



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.

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% – a higher rate than registered voters in the City of 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 very low voter turnout among this population of eligible voters.

SOLUTION

AB 544 requires a county jail facility, on or after November 1, 2024, to establish a polling 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 to coordinate with county sheriffs or jail facility coordinators to design and implement a program to establish a polling location at each county jail facility.
- 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.
- Allows in-person, nonpartisan voter educational and informational sessions in jail facilities about voter eligibility requirements, deadlines, and steps to register to vote and vote.
- Requires the county sheriff or jail facility administrator to develop policies and

procedures that ensure voter registration forms are timely submitted and the secrecy of the ballot is protected.

SUPPORT

Ella Baker Center for Human Rights (co-sponsor)
Initiate Justice (co-sponsor)
Pillars of the Community (co-sponsor)

FOR MORE INFORMATION

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