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Voting Rights Restored to 60,000 Formerly Incarcerated Californians

Padilla withdraws former administration's appeal to disenfranchise formerly incarcerated.

Today, with Secretary of State Padilla's withdrawal of the challenge of his predecessor to the voting rights of people on mandatory supervision and post-release community supervision, formerly incarcerated people and their allies celebrate an important milestone in their ongoing struggle for voting rights.

"We have always recognized that our voting rights are larger than the right to cast a vote - it's about the struggle for formerly and in some cases currently incarcerated people to be respected as citizens," said Dorsey Nunn, Executive Director of Legal Services for Prisoners with Children and a taxpayer plaintiff in the lawsuit. "Our votes belong not just to us, but to our communities and families."

Last year, the American Civil Liberties Union of California, along with the Lawyers' Committee for Civil Rights of the San Francisco Bay Area and Legal Services for Prisoners with Children, filed a lawsuit on behalf of three individuals who had lost their right to vote, as well as the League of Women Voters of California and All of Us or None, a nonprofit organization that advocates for the rights of formerly and currently incarcerated people and their families.

"Secretary of State Padilla is bucking a national trend in which voting rights are under attack," said Lori Shellenberger, Director of the ACLU of California's Voting Rights Project. "We are thrilled that this administration has effectively said 'no' to Jim Crow in California, and instead is fighting for the voting rights of California's most vulnerable communities."

The lawsuit charged then-Secretary of State Debora Bowen with violating state law when she issued a directive to local elections officials in December 2011 stating that people are ineligible to vote if they are on post-release community supervision or mandatory supervision, two new local supervision programs for people sentenced for low-level, non-violent felonies.

California law states that only people imprisoned or on parole for conviction of a felony are ineligible to vote. Thus, last spring, an Alameda County Superior Court judge ruled that Bowen's directive illegally stripped nearly 60,000 of people of their voting rights. In spite of the judge's determination, Bowen appealed and continued the fight to disenfranchise the formerly incarcerated, a disproportionate number of whom are people of color.

"Formerly incarcerated people should not be disenfranchised and have to fight for their voting rights. Restoration of these voting rights is long overdue and the League is pleased that California is leading the way to protect voting rights for all," said Helen Hutchinson, President of the League of Women Voters of California.

"While some may see this as a struggle simply for voting rights, formerly incarcerated activists see it as something much larger - a demand for the fundamental acknowledgement of our citizenship, said Dorsey Nunn. "In addition to voting, we also want the right to serve on juries, to have a jury of our peers when we are on trial, and to hold elected office. We want all the rights that are supposed to attach to citizenship."