



July 23, 2021

The Honorable Shirley Weber
Secretary of State of California
1500 11th Street, 6th Floor
Sacramento, CA 95814
Secretary.Weber@sos.ca.gov
Elections@sos.ca.gov

Via Electronic Mail

Re: Implementation of Proposition 17 on California County Elections Offices' Websites

Dear Secretary Weber:

In 2020, California voters passed Proposition 17, a constitutional amendment that restored voting rights to those on state parole.¹ To ensure that all counties are providing the public with accurate information to reflect this change in voter eligibility, the American Civil Liberties Union of Northern California (hereinafter "ACLU-NC") investigated each county's official elections website. ACLU-NC reviewed the text, images, PDFs, and videos visible on each page of the elections officials' websites, including any linked resources. Upon completing the investigation, ACLU-NC found that more than half of all California county elections websites contained at least one page that explicitly stated that individuals on parole are ineligible to vote. These pages and links were still active as of mid-July 2021.

Summary of Findings

In total, ACLU-NC found instances of noncompliance among 31 out of the 58 counties' election websites.² "Noncompliance" in this context means that the website page or linked resource explicitly states that people on parole are ineligible to vote.

¹ See Cal. Const. art. II, § 2; see also Sec'y of State, Statement of Vote, Gen. Election, Nov. 3, 2020 <https://elections.cdn.sos.ca.gov/sov/2020-general/sov/complete-sov.pdf> (2020).

² The noncompliant pages are found on the elections websites of the following 31 counties: Alameda, Amador, Colusa, Del Norte, El Dorado, Kern, Kings, Los Angeles, Madera, Marin, Merced, Modoc, Mono, Monterey, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Joaquin, Santa Cruz, Shasta, Tehama, Tulare, Tuolumne, Yolo, and Yuba.

A majority of the noncompliant county websites contain more than one page which incorrectly informed the public that people on parole may not vote:

- 1 county website contains 6 noncompliant pages;
- 1 county website contains 4 noncompliant pages;
- 6 county websites contain 3 noncompliant pages;
- 8 county websites contain 2 noncompliant pages; and
- 15 county websites contain 1 noncompliant page.³

Analysis of Findings by Website Page Type

ACLU-NC has identified four main categories of pages that were found to be noncompliant: voter registration landing pages, Frequently Asked Questions (FAQ) pages, pages with noncompliant PDF documents, and pages with noncompliant videos.⁴ The voter registration landing page is likely the first page that most of the public sees when seeking out voter registration information on a county's elections website. Therefore, incorrect eligibility information on a county's registration landing page is likely to contribute significantly to confusion in that county about when a criminal record affects the right to vote.

While the majority of counties statewide have accurate voter registration landing pages, many counties nonetheless have noncompliant pages elsewhere on their websites. This suggests that these counties likely prioritized updating their primary landing pages to reflect the enactment of Proposition 17 and simply failed to update ancillary pages, PDF documents, and videos to be similarly accurate.

Voter Registration Landing Pages

"Voter registration landing pages" are defined here as pages that provide basic information regarding the voter registration process and voter registration requirements. These pages are generally easily accessible from the main elections website homepage, often directly linked on the homepage. These pages are typically titled "Register to Vote," "Voter Registration Information," or the like.⁵ These also include pages that offer guidance regarding voter registration for specific populations, such as incarcerated individuals and military and overseas voters.⁶ Of the 31 total noncompliant county websites, 16 contain noncompliant voter

³ This data is also reflected in *Figure 1* below.

⁴ This data is also reflected in *Figure 2* below.

⁵ See Appendix A (<https://www.ocgov.com/residents/voting/register;https://www.voteinfo.net/voterRegistrationInformation.asp>).

⁶ See Appendix B (<https://www.mynevadacounty.com/704/Military-Overseas-Voter-Information>).

registration landing pages.⁷ This means that 51% of noncompliant counties and 28% of all counties statewide contain misinformation on their most visible webpages that explain voter eligibility criteria to the public.

FAQ Pages

“FAQ pages” are pages with frequently asked questions and accompanying answers.⁸ Of the 31 noncompliant county websites, 13 county websites contain noncompliant FAQ pages.⁹ Of these 13 county websites, only 3 also contain noncompliant voter registration landing pages, demonstrating that the majority of counties with noncompliant FAQ pages have already made updates to their voter registration landing pages.¹⁰ It therefore appears that these counties have taken partial steps to implement Proposition 17 but have failed to ensure that voter eligibility information in all of the resources they provide to the public is accurate.

PDF Pages

“PDF pages” are pages that link to PDF documents which contain voter eligibility information. These PDF documents include informational brochures or voting guides, and some are available in multiple languages.¹¹ Of the 31 total noncompliant county websites, 12 contain noncompliant PDF pages.¹² Of these 12 county websites, only 4 also contain noncompliant voter registration landing pages.¹³ This discrepancy again suggests that counties prioritized updating their more highly-trafficked landing pages to comply with Proposition 17 but neglected to update other, less obvious pages.

The PDF documents we found on the county elections websites included both (1) “evergreen” PDF resources that are not specific to a particular election and are meant for continuous use as references for voters and (2) voting or election guides that were created for specific previous

⁷ The noncompliant voter registration landing pages are found on the elections websites of the following 16 counties: Del Norte, El Dorado, Kern, Madera, Modoc, Mono, Monterey, Nevada, Orange, Placer, Riverside, San Diego, Santa Cruz, Tulare, Tuolumne, and Yuba.

⁸ See Appendix C (<http://sbcvote.us/registrar-of-voters/voter-information/registration-faqs/>; <https://www.countyofmerced.com/faq.aspx?TID=108>).

⁹ The noncompliant FAQ pages are found on the elections websites of the following 13 counties: Alameda, Kings, Los Angeles, Madera, Marin, Merced, Riverside, Sacramento, San Benito, San Joaquin, Shasta, Yolo, and Yuba.

¹⁰ The 3 counties with noncompliant FAQ pages as well as noncompliant voter registration landing pages are: Madera, Riverside, and Yuba.

¹¹ See Appendix D (<https://www.marincounty.org/-/media/files/departments/rv/voter-registration-pamphlets/voting-brochure-english-revised-8.pdf>).

¹² The PDF pages are found on the elections websites of the following 12 counties: Amador, Madera, Marin, Merced, Placer, Plumas, San Benito, San Bernardino, Santa Cruz, Shasta, Tehama, and Tuolumne.

¹³ The 4 counties with pages with noncompliant PDF documents as well as noncompliant voter registration landing pages are: Madera, Placer, Santa Cruz, and Tuolumne.

elections.¹⁴ Of the 12 county websites containing noncompliant PDF pages, 9 contain noncompliant evergreen PDF pages.¹⁵ Just 3 of these 12 county websites have only noncompliant PDF pages that were created for specific previous elections.

Video Pages

“Video pages” are pages with embedded videos or that link to a video on another site (such as the elections officials’ YouTube channels). Some of these videos include evergreen voter instructions, such as how to fill out a voter registration card or how to complete and submit a vote-by-mail ballot. Some video pages link to informational videos created for previous elections which contain voter eligibility criteria which are now out-of-date.

Of the 31 noncompliant county websites, 4 contain noncompliant video pages.¹⁶ Only 1 of these 4 websites also contains a noncompliant voter registration landing page,¹⁷ which again suggests that some counties prioritized updating their frequently-trafficked pages but neglected less obvious links. All 4 of the county websites containing noncompliant video pages link to videos that continue to serve as “evergreen” voter resources that are meant for continuous use as references for voters.¹⁸

Conclusion

The overwhelming number of noncompliant pages that ACLU-NC found across more than half of California’s county election officials’ websites is troubling, as the public relies on county elections officials to provide accurate voter information. Although California has gradually expanded the population of individuals who are legally eligible to vote – including most recently by passing Proposition 17 last November – many of these individuals nonetheless experience *de facto* disenfranchisement because of widespread misinformation about the voting rights of people with convictions.¹⁹ Since structural discrimination still leads to the overrepresentation of

¹⁴ These guides from past elections include information about parole and voter eligibility that may have been accurate at the time those guides were created, but which is now incorrect after the passage of Proposition 17.

¹⁵ Two (2) of these contain noncompliant evergreen PDF pages that were created by the California Secretary of State’s office, but which are now out-of-date.

¹⁶ The 4 counties are: Amador, Colusa, Madera, and Marin.

¹⁷ The 1 county with pages that contain a noncompliant video as well as a noncompliant voter registration landing page is Madera.

¹⁸ Three (3) of the websites link to videos on the Secretary of State’s YouTube channel, and only 1 of the county websites (Marin) contains a link to a video on the individual county’s YouTube channel.

¹⁹ See, e.g., THE GREENLINING INSTITUTE, COMMUNITY VOICES: BARRIERS TO VOTING FOR CALIFORNIA’S FORMERLY INCARCERATED (January 2015), available at greenlining.org/wp-content/uploads/2015/01/Community-Voices-Barriers-to-Voting-for-Californias-Formerly-Incarcerated-spreads.pdf (“More than 60 percent of our participants said they have been confused at some point about their eligibility to vote due to a criminal conviction.”); THE SENTENCING PROJECT, STUDIES OF VOTING BEHAVIOR AND FELONY DISENFRANCHISEMENT AMONG INDIVIDUALS IN THE CRIMINAL JUSTICE SYSTEM IN NEW YORK, CONNECTICUT, AND OHIO (2005), available at prisonpolicy.org/scans/sp/fd_studiesvotingbehavior.pdf.

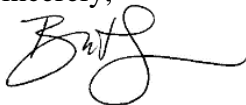
Black and Brown people in our criminal legal system, *de facto* disenfranchisement acts as another form of voter suppression that unfairly robs communities of color of their political power.²⁰

By contributing to the spread of misinformation about when a criminal record affects the right to vote in California, the noncompliant county elections officials' websites found by ACLU-NC are currently acting as a source of *de facto* disenfranchisement. With numerous local elections and a statewide gubernatorial election approaching, these counties must take immediate action to correct or remove the inaccurate voter eligibility information currently provided on their websites, as well as on any other resources they provide to the public. We have contacted the counties whose election websites continue to provide "evergreen" resources with outdated information about voter eligibility.²¹ We ask that you, as the chief elections official for the state of California, work directly with these county elections offices to ensure that the noncompliant pages, PDFs, and videos on their websites are promptly updated to reflect the current California voter eligibility criteria. We also ask that your office take this opportunity to actively ensure that county election officials across the state have fully implemented Proposition 17 in both their voter outreach materials and their relevant internal policies and practices.

Finally, we also take this opportunity to flag for your office that our partner, the Brennan Center for Justice, recently conducted a review of each county probation department's website and determined that 28 of the 58 counties either have websites with outdated voter eligibility information, no information about voter eligibility at all, or a broken link to the Secretary of State's website. Brennan Center will be contacting each noncompliant county probation department to request that they update their websites but would appreciate any assistance the Secretary's office may be able to provide.

If you have any questions about the findings or requests in this letter, please contact us at bstonesifer@aclunc.org or (916) 824-3261. Thank you for your prompt attention to this important matter.

Sincerely,



Brittany Stonesifer
ACLU of Northern California

²⁰ See, e.g., JUSTICE COUNCIL OF CALIFORNIA, DISPOSITION OF CRIMINAL CASES ACCORDING TO THE RACE AND ETHNICITY OF THE DEFENDANT (2018), available at courts.ca.gov/documents/lr-2019-JC-disposition-of-criminal-cases-race-ethnicity-pc1170_45.pdf; THE SENTENCING PROJECT, 6 MILLION LOST VOTERS (2016), available at sentencingproject.org/wp-content/uploads/2016/10/6-Million-Lost-Voters.pdf.

²¹ See enclosed letters to county elections offices.

FIGURE 1: Number of County Websites with One or More Noncompliant Pages

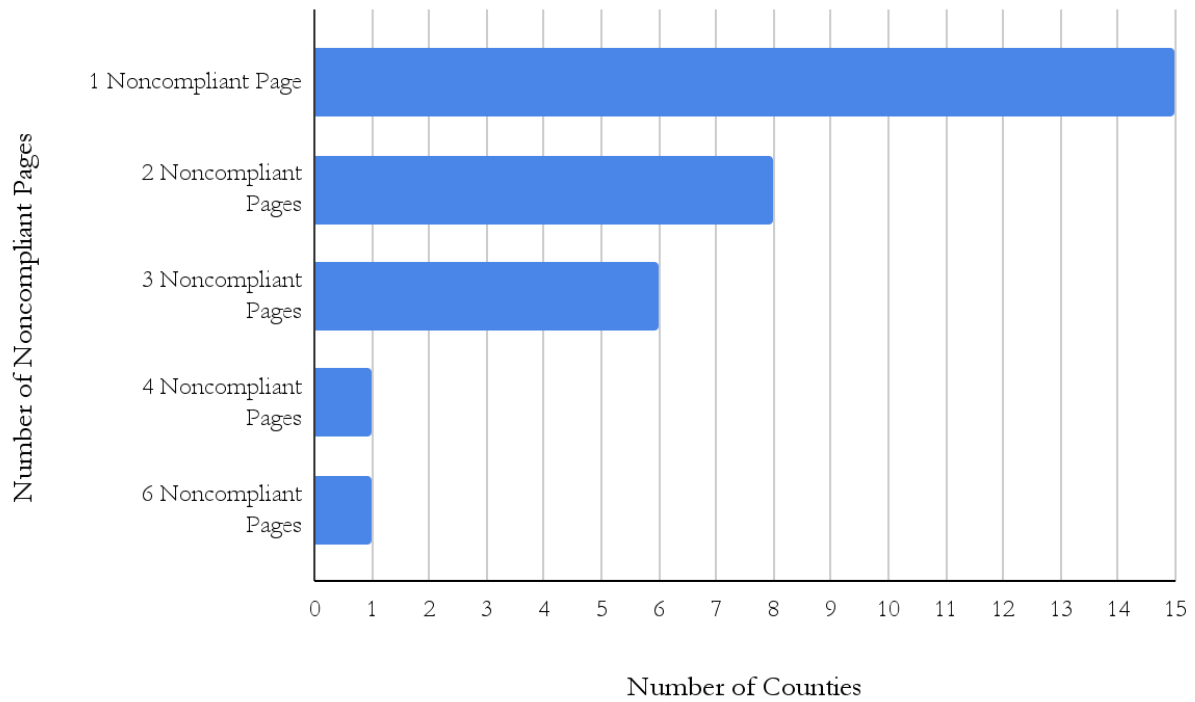
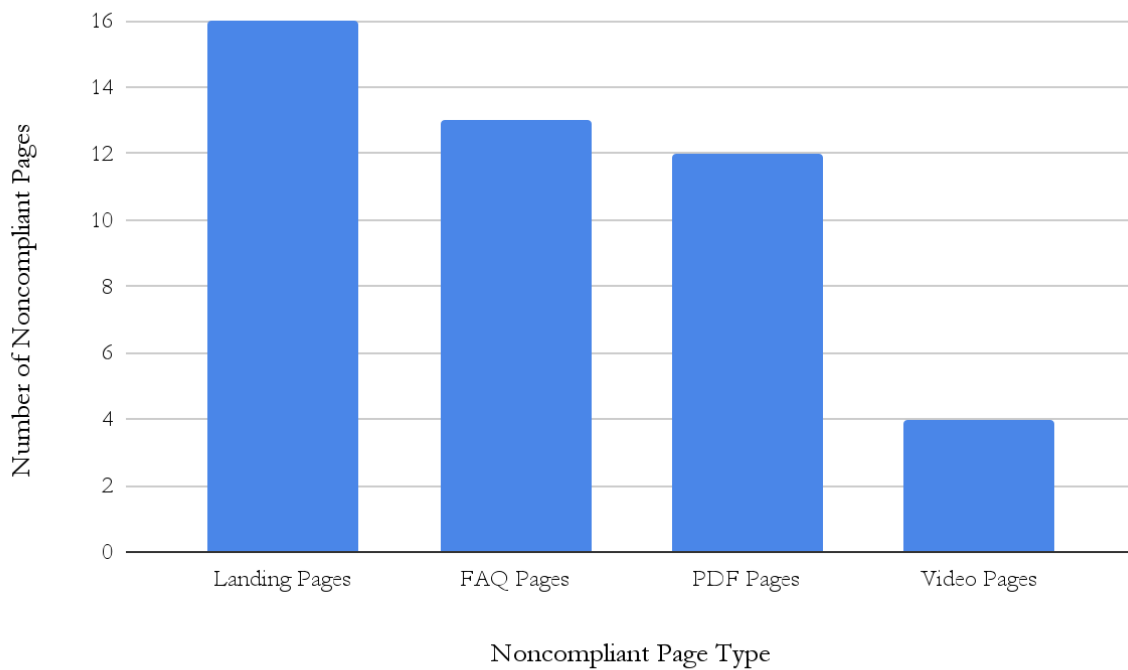


FIGURE 2: Number of County Websites by Noncompliant Page Type



APPENDIX A

Orange County “Register to Vote” Landing Page

CITIZENSHIP & VOTING

- » Citizenship & Voting Home
- » Citizenship & Naturalization
- » Early Voting
- » Find Your Polling Location
- » Grand Jury
- » Passport Services
- » Register to be a Poll-Worker
- » Register to Vote
- » Serve on Boards & Commissions
- » View Election Results

Register to Vote

To qualify as a registered voter in Orange County of Orange:

- You must be a citizen of the United States
- You must be a resident of Orange County
- You must be at least 18 years of age or older on or before the next election
- You must **not** be in prison or on parole for the conviction of a felony
- You must not have been judged by a court to be mentally incompetent to register and vote

Federal and state law now requires that every person who registers or re-registers to vote must provide the following identification:

- A California Driver's License (or California Identification card) number on your registration form; or
- The last 4 digits of your Social Security Number on your registration form.
- If you do not have a California Driver's License, a California Identification card number, or a social security number, then a unique identifying number will be assigned to you for registration purposes only.

Once you have met all the above requirements, there are several convenient ways to register or re-register:

Register On-line

You may now register to vote on line through the California Secretary of State's website.

- [Click here](#) to register on-line

Register in Person

Riverside County “Voter Registration Information” Landing Page

RIVERSIDE COUNTY
VISIT US AT: www.CountyofRiverside.us

County of Riverside
REGISTRAR OF VOTERS

Home Site Web en Español About Us Elections Candidate Resources Pollworker Info Voter Info FAQs Helpful Links Contact Us

Where Can I Find?

- Am I Registered
- How to Vote by Mail
- Military and Overseas Voters
- Elected Officials / District Lookup
- Federal, State and County Elected Officials
- Qualified Political Parties
- Voter Registration Summary
- Archived Election Information
- Voting Accessibility Advisory Committee (VAAC)
- Language Accessibility Advisory Committee (LAAC)/Reunion del Comité Asesor de Acceso Lingüístico (LAAC)
- Registrar of Voters Office
- Registration Information and Application
- Application To Purchase Or View Voter Registration Information
- Voter Update and Cancellation Form
- Voters with Disabilities Information

Voter Registration Information

General Instructions and Application Form

Register to VOTE

Who

You may register to vote if you meet the following criteria:

- You are a United States citizen
- You are a resident of California
- You are at least 18 years of age (or will be by the date of the next election)
- You are not in prison or on parole for conviction of a felony
- You have not been judged by a court to be mentally incompetent to register and vote

When

If you've moved, changed your name (due to marriage or court order) or if you wish to change your political party affiliation, you must re-register.

If you are registered in the County of Riverside, and have moved without updating your voter registration record, please call the Registrar of Voters office immediately so that we may assist you in the necessary procedure for updating your record and provide you with instructions on where you will vote. For more information please call (951) 486-7200.

Where


Voter Registration forms are available at most of the following locations throughout Riverside County:

- Post Office
- Library
- City and County offices
- Department of Motor Vehicles

Or you can call our office at, 951-486-7200 and we will gladly mail one to you.

APPENDIX B


Nevada County “Military and Overseas Voter Information” Landing Page



[!\[\]\(15a01675795da3c0924461c44b8bf202_img.jpg\)](#)[!\[\]\(5c21dc776ae4aea2d2bd6ea020387e51_img.jpg\)](#)[!\[\]\(0bed848855ad146c0c43ffbd1e78abd6_img.jpg\)](#)[!\[\]\(68c803856f5d0e2869157394e52652f1_img.jpg\)](#)[!\[\]\(e46bd8df68d5eebf9040942667ff08d4_img.jpg\)](#)

Search...

GOVERNMENTDEPARTMENTS SERVICESCOMMUNITYHOW DO I?



Determine Your Voter Registration Status

Apply for a Voter Registration Card

Military & Overseas Voter Information

[Home](#) > [Departments](#) > [Departments M - R](#) > [Registrar of Voters](#) > [Voter Resources](#) > [Voter Registration](#) > [Military & Overseas Voter Information](#)

Military & Overseas Voter Information

Qualifications For Military or Overseas Voters


You can register to vote in Nevada County if all of the following are true:

- You are a citizen of the United States
- You are not in prison or on parole for the conviction of a felony
- You have not been found by a court to be mentally incompetent
- You reside in Nevada County
- You will be at least 18 years old at the time of the next election

If all of the above and at least one of the following is true:

- You are in the military or armed services

Contact Us



Gregory J. Diaz
Registrar of Voters

Registrar of Voters
[Email the Registrar of Voters](#)

APPENDIX C

San Benito County FAQ Page

COUNTY OF SAN BENITO CLERK, AUDITOR & RECORDER

Select Language

Powered by Google Translate

A A A



Joe Paul Gonzalez
COUNTY OF SAN BENITO
CLERK, AUDITOR & RECORDER
REGISTRAR OF VOTERS

Skip to Main Content

HOMECOUNTY CLERKAUDITORRECORDERELECTIONS



[Home](#) » [Elections \(Registrar of Voters\)](#) » [Voter Information](#) » [Registration FAQs](#)

Registration FAQs

Who can register to vote?

You may register to vote if you meet the following criteria:

- You are a United States citizen
- You are a resident of California
- You are not in prison or on parole for conviction of a felony
- You have not been judged by a court to be mentally incompetent to register and vote.
- You are at least 18 years of age (or will be by the date of the next election)
 - *Any individual who meets all other requirements and is 16 or older may preregister. These individuals will become registered on their 18th birthday.

What are my rights if I am incarcerated?


For more information on the rights of people who are incarcerated, please see our [Voting Guide for Inmates](#).

**County of San Benito
Registrar of Voters**
440 Fifth Street
Second Floor, Room 205
Hollister, CA 95023
Office hours: 8:00am - 5:00pm (M-F)
Phone: 831.636.4016
Fax: 831.636.2939
eMail: SBCVote@cosb.us

VOTER INFORMATION

- Voter's Choice Act
- Registration FAQs
- Where's My Ballot?
- District & Precinct Maps
- Initiative Petition Process
- Who is buying Voter Data
- Elections Appointment

Merced County FAQ Page




Select Language

My Account

I'm Looking For...

GovernmentServicesBusinessCommunityHow Do I...



[Election Results](#)[Employment](#)[Board of Supervisors](#)[County Budget](#)[Online Permits](#)[Housing Element Update](#)[I Want To?](#)

[Home](#) » [FAQs](#)

▼ Elections - Voter Registration

Show All Answers

1. Who can register to vote?

In order to register to vote, a person must:

- Be a citizen of the United States;
- Be a resident of California;
- Be at least 18 years of age as of the day of the next election;
- Not be in prison or on parole for the conviction of a felony; and
- Not be deemed by an appropriate court to be mentally incompetent.

For more information on the rights of people who are incarcerated, please see the Secretary of State [Voting Guide for Inmates](#).

Search

Elections - Voter R▼

Q

Categories

- All Categories
- Administrative Services
- Animal Services
- Assessor
- Auditor - Controller
- Behavioral Health and Recovery Services
- Behavioral Health and Recovery Services - Public Administration

APPENDIX D

Marin County Guide to Voting Brochure (English)

VOTING IN MARIN COUNTY

Why vote?

Do your elected representatives:

- Express your views?
- Communicate with your community?
- Work hard to improve your community?
- Spend your tax dollars wisely?

When you vote, you help decide who will represent you and your interests. When you vote, you count!

Who can vote in Marin County?

U.S Citizens who are registered to vote in Marin County no later than 15 days before an election.

Who can register to vote?

Persons who meet all of the following requirements:

- United States Citizen
- Resident of California
- 18 years of age by Election Day
- Not in prison or on parole for the conviction of a felony
- Not determined to be mentally incompetent by a Judge

How do I register to vote?

What information do I need to put on the form?

- Name
- Address where you live (homeless voters can put the address of a shelter or description of where they sleep at night.)
- Address where you get your mail, if different
- Date of birth and birthplace
- CA driver's license number or CA identification card number – If you don't have either number, then you must provide the last 4 digits of your Social Security number.

How do I find out if I am registered to vote?

Call the Elections' Office at (415) 473-6456

When should I register to vote?

Register to vote when you move, change your name, or get out of prison or off parole for the conviction of a felony. Your registration form must be postmarked no later than 15 calendar days before an election in order for you to be eligible to vote in that election.

How can I vote?

- Vote at your polling place on election day, or
- Vote by mail ballot beginning 29 days before the election, or
- Vote at the Elections' Office beginning 29 days before the election.

VOTING AT THE POLLS

Election Day voting hours are from 7:00 a.m. to 8:00 p.m.

How do I find out where my polling place is?

- The address of your polling place is printed on the back cover of your Voter Information Pamphlet which is mailed to all registered voters within 40 days of an election
- Visit our website at www.marinvotes.org
- Call the Elections' Office at (415) 473-6456.

Do I need identification to vote?

The only voters who will be asked for ID at the polls are those who registered to vote by mail, but didn't provide a drivers' license number on their voter registration form and are voting for the first time in a federal election in California.

What happens when I go to the polls?

- First, a poll worker will ask you to sign the Roster of Voters.
- Second, if you wish, the poll worker will show you how to mark the ballot.
- Third, the poll worker will give you a ballot and secrecy folder and direct you to a



Marin County Guide to Voting Brochure (Spanish)

LA VOTACIÓN EN EL CONDADO DE MARIN

¿Por qué votar?

Tus representantes electos

- ¿Expresan tus puntos de vista?
- ¿Se comunican con tu comunidad?
- ¿Trabajan duro para mejorar tu comunidad?
- ¿Utilizan de manera sensata tus dólares de impuestos?

Cuando votas, tú ayudas a decidir quién te representará a ti y a tus intereses. Cuando votas, ¡tú cuentas!

¿Quién puede votar en el Condado de Marin?

Los ciudadanos estadounidenses que están inscritos para votar en el Condado de Marin, a más tardar 15 días antes de una elección.

¿Quién se puede inscribir para votar?

Las personas que cumplan con todos los siguientes requisitos:

- Ser ciudadano estadounidense
- Ser residente de California
- Haber cumplido los 18 años de edad para el Día de la Elección
- No estar en la prisión ni en libertad vigilada por motivo de condena de un delito mayor (felonía)
- No haber sido declarado mentalmente incompetente por un Juez

¿Cómo me inscribo para votar?

¿Qué información debo poner en el formulario?

- Su nombre
- La dirección donde usted vive (los votantes desamparados pueden poner la dirección de un albergue o dar una descripción del lugar donde duermen en la noche.)
- La dirección donde usted recibe su correo, si es distinta
- Su fecha y lugar de nacimiento
- Su número de licencia de manejo de California o su número de tarjeta de identificación de California. Si usted no tiene ninguno de estos números, entonces tiene que poner las últimas cuatro cifras de su número de Seguro Social.

¿Cómo puedo saber si estoy inscrito para votar?

Llame al Registro de Votantes al teléfono (415) 473-6456 o visite www.marinvotes.org

¿Cuándo debo inscribirme para votar?

Inscríbese para votar si se ha mudado, si ha cambiado su nombre, o ha salido de la prisión o si ya no está en libertad vigilada (parole) por motivo de la condena de un delito mayor. Su formulario de inscripción tiene que llevar fecha de matasellos, a más tardar, 15 días calendario antes de la fecha de la elección, para que usted reúna los requisitos para poder votar en esa elección.

¿Cómo puedo votar?

- Vote en su lugar de votación el día de la elección, o bien
- Vote por balota de votación por correo,

VOTACIÓN EN LAS URNAS ELECTORALES

Las horas de votación el Día de la Elección son desde las 7:00 a.m. hasta las 8:00 p.m.

¿Cómo puedo saber dónde está situado mi lugar de votación?

- La dirección de su lugar de votación aparece impresa en la cubierta posterior de su Folleto de Información al Votante que se les envía por correo en los 40 días anteriores a una elección a todos los votantes inscritos
- Visite nuestra página web: www.marinvotes.org
- Llame a la oficina del Registro de Votantes al teléfono (415) 473-6456.

¿Necesito identificación para votar?

Los únicos votantes a quienes se les pedirá identificación en las urnas electorales, son aquellos que se inscribieron por correo, pero que no pusieron número de licencia de manejo en su formulario de inscripción de votantes y están votando por primera vez en una elección federal en California.

¿Qué sucede cuando acudo a las urnas electorales?

- Primero, un trabajador en las urnas electorales le pedirá a usted que firme la Lista de Votantes.
- Segundo, si usted desea, el trabajador en las urnas le mostrará cómo marcar la balota.

