

ALL VOTING
IS LOCAL

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ACLU OF FLORIDA

ACLU
Florida

Jail Voting Toolkit

Voter Policies Are Inconsistent and Insufficient in Florida Jails



Introduction

Our democracy works best when all voters can participate. The fundamental right to vote is central to the full and equal participation of people in America. It is critical that all voters have a say in who represents our interests, especially in the midst of a global pandemic.

Every vote matters. However, too many eligible voters face needless and discriminatory barriers that limit this right. This is particularly true for eligible voters in Florida county jails.

This toolkit is a guide to how each of us can advocate so that all voices are heard. Together, we can organize, engage, and fight for policy changes in our communities to ensure county jails have policies and procedures in place that ensure equal access to the ballot. This guide focuses on county-level advocacy, as each county in Florida is distinct in its policies on voting in jail. This is just a starting point for action that must happen at every level of government so no voter is denied their right to register to vote, cast a ballot, and have that ballot counted.

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Jail Voting Overview

The right to vote does not end at the door of a holding cell. State laws require eligible voters in jail to be able to cast a ballot. People who are in jail are often awaiting trial or conviction, or are being held for misdemeanor crimes.

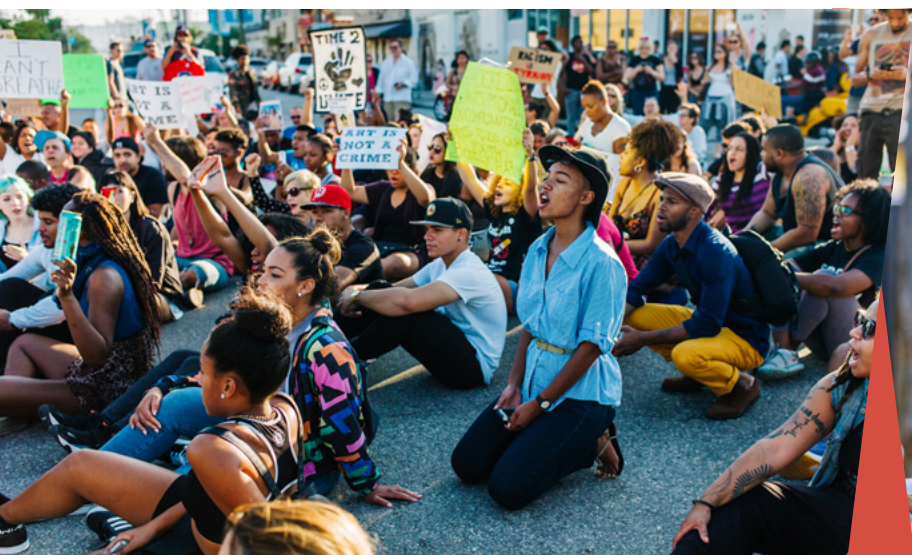
In Florida, as in most states, these individuals are eligible to register and vote, and no eligible voter should be denied their right. Yet there is a sharp difference between being simply eligible to register and/or vote and being able to make one's voice heard.

That's why formal policies in jails are crucial. Formal policies provide a written affirmation that most people who are in jail have the right to vote and that the staff at the supervisors of elections offices and jail facilities are held accountable to protect that right. Formal policies also ensure that a change in the sheriff's office or jail staff will not lead to an infringement on the right to vote for people in jail. Without codified policies and practices, counties risk inconsistent and unfair approaches, as well as constitutional violations.

We found that most counties have no written policies to facilitate elections in jail and that for those who do have policies, important steps or details are missing. In addition, we found that no county was tracking information about people registering to vote or voting from jail.

If the state is not collecting basic information and the counties do not have universal policies and procedures to facilitate jail voting, people who are confined are likely experiencing de facto disenfranchisement.

The following are resource tools for volunteers when engaging in more systematic tracking. When volunteers use these tools and share the outcomes among state partners, we are better equipped to advocate statewide.



5 Steps You Can Take

1. Request a Meeting With Your Sheriff

Reach out to your county sheriff to determine if your county jail has policies and procedures in place to support jail voting and whether they include the items listed in the policy checklist on page 3. You can find your sheriff's website (with contact info) and a sample outreach email on page 4.

2. Letter to the Editor

If you don't get a meeting, write a letter to the editor of your local newspaper or media outlet about your concerns and desire to meet with your sheriff. A sample letter to the editor is included on pages 4-5.

3. Build a Petition

A petition can be a persuasive way to detail your requests. A draft petition is included on pages 5-6.

4. Pressure the Supervisor of Elections to Prioritize Your Requests

Present the petition to your county supervisor of elections and personally express your concerns and recommendations. Invite others to join, and conduct interviews with the media afterward.

Note: It will help if you've previously talked with county supervisors who may be favorable to your requests. These supervisors can be critical allies in your discussion of the topic.

5. Show Your Willingness to Support

Across Florida, there are dozens of nonpartisan voting rights organizations that can help support jail voting reform. Nonpartisan voter registration or get-out-the-vote groups can be great collaborators in trying to advocate to county sheriffs. Such groups can help register voters in county jails or provide jails with educational materials on voting.

Jail Voting Checklist

TOPIC	DETAILS	Y/N
 Contact With Jail	<p>The local volunteer representative must make contact with the jail via the sheriff, jail administrator, or whoever makes policy decisions for that county's jail.</p>	
 Timeliness	<p>Does the administration respond and work with volunteers in a timely manner?</p>	
 Local Elections Officials	<p>The supervisor of elections has communicated when and how jailed voters can vote, to make it easier and more effective to register jailed voters and facilitate their ability to cast a ballot.</p>	
 Volunteer Recruitment/ Cooperation	<p>There must be early recruiting and identifying of volunteers who are new to jail voter registration so they can be registered for training.</p>	
 Voter Registration	<p>County supervisor of elections staff and/or staff at county jail facilities conduct voter registration or allow volunteers to come in to register voters.</p>	
 Requesting an Absentee Ballot	<p>Jail provides direct opportunities for eligible voters in their care to request a vote-by-mail ballot.</p>	
 Access to Property	<p>Because jails hold personal property after booking, every voter is provided with an opportunity to retrieve documents they need to register to vote (proof of residence) and documents they need to cast their ballot (accepted photo ID).</p>	
 Designated Employee	<p>Jail and the county supervisor of elections have designated staff to support access to the ballot.</p>	
 Access to Information	<p>Voters who are incarcerated are provided with relevant voting deadlines as well as information about candidates or issues on the ballot.</p>	
 Eligibility to Vote	<p>Jail provides the county supervisor of elections with accurate lists for the eligibility status of inmates and returning citizens.</p>	

Sample Email to Your Sheriff

Hello! My name is <NAME>, and I am a resident of <COUNTY>. In every election, but particularly amidst the challenges of COVID-19, it is very important to me that every eligible voter in Florida has an equal opportunity to register to vote, cast a ballot, and have that ballot counted. I am interested in understanding your plans for ensuring that eligible voters in the <COUNTY JAIL>'s care do not face barriers in the upcoming elections.

I am first and foremost interested in whether you designate a social worker or correctional officer to make sure every eligible voter in your care has an opportunity to register to vote and cast a ballot. Beyond that, I am wondering if you could answer a few questions. What policy and process do you have in place to ensure that voters in your care can do the following:

1. Access information on election dates and deadlines, candidates, and issues?
2. Check their voter eligibility?
3. Check their registration status?
4. Access documents that help them confirm proof of residence for the purpose of registering to vote and proof of identity for the purpose of casting a ballot?
5. Register to vote?
6. Request their vote-by-mail ballot?
7. Vote at the polls on election day, specifically if they were jailed after the deadline by which they can request a vote-by-mail ballot?
8. Verify that their vote was counted?

Additionally, do you have a written policy and process in place for tracking voter registrations, ballot requests, and ballots returned? How many people have registered or voted from the <COUNTY JAIL> in the past?

Thank you so much for taking the time to discuss your plans with me. I look forward to hearing from you.

Sincerely,
<NAME>

Sample Letter to the Editor

Eligible Voters in Jail Need Opportunities to Cast Their Ballot

Our democracy works best when all eligible voters participate. The fundamental right to vote is central to the full and equal participation of all Floridians. It is critical that all eligible voters have a say in who represents our interests, especially in the midst of a global pandemic.

Unfortunately, <COUNTY> is not doing enough to ensure that eligible voters in jail have equal access to the ballot. A recent finding from the ACLU of Florida and All Voting is Local Florida found that <COUNTY-SPECIFIC FINDINGS FROM REPORT>. This is unacceptable.

Sheriff <COUNTY SHERIFF> needs to build better policies and procedures for voting in the <COUNTY> jail to ensure eligible voters have access to election information, can check their eligibility, have access to personal property needed to vote, can register to vote, can request a vote-by-mail ballot or vote on election day, and can verify their ballot was counted. Sheriff <COUNTY SHERIFF> should also implement a process for tracking the number of people who vote from the <COUNTY> jail.

This is just a starting point for ensuring the full and equal participation of all Floridians. Long-term, Representative <STATE REPRESENTATIVE>, Senator <STATE SENATOR>, Governor DeSantis, and other Florida decision-makers must work together to ensure that no individuals are ever disenfranchised. Only then will we build a Florida that works for us all.

Sincerely,
<NAME>

Sample Petition

Let People Vote

Our democracy works best when all eligible voters participate. The fundamental right to vote is central to the full and equal participation of people in America. It is critical that all eligible voters have a say in who represents our interests, especially in the midst of a global pandemic. Every vote matters. Unfortunately, too many eligible voters face needless and discriminatory barriers that limit this right. This is particularly true of eligible voters in Florida county jails.

No eligible voter in jail should have a difficult time registering to vote and casting their ballot. That means <COUNTY> needs to ensure there are policies and procedures in place that support access to the ballot in jail.

Sign our petition to demand that Sheriff <SHERIFF NAME> build a policy and process that include details ensuring the following:

1. There is a designated social worker or correctional officer who can support ballot access.
2. Every eligible voter has relevant election dates and deadlines, as well as opportunities to learn what issues and candidates are on their ballot.
3. Individuals in the jail know about voter eligibility rules and can verify whether they are eligible to register and vote.
4. There are opportunities to check voter registration status at least 30 days ahead of every election in which they plan to vote.
5. There are opportunities to retrieve documents eligible voters need in order to register to vote (proof of residence) and documents they need in order to cast their ballot (accepted photo ID).
6. Eligible voters can register to vote.
7. Eligible voters can request a vote-by-mail ballot.
8. If a voter is jailed after the deadline by which they can request a vote-by-mail ballot, jail administrators have a process by which they can vote at the polls on election day.
9. Every person who votes from this jail has an opportunity to verify their vote was counted.
10. There is a written process for tracking voter registrations, ballot requests, and ballots returned.

Email Address

First Name

Last Name

Postal Code

Florida Jail Voting Analysis Parameters

What does it look like for eligible voters to cast their ballot from jail?

At the moment, county policies and procedures vary. The purpose of the following scorecard is to help assess Florida jails' preparedness to support jail voting in the 2022 elections.

County Being Scored: _____

Individual/Organization Doing the Scoring: _____

Date Scored: _____

	ABSENT (0)	BEGINNING (1)	DEVELOPING (2)	MEETS EXPECTATIONS (3)	EXCEEDS EXPECTATIONS (4)
Policy	There is no written policy.	A written policy exists, but it lacks details. This policy is largely reactive (e.g., inmates' jail voting rights should be provided upon request or through the inmate handbook).	A written policy exists, but it lacks details. However, this policy is proactive (e.g., inmates' jail voting rights should be communicated during orientation).	A written policy exists that is both detailed and proactive.	A written policy exists that is both detailed and proactive. This policy can serve as a model for other jails in Florida.
Procedure	There is no stated procedure.	A procedure exists, but it lacks details and/or is not written down. This procedure is reactive (e.g., the jail will support access to the ballot upon request).	A procedure exists, but it lacks details and/or is not written down. However, this procedure is proactive (e.g., the jail will reach out to eligible voters and identify whether they would like to vote).	A procedure exists that is detailed, written down, and proactive.	A procedure exists that is detailed, written down, and proactive. This procedure can serve as a model for other jails in Florida.
Openness to Growth	Jail has not expressed interest in strengthening policies and procedures.	Jail is planning to strengthen their policies and procedures, but the details of those plans are unclear.	Jail is planning to strengthen their policies and procedures, and the details of those plans are clear.	Jail is already strengthening their policies and procedures, but the details of those plans are unclear.	Jail is already strengthening their policies and procedures. The details of those plans are clear.