



AB 544 – Voting in County Jail

SUMMARY

AB 544 improves access for people detained at a county jail to exercise their rights to register to vote and vote.

AB 544 will create a pilot program that requires the Secretary of State to provide grants to three counties to improve voter participation in jail facilities.

BACKGROUND

California law allows eligible voters held in jails, including those held pre-trial for lack of bail, held post-sentence, or due to a probation or parole violation, to register and vote. However, incarcerated Californians are often unserved by local election officials, county jail administrators, or unaware of their constitutional rights and civic duties.

While some election officials and Sheriff’s Departments in California are working to provide information on vote by mail (VBM) voting, jail-based voter programs that rely solely on mail-in voting tend to have low rates of participation. This is in part because jail administrators generally lack training about voting laws or lack support from county elections officials.

There are models of voter engagement in California and in other states that have increased voter participation among those held in local jails, providing safe, secure elections and improved access for incarcerated persons. For example, the Los Angeles (LA) County Registrar-Recorder/County Clerk, in collaboration with the LA County Sheriff’s Department, used mobile vote centers to register 1,700 people at two jail facilities during the 2020 statewide general election.

Also during the 2020 statewide general election, Cook County Jail in Chicago, Illinois successfully established its first jail-based in-person polling location. Due to those efforts, more than 2,000 of the 5,400 incarcerated in jail (about 37% of the jail’s population) cast a ballot. Before polling stations were established in jail, voter turnout via mail-in ballots was less than 7% of the incarcerated

population. By contrast, the first year that polling stations were introduced inside, voter turnout increased to 37%. And in the June 2022 primary, people in the Cook County jail turned out at a higher rate than registered voters in Chicago.

California has a long, brutal history of denying the franchise to people who are not white. Black, Latinx and Asian Californians were denied equal access to voting through poll taxes, literacy tests, and many of the same tactics used against Black people in “Jim Crow” states. The legacy of voter disenfranchisement continues today as many Black, Latinx and Indigenous people are locked up in jails and prisons – and locked out of our democratic voting system.

PROBLEM

Barriers to voting and to voter educational materials for people incarcerated in local jails results in substantially low voter turnout among this population of eligible voters.

SOLUTION

AB 544 will create a pilot program that requires the Secretary of State to provide grants to three counties to improve voter participation in jail facilities. It will require the pilot counties to establish a voting location that allows an incarcerated person to return their completed VBM ballot, update their voter registration, conditionally register to vote, and vote. Additionally, AB 544 does the following:

- Requires county elections officials in the pilot counties to coordinate with county sheriffs or jail facility coordinators to design and implement a program to establish a polling location at each of the county jail facilities.
- Requires a voting coordinator at each county jail facility to ensure voter registration forms and nonpartisan voter educational materials are updated, posted, and available to incarcerated persons.

Together, these measures will improve voting access for incarcerated individuals that are eligible to vote.

SUPPORT

Ella Baker Center for Human Rights (Co-Sponsor)
Initiate Justice (Co-Sponsor)
Pillars of the Community (Co-Sponsor)
League of Women Voters of California (Co-Sponsor)
A New Path
ACLU California Action
Alameda County Sheriff-Coroner Yesenia Sanchez
Asian Americans Advancing Justice - Asian Law Caucus
Asian Pacific Environmental Network (APEN)
Asian Prisoner Support Committee
Bay Rising
Bend the Arc: Jewish Action
California Alliance for Youth and Community Justice
California Catholic Conference
California Environmental Voters (formerly CLCV)
California for Safety and Justice
California Innocence Coalition
California Nurses Association
Californians United for a Responsible Budget
City of Oakland Mayor Sheng Thao
Communities United for Restorative Youth Justice (CURYJ)
Courage California
Death Penalty Focus
Dignity and Power Now
Disability Rights California
Empowering Pacific Islander Communities (EPIC)
Essie Justice Group
Human Impact Partners
Immigrant Legal Resource Center
Indivisible Yolo
Initiate Justice Action
Justice2jobs Coalition
LA Defensa
Law Enforcement Action Partnership
Lawyers' Committee for Civil Rights of the San Francisco Bay Area
MILPA (Motivating Individual Leadership for Public Advancement)
Mujeres Unidas Y Activas
National Association of Social Workers, California Chapter
National Center for Lesbian Rights
North Bay Jobs with Justice
Oakland Privacy
Oakland Rising
Orange County Rapid Response Network

People's Budget Orange County
Pursue Justice
San Francisco Public Defender
Santa Cruz Barrios Unidos INC.
Secure Justice
SEIU California
Showing Up for Racial Justice (SURJ) Bay Area
Showing Up for Racial Justice North County San Diego
Smart Justice California
Starting Over, INC.
Stop the Musick Coalition
SURJ Marin - Showing Up for Racial Justice
Team Justice
The Resistance Northridge - Indivisible
The Restaurant Opportunities Center of Los Angeles
The San Diego LGBT Community Center
The Sentencing Project
The Transformative In-prison Workgroup
Together We Will/indivisible - Los Gatos
Transforming Justice OC
Transitions Clinic Network
Urban Peace Institute
White People 4 Black Lives
Women's Foundation California
Young Women's Freedom Center
Seven individuals

FOR MORE INFORMATION

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