



NEWS RELEASE

CALIFORNIA SECRETARY OF STATE ALEX PADILLA

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CONTACT: Sam Mahood

(916) 653-6575

Secretary of State Alex Padilla's Remarks on *Scott v. Bowen* Lawsuit (as prepared)

Good morning and thank you all for being here.

In two days, our nation will celebrate the 50th Anniversary of the Voting Rights Act of 1965.

This landmark legislation was truly transformative as it used federal law to open the doors to those who had been denied their right to vote. At its core, the Voting Rights Act decreed that literacy tests, poll taxes, and other barriers that were so often used to bar entrance to the polling booth, were illegal.

Passage of the Voting Rights Act was not easily won. People marched. People struggled. People died.

They bravely sacrificed for each other – for friends, family, for our country so that each of us could be empowered with the opportunity to participate meaningfully in our democracy.

Their sacrifice is not lost on me.

One of my primary reasons for seeking the office of Secretary of State was to do everything possible to maintain and strengthen voting rights here in California.

In January, immediately after I was sworn-in, I began reviewing the voting rights policies of the Secretary of State's office. In most cases, I agreed with existing policies, but there was an exception -- the case of *Scott v. Bowen*.

In this case, the question before the court was, "Does the Secretary of State have the authority to deny the right to vote to persons convicted of a felony, who are no longer in prison or on parole, and have been released under Realignment and are in the process of reintegrating into the community?"

The answer is no.

In a ruling last year, the Alameda Superior Court concluded that persons who are subject to mandatory supervision and post release community supervision are eligible to register to vote under Article II, Section 4 of the California Constitution.

Unfortunately, that decision was appealed prior to my taking office. As a result I was placed in the untenable position of inheriting an appeal despite the fact that I do not share the view of the previous administration.

I had a decision to make: Would I continue the appeal and seek to prevent lower level offenders from participating in our elections, or would I follow the court's ruling and end the appeal?

Today, I am announcing an end to the appeal as well as a settlement that returns voting rights to tens of thousands of Californians.

My decision to pursue settlement was based on a number of factors:

First: Under the sweeping changes created by Realignment, there was no legislative intent to deny voting rights to thousands of citizens.

Second: State and federal law protects the right to vote and requires that I give every reasonable presumption in favor of protecting that right.

Third: The Alameda Superior Court issued a thoughtful ruling based on a thorough examination of our Constitution and the Penal Code and ruled overwhelmingly in favor of the Plaintiffs.

And, frankly, I agree with the court and I believe it is the right thing to do.

Civic engagement and participation in the election process can be an important factor helping former offenders reintegrate into civil society.

If we are serious about slowing the revolving door at our jails and prisons, and serious about reducing recidivism, we need to engage—not shun—former-offenders.

Voting is a key part of that engagement; it is part of a process of becoming vested and having a stake in the community.

I am also compelled by law.

The United States Supreme Court eloquently proclaimed, “No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.”

Our California Supreme Court has made similar pronouncements: “No construction of an election law should be indulged that would disenfranchise any voter if the law is reasonably susceptible of any other meaning.”

Today's announcement is in line with these pronouncements, the arc of California history, and the spirit of the Voting Rights Act.

California has come a long way since California's first constitution – 165 years ago – which permanently disenfranchised all persons “convicted of any infamous crime.”

In 1974, Californians approved Proposition 10 which amended the state's constitution so that only those who are in prison or on parole for the conviction of a felony – are prohibited from voting.

In 2011, the legislature approved and the Governor signed into law AB109 which made fundamental changes to California's correctional system by providing non-violent offenders with opportunities to engage in community-based reintegration and rehabilitation services.

And, just last year, Californians approved Proposition 47 which provided persons convicted of "non-serious and nonviolent property and drug crimes" with the opportunity to reduce their charges from felonies to misdemeanors.

California is not alone. States across our nation are rethinking their restrictive approaches and restoring voting rights for former-felons. We've seen recent examples in Wyoming, Delaware, and Virginia.

Momentum is building. Alliances across party lines have formed. A number of key Republicans and Democrats along with advocates from across the political spectrum are working to reform our criminal justice system. And that includes the issue of voting rights.

Just last month, President Obama expressed strong support for enfranchising former felons who have served their time.

Here in California we heard the President's message.

Our elected leaders can help fill in some of the gaps remaining as a result of Realignment and move us further along a more enlightened path. We can and should make our voter eligibility rules clear and certain for both our community members and for our elections officials throughout our state.

Finally, today's announcement is one compelled by conscience.

It is not lost on me, that persons of color are disproportionately- represented in our correctional institutions and that undeniable disparities exist.

It is not lost on me, that it's 2015 and we are still debating whether it is right to fly a confederate flag over a state capitol.

It is not lost on me, that many states in our nation are advancing legislation to roll back the clock on voting rights, not just for former offenders, but for all voters.

We see efforts to purge voter rolls and eliminate early voting. We see voter I.D. laws that would prevent certain people from exercising their voting rights.

As I said earlier, one of my primary reasons for seeking the office of Secretary of State was to do all I can to protect and strengthen our voting rights.

I believe that California can stand as a beacon of hope– a powerful counter-example to those who would create barriers to voting. Today's announcement is consistent with that goal.

And while this announcement may not be the end of this issue, my decision today makes clear that I intend to follow the law and resist any efforts that would seek to undermine the voting rights of otherwise eligible citizens of our great state.

Thank you very much.

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