

1974

RIGHT TO VOTE

Follow this and additional works at: http://repository.uchastings.edu/ca_ballot_props

Recommended Citation

RIGHT TO VOTE California Proposition 10 (1974).
http://repository.uchastings.edu/ca_ballot_props/796

This Proposition is brought to you for free and open access by the California Ballot Propositions and Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Propositions by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.

Ballot Title

RIGHT TO VOTE. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Amends Article II, section 3, and Article XX, section 11, of the State Constitution to eliminate provisions disqualifying electors convicted of an infamous crime, embezzlement or misappropriation of public money and to now provide for the disqualification of an elector while mentally incompetent, or imprisoned or on parole for the conviction of a felony. Financial impact: Minor increase in county government costs.

FINAL VOTE CAST BY LEGISLATURE ON ACA 38 (PROPOSITION 10):

ASSEMBLY—Ayes, 56	SENATE—Ayes, 27
Noes, 12	Noes, 8

Analysis by Legislative Analyst

PROPOSAL:

The California Constitution requires the Legislature to pass laws to prevent persons convicted of specified crimes from voting. The Constitution does not allow the Legislature to restore voting rights to such persons when their prison sentences have been completed. The loss of the right to vote continues throughout life, unless restored by pardon.

This proposition will require the Legislature to pass laws which deny the right to vote to persons when they are in prison or on parole for committing a felony. The right of convicted felons to vote would be restored, however, when their prison sentences, including time on parole, have been completed.

FISCAL EFFECT:

The cost effect of this proposition would be on county government and would be minor, if any.

Polls are open from 7 A.M. to 8 P.M.

Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment 38 (Statutes of 1974, Resolution Chapter 89) expressly amends existing sections of the Constitution; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be inserted or added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENTS TO ARTICLES II AND XX

First—That Section 3 of Article II be amended to read:

SEC. 3. The Legislature shall prohibit improper practices that affect elections and shall provide ~~that no severely mentally deficient person, insane person, person convicted of an infamous crime, nor person convicted of embezzlement or misappropriation of public money, shall exercise the privileges of an elector in this state for the disqualification of electors while mentally incompetent or imprisoned or on parole for the conviction of a felony.~~

Second—That Section 11 of Article XX is amended to read:

SEC. 11. Laws shall be made to exclude ~~from office, serving on juries, and from the right of suffrage,~~ persons convicted of bribery, perjury, forgery, malfeasance in office, or other high crimes *from office or serving on juries*. The privilege of free suffrage shall be supported by laws regulating elections and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

Remember to Vote on Election Day

Tuesday, November 5, 1974

Argument in Favor of Proposition 10

VOTING—"A FUNDAMENTAL RIGHT"

The right to vote is the essence of a democratic society and any restrictions on that right strike at the heart of representative government. Historically, voting has long been considered "a fundamental right" diligently sought by those excluded from its exercise. Indeed, our Declaration of Independence repeatedly condemns oppression of the right to vote. Restricted exercise of "a fundamental right," when the need for restriction no longer exists, is unfair and abusive.

NUMEROUS COUNTIES HAVE RESTORED RIGHT

Many California counties have restored the right to vote to ex-felons. Others have not. Even among counties restoring the right, there is wide variation in the offenses which allow restoration. Thus, an offense which bars voting in one county is no bar in another. To base the exercise of so fundamental a right on the good fortune to reside in one county as opposed to another is blatantly arbitrary and does violence to the most basic concept of fairness and equal protection of the law. Uniform application of law, to insure equal treatment, demands restoration of this "fundamental right" throughout the State.

HISTORICAL NEED TO RESTRICT RIGHT TO VOTE IS GONE

Historically, exclusion of ex-felons from voting was based on a need to prevent election fraud and protect the integrity of the elective process. The need to use this voter exclusion no longer exists. As a unanimous California Supreme Court recently pointed out, in the *Ramirez* case, modern statutes regulate the voting process in detail. Voting machines and other safeguards, combined with a variety of criminal penalties, effectively prevent election fraud. **Permanent loss of the right to vote is not necessary to achieve this goal!**

DEBT TO SOCIETY FULLY PAID—CONTINUED PUNISHMENT UNFAIR

An ex-felon returned to society and released from parole has fully paid the price society has demanded. A basic sense of justice demands that a person not be punished repeatedly, for a lifetime, by denying the right to vote.

DETERS REINTEGRATION INTO SOCIETY

The objective of reintegrating ex-felons into society is dramatically impeded by continued restriction of the right to vote. This restriction is a lifelong reminder of second class citizenship—inferiority—often because of one mistake committed years earlier. The daily lives of all citizens are deeply affected and changed by the decisions of government. Full citizen participation in these decisions should be encouraged, not prevented. This participation—electing responsive officials, voting in local school board elections on issues directly affecting the education of our children, expressing views on state-wide issues of major significance—all this is precluded by this unnecessary restriction. The President's Commission on Law Enforcement and the Administration of Justice and the President's Commission on the Causes and Prevention of Violence, have strongly endorsed full voting rights for ex-felons. A majority of states, including four that have restored the right since 1972, allow ex-felons to vote. So should we. Let us eliminate this needless restriction. **VOTE "YES" ON PROPOSITION 10!**

JULIAN C. DIXON
Assemblyman, 63rd District

GEORGE R. MOSCONE
Senator, 10th District

EVELYN P. KAPLAN
President, League of Women Voters of California

Rebuttal to Argument in Favor of Proposition 10

The real question here is whether the State of California should grant a blanket, automatic restoration of voting rights to each and every person convicted of a felony on the very day he is released from prison.

There is already in the law a procedure whereby a person may file with the County to restore his voting rights. If denied, he may appeal to the Superior Court of the county in which he resides.

It is a "fundamental" point in our history whereby people who have committed serious crimes can have

their voting rights taken away. This point is spelled out in the United States Constitution and has been there for over 100 years.

Based on the fact there presently is a restoration procedure available, and denial of the vote does serve to maintain the honor and integrity of the electoral process, I urge a "no" vote on Proposition 10.

JOHN V. BRIGGS
Assemblyman, 35th District

Argument Against Proposition 10

The critical question raised by this proposition is whether or not a person who has been convicted of a serious crime should be allowed to vote once that person has served time and has completed parole.

Denial of the vote to convicted felons is a deep-rooted tradition in this country and is as much a part of discipline as is imprisonment. A "no" vote will strengthen respect for the law and provide society with one more weapon with which to discourage potential offenders.

Proponents of this measure argue that to deny the vote to convicted felons is a violation of the "equal protection" clause of the 14th Amendment of the U. S. Constitution. Their case is heavily dependent upon a Cali-

fornia State Supreme Court case which agreed that it was unconstitutional for states to enact laws denying the vote to criminals.

However, the United States Supreme Court reversed the California decision and stated that it was perfectly proper for a state to take the vote away from those citizens who had committed serious crimes and who are likely to ruin the integrity of the electoral process.

I, therefore, strongly urge a "no" vote on this proposition.

JOHN V. BRIGGS
Assemblyman, 35th District

Rebuttal to Argument Against Proposition 10

Denial of the right to vote is not necessary to protect the election process. Restoration of voting rights is based on logic and fairness, not, as opponents suggest, on narrow legal questions. Opponents misstate the court decisions. The U.S. Supreme Court did not overrule the

California Court's holding that modern election safeguards protect the integrity of the election process. It returned the case to the California Supreme Court to further review the equal protection argument.

Change in response to new conditions is rooted in American tradition. Twenty-seven of the fifty states, including five within the past three years, have fully restored voting rights to ex-felons in recognition that modern safeguards protect the integrity of the election process and that continued restriction, when no longer needed, seriously diminishes respect for the law. Similarly, Congress recently restored ex-felon voting rights in the District of Columbia.

Virtually every serious study on this subject strongly endorses full voting rights for ex-felons. For example,

the President's Commission on Law Enforcement and the Administration of Justice; The American Law Institute; and The National Probation and Parole Association all strongly endorse full voting rights for ex-offenders.

Further, a recent national survey of American attitudes toward voter eligibility disclosed that 81% of Chamber of Commerce presidents, 88% of Labor Council presidents, 75% of mayors, 65% of Republican Party chairmen, 93% of League of Women Voters, 80% of Democratic Party chairmen and 68% of American Legion commanders endorsed ex-felon voting rights.

VOTE "YES" ON PROPOSITION 10!

JULIAN C. DIXON
Assemblyman, 63rd District

GEORGE R. MOSCONE
Senator, 10th District

EVELYN P. KAPLAN
President, League of Women Voters of California