

VOTING WHILE INCARCERATED

VWI

*A Tool Kit for Advocates
Seeking to Register, and Facilitate Voting by,
Eligible People in Jail*



Voting While Incarcerated

VWI: VOTING WHILE INCARCERATED

A Tool Kit for Voting Rights Advocates

Published September 2005

THE AMERICAN CIVIL LIBERTIES UNION is the nation's premier guardian of liberty, working daily in courts, legislatures and communities to defend and preserve the individual rights and freedoms guaranteed by the Constitution and the laws of the United States.

RIGHT TO VOTE is a coalition of six national civil-rights and public-interest organizations: the American Civil Liberties Union, Brennan Center for Justice at the New York University School of Law, Demos, Mexican American Legal Defense and Educational Fund, NAACP Legal Defense and Educational Fund, and The Sentencing Project. These groups came together in 2002 to work collaboratively to end felony disfranchisement through research, public education, voter registration and litigation. While the Campaign's principal focus is on de jure disfranchisement, or disfranchisement based on state statutes and constitutional law, the campaign also works to redress issues arising out of what may be called 'de facto disfranchisement'. De facto disfranchisement includes faulty policies and practices that result in the disfranchisement of citizens who are eligible to vote, including those in jail pending trial, or serving a sentence for a misdemeanor or a non-disfranchising felony. The campaign seeks to broaden discussion of the issue and promote re-enfranchisement nationwide, through its support of work in Alabama, Connecticut, Florida, Maryland, Mississippi, New York, Rhode Island, Texas and across the country. The coalition's partners in this work include the Alabama Alliance to Restore the Vote, Democracy Works, Florida Rights Restoration Coalition, Maryland Voting Rights Restoration Coalition, Mississippi Voter Empowerment Coalition, New York Unlock the Block Campaign, Rhode Island Right to Vote Campaign and Texas Unlock Your Vote Campaign. For further information, please visit: <http://www.righttovote.org/> www.righttovote.org.

ACKNOWLEDGMENTS

This tool kit was drafted by Laleh Ispahani of the ACLU and Tricia Forbes, a consultant to the Right to Vote campaign. Special thanks to those who provided information and comments, including Marc Mauer, Deborah Goldberg, Ludovic Blain, Rachael Devaney, Jody Kent, Ryan Haygood, Norris Henderson, Charlie Sullivan, Rosa Goldberg, John Lieb, Wilfredo Rojas, Malik Aziz, Molly Wieser, Dorsey Nunn, Derrick Johnson, Dan Salvin and Elton Edwards. This tool kit is the responsibility of the authors.

The Right to Vote Campaign gratefully acknowledges the generous support for its felony disfranchisement work provided by the Carnegie Corporation of New York and the Tides Foundation (with funds from the Ford Foundation, JEHT Foundation, Open Society Institute, and the Sandler Family Supporting Foundation).



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Table Of Contents

- Prefacei
- Important Terms and Definitions ii
- What’s the Difference between Jail and Prison?iii
- Introduction 1
- Issues to Address with Your Local Election Agency 3
- Issues to Address with Your Local Jail Officials 5
- VWI Models 6
 - Voter Registration 6
 - Voting from Jail 8
- Strategies for Success 10
- Profiles: 12
 - Baltimore, Md. 12
 - Cleveland, Ohio 15
 - Los Angeles, Calif. 19
 - New Orleans, La. 22
 - Philadelphia, Penn. 25
 - Pike County, Miss. 28
 - Washington, D.C. 30
- Resources: 33
 - The Help American Vote Act (HAVA) 33
 - The Law in Your State 34
 - Voter Registration Contacts by State 41
 - Chief State Elections Officers 47
 - State Voter Registration Deadlines 48
 - Jail Census Data by State 51
 - Article: Pretrial Detainees’ Law Suit in Hawaii 52
- VWI Model Materials: 54
 - From Cleveland, Ohio: 54
 - Fact Sheet for Advocates 54
 - Ohio Statute Flyer 55
 - Talking Points 56
 - From the NAACP: 57
 - Your Vote Does Count! Flyer 57
 - From Los Angeles, California: 58
 - Guide to Inmate Voting 58
 - From Philadelphia, Penn.: 60
 - Jail-Based Voter Registration and Education 60
 - Program Brochure 61
 - From Washington, D.C.: 62
 - The FAIR Way to Vote in Jail Flyer 62

PREFACE

Voting has a special place in our democracy, and if an individual is eligible to vote, whether confined in a jail or not, that right must be honored. As the Supreme Court noted in the 1964 case, *Reynolds v. Sims*:

Undoubtedly, the right of suffrage is a fundamental matter in a free and democratic society. Especially since the right to exercise the franchise in a free and unimpaird manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized....

There is, however, a misconception on the part of some jail officials and local election authorities that people detained in jail cannot vote, and there are few programs that make it possible for detainees to exercise their right to do so. Detainees themselves often do not realize they can vote, and the logistical considerations of registering and/or voting from jail can make it extremely difficult.

Some states and cities are making attempts to rectify this matter. The Illinois legislature just approved a law stating that confinement and detention in a jail pending trial was not a disqualification from voting. And San Francisco's Department of Elections is taking steps to inform people in jail that they are eligible to vote as a way to increase voter registration while honoring inmates' right to vote. The public education campaign will include providing registration cards and absentee ballots to people in local jails.

As someone who has been integrally involved in the elections process in Pike County, Mississippi for nine years, I encourage advocates to work with corrections and elections officials to make voting possible for those eligible but confined. We disfranchise nearly 5 million people for felony convictions, but there are, at any given time, over 750,000 people who though detained in our nation's jails are eligible to vote. Most are being held pretrial or serving sentences for misdemeanors or non-disfranchising felonies.

Voting also allows people to remain connected to their community while they are detained in jail. In the opinion of the American Correctional Association, voting is also a way to facilitate effective re-entry. As Wilfredo Rojas of the Philadelphia jail system puts it: "In corrections, we're in the business of public safety, and in the interest of public safety, we want to strengthen the ties between detained people and their communities. One of the best tools for this is the ballot box."

— Lexie Elmore

LEXIE ELMORE was elected to the Pike County Board of Supervisors in 1992 and is the first African American and woman to hold the position. She is responsible for enacting policies and setting the budget for Pike County, Miss. She represents District 2 and is now serving her fourth term.

Important Terms and Definitions

Disfranchise: To deprive a person of the rights of citizenship, especially the right to vote.

Felony: Every state has its own statutory definition of a felony, but most are consistent with the federal definition of a felony as a crime that carries a sentence of imprisonment for more than one year.

Felony Disfranchisement: The loss of the right to vote because of a felony conviction.

Get-out-the-vote: Activity that consists of contacting registered voters by telephone, in person, or by other individualized means, to assist them in engaging in the act of voting.¹

Formerly Incarcerated Person/Person with a Felony Conviction: Acceptable alternatives for the terms “ex-offender” and “ex-felon,” used to convey that someone whose life has been impacted by the criminal justice system is first and foremost a person.

Jail: A place under the jurisdiction of a local government for the confinement of people awaiting trial, or those convicted of minor crimes for which they are serving short sentences.² Most people in jail are eligible to vote.

Local Election Agency: The agency that administers elections at the local level. It may be called a Board of Elections, a Board of Registrars, an Election Commission, or another name, depending on the state.

Locality: The locality covered by a Local Election Agency is often a county, but it may be a parish, a town, or other geographic region, depending on the state.

Parole: The release of a person under certain ongoing conditions after serving a prison sentence.

Prison: A place of confinement for people convicted of felonies.³ People in prison have been tried and convicted of a crime. People in prison generally are ineligible to vote, except those incarcerated in Maine and Vermont.

Probation: Probation is a sentence ordered by a judge. Probation is usually an alternative to serving time in prison. It allows a convicted person to remain in the community, often under the supervision of a probation officer.

In-Person Absentee Voting: This generally refers to the process of a detained person requesting an absentee ballot, and local election agency staff or volunteers visiting the jail to deliver and/or help the detainee complete the ballot.

Fast Facts on the U.S. Jail Population

- One third of the incarcerated population in the U.S. is held in local jails.
- On June 30, 2004, there were 713,990 people in U.S. jails.
- There are approximately 3,365 local jails in the U.S.
- The number of people in jail rose by 22,689 (3.9%) between June 30, 2003 and June 30, 2004.
- 6 of 10 people in local jails are members of racial or ethnic minorities.
- African Americans are 5 times more likely than whites, and almost twice as likely as Latinos, to be in jail.
- Nearly 9 of 10 people detained in jail are adult men.
- The nation's 50 largest jail jurisdictions house 1/3 of all people detained in jail.
- The states with the largest jail populations are: California, Florida, Texas, Georgia, Ohio, Pennsylvania, and Tennessee.

Source: Bureau of Justice Statistics, *Bulletin, Prison and Jail Inmates at Midyear 2004* (April 2005).

¹ Federal Elections Commission definition.

² Merriam-Webster Online, www.merriam-webster.com/cgi-bin/dictionary?jail

³ Merriam-Webster Online, www.merriam-webster.com/cgi-bin/dictionary?prison

What's the Difference Between Jails and Prisons?

Many people confuse jails and prisons, but they are not the same:

A jail is a place under the jurisdiction of a local government for the confinement of people awaiting trial or those convicted of minor crimes, usually serving sentences of one year or less.

A prison is the term used to describe federal or state institutions housing primarily convicted felons, serving sentences of more than one year.

People in prison generally are not able to vote, unless they are incarcerated in Maine or Vermont. People in jail who are awaiting trial or serving time for misdemeanors or non-disfranchising felonies are able to vote in every state. (The exceptions are if (1) they have a prior felony conviction in a state that permanently disfranchises people convicted of felonies, and (2) they are on probation or parole for a felony conviction in a state that does not reinstate the right to vote until probation and parole are completed.)

Voting While Incarcerated

VWI: VOTING WHILE INCARCERATED

A Tool Kit for Voting Rights Advocates

Introduction

WHY FOCUS ON JAILS?

At midyear 2004, there were close to 714,000 people detained in our nation’s jails. Most were being held under pretrial detention or serving time for misdemeanors or for non-disfranchising felonies, and the majority were eligible to register and vote.

Most states disfranchise people with felony convictions for at least some period of time—while they are serving their sentence in prison (in all states except Maine and Vermont), and often while they are on probation or parole as well. Several states indefinitely disfranchise people with felony convictions, but Alabama and Mississippi permit some felons to vote. (See “The Law in Your State,” page 34.)

However, people detained in jail who are awaiting trial or are serving time for a misdemeanor or a non-disfranchising felony have the right to vote in every state. This is at least theoretically true. And this is where advocacy efforts come in.

According to the U.S. Bureau of Justice Statistics, more than half the people in jail in 2004 were racial or ethnic minorities. African

Americans were five times more likely than whites and almost three times more likely than Latinos to be in jail.

The United States has a long history of deliberately denying people of color the right to participate in the democratic process by voting. Even after the Fifteenth Amendment was ratified in 1870 guaranteeing all (male) citizens the right to vote regardless of race or nationality, many states continued to create obstacles such as literacy tests and poll taxes to deter African Americans and other people of color from voting.

Although the Voting Rights Act of 1965 made these practices illegal, most states employ felony disfranchisement laws that effectively silence large numbers of voters of color, especially African-American men, according to The Sentencing Project. These figures are estimates as of August 2005:

But there is a hidden population of over 700,000 people in our jails who are disproportionately poor and of color who are eligible to vote now. Pretrial detainees in jail are usually

Felons Disfranchised	Ex-felons Disfranchised*	African Americans Disfranchised	Veterans Disfranchised	Women Disfranchised
4.7 million	1.7 million	1.4 million	585,355	676,730

* Those who have fully completed their felony sentences.

Voting While Incarcerated

there only because they cannot afford bail. People with financial resources are able to post bail and are therefore able to vote freely outside the jailhouse walls that contain the poor.

Another reason to focus on jail systems is that while state elected officials determine who is and isn't eligible to vote in each state, with the authority to enact or repeal felony disfranchisement laws, local officials (often county executives or mayors and their appointed administrators) control jail systems. Local elected officials have influence over local election boards. Where state officials refuse to take action, local corrections and elections officials may be interested in ensuring that all eligible residents in their jurisdiction, including people in jail, are registered and provided the opportunity to cast a ballot. The San Francisco Department of Elections, for example, is taking steps to inform people in jail (and those who have completed their sentences) that they are eligible to vote under California law. The director has implemented the plan as a way to increase voter registration while honoring inmates' right to vote. The department's informational campaign includes a useful Web page on "Inmate Voting": see http://www.sfgov.org/site/election_index.asp?id=33704.

Local elected officials may also control other corrections agencies, including probation offices. Many of the recommendations in this tool kit with respect to the institutionalization of jail-based voter education and registration also apply to probation and other corrections agencies.

HOW THIS TOOL KIT CAN HELP

This tool kit outlines the steps you can take to implement a two-part process inside your local jails to (1) register voters, and (2) ensure that

eligible people can vote from jail. The act of registration is important in and of itself, but there must be follow-up to ensure that people also have the opportunity to exercise the right to vote.

There are many ways to approach this work, and the method you choose should be based on the unique set of circumstances that prevail in your community. We have included models with step-by-step instructions and sample materials you can use to create educational flyers and other relevant items. To give these models some context, we offer profiles of jail-based voter registration and get-out-the-vote efforts in seven localities across the country.

We encourage you to try to institutionalize your efforts to the extent possible by serving as a bridge between jail officials and local election agencies, and by remaining involved to monitor the process, rather than expending your valuable time and resources to do all the work yourselves. Institutionalizing programs will also ensure that the rights of people in jail to register and vote are not contingent on one or two local officials. It is entirely possible that you could have an excellent relationship with one warden, only to be out of luck and have the program shut down if the warden is succeeded by a less cooperative individual.

Where possible, voter activities in jails should be led by, or at least have meaningful participation of, formerly incarcerated people. Disfranchised people must play an integral part in changing the system. There is no one better able to mobilize others than someone who has been there.

ISSUES TO ADDRESS WITH YOUR LOCAL ELECTION AGENCY

Getting Started

What is my local election agency?

This is the agency that administers elections at the local level. It may be called a Board of Elections, a Board of Registrars, an Election Commission, or another name, depending on the state.

How do I find it?

You will find a list of each state's voter-registration contact numbers and a list of each state's chief elections officers in the resources section of this tool kit.

How do I approach my local election agency?

Read the profiles we have provided and develop a strategy for enlisting that agency's assistance. Always be respectful, and realize that you might have to educate agency officials about detainees' right to vote. [See "Strategies for Success."]

Important Questions

It is important to try to anticipate potential problems and to thoroughly address all of the variables with your local election agency (LEA) before you begin your work. The following are examples of the kinds of questions you should ask:*

1. What constitutes acceptable proof of identity?
2. Whom does your state consider "first-time voters"?
3. Under what circumstances does your state characterize registration forms as sent "by mail"?
4. Must first-time voters register at the local election agency?
5. What are the consequences of an omission on the voter registration card?
6. How will the LEA deal with an incarcerated person who cannot produce acceptable identification?
7. What color ink may be used on the forms?
8. Does your state permit detainees to vote by absentee ballot? If not, you will have to get this changed because it likely violates the law by denying otherwise eligible voters their right to vote.
9. Can detainees vote by absentee ballot if detained within their county of residence?
10. If people fill out requests for absentee ballots at the same time as they register, will they need to hold the absentee ballot requests until their registrations are processed and they are on the voter rolls? If so, how long should that take?
11. Will the LEA deliver absentee ballots to the jail? When? Can they be delivered sooner?
12. Is there a directory of other LEAs in the state, to which forms can be mailed directly?
13. What does the absentee ballot packet contain? Is there a punch-card ballot, or one that can be filled out with a pen? If it is a punch card, is a stylus provided?
14. What should people do if they get out of jail before their absentee ballots arrive, through probation or because they have completed their sentences?

Voting While Incarcerated

15. Are people in this state disfranchised after conviction, or after sentencing? Are people disfranchised if they are convicted and sentenced to probation, but waiting (in jail) for a drug treatment bed to open up?

16. What address should homeless people use? (Visit:<http://www.nationalhomeless.org/vote2004/state.html> for additional information on

homeless voting registration.)

* Should you encounter barriers to registering otherwise eligible people in jail, please contact the ACLU or the Brennan Center for Justice at New York University. (See article, page 52, on a Hawaii detainee's success in suing the state when he was denied his right to vote.) See also "A Brief Explanation of HAVA," page 33.

ISSUES TO ADDRESS WITH YOUR LOCAL JAIL OFFICIALS

Getting Started

Who are my local jail officials?

Your local jail is under the jurisdiction of your local government. Jail officials include sheriffs, directors of corrections, and other jail administrators. You could also enlist the help of jail funding authorities, such as your county commissioners, municipal councils, and tribal governments. These are the bodies that allocate resources to operate the jail.

How do I approach my local jail officials?

Always be respectful and professional and take their security concerns seriously. Realize that you might have to educate them about the voting rights of people detained in jail. If you or your colleagues already have a relationship with an official, use that relationship to open the dialogue. [See “Strategies for Success.”]

Important Questions

Here are examples of the kinds of questions you might ask:

1. Can we come into the jail ourselves, as volunteers? Can we come as volunteers of the local election agency (LEA)?

a. If not, can we work through other education, health, or mental health service providers?

b. As a last resort, could we have jail staff distribute the forms and information?

2. Are pens allowed in the jail? Must they be of any particular kind?

3. Can we provide stamps and envelopes to people who want to mail materials in themselves?

4. Can we accompany LEA staff if they bring the absentee ballots to people detained in your jail?

5. Is any part of the absentee ballot packet illegal in the jail (for example, a stylus)? How can we work with you to create allowances or alternatives?

VWI MODELS

It is important where possible to encourage a two-step process that involves both:

- 1) Registration and*
- 2) Voting.*

Voter registration of people detained in jail isn't of much use if people aren't able to exercise their right to vote!

The following are possible models for use in your jail-based voter work. The ideal model, in both registration and in voting from jail, is one that is the most institutionalized, but it also must be transparent (in that advocates are allowed access, and can genuinely monitor

the process). The models in each section are presented in descending order of desirability. See the foregoing sections on “Issues to Address with Your Local Election Agency” and “Issues to Address with Your Local Jail Officials” for important questions to raise as you develop your plan. Also see “Strategies for Success” on how to make these models work for you.

VOTER REGISTRATION

I. Election Agency Registration, Advocate Monitoring

Your local election agency enters the jail to conduct the voter registration drive and you monitor the process to make sure detained people have access to the information and materials they need. (You might be able to have the agency bring registration and absentee ballot request forms at the same time, so that detainees don't have to wait for these to be sent to them.)

PROS:

- This model is a good example of an institutionalized process in which the election agency itself takes responsibility for ensuring the right to vote of those eligible.

- If you are there only to monitor and not to do all of the work yourselves, you save valuable time and resources for other advocacy efforts.
- Once the local election agency has been admitted to the jail to conduct voter registration drives, it will likely be able to do so again and again. If you get in once as an advocate, and the jail leadership changes, you may have more difficulty getting in again.

CONS:

- None, provided your access is not restricted and you are truly able to monitor the process.

II. Advocate Registration, Assistance from Election Agency and Sheriff's Office

Your coalition works along with staff from the local election agency and the local sheriff's office. Coalition representatives go in to conduct the voter registration drive with detained people, with support from the LEA, and representatives of the sheriff's office are there in person to assist with any issues that arise. See if you can bring voter registration materials and absentee ballot request forms at the same time.

PROS:

- You are able to have direct contact with detained people to answer their questions and make sure they have the requisite information, materials, and are there to assist with filling out registration forms and absentee ballots request forms.
- Having a connection to both the sheriff's office and the registrar's office enhances advocates' credibility.

- Making alliances with these government entities can help institutionalize the practice of jail/prison voter registration, and provides opportunities to expand voter education and the distribution of voter material.

CONS:

- Your coalition is doing the work, as opposed to having the local election agency interact and participate directly with detainees.

III. Advocate Registration, Election Agency Assistance

You and your volunteers go in to conduct the voter registration drive with detained people, and staff from your local election agency is present to assist with any issues that arise. (Ask the agency if you can bring registration and absentee ballot request forms at the same time.)

PROS:

- You are able to have direct contact with detained people to answer their questions and make sure they have the information and materials they need, and you have officials on hand should problems arise.
- Having your local election agency involved in a direct and visible way lends credibility to your effort.

CONS:

- This is still a good model, though not as likely as the first model to become institutionalized.

IV. Detainee Registration, Advocate/Election Agency Assistance

You train detained people to register other people and you and/or your local election officials are there to answer questions.

PROS:

- Detained people will likely be able to connect with others in a way you are not able

to, unless you have experienced detention or incarceration, especially in the facility in which you are working. By training detained people, you are also increasing their investment in the electoral process for the future.

- You and/or local election officials are still able to assist with the process as needed. (It is best to have local election officials there with you if possible to answer questions on site and to avoid potential problems after the fact.)

CONS:

- None, unless you are not allowed access to monitor the process and/or answer questions for detained people and ensure that they have the resources and materials they need.

V. Advocate Registration

You and your volunteers go in to do the voter registration drive with detained people without direct participation from your local election agency.

PROS:

- You still have access to the detained people and are allowed to register them and answer their questions.

CONS:

- You are doing the work yourselves, as opposed to having your local election agency or jail officials do it.
- You may not have as much credibility with jail officials as you would with greater participation from your local election agency.
- The likelihood of institutionalizing your efforts decreases absent LEA and jail officials' involvement.

Voting While Incarcerated

VI. Jail Official/Detainee Registration

Neither you nor your local election agency are allowed inside to register detained people yourselves, but you are able to convince jail officials to have guards and/or inmate councils or block reps do the registration if you give them the materials.

PROS:

- Detained people will at least have some access to the voter registration process.

CONS:

- You cannot be sure that the process is being carried out in a fair way, and people may not participate if they do not have access through you or your local election officials to the information and materials they need.

VOTING FROM JAIL

I. The Jail Is a Designated Polling Place

This is the way it is often done in nursing homes, when the site is designated by the local election agency as an official polling place. Election officials must be there, and you should try to be there as well to monitor the process.

PROS:

- This model is a good example of an institutionalized process in which the election agency itself takes responsibility for ensuring eligible people's right to vote.
- If you are there only to monitor and not to do all of the work, you conserve valuable time and resources for other advocacy efforts.
- Once the local election agency designates the jail as an official polling place, it is likely that the LEA will be able to do so again.

CONS:

- None, provided your access is unrestricted and you are truly able to monitor the process.

II. In-Person Absentee Voting

You and/or your local election agency deliver absentee ballots to inmates and you are there to monitor the process to make sure detainees have the information and materials they need to correctly complete the ballots.

PROS:

- This model is a good example of an institutionalized process in which the election agency itself takes responsibility for ensuring eligible people's right to vote.
- If you are there only to monitor the process and not to do all of the work yourselves, you save your valuable time and resources for other advocacy efforts.
- Once the local election agency is admitted to conduct in-person absentee voting, it is likely that the agency will be able to do so again and again. Even if you get in once as an advocate, jail leadership could change and you may have more trouble getting access again.

CONS:

- None, provided your access is unrestricted and you are truly able to monitor the process.

III. Mail-In Absentee Voting #1

You and/or your local election agency officials are at the jail when the absentee ballots arrive at the jail to make sure that detained people have the information and materials they need to correctly complete the ballots, as well as the stamps and envelopes needed to mail them in.

PROS:

- You are able to have direct contact with inmates to answer their questions and make sure they have the information and materials they need, and you have officials on hand should problems arise.
- It lends credibility to your effort if your local election agency is also there and is involved in a direct and visible way.

CONS:

- Many detained people do not trust the jail mail system.

IV. Mail-In Absentee Voting #2

Neither you nor elections officials are allowed in, but you are able to do some kind of training

with either detained people or jail officials so they can distribute the ballots when they arrive and help people complete them.

PROS:

- Detained people will at least have some access to the voter registration process.

CONS:

- You cannot be sure that the process is being carried out in a fair way, and inmates may not participate if they do not have access through you or your local election officials to the information and materials they need.
- Many detained people do not trust the jail mail system.

STRATEGIES FOR SUCCESS

Know the Law, Educate Officials:

Always arm yourself with information because you may have to educate officials to convince them that people detained in jail have the right to vote.

Educate Detainees:

See if you can have information on detainees' voting rights posted in any part of the jail or otherwise made available to them.

Include Formerly Incarcerated People:

If you are not a formerly incarcerated person yourself, it is important to include people impacted by the criminal justice system in your process. Don't underestimate the trust and credibility factor with detained people or block reps. When possible, work with detained people through inmate councils. Detained and formerly incarcerated people must be an integral part of changing the system; there is nobody

better than someone who has "been there" to mobilize others.

Detained and formerly incarcerated people will know which issues will resonate most, and can encourage skeptics to become involved in the electoral process.

Build Alliances:

Contact your local League of Women Voters for help; LWVs often have good relationships and credibility with local election agencies.

Ask church groups or other voting-rights or criminal-justice reform advocates to support your goal of voter programs within jails. The more people there are on board, the more power you will have.

It is also helpful to seek natural allies, such as African-American mayors, sympathetic city council members, county commissioners, and sheriffs, for support. Find the officials who are supportive of get-out-the-vote efforts to help you.

Be a Bridge:

Bring your local election agency and your local jail officials together to facilitate planning the voter program.

Have your information and agenda ready, and try to anticipate problems that may arise. Use the "Issues to Address with Your Local Election Agency" and "Issues to Address with Your Local Jail Officials" included in this tool kit to make sure you address all the variables.

If you are able to have the local election agency and the jail officials do the actual work and you

Molly Wieser, formerly of the Cleveland-based Racial Fairness Project, printed up flyers containing Ohio's felony disfranchisement statute, and always had them handy.

In Philadelphia, John Lieb of Jewish Employment and Vocational Services (JEVS) partnered with the Ex-Offenders' Association of Pennsylvania, to have formerly incarcerated people come to his classes to talk about the importance of voting.

Dorsey Nunn, a formerly incarcerated person with All of Us or None in California, says that any good strategy for registering people in a county jail must show detained people why it is in their best interest to vote.

Derrick Johnson of the Mississippi NAACP identified friendly African-American sheriffs to work with him, enabling his group to pilot a program in the Pike County jail in 2002 in which almost every eligible detainee voted from jail.

In Washington D.C., Charlie Sullivan and his CURE volunteers are trained by the local election agency and then go in as election agency volunteers. They do not generally contact the jail officials themselves because they have found that having a letter come from the very top of the election agency (from a person friendly to their cause) to the top jail official is the most effective way to gain access to the jail.

can monitor the processes, you save your valuable time and resources to help institutionalize programs that will not be contingent on your volunteer resources or the goodwill of a single jail official.

In some cases the best you might be able to do is get jail officials to let you in to do the work yourselves. Maintain good relationships and try to institutionalize the work as much as possible in the future.

You can also try to go in as extensions of your local election agency instead of as prison reform or get-out-the-vote advocates:

Use the Media:

Use the media to draw attention to your cause. If you are having trouble getting in, ask the media for help in telling your story. If you are successful, ask the media to praise the officials who are making it happen and give them their due credit.

Track Your Success:

To the greatest extent possible, track how many voters are registered, and how many of these people actually vote, to measure your success and obtain hard numbers for base-line comparisons in the future. Demonstrating that detained people want to vote if given the opportunity is important for sustaining and winning support for your work.

Baltimore, Md.

Maryland Voting Rights Restoration Coalition

THE LAW

The State of Maryland prohibits people currently on probation, in prison, or on parole for a felony conviction from voting. In addition, any former felon with two or more violent felony convictions will be prohibited from voting. First- and second-time non-violent felons will have the right to vote automatically restored at the end of a three-year waiting period that begins at the completion of sentence. For those with two or more violent felony convictions, the only recourse is to apply for a pardon from the Governor.

PARTICIPANTS

Maryland Voting Rights Restoration Coalition: Seeks to restore full voting rights to all currently disfranchised citizens, through legislation, education, and voter registration. Their goal is to enable ex-felons to regain their right to vote and fully participate in the democratic process.

ACLU of Maryland: Works to ensure that all people in the state are free to think and speak as they choose and can lead their lives free from discrimination and unwarranted government intrusion.

Job Opportunity Task Force: Develops and advocates policies and programs, forges partnerships, and leverages investments that increase the marketable skills, income, and economic opportunities of low-skill, low-income workers and job seekers.

League of Women Voters: Works to encourage the informed and active participation of citizens in the affairs of government, and to influence public policy through education, action and advocacy.

Maryland Regional Practitioners' Network for Fathers and Families: Supports and promotes family support services in every community in Maryland such that every child has a father or father figure positively and consistently involved in his or her life.

Re-Entry of Ex-Offenders Clinic: A course that provides students the opportunity to engage in a critical examination of important and complex criminal justice issues.

COLLABORATION

The program to register detainees at the Baltimore City Pre-Trial Detention Center was spearheaded by the legal committee of the Maryland Voting Rights Restoration Coalition (MVRRC) in collaboration with the ACLU of Maryland, the Job Opportunity Task Force (JOTF), the local League of Women Voters (LWVMD), Maryland Regional Practitioners' Network for Fathers and Families, Inc. (MRP-NFF) and clinical law students from the Re-Entry of Ex-Offenders Clinic at the University of Maryland Law School. The volunteers were a racially mixed group of men and women. All volunteers and participants were certified as Voter Registration Volunteers, required by the State of Maryland. (Any individual or group in Maryland wishing to distribute statewide voter registration applications and/or assist others in completing these forms must be so certified. Apply at your County Board of Elections <http://www.elections.state.md.us/citizens/county_boards.html> or the State Board of Elections for Voter Registration Volunteer Training.)

Contacting the Warden's office at the Baltimore City Department of Correction Facility was the first step in initiating a partnership with local jail officials. The group first wrote a detailed letter advising the warden of the felony disfranchisement law in Maryland, and specifically of the eligibility of those detained for misdemeanors or awaiting trial; this letter explained what the volunteers sought to do. Because the large majority of detainees were there because they could not make bail, it also made clear that denying eligible detainees the right to vote would present an unconstitutional barrier to voting based on poverty, and that the Supreme Court long ago

upheld the right of pre-trial detainees to vote. The group followed up with phone calls, which were returned by the jail's public-affairs representative, who agreed to meet with the group almost immediately, along with the warden. These officials were enthusiastic about the project, which they sought to promote through discussions on a radio talk show, and to memorialize in photos. The only caveat they placed on volunteers was that when inside the jail, volunteers must be escorted by a corrections officer.

'INSIDE' CONNECTION

After the meeting, and before volunteers went to the jail to register detainees, they learned that a corrections officer at that facility had been registering pre-trial detainees on his own for the past few years. He alone had registered 350 pre-trial detainees over the course of the previous two weeks. The partnership with the corrections officer, which was happily extended into the future, proved to be invaluable to the process, and served as a great connection for volunteers to have on the inside.

REGISTRATION BEGINS

On Tuesday Oct. 12, 2004, the last day for voter registration in Maryland before the Nov. 2 national elections, the group met in the cafeteria at the jail to discuss in detail its plan of operation; this included verification that everyone there was certified to register detainees; and that all had brought both registration as well as absentee ballot request forms and pencils (not pens) for detainees to use, and instructions in folding the completed forms.

The group then prepared to go level by level within the detention center. Volunteers went floor by floor into detainee common rooms, which consisted of cubicles with beds, and announced that they were there to register voters. They explained the law to the detainees -- that those who had two violent offenses were

ineligible to register. Furthermore, if detainees had one violent felony, there was still a three-year waiting period before they could vote again. Detainees did a good job of determining their voting status, but most were disqualified under Maryland law because they had been convicted of two or more crimes of violence in the past. The devastating effect of Maryland's disfranchisement law on black men was especially clear as only 10 to 20 percent of the (overwhelmingly African-American) men in each holding area turned out to be eligible to register under Maryland law.

Those who did qualify sat around two or three tables in each holding area, in groups of four or five, as a student or volunteer walked them through the registration process. Some asked simple, procedural questions that volunteers answered, like which boxes must be checked. Following the protocol that the corrections officer had been using, volunteers kept the process very simple, and within approximately six hours, they had registered 185 detainees to vote.

The volunteers then took the registration and absentee ballot request forms to the Board of Elections (BOE). They had previously alerted the BOE that they would be bringing these forms so the BOE was expecting them and proceeded to enter the forms into its system. Once the BOE's system agreed that the detainee application was that of an eligible individual, the BOE generated an absentee ballot for that individual.

ABSENTEE VOTING TURNS INTO A SECURITY RISK

It had previously been decided with the jail officials that when the absentee ballots for eligible detainees arrived at the jail, they would be collected and held for a single corrections officer. Then a day was selected when all of the inmates receiving absentee ballots would be

Voting While Incarcerated

called down to a central location to complete them, after which the volunteers would take the ballots directly to the State Board of Elections. Things did not work out that way, however. When volunteers returned to the detention center on the appointed day to have detainees complete their absentee ballots, jail officials declined to let detainees come down and fill them out. They cited security concerns. Volunteers attributed the change of heart to political pressure on the jail administration, amid Republican suspicions that these registrations were a ruse to boost votes for the Democrats. Unfortunately, because of this incident, volunteers do not know the exact number of ballots that were voted or returned to the BOE.

Through careful planning with respect to pencils, delivery systems (as detainees consider jail mail unreliable) or other details, volunteers can usually avoid disruption of the voting process. But in this case, the most significant problem was the last-minute reversal by jail officials of their promise to allow volunteers to be present when detainees completed the ballots, and to personally deliver them to the BOE. As a result, volunteers will reconsider the aspects of the process that make jail officials politically nervous. MVRRC still believes that it is possible to institutionalize this process, as the jail administration and BOE seemed eager to put it in place.

Cleveland, Ohio

The Racial Fairness Project

THE LAW

The State of Ohio prohibits people in prison from voting. Once individuals have completed their prison terms, the right to vote is automatically restored.

HOW IT BEGAN

Molly Wieser implemented a jail-based voter registration campaign in Cleveland's Cuyahoga County Jail. This project was administered by the Ohio Free the Vote Coalition, through which multiple partner organizations played a part.

JAIL-BASED VOTER REGISTRATION BEGINS

In 2000, Molly Wieser, then a staff attorney for Community Re-Entry, Inc. was inspired by requests from several of her clients and by the reputed success of a Chicago-based project in initiating a jail-based voter registration campaign in Cleveland. With Chicago Legal Aid for Incarcerated Mothers (CLAIM) as her model, she formed collaborations with the American Association of University Women (AAUW) and the local League of Women Voters (LWV).

Wieser conducted three campaigns, one in 2000, and two in 2003. In the 2000 campaign, her coalition found the local Board of Elections (BOE) hesitant to become involved; some officials could not be persuaded that pre-trial detainees would vote. The BOE also created barriers, for example by rejecting registrations that were completed in pencil, although detainees at the time had no access to pens.

In 2003, Wieser, who was by then associated with the Racial Fairness Project, conducted two registration drives at county jails, for the 2003 general election and then for the

March 2004 primary election. For these campaigns, she had the assistance of the BOE director and Cuyahoga City Warden McDonough (with whom Wieser had previously collaborated) and of the League of Women Voters; these groups met frequently, in preparation for the jail-based registration drives.

COALITION ENHANCES AWARENESS AND UNDERSTANDING

Prior to the 2004 primary election, Wieser began having regular monthly meetings at the BOE, access she obtained through her membership in the Executive Committee of the Greater Cleveland Voter Registration Coalition (GCVRC). With the support of the GCVRC membership, coalition members, Warden McDonough and other Cuyahoga County jail officials, Wieser was able to plan voter activities, create a larger pool of awareness for registrars and potential registrants, and help foster a mutual understanding of how the registration and election process at the jail would proceed. With the cooperation of all parties, the BOE finally agreed to the most important aspect of detainee voting: to bring absentee ballots to detainees along with the pens or styluses needed for voting, to oversee voting, and then to collect the ballots and other materials and bring them back to the Board of Elections.

HELPFUL TIP

Wieser advises advocates to encourage Elections Board directors to bring staff from their absentee voting and registration departments to planning meetings, and recommends writing a concise memo to everyone involved to confirm agreements and commitments and request that they be shared with staff.

Voting While Incarcerated

VOLUNTEER RECRUITMENT AND TRAINING

RFP worked with a small group of experienced volunteers comprised of Wieser's students from Case Western Reserve University Law School, and from Case's graduate social work and other local academic programs, as well as from black fraternities and sororities, and a local church. The coalition circulated information about its planned voter drive and training opportunities on local activist List-Servs and in a hipster online arts and entertainment newsweekly.

Ten to 12 weeks before the voter registration deadline, training dates and slots were posted and sign-ups began. Six to eight weeks before the voter registration deadline, two-hour trainings were held for interested volunteers. These were conducted in a training room inside the jail, where groups of up to 30 prospective volunteers learned where they would be meeting and working on official registration days.

PARTNERS

Racial Fairness Project: Pursues racial and ethnic justice through education, advocacy, and the empowerment of communities and institutions.

Greater Cleveland Voter Registration Coalition: Aims to register as many new voters as possible in the Greater Cleveland area, to make them aware of issues and candidates on the ballot in each election, and to mobilize them to actually vote on election day. GCVRC focuses on involving historically under-represented population groups in the electoral process.

The League of Women Voters, Cleveland: In its program and voter services, the LWV works to promote responsibility through informed and active citizen participation in government and to advocate on public policy. The LWV also helped the Cleveland coalition by participating in key meetings and providing thousands of Candidates Guides that people in the jail were able to study carefully before voting. League members had a long history of interaction and influence with the Board of Elections, contributing to the coalition's credibility.

Volunteers were instructed in: how to conduct themselves in the jail, what to bring, where to park, the importance of being on time so that a guard could escort the entire group at one time, and how to fill out voter-registration and absentee-ballot request forms. They were also fully briefed on people's voting rights (in theory and in practice) and on the logistics of disfranchisement and re-enfranchisement in jail.

DETAINEES AND EX-FELONS PARTICIPATE

For the 2003 General Election, Wieser was able to hire a formerly incarcerated person as an outreach worker to register people at the jail and to conduct community-based education. County jail detainees were occasionally permitted (by the jail administration) to volunteer alongside others who were registering inmates. Formerly incarcerated people staffed tables at community fairs, and assisted in interviewing other formerly incarcerated people about their voting-rights knowledge and voting histories. Formerly incarcerated people also participated on the GCVRC steering committee, and engaged in re-enfranchisement work. RFP provided thousands of pieces of re-enfranchisement literature for community use in voter education, and formerly incarcerated people were consistently among the most interested in distributing it.

PROCESS AND TIMELINE

The volunteers would enter the jail as a group escorted by correctional officers. Each group of two to four registrars had a binder of information, including the relevant statutes, addresses for the use of homeless people, forms, FAQ's from the Board of Elections and secretary of state, and copies of a zip-code directory from the phone book (for people who could not remember their zip codes). The most experienced person from each group, usually a staff person or seasoned volunteer, entered a living unit of about 50 people and announced an invitation to register, which often led to a dialogue about felony disfranchisement and voting rights.

Forms were given to everyone in the living unit; each received a voter registration form, absentee-ballot request form, and a postcard reiterating information about the voting rights of formerly incarcerated people and pre-trial detainees. Interested people were invited to join the volunteers in an adjacent room so that questions could be answered and pens could be used to register. (All pens, except special flexible pens purchased from the jail, are contraband.)

Cuyahoga County Jail had 1,700 to 1,900 detainees, and it took volunteers four to six weeks to register interested voters, working about three two-hour shifts, six days per week. Registration would begin six weeks before the deadline. Each day was divided into three two-hour time slots because the jail had to stop activities at designated intervals to count the population and serve meals. Each team had a leader, whose responsibility it was to address the detainees about voting rights and invite them to register.

Registration forms were turned in to the BOE on a nearly daily basis, after being copied or scanned so that the Racial Fairness Project could track its work. Forms were quickly checked after people completed them, and then checked again during slower times, before volunteers left the jail, so that problems could be addressed. They were checked yet again before they were copied at the office. There were always problems, and volunteers were prepared to go back to the jail with the requisite forms as soon as possible to locate those individuals to correctly complete them.

RESPONSE IN THE JAIL

About a quarter of all detained people registered during the general election. They registered for various reasons: because they were pleased to learn that they could vote and motivated by the opportunity to do so or, in some

cases, just because it was something to do. Wieser believed that some detainees who didn't register were not persuaded by the discussion or didn't think their votes mattered. Others couldn't register because they'd already been convicted, or because they weren't in the living unit when the volunteers were there.

Although not everyone wanted to register, everyone got the forms along with some educational literature about re-enfranchisement in case they changed their minds. Most people who wanted to register did so with the help of volunteers, rather than on their own, because they didn't have pens or stamps to mail forms in with, didn't trust jail mail, or needed clarification about voting rights or absentee ballot voting. Volunteers, who offered to return to collect the forms, left additional ones with the jail's social work staff.

Jail officials also permitted posters or flyers about voting rights to be posted in each living unit of the jail. This made a significant difference in the level of knowledge in the jail about voting rights. Obstacles to registering and voting, such as lack of access to pens and envelopes, had to be addressed on a case-by-case basis.

NOTABLE PROBLEMS

In 2000, a major issue was that ballots were mailed and directly delivered to detainees with the illegal metal styluses in the envelopes --neither the jail administration nor Wieser knew they were there. Although people voted, it was not long afterwards that jail administration realized that there were styluses in the jail, and they conducted an invasive shakedown.

SOLUTIONS

In 2003, RFP prevented a recurrence of this problem by personally delivering ballots to detainees after they arrived at the jail, and collecting the styluses after they voted. However,

Voting While Incarcerated

the BOE eventually objected, citing the potential for election fraud. In the 2004 primary, as a result of negotiations between Wieser and Board officials, the BOE personally delivered the ballots to the detainees, treating the jail as a polling place (as is commonly done in nursing homes), sending both Democrats and Republicans to officiate and observe at the site. It also helped that one of the board officials and the warden were good friends, and were able to amicably work out the logistics.

When the BOE delivered absentee ballots to the jail before the election, detained people marked their absentee ballot-request forms to indicate that they wanted assistance with voting because they didn't have the pens and

stamps needed to use the ballot or because the ballots would come with a metal stylus, which would constitute contraband. For the next election (general 2004), RFP volunteers planned to accompany the BOE officials delivering the ballots to monitor that the best efforts were being made to deliver them and that people were getting the help they needed to use them. They also hoped to encourage the board to deliver the absentee ballots as soon as possible after receiving the requests rather than waiting until the day before the election. It would have been more efficient from the board's point of view to wait, but people awaiting trial are continually disfranchised, due to conviction, during such waiting periods.

TOTAL REGISTERED IN CLEVELAND

Primary, 2004:

200+: This was a less intensive effort, relying primarily on an intern at Wieser's office, with volunteer assistance. One purpose of the drive was to give the BOE a first try at delivering absentee ballots, before the 2004 general election.

General, 2003:

500+: An intensive effort.

General, 2000:

200+: For this effort, volunteers did not enter the jail at all, and detainees only received voting-rights education from the handouts distributed with the forms. (Dialogues and personal contact are better!)

Los Angeles, Calif.

Unlock the Vote

THE LAW

The State of California prohibits people with felony convictions currently in prison or on parole from voting. Once an individual has completed his or her felony sentence, the right to vote is automatically restored. Felony probationers may vote in California.

BACKGROUND

In June of 2004, Unlock the Vote, a coalition of six groups convened by the ACLU of Southern California, began brainstorming about the voting rights of the 18,000 detainees in the Los Angeles county jails. The coalition was determined to find a way to help eligible detainees become educated about, and to exercise, the right to vote. The group included the Los

Angeles Coalition to End Hunger and Homelessness (LACEHH), League of Women Voters (LWVLA), Friends Outside, the County Sheriff's Office, the Registrar's Office, and the Hacienda La Puente Unified School District.

After a series of long, grueling meetings, the coalition came up with goals and objectives for the project, and arranged to meet with representatives from the Los Angeles County Sheriff's Department's Inmate Services Division. Working with the Registrar's Office, the coalition ultimately produced a Guide to Inmate Voting. The pamphlet, published by the Los Angeles County Registrar-Recorder/County Clerks' Office and approved by the secretary of state, provides an easy-to-read explanation of eligibility requirements and the specific process for registering and voting from Los Angeles County jails. Unlock the Vote agreed that by first distributing this material to detainees, it would educate and motivate them about their voting rights, facilitate the registration process, and begin the process of re-enfranchising Southern California's detainees.

COALITION MEMBERS

Los Angeles Coalition to End Hunger and Homelessness: Works collectively to end hunger and homelessness through public education, technical assistance, public policy analysis, organizing, and community action.

League of Women Voters: Provides nonpartisan voter-registration services at large public gatherings, or on request, at events or businesses for the benefit of participants or employees. It is committed to designing ways to increase voter participation in diverse communities while working closely with the County Registrar on voter outreach projects.

Friends Outside: Provides support and assistance for inmate families, offenders and ex-offenders. It also offers diversion, intervention and prevention programs.

Hacienda La Puente: HLP Adult Education provides innovative student-centered learning opportunities and support services to a diverse population, enabling individuals to achieve their goals as lifelong learners, productive workers and effective communicators.

NO TO STAPLES, YES TO CANTEENS

Because security is so tight at many of the jails, even something that may seem as simple as staples on a pamphlet can create a problem when it comes to disseminating information to detainees. This very dilemma required the coalition to repeat the pamphlet process from scratch. Volunteers found that folding the pamphlet into thirds eliminated the need for staples. Once this was worked out, they turned their efforts to the next obstacle: to find a way to deliver the pamphlets to the detainees. Most of the coalition's initial ideas for educating detainees about issues on the ballot, and

Voting While Incarcerated

instructing them in how to fill out registration forms, were rejected due to security measures. For example, because the county jails require government approval for materials going in and out of prison facilities, instruc-

CANTEEN: *A location where prisoners can place orders for provisions they cannot get in jail such as some food items or phone cards.*

tions for registration were banned. Despite limited options, the Sheriff's Department came up with the idea of distributing the pamphlets through detainee canteens. So, in the first week of September, 15,000 pamphlets were distributed to detainees that way. Since pamphlets were only sent to the jails through canteens once, they were also made available to detainees in classrooms and upon request. The coalition decided that it was also important to educate detainees' families about the voting rights of those in jail. The

IDEAS REJECTED

Classroom setting:

Teaching inmates about voting in a classroom setting. Prison officials were afraid that instruction would not be non-partisan.

Unauthorized material:

Deputies refused to allow information that had not been cleared by the government.

group went to the visiting lines in each of the major Los Angeles County jail facilities for several hours each weekend in September and spoke to people waiting to enter about their detained relatives' or friends' voting rights, provided them with educational materials -- and also registered them. One aspect that caught many families' attention was the

THREE STRIKES INITIATIVE

The three strikes provision sought to ensure longer prison sentences and greater punishment for those who commit a felony after a previous conviction for a serious or violent felony offense.

three-strikes initiative on the ballot. Although this strategy worked, another problem arose: Materials ran out.

MATERIALS RUN OUT

In some jails, the materials ran out. One reason for this was the lack of direct contact between the Registrar's Office (the source of materials) and individual facilities. Jody Kent of the ACLU, who, through her work monitoring jail conditions had a connection to the Sheriff's Department, was able to obtain access to monitor the supply of materials in the jails. Because

INTERVENTION

To help bring jail deputies up to speed, the coalition gave a presentation on the voting process.

the materials kept running out, Jody would frequently contact the Registrar's Office and ask that they be replenished. The coalition also made a presentation to the jail deputies to explain what needed to be available to the detainees, which detainees could vote, and how detainees could obtain materials. In certain facilities, such as the Twin Towers, registration forms and absentee ballots were placed in boxes which were also used for the distribution of complaint forms, which detainees had to pass on their way to courts and when being transferred between facilities. (At Central Jail, materials were provided upon request only, because detainees were locked down most of the time.) The coalition's presentation emphasized that replenishing the information was the responsibility of the Registrar's Office, and needed to be a priority.

KEY COMPONENT

Jody Kent, who worked with the Sheriff's Department to monitor jail conditions, had access to county jails. This connection and her prior experience with detainees were key to gaining the access needed to monitor the supply of voter-registration materials.

FINALLY, REGISTRATION!

In the last week before the voter registration deadline, Jody Kent went with several ACLU volunteers to the jails where low-security detainees were housed, anticipating that more detainees in those jails would be eligible to vote. The volunteers announced that they had voter registration forms with them, and explained to the detainees how to fill them out. That week, the volunteers registered between 50 and 70 detainees. The advocates reported that it was imperative to have interacted with detainees and to have had volunteers on hand to help detainees complete the forms because these forms could be rejected if any mistakes were made. This rate of registration was a real success in contrast to the previous four years in which, according to representatives from the office of the Los Angeles County Registrar, only 45 detainees registered to vote, and only one actually voted.

TOTAL REGISTERED AND VOTED IN L.A.

The final registration count was 121, with 30 absentee ballots issued to detainees. Of this number, 18 actually voted. Of the 18, two were challenged. The final count of those who voted successfully in the Nov. 2, 2004 General Election was 16. This represented the highest return since the program began in the first quarter of 2000.

GOALS TOWARDS A MORE INSTITUTIONALIZED PRACTICE

Unlock the Vote plans to continue working with the Registrar's Office and Sheriff's Department to increase awareness of, and accessibility to, voter-registration-related materials. It intends to continue to provide materials for the Los Angeles County jails, and possibly also to expand its efforts to encompass city elections. This could be quite challenging however, because there are 88 towns, instead of counties, each with different issues on their ballots. It will seek to distribute educational materials through canteens on more than just a single occasion, to supply detainees with newspapers during the next voter-registration drive, and to help detainees complete registration and absentee-ballot request forms. The coalition further hopes to institute a program of ongoing registration through monthly civics classes, which would be offered by representatives of the Registrar's Office. The Hacienda La Puente Unified School District also would like to stay involved, and is looking into incorporating voter registration into the programs it offers detainees on an ongoing basis.

LANGUAGE BREAKDOWN

English: 81
Korean: 17
Japanese: 13
Spanish: 5
Tagalog: 5

New Orleans, La.

Voice Of The Ex-Offender

THE LAW

The State of Louisiana prohibits people with felony convictions currently on probation, in prison or on parole from voting. Once an individual has completed his or her sentence, the right to vote is automatically restored.

PARTICIPANTS:

***Voice of the Ex-offender:** Founded in 2003, VOTE has provided opportunities for eligible pre-trial detainees and misdemeanants to vote, and participate in national, state, and local elections.*

***The Jeremiah Group:** A community-based group of churches and synagogues.*

IN THE BEGINNING

Efforts to promote jail-based voter registration in Louisiana began in 1987 with the Angola Special Civics Project, at the Louisiana State Penitentiary at Angola, run by a group of detainees who discovered that prisoners who were not on probation, parole or serving time for a felony conviction could vote. They began to lobby their legislators to have the right to vote extended to parolees and probationers, and encouraged their families and friends to vote. In 2003, several of these detainees were released, and created Voice of the Ex-Offender (VOTE), dedicated to registering pre-trial detainees and those convicted of misdemeanors in the state of Louisiana.

Staffed primarily by people with felony convictions who could not vote themselves, VOTE immediately took on the task of making it possible for those who were eligible to vote in national, state, and local elections. They requested a meeting with Interim Sheriff William Hunter, seeking permission to enter the multi-facility Orleans Parish Prison complex, the eighth largest jail in the country. (In

Louisiana, notes Renee Lapeyrolerie, director of public affairs at the Jefferson Parish Sheriff's Office, the county jails are called parish "prisons." Because some state penitentiaries are at capacity, she says, some people with felony convictions may also be serving sentences at parish "prisons.")

Sheriff Hunter thought this was a great idea, and not only granted their request, but handed the advocates an up-to-date list of 2,000 qualified detainees. This list had been generated in response to a lawsuit brought against Hunter's predecessor, Sheriff Charles Foti, by a qualified inmate who had been prevented from voting.

KEY COMPONENT:

Members and volunteers of VOTE are almost all ex-offenders. This unique characteristic enables them to gain the trust of detainees, and relate to them very effectively. Detainees know and trust VOTE as a whole, and bond with them as the registration process is carried out.

VOTE MOVES INTO THE JAILS

Sheriff Hunter assigned the warden of each facility to personally escort VOTE volunteers through the facility to find each of the people named on the pre-trial detainee and misdemeanor list, and also made sure that the facility was set up to accommodate the registration process. According to VOTE, Sheriff Hunter was extremely helpful throughout the day, as were the Orleans Parish Prison guards, who helped carry folding tables and chairs, and set up clipboards for inmates to use while filling out their registrations. VOTE moved without incident from wing to wing, greeting 20 to 30 men at a time in the lounge area, which was set up in such a way that volunteers could work one-on-one with incarcerated people. As they explained the voting process and answered

detainees' questions, VOTE volunteers felt their status as formerly incarcerated people helped to put prisoners at ease. The perceived bond made for a relaxed atmosphere and a sense of familiarity. VOTE volunteers walked away with 701 registration cards from Orleans Parish Prison. With help from the Jeremiah Group, a community-based group of churches and synagogues, and defense attorneys Phyllis Mann and Gary Proctor, VOTE also obtained 300 registrations from Jefferson Parish Prison, and 300 from Rapides Parish Prison.

DETAINEE REGISTRATIONS:

*Orleans Parish Prison: 701
Jefferson Parish Prison: 300
Rapides Parish Prison: 300*

PROBLEMS AT THE VOTER REGISTRATION OFFICE

VOTE then took the completed registration cards to the Registrar's Office. This is where they encountered two problems. The Voter Registration Office (VRO) refused to accept the registration cards on the grounds that first-time voters needed to register at the VRO. Because most of the detainees were first-time voters, the VRO would not generate absentee ballots for most of the completed registration forms. At Sheriff Hunter's suggestion, VOTE responded that it had previously notified the VRO of its activities, and had been cleared to register these voters in the jails. Because pre-trial detainees and misdemeanants could not leave their facilities, VOTE had been given consent to treat pre-trial detainee registration as the equivalent of an on-site registration. But while VOTE considered what to do next, an additional crisis emerged the day before the close of registration. The VRO refused to issue absentee-ballot applications without the sheriff's certification that none of the applicants was incarcerated for a felony conviction. The VRO claimed that the state attorney general required this certification (a letter explaining that each of the detainees was eligible to vote).

But Sheriff Hunter said his initial instructions from the VRO had described a less cumbersome process: that detainees who chose the number "11" on their voter-registration forms (indicating that they were not convicted felons, and were therefore eligible to vote) would only have to request restoration of their eligibility. He was concerned that he did not have the capacity to certify that many applications before the close of registration.

LEGAL ASSISTANCE NEEDED

Because the VRO was unpersuaded in both circumstances, two attorneys from the NAACP Legal Defense Fund (LDF) intervened at VOTE's request, and began a series of lengthy telephone conference calls with the Orleans Parish Registrar of Voters, Louis Keller, and Sheriff Hunter. LDF wanted to resolve the impasse and at the same time ensure compliance with Louisiana's voting laws that grant voting rights to eligible pretrial detainees and inmates. Because negotiations continued for approximately three weeks, detainees were unable to participate in the primary election. But, when Sheriff Hunter agreed to conduct the certification process, the VRO finally issued absentee ballots for the disputed detainees, and in a major voting-rights victory, 125 detainees in Orleans Parish Prison were certified by the Sheriff's Department as eligible to vote by absentee ballot in the Nov. 2, 2004 General Election.

However, by the time VOTE got back to Orleans Parish Prison with the absentee ballots, many pre-trial detainees had been released or convicted. Ultimately, out of the 701 registra-

NAACP LEGAL DEFENSE FUND

NAACP LDF is America's premier civil-rights law organization. Its mission is to transform the promise of equality into reality for African Americans and, ultimately, for all individuals in the areas of education, political participation, economic justice and criminal justice.

Voting While Incarcerated

tions completed, 250 absentee ballots were cast. In the time it took to sort out the difficulties with the VRO, VOTE lost about 300 voters.

ON REFLECTION

After the election, VOTE reflected on its experience and resolved that in future efforts, VOTE must avoid delays to avoid missing voting deadlines. One suggestion VOTE is considering is to go into the jails with registration cards and absentee ballots simultaneously. Another proposal that VOTE feels may help the registration process along is to be accompanied by a VRO representative to each jail site as volunteers register detainees. This would essentially mean that first-time pre-trial detainee and misdemeanor voters would be making an on-site registration. Although VOTE volunteers enjoyed bonding with detainees in their two separate visits, they decided, based on their subsequent experience with the VRO, that the turn-around time needed to certify detainees was too long, and could defeat their purpose. VOTE is further considering conducting pre-trial and misdemeanor detainee registration every 90 days in the various New Orleans jails.

PROPOSALS FOR FUTURE REGISTRATIONS:

1. *Bring registration cards and absentee ballot applications into jails at the same time.*
2. *Bring a VRO representative to the jail, to create an on-site registration for first-time voters.*
3. *Conduct registrations every 90 days.*
4. *Conduct registrations at the time of an arrest.*

It would also like to create registration options outside the jails and is attempting to implement voter-registration as people are arrested, as part of the booking process.

VOTE CONTINUES

VOTE will concentrate not only on re-enfranchisement, but on re-entry as well. It plans to continue to work with probation and parole officers, with the current sheriff and jail staff and, most importantly, pre-trial detainees and misdemeanants. All are working hard to inform and engage not only those who are incarcerated, but the community at large. They will seek to make people more aware of VOTE – what it is, who runs it, and how it can help detained people to regain a place in society and the right to vote.

Philadelphia, Pa.

Jewish Employment and Vocational Services; The Philadelphia Jail System's Office of Community Justice, Responsibility and Outreach; and the Ex-Offenders' Association of Pennsylvania

THE LAW

The State of Pennsylvania prohibits people in prison from voting. Once an individual has completed his or her prison term, the right to vote is automatically restored.

THE PARTNERS AND THEIR ROLES

The Philadelphia jail system is one of the nation's ten largest jail jurisdictions. A unique partnership of organizations engages in the voter registration work there: The Office of Community Justice, Responsibility and Outreach for the Philadelphia jail system (OCJO); the Jewish Employment and Vocational Services Prison Program (JEVS); the Ex-Offenders' Association of Pennsylvania (EOAP) and Mayor John Street's Ex-Offender Reintegration and

Reentry Task Force (EOTF). Philadelphia's system is both a city and county jail with six facilities, each with its own warden.

VOCATIONAL TRAINING

John Lieb, Director of the Jewish Employment and Vocational Services Prison Program (JEVS), has been doing vocational training for six years in the Philadelphia jail system through a contract with the city of Philadelphia. He began including voter-registration and absentee ballot requests in a Civics 101 class for detained people referred to his program by jail social workers. He had the full support of the wardens because he already had a relationship with them and they knew of and respected his work. About 100 people a month register to vote through his classes. John works to bring in formerly incarcerated people to speak during the programs.

OUTREACH

Wilfredo Rojas, head of the Office of Community Justice, Responsibility and Outreach (OCJO), and Rosa W. Goldberg, an experienced and dedicated volunteer, regularly register and educate the general population in jail. Goldberg meets with detained people on individual housing blocs in the county jails to talk with them about their voting rights and their skepticism regarding voter registration and the absentee voting process. Interested bloc reps and other detained people are informed of the opportunity to register and are encouraged to participate. Many assist Goldberg as liaisons to the detained population by getting the word out that people in jail

ORGANIZATIONS INVOLVED

Jewish Employment and Vocational Services: A social service agency that benefits the community by enhancing the employability and self-sufficiency of the people it serves through a broad range of education, training, health and rehabilitation programs.

Office of Community Justice, Responsibility and Outreach: Communicates goals, objectives, and accomplishments of the Philadelphia prison system and receives input and suggestions concerning prison operations and programs on a strategic, scheduled basis from community representatives, government agencies, officials, and the public.

Ex-Offenders' Association of Pennsylvania (EOAP): Looks at every aspect of the efforts of ex-offenders trying to turn their lives around after release, and at the obstacles that stand in their way.

Philadelphia Mayor's Ex-Offender Reintegration and Reentry Task Force: Helps individuals leaving prisons as well as the communities they rejoin.

Voting While Incarcerated

...serving time for misdemeanors, probation, or parole violations do have the right to vote in Pennsylvania. This work counters the common misinformation and misconceptions that have kept historically disfranchised populations from exercising their right to participate in the electoral process. Goldberg says that many people believe that because they are serving time, they have lost the right to vote.

Goldberg registered detainees all day, every day, for six weeks in the summer of 2000, and planned to follow up by making sure that all the people who applied for absentee ballots got them and turned them in at the end of October. After that, she planned to get-out-the-vote by contacting everyone who had been released to remind them to vote at their home polling places.

The Help America Vote Act (HAVA) of 2002 was passed to make sure that every citizen could vote, and Rojas says his office is committed to making sure HAVA is correctly implemented. The level of support is so high that he has even arranged for Pennsylvania Secretary of State, Pedro Cortez, to talk directly with Philadelphia jail officials about HAVA and to advise them, as the state's chief election officer, that pretrial detainees are eligible to vote.

Rojas' office is currently working with others on the design of a systemwide comprehensive intake procedure, which will include voter registration. "We believe that in order to increase the number of people who participate in the American democratic process of voting, it is important to develop a culture of voting by institutionalizing voter registration," said Rojas.

EX-OFFENDERS

Malik Aziz is the executive director of the Ex-Offenders' Association of Pennsylvania (EOAP), and also serves as the chairman of the Philadelphia Mayor's Ex-Offender Reintegration and Reentry Task Force (EOTF). He works on get-out-the-vote efforts with Philadelphia's jail population once they are released, and his group is also working to develop a more systematic way of assisting people in jail at election time with absentee ballots. That piece is fairly new for this group

and it is working the kinks out. Gus Baxter from the City Commissioners' Office, a formerly incarcerated person, also provides consultation, forms and

absentee ballots for detained people through the JEVS program. He serves as a troubleshooter from the City's Office of Elections.

COMMUNITY TIES

"In corrections, we're in the business of public safety, and in the interest of public safety, we want to strengthen the ties between detained people and their communities," said Rojas. "One of the best tools for this is the ballot box."

REGISTRATION: AN ONGOING PROCESS

Lieb says the goal is to build a cadre of registered voters inside, and then to work with re-entry groups to get-out-the-vote by alerting people who have been released that it's not enough to just register; they must also vote. He feels strongly that you have to make voter registration a continuing process in a jail as large as Philadelphia's because there is so much turnover and people are continually released. He advises people in large jail jurisdictions not to focus too much on the absentee-ballot process within the jail, because there are more people getting out and going back to their communities.

He believes that because they do registration on an ongoing basis, and not just right before an election, jail and other officials do not view them as being overtly political. Lieb says, "This is the only jail in the country

doing voter registration on an institutional scale, and it is all done under the rubric of rehabilitation.”

CHOOSE TO CHOOSE

Lieb and Rojas produced a film called “Choose to Choose,” which documents advocates’ interactions with the general jail population and is shown in every JEVS class. It shows detained people going through the process of registering to vote. Aziz and the other formerly incarcerated advocates featured in the film teach that voting is power and that detained people can have a voice by

filling out the forms and letting officials know that they want to vote.

Baxter notes: “If they don’t think you care enough about yourself to get involved in the process, they won’t pay attention to you.” Detained people in the film demonstrate that once they learn more about the ramifications of voting, they do become interested. One man in the film says: “Our communities are the last to have anything done for them and voting affects every service in the community.” Another adds, “Just because we’re locked up doesn’t mean we don’t care about our families out there.”

Pike County, Miss.

National Association for the Advancement of Colored People

THE LAW

The State of Mississippi prohibits felons convicted of murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement or bigamy, who are currently on probation, in prison, or on parole, from voting. In addition, these felons remain disfranchised permanently after the completion of their sentences. Any former felon seeking to regain the right to vote may apply for a pardon, seek the restoration of civil rights from the Governor, or obtain an affirmative vote from two-thirds of the state legislature.

VOTER REGISTRATION PROGRAM BEGINS

In anticipation of the 2002 Congressional Race, the Pike County National Association for the Advancement of Colored People (NAACP) began a voter-registration program for those convicted of non-disfranchising felonies as well as misdemeanants and pre-trial detainees. Working alongside Sheriff Fred Johnson, who was also an active member of the Pike County NAACP, the organization first researched which of the individuals incarcerated in Pike County Jail were (a) Pike County residents and (b) eligible to vote. They came up with 68 people.

PERMISSION FOR JAIL ENTRY GRANTED

NAACP members and volunteers began going to the local courthouse as people were being arraigned, and registered those who were being charged, as well as their family members. The groups then asked Sheriff Johnson if they could go into the jail and register those detainees who were eligible under Mississippi law to vote -- the 68 people on their list. Sheriff Johnson granted their request, and the local NAACP branch officials and volunteers immediately did a walk-through with registration packets and registered all 68 detainees. This took them one full day.

ABSENTEE BALLOT STIPULATIONS

On Election Day, the NAACP received a call from the Circuit Clerk, the county's elections officer, who informed them that pre-trial detainees could not vote by absentee ballot because they were incarcerated. The Circuit Clerk notified the NAACP that the circumstances for receiving an absentee ballot did not include being incarcerated. One can only vote by absentee ballot if certain specified conditions prevail; incarceration was not one of those conditions. Another obstacle was that these detainees were incarcerated within their county of residence. Had they been incarcerated outside, rather than within their county of residence, they could have voted by absentee ballot.

CIRCUIT CLERK REQUIRED TO GO THE EXTRA MILE

The NAACP called the Secretary of State's office and told them of this turn-of-events. This office in turn called the Pike County Circuit Clerk's Office, and said that immediate permission must be given to the detainees to vote. Because voting by absentee ballot was not an option, the circuit clerk went personally to the jail, and took all 68 votes himself and then submitted the votes to be counted. Throughout this process, inmates responded positively, and were happy to participate in the election process.

EXPANDING VOTER REGISTRATION PROGRAM IN MISSISSIPPI

The Mississippi State Conference NAACP is very enthusiastic about continuing this process in different parts of Mississippi, and has come up with a list of 16 counties where the organization believes the local sheriff will cooperate with them and their efforts will have an impact. Derrick Johnson, President of the Mississippi

State Conference NAACP, emphasizes that working alongside a friendly sheriff who will not suppress inmates' votes or coerce them to vote a certain way makes the voter-registration process much simpler; without the sheriff's cooperation, the prospects are problematic because inmates are dependent upon sheriffs for food, shelter and safety. Such problems have hindered the NAACP from working on a wider scale, but Johnson said it looks forward to partnerships with any groups or coalitions

KEY COMPONENT

Having a friendly sheriff who cooperates with the volunteer registrants helps to not only gain access to eligible voters, but also ensures a positive and safe atmosphere.

that can help to further the endeavor. He says it is the goal of the NAACP to institute a notification process, so that inmates are informed of their right to vote, and are assisted in exercising this right.

Washington, D.C.

Citizens United for the Rehabilitation of Errants

THE LAW

The District of Columbia prohibits people in prison from voting. Once individuals have completed their prison terms, the right to vote is automatically restored.

CURE ON A MISSION

Citizens United for Rehabilitation of Errants (CURE) is a national prison reform organization based in Washington, D.C. Charlie Sullivan, the Executive Director of CURE, and his volunteers have gone into the D.C. jails to register voters periodically for several years. They have only recently been allowed to go back into the jail several weeks after a registration drive to hand-deliver absentee ballots and assist detainees with what is called “in-person absentee voting.”

BACKGROUND

In 2003, Sullivan began testifying before the DC Board of Elections and Ethics that eligible voters were being neglected in the D.C. jails. He pointed out that pre-trial detainees and those serving time for misdemeanors were legally empowered to register, request an absentee ballot, and vote. Although Sullivan knew it would be almost impossible to get into the jail without assistance from the Board of Elections (BOE), Sullivan and CURE volunteers were determined to make it happen.

CURE first volunteered to work through the local election agency in 2000. But CURE had not figured out how to accomplish the vital, follow-up step of confirming that the detainees it registered were actually able to vote from jail.

As persistent pressure and trust in Sullivan’s work built up, BOE gradually became more supportive.

In 2004, BOE even suggested that CURE could help BOE facilitate in-person absentee voting.

CURE PERSUADES BOE TO PROVIDE TRAINED VOLUNTEERS

Since the 2000 registration drives, CURE had been requesting that the directors of BOE and the Department of Corrections discuss how to commence volunteer training. Sullivan felt strongly that training should be initiated by the heads of one of those agencies rather than by the advocates. Under pressure from CURE, both agencies agreed, and in a great victory for CURE and D.C. detainees, BOE agreed to train volunteers. Volunteers would be taught to: (1) register voters and help detainees fill out absentee ballot requests, and then (2) facilitate in-person absentee voting. Sullivan reiterated that building a relationship with the election agency was vital. “The more we can use the clout of the election agency, the more the doors are going to open,” he said. If there are problems getting into the prisons even with the assistance of the board, he suggested that advocates step in by going to the media, calling on support from allied city officials, or having the local ACLU put pressure on jail officials to honor detainees’ right to vote.

VOLUNTEERS, BOE STAFF ENTER THE PRISONS

CURE used both “inside” and “outside” volunteers. It recruited members of the community to become certified registrars, and paired them with volunteers from the jail chaplain’s staff. And it made sure that there was always an “inside” volunteer already known by cellblock staff to help pave the way for a successful drive. Although most of those detained in the D.C. jail were African-American, many CURE

volunteers were white. When possible, CURE tried to pair a white volunteer and a volunteer of color. CURE usually had five to 10 volunteers on each visit.

Two staff people from the D.C. Board of Elections and Ethics accompanied the volunteers for both the voter-registration drive in December and for the in-person absentee voting process in January. Sullivan said this was extremely beneficial because there were many technicalities of the in-person absentee voting process for which CURE volunteers had not been fully prepared. However, when they went back for the August registration drive, they were experienced and did not need Board staff to accompany them.

MATERIALS VOLUNTEERS SHOULD BRING

CURE developed a fact sheet called for the use of all advocates, “The FAIR Way to Vote in Jail,” that outlined the following requirements: (1) Only those presently serving a sentence for a felony cannot vote, (2) Age: You have to be 18 years old by the date of the election, (3) Competence: You can vote only if you have not been judged mentally incompetent by a court, and (4) Residence: You can vote if you have maintained your residence in Washington 30 days before an election. The jail can be counted as a residence if you have no other.

During voter registration drives, volunteers also bring registration forms and absentee-ballot request forms for people who will still be in jail at the time of the election. In D.C., an absentee-ballot request may not be submitted until the person’s voter-registration form has been processed and he is officially on the voter

rolls, which usually takes 19 days. However, in D.C., the CURE volunteers did not have to withhold the absentee-ballot requests because they had a good working relationship with the board, which promised to process them in correct order.

For in-person absentee voting: The volunteers picked up the ballots from the board on their way to the jail and hand-delivered them to the detained people.

HAND-DELIVERY INSTEAD OF MAIL

CURE volunteers never used the penitentiary mail system, because the majority of detainees do not trust jail mail. They promised detainees who registered that they would bring their ballots to them and would then bring them directly to the BOE. Sullivan convinced officials to let them hand-deliver the ballots so that volunteers could be available to answer questions and to assist people with disabilities and literacy problems.

REGISTRATION DRIVE IN A PRIVATELY RUN JAIL

The Corrections Corporation of America (CCA) runs the Central Treatment Facility (CTF), D.C.’s privately run jail. When CURE volunteers first sought permission to enter CTF

2003

Registered: 350 eligible out of 2,300

Time: 3 hours, 2 volunteers per 2-3 cell blocks

Unable to receive absentee ballot: 228 (due to errors in registration form or release before election)

Official Registrations: 122

2004

Registered: 188

Requests for absentee ballots: 179

CTF Private Jail:

Registered: 186

Requests for absentee ballots: 148

If detainees answer "yes" to any one of these questions, they can vote:

- 1. Are you here on a parole revocation hearing?*
- 2. Are you here serving time for a misdemeanor?*
- 3. Are you here awaiting trial for a felony?*

Voting While Incarcerated

to conduct voter registration, the warden emphatically denied their request. Sullivan then made a call to Michael Quinlan, an official high up the CCA chain of command, whom he had known in Quinlan's previous capacity as the Director of the Bureau of Prisons. This relationship opened the door for the CURE volunteers and they were allowed access.

Volunteers found that the design of this private jail was more conducive to registering prisoners than that of the D.C. Jail. CTF is a direct supervision jail, which meant that there were about 50 prisoners to a pod. The volunteers initially tried to elicit detainees' interest in registering when they were in their cells, but the doors were locked and they had to shout to be heard. People were not interested until volunteers asked officials to allow them to come out of their cells and mingle. Then many of them registered. Sullivan says that the longer the volunteers were there, the more detainees warmed up and registered. When people saw their buddies asking about registration, they began to think about doing it too.

Before CURE went into CTF, it asked the associate warden for programs (who had been designated by the CTF Warden to work with them) to place notices on the bulletin boards of each pod. She did, and that seemed to help prepare people for the registration drive.

Volunteers spent more time talking to people than they had the previous week at the D.C. jail, primarily because there were more places

that they could sit down and explain the registration process. They were able to get almost the same number of registrations, though CTF had only about 1,200 prisoners while the D.C. jail has 2,300.

MOVING TOWARD MORE INSTITUTIONALIZED PRACTICES

Sullivan and CURE volunteers would like to see an ongoing registration process institutionalized in the D.C. jails that could reach every detainee either through intake or release procedures. He planned to testify before the Elections Board to request that voting machines be brought into the jails. These machines are small enough that they could be carried to each cellblock. Sullivan said they are programmed so that any person voting would have his or her specific ballot, and anyone on the voter rolls would then be able to vote from jail. People would not have to go through the absentee-ballot request process, and they would be able to experience voting and see their votes count. They would even receive a paper receipt from the machine signifying that they voted. Sullivan believes this would substantially increase interest in voting among the jail population.

However, he recognized that in spite of its early success, CURE still seemed to be a long way from having the local BOE and jail officials do voter work on their own without pressure from advocates. He warned, "Just because you get in once doesn't mean you'll get in again."

A Brief Explanation of HAVA

Submitted by Dēmos: A Network for Ideas and Action

www.demos-usa.org/page14.cfm

The federal "Help America Vote Act of 2002" (HAVA) has impacted every part of the voting process, from voting machines to provisional ballots, from voter registration to poll worker training. Advocates in each state need to ensure that state legislators and state and local election officials implement HAVA properly.

Under HAVA, states must meet many new federal requirements. States met many of these provisions before the 2004 election, including issuing provisional ballots to voters not on the voter list, and setting new identification requirements for first-time voters who register by mail. Other aspects of HAVA, including the creation of statewide computerized voter lists and increasing access for disabled voters, are mandated to be in place by January 1st, 2006. States have finally received some of the federal funds for each of these purposes, and will receive general funds "to improve the administration of elections" in the future.

HAVA also provides opportunities to educate, and lower barriers faced by, would-be voters who have interacted with the criminal justice system. HAVA's public education funds can be used to ensure that the often-confusing eligibility laws are clearly publicized to voters, elections and corrections officials alike. The mandated statewide voter-registration database can ensure that voter eligibility is immediately updated, and improve the accuracy of purges. Modifications to voter registration forms can include clarifying language regarding eligibility of people with felony convictions right on the voter registration itself.

Along with several explicit requirements, some of the looser language in HAVA has been interpreted by state legislatures in ways that will limit, not expand, voting rights. For example, some states have implemented HAVA's provisional voting requirement in ways that will not count legitimate voters' provisional ballots if they appear at the wrong polling place, or even the incorrect precinct. Other states have made HAVA's identification requirements narrower; for example, Georgia now requires photo ID for all voters. State and national advocates have opposed these interpretations because of their disfranchising impacts.

* See "Issues to Address with Your Local Election Agency" on page 3 for questions related to HAVA implementation that may affect your work.

The Law in Your State

Submitted by The Sentencing Project

www.sentencingproject.org

People in jails may vote in every state (including Louisiana, where the jails in which people convicted of lesser crimes are incarcerated are called prisons, and Delaware, where people awaiting trial or serving misdemeanor sentences are housed in state prisons). People in prisons are banned from voting in all but two states (Maine and Vermont), and Alabama and Mississippi allow some felons to vote. Yet barriers to voting exist in both types of facilities, and few actively encourage voting by inmates.

Such barriers are under scrutiny in many states, and some are taking steps to eliminate them. Illinois recently (Aug. 22, 2005) amended its Election Code to specify, "confinement or detention in a jail pending acquittal or conviction of a crime is not a disqualification for vot-

ing" and constitutes "a specified reason for absentee voting." The amendment provides for "certification on the back of the ballot." And San Francisco's Department of Elections is taking the affirmative step of informing people in jail and those who have completed their sentences that they are eligible to vote under California law.

Should you encounter barriers to registering otherwise eligible people in jail (relating to residency, for example, or absentee-ballot requirements), please contact the ACLU or the Brennan Center for Justice at New York University. The authors will deal with legal barriers to voting by eligible detainees and other barriers brought to their attention, and suggest ways to resolve them, on a state-by-state basis in a future publication.

The laws summarized in this section apply only to felony disfranchisement

Alabama

The State of Alabama prohibits most people with felony convictions, and currently on probation, in prison, or on parole, from voting. In addition, any person who has been convicted of murder or certain sexual crimes will remain disfranchised after the completion of his or her sentence. Those who have completed their sentences, have no pending charges, do not owe any outstanding fines and have not been convicted of murder or certain sexual offenses can apply for a certificate of eligibility from the state parole board affirming their restored right to vote.

In 2003, Alabama enacted a law permitting many persons convicted of a felony to apply for

Prisoners permitted to vote: ME, VT

Voting restored after release from prison: DC, HI, IL, IN, MA, MI, MT, NH, ND, OH, OR, PA, UT

Voting restored after release from prison and completion of parole (probationers may vote): CA, CO, CT, NY, SD

Voting restored after completion of prison, parole and probation: AK, AR, GA, IA, ID, KS, LA, MN, MO, NJ, NM, NC, NE**, OK, RI, SC, TX, WV, WI*

Permanent disfranchisement for some/multiple felony convictions, unless government approves individual rights restoration: AL, AZ, DE, MD, MS, NV, TN, WA, WY

All convicted of felonies permanently disfranchised: FL, KY, VA

** See detailed description of Iowa law herein for a fuller description of the status of the Iowa law.*

*** Voting rights restored 2 years after completion of sentence.*

a certificate of eligibility to register to vote after the completion of their sentences.

Alaska

The State of Alaska prohibits people with felony convictions and currently on probation, in prison, or on parole, from voting. Once individuals have completed their sentences, the right to vote is automatically restored.

Arizona

The State of Arizona prohibits people with felony convictions and currently on probation, in prison, or on parole from voting. In addition, persons who have committed more than one offense are also prohibited from voting after the completion of sentence. A first-time offender in Arizona has the right to vote restored automatically upon completion of sentence, as long as no outstanding financial obligations to the state remain. People who have been convicted of two or more felonies may only have their rights restored through a court process or by seeking a pardon.

Arkansas

The State of Arkansas prohibits people with felony convictions and currently on probation, in prison, or on parole from voting. Once an individual has completed his or her sentence, the right to vote is automatically restored.

California

The State of California prohibits people with felony convictions and currently in prison or on parole from voting. Once an individual has completed his or her sentence, the right to vote is automatically restored.

Colorado

The State of Colorado prohibits people with felony convictions and currently in prison or on parole from voting. In addition, state officials have interpreted this prohibition to include per-

sons convicted of a misdemeanor who have been sentenced to incarceration. Once an individual has completed his or her sentence, the right to vote is automatically restored.

Connecticut

The State of Connecticut prohibits people with felony convictions and currently in prison or on parole from voting. Once an individual has completed his or her sentence, the right to vote is automatically restored. In 2001, Connecticut enacted a law restoring the right to vote for people currently on probation for a felony conviction. Connecticut also exercises a public information requirement that the Commissioner of Corrections must inform the individual upon release from incarceration about the process of rights restoration, and transmit restoration information to the Secretary of State and local boards of elections.

Delaware

The State of Delaware prohibits people with felony convictions and currently on probation, in prison, or on parole from voting. In addition, any person who has been convicted of murder, manslaughter, certain sexual crimes, or offenses against offices of public administration such as bribery will remain disfranchised after the completion of sentence. Those who have completed their sentences and have not been convicted of the charges listed above can either seek a pardon or wait five years from the completion of sentence for their rights to be restored. Persons who have been convicted of a misdemeanor for certain election-law violations are prohibited from voting for 10 years following completion of sentence.

Delaware repealed its permanent ban on voting for persons convicted of a felony in 2000, replacing the lifetime prohibition with the five-year waiting period.

Voting While Incarcerated

District of Columbia

The District of Columbia prohibits people who are incarcerated for felony convictions from voting.

Florida

The State of Florida prohibits people with felony convictions, and currently on probation, in prison, or on parole from voting. In addition, all persons remain disfranchised permanently after the completion of their sentences. Any person seeking to regain the right to vote after the completion of sentence may either apply for a pardon or seek the restoration of his or her civil rights through the Board of Executive Clemency.

Georgia

The State of Georgia prohibits people with felony convictions and currently on probation, in prison, or on parole from voting. Once an individual has completed his or her sentence, the right to vote is automatically restored.

Hawaii

The State of Hawaii prohibits people with felony convictions and currently in prison from voting. Once an individual has completed his or her sentence, the right to vote is automatically restored.

Idaho

The State of Idaho prohibits people with felony convictions and currently in prison or on parole from voting. Once an individual has completed his or her sentence, the right to vote is automatically restored.

Illinois

The State of Illinois prohibits people with felony convictions and currently in prison from voting. Once an individual has completed his or her sentence, the right to vote is automatically restored.

Indiana

The State of Indiana prohibits people with felony convictions and currently in prison from voting. Once an individual has completed his or her sentence, the right to vote is automatically restored.

Iowa

The State of Iowa prohibits people with felony convictions and currently on probation, in prison, or on parole, from voting. In addition, all persons remain disfranchised permanently after the completion of sentence. On July 4, 2005, Governor Vilsack issued an Executive Order that would automatically restore the voting rights of all persons convicted of a felony who have completed their sentences. In addition, the governor has committed to continuing this restoration on a monthly basis. Currently, this order is the subject of litigation, but as this report went to press, the order was still in effect. Any person seeking to regain the right to vote after the completion of sentence may either apply for a pardon or seek the restoration of civil rights from the governor.

Kansas

The State of Kansas prohibits people with felony convictions and currently on probation, in prison, or on parole, from voting. Once an individual has completed his or her sentence, the right to vote is automatically restored.

Kentucky

The State of Kentucky prohibits people with felony convictions and currently on probation, in prison, or on parole from voting. In addition, all persons remain disfranchised permanently after the completion of sentence. Any person seeking to regain the right to vote must apply for a pardon from the governor, and recent legislation has been passed in order to ease this application process.

Public Education Mandate: In 2001, the legislature passed a bill that requires the Department of Corrections to inform and aid eligible offenders in completing the civil-rights restoration process.

Louisiana

The State of Louisiana prohibits people with felony convictions and currently on probation, in prison or on parole from voting. Once an individual has completed his or her sentence, the right to vote is automatically restored.

Maine

The State of Maine permits people with felony convictions and currently on probation, in prison, or on parole to vote. Individuals who are currently incarcerated vote by absentee ballot in the district in which they lived prior to their incarceration.

Maryland

The State of Maryland prohibits people with felony convictions and currently on probation, in prison, or on parole from voting. In addition, any person with two or more violent felony convictions will be prohibited from voting. Persons convicted of first- or second-time non-violent offenses will have the right to vote automatically restored at the end of a three-year waiting period that begins at the completion of sentence; all outstanding fines and/or restitution must be satisfied prior to restoration. For those with two or more violent felony convictions, the only recourse is to apply for a pardon from the governor.

Maryland repealed its permanent ban on voting for persons convicted of first or second offenses in 2002, replacing the lifetime prohibition with the three-year waiting period discussed above.

Massachusetts

The Commonwealth of Massachusetts prohibits people with felony convictions who are currently in prison from voting. Once an individual has

completed his or her sentence, the right to vote is automatically restored. The Commonwealth permitted incarcerated felons to vote until 2000, when Massachusetts voters passed an initiative to amend their state Constitution to prohibit currently incarcerated people from exercising the right to vote. There are no current estimates available of the number of individuals disfranchised in Massachusetts since the law was changed.

Michigan

The State of Michigan prohibits persons convicted of a felony or misdemeanor and currently in prison from voting. Once an individual has completed his or her sentence, the right to vote is automatically restored.

Minnesota

The State of Minnesota prohibits people with felony convictions and currently on probation, in prison, or on parole from voting. Once an individual has completed his or her sentence, the right to vote is automatically restored.

Mississippi

The State of Mississippi prohibits people with felony convictions and currently on probation, in prison, or on parole from voting, if convicted of certain crimes listed in the Mississippi Constitution. These include: murder, rape, bribery, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement, or bigamy. In addition, all persons remain disfranchised permanently after the completion of sentence. Any person seeking to regain the right to vote after the completion of sentence may apply for a pardon, seek the restoration of civil rights from the governor, or obtain an affirmative vote from two-thirds of the state legislature.

Missouri

The State of Missouri prohibits people with felony convictions and currently on probation, in prison, or on parole from voting. Once an

Voting While Incarcerated

individual has completed his or her sentence, the right to vote is automatically restored.

Montana

The State of Montana prohibits people with felony convictions and currently in prison from voting. Once an individual has completed his or her sentence, the right to vote is automatically restored.

Nebraska

The State of Nebraska prohibits people with felony convictions and currently on probation, in prison, or on parole from voting. Until recently, people with felony convictions were permanently disfranchised unless they applied for and were granted pardons by the Nebraska Board of Pardons. Once they have completed their sentences, persons convicted of a felony must wait two years until their right to vote is automatically restored.

Nevada

The State of Nevada prohibits people with felony convictions and currently on probation, in prison, or on parole from voting. In addition, any person with multiple convictions, or a first-time violent felony conviction, will be prohibited from voting beyond the completion of sentence. Persons convicted of first-time, non-violent offenses have their right to vote automatically restored upon the completion of sentence.

In 2003, Nevada passed legislation permitting automatic restoration of voting rights for persons convicted of first-time, non-violent offenses upon the completion of sentence.

New Hampshire

The State of New Hampshire prohibits people with felony convictions and currently in prison from voting. Once an individual has completed his or her sentence, the right to vote is automatically restored.

New Jersey

The State of New Jersey prohibits people with felony convictions and currently on probation, in prison, or on parole from voting. Once an individual has completed his or her sentence, the right to vote is automatically restored.

New Mexico

The State of New Mexico prohibits people with felony convictions and currently on probation, in prison, or on parole from voting. Once individuals have completed their sentences, they must submit a certificate of release, documenting that they have done so, to the governor, in order to have the right to vote restored.

In 2001, the New Mexico Legislature passed legislation repealing the state's ban on voting by people who have completed their sentences.

New York

The State of New York prohibits people with felony convictions and currently in prison or on parole from voting. Once an individual has completed his or her sentence, the right to vote is automatically restored.

North Carolina

The State of North Carolina prohibits people with felony convictions and currently on probation, in prison, or on parole from voting. Once an individual has completed his or her sentence, the right to vote is automatically restored.

North Dakota

The State of North Dakota prohibits people with felony convictions and currently in prison from voting. Once an individual has completed his or her sentence, the right to vote is automatically restored.

Ohio

The State of Ohio prohibits people with felony convictions and currently in prison from voting. Once an individual has complet-

ed his or her sentence, the right to vote is automatically restored.

Oklahoma

The State of Oklahoma prohibits people with felony convictions and currently on probation, in prison, or on parole from voting. Once an individual has completed his or her sentence, the right to vote is automatically restored.

Oregon

The State of Oregon prohibits people with felony convictions and currently in prison from voting. Once an individual has completed his or her sentence, the right to vote is automatically restored.

Pennsylvania

The State of Pennsylvania prohibits people with felony convictions and currently in prison from voting. Once an individual has completed his or her sentence, the right to vote is automatically restored.

Rhode Island

The State of Rhode Island prohibits people with felony convictions and currently on probation, in prison, or on parole from voting. Once an individual has completed his or her sentence, the right to vote is automatically restored.

South Carolina

The State of South Carolina prohibits people with felony convictions and currently on probation, in prison, or on parole, as well as misdemeanants currently incarcerated, from voting. Once an individual has completed his or her sentence, the right to vote is automatically restored.

South Dakota

The State of South Dakota prohibits people with felony convictions and currently in prison or on parole from voting. Once an individual

has completed his or her sentence, the right to vote is automatically restored.

Tennessee

The State of Tennessee prohibits people with felony convictions and currently on probation, in prison, or on parole from voting. In addition, Tennessee has a complex set of rules defining which groups of persons are permitted to vote after the completion of sentence. Everybody, except those convicted of murder, aggravated rape, treason, or voter fraud, committed after July 1, 1986, or rape after June 30, 1996, may apply to the court of the county of their conviction or current residence to have their voting rights restored after the completion of their sentences.

People convicted of felony, not including murder, aggravated rape, treason or voter fraud, between July 1, 1986 and June 30, 1996, seeking to have their right to vote restored must contact the board of probation or parole to receive a certificate declaring that they have completed their sentences and are now eligible to vote.

Texas

The State of Texas prohibits people with felony convictions and currently on probation, in prison, or on parole from voting. Once an individual has completed his or her sentence, the right to vote is automatically restored.

In 1996, Texas repealed its two-year waiting period requirement for people wishing to regain voting eligibility after the completion of sentence.

Utah

The State of Utah prohibits people with felony convictions and currently in prison from voting. Once an individual has completed his or her sentence, the right to vote is automatically restored.

Voting While Incarcerated

Vermont

The State of Vermont permits people with felony convictions and currently on probation, in prison, or on parole to vote. Individuals who are currently incarcerated vote by absentee ballot in the district in which they lived prior to their incarceration.

Virginia

The Commonwealth of Virginia prohibits people with felony convictions and currently on probation, in prison, or on parole from voting. In addition, all persons remain disfranchised permanently after the completion of their sentences. Anybody seeking to regain his or her right to vote may apply for a certificate of “removal of political disabilities” from the governor five years after the completion of sentence for conviction of a violent or drug offense and three years after completion of sentence for conviction of a non-violent offense.

Washington

The State of Washington prohibits people with felony convictions and currently on probation, in prison, or on parole from voting. In addition, all persons convicted on or after July 1, 1984 have the right to vote automatically restored after the completion of sentence with a “certificate of discharge” issued by the court of conviction. For people convicted prior to July 1, 1984 the restoration process is contingent upon the type of release. Those released to parole, upon completion of sentence, may apply for a “certificate of discharge” from the Indeterminate Sentence Review Board. For people who have completed a sentence of probation, the restoration process requires applying to the court of conviction after the completion of sentence in order to restore the right to vote. In addition, any person in the state may apply to the Clemency and Pardons board for a pardon and to restore his or her voting rights.

West Virginia

The State of West Virginia prohibits people with felony convictions and currently on probation, in prison, or on parole from voting. Once an individual has completed his or her sentence, the right to vote is automatically restored.

Wisconsin

The State of Wisconsin prohibits people with felony convictions and currently on probation, in prison, or on parole from voting. Once an individual has completed his or her sentence, the right to vote is automatically restored.

Wyoming

The State of Wyoming prohibits people with felony convictions and currently on probation, in prison, or on parole from voting. In addition, any person who is a repeat offender or is a first-time violent offender will remain disfranchised after the completion of sentence, and may only seek to have the right to vote restored through a pardon from the governor. First-time non-violent offenders are eligible to apply for restoration of voting rights five years after the completion of sentence.

In 2003, Wyoming enacted a law permitting people convicted of a first-time, non-violent offense to regain the right to vote after a five-year waiting period.

Voter Registration Contact Numbers

From the League of Women Voters' Website: www.lwv.org

ALABAMA

Elections Division, Montgomery, Ala.
(334) 242-7210
<http://www.sos.state.al.us/>

ALASKA

Elections Services, Juneau, Alaska
(907) 465-4611
<http://www.gov.state.ak.us/ltgov/elections/homepage.html>

ARIZONA

Elections Services, Phoenix, Ariz.
(602) 542-8683
<http://www.azsos.gov/election/>

ARKANSAS

Election Department, Little Rock, Ark.
(501) 682-3419
<http://www.sosweb.state.ar.us/>

CALIFORNIA

Elections Division, Sacramento, Calif.
(916) 657-2166 www.ss.ca.gov

COLORADO

Elections Center, Denver, Colo.
(303) 894-2200
<http://www.sos.state.co.us/>

CONNECTICUT

Elections Office, Hartford, Conn.
(860) 509-6100
<http://www.sots.state.ct.us/>

DELAWARE

Office of State Election Commissioner, Dover, Del.
(800) 273-9500
<http://www.state.de.us/election>

DISTRICT OF COLUMBIA

Board of Elections and Ethics, Washington, D.C.
(202) 727-2525
<http://www.dcboee.org>

Voting While Incarcerated

FLORIDA

Division of Elections, Tallahassee, Fla.
(850) 245-6200
<http://dos.state.fl.us>

GEORGIA

Elections Division, Atlanta, Ga.
(404) 656-2871
<http://www.sos.state.ga.us>

HAWAII

Office of Elections, Honolulu, Hawaii
(808) 453-8683
<http://www.hawaii.gov/elections/index.html>

IDAHO

Office of Secretary of State for Elections, Boise, Idaho
(208) 334-2300
<http://www.idsos.state.id.us>

ILLINOIS

Board of Elections, Springfield, Ill.
(217) 782-4141; (312) 814-6440
<http://www.elections.state.il.us/>

INDIANA

Election Division, Indianapolis, Ind.
(317) 232-3939
<http://www.in.gov/sos>

IOWA

Voters Elections Center, Des Moines, Iowa
(515) 281-5865
<http://www.sos.state.ia.us/elections/>

KANSAS

Elections and Legislative Matters Division of the SOS, Topeka, Kans.
(785) 296-4561
<http://www.kssos.org/>

KENTUCKY

State Board of Elections, Frankfort, Ky.
(502) 573-7100
<http://www.sos.state.ky.us/>

LOUISIANA

Elections Division, Baton Rouge, La.
(225) 342-4970
<http://www.sec.state.la.us/>

MAINE

Division of Elections, Augusta, Me.
(207) 624-7650
<http://www.state.me.us/sos/>

MARYLAND

State Board of Elections, Annapolis, Md.
(410) 269-2840
<http://www.elections.state.md.us>

MASSACHUSETTS

Elections Division, Boston, Mass.
(617) 727-2828
<http://www.state.ma.us/sec/>

MICHIGAN

Bureau of Elections, Lansing Mich.
(517) 373-2540
www.michigan.gov/sos

MINNESOTA

Office of Secretary of State, St Paul, Minn.
(651) 215-1440 (metro); 1-877-600-8683 (outside metro area)
<http://www.state.mn.us/ebranch/sos/>

MISSISSIPPI

Elections Division, Jackson, Miss.
(601) 359-6353; (800)-829-6786
<http://www.sos.state.ms.us/>

MISSOURI

Election Services, Jefferson City, Mo.
(573) 751-2301 (800) 669-9683
<http://www.sos.mo.gov>

MONTANA

Elections and Legislative Bureau, Helena, Mont. (406) 444-4732; (888) 884-8683
<http://sos.state.mt.us/css/index.asp>

Voting While Incarcerated

NEBRASKA

Office of Secretary of State, Election Administration, Lincoln, Neb.

(402) 471-2555

<http://www.sos.state.ne.us/>

NEVADA

Office of Secretary of State Elections Division, Carson City, Nev.

(775) 684-5705

<http://sos.state.nv.us/>

NEW HAMPSHIRE

Election Division, Concord, N.H.

(603) 271-3242

<http://www.sos.nh.gov/>

NEW JERSEY

Office of Attorney General, Elections Division, Department of Law & Public Safety, Trenton, N.J.

(609) 292-3760

www.state.nj.us/lps/elections/electionshome.html

NEW MEXICO

Secretary of State, Bureau of Elections, Santa Fe, N.M.

(505) 827-3600

<http://www.sos.state.nm.us/elect.htm>

NEW YORK

State Board of Elections, Albany, N.Y.

(518) 474-6220

<http://www.elections.state.ny.us/>

NORTH CAROLINA

State Board of Elections, Raleigh, N.C.

(919) 733-7173

<http://www.sboe.state.nc.us/>

NORTH DAKOTA

Office of Secretary of State, Elections Division, Bismark, N.D.

(701) 328-4146

<http://www.state.nd.us/sec>

OHIO

Office of Secretary of State, Columbus, Ohio

(614) 466-2585

<http://www.state.oh.us/sos/elecpage.html>

OKLAHOMA

State Election Board, Oklahoma City, Okla. (405) 521-2391
www.state.ok.us/-elections/index.html

OREGON

Elections Division, Salem, Ore.
(503) 986-1518
<http://www.sos.state.or.us>

PENNSYLVANIA

Office of Commissioner of Elections, Harrisburg, Penn.
(717) 787-5280
<http://www.dos.state.pa.us>

RHODE ISLAND

Elections Division, Providence, R.I.
(401) 222-2340
www.state.ri.us/

SOUTH CAROLINA

State Election Commission, Columbia, S.C.
(803) 734-9060
<http://www.state.sc.us/scsec/>

SOUTH DAKOTA

Office of Supervisor of Election, Pierre, S.D.
(605) 773-3537
www.sdsos.gov

TENNESSEE

Division of Elections Office, Nashville, Tenn.
(615) 741-7956
<http://www.state.tn.us/sos>

TEXAS

Elections Division, Austin, Texas
(512) 463-5650; 800-252-8683
<http://www.sos.state.tx.us/>

UTAH

Office of Director of Elections, Salt Lake City, Utah
(801) 538-1041; (800) 995-8683
<http://www.elections.utah.gov>

Voting While Incarcerated

VERMONT

Office of Secretary of State, Montpelier, Vt.

(802) 828-2363

<http://www.sec.state.vt.us>

VIRGINIA

State Board of Elections, Richmond, Va.

(804) 786-6551

<http://www.sbe.state.va.us/>

WASHINGTON

Office of Election Director, Olympia, Wash.

(360) 902-4180

<http://www.secstate.wa.gov>

WEST VIRGINIA

Secretary of State, Charleston, W. Va.

(304) 558-6000

www.wvsos.com

WISCONSIN

State Elections Board, Madison, Wisc.

(608) 266-8005

www.elections.state.wi.us

WYOMING

Deputy Secretary of State, Cheyenne, Wyo.

(307) 777-7640

<http://soswy.state.wy.us/>

Chief State Elections Officers

From ELEC Net Election
Administration Resources
www.getvoting411.us

Alabama:	Secretary of State
Alaska:	Lt. Governor
Arizona:	Secretary of State
Arkansas:	Secretary of State
California:	Secretary of State
Colorado:	Secretary of State
Connecticut:	Secretary of State
Delaware:	State Commission on Elections
District of Columbia:	Executive Director, Board of Elections and Ethics
Florida:	Secretary of State
Georgia:	Secretary of State
Hawaii:	Secretary of State
Idaho:	Secretary of State
Illinois:	Executive Director, State Election Board
Indiana:	Secretary of State
Iowa:	Secretary of State
Kansas:	Secretary of State
Kentucky:	Secretary of State
Louisiana:	Secretary of State
Maine:	Secretary of State
Maryland:	Administer of Elections
Massachusetts:	Secretary of State
Michigan:	Secretary of State
Minnesota:	Secretary of State
Mississippi:	Secretary of State
Missouri:	Secretary of State
Montana:	Secretary of State
Nebraska:	Secretary of State
Nevada:	Secretary of State
New Hampshire:	Secretary of State
New Jersey:	Attorney General
New Mexico:	Secretary of State
New York:	Executive Director, State Board of Elections
North Carolina:	Executive Director, State Election Board
North Dakota:	Secretary of State
Ohio:	Secretary of State
Oklahoma:	Secretary, State Election Board
Oregon:	Secretary of State
Pennsylvania:	Secretary of State
Rhode Island:	Executive Director, State Board of Elections
South Carolina:	Executive Director, State Board of Elections
South Dakota:	Secretary of State
Tennessee:	Secretary of State
Texas:	Secretary of State
Utah:	Lt. Governor
Vermont:	Secretary of State
Virginia:	Secretary, State Board of Elections
Washington:	Secretary of State
West Virginia:	Secretary of State
Wisconsin:	Chair, State Elections Board
Wyoming:	Secretary of State

State Voter Registration Deadlines
 From the United States Election Assistance Commission Website:
www.eac.gov

Alabama	Voter registration is closed during the 10 days preceding an election. Applications must be postmarked or delivered by the 11th day prior to the election.
Alaska	30 days before the election.
Arizona	29 days before the election.
Arkansas	30 days before the election.
California	15 days before the election.
Colorado	29 days before the election. If the application is received in the mails without a postmark, it must be received within five days of the close of registration.
Connecticut	14 days before the election; seven days for in-person registration.
Delaware	20 days prior to the general election and 20 days prior to any primary election.
District of Columbia	30 days before the election.
Florida	29 days before the election.
Georgia	The fifth Monday before any general primary, general election, or presidential preference primary, or regularly scheduled special election pursuant to the Georgia Election Code. In the event that a special election is scheduled on a date other than those dates prescribed by the Georgia Election Code, registration would close on the fifth day after the call for that election.
Hawaii	30 days before the election.
Idaho	25 days before the election.
Illinois	28 days prior to each election.
Indiana	29 days before the election.
Iowa	Must be delivered by 5 p.m. 10 days before the election, if it is a state primary or general election; 11 days before all others. Registration forms which are postmarked 15 or more days before an election are considered on time even if received after the deadline.

An ACLU/Right to Vote Report

Kansas	Delivered 15 days before the election.
Kentucky	29 days before the election.
Louisiana	30 days before the election.
Maine	Delivered 10 business days before the election (or a voter may register <i>in-person</i> up to and including election day).
Maryland	9:00 p.m. 21 days before the election.
Massachusetts	20 days before the election.
Michigan	30 days before the election.
Minnesota	Delivered by 5:00 p.m. 21 days before the election (there is also election day registration at polling places).
Mississippi	30 days before the election.
Missouri	28 days before the election.
Montana	30 days before the election.
Nebraska	The third Friday before the election (or delivered by 6 p.m. on the second Friday before the election).
Nevada	9:00 p.m. on the fifth Saturday before any primary or general election. 9:00 p.m. on the third Saturday before any recall or special election. However, if a recall or special election is held on the same day as a primary or general election, the registration closes at 9:00 p.m. on the fifth Saturday before Election Day.
New Hampshire	New Hampshire town and city clerks will accept the application only as a request for their own absentee voter mail-in registration form, which must be received by your city or town clerk by 10 days before the election.
New Jersey	29 days before the election.
New Mexico	28 days before the election.
New York	25 days before the election.
North Carolina	Postmarked 25 days before the election, or received in the elections office or designated voter registration agency site by 5:00 p.m., 25 days before the election.
North Dakota	North Dakota does not require voters to register before voting. You simply need to be a U.S. citizen, at least 18 years old, on the day of an

Voting While Incarcerated

	election; a legal North Dakota resident; and a resident in the precinct for 30 days preceding the election.
Ohio	30 days before the election.
Oklahoma	25 days before the election.
Oregon	21 days before the election.
Pennsylvania	30 days before an election or primary.
Rhode Island	30 days before the election.
South Carolina	30 days before the election.
South Dakota	Received 15 days before the election.
Tennessee	30 days before the election.
Texas	30 days before the election.
Utah	20 days before the election.
Vermont	Delivered to the town clerk before 12:00 noon on the second Saturday before the election.
Virginia	Delivered 29 days before the election.
Washington	30 days before the election (or delivered in-person to the local voter registration office 15 days before the election).
West Virginia	20 days before the election.
Wisconsin	For municipalities where voter registration is required, 13 days before the election (or completed in the local voter registration office up to 5:00 pm. one day before the election, or completed at the polling place on Election Day).
Wyoming	You can vote without registering in Wyoming. You can register on Election Day.

1999 Jail Census Data by State⁴

<u>Region and Jurisdiction</u>	<u>Number Confined</u> (Excluding jail population under community supervision)
Northeast	90,716
Maine	1,113
Massachusetts	10,774
New Hampshire	1,592
New Jersey	16,830
New York	33,411
Pennsylvania	25,996
Midwest	97,652
Illinois	16,880
Indiana	12,787
Iowa	2,998
Kansas	4,378
Michigan	15,629
Minnesota	5,002
Missouri	6,940
Nebraska	2,189
North Dakota	588
Ohio	16,638
South Dakota	1,064
Wisconsin	12,559
South	284,742
Alabama	11,418
Arkansas	4,832
District of Columbia	1,653
Florida	51,080
Georgia	32,835
Kentucky	10,373
Louisiana	25,631
Maryland	10,935
Mississippi	8,886
North Carolina	13,279
Oklahoma	6,743
South Carolina	8,780
Tennessee	19,629
Texas	57,930
Virginia	18,235
West Virginia	2,493
West	132,833
Arizona	10,320
California	77,142
Colorado	9,004
Idaho	2,809
Montana	1,521
Nevada	4,898
New Mexico	5,217
Oregon	6,283
Utah	4,024
Washington	10,542
Wyoming	1,005

⁴ 1999 Census of Jails, conducted for the U.S. Department of Justice, Bureau of Justice Statistics by the U.S. Census Bureau. Excluded were Connecticut, Delaware, Hawaii, Rhode Island, Vermont and Alaska because these jurisdictions have state-operated integrated jail/prison systems. The census of jails is conducted every five or six years, and was last conducted in 1999. This document can also be found at <http://www.ojp.usdoj.gov/bjs/pub/pdf/cj99.pdf>

Media Coverage

Honolulu Advertiser, The (HI)

August 6, 2004

Pretrial inmates settle in vote case

BY KEN KOBAYASHI,
Advertiser Courts Writer

On the day of the 2000 general election, William Remmers Jr. was being held at the O'ahu Community Correctional Center awaiting trial on a felony drunken driving charge. He had signed up to vote, but when he asked for a ballot, the prison staff told him they didn't have one and to file a grievance.

Remmers did more than that. With the encouragement of late U.S. Rep. Patsy Mink and with help of the American Civil Liberties Union of Hawai'i, Remmers filed a lawsuit in 2002 alleging violations of the constitutional right to vote for him and at least 10 other inmates.

Recently, the ACLU and the state reached an out-of-court settlement that would pay up to \$5,000 to Remmers and other OCCC

pretrial detainees who were denied a chance to vote in the 2000 elections.

The maximum amount for any detainee would be \$1,000.

"They know the rules and regulations and they got caught and it costs taxpayers money," Remmers, 47, a Pälolo resident, said yesterday. "It's kinda ignorant that with all the rules and regulations they are well aware of, they don't abide by them."

The settlement also calls for state prison officials to ensure that people in jail awaiting trial will be able to vote in future elections. The settlement must be approved by a federal judge Nov. 16, but state officials say they will be making sure detainees will be able to vote by mail in the Sept. 18 and Nov. 2 elections.

Under the law, felons serving prison time aren't enti-

led to vote, but Remmers and the other detainees were awaiting trial and had not been convicted of the charges.

Although OCCC held more than 600 pretrial detainees in 2000, only a handful who expressed a desire to vote and qualified to vote would be entitled to part of the \$5,000. Ronald Vega, the Honolulu lawyer who filed the suit in behalf of Remmers and the ACLU, estimated that only a few dozen might qualify.

"I think it's fair," Vega said yesterday. "I think the ACLU achieved what they set out to achieve and in the future the rights of pre-trial detainees to vote will be preserved."

John Cregor, state deputy attorney general who estimated about 30 detainees might qualify, also called the settlement "fair." He said a "last-minute

procedural problem developed" that included prison officials not getting certified people to assist in the voting.

"Obviously, something went wrong," he said. "The buck stops at the state so we're standing up to our responsibility."

He said the state felt the \$5,000 was reasonable. Court cases indicate the denial of a right to vote requires more than "nominal" compensation and they suggest it ranges from \$100 to \$1,000 for each person, he said.

Remmers was convicted later in November 2000 of

the DUI charge, a felony because it was his third offense. He spent a year in jail and said he won't be able to vote this fall because his probation won't be completed until next year. But he intends to vote in 2006.

A heavy equipment operator and a graduate student in global management at the University of Phoenix here, Remmers said he's been sober for five years and regrets the drinking that landed him in jail. "It caused too much pain and drama," he said.

But he has no regrets about his suit. "I just wanted to

show the public they should be doing the right thing," he said.

A legal notice has been published asking anyone who wants to be part of the settlement to call Vega's office at 524-2000.

Reach Ken Kobayashi at kkobayashi@honoluluadvertiser.com or 525-8030.

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**OHIO FREE THE
VOTE COALITION**

**CAN I VOTE IF I'VE
BEEN TO PRISON? YES.**

**ENCOURAGING FORMERLY
INCARCERATED OHIOANS TO
REGISTER AND VOTE**

People who have been convicted of a felony under state or federal law can vote in Ohio if they are not currently in prison serving a felony sentence.

Ohioans can vote even if they are on probation or parole. Also, those who are in jail waiting for trial, or serving a sentence for a misdemeanor can register and vote by absentee ballot. (See Ohio Revised Code 2961.01).

Just register to vote at a local voter registration site or by mail. Then vote. People who registered to vote and were later convicted of a felony may simply re-register upon release.



Local voter registration locations include any public library, any public high school or vocational school, the County Board of Elections, or any Bureau of Motor Vehicles office.

Elections contact information: CUYAHOGA CTY. BD. OF ELECTIONS, 2925 Euclid Ave., Cleveland, OH 44115-2497, (216) 443-3200. For other county boards of elections, consult your telephone directory in the county government section, or call the Ohio Free the Vote Coalition.

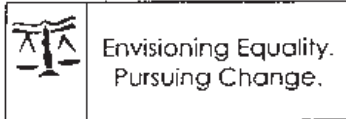
2401 Superior Viaduct
Cleveland, Ohio 44113
Phone: 216.253.VOTE
Fax: 216.241.5347
Email: vote@ohiofreethevote.org
www.ohiofreethevote.org

Coalition Partners

The New Future Outlook League • The Racial Fairness Project • The Norman S. Minor Bar Association
Omega Psi Phi Fraternity, Zeta Omega Chapter • Community Re-Entry, Inc. • Greater Cleveland Council
of Mosques • Peace in the Hood • United Church of Christ • Christian Legal Services of Cleveland
Commission on Catholic Community Action of Cuyahoga County • League of Women Voters of Cleveland
Educational Fund • Office of Hispanic Ministry, Diocese of Cleveland • Greater Cleveland Voter Registra-
tion Coalition • NAACP Branch-Cleveland • The Puerto Rico Federal Affairs Administration

The Ohio Free the Vote Coalition is funded in part through a grant from the Ohio State Bar Foundation and administered by The Racial Fairness Project.

The Racial Fairness Project



2401 Superior
Viaduct
Cleveland, Ohio
44113

Phone: 216.323.9116
Fax: 216.241.5347

info@racialfairness.org
www.racialfairness.org

Felony Disenfranchisement in Ohio

More information: www.ohiofreethevote.org

Volunteer: www.racialfairness.org/voterhelpinghand.htm.

Ohio Revised Code: The Ohio statute on felony disenfranchisement, Ohio Revised Code 2961.01, excludes from voting only those who are currently serving a felony sentence of incarceration.¹

What is jail? What is prison? Most people who are serving a felony sentence of incarceration are in prison (one of 33 facilities run by the Ohio Department of Rehabilitation and Correction²). Most of the people in jail (county or city run facilities) are waiting for trial or serving a sentence for a misdemeanor.³

Who can vote? People can vote if they are registered and:

- In jail, waiting for trial.
- In jail, serving a sentence for a misdemeanor.
- On probation.
- On parole (a.k.a. community control sanctions).
- Have been convicted in the past, but have completed their sentences or been pardoned.

How many people are disenfranchised due to incarceration?

- Approximately 44,000 people are in prison in Ohio, and therefore disenfranchised.⁴ Ohio has one of the biggest prison populations in the country.⁵
- African Americans are 49% of people in prison, and Whites are 48%. Hispanics are less than 2%, and American Indians, Asians and Others are just over 1%.⁶
- Compared to the TOTAL Ohio population of each racial or ethnic group⁷, about 1 in 60 African Americans are disenfranchised, as are 1 in 245 Hispanics and 1 in 326 American Indians, while only 1 in 447 whites are disenfranchised.

Do people who have been convicted of felonies know what their voting rights are? Generally, no. Voting rights law varies from state to state, which makes it confusing.⁸ This is a significant problem since approximately 25,000 people are released from prison annually. About 32,000 people are on state supervised probation or parole in Ohio,⁹ and thousands more are under county supervised probation.

Are people in jail able to exercise their voting rights? Generally, no. Most boards of elections and city and county jails are not working together to ensure access to voting among people who are in jail waiting for trial or serving a sentence for a misdemeanor. Legally, people can register and vote from jail by absentee ballot, but few have the information, stamps, envelopes and pens necessary to do so. There were over 14,000 people in Ohio jails in 1997.¹⁰

¹ See Anderson's Ohio Online Documents, at <http://online.ohdocs.andersonpublishing.com>. See also Ohio Constitution Section 5.04, online at <http://www.legislature.state.oh.us/constitution.cfm?Part=5&Section=04>.

² See Ohio Department of Rehabilitation and Correction, <http://www.drc.state.oh.us/>.

³ See, for example, the Cuyahoga County Corrections Center, <http://www.cuyahoga.oh.us/sheriff/center.htm>.

⁴ DEPARTMENT OF REHABILITATION AND CORRECTION, MASTER POPULATION COUNT, January 1, 2004, online at <http://www.drc.state.oh.us/web/Reports/mPOP%20COUNT%20for%20quarter%202003.pdf>.

⁵ "Prisoners in 2000, United States Bureau of Research Bulletin, August 2001, NCJ 188207, online at <http://www.oip.usdoj.gov/bjs/pub/pdf/p00.pdf>.

⁶ Ohio Department of Rehabilitation and Correction MONTHLY PROGRESS REPORT FOR FEBRUARY, 2004, <http://www.drc.state.oh.us/web/Reports/Monthly/mstf04.pdf>.

⁷ United States Census Bureau 2000 data, Population by Race and Hispanic or Latino origin, online at http://factfinder.census.gov/servlet/BasicfactsTable?_lang=en&_vt_name=DHC_2000_P1_U_GCTP1_5T2&_geo_id=04000US39.

⁸ See The Sentencing Project, at www.sentencingproject.org for information about felony disenfranchisement across the country.

⁹ See Master Population Count, Note 4.

¹⁰ STATE OF OHIO ANNUAL JAIL REPORT: 1997, online at <http://www.drc.state.oh.us/web/badannual.pdf>.

JAIL BASED VOTER REGISTRATION TALKING POINTS

- Introduce yourself (first name) and tell them you are with the Ohio Free The Vote Coalition.
- We are here partly because we want to know if you know what your voting rights are...
- Can you vote if you are in jail? YES.
- In Ohio, as long as you are not currently serving time for a felony conviction, you can vote.
- You can vote if:
 - You are in jail on a misdemeanor
 - On parole
 - On probation
 - Waiting for trial for a misdemeanor or felony
 - As long as you are not currently serving time for a felony CONVICTION.
- We are here today because we think it is important that you know what your voting rights are. You should have a say in who our leaders are, the people who make and enforce the laws that affect you and your families. You all know some things that other people don't know about the system and we think your voice should be heard.
- If you would like to register to vote, come see our volunteers. We have voter registration forms and absentee ballot request forms so you can vote even if you are not at home during the election. The forms have to be filled out in pen, so come see our volunteers who will help you get registered to vote and answer any questions you have about the process. All of you will get the forms you need. Those who see us can use our pens and have their forms turned in directly.

TOPICS OF INTEREST (feel it out)

- Approximately 44,000 people are in prison in Ohio, and therefore disenfranchised. Ohio has one of the biggest prison populations in the country.
- African Americans are 49% of people in prison, and Whites are 48%. Hispanics are less than 2%, and American Indians, Asians and Others are just over 1%.
- Compared to the TOTAL Ohio population of each racial or ethnic group, about 1 in 60 African Americans are disenfranchised, as are 1 in 245 Hispanics and 1 in 326 American Indians, while only 1 in 447 whites are disenfranchised.
- The idea of disenfranchising people in jail started around the end of slavery when some people were nervous about letting black people vote.
- The only two states that allow convicted felons to vote are Maine and Vermont, two states with VERY low minority populations.
- Eight states completely disenfranchise felons.
- Laws regarding incarcerated people's voting rights vary from state to state, and most people are not aware of what their voting rights are.



NAACP VOTER EMPOWERMENT PROGRAM

There are many people who fail to go through the necessary procedures to become registered voters. Numbered among this group are those who continue to say, "My one vote won't count."

LET US SHOW YOU HOW ONE VOTE DOES COUNT:

- Thomas Jefferson won the American presidency over Aaron Burr, **by one vote**, when the election was thrown into the House of Representatives.
- John Quincy Adams became President, **by one vote**, in a deadlock over the electoral votes of several states.
- Rutherford B. Hayes became President in 1876, **by one vote**.
- Charles I of England was executed in 1649.
- Oliver Cromwell won control of England in 1645.
- Texas was admitted to the Union in 1845, **by one vote**.
- President Andrew Johnson was saved from impeachment **by one vote**.
- The English language was chosen over German for Americans in 1775 **by one vote**.
- Washington, Oregon, and Idaho became a part of the United States, **by one vote**.
- France was changed from a monarchy to a republic in 1875 **by one vote**.
- Marcus Morton became Governor of Massachusetts in 1839 **by one vote**.
- A Texas convention voted for Lyndon B. Johnson over ex-Governor Coke Stevens in a contested Senatorial election in 1948, **by a one vote margin**.
- **If one more person in ten Cook County (Illinois) precincts** had voted for Richard M. Nixon in 1960, John F. Kennedy would not have been elected President.
- In the 1976 presidential contest a switch of fewer than 10,000 votes in Ohio and Hawaii, out of all the 80 million votes cast nationally, would have reversed the outcome, giving Jerry Ford a 270-268 electoral vote victory.
and
- Our own President and CEO, Kweisi Mfume, began his rise to national prominence when he won a seat on the Baltimore City Council **by just three votes**.

You still think your vote can't make a difference? If you care about education, health care, crimes and drugs in our community, affirmative action, jobs and business, senior issues, or anything else regulated or controlled by government: You must vote! **Voting is not just your right...it's your responsibility.**

Multilingual Voting Material

Registered voters have the right to receive their election material in one of six languages other than English.

In accordance with federal and state law, Los Angeles County provides election material in the following languages: Chinese, Japanese, Korean, Spanish, Tagalog and Vietnamese.

Why Vote ?



- ◆ Many inmates are not aware of the fact that they may be eligible to register and vote in California elections.
- ◆ There are issues on the election ballot that may affect inmates and their families. Inmates are encouraged to exercise their voting rights to express opinions on those issues.
- ◆ Contrary to popular belief, persons who have been convicted of a felony in California may be eligible to register and vote after they have served their sentence and are no longer on parole.

Check List



- Submit an Inmate Request Form
- Complete a Voter Registration Card, if necessary
- Complete an application for an Absentee Ballot, if necessary
- Get to know the candidates and issues
- Make your voice heard: **VOTE!**



Conny B. McCormack
Registrar-Recorder/County Clerk
Los Angeles County

Guide to Inmate Voting



Los Angeles County
Registrar-Recorder/
County Clerk

Voter Registration Requirements

If you are an inmate in a Los Angeles County Jail and want to register to vote, you must meet the criteria below:

- ◆ Be a citizen of the United States;
- ◆ Be a resident of Los Angeles County*;
- ◆ Be at least 18 years of age at the time of the next election.

You can *still* register to vote if you:

- ◆ Are awaiting or on trial for any crime and not yet convicted;
- ◆ Have completed a sentence for a felony conviction.

You *cannot* register to vote if you are an inmate who is:

- ◆ Currently convicted of a felony;
- ◆ Currently on parole;
- ◆ Declared mentally incompetent by a court.



How to Register to Vote

You may register to vote by completing a Voter Registration Card/Affidavit. Registration Cards may be obtained by using an Inmate Request Form. Under "Other" on this form write **Voter Registration Card**. When filling out the card, use your permanent/home residence address. You may register with one of seven qualified political parties: American Independent, Democratic, Green, Libertarian, Natural Law, Peace and Freedom, Republican.

Once the Voter Registration Card has been processed, a postcard will be mailed to your home/residence address stating that you are now registered. You may register to vote at any time, but to be eligible for an upcoming

election you must register **fifteen (15) days** before that specific election.

Absentee/ Vote-by-Mail

You must be registered to vote before applying for an Absentee/Vote-by-Mail Ballot. If you think you will be in custody on election day, you must request an Application for an Absentee Ballot when you request your Voter Registration Card. Under "Other" write Application for an Absentee Ballot. Use this as your jail mailing address:

P. O. Box 86164
Terminal Annex / Booking #
Los Angeles, CA 90086-0164

The Registrar-Recorder/County Clerk must receive your Application for an Absentee Ballot either at the same time as your Voter Registration Card **OR** after. Choose one of the following two options:

Option 1: Place the Voter Registration Card and the Application for an Absentee Ballot **TOGETHER** in a stamped envelope and mail to:

Registrar-Recorder/County Clerk
Absent Voters Section
PO Box 30450
Los Angeles, CA 90030-0450

Option 2: Wait at least **ONE WEEK** after you mail your Voter Registration Card to mail your Application for an Absentee Ballot. Place the application in a stamped envelope. Do not seal the envelope. Place it in the mail.

◆ It is best to send your Application for an Absentee Ballot two (2) months before an election. Seven (7) days prior to an election is the last day to submit an application for an Absentee Ballot.

◆ A new Application for an Absentee Ballot is required for every election.

◆ Voted ballots must be returned by mail and received by 8:00 p.m. on Election Day. Postmarks on late ballots **are not** acceptable.

◆ Remember to sign the back of the Absentee Ballot Return Envelope to ensure your vote is counted.



Release from Custody

If you send in an Application for an Absentee Ballot, but are released before you receive your ballot, you can still vote! Just go to the polling place for your home address (if you don't know the location, you can check online at www.lavote.net) and say that you did not receive your Absentee Ballot and want to vote **PROVISIONALLY**.

Re-Registering to Vote

You should re-register* if you have:

- ◆ Changed your permanent address;
- ◆ Changed your name;
- ◆ Changed your political party;
- ◆ Completed a felony sentence and are not on parole;
- ◆ Completed parole.

When you are released from your custodial facility you should re-register if your permanent address changes so that election material can be mailed to you at the correct address. Otherwise, your election material may be sent to a custodial facility or returned to the County Elections Office as undeliverable mail.

*Be sure to include any prior registration information on the Voter Registration Card to assist with locating your record and preventing duplicate registrations.

YOUR PENNSYLVANIA VOTING RIGHTS

- You have the right to vote while incarcerated and awaiting trial.
- You have the right to vote while serving time for a misdemeanor.
- You have the right to vote while on probation or on parole.
- You have the right to vote if you have been convicted of a felony and released.

SPONSORS

- Office of Community Outreach, Justice and Responsibility
- Centro Pedro Claver

CHANGE IN VOTING LAWS

As of 2000, the following qualification no longer applies: Must not have been confined in a penal institution for the conviction of a felony within the last five years.

Ex-felons have the right to vote upon release!

CONTACT INFO

**Philadelphia
Jail-Based
Voter
Registration
and
Education
Program**

KNOW YOUR RIGHTS

AND VOTE

PENNSYLVANIA VOTING RIGHTS

JUNE 2004

**TO REGISTER IN
PENNSYLVANIA, YOU MUST**

BE:

- A U.S. Citizen
- At least 18 years old by Election Day-- November 2nd, 2004
- A resident of Pennsylvania and your election district for at least 30 days before the next election.

**10 REASONS YOUR VOTE
MATTERS:**

- 1) 537 votes decided the 2000 Presidential Election. Every vote really counts.
- 2) Because it is your fundamental right as an American, and the most basic means by which you have a voice in how our democracy and government works.
- 3) Voting is an act of civic participation. When you vote, you are actively taking responsibility for what happens in the future.
- 4) When you vote, you are taking part in electing officials, judges and administrators who make the laws, uphold the constitution and decide how to interpret your rights.
- 5) When you vote, you are deciding how tax dollars are spent.
- 6) By voting, you demand that the government provide adequate social services and access to affordable housing, healthcare, education and jobs.
- 7) Many elections have been decided by a few votes. In 1948, Lyndon B. Johnson, our 36th President, became a U.S. Senator by a ONE vote margin. In 1960, John F. Kennedy won victory over Richard Nixon with less than ONE vote per precinct.
- 8) When you vote, you to take a stand on all the issues that affect the way we live our lives—the war in Iraq, healthcare, prison reform, campaign finance reform, the environment and many other important topics.
- 9) Voting is one way to ensure that the war on crime and drugs is fought in a way that encourages community revitalization.
- 10) Voting is representation.
It is your voice.
It is your power.
It is your right.

People have died in order that you have the right to vote.

We hope you will exercise that right January 13th in the first presidential primary in the nation.

This Friday, December 12, from 11AM - 2PM, volunteers from the DC Board of Elections and Ethics will be registering eligible voters in the jail. They will also be helping you to request an absentee ballot.

The FAIR Way to Vote in Jail.

F=FELONY

Only those presently serving a sentence for a felony can vote. Thus, if you are a citizen, you CAN VOTE IF:

- 1) you are awaiting trial for a different felony
- 2) you are serving a sentence for a misdemeanor even though you have past felony convictions
- 3) you are in jail awaiting a revocation of a parole hearing

A=AGE

You can vote if you are 18 years old by the date of the election. (January 13, 2004.)

I=Incompetent

You can vote if you have not been adjudged mentally incompetent by a court.

R=Residence

Finally, you CAN VOTE if you have maintained your residence in DC 30 days before the election. The jail can be counted as a residence if you have no other residence in DC. If this is so, write this address: 1901 D. St. SE, Washington, DC 20003 on the registration form if you will probably be in jail at the time of the election on January 13th.

IN A DEMOCRACY VOTING IS A SACRED DUTY!

