



March 17, 2021

Kelli Evans
Chief Deputy Legal Affairs Secretary
Office of California Governor Gavin Newsom
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Re: Implementation of Proposition 17

Dear Ms. Evans,

As you know, last year, California's voters approved Proposition 17 and, as a result, voting rights are automatically restored to California citizens upon release from prison. We thank Governor Newsom again for his support of Proposition 17. Now, we are shifting our focus to successfully implementing the new law and ensuring that rights restoration leads to registration and voting. We have reached out to Secretary of State Shirley Weber about aspects over which her office has jurisdiction. Other elements are within the Governor's jurisdiction and we write to ask for the Governor's help with those aspects of implementation. Specifically, we request that the Governor take three steps to help ensure that Californians are provided opportunities to register upon release from prison and while on parole.

1. Ensure that people getting CAL-IDs upon release from prison are given an opportunity to register pursuant to the New Motor Voter program.

Proposition 17 restores voting rights upon release from prison. Ideally, the state would register newly restored citizens at the same time. Thankfully, California law already requires automatic voter registration for a significant number of people re-enfranchised by Proposition 17. The California Department of Corrections and Rehabilitation (CDCR) and the Department of Motor Vehicles (DMV) must ensure that everyone meeting certain eligibility criteria be issued a California Identification Card (CAL-ID) upon release from prison.¹ Those transactions are covered by California New Motor Voter program² and now that those individuals are all automatically eligible to vote upon their release, they should

¹ Cal. Penal Code § 3007.05(a).

² Cal. Elec. Code § 2263(b).

be registered to vote unless they decline.³ We request that the Governor ensure that CDCR and DMV implement this system of automatic registration upon release.

2. Designate the Division of Adult Parole Operations as a voter registration agency.

Providing automatic voter registration to people upon release from prison will go a long way to making the promise of Proposition 17 a reality. But, unfortunately, fewer than 30 percent of people released from prison come home with a CAL-ID.⁴ Moreover, there are nearly 50,000 Californians currently on parole who are eligible to vote.

Section 7 of the National Voter Registration Act (NVRA),⁵ which requires designated state agencies to offer voter registration opportunities to citizens that do business with them, provides the perfect mechanism for providing those Californians with an opportunity to register. We ask that the Governor issue an executive order designating the CDCR Division of Adult Parole Operations (DAPO) as a voter registration agency subject to Section 7 of the NVRA.⁶ The order should make clear that the NVRA's requirements apply when a person on parole reports to a parole officer or changes their address. This will ensure that everyone on parole is offered an opportunity to register.

3. Order CDCR to continue to regularly provide information about people on parole to elections officials in order to facilitate registration.

Finally, we understand that CDCR currently sends elections officials information on people currently on parole through VoteCal, but that there is a plan to discontinue that practice now that people on parole are eligible to vote. We ask that the Governor order that CDCR continue to share this information, but in a different manner and for a different purpose than prior to the passage of Proposition 17. The Secretary of State and local elections officials can use this information to update the voter rolls so no one faces unnecessary obstacles to registration due to a previous notification that they were incarcerated.⁷ They can also use the information to reach out to newly restored

³ Cal. Elec. Code § 2265(a).

⁴ Christie Thompson, "No Photo ID, No Services: Coronavirus Poses Steep Hurdles After Prison," The Marshall Project, May 26, 2020, themarshallproject.org/2020/05/26/no-photo-id-no-services-coronavirus-poses-steep-hurdles-after-prison (citing CDCR data from July – Dec. 2019).

⁵ 52 U.S.C. § 20506.

⁶ The Governor has the power to designate a "department, division, or office of state or local government, or a program supported by state funds" as a "voter registration agency" for purposes of the NVRA by executive order. Cal. Elec. Code § 2401(b)(1).

⁷ County clerks are required to provide the Secretary and county elections officials a list of everyone committed to state prison as a result of a felony conviction on a monthly basis so that election officials can cancel their affidavits of registration. Cal. Elec. Code § 2212.

citizens and encourage them to register and vote. In order to facilitate both uses, we ask that each month going forward CDCR send lists to your office clearly identifying⁸ the following categories:

- Everyone who is currently serving a state prison sentence, highlighting those who began serving their prison sentence during the preceding month;
- Everyone who is currently on parole, highlighting those who were released to parole during the preceding month; and
- Everyone who was discharged from parole during the preceding month.

With the passage of Proposition 17, California has a unique opportunity to engage tens of thousands of newly restored citizens, and to ensure an inclusive democracy in the future. The Governor can take quick and simple action to make sure that happens. We would greatly appreciate the opportunity to discuss the details of our request with you at a convenient time. With special elections scheduled as early as this month, we hope you might have time this month. We look forward to working with you to ensure that California's newly expanded democracy truly reaches everyone.

Sincerely,



Sean Morales-Doyle
Brennan Center for Justice

Samuel Molina
Mi Familia Vota

Brittany Stonesifer
ACLU of Northern California

Brett Shears
Vote Allies

Michael Mendoza
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Anti-Recidivism Coalition

Jiggy Athilingam
Voting Rights Lab Action

Taina Angeli Vargas
Initiate Justice

Kenny Stevenson
White People for Black Lives

Dora Rose
League of Women Voters of California

⁸The information transmitted from CDCR should include a sufficient number of data points for each individual to allow elections officials to accurately match it with relevant voter records, as well as last known address and other available contact information.