

# Massachusetts Senate Mulls Instructions For Sheriffs On Jail-Based Voting

By Matt Murphy

State House News Service

With the Senate on the verge of voting to make balloting by mail permanent and same-day registration a part of the electoral process in Massachusetts, advocates and some lawmakers are fighting to make sure the expansion of access clearly extends to eligible voters behind bars.

Those serving sentences for felony convictions in Massachusetts are ineligible to vote while incarcerated, but every year thousands of residents are held on misdemeanor convictions or while awaiting trial and remain eligible to vote.

“We’re in a historic moment,” said Kristina Mensik, campaign director for the National Council for Incarcerated & Formerly Incarcerated Women & Girls. “The fact that we are already seeing legislation sent out of Ways and Means shows us that Senate leadership is paying attention to this issue and prioritizing equity in our elections.”

The voting rights bill that the Senate will consider on Wednesday includes some reforms that would direct sheriffs and other correction officials to help incarcerated and eligible voters learn their rights and apply for and cast ballots by mail.

The Democracy Behind Bars Coalition, however, is pushing for adoption of an amendment (1) filed by Sen. Adam Hinds that would more explicitly spell out the steps correction facilities must take to educate and facilitate voting among

the eligible incarcerated population.

Advocates organized a conference call on Monday morning to make their case for why the participation of incarcerated citizens in the electoral process is important for democracy, particularly in Black and brown communities where high rates of incarceration have taken their toll.

Advocates were joined by all three Democratic candidates for governor – Ben Downing, Danielle Allen and Sen. Sonia Chang-Diaz – as well as Hinds, Rep. Lindsay Sabadosa, and Boston City Councilor Julia Mejia.

Chang-Diaz has also filed amendments that would facilitate the registration of incarcerated voters and those preparing to leave prison.

One amendment (8) filed by the Jamaica Plain Democrat would direct jails, prisons and facilities run by the Department of Youth Services to enter into memorandums of understanding with the state to become automatic voter registration sites. A second amendment (9) would make pre-registration to vote part of the reentry process for anyone preparing to be released at the end of their sentence on a felony conviction.

Mensik said the next four weeks ahead of November municipal elections in Massachusetts marks an important time for advocacy for the Democracy Behind Bars coalition.

Hours ahead of the debate on the VOTES Act in the Senate on Wednesday, the Joint Committee on Election Laws will be holding a hearing on standalone legislation (S 474) filed by Hinds that is reflected in his amendment.

A constitutional amendment approved by voters in 2000 prohibited anyone incarcerated due a felony conviction from voting in elections for governor, lieutenant governor, state senator, state representative, governor's council, secretary of state, treasurer, auditor, attorney general and all members

of Congress.

That amendment passed with 64 percent of the statewide vote.

Andrea James, founder and executive director of the National Council for Incarcerated & Formerly Incarcerated Women & Girls, said that by advancing that amendment to the ballot the Legislature “robbed our people of the right to vote.”

“Constitutions are meant to give people access to freedom and liberty and the right to have their voices heard,” James said, describing jails and prisons as “places of pain, trauma and further disruption in our communities” that are used to avoid dealing with larger social problems.

“The only way we were going to get some breakthrough is to allow every person to vote,” she said.

The bill (S 2545), as written, would ensure that incarcerated individuals who are eligible to vote are provided with the information and materials they need to cast a ballot.

Jails and prisons would be required to display and distribute information on voting rights and procedures, according to Senate leaders, and facilities would be required to assist anyone who is incarcerated and eligible in registering, applying for and returning mail ballots.

Mensik said the coalition is pushing for passage of Hinds’ amendment (1) to be as specific as possible on what is required of sheriffs and Department of Correction (DOC) supervisors.

“We cannot leave it up to (house of correction) and DOC officials to take the needed steps to make sure people can participate,” Mensik said.

The coalition wants to make sure sheriffs provide eligible voters access to ballots and information on the candidates so they can make informed decisions. Advocates also want to make

sure ballot applications are returned on time and that “jail mail” delays do not inhibit someone’s ability to vote.

Mensik said the coalition is also pushing to make sure the guidance that Secretary of State William Galvin first sent out last year regarding eligibility and instructions for processing ballots from jails is reissued so that local officials are aware of the rules and don’t improperly discard valid votes.

“The reality is election officials reached out to me after that guidance came out and they thought the law had changed,” Mensik said.

Keeda Haynes, of The Sentencing Project, said 25 states since 1997 have taken steps to expand voting eligibility for incarcerated citizens

“Democracy doesn’t stop at the walls of jails,” Hinds said. “We continue to serve our constituents regardless of their carceral status and we must take the steps to ensure everyone eligible to vote in the Commonwealth has that right recognized and protected.”