

# Judge Orders Restoration of Voting Rights for Tens of Thousands of Californians

Lawsuit Filed by ACLU, Lawyers' Committee for Civil Rights Charged Secretary of State Debra Bowen with Illegal Voter Disenfranchisement

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**CONTACT:**

Rebecca Farmer, ACLU of Northern California, (415) 621-2493, ext 374; rfarmer@aclunc.org

OAKLAND, Calif. – An Alameda County Superior Court Judge today ruled that Secretary of State Debra Bowen illegally stripped tens of thousands of people of their voting rights two years ago, saying people on Post Release Community Supervision (PRCS) and mandatory supervision under California's Criminal Justice Realignment Act are eligible to vote.

"Today's ruling is a victory for California's democracy," said Michael Risher, staff attorney with the ACLU of Northern California. "By following the plain language of our state's voting laws, the court's ruling will help ensure that in California, one of the nation's most fundamental rights – the right to vote – will be protected and not restricted."

In his ruling, Superior Court Judge Evelio Grillo said the fact that the California legislature passed the Realignment Act with the legislative goal of better facilitating the reintegration of people with felony convictions back into society suggests legislators would have wanted people on PRCS and mandatory supervision to retain their right to vote, writing that "the plain language of the statute suggests that the integration of adult felons into society would be facilitated by allowing" these individuals to vote.

"Our democracy belongs to everyone who lives in America, not just a select few," said Dorsey Nunn, executive director of All of Us or None, one of the plaintiffs in the lawsuit. "Democracy functions best when the largest number of citizens possible participate, including formerly incarcerated people."

Judge Grillo also followed California's longstanding rule that every reasonable presumption be given in favor of the right of people to vote.

"The significance of this victory cannot be overstated. The right to vote gives meaning to every other right we have as citizens, and it is for this reason that our laws require every reasonable presumption in favor of the right to vote," said Meredith Desautels, staff attorney with the Lawyers' Committee for Civil Rights of the San Francisco Bay Area. "The court's decision affirms the voices of Californians returning to their communities, assuring them the opportunity to contribute as equal members."

In February, the American Civil Liberties Union of California, the Lawyers' Committee for Civil Rights and Legal Services for Prisoners with Children filed a lawsuit charging Bowen with unconstitutionally stripping tens of thousands of people of their right to vote.

The lawsuit was filed on behalf of three people who have lost or will soon lose their right to vote, along with the League of Women Voters of California and All of Us or None, a non-profit organization that advocates for the rights of formerly and currently incarcerated people and their families.

"We should be expanding voting rights, not shutting out people of color," said Jennifer A. Waggoner, president of the League of Women Voters of California. "Our democracy is stronger when all who are eligible can express their values and shape their community by voting."

According to the lawsuit, Bowen violated state law when she issued a directive to local elections officials in December 2011 asserting that people are ineligible to vote if they are on PRCS or mandatory supervision – two new and innovative community-based alternatives to parole created under California's Realignment Act for people recently incarcerated for low-level, non-violent, non-serious crimes.

The lawsuit also argued that after California voters in 1974 approved Proposition 10, state law has been clear that the only people ineligible to vote in California are those who are in state prison or on parole.