



PRISONERS' LEGAL SERVICES
OF MASSACHUSETTS



October 9, 2020

Sheriff Peter J. Koutoujian
400 Mystic Avenue, 4th Floor
Medford, Massachusetts 02155

Dear Sheriff Koutoujian,

We, the Election Protection Behind Bars Coalition, are writing to express our support for the letter sent to you by Senator Hinds, Representative Sabadosa, and members of the legislature. We appreciate your response and the efforts you have undertaken to ensure that citizens who maintain the right to vote can exercise that right while incarcerated in Middlesex County. However, we respectfully urge you to take **two additional steps: to provide critical, additional information on your ongoing measures to ensure every eligible voter has meaningful ballot access in Middlesex, and also that you leverage your power as President of the Massachusetts Sheriffs Association and reputation as a champion of civics, and issue proactive recommendations as quickly as possible to sheriffs across the state.**

First, year after year eligible incarcerated citizens are unable to vote because they are not provided meaningful access to the ballot. Everyone who maintains the right to vote on paper must be able to exercise that right in practice. **We strongly believe that proactively providing eligibility information, ballot applications, key dates and reminders, and candidate information is squarely the responsibility of the jail or prison** in which an eligible voter is held, just as it is that prison or jail's responsibility to ensure that citizens have easy access to other basic rights like food and water. As you know, it is also in the interest of corrections to ensure that incarcerated citizens not only have straightforward access to the ballot, but are actively encouraged to vote as civic participation reduces the likelihood of re-arrest.¹

For that reason, we respectfully ask that you provide proactive recommendations to sheriffs across the state in addition to gathering information as your letter indicates. We have included a list of best practices based on our coalitions' work in jails over the years, and welcome the opportunity to confer with your office.

¹ The Sentencing Project, *Felony Disenfranchisement: A Primer* (2019):
<https://www.sentencingproject.org/publications/felony-disenfranchisement-a-primer/>

Second, we are hopeful that you lead by example this fall as you have in years past. We thank members of your staff for meeting with us before the primary and would appreciate responses to the following questions in furtherance of this goal:

- (1) What policies and procedures does your jail already or currently have in place that reminds eligible citizens of their right to vote? We were glad to learn that your staff spoke with many individual citizens prior to the primary, but we believe that data on eligible incarcerated voters must be available, and, as in other jails, direct communications be made to each eligible voter.
- (2) What policies and procedures does Middlesex county have in place that provide for requesting and casting a mail or absentee ballot? In particular, what procedures are in place to ensure that election mail, including absentee ballot applications and ballots themselves, are not delayed, especially given delays in the mail and attacks on the USPS that may slow these materials?
- (3) Do you have records of voter participation from inside the jail? Please provide us with information on how many eligible incarcerated people have voted - or tried to vote - from the jail in the last several elections. We respectfully request this information for 2020 - the past primary and upcoming general once it is available. We know that as someone who is committed to and understands the immeasurable value of civic participation, you understand the importance of this information for our coalition's ongoing effort to ensure that our state has the policies in place to enable all eligible citizens, including those presently incarcerated, to vote.
- (4) What are your plans for ensuring ballot access in the unfortunate event that Middlesex sees a spike in COVID-19, as is the case in Essex? That citizens are incarcerated should never mean their disenfranchisement, and voting is a fundamental right that must still be in place during a pandemic - and is perhaps *more* important than ever when a citizen is at heightened risk of contracting COVID-19 due to their incarceration.

We have also prepared best-practices, attached, taken from our experience facilitating access to voting in counties across Massachusetts in 2018, communication with other jail voting projects across the country, and recommendations from experts at the Sentencing Project and Campaign Legal Center that we hope can inform your efforts within Middlesex, and recommendations to sheriffs across the state.

Finally, we again appreciate your response to members of the legislature who wrote to you on these matters. But with less than a month until the election, there is no time to spare: **we respectfully urge you to disseminate clear guidelines to sheriffs across the state** rather than collecting information on ongoing efforts that may or may not be in place. Although we understand that Sheriffs could have already made this information available to those in their custody and the responsibility is not solely yours, we are writing in the hope that you can leverage your role to address this urgent need.

Thank you for your time, assistance, and leadership. We would welcome the opportunity to meet with you and discuss the program you have in place, your plans for providing access to the ballot,

recommendations to sheriffs, and how our coalition of advocacy, grassroots, and impacted groups can support our shared goal of ensuring incarcerated voters can participate in our democracy.

Best,

The [Election Protection Behind Bars Coalition](#):

Kristina Mensik, Common Cause Massachusetts,

Jesse White, Prisoners Legal Services

Elly Kalfus, Emancipation Initiative

Pastor Franklin Hobbs, Healing Our Land

Rahsaan Hall, the ACLU of Massachusetts

The League of Women Voters of Massachusetts

Lois Ahrens, The Real Cost of Prisons Project

Anika Van Eaton, Somerville Democratic City Committee