



April 13, 2023

Members Assembly Committee on Elections
Assembly Member Isaac Bryan, Chair

ACA 4: Felony Voting

OPPOSE

Members of the Assembly Committee on Elections,

Election Integrity Project® *California*, Inc. (EIPCa) **Strongly Opposes ACA 4.**

Any society, especially one composed of a wide variety of ethnicities, birth cultures, language groups, religions and values “works” ONLY if its members respect and adhere to a general social contract that can be simplified as the Golden Rule: “Do unto others as you would have them do unto you”; in colloquial common-sense language: “Don’t hurt anyone and don’t take their stuff; earn your own.”

Those who choose to violate the contract of their own society exist everywhere, and the justice system is established both to punish and rehabilitate with sentences fitting the individual crime.

While in jail or prison, convicted individuals must necessarily lose many freedoms and civil rights that law-abiding citizens can enjoy: the rights of speech or expression, movement, parental privilege, public assistance, and even personal liberties such as the choice of wardrobe, diet, occupation, hygiene, social interactions and recreation.

Until quite recently, one of the freedoms lost almost everywhere has been the right to vote. When a person voluntarily breaks the social contract and hurts someone or “takes their stuff”, societies world-wide have seen the logic in removing their right to participate in the activity of choosing society’s governors and governing policies, i.e., voting.

During the period of punishment and rehabilitation, societies worldwide have seen the wisdom of denying the privilege of participating in the workings of the very society the wrong-doers showed such disdain for in committing their crimes.

In recent years, California has taken a sharp diversion from the wisdom of the ages.

First, convicted individuals whose crimes were deemed less serious and therefore housed in jail rather than in prison were given the right to vote from their institution of incarceration. The desired outcome of incarceration is for convicted individuals to choose NOT to reoffend, to appreciate through their temporary loss the blessings of liberty, and to direct their lives toward being valued contributors to the American society and the common good.

However, California determined that allowing those individuals to vote while incarcerated serves a positive step toward their reintegration into society upon their pending release. (The high recidivism rate would belie that optimistic view.)

Then, California downgraded a large number of felonies so that the imposed sentence is served in jail rather than in prison, thus enfranchising larger numbers of felons. **Only the worst of the worst remain disenfranchised.**

ACA 4 is being proposed as “Democracy Needs Everyone” and Assemblyman Bryan has said, “Democracy thrives when everybody has a chance to have their voices heard” by allowing those felons in prison the right to vote. EIPCa contends that **their voices have been heard** loudly and clearly by all of society, and their message was that **they have chosen to turn their backs on society, to show contempt and repugnance for their fellow human beings and the social construct in which we all live in harmony with one another.**

Democracy does not need “everyone”—it needs everyone who believes in democracy, in the concept that everyone’s voice is equal, NOT those whose actions show they believe they are above others and have the right to deprive others of theirs.

The inmates remanded to prison in California have committed crimes that are “violent” or “serious” or both, according to California legal definition. These crimes include murder, rape, grand theft, threats with a gun, human trafficking and crimes too unimaginable to be mentioned. These felons will be serving sentences of many years, often decades, and in some cases life without possibility of parole.

These felons have left in the wake of their poor decisions and anti-social behavior multitudes of victims and victims’ friends and families, who will themselves serve a **life sentence** of PTSD, lack of trust, fear and haunting memories. They can vote, but many will never feel safe or truly free again as a result of someone choosing to brutalize them and change their lives forever.

It is those victims whose rights EIPCa advocates for in opposing ACA 4.

What justice is it to those victims if their victimizers still have power over them by having a voice in who governs them, in where they can live, what they can buy, how much tax money they pay and what they can do with their own personal property?

These are the decisions voters make for themselves either directly or through whom they elect to represent them. Those whose anti-social behavior has landed them behind prison bars and stripped them of the right to determine the comings and goings of their own daily lives should NEVER be granted the privilege to have a voice in the lives of law-abiding members of society, particularly their victims.

The Victim Bill of Rights states, **“To have the safety of the victim, the victim’s family, and the general public considered before any parole or other post-judgment release decision is made.”** EIPCa contends that the safety of victims, their families and the general public is **only served when their victimizers are not given social equality with their victims.**

Currently California has nearly **122,000 prison inmates.** While this number can be broken down by age, race, gender, or demographics, none of that takes away from the fact that a heinous crime was committed by **every single felon - equally.**

Voting is a privilege and not an absolute right of citizenship. Losing the right to vote, as an incarcerated felon, is part of paying their debt to society. This is not an issue of disenfranchisement because every felon is being treated equally in losing their right to vote while incarcerated. Upon serving their sentence, felons equally can have their rights restored.

In 2010, the 9th Circuit Court in Seattle, Washington, upheld the state’s felon voting laws and rejected an earlier ruling that applied the federal Voting Rights Act to Washington’s felon disenfranchisement law. Secretary of State Sam Reed said, **“We absolutely believe in civil rights and will continue to work toward equality in the criminal justice system, but at the same time, we firmly believe that it is appropriate and reasonable for society to deny voting rights to people who commit serious crimes...This has been the law in our state since 1866 and nearly every state in America has this sensible policy. There is clearly no discriminatory intent. It is**

about a reasonable sanction we impose based on the person's decision to commit a crime.”
(emphasis ours)

The preamble to the U.S. Constitution states that We the People “establish and ordain” that Constitution, in part, to “promote the **general welfare**,” NOT the welfare of the few who reject by their actions the privilege of being part of We the People.

We urge you to Oppose ACA 4 in the name of victims of brutal crimes, their families, and the general public.

Sincerely,

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