

**VOTING IN WASHINGTON'S COUNTY JAILS:
CHALLENGES, OBSTACLES, AND RECOMMENDATIONS**

REPORT PREPARED FOR:

**WA STATE LEGISLATURE
AND
OFFICE OF THE SECRETARY OF STATE**

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EXECUTIVE SUMMARY

The majority of the approximately 10,000 people in Washington’s 36 county jails maintain their right to vote. Incarcerated individuals are eligible to vote as long as they are not currently serving a sentence for a felony conviction under “total confinement”¹ and are not disqualified due to court order. Yet, a number of barriers make access to voting in jails difficult. This report identifies the specific challenges and obstacles in Washington and provides a set of recommendations for overcoming them.

The impetus for this report was proviso funds allocated by the Washington legislature in the 2023-2024 fiscal year for a study to identify and devise ways to overcome challenges and obstacles to jail voting. The proviso stipulates that the study is to:

- a. Identify challenges and obstacles to voting in Washington jails;
- b. Include examination of how election offices and jails can ensure that voter registration, materials, and assistance are provided to registered voters and eligible citizens who are in jail prior to each election;
- c. Identify recommendations for facilitating voter registration for eligible citizens and voting for registered voters in Washington jails;
- d. Develop recommendations for identifying individuals who are registered to vote upon jail admission and for providing voter assistance upon release from jail.

To address the issues stipulated in the proviso, a University of Washington research team collected and analyzed the following data: a review of relevant literature, an analysis of inmate handbooks, a survey of County Auditors, stakeholder interviews, and a series of three two-hour stakeholder convenings conducted in September 2024. Stakeholders include County Auditors and election staff, jail commanders and staff, representatives from state and regional agencies, as well as community advocates and volunteers.

Key findings from the **literature review** include:

- Although having a written policy about voting in jail is helpful for ensuring voting access, many counties either do not have one or have one that is inadequate. The ideal is to have a written policy that clearly delineates critical dates, necessary documents, and specific actions.
- State-level policy responses are an effective approach for overcoming obstacles in a systematized way, such as removing barriers to absentee ballot access or authorizing access to or use of detainee data.
- Determining voter eligibility in a timely fashion is a central challenge.

Key findings from the analysis of **inmate handbooks** from 25 counties include:

- Inmate handbooks are provided to everyone entering a jail. The handbooks provide information about a person’s rights and responsibilities, the jail’s rules of conduct, and services available.
- Of the available handbooks, only five include comprehensive information about voting.

Based on responses from 20 of 36 counties with a jail, key findings from a **survey** of County Auditors, include:

- Most County Auditors report having a direct connection between an election official and a jail contact.
- Few counties host in-person, on-site jail voting events.

¹ RCW 10.64.140

- Approaches to voter registration and education vary:
 - 25% of respondents reported working with community organizations on the issue of voting in jail
 - 37% of respondents visit jail to register voters
 - 74% send a reminder to the local jail at each election
 - 68% drop off educational materials to the jail; 15% do not provide any educational materials
 - 65% provide local voters' pamphlet; 45% provide a voter awareness flyer; 30% provide voter information pamphlets and a voting procedure flyer

Key findings from **interviews** with 21 stakeholders from around the state include:

- Stakeholders hold varying amounts of enthusiasm for facilitating or improving access to voting in WA jails.
- Logistical issues create challenges for voting in jail:
 - Physical distance between election office and jail
 - Space constraints within the jail
 - Security concerns within the jail
 - Limited election and jail staff
 - Limited timeframe of jail stays and voting windows
- Politics and funding create obstacles to securing resources and consistent effort to support jail voting.
- Voter education faces challenges in knowledge about voter eligibility, the voting process, and ballot content.
- Potential voters have a number of specific needs that create obstacles to voting:
 - Lack of ID or knowledge of Social Security Number
 - Lack of access to resources like VoteWA.gov
 - Lack of access to the full 18-day voting window
 - Stress and disruption of being in jail

Evans Policy Innovation Collaborative (EPIC) hosted three **stakeholder convenings**, two hours each, on September 11, 13 and 17, 2024. The convenings were attended by a total of 44 participants: 27 county election workers, 8 jail staff & administrators, and 9 voting rights and community advocates. The goal of the convenings was to use what the prior sources of data indicated about obstacles and challenges in order to explore ways to overcome them. Key findings from the EPIC convenings include:

- Strong support for a statewide policy to ensure access to voting in jail with the important caveat that counties be allowed flexibility in how the policy is designed and implemented based on their particular constraints, needs, and context.
- Strong support for designating specific individuals to serve as main points of contact between the jail and the Auditor's office.
- Strong support for the Secretary of State to provide consistent statewide voting information that could then be individualized in each county.
- Recognition of the importance of collecting data about voting in jail, for the purposes of reporting and accountability.

Analysis of the various data sources reveals the following main challenges and obstacles:

- Insufficient information available about voting in most county jail inmate handbooks.
- Inconsistent and sometimes low enthusiasm across stakeholders for facilitating or improving access to voting in WA jails and/or little to no proactive outreach to potential voters among some election and jail staff.
- Logistical issues, such as the physical distance between election office and jail, space constraints within the jail, security concerns within the jail, limited election and jail staff, limited time of available election and jail staff, and limited timeframe of jail stays and voting windows.
- Inconsistent funding and varying political contexts around the state combine to create significant inequities between counties in terms of jail voting access.
- Difficulties determining voter eligibility in a timely fashion.
- Difficulties with voter education in terms of knowledge about voter eligibility, the voting process, and ballot content.
- Potential voters in jail often: lack ID or knowledge of Social Security Number, lack access to resources like VoteWA.gov, lack access to the full 18-day voting window, are experiencing stress and disruption from being in jail.
- Lack of data about voting in jail hinders effective policy and accountability.

The report develops a set of recommendations designed to reflect best practices nationwide, while drawing on the particular expertise, knowledge, and perspectives of WA stakeholders.

Strongly Recommended

- Institute statewide policy to ensure access to voting in jail.
- Legislation requiring each county with a jail to develop a jail voting plan.
- Legislation requiring formal coordination between County Auditor and jail.
- Office of the Secretary of State provides consistent voting information that could be individualized to each county.
- Require standardized language providing comprehensive information on voting rights and process in jail handbooks.
- Collect jail voting data.

Recommended

- Involve community advocates in voter education and registration.
- Improve access to internet-equipped technology.
- Facilitate proactive outreach to potential voters in jail.
- Treat outgoing voting-related mail as legal mail.

Encouraged

- Create and disseminate an explainer video about the voting process, how to register, and how to vote.
- Request that the Criminal Justice Training Commission (CJTC) assist in training jail staff on voter education, voter eligibility, and facilitating access to voting materials.
- Allow people to use commissary request process to obtain voter registration materials.
- Establish a Jail Voting Workgroup.
- Partner with those who are in contact with potential voters in jail, such as reentry service providers, resource navigators, and Public Defenders.

Not Recommended

- Unfunded mandates.
- Mandate to include voter registration in the intake/discharge process.

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INTRODUCTION

In Washington, most of the approximately 10,000 people² in the state's 59 jails maintain their right to vote. The majority of people in jail are there for pretrial detention. Incarcerated individuals are eligible to vote as long as they are not currently serving a sentence for a felony conviction under “total confinement”³ and are not disqualified due to court order. Yet, a number of barriers make access to voting in jails challenging.⁴ Potential voters in jail may not be registered, may lack knowledge about what is on the ballot, may not be aware of elections, or may simply have too many other pressing concerns. They are also a necessarily transient population⁵ who often are isolated from events outside of jail, lack access to the internet, or may not know if they are eligible to vote. Jail staff and administrators may not know the intricacies of determining an individual's eligibility to vote or may not support the idea of people voting in jail. They also have an institutional obligation to maintain political neutrality. But, most importantly, their main duty is with maintaining the safety of all residents, staff, and visitors. Election officials may not have a consistent policy for ensuring voting access and may lack a point person in jail with whom to share the responsibility of providing access. Each of these obstacles are prevalent across the state to varying degrees across counties.

The goal of this report is to:

1. Identify the specific challenges and obstacles to voting in WA jails
2. Propose fact-based recommendations for addressing these challenges and obstacles based on a survey of the scholarly literature, original data collection, and a series of stakeholder convenings.

Why is Voting in Jail Important?

The right to vote is constitutionally protected. For that reason alone, it is important for all WA counties to ensure that all eligible citizens have access to the right to vote. The fact that jail entails the state constraining personal liberty triggers Due Process Clause protections,⁶ which underscores the importance of counties taking proactive measures to ensure access to voting. Since most people in jail are there for pre-trial detention and have not been convicted of the charge that landed them in jail, they maintain the same voting rights as every other citizen in the state.⁷ Indeed, in its 1974 *O'Brien v. Skinner* ruling, the Supreme Court determined that jailed, but otherwise eligible, voters cannot be denied their constitutional right to vote.⁸

The lack of access to voting in jail is not a matter of law or policy proscribing access. Rather, it tends to be “caused by a complicated, convoluted net of practical barriers that deprive eligible,

² The total number of people in jail in the US is approximately 658,000. On average, 67% of whom are detained pre-conviction. Jail Inmates in 2021 – Statistical Tables | Bureau of Justice Statistics. (December 2022). Retrieved August 1, 2024, from <https://bjs.ojp.gov/library/publications/jail-inmates-2021-statistical-tables>

³ RCW 10.64.140

⁴ Porter, N. (2020). Voting in Jails. [Policy Brief] Washington, DC: Sentencing Project; Siegel, G. (2022); Illinois Public Act 101-0442: Unlocking Education, Registration, and Participation of Voters in Pretrial Detention Notes. *University of Illinois Law Review*, 2022(4), 1603–1636.

⁵ Jackson-Gleich, G., & Todd Yeary, Rev. Dr. S. (2020). Eligible, but Excluded: A guide to removing the barriers to jail voting, https://www.prisonpolicy.org/reports/jail_voting.html (last accessed 10/24/24)

⁶ Campaign Legal Center. (n.d). Challenging Jail-Based Disenfranchisement: A Resource Guide for Advocates. Washington, D.C.

⁷ According to the Campaign Legal Center, other relevant legal arguments in support of maintaining access to the right to vote in jail include the protections of the Voting Rights Act, the possibility that bail is functionally a poll tax, the need for procedural due process to ensure that “jailed voters are not erroneously deprived of their right to vote,” and the uniformity requirement of the Equal Protection Clause that calls for all voters being similarly able to cast a ballot and have it be counted.

⁸ Ibid

incarcerated voters of their constitutional right to vote.”⁹ This de facto disenfranchisement is particularly problematic, because voters in jail are “a microcosm of historically marginalized voters” who are “disproportionately people of color, low-income voters, homeless voters, and voters with disabilities.”¹⁰ Moreover, functionally disenfranchising individuals in jail risks triggering the same concerns raised by felony disenfranchisement: unduly limiting the electorate, exacerbating racial disparities in civic participation and political impact, and thwarting reentry goals.¹¹

Evidence suggests that, even among registered voters, being in jail during the year of a presidential election can decrease the likelihood of voting by about 9%.¹² The effect increases with the duration of time spent in jail. As compared to registered voters who entered jail 7- 42 days after election day, people who were in jail for the entirety of their state’s voting period were 38.4% - 65.2% less likely to have voted in 2020.¹³ These decreases in voting were even more pronounced for Black individuals. Among Black registered voters, those who were in jail for the whole 2020 election voting window had a 61% - 122% decrease in turn out relative to Black registered voters who were booked into jail after the election.¹⁴

Beyond the constitutional considerations, empirical findings indicate that civic participation—especially voting—reduces the likelihood of recidivism. Most academic work on this topic focuses on people who have been imprisoned for a felony. However, the general take-away still holds. Namely, preventing or countering disenfranchisement due to involvement with the criminal legal system leads to positive outcomes for both individuals and communities.¹⁵

⁹ Ibid, 1

¹⁰ Ibid, 1

¹¹ Mauer, M. (2010). Voting behind bars: An argument for voting by prisoners. *Howard LJ*, 54, 549

¹² Harvey, A., & Taylor, O. (2022). Voting From Jail. [Working Paper]

¹³ Ibid

¹⁴ Ibid

¹⁵ See: Maruna, S. (2001). Making good: How ex-convicts reform and rebuild their lives. American Psychological Association; Vogel, M., & Hamilton-Smith, G. P. (2012). The Violence of Voicelessness: The Impact of Felony Disenfranchisement on Recidivism. *Berkeley La Raza Law Journal*, 23; Mauer, M. (2010). Voting behind bars: An argument for voting by prisoners. *Howard LJ*, 54, 549; Uggen, C., & Manza, J. (2004). Voting and subsequent crime and arrest: Evidence from a community sample. *Colum. Hum. Rts. L. Rev.*, 36, 193.

Voting in Washington

Washington is a vote by mail state. There is an 18-day voting window as well as same day registration where ballots can be produced on demand. In Washington, County Auditors are responsible for elections and election oversight.

Voting in WA has the following distinct features:

- an 18-day voting window
- same-day registration (instead of 30-day cutoff as in many other states)
- ballots can be produced on demand

To register to vote in the state of Washington, a person must be:

- ✓ A citizen of the United States
- ✓ A resident of Washington state
- ✓ At least 18 years old
- ✓ Not disqualified from voting due to a court order
- ✓ Not currently serving a sentence of total confinement in prison under the jurisdiction of the department of corrections for a Washington felony conviction
- ✓ Not currently incarcerated for a federal or out-of-state felony conviction

Legislative History in WA

The Washington legislature has taken a number of steps to address the challenges of improving access to voting in jail. It passed a fiscal year 2022-2023 proviso to provide grant funding to counties for the purpose of supporting voter registration and voting within their jails. The focus of the funding was identifying new registration and voting methods for people residing in jail during the voting period. The funds were available from July 1, 2022, through June 30, 2023. The total amount of the proviso was \$2,534,000, to be allocated to counties based on the number of registered voters in each county. According to a summary report by the Office of the Secretary of State,¹⁶ only four counties requested funds and five counties submitted post-election reports in response to the proviso. The report outlines limitations on the ability of counties to use the funds, which include: short timeframes for engaging with county election offices, election office staffing limitations, the existence of other programs, and a lack of fiscal authorization from the county.

Over the past 15 years, a number of bills have addressed the issue of incarceration and voting access. In 2009, HB 1517 passed, which eliminated legal financial obligations (LFOs) as a condition for the restoration of civil rights. In 2019, SB 5207 passed, which implemented a requirement that “the Department of Corrections . . . provide each person released from prison with written notice of their voting rights and a voter registration form.” After three consecutive years of consideration by the WA State Legislature, a bill that became RCW 29A.08.520 passed in 2021, which automatically restores voting rights upon completion of a prison term. It reads, in part: “At least once a month, the secretary of state shall compare the list of registered voters to a list of persons who are not eligible to vote [due to currently serving a sentence of total confinement]” This bill made Washington one of 21 states to automatically restore voting rights after voters leave prison.

¹⁶ “Report: Voter Registration and Voting in County Jails” Washington Secretary of State. This final summary report from the Office of the Secretary of State to the Governor and Legislature was due June 30, 2023.

In the fiscal year 2023-2024 legislative session, HB 1174 “Improving access and removing barriers to jail-based voting,” failed to advance. This bill would have:

- Required County Auditors to create a Jail Voting Plan (Plan) for each jail, including details about how the jail will help people who are incarcerated register to vote and access and complete a ballot.
- Required jails to implement their Plans and provide voter registration information, ballot-related information, and ballots to people who are incarcerated.
- Required jails to document voting-related requests and complaints and collect related data.
- Required the Secretary of State to contract with the University of Washington Evans School of Public Policy and Governance to identify challenges and make recommendations related to voter registration and voting access for people who are incarcerated in jail.
- Allow election officials to access jails at least 30 days before elections for outreach and education. Require designated jail voting coordinators among jail staff and within auditor’s offices

This report is the result of action also taken in the 2023-2024 fiscal year, when the Washington legislature allocated funds in a proviso to conduct a study to identify and devise ways to overcome obstacles and barriers to jail voting. The proviso stipulates that the study is to:

- a. Identify challenges and obstacles to voting in Washington jails;
- b. Include examination of how election offices and jails can ensure that voter registration, materials, and assistance are provided to registered voters and eligible citizens who are in jail prior to each election;
- c. Identify recommendations for facilitating voter registration for eligible citizens and voting for registered voters in Washington jails;
- d. Develop recommendations for identifying individuals who are registered to vote upon jail admission and for providing voter assistance upon release from jail.

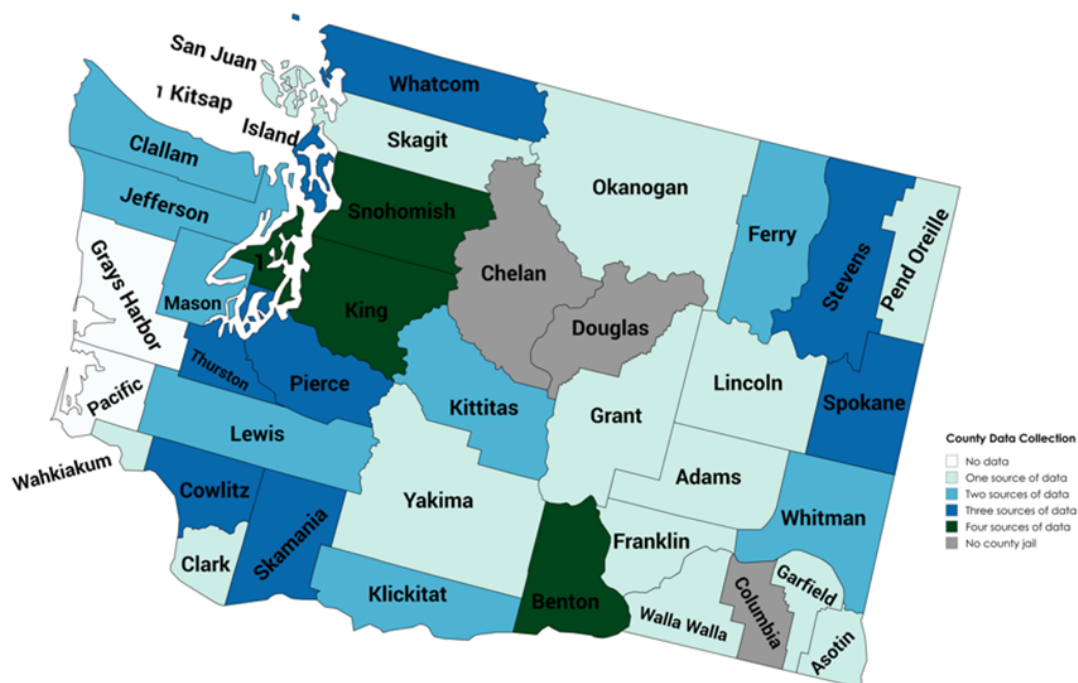
DATA & FINDINGS

To address the issues stipulated in the proviso, the research team collected and analyzed data from a variety of sources:

1. Review of Relevant Literature—includes academic, law review, think tank, and advocacy publications
2. Review of Inmate Handbooks—includes 25 handbooks received upon search and request to all 36 counties with a local jail
3. Survey of County Auditors—includes responses from 25 of 36 counties with a local jail
4. Interviews with Stakeholders—21 interviews with County Auditors & Elections Staff, Jail Commanders and Staff, Community Advocates, and other state employees
5. Stakeholder Convenings—includes input from three 2-hour convenings held virtually in September, 2024.

Of the 36 counties with a local jail, 4 counties participated in the interviews, responded to the survey, had a handbook available for review and participated in the convening. In 8 counties, three of the four data sources were provided; in 7 counties, two data sources were provided; and in 15 counties, one data source was included. There are only two counties with local jails that did not participate in any of our methods of data collection. See Figure A for data collection methods across Washington counties.

Figure A: Number of Data Sources by County



KEY FINDINGS: LITERATURE REVIEW

1. Although having a written policy about voting in jail is helpful for ensuring voting access, many counties either do not have one or have one that is inadequate. The ideal is to have a written policy that clearly delineates critical dates, necessary documents, and specific actions.
2. **State-level policy responses** are an effective approach for overcoming obstacles in a systematized way, such as removing barriers to absentee ballot access or authorizing access to or use of detainee data.
3. Determining **voter eligibility** in a timely fashion is a central challenge.

Literature Review

While there is a robust academic literature on the issue of prison disenfranchisement, the effect of a felony conviction on voting eligibility, and the role of civic participation in the post-prison reintegration process, very little empirical work specifically examines voting in jail. Some lessons from the literature on prison and voting may apply; those are taken into account in the recommendations when appropriate (e.g. the findings related to the positive connection between civic participation and desistance). Much more has been written by think tanks and advocacy groups. Well-validated insights from those sources are taken into account as appropriate as well (e.g. the need for a state-level policy). The empirical studies show that being in jail decreases voter participation both during and after serving a jail sentence. The law review articles offer a review of relevant law related to accessing voting in jail as well as normative arguments about ensuring access to the right to vote. The think tank and advocacy pieces provide specific guidance about how to improve access to voting in jails. Table 1 includes details from the reports on barriers and recommendations in other states. Table 2 lists various policy responses to reduce barriers to voting in jail in other jurisdictions.

Empirical Studies

- White, A. (2019). Misdemeanor disenfranchisement? The demobilizing effects of brief jail spells on potential voters. *American Political Science Review*, 113(2), 311-324.
This study finds evidence that “a short jail sentence decreases voting in the next election by several percentage points.” The findings show stark differences by race: “White defendants show no demobilization, while Black defendants show substantial turnout decreases due to jail time.”
- Harvey, A., & Taylor, O. (2022). Voting From Jail. [Working Paper]
This study attempts to estimate the causal effects of jail incarceration on voting from jail in 2020. They find that being in jail for the duration of voting days significantly reduces voting (46% less likely than comparison group), with an even more pronounced decrease for Black individuals (78% less likely than comparison group). The authors conclude: “Our findings reveal the pressing need to enable voting-eligible incarcerated individuals to exercise their constitutional right to vote, and to address troubling racial disparities in the effect of jail incarceration on the exercise of the right to vote.”

Law Review Articles

- Paikowsky, D. (2019). Jails as polling places: living up to the obligation to enfranchise the voters we jail. *Harv. CR-CLL Rev.*, 54, 829.
- Mauer, M. (2010). Voting behind bars: An argument for voting by prisoners. *Howard LJ*, 54, 549.

- Siegel, G. (2022). Illinois Public Act 101-0442: Unlocking Education, Registration, and Participation of Voters in Pretrial Detention Notes. *University of Illinois Law Review*, 2022(4), 1603–1636.

Think Tank & Advocacy Reports

- Das, C., & O’Neil, J. (2023). Democracy Detained: Fulfilling the Promise of the Right to Vote from Jail. The Thurgood Marshall Institute.
- Porter, N. D. (2020). Voting in jails. The Sentencing Project.
- Campaign Legal Center. (n.d). Challenging Jail-Based Disenfranchisement: A Resource Guide for Advocates.
- Jackson-Gleich, G. & Yeary, S.T. (2020) Eligible, but excluded: A guide to removing the barriers to jail voting. Prison Policy Initiative.
- Reports from *All Voting is Local*, described below.

The advocacy group, “All Voting is Local” has collaborated with state-based groups to produce reports on the status of jail voting in four states. Although the reports make recommendations tailored to each particular state, several are common across states and echo recommendations made elsewhere: have a written policy, designate an official, maintain partnerships with county officials, verify voter eligibility, provide information, provide access to ballots, and track jail voting participation. See Appendix A for a summary of the “All Voting is Local” reports.

Table 1: Reports on Barriers and Recommendations in Other States

State	Barriers	Recommendations
NY	<p><i>League of Women Voters in New York (2023)</i></p> <ul style="list-style-type: none"> - transient population - confusion around eligibility - voter registration difficulties such as jail mail delays and lack of permanent addresses - lack of assistance casting ballots - lack of access to voting guides <p>Report finds that success of jail voting is heavily dependent on the authority of the sheriff (“The most pervasive barrier is that voting does not appear to be a priority for many sheriffs; public safety is their main responsibility”).</p> <p>Of the 57 counties surveyed: 16 had no jail voting program in place 12 had a full jail voting program remaining counties had one aspect of a jail voting program such as posting flyers but nothing more</p>	<ol style="list-style-type: none"> 1. Fund the New York State Board of Elections to develop an informational voting program and distribute educational materials in both paper and digital form to all county jails. The informational voting program will explain the eligibility to vote, how to register, how to apply for an absentee ballot, how to complete an absentee ballot, turning in materials, and the importance of voting. 2. Include information about eligibility to vote, registration applications and deadlines, application for absentee ballot, and election dates in all handbooks, electronic tablets, and electronic kiosks with signage posted in common areas throughout the jail, and in the intake and release areas. 3. Have sheriffs’ offices designate a specific staff member, unaffiliated with the county jail and independent from the jail’s leadership, to be responsible for informing detained people of their voting rights, distributing information in a timely fashion, arranging for help from neutral individuals, such as staff from the BOE or LWV, with completing forms, and maintaining records on the number of detained persons who register to vote while incarcerated. 4. Provide a safe and private space to complete registration and ballot materials, especially the absentee ballot itself. 5. At arrival, screen detained people for eligibility to vote and provide registration materials. 6. At release, screen for eligibility to vote and provide registration materials, just as jails and prisons do for released convicted felons. 7. Encourage sheriffs’ offices to work with outside non-partisan organizations to provide civics education and neutral information about voting, candidates, and issues.
PA	<p><i>Ballots for All (2020)</i></p> <p>Out of the 25,000 people in county jails in Pennsylvania only 52 people requested mail ballots in the 2020 general election using an address associated with one of 18 county jails</p>	<p>Institute a detailed, written policy that clearly outlines key dates, documents needed, and actions.</p>
WI	<p><i>ACLU of Wisconsin, All Voting is Local-Wisconsin (2020)</i></p> <ul style="list-style-type: none"> - >50% of Wisconsin counties did not have a written policy specifying how to register to vote and cast a ballot - 1 county with a detailed policy - 5 of 61 counties had detailed procedures to facilitate voter registration and voting from jail 	<ol style="list-style-type: none"> 1. Access to Information Jail administrators must provide every eligible voter in their care with relevant election dates and deadlines, as well as opportunities to learn what issues and candidates are on their ballot. Jail administrators should look to the Wisconsin Elections Commission for information related to dates and deadlines. They should provide nonpartisan issue-area and candidate information to interested voters through educational materials; trusted non-partisan voting rights groups like the League of Women Voters make this information publicly available. This information should be provided proactively, and not just in response to requests from individuals in the jail’s care. Jail

<p>WI <i>(cont'd)</i></p>	<p>- 0 Wisconsin jails had a system in place to collect data such as the number of registrations or the number of ballots requested</p>	<p>administrators may consider providing information through closed circuit television, fliers, poster displays, and the jail handbook.</p> <ol style="list-style-type: none"> 2. Eligibility To Vote Every jail must have a written policy for informing individuals in the jail about voter eligibility rules, and for verifying whether an individual is eligible to register and vote. 3. Voter Registration Status Every jail needs to provide voters with opportunities to check their voter registration status at least 30 days ahead of every election in which they plan to vote. The easiest way is to allow access to computers where voters can check their status online at myvote.wi.gov. In jails where individuals are not typically permitted free access to the internet, exceptions should be made for checking voter registration status. Voters should also be provided with the option to make a free phone call to their municipal clerk. 4. Voter Registration Every jail needs to provide direct opportunities for eligible voters in their care to register to vote. 5. Verifying the Ballot Was Counted Every person who votes from jail must have an opportunity to verify their vote was counted. This may mean having the opportunity to check the status of their ballot on the myvote.wi.gov webpage 30 days after Election Day, or having the opportunity to call their municipal clerk. In jails where individuals are not typically permitted free access to the internet, exceptions should be made for verifying that their ballot was counted. Voters should also be provided with the opportunity to check that their vote was counted by making a free phone call to their municipal clerk. 6. Tracking Jail Voting Support Every county jail should have a written process for tracking voter registrations, ballot requests, and ballots returned. While we recognize that some jail-based requests will not be fulfilled due to residents' release, these numbers are important for future analysis.
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Table 2: Policy Responses to Reduce Barriers to Voting in Jails by State

State	Policy Responses to Reduce Barriers to Voting in Jails
AZ	<p>Secretary of State adopted rule to require “local election officials create plans to provide jailed voters with ballot access”</p> <p>Arizona 2019 Election Procedures Manual: “Individuals held in pretrial detention or serving a sentence for a misdemeanor conviction remain eligible to register and vote (assuming no other deficiencies in eligibility). To the extent practicable, County Recorders shall coordinate with the county sheriff’s office, jail or detention facilities, the county public defender’s office, and other appropriate stakeholders to develop and implement reasonable procedures to facilitate the receipt and return of a ballot-by-mail by eligible voters held in jail or detention facilities. Such procedures may include coordinating a means for secure and effective delivery and return of ballots-by-mail for those in custody and/or the use of special election boards as permitted by law.” (p. 72)</p>
Los Angeles County, CA	<p>Board of Supervisors directed officials to develop a task force and countywide plan for voter education and registration among justice-involved residents. ACLU of Southern California is authorized through a court order to monitor adherence to voting access in the jails.</p> <p>If voters are transferred to another jail facility, officials are authorized to use a resident’s booking number for the purpose of distributing absentee ballots</p>
CO	<p>Secretary of State adopted rule to require “local election officials create plans to provide jailed voters with ballot access” that must also be published. Colorado Election Rules amended so that county clerks are mandated to include coordination plans for mail.</p>
GA	<p>Amended law “to allow absentee ballots to be sent directly to jails.”</p>
IL	<p>Public Act 101-0442 in 2020: requires elections authorities of smaller jails to facilitate opportunities for voting by mail; designates Cook County as a temporary polling place. process allows for same day voter registration. Senate Bill 2090: requires election authorities in a county with a population over three million to collaborate with the primary county jail where eligible voters are confined to enable in-person voting.</p>
MA	<p>Jails consider detainees to be “specially qualified”; therefore, they do not have to register before completing an absentee ballot.</p>
Philadelphia, PA	<p>Designated correctional staff to be responsible for jail voting education and registration. Voter education in jails takes place through public service announcements shown on closed circuit television.</p>
RI	<p>Designated jails to be under Section 7 of the National Voter Registration Act.</p>
Harris County, TX	<p>Brings community groups into jails to register incarcerated voters and to facilitate voting by mail.</p>
Washington, D.C.	<p>Designated jails as Voter Registration Agencies; created a voter guide specifically for incarcerated voters; passed a law requiring officials to identify and reach out to all eligible, incarcerated voters to inform them of their rights.</p> <p>D.C. Law 23-277 Restore the Vote Amendment Act of 2020: allows District residents to vote while incarcerated; requires the DC Board of Elections to provide DC residents incarcerated in the custody of the DC Department of Corrections and the federal Bureau of Prisons with voter registration materials.</p> <p>Persons incarcerated at DC Jail may vote via mail or in-person at the DC Jail. Same day registration is available at DC Jail on voting day(s). (Voting While Incarcerated, District of Columbia Corrections Information Council).</p>

Note: Information from this table adapted from Campaign Legal Center (n.d.) Challenging Jail-Based Disenfranchisement: A Resource Guide for Advocates. Washington, DC and Porter, N. D. (2020). Voting in Jails. [Policy Brief] Washington, DC. The Sentencing Project.

KEY FINDINGS: INMATE HANDBOOKS

1. Inmate handbooks are provided to everyone entering a jail. The handbooks provide information about a person's rights and responsibilities, the jail's rules of conduct, and services available.
2. Of the available handbooks, **only 5 include comprehensive information about voting.**

Inmate Handbooks

Inmate handbooks are one of the first sources of information an individual receives upon entering a county jail. The handbooks are usually distributed during the intake process. This document is the jail's opportunity to communicate about a person's rights and responsibilities, the jail's rules of conduct, and services available at the facility. Importantly, it is also an opportunity to provide standardized information about voting eligibility and the voting process.

In order to collect as many inmate handbooks as possible, the research team searched every county jail's website, sent email requests, and then submitted public records requests as needed. In total, 25 handbooks were collected. The analysis of the handbook text focused on answering the following questions:

1. Does the handbook have an introduction? If so, what is the tone of the language used?
2. Does the handbook have a section on rights? If so, what is the tone of the language used?
3. Does the handbook have a section on voting? If so, how comprehensive is it?

Of the 25 handbooks we obtained, half have a section on voting, half have a section on "rights," and a quarter have either a voting or rights section, but not both. Counties with handbooks evenly split between having 1, 2, or 3 sections (Introduction, Rights, Voting). The language of the introduction and rights sections was coded as having a "corrective," "neutral," or "affable" tone. Introduction and rights statements were coded as corrective if they spoke to rule-breaking or included consequences of punishment. These statements were coded as affable if they had any encouraging content, spoke to respectful treatment of the incarcerated, or spoke to wanting to help the incarcerated individual. Five counties had all three sections and an affable or neutral tone. Counties with a corrective tone tend to have either a voting section or rights section, but not both.

The language of the section on voting was coded as being "very comprehensive," "sufficiently comprehensive" or "insufficiently comprehensive." These codes are based on an assessment of amount and quality of information about determining eligibility to vote and the process of voting while in the facility. Very comprehensive ratings were those that included both pieces of information, sufficiently comprehensive included one or the other, and insufficiently comprehensive did not include either piece of information. An example of a voting section coded as insufficiently comprehensive includes this language:

"If eligible to vote, you are responsible for notifying your voting jurisdiction and obtaining your ballot."

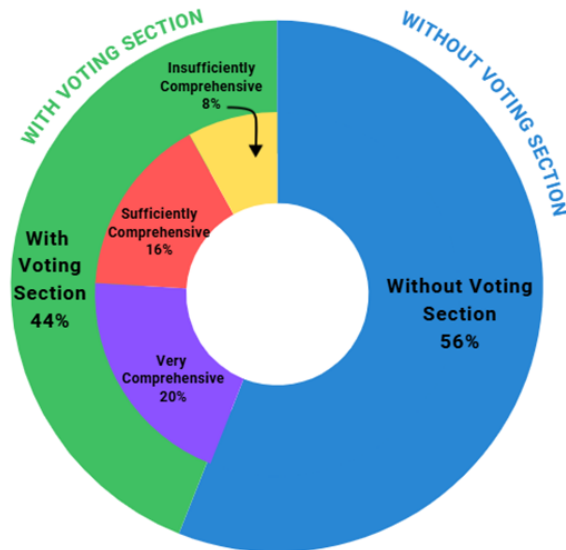
An example of a voting section coded as sufficiently comprehensive includes this language:

"If you are a registered voter, desire to register to vote or would like to participate in an upcoming election, send an inmate request form (kite) to the attention of the Corrections Administrative Sergeant. You will need to be clear on your request as to your current voting status and what it is you are requesting. Also, keep in mind that sufficient time to process your request is needed so that you may exercise your right to vote."

This particular handbook has a section on voting that is two pages long and includes information on the following topics: how to register to vote or update your registration, how to know if you are eligible to vote, how to get your ballot, myth-busting, and how to cast a ballot. See Appendix B.

Overall, as seen in Figure B, most handbooks (64%, 16 total) had an introduction section with a neutral tone. Approximately equal numbers had either a corrective or affable tone. Almost half (44%, 11 total) of the handbooks had a section on voting, with only about half of those (20%, 5 total) having a very comprehensive voting section. Of the remaining handbooks with a voting section, four were coded as sufficiently comprehensive and two as insufficiently comprehensive.

Figure B: Assessment of Inmate Handbooks' Voting Information



KEY FINDINGS: SURVEY OF COUNTY AUDITORS

Based on responses from 20 of 36 counties with a jail:

1. Most County Auditors report having a **direct connection** between an election official and a jail contact.
2. Few counties host in-person on-site jail voting events.
3. Approaches to voter registration and education vary:
 - 25% of respondents reported working with community organizations on the issue of voting in jail
 - 37% of respondents visit jail to register voters
 - 74% send a reminder to the local jail at each election
 - 68% drop off educational materials to the jail; 15% do not provide any educational materials
 - 65% provide local voters' pamphlet; 45% provide a voter awareness flyer; 30% provide voter information pamphlets and a voting procedure flyer

Survey of County Auditors

As the county-level elections authority and the entity responsible for ensuring ballot access for eligible citizens, County Auditors are an essential stakeholder. Clarity on their procedures is a key step along the way to identifying the main challenges and obstacles involved with voting in jails. It is therefore vitally important to understand how election officials are currently managing jail voting. To that end, the researchers designed a survey to collect data on jail voting procedures, which was disseminated via email to every County Auditor's office in the state.

The survey was sent three times, eliminating the responding counties with each round. Twenty of the 36 counties responded to the survey. The survey asked about each county's procedures related to jail voting, including the provision of educational materials, delivering and collecting registration forms and ballots, and community partner involvement. Survey questions were designed to identify the specific processes in use to provide access to voting in WA jails. They include questions such as:

- Which educational materials does your office provide to the local jail?
- How do you register voters who are in your county jail?
- Approximately how many voter registration forms/ballots are received by your office per election?
- Have you worked with community organizations/advocates in the past on the issue of jail voting?

See Appendix C for the full list of survey questions.

When asked about their jail voting procedures, 84% of respondents said they have a direct contact at the local jail to partner with on jail voting, 74% send a reminder to the local jail at each election, and 68% drop off educational materials to the jail. A few also mentioned doing anything upon the jail's request. Only 37% of respondents visit the jails to register voters.

Regarding educational materials, 65% provide local voters' pamphlet, 45% provide a voter awareness flyer, and 30% provide voter information pamphlets and a voting procedure flyer. Of respondents, 15% do not provide any educational materials.

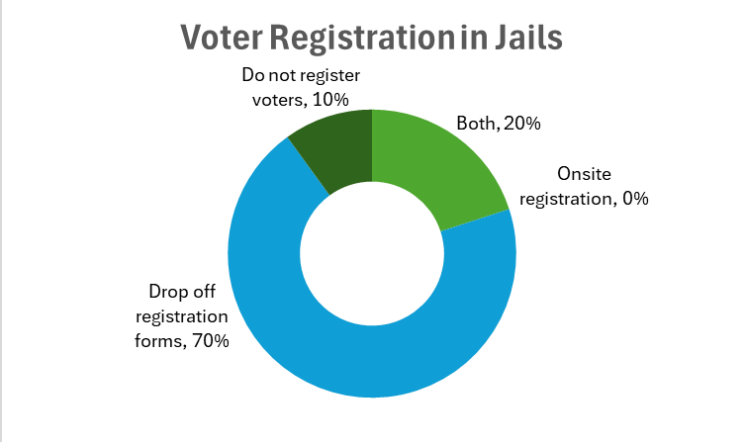
When it comes to registering voters in the county jail, 70% of respondents drop off voter registration forms while 20% do both on-site registration by election staff and drop off registration forms. See Figure C for approaches to voter registration from respondents.

The three ways ballots are provided to jails are: election staff take them to the jail in 50% of counties, in 50% of counties the jail staff picks up the ballots from the election office, and 31% of counties use USPS mail or inter-office mail.

For returning ballots: elections staff pick up ballots from the jail in 19% of counties and jail staff drop off ballots at the elections office in 19% of counties.

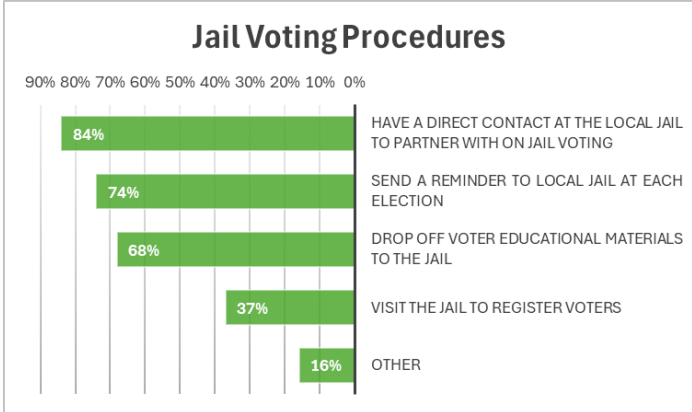
The average number of voter registration forms collected per election was between 4 and 16. And the average number of ballots collected per election was between 4 and 18. Finally, only about 1 in 4 respondents reported working with community organizations or advocates on the issue of voting in jail.

Figure C: Approaches to Voter Registration



These survey results indicate a heavy reliance on direct connection between an election official and a jail contact. It is routine for elections and jail staff to drop-off and pick up registration forms and ballots. Picking up and dropping off materials is much more common than hosting in-person voting events at the jail. And for most respondents, both voter registration and voter education are conducted passively, e.g. posting information. Figure D shows the array of voting procedures used across counties that responded to the survey.

Figure D: County Auditor Approaches to Facilitating Voting in Jail



KEY FINDINGS: STAKEHOLDER INTERVIEWS

Based on interviews with 21 stakeholders from around the state:

1. Stakeholders hold **varying amounts of enthusiasm** for facilitating or improving access to voting in WA jails.
2. **Logistical issues** create challenges for voting in jail:
 - a. Physical distance between election office and jail
 - b. Space constraints within the jail
 - c. Security concerns within the jail
 - d. Limited election and jail staff
 - e. Limited timeframe of jail stays and voting windows
3. **Politics and funding** create obstacles to securing resources and consistent effort to support jail voting.
4. **Voter education** faces challenges in knowledge about voter eligibility, the voting process, and ballot content.
5. Potential voters have a number of **specific needs** that create obstacles to voting:
 - a. lack of ID or knowledge of Social Security Number
 - b. lack of access to resources like VoteWA.gov
 - c. lack of access to the full 18-day voting window
 - d. stress and disruption of being in jail

Stakeholder Interviews

Voting in jails takes place in an ecosystem of various stakeholders. County Auditors and election officials, Jail Commanders and staff, as well as community advocates and volunteers, together with the people in jail themselves are all part of the system involved in jail voting. In order to illuminate the various perspectives on challenges and obstacles, potential solutions, and underlying concerns and goals, the researchers conducted interviews with stakeholders around the state.

We used snowball sampling to recruit interview participants and began with people known in the stakeholder community to be actively engaged in the area of voting in jail. Our initial contacts included the Office of the Secretary of State and the community advocates who participated in obtaining the proviso to fund this study. At the conclusion of each interview, we inquired about other potential participants and pursued those recommendations. Ultimately, we conducted 21 interviews, which included employees of seven different counties as well as community advocates representing four different organizations. Table 3 summarizes the numbers of interviewees by category.

Interview questions were designed to elicit stakeholder perspectives on the challenges and obstacles to voting in jails and included questions such as:

- Are there particular obstacles related to voting education? Registration? Ballot logistics?
- Who would you say are the main players in terms of facilitating or blocking access to voting in WA jails?
- From your perspective, what is the key to removing barriers in this domain?

See Appendix D for the full list of interview questions.

Interviews ranged from 15 to 52 minutes, taking 32 minutes on average, and were conducted virtually using Zoom. Interviews were audio-recorded, transcribed, and coded using Atlas TI software. Interview data is anonymous and confidential, consistent with best practices of research using human subjects. Interview coding was completed using grounded theory, an iterative and systematic qualitative approach to data analysis that uncovers the patterns in real life data.¹⁷ The

¹⁷ Glaser, B. G., & Strauss, A. L. (1967). *The Discovery of Grounded Theory: Strategies for Qualitative Research*. Aldine.

most common codes were: “ideas for improvement” (155), “obstacles & challenges” (118), “logistics for voting in jail” (117) and “voter education” (71). The “ideas for improvement” code was most frequently double-coded with “obstacles & challenges” (20), “voter education” (20), “logistics of voting in jail” (19), “cooperation/resistance” (15), and “resources” (15). The “obstacles & challenges” code was most frequently double-coded with “logistics of voting in jail” (22), “ideas for improvement” (20), “voter education” (19), “resources” (17), and “transient population” (15). Other codes used frequently include “cooperation/resistance (53), “community advocates” (52), and “resources” (48).

Table 3: Stakeholder Interviewees by Category

Interviewee Category	Number
County Auditors & Elections Staff	9
Jail Commanders and Staff	3
Community Advocates & Volunteers	6
Other (regional agency/state employees)	3
Total	21

Interview Theme 1: Enthusiasm Gap

The interview data revealed five main themes related to the obstacles and challenges of jail voting. The first theme is an enthusiasm gap. That is, various groups of stakeholders hold varying amounts of enthusiasm for either facilitating or improving access to voting in WA jails. County Auditors and the staff working on elections who participated in this study are uniformly eager about pursuing the goal of maximizing access to voting in jail. This is the case, even if they express concern about efficiency as detailed below. In contrast, our interviews revealed that some people lack enthusiasm about jail voting, among both those who work in county jails and those who are detained there. Importantly, a lack of enthusiasm is not uniform; rather, there are indications that the lack of consistent enthusiasm may be a challenge to expanding access to voting and voting participation in WA jails.

One aspect of the challenge is the simple fact that some jail staff do not think people in jail should be voting. One jail official told us “I heard a lot of staff say, ‘Well, they’re in jail. Why did they get to vote?’” Similarly, a community advocate reported that “...there were some counties that, quite frankly, were against the idea of people in jail being able to vote.” And an elections official echoed the same observation: “...it’s a culture, it’s a perception. You are in jail, you should not be voting...when you reach out and they tell you, ‘oh, we don’t have enough manpower this day, you have to come back this day.’ That means it’s not being prioritized.” Another election official said, “I would say the main obstacles is correction staff and their willingness, their buy-in that this is important and that it’s actually a civil rights issue that people have access to. It’s not just some programming or some extracurricular activity that’s optional. It literally is their civil rights to be able to vote and so that they need to make it accessible.”

Another aspect of the enthusiasm challenge is with the potential voters themselves. The average stay in jail is 23 days and people often arrive to jail with many other pressing concerns such as substance use disorder, lack of housing, lack of physical or mental health care, etc. This is a transient population with competing priorities and who may not even be aware of the right to vote. As a community advocate explained, “...when you’re in jail, when you’re in prison, the assumption is that your rights are stripped away from you. It is a very dehumanizing experience in the first place. And the last thing you want—the last thing you’re trying to think about is voting.” Another identified the existence of apathy and its potential source: “...so a lot of people are apathetic

towards voting and democracy because of how the system itself is creating harm for them.” Interviewees noted that presidential elections tend to draw increased interest, with non-presidential elections often being of little interest.

In contrast, the elections staff who participated in interviews generally looked forward to supporting the jail population in voting and expressed enthusiasm for doing so. One elections official, when discussing going into jails to facilitate voting, said “Just for me personally, I just felt really happy to be able to go in and have this message that we are working, we are public servants, we’re working for them as citizens, just as much as we’re working for everybody else as citizens.” Another elaborated on their love of the job: “We love it. And that’s what our jobs are. We don’t care how you vote. We just want you to vote, and we’re going to count it the way you want it to be counted. That’s our job, that’s our duty. And we love it.” These findings indicate that inconsistent and sometimes low enthusiasm across stakeholders is a challenge. Addressing this challenge will require increasing the level of knowledge among both potential voters and those working in WA jails.

Interview Theme 2: Logistics

The second theme related to obstacles and challenges is the logistics of facilitating jail voting. Logistical challenges come in a variety of forms:

- *Distance between election office and jail.* Since much of the voter registration and ballot delivery/pick-up is done in person (as opposed to by inter-office or USPS mail), the proximity of the election office and jail is an important factor. In some jurisdictions, the two are in the same building or on the same block. But in others, the distance can make consistency and efficiency difficult.
- *Space constraints.* Since jails are designed for security, the physical space is not typically conducive to gathering groups of people for voting-related purposes or for allowing efficient and safe one-to-one engagement with people visiting the jail for voting-related purposes. For example, people are housed in small group pods in some facilities. The inherent inefficiencies of connecting with potential voters means that it takes significant time to try to reach most or all of a jail population. As one elections official reported: “it’s just a very staff-intensive process, and you’re taking people out of doing other outreach opportunities and putting them in the jail for a very small group of people... I could have gone to multiple high schools for less money and reached more voters... I could have went door to door and ... done more.”
- *Security concerns.* The overriding priority of safety can constrain efforts to ensure voter education, registration, and voting processes. For example, some jails require that staples be removed from all documents and/or that only specialized writing utensils are allowed into the facility. Mass mailings are also not allowed to be received and disseminated in jails (mail must be addressed to a specific individual). Some facilities do not allow posters and others report that they rapidly become scratch paper. In addition, all jail visitors, including elections staff and community volunteers, must go through a rigorous and time-consuming security clearance process prior to visiting jail facilities. The process can take up to a month.
- *Limited staff.* The fact that both election officials and jail facilities have limited staff factors into the impact of all the other logistical challenges. Both have competing priorities and neither can ensure access to voting in WA jails independent of the other. In particular, understaffing in the jails is especially problematic when it comes to facilitating in-person voting events. Such events require enough jail staff working alongside the elections staff to ensure safety and to facilitate access to potential voters. So elections staff and volunteers

typically have to wait until the jail confirms that there are sufficient staff on hand to facilitate such access. On-site events also require that elections staff dedicate time to visiting jails as opposed to doing outreach elsewhere and potentially reaching a greater number of voters. Staffing concerns are an even bigger concern in smaller counties that operate with a low number of staff. As an election official described, "...I've talked to my friends that are in these smaller counties and they're like, they've got two people there. And they're like, 'there's no way we can manage also setting up a polling place in our jail today, sorry, that's not going to work. We've got two people and we're just trying to keep people safe.'"

- *Limited timeframe.* The average stay in a WA county jail is about 23 days, with many stays lasting a week or less. The voting window is 18 days. If someone arrives to jail and they are not already registered, it can be difficult to get them registered on demand and quickly. If someone arrives to jail and they are already registered and want to vote, then they need their ballot at the jail and not at their home address. Both registration and ballots can be difficult to provide on a short timeframe.

Interview Theme 3: Politics & Funding

The third theme is the role of politics and funding in securing resources and effort to support jail voting. A very consistent theme in our interviews was the necessity of having support from the County Auditor and the Sheriff. Interview participants regularly cited the power of top elected officials and their immediate supervisees to set priorities and establish the working relationships that facilitate voting in WA jails. The influence of key actors is seen to be a potential barrier itself as well as a key to overcoming challenges. A number of interviewees noted that a change in County Auditor is often accompanied by a change in policy – be it from proactively engaging with jails to just doing the bare minimum or vice-versa. Concern with the jail voting process having to rely on the goodwill of the County Auditor and/or jail commander emerged as an obstacle to full voting access. Depending on magnanimity is also related to staff limitations that can lead to either a reliance on volunteers coming into jails to facilitate voting or less access to voting altogether.

Politics also plays a role in terms of funding. In counties where the Board of County Commissioners has budgetary authority and does not support the effort to improve access to voting in jails, election officials and jail staff may be limited in terms of accessing state-provided funds or the ability to direct funds to jail voting efforts. A problematic result of limited funding is inconsistent voting access in jails around the state. Inconsistent funding and varying political contexts around the state combine to create significant inequities between counties in terms of jail voting access.

Interview Theme 4: Voter Education

The fourth theme regarding obstacles and challenges is voter education in jails. The three main domains in which voter education is an issue are: voter eligibility, voting process, and ballot content. A common observation among the interviewees was that people in jail do not know that they are typically eligible to vote. As one community advocate who visited the jail to assist with voting explained: "The thing that I noticed the most, especially actually physically being in the jail and talking to inmates, was that not only did they not realize that they had the opportunity to vote, but that even they were trying to argue with me that no, they didn't. And so it was not even just that they didn't know, but that they really believed a different thing. And so I was kind of trying to reassure them and be encouraging and that kind of thing. That was a little hurdle to get over."

This obstacle is exacerbated by the fact that correctional officers and other people working in jails are also often unaware of the voting eligibility requirements. Furthermore, they are limited by a professional responsibility to remain politically neutral in providing anything that could be construed as political opinions and they are neither trained nor authorized to give anything that could be taken as legal advice. In addition to the challenges related to voting eligibility is the lack of knowledge about the voting process itself. Both people in jail and those working in jail are often unaware of the precise processes involved in registering to vote, requesting a ballot, or returning a ballot. The time and effort required for either one to find the necessary information can be constrained by competing priorities as well as lack of interest. Finally, voter education is a challenge in terms of potential voters in jail receiving the information needed to make knowledgeable choices. One election official summarized the concern by saying: “The real issue is education to the voter who is incarcerated. So, letting them know that they have this opportunity, and then also what they need to know to be an informed voter when they do get their ballot.”

Interview Theme 5: Specific Needs of Potential Voters in Jail

The fifth theme pertains to the specific needs of potential voters in jail. In addition to the life circumstances that factored into being jailed and the stressors of being in a jail, potential voters have a number of specific needs that constitute additional obstacles to voting. People in jail may lack an ID or may not know their social security number. The totality of the various challenges to voting means that potential voters in jail do not end up having access to the entire 18-day voting window. As previously mentioned, this is a transient population. People may not only be in jail for a short time, but they may be held in a county different from their county of residence—all of which complicates their ability to receive the correct ballot on time. Interviewees described the need for improved visibility of voting as well as the need to provide sufficient advanced notice to potential voters about upcoming elections and voting opportunities. The lack of internet access means that people in jail cannot access resources like VoteWA.gov, where WA residents can check and update their voter registration status.

KEY FINDINGS: STAKEHOLDER CONVENINGS

Evans Policy Innovation Collaborative (EPIC) hosted three stakeholder convenings, two hours each, on September 11, 13 and 17, 2024. The convenings were attended by a total of 44 participants: 27 county election workers, 8 jail staff and administrators, and 9 voting rights and community advocates. The goal of the convenings was to use what the other sources of data indicated about challenges and obstacles in order to explore ways to overcome them. The key findings from the EPIC convenings were:

1. Strong support for a **statewide policy** to ensure access to voting in jail with the important caveat that counties be allowed flexibility in how the policy is designed and implemented based on their particular constraints, needs, and context.
2. Strong support for **designating specific individuals** to serve as main points of contact between the jail and the Auditor's office.
3. Strong support for the Secretary of State to provide **consistent statewide voting information** that could then be individualized in each county.
4. Recognition of the importance of **collecting data** about voting in jail, for the purposes of reporting and accountability.

Stakeholder Convenings

Evans Policy Innovation Collaborative (EPIC) is a policy lab at the University of Washington's Evans School of Public Policy & Governance. This policy lab "brings together researchers, practitioners, policymakers, and the public to co-design actionable solutions to complex societal problems so that our public systems serve all individuals equitably and justly." One way that EPIC fulfills its mission is through facilitating group convenings that provide a platform for sharing ideas and knowledge.

Working with EPIC, the research team held three virtual convenings to bring together project stakeholders to review initial findings and provide feedback on recommendation areas. The convenings were two hours each and held on September 11, 13 and 17, 2024. The convenings were attended by a total of 44 participants, consisting of 27 county election workers, 8 jail staff and administrators, and 9 voting rights and community advocates. The convenings took place after the conclusion of the other forms of data collection. Therefore, the research team was able to draw on the findings to guide the conversation with stakeholders. The goal was to use what we learned about obstacles and challenges to explore ways to overcome them.

Each session began with a presentation of the research findings. Then stakeholders met in separate groups: election officials/staff, jail commanders/staff, community advocates/volunteers. The groups discussed the primary obstacles they face, identified the main obstacles, and explored ways to overcome these obstacles. Then the groups were rearranged so that each group of five to six people had representatives from each of the stakeholder groups. In these mixed groups, participants discussed what would be necessary to make overcoming the previously identified obstacles a reality. The emphasis was on developing solutions that would be both effective and feasible.

Each convening focused on one of three topics related to jail voting: voter registration, voter education, and voting assistance. The voter registration topic included how to conduct voter registration during intake and release, designated point person in jails, voter registration via forms versus in person on-site, and how to track jail voting data. The voter education topic included how to ensure that both jail staff and potential voters have accurate information about voter eligibility,

logistics of providing access to voter materials and information in jails, inmate handbooks, jail staffing shortages, and resource/budget constraints. The voting assistance topic included the enthusiasm gap among some potential voters and jail staff, the idea of having statewide minimum standards for jail voting, safety concerns related to jail voting (personnel, materials), and collaboration between election officials, jails, and community advocates.

The convenings brought to light a number of goals that should be kept in mind during efforts to ensure access to voting in WA's county jails. One is to increase the amount of information that is standardized across the state. This is important for two key reasons. First, county context varies considerably. So having statewide standardized voting information available in jails will both alleviate the counties from having to produce redundant information as well as mitigate obstacles at the county level – be they political, resource, or logistical. Second, standardized information would ensure that at least a minimum of information has been deemed to be safe to be distributed in jails, alleviating the need for additional review and delay. Another goal is to allow for flexibility in any statewide policy. Doing so is necessary to allow for county-level differences in organizational structure, resources, and logistical capacity. For example, the state's jails operate in a variety of different ways: a direct supervision model allows more contact with residents; an indirect supervision model has less direct contact and makes use of barriers such as glass windows; a remote model has the least contact and makes use of security tools such as cameras in hallways with cells or “man down” buttons. A third goal is to appropriately manage literacy limitations, language requirements, and disability accommodations. Jail staff report needing materials to be no higher than a 6th grade reading level. Finally, an important goal is to maintain political neutrality of jails and jail staff. For jails to keep their credibility with the public, it is imperative that they maintain an official stance of political neutrality. Moreover, correctional officers' responsibility is to ensure access to constitutional rights (e.g. safety and voting), not to engage in political activity in their professional roles.

SUMMARY OF MAIN CHALLENGES AND OBSTACLES

Analysis of the inmate handbooks, survey and interview data, as well as the stakeholder discussions that took place during EPIC convenings reveals a number of challenges and obstacles that thwart access to voting in WA's county jails. The multi-faceted impediments exist at the individual level both in and outside of county jails, as well as at the organizational level in terms of support and logistics. The main challenges and obstacles to jail voting in WA are as follows:

- Insufficient information available about voting in most county jail inmate handbooks.
- Inconsistent and sometimes low enthusiasm across stakeholders for facilitating or improving access to voting in WA jails and/or little to no proactive outreach to potential voters among some election and jail staff.
- Logistical issues, such as the physical distance between election office and jail, space constraints within the jail, security concerns within the jail, limited election and jail staff, limited time of available election and jail staff, and limited timeframe of jail stays and voting windows.
- Inconsistent funding and varying political contexts around the state combine to create significant inequities between counties in terms of jail voting access.
- Difficulties determining voter eligibility in a timely fashion.
- Difficulties with voter education in terms of knowledge about voter eligibility, the voting process, and ballot content.
- Specific needs of potential voters in jail: lack of ID or knowledge of Social Security Number, lack of access to resources like VoteWA.gov, lack of access to the full 18-day voting window, stress and disruption of being in jail.
- Lack of data about voting in jail hinders effective policy and accountability.

The recommendations presented in the following section are designed to address these challenges and obstacles.

Data Limitations

Although the research team pursued an array of sources of information for this report, it nevertheless has some data limitations. The report focuses on Washington's 36 county jails. However, it does not include detailed data from the remaining 20 jails that are Tribal jails, city jails, or Multi-Jurisdiction Facilities. In general, Tribal jails have a smaller average daily population (30 vs. 246) and a shorter average length of stay (7 days vs. 23 days). These factors, along with many other important differences, should be taken into account in future work on improving access to voting in WA's jails.

RECOMMENDATIONS

SUMMARY OF RECOMMENDATIONS	
Strongly Recommended	<ol style="list-style-type: none"> 1. Institute statewide policy to ensure access to voting in jail. 2. Legislation requiring each county with a jail to develop a jail voting plan. 3. Legislation requiring formal coordination between County Auditor and jail. 4. Office of the Secretary of State provides consistent voting information that could be individualized to each county. 5. Require standardized language providing comprehensive information on voting rights and process in jail handbooks. 6. Collect jail voting data.
Recommended	<ol style="list-style-type: none"> 7. Involve community advocates in voter education and registration. 8. Improve access to internet-equipped technology. 9. Facilitate proactive outreach to potential voters in jail. 10. Treat outgoing voting-related mail as legal mail.
Encouraged	<ol style="list-style-type: none"> 11. Create and disseminate an explainer video about the voting process, how to register, and how to vote. 12. Request that the Criminal Justice Training Commission (CJTC) assist in training jail staff on voter education, voter eligibility, and facilitating access to voting materials. 13. Allow people to use commissary request process to obtain voter registration materials. 14. Establish a Jail Voting Workgroup. 15. Partner with those who are in contact with potential voters in jail, such as reentry service providers, resource navigators, and Public Defenders.
Not Recommended	<ul style="list-style-type: none"> • Unfunded mandates • <u>Mandate</u> to include voter registration in the intake/discharge process

STRONGLY RECOMMENDED

Items in the “Strongly Recommended” category are very well-supported by most or all of the sources of data: literature review, primary data collection by the UW research team, and input from stakeholders at the EPIC convenings.

1. Statewide policy to ensure access to voting in jail
 The state is pursuing minimum jail standards for operations and, given the fact that constitutional rights are at stake, voting should be included in those standards.

2. Legislation requiring each county with a jail to develop a jail voting plan
 A statewide requirement that there be a plan in place for facilitating jail voting for each election would help standardize access to voting across the state’s diverse counties. Each county should be charged with developing a plan to provide for voting in its jail. Jail standards are currently set by governing authority of the jail; that same governing authority is in good position to set the jail voting standards. Knowledge of the local context and constraints is important to ensure success in the development of a feasible and effective plan. The plan should be submitted to and maintained by the Office of the Secretary of State.

The plan should be mandated to address how to determine and communicate to potential voters the eligibility requirements for voting, the process for registering to vote in jail, and the process for obtaining and submitting ballots in jail. The emphasis should be on stipulating *what* needs to happen, rather than on precisely *how* it needs to happen. For example, statewide policy could mandate that everyone in jail receive information about determining their eligibility to vote. But then each county could be responsible for determining exactly how that information is conveyed – be it at intake, on a tablet, with printed material, etc. Each county’s plan should be sufficiently specific to ensure efficiency and accountability.

3. Legislation requiring formal coordination between County Auditor and jail
Designate jail/auditor election coordinator in each county, both the auditor and the jail should designate a dedicated voting coordinator. The two coordinators would be charged with working together to ensure voter registration and voting take place in a timely fashion before and during each election. The responsibilities of the designated coordinator in the auditor’s office would include notifying the designated coordinator in the jail about upcoming elections throughout the year, providing voter materials, and overseeing ballot logistics. The responsibilities of the designated coordinator in the jail would include ensuring that the jail-based aspects of the county’s jail voting plan proceeds as directed. Together, they would also be responsible for collecting and reporting jail voting data. The coordinators would be the primary point of contact for all issues related to voting in jail.
4. Office of the Secretary of State provides consistent voting information that could be individualized to each county
Providing statewide information would standardize the information that potential voters in jail receive. It would also help streamline the information that could be provided with each jail’s information delivery method. Providing “electronic customizable content” is the ideal. The information should include both state and county voter guides, so voters could be informed at both levels. The information should also be produced at an appropriately accessible reading level. A similar approach is being used by the Department of Corrections to provide information to people in the state’s prisons.
5. Require standardized language providing comprehensive information on voting rights and process in jail handbooks
Each county jail inmate handbook should have a section on jail voting. The section should include: the eligibility requirements for voting, the process for registering to vote, and the process for obtaining and submitting a ballot in that jail. Since all incarcerated individuals receive an inmate handbook, the handbooks represent a prime opportunity to communicate a consistent message about voting in jail. However, there are known limitations in terms of literacy and language barriers. Therefore, a video version of the handbook could be extremely helpful in terms of maximizing access to voter information. Since not all jails have the funds to produce a video, video content from the Secretary of State’s office would be ideal.
6. Collect jail voting data
The jail/auditor election coordinators should work together to collect data on the following items – at a minimum: eligible population versus turnout, number of voter

registrations, number of ballot requests, and number of returned ballots for each election. Additional useful data would track the registration status of people at intake or within 72 hours of pre-classification and at discharge, voters registered in other counties, and demographics of voters. Collecting this data will help determine what changes, if any, are needed in the jail voting procedures. Reporting would improve compliance and accountability and reporting responsibility should lie primarily with the Auditor. At present, many jail and election officials do not know the average rates of registered voters in their county's jail and election officials may not know how many residents of other counties are in jail or even how long the average stay is in their county's jail.

RECOMMENDED

Items in the "Recommended" category are moderately to strongly supported by some or all of the sources of data: literature review, primary data collection by the UW research team, and input from stakeholders at the EPIC convenings.

7. Involve community advocates in voter education and registration

Utilizing community advocates when hosting on-site voter registration events at jails can increase participation and trust in the process. Many community advocates have had contact with the criminal legal system, so they are often perceived as more trustworthy than jail staff. Community advocates could also be a resource in increasing access to voter education in jails, by providing informational materials, civic education, and one-on-one engagement. In terms of visiting jails, community advocates can also help shore up the efforts of auditors who have many other competing demands on their time. It is important to keep in mind the constraints of maintaining jail security as well as the limitations of jail staff. Enabling in-person visits requires resources that facilities may be lacking. Jail staff can also actively encourage and provide support for potential voters to contact community advocates by phone or video call to receive voting information.

8. Improve access to internet-equipped technology

Many county jails already provide access to tablets. However, access is not universal and the full potential of tablets has yet to be reached in terms of voter education. Tablets would be an effective way to communicate key information about the voting process, how to register, and how to vote. Tablets are already used to ensure completion of certain mandatory modules and could be used similarly to provide essential voting information. If and when community advocates and/or election officials do visit jails for the purpose of registering voters, access to the internet could speed up the process (such as by allowing access to VoteWA.gov). If improved access were to be mandated, it would be crucial for funding to be provided. The physical structure of some jails makes retrofitting internet access prohibitively expensive.

9. Facilitate proactive outreach to potential voters in jail

Given the dominant concern with safety of jail officials and their staffing constraints, the often high stress levels of people detained in jail, and the enthusiasm of election officials and community groups, proactive outreach to potential voters in jail could make the most of all stakeholders' capabilities. Potential voters in jail are living in isolation from the surrounding community, often lack of clarity about their own voting eligibility as well as lack access to information. Yet, election officials and community groups are often available and eager to engage with those in jail on the topic of voting. Therefore proactive outreach could provide significant benefit in terms of improving voting access,

voter education, and voter turnout in jails. Ideally, outreach would include additional post-release education as well as support with keeping registration information up-to-date.

10. Treat outgoing voting-related mail as legal mail.

Treating outgoing voting-related mail as legal mail would ensure that the safeguards of privacy and security are in place for ballot secrecy and the protection of a constitutional right. An added benefit is that correctional officers already receive training about the proper handling of legal mail.

ENCOURAGED

Items in the “Encouraged” category are promising ideas from the various data sources. Although they may not have robust empirical support at this point in time, nothing in the data raises alarm about trying them.

11. Create and disseminate an explainer video about the voting process, how to register, and how to vote.

A video loaded onto tablets or played on a jail’s closed circuit television could simultaneously achieve a number of goals: allow for statewide standardization of the information provided, help address literacy limitations and disability accommodations, and be an efficient way to provide information without adding time to the intake and discharge procedures.

12. Request that the Criminal Justice Training Commission (CJTC) assist in training jail staff on voter education, voter eligibility, and facilitating access to voting materials.

Since correctional officers must already complete professional training, tasking the CJTC with including training on the right to vote, eligibility, and the voting process could be an efficient and effective way to improve baseline knowledge among frontline jail staff who have the most contact with potential voters.

13. Allow people to use commissary request process to obtain voter registration materials.

This strategy would tap into the existing jail infrastructure and could improve access to and awareness of voting. It would also support data collection about ballot requests and returns.

14. Establish a Jail Voting Workgroup.

The three EPIC convenings that brought together stakeholders from election offices, jails, and community volunteers demonstrated that there is not only enthusiasm for this type of collaboration, but that doing so prompts effective and efficient problem-solving. A workgroup is an ideal way to cut through the information silos that professional responsibilities tend to create. A workgroup would provide a forum for on-going cooperation to identify solutions to current and new jail voting challenges. It would also serve as a resource for stakeholders to tap into ideas and efforts from around the state.

15. Partner with those who are in contact with potential voters in jail, such as reentry service providers, resource navigators, and Public Defenders.

Public Defenders and other agencies already have access to jails and potential voters. Election officials and community volunteers could therefore partner with them to improve the flow of approved, non-partisan voting information to potential voters in jail.

NOT RECOMMENDED

Items in the “Not Recommended” category are either moderately to strongly opposed by at least one to as many as all of the sources of data.

- **Unfunded mandates.**
This is particularly important for mandates that target jails, which have the first priority of protecting public safety. Any additional work to support improving access to voting needs have commensurate financial support.
- **Mandate to include voter registration in the intake/discharge process**
The idea of incorporating voter registration during the admission or release process is appealing because it has the potential to be standardized across the state. Indeed, in some counties, there are sufficient resources (staff, time, funds) for voter registration to be incorporated into the intake and/or discharge processes. And doing so would allow for year-round registration, rather than intensive voter registration efforts during elections when resources are needed elsewhere. However, the reality of how intake and discharge actually unfolds makes this a less feasible option in many counties. At both intake and discharge, people are often stressed and overwhelmed. People have been known to leave jail without even collecting their valuables or immediately discarding essential paperwork. There are also already a number of mandatory notifications and assessments that are a part of the process and adding another will increase the amount of time it takes to complete the process. The relevant trade-off is the risk of additional time officers spend on intake potentially contributing to security issues in jail facilities, since people cannot be released from the arresting officer at intake or released from the facility without completing the process. In some counties, it would be more practicable for voter registration to take place after the admissions or pre-classification process, such as during the classification interview that typically happens within about 72 hours of arriving at the facility. While routine voter registration could be an effective way to regularize and systematize voter registration, the specific constraints of counties across the state mean that a statewide mandate is less feasible than allowing each county to determine the best point in the process to provide voting registration information.

Conclusion

Ensuring and improving access to voting for those in WA’s county jails is essential. Two stakeholders succinctly convey the importance of doing so:

“Democracy is the foundation of America... We need to create opportunities for civic engagement. It is so important.”
– Community Advocate

“This is a no brainer, this is their right, a constitutional right.”
– Jail Official

APPENDIX A: SUMMARY OF “ALL VOTING IS LOCAL” REPORTS

State	# of County Jails	Jail Population	Data Sources	% (#) of Counties Providing Information	Key Findings
Florida	67	350,000 yearly bookings	Public records request to county jail administrators	34% (23)	Most counties do not have a written policy to facilitate jail voting
Ohio	Only 7 (of 108) included in report	150,000 yearly bookings	Public records requests to the boards of elections and jails in the seven major metropolitan counties	n/a	Zero counties have a written policy to facilitate jail voting
Pennsylvania	61	25,000	Public records request to county jail administrators	75% (61)	57% (26) of counties do not have a written policy about jail voting 28% (13) of counties have brief and vague policies
Wisconsin	72	12,500	1. Public records request to county jail administrators 2. Data from Wisconsin Elections Commission	85% (61)	52.5% (32) of counties do not have a written policy about voter registration and casting a ballot 45.9% (28) of counties have brief and vague policies

APPENDIX B: EXAMPLE OF A “VERY COMPREHENSIVE” INMATE HANDBOOK VOTING SECTION

YOU CAN VOTE FROM JAIL!

To register to vote or update your registration, complete a voter registration form and have it mailed for FREE to XX County Elections. Step-by-step instructions are below. Note: Your name, date of birth, and mailing address are public information once registered to vote.

You are eligible to vote if you are:

- A citizen of the United States
- A legal resident of Washington State
- At least 18 years old by Election Day
- Not disqualified from voting due to court order
- Not currently serving a sentence of total confinement under the jurisdiction of the DOC for a WA felony conviction. If you are awaiting trial or convicted of a misdemeanor, you are eligible to vote.
- Not currently incarcerated for a federal or out-of-state felony conviction.

To get your ballot, update your mailing address to the jail or have a friend/family member forward your unopened ballot to the jail.

Effective January 1, 2022, voting rights are restored immediately upon release after a felony conviction. If you are currently serving a sentence for a felony conviction, you can register to vote as soon as you are released.

MYTH BUSTING – There is a lot of confusing information out there about voting. The truth is that in Washington, it’s simple. You are eligible to vote even if you:

- Have a current or previous misdemeanor.
- Have a juvenile felony or misdemeanor conviction.
- Still have Legal Financial Obligations or court fees to pay off.
- Don’t have a traditional address or place you call home.
- Don’t have a certificate of discharge – you don’t need it to register or vote.
- Were recently released from jail after a felony conviction.

Where can I find the forms to register and vote?

Send a WHITE KITE to the mail room for a voter registration form, voter pamphlet, change of language form, and information on voting while in jail. Ballots and voting materials are available in Chinese, Korean, Spanish, and Vietnamese. If you do not find what you need there, contact XX County Elections at the contact information below.

How to register to vote

- Send a WHITE KITE to the mail room and ask for a voter registration form.
- You will need the last four digits of your social security number.
- You are required to provide two addresses, residential and mailing. Your mailing address can be the same or different from your residential address.

- (1) Residential address: This is the address you consider your residence or home. It does not have to be a typical address. You can provide the name of a shelter or park, location of a motorhome, or even cross-streets. You can also provide the address of a friend or family member you stay with, even if you move around a lot between various homes.
 - (2) Mailing address: This is the address where you will receive your ballot and voting materials. You can use any valid mailing address you chose and can update your address with XX County Elections as often as needed.
- Call XX County Elections (phone number) with questions.

How to vote

- Once you have your ballot, make your choice by filling in the bubble with any writing utensil – pencils and crayons are OK.
- Unless the ballot specifically says otherwise, you get one choice per contest.
- If you change your mind, put a line through both the name and the bubble and fill in your new choice.
- Once you have filled out your ballot, fold and insert into the optional security sleeve and then into the outer red envelope. Sign and date the envelope so that your ballot can be counted.
- Return your ballot to the mail room. XX will mail it for free.

How to get more information about what you are voting on

If your ballot is mailed directly to the jail, a Voters' Pamphlet should come with it. The Voters' Pamphlet includes instructions on how to vote, information on ballot measures, and statements from candidates. TVW and XX County TV often provide video statements from candidates as well. To watch TVW on the television, visit channel 23 or 322.

The information in the Voters' Pamphlet can be provided in different formats. To find out more or request a specific format, send a GREEN KITE to the ADA Coordinator.

What if I need an accommodation or help?

Contact XX County Elections for help or send a GREEN KITE to the ADA Coordinator. Examples of accommodations are:

- Accessible voting units (AVU): available for those who have vision impairments, reading difficulties, or other disabilities. These units can help you cast a private ballot and have audio and large-print ballot options.
- Audio voters' pamphlet: Provides the same information as the printed voters' pamphlet in an audio format.

How can I contact XX County Elections?

Mailing address:

Phone Number:

APPENDIX C: SURVEY QUESTIONS

Which county do you work in?

Are any of the following part of your jail voting procedures? Please select all that apply.

- Visiting the jail to register voters
- Dropping off voter educational materials to the jail
- Having a direct contact at the local jail to partner with on jail voting
- Sending a reminder to local jail at each election
- Other

If other, please describe below:

Which educational materials does your office provide to the local jail? Please select all that apply.

- Voting procedure flyer
- Voter awareness flyer
- Voter information pamphlet
- Local voters' pamphlet
- Voting information in kiosk
- Our office does not provide educational materials
- Other

If other, please describe below:

How do you register voters who are in your county jail? Please select all that apply.

- On site registration by election staff
- Drop off voter registration forms
- Our office does not register voters in jail
- Other

If other, please describe below:

How do you provide ballots to people in jail in your county? Please select all that apply.

- Election staff take to jail
- Jail staff pick up from elections office
- Other

How do you collect ballots from the local jail? Please select all that apply.

- Ballot drop box in the jail
- Ballot drop box at the elections office
- Dropped off to elections office by jail staff
- Picked up at the local jail by elections staff
- Other

If other, please describe:

Approximately how many of each form is received by your office per election? We are interested in knowing the full range of the number of ballots, including both low participation and high participation elections.

Minimum voter registration forms

Maximum voter registration forms

Minimum voter ballots

Maximum voter ballots

Have you worked with community organizations/advocates in the past on the issue of jail voting?

No

Yes

If yes, please describe the partnership. What type of organization(s) have you worked with? What has the organization requested in terms of providing access to voting in jails? Anything else to share about working with community organizations or advocates?

Is there anything else on the topic of jail voting that you would like to share with us?

APPENDIX D: INTERVIEW PROTOCOLS

Questions for all groups

- We're interested in understanding the barriers and obstacles to people voting while they are in WA jails. What would you say are the main obstacles?
- Are there particular obstacles related to voting education? Registration? Ballot logistics?
- Have you had any experiences that stand out to you as being a good example of obstacles? Of overcoming obstacles?
- Who would you say are the main players in terms of facilitating or blocking access to voting in WA jails?
- From your perspective, what is the key to removing barriers in this domain?
- Anything you would want to elevate to the legislature?
- Anything you would tell other counties?
- Any other thoughts you'd like to share?

Questions for Elections Staff

- Could you start by telling us your job title?
- And who is your employer?
- How long have you worked there?
- Do you have any other work history or life experience that is relevant to the issue of voting access in jails?
- Could you describe your job responsibilities?
- What's your experience working with voter registration, in general (i.e. not with incarcerated people)?
- What's your experience working with voter registration for incarcerated populations?
 - Have you visited a jail for voting/election purposes? If so, PROBE for details on logistics, difficulties, lessons learned, how they would proceed with additional funding in the future, etc.
- How pertinent are Washington state laws related to voting and voter registration to your daily work?
- Do you have any relevant reports that you could share with us? [Do you have a Scope of Work Report, if you got the state funding?]

Questions for Jail Staff

- Could you start by telling us your job title?
- And who is your employer?
- How long have you worked there?
- Could you describe your job responsibilities?
- How large is your facility? [number of people housed there] How many staff?
- What's your experience working with providing access to voting in your facility?
 - PROBE for details on logistics, difficulties, lessons learned, how they would proceed with additional funding in the future, etc.
 - PROBE for working with election officials, advocates, other volunteers
- What makes your jurisdiction unique?

Questions for Community Advocates

- Could you start by telling us in what capacity you are working on the topic of voting in jails? (e.g. staff, volunteer, etc.) Are you affiliated with a group?
- How long have you been working on voting in jails?
- Do you have any work history or life experience that is relevant to the issue of voting access in jails?
- Could you describe your work on this topic? What's your experience working with voter registration for incarcerated populations?
- Have you visited a jail/jails to help with voter outreach, education, or logistics? If so, could you describe what you did?
 - PROBE for how the visit went, did they go from place to place in the jail or were they stationary and people came to them, what was the attitude of the jail employees, what was their sense of how the potential voters viewed the opportunity to vote

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