

JAIL-BASED VOTING RIGHTS

Representative Chynah Tyler and Representative Liz Miranda, H. 836 &
Senator Adam Hinds, S. 474

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. H. 836 and S. 474 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

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“Protecting the voting rights of eligible incarcerated voters is not merely a fight to protect prisoners' rights but a fight against racist policies used to uphold White supremacy.”

- Al-Ameen Patterson, Chair, African American Coalition Committee (AACC)

“Voting will encourage lawmakers and elected officials to see us as human beings worthy of being seen. Voting will motivate public officials to regularly come into the prisons and solicit our votes. The chain reaction will bring about better conditions of confinement, adequate programming, dignity, as well eradicate the ever present racism from an entirely white administration controlling the prison policies of a majority black and brown prison population. Infused dignity created from incarcerated enfranchisement in Massachusetts prisons will spill over into the communities that many of us will be returning to.”

- Derrick Washington, Founder, Emancipation Initiative

Endorsing Organizations:

ACLU of MA; Act on Massachusetts; ADL New England; African American Coalition Committee (AACC); Arise for Social Justice; Black and Pink Massachusetts; Black Boston COVID-19 Coalition (BBCC); Black Director's Network (BDN); Black Economic Justice Institute (BEJI); Brazilian Women's Group; Bristol County for Correctional Justice; Campaign Legal Center; Cape Verdean Social Workers Association; Cape Verdean Social Workers Association; Coalition for A Better Acre; Coalition for Effective Public Safety (CEPS); Common Cause Massachusetts; Community Action Works Campaigns; Criminal Justice Policy Coalition; Decarcerate Western Mass; Democratic Policy Center; Edgartown Democratic Town Committee; Emancipation Initiative; Equal Citizens; Families for Justice as Healing; Garrison Trotter Neighborhood Association (GTNA); ; Greater Boston Legal Services CORI & Reentry Project; HAITIAN AMERICANS UNITED INC; Healing Our Land Inc. Ministry; Indivisible Martha's Vineyard; Jewish Alliance for Law and Social Action; Lawyers for Civil Rights; Lift Every Vote; Mass NOW; Mass Political Cooperative; Mass POWER; Massachusetts Peace Action; Massachusetts Voter Table; MassVOTE; MOCHA; NAACP-Boston; NARAL MA; Neighbor to Neighbor MA; Out Now; Prisoners' Legal Services; Progressive Massachusetts; Public Higher Education Network of Massachusetts; Reclaim Our Democracy; ROCA; Somerville Democratic City Committee (SDCC); The Criminal Justice Reform Task Force of Congregation Dorshei Tzedek; The Charles Hamilton Houston Institute for Race and Justice at Harvard Law School; The Congregation B'nai Israel Tikkun Olam Committee-Northampton; The National Council for Incarcerated and Formerly Incarcerated Women and Girls - MA; The Prison Policy Initiative; The Real Cost of Prisons Project; The Sentencing Project; The Tikkun Olam Committee of the Jewish Community of Amherst; Union of Minority Neighborhoods; UU Mass Action; Welcome Project Inc; Winning Writers; Worcester Democratic Socialists of America; Worcester Interfaith; YWCA Southeastern MA

About The Democracy Behind Bars Coalition (DBBC)

The DBBC is a coalition of advocacy and community organizations, direct service and religious groups, and individuals committed to ensuring that democracy does not stop at prisons and jails in Massachusetts. The coalition is working to ensure incarcerated people who have the right to vote have access to the ballot through legislative advocacy, jail-based voting direct service programs, and public education. It is led by a dozen statewide organizations, including the AACC, Emancipation Initiative, The National Council for Incarcerated & Formerly Incarcerated Women & Girls, Healing Our Land Inc, Prisoners Legal Services, Neighbor 2 Neighbor, MassVOTE, the Massachusetts Voter Table, MOCHA, Common Cause MA and more.