

In-Custody Voting

975.1 PURPOSE AND SCOPE

The purpose is to establish and implement written policy and procedures for eligible youth to exercise their right to vote while in custody at a juvenile facility. This policy applies to all juvenile facility staff.

975.2 AUTHORITY AND REFERENCES

- California Elections Code Chapter 2, Article 1, § 2105.7;
- California Penal Code § 1170 (h);
- Criminal Justice Realignment Act;
- Executive Committee.

975.3 POLICY

The facility manager(s) at each juvenile facility shall ensure youth who are eligible to vote have access to voting materials, access to register to vote, and the ability to exercise their right to vote pursuant to California Elections Code Section 2105.7.

975.4 VOTER ELIGIBILITY REQUIREMENTS FOR YOUTH

All living units shall clearly post signs that indicate eligibility requirements for youth voting in elections.

Under existing law, a youth is entitled to register to vote if he or she is a United States citizen, a resident of California, not in prison or on parole for the conviction of a felony, and will be at least 18 years of age at the time of the next election.

975.4.1 CRITERIA FOR VOTER REGISTRATION

Youth may register to vote in local, state and federal elections if they meet the following criteria:

- (a) Citizen of the United States of America;
- (b) Resident of California;
- (c) At least 18 years of age or older on or before Election Day;
- (d) Not in prison, on parole, serving a state prison sentence in county jail, and/or serving a sentence for a felony pursuant to California Penal Code Section 1170 (h); and
- (e) Not found mentally incompetent by a court of law.

975.4.2 VOTER ELIGIBILITY

Youth who are eligible to vote may be:

- (a) In a county facility serving a misdemeanor sentence. A misdemeanor never affects the right to vote;

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- (b) In a county facility because jail time is a condition of probation (custody commitment time);
- (c) On probation;
- (d) On mandatory supervision;
- (e) On post-release community supervision;
- (f) Discharged from parole. The right to vote is automatically restored when parole has been completed; and/or
- (g) Detained in a juvenile facility pending disposition of charges, felony or misdemeanor, unless they are ineligible to vote for other reasons noted below.

975.4.3 VOTER INELIGIBILITY

Youth who are not eligible to vote are:

- (a) In state prison;
- (b) In a county facility serving a state prison sentence;
- (c) In a county facility serving a felony sentence under California Penal Code Section 1170 (h); and/or
- (d) Currently on parole.
 - 1. Once youth are discharged from parole their right to vote is restored, but they must re-register online at <http://registertovote.ca.gov/> or by completing a paper voter registration card.

975.5 ASSISTING YOUTH WITH VOTER REGISTRATION

Facility manager(s) or designee shall ensure the following for youth who are of age to register to vote and not in prison or on parole for the conviction of a felony:

- (a) Identify each youth housed in the facility who is eligible to vote;
- (b) Provide the youth a paper affidavit of registration or direct the youth to an affidavit of registration provided on the Secretary of State's website (<http://www.sos.ca.gov/>).
- (c) Assist each youth housed in the facility who is eligible to vote with the completion of the affidavit of registration, unless the youth declines assistance.
- (d) A facility providing paper affidavits of registration pursuant to subdivision (a) shall do either of the following: assist the youth who completed the voter registration card in returning the completed card to the county elections official or accept any completed voter registration card and transmit the card to the county elections official.
- (e) Document that the youth either registered to vote or declined to register, by entering a detention contact in the Juvenile and Adult Management System (JAMS). If the youth declines, they will also complete a Voting Declination Form (attachment). The original shall be placed in the youth's file and a copy given to the youth.

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975.6 HOW YOUTH REGISTER TO VOTE

Youth may register to vote by mailing in a paper affidavit of registration or online on the Secretary of State's website at <http://www.sos.ca.gov/>. In either case, the voter registration application must be received or postmarked at least fifteen (15) days before election day to be eligible to vote in that election. Voter registration forms and voting materials are available online in: English, Chinese, Hindi, Japanese, Khmer, Korean, Spanish, Tagalog, Thai and Vietnamese.

975.7 HOW YOUTH VOTE BY MAIL

If youth are already registered to vote at their current home address, they may request a vote-by-mail ballot application by contacting the county elections office. Once they receive a vote-by-mail ballot application, youth must complete and return it to the county elections office at least seven (7) days before Election Day.

If youth are not registered to vote at their current home address, they may register or re-register to vote and request a vote-by-mail ballot on the Secretary of State's website at <http://www.sos.ca.gov/>. Youth shall use the facility's address, where they are housed, for the mailing address.

If the youth has already received a vote-by-mail ballot at their home address, the youth's parent(s)/ legal guardian(s) may bring the ballot to the facility for the youth to complete.

Any completed ballot shall be posted via U.S. mail at no cost to the youth.

Date last reviewed: 05/24/2019

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Created: 03/07/2016

Attachments:

[1. Voting Declination Form](#)

Voting Declination Form

AMC-YTEC IJH RJH SJH

Youth's name:	CID:
DOB:	Date:

Under existing law, a youth is entitled to register to vote if he or she is a United States citizen, a resident of California, not in prison or on parole for the conviction of a felony, and will be at least 18 years of age at the time of the next election.

I hereby understand that I have a right to vote and that I am declining my right to vote for the next election.

_____/_____/_____
Youth's Signature *Date*

_____/_____/_____
Witness' Signature *Date*

05/24/19