

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

103 DOC 467

INMATE ABSENTEE VOTING

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<b>MASSACHUSETTS DEPARTMENT OF CORRECTION</b>	<b>DIVISION: COMMISSIONER</b>
<b>TITLE: INMATE ABSENTEE VOTING</b>	<b>NUMBER: 103 DOC 467</b>

**PURPOSE:** To establish Department of Correction ("Department") procedures regarding inmate absentee voting.

**REFERENCES:** M.G.L. c.50, §1; M.G.L. c.51, §1; M.G.L. c.54, §§ 78, 78A, 91, 91A, 86, 89, 98 and 151.

**APPLICABILITY:** Staff/Inmates **PUBLIC ACCESS:** Yes

**LOCATION:** Department Central Policy File  
Each Institution's Policy File  
Each Inmate Library

**RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:**

- Commissioner
- Superintendents

**EFFECTIVE DATE:** 12/17/2011

**CANCELLATION:** 103 DOC 467.00 cancels all Department policy statements, bulletins, directives, orders, notices, rules and regulations regarding inmate voting procedures which are inconsistent with this document.

**SEVERABILITY CLAUSE:** If any article, section, subsection, sentence, clause or phrase of 103 DOC 467.00 is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Commissioner or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of this policy.

467.01      General Statement

This policy establishes procedures by which qualified inmate voters may obtain voting information and town clerks may ascertain whether an inmate is a currently incarcerated felon on Election Day, thereby disqualifying him or her from voting.

467.02      Qualified Inmate Voters

Effective November 27, 2001, statutory voting qualifications were amended to exclude currently incarcerated felons from voting in both state and federal elections. As a result, inmates who were qualified to vote prior to that date may now be ineligible to vote. Inmates will most frequently fall into one of the four (4) categories listed below. Inmates who do not fall within one of the categories below should contact the Massachusetts Election Division for more information concerning their eligibility.

- (1) Currently Incarcerated Felon: If an inmate is currently incarcerated within the Department and serving a felony sentence, that inmate is not eligible to vote.
- (2) Awaiting Trial: If an inmate is awaiting trial in the custody of the Department, that inmate may be eligible to vote as long as he/she is not concurrently serving a felony sentence.
- (3) Civil Commitment: If an inmate has been civilly committed to Bridgewater State Hospital, the Massachusetts Alcohol and Substance Abuse Center, Massachusetts Correctional Institution at Framingham, or the Massachusetts Treatment Center, that inmate may be eligible to vote as long as he/she is not concurrently serving a felony sentence.
- (4) Out of State/Federal: If an inmate currently incarcerated within the Department has previously registered to vote in a state other than Massachusetts, he/she should contact that state and inquire as to voting eligibility.

467.03      Procedures for Registering to Vote

- (1) Qualified inmate voters are not required to have previously registered and may instead request an absentee ballot as described in 467.04 below.
- (2) In the event that a qualified inmate wishes to register to vote, he/she may do so as follows:
  - (a) By writing to the appropriate city or town clerk or election commission and requesting a voter registration application. Once obtained, the application must be completed and mailed to the city or town in which the inmate is registering to vote; or
  - (b) By completing a National Voter Registration Form pursuant to the Massachusetts Instructions and mailing to the city or town in which the inmate is registering to vote. (Attachment A).
- (3) There may be a deadline by which a voter registration application must be received in order for an inmate to vote in an upcoming election. Accordingly, inmates should register to vote well in advance of an upcoming election.
- (4) Qualified inmates who register to vote and who expect to be incarcerated during an upcoming election must also apply for an absentee ballot for that election. Registration by itself will not cause an absentee ballot to be mailed to the institution.

467.04      Procedures for Requesting Absentee Ballots

- (1) Inmates who are otherwise qualified to vote do not have to be previously registered in order to request an absentee ballot.
- (2) In the event that an inmate wishes to request an absentee ballot, he/she may do so as follows:
  - (a) By completing an Absentee Ballot Application and mailing it to the appropriate city or

town clerk or election commission (Attachment B); or

(b) By having a family member complete an Absentee Ballot Application by a Family Member and mailing it to the appropriate city or town clerk or election commission (Attachment C); or

(c) By writing a letter to the appropriate city or town clerk or election commission and providing the following information:

1. Full name;
2. Address as registered (if previously registered);
3. Ward and precinct, if known;
4. Prison address where the inmate wishes the absentee ballot to be sent;
5. In a primary election, the party ballot the inmate wants (Republican, Democrat or Independent); and
6. The inmate's signature.

(3) Absentee ballots must be received before the close of the polls on Election Day. Accordingly, inmates are responsible for submitting their applications for absentee ballots well in advance of an upcoming election to ensure that they receive the ballot in a timely manner.

(4) As an inmate absentee voter, it is necessary to request a ballot for each primary or election in which the inmate wishes to vote. Ballots will not be sent automatically.

(5) Illegal absentee voting, including making a false application, is punishable by a fine of up to \$10,000 and up to five (5) years in prison.

467.05      Procedure for Completion of Absentee Ballots

- (1) Inmates should carefully read all enclosed instructions prior to completing the absentee ballot.
- (2) Prior to mailing the completed ballot back to the town or city clerk or election commission, inmates are responsible for reviewing their ballots to ensure that they are completely and correctly filled out and that they are signed in the appropriate spaces.
- (3) Inmates are responsible for completing their absentee ballots early enough to permit the ballot to arrive by mail before the close of the polls on Election Day or the ballot will not be tallied.

467.06      Assistance for Inmates with Special Needs or Language Barriers

Any inmate who is unable to complete and sign his/her ballot because of blindness, physical disability, inability to read, or to read in the English languages, may seek assistance in marking his/her ballot. The helper must print his/her name and the inmate's name on the envelope, write the reason(s) the inmate needed help, and then sign his/her name as the assisting person.

467.07      Dissemination of Voting Information

- (1) The Superintendent/designee(s) shall make reasonable efforts to provide inmates with changes in the voting procedure or policies. These steps shall include, but not be limited to:
  - (a) Posting of memoranda;
  - (b) Providing current information and forms in the inmate library;
  - (c) Providing this policy in tape format for inmates who are sight impaired or unable to read.

- (d) Providing this policy in English and in Spanish and providing Spanish language forms where available.
- (2) The city or town clerk or election commission may upon receipt of an absentee ballot stamped on the outside envelope with language indicating that the ballot has been mailed from a correctional institution contact the Department's Central Records Division at (978) 405-6131, Monday through Friday, 8:00 a.m. to 5:00 p.m., to ascertain whether the inmate is a currently incarcerated felon on election day.
- (3) Problems and Questions: Further information may be obtained from either:
  - (a) The appropriate city or town clerk or election commission; or
  - (b) Secretary of the Commonwealth  
Elections Division  
McCormack Building, Room 1705  
One Ashburton Place  
Boston, MA 02108  
  
Telephone: 1 (800) 462-8683

Attachment A

Not on Intranet  
Can be found on PDCU home page

Attachment B

Not on Intranet  
Can be found on PDCU home page

Attachment C

Not on Intranet  
Can be found on PDCU home page