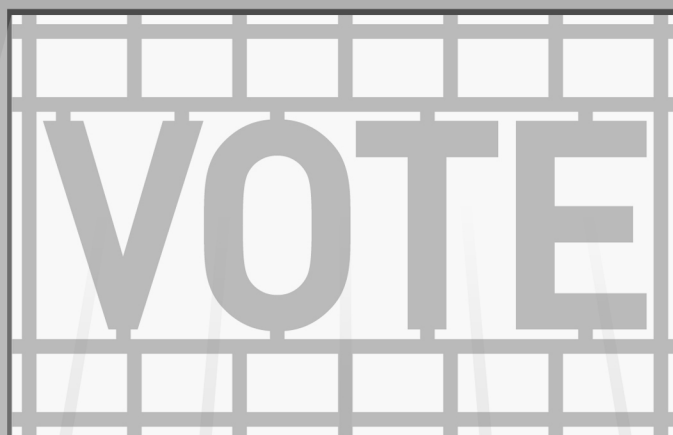

ACLU|OH



Voting in Jail:



AN ORGANIZER'S TOOLKIT



Summer 2017
American Civil Liberties Union of Ohio

Contents

Summary	3
Getting Started	4
First Steps: Forming Relationships with BOEs, Jail Officials & Volunteers	4
Boards of Elections (BOE)	4
Jail Officials	5
Volunteer Recruitment and Management	6
Completing and Submitting Absentee Ballot Requests for Detainees	9
Ways to Return the Ballot	10
Absentee Voting	10
Returning the Ballot by Mail	10
Returning the Ballot in Person	10
Provisional Ballots	10
Strategies for Working in Jails	11
Appendices	16



“Nobody will ever deprive the American people of the right to vote except the American people themselves and the only way they could do this is by not voting.”

Franklin Delano Roosevelt

Summary

Voting is the cornerstone of our democracy and one of the few constitutional rights which guarantees the ability for us to express our voice. This right, however, is not extended to everyone – particularly not to citizens who are currently incarcerated for a felony conviction in Ohio. But many individuals who are detained in county jails do retain this right.

Many people believe they are disenfranchised even after they leave jail. Anyone serving probation or parole, confined for a misdemeanor, or awaiting trial is still eligible to vote. However, thousands of Ohioans are held in our county jails every year and remain unaware they can cast a ballot. **Volunteers and advocacy groups can assist them by learning the strategies and tools for registering detainees to vote.**

Many individuals who are detained in county jails do retain the right to vote.

Parole or probation does NOT disqualify a formerly incarcerated person from voting.

This jail voter initiative seeks to advocate for the rights of incarcerated voters by educating detainees and the public about voting rights in jail and forming partnerships between community volunteers, local jail officials, and county boards of elections. Together, these groups can work to protect the integrity of our voting process by providing registration cards and absentee ballots to people in local jails. These simple actions allow detainees to feel more connected to their communities while incarcerated and will help ensure that every eligible voter can participate in our democracy.

We vote for our government – the people who craft laws that effect all of our lives. Everyone should be empowered to make their voice heard on issues that matter – and that starts at the ballot box. Our democracy can only be strengthened by elevating the voices of those on the margins, including those detained in our jails. Each of us must do our part to combat misconceptions about voting and ensure that all voices are heard.

Please share this tool kit with your contacts and provide feedback to contact@acluohio.org.

Getting Started

This toolkit provides instructions and sample materials for you to start a jail voting program in your county. It will help you with the following:

- Forming relationships with your county Board of Elections and local jails
- Identifying who is eligible to vote
- Registering voters
- Recruiting and keeping volunteers

First Steps: Forming Relationships with BOEs, Jail Officials & Volunteers

There are three groups who must be on board before launching a successful jail voting initiative: the local board of elections, jail officials and a reliable group of volunteers.

Boards of Elections (BOE)

What is the BOE's role in a jail voting campaign?

Every BOE must follow state guidelines for delivering and receiving absentee ballots from individuals in jail. Whether BOE officials already have their own jail voting initiative will need to be determined on a case-by-case basis. Some counties organize a time before every election to oversee jail voting, while others will only visit a jail if a detainee has specifically requested a ballot. Every in-person absentee ballot submitted by an incarcerated voter must be collected by two BOE officials, one each from the two major political parties.

How do I find my BOE?

The telephone number, address and website for each BOE is listed on the Secretary of State's website (see Appendix F). It is best to schedule a time to meet with a BOE official. Your goal is to be friendly and helpful.

Fast Facts: Ohio's Prison and Jail Population

A Look into Ohio's Prisons (October 2016)

- The Ohio Department of Rehabilitation and Correction (ODRC) manages 27 prison institutions - 24 facilities for men and three for women.
- 50,912 individuals are currently incarcerated in a facility managed by ODRC; 46,617 of these individuals are men and 4,295 are women.
- African-Americans make up 45% of the prison population.
- 23,452 individuals were released from prison in 2015, including 15,094 on parole, post-release control or transition.
- 37,579 individuals are under community or transitional control, interstate impact or parole.
- Many returning citizens are unaware they can re-register to vote if they are released from prison.

What Happened in Ohio's Jails? (2013)

- The U.S. Department of Justice reported 18,652 people were housed in Ohio's jails.
- 17,998 individuals were confined in an Ohio jail versus 654 people under supervision (i.e. home detention, electronic monitoring, community service).
- Ohio's jail population was 2.5% of the national total.

Important Questions for the County BOE:

- What is the BOE's current procedures for entering into jails and delivering ballots? Are these procedures consistent with the Secretary of State's guidelines (<https://www.sos.state.oh.us/SOS/Upload/elections/directives/2017/Dir2017-02.pdf>)?
- Do you have a current relationship with the jail administrator to register voters?
- Does the BOE have a set date they will deliver the ballots to the jail? How soon before each election?
- If people fill out requests for absentee ballots at the same time as they register, will you hold their absentee ballot requests until their registrations are processed and they are on the voter rolls? If so, how long should that take?
- How are omissions on voter registration forms rectified?
- What constitutes acceptable proof of identity?
- How will the BOE deal with a detained individual who cannot produce acceptable identification?
- Can individuals who are incarcerated use an absentee ballot if they are detained in another county?
- What does the absentee ballot packet contain? Are there materials included in the packet that will not be admitted into the jail?

Jail Officials

Who are my local jail officials?

Jail officials include sheriffs, directors of corrections and other administrators. You may also wish to enlist the help of jail funding authorities, such as a local mayor, county commissioners, municipal councils and tribal governments. In addition to leveraging your local elected officials, social workers or public defenders can be important allies in helping you establish a relationship with jail administrators.

They are familiar with the inner workings of the jail and can also inform you of jail procedures that may already be in place to register incarcerated voters. Always maintain a "How I Can Help?" attitude.

How do I approach my local jail officials?

Always be respectful and professional and take their security concerns seriously. Realize that you might have to educate them about the voting rights of someone being detained. If you or your colleagues already have a relationship with an official, use that relationship to facilitate a conversation about jail voting.

Important questions for jail officials:

- What voting assistance do you currently provide your detainees? Do you include voter information in your detainee handbook?
- Do you have an arrangement with the county BOE to register voters and assist them with casting their ballot? If so, may we assist BOE officials with these processes?
- If no protocol is in place, may we come into your jail to help conduct voter registration?
- Are volunteers required to complete a background check or volunteer training before entering the jail?
- What writing utensils are permitted in the jail?
- May we provide stamps and envelopes to those who wish to mail their voting materials?
- Is any part of the absentee ballot packet (e.g., staples, paperclips) not allowed in the jail? How might we work with you to create allowances or alternatives?

Volunteer Recruitment and Management

A successful jail voter registration project will require a dedicated leader and a group of committed and reliable volunteers. Your team can be comprised of law students, lawyers, retirees, professionals, students, community members, social workers, corrections officers, public defenders and even county board officials. Anyone participating in your initiative must be able to dedicate between two and three hours for each jail voter registration drive and meet the following criteria:

- Be at least 18 years old,
- Complete a training session organized by you or your coalition.
- Become familiar with the jail’s rules and procedures,
- Learn how to interview and interact with detainees; and
- Be comfortable in a jail environment.

If someone is eager to join your group but has no prior experience within a jail environment, you can still invite them to join your initiative.

Recruiting and Retaining Volunteers

Before recruiting dozens of volunteers, first identify how many detainees are being held in your county jail and may be eligible to vote on Election Day. Note that eligibility can change if an individual is awaiting trial and becomes convicted of or pleads guilty to a felony crime. You can determine your volunteer needs once you decide how many detainees you hope to register for the upcoming election. This includes the amount of volunteers and whether you will require them to work on rotating days, weekends and evenings before the voter registration deadline.

Next, create a volunteer management plan. Your plan should outline clear objectives and strategies to support volunteer recruitment and retention. A few primary objectives for volunteer recruitment is determining what skills you will need to execute your project and how you will retain volunteers.

Volunteer retention will depend on your communication with volunteers, how frequently you respond to volunteer needs and requests, how well you delegate responsibilities, and most importantly, how you manage your project. Volunteers respond negatively to disorganization and poor planning, and conversely, are attracted to responsive, thoughtful and caring leaders.

Classification of Ohio’s Jails					
Type of Jail	Temporary-holding facility	Twelve-hour	Twelve-day	Minimum security	Full-service
Length of Stay	6 hours	12 hours	12 days	Up to 1 year	Up to 1 year
Operated by	Municipalities and townships	Municipalities and townships	Municipalities and townships	Jail Warden or local Sheriff	Jail Wardens, local and county Sheriffs
Individuals are held for:	Processing, booking, awaiting transport	Booking and processing, or holding of local ordinance offenders	Booking and processing, or holding of local ordinance offenders	Misdemeanors or non-violent felony 4 and 5 crimes (detainees are designated as minimum security risk)	Booking, processing, awaiting trial, misdemeanors and felony crimes of all classifications

Part of managing the volunteer experience is how well you train your team. Your project may be the first opportunity that many individuals will have to enter a jail; and therefore, you are in the unique position of shaping their understanding of how jails and prisons work.

Your training should lay out your expectations of volunteers, provide an abbreviated but thorough understanding of why jail voting is important and provide resources to help your team work in a jail setting, particularly as they interact with detainees, corrections officers, wardens and other jail employees. Likewise, after volunteers have completed your training, you should check in periodically to assess their needs or ask their opinion about how the project can be improved through a volunteer survey.

Lastly, scheduling is another important element for recruiting and retaining volunteers. Volunteers will have varying schedules based upon their work, school and family responsibilities. Asking

volunteers to indicate their availability on the application will help you better organize your team's schedule in the jail.

Volunteer training opportunities should ideally be scheduled ten to twelve weeks before the voter registration deadline.

Volunteer Roles and Management

After outlining how you will recruit and retain volunteers in your volunteer management plan, you should include a description of each volunteer role and how you will communicate these needs during the training. Some volunteers will lead entire groups into the jail, while others may be exclusively committed to registration, data entry, communications, and social media. Volunteer leaders can be social workers or public defenders who are familiar with the jail, are comfortable leading groups of less experienced volunteers, and are able to troubleshoot any problems with the jail warden. Additionally, these leaders should have the capability of delegating responsibilities within the group on the day of the project and setting volunteers into teams of two or three persons. They should also delegate who will check the registration forms for accuracy and completeness.

During your training, permit volunteers to take on roles that they are most comfortable with especially if they prefer a supporting role. Within a group setting, this could mean they complete the registration form while their partner engages with the detainee. They may also commit to taking over communications for the group and keeping everyone up-to-date about ongoing training opportunities or changes in scheduling or project needs.

A Closer Look at Jails

Jails are typically operated by sheriffs and/or local governments. Jails house individuals who are being processed through the criminal justice system for misdemeanors and felonies or those who have received sentences of less than a year for a misdemeanor offense or a low-level felony. Individuals who are awaiting trial, have violated their probation, their parole or the terms of the court order, as well as persons awaiting transport to a state prison facility, may also temporarily serve time in a jail.

Jails may operate work release programs, boot camps, and other specialized services which attempt to address a range of detainees' needs, including education, substance abuse and vocation. However, due to shorter sentences, jails are often unable to provide long-term rehabilitative or mental health services. In 2008, the average stay in an Ohio jail was 38 days for a full-service jail, 34 days for a minimum security jail and 2.4 days in a twelve-day jail (Bureau of Adult Detention).

Volunteer Background Checks & Training

All volunteers should complete an application and background check. (For a sample volunteer application please see Appendix D: Sample Items for Recruiting Volunteers.) Most jails will require volunteers to be thoroughly vetted before allowing your group to enter the jail and work with detainees. **This vetting process can take a week or more, so plan to contact your local jail early with a list of all volunteers and their information.**

Following a review of all volunteer applications, you should provide a training session for your group. Your training should include a description of the project's goals, aims and purpose, a description of all volunteer roles and responsibilities, potential scheduling for registration drives and a general question and answer session. You may also want to provide a PowerPoint, a summary of Ohio's election laws (See Appendix B) and the jail's policies in a volunteer handbook or training manual.

After participating in a training session, volunteers should be prepared to answer a variety of questions when registering voters. These questions will include who is eligible to vote and which method of voting is best suited for the detainee such as voting in person, by mail or with the assistance of county board employees. Volunteers should also be familiar with the jail's rules and guidelines related to contraband, securing their property, not offering compensation to detainees in exchange for completing a registration form or enticing them with other gifts. All interactions between detainees and volunteers should be strictly professional. A good rule of thumb is to pair new volunteers with seasoned registrants or a county board official.



Volunteer Website (Optional)

Volunteers should be able to access all handouts, training materials, and project-related materials through an online access point. The website should also provide a description of the initiative, list the dates of your registration drives, clearly outline the number of volunteers you need, and include all volunteer nondisclosure forms required by the county jail. While designing a website may seem daunting, you may consider creating a closed social media group or starting an e-mail list where a select group of recipients receive information about your training dates and volunteer opportunities. Alternatively, you can work with your team to decide the best method for managing a volunteer database and disseminating information.

Engaging Volunteers' Fears About Jail

Volunteers may be apprehensive to work with incarcerated individuals because of the stigmas associated with jail. To alleviate these fears and motivate volunteers to participate in the project, you should provide a training segment that addresses the most common misconceptions about incarceration and why encouraging detainees to vote will decrease their chances of recidivating. In addition you can challenge volunteers' personal biases by having them role play scenarios, engaging in an open discussion about their reservations with the project or their primary motivations for volunteering.

In addition to providing a training session dedicated exclusively to debunking common myths about jail, you should develop a purpose statement which explains why registering detained voters will reduce barriers they face while trying to vote. This statement should include the vision for your project and your long-term goal of registering all eligible voters within your county jail. Once volunteers understand the project's purpose they will have less apprehension about participating and will solidify their commitment to your goal.

Absentee Ballot Requests

Whether or not a detainee will be released before Election Day, they can ask a volunteer to help them complete one of two special absentee ballot request forms which will allow them to vote early in person, by mail or at the jail with assistance from county BOE officials (see samples in appendices). Absentee ballot request form 11-A (see Appendix F), application for absent voter's ballot should be used for detainees who believe they will be released before Election Day and would like to vote early in person or have a ballot mailed to their last known permanent address. Form 11-F (see Appendix F) application for absent voter's ballot by voter requiring assistance, applies to detainees who will vote from the jail and require the assistance of two county board employees. **Both forms can only be used for a qualified Ohio voter whose registration is current.** A reason for voting absentee does not have to be stated on the request forms.

Any 11-A or 11-F forms submitted by incarcerated voters must have the jail's mailing address and the detainee's Sheriff's Office (SO) number clearly printed on the form. The SO number can generally be found on a detainee's wristband or on another article of jail-issued clothing. Requests for absentee voting (or vote by mail and early in-person voting) begins **January 1st or 90 days before the date of an election**, whichever is earlier, and ending at 12 noon on the Saturday before Election Day. If a detainee wishes to cast an absentee ballot, their application must be submitted in writing



to the BOE of the county in which they reside. If the request form is for a partisan primary election, the voter must indicate their political party affiliation.

Submitting requests as early as possible will ensure the county board has time to process the ballots and mail them, and the voters can review their ballot and return it to the election official. Absentee ballot requests can also be returned in person by the detainees if they have been released from jail to their county BOE (not to the person's polling precinct).

Once the absentee ballot request form is completed, volunteers or the agency have ten days to return the request to the county BOE. All requests, however, must be received by 12 noon on the Saturday before the election.

Once the board receives the properly completed 11-A or 11-F form, they will mail the actual absentee ballot beginning the first day of early voting or they will arrange for county BOE officials to visit the jail, whichever is applicable. When the voters are finished marking their votes, they must return their ballot to their county board in order for it to be counted.

Jails Processing Absentee Ballots

Some jails may view absentee balloting as a security risk. If the ballot is mailed to the jail, the corrections officers will need to provide eligible detainees with writing utensils. There are no clear rules on how jails choose to handle absentee ballots, with the exception that detainees are entitled to receive mail from the county board and have their ballots returned through the jail's mailing system with the correct postage.

You can ask the jail to call detainees to a central location to complete their ballots. Volunteers may also ask to be present when detainees are handed their ballots, but you cannot interfere with a voter's choices or offer assistance that may be seen as biased towards a political candidate, party or issue. With careful planning

with respect to pencils, the jail's delivery systems, and other details, you can assure there is little disruption to the detainees' voting process. Another option is asking the county board to bring the absentee ballots to the jail and having the board employees administer them directly.

Absentee voting is easier for volunteers to use when communicating with detainees and lessens the confusion about the various options for voting.

Ways to Return the Ballot

Absentee Voting

Volunteers will have to determine if the absentee ballot will be mailed or delivered in person by two BOE employees to a detainee. This can be difficult to ascertain if the detainee has not been given information about their release date prior to a scheduled election.

Some other areas of uncertainty include an inmate not having a court date; being sentenced for a felony crime prior to an election; being unable to post bond; or if they believe their court date will be changed.

If detainees choose to have their ballot delivered through the jail's mailing system or in person by two board employees, the volunteer will need to complete Form 11-F (see the appendices for a sample 11-F form). The form asks for the nature of the voter's confinement, due to illness, physical disability, infirmity or confinement, and other personal information. If detainees are unable to sign their ballot, they can ask for the assistance of the board employees. Only board employees may deliver, administer and collect the ballot. **Volunteers are prohibited from collecting an absentee ballot on a detainee's behalf.**

Returning the Ballot by Mail

Detainees can return their ballots through the jail mail system no later than the day before an election. Some jails will send mail for free while others will require detainees to pay for postage. Check with your jail officials about the cost of sending mail and if this is a feasible option for detainees. Also discuss with the voter if they have any privacy concerns about using the jail's mailing system.

Returning the Ballot in Person

If a detainee will be out of jail during the early voting period or on Election Day, the detainee can deliver their ballot in person to their county BOE. A family member may also deliver the ballot by 7:30 p.m. on Election Day at the office of the BOE only. **Jails and county boards will not accept ballots from family members if the individual is still incarcerated.** Different rules have been established for collecting ballots in person from someone who is detained. Volunteers cannot provide envelopes or postage for detainees.

Provisional Ballots

Individuals who have been released from jail and are voting in person will be able to cast a regular ballot if voting at a precinct that corresponds to their address and if they are properly registered. However, there may be instances when their name does not appear in their precinct's poll books or the signature on their registration form does not match the election official's records. Here are examples when former detainees will have to vote provisionally.

- The detainee moved or changed their name after being released from jail and did not update their registration with their county BOE.
- They do not have the required proof of ID. The voter may use all other forms of valid ID but if they are unable to obtain this

identification because they are homeless, transient or do not have a bank account or utility listed under their name, they should visit their county BOE for help. Valid forms of ID can be found under section “Voter Registration and Ohio Law” (See Appendix B).

- They have already asked for an absentee ballot to be sent to the jail or another address for the same election.
- Their registration was returned to the county BOE because it was marked undeliverable by the post office.
- Their eligibility has been challenged by the precinct election officials or a hearing to challenge their voting eligibility has been postponed until after the election. This may be common for individuals awaiting trial on a felony charge.

The content of a provisional ballot is no different from a regular ballot, but it is cast “provisionally” until election officials can verify a voter’s eligibility to vote in the particular precinct for that election.



If an individual does not provide an acceptable form of identification at the time they cast their provisional ballot, they must appear in person at the BOE within seven days immediately following Election Day with their identification in order for their ballot to be counted.

Strategies for Working in Jails

There are several strategies that you can use to increase the effectiveness of the jail voting process. These include initiating conversations with your local jail before planning the project, mobilizing volunteers trained specifically in voter registration, finding coalition partners for your initiative and configuring a security plan with corrections officers to both protect volunteers and ensure the greatest number of detainees are registered to vote.

Building a Collaborative Team

When multiple organizations collaborate on the planning and logistics of the project it can lessen the burden on your resources and disperse responsibility amongst coalition partners. Sharing responsibilities will also improve the fluidity of the implementation process and decrease costs. A helpful tip for finding collaborative partners is completing a preliminary search of agencies directly engaged with the re-entry community.

Ideal partners may be your local League of Women Voters, voter registration groups, agencies providing direct services to returning citizens or detainees, social workers, public defenders, attorneys, bar associations, students, and job opportunity task forces or employers assisting your target population.

Next, schedule a time to discuss your plans through an in-person meeting, conference call or by asking a mutual acquaintance to introduce you for the purpose of discussing your initiative. After establishing your coalition, plan strategy meetings and brainstorm how you will implement your project. One of the first steps will be contacting the Sheriff’s Office, the Warden or the official responsible for managing the jail. You can send a letter expressing your interest in helping with voter registration in the

jail and asking “what is the best way to proceed.” You may also want to advise the jail’s official(s) of Ohio’s felony disenfranchisement laws and who is eligible to vote in Ohio. Upon sending a letter, follow up with a phone call and ask for an in-person meeting. The administrator may be receptive to your efforts, somewhat apprehensive or non-responsive.

Aligning with Political Campaigns or Parties

Aligning with a political campaign or party is not suggested. Partnering with a partisan organization can undercut the credibility of your voting initiative and lead detainees to question your motives. Working on a nonpartisan platform also reduces any coercion on the part of volunteers and assures detainees their registration will not be discarded for their political views. Lastly, the project will not discontinue if a specific political party changes office or an opposing party challenges the jail voting initiative.

Creating ‘Inside’ Connections

At times, the Sheriff or jail’s warden may not be interested in, or may even be opposed to, registering detainees. In this case, an inside connection may be helpful for creating a partnership and bridging the divide with unwilling officials. This could be a corrections officer already registering detainees, a social worker, public defender or an agency with regular access to the jail. Examples of agencies include social service providers who manage addiction recovery groups, crisis intervention, psychiatric services, education courses, or registering detainees for Medicaid. **Probation and parole officers working directly with the jails may also be a good link to your jail’s warden.**

The strongest ally, however, may be the jail’s social workers because they oversee intake screening and assessment, supervision, case management, ongoing treatment plans and parole and release planning. The social workers can adequately assess the number of detainees who would be eligible to register to vote and which

detainees may require special considerations. Social workers can also be very persuasive for convincing the jail’s warden to undertake the project.

Enhancing Your County BOE’s Awareness

A few county boards may create barriers to registering pre-trial detainees by rejecting registrations that are completed in pencil. To gain the buy-in of your BOE, you might consider attending any of its open meetings, creating a coalition of members which include current board officials and setting up a meeting with



both board employees and jail officials. Through these meetings you can plan voter activities, which may not initially target the jail, but creates more awareness for registrars and potential registrants. These collaborations will foster a mutual understanding of how the registration and election process at the jail would proceed.

The BOE may eventually agree to the most important aspect of detainee voting which is bringing absentee ballots to detainees along with the pens or styluses needed to vote, overseeing the voting process, and collecting the voting materials to bring back to the BOE.

Planning to Enter the Jail

When you are granted permission to enter the jail, you will most likely need to clear any materials with the warden and work with county board employees, if necessary, to accompany you. You will also need to plan how you will move within the facility and what space you will use to meet with detainees, though this will probably be set up by the jail officials. You could plan to work by level, individually within each pod or gather detainees within a common room. At times, detainees are housed in cubicles and pods which come equipped with tables and chairs. Other times, detainees have cells with bunk beds and no tables. The best practice is to use a space where each volunteer can meet individually with the eligible detainees and register them; do not meet with detained persons in groups of two or more as this will detract from each person's privacy. Always follow the corrections officer's protocol, keep the process simple and conversations brief.

The registration and absentee ballot request forms should be brought to your county BOE within ten days from when you entered the jail. Alert the BOE when bringing these forms so they know when to expect them.

Payment for Extra Corrections Officers

While having a handful of volunteers complete a voter registration drive within the jail will not require officials to step up security, any more

than ten volunteers will necessitate having extra corrections officers on hand to ensure a safe and orderly environment. This additional security will also come with extra costs and may dissuade some wardens from letting in a significant number of volunteers. However, your drive will improve voter turnout and participation and you should communicate this to the warden. Also avoid disrupting detainees' recreational activities or permitting corrections officers to do this as well. Detainees might become flustered with any volunteer or officer intruding on these activities because they are only granted a certain amount of time for television and recreation per day.

Other Process Alternatives

Volunteers will enter the jail as a group and be escorted by correctional officers. Each group can have a binder of information, in addition to the standard registration and absentee ballot forms, which contain the relevant Ohio statutes on voting, FAQs from your county BOE's and the secretary of state's websites, and copies of a zip code directory. (Note: For homeless detainees who need an address for their voter registration form you can provide them with a list of local shelters.) An experienced person from your group, such as a seasoned volunteer or the jail's staff person, can choose to enter one block and announce an invitation to register voters. After the announcement you can briefly discuss felony disenfranchisement and voting rights. Again, detainees can be invited individually to a table to complete their registration.

Volunteers can work in three two-hour shifts over a series of days or in longer blocks of times, depending on the jail's rules, regulations and staff schedules. Shifts should be set in the six weeks prior to the voter registration deadline to capture the largest audience and identify detainees who will most likely be detained during the election. Registration forms can be scanned to gather information on the total number of registrations completed by your coalition, and to verify that these registrations have been accepted and voters were sent their voter registration cards,

and, if applicable, their ballots. Before turning forms into the county board verify they are accurate, and if problems arise, work with the county jail to quickly locate those voters and correct the mistake or error.

Also in advance of entering the jail, you can ask the Sheriff or Warden to compile a list of individuals who are pre-trial detainees, individuals convicted of a misdemeanor, or awaiting release in the coming days and weeks. This will enable you to identify which detainees are eligible to register to vote and move more efficiently in the jail.

If Detainees Choose Not to Register

If detainees are eligible to vote but choose not to register, you can still provide them with forms and educational materials about re-enfranchisement in case they change their minds. You can also leave additional forms with the jail's social work staff or correctional officers. Some jails will be amenable to leaving posters or flyers about voting rights and posting them in the detainees' living quarters. Detainees might become flustered with any volunteer or corrections officer intruding on their activities because they are only granted a few hours for television and recreation per day.

Detainees without Valid Identification

Several detainees may have lost their identification during their arrest, booking, or processing. All detainees' valuables and identification are held in the jail's property room, but between an inmates' transfer from booking to jail these items may not be properly stored. Knowing that some detainees may not have identification during the registration drive will be important for volunteers instructing detainees on how they can vote. If detainees do not have any identification, volunteers can recommend detainees vote by mail, where they will only need to produce their driver's license number (which begins with two alphabet letters followed by six numbers) OR the last four digits of their social security number. Voters will not need to physically produce their driver's license or social

security card to write the numbers from these cards on the ballot envelope. Detainees should also know they will need to sign the ballot envelope before returning it to their county BOE. If a detainee will still be incarcerated inside of the jail and will require the assistance of two county board of employees, they can provide the last four digits of their social security number. These requirements may change after publication of this toolkit, so be sure to check current laws regarding identification.

No to Staples: Security Measures to Consider

Security can be very tight at many jails and even the most innocuous detail like a stapled pamphlet can create a problem. When completing registrations, you should consider any part of the process that may violate the jail's policies, such as:

- All voter registration and absentee ballot request forms should be simple, one-page forms that do not require staples.
- Minimize handling too many items in the jail by writing concise and succinct voting materials.
- If you have additional materials you would like to leave with detainees, and they cannot be shortened to a single card or one-page document, consider packaging them into tri-fold pamphlets.
- You can choose to create your own materials, but ensure these materials can be understood by a lay audience, are not cumbersome for your volunteers to carry and can be placed easily throughout the jail.
- Consider using the **ACLU of Ohio's voter empowerment cards and criminal convictions cards** when educating voters about, completing, or updating their registration, where and how to vote, and their voting rights if they have a criminal conviction.
- Any materials entering the county jail must meet the warden's approval, and in many instances, local, state, and federal security guidelines.

Distributing Materials

In the event you are unable to distribute your voting materials in person, you can ask to have them handed out through the canteen on more than a single occasion. Canteens are locations where detainees can place orders for provisions they cannot obtain in jail such as some food items or phone cards. Pamphlets and voting materials can be distributed this way and will have a higher probability of reaching more detainees. The materials can also be packaged with classroom materials if detainees are taking general education courses or specialized jail programs to improve their employability.

Replacing Materials

In some jails, voting materials may run out. One reason for this is the lack of direct contact between your coalition and the jail's administrator or the facility. When you are unable to monitor the supply of materials in the jail, you could periodically contact the warden or your advocate to ask that the materials be replenished. A good idea is to not inundate the warden with these requests because it could strain your relationship with jail administrators. For instance, you could ask that registration forms and absentee ballot requests be placed in or near boxes that are used for the distribution of complaint forms. Or, if you have been granted special access to the jail you can bring materials with you on each visit.

Track Your Success

To the greatest extent possible, track how many voters your group registers, and how many of those individuals actually vote. This data will help you measure your success and provide baseline comparisons in the future.



Demonstrating that detained people desire to vote, and do vote when given the opportunity, is important for winning, and sustaining, support for your efforts.

Appendix A: “Jails,” “Prisons” and Other Key Terms

Before launching a jail voting initiative, you should become familiar with common terms related to voting and criminal justice.

Absentee Voting: The process of voting early in an election by completing an absentee ballot form and returning the form by mail to the individual’s county BOE. After completing the form, voters can elect to have their ballots mailed to their permanent residence, or if they are working or attending school outside of the state, mailed to another temporary address. Voters can also vote early, in person, at their county BOE.

Absentee Ballots: These ballots are issued to individuals not voting on Election Day. Absentee ballots must be returned by mail or delivered to the BOE by the voter or a relative but not to a polling location. If an absentee ballot has been requested, then the voter must use that ballot and will not be able to vote at a polling location except to vote provisionally.

Board of Elections (BOE): According to Ohio’s Secretary of State’s (SOS) office, in each of Ohio’s 88 counties a Board of Elections is responsible for administering local elections, including voter registration, maintaining an election calendar, overseeing absentee voting and managing polling locations within its county. Each BOE is also governed by a four-person board consisting of two members from each major political party and two other appointed officials. All petitions and local ballot issues are also cast with the BOE.

Community Control Programs: In addition to probation and parole, individuals may be given house detention and required to wear an electronic ankle monitor. They may also be ordered to a work release program, community service, a domestic violence program, or a drug and substance abuse treatment facility.

Detainee: Anyone who has been sentenced by a judge or magistrate to be confined in a jail or prison, or another facility operated by a state or federal authority.

Disenfranchise: When the federal, or state and local government, or another independent entity, deprives a person of the right to vote.

Early voting: A designated period prior to Election Day where any qualified voter may cast a ballot in person or by mail.

Felony: A crime that is serious enough to be punishable by at least six months of incarceration or longer.

In-Person Absentee Voting: A process managed by a county’s BOE to deliver and collect ballots from individuals serving time in a jail for a misdemeanor conviction or awaiting trial.

Jail: A place under the jurisdiction of a local government for the confinement of people awaiting trial, or those convicted of minor crimes and serving shorter sentences. Most individuals in jail are eligible to vote.

Jail Voter Registration: A process of registering incarcerated individuals who have not been convicted of a felony crime to vote in the state of Ohio. Eligible voters include anyone on probation, parole, living in a drug treatment facility, awaiting trial for a felony conviction, or incarcerated for a misdemeanor crime.

Misdemeanor: A crime punishable by a year or less in a jail. It is a less serious offense than a felony crime.

Parole: The release of an individual into the community after serving a prison sentence. The individual serves the remainder of their sentence under the supervision of the community (i.e. paroling officer). Parolees are eligible to register and vote.

Prison: A federal or state institution confining individuals with felony convictions or high-level misdemeanors. These individuals have been tried and convicted and remain ineligible to vote under Ohio law until they are granted release from prison. Upon release, returning citizens must re-register to vote with their county BOE.

Probation: A court-ordered sentence of correctional supervision in the community as imposed by a judge. Felony-level offenders on probation are supervised by locally operated probation departments as part of the common pleas court and these citizens are also eligible to vote.

Provisional Ballot: A provisional ballot is used to record a vote if a voter's eligibility is in question and the voter would otherwise not be permitted to vote at his or her polling place. It is also used if a voter requested an absentee ballot but instead showed up at a polling location to vote.

Reentry: A broad term used to refer to the transition of convicted offenders from incarceration to community supervision. Reentry also involves using programs that promote the effective reintegration of ex-offenders into communities when they are released from prison and jail.

Returning Citizen: An individual re-entering their community after serving a jail or prison sentence. They are also eligible to register and vote.

Secretary of State: Ohio's Secretary of State provides legal guidance, elections procedures and campaign finance information to BOEs, as well as training for BOE members and staff. Directives about election policies and rules are also provided by the Secretary of State.

Appendix B: Voter Registration and Ohio Law

Before beginning a voter registration project, you should be familiar with Ohio's voting laws. All volunteers should understand who is eligible to vote, how to complete the voter registration forms, and the rules about submitting the forms to your county BOE. As laws can be amended or expanded, you should review all information regarding voter registration drives before beginning to register detainees.

Who is eligible to vote in Ohio?

You are eligible to register and vote in Ohio, if you are:

- A U.S. citizen
- A resident of Ohio for 30 days before the election. (A residence is a fixed address to which an individual plans to return whenever they are absent.)
- At least 18 years of age on or before the date of the next general election
- Not currently incarcerated or serving a term of imprisonment for a felony.
 - Some individuals may be released to a county jail or halfway house to serve the remainder of their prison sentence, or may be required to report to the local jail on the evenings and weekends.
 - These individuals are still considered "imprisoned" until they complete their full sentence.
- Not declared incompetent by a probate court for the purposes of voting
- Not permanently disenfranchised for violating Ohio's election laws.



Time to Register

Ohio residents can register any time during the year. In order to be eligible to vote in any given election, voter registration forms must be received at least 30 days prior to that election or postmarked no later than 30 days before the election.

Eligibility / Residency Requirements

Homeless Applicants

If a person does not have a fixed residence where they intend to return after they are absent, they may use a shelter or other location at which they are a consistent and regular inhabitant and to which they have the intention of returning. A residence does not have to be a house or apartment. The shelter or other location shall be deemed the person's residence for the purpose of registering to vote.

Convictions

Individuals who have been convicted of a misdemeanor, and are serving time in prison or jail, or have been released on probation or parole are eligible to register and vote. Individuals who have been convicted of a felony may re-register to vote at their county BOE after they complete their sentence. Any person ordered to serve probation or parole are also eligible to vote.

College Students

It is rare for volunteers to encounter incarcerated college students, but there may be cases where students are detained in jail. A college student may use his or her Ohio school residence address for voting purposes if they do not intend to return to their permanent address in another state or location. It is illegal to register and vote from two different addresses.

Loss of Residency for Voting Purposes

If a person is a resident of another state but is incarcerated in Ohio, for purposes of voting they are ineligible to vote in Ohio. If a person has changed their physical address to another state while waiting for their release from jail, they shall

be considered to have lost their residency in Ohio.

Post Office Box or Mail Store as Voting Residence Address

A person cannot list a post office box or a commercial mail store as his or her residence for voting purposes; however, a voter can provide the county BOE with an additional address that is a post office box for mailing purposes.

Address or Name Changes

Another important aspect of completing voter registration forms is handling address and name changes. Many detainees will be exiting jail before Election Day and their previous address may differ from what they provided on their voter registration form or the address that is on file at the county jail. To help them navigate these issues, please find helpful information about when and how they can update their information with their county BOE:

- A voter can change their address within a county on the day of the election at their assigned polling location. However, if they are changing their address at their polling location they must vote provisionally in the event their new address has a different polling precinct. A change of address between counties can be done by appearing at the office of the BOE either by noon on the Saturday before the election, on the Monday before Election Day, or on Election Day.
- If registrants move and/or change their name after registering to vote, they must update their voter registration by submitting a new voter registration form. For change of address only, registrants may use the Secretary of State's Online Change of Address System at www.MyOhioVote.com.
- If the registrants do not report a required change of address at least 30 days before an election, they are still eligible to vote in person at their polling precinct or in front of two board employees who visit the jail. They will need to cast a provisional ballot. If they do not report their change of address by the voter registration deadline.

- Voters can still cast a ballot if they did not report their name change to the BOE at least 30 days before an election. They will need to bring proof of their name change, such as a marriage license or a court order that includes the voters' current and prior names, and sign a **Notice of Change of Name Form 10-L**. If the voters do not have proof, they will have to vote provisionally and bring legal documents to their county BOE no later than 10 days after the election.

Filling Out an Application

Volunteers should have their volunteer leaders check the voter registration forms for accuracy and completeness. The primary organizer will have 10 days to return the registration forms to their county BOE. Afterwards, the county board will have 20 business days to process the registration and mail a voter registration form to the new applicant or applicant updating their information. All voter registration forms are required by the Secretary of State to include the following content :

- Whether the submission is a new Ohio registration or update
- A checkbox indicating the registrant is a citizen of the United States
- A checkbox indicating the registrant will be at least 18 years of age on the date of the next election
- The voter's name
- The voter's mailing address
- The current date
- The voter's date of birth
- The voter must provide one of the following forms of identification:
 - The voter's driver's license number (begins with two letters followed by six numbers)
 - The last four digits of the voter's social security number
 - A military identification
 - A copy of a current utility bill (within the last 12 months), bank statement, government check, paycheck, or other government document (other than a notice of voter registration mailed by a BOE) that shows the registrant's name and current address
- Previous address, if updating current registration
- Change of name information, if applicable
- Current date
- Signature or mark affirming that the applicant is eligible to register
 - "Sign" or "signature" means voter's written, cursive-style legal mark written in voter's own handwriting. If the voter does not use a cursive-style legal mark in the regular business and legal affairs, "sign" or "signature" means any other legal mark, such as a printed (non-cursive) name that the voter uses in the regular business and legal affairs that is written in the voter's own handwriting.
 - If a voter is are unable to sign his/her name and no other legal mark, make an "X" on the signature line. The person who witnessed that mark must then put his/her signature under the signature line.
 - If the registrants are unable to make an "X," the registrants shall indicate in some other manner that they desire to vote or to change the applicant's name or residence. Also, the person who is assisting the registrant must also sign the form and attest that the registrant indicated that they wanted to register to vote.
 - If a detainee is unable to sign their name an individual may not help them to sign their name if they are acting in their official capacity as an election official, county treasurer, deputy registrar of motor vehicles, an employee of a designated agency, an employee of a public high school, an employee of a public vocational school, an employee of a public library, or an employee of the county treasurer, election official or BMV.

Questions to Consider

Before the Drive

Do organizations have to register with the state?

No. Organizations and groups do not have to register with the state. However, many jail administrators and wardens would prefer working with groups who are affiliated with the jail's social worker, the public defenders' office or another entity with an established relationship with the jail.

Does the state have any restrictions on using pre-filled voter registration forms?

No. You should avoid pre-filling any forms because detainees will have a variety of circumstances that will make filling out the form complicated.

Are there restrictions on getting voter registration applications?

No. Anyone can obtain a registration application from the county board, a public library, the Ohio Department of Job and Family Services, the county treasurer, the Department of Health and Human Services, a probation officer or other certified entity authorized to distribute voter registration forms. Volunteers and advocates should ask their county board for voter registration forms and absentee ballot request forms well in advance of their visit to the jail. If

detainees will be released soon and have internet access, you can also provide them instructions about registering online at their county BOE's or the Secretary of State's websites. Registering online requires a valid driver's license or state ID.

Does the state require any training in order to conduct voter registration drives?

No. The state does not require that volunteers undergo any specialized training. This requirement was ended by the 2004 court decision in *Project Vote v. Blackwell*. Again, although there is no state requirement prohibiting untrained registration workers, many jails may require registrars to submit their names well in advance of their visit, and possibly, complete volunteer training before entering the jail. Advocacy groups should work with jail administrators to minimize barriers for volunteers by communicating what is required to enter the jail, including submitting identification or undergoing a background check.

Does the state have restrictions on paying drive workers?

Yes. According to Ohio law, no person shall receive compensation on a fee per signature or fee per volume basis for circulating a petition, or a fee per registration or fee per volume basis for registering a voter. Volunteers can, however, be paid for time worked while registering voters or collecting signatures for election-related petitions. If groups are found paying workers for the number of voter registrations they complete, it is punishable as a fifth degree felony for improper compensation for registering a voter.



During the Drive

Must the registration volunteer sign their name to the completed voter registration application or form?

Workers are not required to sign their name to the form, unless the registrants are unable to sign their own name. If registrants are unable to sign their names to the form, they should make

an “X” on the signature line. The volunteers will need to sign their name underneath the voters’ signature attesting that the voters wanted to register. If the registrant is unable to make an “X” the volunteer must sign the application attesting the voter desired to register.

Are there restrictions on offering something of value to a person in exchange for completing a voter registration application?

Yes. In this case, federal law supersedes any state law regulating compensation to a voter for registering. Federal law states that anyone who knowingly or willfully pays or offers to pay or accepts payment either for registration to vote or for voting will be fined not more than \$10,000 or imprisoned not more than five years, or both. Furthermore, this federal law also includes bribing someone to register with items of monetary value (even if no cash is exchanged). Volunteers should also be wary of promising to compensate a detainee after they are released from jail as this is also against the law.

Does the drive have to provide a receipt or other tracking information to the registrant?

No. However, it is advisable for the drive organizer to check within twenty business days if the voter’s information has been accepted by the BOE. If it has not, the voter should contact the board.

How will an applicant know whether the election official received the application?

If the BOE receives the application and is satisfied all of the information is complete and accurate, the board must register the voter within 20 business days and send notification that the voters have been registered to their permanent address. If the board is unable to verify the applicant’s address, because the voter registration card was returned to the county board, the person will have to cast a provisional ballot in the next election. If the provisional ballot is counted, the board shall correct the voter’s registration, if needed, and shall remove the indication that the

voter’s notification was returned from the official registration list, the poll list and signature poll book. If the provisional ballot is not counted, the registration will be cancelled.

Should we track the voter registration forms with the county BOE?

It is always good practice to keep track of the number of registrations you complete and how many are successfully processed with the BOE. You can check if voters are registered by visiting your county BOE’s online website. In addition, you should also keep track of how many of your registrants actually vote in the upcoming election. This information can be used for applying for grants to continue your work and convincing county board officials and jail administrators that detainees are interested in voting. There are also no restrictions on copying information. In fact, copying the registrant’s name and date of birth to track their application online with the county BOE may be helpful.

If an application is incomplete, may the voter registrar write the missing information on the application with the applicant’s consent?

This is not mentioned in Ohio law, but all volunteers should thoroughly vet the voter registration forms with each eligible voter. Assist voters with completing their name and address, checking whether they are completing a new voter registration form or updating their information, and that they have correctly entered a number or information from a valid form of identification (please see p. 19 for acceptable forms of identification). If the detainee does not have a driver’s license or remember the last four digits of their social security number, they will need someone to make a copy of a paycheck, utility bill or other acceptable identification, bring the document to them in jail (if they will be incarcerated during the registration period), and then, attach it to their registration form. Volunteers may have difficulty completing registration forms if detainees do not have anyone to help them obtain this information.

After the Drive

Is there a time limit for voter registration groups to submit the applications they collect?

Yes. Registrars have ten days to return voter registration forms to their county board. Ohio law mandates that anyone who registers another person for the purposes of voter registration and fails to return the registration form will be found guilty of election falsification and sentenced to a fifth degree felony. More specific rules (<http://codes.ohio.gov/orc/3599.11>) also regulate if a voter misses an election because the registrar failed to submit their registration.

Other rules governing the completion and submission of registration forms:

No person shall knowingly register or make an application or attempt to register a person who is not a qualified voter; or aid that person in registering if they are ineligible to vote. Registrars are also forbidden from registering a voter under more than one name or make a false statement on either the registration application or return envelope for an absent voter's ballot. Violators of these rules (<http://codes.ohio.gov/orc/3599.11>) could be punished with a fifth degree felony.

How will a registrant know if their application has been accepted?

After the voter registration form is returned by you or your group to the county board, the voter will receive a card in the mail within 20 business days.

How will an applicant correct an incomplete application after it has been submitted to election officials?

There is no clear way for a voter to correct an application, as incomplete applications are usually discarded by county boards. The most viable way to check if a registration has been processed and accepted by the BOE is for both you and the voter to check on the county board's website. If the voter's information does not appear online or after calling the county board after thirty business days, the voter should submit another application.

Appendix C:

Voting While Incarcerated Models

The Ohio Secretary of State has issued specific guidelines for registering voters who are detained in jail on Election Day and desire to vote via absentee ballot. However, these guidelines do not provide specific steps for volunteer groups to follow when assisting BOE officials in registering jailed voters. To get you started we have included sample models taken from the ACLU's national toolkit on jail voter registration.

Targeting Jails for Voter Registration

Jails across the state of Ohio vary in size, capacity, and capability. Many jails are extended stay but several only house individuals for short periods of time, anywhere from six hours to twelve days. Registering voters in these facilities may not be ideal or useful for your resources. All activists seeking to do jail voter registration are advised to focus their efforts on one of the 72 full-service facilities in Ohio. Targeting these facilities will make it easier to speak with detainees and be more cost-effective and feasible for the jail administrators. Smaller and short-stay facilities have populations which are too transient to make it worthwhile for volunteers to register detainees, also given the small number of individuals housed at these facilities, the registration effort may not result in many newly registered voters.

In all jails, volunteers will need to determine if individuals will be released in time to vote in the next election, if they will be transferred to another facility to await trial or if they have violated the terms of their probation or parole and are awaiting sentencing for a felony crime. In these specific cases, it can be difficult to predict how volunteers should complete the **absentee ballot form**, particularly if the voter may still be detained at the time of the next election and will have to receive their ballot in the jail.

Lastly, when targeting jails, it is important to leverage existing contacts within the jail; these relationships will make it easier to initiate contact with the jail's warden and coordinate all

voter registration efforts within the jail. After you have established a relationship with the warden, the next step is to open up communications between you, the warden and the county BOE. Open communication between all three entities will make it easier to facilitate your project, build a lasting partnership and complete absentee voting on or before Election Day.

Registration

Election Agency Registration, Advocate Monitoring

Your county BOE enters the jail to conduct voter registration and the volunteer group can ask the jail for permission to monitor the process. Monitoring the process will ensure detained people have access to the information and the materials they need. The county BOE can bring the registration and absentee ballot forms in the same visit(s) to alleviate excessive visits to the jail or risk duplicating efforts.

Pros:

- When the county BOE conducts the registration process, they will form a close partnership with jail administrators and facilitate easier organization of future voter registration drives and absentee voting initiatives.
- The volunteer group monitoring the registration process can save valuable time and resources for other advocacy efforts.
- The volunteer group can use their resources to facilitate future collaborations between the county BOE and jail administrators in the event leadership changes at either institution.

Cons:

- There are no cons to this model if monitoring is permitted and the jail administrator grants full access to the volunteer group.
- If volunteers are ill-prepared for jail voting or do not adhere to the jail's safety standards and policies, they may not be granted future access.

Advocate Registration, Assistance from the County Board and Sheriff's Office

Your volunteer group or agency works with the county board and sheriff/jail administrator to conduct voter registration in the jail. Your coalition representatives will conduct the registration drive with support from the county BOE and representatives from the sheriff's office. Materials that you use to complete this process must adhere to the jail's security policies.

Pros:

- You have direct contact with detained people to answer their questions and make sure they have the requisite information and materials. You can also assist with completing the forms if the detainees have questions. Lastly, you have the opportunity to provide additional voting materials such as the **ACLU of Ohio's Voter Empowerment cards** that delineates specific steps to register, cast, and track a ballot.
- Establishing a connection with the county board, sheriff's office and the jail lends more credibility to the voter registration initiative.
- Collaborating with all entities ensures the voter registration drive can continue in future years and expands voter education in jail.

Cons:

- More resources are poured into educating volunteers about Ohio's voting laws and updates to Ohio's voting rules if the Secretary of State issues new directives and guidelines before an election.
- Consistent coordination between the coalition, volunteers, the county board and jail administrators. Inconsistency in communication can break down the registration initiative and lead to distrust in the coalition.

Advocate Registration, County Board Assistance

You and your volunteers conduct the voter registration drive in the jail, and staff from the county board are present to offer assistance if issues arise.

Pros:

- You are able to have direct contact with individuals in the jail to answer their questions and make sure they have the information and materials they need. Board officials can answer more complex questions or assist voters.
- The presence of a board official lends the registration drive more credibility and detained individuals perceive the volunteers and county BOE care about their participation in the election.

Cons:

- Smaller county BOEs may not have the resources to assist with a jail voter registration initiative or have more serious time constraints creating barriers to their participation.
- If county boards choose not to be involved, the registration initiative may not become institutionalized or may languish after one year.
- County boards may choose not to participate in registration drives until closer to an election or only in years with high voter turnout.

Advocate Registration

You and your volunteers complete the voter registration drive without direct participation from the county board.

Pros:

- You have direct access to detained people and complete their registration and answer their questions.

Cons:

- You are expending resources completing the registration yourselves.
- You must rely on the jail administrator's good will to allow you to conduct the voter registration drive.
- Institutionalizing your efforts are less likely, particularly if the jail's administration changes or their priorities shift from voter education.



Jail Official / Detainee Registration

Neither you nor the county are permitted to register voters and the jail officials conduct their own registration. Some jails will have their own procedures for detainees requesting to register and vote by mail. In this scenario, you can ask the jail administrator to distribute literature to the detainees encouraging them to vote or convince the jail officials to have guards and/or detainee councils to do the registration. You will have to ask the jail what materials are permitted in the registration packets.

Pros:

- By corrections officers or jail officials educating detainees about their voting rights, detainees will receive some information about the voter registration process.

Cons:

- The jail will expend additional resources registering detainees because corrections officers will have to be paid overtime to complete all of the registration and absentee ballot forms.
- Detainees may be distrustful of providing their personal information to corrections officers.
- Jail administrators may only undertake this initiative if they perceive detainees are of a certain political persuasion.
- Detainees may feel disempowered if neither your coalition nor the county board is present to register them. Many individuals may be more concerned with a perceived lack of justice in the criminal justice system and may be too overwhelmed to be concerned about voting.
- You cannot be sure every eligible person is informed of their right to register and vote, or that the process will be carried out in a fair and nonpartisan way.

Voting

The Jail is a Designated Polling Place

Designating a jail as a polling place can make it easier for voters who are jailed immediately before an election or for individuals who have been incarcerated for several weeks and will be unable to vote at their designated polling location.

Pros:

- This model will provide all eligible voters equal access to the ballot irrespective of their incarceration.
- The county board takes responsibility for managing the jail as a polling precinct and is more likely to get detained individuals to vote on Election Day. Problems with voters' registrations can be immediately resolved by an election official manager or detained individuals can receive help reading and understanding the ballot.
- Once the county board designates the jail as an official polling place, detainees who may be incarcerated during a future election can easily cast their ballot.

Cons:

- You cannot be sure that the process is being conducted fairly if the board takes responsibility for managing the jail's voting process.

In-Person Absentee Voting

Your county board will send two county board employees, both of whom represent two of the major political parties, to deliver, administer, and collect the ballots. Only the board employees are permitted to deliver and collect the ballots in the jail and must also attest to this on the ballot envelope. Because existing state guidelines establish how absentee ballots are administered in jails, your coalition or volunteers can work with the county board to organize several opportunities during the early voting period to administer ballots.

For example, you can work with the county board to conduct absentee balloting ten days before an election and again on Election Day. Two dates, one during early voting and again on Election Day, will ensure voters who have had an extended stay in the jail or were arrested and confined a few days preceding the election can vote.

Pros:

- County boards are already required to deliver and administer ballots in the jails, as outlined in the Secretary of State's directives and election officials' training handbook (See Ohio Election Manual: Absentee Voting Directive 2017-02, p. 5-9). However, county boards can designate which days they administer ballots in the jails. By urging your county to coordinate with jail officials and maximize the number of individuals receiving an absentee ballot, this will ensure more registered voters can cast their ballot in jail.
- Detainees are more confident their ballot will be counted in the Election if board employees deliver the ballot in person.
- Setting dates for in-jail absentee voting will maximize the county board's time and resources.
- State law offers groups a legal framework for urging county boards to register detainees.
- Jail leadership cannot oppose absentee balloting from the county board because state law establishes protocols for the county to collect eligible voters' ballots from the jail.

Cons:

- None, provided the county board is willing to partner with you and schedule times for absentee balloting in its county jail(s).

Mail-In Absentee Voting #1

You and/or board employees are present when the absentee ballots arrive at the jail, assist the jail officials with distributing the vote-by-mail ballots and ensure detained individuals have the information and materials they need to complete their ballot, including the stamps and the envelopes to mail the ballots. When conducting absentee voting, ensure that volunteers communicate this option can be exercised by voting by mail or going early in-person to a voter's county BOE. Vote by mail (VBM) is easier for volunteers to use and communicate with detainees.

Pros:

- You are able to have direct contact with detainees to answer their questions and make sure they have the information and materials they need, and you have officials on hand should problems arise.
- It lends credibility to your effort if your county board is also there and is involved in a direct and visible way.

Cons:

- Many detained people do not trust the jail's mailing system.

Mail-In Absentee Voting #2

Neither you nor elections officials are allowed in, but you are able to do training with jail officials so they can distribute the ballots when they arrive and help people complete them.

Pros:

- Detained people will at least have some access to the voter registration process.

Cons:

- You cannot be sure that the process is being carried out in a fair and impartial way.
- Detainees may not participate if they do not have access through you or your local election officials to the information and materials they need.
- Many detained people do not trust the jail's mailing system.

Appendix D: Sample Items for Recruiting Volunteers

Sample Volunteer Application

NAME OF ORGANIZATION

VOLUNTEER APPLICATION FORM

Our organization encourages the participation of volunteers who support our mission. If you agree with our mission and are willing to be interviewed and trained in our procedures, we encourage you to complete this application. The information on this form will be kept confidential and will help us find the most satisfying and appropriate volunteer opportunity for you. Thank you for your interest in our organization.

Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Home Phone: _____ Cell Phone: _____ Email: _____

Employer: _____ Position: _____

Work Phone: _____ Work Email: _____

Any special talents or skills you have that you feel would benefit our organization? Please indicate on the back of this form or on a separate sheet.

Interests: Please tell us in which areas you are interested in volunteering.

Primary Voter Registration

Other events

Fundraising

Advocacy - Speaking

Communications

Other - Please Specify: _____

Please indicate days available: Mon Tues Wed Thur Fri Sat Times available: From _____ to _____

Please indicate any physical limitations? _____

In case of emergency contact: Name: _____ Phone: _____

As a volunteer of this organization I agree to abide by its policies and procedures. I understand that I will be volunteering at my own risk and that the organization, its employees and affiliates, cannot assume any responsibility for any liability for any accident, injury or health problem which may arise from any volunteer work I perform for the organization. Further, I, for myself and my heirs, executors, administrators and assigns, hereby release, waive and discharge (*Insert Name of Your Organization*) and its officers, directors, employees, agents and volunteers of and from any and all claims which I or my heirs, administrators and assigns ever may have against any of the above for, on account of, by reason of or arising in connection with such registration efforts and associated activities or my participation therein, and hereby waive all such claims, demands and causes of action. Further, I expressly agree that this release, waiver and indemnity agreement is intended to be as broad inclusive as permitted by the State of Ohio, and that if any portion thereof is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect. I agree that all the work I do is on a volunteer basis and I am not eligible to receive any monetary payment or reward.

Signature: _____ Date: _____

Appendix E: References

- Ohio Department of Rehabilitations and Corrections. (2016). "Reentry Reports: October 2016)." <http://www.drc.ohio.gov/Portals/0/Reentry/Reports/Monthly/2016/Oct%202016%20Fact%20Sheet.pdf?ver=2016-10-26-095112-223>
- U.S. Department of Justice. (December 2015). "Census of Jails: Population Changes, 1999-2013)." <http://www.bjs.gov/content/pub/pdf/cjpc9913.pdf>
- Jon Husted, Ohio Secretary of State. (2016). "Chapter 5: Absentee Voting, Temporary Directive 2016-36." <http://www.sos.state.oh.us/SOS/Upload/elections/directives/2016/Dir2016-36.pdf>
- Jon Husted, Ohio Secretary of State. (2016). "Voter Access Guide: For Voters with Disabilities." <http://www.sos.state.oh.us/sos/upload/publications/election/ada/VoterAccessGuide.pdf>
- Project Vote. (2017). "Ohio Voter Registration Guide." Website: <http://www.projectvote.org/>

Appendix F: Links

- Ohio Boards of Elections Directory
<https://www.sos.state.oh.us/sos/elections/electionsofficials/boeDirectory.aspx>
- Form 11-A
<https://www.sos.state.oh.us/sos/upload/elections/forms/11-a.pdf>
- Form 11-F
<https://www.sos.state.oh.us/sos/elections/electionsofficials/forms.aspx>

Acknowledgements

The ACLU of Ohio would like to acknowledge the following staff who contributed to this tool kit:

- Katrice Williams Policy Associate
 Mike Brickner Senior Policy Director
 James Kosmatka Executive Associate
 Jocelyn Rosnick Assistant Policy Director
 Jay Ross Social Work Intern

