

ELEVATING THE

VOTING RIGHTS

OF YOUTH

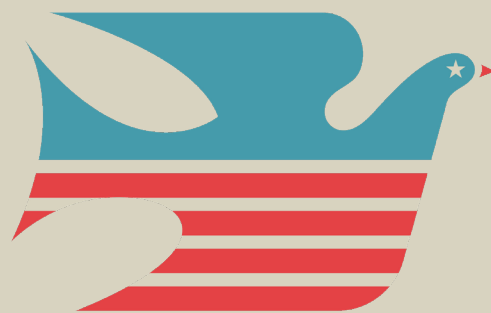


Image by Shepard Fairey via amplifier.org

How California Can Ensure Voting Access in County Juvenile Facilities

ACKNOWLEDGEMENTS

The Youth Law Center (YLC), established in 1978, is a national public interest law firm that works to protect children in the nation's foster care and justice systems from abuse and neglect, and to ensure that they receive the necessary parenting, support, and services to thrive. Our core belief is that every child and youth has the potential to live a healthy and productive life. Our mission is to ensure justice for every system-involved child and youth through ensuring effective, developmentally appropriate parenting, strong family and community relationships, freedom from abuse or neglect, appropriate educational support and opportunities, effective health and mental health care, and the ability to become thriving adults.

The research in this report was made possible by the support of the California State Bar. The report was authored by Youth Law Center Staff Attorney Tamar Alexanian and Directing Attorney Meredith Desautels, with assistance from Project Lead Emily Satifka, Senior Attorney Erin Palacios, and Managing Director Lauren Brady. Report design was provided by Julie Smith of JulieCo Creative. The artwork in this report is by Shepard Fairey and is made possible via Amplifier Studios through the generous support of their donors. The authors would like to thank the experts who shared their perspective in the course of our research for this report. For more information about this report, please contact info@ylc.org.

© 2024 Youth Law Center

TABLE OF CONTENTS

I. EXECUTIVE SUMMARY	1
II. INTRODUCTION	2
III. YOUTH VOTING AND THE CALIFORNIA JUVENILE JUSTICE SYSTEM	3
IV. METHODOLOGY FOR ESTABLISHING A STATEWIDE PICTURE OF VOTING IN JUVENILE FACILITIES	10
V. GAPS IN VOTING PROTECTIONS IN CALIFORNIA'S JUVENILE FACILITIES	11
VI. RECOMMENDATIONS	18
VII. CONCLUSION	22
VIII. APPENDIX A: SAMPLE VOTING RIGHTS POLICY FOR JUVENILE FACILITIES	23
ENDNOTES	26



I. EXECUTIVE SUMMARY

This year, 2024, brings with it a presidential election and a heightened responsibility to ensure voting access for youth impacted by the juvenile justice system.

In 2023, California closed its youth prisons, leading to an increasing number of voting-age youth being confined in county-run juvenile facilities. Now more than ever, counties across the state must make sure that they're meeting their legal obligations to support the voting rights of incarcerated youth.

This report examines the current status of voting access for youth who are confined in county juvenile facilities in California. In particular, we provide the first-ever analysis of existing county voting policies for confined youth. Through this analysis, our report both identifies gaps in county policies and highlights promising practices that can be replicated around the state.

With this report, we hope to help counties better understand their legal obligations and implement comprehensive voting policies that will ensure that incarcerated youth can access their right to vote.

Toward these goals, we offer recommendations for both state and county action. **We call on three state-level agencies—including the Secretary of State, the Office of Youth and Community Restoration, and the Board of State and Community Corrections—to provide guidance to the counties on protecting and promoting voting access for youth in juvenile facilities.** We also call on the Legislature to request a statewide assessment by the Legislative Analyst's Office of the legal compliance of all voting policies and procedures in locked county facilities, including both adult jails and juvenile facilities.

Finally, we recommend that every county Probation Department that operates a juvenile facility take the following five steps:

1. Develop written policies that include both registration and voting procedures as well as clear steps to ensure that the policies are actually implemented.
2. Partner with community organizations and credible messengers to lead voter outreach and education inside of juvenile facilities.
3. Partner with the county's Department of Elections or Registrar's Office to coordinate voter registration and ballot collection efforts.
4. Implement internal accountability measures that confirm compliance with legal duties while also preserving the voter privacy of confined youth.
5. Provide youth-specific voting materials and information to avoid confusion.

Implementing the above recommendations would move California closer to the ideal of true and meaningful voting rights access for all young people.



II. INTRODUCTION

Due to recent sweeping changes to California’s juvenile justice system, the number of voting-age youth in county juvenile facilities is expanding.

Yet, too often, young people in the juvenile justice system lack the information or access they need to be able to exercise their voting rights. County Probation Departments across the state must ensure that eligible young people confined in county juvenile facilities are able to register as voters and vote in every election.

We offer this report to help expand voting access for youth inside county juvenile facilities. Our report begins with background on voting laws, the juvenile justice system, and the importance of voting for justice-impacted youth. Next, we provide an analysis of current voting policies in juvenile facilities operated by County Probation Departments across the state, identifying problematic gaps and lifting up promising practices. Finally, we conclude with recommendations for protecting the voting rights of incarcerated youth in the 2024 election and beyond.



III. YOUTH VOTING AND THE CALIFORNIA JUVENILE JUSTICE SYSTEM

This section offers background context on voting, juvenile justice in California, and the intersection of these two systems. In particular, this section highlights the increasing importance of voting rights in the wake of California's recent juvenile justice reforms, and the legal obligations of Probation Departments related to voting inside juvenile facilities. It concludes with a summary of research highlighting the importance of protecting the right to vote for juvenile justice-involved youth.

A. Navigating the U.S. voting system is highly complex.

Voting in the United States is, unfortunately, not a simple process.¹ Many other countries have implemented strategies to make voting more accessible, including automatically registering voters and placing election days on weekends or national holidays.² Ideally, voting in an election in the United States includes the following steps in chronological order:

1. An eligible voter is able to register to vote prior to Election Day.
2. The voter has access to information on how to vote on or before Election Day.
3. The voter has access to information on candidates and other ballot initiatives in order to decide how they want to cast their vote.
4. The voter casts their ballot according to Election Day deadlines.
5. The voter's ballot is counted.

However, the steps above are not always so simple to follow.

Barriers to voting include:

Varying dates, times, and deadlines for each election, which often differ by state;

The difficulty of re-registering after moving (required even within the same state) or possibly re-registering when changing political parties (depending on party preference);

Voter identification laws, which differ from state to state;

Access to early voting or voting by mail, which differs by state and often by county; and

Criminal disenfranchisement laws, which vary by state and make voters susceptible to criminal punishment if not followed correctly.³

Additionally, as the Center for Civic Design states, "The burden accumulates across the experience." Under these circumstances, voter apathy actually comes from systemic barriers rather than individual voters.⁴ For youth in the juvenile justice system, the burden of such systemic barriers on the right to vote is particularly acute.

B. Youth involved in California’s juvenile justice system can vote.

The right to vote in California is unaffected by involvement in the juvenile justice system. A person in California is eligible to vote as long as they meet the following requirements:

- Age 18 or older on Election Day
- A U.S. citizen
- A California resident
- Not currently serving a state or federal prison term for an adult felony conviction⁵

The law is clear that a juvenile adjudication is not considered a conviction and has no effect on the right to vote.⁶ Unfortunately, there are many misconceptions about voting rights and eligibility, and young people who are incarcerated in a juvenile facility or under probation supervision may believe that they cannot vote. Because of these misconceptions, it is critically important that juvenile system stakeholders—particularly Probation Departments—ensure that youth receive accurate voting rights information and are offered access to registration and voting.

C. Recent juvenile justice reforms in California have increased the number of voting-age youth in the juvenile justice system.

Access to voting rights for incarcerated youth is vitally important due to recent juvenile justice reforms that have resulted in an increase in the number of voting-age youth in county juvenile facilities.

California’s juvenile justice system is in the midst of a major transformation. Following legislation passed in 2020, California is now moving towards a health-based and county-based system focused on positive youth development. A critical step in this transformation was last year’s closure of all of California’s state youth prison facilities, as mandated by Senate Bill 823 (S.B. 823, 2019-2020 Reg. Sess.). The closure of California’s youth prisons is part of S.B. 823’s comprehensive



“Ensuring accessible voting processes for system-impacted youth, coupled with comprehensive voter information to facilitate well-informed decisions, is the least the state can do to show it cares about youth voices. Without these measures in place, what message does California send to the next generation? Certainly, not one aligned with a commitment to positive youth development.”

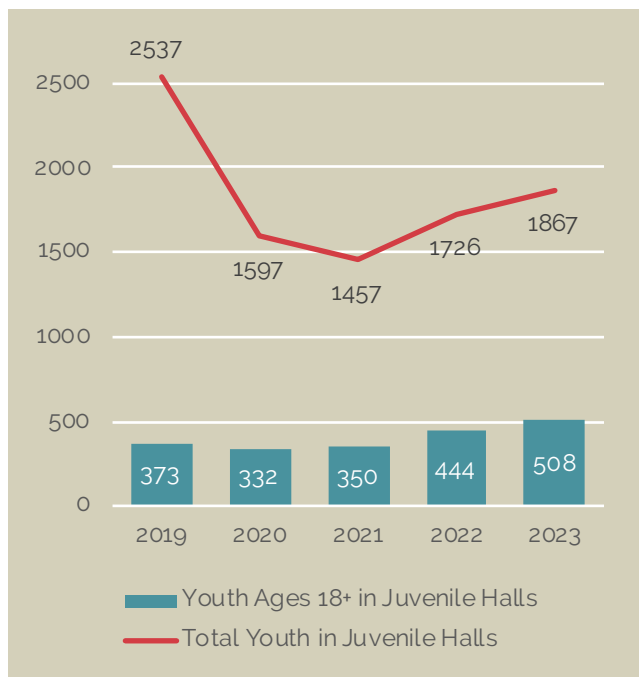
*- Nancy Juarez, Policy Analyst,
Center on Juvenile and Criminal Justice*

“realignment” of the juvenile justice system from the state to the counties. With the closure of the state’s youth prisons, all youth now remain in county delinquency systems and facilities rather than being transferred to the state.

As a part of juvenile justice realignment, a number of laws were changed to accommodate young people in the county-based juvenile systems, with the result being an increase in youth over age 18 confined in county juvenile facilities; for example, the maximum age of juvenile court jurisdiction has been increased. Previously, court jurisdiction ended at age 21, but today youth can remain under juvenile court jurisdiction until age 23 or 25, depending on their charges, with the possibility of an additional two years of court control.⁷ In addition, prior to realignment, many youth were transferred to adult jails upon reaching age 19, even if they were still under juvenile court jurisdiction. Through the realignment legislation, the law has been amended to keep youth in the county’s juvenile facilities as long as they are under juvenile court jurisdiction, up to age 25, rather than transferring them to adult facilities.⁸ As a result of these realignment reforms, local juvenile facilities are increasingly confining older youth.

A comparison of county juvenile facility populations from 2019 to 2023 helps to illustrate the age shifts that are occurring inside juvenile facilities as a result of California's juvenile justice realignment.⁹ As Figure 1, below, shows, there was an overall decline in juvenile facility populations from 2019 to 2021, with the most likely cause being the impact of the COVID-19 pandemic. Starting in 2021, the number of youth ages 18+ in juvenile halls began to increase, while the overall number of youth in juvenile facilities did not begin growing again until 2022. Over the past three years, the number of youth over age 18 in county juvenile halls has been steadily increasing, from 332 in 2020 to 508 in 2023.

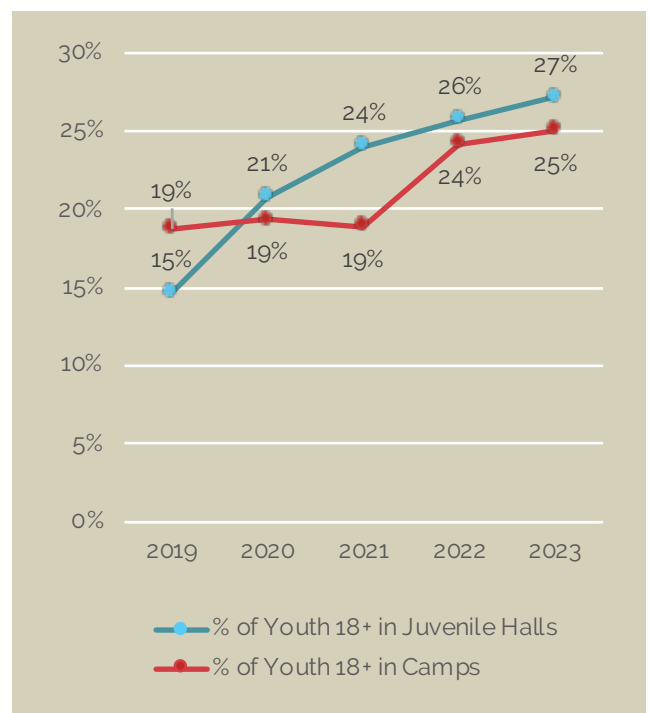
FIGURE 1: YOUTH POPULATION IN JUVENILE HALLS



Over the past three years, the number of youth over age 18 in county juvenile halls has been steadily increasing, from 332 in 2020 to 508 in 2023.

In addition, the percentage of confined youth who are age 18+ has been increasing as well, meaning that voting-age youth make up a growing proportion of youth in juvenile facilities. As shown in Figure 2, below, in 2019, youth ages 18+ made up just 15% of youth confined in juvenile halls, and 19% of youth confined in juvenile camps. As of 2023, the percentages of youth who are ages 18+ increased to 27% of youth in juvenile halls and 25% in juvenile camps.

FIGURE 2: PERCENTAGE OF YOUTH AGES 18+ IN JUVENILE HALLS & CAMPS



As of 2023, the percentages of youth who are ages 18+ increased to 27% of youth in juvenile halls and 25% in juvenile camps.

These population trends, and the law changes that brought them about, suggest that the population of voting-age youth in county juvenile camps and halls is likely to continue to grow over time.

Counties are also likely to continue to see an increase in voting-age youth in their facilities because realignment additionally established a new type of county facility, called a “Secure Youth Treatment Facility” (SYTF).¹⁰ This new facility is used for longer-term commitments of youth, pursuant to a sentencing matrix recently established by the California Judicial Council.¹¹ Under the matrix, youth may be confined in an SYTF for up to seven years, with the opportunity to have that confinement time reduced or served in a less restrictive program.¹² As stated above, this confinement can extend up to the maximum age of court jurisdiction, which is age 23 or 25, plus an additional two years if the youth is serving a commitment to the SYTF.¹³ Thirty-six counties have established new SYTFs.¹⁴ While the Board of State and Community Corrections (BSCC) is just starting to collect data for these commitment facilities, over time these facilities are likely to house a distinctly older population.

With the increasing number of voting-age youth in juvenile facilities and the 2024 presidential election fast approaching, it is imperative that counties take steps to support the voting rights of confined youth.

D. County Probation Departments in California have voting registration obligations.

By law, county Probation Departments must take certain steps to ensure that youth confined in juvenile facilities can exercise their right to vote. Specifically, according to Elections Code section 2105.7, all state and local juvenile detention facilities have an affirmative duty to do all of the following:

- Identify every person held in the facility who is eligible to vote.
- Provide a registration application (paper or online) to each eligible person.
- Assist every eligible person to register unless the person declines this assistance.
- If providing a paper registration application, assist in returning the completed form to the county elections official or accept any completed voter registration application and transmit it to a county elections official.

The affirmative duties outlined by Elections Code section 2105.7 apply to any juvenile detention facility run by a county Probation Department, including but not limited to juvenile halls, ranches, and camps. They also apply to any facility run by the Department of Corrections and Rehabilitation, Division of Juvenile Justice, such as the Pine Grove Fire Camp.

In addition to the statutory duty to assist with voter registration, Probation Departments must also ensure that incarceration does not prevent youth from exercising their constitutional right to vote.¹⁵

E. Logistical challenges make it difficult to vote while incarcerated.

In California, to vote while incarcerated, individuals must do the following:

- 1. Verify that they are eligible to vote.¹⁶**
- 2. Register to vote at least 15 days prior to an election.¹⁷**
 - » If registering online, individuals must have access to the online registration forms.¹⁸
 - » To register using a paper registration form, individuals must have access to a black or blue pen.¹⁹ Paper registration forms should be placed in the mail (no postage required²⁰) or returned to the appropriate facility staff member.²¹
 - » For both online and paper registration forms, individuals must have identification information.²² Most often, individuals need to supply either their California Driver's License or ID number or the last four digits of their Social Security number.²³ Individuals who do not know this information can seek assistance from family members, public defenders, or probation staff.²⁴
 - » Permanent address²⁵
 - Individuals should list the address they expect to return to once they are released.²⁶ If the person does not have a place of residence, they can include two cross streets as their permanent address.²⁷

» Mailing address²⁸

- If an individual would like to receive their vote-by-mail ballot at the facility, they should include the facility address as the mailing address. A facility address should only be used if the individual expects to be at the facility on Election Day. Adult facilities often require mail to include the individual's inmate number in order to be correctly routed.
- Alternatively, the individual can use their permanent address as their mailing address, but if the individual is still in the facility when ballots are mailed, they will have to coordinate with a family member to bring their ballot to the facility.

3. Receive their vote-by-mail ballot.

- » No later than 29 days before an election, the County Elections Office will mail vote-by-mail ballots to all registered voters.²⁹
- » If an individual listed an incarceration facility as their mailing address, the ballot should be distributed as all other regular mail items would.



Image by Shepard Fairey via amplifier.org

4. Vote and return ballot.

- » Vote-by-mail ballots must be completed and postmarked by Election Day and must be received no later than seven days after the election.³⁰
- » Given that facility mail has additional rules and regulations, individuals should plan on completing their ballot before Election Day to avoid any delays and ensure that it is postmarked no later than Election Day.
- » Some facilities provide ballot boxes inside of the facility. If so, voting individuals must complete their ballot before the ballot boxes are locked or picked up on Election Day.
- » Some facilities collect ballots and deliver completed ballots to ballot boxes or the Elections Department. If so, voting individuals must give their completed ballot to the appropriate officer with enough time for the officer to return the ballots before the close of Election Day.

The complexity of voting from within a secure facility presents a major challenge to youth actually being able to exercise their rights to register and vote while incarcerated.

E. Research shows the powerful and important impact of youth voting rights.

Protecting the voting rights of incarcerated youth is a critical civil rights issue. While the number of voting-age youth in juvenile facilities is relatively small (totaling around 700 youth in juvenile halls and camps at the end of 2023),³¹ there are powerful reasons why their voting rights deserve special attention.

“Voting is a part of improving my community.”
—Alameda County youth in juvenile hall, voting for the first time on March 5, 2024

Access to voting for juvenile justice-impacted youth is a race equity issue.

Juvenile incarceration disproportionately affects youth of color. On a national scale, even though there have been significant declines in rates of youth incarceration, Black youth are still five times more likely than their white counterparts to be held in juvenile facilities,³² while Latinx youth are 1.16 times more likely³³ and Indigenous youth are three times more likely.³⁴ In California, the trends are even more bleak: Black youth are nearly eight times more likely, Latinx youth are more than two times more likely, and Indigenous youth are nearly four times more likely than their white counterparts to be in a juvenile placement.³⁵ In addition to being incarcerated at higher rates, youth of color are released from detention at lower rates than their white peers.³⁶

RACE DISPARITIES IN JUVENILE PLACEMENTS ACROSS CALIFORNIA



When youth in the juvenile justice system are unable to exercise their right to vote, the impact is disproportionately borne by voters of color. Voting in juvenile incarceration facilities is therefore inherently an issue of racial justice that implicates the opportunity for youth of color to shape their communities.

Research shows that voting has both individual and communal benefits, particularly for people who are formerly incarcerated.

Studies show that there are many individual and community benefits to voting. On an individual level, being politically active increases a person's sense of satisfaction, provides a person with an opportunity to feel connected with others, and, overall, increases happiness and life satisfaction.³⁷ Political participation and community involvement also may lower an individual's risk for psychological problems and lessen some negative mental health consequences related to oppression.³⁸ According to census surveys, regular voters are more strongly connected with their neighbors and family members compared to their counterparts who vote less frequently; they also have stronger social connections, which leads to greater quality of life and longevity.³⁹

Voting also has a positive impact on voters' communities. Elected officials base their policy decisions on the needs of groups that are most likely to vote rather than on the greatest needs of all individuals; for example, increasing voter turnout by low-income citizens results in greater spending on healthcare for children, higher minimum wages, and more regulations for predatory lending.⁴⁰ Higher levels of civic engagement can also help communities endure economic downturns and may lead to lower rates of unemployment.⁴¹ Other studies suggest that low rates of voter registration are associated with fewer community resources.⁴² Together, these studies show that increasing community voter turnout has impactful political and resource benefits not only for individuals but for their communities as well.

In addition to these general benefits from voting, research has shown that voting has particular positive impacts for justice-involved individuals.⁴³ First, studies show an association between reduced recidivism and voting among people with a criminal history.⁴⁴ Second, studies show that having the right to vote assists justice-impacted individuals with community reentry and increases an individual's sense of political efficacy.⁴⁵ This research suggests that voting access may be particularly positive and beneficial for justice-involved youth.

Although the benefits of youth voting are clear, there is a distinct and pervasive need to support voting access for young people.

Although many of the aforementioned studies have been adult-focused, the societal and individual benefits that they reveal are not only relevant but are likely even more poignant for the youth population. Studies that do focus on young voters are clear that forming voting habits at a young age and engaging in voting have positive benefits for young voters. For example, research consistently shows that youth who participate in communities and are a part of groups that work together benefit greatly.⁴⁶ Youth engagement through voting can lead to better academic performance, improved social-emotional skills, and increased skills and networks that are valuable in a workplace.⁴⁷ Additionally, civic participation is a habit, and voting at a young age helps build a habit around civic engagement that can last a lifetime and, therefore, reap a lifetime of benefits.⁴⁸

Historically, young voters have some of the lowest turnout rates both nationally and in California.⁴⁹ Despite these low turnout rates, youth overwhelmingly say they are interested in politics and intend to vote.⁵⁰ For example, over the past five presidential elections, an average of 81% of youth between the ages of 18 and 29 said that they intended to vote.⁵¹ However, this population faces significant voting barriers (both technical and institutional) and, therefore, most are unable to exercise their right to vote despite their interest in doing so.⁵²

Although California youth with juvenile adjudications always retain their voter eligibility, it is important to ensure their access to voting while confined in juvenile facilities. The potential benefits are tremendous for these youth, for our communities, and for democracy.



IV. METHODOLOGY FOR ESTABLISHING A STATEWIDE PICTURE OF VOTING IN JUVENILE FACILITIES

With the recent realignment of the juvenile justice system and the subsequent changes in the juvenile facility populations, the need for a standardized approach to voting in juvenile facilities has become increasingly clear. Unfortunately, a lack of state-level guidance on this issue has resulted in a dearth of information about voting in county juvenile facilities. For example, unlike adult facilities, the Board of State and Community Corrections (BSCC) has never required juvenile facilities to develop a voting policy or procedure.⁵³ In order to better understand and address this gap, the Youth Law Center sought to compile a statewide picture of current voting rights policies and practices for every county juvenile facility.

In September of 2023, the Youth Law Center contacted every county operating one or more local juvenile detention facilities. Of California's 58 counties, 40 counties have at least one juvenile facility that confines youth for at least 96 hours or more (such as a juvenile hall, camp, ranch, or Secure Youth Treatment Facility (SYTF)).⁵⁴ In our written correspondence to the chief probation officer of each of these 40 counties, we requested any written resources or policies related to registration or voting in the county's juvenile facilities. By the end of 2023, we received either written or verbal responses from all 40 counties, which revealed a wide variation in policies and practices being carried out across the state. All county PRA responses can be found at <https://www.ylc.org/votingrights-cpra>.



V. GAPS IN VOTING PROTECTIONS IN CALIFORNIA'S JUVENILE FACILITIES

Our analysis has identified significant gaps in the policies and practices of Probation Departments when it comes to the voting rights of incarcerated youth.⁵⁵ While the particular problems vary across the counties, we have found that many Probation Departments are falling short of their legal obligations regarding the voting rights of confined youth.

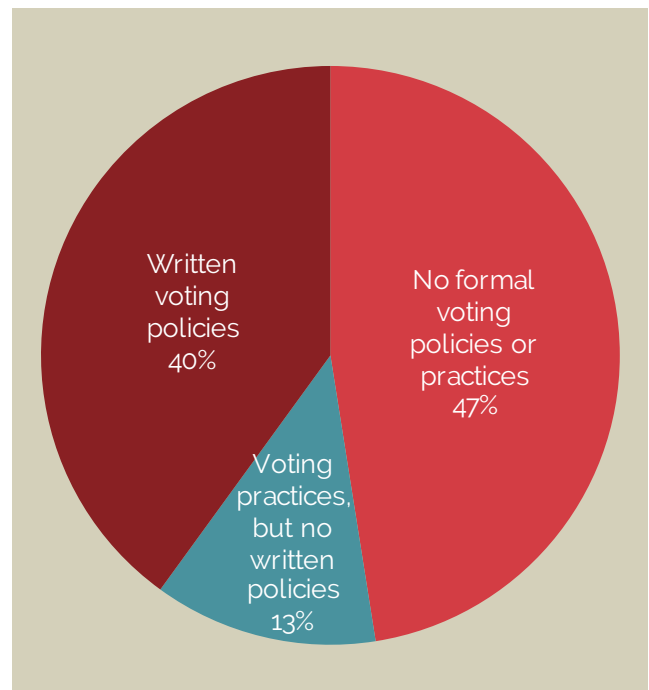
Findings at a glance

Of the 40 counties that house incarcerated youth in California:

- **Nearly half of the counties, 19 of 40 (47%), report no formal policies, procedures, or practices at all** for registration or voting for youth confined in the facility.⁵⁶
- **Only 16 counties out of 40, just 40%, have a written policy or procedure for registration or voting** for youth confined in the facility.⁵⁷
- Of the 16 counties with written policies on voting rights, **most (88%) have errors in their policies**, including outdated and inaccurate legal information or information that pertains only to persons with adult convictions (not juvenile adjudications).⁵⁸ Many of the counties' **inaccurate policies come from a private company that collects fees from the counties for the use of proprietary policies that misstate the law.**⁵⁹
- Of the 16 counties with written policies regarding voting rights, **50% lacked sufficient procedures for ensuring that confined youth could actually exercise their right to vote.**⁶⁰

Below we highlight some of the key issues that we found based on the 40 counties' responses. In doing so, we hope to shed light on an emergent issue that is particularly relevant given the upcoming general election later this year.

COUNTY RESPONSES TO PUBLIC RECORDS REQUESTS



1. Forty-seven percent of counties have no written policies or procedures nor any formal practices for ensuring the right to vote in their juvenile facilities.

Nineteen of the 40 counties with juvenile facilities, or 47%, responded that they do not currently have any written policies, written procedures, or dedicated practices to ensure that incarcerated youth can vote. Alarming, some counties' responses were so non-substantive as to indicate that the Probation Department was completely unaware of their statutory duties to assist confined youth with voter registration. For example, one county responded to our request for policies by providing the Secretary of State's Voting Rights guide for persons with a criminal history and copies of voter registration applications in English and Spanish.⁶¹ Such a lack of any departmental voting rights policies, procedures, or practices raises a concern that youth may not be informed about or able to exercise their right to vote in nearly half of counties with juvenile facilities.

Fortunately, many of the counties that lacked any voting policies, procedures, or practices expressed an interest in receiving more information or model policies that they could implement. One possible reason for a lack of current policies is that many counties have small facility populations and, in the past, may have rarely confined youth over age 18. Given the increasing likelihood that counties will have voting-age youth in their facilities in the future, as discussed above, it will be important for these counties to implement formal policies and practices going forward.

The favorable responses from these counties indicate an opportunity for statewide leadership from the Secretary of State, the Office of Youth and Community Restoration (OYCR), and the Board of State and Community Corrections (BSCC) to help counties come into compliance with their legal obligations regarding the voting rights of confined youth.

2. Only forty percent of counties—16 out of 40—have written policies or procedures for registration or voting for confined youth.

Of the 40 counties surveyed, only 16 (or 40%), responded with a written policy or procedure related to voting rights in their juvenile facilities. This means that a total of 24 counties, or 60% of all counties with juvenile facilities, were not able to provide any written policies memorializing a formal or structured approach to ensuring that youth can vote. These counties included the 19 counties, described above, that had no formal voting rights policies at all, as well as another 5 counties that lacked written policies regarding voting rights.⁶²

The lack of any written policies in 60% of counties is concerning because of the complexity of implementing voting registration and voting. For example, in an election year, there are multiple, interdependent deadlines, including separate deadlines for registration in any primaries, the primary Election Day, registration for the general election, and the general Election Day. Additionally, there is frequent turn-over of the youth confined in a facility over the course of a



“For many years, the Department of Elections has collaborated with Prisoner Legal Services to deliver ballots and customized services to both registered voters and registration-eligible individuals in local jails. This year, we have expanded this program to provide outreach, voter registration, and ballot delivery services to eligible young adults in the City’s juvenile justice system as well. Through these programs, we can ensure all eligible San Franciscans involved in our justice system have the opportunity to participate in elections.”

—John Arntz, Director of the San Francisco Department of Elections⁹⁵

year, with youth being released and new youth being admitted, and the further variable of birthdays happening throughout the year. Without a written policy, it becomes increasingly likely that youth may slip through the cracks and miss the opportunity to register and vote.

One Probation Department that did not have written procedures, but nonetheless has recently established a comprehensive approach to voting, is San Francisco. The San Francisco Juvenile Probation Department has formed a collaborative partnership with the San Francisco Department of Elections to ensure that youth in their juvenile hall can exercise their voting rights.⁶³ Through this partnership, the San Francisco Department of Elections staff go inside the county's juvenile hall to conduct voter registration, voter education, and office hours. In past elections, they have placed ballot drop boxes inside of the juvenile hall to ensure that youth can securely deliver their completed ballots. Despite this strong relationship, as of now, neither department has formalized these practices into a written policy.

Even in a county that has strong voting rights *practices*, having a *written policy* is important to maintaining a comprehensive approach over time, particularly with the two-year gap that can occur between election cycles. When staff turn over or there are changes in leadership, written policies provide important continuity of positive practices.

3. Of the 16 counties with written voting rights policies, the majority (88%) had errors in their policies, including outdated, inaccurate, or inapplicable legal information.

Less than half of the 40 counties surveyed—just 16—have a formal written policy or procedure for voting. The 16 voting rights policies that we obtained all vary widely in scope, accuracy, and level of detail. Our analysis identified issues with the written policies that fall into three main categories, with 14 out of 16 written policies (88%) containing outdated, inaccurate, or inapplicable information.

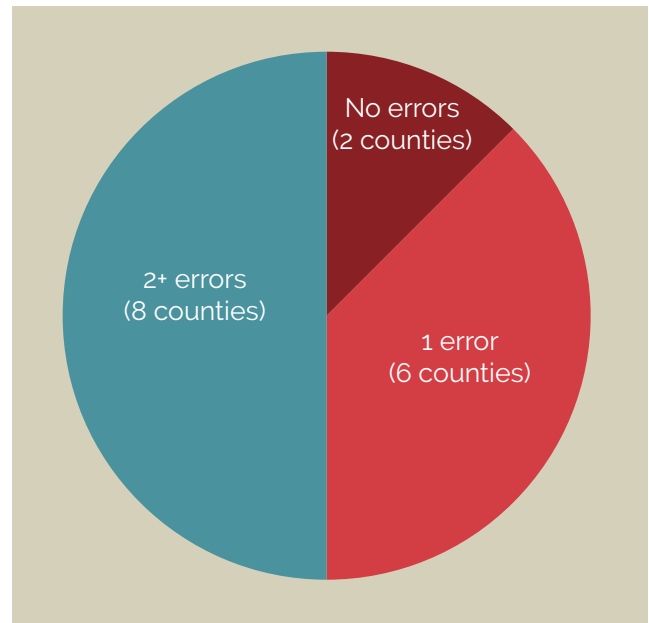
A. Policy fails to state Probation's affirmative registration obligations under the law.

In 8 of the 16 counties with written policies, the policy does not mention the Probation Department's legal obligations under the Elections Code and, therefore, is inaccurate and a misstatement of the law.⁶⁴ For example, one county's policy states that it will assist youth "who wish to vote" or who "have requested to vote."⁶⁵ By placing the burden on youth to seek out assistance, this policy falls short of the legal obligations under Election Code section 2105.7 to affirmatively identify youth and offer registration assistance.

B. Policy misstates voter eligibility laws.

In 5 of the 16 counties with written policies, the policy incorrectly states the law regarding voter eligibility.⁶⁶ As described above, under current law, only those individuals who are currently in a state or federal prison for an adult felony conviction are prohibited from voting.⁶⁷ All five of the counties with incorrect voter eligibility information erroneously indicate that individuals on parole cannot vote.

NUMBER OF ERRORS IN WRITTEN VOTING POLICY



C. Policy contains inaccurate statements about voting procedures.

In addition to the problems described above, another nine counties have legal errors related to voting procedures, reflecting a need for technical assistance to ensure that Probation Departments are providing proper guidance to youth in their facilities.⁶⁸

Specifically, six counties incorrectly suggest that youth may be responsible for postage to return their ballots by mail.⁶⁹ These policies state: "Postage shall be provided to youth who cannot afford to mail an absentee ballot." Such a policy indicates that youth who can afford postage must pay to mail their ballot, whereas Election Code section 3010(a)(2) provides that a vote-by-mail ballot will include prepaid postage for return of the ballot. One additional county policy states that postage "shall be provided to youth," which similarly indicates a lack of awareness regarding prepaid postage on all ballots.⁷⁰

Other counties with detailed voting procedures unfortunately incorporate misinformation about voting requirements. As described above, youth who are voting by mail from inside a juvenile facility can use either their home address or the facility as their mailing address.⁷¹ Additionally, vote-by-mail ballots must be postmarked on or before Election Day but need not be received by that date.⁷² Despite these procedural protections, some counties' policies conflict with these provisions, including the following misinformation:

- Directing youth that a vote-by-mail application must be returned "at least 7 days before Election Day."⁷³
- Stating that a mailed ballot must "reach the Office of Voter Registration & Elections by 8:00 pm on the date of the election,"⁷⁴ or that the "youth must complete and return it to the county elections office at least seven (7) days before Election Day."⁷⁵
- Indicating that youth cannot use their vote-by-mail ballots if they are released from the detention facility: "Voting may only be completed via mail-in ballot while a resident in a detention facility."⁷⁶
- Requiring that youth only use their home address as both their permanent and mailing address, even when the youth will reside in the facility on Election Day: "The resident must use their home or permanent address when registering. A detention facility does not qualify as a permanent address. [...]"

The resident must make arrangements to have the sealed ballot delivered to them at Juvenile Hall."⁷⁷

These policies, if followed or simply just conveyed, would likely chill or discourage youth from voting—and in some cases may deny the ability to vote entirely. Election laws are highly complex and, as these errors indicate, technical assistance and guidance would be very helpful to ensure that Probation Departments' policies align with these laws.

4. Fifty percent of the counties with written policies –8 out of 16–do not have sufficient procedures to ensure that confined youth can actually exercise their right to vote.

In many counties, the written policies are insufficient to ensure that the Probation Department would take the necessary steps to ensure that voting-age youth could actually register and cast a ballot. We found that 4 of the 16 counties with written policies do not include any guidance to staff at all about how to implement voting in the facilities.⁷⁸ An additional four county policies do include procedures on conducting registration but fail to include any procedures for how youth can actually cast a ballot in an election.⁷⁹ In other words, in 50% of the counties with written policies, the policy failed to demonstrate how Probation Department staff would assist youth with both registration and actually exercising their right to vote in an election.

In the four counties that do not provide any guidance for voting implementation, the written policies generally just affirm the right to vote without specifying how it will be implemented.⁸⁰ In these counties, the only guidance offered for the process of registration is as follows:

"Prior to each election, the Manager will designate an officer to be a liaison between the Department and the local Registrar of Voters. The designated officer will be responsible for assisting youths who have requested to vote. Postage shall be provided to youth who cannot afford to mail an absentee ballot."⁸¹

In addition to providing incorrect information regarding postage (as described above), this policy provides no guidance or procedural direction for staff members, making it unlikely that staff will have the necessary expertise to affirmatively fulfill their voting-related duties. Additionally, voting rights may be deprioritized compared to other operational duties, which may

already have an established routine or appear to be more pressing. Because incarcerated youth do not have independent access to information like other voters, Probation Departments that fail to have written voting-related procedures may leave youth with no means to exercise their right to vote.

In the four other counties, there were no procedures for how youth would be able to cast ballots in an election.⁸² Importantly, these counties do have procedures for meeting the Probation Department's obligations to assist with registration under the Election Code. However, such policies leave a huge gap if they fail to address actual voting procedures, as casting a ballot requires numerous considerations, including access to voter information materials, access to a pen and an opportunity to vote in private, and timely transmission of ballots to the county election department.

On a positive note, 12 of the 16 county policies indicate that the Probation Department should have a designated person responsible for voting duties and implementation in the facility.⁸³ Having a designated individual in charge of voting practices in a facility is an excellent accountability method. However, without any other procedural guidance or information in the policies, it is unclear how these designated individuals are going about their duties and, given staff turnover, how they are ensuring continuity of practices.⁸⁴

By way of comparison, Sonoma County's written voting procedure provides a strong example of the kinds of details a voting policy might cover to ensure that youth are actually able to register and vote. Sonoma's policy spans 1.5 pages in length and includes the following topics:

- Voting eligibility criteria
- Registration deadlines
- Address and party preference changes
- How to assist residents with voter registration (both paper and online registration)
- Registration for out-of-county residents
- How residents can receive their mail-in ballots in the facility
- How and when completed ballots will be sent back

Sonoma's written procedure indicates that it is both possible and beneficial for Probation Departments to detail the steps for ensuring voting access. Voter registration and voting are, unfortunately, complicated and unlikely to happen consistently or correctly during every election on every unit within a facility without specific guidance to probation staff.

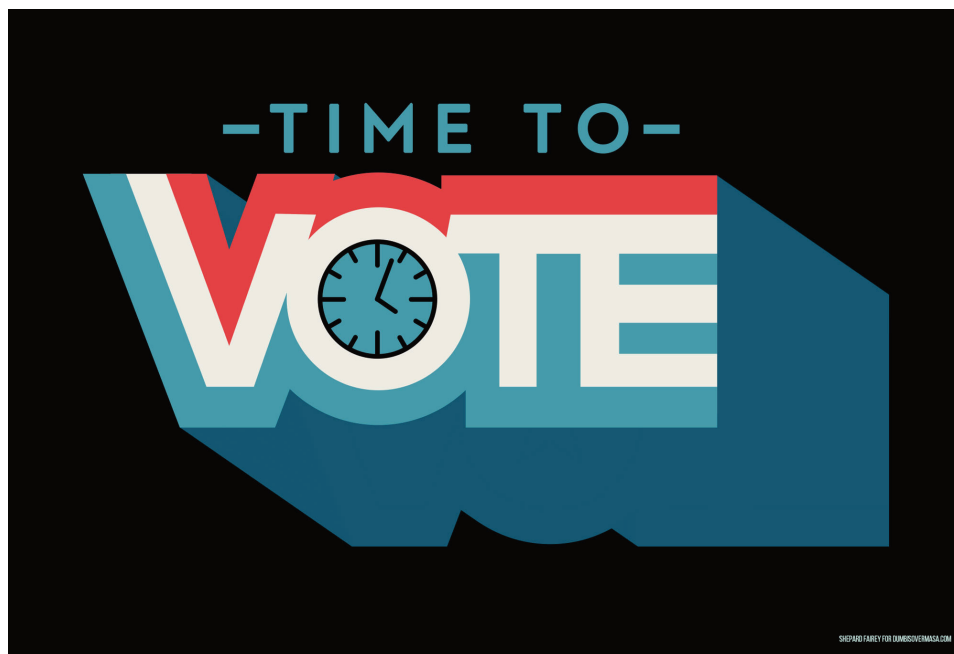


Image by Shepard Fairey via amplifier.org

5. Numerous counties with deficient policies are using a proprietary policy purchased with public dollars from a private company.

One issue of great concern is that a number of counties whose policies fail to meet minimum legal standards purchased these policies from a private company with public dollars. Of the 16 counties with written policies, 11 utilize written policies or procedures that were published by Lexipol, a for-profit company that sells copyrighted policy templates to Probation Departments and other law enforcement agencies statewide.⁸⁵ Many, though not all, of these Lexipol policies were legally deficient—it appears that some counties modified or updated the Lexipol policy template to bring it into compliance with the law. Unfortunately, others appear to have made no modifications and, as a result, replicated Lexipol's legal errors. For example, at least six counties have nearly identical Lexipol voting rights policies that fail to acknowledge the Probation Department's affirmative registration duties and instead place the burden on youth to request voting assistance.⁸⁶

Counties that continue to utilize a third-party, for-profit company such as Lexipol to create their policies and procedures are still responsible for ensuring that the policies and procedures that they adopt comply with the law. As described above, some counties using the Lexipol template have made edits and/or added extensive, county-specific registration or voting procedures.⁸⁷ Counties utilizing Lexipol should follow these counties' example and ensure that tax dollars are not being wasted on voting policies that fall short of the county's legal obligation. Errors of such a basic nature are of serious concern and indicate a need to review the quality of material that agencies are purchasing and relying on to develop their policies concerning fundamental, democratic rights.

6. Probation Departments' tracking of youth registration raises voter privacy concerns.

Several counties have implemented registration tracking procedures that raise concerns about voter privacy. Given that Probation Departments have affirmative responsibilities surrounding voter registration, it makes sense that they may want to use tracking mechanisms to ensure that youth have been offered registration assistance. According to the records provided, at least seven counties have implemented such voter tracking systems in their juvenile facilities.

SPOTLIGHT ON ROBUST WRITTEN POLICIES: FRESNO COUNTY PROBATION DEPARTMENT

The Fresno County Probation Department stands out both for its extensive internal policy regarding registration and voting procedures and for its efforts to bring the voting experience to youth inside their facility. Like many other counties across the state, Fresno County utilizes template policy language published by Lexipol; however, the Fresno Probation Department appears to have made extensive additions, and, as a result, Fresno's voting procedure is thorough and detailed. For example, the voting procedure outlines steps that the Department will take prior to every election, including contacting the Registrar's Office annually to obtain scheduled election deadlines and implementing internal timelines for asking youth if they would like to vote. Having a detailed procedure like this can help the Probation Department ensure that they are fulfilling their obligation in a timely manner and ensures that eligible youth have access to accurate voting information. It also demonstrates that it is possible for counties to utilize Lexipol services and also meet their duty to have accurate, legal voting rights policies.

In addition to the extensive procedures that are in place, the Fresno County Probation Department works closely with the county's Registrar of Voters. During the 2020 election, the Department provided a robust voting experience where youth had access to voting booths, "I Voted" stickers, and ballot boxes. This sort of immersive voting experience is more likely to generate enthusiasm among the youth to vote, and it also helps youth to feel confident that cast ballots are confidential and being delivered correctly.

While tracking is useful for holding individual staff and the entire department accountable for fulfilling its statutory mandates, the tracking policies currently being implemented do not appropriately protect voter privacy. In all seven counties, their tracking systems result in the creation of Probation Department records that contain individual voter information for confined youth, including information such as whether the youth is an eligible voter, whether they choose to register, and whether they choose to vote. Given the importance of privacy during the voting process, and since it is unclear who has access to this information or how it might be used, these well-intentioned tracking mechanisms are worrisome.

In addition, in five of the seven counties that track youth voting, the Probation Department retains the youth's voter information in the youth's individual probation file. For example, some counties have a voter form that the youth must sign that indicates their eligibility and their decision whether or not to register to vote. These forms are then placed in the youth's file. Several counties also make a notation in the youth's paper or digital file about their voting registration. For example, in one county, the policy requires staff to "[e]nter the voting status in the youth's electronic record," and directs that a form indicating their decision to register be "filed in the youth's Probation file."⁸⁸ Thus, in these counties, a youth's probation file (both physical and digital) would indicate if a youth refused to register to vote.

The choice to vote is a deeply personal one and always remains with the individual voter. Keeping this information in a probation file means that it could be brought up and used—positively or negatively—in the future. It is also unclear how often these questions are re-asked, as a youth may be uninterested in voting in one election, but interested in voting in a future election.

Counties that wish to ensure that they are providing eligible youth with registration and voting assistance should consider utilizing a method that does not demarcate the youth's response in their file. This sort of tracking mechanism would allow probation officers to check with all eligible youth prior to each election, while also keeping the individual youth's decision about voting private.

7. Many counties utilize inapplicable, adult-focused voting materials in their juvenile facilities.

Many counties offer voting rights materials to incarcerated youth, but unfortunately these materials are primarily focused on adult criminal justice involvement and are therefore inapplicable to youth in the juvenile system. For example, three counties use materials from the ACLU in their facilities, including posters and pamphlets, but the information on these materials is only relevant to adult convictions.⁸⁹ Other counties utilize the Secretary of State's voter materials for persons with criminal convictions, which again focus on the impact of adult criminal justice involvement.⁹⁰

Using materials that are not specifically geared towards youth in juvenile facilities will likely lead to confusion for both probation staff and incarcerated youth, particularly related to voter eligibility. A common misconception about eligibility is that people serving any felony sentence cannot vote, which is not true in California: *Only individuals with adult felony convictions currently in a state or federal prison are disenfranchised, and a juvenile case never impacts eligibility.* When materials focus on adult convictions and do not cover juvenile justice involvement, they likely leave more questions than answers for juvenile justice-involved youth. Confusion over eligibility is highly problematic because a voter registration application requires the voter to attest to their eligibility *under penalty of perjury*.⁹¹ If a young person is unsure whether or not they are eligible, they will likely err on the side of caution and decline to register.

While counties can, and should, utilize materials created by community organizations or nonpartisan organizations specializing in voting, they must be careful to ensure that the information they are posting is correctly tailored to the youth audience.



VI. RECOMMENDATIONS

Below, we provide seven key recommendations for both state and county actions, as well as a sample policy at the end of this report. Together, we hope these recommendations and the sample policy will help ensure that county Probation Departments are fulfilling their legal responsibilities and supporting voting access for youth in their facilities.

Summary of Recommendations

1. State agencies—including the Secretary of State, the Office of Youth and Community Restoration, and the Board of State and Community Corrections—should offer leadership and guidance to assist counties in implementing accurate voting policies for their juvenile facilities.

2. The Legislature should request a statewide legal assessment of voting policies in all locked county institutions, including adult jails and juvenile facilities.

3. County Probation Departments must develop written policies that include both registration and voting procedures, as well as clear steps to ensure that the policies are actually implemented.

4. County Probation Departments should partner with community organizations and credible messengers to lead voter outreach and education.

5. County Probation Departments should partner with the county Department of Elections or Registrar's Office.

6. County Probation Departments should implement accountability measures that preserve the voter privacy of confined youth.

7. Counties should provide youth-specific voting materials and information to avoid confusion.

1. State agencies—including the Secretary of State, the Office of Youth & Community Restoration, and the Board of State and Community Corrections—should offer leadership and guidance to assist counties in implementing accurate voting policies for their juvenile facilities.

Statewide leadership is needed to help county juvenile facilities implement accurate and lawful voting rights policies. Election laws are complex and change over time. Moreover, as demonstrated above, the majority of the counties with written policies have inaccuracies or errors in their policies. **The Secretary of State, the Office of Youth & Community Restoration, and the Board of State and Community Corrections all have roles that they can play to ensure that counties implement written voting policies that are accurate and comprehensive.** We recommend the following steps from state-level agencies to protect the voting rights of incarcerated youth:

- **The Secretary of State** should issue a memo to counties regarding registration and election laws applying to youth in juvenile facilities.
- **The Office of Youth and Community Restoration (OYCR)** should promulgate technical assistance and best practice guidance to counties regarding voting

policies and practices, and the **OYCR Ombudsper-son** should incorporate voting rights information into the youth rights trainings that it delivers pursuant to Welf. & Inst. Code section 2200(d)(6).

- **The Board of State and Community Corrections** should promulgate regulations requiring juvenile facilities to have written policies and take steps to ensure that confined youth have access to voter registration and voting.

2. The Legislature should request a statewide legal assessment of voting policies in all locked county institutions, including adult jails and juvenile facilities.

In addition to leadership and guidance from state agencies, we recommend that the Legislature request an assessment of the lawfulness of voting policies in all locked county facilities in the state. The significant number of legal errors in county policies raises serious concerns, particularly because many of the problematic policies derive from templates produced by Lexipol, a for-profit company that has contracts with numerous law enforcement agencies across California.

Given the upcoming election, as well as the tremendous importance of voting to our democracy, a comprehensive legal assessment of custodial voting rights policies is needed. The Legislature should consider requesting a report from the Legislative Analyst's Office on the legal compliance of voting policies and procedures in county jails and juvenile facilities statewide. We recommend that the Legislature prioritize this assessment to ensure that county facility policies are not violating fundamental voting rights laws.

3. County Probation Departments must develop written policies that include both registration and voting procedures, as well as clear steps to ensure that the policies are actually implemented.

As described in Section V, most counties do not have any written policy regarding voting in juvenile facilities. The lack of written policy means that Probation Departments and youth are less likely to know about the voting rights of youth or how age-eligible youth can participate in elections. Probation Departments are also less likely to be prepared to implement registration and voting in accordance with state elections deadlines. To ensure that Probation Departments are aware of and following their voting-related obligations, it is paramount that all counties implement a voting rights policy that clearly delineates the Probation Department's affirmative legal responsibilities.

County policies will only be effective in protecting the voting rights of incarcerated youth if they include specific procedures for how the Probation Department will implement registration and voting in the facility. As described above, very few county policies contain the level of detail necessary to actually implement a registration or voting system. Registering and voting are highly technical and complicated processes that are especially difficult for first-time voters and voters who are away from their homes and communities.

An effective implementation procedure would include the following details:

- Identification of a staff member who is accountable for registration and voting in each county juvenile facility
- A method for identifying key election deadlines each year
- A method for identifying youth who will be 18 on any of the election days during the year
- A method for conducting voter registration
- A method for ensuring that youth can cast their ballots in accordance with the election deadlines. We have included a sample voting rights policy on page 23 that includes registration, voting, and implementation procedures.

4. County Probation Departments should partner with community organizations and credible messengers to lead voter outreach and education.

We recommend that Probation Departments develop partnerships with community-based organizations to take the lead in voter outreach and education among confined youth. Some partnerships already exist between community-based organizations and adult detention facilities and have had positive results.⁹² For example, Pillars of the Community, a San Diego based organization, has been operating a multi-pronged approach to voter registration in San Diego jails, including training incarcerated people to serve as inside-organizers and register their fellow voters in jails.⁹³

Community-based organizations are in the best position to empower youth to exercise their voting rights, particularly if they employ credible messengers who share similar backgrounds with the youth.⁹⁴ The Probation Department is not well-positioned to deliver voting education or assistance, given the custody and control that probation officers exercise over the youth. For example, Probation Department staff have the power to impose discipline on confined youth, and as a result youth may not feel comfortable working directly with staff when they are deciding whether to register or how to cast their ballots. Community-based organizations, in their role as external service providers, are uniquely suited to engage youth in the voting process.

Community-based organizations can combine voting rights information with voter education to help youth understand how they might want to exercise their voting rights. For example, a community-based organization might incorporate workshops that teach youth about a variety of topics, such as the role and authority of elected offices, the electoral process, or ballot initiatives. This information is crucial for making the right to vote meaningful to the youth. Credible messengers, in particular, are often trusted mentors and confidantes for incarcerated youth. When credible messengers provide guidance and insight regarding the right to vote, as well as logistical support related to registration and voting, youth are more likely to have a positive response.

Young voters could also benefit from civic engagement education through in-custody high school classes, community college programming, or libraries in order to gain a better understanding of American

government, politics, and elections. For example, some of the librarians in Alameda County work with individual potential voters to understand their voting rights, explain their ballots, and provide non-partisan information about ballot measures and candidates. Probation Departments can work with education providers in their facilities to provide information that can help youth be informed about their rights and their ballots.

Especially during election years, we recommend that Probation Departments partner with community-based organizations and education providers to lead voter outreach and education in their facilities.

SPOTLIGHT ON COMMUNITY LEADERSHIP: YOUNG WOMEN'S FREEDOM CENTER

The Young Women's Freedom Center (YWFC) is a community-based organization that for 30 years has worked to inspire and empower young women, girls, and trans people of all genders who have been involved in youth and adult legal systems, child welfare system, and/or the underground street economy to create a positive change in their lives and communities.

As part of its work to support the empowerment of young people, YWFC has developed voter rights and information resources that are particularly tailored to youth who have grown up in poverty, experienced the juvenile legal and foster care systems, have had to survive living and working on the streets, and who have experienced significant violence in their lives. For example, for the 2022 election, YWFC published its LA Voter Guide for Los Angeles voters that included steps for how to vote, context for certain governmental systems, and analyses on local candidates and propositions. The guides are created by and for youth and encourage system-impacted youth to vote.

5. County Probation Departments should partner with the county Department of Elections or Registrar's Office.

Counties like San Francisco have shown the many benefits of a strong partnership between the county Probation Department and the county Department of Elections. The county Department of Elections is the best county agency to provide voter registration and election materials and to offer registration assistance to youth. A direct partnership with the Department of Elections helps to alleviate the responsibility carried by Probation Department staff to convey accurate voting information. In addition, if the Department of Elections can engage directly with young people, it may help youth feel more satisfied that they are having an authentic and private voting experience that is separate from their experience of being in custody.

At a minimum, the Probation Department must partner with the Department of Elections on the following topics:

- Calendaring annual registration and election deadlines
- Obtaining official voter registration materials prior to each election
- Obtaining official voter education materials prior to each election
- Coordinating timely transfer of registration forms and ballots to the Department of Elections

A strong partnership with the Department of Elections could additionally include:

- Regular office hours conducted by Department of Elections staff inside juvenile facilities, enabling youth to ask questions and register directly with the Department
- Provision of on-site voting booths and/or ballot boxes
- Voter education workshops
- Opportunities for confined youth to be trained as "peer educators" on voting

SPOTLIGHT ON PARTNERSHIP WITH COUNTY ELECTIONS DEPARTMENT: SAN FRANCISCO COUNTY PROBATION DEPARTMENT

The San Francisco Juvenile Probation Department has recently developed a strong relationship with the county Department of Elections that positions the Department of Elections as the lead agency in ensuring that youth confined in the county's juvenile hall can register and vote. For example, during the current election year, staff from the Department of Elections are holding weekly office hours inside the juvenile facility, allowing youth to register directly with the Department and ask questions about the voting process. The SF Department of Elections also provides non-partisan civic engagement information to interested youth, and will be placing a ballot box inside the facility at each election. Although San Francisco does not have any written policies or procedures regarding voting rights for incarcerated youth, their approach of making the Department of Elections the lead agency offers a great model for other counties to replicate.

6. County Probation Departments should implement accountability measures that preserve the voter privacy of confined youth.

We commend the Probation Departments that have implemented accountability practices to ensure that they are complying with their legal duties to identify and assist youth who are eligible for voter registration. However, we urge all Departments to consider accountability or tracking methods that preserve the youth's voter privacy.

An effective accountability procedure would ensure that the Probation Department is complying with its registration duties under Election Code section 2105.7 at least one month prior to each election. As recommended above, the Department should designate an individual staff member who serves at the point person for overseeing registration and voting implementation. The designated staff member should verify that prior to each election, every youth in every unit is consulted regarding their eligibility and supported with registration, if desired. Even if a youth declines to register, they should be consulted prior to each election, as their preferences may change over time. A youth's voter status should not be recorded in any of the youth's individual probation files.

7. Counties should provide youth-specific voting materials and information to avoid confusion

We strongly encourage counties to utilize voting rights materials that are specific to young people. Currently, Probation Departments that distribute or post voting materials are generally using materials that are targeted towards adults with adult convictions or staying in adult facilities. To avoid confusion, voting materials posted inside juvenile facilities should specifically address issues most relevant to incarcerated youth.

VII. CONCLUSION



With the recent changes in California's juvenile justice system and the subsequent increase in the number of voting-age youth held in county juvenile facilities, it is imperative that counties take steps to ensure that justice-impacted youth are afforded their fundamental right to vote. As this report has underscored, voting access for this population is not only a matter of legal obligation but also a crucial

step towards fostering civic engagement and empowerment among young voters. We hope that this report has highlighted the gaps in existing voting policies and practices in juvenile facilities across the state, and that counties seriously consider the ways they will adjust or create voting policies to protect the voting rights of incarcerated youth in this year's elections and in every future election.



VIII. APPENDIX A: SAMPLE VOTING RIGHTS POLICY FOR JUVENILE FACILITIES

Purpose and Scope

This policy affirms the requirement to provide eligible youth the opportunity to register and to vote during elections, pursuant to the Fifteenth Amendment of the U.S. Constitution, Article 2 of the California Constitution, and California elections statutes (Elections Code section 2105.7). The Department shall identify youth who are eligible to vote and assist youth to register and/or vote in any election.

Eligibility

Eligible individuals must meet the following requirements:

- Be a citizen of the United States of America.
- Be a resident of the State of California.
- Be at least 18 years of age on or before Election Day.
- Not currently serving a state or federal prison term for an adult felony conviction. A juvenile adjudication is not considered a conviction and has no effect on the right to vote.
- Not currently found mentally incompetent to vote by a court of law pursuant to Elections Code sections 2208, 2209, 2210, and 2211.

Note that a finding of incompetence to vote is a specific court finding made under the Elections Code, and it is not the same as a finding of incompetence as to proceedings in juvenile delinquency court pursuant to Welfare and Institutions Code section 709. A person is

presumed competent to vote unless deemed unqualified under the proceedings required by the Elections Code. See Elec. Code § 2208 et seq.

All youth who meet the above criteria are eligible to vote. Youth who are 16 and 17 years old may pre-register to automatically become registered voters upon their 18th birthday.

Upon registering, youth will not need to register to vote again unless they move to a new address, change their name, or change their political party preference. Youth can check their current registration status at <https://voterstatus.sos.ca.gov/>.

Registration

Address information

A juvenile facility does not qualify as a permanent address but can be used as a mailing address.

If the youth will be residing at the juvenile facility on the date of the election, the youth can use either the facility address or their home address as their mailing address when registering. Youth who use the juvenile facility address as their mailing address will receive their vote-by-mail ballot at the juvenile facility. Youth who use their home address as their mailing address will be able to coordinate with family members to bring their ballot to the juvenile facility.

If the youth will not be residing at the juvenile facility on the date of the election, the youth will use their home address or the address they plan to be at upon release as their mailing address.

If the youth was not residing at a home prior to incarceration or does not have a permanent address, they may use two cross streets as a permanent address.

A youth from another county shall also be eligible to register utilizing the process listed in this policy. The completed voter registration application will be mailed to the Registrar of Voters for the resident's home county.

Identification documents

The Probation Department may need to help individuals obtain necessary identification documents for registration or voting. These documents may include:

- A California Driver's License
- A California issued identification card
- A United States passport
- A birth certificate
- The last 4 digits of a Social Security Number (SSN)

Partnership with County Department of Elections

The Probation Department will build relationships with the Department of Elections to both help educate young voters about the voting process and to ensure smooth acceptance and delivery of all voting materials to and from the juvenile facility. The Department will also ensure that youth are aware of the role of the Department of Elections and that youth have access to contacting the Department of Elections with questions or concerns.

Youth Voter Education Partnership with Community-Based Organizations

The Probation Department will build relationships with community-based organizations (CBOs) that can help educate young voters about civic engagement, voting, and ballot measures. The Department should make every effort to allow consistent and easy access for these CBOs before and during elections to ensure that youth can ask questions and seek assistance during the voting process.

Department Voting Procedures

Youth who are eligible and wish to register and/or vote in an election shall have the opportunity to participate while detained at any county juvenile facility.

- The Voting Rights Coordinator, who shall be designated by the facility director, is the assigned liaison between the Department and the county's Department of Elections and/or Registrar of Voters Office. The Voting Rights Coordinator is responsible for ensuring that all eligible youth are provided with the opportunity to register and vote in every election, as detailed below.
- Prior to each election, the Voting Rights Coordinator shall follow these steps:
 - » Contact the Department of Elections or Registrar of Voters office at the beginning of the calendar year to obtain dates of scheduled elections during that calendar year, any relevant deadlines, updated voter registration applications, and any other necessary information.
 - » Compile a list of potentially eligible youth at least 45 days prior to any election. Youth who will be 18 years old by Election Day will be asked if they would like to register and/or vote at least 30 days prior to any election. The Coordinator will make a notation that demonstrates that each youth on the list has been asked regarding their desire to register and/or vote; the notation will not indicate the youth's response to this question.
 - » Ensure that eligible youth who wish to register are registered to vote at least 15 days prior to Election Day.
 - » Ensure that department staff offer assistance to each eligible youth in completing the voter registration application or online registration, unless the resident declines assistance.
 - » Deliver all completed voter registration applications to the appropriate county Elections Department or Registrar's Office, as appropriate, by the determined voter registration application return deadline set for that election.

- If the youth requires assistance when filling out the voter registration application, the staff member who offered assistance will complete the bottom portion where that information is required.
 - The voter's receipt portion (the bottom portion with the registration number) will be given to the youth for their records.
- » Ensure that all registered youth receive their ballots and are able to exercise their right to vote as follows:
- Youth shall be granted access to non-partisan voter information materials and websites for researching ballot measures and candidates at least 30 days prior to each election.
 - Youth shall have access to a black or blue pen to complete their ballots.
 - Youth shall have a private voter experience.
- » Ensure ballots are properly and timely transferred to the County Elections Department, as follows:
- Working with the County Elections Department, provide a ballot drop box inside the juvenile facility so that youth can return their completed ballots to the ballot drop box.
 - If a youth requires assistance the staff member who offered assistance will complete the back of the ballot envelope where that information is required.
- » The ballot, registration form, and any other voting materials will be provided to the youth in the language of their choice.
- » If needed or requested, a translator will be provided to the youth.

ENDNOTES

1. Ginny Coburn, *The Epic Journey of American Voters*, Ctr. For Civic Design (Sept. 18, 2018), <https://civicdesign.org/the-epic-journey-of-american-voters/>.
2. Eric Bjornlund, *10 Problematic Ways in Which U.S. Voting Differs From the World's*, Foreign Pol'y (Nov. 3, 2020), <https://foreignpolicy.com/2020/11/03/10-problematic-ways-in-which-u-s-voting-differs-from-the-worlds/>.
3. In California, voting illegally constitutes a felony which is punishable by imprisonment for 16 months or two or three years. Cal. Elec. Code § 18500.
4. Ginny Coburn, *supra* note 1.
5. Elec. Code § 2101(a), (c). A voter can be disqualified if they are found mentally incompetent by a court based on clear and convincing evidence as set forth in Elections Code sections 2208 *et seq.*
6. Elec. Code § 2101(c)(2).
7. Welf. & Inst. Code § 607.
8. Welf. & Inst. Code § 208.5.
9. Data collected by the Board of State and Community Corrections' Juvenile Detention Profile Survey, available at: *Board of State and Community Corrections Juvenile Detention Profile Survey - Online Querying*, Bd. State & Cmty. Corr., <https://jpidreporting.bscc.ca.gov/jds-query> (last visited Feb. 27, 2024). This data reflects a snapshot population count reported by each county for its juvenile facilities for Quarter 3 of 2019-2023. Quarter 3 was selected because it is the most current population count available for 2023. The Quarter 3 data reflect the facility population on the 15th day of September, the last month of Quarter 3.
10. See Welf. & Inst. Code § 875(g).
11. See Welf. & Inst. Code § 875(h).
12. See Cal. Rules of Court, rule 5.806.
13. See Welf. & Inst. Code § 607(b)-(c).
14. *Secure Youth Treatment Facilities*, Cal. Health & Hum. Serv. (Mar. 2023), <https://www.chhs.ca.gov/wp-content/uploads/2022/07/SYTF-Map.pdf>.
15. U.S. Const. amend. XV, § 1 ("[T]he right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude."); Cal. Const. art. 2, § 2-4; *O'Brien v. Skinner*, 414 U.S. 524 (1974) (holding that eligible incarcerated voters cannot be denied the right to vote because they are detained).
16. See Elec. Code § 2101(a) regarding eligibility requirements.
17. Elec. Code § 2102. It is possible for an individual to register within 15 days prior to an election and vote a provisional ballot; however, it is unclear how this would be implemented in a locked facility setting. See Elec. Code § 2170.
18. Elec. Code § 2105.7.
19. *Guide to Voter Registration Drives*, Cal. Sec'y of State 11 (2022), <https://elections.cdn.sos.ca.gov/guides/guide-to-vr-drives.pdf>.
20. Elec. Code § 3010(a)(2).
21. See Elec. Code § 2105.7(b).
22. *Quick Guide: California Voter Registration/Pre-Registration Application*, Cal. Sec'y of State 1 (Mar. 2022), <https://elections.cdn.sos.ca.gov/pdfs/quick-guide-vrc.pdf>.
23. *Id.*; see also 2 CCR § 20107.
24. People who do not know their Social Security number can request it from the Social Security Administration. *Request Social Security Number for the First Time*, Soc. Sec. Admin., <https://www.ssa.gov/number-card/request-number-first-time> (last visited Mar. 5, 2024).
25. See *Unlock the Vote*, ACLU S. Cal. 2, <https://www.aclusocal.org/sites/default/files/unlock-the-vote-oc-v2.pdf> (last visited Feb. 22, 2024).
26. *Guide to Voter Registration Drives*, *supra* note 19, app. E.
27. *Id.*
28. See *Unlock the Vote*, *supra* note 25.
29. Elec. Code § 3001.
30. *Vote by Mail*, Cal. Sec'y of State, <https://www.sos.ca.gov/elections/voter-registration/vote-mail> (last visited Feb. 22, 2024).
31. See *Board of State and Community Corrections Juvenile Detention Profile Survey - Online Querying*, *supra* note 9.
32. Joshua Rovner, *Black Disparities in Youth Incarceration*, The Sentencing Project (Dec. 12, 2023), <https://www.sentencingproject.org/fact-sheet/black-disparities-in-youth-incarceration/>.
33. Joshua Rovner, *Latinx Disparities in Youth Incarceration*, The Sentencing Project (Dec. 12, 2023), <https://www.sentencingproject.org/fact-sheet/latinx-disparities-in-youth-incarceration/>.
34. Joshua Rovner, *Tribal Disparities in Youth Incarceration*, The Sentencing Project (Dec. 12, 2023), <https://www.sentencingproject.org/fact-sheet/disparities-in-tribal-youth-incarceration/>.
35. *Id.*; Rovner *supra* notes 30-31.
36. Nora Leonard, *Racial and Ethnic Disparities in the Youth Justice System*, Coal. For Juv. Just. (Mar. 2, 2023), <https://www.juvjustice.org/blog/1436>.
37. Malte Klar & Tim Kasser, *Some Benefits of Being an Activist: Measuring Activism and its Role in Psychological Well-Being*, 30 *Pol. Psych.* 5, 755; Addie Sandler, *Benefits to Voting Literature Summary*, Voting Is Social Work (Apr. 2016), <https://votingissocialwork.org/wp-content/uploads/sites/2468/2018/06/Benefits-to-Voting-Bibliography.pdf>.
38. Lynn M. Sanders, *The Psychological Benefits of Political Participation*, Ann. Meeting Am. Pol. Sci. Ass'n (Aug.-Sept. 2001), <https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=de8f6f6bea67bada16cd294a27941d-707f1a6c527>; Sandler, *supra* note 37.
39. Sandler, *supra* note 37.
40. See Jan E. Leighley & Jonathan Nagler, *Who Votes Now? Demographics, Issues, Inequality, And Turnout In The United States* (2013); William W. Franko, *Political Inequality and State Policy Adoption: Predatory Lending, Children's Health Care, and Minimum Wage*, 5 *Poverty & Pub. Pol'y* 1, 88 (Mar. 2013); Sandler, *supra* note 37.
41. *Why is Youth Civic Engagement Important?*, Tufts Center For Info. & Rsch. On Civic Learning & Engagement, <https://circle.tufts.edu/understanding-youth-civic-engagement/why-it-important> (last visited Feb. 16, 2024).

42. *A Community Health Needs Assessment*, Hartford Dep't Health & Hum. Serv. (Mar. 2012), https://www.ctdatahaven.org/sites/ctdatahaven/files/hartford_hospital.pdf; Sandler, *supra* note 37.
43. Kristen M. Budd & Niki Monazzam, *Increasing Public Safety by Restoring Voting Rights*, The Sentencing Project (Apr. 25, 2023), <https://www.sentencing-project.org/policy-brief/increasing-public-safety-by-restoring-voting-rights/>.
44. Guy Padraic Hamilton-Smith & Matt Vogel, *The Violence of Voicelessness: The Impact of Felony Disenfranchisement on Recidivism*, 22 Berkeley La Raza L.J. 2, 407 (2012); Christopher Uggen & Jeff Manza, *Voting and Subsequent Crime and Arrest: Evidence from a Community Sample*, 36 Colum. Hum. Rts. L. Rev. 193 (2004).
45. Bryan Lee Miller & Joseph F. Spillane, *Civil Death: An Examination of Ex-Felon Disenfranchisement and Reintegration*, 14 Punishment & Soc'y 402 (2012); Victoria Shineman, *Restoring Voting Rights: Evidence That Reversing Felony Disenfranchisement Increases Political Efficacy*, 41 Pol'y Stud. 131 (2020); Christopher Uggen et al., "Less Than the Average Citizen": Stigma, Role Transition and the Civic Reintegration of Convicted Felons, in *After Crime And Punishment: Pathways To Offender Reintegration* 258 (Shadd Maruna & Russ Immarigeon, eds., 2004).
46. *Why is Youth Civic Engagement Important?*, *supra* note 41.
47. *Id.*
48. *Id.*
49. Sumayyah Rose Abuelmaati, *What Pundits and Public Narratives Get Wrong About Low Turnout of Young Voters*, Cal Matters (Nov. 4, 2022), <https://calmatters.org/commentary/2022/11/youth-turnout-election-vote-civics-engagement-reform/>.
50. *Id.*
51. *Id.*
52. *Id.*; *Broadening Youth Voting*, Tufts Center For Info. & Rsch. On Civic Learning & Engagement, <https://circle.tufts.edu/our-research/broadening-youth-voting#barriers-to-voting> (last visited Feb. 16, 2024).
53. See Title 15 Minimum Standards For Local Detention Facilities, Section 1071, available at: <https://www.bscc.ca.gov/wp-content/uploads/Final-Regulation-Text-2023.04.01-Clean-Copy-for-Web.pdf>. No such regulation exists for juvenile facilities. See also Title 15 Minimum Standards For Juvenile Facilities, available at: <https://www.bscc.ca.gov/wp-content/uploads/Juvenile-Title-15-Effective-2019-1-1.pdf>.
54. For our research, we did not include counties that only had Special Purpose Juvenile Halls because youth detained in these facilities remain there for no longer than 96 hours. See Welf. & Inst. Code § 207.1(e).
55. Our analysis included a review for whether counties had any of the following for their juvenile facilities: written voting policies, written voting procedures, or formal practices for implementing youth registration and voting. Written voting policies included anything in writing that pertained to youth's voting rights inside juvenile facilities, and written voting procedures included an outline of steps for implementing youth access to registration and/or voting. Formal practices included a systematic practice by which probation staff are proactively fulfilling their statutory obligation to identify and help register youth, as required by Elections Code section 2105.7.
56. Counties that did not identify any written policies, written procedures, or formal practices surrounding youth voting in their juvenile facilities included El Dorado, Humboldt, Imperial, Kern, Kings, Los Angeles, Madera, Marin, Monterey, Napa, Orange, San Diego, San Luis Obispo, San Mateo, Santa Barbara, Santa Cruz, Solano, Tehama, and Ventura (19 counties).
57. Counties that had no written policies or procedures included the same counties that had no policies at all (El Dorado, Humboldt, Imperial, Kern, Kings, Los Angeles, Madera, Marin, Monterey, Napa, Orange, San Diego, San Luis Obispo, San Mateo, Santa Barbara, Santa Cruz, Solano, Tehama, and Ventura), and five additional counties that had formal local practices, but no policies in writing (Alameda, Merced, San Francisco, San Joaquin, and Yolo) (24 counties).
58. These counties include Butte, Contra Costa, Fresno, Mendocino, Placer, Riverside, Sacramento, San Benito, San Bernardino, Santa Clara, Shasta, Stanislaus, Tulare, and Yuba (14 counties).
59. Counties that utilize Lexipol policies include Butte, Contra Costa, Fresno, Mendocino, Riverside, San Benito, Santa Clara, Stanislaus, Placer, Tulare, and Yuba (11 counties).
60. The four counties that have written policies affirming voting rights but no procedures for implementing them include Butte, Placer, Stanislaus, and Tulare.
61. This comes from Orange County. Other counties with similar responses included Kings, San Diego, and Santa Barbara.
62. We did not include Santa Clara in this number, even though their policy only applies to the county's William James Ranch and it appears that the county does not have a policy for their Juvenile Hall or Secure Youth Treatment Facility.
63. Press Release, John Arntz, San Francisco Department of Elections, *The Department of Elections Delivers Ballots for the March 5 Election to Locally Incarcerated Voters* (Feb. 9, 2024), <https://www.sf.gov/news/department-elections-delivers-ballots-march-5-election-locally-incarcerated-voters>.
64. These counties include Butte, Contra Costa, Mendocino, Placer, San Benito, Stanislaus, Tulare, and Yuba.
65. This policy comes from Tulare County, but the policies in Butte, Placer, and Stanislaus also use this language.
66. These counties include Mendocino, Riverside, Sacramento, San Bernardino, and Shasta.
67. Elec. Code § 2101.
68. These counties include Fresno, Placer, Riverside, Sacramento, San Benito, Sonoma, Stanislaus, Tulare, and Yuba.
69. These counties include Butte, Fresno, Placer, Stanislaus, Tulare, and Yuba.
70. This comes from San Benito County.
71. For example, in Alameda County, youth use their home address as their mailing address and librarian staff work with families to ensure that they deliver the ballots to the facility. In Merced County, youth are encouraged to use the facility address as their mailing address and receive their ballots through the regular mail delivery system in the facility. The Secretary of State does not indicate that there are any issues with using facilities as mailing addresses. See *Quick Guide: California Voter Registration/Pre-Registration Application*, *supra* note 22.

72. *Vote by Mail*, *supra* note 30 (“Vote-by-mail ballots that are mailed must be postmarked on or before Election Day and received by your county elections office no later than 7 days after Election Day.”).
73. This comes from Yuba County.
74. This comes from Sacramento County.
75. This comes from Riverside County.
76. This comes from Sonoma County.
77. This comes from Sonoma County.
78. These counties include Butte, Tulare, Stanislaus, and Placer.
79. These counties include Tuolumne, Shasta, Santa Clara, and Mendocino.
80. These counties include Butte, Tulare, Stanislaus, and Placer.
81. This comes from Placer County.
82. These counties include Tuolumne, Shasta, Santa Clara, and Mendocino.
83. These counties include Butte, Contra Costa, Fresno, Sacramento, San Benito, San Bernardino, Santa Clara, Shasta, Stanislaus, Placer, Tulare, and Yuba.
84. Section VI. and Appendix A, below, offer greater detail on the types of issues that a policy should cover.
85. These counties include Butte, Contra Costa, Fresno, Mendocino, Riverside, San Benito, Santa Clara, Stanislaus, Placer, Tulare, and Yuba.
86. These counties include Butte, Placer, San Benito, Stanislaus, Tulare, and Yuba.
87. For example, Fresno, Contra Costa, and Santa Clara counties.
88. This comes from Santa Clara County.
89. These counties include Butte, Fresno, and Madera.
90. For example, one county (Kings) uses the Voting Rights Restored Guide; and four counties (Kings, Monterey, Orange, and San Diego) use the Persons with a Criminal History flier.
91. Elec. Code § 2150(b). Perjury is punishable by imprisonment for up to four years. Penal Code §§ 118, 126.
92. *Voting in California Jails: A Community Toolkit*, ACLU N. Cal. (2021), https://www.aclunc.org/sites/default/files/2021%20Update_ACLU%20Jail%20Voting%20Toolkit_English.pdf (last visited Feb. 21, 2024).
93. *Id.* at 8-9.
94. See Julia Lesnick et al., *Credible Messenger Mentoring to Promote the Health of Youth Involved in the Juvenile Legal System: A Narrative Review*, 53 *Current Probs. In Pediatric & Adolescent Health Care* 1 (June 2023).
95. *Id.*



832 Folsom Street, #700
San Francisco, CA 94107
(415) 543-3379

ylc.org

For more information, please contact info@ylc.org.