



David A. Clarke, Jr.
Sheriff

County of Milwaukee

Office of the Sheriff

Date: February 21, 2012

To: Supervisor Willie Johnson, Jr. - 13th District
Chairman, Committee on Judiciary, Safety and General Services
Milwaukee County Board of Supervisors

From: Edward H. Bailey, Inspector, Office of the Sheriff, Milwaukee County

Subject: File No. 12-81 - A resolution authorizing and directing the Manager of the Milwaukee County Election Commission to work with Office of the Sheriff as well as the election officials of the Cities of Milwaukee and Franklin to facilitate absentee voting by inmates at Milwaukee County's correctional facilities for primary and general elections in 2012 and further directing the Manager of the Milwaukee County Election Commission to aggregate and report voting irregularities experienced by the electorate as reported by municipal election officials during said elections.

At its meeting on January 19, 2012, a request was made of the Office of the Sheriff by Supervisor Jursik that the Office of the Sheriff provide a report back regarding the issue of absentee ballots for the March 1, 2012 meeting of the Committee on Judiciary, Safety and General Services.

Virtually all MCSO inmates will soon return to our Milwaukee County communities. The public is best served if offenders are not only held stringently accountable for their actions, but also have the opportunity to become law-abiding and successful members of the community when they are released. Facilitating inmate reentry, and maintaining the sense of the "ties that bind" all of our citizens to their community can aid in crime reduction, with fewer new crime victims, reduced local criminal justice costs, and most importantly safer neighborhoods.

The Detention Services Bureau (DSB) of the Sheriff's Office, encompassing both the County Correctional Facility - South Division (CCF-S) with its primarily post-conviction inmate population, and the County Correctional Facility - Central Division (CCF-C), with its primarily pre-trial inmate population, adhere to the following guidelines in registering inmates to vote:

- Laminated signs announcing voter registration (Appendix A) are posted in all DSB Housing Units.
- The orientation speech that all new housing unit assignees receive includes information regarding voting, and the attached document is provided to all inmates during orientation.
- Voter Registration forms and Absentee Ballot applications are available in all the housing units.
- Housing Officers include, as a part of their daily rules announcement, information regarding absentee voting.
- The Programs Lieutenant for the DSB coordinates the handling and delivery of the registration forms and absentee ballots.

As a general rule, in keeping with Wisconsin State Statute 6.84(1)(1) (Absentee Voting):

The legislature finds that voting is a constitutional right, the vigorous exercise of which should be strongly encouraged. In contrast, voting by absentee ballot is a privilege exercised wholly outside the traditional safeguards of the polling place. The legislature finds that the privilege of

voting by absentee ballot must be carefully regulated to prevent the potential for fraud or abuse; to prevent overzealous solicitation of absent electors who may prefer not to participate in an election; to prevent undue influence on an absent elector to vote for or against a candidate or to cast a particular vote in a referendum; or other similar abuses.

An Absent Elector is defined as "...any otherwise qualified elector who for any reason is unable or unwilling to appear at the polling place in his or her ward or election district." Certainly, the majority of the MCSO inmate population qualifies.

Under Statute 6.86 (1), Methods for obtaining an absentee ballot, "Any elector of a municipality who is registered to vote whenever required and who qualifies... as an absent elector... may make written application to the municipal clerk of that municipality for an official ballot... (3) By signing a statement and filing a request to receive absentee ballots..."

Under 6.86(1)(ar), "Except as authorized in s. 6.875 (6), the municipal clerk shall not issue an absentee ballot unless the clerk receives a written application therefore from a qualified elector of the municipality."

Under 6.86(1)(b), "(Except as provided in this section) if application is made by mail, the application shall be received no later than 5 p.m. on the 5th day immediately preceding the election. If application is made in person, the application shall be made no earlier than the opening of business on the 3rd Monday preceding the election and no later than 5 p.m. or the close of business, whichever is later, on the Friday preceding the election."

In general, Wisconsin State Statute 6.03(1)(b) prohibits voting by any person convicted of treason, a felony, or bribery, unless the person's right to vote is restored through a pardon or under s. 304.078 (3):

(Restoration of civil rights of convicted persons):

304.078(2) Except as provided in sub. (3), every person who is convicted of a crime obtains a restoration of his or her civil rights by serving out his or her term of imprisonment or otherwise satisfying his or her sentence. The certificate of the department or other responsible supervising agency that a convicted person has served his or her sentence or otherwise satisfied the judgment against him or her is evidence of that fact and that the person is restored to his or her civil rights.

304.078(3) If a person is disqualified from voting under s. 6.03 (1) (b), his or her right to vote is restored when he or she completes the term of imprisonment or probation for the crime that led to the disqualification. The department or, if the person is sentenced to a county jail or house of correction, the jailer shall inform the person in writing at the time his or her right to vote is restored under this subsection.

Sincerely,


Edward H. Bailey, Inspector
Office of the Sheriff



David A. Clarke Jr.
Sheriff

**MILWAUKEE COUNTY
OFFICE OF THE SHERIFF
Detention Services Bureau**

DATE: February 17, 2012
TO: All CCFS and CCFC Inmates

Inmates have the right to vote even while incarcerated. **Inmates without this right are:**

- Inmates serving time for a felony
- Inmates on probation, parole or extended supervision for a felony

All inmates who wish to vote must be a registered voter and do so by **absentee ballot**.

- Eligible inmates must first be registered to vote (see below for registration information).
- Eligible inmates must request an absentee ballot for each election.
- A copy of a photo ID is required to request an absentee ballot to vote. If you do not have one you may have a friend or family mail or bring a photocopy of your ID. Your photo ID is needed in advance of the registration process. A copy of your photo ID must be included with the absentee request
- A third party can request an absentee ballot without your signature **ONLY** if they have power of attorney for you.
- **Huber inmates only** – Those that do not have the appropriate identification will be afforded special permission to obtain a photo ID, vote absentee in the municipal office, or vote at the polls on Election Day. Make sure you speak to the appropriate people before performing any of these tasks.
- ID's may not have an expiration date older than November 2, 2010.

To Vote in the Spring Election of 2012 while incarcerated in the Milwaukee County Correctional Facility you must follow the following procedure:

- To **REGISTER** as a voter:
 - Voter registration forms are available in all of the housing units. Turn completed forms with proof of residency into the housing unit officer. You must be a registered voter to vote absentee ballot.
- To **APPLY** for an **Absentee Ballot**:
 - Requests for Absentee Ballots are available in every housing unit
 - Complete the application and include your photo ID.
 - Submit your completed Ballot request to the Programs Lieutenant No Later than March 23, 2012.
 - You will receive your Absentee Ballot in the mail from the municipal clerk's office.

All absentee ballots are due back to the Programs Lieutenant no later then the day prior to the election – Monday, April 2, 2012.