



**Testimony in support of**  
**H.836/S.474 An Act to protect the voting rights of eligible incarcerated people**  
**Submitted to the Joint Committee on Election Laws**  
**By Nancy Brumback, LWVMA Election and Voting Legislative Specialist**  
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A core principle of the League of Women Voters is that every eligible citizen has the right to vote. Voting rights, defined by the Voting Rights Acts of 1965 and 1970, include all necessary action from registration through tabulating election results.

The bill before this committee, H.836/S.474, An Act to protect the voting rights of eligible incarcerated people, makes clear the “necessary action” that is needed to assure that eligible citizens who are incarcerated have access to voter registration and to absentee or mail ballots so that they can vote. The League of Women Voters of Massachusetts urges you to report this bill favorably and to take one more step to assure that every eligible citizen has the right to vote.

This bill requires the administration of houses of correction and jails to take active steps to allow and encourage eligible incarcerated people to register and vote. People jailed on misdemeanor charges are still eligible to vote, as are people being held pending a trial who have not been charged or convicted. The bill does not call for action to allow convicted incarcerated felons to vote; that is prohibited by the Massachusetts Constitution.

While people who are incarcerated for any reason other than a felony conviction are eligible to vote, they are unlikely to be aware of that right or to know how to register to vote or obtain an absentee ballot unless there are active measures to make that information available and to enable incarcerated people to act on it. Few people incarcerated on misdemeanor charges or held before they are tried know they can vote or how to do it. Given the disproportionate number of Black and brown people held in prisons and unable to post bail, these practices particularly impact minority communities.

This bill:

- Provides for collection of data to allow the issue to be accurately assessed and addressed
- Requires facility administration to provide information on voting and voter registration, assistance in registering to vote and applying for absentee ballots, locations to complete ballots, and posters and other information from the Secretary of State
- Requires facilities to appoint an officer to be responsible for voting activity
- Requires the Secretary of State to develop and distribute to facilities information on voting rights and election-specific information, and to issue a post-election report on the results of efforts to enable incarcerated people to vote
- Requires that felons being released after serving their sentence be notified that their right to vote is restored and that they be given information and assistance at the facility on registering to vote



- Specifies how local elections officials must handle requests for absentee ballots from incarcerated people
- Proposes one-day in-person early voting in facilities in populous counties

Under state law, eligible incarcerated voters would vote by absentee ballot or mail ballot in the communities where they are residents, not in the communities where they are incarcerated.

LWVMA, representing 47 local Leagues from Cape Cod to the Berkshires, urges this committee to give this bill a favorable report.

Thank you.