

California on the Ballot

Season Two: Barriers to Voting

White Paper and Resources



71% of Californians cast ballots in the 2020 election. That's an extraordinary number—the state's highest voter turnout since 1952. Yet this high-water mark came with a major asterisk. "Those who turned out to vote remained older, whiter, wealthier, and more educated than the [state's] adult population at large," said Alisa Belinkoff Katz, senior fellow of the UCLA Luskin

Center for History and Policy and the moderator of [Equity at the Polls: Voter Access in California](#), an event in the second season of California on the Ballot. The newest installment of our popular 2020-21 series sought to explore these persistent demographic gaps at the polls, as well as other imbalances in our state's electoral processes. What barriers—material, historical, geographical, social—keep Californians from voting? And what can be done to lower these hurdles?

Convened from October 2021 through September 2022 and supported by the National Endowment for the Humanities initiative [A More Perfect Union: America at 250](#), this series comprised six panel discussions over Zoom, each free and open to the public and culminating in a Q&A session with audience members. Experts ranging from professors to activists, journalists to government officials, brought to bear their knowledge of Californian politics, history, and cultures to tell the ever-unfolding story of voting rights—and profound civil wrongs—in the Golden State.

Picking up on season one's excavations of California's oft-hidden (and sometimes exceptional) conservatism, panelists revealed time and again that present-day discrepancies in voting can be traced back to the earliest years of Californian electoral law. The state constitution and various other voting prerequisites (from English literacy tests to lengthy residency requirements) explicitly or effectively kept women, racial minorities, immigrants, convicts, and the poor from the polls.

Though these laws have since been amended to extend the franchise to more members of those groups, in practice, structural obstacles continue to suppress the vote among many marginalized demographics. Even the most enthusiastic would-be voters might be stymied by a lack of accessible polling locations (see [Voter Access](#)), of reliable mail and other infrastructure in rural areas ([Voting Rights for Indigenous Populations](#)), or of voting materials in the languages they speak ([Civic Participation and California Immigrants](#)). As indigenous voting rights advocate Jordan James Harvill put it, "when we talk about 'apathetic' voters"—a charge often lazily tossed at Native peoples, whose voter turnout trends low across the country—"I often say that it's not that people don't want to vote; it's that they *can't* vote."

Panelists from **Indigenous Populations, California Immigrants, and Voter Access** noted that these disparities can be exacerbated in election cycles because campaign spending tends to focus on reaching out and catering to “likely” voters—which disproportionately means *white* voters. So, too, does the wealth gap undergird and worsen electoral inequalities between racial groups (**Immigrants, Voter Access**), particularly in a state where astronomical housing costs shape where and how people live and vote (**Voters on the Move**).

In an increasingly divided partisan climate, California’s political minorities can also feel they’ve been ignored by elected officials, as the 2021 event **After the Vote: Recall Elections in California** underscored. This may well be one of the factors pushing aggrieved Republicans here to resort to more frequent use of extreme tools like the recall. Perhaps the rising number of recall elections in our state can also be attributed to a populace that the conveniences of the internet age have trained to expect instant gratification, as LA Times journalist Seema Mehta argued on that panel. This remark resonated with a program-wide interest in the ways that technology has variously impaired and improved Californians’ ability to vote (**Voter Access, Indigenous Populations**).

This year’s events carried forward the previous season’s inquiries into what civic engagement looks like beyond the franchise. Californians who can’t legally vote (like those currently **incarcerated** for felony convictions, or non-citizen **immigrants**) can register others to vote, participate in political discussions in their communities, or get involved in activist movements (**Indigenous Populations**). To this last point, California’s long lineage of protest and innovation has given its residents an abiding fondness for speaking truth to power. Panel members emphasized the might of grassroots movements here, from the 2021 attempt to **Recall** Governor Newsom, to the 60% of Californians who voted to re-enfranchise parolees through Prop 17 (**Incarcerated Voters**), to communities who successfully advocated to stay together in voting districts during the 2020 statewide redistricting process (**Voters on the Move**).

Panelists consistently expressed confidence that Californians’ populist passion for shaping our democracy spells a brighter future for electoral rights here (**Indigenous Populations, Voter Access, California Immigrants**). “The last five or six years have been really powerful here in California” for criminal justice reform, said Romarilyn Ralston. As Program Director of Project Rebound at California State University Fullerton, Ralston helps formerly incarcerated people pursue college degrees after they’ve been released from prison. Indeed, many speakers named education as the crucial first link in the chain of becoming an informed and active citizen (**Indigenous Populations, Incarcerated Voters**). Recalling her own experience teaching local history and law at Bakersfield College, **Voter Access** panelist Lori Pesante described watching students gain a lifelong excitement for civics because they’d finally been helped to see that political engagement could intimately affect their lives and communities. “This is why humanities work ... is so profoundly important,” she said, a note that

was also sounded in **California Immigrants and Incarcerated Voters**. “Because every single bit is one brick that builds the foundation for all of us to stand on together.”

After the Vote: Recall Elections in California

The second season of California on the Ballot opened upon a topic that shook the state with all the force of an earthquake in 2021: recall elections. Convened on the one-month anniversary of the vote on whether Governor Gavin Newsom should be removed from office, the October 15, 2021 panel discussion considered the reasons behind Californians’ long-standing love affair with the recall as voter action. Dan Schnur, Professor at UC Berkeley, Pepperdine, and the University of Southern California, moderated a conversation between two political journalists: Seema Mehta of the LA Times and Carla Marinucci of Politico.

The six recall efforts that Newsom has faced thus far over the course of his term were both typical and atypical of his office’s history, the trio of speakers agreed. On the one hand, every single California governor in recent decades has faced some form of recall challenge. But these attempts virtually never gain the signatures necessary to make it onto the ballot (the only exceptions being Newsom in 2021 and Gray Davis in 2003). Furthermore, Newsom initially came to office in a landslide, winning two thirds of the vote in 2018. Against those odds, what won Newsom’s adversaries their day in the sun and on the ballot?

COVID-19 was a major piece of the puzzle here (as it was with recent redistricting efforts in California, according to **Voters on the Move**). The many miseries of the global pandemic generated a “perfect storm” of voter anger in search of a target, said Mehta. Small missteps—like Newsom’s choice to dine at the lush restaurant French Laundry after cautioning his constituents to stay home—went viral among an electorate stuck indoors and glued to their phones. Plus, the public health emergency prompted courts to grant recall proponents extra time to gather signatures.

Ironically, although COVID got Newsom’s head onto the recall chopping-block to begin with, it was also the pandemic that eventually saved him from expulsion. When conservative Larry Elder entered the race as Newsom’s potential replacement, expressing skepticism about safety measures around the deadly virus, voters suddenly saw the incumbent as the safer, saner, lesser of two evils. “[Newsom’s] message in the final months of the campaign was really just, ‘If you elect these other people, people are going to die,’” Mehta summed up. But although he eventually defeated his would-be ousters, Newsom did not emerge unscathed. The recall sucked up Newsom’s time, the public’s attention—and his supporters’ money, to the tune of millions that could have been spent on other Democratic races instead.

To understand why such a politically devastating weapon is made available to Californians to begin with, we must go back to the early twentieth century, when the recall was born here. Hiram Johnson—also a main character in [California on the Ballot’s Season 1 event on Ballot Initiatives](#)—won the governorship on the populist promise that he would take a stand against

the special interests that then dominated the state government (such as railroad profiteers). Along with ballot initiatives and referendums, the recall was the third prong of Johnson's plan for putting power directly into hands of the people. However, "for the better part of almost a century, these [tools] were fairly ignored Generally the thought of the public was, 'Don't break glass unless [it's an] emergency,'" noted Schnur. But "in recent years ... we've begun to break that glass more and more frequently," with the number of recall elections noticeably increasing here. This holds true across the ideological spectrum and across political position: from District Attorneys in Los Angeles to school board members in San Francisco, no official seems safe from the threat of ejection.

The reasons for this uptick reach beyond COVID. Mehta suggested that the conveniences of modern technology have conditioned us to expect instant gratification, whether it's a swiftly arriving Amazon package or a swiftly booted political official. But the nation's increasingly polarized political landscape plays a role, too. In previous decades, a voter whose candidate(s) of choice did not prevail at the ballot box could at least hope that they might see some cross-aisle concessions in the term ahead. But in today's scorched-earth climate, such compromises often seem unlikely. So, the politically passionate whose favorites have lost an election might feel that recalls are their only chance to hold the opposition's elected officials accountable. Especially so in an "overwhelmingly blue" state like California, where Republicans often feel unheard, said Marinucci.

This "new kind of activism," as Marinucci termed it, that exercises itself through recalls doesn't seem to be going anywhere. Granted, Californians love to gripe about our state's never-ending circus of frequent and confusing recalls and ballot initiatives, and polls indicate that many of us want to make it harder to launch a recall (by raising the number of signatures required, by restricting recalls only to cases of criminal activity, etc.). However, "woe to that person who tries to take [the recall option] away," mused Schnur. "[Californians] might not like [the experience], but they relish having that authority if and when they need it."

Equity at the Polls: Voter Access in California

Since the 1950s, California has made enormous improvements to the ease of its voting and voter registration processes. These efforts have borne fruit, including the above-mentioned 71% turnout in the 2020 election. But these gains have not equally affected all demographics: people of color, poorer people, and young voters still do not show up at the at the same rates as their white, affluent, older counterparts, noted Alisa Belinkoff Katz, a Senior Fellow of the UCLA Luskin Center for History and Policy and the moderator of California on the Ballot's April 28, 2022 panel. In Equity at the Polls: Voter Access in California, Katz led panelists Kristin Nimmers (Policy and Campaign Manager with the California Black Power Network) and Lori Pesante (Director of Civic Engagement at the Dolores Huerta Foundation) in an exploration of

California's lopsided votership—and of how our state can continue to lighten the burdens that prevent marginalized groups from voting.

Today's electoral inequalities have their origins in yesterday's discrimination. Katz recently authored a report demonstrating that California's first century of statehood was in many ways a history of disenfranchisement. From race-based restrictions in the state's first constitution to later registration and literacy requirements targeting immigrants, the Californian powers that be kept Native American, Chinese, Black, and other non-white, non-wealthy people out of the polls. Indeed, despite its current reputation for progressivism, California law was at times uncommonly backwards; for instance, ours was one of only two non-slave states to significantly delay ratifying the U.S. constitutional amendment granting Black men the right to vote. The 1950s and '60s marked major turning-points in this disgraceful history as the national Civil Rights Movement gained power and Democrats took control of the California state legislature. These events generated a waterfall of improvements to voting access, from stronger absentee voting rights to an increase in the number of poll locations.

Despite these steps forward, though, race gaps persist at the ballot box today. Some elements of this imbalance stem from the highest levels of the political system: gerrymandering that waters down minority voting blocs, or an abiding lack of political representatives from one's own demographic, can leave marginalized groups skeptical that their votes matter. For instance, Pesante noted, although the Central Valley comprises 70% residents of color and 30% white residents, Boards of Supervisors there have roughly the inverse composition. So, too, can well-intentioned innovations backfire if they are too one-size-fits-all. In 2020, the nationwide implementation of universal vote-by-mail and the consolidation of in-person voting locations improved turnout among many groups—but African-American and Latino participation actually decreased, in part because traditionally disenfranchised minorities are often “really wary of voting systems where they can't see their ballot being cast,” said Nimmers. To guard against such unintended consequences, county election officials must prioritize serving low-turnout groups when they set out to fix material deterrents to voting. Concrete steps in this direction could include diversifying the languages in which voting documents are printed (a recommendation that also emerged from the panel on **California Immigrants**) or ensuring that polling sites are easily reachable by public transit.

What makes broad-brush attempts to improve voter access particularly problematic in California is our state's enormous size and geographical diversity. Rural voters, for example, face region-specific challenges—like far-flung ballot collection boxes and issues with mail distribution—that go unaddressed by urban-minded electoral planners.

Nonetheless, there are some baseline principles that would improve voter access for most underserved Californians, said Pesante. Strengthening internet connectivity throughout the state would help low-income and rural voters get informed and registered, as would automatic voter registration. So, too, should there be “funding mandates at the county level for those institutions that promote a healthy democracy,” from libraries to schools. Speaking of the

latter, Pesante and Nimmers both endorsed a call to action widely sounded across California on the Ballot's [previous](#) and current season alike (see also **Incarcerated Californians**, **Indigenous Populations**, and **Californian Immigrants**): the importance of improving civics education in the U.S. Schools need to help students understand how voting and politics concretely impact their lives, ideally through real-world experience like visiting courts and public meetings.

While there is still clearly much work to be done in making the Californian vote fair and accessible to all, there is also cause for celebration and hope, Katz reminded viewers. "We're not in voting nirvana yet, but we're so far from when we started." And California's progress is perhaps particularly inspiring in today's national climate: "While other states are pulling back on the ease and accessibility of voting, California keeps pushing ahead."

Voters on the Move

One in eight Americans live in California. But our population has been declining lately—in 2022, we lost a greater number of residents than any other state. What motivates human movement into, within, and out of California, and how are these shifts affecting the state's political composition and electoral future? On June 23, 2022, California on the Ballot invited two experts to shed light on these questions of demographic dynamism: Dr. Carlos Martín, the Director of the Remodeling Futures Program at Harvard University's Joint Center for Housing Studies, and Dr. Sara Sadhwani, Assistant Professor of Politics at Pomona College.

Dr. Martín noted that many of California's population changes can be attributed to the push and pull of two opposing forces: high job opportunity and high housing costs. The former attracts people to the state, while the latter pushes many out. But these two groups are not interchangeable. These days, it's those with more education, wealth, and earning potential who move in and can afford to stay, while the opposite demographic tends to depart—either for a different state entirely, or within California, away from high cost of living coastal cities. The latter phenomenon has resulted in statewide sprawl and longer commutes—especially for many racial minorities, whose generally lower income has forced them inland in patterns such as the "browning of Orange County," Dr. Sadhwani observed.

Climate change has also played a role in recent changes to where Californians live, and will continue to live. While it remains unclear whether people are *consciously* moving away from parts of the state affected by worsening weather and related events, Martín said, Californians are undeniably relocating in response to single, climate-induced catastrophes like wildfires and floods. And this kind of migration brings about "clear changes to ... the political makeup" of a given place—changes that are not always welcomed with open arms. After the 2018 Camp Fire, for instance, many former inhabitants of the devastated town of Paradise temporarily moved to Chico. There, they were met with vocal hostility, not just because the influx of housing-insecure people was perceived as a financial burden to the community, but also

because it was feared that their presence would cause “a cultural and political sea change,” said Dr. Martín.

To keep up with these multiple and multifaceted transformations to its demographic composition, California must redraw the district lines for its Congress, State Legislature, and State Board of Equalization every ten years, in response to each new census. (This series’s events on **Indigenous** and **Voter Access** also attested to the importance of fair and accurate redistricting.) In 2020, Dr. Sadhwani served on the body responsible for this effort, the California Citizens Redistricting Commission. Though the Commission’s foremost calling is to place an equal number of constituents in each district—exactly 760,066 people, in 2020—the line-drawers must also take into account factors like the federal Voting Rights Act (a piece of legislation also central to our **Voter Access** and **Californian Immigrants** discussions), which forbids racial discrimination in electoral policy. So, too, does the Commission attempt to respect meaningful borders of city, county, and tribal lands, and to seek constituents’ input on a fuzzier criterion: where the borders of their communities lie. Conversations with Orange County residents, for instance, convinced the Commission to reunify a group of Vietnamese-Americans there who had previously been split up over several districts, while Sierra-region mountain districts now comprise their own district instead of being absorbed onto the Central Valley.

Making the 2020 census and affiliated redistricting process even more challenging was, of course, COVID. Shelter-in-place orders kept college students at home rather than on the campuses where they’d normally be counted. Furthermore, “hard-to-reach communities were even harder to reach,” said Dr. Sadhwani: immigrants and residents of rural areas might normally encounter census-takers at community events like fairs, but the pandemic shut down those opportunities for engagement.

Anticipating these challenges, California took the approach of promoting the census through community-based organizations. This and other concerted efforts to garner a so-called “California Complete Count” paid off, said Dr. Sadhwani. “Ultimately while we did lose one congressional seat here in the state of California” as a result of the 2020 census, “we certainly could have lost two.” Furthermore, the independent commission model—in California and in other states—has met with fewer legal challenges than most state-run redistricting efforts.

In evaluating the success of redistricting, perhaps the most important question is the one raised by an audience member during the event’s Q&A: “What happens after the elections? How effective are these politicians for the communities in question? Are they more reflective of the communities [afterwards]?” The call to action should be clear for any savvy politician, replied Dr. Sadhwani. Congress members who find themselves in new districts after the 2020 redrawing process “*have* to get to know the new people that they’re going to represent.” An elected official who fails to understand and serve their constituents could soon find themselves out of a seat—a direct illustration of democracy in action.

Civic Participation and California Immigrants

More than a quarter of people currently living in California are immigrants. That statistic doubles when it comes to Californians with at least one foreign-born parent. Such a substantial portion of the populace inevitably shapes the civic fabric of our state—even if not all of them are eligible to vote. On August 11, 2022, California Humanities hosted a conversation on this subject, continuing **the first season of California on the Ballot's** attention to the immigrant vote in California.

In America, the right to vote hinges on citizenship—a criterion that excludes the approximately 50% of Californian immigrants who have not been naturalized. This prohibition is, in one sense, unsurprising: much of California and America's "history of voting, and more generally civic participation, has been the history of various kinds of inclusion and exclusion," said Dr. Hiroshi Motomura, a Professor of Law and co-faculty director of the UCLA Center on Immigration Policy. Even seemingly progressive developments in immigrant voting rights have been marred by bigotry. From the 1850s through the 1920s, for instance, non-naturalized immigrants could cast their ballots in American elections—with the glaring exception of immigrants from many Asian nations. Similarly, the Voting Rights Act of 1965 was a major triumph for racial minorities struggling to access the ballot box, but non-English-speaking Latinos were still effectively barred from the franchise. This is because the VRA failed to adequately protect language minorities, stressed Sonja Diaz, Founding Executive Director of the UCLA Latino Policy and Politics Institute and the panel's moderator.

In fact, language continues to pose a significant hurdle for many would-be immigrant voters today. California is among the more proactive states in this regard, having dedicated significant resources to language justice at the ballot box, noted Cynthia Buiza, Executive Director of the California Immigrant Policy Center. But even here, voting materials are offered only in a quarter of the dialects spoken in California. In this sense, language comprises one of many ways in which decision-makers "can give people the vote in a formal, technical eligibility sense [but still] make it really hard for people to actually vote," said Dr. Motomura. A lack of attention from political campaigns, and various forms of media messaging that foreign-born people do not "belong" in America, can also disincline immigrants from getting involved in civic life here. But perhaps the most basic form of disenfranchisement by proxy is the lack of physical safety and sustenance that many immigrants face in their day-to-day lives. "When you are worried about food, when you're worried about becoming bankrupt because you don't have access to healthcare, you're not thinking so much about vot[ing]," observed Buiza.

Despite these obstacles, immigrants to California still make their voices heard at every level of government, regardless of their naturalization or documentation status. It's a common mistake to think of civic participation as beginning and ending with the vote (a point also raised in discussions on **Incarcerated** and **Indigenous** Californians): immigrants can also get involved in the democratic process by attending demonstrations and rallies, meeting with elected

officials, or registering voters, explained Buiza. Nor are the definitions of who constitutes a “citizen,” or which rights they’re owed, ever set in stone, said Diaz. While over 400 bills nationwide were introduced in 2021 to restrict voting rights writ large, state and local laws in California have broadly trended in the opposite direction. For instance, non-citizens were recently granted the right to vote in school board elections (San Francisco) and to hold state-level appointments (California-wide).

In these and other arenas, our state is currently undergoing “a great movement towards inclusion” of immigrants, Buiza asserted. Undocumented residents already or may soon have access to comprehensive healthcare, employment insurance (if they lost their jobs during the pandemic), and food assistance. It is not just a matter of compassion, but also a point of sound strategy, for the state to respectfully serve this segment of the population, said Diaz. Unlike non-Hispanic whites, the Asian and Latino communities that make up much of the immigrant and first-generation populations here are young and growing fast, meaning that they’ll soon make up a substantial voting bloc. Granted, demography isn’t *necessarily* destiny, she added. Even as America becomes a majority-minority nation, structural white supremacy can still keep people of color from exercising their due electoral rights by intimidating or excluding would-be voters. Current movements to forgo counting non-citizens towards legislative districting are one instance of this. In short, as Diaz put it, “demographics can be destiny so long as ... inclusion and equity, not just diversity,” are prioritized.

Voting Rights for Incarcerated Californians

In Fall of 2020, Californians voted...to give voting rights back to fellow Californians. Specifically, Prop 17 amended the state constitution to restore the franchise to people on parole for state and federal crimes, a group of almost 50,000. Using this historic decision as a jumping-off point, Dr. Brady Heiner (Professor of Philosophy at California State University Fullerton and Founder and Executive Director of the CSU Project Rebound Consortium) moderated a July 20 discussion on the past and future of electoral rights for currently and formerly incarcerated people.

The event’s panelists emphasized their own personal connections to incarceration—and the fact that most of us have just such a connection. Nearly 50% of Americans have spent time in prison or jail or have a family member who has done so, said Dr. Andrew Dilts, Associate Professor of Political Science and International Relations at Loyola Marymount University. He counts among them. So does Romarilyn Ralston, Program Director of Project Rebound at CSU Fullerton, who served a 23-year sentence. Thus, although prisons keep inhabitants physically separate from the world that non-prisoners inhabit, “The fact that we live in a prison society ... shapes everything that we do,” said Dr. Dilts. And so, too, do those of us on the outside shape and perpetuate the conditions of prison society, often in ways we’re unaware of: “California

spends over \$13 billion per year in corrections,” Ralston noted. So [even] if you're not directly connected to incarceration—you are through your tax dollars.”

This is an enormous percentage of the populace to sever from civic life. And yet all but two U.S. states place some kind of restriction on the voting rights of those with a felony conviction. (It says much about the carceral state's racial agenda, Dr. Dilts posited, that those two less restrictive states—Maine and Vermont—are among the whitest in the nation.) Imprisonment is meant to punish someone for a specific act they committed. Yet to continue to bar former prisoners from voting, holding office, or jury duty is to transform them into a “*category of persons*” permanently unfit to participate in political life even after they've paid their debt to society, said Dr. Dilts.

It's important to remember that this “draconian” approach is neither eternal nor inevitable, added Ralston. California's particular carceral landscape is a specific legacy of the War on Drugs period, whose tough-on-crime ethos spurred the construction of twenty prisons here in the '80s and '90s. It's no surprise, in that climate, that the voting rights of inmates remained a third rail. The 2000 Bush v. Gore presidential race changed that, however. In Miami-Dade county, where the controversial election was decided, every vote mattered—but, it was later revealed, many residents there were unjustly disenfranchised. After that, said Dr. Dilts, civil rights organizations “realize[d] that the margins mattered all the time and not just every four years” and began paying more attention to inmates' and other marginalized groups' access to the vote.

The public at large took notice, too. In 2018, Florida itself, though a generally conservative state, voted in favor of Amendment 4, an equivalent of Prop 17. Though the Florida State Senate and Governor quickly passed counter-legislation, the amendment's initial approval illustrates that “when this question is put to the mass public ... people push back against this basic idea that somehow the worst thing you've ever done in your life is disqualifying of being part of a community,” said Dr. Dilts. Indeed, 95% of incarcerated people eventually return to the community outside, Ralston pointed out. It's therefore crucial to give people in prison access to the education and opportunities that will allow them to be informed political citizens while and after they serve their time. Nor must inmates' civic involvement begin and end with casting a ballot. Even from behind bars, they can engage and sway their family and friends on political matters, financially contribute to candidates' campaigns, and even collaborate with legal advocacy groups like Initiate Justice to write legislation. Ralston, Dr. Heiner, and Dr. Dilts all concurred that formerly and currently incarcerated people, as leading authorities in the experience of incarceration, should be called upon “not just as stakeholders but as experts on how to reimagine public safety,” as Dr. Heiner put it. (This sentiment, which Dr. Dilts compared to the “Nothing about us without us” slogan of the disability rights movement, was also voiced in the **Indigenous Populations** panel.)

Californian policymakers are beginning to do just that. Prop 17 is part of a roughly five-year wave of Californian legislation protecting the electoral rights of current and former

prisoners, such as jury service for the formerly convicted (SB 310). Another promising development—the upcoming closure of California’s Division of Juvenile Justice in favor of a department in Health and Human Services—points to the most important way forward, towards a self-healing community and away from a punitive state. Ultimately, Dr. Dilts argued, virtually all of the lengthy work and expense of reintegrating formerly incarcerated people into their communities could be avoided if we “divest[ed] from prisons, jails, and policing and invest[ed] in things that we know produce genuine safety: . . . health, education, clean water, [and] spaces to be together.”

Until that utopia is reached, those of us not in prison have an obligation to learn about and advocate for precisely where our tax dollars are going, and to open places in our civic, professional, and social communities for the formerly incarcerated, said Ralston. Creating a society “in which no one is disposable, in which public institutions serve an expansive conception of the public,” Dr. Heiner concluded— “that’s in the spirit of the project of the humanities.”

Voting Rights for Indigenous Populations

“The democratic process is a very, very old process for Indian Country,” remarked Christina Snider in a September 28, 2022 discussion of Voting Rights for Indigenous Populations. “The Constitution itself is kind of based on an Iroquois Confederacy,” continued Snider, who is Tribal Affairs Secretary to Governor Gavin Newsom. Yet though American democracy has deep roots in indigenous political philosophy, when it comes to the present day, the Native electorate consistently produces the lowest voter turnout of any racial or ethnic group. What forces are keeping these numbers so low, and what can be done to reverse the trend? These questions were at the center of a conversation between Snider, Jordan James Harvill (National Program Director of Advance Native Political Leadership), and moderator Kirsten Vega (California Humanities Program Manager).

To say that many indigenous people don’t vote in U.S. elections is not to say that they don’t vote at all. Tribes have their own, highly active forms of self-governance, each with its unique structures of leadership and election processes. “Our tribal leaders are some of the most trusted” people in a given tribe, said Harvill. “They’re folks that you know. You can call them if you need anything.”

Contrast this with indigenous peoples’ degree of trust in the U.S. government, which ranks lower than that of any other community in every single state. It’s not hard to understand why: much of the history of Native-white relations is the history of the latter violating their counterparts’ trust, whether in treaties, warfare, or other realms. That noxious legacy lives on in many lasting structures of oppression, including ongoing interference with Native electoral rights. Even after indigenous people finally gained the right to vote in 1924, subsequent laws regarding voting technicalities intentionally prevented many Natives from casting their ballot for

decades. And some of those subtle but formidable obstacles still survive today. Take voter registration, for instance. “We often say that voter registration *is* voter suppression,” said Harvill. “It’s an extra barrier that doesn’t need to be there.”

Or consider the 2020 Arizona Supreme Court decision *Yazzie v. Hobbs*. In an election season when COVID had slowed mail delivery, the court ruled not to extend the mail-in ballot deadline. This made it physically impossible for many people living on the rural Navajo Nation reservation (home to the majority of Arizona’s indigenous people) to mail their ballots in on time. Though this instance eventually became a triumphant story of organizing in action—activists and locals successfully got voters to the polls to cast their ballots in person, instead—it spotlights the extent to which Native voting rights can be compromised by reservations’ lack of infrastructure. (The event on **Voter Access** spoke, similarly, to the particular challenges facing rural voters in America.)

Of course, indigenous people also live in dense urban areas. Yet they, too, are discouraged from voting in ways explicit and implicit. For instance, political candidates send campaign materials to people statistically expected to vote—which typically means affluent white people. A recent series of studies found that from 2012-20 (a stretch of contentious election years that bombarded “likely” voters with mailers, calls, and texts), half of Native voters reported not being contacted by a single politician. This kind of electoral neglect is a “self-fulfilling prophecy,” in Harvill’s view, because indigenous people already disinclined to vote gradually become even less interested in doing so. They are likewise deprived of the basic voter information—how, when, and where to cast your ballot—that campaign communications inevitably convey along with their specific agendas. When it comes to electoral politics, therefore, Natives “live in an information environment that’s completely different than folks outside of the Native community.”

Little wonder that American government suffers at all levels from a severe dearth of Native elected officials. If indigenous people were proportionately represented in local, state, and federal U.S. offices, they would hold about 17,000 of those seats. Yet they currently hold fewer than 200. This can be attributed in part to the self-perpetuating phenomenon of identification: without seeing faces like yours in positions of power, it’s hard to imagine yourself there (a concern also brought to light in our panels on **Voter Access** and **California Immigrants**). But cultural factors are also at play. Although indigenous peoples are not a monolith, in many cases, running for office requires a certain brashness of ego and an individualistic streak that “feels counterintuitive to the way in which we make decisions in our communities,” said Harvill.

These problems may be daunting, but concrete steps can be taken to mitigate them. Gathering data about Native voters, building political infrastructure, and getting out the vote in Indian Country should be priorities. At the next rung up the ladder of power, Harvill’s organization has been working to recruit and train young Native leaders for office. Over the past decade, the highest levels of California’s government have made more of an effort to

engage Native governments as sovereign equals through endeavors like the creation of Snider's position (which was established, in a slightly different form, by Governor Jerry Brown in 2011).

What other strides are being made specifically in California, a state that—with over 300 indigenous tribes, cultural groups, and language communities—is home to the largest Native population of any American state? Recent legislation here has also brought voter registration online and made it automatic for much of the population, and has encouraged schools to collaborate with tribes in creating curricula around Native American history and culture.

The Golden State has, after all, often been at the vanguard of indigenous rights. Because the federal government forcibly displaced many reservation residents to Californian cities in the 1950s, our urban centers became hotbeds of Native social movements and support systems: Californian Indian Legal Services; the Native American Rights Fund; the 1969-71 occupation of Alcatraz (the focus of our **"California Dreamin'" event last season**). "When you get a lot of people together and things start getting hard, people start thinking, 'What can we do about this?'" said Snider. Collective action as a check to authority: the impulse at the core of American democracy.

Resources for Further Engagement

There's always more to learn more about California's electoral DNA! The below reading, viewing, and listening materials will help you delve deeper into the topics covered in this season of California on the Ballot:

- **After the Vote: Recall Elections in California**
 - David Siders and Carla Marinucci (panelist), “ [How Gavin Newsom survived the recall.](#)” Politico, September 15, 2021. †
 - Seema Mehta (panelist), Melanie Mason, and Melissa Gomez, “ [San Francisco is usually seen as a lefty outlier. The school board recalls may make it a bellwether.](#)” LA Times, February 17, 2022. †
- **Equity at the Polls: Voter Access in California**
 - Alisa Belinkoff Katz (panelist), Izul de la Vega, Saman Haddad, Jeanne Ramin and Zev Yaroslavsky, [Reckoning with Our Rights: The Evolution of Voter Access in California.](#) UCLA Luskin Center for History and Policy, September 2020.*†
 - Eric McGhee, Jennifer Paluch, and Mindy Romero, “ [Equity in Voter Turnout after Pandemic Election Policy Changes.](#)” The Public Policy Institute of California, March 2022.*
 - Mindy Romero, Anna Meier, Barbara Chami, and Emily Pava, “ [California's Changing Electorate: A 2020 Post Election Analysis of Voting Behavior.](#)” The Center for Inclusive Democracy, August 2021.*
- **Voters on the Move**
 - California Citizens Redistricting Commission (of which panelist Dr. Sara Sadhwani is a member), “We Draw The Lines CA” website: <https://www.wedrawthelinesca.org>*†
 - Click on “Past Meetings” tab to access Commission meeting recordings that Dr. Sadhwani mentioned during panel
 - Harvard Joint Center for Housing Studies website (featuring research by panelist Dr. Carlos Martín): <https://www.jchs.harvard.edu/research>*†
 - Turner Center for Housing Innovation website: <https://turnercenter.berkeley.edu>*
- **Civic Participation and California Immigrants:**
 - Sonja Diaz et al, “ [Shaping a 21st Century Latino Agenda.](#)” UCLA Latino Politics and Policy Institute, July 2020. †
 - Hiroshi Motomura, *Immigration Outside the Law* (Oxford University Press, 2014). [Abstract here.](#) †
 - Cecilia Menjívar, “[State Categories, Displacements, and Possibilities from the Margins.](#)” American Sociological Association 2022 annual meeting presidential address, August 7, 2022. (Speech begins at 1:09:20).*
- **Voting Rights for Indigenous Populations**

- [Cooperative Election Study](#). Harvard University, 2005-2020.*
- Chrissie Castro, Anatea Chino, and Laura Harris. “ [Addressing the Strengths, Structural Barriers and Opportunities to Getting Native Americans into Elected Leadership](#).” Advance Native Political Leadership (of which panelist Jordan James Harvill is National Program Director), October 2016.
- **Voting Rights for Incarcerated Californians**
 - Dr. Andrew Dilts, *Punishment and Inclusion: Race, Membership, and the Limits of American Liberalism* (Fordham University Press, 2014).^{*†}
 - “[Humanities Beyond Bars: Reimagining Public Safety](#).”  Kegley Institute of Ethics panel (featuring panelists Romarilyn Ralston and Dr. Brady Heiner). California State University, Bakersfield, November 2020.[†]

* resource mentioned during the event

† resource authored by or featuring an event panelist

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