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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

17 PATRICK ALLEN CANNAVAN, on  
18 behalf of himself and all other similarly  
19 situated,

*Plaintiffs,*

20 vs.

21 COUNTY OF VENTURA, VENTURA  
22 COUNTY SHERIFF BILL AYUB, and  
23 DOES 1-10, inclusive,

*Defendants.*

Case No.:

**CLASS ACTION**

**VERIFIED CLASS ACTION  
COMPLAINT FOR INJUNCTIVE AND  
DECLARATORY RELIEF**

1. VIOLATION OF FIRST AMENDMENT RIGHT TO VOTE (42 U.S.C. § 1983/28 U.S.C. 2241)
2. VIOLATION OF EQUAL PROTECTION CLAUSE UNDER FOURTEENTH AMENDMENT, ONE PERSON, ONE VOTE (42 U.S.C. § 1983/28 U.S.C. 2241)
3. VIOLATON OF CALIFORNIA CONSTITUTION (ARTICLE II, SECTION ONE (RIGHT TO VOTE)
4. DECLARATORY RELIEF (28 U.S.C. §§ 2201 AND 2202)
5. DECLARATORY RELIEF (CAL. CODE CIV. PROC. § 1060)

**IMMEDIATE RELIEF SOUGHT**

1                   **CLASS ACTION COMPLAINT FOR INJUNCTIVE AND DECLARATORY**  
2                   **RELIEF**

3           1.         Voting in a federal election is protected through the federal constitution as  
4 an expression of a person’s First Amendment Rights, and the Equal Protection Clause of  
5 the Fourteenth Amendment. Persons not convicted of felonies who reside in jail have  
6 rights under the federal constitution and the state constitution, CA. Constitution Article  
7 II, Section I, to vote. See [https://www.sos.ca.gov/elections/voting-resources/voting-](https://www.sos.ca.gov/elections/voting-resources/voting-california/who-can-vote-california/voting-rights-californians)  
8 [california/who-can-vote-california/voting-rights-californians.](https://www.sos.ca.gov/elections/voting-resources/voting-california/who-can-vote-california/voting-rights-californians)

9           2.         The California Secretary of State, who is in charge of California State  
10 elections, explicitly states that, “Persons with a criminal history who can register to vote  
11 in county jail: serving a misdemeanor sentence,” “a misdemeanor never affects your  
12 right to vote.” See [https://www.sos.ca.gov/elections/voting-resources/voting-](https://www.sos.ca.gov/elections/voting-resources/voting-california/who-can-vote-california/voting-rights-californians)  
13 [california/who-can-vote-california/voting-rights-californians.](https://www.sos.ca.gov/elections/voting-resources/voting-california/who-can-vote-california/voting-rights-californians) See, Exhibit A, “Voting  
14 Rights, Persons with Criminal History,” by the Secretary of State. Further, the Secretary  
15 of State states, “If you are in jail, you are entitled to receive a voter registration card if  
16 you are eligible to vote.” *Id.* Finally, the Secretary of State states, “You may also apply  
17 to register to vote on the Secretary of State website RegisterTo/vote.ca.gov. Your voter  
18 registration application must be received or post marked at least (15) days before  
19 Election Day to be eligible to vote in that election. In elections coordinated by a county  
20 elections official, you can ‘conditionally register and vote provisionally at your county  
21 elections office after the 15-day voter registration deadline.’” *Id.*

22           3.         Plaintiff Patrick Allen Cannavan is an individual held at the Ventura  
23 County Todd Road Facility, located in Santa Paula, CA. As alleged in more detail  
24 below, he has requested his ballot, and the County Jail is obligated to provide him a  
25 ballot, allow him to timely vote, and deliver the ballot to the Ventura County Registrar.  
26 He is eligible to vote as he is over 18 and does not have a criminal record. They have  
27 not provided him a ballot despite his request, and have informed him he will not receive  
28 a ballot. As discussed below, this violates his First Amendment Right and Right to

1 Equal Protection under the United States Constitution, and his Right to Vote under  
2 Article II, Section 1 of the California Constitution. If he is not allowed to vote, he will  
3 suffer irreparable harm.

4 4. Plaintiff has spoken to other inmates at the VCJ, who have been similarly  
5 denied their right to vote, and he estimates that there are at least 100 inmates who have  
6 requested their ballots, eligible to vote and are being denied their ballots. If they are not  
7 allowed to vote, they will suffer irreparable harm. Thus, Plaintiff requests that this court  
8 certify this class to represent all eligible voters in Ventura County Jail. Beside the Todd  
9 Road Facility in Santa Paula, there is the Main Jail on Victoria Avenue, the East-Ventura  
10 County Jail, on Olsen Road in Thousand Oaks, and the Ventura County Jail, Honor  
11 Farm, Ojai California. Each facility houses persons either with misdemeanors or are  
12 pre-trial detainees who have not been convicted of an offense, who are eligible to vote  
13 and are part of the proposed class.

#### 14 **JURISDICTION AND VENUE**

15 5. This is a civil rights action arising under 42 U.S.C. § 1983, 22 U.S.C.  
16 § 2241, and 28 U.S.C. § 2201, *et seq.*, as well as the First and Fourteenth Amendments  
17 to the United States Constitution.

18 6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331  
19 and 1343(a), 28 U.S.C. § 2241

20 7. Venue is proper pursuant to 28 U.S.C. § 1391 because a substantial part of  
21 the events and omissions giving rise to these claims occurred and continue to occur in  
22 this district.

23 8. Declaratory relief is proper under 28 U.S.C. §§ 2201 and 2202, and Cal.  
24 Civ. Proc. § 1060.

#### 25 **PARTIES**

26 9. Plaintiff Patrick Allen Cannavan is a 56-year-old male who currently  
27 resides in Ventura County, California. At all times relevant to this Complaint, Mr.  
28 Cannavan has been in the custody of the Todd Road Facility located in Santa Paula, CA

1 in Ventura County, California. He has been deprived of his constitutional right to vote.

2 10. Defendant Ventura County (“County”) is a public entity organized and  
3 existing under the laws of the State of California. The Ventura County Sheriff’s  
4 Department (“VCSD”) is, and at all times alleged herein, was an agency of the County  
5 of Los Angeles. Defendant County controls and operates the Ventura County’s jails via  
6 the VCSD and Sheriff Bill Ayub. The County is responsible for the custody and care of  
7 all persons detained or incarcerated in the County’s jails, and it currently has immediate  
8 custody over Plaintiff Patrick Cannavan(hereinafter “Plaintiff”) and other putative class  
9 members. Ventura County, through the VCSD, maintains and operates the following  
10 detention and correctional facilities: Ventura County Main Pre-Trial Detention Facility  
11 located on Victoria Avenue, Ventura, CA, Todd Road Facility located on Todd Road,  
12 Santa Paula, CA, Ventura County Jail Honor Farm, Ojai, CA, and East Ventura County  
13 Jail, Thousands, Oaks, Ca. This complaint and request for an emergency temporary  
14 restraining order and preliminary injunction covers all detainees in these four facilities  
15 eligible to vote.

16 11. Defendant Sheriff Bill Ayub is the Sheriff of the Ventura County Sheriff’s  
17 Department and is being sued in his official capacity. As the Sheriff, Defendant Ayub  
18 has immediate custody of Plaintiff, and all people incarcerated in County facilities.  
19 Defendant Ayub is a policymaker for the County, and is responsible for developing,  
20 administering, and enforcing County policies, including those relating to ensuring all  
21 detainees eligible to vote can exercise their fundamental rights to vote.

## 22 **FACTUAL ALLEGATIONS**

23 12. There is a state and federal election set for November 3, 2020, perhaps one  
24 of the most consequential elections in the history of this country. Not only are federal  
25 offices including president and congressman are on the ballot, important California  
26 propositions are on the ballot that are impactful on a population in jail facing charges,  
27 such as Proposition 25, concerning cash bail, Proposition 20, concerning a roll back of  
28 prison reforms including Proposition 47 which classified some felonies as

1 misdemeanors, such as drug possession, which is of immediate concern to pre-trial  
2 detainees facing criminal charges and how to resolve them, and Proposition 17, restoring  
3 the voting rights of people convicted of felonies who are on parole.

4 13. As alleged herein, Plaintiff and putative class members who are eligible to  
5 vote have been denied their right to vote by Defendant County and Defendant Sheriff  
6 Ayub.

7 14. Plaintiff Patrick Allen Cannavan is currently incarcerated at the Todd Road  
8 Facility, part of the VCJ. He is a resident of Ventura County and has been incarcerated  
9 pre-trial at VCJ for 839 days or two years and three months approximately, awaiting trial  
10 on felony charges.

11 15. He is eligible to vote, as he is over 18 years old, and does not have a felony  
12 conviction. He applied for an absentee ballot and has been requesting an absentee ballot  
13 from officials at the Ventura County Jail since June 3, 2020. He was informed by jail  
14 officials on numerous occasions that they would get him an absentee ballot, so he could  
15 vote in time for the Tuesday, November 3, 2020 election.

16 16. Sheriff officials told him that they made a mistake and would not be able to  
17 get him an absentee ballot and deliver it to the county registrar so his vote would be  
18 counted on Tuesday, November 3, 2020 election. He will suffer irreparable harm and  
19 damages if he is not allowed to vote on November 3, 2020.

20 17. Plaintiff is requesting, on his behalf and all eligible voters in the County  
21 jail, that this Court order the County to 1) obtain his and all eligible voters in VCJ  
22 custody absentee ballots immediately, 2) notify all inmates in VCJ who are have  
23 requested an absentee ballot or are eligible to vote that they can vote in the November 3,  
24 2020 election, 3) deliver an absentee ballot to Plaintiff and any inmates in VCJ who  
25 have requested a ballot after being informed by VCJ officials that they can vote, no later  
26 than Monday, November 2, 2020 so that Plaintiff and other VCJ detainees can fill out  
27 their absentee ballot, and 4) after completion, deliver to the Ventura County Voter's  
28 registrar his ballot and every other eligible VCJ detainee ballot no later than 5:00 p.m.

1 on November 3, 2020, so that all eligible VCJ detainees who desire to vote and fill out  
2 an absentee ballot are timely counted in this year's election.

3 18. If this temporary restraining order is not granted, Plaintiff and all other  
4 detainees who are eligible to vote will suffer irreparable harm as their fundamental rights  
5 to vote will be violated. His and others equal protection rights will also be violated since  
6 they are eligible to vote, and he should not be deprived of equal protection solely  
7 because he and the other putative plaintiffs are currently being detained in jail.

8 19. Plaintiff is informed and believe that there are at least 100 other inmates in  
9 VCJ who have requested ballots and are eligible to vote, but have not received their  
10 ballots. He has not observed anyone at the Main Jail being able to fill out an absentee  
11 ballot.

### 12 13 **CLASS ACTION ALLEGATIONS**

14 20. The named Plaintiff brings this action on behalf of himself and all others  
15 similarly situated as a class action under Federal Rules of Civil Procedure 23(a) and  
16 23(b)(2).

17 21. Plaintiff Patrick Allen Cannavan seeks to represent a class of all current  
18 detainees in pretrial custody, at all County jails who, are eligible to vote in the  
19 November 3, 2020 election.

20 22. This action is brought and may properly be maintained as a class action  
21 pursuant to Rule 23 of the Federal Rules of Civil Procedure. This action satisfies the  
22 requirements of numerosity, commonality, typicality, and adequacy. Fed. R. Civ. P.  
23 23(a).

24 23. Plaintiff is informed and believes that as of October 30, 2020 there are at  
25 least 100 members of the class in VCJ who are eligible to vote and requested ballots,  
26 which meets the numerosity requirement of Federal Rule of Civil Procedure 23(a).

27 24. Joinder of all members is impracticable, as all members are not  
28 ascertainable at this time to be joined on such short notice. Counsel for Plaintiff and the

1 putative class were not informed of the deprivation of Plaintiff's and other putative class  
2 members denial of their right to vote by failing to provide absentee ballots until October  
3 29, 2020. Joinder is impracticable because the class members are numerous; the class  
4 includes future, unknown members; and the class is fluid due to the inherently transitory  
5 nature of pretrial incarceration. Certifying the class supports judicial economy.

6 25. Common questions of law and fact exist as to all members of the class  
7 respectively. The named Plaintiffs seek common declarative and injunctive relief  
8 concerning whether Defendants' policies, practices, and procedures violate the  
9 constitutional rights of the class members. These common questions of fact and law  
10 include, but are not limited to:

- 11 1) Whether Defendants' practices in failing to timely provide absentee  
12 ballots violate Plaintiff and the putative class members fundamental  
13 rights to vote.

14 26. Plaintiff's claims are typical of the class members' claims, because each  
15 putative class member who is eligible to vote in the November 3, 2020 election has not  
16 been provided a ballot, so they are deprived of their fundamental right to vote. Plaintiff  
17 and the putative class members' claims all arise from the same core of conduct by  
18 Defendants, and are based on the same legal theories. All class members seek the same  
19 declaratory and injunctive relief.

20 27. The Plaintiff is an adequate representative of the class because he shares  
21 with them the same interest in voting in the 2020 election. There are no known  
22 conflicts of interest among members of the proposed class, and the interests of the  
23 named Plaintiff does not conflict with the class members.

24 28. Plaintiff is represented by counsel with experience and success in  
25 litigating complex civil rights matters in federal court. The interests of the members of  
26 the class will be fairly and adequately protected by the named Plaintiff and their  
27 attorneys.

28 29. Because the putative class challenges Defendants' system as



1 unconstitutional through declaratory and injunctive relief that would apply the same  
2 relief to every member of the class, and Defendants have acted on grounds generally  
3 applicable to all proposed class members, certification under Rule 23(b)(2) is  
4 appropriate and necessary.

5 30. A class action is a superior means, and the only practicable means, by  
6 which the named Plaintiff and class members can challenge the Defendants'  
7 unconstitutional actions and obtain the necessary immediate declaratory and injunctive  
8 relief sought for themselves and all other members of the class.

### 9 CAUSES OF ACTION

#### 10 FIRST CAUSE OF ACTION

#### 11 **(42 U.S.C. § 1983: First Amendment Right to Vote)**

12 31. Plaintiff incorporates by reference each and every allegation contained in  
13 paragraphs 1 through 30 as if fully set forth in this Count.

14 32. The right to vote is the “fundamental political right, because [it is]  
15 preservative of all rights.” *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886).

16 “Undoubtably, the right of suffrage is a fundamental matter in a free and democratic  
17 society.” *Reynolds v. Sims*, 377 U.S. 533, 561-62 (1964).

18 33. A prison official’s objective deliberate indifference to a substantial risk of  
19 harm to a prisoner awaiting trial violates the Fourteenth Amendment. *Gordon v. Cty. of*  
20 *Orange*, 888 F.3d 1118, 1124-25 (9th Cir. 2018).

21 34. And when a case “calls[s] upon” the Court “to consider the constitutionality  
22 of [a burden on the right to vote] as applied [. . . [t]here is no ‘litmus-paper test’ to  
23 answer the[e] question” of constitutionality. *Yan v. Kosinski*, 960 F.3d 119, 129 (2<sup>nd</sup>  
24 Cir. 2020), quoting *Anderson v. Celebrezze*, 460 U.S. 780, 789 (1983). Rather, the  
25 Court “conduct[s] a two-step inquiry that applies to election-related restrictions.” *Id.* In  
26 the first sate, the Court evaluates the burden the restriction place on voters and in the  
27 second applies the sliding-scale, “*Anderson-Burdick* balancing test” if the restriction is  
28 not severe and “the more familiar test of ‘strict-scrutiny if the restriction is severe. *Id.*



1           35.     The burden on detainees who are dependent on County officials to obtain  
2 their ballots for them, and County defendants’ failure to do so, is severe because Plaintiff  
3 and putative class members are detained and cannot obtain absentee ballots on their own,  
4 and Defendants failure to do so causes the ultimate sanction, preventing Plaintiffs from  
5 voting. Thus, the deprivation is severe and subject to strict scrutiny. Where the County  
6 Defendants are in a position to obtain absentee ballots and fail to do so without  
7 justification, there is no compelling interest achieved by not honoring Plaintiffs’  
8 fundamental rights to vote and therefore unless they provide ballots immediately to all  
9 eligible detained voters in Ventura County custody, they will have irreparably caused  
10 damage to Plaintiffs.

11           36.     As a result of Defendants’ unconstitutional actions, Plaintiffs are suffering  
12 irreparable injury and are entitled to injunctive relief.

13           37.     Accordingly, Defendants, as supervisors, direct participants, and policy  
14 makers for Los Angeles County, have violated the rights of the Class under First  
15 Amendment.

## SECOND CAUSE OF ACTION

### (42 U.S.C. § 1983: Equal Protection and One Person/One Vote)

18           38.     Plaintiffs incorporate by reference each and every allegation contained in  
19 paragraphs 1 through 37 as if fully set forth herein.

20           39.     The principle of “one person, one vote” requires that courts seek to  
21 “[e]nsure that each person’s vote counts as much, insofar as it [i]s practicable, as any  
22 other person’s” *Hadley v. Junior Coll. Dist. Of Metro. Kan. City*, 397 U.S. 50, 54  
23 (1970) .

24           40.     And the Equal Protection Clause of the Fourteenth Amendment requires  
25 “that all persons similarly situated [] be treated alike.” *City of Cleburne v. Cleburne*  
26 *Living Ctr.*, 473 U.S. 432, 439 (1985). Indeed, “[a]n early case in our one person, one  
27 vote jurisprudence arose when a State accorded arbitrary and disparate treatment to  
28

1 voters in is difference counties [and t]he [Supreme] Court found a constitutional  
2 violation. *Bush v. Gore*, 531 U.S. 98, 107 (2000), *describing Gray v. Sanders*, 372 U.S.  
3 368 (1963).

4 41. The Supreme Court has also already ruled that, once absentee voting is part  
5 of the scheme for elections, all absentee votes must have similar guarantees that their  
6 votes count as much as possible, the same as any other person's. *O'Brien v. Skinner*,  
7 414 U.S. 524, 530 (1974).

8 42. Plaintiffs are dependent on absentee ballots since they are detained against  
9 their will on jail, and particularly dependent on official actors, Defendant Sheriff and  
10 County, to ensure that their votes will counts as much as possible, the same as any other  
11 person's. Without being provided their ballots by the County, they will not be able to  
12 vote at all, and they are "simply not allowed to use the absentee ballot and are denied  
13 any alternative means of casting their vote," and thus the Defendants' actions are  
14 unconstitutional. *O'Brien v. Skinner*, 414 U.S. 524, 430 (1974)(failure to provide  
15 absentee voter registration to people held in jail awaiting trial is unconstitutional).

16 43. Under the *Obrien v. Skinner* rule, the Defendants have violated Plaintiffs'  
17 rights, the Plaintiffs are more than likely to succeed on the merits, they will be  
18 irreparably harmed, thus injunctive and declaratory relief must issue immediately before  
19 the election by November 2, 2020, so that Plaintiffs are provided absentee ballots by  
20 November 2, 2020, and the Defendants collect those ballots and ensure they are timely  
21 delivered to the County Registrar by November 3, 2020.

### 22 23 **THIRD CAUSE OF ACTION**

#### 24 **Violation of California Constitution Art. II § 1**

#### 25 **(Violation of Right to Vote under California Constitution)**

26 44. Plaintiffs incorporate by reference each and every allegation contained in  
27 paragraphs 1 through 43 as if fully set forth herein.

28 45. Defendants owe Plaintiffs a duty under Article II, section 1 of the California

1 Constitution, which guarantees eligible voters their fundamental rights to vote under the  
2 California Constitution, which guarantees Plaintiffs to vote by absentee ballot.

3 46. By the conduct described herein, Defendants violated these rights  
4 guaranteed to Plaintiffs. As a direct and proximate consequence of Defendants' conduct,  
5 Plaintiffs suffered a loss of their constitutional rights and are entitled to injunctive and  
6 relief.

7 47. Defendants have been and are aware of all the deprivations complained of  
8 herein, and have condoned or been deliberately indifferent to such conduct.

9  
10 **FOURTH CAUSE OF ACTION**  
11 **(Declaratory Relief: 28 U.S.C. §§ 2201 AND 2202)**

12 48. Plaintiffs incorporate by reference each and every allegation contained in  
13 paragraphs 1 through 47 as if fully set forth herein.

14 49. There is an actual controversy between Plaintiffs and Defendants  
15 concerning their respective rights and duties in that Petitioner contends that the acts of  
16 Defendants, as described herein, are in violation of federal and state law, and Defendants  
17 contend in all aspects to the contrary.

18 50. Plaintiffs are entitled to a legal declaration of their rights and Defendants'  
19 obligations under applicable federal and state law as alleged in this petition/complaint.

20 **FIFTH CAUSE OF ACTION**  
21 **(Declaratory Relief: CAL. CODE CIV. PROC. § 1060)**

22 51. Plaintiffs incorporate by reference each and every allegation contained in  
23 paragraphs 1 through 50 as if fully set forth herein.

24 52. There is an actual controversy between Plaintiffs and Defendants  
25 concerning their respective rights and duties in that Petitioner contends that the acts of  
26 Defendants, as described herein, are in violation of federal and state law, and Defendants  
27 contend in all aspects to the contrary.

28 53. Plaintiffs are entitled to a legal declaration of their rights and Defendants'

1 obligations under applicable federal and state law as alleged in this petition/complaint.  
2

3 Plaintiffs request relief, as set forth below.

4 **PRAYER FOR RELIEF**

5 54. WHEREFORE, Plaintiffs and the Class Members respectfully request that  
6 the Court:

- 7 A. Certify this case as a class action and certify the proposed classes and  
8 subclasses;
- 9 B. Enter a declaratory judgment that Defendants violated Named Plaintiff's  
10 and Class Members' constitutional rights by failing to provide absentee  
11 ballots so that they can vote absentee in the November 3, 2020 election.
- 12
- 13 C. Enter an emergency temporary restraining order, preliminary injunction,  
14 and permanent injunction requiring Defendants, in County jails to do the  
15 following:

16

17 That this Court order the County to 1) obtain Plaintiff's and all eligible  
18 voters in VCJ custody absentee ballots immediately, 2) notify all inmates in  
19 VCJ who have requested an absentee ballot or are eligible to vote that they  
20 can vote in the November 3, 2020 election, 3) deliver an absentee ballot to  
21 Plaintiff and any inmates in VCJ who have requested a ballot after being  
22 informed by VCJ officials that they can vote, no later than Monday,  
23 November 2, 2020 so that Plaintiff and other VCJ detainees can fill out  
24 their absentee ballot, and 4) after completion, deliver to the Ventura County  
25 Voter's registrar Plaintiff's ballot and every other eligible VCJ detainee  
26 ballot no later than 5:00 p.m. on November 3, 2020, so that all eligible VCJ  
27 detainees who desire to vote and fill out an absentee ballot are timely  
28 counted in this year's election.

- 1 D. Enter an order and judgment granting reasonable attorneys' fees and costs  
2 pursuant to 42 U.S.C. § 1988 or as otherwise authorized by law;  
3 E. Order such other and further relief as this Court deems just, proper, and  
4 equitable.

5  
6 Respectfully Submitted,

7 Dated: OCTOBER 30, 2020

Kaye, McLane, Bednarski & Litt, LLP

8  
9  
10 By: /s/ David S. McLane

David S. McLane

Attorneys for Petitioners/Plaintiffs

11  
12 Dated: OCTOBER 30, 2020

The Law Offices of Brian A. Vogel, PC

13  
14  
15 By: /s/ Brian A. Vogel

Brian A. Vogel

16 Counsel for Plaintiff, David S. McLane, verifies the allegations in this Complaint and is  
17 informed and believes the allegations are true and correct to the best of his knowledge  
18 based on information provided by Plaintiff and Co-counsel Brian S. Vogel, and the  
19 declarations submitted concurrently herewith as well as the Secretary of State website.

20  
21 Dated: OCTOBER 30, 2020

By: /s/ David S. McLane

22 David S. McLane  
23  
24  
25  
26  
27  
28

# **EXHIBIT A**

# VOTING RIGHTS

Persons with a Criminal History



## ELIGIBILITY REQUIREMENTS

You can register to vote and vote if you are:

- A United States citizen and a resident of California,
- 18 years old or older on Election Day,
- Not currently in state or federal prison or on parole for the conviction of a felony, and
- Not currently found mentally incompetent to vote by a court (for more information, please see [Voting Rights: Persons Subject to Conservatorship](#)).

### PERSONS WITH A CRIMINAL HISTORY WHO CAN REGISTER AND VOTE:

- In county jail:
  - Serving a misdemeanor sentence (a misdemeanor never affects your right to vote)
  - Because jail time is a condition of probation (misdemeanor or felony)
  - Serving a felony jail sentence
  - Awaiting trial
- On probation
- On mandatory supervision
- On post-release community supervision
- On federal supervised release
- A person with a juvenile wardship adjudication

### PERSONS WITH A CRIMINAL HISTORY WHO CANNOT REGISTER AND VOTE:

- Currently imprisoned in:
  - State prison
  - Federal prison
- Currently serving a state prison felony sentence in a county jail or other correctional facility\*
- Currently on parole with the California Department of Corrections and Rehabilitation
  - Once you are done with parole your right to vote is restored, but you must re-register online at [RegisterToVote.ca.gov](#) or by filling out a paper voter registration card.

## ADDITIONAL INFORMATION

Under the 2011 Criminal Justice Realignment Act (Realignment) and specifically California Penal Code section 1170(h), low-level felons are sentenced to county jail and/or supervision by the county probation department instead of state prison. Realignment has caused some confusion about voting rights among people who have criminal convictions. The chart above provides an explanation of who can and who cannot register to vote in California.

\*California Penal Code section 2910 allows the California Department of Corrections and Rehabilitation (CDCR) to make agreements with local governments to house felons in a county jail or other correctional facility. A person serving a state prison sentence who is housed in a local jail or other facility under these circumstances is not allowed to register and vote.

## QUESTIONS

If you are unsure of what type of sentence you are serving, ask your probation officer, parole officer, or staff at your correctional facility.



California Secretary of State Alex Padilla

Tel 916.657.2166 | Fax 916.653.3214 | [www.sos.ca.gov](#)



**HOW TO REGISTER TO VOTE**

You may request a voter registration card from the Secretary of State or your county elections office. If you are in jail, you are entitled to receive a voter registration card if you are eligible to vote.

You may also apply to register to vote on the Secretary of State's website [RegisterToVote.ca.gov](http://RegisterToVote.ca.gov). Your voter registration application must be received or postmarked at least fifteen (15) days before Election Day to be eligible to vote in that election. In elections conducted by your county elections official, you can "conditionally" register and vote provisionally at your county elections office after the 15-day voter registration deadline. For more information please go to the Secretary of State's webpage on conditional registration and voting ([www.sos.ca.gov/elections/voter-registration/conditional-voter-reg/](http://www.sos.ca.gov/elections/voter-registration/conditional-voter-reg/)) or contact your county elections official.

Voter registration cards and voting materials are available in English, Chinese, Hindi, Japanese, Khmer, Korean, Spanish, Tagalog, Thai, and Vietnamese. Voter registration cards are available at most public libraries and government offices. See the attached list for state and local elections office contact information.

**VOTE BY MAIL**

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

If you are not registered to vote at your current home address, you may register or re-register to vote and request a vote-by-mail ballot on the Secretary of State's website [RegisterToVote.ca.gov](http://RegisterToVote.ca.gov).

**RELEASE FROM CUSTODY**

If you requested a vote-by-mail ballot but are released from custody before you receive your ballot, you can still vote. Just go to the polling place for your home address or any polling place in the county where you are registered and vote a provisional ballot.

If you change your name, home address, mailing address, or party preference you must complete a new voter registration card.

**RESOURCES**

For more information contact your county elections office or the California Secretary of State:

**VOTER HOTLINES**

English	(800) 345-VOTE (8683)
Español / Spanish	(800) 232-VOTA (8682)
Chinese / 中文	(800) 339-2857
Hindi / हिन्दी	(888) 345-2692
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