

ALL **VOTING**
IS **LOCAL**

ACLU
WI

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Ballots for All Toolkit:

Ensuring Eligible Wisconsin Voters in Jail

Have Equal Access to Voting

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Introduction

Our democracy works best when all eligible voters participate. The fundamental right to vote is central to the full and equal participation of people in America. Especially in the midst of a global pandemic, it is critical that all eligible voters have a say in who represents our interests. Every vote matters. Unfortunately, too many eligible voters face needless and discriminatory barriers that limit this right. This is particularly true for eligible voters in Wisconsin county jails.

This toolkit is a guide to how each of us can advocate so that all voices are heard. Together we can organize, engage and fight for policy changes in our communities to ensure county jails have policies and procedures in place that ensure equal access to the ballot. This guide focuses on county-level advocacy, as each county in Wisconsin is distinct in its policies on voting in jail. This is just a starting point for action that must happen at every level of government so no voter is denied their right to register to vote, cast a ballot, and have that ballot counted.

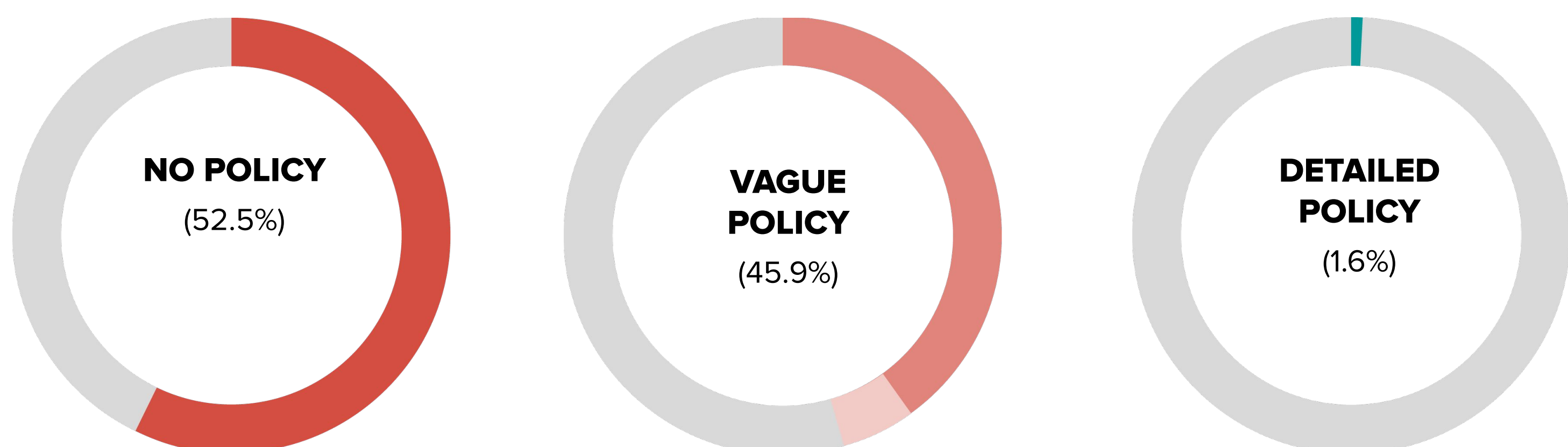


Jail Voting Overview

At any given moment, there are about [12,500 Wisconsinites in county jails](#).¹ In Wisconsin, people who are involved in the criminal legal system do not lose their right to vote unless convicted and sentenced to a felony.² All individuals convicted of misdemeanors (except misdemeanors for treason or bribery) are able to vote even as they serve their sentence in a county jail. In [O'Brien v. Skinner](#) the Supreme Court affirmed that people in jail who are eligible voters in their state must be provided access to the franchise, and the manner in which jails do so is up to the state. However, lackluster administrative policies mean that the vast majority of these individuals do not have the opportunity to register to vote, cast their ballot, and have that ballot counted. We refer to this as [de facto disenfranchisement](#).

The ACLU of Wisconsin and All Voting is Local - Wisconsin researched which Wisconsin County jails provide eligible voters in their care with an equal opportunity to register to vote and cast a ballot in every election. We refer to this broadly as “jail voting.” [Our research found](#) the vast majority of jails are not doing enough to ensure access to the ballot.

To protect the constitutional right to vote of those in their care, jail administrators must build detailed voting policies and procedures to be carried out by a community relations officer or social worker. Generally speaking, jail administrators must enact policies that ensure access to information, and opportunities to register to vote, cast a ballot, and verify that the ballot was counted. Proposed policies and procedures can be found in [our report](#).



1. A 2010 [report from the Prison Policy Initiative](#) demonstrates this is part of a larger problem of mass incarceration that impacts Black, Hispanic, and American Indian/Alaskan Native Wisconsinites at disproportionately high rates.
2. Under [Wisconsin Statute § 304.078\(3\)](#), once a person has completed the terms of their felony conviction and are ‘off paper’ (having completed probation, parole, or extended supervision), they are able to register and vote again.



5 Steps You Can Take

1. Request a Meeting With Your Sheriff

Reach out to your county sheriff to determine if your county jail has policies and procedures in place to support jail voting, and whether they include the items listed in the policy checklist on page six. You can find your sheriff's website (with contact info) on page seven, and a sample outreach email on page eight.

2. Letter to the Editor

If you don't get a meeting, write a letter to the editor of your local newspaper or media outlet about your concerns and desire to meet with your sheriff. A sample letter to the editor is included on page nine.

3. Build a Petition

A petition can be a persuasive way to detail your requests. A draft petition is included on page ten.

4. Pressure the County Board to Prioritize Your Requests

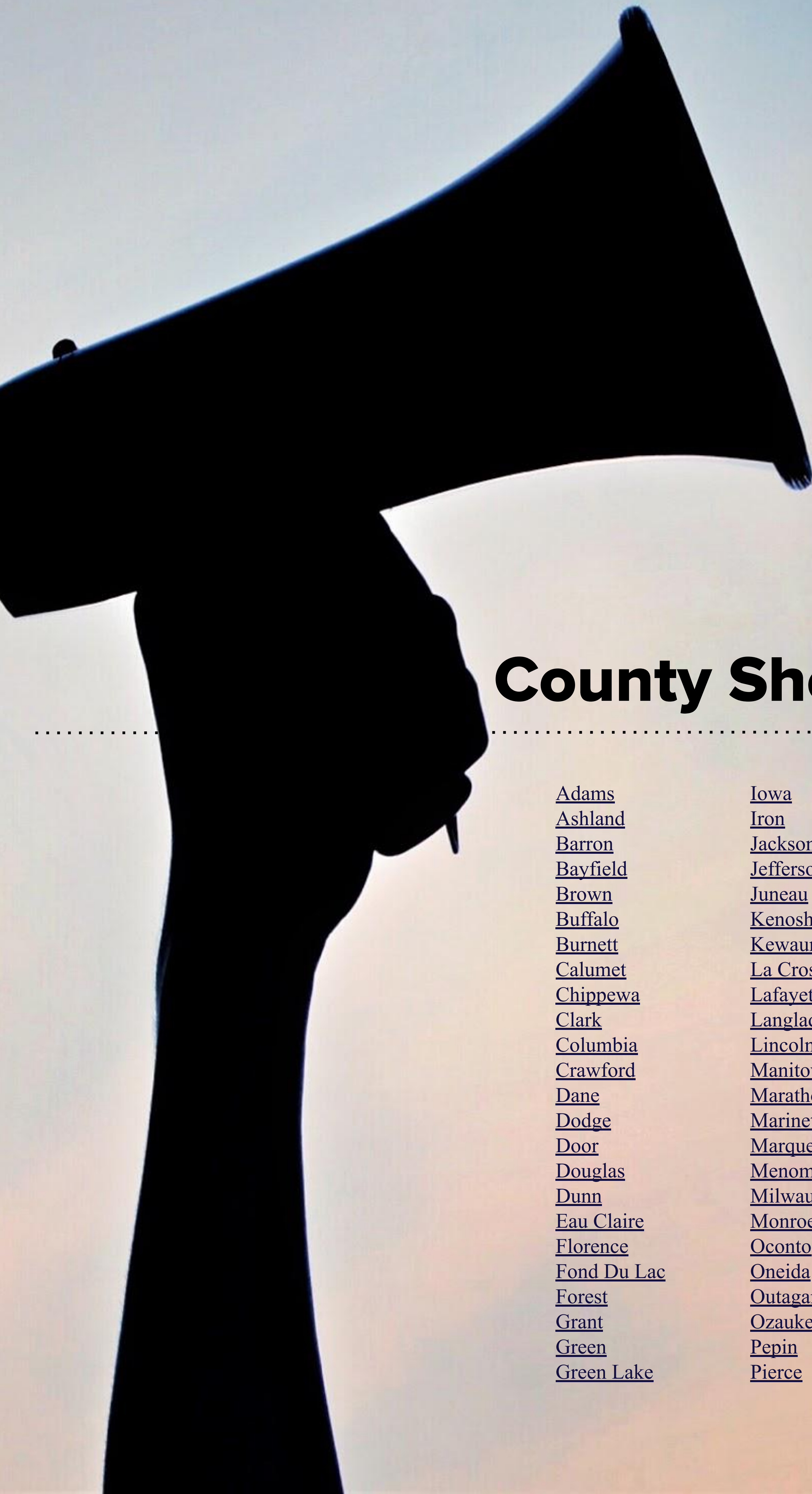
Present the petition to your county board and personally express your concerns and recommendations. Invite others to join and conduct interviews with the media afterwards. Page eleven includes some key talking points. Note: It will help if you've previously talked with county supervisors who may be favorable to your requests. These supervisors can be critical allies in your discussion of the topic.

5. Show Your Willingness to Support

Across Wisconsin, there are dozens of nonpartisan voting rights organizations that can help support jail voting reform. Nonpartisan voter registration or get out the vote groups can be great collaborators in trying to advocate to county sheriffs. Such groups can help register voters in county jails, or provide jails with voting educational materials. See page twelve for some ideas on ways to support voter registration in county jails.

Policy Checklist

Topic	Details	Y/N
Designated Employee	Jail has a designated social worker or correctional officer that can support access to the ballot.	
Access to Information	Jail administrators provide every eligible voter in their care with relevant election dates and deadlines, as well as opportunities to learn about issues and candidates on their ballot.	
Eligibility to Vote	Jail has a written policy for informing individuals about voter eligibility rules, and for verifying whether an individual is eligible to register and vote.	
Voter Registration Status	Jail provides voters with opportunities to check their voter registration status at least 30 days ahead of every election.	
Access to Property	Because jails hold personal property after booking, every voter is provided with an opportunity to retrieve documents they need to register to vote (proof of residence), and documents they need to cast their ballot (accepted photo ID).	
Voter Registration	Jail provides direct opportunities for eligible voters in their care to register to vote.	
Requesting an Absentee Ballot	Jail provides direct opportunities for eligible voters in their care to request an absentee ballot.	
Casting a Ballot on Election Day	If an eligible voter is jailed after the deadline by which they can request an absentee ballot, jail administrators ensure a process by which they can vote at the polls on Election Day.	
Verifying the Ballot Was Counted	Every person who votes from this jail has an opportunity to verify their vote was counted.	
Tracking Jail Voting Support	Jail has a written process for tracking voter registrations, ballot requests, and ballot returns.	



County Sheriff Websites

[Adams](#)
[Ashland](#)
[Barron](#)
[Bayfield](#)
[Brown](#)
[Buffalo](#)
[Burnett](#)
[Calumet](#)
[Chippewa](#)
[Clark](#)
[Columbia](#)
[Crawford](#)
[Dane](#)
[Dodge](#)
[Door](#)
[Douglas](#)
[Dunn](#)
[Eau Claire](#)
[Florence](#)
[Fond Du Lac](#)
[Forest](#)
[Grant](#)
[Green](#)
[Green Lake](#)

[Iowa](#)
[Iron](#)
[Jackson](#)
[Jefferson](#)
[Juneau](#)
[Kenosha](#)
[Kewaunee](#)
[La Crosse](#)
[Lafayette](#)
[Langlade](#)
[Lincoln](#)
[Manitowoc](#)
[Marathon](#)
[Marinette](#)
[Marquette](#)
[Menominee](#)
[Milwaukee](#)
[Monroe](#)
[Oconto](#)
[Oneida](#)
[Outagamie](#)
[Ozaukee](#)
[Pepin](#)
[Pierce](#)

[Polk](#)
[Portage](#)
[Price](#)
[Racine](#)
[Richland](#)
[Rock](#)
[Rusk](#)
[St. Croix](#)
[Sauk](#)
[Sawyer](#)
[Shawano](#)
[Sheboygan](#)
[Taylor](#)
[Trempealeau](#)
[Vernon](#)
[Vilas](#)
[Walworth](#)
[Washburn](#)
[Washington](#)
[Waukesha](#)
[Waupaca](#)
[Waushara](#)
[Winnebago](#)
[Wood](#)

Sample Email to Your Sheriff

Hello, my name is <NAME> and I am a resident of <MUNICIPALITY>. In every election, but particularly amidst the challenges of COVID-19, it is very important to me that every eligible voter in Wisconsin has an equal opportunity to register to vote, cast a ballot, and have that ballot counted. I am interested in understanding your plans for ensuring that eligible voters in the <COUNTY JAIL>'s care do not face barriers in the upcoming elections.

I am first and foremost interested in whether you designate a social worker or correctional officer to make sure every eligible voter in your care has an opportunity to register to vote and cast a ballot. Beyond that, I am wondering if you could answer a few questions. What policy and process do you have in place to ensure that voters in your care can:

1. Access information on election dates and deadlines, candidates, and issues?
2. Check their voter eligibility?
3. Check their registration status?
4. Access documents that help them confirm [proof of residence](#) for the purpose of registering to vote, and [proof of identity](#) for the purpose of casting a ballot?
5. Register to vote?
6. Request their absentee ballot?
7. Vote at the polls on election day, specifically if they were jailed after the deadline by when they can request an absentee ballot?
8. Verify that their vote was counted?

Additionally, do you have a policy and process in place for tracking voter registrations, ballot requests, and ballots returned? How many people have registered or voted from the <COUNTY JAIL> in the past?

Thank you so much for taking the time to discuss your plans with me. I am looking forward to hearing from you.

Sincerely,
<Name>



Sample Letter to the Editor

Eligible Voters in Jail Need Opportunities to Cast Their Ballot

Our democracy works best when all eligible voters participate. The fundamental right to vote is central to the full and equal participation of all Wisconsinites. Especially in the midst of a global pandemic, it is critical that all eligible voters have a say in who represents our interests. Unfortunately, <COUNTY> is not doing enough to ensure that eligible voters in jail have equal access to the ballot. A recent report from the ACLU of Wisconsin and All Voting is Local found that <COUNTY-SPECIFIC FINDINGS FROM REPORT>. This is unacceptable.

Sheriff <COUNTY SHERIFF> needs to build better policies and procedures for voting in the <COUNTY> jail to ensure eligible voters have access to election information, can check their eligibility, have access to personal property needed to vote, can register to vote, can request an absentee ballot or vote on Election Day, and can verify their ballot was counted. Sheriff <COUNTY SHERIFF> should also implement a process for tracking the number of people who vote from the <COUNTY> jail.

This is just a starting point for ensuring the full and equal participation of all Wisconsinites. Long term, Representative <STATE REPRESENTATIVE>, Senator <STATE SENATOR>, Governor Evers, and other Wisconsin decision makers must work together to ensure that no individuals are ever disenfranchised. Only then will we build a Wisconsin that works for us all.

*Sincerely,
<NAME>*

Sample Petition

Let People Vote

Our democracy works best when all eligible voters participate. The fundamental right to vote is central to the full and equal participation of people in America. Especially in the midst of a global pandemic, it is critical that all eligible voters have a say in who represents our interests. Every vote matters. Unfortunately, too many eligible voters face needless and discriminatory barriers that limit this right. This is particularly true of eligible voters in Wisconsin county jails.

No eligible voter in jail should have a difficult time registering to vote and casting their ballot. That means <COUNTY> needs to ensure there are policies and procedures in place that support access to the ballot in jail.

Sign our petition to demand that Sheriff <SHERIFF NAME> builds a policy and process that includes details ensuring:

- 1. There is a designated social worker or correctional officer that can support ballot access.*
- 2. Every eligible voter has relevant election dates and deadlines, as well as opportunities to learn what issues and candidates are on their ballot.*
- 3. Individuals in the jail know about voter eligibility rules, and can verify whether they are eligible to register and vote.*
- 4. There are opportunities to check voter registration status at least 30 days ahead of every election in which they plan to vote.*
- 5. There are opportunities to retrieve documents eligible voters need in order to register to vote (proof of residence), and documents they need in order to cast their ballot (accepted photo ID).*
- 6. Eligible voters can register to vote.*
- 7. Eligible voters can request an absentee ballot.*
- 8. If a voter is jailed after the deadline by which they can request an absentee ballot, jail administrators have a process by which they can vote at the polls on Election Day.*
- 9. Every person who votes from this jail has an opportunity to verify their vote was counted.*
- 10. There is a written process for tracking voter registrations, ballot requests, and ballots returned.*

Email Address

First Name

Last Name

Postal Code

Seven Key Talking Points

1. At any given moment, there are about 12,500 Wisconsinites in county jails. More than half of those in jail have yet to be convicted of a crime, but are forced to remain in jail because they are too poor to post cash bail.
2. In Wisconsin, most people who are involved in the criminal legal system do not lose their right to vote unless convicted and sentenced to a felony. Despite this, lackluster administrative policies mean that most of these individuals do not have the opportunity to register to vote, cast their ballot, and have that ballot counted.
3. No eligible voter should ever be denied their fundamental right to vote. Jails are required by law to provide ballots and registration opportunities to all eligible voters.
4. Unless we take steps now to ensure that jails are making registration and voting accessible, thousands of Wisconsinites will be disenfranchised in the 2020 elections.
5. When eligible voters are denied their fundamental right to vote, not only are their voices silenced, but also the voices of their families and communities. This further alienates these communities from the political process and increases the number of Americans that have lost faith in our democracy.
6. Our democracy works best when everyone participates. Together, we can ensure all eligible voters can make their voices heard.
7. In order to protect the constitutional right to vote of those in their care, jail administrators need to build detailed administrative policies and procedures that can ensure every eligible voter can register to vote, cast a ballot, and have that ballot counted.

Note: You may want to situate these talking points in the context of a related issue that impacts even more Wisconsinites. Under [Wisconsin Statute § 6.03](#), Wisconsinites serving a felony sentence (including probation, parole, and extended supervision) are prohibited from voting. At any given time, this keeps approximately [68,000 Wisconsinites](#) from casting their ballot. Most of these individuals live in the community, work and pay taxes, but are unable to participate in our political process. It is past time to address this issue. Protecting the universal right to register to vote, cast a ballot, and have that ballot counted mandates that we never disenfranchise any voter.



Ways to Support Voters in County Jails

For each election, people need to know deadlines and processes for checking their eligibility to vote, registering, requesting an absentee ballot, returning that absentee ballot, voting at the polls, and what to expect on a ballot. This is especially true for eligible voters in jail, where access to information can be limited. Here are three ways to support voters in county jails.

1. Send Information Directly to Voters

Know an eligible voter in jail? Send them a postcard about how to vote in the upcoming elections. This information can be found at myvote.wi.gov or through a trusted nonpartisan organization like the [League of Women Voters](#). It is crucial that these dates and guidelines get through to eligible voters in jail. Provide the myvote.wi.gov webpage for completing these steps online. Include a [paper registration form](#) and a [paper absentee ballot application](#) with an envelope that includes postage. Finally, in the event this individual may be released before they return their absentee ballot, explain how to build an in-person voting plan, including details on how to vote early, or on Election Day (e.g., include myvote's [find my polling place](#) feature)


2. Send Information to Your County Jail

Many jails are open to providing people with information on upcoming elections. However, they are not proactive about finding educational materials to share. Consider printing out information on key deadlines and steps for registering to vote, casting a ballot, and ensuring that the ballot was counted. You can get that information at myvote.wi.gov or the [League of Women Voters](#). Include details from this [shared resource folder](#) put together by Wisconsin voting rights advocates. Images/resources can be compiled as printouts, or potentially as a presentation added to a closed-circuit television in the jail.

3. Register Voters from Within the Jail

In the past, nonpartisan voter registration groups have supported voter registration from within their county jail. With extra restrictions in place under COVID-19, this may be difficult. However, it may be worth checking whether/under which conditions it would be possible. It is also worth researching whether there are already organizations in your community completing this work. If so, connect with them and help them build on what they are doing. If not, contact your county sheriff (page seven) to ask what it would take to set up a voter registration drive within the jail. Connect with others who would be willing to join you in this work. When you go, be prepared with key information on upcoming elections. You can retrieve this information from myvote.wi.gov, a trusted nonpartisan organization like the [League of Women Voters](#), or via this [shared resource folder](#) put together by Wisconsin voting rights advocates. If possible, also bring tablets or printouts for assisting with voter registration (if before the voter registration deadline).

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