



Written Testimony of Bob Libal

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**In Support of AB 544, to Expand
Access to County Jails in California**

Before the California Senate Elections
Committee

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Established in 1986, The Sentencing Project works for a fair and effective U.S. criminal justice system by promoting reforms in sentencing policy and addressing unjust racial disparities and practices. We are grateful for this opportunity to submit testimony in support of Assembly Bill 544. We thank Chair Bryan for his leadership on this bill, and we are grateful to our partners who continue to advocate for passage of this important piece of legislation.

I am Bob Libal, Senior Organizing Consultant for The Sentencing Project. Over the past 20 years, I have participated extensively in public policy research, advocacy, and organizing on criminal justice and immigration issues including policies related to justice-impacted people's participation in all aspects of civil society.

It is my pleasure today to submit this testimony to the Senate Elections Committee on this important topic. The Sentencing Project believes that all citizens regardless of conviction status should be able to vote and should have access to the ballot.

AB 544, by providing grants to three counties to place polling locations in their county jails, improves access for people detained in county jails in California to exercise their rights to register to vote and to vote. This bill begins to address racial disparities in voting access and has important public safety implications.

I am happy to answer any questions about this testimony or discuss this issue further. I can be reached at blibal@sentencingproject.org.

ENFRANCHISEMENT IS A DEMOCRATIC RIGHT AND A RACIAL JUSTICE ISSUE

In local jails, the vast majority of persons are eligible to vote because they are not currently serving a sentence for a felony conviction. Generally, persons are incarcerated in jail pretrial, sentenced to misdemeanor offenses, or are sentenced and awaiting transfer to state prison. Still, voting from jail can be challenging despite recent efforts to expand the franchise to justice involved residents including the passage of California's Proposition 17 in 2020.

Research shows that contact with the criminal legal system is far more likely to result in disenfranchising people of color. In California, more than 97,000 California citizens cannot vote while serving a prison term for a felony conviction in any state, federal, or local facility due to California's constitution. Voting aged Black Californians are ten times

as likely as whites to lose their right to vote due to serving a prison sentence for a felony conviction.¹

Problems with voting in jail also disproportionately impact communities of color. While exact demographics of those in jail, not serving a sentence for a felony conviction in California, are unknown, about half of persons nationally in jail are people of color. While roughly 14% of the US population is African American, 35% of the people in jail are Black. About 14% of people in jail were Latinx, Indigenous and Alaska Natives; Asians, Native Hawaiians, and Other Pacific Islander.²

Across the country, around 500,000 people are incarcerated in jails, with 80% of those not yet convicted of a crime. The United States Commission on Civil Rights found that “more than 60% of inmates are detained prior to trial due to an inability to afford posting bail.”³

Notably, research finds that when community members spend time in jail, voter participation declines. As researcher Ariel White has found, “Pretrial incarceration reduces voting, especially among people who are Black and/or low-income.”⁴ Voting access in jails is therefore both a racial and economic justice issue.

JAIL-BASED VOTING PROGRAMS ARE SUCCESSFUL

Assembly Bill 544 would provide three counties with grants to place voting locations in their county jails, permitting any eligible incarcerated person to register to vote and vote at the county jail.

There are models of voter engagement throughout the country that have increased voter participation among those held in local jails. In fact, jail-based polling locations are becoming more common across the country from locales from Harris County, Texas to Denver, Colorado to Joliet, Illinois to the District of Columbia.⁵

In Chicago, the Cook County Jail established its first jail-based polling location in 2020. Before polling stations were established in jail, voter turnout was less than 7% by

¹ Rachel Jollie and Kristen Budd, [California Should Restore Voting Rights to Over 97,00 Citizens](#), The Sentencing Project, April 2020.

² Zhen Zeng, [Jail Inmates in 2021 – Statistical Tables, Bureau of Justice Statistics](#), December 2022.; US Census Bureau. [Quick Facts: US](#).

³ Tova Wang, [Jail Based Voting in Washington, DC](#), Ash Center at Harvard University, January 2024.

⁴ Ariel White, [“Political Participation Amid Mass Incarceration,”](#) Annual Review of Political Science 25, May 2022.

⁵ Wang, 2024.

absentee ballot. By contrast, during an election in 2023, voter participation increased to over 50% of eligible voters — the highest rate of participation of any polling location in Chicago.⁶

As the Prison Policy Initiative puts it, “Jail-based polling locations are not only feasible; they’re effective: when people know they can vote from jail, they will vote.”⁷

VOTING MATTERS FOR BETTER PUBLIC SAFETY OUTCOMES

Voting has a positive relationship to improved public safety. Retaining one’s voting rights regardless of involvement in the criminal legal system can be viewed as a public safety strategy.

Research supports the link between justice-impacted individuals having the right to vote and voting to reduce recidivism. Research in Minnesota demonstrated that those with a criminal history were significantly less likely to be re-arrested if they voted in a presidential election. Furthermore, research shows that voting helps keep justice-impacted citizens connected to their communities and bolsters their civic identity.⁸

The Sentencing Project applauds the committee for taking up AB 544 and encourages its passage as a step towards guaranteeing the right to vote for all.

⁶ Jake Sheridan, “[As city’s most active voting precinct, Cook County inmates vote with help from jail and advocates](#),” Chicago Tribune, April 3, 2023.

⁷ Naila Awan, “[Jail-Based Polling Locations: A Way to Fight Voter Disenfranchisement](#),” Prison Policy Initiative, October 25, 2022.

⁸ Kristen M. Budd and Niki Monazzam, [Increasing Public Safety by Restoring Voting Rights](#), The Sentencing Project, April 23, 2023