

# JAIL-BASED VOTING RIGHTS

Representative Chynah Tyler and Representative Liz Miranda, HD. 3253  
& Senator Adam Hinds, SD.2458

All citizens who have the right to vote must be able to exercise it. Yet every election, an estimated 750,000 eligible voters nationwide are denied meaningful access to the ballot when they are detained pre-trial, on misdemeanor convictions, or civilly committed. Massachusetts is no exception. This system of jail-based disenfranchisement disproportionately strips political power from Black communities and communities of color that are over-policed or and over-incarcerated.

Massachusetts must ensure that those disproportionately Black and POC Bay Staters who maintain the right to vote behind the wall have a meaningful opportunity to exercise it. HD 3253 and SD 2458 will do exactly that.

## The Problem

- ✓ In Massachusetts, citizens who are incarcerated on non-felony convictions or held on pre-trial convictions retain their constitutional right to vote. Without a system in place to provide these citizens access to ballot applications, voting materials, and deadlines, and to overcome additional hurdles, their constitutional right to vote is rendered meaningless.
- ✓ This system of "de-facto" disenfranchisement strips political power from as many as 8,000 to 10,000 eligible incarcerated citizens in Massachusetts.
- ✓ Massachusetts incarcerates Black citizens at eight times the rate as white citizens, even though Black Bay Staters make up less than 20% of our population. Jail-based disenfranchisement is a racial justice issue.

## The Solution

**An Act to Protect the Voting Rights of Eligible Incarcerated People** would create a system long overdue to provide citizens behind the wall with meaningful access to the ballot. It would:

- Require sheriffs to provide all eligible voters ballot applications, voting materials, and a private place to vote
- It would require sheriffs to facilitate voting, including timely return of applications and ballots
- Ensure sheriffs partner with community leaders and organizations to support participation
- Ensure municipal, in-person polling locations are available in jails in the most populous counties
- Ensure eligible incarcerated voters' ballot applications are not rejected by elections officials
- Improve registration and participation for returning citizens
- Provide data and reporting so that incarcerated people, advocates, organizers, and Bay Staters with loved ones behind the wall can assess the scale of the problem and the efficacy of the solution.

### *Additional Voting & Incarceration Legislation*

- ✓ Senator Creem, SD 726: An act improving voting rights education for formerly incarcerated persons
- ✓ Representative Decker, HD 3784: An act combating misinformation about ex-offender voting rights
- ✓ Senator Chang-Diaz, SD 1330: An act to increase voter registration, participation, and to help prevent recidivism
- ✓ Senator Hinds, SD. 2049: An act relative to voting rights
- ✓ Representative Domb & Rep Tyler, HD 3701: An act relative to voting rights
- ✓ Representative Holmes, HD.2728: An Act increasing voter registration and participation to help prevent recidivism
- ✓ Representative Elugardo, HD.3483: An Act to pilot ballot box initiatives in carceral settings