

ALL VOTING IS LOCAL
COMMITTEE OF SEVENTY
COMMON CAUSE

Ballots for All: **Holding Pennsylvania** **County Jails Accountable** **for Providing Ballot Access**



Philadelphia



Wissahickon Valley Park

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Introduction

In Pennsylvania, county jail administrators are not fulfilling their legal responsibility to voters. Jails are required by law to provide registration and voting opportunities to all eligible voters.

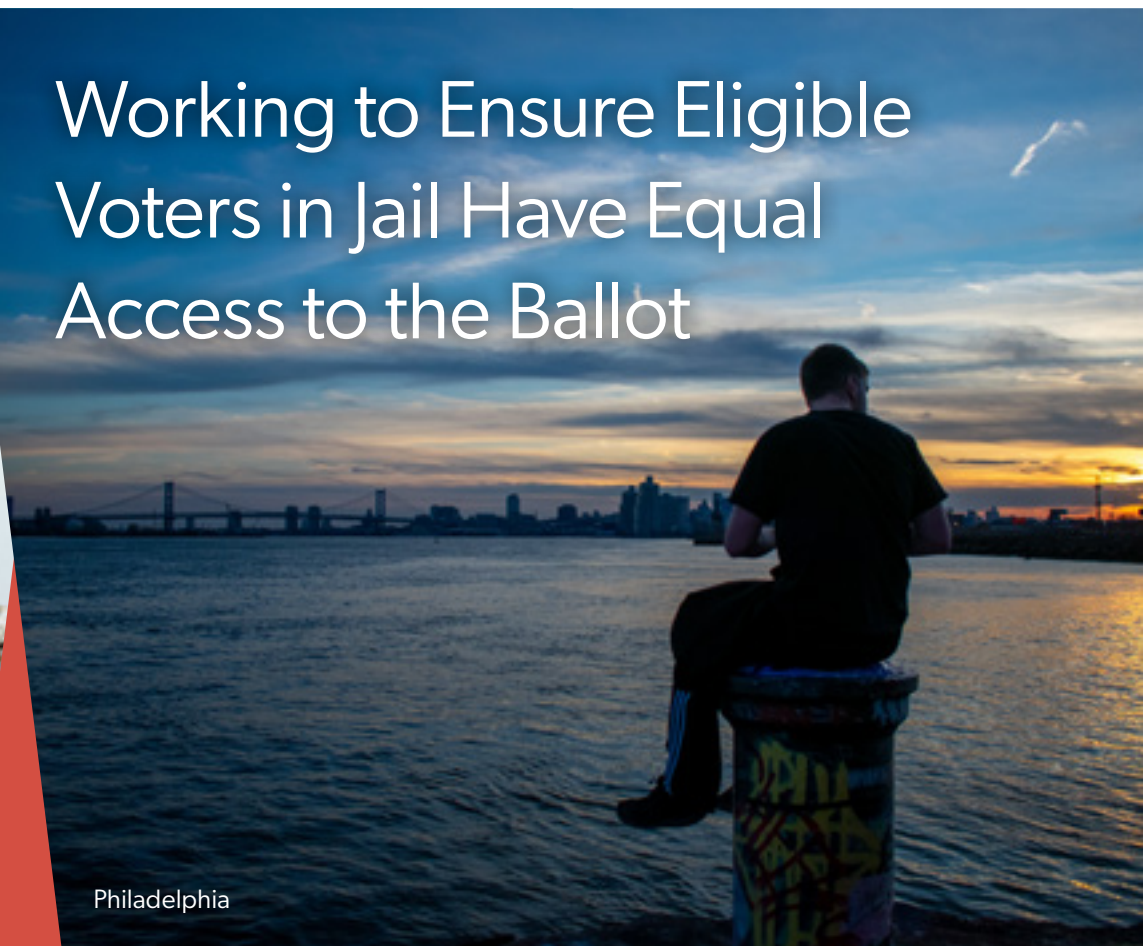
Currently, Pennsylvania county jails do not have a universal process for voter registration, voting by mail, or voter education. We refer to this as de facto disenfranchisement. The freedom to vote is central to building an America that works for us all, and no eligible voter should be denied this right. Through research, advocacy, and community outreach, we will both support jail administrators with tools to increase rates of voter registration and voting and, critically, hold them accountable to ensure all eligible voters can cast a ballot.

Philadelphia



Working to Ensure Eligible Voters in Jail Have Equal Access to the Ballot

Philadelphia



Survey

All Voting is Local Pennsylvania, the Committee of Seventy, and Common Cause Pennsylvania utilized Pennsylvania’s right-to-know request statute to determine whether Pennsylvania county jails are ensuring each eligible voter has an equal opportunity to vote in every election. In March 2021, we submitted public records requests to administrators of 61 county jails in Pennsylvania.

Among other issues related to jail voting, we asked county jail administrators questions in these four categories:

1. Policies

Does every Pennsylvania county jail have a written policy to support voting?
How detailed is it? What does it say?

2. Procedures

What procedure does each jail use to follow through on stated policies and also to ensure voter participation despite the absence of stated policies?

3. Methods to register and apply for a mail-in ballot

Does the jail have internet-capable devices for people in jail to register and request a mail-in ballot?

4. Visitation policies and procedures

Are community members allowed to register eligible voters and assist them with mail-in ballot applications?

The requests sought specific details on the following:

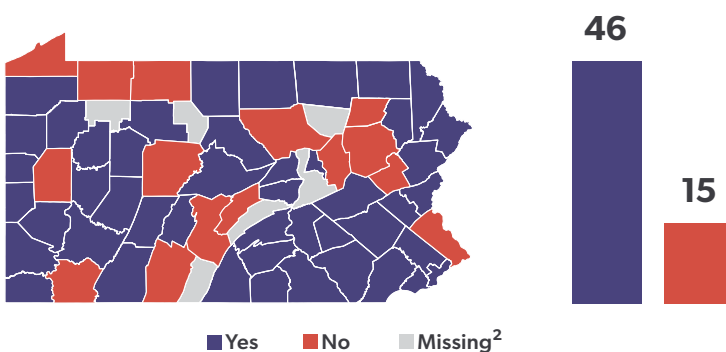


Pittsburgh



Our research found out of the 25,000 people in county jails in Pennsylvania only 52 people requested mail ballots in the 2020 general election (general election is lower case) using an address associated with one of 18 county jails.

County Response to All Voting is Local Information Request



75%
Forty-six counties of the 61 responded to our request for information.¹

¹ Counties that had not responded as of publication: Bedford, Bucks, Butler, Carbon, Clearfield, Columbia, Erie, Fayette, Huntingdon, Luzerne, McKean, Mifflin, Warren, Wyoming, and Lycoming.

Counties that failed to provide information: Bedford, Bucks, Butler, Carbon, Clearfield, Columbia, Erie, Fayette, Huntingdon, Luzerne, Lycoming, McKean, Mifflin, Warren, and Wyoming.

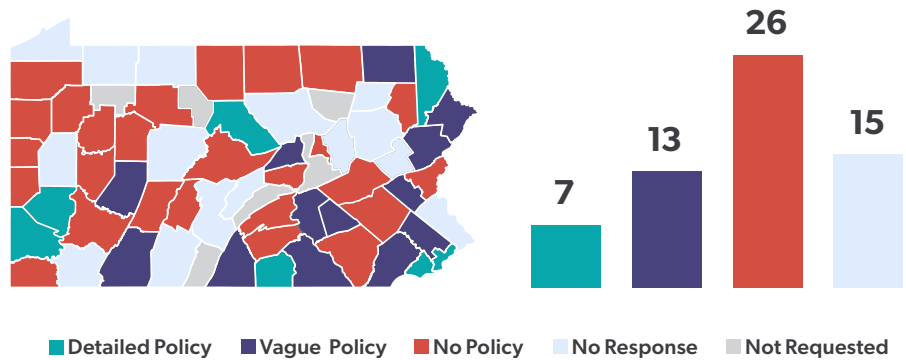
² Missing indicates counties where reports were not requested due to the outsourcing of facilities and/or availability of information.

Findings

Of the jails that responded to our request, we found the following:

1. POLICIES

Counties were categorized by the detail they provide in their overall jail voting policies.



15%

Seven counties had a more detailed, written policy that clearly outlines key dates, documents needed, and actions to take in order to be registered and vote by mail in an election: Adams, Allegheny, Clinton, Delaware, Philadelphia, Washington, and Wayne.

28%

Thirteen counties had brief policies with vague language. These policies do not offer helpful guidance: Chester, Dauphin, Franklin, Indiana, Lebanon, Lehigh, Monroe, Montgomery, Pike, Somerset, Susquehanna, Union, and York.

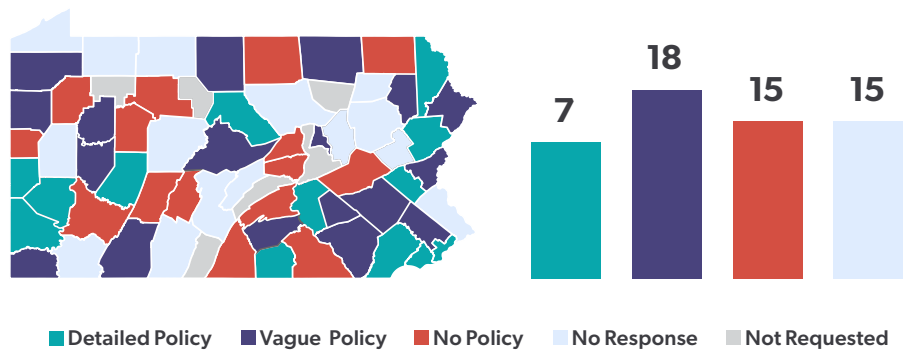
57%

Twenty-six counties do not have a written policy regarding jail voting.

* Percentages based on county responses.

2. PROCEDURES

Counties were categorized by the detail they provide in their overall jail voting procedures.



28%

Thirteen counties have a detailed policy about voting procedures: Adams, Allegheny, Beaver, Chester, Clinton, Dauphin, Delaware, Indiana, Lehigh, Monroe, Philadelphia, Washington, and Wayne.

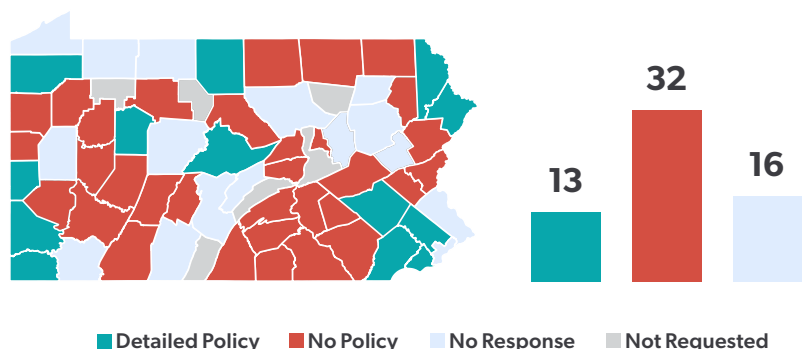
39%

Eighteen counties have vague policies about voting procedures.

33%

Fifteen counties have no policies about voting procedures: Blair, Cambria, Elk, Franklin, Jefferson, Lawrence, Perry, Schuylkill, Snyder, Susquehanna, Tioga, Union, Venango, Westmoreland, and York.

3. VISITATION POLICIES AND PROCEDURES FOR ELECTION PARTICIPATION



29%

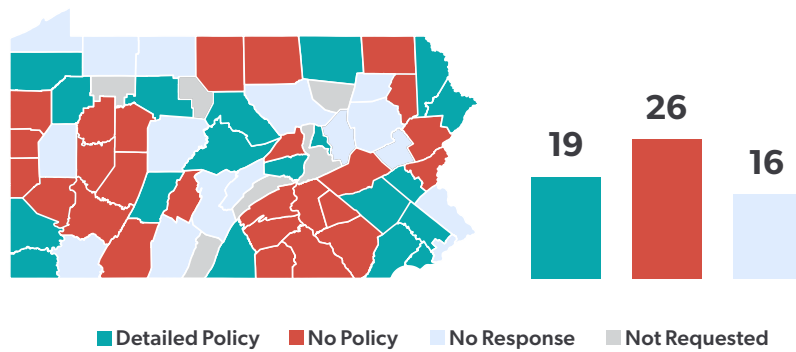
Thirteen counties indicated they have detailed policies about visitation: Beaver, Berks, Centre, Chester, Crawford, Delaware, Greene, Jefferson, Montgomery, Pike, Potter, Washington, and Wayne.

71%

Thirty-two counties do not have detailed policies about visitation in regard to accessing the voting process. Philadelphia is the additional nonresponsive county.

* Percentages based on county responses.

4. COMMUNICATION POLICIES TO INFORM ELIGIBLE VOTERS ABOUT ELECTIONS AND KEY DATES



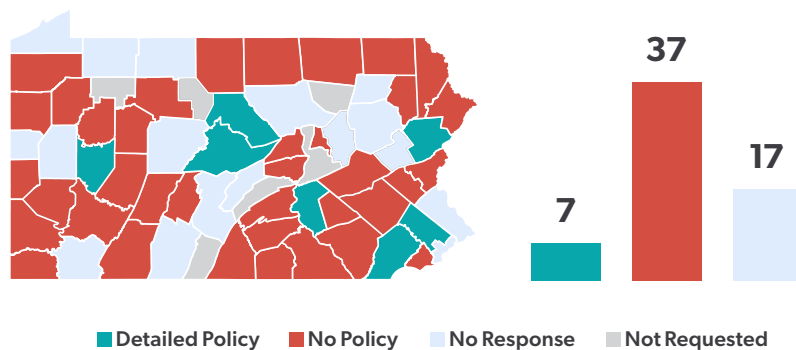
42%

Nineteen counties have detailed policies about communicating with eligible voters in jail: Berks, Bradford, Cambria, Centre, Chester, Clinton, Crawford, Delaware, Elk, Franklin, Greene, Lehigh, Montgomery, Montour, Pike, Snyder, Venango, Washington, and Wayne.

57%

Twenty-six counties do not have detailed policies about communication to inform voters about elections communication details.

5. EMAIL POLICIES ON HOW TO CONTACT ELIGIBLE VOTERS IN JAIL



16%

Seven counties have detailed policies on how to contact eligible voters in jail about voting via email: Armstrong, Centre, Chester, Clinton, Dauphin, Monroe, and Montgomery.

84%

Thirty-seven counties do not have policies about emailing voters in jail. Lawrence is the additional county which did not provide information.

* Percentages based on county responses.

Analysis

The results demonstrate that Pennsylvania jails vary widely in both their written policies and their procedures for people in jail to vote. They can be loosely divided into five categories:

1. Detailed Policy/Detailed Procedure

Several jails demonstrated dedication to implementing policies that ensure eligible people in jail were not only informed of their rights but had multiple opportunities to register and vote.

2. Vague Policy/Detailed Procedure

Jails that lacked robust written policies nevertheless often demonstrated procedures for informing people in jail of their rights, distributing mail-in ballot applications, and ensuring that ballots were mailed and counted.

3. Vague Policy/Vague Procedure

Jails with vague policies and procedures were often committed to informing people in jail of their rights but lacked the administrative follow-through necessary to convert potential interest of people in jail in voting into actual votes.

4. Vague Policy/No Procedure

Jails with vague policies and no procedures generally failed to either inform people in jail of their rights or assist them in voting.

5. No Policy/No Procedure

Jails that lack both detailed policies and procedures failed to provide people in jail with even basic information about their voting rights.



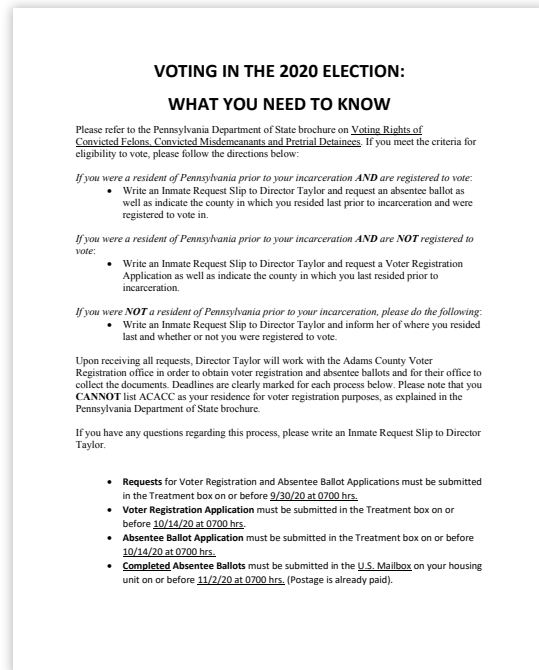
DETAILED POLICY/DETAILED PROCEDURE

Adams County

A good example of best practices is the Adams County Adult Correctional Complex. Located just outside Gettysburg, the facility held 261 people in the jail as of the 2020 presidential election. According to their records, 10 people in jail requested and were provided with mail-in ballots.

To ensure all eligible people in jail had equal access to the ballot, the jail established a written procedure that designated the director of treatment services as the point person for voting in the jail. The director is responsible for distributing the Department of State's official brochure on "Voting Rights of Convicted Felons, Convicted Misdemeanants, and Pretrial Detainees" to all people in jail. Every housing unit has this brochure, which explains eligibility and ballot access requirements. The brochure is accompanied by a memo called "What You Need to Know" which explains deadlines for each election and offers instructions about how to fill out mail-in ballot applications and voter registration forms from the jail. Jail staff announce the upcoming election, direct people in jail to the memo and brochure, and post directions for people in jail to follow on "What You Need to Know" for the upcoming election in each housing unit.

In response to the memo, brochure, and announcement, people in jail who would like to vote inform the director. The director then verifies their eligibility, distributes the appropriate applications and ballots, and ensures they are mailed in a timely manner. Postage on all voting-related mail is paid for by the county, and ballots are handled in strict confidence.



Memo: "What You Need to Know"

According to the jail's written procedure, the director is also responsible for communicating with the County Voter Registration Office. The procedure mentions that this communication should include confirming voter eligibility and assisting with ballot requests for people in jail who reside outside of the county.

While the Adams County jail has created a strong voting policy and implements it well

(the 2020 “What You Need to Know” memo), there remain some areas for improvement. While distributing the memo and brochure on voting to all people in jail is a good start, it requires the people in jail to attempt to parse whether they are eligible to vote, determine their registration status, and request the appropriate documents. Instead, jail administrators must adopt a proactive approach and work with the County Voter Registration Office to determine the eligibility and registration

status of each person in jail. The director must inform each person in jail of their status and give them the forms necessary to vote. In some cases, that would be a registration form; in others, just a mail-in ballot request form. Further, jail administrators must enact a clearly written policy that mandates scheduling verbal announcements about key election deadlines to allow ample time for people in jail to make document requests that satisfy voter registration and voting requirements.

VAGUE POLICY/DETAILED PROCEDURE

Monroe County

Monroe County Correctional Facility, in the Pocono Mountains, is an example of a jail that did a good job providing ballot access to people in jail during the 2020 election but lacked a formal voting policy.

Despite the lack of a voting policy, the jail has a process for ensuring eligible people in jail can vote. A single official, in this case the jail’s work release coordinator, took responsibility for all communications and actions related to voting in the jail. The coordinator established communication with the County Voter Registration Office in early September to ask about the details of mail-in ballot requests and to confirm the eligibility of specific people in jail who expressed interest in voting.



Voter information poster and memo to voters in jail

Based on the information from county officials, the coordinator distributed the relevant Department of State’s brochure on voting rights and a poster distributed by the Pennsylvania Prison Society and All Voting is Local describing voter eligibility for people in jail. The coordinator also distributed a memo containing voting deadlines and a request that “if you are a registered voter or will be released prior to the election and would like to vote in the upcoming election, please drop a slip to me to go over your eligibility.” The coordinator worked with the county elections office to submit mail-in ballot requests for five people in jail who were registered. Over

September 2020, the coordinator continued to correspond with the county elections office, submitting registration and ballot requests from interested people in jail.

Monroe County offers a good example of how dedicated jail staff can make a difference in ballot access even without a formal voting policy. It also demonstrates how the lack of a policy can create gaps in the system that can disenfranchise eligible voters. However, the outreach the jail officials conducted was focused on assisting already registered voters with mail-in ballot requests.



A GLARING OVERSIGHT

The documents did not provide outreach to voters who may have been eligible but had not yet registered. This gap is evident in the memo the coordinator distributed to people in jail. **By directing the message to “registered voters” or people in jail who would be “released prior to the election,” it may have dissuaded eligible voters who were not yet registered from getting involved.**

Establishing a policy that formalizes and improves upon the procedures the Monroe County jail followed during the 2020 election would decrease the potential for confusion by staff and people in jail and would allow the designated staff member in charge of voting to develop standardized communications containing correct information on voter eligibility and ballot access for people in jail.

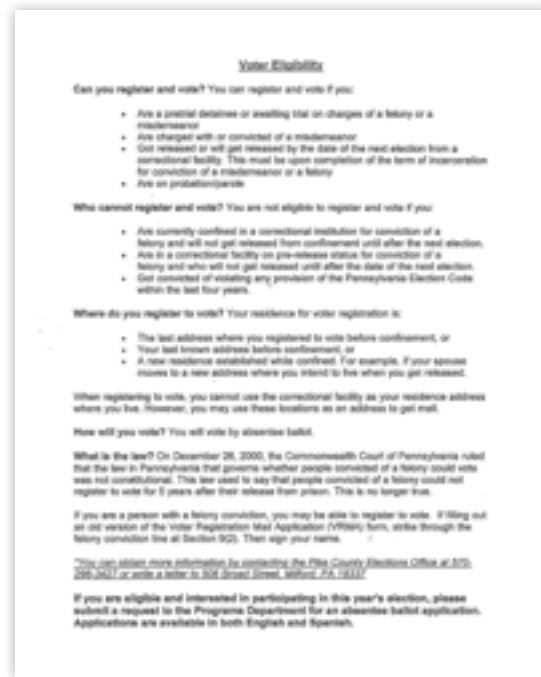
VAGUE POLICY/VAGUE PROCEDURE

Pike County

Several county jails had what we have classified as Vague Policy/Vague Procedure approaches to voting. Pike County Correctional Facility, northeast of Monroe County, fits this definition.

Though the jail does not have a formal written voting policy, jail staff distributed information on the upcoming 2020 election to people in jail. They placed a one-page memo on voter eligibility on housing unit bulletin boards and electronic tablets to which people in jail had access. The memo explains who can and cannot register to vote, how to properly fill out registration forms while confined, and how to contact the Pike County Elections Office by phone or mail. Though the language of the memo does not seem to have been updated to account for the Act 77 mail-in ballot reforms passed in 2019, none of the information given is incorrect. The memo concludes that eligible and interested voters can “submit a request to the Programs Department for an absentee ballot application.” The vote-by-mail ballot application is available in both English and Spanish.

The memo itself and its distribution to people in jail through two forms of communication, as well as the designation of the “Programs Department” as the contact point for more information on voting, are all positive



Memo: "Voter Eligibility"

procedures. However, there is no indication in the information we received as to when this memo was sent to people in jail and how long it remained visible during the 2020 election. There is also no indication that the jail has an established relationship with county election officials or that a single person in the “Programs Department” is designated the point person for voting.

To improve its voting policies, the Pike County jail must designate a voting point person, build relationships with the county elections office, update its communications to people in jail to accord with the most recent legal changes, and proactively encourage people in jail to participate in elections.

VAGUE POLICY/NO PROCEDURE

Franklin and Union Counties

Jails classified as Vague Policy/No Procedure typically described voting solely in their people-in-jail handbooks. These jails do not make any proactive efforts to inform people in jail of their voting rights.

Mentions of voting in people-in-jail handbooks are always brief, often just a few sentences, and generally explain that people in jail might be eligible to vote and can do so by absentee ballot. Some—for example, Franklin County Jail in South-Central Pennsylvania—instruct people in jail to contact the county board of elections by mail to request registration or ballot request forms. Others—for example, Union County Jail in Central Pennsylvania—instruct people in jail interested in voting by absentee ballot that they can “submit a written request to the Warden or Lieutenant.”

The jails that fall into this category are located in counties that range from 17 beds to over 1,000. Having very few or too many people in a county jail is no excuse for not making a concerted effort to ensure that the eligible voting population is not disenfranchised. Franklin County, with an average monthly jail population of 375, has over 100 more people in jail than the Adams county jail with 262, which, as detailed above, has done an exemplary job of ensuring equal access to the franchise. The consequence of relying on a vague policy in a handbook to inform people in jail of their rights is evident in the results: In the Union County Jail, which had a monthly average of 17 people in jail in 2020, not a single person in jail requested to vote during the 2020 election.



Key Takeaways

An effective jail voting program has:

1 A Written Policy

Establish a detailed written policy with clear timelines and step-by-step instructions on when and how to provide voting information to people in jail and when to distribute and collect mail-in ballot applications and ballots.



2 A Designated Official

Designate a single official to oversee jail voting procedures and serve as the point of contact on voting issues to people in jail and outside organizations and officials.



3 Partnerships with County Election Officials

Partner with county election officials to ensure all communications are based on up-to-date information, track and confirm the status of submitted applications and ballots, and ensure that out-of-county people in jail are able to request the correct ballots.



4 Proactive Outreach

Conduct proactive outreach to people in jail, informing them of their rights through a variety of media, making ballot applications and voter registration forms available early, opening multiple lines of communication for people-in-jail questions, and explicitly guaranteeing ballot secrecy.



Recommendations

Every county jail administrative decision-maker must develop a detailed policy that affirms eligible voters in jail will be provided with an opportunity to vote in every election. This policy should also include procedures that ensure the ballot request and voting process is clear and consistent, being sure to do the following:

- 1. Designate a jail voting officer or social worker.**

Every jail needs to designate a community relations officer or social worker to facilitate jail voting processes. This individual should play an active role in addressing the recommended practices and policies below.



- 2. Maintain ongoing relationships with county election officials.**

Every jail must ensure ongoing communication between jail administrators and the local election officials in the county. This communication is essential for retrieving important information and materials for every election and sharing those resources with eligible voters.



- 3. Assist people in jail in determining eligibility to vote.**

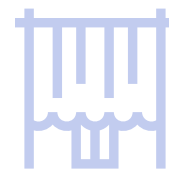
Every jail must have a written policy for informing persons in the jail about voter eligibility rules and for verifying whether an individual is eligible to vote.

- 4. Provide an opportunity to register to vote.**

The voter registration deadline in Pennsylvania is 15 days prior to Election Day. Every jail needs to provide direct opportunities for voters to register to vote or to check their voter registration status at least 30 days ahead of every election. This process is best facilitated online for voters who have Pennsylvania driver's licenses or ID cards by visiting the Pennsylvania Department of State's website, votespa.com. For facilities lacking internet/tablet access, they can provide hard-copy registration forms to be returned to the county election office (providing postage must not be a barrier).



Additionally, facilities can update their intake questionnaire form to include "Are you currently registered to vote in Pennsylvania?" This will allow staff to capture upfront data regarding a person-in-jail's voter registration status, making it easier to direct resources to said individual if they are eligible.



5. **Ensure access to property necessary for voting.**

To register to vote or request a mail-in ballot in Pennsylvania, an eligible voter must provide either a PennDOT ID number or the last four digits of their Social Security number. A photo ID must be provided with a mail-in ballot application if either a PennDOT or Social Security number is unavailable. For voters in jail, they may need access to property in order to complete this process. Because jails hold individual personal property after booking, every voter should be provided with an opportunity to retrieve documents, including a PennDOT or Social Security card, that they may need to register to vote.

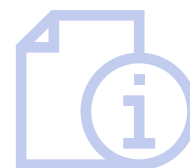
6. **Make mail-in ballot applications readily available.**



Jails must ensure that individuals wanting to vote from jail receive the time and space to request that a mail-in ballot be mailed to them. Ballots can be requested from votespa.com or using the paper form that can be downloaded from votespa.com or obtained from the county election office. Individuals incarcerated after the mail-in ballot application deadline must be given an opportunity to apply for an Emergency Absentee Ballot.

7. **Ensure access to information on candidates.**

Every prospective voter in jail must be provided with opportunities to learn about the issues and candidates that are on their ballot. This means that jail administrators must develop a process for providing candidate information to interested voters. This can be facilitated through educational materials and/or the help of nonpartisan voting rights groups.



8. **Verify ballots are received and counted.**

Every individual who voted via mail-in ballot from jail must have an opportunity to verify their vote was counted. This may mean checking the status of their ballot on the votespa.com webpage after election day or calling the county election office.

9. **Track jail voting participation.**

Every county jail must have a written process for tracking ballot registrations, 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.



Pennsylvania legislators must write and pass legislation to:

1

Allow everyone to vote regardless of felony conviction.

Thousands of people are currently prohibited from voting in Pennsylvania due to currently serving a felony sentence in prison or jail. Under Pennsylvania statute, Pennsylvanians serving a felony sentence are prohibited from voting.



2

Mandate voting access and resources within county jails.

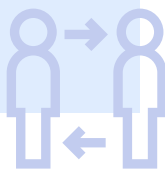
County jails must be required to take certain steps in providing access to the ballot for people in jail, including the aforementioned recommendations (e.g., checking voter eligibility, assisting with registration and mail-in ballot applications, tracking data). Such voter services must also be coupled to additional state funding.



3

Extend the right to vote via an agent.

State legislators must extend Pennsylvania statutes which allow disabled voters to vote by agent to include jailed voters. This would permit registered voters in jail to request a mail-in ballot and return that ballot to the county board of elections via an agent.



4

Expand options for proof of identity.

Expand the list of acceptable photo IDs to include jail IDs.





Conclusion


Our democracy works best when everyone participates. The fundamental right to vote is central to this. When eligible voters are denied this right, not only are their voices silenced but also the voices of their families and communities. This alienates these communities from the political process and increases the number of Americans that have lost faith in our democracy.


Unless state and county officials act now, thousands of eligible voters in Pennsylvania county jails will continue to be denied their right to register to vote, cast a ballot, and have that ballot counted in future elections. Every county official must adopt policies and practices that ensure all voters are heard. Particularly given that these are procedural changes, this can and should happen now. There is time to make these changes before the next election.


Looking ahead, Pennsylvania decision-makers must look at ways to guarantee that every county jail is providing thorough access to the information and materials necessary to vote, extend the right to vote via a designated agent, expand options for proof of identity, and extend the franchise to thousands of Pennsylvanians serving felony sentences. These proposals would be a major step toward making sure eligible voters in jail can register to vote, cast their ballot, and have that ballot counted. Ultimately, no Pennsylvanian should ever be denied the freedom to vote. Only then will we move toward a democracy that truly works for all of us.




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ALL VOTING IS LOCAL fights to eliminate needless and discriminatory barriers to voting before they happen, to build a democracy that works for us all. It is a collaborative campaign housed at The Leadership Conference Education Fund and The Leadership Conference on Civil and Human Rights.

For more information about All Voting is Local, visit allvotingislocal.org and follow us on Twitter [@votingislocal](https://twitter.com/VotingIsLocal).

THE COMMITTEE OF SEVENTY is a nonpartisan civic leadership organization that advances representative, ethical and effective government in Philadelphia and Pennsylvania through citizen engagement and public policy advocacy.

More information at seventy.org.

COMMON CAUSE is a nonpartisan, grassroots organization dedicated to upholding the core values of American democracy. We work to create open, honest, and accountable government that serves the public interest; promote equal rights, opportunity, and representation for all; and empower all people to make their voices heard in the political process.

More information at commoncause.org.