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Jail-Based Voter Registration Campaigns

May 2003

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The Sentencing Project is a national non-profit organization engaged in research and advocacy on criminal justice issues. Funding from the Ford Foundation and individual contributors supported research, writing, and publication of this report.

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JAIL-BASED VOTER REGISTRATION CAMPAIGNS

The more than four million Americans who are unable to vote due to a felony conviction include persons on probation or parole, in prison, and in some states, persons who have completed a felony sentence. The vast majority of the 665,000 inmates in local jails, though, are legally eligible to vote. This is because most of these persons are awaiting trial, with substantial additional numbers serving misdemeanor sentences, which do not result in disenfranchisement.

Despite the fact that most jail inmates are eligible to register to vote, it is believed that relatively few actually do so. Much of this is due to the logistical difficulties involved. Jail inmates obviously cannot go to a registrar's office to obtain registration forms and for those who are already registered, obtaining an absentee ballot while incarcerated can be difficult as well. These obstacles disproportionately affect communities of color since 58% of jail inmates nationally are African American and Hispanic.

In order to address these issues, several campaigns have been undertaken in recent years designed to inform jail inmates of their voting rights and to enable inmates to register to vote. This briefing paper highlights four such campaigns – Albany, New York; Baltimore, Maryland; Philadelphia, Pennsylvania; and Washington, D.C. – in which organizations working both inside and outside jail systems have successfully accomplished voter registration.

Baltimore City Jail — CURE

Citizens United for Rehabilitation of Errants (CURE) is a national grass-roots organization dedicated to lessening the country's reliance on incarceration and expanding rehabilitative opportunities inside correctional facilities. Charles Sullivan, co-founder and co-director of CURE, has initiated voter registration campaigns in the Baltimore City jail. After meeting with the Director of the Maryland State Administrative Board of Election Laws and the Attorney General's Office, Sullivan gained the approval of Secretary of Corrections Stuart Simms to begin the registration of prisoners in the Baltimore City Jail.

Sullivan became an official Voter Registration Volunteer (VRV) for the state of Maryland by taking a short class from the Board of Elections. In Maryland, a VRV is allowed to certify any person over the age of 18 to also become an official VRV simply by explaining the procedures on how to register voters and issuing a certificate. The Inmate Council members, inmates and jail staff who help provide inmate services, were then certified by Sullivan as VRVs so that they could register the inmates in their respective cell blocks. After the inmates had completed the registration forms, they were collected by the inmate VRVs and submitted to the staff of either the Inmate Council or the chaplain's staff. The staffers then ensured that the forms were delivered, either by hand or by mail, to the official registration offices. According to Sullivan, being permitted to certify and enlist the Inmate Council members as VRVs was key to the effort since a lack of access as well as legitimate safety concerns restrict outside volunteers from effectively working directly with inmates.

Sullivan has held these jail registration initiatives three times, twice with men and once with women, with each occurring immediately before an election. In all, hundreds of inmates were registered to vote. In Maryland, pre-trial detainees, persons serving misdemeanor sentences, and persons who have completed their first felony sentence but are awaiting trial for their second felony offense, can all legally register to vote. It is not known how many actually voted since inmates must mail a request for an absentee ballot in order to vote from jail. Sullivan emphasizes that there must be a concerted effort to follow up in the jail, with flyers, posters, etc., to remind prisoners to request the absentee ballot.

Albany, NY — Center for Law and Justice

The Center for Law and Justice is a community-based organization in Albany, New York that seeks to empower poor communities and communities of color to participate in the political process. One element of their work is to educate jail inmates and the public of their voting rights.

For the past several years, the Center for Law and Justice has carried out an education campaign during the summer before election time. The key feature of this effort is a pamphlet they produce which serves as a voting rights guide for inmates. The pamphlet is entitled *Your Right to Vote – for Individuals with Criminal Convictions and Those Detained in Jail/Prison*. It includes information on who is eligible to vote, how to register, voter registration deadlines, and instructions on how to obtain and complete absentee ballots.

To create the pamphlet, the Center for Law and Justice researched the voting laws particular to New York state, as each state establishes its own voting policies. After completing the pamphlet, the organization submitted it to the State Board of Elections in order to assure the accuracy of the information. Every summer, these pamphlets are distributed throughout each of the three county jails in the Capital District—about 500 pamphlets for each jail. The actual distribution is performed by the Inmate Services division of the jail administration. Inmate Services is a liaison between the inmates and government resources which serve the needs of the inmate population, such as transitional and legal services. Set up differently in each jail, Inmates Services consists either of a single individual inside the jail or an entity located elsewhere. Because of lack of access, however, the Center for Law and Justice has not been able to conduct a comprehensive follow-up on their efforts. As a result, it is not known how many inmates are actually registering or voting from jail using absentee ballots.

Since inmates in state prison are ineligible to vote, the Center for Law and Justice targets jails where many inmates, such as those awaiting trial, are eligible to vote while detained. The distribution of voting rights pamphlets is supplemented by education and advocacy work outside the jails. The Center for Law and Justice holds seminars at the public library so that community members can learn about their voting rights, or how to restore them. The Center has also collaborated with another community organization, One Hundred Black Men, to hold a forum dedicated to voting rights issues.

Washington, D.C. — CURE

In July 2002, Charles Sullivan implemented a registration initiative similar to the one in Baltimore at the District of Columbia Jail. He first met with the local election agency to understand the law as it applied to jail inmates. Next, the jail chaplain gained the approval of the warden to begin registering inmates. The chaplain also recruited volunteers who had been volunteer ministers for the prisoners. These volunteers were effective colleagues because they already had a relationship with many of the prisoners. Sullivan ensured that anyone filling out a registration form also completed a request for an absentee ballot, with the hope that inmates would vote once they were registered. An absentee ballot request, however, may not be submitted until the voter registration form is processed and the individual is officially on the voter roll—a process generally taking 19 days. In Washington DC, jail inmates are eligible to register as long as they are not currently serving a felony sentence, even if they have prior felony convictions or are awaiting trial for a felony offense. Sullivan registered 75 prisoners in the District of Columbia jail, approximately 10% of those eligible.

The primary motive of Sullivan's efforts is to show that since most jail inmates are serving misdemeanor sentences or awaiting trial and are thus eligible to vote, America's jail population represents a legitimate political constituency. Moreover, the inmates of the Baltimore and District of Columbia jails are from predominantly low-income families—many are in jail, after all, because they cannot afford bail—and African American communities. The voting strength of minority and low-income communities is most certainly diluted by not encouraging and facilitating voting by eligible inmates. CURE also sees voting as a rehabilitative act because it gives inmates something to contribute to our democracy and to themselves. Sullivan feels that the biggest obstacle he faces with the jail registration initiative is prisoners' attitude towards and knowledge of their voting rights. Most feel too alienated from society to believe that voting is relevant to their lives, or otherwise feel somehow unworthy of voting. Many simply had no idea they were legally eligible to register and vote.

Philadelphia Jails — Jewish Employment and Vocational Service

John Lieb is the Director of the Jewish Employment and Vocational Service's (JEVS) prison program. The program administers vocational training courses in the Philadelphia Jail that cover a wide range of subjects—from computers and carpentry to welding and horticulture. The Philadelphia jail is actually a complex of four jails with a total population of about 8,000 inmates. Throughout the course of a year, roughly 42,000 people are detained there. In the Philadelphia jail system, approximately 70% of the population are pre-trial detainees, and thus are eligible to register and to vote. Pennsylvania law prohibits anyone serving a prison sentence to vote.

In 2002, in a unique occurrence, the warden requested that a voter registration initiative begin in one of the four jail buildings. A meeting attended by the warden, John Lieb, and the jail's Block Representatives—inmates who serve as a liaison to the administration—was held in order to organize the initiative. John Lieb would be responsible for procuring the voter registration forms from the local Elections Commission, delivering them to the prison, and then bringing them back to the Elections Commission once they were completed by the inmates. The Block Representatives would perform the actual registrations. At the meeting, they received instructions on how to use the registration forms to register their fellow inmates. They then took the 1,000 registration forms Lieb had brought into the jail and proceeded to register the inmates in their respective cellblocks. In just one day, 700 new registrations were obtained.

John Lieb has incorporated registering to vote and using absentee ballots as part of his vocational training program. Participants in his vocational programs can register and learn how to request absentee ballot forms which are required for voting from jail. About 100 inmates register each month in this manner. Lieb is also working to institute a standardized procedure for inmate registration in which any inmate admitted to the jail would automatically be registered—in the same way that the “Motor Voter” legislation allows drivers to automatically register to vote when they obtain their driver's license. Lieb envisions voting machines being brought into the jails at some point in the future, an event, he says, that would finally recognize the inmate population as a legitimate voting sector.

According to Lieb, several factors were key to the success of the original voting drive: a supportive warden, designated inmate liaisons, and an insider (such as himself) who can do the organizing and the paperwork so that the burden doesn't fall on the jail's administrative staff. Something the jail is missing, however, is an effective system of ensuring that absentee ballot forms are submitted during elections. Currently, there is no individual who is available to physically deliver the ballots to the Election Commissioner, severely impeding an inmate's ability to vote from jail.

When inmates register to vote, Lieb considers it to be a rehabilitative act, a constructive movement towards a positive reintegration into society. Furthermore, voter registration in jails helps to correct the socioeconomic discrimination and marginalization to which many inmates are subjected—generally, those persons too poor to afford bail must remain behind bars awaiting their trial. The appeal of a voter registration initiative like the one John Lieb carries out at the Philadelphia jail is not only that voting helps to rehabilitate or that it gives a political voice to a marginalized population, but it requires no additional funds from the state to administer it.