



UNLOCK THE VOTE ARIZONA

Procedures for Jail-Based
Voting by County
July 2020



PREPARED BY
The Arizona Coalition
to End Jail-Based
Disenfranchisement

THE VOTERS

Yonas Kahsai spent much of high school encouraging members of his Phoenix, Arizona, community to get out and vote. The child of a Somali refugee turned union organizer, he'd worked with a group that registered over 150,000 mostly Latino voters ahead of the 2016 Maricopa County race that unseated controversial Sheriff Joe Arpaio after over two decades in office. When he turned 18, he eagerly registered to vote himself.

But by the time the next election rolled around, Kahsai was in jail.

Kahsai knew his rights, so he requested a ballot from inside his cell. At first, a guard told him that he couldn't have one. Kahsai pushed back and was eventually granted a request to temporarily change his address to the facility and get an absentee ballot.

The ballot never came. The election passed, Kahsai was found guilty, and, as mandated by Arizona law, he lost his right to vote.



A decade before Kahsai entered Arizona's jail system, Joe Watson found himself inside Lower Buckeye Jail in Maricopa County. He'd robbed a series of convenience stores to satisfy a worsening gambling addiction.

It was 2008, and Watson, a longtime local journalist, was excited about the upcoming presidential election – the young Democratic senator from Illinois piqued his interest.

But when he requested an absentee voter registration form from each passing correctional officer, he said they merely laughed.

"They just ignored me. There was nothing I could do," said Watson. "I was just denied my right to vote. It was very deflating. There's a culture inside of guards telling you that you don't matter, and this – this was them proving it. And that's the end of it, because less than two years later, I had been convicted and sentenced, and I have not had the right to vote since."

Excerpts from "[Only Eight People Voted from Arizona's Jails in 2018. Will this Election be Different?](#)," by Hannah Critchfield.

BACKGROUND

Each night, the 15 counties across the state of Arizona detain more than 14,000 individuals in their 22 jails. An estimated 60%, or 8400, of those individuals are eligible to vote.* Approximately 32.5% of registered voters in Arizona are Democrats, the only party eligible to vote in the March 17, 2020 Presidential Preference Election, meaning that roughly 2700 of these detained individuals were likely eligible to vote.

During the March election, out of those estimated 2,700 eligible voters, 7 voters cast a ballot.**

That's a 0.26% participation rate, 187 times less than the overall turnout rate for that election.

Arizona has one of the highest incarceration rates in the country, and the system incarcerates Black, Hispanic, and Native people at significantly disproportionate rates. In addition, Arizona employs a cash bail system, meaning that thousands of Arizonans are in jail simply because they cannot afford to post bail.

This is voter disenfranchisement, and it hurts low-income people and people of color the most.

**Estimate provided by All Voting is Local Arizona.*

***According to public records obtained by Campaign Legal Center.*



The Arizona Coalition to End Jail-Based Disenfranchisement exists to change that. The Coalition came together informally to bring Yonas his ballot in 2018, and it has grown in the last two years to advocate for systemic and meaningful jail-based voting policy reform across the state.

The Coalition is composed of directly impacted individuals, public defenders, criminal (in)justice reform organizations, abolitionist organizations, voting rights advocates, and community organizing hubs. Members include All Voting is Local - AZ, AZ Advocacy Foundation, AZ Center for Empowerment, Arizona Coalition for Change, American Friends Service Committee - AZ, Mass Liberation AZ, One AZ, Poder in Action, Campaign Legal Center, and various public defenders and local attorneys.

Our coalition has made some progress -- successfully advocating for the inclusion of jail-based voting procedures in the 2019 [Election Procedures Manual](#); and working with County officials to develop best practices. However, our goal of each incarcerated voter having full and uninhibited access to voter registration, voter education, and their ballot is still a ways off.

The purpose of this report is to gather data on each county's jail-based voting procedure. While jailed voters have a right to their ballot, Arizona law does not require counties to have robust and public procedures to make that right a reality.

We aim to change that.

METHODOLOGY

Data on each county's jail voting procedures were collected in two steps through a coordinated effort of coalition members: first, through public records requests; then through a voluntary survey distributed on June 1, 2020, to all county recorders and sheriffs requesting details on their procedures. The survey's instructions made clear that respondents' answers would be used to inform a public report.

The Coalition then identified five main provisions a strong procedure would contain: 1) coordination between the Sheriff and the Recorder/Elections Director; 2) voter education; 3) voter registration; 4) voting procedures (both by mail and in-person); and 5) safety adaptations in light of Covid-19. We created a grading rubric for each provision, available in the Appendix, giving a score between 1 and 4 to award more points for jurisdictions that adhere to best practices.

Using the information we gathered, as well as input from members, we compared each jurisdictions' procedures against these grading rubrics, scoring the jurisdictions based on the level of support they provided in each category. Finally, the five sections' scores for each county's procedures were totaled to produce a letter grade:

0-11	F
12-13	D
14-15	C
16-17	B
18-20	A



RESULTS

Among Arizona's 15 counties, the majority scored an F, including Maricopa County, which accounts for nearly 60% of Arizona's population. Only one county scored an A.

This is unacceptable.

Counties must go beyond providing ballots ad hoc, placing the burden on incarcerated voters to figure out the process on their own. They must provide accessible and thorough access to registration, education, and voting.

This report is the first in a series aiming to highlight the effect of jail-based disenfranchisement. Reports following the 2020 Arizona Primary and General elections will utilize public records to determine how many -- or how few -- voters successfully cast their ballots from jail in each county.

The responsibility to end jail-based disenfranchisement is shared by multiple entities: County Sheriffs, County Recorders and Election Directors, the Secretary of State, and the State Legislature.

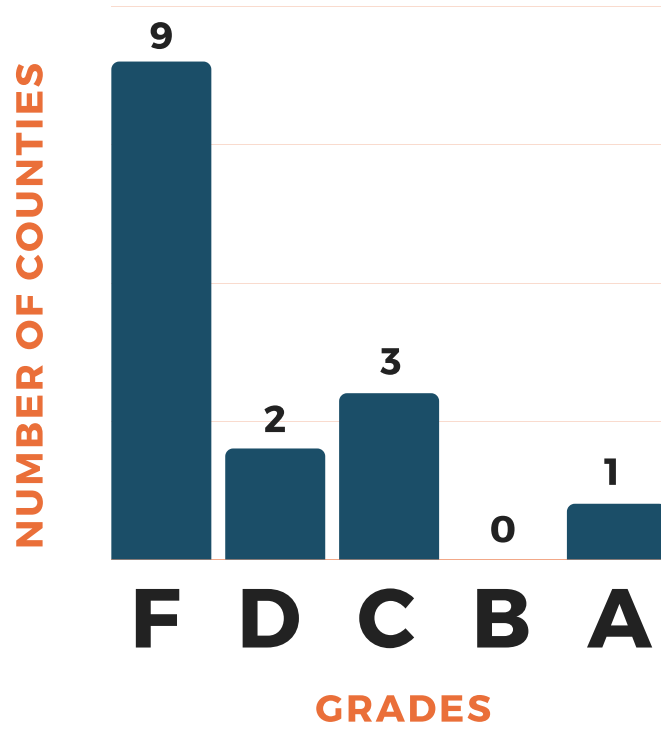
We call on each of these offices, especially the Sheriffs and Recorders, to show leadership and be champions of democracy by creating and enacting free, fair, and safe jail-based voting procedures.



COUNTY GRADES

Apache County	C
Cochise County	F
Coconino County	F
Gila County	D
Graham County	A
Greenlee County	D
La Paz County	F
Maricopa County	F
Mohave County	C
Navajo County	F
Pima County	F
Pinal County	F
Santa Cruz County	C
Yavapai County	F
Yuma County	F





APACHE COUNTY

- Office Coordination: ★★
- Voter Education: ★★
- Voter Registration: ★
- Voting Procedures: ★★
- Covid-19 Response: ★★



Apache County overall has relatively strong voting and voter education protocols in place, but lacks meaningful registration procedures. The Sheriff's office and Recorder's office coordinate across voter education, registration and voting protocol, and the recorder's office hand delivers ballots to incarcerated voters detained after the absentee ballot request deadline. Their voter education protocols provide materials in English and Spanish; provide educational materials well in advance of the election; and perform in person voter registration services, though only upon request. All current procedures will remain in effect for Covid-19, though extra sanitary precautions will be taken.

COCHISE COUNTY

- Office Coordination: ★★
- Voter Education:
- Voter Registration:
- Voting Procedures: ★
- Covid-19 Response:



Cochise County did not provide any voter education or voter registration procedures on record. While they have existing written policy on voting procedures that indicates a somewhat strong degree of coordination between the Sheriff's office and the Recorder's office, the policy states incarcerated voters are encouraged "to participate in voting when they are out of custody" and seems to provide minimal assistance in helping voters initiate the process. Since no Cochise County official responded to the survey we circulated, we have no records on their Covid-19 procedural modifications.

COCONINO COUNTY

- Office Coordination: ★★
- Voter Education:
- Voter Registration: ★
- Voting Procedures: ★★★★★
- Covid-19 Response: ★★



Based on the information we received, there was no indication of voter education and voter registration procedures. While the Recorder's office provides voter registration forms, there is no in-person voter registration, and the county's response indicates no proactive voter education for incarcerated people. All voting protocols are expected to remain in place in light of Covid-19, though we have no response from the Sheriff's office to indicate safety measures in place to protect incarcerated voters and staff.

GILA COUNTY

- Office Coordination: ★★
- Voter Education: ★★
- Voter Registration: ★★★★★
- Voting Procedures: ★★★★★
- Covid-19 Response: ★★



Gila County educates incarcerated people about voting opportunities both by verbally informing them and posting fliers; that being said, registration processes are lacking, and Gila County is still in the process of securing bilingual educational materials. They follow the Secretary of State's voting procedure. Voting processes will stay in place during Covid-19, with the precaution that non-essential personnel are not to be in close proximity to incarcerated voters.

GRAHAM COUNTY

- Office Coordination: ★★★★★
- Voter Education: ★★★
- Voter Registration: ★★★★★
- Voting Procedures: ★★★★★
- Covid-19 Response: ★★★



Graham County showed the most thorough procedure of all the counties. Coordination between the two offices is particularly strong, establishing a protocol to provide and validate ballots and registrations. In the 2020 Election, they plan to hold an in-person voter registration session with additional information about the upcoming election and how to vote. They also guarantee access to the ballot for voters incarcerated after the absentee ballot request deadline by using a special education board. Protocols will remain in place during Covid-19 with extra safety precautions, including masks provided by the jail.

GREENLEE COUNTY

- Office Coordination: ★★★★★
- Voter Education: ★
- Voter Registration: ★
- Voting Procedures: ★★★★★
- Covid-19 Response: ★★★



Greenlee County shows strong coordination between the Recorder's and Sheriff's office throughout the process, but from the information made available to us, showed no proactive voter education process to inform incarcerated people about the opportunity to vote, which is a unique and promising feature of their program. In-person registration is available upon request, and the procedure ensures ballots will be delivered to late-jailed voters who arrive after the deadline for absentee ballot requests, but want to vote. Procedures will remain in place during Covid-19, with precautions recommended by the Health Department.

LA PAZ COUNTY

Office Coordination: ★

Voter Education:

Voter Registration:

Voting Procedures: ★

Covid-19 Response:



La Paz County provided us with minimal information. While the Recorder's office offered assistance to jail staff in helping voters, there were no records of any established voter education or registration protocols. Since no La Paz County official responded to the survey we circulated, we have no records on their Covid-19 procedural modifications.

MARICOPA COUNTY

Office Coordination: ★

Voter Education:

Voter Registration: ★

Voting Procedures: ★★

Covid-19 Response: ★★



Maricopa County has made indication of the presence of coordination between the Sheriff's and Recorder's offices. Beyond the basic coordination as outlined in the Election Procedures Manual, the county has made little documented effort to make voting from jail accessible or practicable. The Coalition has spent significant time with the Maricopa County Recorder's Office to develop jail voting procedures and educational resources, but the Sheriff's Office declined to implement the procedures or use the materials. Maricopa County has made no indication of election procedures changes to ensure the safety of election and jail staff or the jailed population in light of the Covid-19 Pandemic.



MOHAVE COUNTY

- Office Coordination: ★★
- Voter Education: ★
- Voter Registration: ★★
- Voting Procedures: ★★
- Covid-19 Response: ★



Mohave County has shown coordination between the Recorder's and Sheriff's office. Both have shown themselves to make actual and repeated efforts to both educate voters about their opportunities to register and vote, followed by the necessary procedures to ensure voting capacity by jailed voters. However, voter education efforts are minimal. Mohave County has made no indication of a change in election procedures for either staff or the jailed population in light of the Covid-19 Pandemic.

NAVAJO COUNTY

- Office Coordination: ★
- Voter Education:
- Voter Registration:
- Voting Procedures:
- Covid-19 Response:



Navajo County has shown some coordination between the Recorder's and Sheriff's offices providing registration forms and their combined efforts to create procedures for jail voting. However, they have yet to create any such procedures and have not made attempts to meaningfully increase jailed voter awareness or capacity of the ability to vote. Navajo County has indicated no procedures to ensure safety for either elections or jail staff, nor the jailed population, during the election process in light of the Covid-19 Pandemic.

PIMA COUNTY

Office Coordination: 

Voter Education:

Voter Registration:

Voting Procedures: 

Covid-19 Response:



Pima County has shown coordination between the Recorder's and Sheriff's offices, and their voting procedures surrounding actual voting from jail through the existence of a special elections board are exemplary. However, neither office has indicated efforts to educate jailed voters of their capacity to vote or register to vote from jail. Pima County has made no indication of election procedures changes to ensure the safety of election and jail staff or the jailed population in light of the Covid-19 Pandemic.

PINAL COUNTY

Office Coordination: 

Voter Education: 

Voter Registration: 

Voting Procedures: 

Covid-19 Response:



Pinal County has shown little to no coordination on jail voting between the Recorder's and Sheriff's offices. While all jailed individuals are communicated their right to vote by the Facility Handbook, provided as a sentence in a 30 page document, no active attempts are made to register jailed persons or make them aware of when elections are. Pinal County has made no indication of election procedures changes to ensure the safety of election and jail staff or the jailed population in light of the Covid-19 Pandemic.



SANTA CRUZ COUNTY

- Office Coordination: ★★★★★
- Voter Education: ★★
- Voter Registration: ★★
- Voting Procedures: ★★★
- Covid-19 Response: ★★★



Santa Cruz County has shown significant coordination between the County Recorder's and Sheriff's offices. Jailed voters are provided accessible information on elections and voter registration, with the County making active attempts to help jailed voters vote, as demonstrated by the County Recorder's use of in-person voter registration. The County has also made active efforts to ensure those jailed voters are able to vote during elections. It has been indicated that the Sheriff's office has procedures for safety during elections while Covid-19 is present, and the Recorder and Sheriff are working on creating coordinated procedures for safe voting during the Covid-19 Pandemic.

YAVAPAI COUNTY

- Office Coordination: ★★★
- Voter Education: ★★★
- Voter Registration: ★
- Voting Procedures: ★★★★★
- Covid-19 Response:



Yavapai County has shown coordination between the County Recorder's and Sheriff's offices. While jailed persons are communicated their ability to vote and register to vote, no procedures are outlined to actively or meaningfully educate voters of their capacity to vote from jail or to register them to vote. Yavapai County has made no indication of election procedures changes to ensure the safety of election and jail staff or the jailed population in light of the Covid-19 Pandemic.

YUMA COUNTY

Office Coordination:

Voter Education:

Voter Registration:

Voting Procedures:

Covid-19 Response:



Yuma County provided no information.

APPENDIX

The following rubrics were used to grade each of the five categories:

Coordination	
0	No procedure indicated.
1	The Recorder's Office and Sheriff's Office coordinate only when deemed necessary.
2	The Recorder's Office and Sheriff's Office coordinate only at one stage of the process (e.g. delivering ballots).
3	The Recorder's Office and Sheriff's Office coordinate at multiple stages of the process.
4	The Recorder's Office and Sheriff's Office are in constant communication throughout the process of education, registration, and voting. There is at least one dedicated staff member in each office overseeing the jail-based voting procedures.





Voter Education	
0	No procedure indicated.
1	Voter education materials (VEM) are available upon request.
2	At least one form of VEM is visible and available to all inmates.
3	VEM is provided in multiple formats.
4	VEM provided in multiple formats, in multiple languages, and well in advance of the election.





Voter Registration	
0	No procedure indicated.
1	Inmates may request forms
2	Registration forms are available in a visible location
3	Registration forms are available in a visible location and are advertised
4	In-person voter registration events, in addition to all services listed above.





Voting	
0	No procedure indicated.
1	Voters may request their ballot through traditional absentee means with no specialized assistance.
2	Voters are assisted in receiving their ballot through early voting, but are unable to vote in the 11 days before an election.
3	Voters may request and receive their ballot at any point during early voting and up to and on election day, but there is not a clear procedure of how this will happen.
4	Voters may request and receive their ballot at any point during early voting and up to and on election day, and jails utilize Special Election Boards, inter-office delivery, or hand-delivery for the ballots.





Covid-19 Response	
0	No procedure indicated, or jail-based voting procedures not enacted in pandemic.
1	Jail based voting procedures will be lessened under the pandemic.
2	No change.
3	Slight change to ensure safe voting procedures.
4	Moderate to significant additions to procedures, following safety guidelines, and implementing safety practices (e.g. masks, social distancing).



The following chart shows which offices responded to the records request and the survey:

County	Records Request	Survey
Apache	Neither	Both
Cochise	Sheriff	Neither
Coconino	Neither	Recorder
Gila	Recorder	Both
Graham	Sheriff	Both
Greenlee	Neither	Recorder
La Paz	Both	Neither
Maricopa	Recorder	Recorder
Mohave	Recorder	Recorder
Navajo	Recorder	Neither
Pima	Recorder	Neither
Pinal	Both	Recorder
Santa Cruz	Recorder	Recorder
Yavapai	Both	Neither
Yuma	Neither	Neither



ACKNOWLEDGEMENTS

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Learn more about the Coalition's member organizations:

American Friends Service Committee-Arizona (AFSC-AZ) works to reduce the size and scope of the punishment system in Arizona using research, documentation, and advocacy to advance sentencing reform, halt prison expansion, and improve conditions of confinement. Learn more at afscarizona.org.

Mass Liberation Arizona is building power to end mass incarceration and divest from the carceral system in Arizona. We are a directly-impacted people's organization headquartered in South Phoenix with a growing membership in Black communities and inside prison facilities throughout the state. Learn more at masslibaz.org.

Jamaar Williams and Eleanor Knowles are attorneys with the Maricopa County Public Defender's Office.



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, in conjunction with the American Civil Liberties Union Foundation; the American Constitution Society; the Campaign Legal Center; and the Lawyers' Committee for Civil Rights Under Law. For more information about All Voting is Local, visit allvotingislocal.org and follow us on Twitter @votingislocal.

The nonpartisan Campaign Legal Center (CLC) advances democracy through law at the federal, state and local levels, fighting for every American's rights to responsive government and a fair opportunity to participate in and affect the democratic process. [Learn more](#) about us.

Arizona Advocacy Network and Foundation is devoted to defending and deepening Arizona's commitment to democracy. We provide a consistent voice in defense of democracy at the Arizona Legislature, with elections officials, and in our communities. Learn more at azadvocacy.org.

[Poder in Action](#) is a human rights organization that builds power to disrupt and dismantle systems of oppression and determine a liberated future as people of color in Arizona.

The Arizona Center for Empowerment educates, empowers and engages our state's working families to create solutions to issues of social and economic justice. Learn more at empoweraz.org.

Arizona Coalition for Change empowers everyday people to transform their community through building civic power, just and equitable schools, and safer neighborhoods.

Learn more about the Coalition's work at foundation.azadvocacy.org/unlockthevote.