



Voting Access For All

October 16, 2020

Sheriff {NAME}
{JAIL}
{ADDRESS
ADDRESS}

Re: Protecting the Voting Rights of Pre-Trial Inmates

Dear Sheriff {NAME}:

In advance of the upcoming election, the American Civil Liberties Union of Michigan and the Voting Access for all Coalition, a non-partisan collaboration of individuals and organizations committed to promoting access to voting, are seeking to ensure that people who are incarcerated understand their right to vote. In Michigan, individuals being held pre-trial can vote.¹ Research shows that incarcerated people who exercise the right to vote are less likely to recidivate, which is consistent with research showing that the more connected people are to their community and its institutions, the less likely they are to commit crimes.

Unfortunately, as a practical matter, pretrial detainees are often unaware of their right to vote or are denied the opportunity to vote because of difficulty registering or obtaining absentee ballots. People serving sentences often do not know they are eligible to vote upon release. To address this problem, we have developed the enclosed one-page flyer and enclosed *Frequently Asked Questions* document to educate both correctional staff and incarcerated people about the voting rights of those with involvement in the justice system. We urge you to post both the flyer and *Frequently Asked Questions* in locations throughout your jail where they will be seen.

We would also ask you to provide copies of both the flyer and the *Frequently Asked Questions* document to those in your custody, particularly pretrial detainees. In addition, since release is a critical time, and many people returning to the community do not know about their right to vote, we would ask that you provide copies of the flyer and the *Frequently Asked Questions* at the time of release to individuals who are being released before Election Day.

We also ask that you share some or all of the following videos educating eligible incarcerated individuals about their right to vote:

- A 16-minute video (<https://bit.ly/31b2r9j>) that includes the voices of formerly incarcerated individuals sharing why those eligible should vote, along with instructions on how to register and fill out an absentee ballot application.

¹ M.C.L. § 168.758b; M.C.L. § 168.492a; *Arlee v. Lucas*, 55 Mich. App. 340, 347 (1974).

- 5-minute and 1-minute videos (<https://bit.ly/3k2AuJa>) with interviews from formerly incarcerated individuals sharing their first experiences voting.

City and county clerks are increasingly recognizing the importance of ensuring that incarcerated people can vote. We encourage you to work with your clerks to register voters. Other citizens have the ability to register in person by going to the clerk's office anytime before 8 p.m. on Election Day, but of course people in jail cannot do so. However, election officials or their staff can come to your jail to register voters even after October 19, 2020, which is otherwise the deadline for registering without appearing in person.

Voters who are already registered can apply for an absentee ballot to be mailed to them at the jail at www.michigan.gov/vote. We encourage you to provide access to the online application for an absentee ballot because it will ensure a ballot is mailed as soon as possible. Alternatively, we encourage you to provide paper applications, which can also be found at www.michigan.gov/vote. The completed paper applications can and should be emailed to the relevant clerk to ensure the voter's ballot is mailed as soon as possible.

Completed ballots should be submitted to the respective city or township clerk as soon as possible. Ballots can be returned by mail but should be mailed as soon as possible and by October 26. Completed ballots can be returned by an immediate family member or a person residing in the voter's household and should be delivered to the voter's city or township clerk by 8 p.m. on Tuesday, November 3. If those return options are not available to a voter, the voter can call their city/township clerk and ask that the clerk arrange to pick up the completed ballot. The voter must call the clerk by 5 p.m. on Friday, October 30 in order to have the clerk pick it up.

Please contact one of us or turn to your local and/or county clerks if you have any questions at all about how you can help individuals in your custody to register to vote and to apply for and return their absentee ballot applications and absentee ballots.

We thank you in advance for your commitment to ensuring that all individuals who are eligible to vote have the opportunity to do so.

Sincerely,

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