

ALL VOTING IS LOCAL

Voter Policies Are Nonexistent in Ohio Jails



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Introduction

In 2020, All Voting is Local Ohio teamed up with statewide advocates¹ to assess how difficult it is for eligible voters in jail to cast a ballot. We wanted to know: Did county jails and boards of elections have policies and procedures to facilitate the voting and registration of eligible voters in jails, and did they cooperate with volunteers who sought to provide those services?

The right to vote does not end at the door of a holding cell. State laws require eligible voters in jail to be able to cast a ballot. People who are in jail are often awaiting trial, conviction, or are being held for minor crimes. In Ohio, as in most states, these individuals are eligible to register and vote, and no eligible voter should be denied their right. Yet there is a sharp difference between being simply eligible to vote or register and being able to make one's voice heard.

7 Major Counties Statewide

0 Counties with Official Written Policy or Procedure in Place to Facilitate Elections in the Jail

¹ Northeast Ohio Voter Advocates, the Greater Cincinnati Voter Corp, Voting Rights Now, Freedom BLOC, Dayton Young Black Professionals, Advocates for Basic Legal Equality, and a few League of Women Voters and NAACP chapters





That’s why formal policies in jails are crucial. Formal policies provide a written affirmation that most people who are in jail have the right to vote and that the staff at the boards of elections and jail facilities are held accountable to protect that right. Formal policies also ensure that a change in the sheriff’s office or jail staff will not lead to an infringement on the right to vote for people in jail. Without codified policies and practices, counties risk inconsistent and unfair approaches, as well as constitutional violations.

Formal policies are the first step toward ensuring long-term voting access. Very few jails have procedures that allow volunteers to register voters who are incarcerated. Unfortunately, these procedures are not consistent state-wide and can be abandoned for a variety of reasons without formal codification. The COVID-19 pandemic and low jail staffing levels are two examples of circumstances that caused volunteer-led registration to decline.

11-F Application Form

Ohio mandates the use of the 11-F Application Form for casting a ballot by a confined voter.¹ The 11-F form requires the board of elections to do one of two things:

1. Deliver the voter’s ballot by mail or
2. Deliver the ballot by sending a bipartisan team of elections officials to the confined voter’s location to facilitate the election for them.

The second component is unique to the state of Ohio, because it allows voters to request an in-person delivery of the ballot.

Form No. 11-F Prescribed by the Secretary of State (08-17)
Application for Absent Voter's Ballot by Confined Voter or a Voter with a Personal Illness, Physical Disability, or Infirmary *Print clearly*
(R.C. 3509.08 (F))

Voter Name (Required)
1 First _____ Middle _____
Last _____ Suffix _____

Date of Birth (Required)
2 Date of Birth (Do not write today's date here) _____

Address at Which you are Registered to Vote (Required)
3 Street Address (no P.O. boxes) _____ MMDDYYYY
City/Village _____ County _____
ZIP _____

Identification (Required)
4 Your Ohio driver's license number (if other, identify of business) _____ OR
 Last four digits of your Social Security number _____ OR
 Copy of a current and valid photo identification, military identification, or a current (within the last 12 months) utility bill, bank statement, government check, paycheck or other government document (other than a notice of voter registration issued by a board of elections) that contains your name and current address _____

Election (Required)
5 Date of Election (do not write today's date here) _____
 General Election Special Election MMDDYYYY
 Primary Election For a PARTISAN primary election only, you must choose the type of ballot:
 Political party ballot Name of Political Party _____

Reason (Required)
6 I am unable to travel from my home or place of confinement because of the following reason, physical disability or infirmity:
 I am confined in a jail or workhouse

Please Deliver my Ballot as Follows (Required)
7 My voting residence listed above OR
 My present place of confinement in this county.
Name of Facility _____
Street Address (no P.O. boxes) _____
City/Village _____ County _____ ZIP _____

Method of Ballot Delivery (Required)
8 Deliver my ballot by mail, OR
 Deliver my ballot by county board of elections staff.

Affirmation (Required)
9 I swear to have an absentee ballot delivered to me as the address listed above.
• I understand the request must be received by my board of elections no later than noon on the Saturday before Election Day.
• I understand that an absentee ballot is delivered to me and I change my mind and do not go to my voting place to vote on Election Day, I will be required to vote at my assigned ballot box unless the board of elections allows me to vote on Election Day.
• I hereby declare, under penalty of election law, that I am a qualified elector and the statements above are true.
Signature of Voter X _____
Today's Date _____ MMDDYYYY

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

1 The 11-F form is also used by a voter with a personal illness, physical disability, or infirmity.

Findings

We used data from public records requests to the boards of elections (BOEs) and jails in Ohio's seven major metropolitan counties.¹ Boards and county jails responded with nothing more than references to the Ohio Revised Code — if they responded at all. Written policies and procedures to facilitate elections are missing throughout the state's largest counties.

Beyond even this large gap in policy, many Ohio officials, whom voters in jail depend on in order to cast their ballot, spoke with hostility about the duty they have to uphold the rights of those in jail. The jail warden for the Butler County Sheriff's Office, Nick Fisher, asserted that jail voting is "quite an ordeal."² The secretary of state further claimed that jail voting requires "careful preparation, patience, and time"³ and is challenging, burdensome, and requires election staff to work with jail officials. However, the burden on jail administrators to facilitate inmate voting does not outweigh the qualified voters' right to vote.⁴

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Each year, at least 150,000 people are booked into local jails in Ohio.⁵ If the state is not collecting basic information and the counties do not have universal policies and procedures to facilitate in-jail voting, people who are confined are likely experiencing de facto disenfranchisement.

The results demonstrate that Ohio jails vary widely in both their written policies and their procedures for people to vote in jail. There are three major issues at hand:

1 Barriers Most individuals in jail are eligible to vote but often face barriers that make voting difficult if not impossible.	2 Equal Opportunity Ohio institutions have a long way to go to ensure that every eligible voter has an equitable opportunity to register to vote, cast a ballot, and have that ballot counted.	3 Access Protecting the freedom to vote means ensuring that voters in jail don't need to jump through impossible hoops to cast their ballot.
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1 The seven counties: Franklin, Cuyahoga, Hamilton, Summit, Montgomery, Lucas, and Mahoning

2 Mays v. LaRose, 19-4112 (6th Cir. 2020)

3 Ibid.

4 O'Brien v. Skinner, 414 U.S. 524, 531 (1974)

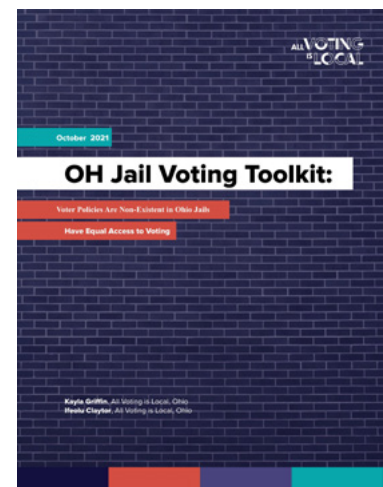
5 [Prison Policy Institute](#)

Cincinnati, OH



Together, advocates, community partners, and affected voters can work together to hold officials accountable to ensure policies that protect the freedom to vote. This work must be done alongside the county BOEs, jail facilities, and county administration to rectify the inadequate state of voting in jails across Ohio. Officials must codify policies that permanently allow trained nonpartisan volunteers to enter county jail facilities (in person), register incarcerated voters, inform them of how to access their right to vote while incarcerated, and complete applications for absentee voting (11A/11F forms). Ideally, officials must ensure that voters get the resources they need to cast a ballot that counts from trained staff either in the jails or from the county board of elections. However, allowing trained non-partisan volunteers into the jails to assist with voters in custody voting is a starting point.

This work serves as a building block.¹ After codifying policies and procedures that work in the jails of Ohio's major metropolitan counties, we will advocate for the advancement of statewide policies to ensure that every voter has access to the ballot. Encounters with the criminal legal system should not infringe upon a person's crucial right to vote.



If you are a jail voting advocate/volunteer, check out the [All Voting is Local Jail Voting Toolkit!](#)



¹ In 2017, the ACLU of Ohio published a [Voting in Jail: Organizer's Toolkit](#) that should be referenced by volunteers for engagement. This project is meant to assess and correct policies statewide.

RECOMMENDATIONS

Sheriffs and jail administrators should take immediate steps to develop public policies and procedures that do the following:

1. Build a formal policy. Every county jail should have a formal policy that acknowledges the right of eligible electors to vote from jail. These policies should address each of the recommendations included in this report. This will help ensure consistency across every election and help ensure that procedures to facilitate jail voting do not go away if there are leadership changes in the jail.



2. Designate and train an employee (e.g., a social worker or correctional officer) who will support access to the ballot for eligible voters in their care.



3. Provide access to information. Jail administrators must provide every eligible Ohioan in their care with relevant election dates and deadlines, as well as opportunities to learn what issues and candidates are on their ballot. Jail administrators should look to the Ohio secretary of state for information related to dates and deadlines. They should provide nonpartisan issues and candidate information to interested voters through educational materials.¹ This information should be provided proactively and not just in response to requests from individuals in the jail's care. Jail administrators may consider providing information through closed-circuit television, fliers, poster displays, and the jail handbook.



4. Verify voter eligibility. Every jail must have a written policy for informing individuals in the jail about voter eligibility rules and for verifying whether an individual is eligible to register and vote.

5. Provide opportunities for voters to check their registration status or register at least 30 days ahead of every election. The easiest way is to allow access to computers where voters can check and update their status online at voteohio.gov. In jails where individuals are not typically permitted free access to the internet, exceptions should be made for checking voter registration status. As an alternative, trained nonpartisan volunteers should be allowed into the facility to administer paper forms of voter registration. As a government entity, the jail can provide voters with an acceptable proof-of-residence document with their home address. This can be an extremely helpful way for jails to assist with the voter registration process. For all paper voter registration applications, county jails can hand-deliver the application in person or coordinate pickup with board of elections staff.

¹ Trusted nonpartisan voting rights groups like the League of Women Voters make this information publicly available on VOTE411.org.



6. Provide opportunities to request an absentee ballot. People who want to vote from jail must be given an opportunity to request their absentee ballot. This is particularly important under the risks associated with COVID-19. In addition to protocols facilities are undertaking to protect the health and safety of persons in their care, jail administrators should ensure voters may safely access the ballot. Jails can facilitate absentee ballot requests by permitting access to voteohio.gov. In jails where individuals are not typically permitted free access to the internet, exceptions should be made for requesting an absentee ballot. Voters should also be provided the option of using the county board of elections' paper form.

7. Provide opportunities to cast a ballot on election day. If a voter is jailed after the deadline by which they can request an absentee ballot, jail administrators must ensure a process by which they can vote at the polls on election day. One example that affords this opportunity is allowing Huber-eligible residents to vote in person.




8. Verify every voters' ballot was counted. Every person who votes from jail must have an opportunity to verify their vote was counted. This means having the opportunity to check the status of their ballot on the voteohio.gov webpage to track their ballot. In jails where individuals are not typically permitted free access to the internet, exceptions should be made for verifying that their ballot was counted. Voters should also be provided with the opportunity to check that their vote was counted by making a free phone call to their county board of elections.


9. Track registration and turnout. Every county jail should have a written process for tracking and making publicly available voter registrations, ballot requests, and ballots returned. While we recognize that some jail-based requests will not be fulfilled due to residents' release, these numbers are important for future analysis.







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ALL VOTING IS LOCAL fights to eliminate needless and discriminatory barriers to voting before they happen, to build a democracy that works for us all. It is a collaborative campaign housed at The Leadership Conference Education Fund and The Leadership Conference on Civil and Human Rights.

For more information about All Voting is Local, visit allvotingislocal.org and follow us on Twitter [@votingislocal](https://twitter.com/VotingIsLocal).

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