

VOTE

# **Ensuring the Right to Vote:**

## **How to Expand Voting Access in Michigan Jails**

An issue brief by



[www.nationoutside.org](http://www.nationoutside.org)



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# Ensuring the Right to Vote: How to Expand Voting Access in Michigan Jails

Voting Access for All Coalition  
Nation Outside  
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“It is important [that people in pretrial detention vote] because that population is most impacted by the laws, policies, and practices that are enforced or pushed by our politicians. Most times, laws and policies affect them more than individuals who are walking in our community on a daily basis.”

– Percy Glover, Genesee County Jail Voting Ambassador,  
member of Nation Outside, & formerly incarcerated voter

“Basic human rights include more than food, water and shelter. Dignity, justice and your constitutional right to vote must never be compromised.”

– Genesee County Sheriff Christopher R. Swanson

# Executive Summary

In Michigan and across the country, people who are incarcerated in pretrial detention retain their right to vote. However, the stark realities of incarceration make it difficult and oftentimes impossible for jailed voters to exercise this right. We call this jail-based disenfranchisement. Through this report, we hope to reduce jail-based disenfranchisement by offering advocates, lawmakers, sheriffs, clerks, and other local officials the information and tools they need to address this issue in their communities.

Our democracy works best when all voters can participate. Michigan can and should take steps to ensure that eligible incarcerated voters can exercise their political voices alongside citizens on the outside. Challenges to casting a ballot while incarcerated and awaiting trial include: confusion and misunderstanding of Michigan voting laws; difficulty in obtaining information about upcoming elections, which is often distributed online and requires internet access; problems in obtaining materials required to register and cast a ballot; lack of accessibility for jailed voters to register and cast a ballot in a timely manner; mail restrictions and delays experienced by the mail systems in the jails, and the United States Postal Service; lack of Election Day voting opportunities inside county

jails; and a lack of assistance for people trying to register to vote and cast their ballots.

To combat challenges in casting a ballot that jailed individuals who still retain their right to vote face, all Michigan jails should have policies, practices, and programming that provide for:

1. Voter Education
2. Voter Registration
3. Absentee Voting
4. Election Day or In-Person Voting
5. Partnerships and Collaboration
6. Transparency and Accountability

To better understand current voting infrastructure in Michigan, Freedom of Information Act (FOIA) requests were sent to all 83 Michigan county jails. Of those, 84% (70) responded, and of those counties that responded, 67 (80% of Michigan jails) have a jail where they hold individuals more than 72 hours. Notable findings from our survey include:

- Of the 67 counties that responded to our survey and have a jail in their county, over half (37 counties, 55% of respondents with county jails) have procedures of some kind for voting in jail.





- Of those 37 counties that have some procedures, 11 (16% of respondents with county jails) have their policy or procedures in writing; the remaining 26 do not.
- Counties that take some action to facilitate jail voting are most likely to focus their support in three areas: voter education, voter registration, and ensuring access to an absentee ballot. The areas for most improvement are facilitating voting on Election Day, collaboration and partnerships, and accountability and transparency.

Every person held in pretrial detention in Michigan has a right to cast a ballot in each election. Individuals are often unaware of this right or unable to access the resources and support they need to successfully vote. It is a failure of our democracy that thousands of these eligible voters are excluded from elections every year merely because they are overlooked and under-resourced.

Sheriffs and their staff are uniquely positioned to remove the barriers to the ballot box and create meaningful opportunities for jailed individuals to vote. It all begins with the recommendations detailed in this report. Michigan has the opportunity to establish itself as a national leader in this space; we can and should increase the number of counties that facilitate voting from jail and the depth of support provided to jailed voters.

We know many jails will be building civic engagement policies and programming from the ground up. We are here as a resource for sheriffs, clerks, advocates, or anyone else who hopes to join in the fight to end jail-based disenfranchisement and to empower currently incarcerated individuals. To learn more about how to support voting in Michigan jails or become advocates in current work, please reach out to us at [contact@votingaccessforall.org](mailto:contact@votingaccessforall.org).



*Democracies work best when all people who are eligible to vote have an opportunity to make their voice heard. In Michigan, jailed people who are awaiting trial have the right to vote, but many of them face steep challenges in accessing that right.*

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# Introduction

In Michigan and across the country, people who are incarcerated in pre-trial detention retain their right to vote.<sup>1</sup> In 1974, the United States Supreme Court affirmed that these eligible voters cannot be denied access to the ballot simply because they are incarcerated.<sup>2</sup>

However, the realities of incarceration and a lack of accessible election infrastructure can make it difficult or impossible for jailed voters to exercise this right.<sup>3</sup> This is known as jail-based disenfranchisement, and — if we fail to take action to address this issue now — thousands of eligible Michigan voters will continue to find themselves excluded next Election Day and beyond.

Democracy works best when all voters can participate. Michigan can and should take steps to ensure that eligible incarcerated voters can exercise their political voices alongside citizens on the outside. Specifically, we believe that, at a minimum, all Michigan jails should have policies, practices, and programming that provide for:

1. Voter Education
2. Voter Registration
3. Absentee Voting
4. Election Day or In-Person Voting
5. Partnerships and Collaboration
6. Transparency and Accountability

Through this report, we hope to reduce jail-based disenfranchisement by offering advocates, sheriffs, clerks, and other local officials the information and tools they need to address this issue in their communities. The report proceeds in three parts: first, it describes the

problem of jail-disenfranchisement, how it happens and who it impacts; next, it provides insights into how voting is facilitated in jails today and identifies best practices that can be replicated in jails across the state; and finally, it outlines concrete next steps that sheriffs and advocates can take to address this issue.

*“My first time voting was really exciting. I feel like people should be able to voice their opinions. I plan to continue voting.”*

*Jessica Herbst,  
34-year-old first-time voter at the  
Genesee County Jail*



An unidentified jailed voter casts a ballot in Michigan. Photo courtesy of Nation Outside.

<sup>1</sup> Mich. Comp. Laws Ann. § 168.492a (“An individual who is confined in a jail and who is otherwise a qualified elector may, before trial or sentence, register to vote. . . . An individual who is confined in a jail after being convicted and sentenced is not eligible to register to vote.”).

<sup>2</sup> O'Brien v. Skinner, 414 U.S. 524, 531 (1974).

<sup>3</sup> Dana Paikowsky, *Jails as Polling Places: Living Up to the Obligation to Enfranchise the Voters We Jail*, 54 Harv. C.R.-C.L. L. Rev. 829 (2019); Ginger Jackson-Gleich & Rev. Dr. S. Todd Yearly, *Eligible, but excluded: A guide to removing the barriers to jail voting*, Prison Policy Institute, [https://www.prisonpolicy.org/reports/jail\\_voting.html](https://www.prisonpolicy.org/reports/jail_voting.html) (last accessed June 6, 2021).

# Understanding the Problem: Jail-based Disenfranchisement in Michigan

## What Causes Jail-Based Disenfranchisement?

**M**ichigan law is clear: those held pre-trial in jail are entitled to vote. Although people in pretrial detention retain their voting rights, casting a ballot while incarcerated can be difficult or, at times, even impossible. There are several reasons for this.

First, many people — including sheriffs, election officials, and jailed voters themselves — do not know when and how contact with the criminal legal system may affect voter eligibility. This confusion is understandable. In Michigan, and in 47 other states, being convicted of a crime can affect voter eligibility in some circumstances, but these laws vary greatly state-to-state, which creates confusion and results in eligible voters not realizing that they can vote.<sup>4</sup>

Jailed voters are not only tasked with understanding how these complicated laws apply to them from behind jail walls, but they can be deterred by misinformation coming from jail staff or elections officials who themselves often do not understand the law. The stakes

are high. If a jailed voter makes a mistake and votes while ineligible, they may risk criminal consequences.

Second, even if jailed voters know they are eligible to vote, requesting and casting a ballot while incarcerated can be challenging if voters are not provided with sufficient support.

Common problems incarcerated voters face include:

- **Lack of Information:** People in jails often do not have access to the internet, now the source for news, voter guides, and other information that provides voters with crucial information about when elections are, whether they are eligible to vote, issues and candidates on the ballot, and forms to register to vote or apply for an absentee ballot. Voter services by either the Michigan Secretary of State or non-profits are predominantly online, which keeps them out of reach to those in jail without internet access.
- **Lack of Access to Necessary Materials:** People in jails also do not have access to the most basic things one needs to request and cast a ballot: stamps, pens/pencils, paper, and envelopes. Because jailed voters can't submit forms online, they also must obtain the paper registration and absentee ballot forms which are available only at the clerk's office. Their only option is to get assistance from guards or to follow existing jail policies — which can cause delays — to access these materials.

### Learn the Law

Michigan's law is unlike any other state's. In Michigan, criminal disenfranchisement laws strip people of their right to vote if they are serving a term of incarceration for any conviction, misdemeanor or felony, but automatically restores the right to vote upon release from imprisonment.

<sup>4</sup> Nicole Lewis and Andrew R. Calderon, *Millions of people with felonies can now vote after widespread reform. Most don't know it.*, USA TODAY (June 24, 2021), <https://www.usatoday.com/story/news/investigations/2021/06/23/push-voting-rights-still-leaves-many-former-felons-off-state-rolls/7654051002/>.

- **Lack of Accessibility:** Michigan has taken steps to make registration and voting more accessible to Michigan voters, but many of these tools are inaccessible to jailed voters. For example, though Michigan is a “same-day-registration” state — meaning it allows voters to register to vote on Election Day and still cast a ballot — jailed voters must submit their registration forms at least two weeks before Election Day.<sup>5</sup> This is because, in Michigan, if a person wants to register in the 14-day window before an election, they must do so in person to the clerk’s office in the city or township where they reside.<sup>6</sup> Similarly, though Michigan law allows for voters to return absentee ballots to drop boxes,<sup>7</sup> this option is closed to jailed voters who cannot leave the jail.
- **Mail Restrictions and Delays:** People in jails must rely heavily on the mail system to vote. Reliance on the mail can make timely submission of election materials challenging, especially because jailed voters’ election mail must pass through both the USPS and delay-prone jail mail systems. In fact, they must rely on the jail’s mail system three times: once to apply for an absentee ballot, once to receive their ballot, and again to submit their ballot. This means that jail voting could take a minimum of six weeks from initial request to having their ballot received. Jail mail systems also impose restrictions on the size and content of mail that can result in election mail or voter education materials being rejected or opened and inspected.
- **Lack of Election Day Voting Opportunities:** In Michigan, last minute voting is a right: people can request an absentee ballot at their clerk’s office until 5pm on the Friday before Election Day, or they can present themselves with ID in person to vote on Election Day. Neither of these options is open to those in jail unless an official voting location is set up within the jail.
- **Lack of Assistance:** As the above details show, voting is complicated. Outside of jail, many people seek assistance to register to vote or to get an absentee ballot, whether from their clerks or from local NGOs like the League of Women Voters or the NAACP. With the exception of a few counties, those in jail do not have access to assistance, and often find the system too difficult to negotiate alone. What’s more, incarcerated people disproportionately live with disabilities, mental health conditions, and literacy challenges.<sup>8</sup> These individuals often need additional assistance in completing their ballots and election forms, but this assistance is often out of reach.

## Who is impacted?

The impact of jail-based disenfranchisement in Michigan is significant. On average, more than 8,000 people are incarcerated in pretrial detention each day in Michigan.<sup>9</sup> Thus, each Election Day, thousands of eligible voters must overcome the barriers to the ballot box discussed in this report in order to exercise their constitutional right to vote.

<sup>5</sup> Mich. Comp. Laws Ann. § 168.497.

<sup>6</sup> *Id.* (“An individual who is not registered to vote...may apply for registration in person at the city or township clerk’s office of the city or township in which he or she resides from the fourteenth day before an election and continuing through the day of the election.”).

<sup>7</sup> Mich. Comp. Laws Ann. § 168.764a.

<sup>8</sup> See, e.g., Michigan Joint Task Force on Jail and Pretrial Incarceration, Report and Recommendations 1, 8, (Jan. 10, 2020) <https://courts.michigan.gov/News-Events/Documents/final/Jails%20Task%20Force%20Final%20Report%20and%20Recommendations.pdf> (finding that people admitted to jail with mental health disorders, “tended to stay in jail longer than people facing similar charges who did not have a serious mental illness”).

<sup>9</sup> Incarceration Trends in Michigan, VERA INST. OF JUST. 1, 1 (Dec. 2019). <https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-michigan.pdf>; See also, Michigan Joint Task Force on Jail and Pretrial Incarceration, *supra* note 8, at 7 (finding that The number of people in Michigan’s jails nearly tripled from an average daily population of 5,700 in 1975 to an average of 16,600 in 2016.”).



The population most affected by jail-based disenfranchisement also represents a cross section of historically marginalized voters. This is because Black people, people with disabilities, people experiencing economic instability, and people experiencing homelessness are overrepresented within Michigan jails. While Black people make up only 15% of the state's overall population, they account for 37% of the state's jail population.<sup>10</sup> These disparities are even worse in some parts of the state. In Wayne County, for example, where Black people account for 39% of the resident population, the County reported that Black people comprise approximately 70% of the jail population on any given day.<sup>11</sup> The same county is illustrative of the disproportionate impact of jailing on low-income people, in part because of the prevalence of cash bail systems. In Wayne County, only 4% of people were released on their own recognizance, while approximately 40% of people assigned bail remained incarcerated through trial or final disposition of their cases.<sup>12</sup> People with disabilities are overrepresented in jails nationally,<sup>13</sup> and — though comprehensive data on this does not exist in Michigan — county level data has shown that approximately a quarter of Michigan's jail population suffers from serious mental illness.<sup>14</sup>

The harm that jail-based disenfranchisement does to Michigan's democracy also grows and compounds with each passing year. In Michigan, the number of people incarcerated pretrial in county jails has nearly tripled over the last 40 years,<sup>15</sup> and today, there are at least 163,000 people booked into Michigan jails each year.<sup>16</sup> Studies have shown that voters who spend even short durations of time in jail are less likely to participate in elections after their release, a collateral consequence of incarceration that is especially present for Black men.<sup>17</sup> Even if a jailed voter does not directly experience jail-based disenfranchisement, they may nevertheless find themselves alienated from our democracy.

*“Voting is extremely important in this age, where so much is going on. People need to understand the importance of their vote.”*

*Anonymous  
50-year-old  
first-time voter in  
Genesee County  
Jail*

10 VERA INST. OF JUST., *supra* note 9, at 1.

11 Michigan Joint Task Force on Jail and Pretrial Incarceration, *supra* note 8, at 12.

12 Detroit Free Press Editorial Board, *Unfair Michigan system keeps poor in jail, lets rich walk free*, DETROIT FREE PRESS (Mar. 20, 2021, 5:00 PM), <https://www.freep.com/story/opinion/editorials/2021/03/20/cash-bail-michigan-lagrand-jail-prison/4732275001/>; Michigan Joint Task Force on Jail and Pretrial Incarceration, *supra* note 8, at 12.

13 Margo Schlanger, *Prisoners with Disabilities in REFORMING CRIMINAL JUSTICE: PUNISHMENT, INCARCERATION, AND RELEASE* 4, 295-323 (E. Luna, 2017).

14 Michigan Joint Task Force on Jail and Pretrial Incarceration, *supra* note 8, at 8.

15 *Id.* at 5.

16 VERA INST. OF JUST., *supra* note 9, at 1. See also Michigan Profile, PRISON POL'Y INITIATIVE, <https://www.prisonpolicy.org/profiles/MI.html> (last visited Aug. 2, 2021, 4:00 PM); MICH. JOINT TASK FORCE ON JAIL AND PRETRIAL INCARCERATION: MEETING 1 (July 24, 2019), <https://courts.michigan.gov/News-Events/Documents/Full%20Presentation%20Draft%20final.pdf> (last visited Aug. 2, 2021, 4:00 PM).

17 Ariel White, *Misdemeanor Disenfranchisement? The demobilizing effects of brief jail spells on potential voters*, 113 AM. POL. SCI. REV. (manuscript at 21), <https://www.cambridge.org/core/journals/american-political-science-review/article/misdemeanordisenfranchisement-the-demobilizing-effects-of-brief-jail-spells-on-potentialvoters/2FEDEE197EA55768312586DA2FEFB8F9>, archived at <https://perma.cc/XP3P-EKAU> (showing Black men who spent even short periods of time in jail were 13% less likely to cast ballots in upcoming elections, despite their being no change to their eligibility).

This is the central problem of jail-based disenfranchisement. It encompasses the complex ways that our election and corrections infrastructure work together to systematically and profoundly suppress the voices of thousands of eligible, historically marginalized voters. These individuals deserve the opportunity to be involved in the political process and have a voice in shaping the policies that affect their communities.

## Why is this work so important?

Democracy works best when all eligible voters participate. Jail-based disenfranchisement not only prevents eligible voters from casting ballots, but also contributes to their longer-term disengagement from our democratic system.

*“I think the election means something, especially on a local level. It’s a good thing for people held in jail to vote on a local level.”*

*– Bread, 35-year-old, first-time voter in Genesee County Jail.*

As discussed above, even short terms of incarceration can make a would-be voter less likely to participate in democracy in the

future. But participation in democracy can be a valuable community connection for justice-involved voters, an effect that is evident in studies that show recidivism is lower where justice-involved individuals are civically engaged.<sup>18</sup>

Incarcerated peoples’ voices are also crucial if we want the ballot box to actually be a site of democratic accountability. Incarcerated people are among the most directly impacted by the decisions elected officials make — for example the district attorneys who prosecute their cases, the lawmakers

who pass the laws that they are charged with breaking and sentencing guidelines determining their penalties, the sheriffs who run the jails where they are confined, and even the judges who preside over the adjudication of their cases.

Finally, the criminal legal system is disempowering by design; it removes people from their families, friends, and communities, takes away their freedoms and personal agency, and risks exposing impacted people to trauma, violence, and collateral harms to their housing, employment, custody of children, and more.

Creating pathways to the franchise for impacted people is one small way that we can counteract this disempowerment and show incarcerated people that they are valued members of our community and that their voices matter.

*“Voting to me is a personal right and support to the community that provides not only justice, but pinpoints leadership, which serves our community well.”*

*– Percy Glover, Genesee County Jail Voting Ambassador, member of Nation Outside & formerly incarcerated voter*

18 Guy Padraic Hamilton-Smith & Matt Vogel, *The Violence of Voicelessness: The Impact of Felony Disenfranchisement on Recidivism*, 22 BERKELEY LA RAZA L.J. 407 (2012); Christopher Uggen & Jeff Manza, *Voting and Subsequent Crime and Arrest: Evidence From a Community Sample*, 36 COLUM. HUM. RTS. L. REV. 193, 205 (2004).

# Jail Voting Access: Analysis and Recommendations

## Methodology

We set out to understand what election infrastructure already exists in Michigan jails, and to identify best practices that jurisdictions could adopt to better combat jail-based disenfranchisement. To gather the data we needed to do this assessment, our team sent Michigan Freedom of Information Act (FOIA) requests to sheriffs in all of Michigan's 83 counties, asking for information on their jail voting policies and procedures.

Then, we set up metrics for assessing the policies we received. Each jail and each community is different, so no single model will work with all jails across Michigan. An efficient and effective voter registration outreach program, for example, will likely look very different in a small, rural jail than it would in a large, urban setting. Across counties, though, one thing will always be true: to combat the systematic disenfranchisement of incarcerated voters, Michigan jails must have basic systems in place to ensure ballot access for the voters in their

custody. Even a simple vote-in-jail approach should include the following elements:

1. Voter Education
2. Voter Registration
3. Absentee Voting
4. Election Day or In-Person Voting
5. Partnerships and Collaboration
6. Transparency and Accountability

Using this framework, we can already show the range of approaches Michigan counties use today for each of these elements. A summary of these practices is provided in the next section.



*Michigan election law allows people in jail awaiting adjudication to cast a ballot. But that can only happen when people are aware of their rights — and jail staff make voting accessible.*

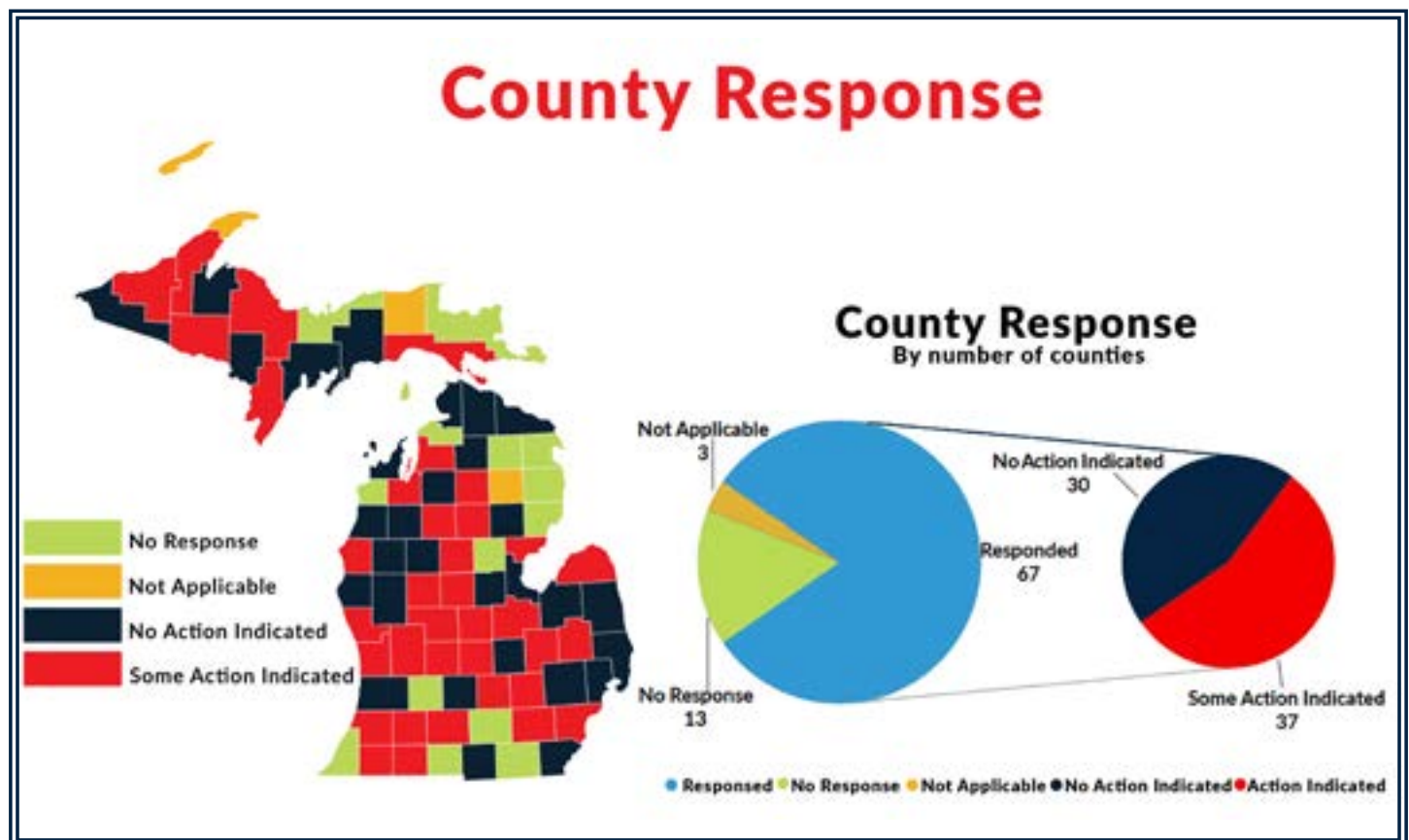
## Summary of Results

Seventy out of 83 counties responded to our request for information, and of those 70, 67 hold individuals more than 72 hours in jails. We then reviewed these 67 responses to see how many take action of any kind to ensure voting in jail, and for those that take action, how they stack up against these six criteria.

### Response Level by County

#### Notable Findings:

- Of the 67 counties that responded to our survey and have a jail in their county, over half (37 counties – 55%) have procedures of some kind for voting in jail.
  - Of those 37 counties that have some procedures, 11 have their policy or procedures in writing; the remaining 26 do not. However, there is no correlation between the quality of policies and procedures and whether they are in writing. Several of the
- more innovative responses appear to begin as unwritten procedures, then are codified in writing after implementation through one or more election cycles.
  - Of the 37 counties that support voting in jail, only 7 (19%) have policies or procedures that have the potential to overcome most of the major barriers to voting in jail outlined above. These seven counties will be used as examples in this report. They are Genesee, Houghton, Ingham, Kalamazoo, Saginaw, Washtenaw, and Wayne counties.
  - Counties that take some action to facilitate jail voting are most likely to focus their support in three areas: voter education, voter registration, and ensuring access to an absentee ballot. The areas for most improvement are facilitating voting on Election Day, collaboration and partnerships, and accountability and transparency. Examples of each area are provided in the following “deep dives.”



Source: Nation Outside and Voting Access for All Coalition. Based on a survey of Michigan's 83 counties.



## Deep Dive: Voter Education

In order to participate in elections, voters need to know when elections are, whether they are eligible to vote, who or what is on the ballot, and how to register to vote, request a ballot, and cast that ballot.

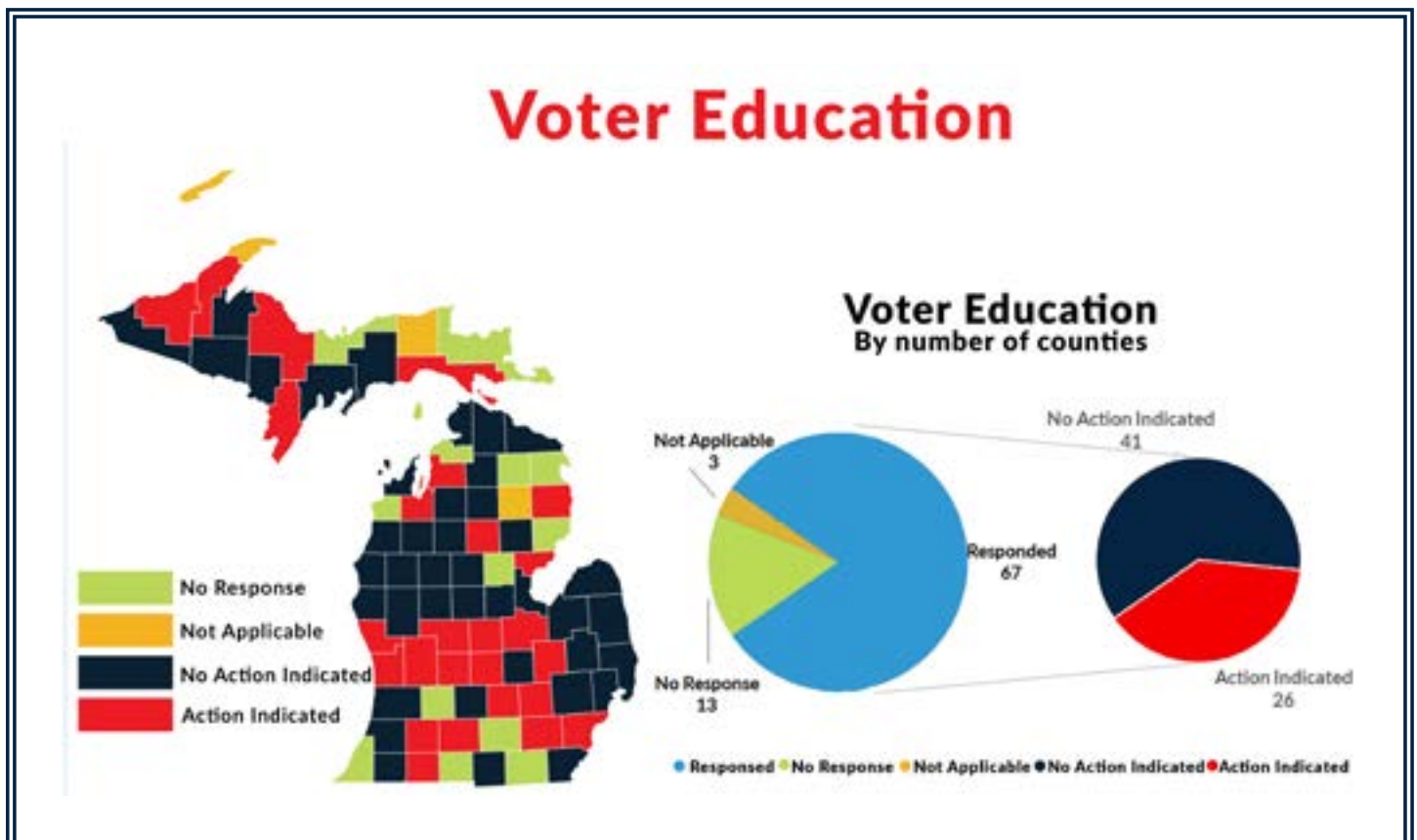
Every single voter we interviewed in Genesee County Jail cited a lack of information as the biggest reason more people in jail do not vote. Because jails heavily restrict the flow of information and communications between incarcerated individuals and people on the outside, jailed voters often cannot freely access voter education resources without assistance from the jail, friends, family, or a volunteer group. Sheriffs and their staff have an opportunity to create a culture of information where jailed voters are consistently provided with timely information about voter eligibility, registration, and the absentee ballot process.

Of Michigan's 83 counties, 26 responded that they provide incarcerated voters with some kind of voter education resource.

Unfortunately, many counties in Michigan do not do enough to provide voters with access to these crucial educational resources: 41 counties do nothing, and of those that take some action, many only provide cursory information in a jail handbook or poster, or, only passively upon a voter's request.

*"The main reason that people [in jail] didn't participate is because they didn't know who to vote for and were ill-informed."*

*Anonymous  
50-year-old  
first-time voter  
in the Genesee  
County Jail*



Source: Nation Outside and Voting Access for All Coalition. Based on a survey of Michigan's 83 counties.

Several counties have created innovative approaches to ensuring incarcerated individuals are informed of their rights and educated about how to engage in the political process, a few of which are shared below.

## Informing Voters of Their Right to Vote

### Houghton and Saginaw Counties

Jailed individuals are informed of their right to vote during inmate orientation.

### Genesee County

Jail staff periodically canvass the facility, going pod-to-pod to discuss voter registration and civic engagement. The efforts should occur at least once every three months, and again at least two to three weeks before each Election Day.

Where possible, canvassers, community groups, and/or jail staff provide written voter education materials to assist jailed individuals who want to register to vote. Voting materials include sample ballots and registration forms, know your rights materials, and information about what is on the ballot. In order to ensure that this information is accessible, other means of delivering information may be used as well, including verbal announcements and in-person solicitation of individual voters.

## Recommendations for Best Practices:

- Provide voters with information about voter eligibility, upcoming elections, who or what is on the ballot, and how to register to vote and vote absentee at least 3 months before an election.
- Provide voters with voter education information in multiple, accessible formats, including but not limited to using written materials, announcements, videos, and discussions.
- Disseminate voter education information that is directly relevant to jailed voters (i.e. voter education materials discussing how to vote from jail as opposed to requesting a ballot generally, voter guides made by and for incarcerated people, etc.)
- Disseminate voter education resources to engage potential voters not only close to election deadlines and Election Day, but also regularly throughout the year.



*Johnell Allen-Bey and Percy Glover of Nation Outside deliver ballots on Election Day 2020. Photo courtesy of Nation Outside.*

## Deep Dive: Voter Registration

Jailed voters — like all voters — must register to vote before they can cast their ballots. But doing so while incarcerated can be incredibly challenging. To begin, many individuals in jail do not realize that, in the state of Michigan, if a person has not been convicted and sentenced, they are still eligible to vote. Voter registration can be challenging for people without stable addresses, and those in jail may lack a consistent home address to put on the form or be confused about which address to use to register — issues that can be more challenging to correct from behind jail walls.

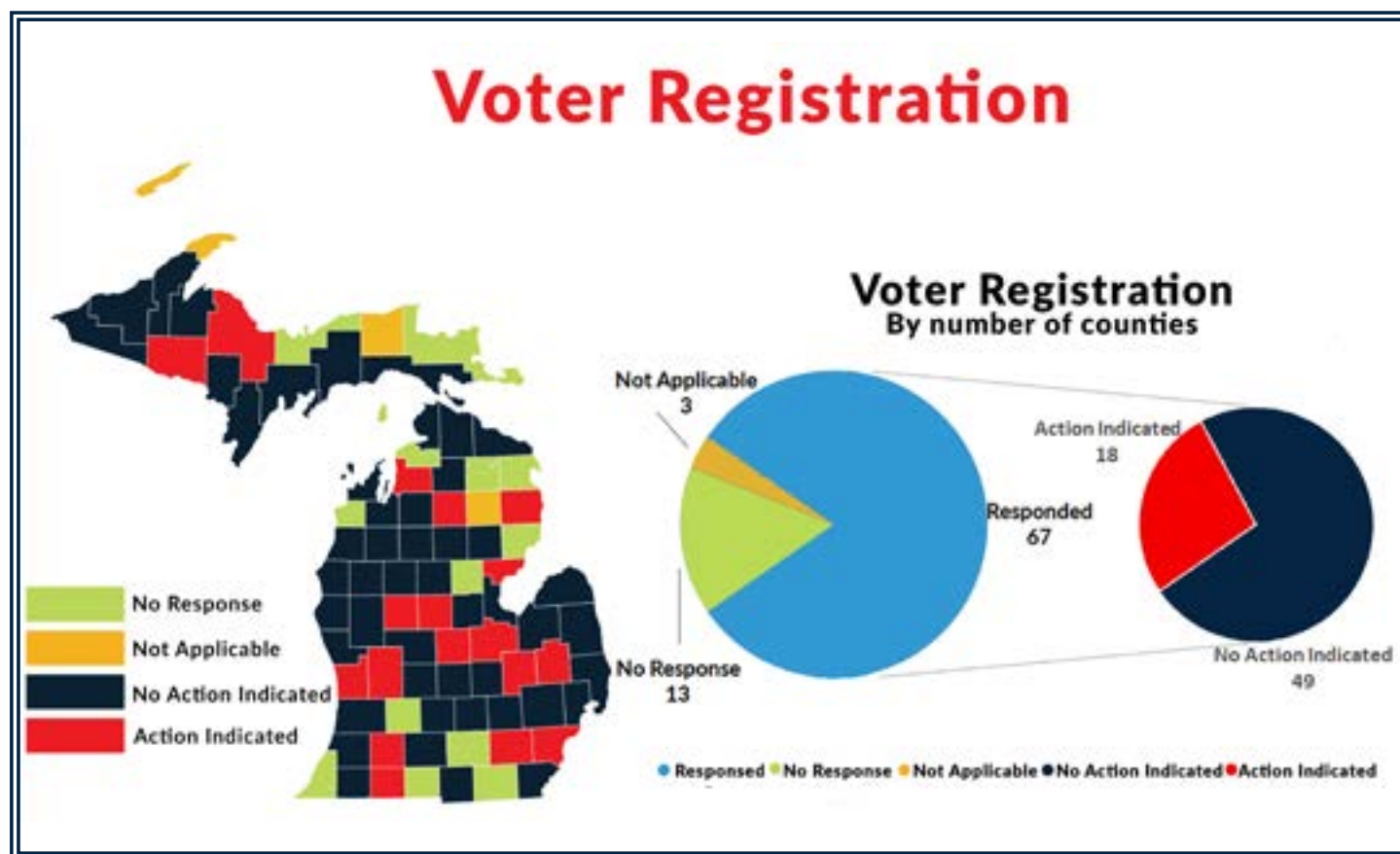
Because jailed voters lack access to the internet, they also cannot register to vote online and are at higher risk of having their registrations delayed by jail mail and USPS systems. By taking affirmative steps to identify potentially eligible individuals and proactively give them the support they need to complete and submit voter registration forms well in advance of elections, jail staff can make voter registration



*An absentee voter packet distributed at an expungement fair.*

much more accessible to jailed voters.

Of Michigan's 67 counties that responded, 18 (27%) represented that they currently provide incarcerated voters with some support to register to vote, while 49 counties (73%) do not. It is even unclear if those 49 jails would be able to offer assistance to help would-be voters register if requested. For voters jailed in these counties, it appears they must figure out registration on their own or through family.



Source: Nation Outside and Voting Access for All Coalition. Based on a survey of Michigan's 83 counties.



Here are examples of jail initiatives to support voter registration:

## **Determining Voter Eligibility**

### **Genesee County**

The jail provides voter registration information and opportunities at intake. Every individual booked into the Genesee County Jail should be asked at intake (i) whether they are registered to vote and (ii) if not, whether they would like to register.

### **Washtenaw County**

Employees assigned to Inmate Services provide the county clerk's office with a list of people who meet the criteria to participate in election processes.

## **Assisting in Voter Registration**

### **Ingham County**

The jail runs a list of currently jailed individuals that are pre-trial and sends the list to the clerk's office. The clerk's office determines who is eligible to vote and sends a list of eligible voters back to the jail. The jail notifies people if they are eligible to register. The clerk and their team go to the jail to conduct registration.

### **Washtenaw County**

Representatives of the county clerk's office are escorted throughout the jail by correctional staff to register voters and supply absentee ballot applications.

### **Genesee County**

The jail has voter registration opportunities at least once every three months, and again at least two to three weeks before each Election Day. All completed voter registration forms are sent directly to the Secretary of State's Office for processing. The jail provides a voter registration form to individuals upon their release from the jail.

### **Ottawa County**

After voter registration, forms are mailed the next day to the Ottawa County Clerk's Office.

## **Recommendations for Best Practices:**

- Adopt written, clear procedures for facilitating voter registration for incarcerated voters.
- Train jail staff in how to support jailed voters seeking to register to vote, including information on voter eligibility and how incarcerated individuals may register during their incarcerations.
- Ensure jail voter registration process provides for the timely delivery of registration forms, especially close to election deadlines.
- Engage in affirmative outreach to facilitate voter registration and provide several different voter registration opportunities, both at regular intervals and more frequently before an election deadline.



## Deep Dive: Absentee Voting

Because the vast majority of jailed voters cannot vote in person at a polling location, they must rely on Michigan's absentee voting process, both to request and to return their ballots. Yet, absentee voting can be complex for many voters, and incarceration adds another layer of difficulty. For example, jailed voters usually lack ready access to the ballot request form and, even if they have been able to obtain and fill out a ballot request form, often lack access to the stamps and envelopes or third-party assistance necessary to turn in the form to the clerk in a timely fashion.

Even if these voters are successful in requesting a ballot, they may not receive their ballot with sufficient time to complete and return it, especially because ballots must be received by their clerk by 8 p.m. on Election Day. To enable jailed voters to fully participate in the absentee voting process, jail staff can create systems that will provide jailed voters access to resources to request absentee ballots, and then an efficient way to return both the ballot request form and voted ballot. This report's deep dive on partnerships provides further instructions on how others can assist in this work.

### Aid in Requesting a Ballot

#### Genesee County

Beginning approximately six weeks prior to an Election Day, jail voting ambassadors provide people incarcerated in the jail with absentee ballot request forms and assistance in filling out those forms.

#### Kalamazoo County

Absentee voter information has been placed on television programming throughout the day.

Our survey shows that 40 counties (60%) have no procedures in place for facilitating absentee voting from jail, while 27 counties (40%) stand out as implementing some action to assist jailed voters in requesting, completing, and returning absentee ballots.

Notably, there were several counties that provided strong models of procedures that have helped jailed voters successfully submit absentee ballots and participate in recent elections.

### Recommendations for Best Practices:

- Beginning at least 75 days before an election, provide information on how to procure an absentee ballot, absentee ballot request forms, and resources (time, pens, assistance) to complete the forms.
- Assist voters in submitting applications for absentee ballots by paying for postage, collecting forms and returning them to the clerk, or coordinating with the clerk's office to have their staff collect request forms.

### Assistance in Returning Ballots

#### Genesee County

Deputized jail voting ambassadors may collect completed absentee ballot request forms and deposit them with the appropriate county or city election official. Ambassadors may then bring back ballots for voters and assist in returning the completed ballots back to the appropriate officials.

#### Gratiot, Houghton, Huron, Isabella and Saginaw counties

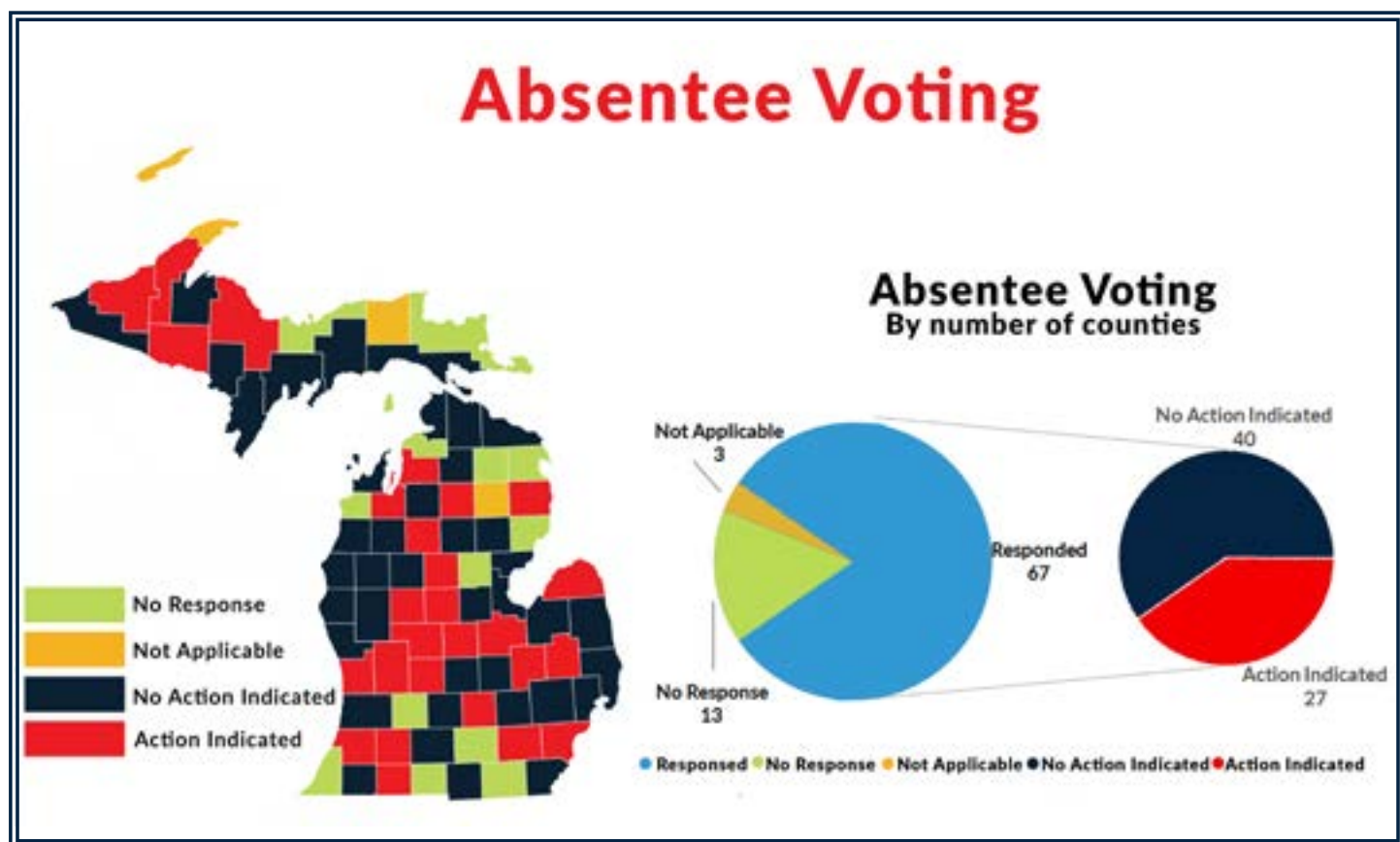
Pays postage to assist jailed voters in mailing back their voted absentee ballots.

- Create a system to ensure that jailed voters receive their ballot, either by coordinating with the clerk's office staff to deliver absentee ballots to the jail, or by designating a jail administrator to track the receipt and distribution of voters' absentee ballots.
- Provide voters with a private space to complete their ballot.
- Coordinate with the clerk's office staff to have them collect ballots. Step 5(d) of Michigan's law on absentee ballot returns<sup>19</sup> requires clerks to assist voters by picking up their ballot if the person is unable to return the ballot by mail or dropping it off in any way.
- Allow family members of jailed voters to return ballots on their behalf.
- Provide voters with access to phone or internet services that will enable them to track the status of their ballot.

## Learn the Law

In Michigan, absentee ballots can be mailed or hand delivered to the county clerk's office. However, if a voter wants to hand deliver it, the law requires they do it themselves or ask a family member, member of their household, postal carrier, or authorized local election official to do it on their behalf. Unless jails provide this kind of assistance, these restrictions make it more difficult for jailed voters to seek help from others to get their ballots submitted on time.

<sup>19</sup> MICHIGAN ELECTION LAW (EXCERPT) Act 116 of 1954, 168.764a Instructions for absent voters. <http://legislature.mi.gov/doc.aspx?mcl-168-764a>



Source: Nation Outside and Voting Access for All Coalition. Based on a survey of Michigan's 83 counties.

## Deep Dive: Election Day or In-Person Voting

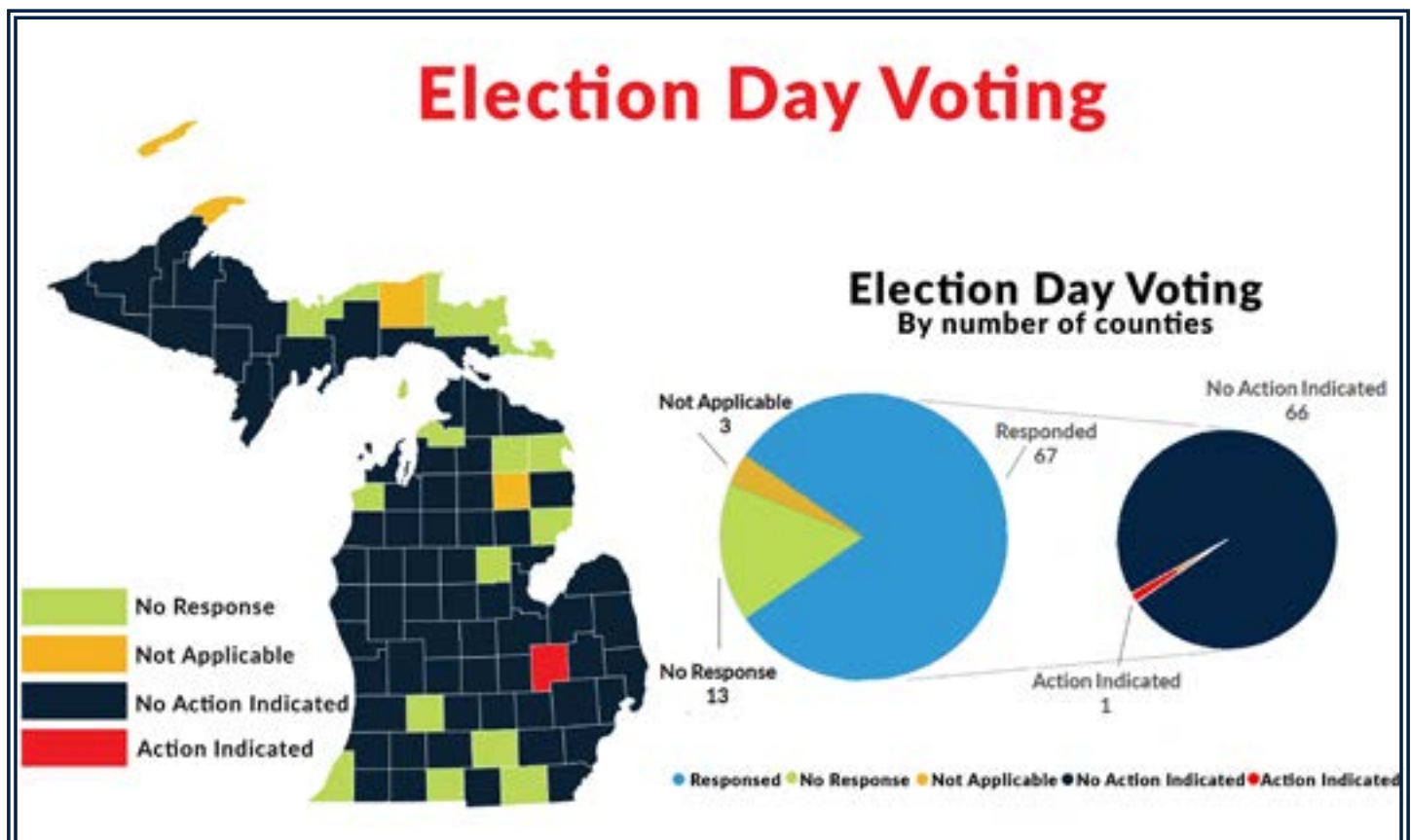
Providing polling locations or other in-person voting options is a game-changer in enfranchising jailed voters. For non-jailed voters that miss the deadline to request an absentee ballot, Michigan's election laws allow them to vote in-person on Election Day. In contrast, if individuals are jailed after the absentee ballot request deadline, they will miss the election entirely. But, being incarcerated in a jail is not an acceptable reason for eligible voters to be denied access to the ballot box ballot. One option — especially appropriate for larger jails — is to partner with election clerks by hosting a polling location within the jail.

According to our survey results, only one county out of 67 (1.5%) — Genesee County — currently

provides jailed voters an opportunity to vote on Election Day through jail-based polling places that both register voters and allows them to cast a ballot; 66 counties (98.5%) do not provide Election Day voting opportunities. This model is being used in the city of Flint and other neighboring localities that agree to participate.

### Recommendations for Best Practices:

- Provide in-person, Election Day voting options, either by placing a polling location in the jail or allowing elections staff to coordinate in-person voting for eligible voters in the jails.



Source: Nation Outside and Voting Access for All Coalition. Based on a survey of Michigan's 83 counties.

## Deep Dive: Partnerships and Collaboration

The work of implementing a jail voting program, especially in a large jail, can require time and effort to fully support every level of jailed voters' electoral process. One way to increase the number of voter registration applications, absentee ballots, and polling places that jailed voters can access is to allow other stakeholders, like election clerks and community advocacy groups, to collaborate on these efforts. In many

established strong strategic partnerships that both reduce the jail's workload and successfully increase voting in jail.

*"Number one the biggest thing is working with our sheriff's office across the state to make sure the residents in our local jails are being educated and then also working with agencies and volunteers to provide the materials and information. And a voice in regards to going inside the jails and educating people inside there."*

*- Percy Glover,  
Genesee County  
Jail Voting  
Ambassador,  
member of Nation  
Outside & formerly  
incarcerated voter*

instances, these individuals are experts at engaging individuals in the electoral process and can have shared community connections to the jailed population that will allow them to build strong relationships with potential voters. Jail staff may find that by partnering with allies and allowing them to support the jail voting process, the work is shared among a network and the results are amplified.

According to the 67 survey responses, only 11 counties (16%) actively partner with clerks' offices and community organizations to provide voting assistance in the jail.

Multiple Michigan counties have

### Collaborating with County Clerks

Several counties coordinate with their local clerks to have the clerk's office conduct voter registration and absentee ballot requests and collections in the jail.

#### Ingham County

Clerks and their staff visit the jail to conduct voter registration and facilitate requests for absentee voting.

Other jails appoint a staff member to be a liaison with the clerk's office.

#### Genesee County

The Genesee County Sheriff will appoint one or more people to be "Genesee County Sheriff Office Ambassadors" to assist in facilitating civic education, voter registration, and voting inside of Genesee County jail. The Ambassadors will be responsible for liaising between the city, county clerks, and Sheriff's Office to coordinate election programming, ensure staff in both offices are aware that jailed voters have a right to vote, and understand the process by which the voters can register and cast a ballot.



## Collaborating with Community Advocates

### Genesee County

As part of canvassing efforts or through separate programming, the jail will make efforts to bring in formerly incarcerated people, community groups, and others to provide face-to-face conversation about civic engagement, what is on the ballot, and how elections directly affect incarcerated individuals.

### Other creative partnerships:

Alcona County- ACLU

Genesee County - Nation Outside

Ingham County - League of Women Voters

Kalamazoo County - NAACP

Wayne County - NAACP

### Recommendations for Best Practices:

- Create a partnership with the clerk's office to identify eligible voters, conduct voter registration, provide absentee ballots, collect absentee ballots, or host an in-jail polling place.
- Establish a partnership with community organizations and advocates—such as the local branch of League of Women Voters—to provide voter education, host voter registration drives, and assist with absentee ballot applications.
- Partner with formerly incarcerated people or others who have direct experience with the criminal legal system to provide civic engagement support programming that is tailored to jailed voters in particular.



Source: Nation Outside and Voting Access for All Coalition. Based on a survey of Michigan's 83 counties.

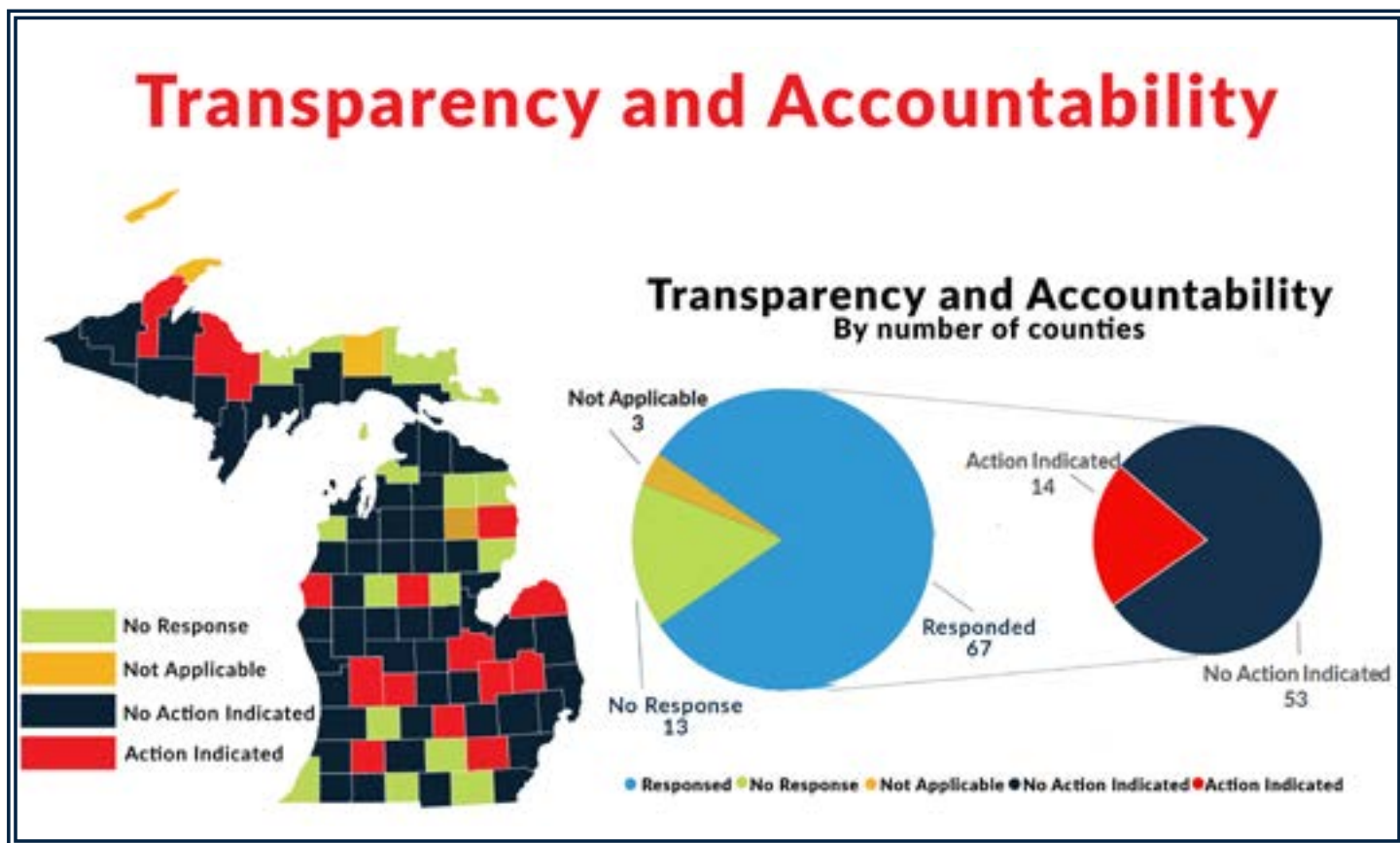
## Deep Dive: Transparency and Accountability

The first step to creating robust, lasting jail voting infrastructure is putting pen to paper and writing down jail voting policy. Oftentimes, jail voting procedures originate with a single request from an incarcerated individual or one staff member that has an idea. These first steps cannot be guaranteed for the future—let alone improved upon—if they aren't written down and shared with others.

Further, jails must document their efforts, including keeping records on who they have registered, or helped vote from the facility. This will not only help advocates and others identify facilities that need additional support, it will also allow sheriffs and others to learn what works. Unfortunately, many jails do not do this. Without this crucial data we cannot build evidence-based approaches to increasing civic engagement among jailed voters.

Finally, elections cannot run if there is no one there to facilitate them. Jails must designate one or more staffers who are charged with collecting data, implementing the jail's policies, and managing elections in the jail. Doing so creates internal—as well as external—accountability and ensures at least one person will spend dedicated time considering how to best serve the needs of jailed voters.

Our survey shows that a very small minority of counties—only 13 out of 67 (19%)—currently have any recordkeeping and accountability systems in place. But, only a few of those 13 counties have truly robust accountability systems. The others, plus all of those who keep no records, can take at least basic steps to improve their accountability systems, per best practices on the next page.



Source: Nation Outside and Voting Access for All Coalition. Based on a survey of Michigan's 83 counties.

## Creating Accountability Through a Dedicated Staff Member

### Washtenaw County

Several counties coordinate with their local clerks to have the clerk's office conduct voter registration and absentee ballot requests and collections in the jail.

### Inmate Services Responsibility

- Contact the clerk's office to arrange voter registration and absentee voting.
- Provide the clerk's office with a list of people eligible to participate in the electoral process.
- Provide the clerk's office with the names of people who were sentenced to jail or prison after receiving an absentee ballot application.

### Command Officer Responsibility

- Assign employees assigned to the Corrections Division to escort clerk's office representatives through the jail as required.
- Ensure absentee ballots not immediately returned to the clerk's office representative are mailed without delay.

### Corrections Officer

- Escort clerk's office representative(s) throughout the jail as required by higher ranking employee.
- Provide representative(s) of County Clerk's Office access to people approved to participate in the electoral process.
- Provide absentee ballots during mail pass, as required.
- Mail completed absentee ballots, as required.

## Recommendations for Best Practices:

- Create a written policy and procedures for how each jail will facilitate jail voting at every step, from voter education to voter registration and voting itself.
- Designate a staffer (jail voting ambassador) responsible for supporting the voting process and ensuring coordination with partners.
- Establish a record-keeping system that tracks how many individuals have engaged with a jail's civic engagement programming, and who sought to register to vote, successfully registered to vote, requested ballots, and cast ballots while incarcerated.



*Planning for all phases of an election — education, registration, voting and system accountability — is planning for success. Photo courtesy of Nation Outside.*

# Next Steps and Resources for Other Stakeholders

**O**ur hope is that by highlighting the current landscape of how voting is, or is not, happening in jails throughout Michigan, sheriffs will be encouraged to continue the work they have started, implement new initiatives, or create policies and procedures where they may not currently exist.

*We have appended several resources to the end of this report that we believe will assist both sheriffs and advocates in this work.*

First, we have provided a template model policy that can serve as a starting place for any jurisdiction — large or small, rural or urban — hoping to craft a jail voting policy of their own. Additionally, we have provided other county policies that can be used as models for those wishing to build a comprehensive policy. These real examples of jail voting policies will show what some jurisdictions are already doing in this space.

*VAAC is also ready to work with sheriffs and jail administrators of any county to create a policy and procedure that meets the unique needs of that county jail, or to improve the existing policy to become more comprehensive.*

Please do not

hesitate to reach out to us for assistance at [contact@votingaccessforall.org](mailto:contact@votingaccessforall.org).

**In addition to sheriffs and their staff, there is opportunity for a variety of stakeholders to become more involved in facilitating voting in jails.** County clerks,

state legislators, community organizations, and volunteers all have a role they can fill to ensure every eligible voter has access to a ballot, even within a jail. This is just a limited list of recommendations for some of the most

## Recommendations for County Clerks:

- Coordinate with jails to proactively determine voter eligibility.
- Visit jails frequently throughout the year and in advance of elections to conduct voter education, voter registration, and absentee ballot applications.
- Utilize Step 5(d) of Michigan's law on absentee ballot returns<sup>20</sup> that requires clerks to assist voters by picking up their ballot if the person is unable to return the ballot by mail or dropping it off in any way.
- For jails with a large population, designate the local jail as a polling place and conduct in-person voting in the jail on Election Day.

*"Giving people a vote is empowering."*

*- Trish Reilly,  
Washtenaw  
County Clerk,  
who coordinates  
all voting access  
activities with the  
jail administrators*

*"It's a human right to vote in this country once you turn 18 years old and all people who are waiting in our county jails can vote. Therefore it's our duty to provide this opportunity."*

*- Johnell Allen-Bey, Genesee  
County Jail Voting  
Ambassador,  
Nation Outside  
Regional  
Coordinator,  
& formerly  
incarcerated voter*

<sup>20</sup> [http://www.legislature.mi.gov/\(S\(ro45ccp0ig2obq0n2kaxcynb\)\)/mileg.aspx?page=getObject&objectName=mcl-168-764a](http://www.legislature.mi.gov/(S(ro45ccp0ig2obq0n2kaxcynb))/mileg.aspx?page=getObject&objectName=mcl-168-764a)



## Recommendations for Lawmakers:

- Pass legislation that requires all jails in cities with a certain population or above to host a polling location in the jail.
- Examples include Illinois' 2019 law ([www.ilga.gov/legislation/publicacts/101/PDF/101-0442.pdf](http://www.ilga.gov/legislation/publicacts/101/PDF/101-0442.pdf)) and Massachusetts' pending 2021 measure ([malegislature.gov/Bills/192/S474](http://malegislature.gov/Bills/192/S474)).
- Pass a law requiring jails to create a plan for facilitating jail voting and to designate a jail voting coordinator.
- One model for statewide reform can be found in Maryland's newly enacted 2021 law ([mgaleg.maryland.gov/mgaweb/Legislation/Details/HB0222](http://mgaleg.maryland.gov/mgaweb/Legislation/Details/HB0222)), or in the model bill for jail voting in Connecticut ([law.yale.edu/sites/default/files/area/center/liman/document/voter\\_bill\\_proposed\\_language.pdf](http://law.yale.edu/sites/default/files/area/center/liman/document/voter_bill_proposed_language.pdf)) that advocates pulled together in 2020.
- Amend the state's election law, Mich. Comp. Laws Ann. § 168.759b ([legislature.mi.gov/doc.aspx?mcl-168-759b](http://legislature.mi.gov/doc.aspx?mcl-168-759b)), regarding the provision of emergency absentee ballots to specifically designate detention in a jail facility as a qualifying reason for a person to request an absentee ballot after the request deadline has passed.

## Recommendations for Advocates:

- Learn what is happening in your local jail (send a FOIA!).
- Become a jail ambassador or reach out to the Voting Access for All Coalition for more information on how to support its programs [contact@votingaccessforall.org](mailto:contact@votingaccessforall.org).
- Become a member of Nation Outside at [www.nationoutside.org](http://www.nationoutside.org), and join the movement calling for democracy in voting
- Begin a jail voting program in your area — see [campaignlegal.org/document/jail-voting-advocacy-manual](http://campaignlegal.org/document/jail-voting-advocacy-manual).
- Coordinate with sheriffs, clerks, and lawmakers to improve access to voting in

## FOIA Requests 101

### *What is a FOIA and why should I submit one?*

Under Michigan's Freedom of Information Act, governmental agencies are required to retain public records and produce copies of those records upon request. These requests for information are known as "FOIA" requests. In Michigan, anyone can submit a FOIA request unless they are currently incarcerated for a felony conviction. State and local agencies must reply to the request within 5 business days

FOIAs are a powerful tool. They can allow advocates to peek behind the curtain, access information that has not been published, and learn what is happening behind jail walls.

### *How do I submit a FOIA?*

FOIA requests often take the form of a letter that (1) states a request is being made pursuant to FOIA; and (2) details what information is being sought. They can often be submitted by mail, email, or through a web portal, depending on the preferences of the jurisdiction.

We have provided an example FOIA request letter as Appendix A. This letter template is patterned on those that we submitted to gather the data necessary to publish this report. For more information on FOIAs, you can visit the National Freedom of Information Coalition's website at <https://www.nfoic.org/michigan-foia-laws/>

jails and implement laws that will require more policies and procedures on the issue.

# Conclusion

Every person held in pretrial detention in Michigan has a right to cast a ballot in each election. But, as discussed throughout this report, they often are unaware of this right or unable to access the resources and support they need to successfully vote. It is a failure of our democracy that thousands of these eligible voters are excluded from elections every year merely because they are overlooked and under-resourced.

Sheriffs and their staff are uniquely positioned to remove the barriers to the ballot box and create meaningful opportunities for jailed individuals to vote. It all begins with the recommendations detailed in this report. Michigan has the opportunity to establish itself as a national leader in this space; we can and should increase the number of counties that facilitate voting from jail and the depth of support provided to jailed voters. If each sheriff commits to implementing

the procedures in this report, we can increase from only 44.6% of county jails currently offering some type of jail voting assistance to a full 100%, statewide access to voting from jail.

As this report makes clear, whether the locality is small or large, rural or urban, every jail has at its fingertips accessible and easily administrable policy solutions that will ensure that no eligible voter ever has to miss an election simply because they lacked access to support.

We know that many jails will be building civic engagement policies and programming from the ground up. We are here as a resource for sheriffs, clerks, advocates, or anyone else who hopes to join in the fight to end jail-based disenfranchisement and to empower currently incarcerated individuals. To learn more about how to support voting in Michigan jails or become advocates in current work, please reach out to us at [contact@votingaccessforall.org](mailto:contact@votingaccessforall.org).



*Democracies work best when as many eligible voters as possible participate in them, and voting is the most fundamental form of engaging with government. In Michigan, being jailed and awaiting trial isn't a legal bar to voting. There shouldn't be logistical barriers for these voters, either.*

# Acknowledgements

**W**e are grateful to everyone who made this project possible.

From its inception to release, this project has been driven by the ideas, experiences, and leadership of people who have been directly impacted by mass incarceration. The core contributors to this report were Antoniese Gant and Adrianna Duchene from Nation Outside, Kimberly (Redeeming) Woodson and Earl Burton from Michigan Liberation, Joanie Parker and Kat Layton from VAAC, Sharion Scott from the Advancement Project, and Dana Paikowsky from Campaign Legal Center. Together, they submitted public requests and used surveys to gather data, conducted interviews for testimonials, analyzed records and survey responses from jails across the state, and drafted the best practices and oversight reporting presented here.

This report also benefited from those who generously took the time to share their

firsthand knowledge and experience with us, including the voters incarcerated in Genesee County Jail – Bread; Delando Philpots; Jessica Herbst; Johnell Allen-Bey, Nation Outside Regional Coordinator and Genesee County Ambassador; Percy Glover, member of Nation Outside and Genesee County Ambassador; Genesee County Sheriff Christopher R. Swanson; Ingham County Sheriff Scott Wriggelsworth; and Washtenaw County Clerk Trish Reilly.

Finally, this project would not have been possible without the financial support we received from the Sentencing Project and the editorial and formatting assistance received from Barbara Wieland from Safe & Just Michigan.

This work is truly the product of a coalition and community effort, and we thank everyone who took part. We hope it is able to push Michigan forward toward a more just and inclusive democracy.



# About This Report

This report originated with a vision of the Voting Access for All Coalition (VAAC) who partnered with professionals from Nation Outside (NO), the Advancement Project, and the Campaign Legal Center. VAAC formed in advance of the November 2020 election to provide election resources for people impacted by the criminal legal system, coinciding with NO's Get-Out-The-Vote campaign. VAAC & NO members noted the lack of information that existed to inform justice-involved people of their right to vote, and the need for greater support of those that want to navigate the electoral process.

Both organizations have worked to provide education materials, voter registration applications, testimonials, and absentee ballot request forms to local jails. Out of this initiative VAAC continued to identify new areas of Michigan's democratic process where impacted individuals and justice-involved voices could further exercise their power. Now, VAAC has developed into an established and growing coalition of advocates, lawyers, policymakers, and justice-involved individuals working to increase access for all to Michigan's elections.

VAAC's continuing mission is to ensure that all persons in pretrial situations, individuals being released from prison, those formerly incarcerated, and their families and community members have the opportunity and knowledge they need to exercise their right to vote in every election. Specifically, VAAC works to:

- Ensure people held pre-trial in county jails are informed of their constitutional right to vote, and have the opportunity to exercise that right to vote;
- Inform and educate people with felony convictions and/or currently on parole that they have the constitutional right to vote, and encourage the general public to engage in the voting process;

- Educate the general public of upcoming local, state, and national elections; and,
- Secure the restoration of voting rights to people currently incarcerated in Michigan's prisons.

NO is a grassroots advocacy organization led by formerly incarcerated people since its inception in 2014. Leaders and members envision a society where our communities are safe and vibrant, all people are treated with dignity and respect, and justice and fairness are available to everyone. Goals include:

- Understand and exercise our right to vote in Michigan.
- Have a seat at the policy table to represent our own interests.
- Understand and avail ourselves of existing opportunities to improve our economic stability.
- Effectively advocate to eliminate barriers to stability and full restoration.
- Reduce the stigma, prejudice, and criminalization attached to a felony conviction.

NO is a movement that uses community education strategies and civic engagement initiatives to inspire members and the community to get involved in knowledgeable, sustainable, and socially just forms of advocacy to support currently and formerly incarcerated folks, their loved ones, and their communities in order to inspire and create real reform in the criminal justice system.

To learn more about the VAAC, visit the coalition's website at [votingaccessforall.org/](https://votingaccessforall.org/)

To learn more about NO, visit the organization's website at [nationoutside.org/](https://nationoutside.org/)



## Model Jail Policy

This model policy is intended to provide all jurisdictions — large, small, urban, suburban, or rural — with a starting point for their own jail voting policy. The template below provides different ideas and approaches your facility can embrace, depending on its specific needs.

We have provided notes throughout to explain context and give you the tools you need to make a jail policy of your own.

### TEMPLATE: MODEL JAIL POLICY

#### I. PURPOSE

**Note:** Because not all jail staff or incarcerated people know that people in pretrial detention are eligible to vote and may be nervous to ask questions, it can be helpful to state clearly from the beginning (1) that people in pretrial detention are eligible voters; and (2) that your facility is committed to helping those voters.

To safeguard the voting rights of individuals incarcerated in [County Jail]. In Michigan, individuals who are incarcerated in pretrial detention are eligible to vote. The right to vote is fundamental and guaranteed to all eligible voters. It is unconstitutional to deny eligible voters access to the ballot simply because they are incarcerated.

#### II. POLICY

[County Jail] is committed to assisting all eligible voters in its facility who seek to learn about voting, register to vote, and cast their ballots. This policy is designed to help [Sheriff's Office] assist individuals and facilitate elections in [County Jail].

#### III. STAFF

**Note:** It can be helpful to identify which staff in the jail are responsible for implementing different parts of the policy. Also, to identify partners and what their role is. Below, we have provided examples of who these individuals might be.

- a. **Voting Ambassador:** [County Jail] works in partnership with [County Clerk or Community Group] to facilitate voting in the jail. Voting Ambassadors are individuals who come into the jail to [assist with voter registration, run educational classes, do outreach, or facilitate voting].
- b. **Jail Voting Coordinator:** The deputy in charge of coordinating voting and elections in the jail. This deputy will be a liaison with the County Clerk's office and a resource for jail staff and incarcerated voters who have questions about voting or this policy.
- c. **Intake Deputy:** Deputy who assists incarcerated people at intake who will be responsible for [ascertaining eligibility and/or providing information on voter registration].
- d. **On-duty Deputy:** Deputies who are on duty will be responsible for [answering questions, providing information and forms, collecting voter forms/ballots, etc.].

#### IV. PROCEDURES

**Note:** The best jail voting programs include (1) affirmative outreach to potential voters; (2) through multiple means (i.e. written information, announcements, in person outreach, etc.); and (3) that provide multiple opportunities for individuals to learn and engage in the process. NO JAIL NEED ADOPT ALL OF THE SUGGESTIONS BELOW. Instead, these suggestions are meant to be examples of policies that can be used in combination or innovated on to create a jail voting policy.

- a. **Voter Registration:** [County Jail] is dedicated to providing individuals with support learning about voting rights and registering to vote. Pursuant to that commitment --
  - i. Intake Deputies will:
    1. Provide individuals with voter education materials explaining eligibility and voter registration forms at intake.
    2. Determine whether an individual is a registered voters and ask if they would like to register to vote if they are not.
    3. Inform eligible voters that they are eligible to vote.
    4. Record a list of eligible voters to enable future outreach.
    5. Explain the jail's policies and practices with respect to voter registration and voting, offer assistance, and answer any questions at intake.
  - ii. [County Jail] will:
    1. Maintain current copies of voter registration forms on site, provided upon request or disseminated regularly or before an upcoming election.
    2. Provide incarcerated individuals with accurate voter education materials explaining voter eligibility, including through:
      - a. Making announcements
      - b. Hanging posters
      - c. Passing out educational fliers and voter registration forms
      - d. Screening videos
    3. Canvas the jail regularly to ask incarcerated individuals if they would like to register to vote or need assistance.
    4. Offer civic engagement classes, courses, or group conversations [monthly/quarterly] or work with [a community group or the County Clerk] to do the same.
    5. Reach out directly to individuals who are not registered but eligible to vote to inform them of their eligibility and offer assistance.
  - iii. On-duty Deputy will:
    1. Be trained on voter eligibility, able to answer questions, and provide support to individuals seeking to register to vote.
    2. Provide individuals with voter registration forms upon request.
    3. Collect completed voter registration forms and return them to the county clerk or place them in the mail (if out of county).
- b. **Facilitating Voting:** [County Jail] is committed to providing incarcerated individuals with easy access to the ballot, as well as to ensure the privacy and integrity of their vote. In order to do so, [County Jail] will:
  - i. In the lead up to an election, provide education about the upcoming election, what is on the ballot, and how to vote by:

1. Making announcements
  2. Holding workshops or classes
  3. Doing outreach
  4. Disseminating educational materials
  5. Hanging posters
- ii. Work with the County Clerk to provide in-person Election Day voting or a polling location inside [County Jail], which will enable eligible voters not only to vote, but also to register to vote.
  - iii. Make absentee voting accessible by:
    1. Disseminating absentee ballot request forms weekly in the lead up to an election.
    2. Canvassing the jail to offer absentee ballot request forms and assistance filling them out.
    3. Designating a private polling area where voters can fill out their ballots without being recorded or watched.
    4. Having the Voting Deputy or On-duty Deputy collect completed ballots and deliver them to the County Clerk.
    5. Work with the County Clerk to deliver ballot request forms and ballots.
    6. Holding civic engagement workshops to explain the process of request and casting a ballot, including discussing what is on the ballot and how one can fill it out.
- c. **Election Mail:** all election related mail should be considered legal mail, not subject to inspection. [County Jail] will also work to deliver election related mail, including registration forms, ballot requests, and ballots, to county clerks as expeditiously as possible, including by hand delivery, intercounty mail, or expedited mailing if possible.
- d. **Annual Reporting:** [County Jail] is committed to transparency and accountability to make this program successful. To that end, [County Jail] will publish annually certain data that will be collected as follows:
- i. [County Jail] and Voting Deputy will record the efforts undertaken pursuant to this policy.
  - ii. [County Jail] and Voting Deputy will track participation data in the jail, including how many individuals in the facility requested to register, registered, requested ballots, and voted.
  - iii. [County Jail] will track any complaints or difficulties voters encountered while seeking to register or vote.
- e. **Partnerships:** [County Jail] welcomes the support and partnership of outside groups.
- i. Voting Deputy will seek to involve the County Clerk or Clerks in the area in this programming. Voting Deputy will also serve as a liaison between the Clerk's Office and Jail to maintain accurate and current voter education materials, registration, and ballot request forms.
  - ii. Voting Deputy will serve as a liaison between [Community Groups] and work with them to provide civic engagement outreach or programming in the Jail.

# Appendix B

## Final Draft Genesee County Jail - Voting and Elections Policies

### I. PURPOSE

To provide the Genesee County Sheriff's Office policy and procedures governing voter registration of individuals incarcerated in the Genesee County Jail. Voting is a fundamental right of our democracy. Accordingly, voter registration and absentee voting of individuals incarcerated in the County jail is allowed and supported as articulated in this Procedural Guideline, unless otherwise prohibited by law.

### II. POLICY

#### 1. GENESEE COUNTY SHERIFF OFFICE AMBASSADORS:

The Genesee County Sheriff will appoint one or more people to be "Genesee County Sheriff Office Ambassadors" to assist in facilitating civic education, voter registration, and voting inside of Genesee County jail. The Ambassadors will be responsible for liaising between the city, county clerks, and Sheriff's Office to coordinate election programming, ensure staff in both offices are aware that jailed voters have a right to vote, and understand the process by which the voters can register and cast a ballot. Where possible, the Genesee County Sheriff's Office will appoint engaged community members — specifically people who have direct experience with the criminal legal system — to serve as Ambassadors.

#### 2. VOTER REGISTRATION AND EDUCATION:

The Genesee County Sheriff's Office will provide incarcerated individuals residing in the Genesee County jail with information about registering to vote as well as opportunities to register to vote. The efforts should include, but are not limited to:

- a. **Providing voter registration information and opportunities at intake.** Every individual booked into Genesee County Jail should be asked at intake (i) whether they are registered to vote and (ii) if not, whether they would like to be registered to vote.
  - i. **Jail staff should record this information** (who is already registered; who declined to be registered; and who did register to vote).
  - ii. **If an individual indicates they are not registered** to vote but want to register, the staff member will provide them with a voter registration form and assist them in filling the form out.
  - iii. **All completed voter registration forms** will be sent directly to the Secretary of State's Office for processing.
- b. **Periodically canvassing the jail, going pod to pod to discuss voter registration and civic engagement.** The efforts should occur at least once every three months, and again at least two to three weeks before each Election Day.



- i. **As part of the canvassing efforts or through separate programming**, the jail will make efforts to bring in formerly incarcerated people, community groups, and others to provide space for face-to-face conversation about civic engagement, what is on the ballot, and how elections directly affect incarcerated individuals.
- ii. **Where possible, canvassers, community groups, and/or jail staff** should provide written voter educational materials to assist incarcerated individuals who seek to register to vote. Voting material, including: sample ballots and registration forms, know your rights materials, and information about what is on the ballot, should also be provided. In order to ensure that this information is accessible, other means of delivering information should be used as well, including verbal announcements and in-person solicitation of individual voters.
- c. **Providing voter registration support and a voter registration form** to individuals upon their release from Genesee County jail. Specifically, the jail should provide notice to these individuals that even if they had been incarcerated because of a criminal conviction, they are eligible to register to vote if they are over 18, a citizen of the United States, and a resident of the State of Michigan.

### 3. FACILITATING VOTING:

Genesee County jail provides eligible voters incarcerated in its facilities with access to the ballot, either through in-person voting or absentee voting.

- a. **In-Person Voting.** In-person voting opportunities will be provided to incarcerated voters through partnerships with the City of Flint and any other neighboring cities or counties that agree to participate. These jurisdictions will set up poll booths inside the jail that allow incarcerated residents from their jurisdictions to register to vote and cast a ballot.
- b. **Absentee Voting.** Individuals incarcerated in the jail will be provided the opportunity to vote absentee. Beginning approximately six weeks prior to an Election Day, Ambassadors will provide people incarcerated in the jail with absentee ballot request forms and assistance in filling out those forms. Voting is conducted in common areas, and voters are entitled to vote in private to preserve the secrecy of their ballots.
  - i. **For local voters:** Ambassadors may also collect completed forms and deposit them with the appropriate county or city election official. Ambassadors may then bring back ballots for voters and assist in depositing the completed ballots back to the appropriate officials.
  - ii. **For voters from other counties or cities:** Incarcerated individuals may return their absentee ballot applications to the appropriate city or county official by mail.
- c. **Accessibility.** Ambassadors will provide incarcerated voters with sample ballots and provide opportunities for voters to familiarize themselves with the ballot and the process in advance of voting.

# Appendix C

## Sample Freedom of Information Act (FOIA) Letter

[DATE]

Sheriff \_\_\_\_\_  
[ADDRESS]  
[PHONE NUMBER]  
[EMAIL]

Re: Information Request Under Michigan Freedom of Information Act

Dear Sheriff \_\_\_\_\_:

I am writing on behalf of \_\_\_\_\_. Our mission is to ensure that all persons in pretrial situations, individuals being released from prison, those formerly incarcerated, and their families and community members have the opportunity and knowledge they need to exercise their right to vote in every election. As you may know, the vast majority of people detained in your jail are eligible to vote.

I write today in an effort to ensure that these voters have the support and resources they need to cast their ballots. In furtherance of that goal, I am hoping that under the Michigan Freedom of Information Act, MCL 15.231, you can provide me with answers to the following questions:

1. What policies, procedures, or programming does your jail currently have in place that provides for voter registration and education in the jail?
2. What policies, procedures, or programming does your jail currently have in place that provide for requesting and casting a ballot from within the jail? Relatedly, are there any alternative means of voting available aside from absentee voting?
3. Do you have records of voting participation from inside the jail? Do you know how many people have voted from inside the jail in the last several elections?
4. Do you have existing relationships with community groups or individuals who support this work inside the jail? Would you be interested in such a partnership?

Thank you so much for your time and assistance in this matter. I look forward to working with you to ensure that eligible voters in your jail can exercise their fundamental right to vote.

Best,

[WRITER'S NAME]  
[ORGANIZATION'S NAME]  
[PERSONAL NUMBER]  
[EMAIL]





**VOTE**

