

## VOTING RIGHTS FOR INCARCERATED INDIVIDUALS

Some people incarcerated in Federal Bureau of Prisons (BOP) facilities maintain their right to vote. This handout provides information to help you understand your rights and the voting process. It includes information about who can vote if they are detained before trial and also after a conviction. It also includes information about how BOP will treat incoming and outgoing Board of Election mail, including ballots. Finally, it covers how you can restore your voting rights upon release from prison if you lost them while in custody. BOP will provide more information about your voting rights during its Admissions & Orientation Program, as well as during its Release Orientation Program.

**If you have questions about your voting rights, including about voting by mail, please contact the Reentry Affairs Coordinator (RAC) or your unit team.**

### Individuals in Pretrial Detention

If you are held in custody prior to your trial or conviction, it does not affect your voting rights. So if you were eligible to vote before your pre-trial confinement began, you are still eligible to vote while your case proceeds. You can ask about options for registration and voting in your state while you are in BOP custody during your trial proceedings.

### Individuals Who Are Currently Serving a Sentence for a Misdemeanor Conviction

People serving sentences for misdemeanor convictions can still vote in most but not all cases (see

footnote).<sup>1</sup> This means that, if you could vote before your misdemeanor conviction, you still can vote while you serve your sentence, in most instances. You can ask about options for registration and voting in your state while you are serving a misdemeanor sentence.

### Individuals Who Are Currently Serving a Sentence for a Felony Conviction

Many states take away the right to vote for all voters with felony convictions during their incarceration, but that is not true everywhere. In some states, whether you lose your voting rights depends on the details of your conviction.<sup>2</sup>

Four jurisdictions - the District of Columbia (D.C.), Maine, Puerto Rico, and Vermont - currently allow people in prison to vote, no matter why they were convicted. Detailed information regarding how to register and vote by mail in these jurisdictions is provided below:

- **District of Columbia:** If you lived in D.C. before your incarceration, you can register and vote in D.C. elections while serving your sentence. You can make updates to your registration information, including your address, by mailing a completed voter registration form to:

District of Columbia Board of Elections  
1015 Half Street SE, Suite 750,

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<sup>1</sup> If you are from Illinois, Indiana, Kentucky, Michigan, Missouri, Oregon, or South Carolina and are serving a sentence for a misdemeanor, you may not be able to vote. To find out if you can, look at your state law, reach out to your RAC or unit team, or consult [RestoreYourVote.org](http://RestoreYourVote.org).

<sup>2</sup> For example, in Mississippi, a federal conviction does not impact your voting rights. Similarly, in Alabama and Tennessee, people who have been convicted of certain felonies or during certain timeframes may still be able to vote. To find out if you can vote, look at your state law, reach out to your RAC or unit team, or consult [RestoreYourVote.org](http://RestoreYourVote.org).

Washington DC 20077-0859.<sup>3</sup>

You can also request to have an absentee ballot sent to your correctional facility.<sup>4</sup>

- **Maine:** If you lived in Maine before your incarceration, you may register and vote in Maine elections during your incarceration.<sup>5</sup> You can request to have an absentee ballot mailed to your correctional facility by calling or making a written request to local election officials or applying online through the Secretary of State's website.<sup>6</sup> An immediate family member may also submit an absentee ballot application on your behalf.<sup>7</sup>
- **Puerto Rico:** If you lived in Puerto Rico before your incarceration, you may register and vote in Puerto Rico during your incarceration.<sup>8</sup> You may request an absentee ballot by emailing or sending a signed application to the Absentee Voting Administrative Board<sup>9</sup>:  
Absentee Voting Administrative Board (JAVA)  
Puerto Rico State Election Commission  
San Juan, PR 00919-2359  
Phone: (787) 764-5601  
Fax: (787) 777-8358  
Email: java@cee.pr.gov

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<sup>3</sup> <https://www.dcboc.org/Voters/Register-To-Vote/Register-to-Vote>.

<sup>4</sup> While D.C. officials are working to implement a program where absentee ballots are automatically mailed to incarcerated eligible voters before each election, that process is not complete, and BOP therefore continues to encourage impacted voters to affirmatively apply for an absentee ballot.

<sup>5</sup> <https://www.maine.gov/sos/cec/elec/voter-info/resident.html>.

<sup>6</sup> <https://apps.web.maine.gov/cgi-bin/online/AbsenteeBallot/index.pl>.

<sup>7</sup> <https://www.maine.gov/sos/cec/elec/voter-info/absenteeguide.html>

<sup>8</sup> <https://www.ceepur.org/directorio.htm#prgov>

<sup>9</sup> <https://ww2.ceepur.org/Home/FAQInformatonalElector>

- **Vermont:** If you lived in Vermont before your incarceration, you may register and vote in Vermont elections during your incarceration.<sup>10</sup> You may request an absentee ballot by telephone, fax, email, mail, or by using the My Voter Page online resource.<sup>11</sup>

### Registering to Vote or Requesting Absentee Ballot

If you are eligible to vote while incarcerated, you must register to vote before you can request an absentee ballot. You must use your home address as the "residential address," not your prison address, when completing your voter registration application.

Once you are registered to vote, you should list the jail or correctional facility on your absentee ballot application as the "mailing address."<sup>12</sup>

You can find additional voting materials posted on TRULINCS. You can also find this and other material in the Reentry Resource Library. BOP will update information regarding voting rights-related changes in relevant states periodically.

**If you have questions regarding how to register to vote or how to request an absentee ballot, contact the RAC or your unit team.**

### Incoming and Outgoing Voter Mail

Incoming mail from election officials labeled "Official Election Mail," "Official Election Ballot," "Ballot

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<sup>10</sup> <https://sos.vermont.gov/elections/voters/voter-faqs/voter-registration-faqs/#q27>.

<sup>11</sup> <https://mvp.vermont.gov/>.

<sup>12</sup> The Vermont Secretary of State's office's website provides an example: <https://outside.vermont.gov/dept/sos/Elections%20Division/voters/vtabsenteerequestgeneric.pdf>.

Enclosed," or with similar language indicating that the envelope contains an election ballot, will be treated as legal mail, meaning that it will be opened in your presence and you be will asked to sign for receipt of the mail. Incoming ballots are the only election-related material that will be treated as legal mail. Other types of informational mail are considered general correspondence.

All outgoing inmate mail addressed to election officials will be treated as legal mail and will not be opened or inspected by BOP staff.

## RESTORATION OF VOTING RIGHTS

For many returning citizens, voting in elections is an important part of the reentry process. Before release or transfer to a Residential Reentry Center or Home Confinement, you will receive additional information regarding how to restore your voting rights during your participation in the Release Orientation Program.

If you were previously registered to vote but subsequently lost your right to vote due to a felony conviction, you will need to re-register if you want to vote again. Because state laws differ on whether and when people convicted of criminal offenses may vote, you should consult resources specific to your state before trying to register or vote.<sup>13</sup> But below is a brief description of four approaches that states take in restoring the right to vote to people convicted of criminal offenses:

- In the District of Columbia, Maine, Vermont, and Puerto Rico, individuals convicted of a felony never lose their right to vote, even while they are incarcerated and regardless of the offense.
- In a second category of states, individuals convicted of a felony generally lose their voting rights only while incarcerated. Once they are released, they can register and then vote.<sup>14</sup>
- In a third category of states, individuals convicted of a felony generally lose their voting rights during incarceration and perhaps for a period of time after release, for example while on

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<sup>13</sup> RestoreYourVote.org is a helpful resource for returning citizens who want more information about their eligibility to vote.

<sup>14</sup> As of September 2021, these states are California, Colorado, Connecticut, Hawaii, Illinois, Indiana, Maryland, Massachusetts, Michigan, Montana, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, and Washington.

parole or probation, while they still owe certain fines, fees, or restitution, or until an additional amount of time passes.<sup>15</sup> Voting rights may be automatically restored after this time period, but those individuals would still have to re-register to vote.

- In a fourth category of states, individuals convicted of a felony generally lose their voting rights for some time after they are released from custody. Additionally, individuals who have lost their right to vote may have to take additional steps, for example asking a court or showing proof that they have completed their sentence, before their voting rights can be restored.<sup>16</sup>

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<sup>15</sup> As of September 2021, these states are Alaska, Arkansas, Georgia, Idaho, Kansas, Louisiana, Minnesota, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, South Dakota, Texas, West Virginia, and Wisconsin.

<sup>16</sup> As of September 2021, these states include Alabama, Arizona, Delaware, Florida, Iowa, Kentucky, Mississippi, Nebraska, Tennessee, Virginia, and Wyoming.