

The Life After Prison Know Your Rights Guide

Voting is a fundamental constitutional right and an essential instrument of civic participation. In Massachusetts, incarceration does not automatically strip an individual of their right to vote. While state law restricts individuals serving felony convictions on Election Day, many people who are incarcerated or involved in the legal system maintain full voting rights.

This guide outlines voter eligibility criteria, step-by-step registration and ballot procedures, legal residence determination rules, critical election deadlines.

Legal Framework and Voting Eligibility

Understanding voter eligibility begins with the 2001 amendment to the Massachusetts Constitution. This amendment established specific restrictions on voting while incarcerated, but its scope is strictly limited to individuals currently serving a sentence for a felony conviction on Election Day.

Core Eligibility Qualifications

To vote in Massachusetts elections, an individual must meet three foundational requirements established by state law:

- **U.S. Citizenship:** The individual must be a citizen of the United States.
- **State Residency:** The individual must be a resident of Massachusetts.
- **Age Requirement:** The individual must be at least 16 years old to qualify or register, and meet the legal voting age requirements by Election Day.

Summary of Voting Eligibility by Legal Status

To assist incarcerated individuals, family members, and advocates in determining eligibility, the following matrix categorizes voting rights based on current legal and custodial status:

Legal / Custodial Status	Voting Status	Key Legal Condition
Incarcerated on Felony Conviction	Disqualified	Restriction applies only while actively serving a felony sentence on Election Day.
Pre-Trial Detainee	Eligible	Retains full voting rights regardless of the severity of pending charges.
Serving Misdemeanor Sentence	Eligible	Misdemeanor convictions do not disqualify individuals from voting.
Civilly Committed	Eligible	Civil commitments do not restrict voting rights, provided no concurrent felony sentence is being served.
Completed Felony Sentence	Eligible Immediately	Voting rights are restored immediately upon release, even if on probation or parole.
On Probation or Parole	Eligible	Individuals on community supervision outside of prison retain full voting rights.

Immediate Restoration of Rights Upon Release

Under Massachusetts law, a person who has finished serving their sentence for a felony conviction is no longer subject to any voting restrictions. Voting rights are restored immediately upon release from incarceration. This immediate restoration applies regardless of whether the individual remains under probation or parole supervision, or whether they remain incarcerated awaiting trial on a separate charge or misdemeanor conviction.

Absentee Registration and Ballot Request Procedures

Incarcerated individuals who retain voting rights do not face traditional registration barriers. Massachusetts law provides streamlined mechanisms allowing eligible incarcerated voters to participate in elections via absentee voting without needing prior voter registration.

"Specially Qualified Voter" Status

Incarcerated voters are classified under Massachusetts law as specially qualified voters. This classification means that an incarcerated person does not need to complete a separate voter registration process prior to voting. While individuals may choose to register if they wish, they can request and cast an absentee ballot directly under this specially qualified status.

Requesting an Absentee Ballot

Eligible voters can request an absentee ballot through two primary methods:

1. **Official Application Form:** Voters can download the absent ballot application. Alternatively, a family member, friend, or advocate can download and print the application. Forms are available in English, Spanish, Khmer, and Chinese.
2. **Written Request Letter:** If an official application form is unavailable, an incarcerated voter may submit a formal letter requesting an absentee ballot directly to the local municipal election office.

Required Application Details

When completing the official application or drafting a written request letter, specific information must be provided to ensure processing by the local election commission:

- On the official form, check the box indicating that you are incarcerated but not serving a felony conviction.
- Include the address where you are registered to vote (which can be verified online at RegisterToVoteMA.com) or qualified to vote from (your pre-incarceration residence).
- Include the precise mailing address of the facility where you want your ballot sent.
- Sign the application or written letter.

If submitting a written request letter instead of the standard application form, the letter must explicitly include all three of the following items:

1. Your current place of incarceration and facility mailing address.
2. The last residential address where you lived immediately prior to incarceration.
3. An explicit written declaration stating that you are not incarcerated on a felony conviction.

All application forms or written letters must be mailed directly to the election commission in the city or town of your legal residence. A directory of municipal offices is available through the Secretary of the Commonwealth's Find My Election Office tool.

Key Things to Remember

Determining the correct residential address is critical because absentee ballot requests and completed ballots must be processed by the municipal election office serving the voter's legal residence.

The Commonwealth of Massachusetts presumes that incarcerated persons maintain their legal voting residence in the city or town where they lived immediately prior to incarceration. A correctional facility is generally not considered a voter's legal residence.

If an incarcerated individual wishes to claim their correctional facility as their legal voting residence, Massachusetts law requires them to demonstrate by clear evidence that they have established a new home in the prison community. Examples of activities that may provide such evidence include:

- Participation in work-release programs conducted in the immediate vicinity of the correctional facility.
- Maintaining a local bank account established in the facility's local community.

Voters who lived outside Massachusetts immediately prior to incarceration are not eligible to vote as Massachusetts residents and must contact the municipal or town clerk in the state and town where they resided prior to incarceration to determine local voting procedures.

Key Deadlines and Submission Protocol

To ensure that a vote is counted, incarcerated voters must adhere strictly to statutory deadlines for requesting and submitting absentee ballots.

Timeline Overview

- **Absentee Ballot Request Deadline:** Officially, written requests or applications for an absentee ballot must be received by the local municipal election office by **12:00 PM (noon) on the day before Election Day**.
- **Ballot Return Deadline:** Completed absentee ballots must arrive at the designated municipal election office **before the polls close on Election Day** (the Tuesday following the first Monday in November for general state elections).

Critical Submission Warning: Although state law technically allows ballot requests until noon the day before the election, prison mail processing times mean that late requests will not allow sufficient time for the ballot to be mailed, completed, and returned. Incarcerated voters should request and mail their absentee ballots as early as possible to ensure arrival before polls close on Election Day. Ballots arriving after polls close will not be counted.

Important Links

- **Link to Absentee Ballot Applications:**
<https://www.sec.state.ma.us/divisions/elections/languages/absentee-ballot-applications.htm>
- **Link to Online Voter Registration Form:** <https://www.sec.state.ma.us/OVR/>
- **Check Your Registration Status:**
<https://www.sec.state.ma.us/VoterRegistrationSearch/MyVoterRegStatus.aspx>
- **Find Your Voting Area:**
<https://www.sec.state.ma.us/WhereDoIVoteMA/WhereDoIVote>