



**Testimony of Bob Libal  
Senior Organizing Consultant  
The Sentencing Project**

**In Support of Assembly  
Constitutional Amendment 4, to  
Expand Access to Voting for  
People with Felony Convictions  
Incarcerated in California**

Before the California Assembly  
Elections Committee

April 19, 2023

Established in 1986, The Sentencing Project works for a fair and effective U.S. criminal justice system by promoting reforms in sentencing policy and addressing unjust racial disparities and practices. We are grateful for this opportunity to submit testimony endorsing Assembly Constitutional Amendment 4. We thank Chair Bryan for his leadership on this bill, and we are grateful to our partners who continue to advocate for full enfranchisement of all people in California.

I am Bob Libal, Senior Organizing Consultant for The Sentencing Project. Over the past 20 years, I have participated extensively in public policy research, advocacy, and organizing on criminal justice and immigration issues including policies related to justice-impacted people's participation in all aspects of civil society. I am happy to answer any questions about this testimony or discuss this issue further. I can be reached at [blibal@sentencingproject.org](mailto:blibal@sentencingproject.org).

It is my pleasure today to submit this written testimony to the Elections Committee on ACA 4, which would allow people convicted of a felony to vote while serving their sentence in California.

## **ENFRANCHISEMENT IS A RACIAL JUSTICE ISSUE**

Disenfranchisement of people with felony convictions can be traced back to policies that limited enfranchisement to wealthy white male property owners and excluded women, African Americans, persons who could not read, poor people, and persons with felony convictions. Over the course of two hundred years all of those voting exclusions have been eliminated with the exception of people with felony convictions.

The number of Californians disenfranchised from voting because they are serving time for a felony conviction numbered 97,328, according to The Sentencing Project's Report, *Locked Out: 2022 Estimates of Voting Rights Due to a Felony Conviction*. Nationally, more than 4.6 million American citizens were disenfranchised from voting last year because of a felony conviction.<sup>1</sup>

Disenfranchisement in California deeply and disproportionately impacts African Americans. African Americans are more likely to be disenfranchised than non-African Americans in the state with 1 in 60 African American voter-eligible Californians disenfranchised, a rate roughly six times that of non-African American voter-eligible Californians. Voter-eligible Latinx people

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<sup>1</sup>Uggen, C., Larson, R., Shannon, S., & Stewart, R. (2022). [Locked out 2022: Estimates of people denied voting rights due to a felony conviction](#). The Sentencing Project.

are also disproportionately impacted by felony disenfranchisement. They are disenfranchised at almost 2 times the rate of non-Latinx voter-eligible Californians.

## **NATIONAL LEADERSHIP TOWARDS EXPANDING ENFRANCHISEMENT**

ACA 4 would mostly eliminate felony disenfranchisement and align California as a leader on enfranchisement. Two states – Maine and Vermont – do not disqualify voting for anyone with a felony conviction. Voting rights expansions in Washington, DC and Puerto Rico also allow American citizens the right to vote from prison.

Twenty-five states and Washington, DC have expanded voting rights to citizens with felony convictions over the last 25 years. And in the last three years, law or policy changes took effect in 8 states that expand voting rights to some non-incarcerated people with felony convictions. Some examples include:

- In 2023, Minnesota and New Mexico expanded the right to vote to people with felony convictions completing their sentences in community.<sup>2</sup>
- In 2021, Connecticut enacted legislation restoring voting rights to people on parole, except for those convicted of some electoral crimes.<sup>3</sup>
- In 2020, California Proposition 17 was approved and restored voting rights to people on parole.
- Other states to expand voting rights since 2020 include Iowa (post-sentence, with exception for homicide), New Jersey (probation and parole), North Carolina (probation and parole), Virginia (post-prison), and Washington (post-prison).<sup>4</sup>

In addition, several states are considering measures that would expand voting rights to people currently incarcerated for a felony conviction including Oregon, Illinois, Massachusetts, New York, and Connecticut.

## **THE CASE FOR UNIVERSAL SUFFRAGE**

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<sup>2</sup> Matt Vasilogambros, “[More States Allow Residents With Felony Convictions to Vote](#),” Pew, April 3, 2023.

<sup>3</sup>Uggen, C., Larson, R., Shannon, S., & Stewart, R. (2022). [Locked out 2022: Estimates of people denied voting rights due to a felony conviction](#). The Sentencing Project.

<sup>4</sup>Uggen, C., Larson, R., Shannon, S., & Stewart, R. (2022). [Locked out 2022: Estimates of people denied voting rights due to a felony conviction](#). The Sentencing Project.

Felony disenfranchisement policies are inherently undemocratic including for persons serving prison sentences. The United States is out of line with international standards, and it is important to take a fresh look at the rationale and impact of policies that can only be described as aberrant by international norms. A prison term results in barriers to employment including reduced lifetime earnings, and restrictions on access to various public benefits.

Families of incarcerated residents themselves experience the shame and stigma of incarceration, as well as the loss of financial and emotional support with a loved one behind bars. And for the community at large, the challenges of reentry result in high rates of recidivism, extraction of social and political capital, and the consequent costs of a burgeoning prison system.

Furthermore, research demonstrates that having the right to vote or the act of voting is related to reduced recidivism amongst people with criminal legal involvement.<sup>5</sup>

Finally, laws that restrict people with felony convictions — including those currently incarcerated from voting are international outliers. The European Court of Human Rights and international courts in Australia, Canada, and Kenya affirmed the right of some or all prisoners to participate in the electoral process. In nations where data is available, including Belgium, Lithuania, and Romania, more than 60% of persons in prison vote.<sup>6</sup> However, one study found that 12 (mostly former Eastern bloc nations) barred prisoner voting, and 11 imposed prison voting restrictions, generally applying to those sentenced to election related crimes.

The Sentencing Project applauds this committee for taking on Assembly Constitutional Amendment 4, and urges its passage. Please feel free to reach out if I can be of assistance or answer any questions regarding this testimony.

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<sup>5</sup>Hamilton-Smith, G. P., & Vogel, M. (2012). The violence of voicelessness: The impact of felony disenfranchisement on recidivism. *Berkeley La Raza Law Journal*, 22, 407- 432.

<https://doi.org/10.15779/Z38Z66F>; Uggen, C., Manza, J., & Behrens, A. (2013). 'Less than the average citizen': Stigma, role transition and the civic reintegration of convicted felons. In S, Maruna & R. Immarigeon. *After Crime and Punishment* (258-287).; Uggen, C., & Manza, J. (2004). Voting and subsequent crime and arrest: Evidence from a community sample. *Columbia Human Rights Law Review*, 36(1), 193-216.

<sup>6</sup> Laleh Ispahani, *Voting Rights and Human Rights: A Comparative Analysis of Criminal Disenfranchisement Laws in Criminal Disenfranchisement in an International Perspective*