



## PRISONERS' LEGAL SERVICES OF MASSACHUSETTS

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### **Testimony of Prisoners Legal Services in Support of H.836 and S. 474 An Act to protect the voting rights of eligible incarcerated people Before the Joint Committee on Election Laws October 6, 2021**

My name is Jesse White, and I am the policy counsel for Prisoners' Legal Services, an organization that advocates on behalf of people who are incarcerated in the Commonwealth. I am also a member of the Democracy Behind Bars Coalition. Thank you for the opportunity today to testify in support of H. 836 and S. 474, An Act to protect the voting rights of eligible incarcerated people.

People who are incarcerated on misdemeanor convictions, those who are civilly committed, and those who are incarcerated while awaiting trial are all eligible to vote in the Commonwealth. Many of them are not aware of their eligibility, and when they become aware, the barriers in the way of exercising their rights are frequently insurmountable. This has led to a system of *de facto* disenfranchisement of the approximately 8,000-10,000 people who are incarcerated eligible voters. This disenfranchisement is a racial justice issue, disproportionately impacting black and brown communities and undermining their voting power.

County Sheriffs do not have consistent and transparent policies to ensure voting access. People held in jails are not universally advised of their rights to vote, they do not have ready access to ballots, voting materials, voter education, and privacy. Jail mail is often delayed and deadlines are missed. There is confusion as to what address a person should use to register or vote as a specially authorized voter. Even when an incarcerated person is able to fill out a ballot properly and mail it out in time to be counted, elections officials will often reject them unduly because they are unaware of or misinformed about the law. Too often whether an incarcerated eligible voter may exercise their rights depends on whether community members, advocates, and volunteers are available to assist.

This bill will bring into effect important protections to ensure that all Sheriffs consistently advise eligible voters of their rights, provide ballot applications, voting materials, and a private place to vote. The bill would establish standards to ensure that ballots are not unduly rejected by elections officials, and provide clarity and consistency across the Commonwealth so that accidents of

geography do not dictate voting access. The exacting requirements in this legislation are necessary to ensure meaningful reform and ballot access for incarcerated voters.

Another critical thing we can do as a Commonwealth to ensure that everyone may enjoy their right to vote is to establish universal suffrage. People who are currently incarcerated on felony convictions are not permitted to vote. This leads to confusion on the part of incarcerated persons who do maintain their right to vote as well as confusion on the part of formerly incarcerated persons who believe that they have been permanently disenfranchised.

I urge you to pass out of this committee H. 837 and S. 473, An Act relative to voting rights, which would change state statute towards ending felony disenfranchisement. The Commonwealth disenfranchised people who are incarcerated on felonies in December of 2000 as punishment when they organized a PAC to become more engaged in civic life. It is long past time for us to take stock of this decision and to ask ourselves if civic death is consistent with the criminal justice system that we strive for.

People who are incarcerated are impacted by the laws of the Commonwealth. They remain part of our communities and part of our families. They raise children, take care of their parents and siblings, go to school, work, mentor, and care for each other. Every session, this body considers bills that impact the conditions of their confinement, their opportunities for parole, their sentences, their access to health care and mental health care, their access to substance use disorder treatment, their ability to speak to their families on the telephone or have visitation. Cutting them off from political participation accomplishes nothing except the growth of alienation, resentment, and a sense of abandonment by the Commonwealth and its institutions.

We should want to cultivate a justice system that supports people's humanity and supports the human capacity to transform oneself and one's community. Universal suffrage is a starting place to ensure that we are encouraging collective engagement in social and political life to the end of building up ourselves and our communities.

We also support H.798, An Act increasing voter registration and participation to help prevent recidivism; H.833, An Act relative to secure ballot access for eligible incarcerated individuals; S.450, An Act to increase voter registration, participation, and to help prevent recidivism; and S.458, An Act improving voting rights education for formerly incarcerated persons.

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