

AMENDED IN ASSEMBLY APRIL 10, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 149

Introduced by Assembly Member Weber

January 18, 2013

An act to add Section 2105.5 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 149, as amended, Weber. ~~Registering to vote:~~*Voting rights:* inmates and persons formerly incarcerated.

Existing law provides that in order to be entitled to register to vote a person must be a United States citizen, a resident of California, 18 years of age, and not be incarcerated or on parole for a felony conviction.

This bill would require ~~each county jail and state prison the Department of Corrections and Rehabilitation, county jails, and county probation departments~~ to provide ~~an affidavit of registration and the most recent version of the Secretary of State's voting rights guide for incarcerated persons to each inmate, as provided~~ *specified voting rights information to persons under their jurisdictions*. By imposing new duties on county jails *and county probation departments*, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. ~~(a) The Legislature finds and declares all of~~
2 ~~the following: that many people with criminal convictions, whether~~
3 ~~they are presently serving a sentence or have completed a sentence,~~
4 ~~are unaware that they may be eligible to vote. It is the intent of~~
5 ~~the Legislature to encourage the Department of Corrections and~~
6 ~~Rehabilitation, county jails, and county probation departments to~~
7 ~~provide voter eligibility information and affidavits of registration~~
8 ~~to eligible voters consistent with this act.~~

9 ~~(1) Many incarcerated inmates are not aware of the fact that~~
10 ~~they may be eligible to register to vote and vote in California~~
11 ~~elections.~~

12 ~~(2) Many offenders who are discharged from state prison or~~
13 ~~county jail and who are now on parole, postrelease community~~
14 ~~supervision, mandatory supervision, or probation, or who may be~~
15 ~~discharged therefrom, are not aware that they may be eligible to~~
16 ~~register to vote and vote.~~

17 ~~(3) There are issues on the election ballot that may affect inmates~~
18 ~~and their families. Inmates and former offenders on parole,~~
19 ~~postrelease community supervision, mandatory supervision, or~~
20 ~~probation, or who may be discharged therefrom, are encouraged~~
21 ~~to exercise their voting rights to express opinions on those issues.~~

22 ~~(4) Contrary to popular belief, a person who has been convicted~~
23 ~~of a felony in California may be eligible to register to vote and~~
24 ~~vote after he or she has served his or her sentence and is no longer~~
25 ~~on parole.~~

26 ~~(b) It is the intent of the Legislature to encourage each parole~~
27 ~~agent, probation officer, or other law enforcement official~~
28 ~~responsible for the supervision of a former offender on parole,~~
29 ~~probation, mandatory supervision, or postrelease community~~
30 ~~supervision to ensure that the offender has been informed that he~~
31 ~~or she may be eligible to vote and has been provided with an~~
32 ~~affidavit of voter registration and the most recent version of the~~
33 ~~Secretary of State's voting rights guide for incarcerated persons~~

1 at any point during the parole, probation, or supervision but no
2 later than the time at which the individual is discharged from
3 parole, probation, or supervision.

4 SEC. 2. Section 2105.5 is added to the Elections Code, to read:

5 2105.5. ~~(a) Each county jail and state prison shall provide an~~
6 ~~affidavit of registration and the most recent version of the Secretary~~
7 ~~of State's voting rights guide for incarcerated persons to each~~
8 ~~inmate, as described in subdivision (b) or (c).~~

9 ~~(b) Each county jail shall provide the documents described in~~
10 ~~subdivision (a) to each inmate serving a felony sentence upon the~~
11 ~~completion of the sentence, and to all other inmates at any time.~~

12 ~~(c) Each state prison shall provide the documents described in~~
13 ~~subdivision (a) to each inmate upon the completion of his or her~~
14 ~~sentence.~~

15 ~~(d) The requirements of this section do not apply to an inmate~~
16 ~~serving a felony sentence who remains imprisoned until death.~~

17 ~~(e)~~

18 2105.5. *(a) The Department of Corrections and Rehabilitation*
19 *shall do all of the following with respect to each parolee under*
20 *the jurisdiction of the department upon the completion of his or*
21 *her parole:*

22 *(1) Provide the parolee the most recent version of the Secretary*
23 *of State's voting rights guide for incarcerated persons.*

24 *(2) Inform the parolee, at the time the parolee is provided the*
25 *guide described in paragraph (1), that he or she may be eligible*
26 *to vote.*

27 *(3) Provide the parolee an affidavit of registration.*

28 *(b) Each county jail shall do all of the following with respect*
29 *to each inmate of the jail:*

30 *(1) Provide the inmate the most recent version of the Secretary*
31 *of State's voting rights guide for incarcerated persons.*

32 *(2) Provide the inmate, upon the inmate's request, an affidavit*
33 *of registration if the inmate is eligible to register to vote.*

34 *(c) Each county probation department shall do all of the*
35 *following with respect to each person under the department's*
36 *supervision:*

37 *(1) Provide the person the most recent version of the Secretary*
38 *of State's voting rights guide for incarcerated persons.*

1 (2) *Inform the person, at the time the person is provided the*
2 *guide described in paragraph (1), that he or she may be eligible*
3 *to vote.*

4 (3) *Provide the person, upon the person’s request, an affidavit*
5 *of registration if the person is eligible to register to vote.*

6 (d) ~~County jails and state prisons~~ *The Department of Corrections*
7 *and Rehabilitation, county jails, and county probation departments*
8 *shall obtain affidavits of registration from county elections officials*
9 *and the voting rights guide from the Secretary of State.*

10 SEC. 3. If the Commission on State Mandates determines that
11 this act contains costs mandated by the state, reimbursement to
12 local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.