

Laws That Govern Jail-Based Voting: A 50-State Legal Review

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JUNE 2024



HARVARD Kennedy School

ASH CENTER

for Democratic Governance
and Innovation



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Acknowledgments

We are grateful to the Campaign Legal Center for their work on the restoration of voting rights around the country for so many years, with a huge thanks to the center's Blair Bowie and Kate Uyeda for their help and support. Thank you as well to Chuck Meire, deputy policy director at the Julian Institute, for his always helpful input, and to the following student researchers from the Equal Democracy Project at Harvard Law School, whose research was crucial to getting this project off the ground: Ethan Ansorge, Vriddhi Sujana, Jenny Glazier, Devanshi Nishar, and Kelsey Flower.

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A PUBLICATION OF THE

Ash Center for Democratic Governance and Innovation

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Introduction

Under the U.S. Constitution, all qualified citizens have the “unquestionable” right to vote.¹ However, hundreds of thousands of eligible voters across the United States still face limited access to this fundamental right. On any given day, more than 500,000 Americans are held in jail for pretrial detention or misdemeanor offenses.² Unlike Americans in prison, who are generally being held for felony convictions that disqualify them from voting, the bulk of people in American jails have not been convicted of any disqualifying crime.³ Nevertheless, those who are incarcerated on an election day encounter substantial barriers to voting in almost every state.

Our research aims to highlight the barriers voters in state and local jails face when trying to exercise their voting rights as well as opportunities for states to improve access to voting for these citizens. To that end, our team evaluated laws in all 50 states with two focuses: first, assessing states’ adoption of key policies that facilitate voting from jail, and second, identifying the states whose policies fail to meet the fundamental threshold of ensuring incarcerated voters’ rights.

For the purposes of this report, we hold establishing a polling place within the jail and allowing voters to cast their ballots in person as the ideal standard for providing voting rights to the jail population. While we acknowledge the unique challenges posed by in-person voting in jails, multiple cities in the United States have recently demonstrated that it is both possible and deeply meaningful for voters.⁴

The following pages contain the results of our research. We begin with a series of representative state profiles. Each profiled state represents a different set of prevailing legal conditions that influence the possibility of voting from jail. In some, existing law provides a sturdy foothold for efforts to create in-person jail voting. In others, promoting incarcerated voters’ rights will involve changing obstructive laws. Still others leave the choice up to individual jurisdictions, making the fate of jail voters dependent on county or municipal leadership. We hope that these profiles provide insight into the practical implications of the data we have gathered, benefiting both voters and advocates.

The bulk of the report consists of summaries of the relevant features of each state’s legal code. For each state, we provide a summary of the effect of current laws on jailed voters’ access to the franchise. We then provide citations to the sections of the state code that either enable or restrict jailed residents’ ability to vote, whether in person or by mail. We have also attempted to highlight occasions where non-statutory state policies have a significant impact on jail voting. That said, our focus is on the statutory basis for jail voting in each state, and our findings should be read with an awareness that laws on the books do not always reflect the lived experience of incarcerated voters.

1. *Reynolds v. Sims*, 377 U.S. 533, 554-55 (1964).

2. Wendy Sawyer and Peter Wagner, “Mass Incarceration: The Whole Pie 2020,” Prison Policy Initiative (March 2020).

3. The Supreme Court has long held that incarceration on its own is not a legitimate basis for denying a person the franchise. See *O’Brien v. Skinner*, 414 U.S. 524, 530 (1974).

4. For an in-depth case study of the in-person voting successes in Washington, D.C., see Tova Wang, “Jail Based Voting in the District of Columbia: A Case Study,” Ash Center for Democratic Governance and Innovation (February 2024).¹

Representative State Profiles

Showcasing the Range of Voting Rights for Incarcerated Individuals Across the United States

Illinois

Pioneering In-Person Voting in Jails

Illinois has emerged as a national leader in providing in-person voting opportunities to incarcerated voters. Since the state authorized polling places in some county jails in 2019, turnout among incarcerated voters has increased substantially. While Illinois' law doesn't yet reach all voters, its explicit requirement that the bulk of eligible voters be given access to the vote is a promising template for other states.

In 2019, Illinois Governor J.B. Pritzker signed [legislation](#) establishing a temporary polling place for pretrial detainees in Cook County Jail. [Subsequent legislation](#) expanded the program to allow other county jails to opt in, although so far only one other county has done so. Illinois law provides for non-partisan poll watchers in jails and guarantees compliance with the Americans with Disabilities Act for in-jail polling locations. While some other states allow counties or municipalities to establish polling places within their jails, Illinois is unique in guaranteeing in-person access to the right to vote in its largest penal institution.

The nature of the state's jail-voting program was shaped by its pre-existing laws. Illinois has a number of statutory requirements governing where voters can cast ballots on election day but imposes few limits on early voting locations. By specifically providing for *early* voting in jails, the legislature was able to implement the program without needing substantial revisions or exceptions to existing precinct law.

Massachusetts

Promotion, Not Just Permission

Almost every state in the union allows eligible incarcerated voters to apply for an absentee ballot. Massachusetts law stands out by affirmatively requiring jails to facilitate residents' voting rights.

[Since 2023](#), Massachusetts has required all jails to provide eligible voters with information about elections, registration, and absentee voting applications; relevant materials, including voter information packets; access to records proving eligibility to vote; private locations for completing ballots and other paperwork; and timely receipt and mailing of election materials. While the law leaves jail administrators free to exceed its requirements, its baseline obligations address many of the most common obstacles to voting that incarcerated voters face in other states.

Taking the next step to in-person jail voting faces minor legal obstacles that would need to be resolved by statute. At present, Massachusetts law requires that voters who vote early do so in their city or town of residence; election-day voters must vote in the precinct matching their residence. In-person jail polling places would require a statutory exemption from this requirement. Other state policies, however, facilitate in-person jail voting. For example, the state's automatic and unconditional restoration of voting rights upon conclusion of a felony sentence helps to dispel doubts about eligibility for reincarcerated voters in jail. Additionally, Massachusetts law mandates that jail administrators provide the state secretary with the names and locations of all incarcerated voters before each election—an infrastructural requirement that would make it easier to provide appropriate ballots at jail polling locations.

Texas

The Power of Local Advocacy

Texas is one of several states that gives considerable discretion to county administrators in the management of elections. As a result, in 2021, advocates in Harris County were able to partner with county officials to open in-person polling for eligible voters in the county jail without state legislation. Dallas County Jail followed suit for 2023's municipal elections. All of the legal requirements for in-person voting exist statewide; the only thing a county needs is the will to make it happen.

Polling in Harris County Jail was made possible by Texas empowering local administrators. Harris County's participation in the state's Countywide Polling Place Program allowed it to designate the jail as a countywide polling place, saving jail residents from the need to reregister with the jail as their voting address. As a result, the jail could accommodate voters who were incarcerated after the state's 30-day reregistration cutoff. Because polling place decisions in Texas are largely left to county commissioners' courts, county officials were able to make this decision without consulting the state legislature. The county even managed to conform to the state's requirement that polling places be open to the public by giving locals who are not jailed temporary access to an unsecured section of the jail to vote.

Localized jail voting relies on friendly county administrators and is an imperfect replacement for a statewide voting program. Nevertheless, when legislatures prove resistant to ensuring statewide access policies, laws empowering local officials can create opportunities for incarcerated voters.

Iowa

Making Improvements in the Middle

In 2022, the Election Law Journal ranked each state according to the ease of voting for residents. Iowa, ranked 23rd overall, scored closer to the weighted average than any other state. For Iowans in jail, "average" offers both opportunities and restrictions. At present, state law makes absentee voting from jail possible (though not easy) for most voters but imposes steep obstacles for especially vulnerable citizens. Relatively small clarifications, however, could open the door to in-person voting in Iowa.

Establishing in-person jail voting locations in Iowa might require clarification of state law. While the state commissioners are free to establish "satellite" early voting locations in a given county, such locations must be "accessible" to elderly and disabled voters (Iowa Code 21.300(1)(b)). Iowa law does not appear to address whether jails, which must comply with the Americans with Disabilities Act but are not open to the public, qualify as "accessible" in this context. That said, Iowa jails could follow the example of certain Texas counties and designate specific sections of the jails to be temporarily open to the public during elections.

Otherwise, Iowa law is friendly to the possibility of in-person jail voting. The law requires the state commissioner to open a suitable location as a polling place upon receipt of 100 valid signatures from voters within a county (Iowa Code 21.300(1)(a)); if jails are clarified to be suitable locations, citizen initiatives could create jail voting places without the need for further legislation. Taxpayer-funded sites are specifically required to make themselves available as polling places upon citizen petition (Iowa Code 49.21). While attempting to use a petition to force a polling place on an uncooperative jail is unlikely to yield positive results, Iowa citizens working in tandem with willing jail leadership could potentially use these provisions to push for voting reform.

Nevada

A Golden Opportunity in the Silver State

Most states have at least some statutory requirements that would need formal revision before in-person jail voting could become a reality. In a few states, however, all the preconditions for jail voting are already in place. Nevada is one such state. With the right political will, Nevada jails could likely open polling places without the need for state-level intervention.

Nevada allows county-wide voting for both early and election-day voters—there are no precinct requirements that require incarcerated voters to vote in specific locations (NRS 293.3072, 293.3564). County clerks are empowered to establish polling locations anywhere they choose, subject to regulations that they themselves promulgate (NRS 293.3561). In other words, allowing for jail polling places is fully within the discretion of any given county clerk.

Nevada law also facilitates jail voting in more indirect ways. Voters disenfranchised during their prison sentence have their rights automatically and unconditionally restored when they get out of jail; Nevadans jailed because they are pretrial or have committed misdemeanors need not fear some hidden ineligibility. And in 2023, the state passed Assembly Bill 286, which established a policy requiring jails to ensure safe, private, and secure mail voting for eligible incarcerated people—a strong signal of state policy recognizing the rights of jail voters. With the right advocacy and the example of successful in-jail polling in other states, Nevada may well be ripe for in-person jail voting.

State-by-State Jail Voting Guide

ALABAMA

While some incarcerated Alabamians are eligible to vote and to request absentee ballots, the state's complicated eligibility laws and stringent requirements for absentee voting make that right hard to exercise in practice. Meanwhile, it's likely that the state's strict domicile requirements and lack of early voting would need to change before in-person jail voting becomes a possibility.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: None.</p> <p>Election-day location: Must vote in the precinct where the voter is domiciled (Ala. Code 17-9-10).</p> <p>However, counties may establish voting centers by local law, combining voters from multiple precincts “in order to facilitate or reduce costs for elections” (Ala. Code 17-6-4(c)).</p> <p>Polling place requirements: None; up to county governing body (Ala. Code 17-6-4(e)).</p>	<p>Basis for eligibility: Incarceration is an excuse (Ala. Code 17-11-3(a)(8)).</p> <p>Emergency applications: Incarceration is NOT an excuse (Ala. Code 17-11-3(d-f)).</p> <p>Application requirements: Photo ID and signature; must be done by mail.</p> <p>Ballot requirements: Must be notarized or signed by two witnesses.</p>	<p>Restoration of voting rights: Alabamians only lose their right to vote if convicted of a crime of “moral turpitude,” as defined in Ala. Code 17-3-30.1. (List of moral turpitude crimes)</p> <p>After a disqualifying felony sentence, individuals must pay all fines, fees, and restitution. Then, if they have no pending felony charges, they can apply to the Bureau of Pardons and Paroles for eligibility to register.</p> <p>Certain felony convictions (such as murder) permanently bar access to the franchise, barring a state pardon.</p>

ALASKA

Alaska makes it deceptively difficult to vote from jail. While all Alaskans are eligible to vote absentee, the state’s witness requirement can be challenging for incarcerated voters to meet. Meanwhile, the requirement that in-person voting occur in a voter’s home district makes in-person voting impossible for many jail residents, and the lack of a legislative list of disenfranchising crimes makes it hard for voters to determine whether a previous offense renders them ineligible to vote.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: 15 days; the director of the Division of Elections has discretion to set locations (AS 15.20.064).</p> <p>Election-day location: All voters must vote in the house district where they reside, whether voting early or on election day (AS 15.05.10). A jail is not a residence for purposes of voting (AS 15.05.20(1)).</p> <p>Polling place requirements: May be set by director of Division of Elections (AS 15.15.060).</p>	<p>Basis for eligibility: No excuse needed (AS 15.20.10).</p> <p>Emergency applications: None.</p> <p>Application requirements: State ID number and signature.</p> <p>Ballot requirements: Must be signed by a witness.</p>	<p>Restoration of voting rights: Alaskans only lose their right to vote if convicted of a crime of “moral turpitude,” as defined in AS 15.80.010(10). (List of felonies involving moral turpitude)</p> <p>After unconditional discharge (including completion of probation or parole), they regain eligibility to vote automatically. The Division of Elections may require proof of discharge as a condition of registration.</p>

ARIZONA

Arizona counties have significant discretion to set polling places, particularly during early voting. In-person jail voting is thus a real possibility in the state. Meanwhile, Arizona’s absentee voting program is fairly typical, posing neither unusual obstacles nor offering unusual support to jailed voters. Perhaps the biggest obstacle to jail voting is the state’s complex system for determining eligibility to re-register after a felony conviction, which can make it hard for certain voters to understand their rights.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: County recorders can establish any number of early voting locations to ensure that all voters can access at least one voting location, and voters can vote at any location within their county during 27 days of early voting (A.R.S. 16-246).</p> <p>Election-day location: County boards of supervisors may establish county-wide voting locations for election day by resolution (A.R.S. 16-411(b)(4)). Otherwise, no more than one polling place per precinct (A.R.S. 16-411(b)).</p> <p>Polling place requirements: None; up to county board of supervisors (A.R.S. 16-411).</p>	<p>Basis for eligibility: No excuse needed.</p> <p>Emergency applications: Incarceration is NOT an excuse (A.R.S. 16-549).</p> <p>Application requirements: State ID number.</p> <p>Ballot requirements: No witness required.</p>	<p>Restoration of voting rights: Eligibility for re-registration after completion of a felony sentence varies by number of prior convictions.</p> <p>Individuals with only one felony conviction are eligible to re-register after completing prison, probation, and parole and paying victim restitution. Individuals with more than one felony conviction must petition in court for restoration of voting rights (A.R.S. 13-905 through 13-907).</p>

ARKANSAS

Counties in Arkansas have discretion to establish voting centers, which could likely include jails. Meanwhile, absentee voters face needless ambiguity. While jailed voters in Arkansas are eligible to request an absentee vote, their eligibility is not obvious from the application and requires knowledge of state Supreme Court precedent. Arkansas needs to make incarcerated voters' eligibility to vote absentee explicit to prevent voter uncertainty.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: The county board of election commissioners has discretion to set voting locations during the 14 days of early voting (AR Code 7.5.418(b)).</p> <p>Election-day location: County boards of election commissioners may establish election-day vote centers at which anyone within a county can vote (AR Code 7.1.113).</p> <p>Polling place requirements: Polling places cannot be changed within 30 days of an election (AR Code 7.5.101).</p>	<p>Basis for eligibility: Arkansas requires an excuse to vote absentee. Unavoidable absence from one's polling site is a valid excuse (AR Code 7.5.402). The Arkansas Supreme Court has held that voters are their own judge of whether they are unavoidably absent. See <i>Forrest v. Baker</i>, 287 Ark. 239 (1985).</p> <p>Emergency applications: Incarceration is NOT a basis for an emergency ballot application (AR Code 7.5.411).</p> <p>Application requirements: No ID required.</p> <p>Ballot requirements: No witness required.</p>	<p>Restoration of voting rights: After a felony conviction, a voter must complete the full sentence (including probation or parole) and pay all legal financial obligations (including fees, court costs, fines, and restitution) before re-registering (Arkansas Constitution Amendment 51, § 11).</p> <p>To complete restoration of voting rights, the person must gather documentation of sentence completion and submit it to their local county clerk.</p>

CALIFORNIA

California stands out for its facilitation of absentee voting from jail, with some county jails affirmatively facilitating absentee voting. Meanwhile, Los Angeles County is one of the small but growing number of localities pioneering in-person jail voting around the country.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: Establishment of a satellite vote center is up to a county election official's discretion, whether for early voting or on election day (Cal. Elections Code § 3018(b)).</p> <p>Election-day location: See above.</p> <p>Polling place requirements: While polling places are subject to an array of limitations and requirements (see generally Elections Code Division 12, Chapter 3, Article 5), these do not bar the use of polling places as jails. Los Angeles jails allow in-person voting.</p>	<p>Basis for eligibility: None needed; all registered voters receive a mail ballot (Cal. Elections Code § 3000.5)</p> <p>Emergency applications: None.</p> <p>Application requirements: None. In some counties, application materials are automatically provided by jails.</p> <p>Ballot requirements: No witness required.</p>	<p>Restoration of voting rights: Residents sentenced to county jail (as opposed to prison) never lose eligibility to vote, even if their conviction was for a felony (Cal. Elections Code § 2101).</p> <p>Upon release from prison, a voter's right to register to vote is immediately and automatically restored (Cal. Elections Code § 2101).</p>

COLORADO

Colorado's jail-voting policies are a nationwide model. The Centennial State is one of the few to have already implemented in-person voting in some jails; now, it is considering a bill that would expand the practice statewide. Meanwhile, voting absentee, whether in jail or out of it, is easier in Colorado than in the vast majority of states. Other states looking to ensure the franchise rights of all their residents should look to Colorado.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: Whether during early voting or on election day, counties may establish any number of polling places and do not limit voters to precincts. Counties have discretion to open polling places in jails (C.R.S. 1-5-102.9).</p> <p>Election-day location: See above.</p> <p>Polling place requirements: Jails are eligible as polling places; Denver already allows in-person jail voting.</p>	<p>Basis for eligibility: Every Colorado voter is automatically sent a mail ballot; the address to which the ballot is sent can be updated online.</p> <p>Emergency applications: Incarceration is NOT an excuse (C.R.S. 31-10-1010).</p> <p>Application requirements: No application required.</p> <p>Ballot requirements: No witness required.</p>	<p>Restoration of voting rights: Eligibility to register to vote is automatically restored upon release from prison (C.R.S. 1-1-104(49.3)).</p> <p>Parole officials are required to provide newly released voters with registration information (C.R.S. 17.2.102(14)(c)).</p>

CONNECTICUT

Connecticut’s rules combine to harshly limit jail voting. State statute bars in-person voting for anyone jailed outside their town of registration. Furthermore, Connecticut’s absentee voting rules appear to bar anyone who *is* incarcerated in their town of registration from voting by mail. Absentee eligibility in Connecticut needs clarification to ensure that all voters can access the franchise.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting timeline: None (no in-person early voting).</p> <p>Election-day location: Voters must vote in the city or town in which they are registered (G.S.C. 146.9-172).</p> <p>Note that Connecticut <u>does not have a county jail system</u>; incarcerated residents can be housed in any jail within the state.</p> <p>Polling place requirements: Must be accessible to voters with physical disabilities; otherwise, up to town’s discretion (G.S.C. 146.9-168).</p>	<p>Basis for eligibility: Connecticut requires an excuse to vote absentee. While absence from town during the election is an excuse <u>endorsed as applicable to jailed voters by the Connecticut secretary of state</u>, there is no obvious basis for eligibility for voters incarcerated within their own town (unless incarceration qualifies as a “physical disability”) (G.S.C. 146.9-135).</p> <p>Emergency applications: Allowed for unforeseen physical disability; unclear whether incarceration qualifies (G.S.C. 145.9-150(c)).</p> <p>Application requirements: <u>No ID required.</u></p> <p>Ballot requirements: No witness required.</p>	<p>Restoration of voting rights: Eligibility to vote is automatically restored upon release from prison (except if a person was convicted of a violation of the election code, in which case they must also complete probation and parole). Voters do not need to re-register if they reside in the same town as they did when they were convicted (G.S.C. 143.9-46(a)).</p>

DELAWARE

Delaware’s jail voting laws are beset with troubling ambiguities. It is unclear whether the state’s requirement that polling places be “publicly accessible” bars in-person jail voting. And while the state’s absentee ballot application lists incarceration as a valid basis to vote absentee, that excuse is not included in the Delaware code. Clarification of these issues is an important first step toward improving ballot access for residents of Delaware’s jails.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: The state election commissioner has discretion to set polling places without numerical limit, open up to 10 days before an election (DE Code § 15-5402).</p> <p>Election-day location: Each election district is limited to one polling place (DE Code § 15-4512). Election districts are drawn by county election departments (DE Code § 15-4102) and must have at least 500 voters unless the state election commissioner provides an exemption (DE Code § 15-4105).</p> <p>Polling place requirements: Polling places must be “conveniently located and readily accessible” (DE Code § 15-4512). This may exclude jails, although clarification is needed.</p>	<p>Basis for eligibility: Incarceration is listed as a basis for voting absentee on Delaware’s ballot application, although it is not listed as a valid excuse in the Delaware code (D.C. 15-5502).</p> <p>Emergency applications: Delaware accepts absentee ballot requests until noon the day before an election. (D.C. 15-5503).</p> <p>Application requirements: Social Security number.</p> <p>Ballot requirements: No witness required.</p>	<p>Restoration of voting rights: Voters with felony convictions can re-register to vote after completion of their prison sentence plus probation or parole.</p> <p>Certain crimes, such as murder, carry a lifetime voting ban. (See list of disqualifying felonies here.)</p>

FLORIDA

While in-person jail voting would likely require statutory changes in Florida, the state’s absentee voting statute obligates state officials to make mail voting fully accessible to all registered voters. However, this requirement is undercut by the lack of a cause of action by which voters can enforce their rights. Meanwhile, Florida’s aggressive prosecutions of voters who misunderstand election law have created a culture of intimidation that may discourage jailed voters from attempting to vote.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: The state supervisor of elections can designate early voting sites in areas that do not otherwise have eligible voting locations. “Area” is undefined (Fla. Statutes 101.657(1)).</p> <p>Election-day location: Voters must vote in their precinct of residence, unless temporarily residing outside the voter’s home county (Fla. Statutes 101.045).</p> <p>Polling place requirements: Early voting centers must have “sufficient” parking for the anticipated number of voters (Fla. Statutes 101.657(1)).</p>	<p>Basis for eligibility: No excuse required. Mail ballots in Florida must be “fully accessible to all voters”; the state shall create procedures to allow all voters to cast a secret mail ballot without assistance (Fla. Statutes 101.662).</p> <p>Emergency applications: Granted to voters who execute an affidavit attesting that an emergency prevents them from voting in person (Fla. Statutes 101.62(5)).</p> <p>Application requirements: State ID number or Social Security number (Fla. Statutes 101.62(1)(b)).</p> <p>Ballot requirements: No witness required.</p>	<p>Restoration of voting rights: Voters with felony convictions have their right to register automatically restored once they have completed all terms of their sentence, unless their conviction was for murder or a sexual felony (Fla. Constitution, Art. VI, § 4). Those with murder or sexual felony convictions can apply for executive clemency to restore their right to vote.</p> <p>However, completion of “terms of sentence” is defined as finishing community supervision and payment of all legal financial obligations, including court costs, restitution, fines, and fees (Fla. Statutes 98.0751). Additionally, it is a felony to swear to one’s eligibility to vote while knowing that one is ineligible (although Florida has prosecuted voters under this statute even without clear evidence that they were unaware of their ineligibility) (Fla. Statutes 104.011).</p> <p>General voting rights: While Florida statute enshrines the formal right of all registered Floridians to vote, the statute specifies that that right does not provide a legal cause of action in state court (Fla. Statutes IX.101.31).</p>

GEORGIA

Georgia’s requirement that polling places be open to the public creates challenges to in-person jail voting. Incarcerated Georgians currently rely on absentee voting. Due to the state’s voter identification law, jails should facilitate voting by ensuring that all residents have guaranteed access to identification. In addition, the state’s lack of clarity around which convictions make a resident ineligible to vote creates needless confusion for voters with prior convictions.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: Early voting locations must be “generally accessible to the public” (Ga. Code § 21-2-382(a)).</p> <p>Election-day location: Voters must vote in their precinct of residence (Ga. Code § 21-2-2.28).</p> <p>Polling place requirements: Polling places within “restricted access residential communities” must offer “full and complete access to the public” on election day (Ga. Code § 21-2-266(c)).</p>	<p>Basis for eligibility: No excuse required. Jailed voters are eligible to have the ballot mailed to their jail (Ga. Code § 21-2-381).</p> <p>Emergency applications: Incarceration is NOT an excuse (Ga. Code § 21-2-385).</p> <p>Application requirements: State ID number or passport (Ga. Code § 21-2-381).</p> <p>Ballot requirements: State ID number (Ga. Code § 21-2-285(a)).</p>	<p>Restoration of voting rights: Voters convicted of felonies of “moral turpitude” are eligible to register upon completion of their sentence (Ga. Code § 21-2-216(b)). While moral turpitude is not defined by state law, state election officials have interpreted it to include all felonies.</p>

HAWAII

Nothing stands in the way of in-person jail voting in Hawaii. The state’s laws allow for any county to implement jail voting. Hawaii also stands out for its strong commitment to absentee voting and to automatic re-enfranchisement of citizens with prior felony convictions.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: Hawaii has 10 days of early voting, available at any voter service center within a county. County clerks have discretion to locate voter service centers (HRS § 11-109).</p> <p>Election-day location: Election-day voting is done at voter service centers, as above.</p> <p>Polling place requirements: The county clerk may open temporary voting centers to support areas that could not otherwise sustain 10 days of early voting (HRS § 11-109).</p>	<p>Basis for eligibility: No excuse required (HRS § 15-2).</p> <p>Emergency applications: The state’s chief elections officer can create rules authorizing clerks to waive any absentee ballot requirement (HRS § 15-4). Voters who would otherwise be unable to vote may request to vote by email (HRS § 15-5(b)).</p> <p>Application requirements: State ID or Social Security number (HRS § 15-4).</p> <p>Ballot requirements: No witness required.</p>	<p>Restoration of voting rights: Voters can immediately re-register upon release from prison (HI Const. Art. II, § 2; HRS § 831-2).</p>

IDAHO

Idaho places fewer burdens on jail voting than some other states. Absentee voting is possible for all Idahoans, with comparatively few provisions that are especially burdensome for jailed voters. Furthermore, Idaho law gives counties discretion when it comes to setting up early voting centers, potentially allowing for the implementation of in-person jail voting.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: The number and location of early voting centers appears to be up to the county clerk's discretion (Ida. Statutes §§ 34-1006, 34-1012).</p> <p>Election-day location: Individuals must vote in their precinct of residence (Ida. Statutes § 34-1106). Jails are not residences (Ida. Statutes § 34-107).</p> <p>Polling place requirements: Must conform to accessibility standards for the elderly and handicapped (Ida. Statutes § 34-302).</p>	<p>Basis for eligibility: No excuse necessary (Ida. Statutes § 34-1001).</p> <p>Emergency applications: Incarceration is NOT an excuse (Ida. Statutes § 34-1002A).</p> <p>Application requirements: No ID necessary.</p> <p>Ballot requirements: No witness required.</p>	<p>Restoration of voting rights: Voters with felony convictions are eligible to register to vote after release from prison, probation, and parole (Ida. Statutes § 18-310(2)).</p>

ILLINOIS

Since 2019, Illinois has been a national leader in ensuring voting access to eligible jailed voters. Voters in jail in Cook and Will counties can vote in person at every election. One remaining problem is the state’s constitution, which requires the disenfranchisement of Illinoisans serving misdemeanor sentences. For those awaiting trial, though, Illinois’ jail-voting policies are a model for other states.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: Counties with more than 3 million people must set up early voting polling places in county jail; counties with fewer people may do so (ILST 10 § 5/19A-20).</p> <p>Election-day location: By precinct (ILST 10 § 5/11-4); but see above for why election-day jail voting is largely unneeded.</p> <p>Polling place requirements: Must provide elderly or disabled voters with opportunity to vote (ILST 10 § 5/11-4.2).</p>	<p>Basis for eligibility: No excuse required (ILST 10 § 5/19-1). Election authorities in counties with fewer than 3 million people must collaborate with the county jail to ensure eligible voters can vote absentee (ILST 10 § 5/19-2.3).</p> <p>Emergency applications: Incarceration is not listed as a basis for emergency application (ILST 10 § 5/19-13). Unclear whether the collaboration directive, detailed above, requires counties to allow emergency applications from jails.</p> <p>Application requirements: No ID required (ILST 10 § 5/19-3).</p> <p>Ballot requirements: No witness required.</p>	<p>Restoration of voting rights: Illinois is one of the few states to deny the franchise to people serving either felony <i>or</i> misdemeanor convictions in jail (Ill. Const. Art. III, § 2).</p> <p>On completion of imprisonment or discharge from probation, a person’s eligibility to register to vote is restored unless the state “finds after investigation and hearing” that restoration “is not in the public interest” (ILST 730 § 5/5-5-5(d)).</p>

INDIANA

Indiana law does not explicitly permit jailed voters to apply for absentee ballots. The state must clarify that eligible jailed Indianans can vote by mail or the state is likely in violation of the U.S. Constitution. While this currently only applies to pretrial detainees due to the state’s practice of disenfranchising misdemeanants, Indiana is not any less obligated to secure its residents’ constitutional rights.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: County election boards can establish satellite voting locations by unanimous vote (IN Code § 3-11-10-26.3).</p> <p>Election-day location: County election boards can follow a process to become a “vote center county,” which allows them to establish voting centers not subject to precinct requirements (IN Code § 3-11-18.1-3).</p> <p>Polling place requirements: Must be an “accessible and secure facility” (IN Code § 3-11-8-6).</p>	<p>Basis for eligibility: Voters can request a mail ballot due to “unavailability of transportation to the polls” (IN Code § 3-11-10-24(a)(13)).</p> <p>Emergency applications: Incarceration is NOT an excuse (IN Code § 3-11-4-1(b-c)).</p> <p>Application requirements: State ID or Social Security number.</p> <p>Ballot requirements: No witness required (IN Code § 3-11-10-1).</p>	<p>Restoration of voting rights: Indiana is one of the few states to disqualify residents serving felony <i>or</i> misdemeanor sentences from voting (IN Code § 3-7-13-4).</p> <p>After release from a prison or jail sentence, a voter is automatically eligible to register to vote (IN Code § 3-7-13-5).</p>

IOWA

Iowa’s laws on voting from jail require some clarification. The state’s provision allowing people “unable to go to the polls” to vote by mail appears to apply to incarcerated voters but making that application explicit would dispel doubts about jailed voters’ eligibility. Meanwhile, in-person jail voting depends in part on whether jails would qualify as “accessible to the elderly.” Governor Kim Reynolds has signed an executive order to restore the voting rights of Iowans with felony convictions.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: Counties must create satellite voting stations upon receipt of a petition by at least 100 eligible voters in that county. The site must be “accessible to the elderly and people with disabilities” (IA Code II § 53.11).</p> <p>Election-day location: Must vote in voter’s precinct of residence (IA Code II § 49.9).</p> <p>Polling place requirements: Precincts can apply for waiver of accessibility requirements (IA Code II § 49.21(b)). There is no analogous provision for waiving accessibility requirements for satellite voting stations.</p>	<p>Basis for eligibility: Voters who expect to be “unable to go to the polls on election day” may vote absentee (IA Code II § 53.1).</p> <p>Emergency applications: Incarceration is NOT an excuse (IA Code II § 53.22).</p> <p>Application requirements: Voter verification number (IA Code II § 53.2(4)(a)(4)).</p> <p>Ballot requirements: No witness required.</p>	<p>Restoration of voting rights: The Iowa Constitution, Amendment 47, imposes a lifetime voting ban on any Iowan convicted of an “infamous crime” (held to mean a felony).</p> <p>Governor Reynolds’ Executive Order 7, published in 2020, used the governor’s pardon power to restore the right to register to vote to all Iowans with felony convictions who have been released from prison, probation, and parole. The order also commits the governor to daily pardons of all Iowans released from prison, probation, or parole. The order does not apply to Iowans convicted under Iowa Code § 707 (homicide), although Iowans who completed all terms of a homicide sentence before July 4, 2005, had their right to vote restored by a prior governor. Otherwise, Iowans with homicide convictions can apply for individual clemency to restore their right to vote.</p>

KANSAS

In *League of Women Voters of Kan. v. Schwab*, 63 Kan.App.2d 187 (Kan.Ct.App. 2023), a Kansas court acknowledged voting as a fundamental right under the Kansas Constitution. Kansas law gives tremendous discretion to county election officers when it comes to enabling that right. Nothing in state law would seem to prevent the establishment of jail polling places.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting timeline: County election officers have full freedom to establish satellite advance voting sites (K.S.A. § 25-1122(g)(3)).</p> <p>Election-day location: At the discretion of a county election officer, all voters within a county can vote at any polling place within the county (K.S.A. § 25-2701).</p> <p>Polling place requirements: Must be “warmed, lighted, and furnished with proper supplies” (K.S.A. § 25-2703).</p>	<p>Basis for eligibility: No excuse required (K.S.A. § 25-1122(a)).</p> <p>Emergency applications: Incarceration is NOT an excuse. (K.S.A. § 25-1122(g)(2)).</p> <p>Application requirements: state ID number (K.S.A. § 25-1122(c)).</p> <p>Ballot requirements: No witness required.</p>	<p>Restoration of voting rights: On completion of all terms of a felony sentence, including imprisonment, probation, and parole, a person automatically becomes eligible to register to vote again (K.S.A. § 21-6613).</p>

KENTUCKY

Kentucky’s laws do not formally bar either absentee or in-person jail voting, but jail polling places would need approval from both the county and the state. The biggest challenge to jail voting in Kentucky may be its arcane and restrictive disenfranchisement system, which makes it difficult for pretrial detainees with prior convictions to understand their eligibility. While Governor Andy Beshear has taken admirable steps to restore the franchise as widely as possible through executive action, further improvements will require legislative action.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting timeline: On the Thursday, Friday, or Saturday before an election, no-excuse early voting can take place at a location designated by the county board of elections and approved by the state board of elections (K.R.S. § 117.076(4)).</p> <p>Election-day location: Voting is by precinct (K.R.S. § 117.055). While there is a provision allowing consolidation of precincts (K.R.S. § 117.066), it appears to require all voters from the consolidated precincts to vote at the centralized location.</p> <p>Polling place requirements: Must have “immediate access to a telephone” (K.R.S. § 117.065).</p>	<p>Basis for eligibility: Incarceration is an excuse (K.R.S. § 117.085(1)(h)(3)).</p> <p>Emergency applications: Incarceration is NOT an excuse (K.R.S. § 117.077).</p> <p>Application requirements: Requires “personally identifiable information” (K.R.S. § 117.085(1)(b)). The state application website requires a Social Security number.</p> <p>Ballot requirements: No witness required (unless a mark is used in place of a signature).</p>	<p>Restoration of voting rights: Governor Beshear’s executive order restored the right to vote to anyone convicted of a Kentucky state felony who (1) has completed their sentence, including probation and parole; (2) has not been convicted of treason, bribery, or a violent crime; and (3) does not have any felony charges or arrests pending. The executive order could be rescinded by a subsequent governor. Under the statute, restoration of voting rights in Kentucky is unusually complex and contingent, depending on the interrelationship between the nature of the sentence, the location of the sentence, the status of any pending charges, and which elements of the sentence have been completed.</p> <p>The Department of Corrections is obliged to inform eligible offenders about the process for restoration of their voting rights (K.R.S. § 196.045).</p>

LOUISIANA

Louisiana is one of the only states to explicitly bar the establishment of polling places in jails. Statutory change is needed to make in-person voting possible. Combined with the state’s ban on absentee voting for first-time voters, it is currently impossible for people to vote while incarcerated unless they have previously voted outside of jail. The state also serves as a cautionary tale, demonstrating that legislation alone does not secure voters’ rights. Despite a 2021 law eliminating the need for certain residents with felony convictions to provide documentation of their eligibility to register, the state appears to persist in demanding such documentation.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: Parish registrars may designate any number of early voting branch offices, so long as each is in a public building (L.R.S. § 18:1309(B)(1)).</p> <p>Election-day location: Individuals must vote in their precinct of residence unless prevented by physical disability (L.R.S. § 18:531). A jail is not a residence (L.R.S. § 18:101(B)).</p> <p>Polling place requirements: Jails cannot be polling places (L.R.S. § 18:533(C)(2)). It is unclear whether this provision applies to early voting branch offices.</p>	<p>Basis for eligibility: Incarceration is an excuse (L.R.S. § 18:1303(G)), but first-time voters are barred from using absentee ballots (L.R.S. § 18:115(F)). As such, it is currently impossible to vote from jail in Louisiana without having previously voted.</p> <p>Emergency applications: Incarceration is NOT an excuse (L.R.S. § 18:1307(C-D)).</p> <p>Application requirements: No ID required unless applying online (L.R.S. § 18:1307).</p> <p>Ballot requirements: One witness required (L.R.S. § 18:1306(E)(2)(a)).</p>	<p>Restoration of voting rights: Rights are restored when fully discharged from prison, parole, or probation, or if it has been five years since the individual was actually incarcerated (i.e., if they have been on parole for five or more years) UNLESS they were convicted of an election-related crime (in which case the five-year rule doesn’t apply) (L.R.S. §§ 18:2(8), 18:102).</p> <p>Individuals who were registered to vote prior to their felony conviction <u>may be required to submit additional documentation to re-register.</u></p> <p>Louisiana is unique in not having an accessible government website detailing the re-enfranchisement process.</p>

MAINE

Maine has a robust absentee voting system, which requires incarcerated voters to jump through remarkably few hoops. For one of the only states where all incarcerated persons can vote, such a strong mail-ballot system makes sense. In-person jail voting, on the other hand, is complicated by Maine’s statutory language, which gives relatively little discretion to local officials to set polling places.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: In-person absentee ballots must be returned to their municipal clerk (M.R.S. 21-A § 754-A).</p> <p>Election-day location: Voting is by town or municipality. Statutes appear to assume, without stating it explicitly, that each voter will vote within their voting district of residence (M.R.S. 21-A § 631).</p> <p>A jail is not a residence (M.R.S. 21-A § 112(14)).</p> <p>Polling place requirements: Must be large enough to allow for poll watchers (M.R.S. 21-A § 627) and accessible to people with disabilities (M.R.S. 21-A § 630).</p>	<p>Basis for eligibility: No excuse required (M.R.S. 21-A § 751).</p> <p>Emergency applications: Can be granted for “unexpected absence of the voter from the municipality” on election day. Requires applicant to sign a statement designed by the secretary of state (M.R.S. 21-A § 753-B(2)(D)).</p> <p>Application requirements: No ID required (M.R.S. 21-A § 753-A(3)(A)).</p> <p>Ballot requirements: No witness required unless the ballot is hand-delivered by a third person (M.R.S. 21-A § 754-A).</p>	<p>Restoration of voting rights: None required; Maine has no disenfranchisement provision for any type of conviction. All people with convictions can vote, including those currently serving felony sentences.</p>

MARYLAND

Maryland’s relatively permissive absentee voting rules make mail ballots available to most jailed voters. In addition, Maryland is one of the few states whose emergency absentee provision does not clearly exclude those abruptly jailed on or before election day. Meanwhile, in-person early voting in jails seems possible with supportive county leadership.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: State law sets the number of early voting centers in each county. Counties have a list of factors they must consider in placing early voters but no absolute requirements (Md. Election Code § 10-301.1).</p> <p>Election-day location: Polling places must be in the precincts they serve (Md. Election Code § 10-101).</p> <p>Polling place requirements: Must be “located as conveniently as practicable for the majority of registered voters assigned to that polling place” (Md. Election Code § 10-101(a)(2)(ii)).</p>	<p>Basis for eligibility: No excuse required (Md. Election Code § 9-304).</p> <p>Emergency applications: No formal provision. Maryland accepts applications online up to the Friday before an election and in person by an authorized agent up to close of polls on election day (Md. Election Code § 9-305(d)). The state board of elections is required to set guidelines for late applications (Md. Election Code § 9-303(b)(2)).</p> <p>Application requirements: Up to the state board of elections (Md. Election Code § 9-303(b)(1)). Online applications must include a voter’s Maryland ID (Md. Election Code § 9-305(b)).</p> <p>Ballot requirements: No witness required.</p>	<p>Restoration of voting rights: Any otherwise-eligible Marylander not currently serving a prison sentence for a felony conviction can register to vote unless their conviction was for buying or selling votes (in which case the ability to register can only be restored by executive pardon) (Md. Election Code § 3-102(b)).</p>

MASSACHUSETTS

Massachusetts has one of the strongest absentee voting programs for jailed voters in the country. Jails are obligated to provide materials and voter education to their eligible residents, and the state’s carceral and election officials communicate to ensure that ballots get to jailed voters efficiently. Advocates are campaigning for the state to implement in-person jail voting.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: Each municipality can designate any number of early voting centers (950 CMR 47.04).</p> <p>Election-day location: Must vote by precinct (Mass. General Laws c. 54 § 2).</p> <p>Polling place requirements: Polling places and early voting centers must be accessible to persons with disabilities (950 CMR 47.04(4)). “Accessible” includes a “continuous unobstructed path” from the entry to the voting location (950 CMR 51.02(5)). The director of elections may exempt a polling location from these requirements (950 CMR 51.03).</p>	<p>Basis for eligibility: Jail and prison officials are required to facilitate absentee voting for eligible residents, including providing voter education and all necessary materials (Mass. General Laws c. 54 § 25C).</p> <p>Emergency applications: Incarceration is NOT an excuse (Mass. General Laws c. 54 § 89).</p> <p>Application requirements: “Any form of written communication” suffices (Mass. General Laws c. 54 § 89).</p> <p>Ballot requirements: No witness required.</p>	<p>Restoration of voting rights: Any otherwise-eligible Massachusetts resident not currently serving a prison sentence for a felony conviction can register to vote (Mass. General Laws c. 51 § 1).</p>

MICHIGAN

The Michigan Constitution gives eligible residents of the state a right to in-person early voting. There is thus a strong argument that jail polling places are mandatory in the state, although no jails currently provide them. In the meantime, the state’s strong absentee voting program provides a fallback.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: Michiganians have a constitutional right to in-person early voting. Jurisdictions within a county can agree to share early voting sites (Mich. Const. Art. II § 4(1)(m)).</p> <p>Election-day location: Up to municipality but must be by precinct; municipalities can centralize voting locations but not allow for non-precinct-based locations (MCLS § 168.662).</p> <p>Polling place requirements: Must be accessible to the handicapped and elderly (MCLS § 168.662(7)).</p>	<p>Basis for eligibility: No excuse needed (Mich. Const. Art. II § 4(1)(h)).</p> <p>Emergency applications: Incarceration is NOT an excuse (MCLS § 168.759(b)).</p> <p>Application requirements: Signature only (Mich. Const. Art. II §4(1)(h)). State ID required for online application.</p> <p>Ballot requirements: No witness required.</p>	<p>Restoration of voting rights: Michigan is one of the few states that disenfranchises all people serving jail or prison time for a conviction, including misdemeanor convictions. Michiganians can immediately register to vote upon release from prison or jail (MCLS § 168.492a).</p> <p>Starting on June 30, 2025, the Michigan secretary of state will automatically register all residents released from prison or jail (MCLS § 168.493a (amended 2023)).</p>

MINNESOTA

Like many states, Minnesota gives counties discretion that could be used to implement in-person early voting in jails. Since the state’s witnessing requirement can make voting absentee from jail difficult, in-person voting would be especially valuable for incarcerated voters.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: A county auditor can set early voting locations, including temporary ones (MRS §§ 203B.081(1)(a), (4)).</p> <p>Election-day location: By precinct (MRS § 204B.14(2)).</p> <p>Polling place requirements: Must be accessible to the handicapped and elderly (MRS § 204B.16(5)).</p>	<p>Basis for eligibility: No excuse required (MRS § 203B.02(1)).</p> <p>Emergency applications: Incarceration is NOT an excuse (MRS §§ 203B.04(2), 203B.11).</p> <p>Application requirements: State ID or Social Security number (MRS § 203B.121(2)(b)(3)).</p> <p>Ballot requirements: Must be witnessed or notarized (MRS § 203B.07(3)).</p>	<p>Restoration of voting rights: Any otherwise-eligible Minnesotan not currently serving a prison sentence for a felony conviction can register to vote (MRS § 201.014(2)(a)).</p>

MISSISSIPPI

Mississippi stands out as the U.S. state with the least-assured basic constitutional rights for incarcerated voters. The state is unclear at best about eligible jailed voters’ rights to access absentee ballots. Mississippi urgently needs to specify how jailed voters can access their rights; as it stands, the state’s laws put incarcerated voters at high risk of being denied their constitutional right to a ballot.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: Only at the county registrar’s office and only for eligible absentee voters (MS Code § 23-15-627).</p> <p>Election-day location: By precinct, with only one voting place per precinct (MS Code § 23-15-281).</p> <p>Polling place requirements: Must be “accessible to all voters” and capable of providing heating and air conditioning (MS Code § 23-15-281(2)).</p>	<p>Basis for eligibility: Incarceration is NOT an excuse unless it qualifies as a “temporary physical disability” (MS Code § 23-15-713). The state has not specified whether incarcerated voters are eligible, although the state attorney general has suggested it does not (see Opinion No. 2022-00140).</p> <p>Emergency applications: Incarceration is NOT an excuse unless it qualifies as a temporary physical disability (MS Code § 23-15-715).</p> <p>Application requirements: Must be signed by a notary public (or adult witness, for voters with temporary physical disabilities) (MS Code § 23-15-627).</p> <p>Ballot requirements: Must be signed by a witness (MS Code § 23-15-631(1)(b-c)).</p>	<p>Restoration of voting rights: Importantly, not every felony conviction takes away the right to vote. Therefore, some individuals may be eligible to vote while incarcerated. Absent an executive pardon, Mississippi permanently disenfranchises residents convicted in Mississippi courts of murder, rape, bribery, theft, arson, fraud, perjury, forgery, embezzlement, or bigamy (MS Const. Art. 12 § 241) or voter fraud (MS Code § 23-15-19), as well as other crimes listed on page 5 here.</p> <p>Only the governor or legislature can restore such a person’s voting rights (MS Const. Art. 12 § 253, MS Code § 47-7-41).</p>

MISSOURI

Missouri’s notarization requirement significantly burdens jailed voters’ access to absentee voting. As such, in-person jail voting is especially important in Missouri. State law appears to give local authorities the discretion to implement in-person jail voting.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: Eligible voters can cast absentee ballots in person at a location designated by the local election authority (MO Code § 115.277(1)).</p> <p>Election-day location: Must vote by precinct (MO Code § 15.113).</p> <p>However, local election authorities must designate between one and five “common sites” that may serve any voter “authorized to vote at a central polling place” (MO Code § 115.115(5)).</p> <p>Polling place requirements: Must be accessible as defined by secretary of state (MO Code § 115.115(6)).</p>	<p>Basis for eligibility: Incarceration is an excuse (MO Code § 115.277(3)(5)).</p> <p>Emergency applications: Incarceration is NOT an excuse (MO Code § 115.287(2)).</p> <p>Application requirements: No ID or notarization necessary for incarcerated applicants (MO Code § 115.277(2)).</p> <p>Ballot requirements: Must be notarized by a public officer (MO Code § 115.291).</p>	<p>Restoration of voting rights: Missouri disenfranchises anyone incarcerated for a felony or misdemeanor, as well as those on probation or parole for a felony (MO Code § 115.133).</p> <p>Upon release from incarceration for a misdemeanor or from incarceration, probation, or parole for a felony, Missourians can register to vote unless their crime was “connected with the right of suffrage” (MO Code § 115.133).</p>

MONTANA

Incarcerated Montanans must currently rely on absentee voting since state law provides no legal basis for in-person polling in jails. Letting early voting take place outside county offices would open up the possibility of jail voting in the state and create opportunities for all Montana residents.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: Must be done at the office of the county election administrator (MT Code § 13-13-222).</p> <p>Election-day location: Must vote at the (single) polling place for precinct of residence (MT Code § 13-3-105).</p> <p>Polling place requirements: Must be accessible as defined by secretary of state (MT Code § 13-3-205).</p>	<p>Basis for eligibility: No excuse required (MT Code § 13-13-201(1)).</p> <p>Emergency applications: Incarceration is NOT an excuse (MT Code § 13-13-211(2)).</p> <p>Application requirements: Signature only (MT Code § 13-13-212).</p> <p>Ballot requirements: No witness required.</p>	<p>Restoration of voting rights: Any otherwise-eligible Montanan not currently serving a prison sentence for a felony conviction can register to vote (MT Code § 13-1-111(2)).</p>

NEBRASKA

More so than other states, Nebraska requires collaboration between state and county officials to set polling locations. As such, in-person jail voting initiatives will require both state and local buy-in. Nevertheless, no law appears to render it impossible.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: The secretary of state, with the consent of county officials, can create rules for establishing voting polling locations (NRS § 32-904(4)). Current regulations limit early voting to county election offices.</p> <p>Election-day location: By precinct, with one polling place per precinct (NRS § 32-904).</p> <p>Polling place requirements: Must be accessible to all registered voters (NRS § 32-907).</p>	<p>Basis for eligibility: No excuse needed (NRS § 32-938).</p> <p>Emergency applications: None (NRS § 32-941).</p> <p>Application requirements: State ID number or copy of other ID (NRS § 32-941).</p> <p>Ballot requirements: No witness required (NRS § 32-947).</p>	<p>Restoration of voting rights: Nebraskans with felony convictions automatically become eligible to register to vote two years after the conclusion of their sentence, including both imprisonment and parole (NRS § 32-313).</p> <p>LB 20, passed in 2024, eliminates the two-year waiting period (effective July 18, 2024).</p>

NEVADA

While a state-level initiative to create in-person polling places in Nevada in 2023 failed, current law seems to leave county officials free to do so themselves. A successful implementation at the county level might give state-level reform the boost it needs.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: County clerks can establish both permanent (NRS § 293.3564) and temporary (NRS § 293.3572) early voting locations, at their discretion.</p> <p>Election-day location: A county clerk can designate vote centers where any person in a county can vote on election day, regardless of precinct (NRS § 293.3072).</p> <p>Polling place requirements: Members of the public must be allowed to observe at polling places (NRS § 293.274). Polling places must be accessible to people with disabilities and the elderly (NRS § 293.2955).</p>	<p>Basis for eligibility: No excuse required (NRS § 293.269911).</p> <p>AB 286 (2003) requires all county or city jails to update their policies to allow anyone detained to register or vote in an election.</p> <p>Emergency applications: None in state law. State policy provides for emergency ballots only for sudden medical incapacitation.</p> <p>Application requirements: No application required (NRS § 293.269911).</p> <p>Ballot requirements: Signature only (NRS § 293.269917).</p>	<p>Restoration of voting rights: Nevadans with felony convictions immediately regain their right to register to vote upon release from prison (NRS § 213.157).</p>

NEW HAMPSHIRE

There is no obvious existing route to in-person jail voting in New Hampshire other than legislative reform. Absent such reform, jailed voters must rely on absentee voting.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting timeline: None (no in-person early voting).</p> <p>Election-day location: By town. Each town has a central polling place (NHRS § 658:9) and can establish additional polling places and determine “the boundaries of the voting district” to be served by each (NHRS § 658:10). A jailed person’s domicile is their last residence before being jailed (NHRS § 654:2-a(I)).</p> <p>Polling place requirements: Must be “easily accessible to all persons” (NHRS § 658:9-a).</p>	<p>Basis for eligibility: Incarceration is an excuse (NHRS § 654:2-a(II)x).</p> <p>Emergency applications: Incarceration is NOT an excuse (NHRS § 657:1(II)).</p> <p>Application requirements: Signature only (NHRS § 657:4).</p> <p>Ballot requirements: No witness required (NHRS § 657:7-8).</p>	<p>Restoration of voting rights: New Hampshire residents with felony convictions regain eligibility to vote upon release from prison, regardless of parole or probation (NHRS § 607-A:2).</p>

NEW JERSEY

New Jersey appears to offer county-level freedom to establish in-jail voting places. Furthermore, its willingness to provide absentee ballots up to the day before an election (so long as a representative can pick it up) makes it one of the few states in the union where people jailed shortly before an election can realistically vote.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: Counties must establish a set number of early voting locations based on population (N.J. Stat. § 19:15A-1(b)).</p> <p>Election-day location: County board sets polling places, with one per election district (N.J. Stat. § 19:8-2).</p> <p>Polling place requirements: N.J. Stat. § 19:8 provides a number of requirements, including accessibility to the disabled and elderly, display of the American flag, signage identifying the location as a polling place, and the ability for supervising officials to see all the voting booths at the same time.</p>	<p>Basis for eligibility: No excuse required (N.J. Stat. § 19:63-3).</p> <p>Emergency applications: No provision. Application can be made in-person by “authorized messenger” (N.J. Stat. § 19:63-4), up to 3 p.m. the day before an election (N.J. Stat. § 19:63-3(2)(d)).</p> <p>Application requirements: Signature, compared to state records (N.J. Stat. § 19:63-8).</p> <p>Ballot requirements: No witness required.</p>	<p>Restoration of voting rights: New Jerseyans who are currently serving a sentence of incarceration for any crime cannot vote but regain the right to register immediately upon release (N.J. Stat. § 19:4-1).</p>

NEW MEXICO

New Mexico offers local election authorities a great deal of flexibility to set polling locations, with no active barriers to doing so in jails. County-level advocacy could go a long way in the Land of Enchantment.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: County clerk sets locations (N.M. Stat. § 1-6-5.7(B)). These can be mobile upon a municipality’s request (N.M. Stat. § 1-22-19).</p> <p>Election-day location: County commissioners may allow for county-wide “voter convenience centers” instead of precinct voting (N.M. Stat. § 1-3-4). While these centers can only consolidate up to 10 precincts, commissioners can also maintain “alternate voting locations” exempt from precinct requirements (N.M. Stat. § 1-3-4(B)(6)).</p> <p>Polling place requirements: Must meet requirements of N.M. Stat. § 1-3-18, including clear signage inside and outside the building identifying the polling place; must pass inspection by the county clerk.</p>	<p>Basis for eligibility: No excuse required (N.M. Stat. § 1-6-3).</p> <p>Emergency applications: Incarceration is NOT an excuse (N.M. Code. § 1-6-16.2).</p> <p>Application requirements: Signature (if by mail); state ID number (if online) (N.M. Stat. § 1-6-4(B-C)).</p> <p>Ballot requirements: No witness required.</p>	<p>Restoration of voting rights: New Mexicans with felony convictions are eligible to register to vote upon release from prison (N.M. Stat. § 1-4-27.1(B)).</p>

NEW YORK

New York's laws on jail voting offer real promise. Its statutory requirement that voters have equitable access to early voting provides a legal foundation for in-person jail polling. Moreover, the state's mandate that prisoners get voter registration materials on release indicates state-level concern for the franchise rights of New Yorkers involved with the carceral system.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: County boards of elections may freely establish early voting locations, which “shall be located so that voters in the county have adequate and equitable access” (CLNY 17 § 8-600(2)(a, h)).</p> <p>Election-day location: By precinct, with one polling place each (CLNY 17 § 4-104).</p> <p>Polling place requirements: Must meet requirements of CLNY 17 § 8-104, including display of the American flag, a conspicuous voter information poster, and sufficient space to keep all ballot boxes at least six feet from a guardrail demarcating the polling area. Must be accessible to disabled voters (CLNY 17 § 4-104(1-a)).</p>	<p>Basis for eligibility: Incarceration is an excuse (CLNY 17 § 8-400(1)(d)).</p> <p>Emergency applications: No emergency provision.</p> <p>Application requirements: Signature only (CLNY 17 § 8-400(3)).</p> <p>Ballot requirements: No witness required.</p>	<p>Restoration of voting rights: New Yorkers with felony convictions regain their right to vote immediately upon release from prison. Prisons must provide residents with voter registration materials upon release (CLNY 43 § 75).</p>

NORTH CAROLINA

There is work to do in North Carolina. Its strict identification and witnessing requirements make absentee voting from jail unusually difficult. It is particularly challenging for people returning to jail with prior felony convictions, given changing rules due to ongoing litigation around disenfranchisement in the state. However, counties do have the opportunity to take steps to provide access to jailed voters.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: County boards of elections can unanimously establish early voting sites open for all or part of the early voting period (NCS § 163-227.6(a, d)).</p> <p>Election-day location: By precinct of residence, with one polling place per precinct (NCS § 163-128). Exceptions (NCS §§ 163-130, 130.1, 130.2) are not applicable to jailed voters.</p> <p>A jail is not a residence (NCS § 163-57).</p> <p>Polling place requirements: Must meet requirements of NCS § 163-129, including inspection by the county board of elections and ability to rope off or demarcate the voting area from the rest of the building.</p>	<p>Basis for eligibility: No excuse necessary (NCS § 163-226(a)).</p> <p>Emergency applications: Incarceration is NOT an excuse (NCS § 163-230.1(b)).</p> <p>Application requirements: State ID number or Social Security number (NCS § 163-230.2).</p> <p>Ballot requirements: Must be notarized or signed by two witnesses (NCS § 163-231).</p>	<p>Restoration of voting rights: Currently the law may be in some flux due to litigation, but under the most recent decision, North Carolinians must complete prison, probation, and parole to have their rights restored; see <i>Community Success Initiative v. Moore</i>, 384 N.C. 194 (2023).</p>

NORTH DAKOTA

North Dakota law does a lot right when it comes to jail voting. Its absentee-voting requirements are not unusually onerous, with uncommonly permissive timing requirements that enable the abruptly incarcerated to vote absentee. In-person voting is theoretically possible due to county-level discretion.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: County commissioners may establish county-wide vote centers for early voting (NDCC § 16.1-04-02(3)).</p> <p>Election-day location: County commissioners may establish county-wide vote centers for election day (NDCC § 16.1-04-02(3)).</p> <p>Polling place requirements: None; up to county commissioners and city officials (NDCC § 16.1-04-02(1)).</p>	<p>Basis for eligibility: No excuse required (NDCC § 16.1-07-01).</p> <p>Emergency applications: Can apply any time before election day (NDCC § 16.1-07-05(1)). On election day, can apply through an in-person agent if prevented from voting by an emergency (NDCC § 16.1-07-05(2)).</p> <p>Application requirements: Signature (to be compared to state records) and ID number (NDCC § 16.1-07-06).</p> <p>Ballot requirements: No witness required (NDCC § 16.1-07-08).</p>	<p>Restoration of voting rights: North Dakotans with felony convictions immediately recover the right to vote upon release from incarceration (NDCC § 12.1-33-01).</p>

OHIO

Voting from jail in Ohio is difficult. State law currently prohibits in-person polling in jails. In addition, the state's demanding ID requirements for absentee voting can be hard for incarcerated voters to meet.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: Must take place at the county board of elections' office (ORC § 3509.051).</p> <p>Election-day location: By precinct of residence (ORC §§ 3501.18, 3501.29). A jail is not a residence (ORC § 3503.04).</p> <p>Polling place requirements: Must meet requirements of ORC § 3501.29, including that the doors be at least 32 inches wide. The secretary of state can provide an exemption (ORC § 3501.29(B)(2)).</p>	<p>Basis for eligibility: Incarceration is an excuse (ORC § 3509.08(A)).</p> <p>Emergency applications: Incarceration is NOT an excuse (ORC § 3509.08(B)(1)).</p> <p>Application requirements: Signature and state ID number, Social Security number, or photo ID copy (ORC § 3509.03(B)).</p> <p>Ballot requirements: State ID number, Social Security number, or photo ID copy (ORC § 3509.05(B)).</p>	<p>Restoration of voting rights: Ohioans with felony convictions regain the right to register to vote upon release from prison, unless they are convicted of violating election laws two or more times, in which case they must seek a pardon (ORC § 2961.01(A)(2)).</p>

OKLAHOMA

Oklahoma likely needs statutory reform to enable in-person jail voting, since counties have unusually little discretion to set early polling places. In addition, the state’s notarization requirement for absentee voters can be difficult or impossible for jailed voters to meet. Guaranteed access to a notary from prison is a necessary first step to ensure Oklahomans’ constitutional rights.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: A county election board secretary can set a single location for early voting. If the county has more than 25,000 registered voters or is larger than 1,500 square miles, the secretary can set multiple locations with state approval (OKC 26 § 14-115.4(A)(1, 3)).</p> <p>Election-day location: Must vote by precinct, with one polling place per precinct (OKC 26 § 3-120).</p> <p>Polling place requirements: None; up to county election board (OKC 26 § 3-120).</p>	<p>Basis for eligibility: No excuse necessary (OSC 26 § 14-101).</p> <p>Emergency applications: Only for incapacitation and must be accompanied by a doctor’s note (OSC 26 § 14-115.1).</p> <p>Application requirements: Must include “an identification number” (OSC 26 § 14-105(B-C)).</p> <p>Ballot requirements: Must be notarized (OSC 26 § 14-108).</p>	<p>Restoration of voting rights: Oklahomans with felony convictions are eligible to register to vote when they have completed their original incarceration, parole, and probation (OSC 26 § 4-101(1)).</p>

OREGON

Oregon’s focus on mail voting means that in-person jail polling is likely not in the cards for the state. Nevertheless, the state’s well-developed mail ballot system leaves jailed voters on a relatively even footing with those who are not jailed.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting timeline: Elections are conducted by mail (ORS § 254.465).</p> <p>Election-day location: Elections are conducted by mail (ORS § 254.465).</p> <p>Polling place requirements: Elections are conducted by mail (ORS § 254.465).</p>	<p>Basis for eligibility: No excuse required; each eligible voter automatically receives a mail ballot (ORS § 254.470(2)). Receipt address can be updated by mail or online.</p> <p>Emergency applications: None.</p> <p>Application requirements: No application required.</p> <p>Ballot requirements: Signature only (ORS § 254.470(6)).</p>	<p>Restoration of voting rights: Oregonians with felony convictions regain their eligibility to register to vote automatically upon release from incarceration (ORS § 137.281(5)).</p>

PENNSYLVANIA

While Pennsylvania’s laws can be confusing due to the state’s issuance of both mail-in and absentee ballots under different rules, jailed Pennsylvanians’ right to mail-in ballots is unquestioned. In-person jail voting, however, is more fraught. The state appears to allow counties to establish early voting centers, though the basis for this is not clearly established in state statute.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: Must be done at office of county board of elections (25 Pa. Stat. § 3150.12a(a)). The state’s website suggests that counties can designate additional locations.</p> <p>Election-day location: By election district, with one polling place each (25 Pa. Stat. §§ 2701, 2726(a)).</p> <p>However, county boards of elections have discretion to provide portable polling places for “any and all” election districts (25 Pa. Stat. § 2727(c)).</p> <p>Polling place requirements: Must meet requirements of 25 Pa. Stat. § 2730, which jails can do.</p>	<p>Basis for eligibility: No excuse necessary (25 Pa. Stat. § 3150.11).</p> <p>Emergency applications: Incarceration is NOT an excuse (25 Pa. Stat. § 3146.2a(a.3)(1)).</p> <p>Note that Pennsylvania distinguishes between “mail-in ballots,” for which incarcerated voters are eligible, and “absentee ballots,” for which they are not. Only absentee ballots can be applied for on an emergency basis.</p> <p>Application requirements: Signature only, but secretary of the commonwealth can add requirements (25 Pa. Stat. § 3150.12).</p> <p>Ballot requirements: No witness required (25 Pa. Stat. § 3150.16).</p>	<p>Restoration of voting rights: Pennsylvanians with felony convictions become eligible to register to vote upon their release from incarceration (or four years after release, if convicted of an election crime).</p> <p>Note that 25 Pa. Stat. § 1301(a), which requires a five-year waiting period before a person released from a felony conviction can register, is still on the books. However, it was ruled unconstitutional by state courts in 2000. See <i>Mixon v. Commonwealth</i>, 759 A.2d 442 (Pa. 2000).</p>

RHODE ISLAND

Rhode Island’s absentee balloting laws are broadly permissive. Potentially more exciting is the state’s early voting law, which appears to allow early voting wherever an electronic poll pad can travel. Advocates should investigate the potential scope of this provision.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: Can be done “using an electronic poll pad provided by the board of canvassers” (R.I. Gen. Laws § 17-20-2.2(g)). The law has no apparent limitations on location.</p> <p>Election-day location: By voting district (R.I. Gen. Laws § 17-11-1).</p> <p>Polling place requirements: Must be accessible to disabled and elderly (R.I. Gen. Laws § 17-19-3.2). Must be arranged per R.I. Gen. Laws § 17-19-21.</p>	<p>Basis for eligibility: No excuse required (R.I. Gen. Laws § 17-20-2(4)).</p> <p>Emergency applications: No excuse required but may require sending an agent to the board of canvassers with written authorization from the voter (R.I. Gen. Laws § 17-20-2.2(d) (4)).</p> <p>Application requirements: Signature only by mail (R.I. Gen. Laws § 17-20-13). Requires state ID number to apply online (R.I. Gen. Laws § 17-20-2.3).</p> <p>Ballot requirements: No witness required (R.I. Gen. Laws § 17-20-21).</p>	<p>Restoration of voting rights: Rhode Islanders with felony convictions regain eligibility to register to vote upon release from incarceration. The state updates its eligibility lists “on or before” the 15th of each month (R.I. Gen. Laws § 17-9.2-3(a, d)).</p>

SOUTH CAROLINA

South Carolina’s mandate that early voting centers be placed to maximize accessibility for all voters provides a statutory hook for in-person voting in jails. This is especially important given that the state’s absentee voting requirements can be difficult for jailed voters to meet.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: Each county can establish up to seven county-wide early voting centers and must “maximize accessibility for all voters in the county to the greatest extent possible” (S.C. Code § 7-13-25(D, G)). The state election commission can override a county’s choice of location (S.C. Code § 7-13-25(G)(3)).</p> <p>Election-day location: Must vote within precinct of residence, as set by state statute (S.C. Code § 7-7-910(A), as well as § 7-7 generally).</p> <p>Polling place requirements: Must be free of “architectural barriers” for handicapped voters (S.C. Code § 7-7-990).</p>	<p>Basis for eligibility: Incarceration is an excuse (S.C. Code § 7-15-230(A)(3)).</p> <p>Emergency applications: Incarceration is NOT an excuse (S.C. Code § 7-15-330(D)).</p> <p>Application requirements: Social Security number (S.C. Code § 7-15-330(B)(2)).</p> <p>Ballot requirements: Must be witnessed (S.C. Code § 7-15-380).</p>	<p>Restoration of voting rights: South Carolinians with misdemeanor convictions regain their right to register to vote upon release from incarceration (unless the misdemeanor relates to election law). South Carolinians with felony convictions regain their right to register to vote upon release from incarceration, probation, and parole (S.C. Code § 7-5-120(B)).</p>

SOUTH DAKOTA

South Dakota is unusual in that current law prevents early in-person jail voting but would potentially allow it on election day. Advocates could pursue that option in particular jurisdictions. Otherwise, jailed voters must contend with the state’s relatively onerous absentee application requirements.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: South Dakotans can vote absentee in person but must do so at the office of the county election official (SDCL § 12-19-9).</p> <p>Election-day location: By precinct (SDCL § 12-14-1), but a jurisdiction can freely elect to use jurisdiction-wide vote centers instead (SDCL § 12-14-17).</p> <p>Polling place requirements: Must display the American flag (SDCL § 12-14-13).</p>	<p>Basis for eligibility: No excuse necessary (SDCL § 12-19-1).</p> <p>Emergency applications: Only for confinement because of “sickness or disability” (SDCL § 12-19-2.1).</p> <p>Application requirements: Must be notarized or include copy of voter ID (SDCL § 12-19-2).</p> <p>Ballot requirements: No witness required (SDCL § 12-19-7).</p>	<p>Restoration of voting rights: South Dakotans with felony convictions regain eligibility to register to vote upon release from incarceration (SDCL § 12-4-1.2(5)).</p>

TENNESSEE

Change is needed in Tennessee. While eligible incarcerated voters can apply for absentee ballots per a 1980 court decision, neither state statute nor the absentee ballot request form reflects this reality, making it all too easy for jailed voters to wrongly believe they are ineligible. Meanwhile, the state’s draconian lifetime disenfranchisement for all felonies severely curtails voting rights both in and out of jails. One bright spot, however, is the state’s recent pilot of county-wide “convenient voting centers,” which could allow for in-person jail voting with sufficient political will.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: Must be done at county election commission office or a polling place “appropriately designated” by county (TN Code § 2-6-102(a)) or at a satellite voting location established by a municipality (TN Code § 2-6-112).</p> <p>Election-day location: By precinct (TN Code § 2-3-101).</p> <p>However, counties can opt into the state’s “convenient voting center” program to establish county-wide voting locations (TN Code § 2-3-308).</p> <p>Polling place requirements: Must meet requirements of TN Code § 2-3-107, including adequate heat, light, space, and electrical outlets for voting machines.</p>	<p>Basis for eligibility: While incarceration is NOT an excuse under state statute (TN Code § 2-6-201), a federal court decision requires jails to provide eligible residents with absentee ballot access. However, <i>Tate v. Collins</i>, 496 F. Supp. 205 (W.D. Tenn. 1980), resulted in a consent decree and an entirely separate process for voting while incarcerated. Notably, it requires 1) absentee ballot applications to be sent in 21 days before an election (compared to seven days for non-incarcerated voters) and 2) that the absentee ballot application be notarized. Incarcerated people then have an entirely separate voting process in which election officials come to the jail facility early and everyone votes; then, the ballots are collected and put in the mail. This process makes it impossible to vote while incarcerated without help from jail staff, far in advance.</p> <p>Emergency applications: Incarceration is NOT an excuse (TN Code § 2-6-401).</p> <p>Application requirements: Social Security number (TN Code § 2-6-202).</p> <p>Ballot requirements: No witness required.</p>	<p>Restoration of voting rights: The process for restoring voting rights in Tennessee is the most complicated and confusing system in the nation.</p> <p>Whether or not the right to vote was lost depends on the date and type of conviction. All felony convictions after May 18, 1981, take away the right to vote, but it can be restored. However, the procedure for restoration is in flux and the subject of current litigation. As of now, the process involves two steps: first, obtain a pardon or court order restoring full rights of citizenship, and second, obtain a completed Certificate of Restoration of Voting Rights for each felony conviction.</p>

TEXAS

Texas is an example of the importance of local discretion to set polling places. Harris and Dallas counties have both opened up in-person jail voting in recent years. The success of county-level advocacy in Texas is a potential model for localities in other states.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: Counties have discretion to create temporary branch early voting centers inside any building (Tex. Election Code § 85.062).</p> <p>Election-day location: Must vote in the precinct where the voter resides (Tex. Election Code § 11.003).</p> <p>However, counties can opt into the “countywide polling place program” with permission of the secretary of state, in which case the county can establish countywide polling locations (Tex. Election Code § 43.007).</p> <p>Polling place requirements: Must be accessible to elderly and handicapped voters, including having doors that are at least 32 inches wide (Tex. Election Code § 43.034).</p>	<p>Basis for eligibility: Incarceration is an excuse (Tex. Election Code § 82.004).</p> <p>Emergency applications: Incarceration is NOT an excuse (Tex. Election Code §§ 102.001, 103.001).</p> <p>Application requirements: State ID number or Social Security number (Tex. Election Code § 84.002(a)(1-a)).</p> <p>Ballot requirements: No witness required.</p>	<p>Restoration of voting rights: Texans with felony convictions are eligible to register and vote after full release from incarceration, probation, and parole (Tex. Election Code § 11.002(a)(4)).</p>

UTAH

Utah prioritizes mail voting and gives local officials discretion over polling places. These are both hallmarks of states with the potential for real progress in jail voting rights.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: County election officers can locate early voting polling places within any government building (Utah Code § 20A-3a-603(1)).</p> <p>Election-day location: Utah elections are done “primarily” by mail (Utah Code § 20A-3a-202).</p> <p>Counties can establish county-wide election-day voting centers (Utah Code § 20A-3a-702).</p> <p>Polling place requirements: Must have “adequate” public accessibility (Utah Code § 20A-3a-703(1)(c)(iv)).</p>	<p>Basis for eligibility: No excuse necessary (Utah Code § 20A-3a-603(2)).</p> <p>Emergency applications: Incarceration is NOT an excuse (Utah Code § 20A-3a-301).</p> <p>Application requirements: No application necessary (Utah Code § 20A-3a-603(2)). Voters may have their ballot sent to an alternate address by request (Utah Code § 20A-3a-603(3)(b)).</p> <p>Ballot requirements: No witness required, but county election officers may require individual voters to provide a copy of voter ID (Utah Code § 20A-3a-603(5)).</p>	<p>Restoration of voting rights: Utahans with misdemeanor convictions (except an election crime) or felony convictions are eligible to register to vote so long as they are not incarcerated (Utah Code §§ 20A-2-101.3(2), 20A-2-101.5(2)).</p>

VERMONT

In-person jail voting may require statutory change in Vermont, depending on the possibility of deploying mobile polling stations in jails. Such a change may be especially merited in one of the only two states in the union (along with the District of Columbia) where all incarcerated persons are eligible to vote. In the meantime, voters must rely on absentee balloting.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: Town clerks can establish mobile polling stations for in-person absentee voting (17 VSA § 2532a). Otherwise, in-person early voting occurs at the town clerk’s office (17 VSA § 2537).</p> <p>Election-day location: By town (17 VSA § 2501).</p> <p>Polling place requirements: Must meet requirements of 17 VSA §§ 2504-08, which jails can do.</p>	<p>Basis for eligibility: No excuse necessary (17 VSA § 2537a).</p> <p>Emergency applications: Permitted “in case of emergency” (17 VSA § 2531(a)(2)(B)). Non-emergency applications are accepted up to the day before the election (17 VSA § 2531(a)(1)(A)).</p> <p>Application requirements: Signature only (17 VSA § 2532(b)). For general elections, no application necessary (17 VSA § 2537a).</p> <p>Ballot requirements: Signature only (17 VSA § 2542).</p>	<p>Restoration of voting rights: Vermont does not disenfranchise residents for criminal convictions. All incarcerated Vermonters are eligible to vote by absentee ballot (28 VSA § 807).</p>

VIRGINIA

Virginia’s harsh disenfranchisement policies and relatively restrictive approach to absentee voting make voting difficult for many jailed residents. That said, Virginia is a state where cities and counties can freely establish in-person early voting. Targeting localities may be a way to get the reform ball rolling.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting timeline: Any city or county may establish as many satellite early voting centers as it desires (CV § 24.2-701.2).</p> <p>Election-day location: By precinct of residence, with one polling place per precinct (CV § 24.2-310(A)).</p> <p>A jail is not a residence unless an incarcerated person’s prior address is unknown (CV § 24.2-314).</p> <p>Polling place requirements: Must be accessible to elderly and disabled voters (CV § 24.2-310(C)).</p>	<p>Basis for eligibility: No excuse required (CV § 24.2-700).</p> <p>While CV § 24.2-701(C)(3) suggests that incarcerated voters are not eligible, it conflicts with the above provision and is not enforced.</p> <p>Emergency applications: Allowed for “other [emergencies] found to justify receipt of an emergency absentee ballot” (CV § 24.2-705(A)).</p> <p>Application requirements: Social Security number (CV § 24.2-701(C)(1)).</p> <p>Ballot requirements: Social Security number. For first-time voters, copy of photo ID (CV § 24.2-706(2, 4)).</p>	<p>Restoration of voting rights: Virginians with felony convictions are disenfranchised for life, absent a pardon from the governor (Const. of Va. Art. II, § 1). Previous governors automatically issued clemency to all people who completed probation or parole. Governor Glenn Youngkin recently changed this policy and is now requiring individual applications for clemency to restore voting rights.</p> <p>People who completed their prison sentences before January 2023 may have already had their right to vote restored but must confirm their status on the Secretary of the Commonwealth’s Restoration of Rights portal before registering to vote. If the portal shows that their voting rights have not been restored, they can apply for clemency through the website.</p>

WASHINGTON

Washington’s permissive absentee ballot system poses minimal statutory obstacles to jailed voters. Advocates should push for affirmative statutory commitments to ensure voting access for incarcerated voters. The state’s focus on mail voting means that in-person jail polling is an unlikely priority for the state.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: Each county must open voting centers in each city of over 100,000 people. The statute is unclear about whether the county may open additional voting centers (RCW § 29A.40.160).</p> <p>Election-day location: Voting centers described above remain open on Election Day.</p> <p>Polling place requirements: Must be accessible to voters with disabilities (RCW § 29A.40.160(5)).</p>	<p>Basis for eligibility: No excuse necessary (RCW § 29A.40.010).</p> <p>Emergency applications: Replacement ballots are available “as soon as possible” upon request (RCW § 29A.40.070(1, 3)).</p> <p>Application requirements: No application necessary (RCW § 29A.40.010).</p> <p>Ballot requirements: No witness required (RCW § 29A.40.091).</p>	<p>Restoration of voting rights: Washingtonians with felony convictions have their right to register and vote automatically restored upon release from incarceration (RCW § 29A.08.520).</p>

WASHINGTON, D.C.

Nowhere in America do jailed voters have more opportunity to vote than in the nation’s capital. The District of Columbia guarantees all incarcerated residents the right to vote either in person or by mail, regardless of conviction status. In addition, Washington, D.C., works to make this right more meaningful by providing voter information and registration guides to all jail residents. The District of Columbia sets the benchmark for full enfranchisement of incarcerated citizens held in Bureau of Prison federal jails.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: Washington, D.C., can choose whether to make vote centers open for early voting, including the vote centers in its jails (D.C. Code § 1-1001.09(b-1)(1)).</p> <p>Election-day location: The district runs in-person polling places in its jails (D.C. Code § 1-1001.05(9)).</p> <p>Polling place requirements: Jails can (and must) have vote centers (D.C. Code § 1-1001.05(9)).</p>	<p>Basis for eligibility: Washington, D.C., jails must provide all incarcerated voters with mail-in ballots (D.C. Code § 1-1001.05(9A)(B)).</p> <p>Emergency applications: No clear provision, but the district accepts absentee ballots post-marked by election day (D.C. Code § 1-1001.05(10A)).</p> <p>Application requirements: No application required (D.C. Code § 1-1001.05(9A)(B)).</p> <p>Ballot requirements: No witness required.</p>	<p>Restoration of voting rights: The District of Columbia does not disenfranchise voters for criminal convictions. So long as a resident has not been found legally incompetent to vote, they can vote during and after their incarceration (D.C. Code § 1-1001.02(2)).</p>

WEST VIRGINIA

West Virginia is a fairly typical state when it comes to jail voting. Counties have discretion to open in-person polling (although it requires buy-in from more officials than in most other states), and absentee voting is available under the law and not subject to unreasonable statutory obstacles.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: The county commission can set a “community voting location” by majority vote, with the approval of the county clerk (W.V. Code § 3-3-2a(b)).</p> <p>Election-day location: By precinct of residence (W.V. Code § 3-1-5).</p> <p>Polling place requirements: Early voting centers must meet the requirements of W.V. Code § 3-3-2a(b)(2).</p>	<p>Basis for eligibility: Incarceration is an excuse (W.V. Code § 3-3-1(b)(1)(C)).</p> <p>Emergency applications: Incarceration is NOT an excuse (W.V. Code § 3-3-5c(a)).</p> <p>Application requirements: Signature only (W.V. Code § 3-3-2(b)(1)).</p> <p>Ballot requirements: No witness required.</p>	<p>Restoration of voting rights: West Virginians with felony, treason, or election bribery convictions regain eligibility to register to vote upon release from incarceration, parole, and probation (W.V. Code § 3-1-3); see also.</p>

WISCONSIN

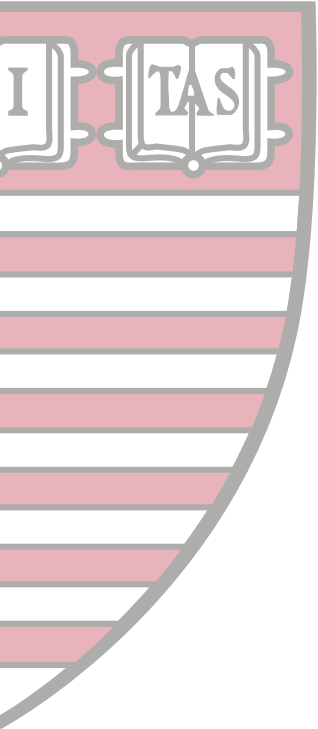
Absentee voting is difficult for jailed Wisconsinites because of the state’s ID and witnessing requirements. Moreover, in-person jail voting is difficult because of the state’s limitations on local discretion to set polling places, such as the requirement that voting sites be “as near as practicable” to the city clerk’s office. In short, Wisconsin needs reform.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: Municipal governments may designate “alternate sites” for in-person absentee voting, which must be “as near as practicable” to the office of the municipal clerk (Wis. Stat. § 6.855).</p> <p>Election-day location: Must be done by residence (Wis. Stat. § 6.77). For some voters, a jail can qualify as a residence (Wis. Stat. § 6.10(7m)).</p> <p>Polling place requirements: Must meet requirements of Wis. Stat. § 5.35 and be accessible to disabled and elderly persons (Wis. Stat. § 5.25(4)(a)).</p>	<p>Basis for eligibility: No excuse required (Wis. Stat. § 6.85(1)).</p> <p>Emergency applications: Incarceration is not an excuse (Wis. Stat. § 6.86(3)).</p> <p>Application requirements: Any written application appears to suffice (Wis. Stat. § 6.86(1)).</p> <p>Ballot requirements: Requires a copy of photo ID and a witness (Wis. Stat. § 6.87(1-2)).</p>	<p>Restoration of voting rights: Wisconsinites convicted of a felony, or misdemeanor treason or bribery, regain eligibility to register to vote when released from incarceration, parole, and probation (Wis. Stat. §§ 304.078(1, 3), 6.03(1)(b)).</p>

WYOMING

All officers of Wyoming—presumably including jail officials—have a duty to assist qualified voters to vote. Between that obligation and an impressively unrestrictive absentee-voting program, Wyoming law is well suited to support jailed voters’ rights. In-person jail voting advocates can apply at the county level.

IN-PERSON VOTING	ABSENTEE VOTING	OTHER FACTORS
<p>Early voting: County commissioners can establish absentee polling places in public buildings (Wyo. Stat. § 22-9-125(a)(ii)).</p> <p>Election-day location: By precinct (Wyo. Stat. § 22-1-102(a)(xxiii)).</p> <p>Polling place requirements: Must meet requirements of Wyo. Stat. § 22-12.</p>	<p>Basis for eligibility: No excuse required (Wyo. Stat. § 22-9-102).</p> <p>All officers of the state have a duty to assist qualified voters to vote in all elections (Wyo. Stat. § 22-9-101).</p> <p>Emergency applications: Voters can apply for an absentee ballot any time up to the day of an election (Wyo. Stat. § 22-9-105).</p> <p>Application requirements: No ID required if applying by mail (Wyo. Stat. § 22-9-104(a)).</p> <p>Ballot requirements: No witness required (Wyo. Stat. § 22-9-112).</p>	<p>Restoration of voting rights: Wyoming residents with felony convictions regain eligibility to register to vote upon receipt of a certificate of restoration of voting rights, which is granted to first-time nonviolent offenders upon completion of imprisonment, probation, and parole. For other felony convictions, the resident must petition the governor for a certificate of restoration (Wyo. Stat. § 7-13-105(a-c)).</p>



A PUBLICATION OF THE

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