



BALLOTS FOR ALL:

The Right to Vote for
Incarcerated Eligible Voters
2024

All Voting is Local

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*Produced in Partnership with
Sedgwick Group
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Table of Contents

Introduction p. 2

Who Cannot Register to Vote? p. 5

What is Actually Happening? p. 6

The 2024 Survey p. 7

Analysis p. 8

Recommendations for Best Practices p. 10

Conclusion p. 14

Introduction

“Voting is a powerful tool for change, and when we exclude incarcerated people, we deny them the opportunity to participate in shaping the system that governs their lives.”

– State Representative Rick Krajewski

Every person who is eligible to vote should be able to register to vote and cast their ballot.

Many people who are incarcerated are eligible to vote; however, they are often not provided with the access necessary to exercise that right. It is **required by law** for jails to provide registration and voting opportunities to all eligible voters. But without clear policies and effective implementation, many people are unable to participate – effectively denying them their right to vote.

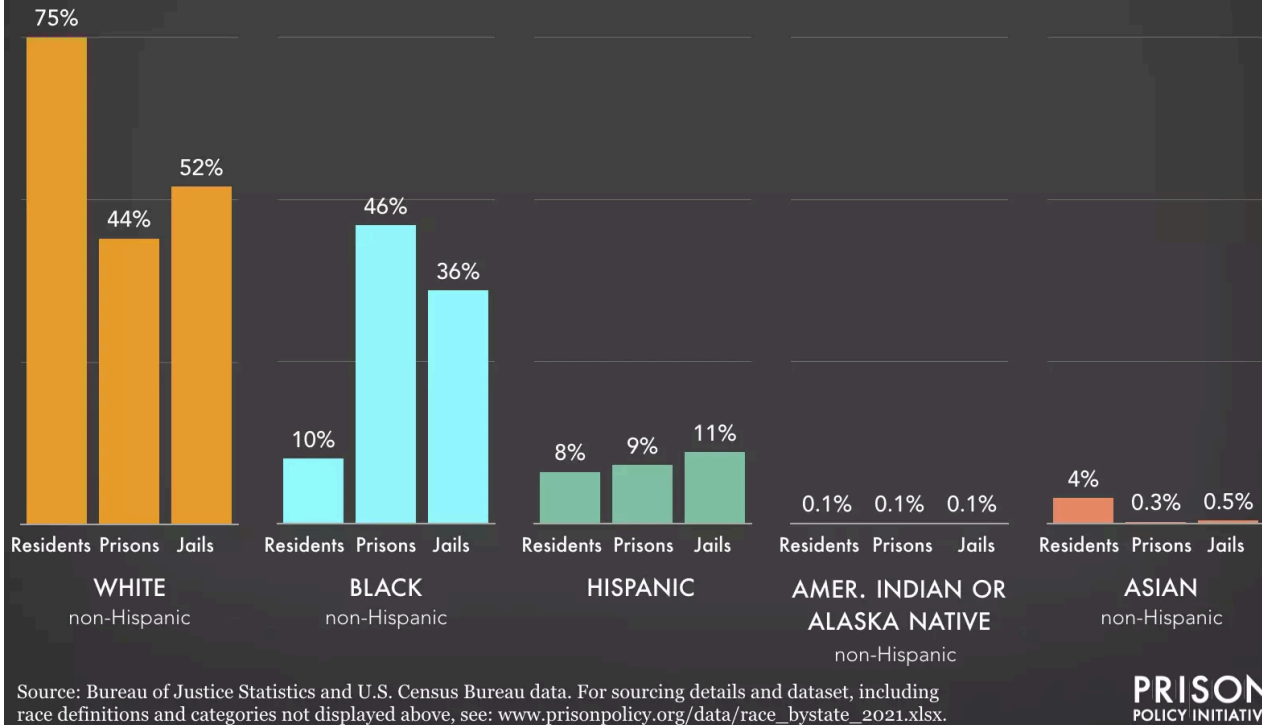
In 2021, All Voting is Local, the Committee of 70, and Common Cause Pennsylvania surveyed Pennsylvania counties to learn about policies and practices for providing people with the necessary information and access to enable them to cast their ballot. The findings were summarized in "[Ballots for All: Holding Pennsylvania County Jails Accountable for Providing Ballot Access](#)" and showed that Pennsylvania county policies and practices vary widely and that many jail administrators are not fulfilling their legal responsibilities.

In 2024, the survey was conducted again. Counties were asked to provide information on:

- ✓ Policies: *Is there a written policy regarding voting?*
- ✓ Procedures: *What procedures are in place to support participation?*
- ✓ Methods: *What specifically is provided to enable people to vote?*
- ✓ Support: *Are community members able to assist in registration and obtaining mail-in ballots?*

Comparing Pennsylvania's resident and incarcerated populations

Percentage of state residents, by race or ethnicity, compared to the percentage of people in the state's prisons in 2021 and in local jails in 2019, by race or ethnicity. Compared to the total state population, Black people are overrepresented in the incarcerated population, while white and Asian people are underrepresented.



Three years later, **the results again show that many jails still lack systems for ensuring that people can exercise their right to vote.**

It is important to underscore that deficiencies in these policies also have a disparate impact on specific groups of people. In Pennsylvania, Black people make up 36% of the jail population but only 10% of the overall population. Voting access for Black and Brown people is both a historic issue and a current one. History provides many examples of deliberate efforts to erect barriers to participation for people of color and many barriers that arise from generations of racially discriminatory legal and economic systems. The higher rate of incarceration of Black Pennsylvanians is a double dip of disenfranchisement.

Ensuring that each person's rights are protected is a fundamental part of protecting our freedom.

Many people who are incarcerated are still entitled to vote in Pennsylvania.

From the Pennsylvania Department of State:

The following individuals may register and vote if they have been citizens of the United States for at least one month before the next election; have been residents of Pennsylvania and their respective election districts for at least 30 days before the next election; and will be at least 18 years of age on the day of the next election:

- ✓ **Pretrial detainees** – individuals who are confined in a penal institution awaiting trial on charges of a felony or a misdemeanor.
- ✓ **Convicted misdemeanants** – individuals who are confined in a penal institution for conviction of a misdemeanor only.
- ✓ **Individuals who have been released** – (or will be released by the date of the next election) from a correctional facility or halfway house upon completion of their term of incarceration for conviction of a misdemeanor or a felony.
- ✓ **Individuals who are on probation or released on parole**, including parolees who are living in a halfway house.
- ✓ **Individuals who are under house arrest** (home confinement), regardless of their conviction status or the status of their conditions of confinement.¹

¹ <https://www.pa.gov/en/agencies/cor/resources/rights-laws-regulations-and-acts/voting-rights.html>

Who Cannot Register to Vote?

- ✘ *Individuals who are currently confined in a penal institution for conviction of a felony (even if they are also incarcerated for one or more misdemeanor offenses) and who will not be released from confinement before the next election.*
- ✘ *Individuals who have been convicted of violating any provision of the Pennsylvania Election Code within the last four years.*

Note: Pennsylvania is one of 23 states that automatically restores voting rights for those convicted of a felony once their prison sentence is complete.

What is Actually Happening?

Both the 2021 and 2024 surveys identified a number of counties that have adequate policies to support voting for eligible incarcerated people. However, it is difficult to find information on voting access for people incarcerated in many jails.

Many are unaware that people who are incarcerated may be eligible and entitled to vote. Furthermore, they may not be aware that several categories of people in jail may have the right to vote even while incarcerated (depending on their specific situation) or of what to do to exercise that right. Or they may be in a jail that does not provide clear information about how they can register and vote in their current circumstances.

In fact, the rates of incarcerated people actually voting are quite low. Little data is available on voter eligibility and participation for those in jail. During a visit to Centre County focused on voting in jail, state Representative Rick Krajewski (D-Philadelphia) highlighted that [“only about 4% of the estimated 25,000 people in Pennsylvania’s county jails even request an absentee ballot.”](#)

In 2021, the survey also showed that information on jail practices is not consistently available and would require time-consuming research and a protracted process for requesting policies and procedures in an otherwise inconsistent and unclear landscape. In 2024, the situation remains largely the same.

Some might argue that jail administrators are struggling to find time and resources to keep up with their responsibilities and that our penal system is also a flawed system in many other respects. However, we cannot excuse any failure; understanding and addressing failures specifically is the remedy. **Every eligible voter is entitled to vote, and the law requires that jails have policies and procedures in place to ensure that fundamental right is protected.**

The 2024 Survey

In July, we sent questions to jails across Pennsylvania, asking about policies, availability of information, procedures, specific activities and initiatives, designated staffing, record-keeping, and more.

1. Policies and Procedures for the Following:

- Voter registration for incarcerated individuals
- Providing voter education within correctional facilities
- Guidelines for absentee voting eligibility and distribution of absentee ballot materials
- Protocols for emergency voting or any other means of voting available to incarcerated individuals
- Details on outreach initiatives aimed at inmates regarding their voting rights

2. Training and Staffing:

- Information on training sessions conducted for correctional facility staff regarding inmate voting rights and procedures
- Staffing responsibilities related to facilitating inmate voting (e.g., election officials or designated personnel)

3. Data Collection:

- Data available on voter engagement within the county correctional facility from the close of registration for the 2020 general election to the present
- Number of inmates who requested or received absentee ballot materials
- Number of inmates who voted absentee

Analysis

The results demonstrate that Pennsylvania jails vary widely in both their written policies and their procedures for people in jail to vote.

61 of 67 counties have jails. Thirty jails responded to the 2024 survey.

- 22 counties answered in both 2021 and 2024.
- Six counties that had not answered in 2021 responded in 2024.
- 10 jails denied the request based on not having records that were responsive.
- One place, Clinton County, denied the request based on the request not coming from a qualified elector of the county.

Only five counties provided detailed responses with information about policies, procedures, and data and were able to demonstrate more than minimal effort regarding voting while incarcerated.

Three counties stand out as good models: **Allegheny, Centre, and Dauphin**. These counties have clear policies and procedures, are coordinating their efforts to reach people and support voting, have designated staff and materials, and appear to be proactive in engagement.

Lehigh and Chester have key elements in place but do not have comprehensive approaches.

- ✓ Chester County provides a policy that states eligibility, a designated contact, guidance from the Department of State, and important election dates. It also keeps some records related to participation, but it does not appear to have additional information or engagement activities.
- ✓ Lehigh provides written materials, a specific request form related to voting, and a designated person to contact. The county indicated it posts materials with

information, including a poster provided by AVIL and the PA Prison Society. It is unclear, however, if any engagement activities are in place, and no data is maintained.

Thirteen counties were responsive, but the information provided indicates that there is minimal information available to the people incarcerated and little in place to reach them or to guide them through the process.

Jails in this category are located in the following counties: Bedford, Indiana, Montour, Northampton, Northumberland, Pike, Susquehanna, Washington, Wyoming, York, Cambria, McKean, and Westmoreland. The latter three appear to provide only the standard guidance memo from the Department of State, which provides general information about rights and eligibility but not about how to access information from the jails themselves.

Several of these jails provided excerpts from their handbook, which say only that people should request information from an official (see image). People with limited access to information may not know what to request, how, or when, in order to participate.

This is the entirety of the information from one county:

VOTING

1. Eligible Inmates interested in voting or registering to vote must submit a written request to the Warden/Deputy Warden/Lieutenant. Eligible Inmates include the following:
 - a. Detainees; those who are untried and awaiting Court action
 - b. Inmates sentenced to misdemeanor charge.
2. Voting shall be done on an absentee ballot via the United States Postal Service (USPS).
3. Sentenced felons are not eligible to vote.

Recommendations for Best Practices

Jails

- ✓ 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.
- ✓ **Policies should be written, posted conspicuously in multiple locations** along with the Pennsylvania Department of State information on voting rights, and made **available online** so that interested family members and community members can learn what the jail's policies are to assist people.
- ✓ **Written information** should be updated and reissued twice yearly to ensure that information is current for each primary and general election.
- ✓ Every jail needs **designated staff**, such as a community relations officer or social worker, to facilitate the jail voting processes. This individual should play an active role in addressing the recommended practices and policies and coordinate and conduct **a voter participation plan**, including identifying eligible individuals and notifying them of their rights and how to register and/or cast a ballot. Individuals in jail may not know whether or not they are entitled to vote, and, therefore, officials must take steps to ensure that people have access to accurate and current information.
- ✓ Ensure **access to any property**, such as a driver's license, or other qualifying document, required to register must be permitted.
- ✓ Provide a **supply of voter registration forms and mail ballot applications** and/or access to the internet for people to use.
- ✓ Ensure **access to information** on candidates and ballot questions.
- ✓ Jails should **keep records** of both their activities and the information about the number of eligible voters, how many register, and the number of those who vote.
- ✓ When people are released from incarceration, jails should ensure they **include information on rights** to support the enfranchisement of those returning to the community.

Counties

Election administration officials should meet annually with the jail administrators and the designated coordinator to review policies and procedures, ensure information is updated, and confirm the election procedures, including identification of eligible individuals, voter registration, submissions, mail ballot collection procedures and data collection.

The Commonwealth of Pennsylvania

["Pennsylvania has a lot of work to do when it comes to our carceral system and criminal justice reform,"](#) said state Rep. Rick Krajewski in August.

Pennsylvania currently has more than 60 separate systems for allowing people in jail to vote. Some jails have established successful systems, some have plans that are vague or not properly implemented, and there are some that we don't know anything about. These separate systems rely on administrators to make too many individual decisions—meaning that whether or not someone gets to vote could be dependent on someone else's workload or their subjective opinion. Rather than maintaining a set of disparate systems that result in unequal access for voters due to wide variances in policy and practices, the state should enact legislation to ensure that incarcerated people who are eligible to vote are actually able to do so.

In September 2024, the Pennsylvania Department of State issued [Guidance Concerning Voting for Incarcerated Individuals](#) to counties, providing information about eligibility, clarifying certain issues like addresses, and suggesting that county election offices work with jail administrators to address specific issues such as mail systems and potential options. While this is a helpful step, the guidance is still far too narrow.

Importantly, many jails appear to use this document as either a primary or secondary tool, including as policy or information provided to inmates. The Pennsylvania Department of State should provide additional support by developing and distributing materials, including written and visual materials that are in clear, simple language using appropriate reading levels, sample timelines, and suggested activities to jails and to counties.

At a minimum, Pennsylvania should adopt a statewide policy that provides clear and consistent access for every person in jail who is eligible to vote and a clearly defined system for every jail that incorporates the practices outlined above.

Additionally, Pennsylvania should expand access by adopting measures that ...

- ✓ approve the use of acceptable identification to include jail IDs,
- ✓ allow incarcerated voters to use a designated agent, and
- ✓ allow everyone to vote, regardless of felony conviction.

State Law

House Bill 1757 has been proposed in the House that would permit all incarcerated individuals in correctional institutions to be eligible to vote by absentee ballot. Another bill, House Bill 1756, incorporates many of the recommendations from our 2021 report and would “permit all incarcerated individuals in correctional institutions to be eligible to vote by absentee ballot. Additionally, the legislation would require the Department of State to create a uniform policy for civic education in correctional institutions and to provide correctional institutions with information pertaining to voter registration, absentee ballots and eligibility requirements, as well as all necessary forms and training.”

Specifically it would:

ESTABLISH UNIFORM POLICY IN CORRECTIONAL INSTITUTIONS:

H.B. 1756 requires the Department of State and the Department of Corrections to collaborate and create a uniform policy for civic/voter education in all state and county correctional institutions. This education should include notifications of all federal, state, county, local, and primary elections, as well as how to register to vote and how to cast an absentee ballot.

DESIGNATE A VOTING POINT PERSON/PEOPLE:

The bill requires each correctional institution to designate at least one individual to help incarcerated individuals vote. They will be responsible for distributing, collecting, and submitting voter registration applications and absentee ballots to and from incarcerated individuals at their facility.

REQUIRES MULTILINGUAL MATERIALS:

The bill requires that election resources and ballots are provided in multiple languages.

INCLUDES PROVISIONS FOR UNHOUSED OR HOUSING-UNSTABLE VOTERS:

The bill addresses how individuals without a specific physical address, or unhoused individuals, can register to vote, using maps or descriptions or other forms of nonphysical addresses.

REQUIRES DEMOGRAPHIC DATA/DATA TRACKING:

The bill requires each correctional institution to collect data and submit a timely report that includes the demographics of the institution's incarcerated population, the numbers of qualified absentee voters in the institution, incarcerated individuals registered to vote, incarcerated people who applied for a ballot, and incarcerated people who submitted a completed ballot.

Note: At the time of writing, no companion legislation had been introduced in the Senate.

Conclusion

An individual's right to vote must never be dependent on the discretion of another person or whether another person has too many other responsibilities.

The law says people are entitled to vote, but as it stands, thousands of Pennsylvanians are effectively being denied their right to vote.

While some counties have updated their practices, we hoped to see more progress since our last report. Six elections, four primaries, and three general elections have been held since jails were asked about their practices. This underscores the urgent need for systemic change.

Pennsylvania decision-makers at the local and state level must look at ways to guarantee that every county jail is providing thorough access to the information and materials necessary to vote, allow for designated agents to support people in jail, 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 be denied the right to vote. Only then will we move toward a democracy that truly works for all of us.

All Voting is Local (All Voting) is a 501(c)(3), nonpartisan, multistate organization that fights against state and local voting policies that silence Americans' voices, particularly for Black, Brown, Native American, and other historically marginalized communities—not just in election years but every year. We were founded on the principle that the problems people face when trying to vote are solvable if state and local decision-makers are accountable to the communities they serve. All Voting is committed to working with our partners to advance fair, inclusive rules on voter registration, remove barriers that make it more difficult for people to vote, and ensure every vote counts. All Voting is on the ground in eight states: Arizona, Florida, Georgia, Michigan, Nevada, Ohio, Pennsylvania, and Wisconsin. Within these states, we are active in more than 60 counties that are home to over 21 million people of color. During the 2022 cycle, All Voting programs expanded access for more than 635,000 voters. Learn more at www.AllVotingisLocal.org

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.