



How To Vote in 2020 for Formerly Incarcerated People

What Formerly Incarcerated People Need To Know About HOW TO VOTE In the 2020 Election Cycle

After successfully registering to vote, you should create a voting plan. The first step in your **voting plan** is deciding **how** you will cast a ballot that counts this election cycle. **Remember to check** the status of your voter registration to ensure you successfully registered and that all information -- including your name, address and key information -- are correct. If they aren't, contact your election officials' office to update your registration.

Here are our top three recommendations:

1. Know the available voting methods in your county or parish

There are three main ways to vote. Check with your local advocates and election officials as some methods may not be available in your state and/or county. You may be denied entry to a polling location if you don't wear a mask.

HERE ARE THE THREE MAIN WAYS TO VOTE:

- **In-person Voting on Election Day.** This is traditional precinct-based voting. The voter visits an assigned polling location in their neighborhood precinct or a vote center on Election Day – **Tuesday, November 3, 2020** – to cast their ballot in-person.
 - **TIPS:** If you choose to vote in-person on Election Day, we recommend you:
 - Check your state and local election websites to make sure your polling location has not moved.
 - Bring your own PPE, sanitizer and pen. You may be denied entry to a polling location if you don't wear a mask.
 - Review our **Know Your Rights at the Polls in 2020** materials
 - Keep the nonpartisan Election Protection Hotline number (1-866-OUR-VOTE) handy in case you have voting problems.
 - Prepare to vote at larger polling locations (called "super vote centers") where social distancing is easier like stadiums and convention centers.
 - If you are driving to the polling place, prepare for increased traffic and longer walking distances from your parking spot to the polling site. Make a plan for transportation to the "super vote center." Decide whether you'll take socially distanced shuttle services, city buses, etc.
 - Remember that if you are in line before the close of the polls on Election Day, you can vote. **Stay in line.**
- **Early Voting In-person.** This is voting that happens in-person **before** Election Day. The voter goes to a designated early voting polling site to cast their ballot in-person. Some jurisdictions allow early voting by appointment at local election offices.
 - **TIPS:** If you choose to vote early in-person, we recommend you:
 - Take all measures to protect your health when entering a polling location including those listed under the "Voting in-person on Election Day" section.
 - Check the days, hours and locations for early voting. They sometimes differ from Election Day voting hours and locations.

VOTING METHODS

- **Vote-By-Mail / Absentee Voting.** When voting by mail, a voter receives a blank ballot from election officials via the U.S. Postal Service. The voter completes the ballot and mails it to election officials. Voters in some states and counties also have the option of returning their vote-by-mail ballots to secure, tamper-free drop boxes.

- **Drop boxes.** Drop boxes are a way voters can return their vote-by-mail ballot without utilizing the U.S. Postal Service. Voters who request a vote-by-mail ballot get their ballot through the U.S. Postal Service, complete it, then physically drop it off at a secure drop box. A drop box is usually a metal container secured with locks and monitored by cameras and sometimes staff members from local election offices. Some drop boxes are drive-through. Some are available at local election offices or Early Voting sites.

This may be an excellent option for Returning Citizens and FIPs who wish to vote in-person but cannot due to health concerns. It may also be an option for those who desire to vote-by-mail but have concerns about their ballot delivery via U.S. mail.

- **TIPS:** If you choose to vote-by-mail, we recommend you:
 - **Request your ballot early, where a separate request for a mail ballot is required.** Request your vote-by-mail ballot as early as possible. Some vote-by-mail request online portals are currently live. While you may not get your ballot for another month, request your ballot as early as possible.
 - **Read all the instructions.** Upon receipt of your ballot, read the instructions carefully from beginning to end before completing.
 - **Fill out the ballot slowly and with care.** Take your time. Use a pen or whatever writing instrument in whatever ink color is recommended or required by local and state rules. Place marks only where instructed.
 - **Sign your ballot.** Remember to sign all the required balloting materials. Some ballots require a signature on the outside of the mailing envelope. This is normal. This ensures that your voted ballot stays secret. Election officials use the signature on the outside ballot as part of the verification process.
 - **Return your ballot early to a drop box , if available, or send via U.S. Mail.** Return your ballot to a secure drop box, to your local election office , if these options are available, or via U.S. mail as early as you can. **If you are within a week of Election Day, we strongly recommend dropping off your completed vote-by-mail ballot at a drop box or at your local election office.**
 - **Track your ballot, if available.** Where available, use your state or local election offices' online tools to track the status of your ballot. Prepare to use another voting method if it appears your local election office has not received your ballot.
 - **Cure your ballot, if needed and available in your state and/or county.** You may receive notification from your local election office about an issue with your vote-by-mail ballot (ex: a missing signature or other issue). Don't be alarmed! Follow the instructions to correct any issues and return the needed information as soon as possible.
 - **Update your current signature.** If you are concerned about your signature not matching, especially if you registered to vote years ago, have a disability or recently changed your name, call your local election office and ask them how you should update your signature. Some signature updating processes are simple – just send in a new voter registration form with an updated signature.
- **Other Voting Methods:** If you are a Formerly Incarcerated Person with a disability or other impairment, call your local election office for additional voting options (ex: curbside voting and voting-at-home with assistive computer technology). You may also visit the National Disability Rights Network's [website](#).

VOTING METHODS

- **Language Assistance:** If you are a voter with Limited English Proficiency, under federal law you may be entitled to language assistance at the polls and/or a non-English ballot. For more information, visit [Ve Y Vota](#) for Spanish language resources and [AAJC's website](#) for resources on voting in nine Asian languages.

2. Know that your voting options may change. Keep checking reliable sources of information like trusted local advocacy organizations or your local election officials' websites, and social media pages for updates. Update your plan accordingly.

The location of Early Voting sites, drop boxes and even Election Day polling sites may change. Be sure to keep checking for updated information and adjust your plan.

3. Know that however you choose to vote, it may take time to tabulate the results and announce the winners. Prepare for Election Week or Election Month results, not Election Day results.

A delay in election results does not mean the results are invalid. Prepare yourself mentally for the vitriol, rumors and "challenges" via social media to the legitimacy of the results, especially if results are close. Prepare yourself for baseless and evidence-free "voter fraud" claims. Inoculate your friends and family to the misrepresentations and noise. Know that you've done your part for democracy by exercising your #RightToVote.

For more information, visit: advancementproject.org

Opportunities to Promote Voting for Those in Jail

Over 700,000 people who are detained in jails across the country have the right to vote but may be unaware or unable to access a ballot.¹ Many states fail to acknowledge that if a person is detained pre-trial or is in jail on misdemeanor charges, states should legally accommodate that person as a voter. There are ways for groups to hold states accountable to their legal duty of facilitating voting for those detained in jail. This overview provides advocates with information to make an informed decision on whether to incorporate jail voting into their work.

Barriers to Voting While Detained

- Detained persons may not have access to the internet or sources to help them with paperwork or deadlines.
- Those detained may find it difficult to obtain forms, send mail and receive mail from jail - especially if guards withhold access.
- Election systems may require the person to meet special criteria to request or complete an absentee ballot like an illness or disability.
- There are few to no options for those detained after absentee ballot request deadlines. Though states often make exceptions for situations like hospitalization, many do not consider being detained as a similar unexpected change in a person's circumstances.
- There is often no assistance in completing the ballot if the person has accessibility needs.

Ways to Engage Detained Voters

Voter Outreach and Education

- Provide detained voters with information on deadlines, registration and the voting process.
- Create materials that will engage detained voters around why voting is important for them (ex: judges, prosecutors and sheriffs' races).
- Coordinate with correction officials or advocate for legislation that will require jails to give materials to detainees.
- Assist people in getting a registration application or ballot request form if your organization has a relationship with the jail.
- Partner with the families of detained people to assist their families in getting the person access to a ballot.

Advocacy

- Encourage election officials and sheriffs to create jail voting plans.
- Push for jails to be designated as polling locations.
- Seek legislation and rule changes that will ease absentee ballot restrictions.

Taking Action

Implementing jail voting outreach or advocacy will require knowledge of your state's election laws. Begin by researching your state's laws on voter registration and absentee ballots. Contact [Advancement Project National Office](https://www.sentencingproject.org/publications/voting-in-jails) if you have questions specific to your state's laws in this area.

¹<https://www.sentencingproject.org/publications/voting-in-jails>

Know Your Rights at the Polls

You should always feel safe and free from any barriers to voting in person. To ensure you have a smooth voting process, it is critical that you know your rights at polling sites. This fact sheet covers potential issues Formerly Incarcerated Persons (FIPs) may experience at the polls and provides guidance on how to prepare for and tackle these issues should they arise. Remember, if you encounter an issue, do not leave your polling site without voting! When in doubt, ask for help.

It is illegal for anyone to intimidate voters. This includes poll monitors, poll workers and the police. Report any activity that threatens, harasses or intimidates voters.

VOTER INTIMIDATION	POLICE
<p><u>Federal law protects you from voter intimidation</u> "Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose... shall be fined under this title or imprisoned not more than one year, or both," 18 U.S. Code Section 594</p> <p>Many state laws also align with the federal law offering further protection. Those states include but are not limited to: Florida, Wisconsin, Arizona, Louisiana, New Jersey and Georgia.</p> <p>Harassment, aggressive questioning (including about citizenship or criminal records), spreading false information about voting laws or pretending to be an elections official can all be examples of voter intimidation. Brandishing a weapon may also intimidate voters. Check your state laws to see if there are specific gun restrictions for polling places.</p>	<p>Unless prohibited by state or local law, police are allowed to approach and enter polling places. Specific laws are rare but some states...</p> <ul style="list-style-type: none"> - Limit police distance: Tennessee. No law enforcement officer can enter a polling place or come within 10 feet except at the request of the officer of elections or county elections commission to make an arrest or to vote. - Limit officer roles: New Jersey. Officers enforcing election laws cannot serve on the district board or challenge voters. - REQUIRES a sheriff deputy at polling sites: Florida. The sheriff must assign a deputy for each voting site for all voting days. <p>Look up polling places in your area ahead of Early Voting periods. Some have been moved to police stations in years past and the coronavirus pandemic has caused more changes than usual. Monitor and mobilize your community. In 2016, New Georgia Project and the community successfully moved a polling place that the county elections board had reassigned to a sheriff's office.</p>
VOTER CHALLENGES	MISINFORMATION AT THE POLLS
<p>Many states allow individuals to question a voter's eligibility to vote. There are many variables in how this process works by state:</p> <ul style="list-style-type: none"> - Who can make a challenge (ex: election officials, poll monitors, qualified voters) - What the challenger has to do (ex: present evidence, sign an oath) - What the voter has to do (ex: answer questions, sign an oath) - How the voter can cast a ballot (regular or provisional) <p>Please check The National Association of Secretaries of State and The Bazelon Center by state. Contact Advancement Project if you need any more information.</p>	<p>If a poll worker tries to turn you away for having a felony conviction, do not leave! If your voting rights have been restored and you are registered, you have a right to cast your vote.</p> <ul style="list-style-type: none"> - Visit RestoreYourVote.org to verify your state's law around restoration of voting rights. Some states restore your rights automatically upon completion of your sentence while others require further documentation. - Request a provisional ballot which allows you to submit a ballot that day and provide evidence later to prove your ballot should be counted.

Know Your Rights at the Polls

VOTER ID LAWS	NAME NOT ON A REGISTER'S LIST
<p>Thirty-six states currently have laws requiring or requesting that voters show identification prior to casting a vote at the polls. The other 14 states use alternative methods for verifying a voter's identity at the polls.</p> <p>Polling locations generally accept government-issued IDs such as:</p> <ul style="list-style-type: none"> - State Driver's License - State-Issued ID - U.S. Passport - Voter ID Card - Tribal ID Card - Military ID Card <p>Prior to arriving at the polls, be sure to verify your state's specific ID requirements at www.vote.org.</p>	<p>If a voter is told their name is not on the register's list:</p> <ul style="list-style-type: none"> - Ask the poll worker to double check and spell out your name for them. - If your name is not on the list, ask if there is a supplemental list. - If your name is not on the supplemental list or one does not exist, ask the poll worker to check the statewide system to see if you are registered at a different polling location. - If you are registered at a different location, you will likely have to travel to that location to cast a regular ballot. - If you cannot travel or your name cannot be found, ask for a provisional ballot. <p>To verify your polling place call 1-866-OUR-VOTE</p>
LANGUAGE ACCESS	DISABILITY ACCESS
<p>Federal law allows voters who have difficulty with English to receive in-person assistance at the polls from an individual of their choice, as long as it is not an employer or agent of an employer.</p> <p>Federal law also requires that some jurisdictions provide non-English ballots and voting materials.</p> <p>"Whenever any State or political subdivision [covered by the section] provides registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language." Section 203 of the Voting Rights Act</p> <p>To verify whether your jurisdiction is required to provide multi-language materials, contact your local elections officials or call one of the hotlines listed on the "Additional Resources" document.</p>	<p>Federal law requires that all polling places for federal elections be fully accessible to older adults and voters with disabilities.</p> <ul style="list-style-type: none"> - It must make the polling location, entry, parking and other facets of the site physically accessible. - It must have at least one voting system that allows voters with disabilities to vote privately and independently. - Voters with mental disabilities cannot be turned away because a poll worker thinks they are not capable of voting. - Voters with difficulty reading/writing in English have the right to receive in-person help at the polls from the person of their choice (not their employer).



Model Memorandum of Understanding Between Local Election Officials and Law Enforcement

The right to vote is a fundamental cornerstone of our democracy and all eligible voters should be able to participate in elections without any impediments whatsoever. Yet the presence of Law Enforcement at polling places and ballot drop boxes distracts and even deters some individuals from casting their votes. Ideally, there would be no Law Enforcement there in the first place. In reality, however, our local partners across the country have witnessed Law Enforcement showing up to such locations and interacting with voters. Anticipating similar situations this election cycle and beyond, Advancement Project National Office has developed the enclosed Model Memorandum of Understanding Between Local Election Officials and Law Enforcement (MOU). As stated in the MOU, its purpose is to establish in writing preventative measures to avoid, or at least minimize to the greatest extent possible, the presence of Law Enforcement during every step of the voting process and to institute best practices with proper training and accountability measures.

Please keep in mind this MOU is a template only. Local advocates are the experts in their own voting rights of course, so we urge them to tailor this MOU however they see fit before sending the final document to their local election officials. You will find several suggestions throughout the text on how you can tailor the language to fit your local circumstances and Law Enforcement practices there. Local election officials should then bear the onus of approaching Law Enforcement with this document instead of advocates. We do suggest that during initial conversations with local election officials about this MOU, advocates assert their role in monitoring its status, use, and implementation. Advancement Project would be more than happy to assist in any capacity that our local partners and communities at large find helpful. We are here to serve you so do not hesitate to reach out.

Please see the corresponding Microsoft Word document for an editable MOU template.

Model Memorandum of Understanding Between Local Election Officials and Law Enforcement

Purpose

The purpose of this memorandum is to set forth guidelines to ensure that Law Enforcement—including, but not limited to, officers¹ of any police department, sheriff's office, and U.S. Immigration and Customs Enforcement (ICE)—and Local Election Officials have a shared understanding of the role and responsibilities of each in maintaining safe polling places and ballot dropboxes while also diminishing any possible intrusion into individuals' voting experiences.

The parties to this document ("Parties") understand that the right to vote is a fundamental cornerstone of our democracy and all eligible voters should be able to participate in elections without any impediments. The parties also understand that the presence of Law Enforcement at polling places and ballot drop boxes could distract and even deter some individuals from casting their votes. Therefore, the parties shall take preventive measures to avoid or minimize to the greatest extent possible, the presence of Law Enforcement during every step of the voting process from the Early Voting period through the aftermath of Election Day when voters may cure their provisional ballots.

In their shared mission to protect the right to vote, the parties to this document commit to the following best practices:

Limit Calling of Law Enforcement to Polling Places and Ballot Drop boxes

1. Local Election Officials and Poll Workers shall try to handle emergency situations that may arise at polling places and ballot drop boxes without the involvement of Law Enforcement whenever possible, especially where there is no serious and immediate threat of injury to any individual therein. In other words, the calling of Law Enforcement to any polling place and ballot drop box shall be a last resort.
2. Federal law expressly prohibits voter intimidation of any kind². Parties shall not call Law Enforcement—including, but not limited to ICE—that engages in voter intimidation and threatens the integrity of the voting process to any polling place and ballot drop box.

Minimize the Presence of Law Enforcement

3. The involvement of Law Enforcement at polling places and ballot drop boxes shall be limited to conduct posing serious and immediate threat of injury to any individual therein.
4. When the conduct posing serious and immediate threat of injury ends, Law Enforcement shall leave the polling place and ballot drop box as soon as possible.
5. Law Enforcement shall have limited interactions with voters. To that end, Law Enforcement shall be located as far as possible from entrances and lines for polling places and ballot drop boxes.
6. Law Enforcement shall wear plain clothes instead of official uniforms at polling places and ballot drop boxes whenever possible.
7. Law Enforcement shall drive in unmarked vehicles at polling places and ballot drop boxes whenever possible.
8. If marked Law Enforcement vehicles are necessary, they shall be as inconspicuous as possible, e.g., parked in the back of a polling place and ballot drop box instead of the front side near the entrance.
9. As stated above, federal law expressly prohibits voter intimidation of any kind³. Parties shall ask anyone engaging in voter intimidation polling places and ballot drop boxes to leave the premises immediately.

Provide Persons in Custody Access to the Ballot

10. Law Enforcement shall not detain voters before they cast their ballots whenever possible.
11. Police stations shall contain provisional ballots to ensure that anyone in their custody who wants to cast a ballot is able to do so.

Institute Training, Transparency and Accountability

12. Poll Worker training sessions shall address ways to resolve emergency situations that may arise at polling places and ballot drop boxes without the involvement of Law Enforcement. Examples of such training include, but are not limited to: practice scenarios, promulgation of non-Law Enforcement contacts to handle emergencies and discussion of the best practices outlined above.
13. Law Enforcement parties to this document shall be trained on the best practices outlined above in advance of the Early Voting period.
14. A stakeholder group of voters, voting rights activists, attorneys, and community leaders shall monitor adherence to this MOU on the part of Law Enforcement and Local Election Officials. This group shall be empowered to receive notice of changes to this MOU.
15. Where allegations that a Law Enforcement officer engaged in and/or facilitated voter intimidation at polling places and ballot drop boxes are substantiated, that officer must face meaningful disciplinary action.

For more information on this MOU, please contact:

[Insert Contact Name]

[Insert Contact Position & Organization]

[Insert Contact Phone Number]

[Insert Contact Email Address]

Communicating with Formerly Incarcerated People About the 2020 Elections

Background

During the 2020 election cycle, voting rights and civic engagement organizations will work to ensure that Formerly Incarcerated People (FIPs) and those previously disenfranchised by a felony conviction are able to register and vote. Voter education should provide information about the voting process and how FIPs can select the method that best works for their schedule, their families and their health. Below is messaging guidance on how to best communicate with FIPs on voting in the upcoming election and combat disinformation that could ultimately disenfranchise Returning Citizens.

Messaging Guidance

- **Describe voting as a process for all voters.** Due to the coronavirus, all voters must make a plan to vote this year. Whether they vote early in-person, vote in-person on Election Day or vote-by-mail, voters must decide when and how they will vote. The process of voting for Formerly Incarcerated People will also require planning. FIPs should make a plan to vote as early as possible and begin executing their plans as the election nears. This plan should include unique steps to secure required registration paperwork and documentation showing the repayment of fines and fees.
- **Address coronavirus as a critical factor in deciding how to vote.** Numerous studies have shown that COVID-19 is one of the leading issues of concern for Black and Brown voters - voters who disproportionately compose the Returning Citizen population (SEIU, July 2020). When helping FIPs make their plan to vote, ensure they understand that no one should have to choose between voting and their health, and that several options exist to cast a ballot.
- **Speak to the ways FIPs can overcome unique challenges when voting.** When helping FIPs make a plan to vote, use an empowering frame that delineates how they can overcome challenges around voter registration, repayment of fines and fees and potential eligibility challenges. Position your organization as a trusted troubleshooter instead of first identifying the innumerable ways in which they may be disenfranchised. Doing so is more likely to empower voters and encourage them to cast a ballot.
- **Speak to vote-by-mail ballot return options.** Survey after survey has shown that Black and Brown voters express distrust of vote-by-mail, despite an openness to doing so to protect their health and the health of their families. Close the trust and knowledge gap around vote-by-mail by clearly describing the process and strategies to ensure their vote-by-mail ballot is counted (ex: ballot tracking, dropboxes, etc.). You can also highlight for FIPs that they can vote-by-mail but have more control over their ballot's return by utilizing drop boxes. Speak to voter fraud myths, misinformation and concerns around delayed U.S. Postal Service should they arise.

Countering Disinformation

- **When spotting disinformation, ask questions.** When making the decision on whether to counter disinformation, ask yourself: Who is spreading the misinformation? What types of accounts are spreading the information? (ex: trolls, bots, right-wing news). What type of disinformation is being spread? (Character attacks? Lies about the voting process?) Has this content grown legs? Will it impact the behavior of FIPs? Consider these questions before responding.
- **Do not amplify or engage disinformation targeted at FIPs on social media.** Powerful algorithms sit behind almost all social media sites and any engagement with disinformation can increase the likelihood of it appearing in the feeds of Formerly Incarcerated People. Refrain from commenting and reacting, even to express your displeasure. Refrain from sharing any disinformation posts with your network, even to flag it as disinformation. Sharing disinformation will actually increase the likelihood that the content will trend online.
- **Push out facts, rather than parroting disinformation language.** In your messaging, push out truth, rather than fully parrot disinformation language - even to correct it. (Ex: "Formerly incarcerated people do NOT have to register in-person at supervisors of elections' offices"). Use trusted messengers - including your organization's social media handles - to uplift facts while citing reputable election information sources. (Ex: "All people, including FIPs, can register online. Register at: <https://registertovoteflorida.gov/home>").
- **PRO TIP:** When possible, **expose the source and motive of disinformation.** Disinformation work by progressive coalitions have seen that one of the best ways to counter disinformation online is to expose the source and motive of disinformation spreaders.
- **Report disinformation, but know this may not lead to its deletion on social media platforms.** Ensure your organization continues to flag disinformation online. While disinformation may not be taken down from prominent platforms like Facebook, Twitter and Instagram, platforms may choose to flag it as misleading or factually inaccurate. Do not dedicate significant staff resources to reporting disinformation online as social media platforms may choose to take no action.



Unlock Your Voice

Did you know that up to 18 million people with prior felony convictions have the right to vote but believe they don't? If you think this is you, it's not too late to make your voice heard in this election! There are key races happening for judges, prosecutors, sheriffs, state legislators, and U.S. Congress that can impact your everyday life.

These are steps you can take to determine if you can register to vote now!

- Visit RestoreYourVote.org to determine your eligibility
- Call your local election officials to ask them about the laws for voting in your state with a felony conviction
- Connect with local advocacy groups that can help you register to vote

There is still time to exercise your power by voting. Check your eligibility now!

#VOTEByAnyMeansNecessary

Additional Resources

JAIL VOTING

- Voting in Jails Report - <https://www.sentencingproject.org/publications/voting-in-jails/>
- Jail Voting Advocacy Manual - <https://campaignlegal.org/document/jail-voting-advocacy-manual>

VOTE-BY-MAIL

- Voting By Mail in 2020: Panacea or Predicament? - <https://advancementproject.org/resources/voting-by-mail-in-2020-panacea-or-predicament/>
- Vote-by-Mail Messaging Guide - <https://advancementproject.org/resources/vote-by-mail-messaging-guide/>
- Voting During a Pandemic - https://drive.google.com/file/d/1FsSAP5LfpBwPiwaX_WsCTZiZrc1Qd61/view

KNOW YOUR RIGHTS

- Voter ID Laws by State - <https://www.vote.org/voter-id-laws/>
- Restoration of voting rights by State - <https://campaignlegal.org/restoreyourvote>
- Polling locations by State - <https://www.vote.org/polling-place-locator/>
- If you run into issues or have questions on election day:
 - o English - Call 1-866-OUR-VOTE / 1-866-687-8683
 - o Spanish - Call 1-888-VEY-VOTA / 1-888-839-8682
 - o Arabic - 1-844-YALLA-US / 1-844-925-5287
 - o Bengali, Cantonese, Urdu, Hindi, Mandarin, Korean, Tagalog, or Vietnamese - 1-888-274-8683