



**DEBRA BOWEN** | SECRETARY OF STATE  
STATE OF CALIFORNIA | ELECTIONS

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April 21, 2010

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 10132

TO: All County Clerks/Registrars of Voters

FROM:   
Robbie Anderson  
Elections Counsel

RE: Voter Registration: Voter Registration Forms From Prison Inmates

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The Secretary of State's office and several county elections officials have received letters from California prison inmates that are accompanied by completed federal voter registration forms. The letters state generally that a court in Washington State has restored the right to vote to a person who is in prison following a felony conviction. As a result, the letters state, the person submitting the form wants to register to vote here in California.

In January, the U.S. Court of Appeals for the Ninth Circuit ruled in *Farrakhan v. Gregoire* (590 F.3d 989 (2010)) that there was racial discrimination in Washington State's criminal justice system and as a result, taking away the right to vote from a person in prison for committing a felony was a violation of the federal Voting Rights Act.

However, the decision in this case does not apply in California. There has been no court finding or ruling that a similar situation applies in California and the law has not been altered, either by statute or by court order, to allow a California resident who is in prison or on parole for conviction of a felony to register to vote.

Therefore, you should handle any voter registration form submitted by a person who is in prison or on parole for conviction of a felony as you would handle any form submitted by a person who you know or determine is ineligible to register to vote.

If you have any questions, please contact me at (916) 653-7635 or [robbie.anderson@sos.ca.gov](mailto:robbie.anderson@sos.ca.gov).