

ACLU Wisconsin: Barriers continue preventing eligible voters in Wisconsin jails from voting, ACLU of Wisconsin report finds

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MILWAUKEE – The ACLU of Wisconsin Foundation today released the report *Ballots for All: Ensuring Wisconsinites in Jail Have Voting Access*. With previous editions published in 2020 and 2021, the latest report found that while administrators have become increasingly familiar with jail voting as an issue – a combination of factors, namely widespread variance across jail voting policies and a glaring lack of protocol governing voting procedures, continue to disenfranchise eligible voters in Wisconsin jails.

There are an estimated 13,000 Wisconsinites in county jails on any given day – the vast majority of whom are eligible to vote. Law requires jails to provide ballots and registration opportunities to all eligible voters. In Wisconsin, people serving misdemeanor jail sentences or awaiting trial are eligible to vote, and they are allowed to vote absentee by mail if they cannot vote in person.

The 2022 recently released report found that 47 of the 66 counties that responded to our records requests indicated having voting policies in place; however, those policies did not necessarily translate to voters being able to cast a ballot that counts.

In fact, the previous report found that approximately 60 people registered from jail to vote, and only 50 voted from jail in the 2020 election statewide.

Among the 47 counties with jail voting policies in place, a wide degree of variability

in the robustness and thoroughness of the policies exists between counties. Approximately 20 percent of counties, including Eau Claire, La Crosse, and Jackson County, provided independent voting protocols and practices that could be utilized as models, as well as methods of data collection and monitoring of voting inquiries for people within their respective facilities.

Forty-four percent of county jails – the majority of the counties that responded – have brief policies with vague language. In some instances, jail administrators have added brief additional steps to their policies; however, as noted in 2021, such policies do not offer helpful guidance on how jail officials are expected to implement voting practices in jails under Wisconsin law.

“Most people in jail do not know that they can vote,” said Melissa Ludin, the Statewide Coalition and Relations Advocate for the ACLU of Wisconsin. “Let’s change that. Let’s remind them of their dignity and remind them of the power they still have. The power for their voice to be heard by voting.”

Disappointingly, around 22 percent of the responding jail administrators indicated that they did not have any written policies pertaining to jail voting. Responses of this nature varied widely: some county jails simply stated they have no written policies regarding voting, whereas others indicated that while no written protocol exists, it is a person’s “individual responsibility” to express their interest in voting while in jail to begin the voting process.

“The results of our 2022 public records requests reaffirm the consistent conditions of jail voting for eligible Wisconsinites: immense variance exists among jail voting policies and practices across all 72 counties of Wisconsin,” the report states. “The alarming lack of protocol across existing procedures creates a voting environment rife with inconsistency and confusion. This high degree of variability is one of the many compounding factors that can exacerbate the barriers faced by individuals who attempt to vote within a jail.”

The report is available online here:

<https://www.aclu-wi.org/en/publications/ballots-all-ensuring-wisconsinites-jail-have-voting-access>