

Voting from Jail in Connecticut: Legally Permitted, Practically Impossible

Simple Solutions Could Ensure Voters' Rights

Thousands of eligible voters in Connecticut's jails and prison system could not exercise their right to vote in 2020 because they had no way to get and return ballots in time for Election Day.

Even with extraordinary outreach efforts and quick fixes before the 2020 election, Connecticut currently has no effective, long-term, statewide system to be sure incarcerated eligible voters can cast their ballots.

The 2021 legislative session is an opportunity to make that change. Several proposals to reform voting are in the works. Because the Liman Center at Yale Law School reached out to 3,400 eligible voters in detention last fall, we saw the roadblocks to voting firsthand and learned the steps needed to remove them.

The Current System Prevents Eligible Voters from Voting

Under Connecticut law, people who are detained pre-trial or serving time for a misdemeanor have the right to vote. People with felony convictions are eligible to vote if they are not currently serving a felony sentence or on parole from that sentence. Yet, under the current system, few people in detention can get or cast ballots.

What are the roadblocks?

- Registering to vote, getting ballots, and returning them depends on mail. For the 2020 election, the Secretary of the State advised Connecticut voters not to return ballots by mail. Even in better times, mail is slow in jails and prisons.
- The process for voting has many steps – up to *seven times* back and forth *by mail* with a town clerk – from requesting a registration form to returning a ballot.
- People in the jail and prison system have no alternatives to using mail. They can't pick up forms in person. Last fall, there were no easy routes to internet access to get information and forms online.
- People in the jail and prison system often do not have identification documents with them to establish eligibility. The voter registration form recommends sending copies of these documents.

How were some barriers lowered last fall?

Using public records, the Liman Center at Yale Law School and Civil Justice Clinic at Quinnipiac University School of Law identified 3,400 people in Connecticut DOC facilities who met the criteria for voter eligibility. We mailed them voting information and helped 134 people register to vote by mail. More than 200 people in total returned ballots. Later, we learned that others also wanted to vote but could not get materials turned around in time. As one person explained:

“Unfortunately, I received my absentee ballot the day after election day, which obviously made it impossible to vote.”

Connecticut Can Fix These Problems

A few straightforward changes to Connecticut law – under consideration now – could ensure that all eligible voters could cast their ballots from jails and prisons.

1. The Department of Correction (DOC) can provide voter registration forms to people when they first enter facilities and help them register then.
2. The Secretary of the State and DOC can compare records to find voters who are incarcerated. Absentee ballots could then be automatically sent to voters in the jail and prison system.
3. To avoid mail, arrangements can be made for ballot drop boxes. In addition, elections staff can pick up ballots from Department of Correction facilities before Election Day.

The bottom line: new legislation is needed.