



Pennsylvania
Department of State

Guidance Concerning Voting for Incarcerated Individuals

Date: September 23, 2024

Version: 1.0



The Department of State provides this guidance to county elections offices on best practices for ensuring eligible individuals who are incarcerated in county correctional facilities are able to vote. In general, security-related restrictions may pose barriers to incarcerated individuals' ability to register to vote, apply for and submit a mail-in ballot, and get information about voting rules and processes. Because of this, the Department encourages county election offices to build a relationship with their county prison to help facilitate implementation of these practices.

Eligibility

In order to register to vote, a person must be:

- at least 18 years of age at the time of the election;
- A United States citizen for at least 1 month prior to the election; and
- A Pennsylvania resident for at least 30 days prior to the election.

Individuals who are incarcerated on a felony conviction, or who were convicted of violating a provision of the Pennsylvania Election Code within the past four years, are ineligible to register to vote or cast an absentee or mail-in ballot. But an individual who is otherwise eligible to vote can register and apply for and cast a mail ballot even where the individual is:

- incarcerated on a misdemeanor conviction only;
- incarcerated while awaiting a trial on misdemeanor or felony charges;
- incarcerated but will be released from confinement prior to the election;
- on probation or released on parole; or
- under house arrest.

If a person is a registered voter before they are incarcerated, they may remain registered to vote during incarceration (unless they were convicted of violation of the Election Code). If the voter registration record is cancelled during extended periods of inactivity due to routine list maintenance, or if the voter's residential address changes, the voter should submit a voter registration application. It is always a good idea for a voter to update their registration upon release.

What address to use for registration

An individual may not use the correctional facility where they are confined as their home address for purposes of registering to vote. Instead, the individual should register using:

- their address of residence immediately prior to confinement;
- the last address where they registered to vote prior to confinement; or



- the address of a new residence established while confined (such as where a spouse moves to a new address during the period of incarceration).

Unhoused individuals may identify as their residence the location where they usually could be found prior to incarceration using a map on the voter registration application.

Incarcerated individuals can use their prison address when identifying where they would like their mail ballot to be delivered. This guidance discusses best practices for ensuring the secure delivery of ballots to an incarcerated person.

Accessing voting materials

If they have access to the internet, incarcerated individuals can [register to vote](#) and [apply for a mail ballot](#) on the Department of State website.

Individuals can also register to vote or apply for a mail ballot using a paper form. County elections offices should ensure that their local prisons have sufficient supply of these forms and that they make them available to eligible inmates. Consider the following practices:

- Provide resources to advocates or stakeholders who are able to visit the prison to distribute and collect voter registration and mail ballot application forms;
- Work with prison officials to distribute the forms, in bulk or via case workers or correctional officers, among residential units to give inmates easier access; or
- Coordinate with prison officials or advocates to organize information sessions where the forms can be distributed, completed, and collected.

Often, correctional facilities have strict security measures relating to incoming mail — including, for example, sending incoming mail to a third-party facility to open and scan the mail before delivering a digital copy to the prison — that may interfere with inmates' ability to receive mail ballot materials. County election offices should work with their local prison to identify a mailing address inmates can use when requesting mail ballots to ensure the ballots are not diverted to a third-party facility. For example, most prisons designate an administrative address for receiving certain legal or business mail that they then can distribute directly to incarcerated recipients. Election mail should be treated similarly.

Counties may also bypass the mail system and arrange for hand delivery and collection of voter registration and ballot materials to and from their local prison. Election officials should plan deliveries to comply with registration and ballot application deadlines and should coordinate with prison officials. Election officials may also consider installing a secure ballot receptacle inside a prison facility and coordinating with correctional staff to ensure the security of the receptacle.



Additional measures to consider

Preserving ballot privacy. Incarcerated individuals’ right to a secret ballot must be preserved. County election officials should work with their local prisons to establish policies and procedures for protecting voter privacy while adhering to security protocols. Inmates should have the opportunity to complete their ballot in a private space, and prisons should prevent situations where a correctional officer or fellow inmate could influence or interfere with a person’s vote.

Ensuring a secure chain of custody for ballots. County election officials should work with correctional staff to limit the individuals with access to completed mail ballots and to incorporate best practices from the Department’s [Absentee and Mail-in Ballot In-person Return Guidance](#) as necessary. If the county board of elections installs a secure ballot return receptacle inside the prison, only individuals authorized by the county board of elections should have access to retrieve the ballots from inside the secure receptacle. And the county board of elections should work with the prison to minimize the number of individuals involved in handling completed ballots, such as by ensuring inmates can deposit their completed ballot directly into a secured receptacle or submitting the ballot directly to the official responsible for delivering the ballots to the elections office.

Verifying eligibility. Elections officials should develop a collaborative process with their local prison to verify voter eligibility. Such a process could consist of, for example, identifying a prison staff member whom the election official could contact to confirm a voter’s conviction status or enlisting prison officials in verifying voter eligibility before delivering ballot applications to the elections office. The county board of elections should educate prison officials on eligibility requirements and ensure that all eligible individuals have access to voter registration and mail ballot materials. If the county registration commission rejects an individual’s voter registration application, that individual should be notified pursuant to 25 Pa.C.S.A. § 1328(b)(2).

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Version	Date	Description
1.0	09.23.2024	Initial document release