

Testimony to the Presidential Commission on Election Administration Concerning Absentee Voting by  
Voters who are Incarcerated in Jails

by Charles Sullivan, Executive Director, CURE

For the last 10 years, I have been working with the Board of Elections and the Department of Corrections in Washington, DC, to facilitate voting by eligible citizens confined in Washington's two jails.

Although the common perception is that "people in jail cannot vote," this is not true. Citizens serving misdemeanors and those awaiting trial can vote absentee. I would like to explain the two steps of registering and absentee voting that are done today in DC jails. This, I think, could be a model for the other 3,300 jails in the country.

Please understand that I am not talking about prisons where people serve felony convictions. Only two states, Maine and Vermont, allow their state prisoners the opportunity to vote.

Step 1: Registering

The Mayor and City Council of DC passed legislation in 2009 that made the DC Department of Corrections a "voter registration agency." As you know, under Section 7 of the National Voter Registration Act, DC and all other cities can designate agencies as "voter registration agencies."

These VRAs must distribute mail-voter registration application forms, give assistance to applicants in completing voter registration forms, and accept completed voter registration forms for transmittal to the Elections Board. Thus, all eligible citizens being processed in the DC jails today are given an opportunity to register to vote.

Step 2: Absentee Voting

If a registered voter expects to be in custody on Election Day, he or she must request an absentee ballot by filling out a form that the jails will provide. These filled-out requested absentee ballot forms will then be picked up by a DC Board of Elections official and hand-delivered to the Election Board for processing.

Then, within one week of Election Day, Board of Elections officials will hand-deliver the absentee ballots to those in the jails who requested them. They will also be available to provide assistance if needed. Then, a Board official will collect the completed absentee ballots and bring them back to the Board of Elections.

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