for people going through the criminal legal system and managing other challenges. The organizations highlighted that a significant amount of their work goes into the education of system impacted individuals on their voting rights including combating misinformation especially related to voter eligibility.

The interviewees discussed that they often felt their work was unsupported by the criminal legal system and at times found working with government institutions to be unproductive. The interviews detailed the lack of coordinated efforts among government offices, elections offices, sheriff departments, jail and prisons and even among some advocacy groups to inform this voting bloc of their voting rights. The organizations also mentioned how a lack of data on the voting outcomes for people who are formerly incarcerated, incarcerated, or have a felony conviction limits the organizations ability to fully understand the need for and impact of their work.

## Policy Recommendations

### Formerly Incarcerated Voters' Policy Recommendations

The focus group participants all echoed similar messages about what they would like to see from policymakers and experts in the field. The participants asserted that there needed to be more efforts by government entities to increase knowledge about voting rights and provide better access to voting for those incarcerated as well as putting an end to felony disenfranchisement.

The following are policy recommendations from focus group participants who are formerly incarcerated or convicted:

#### Inform the public about voting rights

- Widespread voter education campaign to make every Californian, not just those within the criminal legal system, is aware of their voting rights.

#### Inform people going through the criminal legal system about their voting rights

- Signage within jails and prisons should clearly outline voting rights.
- In addition to verbally communicating rights, paperwork given to individuals incarcerated and convicted should explain voting rights.
- Hire advocates to create a program to help those incarcerated register to vote, learn about ballot initiatives, and cast their ballot.

#### Train government personnel on voting rights

- Jail staff should be informed and required to respect voting rights and ensure that people who are incarcerated have access to their voting materials.
- Government personnel including probation officers, community supervisors, court clerks, and correctional officers should all be knowledgeable about voting rights or have the information readily available so they can relay accurate information.

#### End felony disenfranchisement

- End felony disenfranchisement so that all Californians can be represented in our democracy.

#### Inform the public about voting rights

Focus group participants overwhelmingly discussed the need for more information about voting rights. As one participant summed up:

I think what's important is that each and every individual, whether you're incarcerated or not, really, you really need to know your rights. And that has to be continually pushed, and bombarded and bombarded and bombarded. You have this right, it is a wonderful right, many individuals are still dying for it, you have to be able to have the information readily available, regardless of your circumstances. And it should be free and easy, and does not come with a plate of intimidation, or a shitty guard or anything like that. And it has to be published, it has to be at the forefront of "hey, these are your rights as an American citizen, regardless of what you've done."

#### Inform people going through the criminal legal system about their voting rights

The focus group participants asserted that there needs to be additional information provided by the criminal legal system to inform those incarcerated or under a community supervision program of their voting rights. One interviewee offered a target scenario, "The day that we can walk into the jail system, they will be walking through the county jails, and it's posted everywhere, that you definitely have the right to vote, that your vote counts, and that's reality."

Another focus group participant offered a second solution for informing those incarcerated about their voting rights. They explained:

The one thing you have an immense amount of in there [jail], is time. [...] And I couldn't even tell you how many times I read my paperwork from cover to cover purely out of boredom. [...] And yet, there's not one paragraph in there that says you have the right to vote. [...] You're trying to tell me the Department of Corrections, and the Voter Registrar, they can't just put in a simple paragraph.

This formerly incarcerated focus group participant went on to say that once the right to vote is specified on paperwork, those who are incarcerated can take it to a correctional officer or their lawyer, to ensure access to voting while incarcerated.

Another focus group participant who lost their right to vote and only learned they were eligible by asking their probation officer, reiterated that voting rights information should be written down. They shared their insights:

Let them know that once you do your time [...] and that you met all the terms and conditions of the probation, and you pay the price, you pay the restitution, that your voting rights can be restored. And not only should they verbally communicate that, it should be [...] written on their docket sheet.

Focus group participants specifically indicated that they believe that advocates should be responsible for informing those incarcerated about their rights, as one person summed up:

So I just think it's really critical that we [...] have an advocate that's separate from the legal system. They can come in and talk to me and say, "Yes, you have the right to vote. It may be a hassle, but it's the right that people died for." [...] I just think that the key thing is to make sure that we understand that we have an unalienable right to vote.

### Train government personnel on voting rights

As highlighted in the report, several participants discussed the challenges of voting from within jail. One participant suggested that correctional officers be directed to respond to voting requests. They explained, "Without a doubt, the respect issue with the COs [correctional officers]. So for them to be actually formally directed to acknowledge the request of voters." Another participant discussed the challenge of learning their voting rights while on a community supervision program. They explained, "If I go to the court clerk's and I want my file, what happened? And if I'm talking it to a probation officer, and I've got receipts that I did everything, let the people know, instead of us being ignorant."

### End felony disenfranchisement

Several participants also shared that felony disenfranchisement should be eliminated. As one person noted, "I think the first thing is that to understand that we are that we are human beings, and we have the human right to vote. Regardless of what we do, we need to take what we've done out of that, and that that is an American, right. It's a god-given right for us to be able to vote."

Another focus group participant shared a similar perspective:

We have to separate when a person mentions the state felony from what your rights are, those rights were given to us by people who died for this country so that you can have the right to vote regardless whether you're a felon or not. [...] There are some people that still to this day that are on probation, and parole and think that they can't vote. So this is part of a bigger problem. Because what I feel happens is that you don't get the true representation, or the true funding that we need because we have over a million to two million people in jail. So even though I'm no longer in the system, and even though I haven't been in the system for 20 years, I actually feel like this is a critical issue because I think that we're not getting the funding.



## Policy Recommendations from Organizations:

With the passing of Proposition 17, it appears that the next big policy goals are unclear among some of the interviewees. Many of the suggested policies aim at addressing de facto disenfranchisement by improving access to voting for those incarcerated or educating government employee and system-impacted people of voting rights. Generally, the organizations interviewed held the long-term goal of greater voter enfranchisement and some of the groups asserted the urgent importance of ending felony disenfranchisement all together. Some organizations discussed working incrementally, taking small steps to make changes in their communities or shifting voter opinions more broadly. At least one organization felt that with stronger coordination and voter engagement that they could more immediately pass progressive policies and elect candidates to better represent people who are formerly incarcerated, incarcerated, or have a criminal conviction.

The following are specific policy recommendations from organization interviewees:

### Improve voting access for people who are incarcerated

- Create a policy that mandates the administration of voter registration, education, and voting for individuals that are formerly incarcerated, incarcerated, and on community supervision programs.

### Inform people on parole about voting rights

- Designate the California Department of Corrections and Rehabilitation and the Division of Parole as NVRA agencies under the National Voter Registration Act (NVRA) so that these entities are required to educate voters on parole about their voting rights.

### Inform government personnel about voting rights

- All government entities that do work related to voting should be kept up to date on current policies to ensure that they provide accurate information regarding people's voting rights.

### Mandated outreach and education efforts

- Government entities should be responsible for conducting a widespread voter outreach and education campaign to clear up misinformation spread by their agencies regarding voting rights for people who are incarcerated, formerly incarcerated, and have a criminal conviction.
- Ensure robust support from the state and counties to have community organizers lead these outreach and education efforts within jails as there is often a significant lack of trust between those incarcerated and jail staff. Data from these programs should be collected and made publicly available.
- Pass legislation to fund voter education, outreach, and engagement of system impacted people.

### End felony disenfranchisement

- End felony disenfranchisement to include all people in California's democracy and to clear up confusion around voting rights.

### Improve Voting access for people who are incarcerated

Several of the organizations interviewed discussed improving the voting system for people currently incarcerated. One organization stated that efforts within jails should go beyond voter registration and include processing ballots.

Another organization wanted to see the jails determining voter eligibility and getting that information to people who are incarcerated. The interviewee proposed, "some sort of process that will make it possible for people that are registered, to vote in jail. And give them the access to do it, and the jail should do it themselves, because it's still people in groups like ours that are coming in and trying to make that happen for them."

### Inform people on parole about voting rights

One organization explained that the NVRA authorizes the California Secretary of State to make discretionary designations of organizations as NVRA agencies and that they wanted this program to cover people on parole. They described it as follows:

California Department of Corrections and Rehabilitation, this division of parole operations as the [can be designated] as a voter registration agency, and disclose under Section Seven of the NVRA, the National Voter Registration Act. And we see this as a very important and key part to ensuring that Prop 17 is successful and that people who are coming home to parole can right away learn about their rights to vote. [...] The Parole Officer for people coming home is almost like a lifeline, a lifeline to information, to resources, to your family, to housing. But I think what's often left out of this lifeline is also resources to how you can be a part of the community and proactively engage with competence.

### Inform government personnel about voting rights

As noted in the report, interviewees explained that government agencies can spread false information about voting rights to people who were incarcerated, formerly incarcerated, or have a criminal conviction. Some organizations discussed the importance of training government employees on this topic. As one interviewee described:

I went to our local voting registrar's office in [elections office] and asked for voting information on Prop. 17. They didn't even know what I was talking about. [...] They didn't even know Prop 17 existed. So to know what kind of tools they have to help people understand a right to vote if they're formerly incarcerated or convicted, if they themselves don't even know about new policies that have given people access to vote.

Other interviewees remarked on incorrect information on the DMV and county clerks' websites.

### Mandated outreach about voting rights

Across the interviews, organizations felt that there needed to be more work done to educate people who are formerly incarcerated, incarcerated, and have a conviction of their voting. Some groups asserted that the government should be responsible for this work. This group explained:

The government was responsible for a lot of misinformation about who could and couldn't vote. And I think we would not be out of line to ask the government to now become responsible for making sure that everyone knows. And so I would love to see some policy, which included an educational campaign and putting the information out there, that being on parole does not mean you cannot vote. And then sharing with this population, how important they are to the country, to the state, to the local region. Because when you look at how many people have criminal records or who've been incarcerated, we can't marginalize that many people without destroying our so-called democracy.

The interviewee added that instead of the government being responsible for this outreach that it might be more effective to give this funding to non-profit groups to make sure messages are delivered. Another interviewee asserted that all jails and parole officers should be mandated to partner with grassroots local organizations that work directly with this population to do voter engagement and civic engagement. Another interviewee agreed, commenting:

I really think that we need to do a lot to change administratively how voting registration and voter education works for system impacted folks. The correctional facilities should not be responsible for it, the trust is just not there. And I don't think there's anything we can do to change that. I think that there should be like robust support from the state and from the counties to have community organizations get the resources and the information that they need to be able to access county jails; to be able to have access to parole offices, or transitional homes, or other areas where you can reach system impacted people. There should be more collaboration between administration, such as the Secretary of State, or CDCR, and community organizations.

One group described creating a legislative bill or a state budget allocation to support outreach efforts. The interviewee noted, “For a while there was talk of a bill or budget ask to specifically create an office in the Secretary of State’s Department to prioritize getting system impacted people to vote and informing them of their voting rights. I think that’s something that that could be really important.”

### End felony disenfranchisement

Some organizations interviewed wanted felony disenfranchisement to be ended altogether. The organizations described how people with felony convictions are deeply impacted by government policies and should be able to take part in our democracy. Further, voting rights are currently confusing – in part because of misinformation on government websites, within jails, and among the community – which can disenfranchise otherwise eligible voters. As one group put it “Why can’t people in prisons vote? What is the disconnect there? And maybe we need to allow those vote folks to vote as well.”

Another interviewee also discussed felony disenfranchisement:

In California, it’s only people currently in state and federal prison who don’t have the right to vote, that should be changed. If we remove all felony disenfranchisement in the state, then we can remove a lot of the initial hurdles around confusion around voting rights. We just tell everybody, you don’t lose your right to vote because of a criminal conviction, then I think that will make things a lot clearer for people, nobody will be afraid that they’re going to go to prison or jail because it’s not illegal for anybody [to vote]. And, you know, this is a democracy, this is supposed to be like a beacon of democracy around the world.

## Voting Rights Advocacy in California's Criminal Legal System

There are many local and national advocacy groups that are seeking to improve the livelihoods of individuals going through California's criminal legal system, including improving access to voting. The following groups have a specific focus on voting rights and democracy for incarcerated and formerly incarcerated voters.

- American Civil Liberties Union Foundations (ACLU)
  - Let Me Vote CA
  - Unlock the Vote
- Asian Americans Advancing Justice – Asian Law Caucus
- Brennan Center
- California Coalition of Women Prisoners
- California Prison Focus
- Centerforce
- LA Free the Vote
- Legal Services for Prisoners with Children
  - All of Us or None
  - Abolish Bondage Collective
  - Abolish Slavery Network
- Prison Policy Initiative
- Public Policy Institute of California
- Urban Institute
- Vera Institute of Justice
- 866 Our Vote
- A New Way of Life Reentry Project
- Anti Recidivism Coalition
- Dignity and Power Now
- Initiate Justice
- Pillars of the Community
- Safe Return Project
- Starting Over
- Time for Change Foundation
- Alameda County Public Defender's voter outreach program VOICE

## Resources:

- ACLU Northern California - Voting in California Jails: A Community Toolkit (August 2020): [https://www.aclunc.org/sites/default/files/Jail\\_Voting\\_Toolkit\\_Final.pdf](https://www.aclunc.org/sites/default/files/Jail_Voting_Toolkit_Final.pdf)
- Advancing Democracy Through Law - Challenging Jail-Based Disenfranchisement: A Resource Guide for Advocates: <https://campaignlegal.org/sites/default/files/2019-12/Jail%20Voting%20Advocacy%20Manual.pdf>
- Let Me Vote – Jail Voting Toolkit: <https://www.letmevoteca.org/toolkit/>

## Appendix

### Glossary:

- **Convicted:** The term used to describe someone who has been declared guilty of an offense. In this report it often specifically refers to someone that was convicted but not incarcerated and instead served time on probation or under community supervision.
- **Correctional officers/Guards:** Within local jails, state prisons, and federal penitentiaries, the correctional officer is responsible for the custody, supervision, safety, and regulation of prisoners.
- **Criminal legal system:** The collection of institutions and structures - including police, courts, and jails and prisons - that punish individuals for noncompliance with criminal laws and rules.
- **Disenfranchise:** To deprive a person of the right to vote.
- **Elections office/election officials/Registrar of Voters:** These terms include staff who administer the local elections in each county, including government personnel and poll workers.
- **Felony:** A crime that is more serious than a misdemeanor and may be punished by a year or more of incarceration. In California, certain felonies that are considered less serious (“nonviolent, non-serious, or non-sexual” or a “realignment/AB 109 felony”) may result in probation sentences or incarceration in county jail, while felonies that are considered more serious (“violent, serious, or sexual”) may result in incarceration in prison. Otherwise eligible adults convicted of a felony keep their voting rights unless they are currently in prison.
- **Formerly-incarcerated person:** Acceptable alternatives for terms like “ex-offender,” “ex-felon,” or “ex-convict” used to convey that someone whose life, directly or indirectly, has been impacted by the criminal legal system.
- **Incarceration:** Confinement in jail or prison. People may be incarcerated for misdemeanor or felony conviction. Incarcerated individuals retain their right to vote unless convicted of a felony.
- **Incarcerated/formerly incarcerated/convicted:** The terms used in this report to refer to all people directly impacted by the criminal legal system.
- **Jail:** Local detention facilities, operated by city or county law enforcement, that incarcerate people who are awaiting trial, sentenced to jail time for a misdemeanor conviction, or sentenced to jail time for certain felony convictions. Most otherwise-eligible adults keep their voting rights while they are in jail.
- **Mandatory supervision:** A program where a judge, through a process called “split sentencing,” can split the time of a sentence between a jail term and a period of supervision by a county probation officer.
- **Misdemeanor:** A crime that may only be punished by up to 364 days of incarceration in jail or other non-incarceration sentence. Otherwise-eligible adults with a misdemeanor conviction keep their voting rights.
- **Parole:** A conditional release of a prisoner that is followed by a period of supervision in the community by a state parole officer. With the passage of Proposition 17 in 2020, otherwise-eligible adults have their voting rights restored once they leave prison and begin parole.
- **Pods:** Also referred to as “section”, “block, or “unit” is a group of incarcerated people that share common spaces including showers, dayroom, and cafeteria. This definition may change depending on the jail or prison operation.
- **Post-Release Community Supervision:** A conditional release of a prisoner that is followed by a period of supervision in the community. Community supervision is an alternative to parole for individuals that have committed less serious felonies and is run by the county instead of the state. Otherwise-eligible adults have their voting rights restored once they leave prison and begin parole.
- **Prison:** “State prison” refers to a system of detention facilities, operated by the California Department of Corrections and Rehabilitation (CDCR), that incarcerate people who have been convicted of certain felonies. “Federal prison” refers to a system of detention facilities, operated by the Federal Bureau of Prisons, that incarcerate people convicted of a felony under federal law. Otherwise-eligible adults are stripped of their voting rights when serving a felony sentence in either state or federal prison.
- **Probation:** The suspension of the imposition of a criminal sentence and the order of conditional and revocable release in the community under the supervision of a probation officer. Probation is an alternative to incarceration. Otherwise-eligible adults have their voting rights restored once they leave prison and begin probation.
- **Sheriff/Sheriff’s Department:** Sheriffs’ departments are county agencies whose responsibilities typically include administering and staffing county jails. In some counties, the local jail is run by administrators that are not part of the sheriff’s department.

- **System Impacted:** Those who have been incarcerated or convicted and the friends, family, and loved ones of those who have been incarcerated, convicted, or otherwise impacted by the criminal legal system.
- **Vote-By-Mail (VBM) Ballot/Mail Ballot/Absentee Ballot:** A ballot cast by a voter other in-person at a voting location. Mailed ballots are typically mailed to a voter before Election Day and then completed by the voter and returned to the elections office by mail. This is the most common form of voting for incarcerated people.

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33 “Pods” also known as “section,” “unit,” or, “block” is a group of incarcerated people that share common spaces including showers, dayroom, and cafeteria. This definition may change depending on the jail or prison operation.

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