

ALL VOTING IS LOCAL

LEAGUE OF WOMEN VOTERS OF WISCONSIN

ACLU OF WISCONSIN

Ballots for All:
Ensuring Eligible
Wisconsinites in
Jail Have Equal
Access to Voting



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ALL **VOTING**
IS **LOCAL**

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OF WISCONSIN

ACLU
Wisconsin



Introduction

Our democracy works best when all eligible Wisconsinites participate. The freedom to vote is central to building an America that works for us all. But too many Wisconsinites face needless and discriminatory barriers that limit this right. This is particularly true of eligible Wisconsinites in county jails.

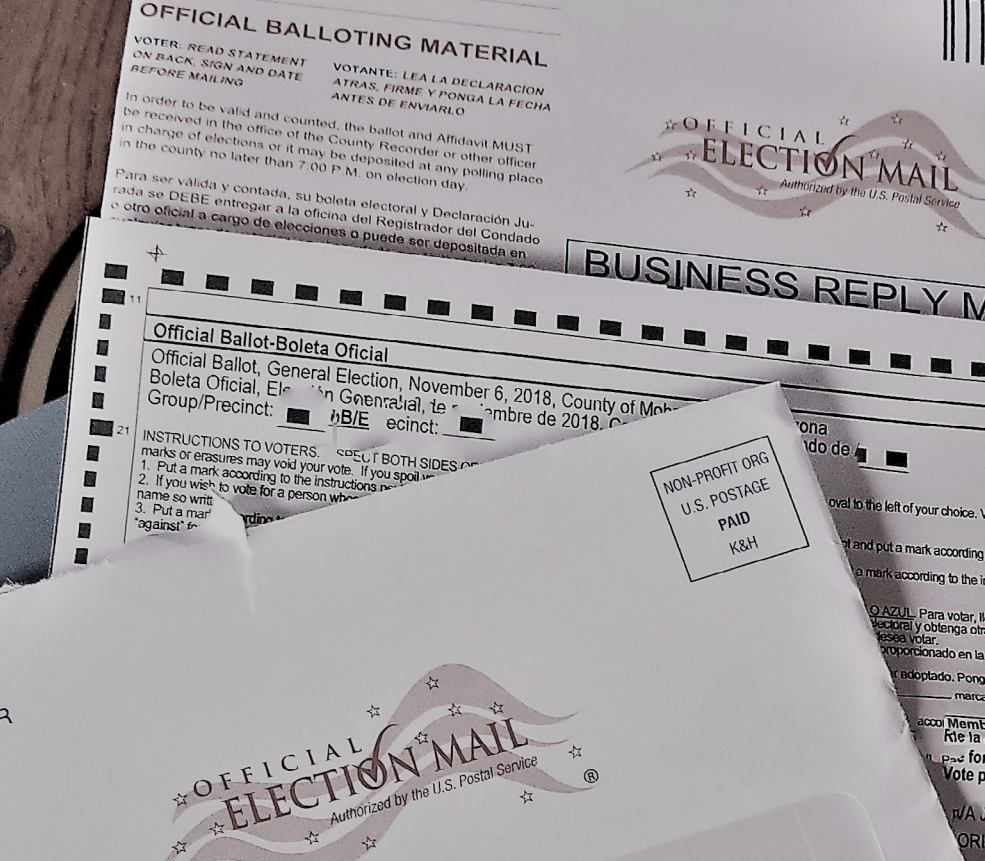
Black and Native American
Wisconsinites are jailed at nearly
7x
the rate of white Wisconsinites.

At any given moment, there are close to 13,000 Wisconsinites in county jails, which are overseen by county sheriffs.* More than half have yet to be convicted of a crime but are forced to remain in jail because they are too poor to post cash bail. Black, Hispanic, and Native American Wisconsinites are disproportionately represented in this population. Specifically, Black and Native American Wisconsinites are jailed at nearly seven times the rate of white Wisconsinites.¹

In *O'Brien v. Skinner*, the U.S. Supreme Court affirmed that Americans in jail must be provided access to the ballot. The manner in which jails do so is up to the state.² In Wisconsin, people who are involved in the criminal-legal system do not become *ineligible* to vote unless convicted and sentenced to a felony. People convicted of misdemeanors (except the very rare circumstance of misdemeanors for treason or bribery) are eligible to vote even as they serve their sentences in a county jail.³ Despite this, lackluster administrative policies and procedures prevent the vast majority of these individuals from registering to vote, casting their ballot, and having that ballot counted. This is de facto disenfranchisement.⁴

This report updates our July 2020 report, [*Ballots for All: Ensuring Eligible Wisconsin Voters in Jail Have Equal Access to Voting*](#). In the past year, many jail administrators have taken small but important steps to increase ballot access for individuals in their care. Even in the face of the COVID-19 pandemic, with restrictions on who can support jail-based voter registration and absentee ballot application events in county jails, advocates and jail administrators found creative ways to ensure that eligible Wisconsinites could have their

* It is important to separate the nearly 13,000 Wisconsinites in county jails from the close to 24,000 Wisconsinites in Wisconsin prisons. Jails and prisons are different things. While we estimate that most Wisconsinites in county jails are eligible to vote, Wisconsinites in prison are *not* eligible to vote because of Wisconsin's felony disenfranchisement law. Long-term, Wisconsin must end the practice of felony disenfranchisement.



voices heard in the 2020 elections. While this is progress, troubling barriers remain. This report offers additional recommendations for state and local officials to protect the freedom to vote for every eligible Wisconsinite.

Recently, the need for jails to improve their voting policies and procedures has become even more urgent. This March, President Biden issued Executive Order 14019 to provide additional protections for incarcerated voters. Under this executive order, the U.S. Marshal Service must include language in their contracts with local jails that

“require[s] the jails to provide educational materials related to voter registration and voting, and to facilitate voting by mail.”⁵ That means, if Wisconsin jails wish to continue to contract with the U.S. Marshal Service, they will need to begin thinking through how to create new policies or improve existing ones to comply with these new contractual obligations to facilitate voting for individuals in their care. It is our hope that this report provides jails with guidance and assistance in this important effort.

BACKGROUND

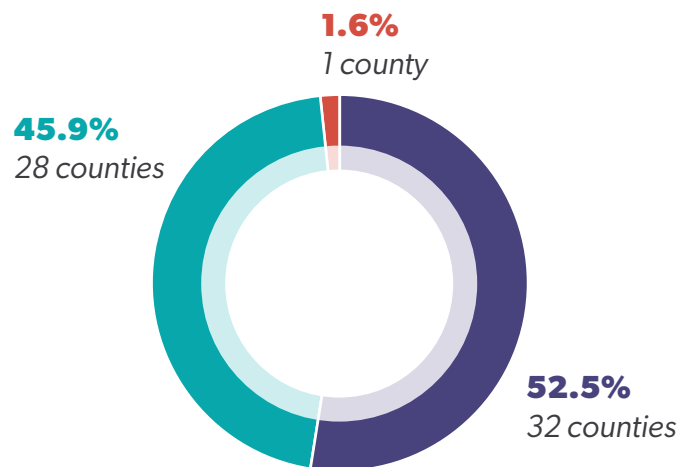
In February 2020, the ACLU of Wisconsin and All Voting is Local Wisconsin explored barriers to the ballot facing voters in jail. We were particularly interested in whether jails had policies and procedures in place, both of which are essential building blocks for facilitating jail-based voting.

Formal policies provide a written acknowledgement that most people in jail have the right to vote and that jail administrators are committed to protecting that right. These policies codify the procedures that are followed to ensure those in the jail's custody have access to their right to vote. Without policies, counties risk inconsistent and unfair approaches, depending on who is in charge. Policies ensure jails have a concrete framework for long-term support. Many jails do not have formal policies for jail voting but do have procedures that they follow to assist jail residents with voting.

Well-developed procedures provide jail administrators and elections officials a step-by-step process for fulfilling the demands of a policy. Without procedures, jails risk an inconsistency in when they support jail-based voting, whom they support, and how they support.

Using data from public records requests sent to every county sheriff (county sheriffs oversee jails in Wisconsin), we found an alarming lack of policies and procedures to ensure access to the ballot in county jails.

Of the 61 county jails assessed:
(2020 FOIA request)



- No written policy regarding jail-based voting
- Brief policies with vague language
- More detailed policies

Furthermore, only
8.2%
5 counties
had detailed procedures
to facilitate voting from jail.

In response to these data, we deployed our [Ballots for All Toolkit](#) and engaged volunteers in over 40 of Wisconsin's 72 counties to advocate for better policies and procedures related to jail-based voting. Since then, volunteers called their local sheriffs or shared the report, engaged their county government officials, met with sheriffs directly, and built coalitions of local groups.

In response, many local officials said they were not aware of these issues. Some sheriffs expressed a commitment to expand voter access. Others did not connect with the people in their community and have not moved to make positive changes.

RESULTS FROM OUR 2021 OUTREACH

In February 2021, the ACLU of Wisconsin, All Voting is Local Wisconsin, and the League of Women Voters of Wisconsin began to follow up on the progress since our initial report. We sent public records requests to each county sheriff and aimed to capture

- policies related to voting and voter registration in the jail updated since February 2020,
- procedures related to voting and voter registration in the jail updated since February 2020,
- any and all data reflecting voter participation rates in jail, and
- any and all records evidencing communications about voting or voter registration in the jail.

Of Wisconsin's 72 counties, 76.4 percent (55 counties) responded to our 2021 request.*

POLICIES

Comparing 2020 to 2021, we saw a promising increase in the number of county jails indicating that they have a policy in place to support jail-based voting.

POLICIES IN PLACE

In 2020,	In 2021,
47.5%	70.1%
29 of 61 counties*	39 of 55 counties†

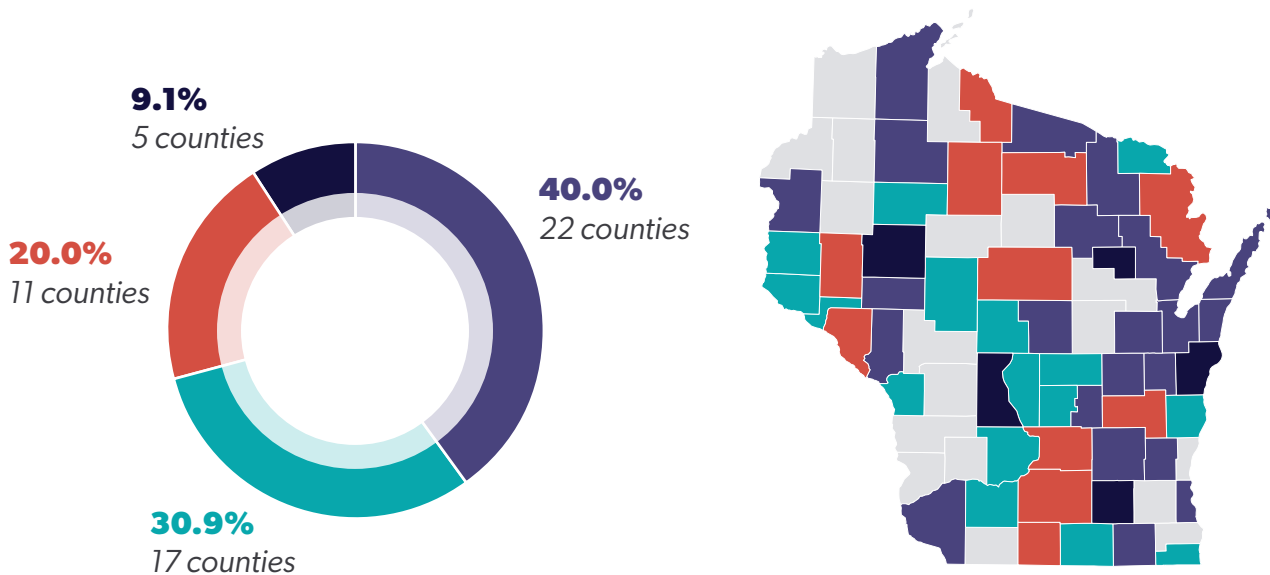
We are moving in the right direction.

* Counties that did not respond to our 2021 records request: Ashland, Barron, Burnett, Crawford, Douglas, Jackson, Lafayette, Lincoln, Monroe, Ozaukee, Racine, Richland, Shawano, Taylor, Vernon, Washburn, Waupaca.

† Responding counties



Results are even more promising if we also consider the counties that improved their policies. Breaking down the 55 counties that responded to our 2021 request, we found the following:



- Created or improved a written policy regarding jail-based voting.*
- Have policies in place, but they have not been improved since February 2020. With the exception of Kenosha, all of these policies are vague.†
- Do not have a written policy regarding jail-based voting.‡
- Did not provide enough information to determine whether a policy is in place.§

* Bayfield, Brown, Calumet, Dodge, Door, Eau Claire, Forest, Grant, Green Lake, Kewaunee, Langlade, Milwaukee, Oconto, Outagamie, Polk, Portage, Sawyer, Trempealeau, Vilas, Walworth, Washington, Winnebago

† Adams, Clark, Florence, Iowa, Kenosha, La Crosse, Marquette, Pepin, Pierce, Rock, Rusk, St. Croix, Sauk, Sheboygan, Waukesha, Waushara, Wood

‡ Buffalo, Columbia, Dane, Dunn, Fond du Lac, Green, Iron, Marathon, Marinette, Oneida, Price

§ Chippewa, Jefferson, Juneau, Manitowoc, and Menominee. Note: Menominee contracts with the Shawano County jail and asked us to contact them for more information. Shawano County did not respond to our request.

One example of a policy improvement: In 2020, the Green Lake County Jail shared a very basic policy purchased from a private company called Lexipol. The policy was extraordinarily vague and did not offer helpful guidance or explain what the Wisconsin laws that it refers to are or how jail officials should implement them.

This policy stated, "Because inmates are unable to access public voting polls, the Corrections Administrator or the authorized designee shall develop written procedures whereby the County Clerk allows qualified inmates to vote in local, state and federal elections, pursuant to election codes. Inmates should be advised of voting methods during the inmate orientation." It goes on to state, "Prior to each election, the Corrections Administrator will designate a corrections

officer to be a liaison between the Office and the local Registrar of Voters. The designated corrections officer will be responsible for assisting inmates who have requested to vote."

Since then, Green Lake has taken small but important steps to improve its policy. Based on findings from our 2021 records request, the county added details about how people can request elections-related information through the general inmate request form, steps for checking eligibility, and steps for getting access to one's driver's license, state-issued ID card, or another acceptable form of photo ID for voting. Green Lake also shared the paperwork they use to help request a free ID for voting. Finally, the modified policy also included details on the staff member responsible for working with the county clerk to support.

In 2020, Green Lake had no requests to vote from any of the individuals in their care. While Green Lake has a small jail (capacity = approximately 100, population during COVID = approximately 60), officials must explain why there were zero requests. Long-term, this speaks to the need for proactive engagement. For jails in every corner of Wisconsin, it is not enough to provide information at intake and to support access to the ballot solely upon request. Jail administrators must proactively distribute information on elections-related deadlines, who is on the ballot, and why voting matters.

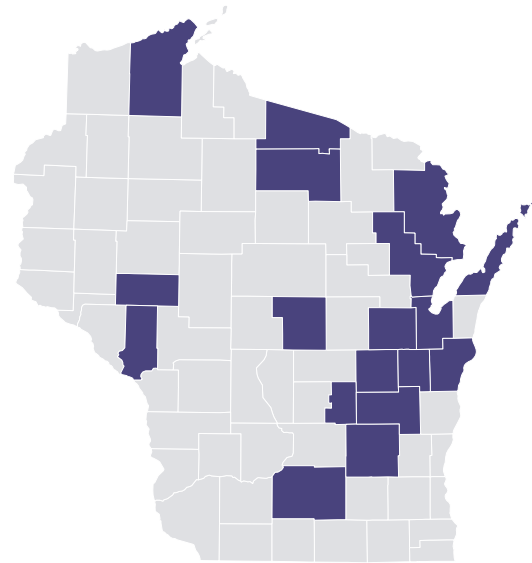


PROCEDURES

Looking at procedures, in 2021 compared to 2020, we found that of the 55 counties that responded to our 2021 request, at least 32.7 percent (18 counties)* *created or improved their procedures for jail-based voting*. Today, of the 68 counties that responded to one or both of our requests, at least 86.8 percent (59 counties) have some sort of procedure in place to support jail-based voting. That said, there is significant variation in procedures from county to county. While some are very detailed and helpful for those implementing them, many of the procedures are *extremely vague*.

Following our 2020 records request, the Walworth County Jail shared that they support access to the ballot on a case-by-case basis. Their procedure was summarized in two sentences. In their response, they included an email from 2014 that read, "I have a couple of request forms from Inmates wanting to vote. How are we handling this? I am hoping we can come up with some guidelines so that we can answer these requests with consistency." Especially in a county jail the size of Walworth County (capacity = approximately 500, population during COVID = approximately 300), more-detailed procedures for jail-based voting are long overdue.

Following our 2020 records request, the Eau Claire County Jail created a very detailed jail-based voting procedure that also engages local nonpartisan volunteers. In December 2020, they formatted their procedures into a



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formal [Eau Claire County Jail Voting Guide](#). The guide includes an overview of Eau Claire County Jail responsibilities, details on how the jail provides eligible Wisconsin residents in their care with elections-related information (e.g., dates, deadlines, educational materials), steps for ensuring access to required materials (e.g., proof of residence and photo ID), and an overview of their coordination with nonpartisan community groups to support on-site voter registration and absentee ballot request events. Steps within the Eau Claire County Jail are a great example of progress that can be made when community members build

* Bayfield, Brown, Calumet, Dane, Dodge, Door, Eau Claire, Fond du Lac, Green Lake, Manitowoc, Marinette, Oconto, Oneida, Outagamie, Portage, Trempealeau, Vilas, Winnebago

strong relationships with jail administrators and county officials. Eau Claire County is spotlighted in the story below.

Notably, not all county jails are designed to safely host community volunteers for on-site voter registration and absentee ballot request events during a global pandemic. While some counties used this as an explanation for low voter turnout in their jails, other counties found creative ways to provide support.

For example, in Outagamie County, local advocate Lisa Hanneman leveraged her existing relationship with the county jail to ensure there were internal processes for supporting jail-based voting. In response to jail-based voting materials that Hanneman provided, the jail started providing voter education messages through their inmate kiosks. Based on requests, the jail then provided detailed steps on understanding eligibility, registering to vote, requesting an absentee ballot, and completing and submitting the ballot.

Hanneman emphasized that people should “Try, for one thing.” In the face of resistance to support for jail-based voting, Hanneman encouraged getting a written explanation from sheriffs or jail administrators. “Why aren’t they doing it?” she asked. “I don’t know. They’re probably just thinking it’s too much work, that this is something extra.” Hanneman emphasized the importance of making the steps simple, also engaging county clerks, and getting public safety commissions to support. Hanneman’s advocacy demonstrates that while in-person voter registration and

absentee ballot request events are great (as seen in Eau Claire), they are not a requirement for progress on jail-based voting support in any given jail.

DATA REFLECTING VOTER PARTICIPATION

Following ongoing advocacy and implementation of new jail-based voting policies and procedures across the state, responses from our 2021 records request indicate that approximately 60 people registered from jail, and 50 people voted from jail in the 2020 elections. This is an extremely small number that pales in comparison to the close to 13,000 individuals in Wisconsin County jails at any given time. That said, the vast majority of jails did not track registration and absentee ballot requests. Additionally, prior to last year, we had no evidence of any person ever voting from a Wisconsin County jail. These numbers are a small but important step.

Our records show that
in 2021, approximately
50
OF 13,000
incarcerated voters
voted in the 2020 elections.

Notably, Dane, Eau Claire, Milwaukee, and Outagamie Counties accounted for the majority of registrations and absentee ballot requests for which we have evidence. Each of these counties created a system for tracking registration and/or voting requests. For example, Milwaukee created a tracking sheet for individual names, dates of birth, booking numbers, request dates, registration form delivery dates, whether an ID was copied for the voter, eligibility check (yes/no), ballot request date, and ballot delivery date. In the future, we urge all jails to develop similar systems.

RECORDS EVIDENCING COMMUNICATIONS

In the majority of cases, responses to our records request did not include any evidence of email communications regarding voting or voter registration in the jail. In other cases, evidence of email communications demonstrated positive interactions between the county jail and elections officials.

One example is Manitowoc County's response to our records request. In response to an individual's interest in voting, the Manitowoc County Jail administrator reached out to the Manitowoc County clerk on how to support the voter. The county clerk had questions about the proper procedure, so she reached out to the Wisconsin Elections Commission for clarification. She then responded with a detailed email on how the individual in their care could register to vote and request an absentee ballot. At some point, the clerk for the City of Manitowoc was also looped in. These types of communication are critical for supporting eligible Wisconsinites in jail. Moving forward, it is essential that these steps be included in formal policies and procedures. In the case of Manitowoc County, it is unclear whether this type of interaction is part of their policy and procedure, or simply the result of four individuals' investment in access to the ballot.

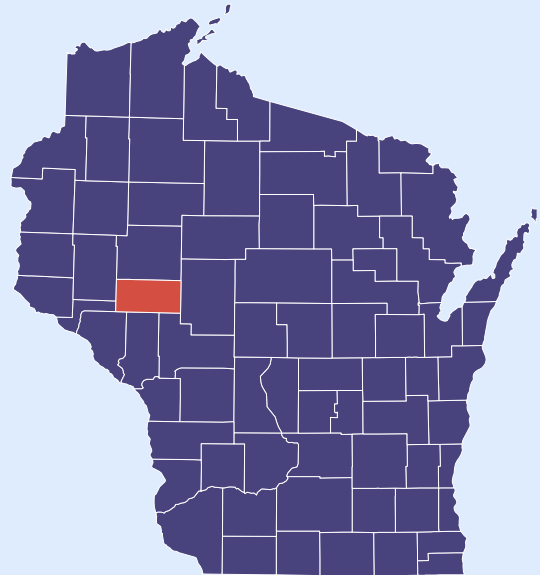


SPOTLIGHT ON EAU CLAIRE COUNTY

Eau Claire County is a great example of progress that can be made when community advocates build strong relationships with county officials and jail administrators. In 2020, Karen Voss and Kim Vlcek ([Chippewa Valley Votes](#)) worked with David Carlson ([ACLU of Wisconsin](#)), County Supervisor Kimberly Cronk, and Eau Claire County Jail Captain Dave Riewestahl to spearhead a voter registration and absentee ballot application event in the Eau Claire County Jail. Speaking to the need for the event, Voss shared, “Everybody has to feel that they have the power to be able to vote. And this is just a piece of that puzzle.” The event uncovered multiple barriers to the ballot associated with voting from jail — namely, those related to Wisconsin’s photo ID law and deadlines for requesting an absentee ballot.

“Everybody has to feel that they have the power to be able to vote. And this is just a piece of that puzzle.”

**KAREN VOSS,
CHIPPEWA VALLEY VOTES**



● Eau Claire County

Speaking to photo ID-specific challenges, Riewestahl shared, “Every jail knows exactly who they have incarcerated. We have access to fingerprints and DNA...we should be able to say, ‘yup, this is Bob Jones, and this is where he lives.’” Despite this, Wisconsin’s photo ID law still requires jailed electors to jump through hoops to access a Wisconsin driver’s license, state-issued ID card, or another acceptable form of photo ID for voting. Additionally, there are no protections for electors jailed after the deadline to request an absentee ballot.

Riewestahl referred to [Wisconsin Statute 6.86\(3\)](#), which allows hospitalized voters to vote on Election day via an agent. He questioned why there wasn't a similar protection for jailed electors: "Why can't they have access to vote on the day-of? The answer is because there's nothing in Statute that says they can. But if there was a bill or something to change that...then why not?"

Despite these barriers, Carlson, Voss, and Vlcek worked hard to improve their approach ahead of their second jail-based voter registration and absentee ballot application event, which they facilitated on March 3, 2021. To prepare for the event, the advocates developed detailed checklist-based instructions for supporting jail residents wishing to register to vote and/or request an absentee ballot. They also developed arrival instructions, a map for entering the jail, and details on COVID precautions. Today, they are developing these tools into trainings for advocates in other parts of the state.

Reflecting on the March event, Carlson spoke to the importance of including impacted people in the process. As a formerly incarcerated individual himself, Carlson was able to talk with Adam — one of the individuals requesting their ballot — and put him at ease. "I was in here once,"

“Even though I am incarcerated, my voice still matters. It feels good to know that my voice will still be heard.”

ADAM

Carlson said. "It's a pleasure for me to be here registering someone to vote now or requesting an absentee ballot." Carlson asked Adam what it meant to be able to vote from jail and how it felt to have community members supporting the process. "Even though I am incarcerated, my voice still matters," said Adam. "It feels good to know that my voice will still be heard."

Vlcek reflected on a similar experience related to the importance of community support. While working for the Department of Corrections, she once asked a group of incarcerated individuals whether there was a message they'd like her to share with the rest of the community. One man responded, "Tell them that we are your neighbors." As demonstrated in Eau Claire County, it will take neighbors supporting neighbors to ensure that every eligible Wisconsinite has equal access to the ballot.

RECOMMENDATIONS

STEPS COUNTY JAILS SHOULD TAKE

While our 2021 analysis demonstrated some progress on protecting and expanding jail-based voting, county jails still have a long way to go. We learned a lot in the past year, and we modified some of our recommendations to more sufficiently address the many barriers to the ballot for eligible Wisconsinites in county jails. If they haven't already, sheriffs and jail administrators should take immediate steps to develop public policies and procedures that do the following:

- 1 Build a formal policy.** Every county jail should have a formal policy that acknowledges the right to vote from jail. These policies should address each of the recommendations included in this report. This can help ensure consistency across every election. It will also help ensure that procedures to facilitate jail voting do not go away if there are leadership changes in the jail.
- 2 Designate an employee** (e.g., social worker or correctional officer) who will support access to the ballot for eligible Wisconsinites in their care.
- 3 Provide access to information.** Jail administrators must provide every eligible Wisconsinite in their care with relevant election dates and deadlines, as well as opportunities to learn what issues and candidates are on their ballot. Jail administrators should look to the Wisconsin Elections Commission for information related to dates and deadlines. They should provide nonpartisan issue area and candidate information to interested voters through educational materials. (Trusted nonpartisan voting rights groups like the League of Women Voters make this information publicly available on [VOTE411.org](https://www.vote411.org).) This information should be provided proactively, and not just in response to requests from individuals in the jail's care. Jail administrators may consider providing information through closed-circuit television, fliers, poster displays, and the jail handbook.
- 4 Verify eligibility.** Every jail must have a written policy for informing individuals in the jail about voter eligibility rules and for verifying whether an individual is eligible to register and vote.
- 5 Provide opportunities to check voter registration status at least 30 days ahead of every election.** The easiest way is to allow access to computers where voters can check their status online at myvote.wi.gov. In jails where individuals are not typically permitted free access to the internet, exceptions should be made for checking voter registration status. Voters should also be provided with the option to make a free phone call to their municipal clerk.

6 Provide access to property. To vote in Wisconsin, every voter needs to show proof of residence for the purpose of registering to vote, and proof of identity for the purpose of casting a ballot. Because jails hold personal property after booking, every voter should be provided with an opportunity to retrieve documents they need to register (proof of residence) and documents they need to request an absentee ballot (accepted photo ID). This may mean a voter would be permitted to use the internet and print a relevant document, access property on-site, request retrieval of items from home, or connect with the Wisconsin Division of Motor Vehicles to apply for a photo ID.

7 Provide voter registration opportunities. People who want to vote from jail must be given an opportunity to register to vote. Jails can facilitate voter registration by permitting access to myvote.wi.gov. In jails where individuals are not typically permitted free access to the internet, exceptions should be made for registering to vote. Voters should also be provided the option of using the Wisconsin Election Commission's paper registration form. Jail administrators can also collaborate with municipal clerks, county clerks, and/or nonpartisan groups to host voter registration events in the jail.

As a government entity, the jail can provide voters with an acceptable proof-of-residence document with their

home address. This can be an extremely helpful way for jails to assist with the voter registration process. For all paper voter registration applications, county jails can either provide envelopes and postage to mail the application to the corresponding municipal clerk, or they can hand-deliver the application in person.

8 Provide opportunities to request an absentee ballot. People who want to vote from jail must be given an opportunity to request their absentee ballot. This is particularly important under the risks associated with COVID-19. In addition to protocols facilities are undertaking to protect the health and safety of persons in their care, jail administrators should ensure voters may safely access the ballot. Jails can facilitate absentee ballot requests by permitting access to myvote.wi.gov. In jails where individuals are not typically permitted free access to the internet, exceptions should be made for requesting an absentee ballot. Voters should also be provided the option of using the Wisconsin Election Commission's paper form. Because Wisconsin law requires that voters include a photo ID in order to successfully request an absentee ballot, jails must allow voters to access their ID. For all paper absentee ballot requests, county jails can either provide envelopes and postage to mail the application to the corresponding municipal clerk or hand-deliver the application in person.

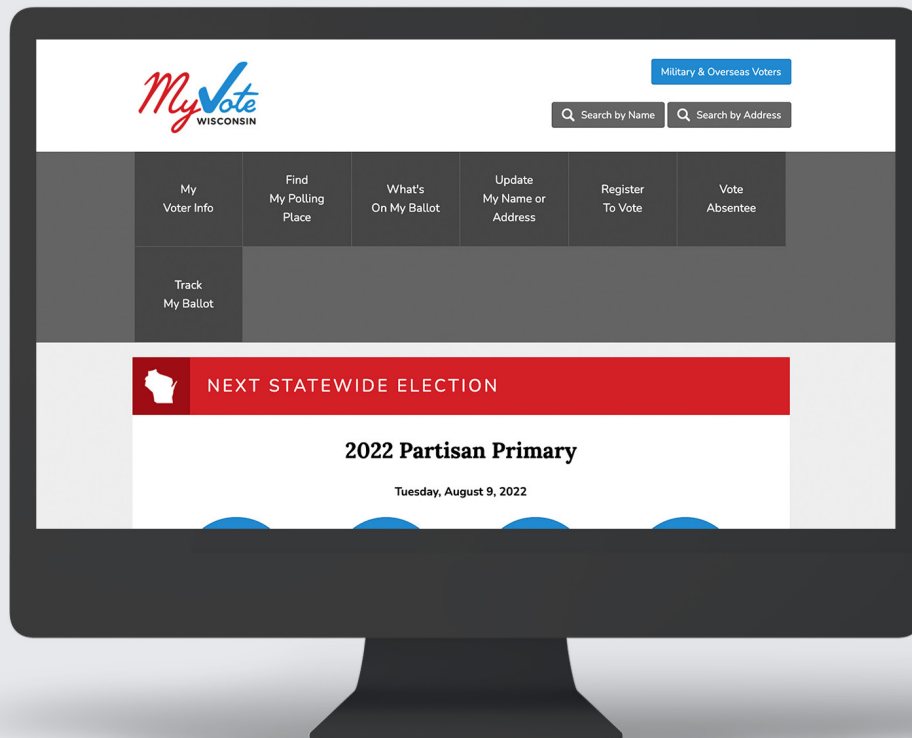
9 Provide opportunities to cast a ballot on Election Day. If a voter is jailed after the deadline by which they can request an absentee ballot, jail administrators must ensure a process by which they can vote at the polls on Election Day. One example that affords this opportunity is allowing Huber-eligible residents to vote in person.⁶

10 Verify every voters' ballot was counted. Every person who votes from jail must have an opportunity to verify their vote was counted. This may mean having the opportunity to check the status of their ballot on the myvote.wi.gov webpage 30 days after Election day or having the opportunity to call their municipal clerk. In jails where individuals are not typically

permitted free access to the internet, exceptions should be made for verifying that their ballot was counted. Voters should also be provided with the opportunity to check that their vote was counted by making a free phone call to their municipal clerk.

11 Track registration and turnout. Every county jail should have a written process for tracking voter registrations, ballot 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. Turnout within the jail should also be compared to the population of eligible Wisconsinites in their care.

myvote.wi.gov



STEPS THE LEGISLATURE SHOULD TAKE

Even if county jails do all of the right things, we need new legislation to fully tackle barriers to the ballot facing eligible Wisconsin voters in jail. Wisconsin legislators should write and pass legislation that would do the following:

1 **Expand options for proof of identity.**

Expand the list of acceptable photo IDs to include government-issued jail IDs. Alternatively, passing legislation holding that proof an eligible Wisconsin voter is held in a jail is sufficient to demonstrate their identity.

2 **Extend voting infrastructure.** There are already many parts of Wisconsin statute that could be extended to serve voters in jail, including through in-person voting opportunities on Election day. This could include extending two tools:

a. **The use of special voting deputies.**

[Wisconsin statute 6.875\(6\)](#) directs municipal clerks to deploy special voting deputies to assist with voting in qualified retirement homes and residential care facilities. Extend this directive to also include county jails. This may mean requiring sheriffs to submit a list of eligible Wisconsinites to county clerks and then requiring clerks to distribute that list to the relevant municipal clerk.

b. **The right to vote via an agent.** By creating a process through which they can vote via an agent on Election day, [Wisconsin statute 6.86\(3\)](#) protects hospitalized voters' freedom to vote. Extend this protection to eligible Wisconsinites in jail.

3 **Require county jails to follow steps**

listed in the section of this report titled "Steps County Jails Should Take,"

While making these changes, Wisconsin legislators should also tackle one of the largest injustices limiting Wisconsinites' freedom to vote. [Under Wisconsin statute 6.03\(1\)\(b\)](#), over 69,000 people are currently prohibited from voting in Wisconsin due to currently serving a felony sentence. Most of these individuals live in the community, work, and pay taxes, but they are unable to participate in the political process. It is past time for Wisconsin to end felony disenfranchisement and guarantee the freedom to vote for all.

OVER
69,000
people are currently
prohibited from voting in
Wisconsin due to currently
serving a felony sentence.

STEPS ELECTIONS ADMINISTRATORS SHOULD TAKE

Wisconsin Elections Commission: Provide clear guidance. Work with county jails, county clerks, and voting rights advocates to develop clearer guidance on how jail administrators and elections officials should support jail-based voting. Current guidance does not effectively separate jail-based voting requirements from rights restoration information. Additionally, it does not provide clear steps that would support jail administrators, county clerks, and municipal clerks in the development of their own jail-based voting plans.⁷

County and municipal clerks: Familiarize yourself with the barriers to and processes to facilitate jail-based voting and build relationships with key stakeholders by doing the following:

- 1 Stay updated** on Wisconsin Elections Commission guidance related to supporting jail-based voting.
- 2 Work with voting rights advocates** and impacted people to better understand the unique barriers to the ballot facing eligible Wisconsinites in jail.
- 3 Provide voter education materials,** registration forms, and absentee ballot request forms to county jail administrators. Coordinate pickups for those documents.
- 4 Facilitate trainings** on registering voters and supporting absentee ballot requests within county jails.
- 5 Host registration** and absentee ballot request events in county jails.



HOW TO ADVOCATE FOR THESE CHANGES

Because Wisconsin jails are administered at the county level and elections are predominantly administered at the municipal level, there is a lot Wisconsinites can do to protect and expand eligible Wisconsinites' freedom to vote from jail. Interested in advocating in your own community? [Our Ballots for All Toolkit](#) is a great place to begin.



CONCLUSION

Our democracy works best when all eligible Wisconsinites participate. But across the state, deliberate barriers to the ballot for eligible Wisconsinites in jail are making participation difficult, if not impossible. In the past year, advocates have worked hard to support

SINCE OUR ADVOCACY BEGAN,

21

counties created
or improved
their jail-based
voting policies

17

counties created
or improved
procedures


better policies and procedures for jail-based voting. Since our advocacy began, 21 counties created or improved their jail-based voting policies, and 17 counties created or improved procedures. Because of insufficient tracking mechanisms, we can only say with confidence that 60 people registered from jail and 50 people voted from jail during the 2020 elections. While this is a small number, county sheriffs and jail administrators have the power to make lasting improvements by building policies and procedures that address the recommendations included in this report. Only then will we ensure that every eligible Wisconsinite can have their voice heard.


CITATIONS


- 1 [Incarceration Trends in Wisconsin](#). The Vera Institute of Justice. December 2019.
- 2 [O'Brien v. Skinner](#). Library of Congress. 1974.
- 3 Under [Wisconsin Statute § 304.078\(3\)](#), once a person has completed the terms of their felony conviction and are “off paper” (having completed probation, parole, or extended supervision), they are able to register and vote again.
- 4 [De Facto Disenfranchisement](#). American Civil Liberties Union and Brennan Center for Justice. 2008.
- 5 Exec. Order No. 14,019, 86 Fed. Reg. 13623 (March 7, 2021).
- 6 “Huber Law” is detailed in [Wisconsin Statute § 303.08](#) and generally refers to conditions under which certain individuals are permitted to leave jail for “necessary and reasonable hours” (e.g., work, education, medical treatment).
- 7 [“Ex-Felons and Incarcerated Voters.”](#) Wisconsin Elections Commission.




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ALL VOTING IS LOCAL is a nonpartisan voting rights project housed at The Leadership Conference Education Fund and The Leadership Conference on Civil and Human Rights, working to remove discriminatory barriers to the ballot to achieve a democracy that works for us all.

More information at allvotingislocal.org.

THE LEAGUE OF WOMEN VOTERS OF WISCONSIN is a nonpartisan political organization that advocates for informed and active participation in government. There are 20 local Leagues throughout Wisconsin.

More information at lwvwi.org.

THE ACLU OF WISCONSIN is a non-profit, non-partisan, private organization whose 16,000 members support its efforts to defend the civil rights and liberties of all Wisconsin residents.

More information at aclu-wi.org.

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