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POLITICAL REPORT

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“A SLIVER OF LIGHT”: MAINE’S TOP ELECTION OFFICIAL ON VOTING FROM PRISON

The Appeal: Political Report talks to Matthew Dunlap, the secretary of state of Maine, about how prison voting works there.

While presidential candidates and [some state legislatures](#) debate whether people should vote from prison, that is already a reality in two states. Neither Maine nor Vermont disenfranchise people based on a criminal conviction. “I think in Vermont, honestly, it is a non-issue,” Senator Bernie Sanders, who represents the state, [told me](#). “I suspect the same is true in Maine.”

I talked to Secretary of State Matthew Dunlap, who runs Maine’s elections, about how prison voting works there.

While incarcerated, voting-age U.S. citizens can register at the last address at which they resided (if that address is in Maine) and then they can vote with absentee absentee. Dunlap, who is a Democrat, explained how Maine ensures that prisoners have access to voting, and he also answered questions on whether it could do more, for instance by providing postage. During the interview, Dunlap described suffrage as a way to keep incarcerated people “connected to the real world,” and to remember that “they’re still people, they’re still human beings, they’re still American citizens.” He called such connections a “sliver of light.”



Secretary of State Dunlap (courtesy of Maine Department of the Secretary of State)

The interview has been lightly edited and condensed.

Do you support the fact that Maine has no criminal disenfranchisement system, and if so what do you think is the value of this?

I do support not having a disenfranchisement system. I fundamentally believe that we have constitutional rights, and either you have rights or you do not. And one of those rights is the right to vote.

It’s easier for me because Maine has never had a disenfranchisement system for inmates or felons.

They vote by absentee: They don't vote in the prison, they vote in their hometowns. They would have to have established residency in Maine prior to their incarceration in order to participate, so it's for Maine residents only, which is a little bit of a wrinkle but that's how the law is constructed.

There have been national debates this month on whether losing the right to vote should be part of punishment or the criminal legal system. How do you think about this issue?

It does come up every few years where someone puts a bill in that a certain class of felons would be stripped of their right to vote. A recent one was, if people convicted of killing children would lose their right to vote. Frankly, I think that that's just trying to find a way to open the door to keep all felons from voting. Then it becomes a pragmatic issue: If you're the warden of a prison, who gets to vote and who doesn't get to vote, which class of inmates retain the franchise and which ones do not? After a while, it becomes easiest to do one or the other, either allow them to all vote, or allow none of them to vote. I think people who push disenfranchisement often go for the latter. They don't want any of them to be voting, for whatever reason – it's largely a philosophical reason or a political reason. But I keep going right back to where you start.

You have unimpeachable rights a citizen. There's nothing that I read in either our state constitution or the federal constitution that makes your constitutional rights somehow conditional. It always boils down to, do you have a right, or don't you? I think Maine has handled it pretty steadfastly, that people retain their rights regardless of their legal condition.

How does Maine implement its policy of allowing people in prison to vote?

In most circumstances, you have folks who are very engaged in election volunteer work, the NAACP is a prime example, they make an effort to reach out to the prisons and make sure that people know they have the right to vote and that they are executing the process.



Absentee ballots in the 2004 election (Photo by Chris Hondros/Getty Images)

Typically, what I will do with my deputy Secretary of State for elections is that we'll go to the Maine State Prison, the biggest facility, once a year, and we'll update voter registrations because the populations change, people get transferred from facility to facility, and you have the newer inmates.

We update their voter registrations, we give them the forms to fill out to request an absentee ballot, and we help them get it all prepared to send to the town clerks of the towns where they previously resided. What happens there is that the clerk will send them an absentee ballot, and they can vote, put it in a return envelope, and send it back.

So people are registered to vote at their address prior to their incarceration, rather than at the place where they're incarcerated. Why do you think this is important for Maine to do?

What it prevents is having an unnatural bubble of population emerge at the site where the correctional facility is. You can't really lobby the prison vote, if you will, if you're a candidate because they will be voting in their own hometowns. That's important for a couple of different reasons. When we are doing redistricting, the people in the prison are counted as a part of the population of

their hometown, not the population of where the jail is located. If you, say, lived in the town of Bangor and were never registered to vote, we have a process for getting you registered. If that was your last known bona fide address, we will register you to vote.

It's actually a little sad. Somebody may not have participated in elections in quite a while, and they decide they want to participate. You pull them up in the system, and it'll say something like 425 Wagon Wheel Lane, and they'll say they lived at 675, and I say I don't have that, this is what I have in the system, and they shrug and say I've been here so long I don't remember where I used to live. It could very well be that nobody in the family is still there, the house itself may be gone, but that was their last address and they still use it.

If you think about that, what was your childhood telephone number? Some of those people are in here for decades upon decades, and they forget the little details about their street address and things like that. We can look it up, we can get their registration updated or start a new registration if they're Maine residents, and we can get them involved in the process.

When you talk about getting the registration process started, how much of that is an automatic process? I ask because Maine has a proposal on the table to implement automatic voter registration. Do you support automatic voter registration, and would you support applying it to the prison system as well?

The way we're envisioning automatic voter registration working is using the motor vehicle databases primarily, sort of an automation of motor voter. It still hinges on people going to a motor vehicle office to renew, or obtain a new credential for the first time and have their name entered into the rolls. That's trickier with people who are incarcerated because for most of them their driver's licenses have long expired.

We do get requests from time to time from inmates to allow them to renew their credentials. Some of that is psychological. Remember, those are people. Some of them have done some really bad bad things, some of them have made some stupid decisions that get them in deep trouble, and often times they find themselves incarcerated for the rest of their lives, certainly for most of their lives. When I talked with one of the social workers at the prison about the driver's license, they said that it's like that sliver of light that comes in through the ceiling. For some of them, it's their last connection to the outside world, having a driver's license.

There's a little bit of humanity involved here as well. Much of the way we handle corrections is very vengeful, you lock somebody away forever. I'm not judging whether or not that's appropriate, but you cannot deny that you are still working with human beings, people who have a psychological structure that is greatly impacted by their incarceration. I was talking with one of the social workers, and this guy was going to get out, he had moved from the main prison to a minimum security correctional facility. Psychologically, he could barely handle the fact that his door was unlocked for a good part of the day, and that he could look out the window and see cars go up and down the road. He had been in there for 30 years. We have to bear this sort of thing in mind when we are looking at how we treat people. I'm not excusing the actions of anyone who winds up in prison. But they're still people, they're still human beings, they're still American citizens, and I think this is a process that should belong to every American citizen. And in no small way it helps keep them connected to the real world.

Are you talking about voting as well there, or driver's licenses? Do you think that voting is also the "sliver of light" that you were just describing?

Absolutely. It keeps them engaged in the world, as if they have some importance to them. I go to the prisons. These are some pretty tough people who've done some very violent things, and when I talk to them and am updating their paperwork I find nothing but humility. They are glad that anybody cares about them at all, enough to take an afternoon and drive down to the prison with a laptop and some paperwork and voter registration cards and get taken care of them so they can continue to participate in society even at that very remote level.

To return to the issue of automatic voter registration, why not have an automatic registration process for people who are in prison or who interact with the correctional system? Could you have a similar process as you have the motor vehicle interactions?

We could, depending on what type of contact they've had previously with us. If you have somebody who's never had a driver's license, that would be hard to do automatically because you have nothing on them, so you're doing everything fresh from scratch. If they were already in our motor vehicle database or our election database, that would be relatively easy to move through electronically, if you have the right information from the voter. So yes you can do it, but it's the same situation you face with anybody who's not in prison if they have never participated in any of these bureaucratic processes. Automatic voter registration would work for anybody regardless of their legal situation if we had information on them, from them.

U.S. Representative Tulsi Gabbard's presidential campaign said that she is opposed to people having the right to vote while in prison or on parole because they may be "unduly influenced" by law enforcement authorities. What do you think of this objection based on your experience in Maine?

I haven't seen anything that would back that up. I have not seen or heard any case where a prison official would try to influence how somebody would vote. We have a secret ballot provision, and the prison officials I've worked with are pretty assiduous about staying out of that part of the process. These guys have their ballots, they go in their recreation room or their cells, and they mark their ballots and they seal the envelopes. I have not seen or heard anything to indicate that somebody who is an inmate has been forced to vote some way they didn't agree with. Also they have to pay for the postage, so they don't have to mail it, they don't have to send the ballot back in if they feel like they are not getting their votes fairly represented. So I don't see that as an issue, and we have not seen that as an issue in our experience.

Have there been discussions about providing people postage for voting? Some states have made absentee ballots postage-free. Is that something that you would support?

We haven't discussed it. We do absorb the cost of absentee ballots for some groups of people, like victims of domestic violence who are in the address confidentiality program for instance. It has not been discussed in this context. I would certainly welcome the analysis.

This is one of the things. We try to be careful about felon voting. When I went down to the prisons a couple of years back, one of the folks from the NAACP was wondering out loud why we hadn't done a press release and why we didn't have the media there. I said you don't want that because this gets on the news, there'll be six legislators putting in bills to prohibit felon voting. We don't necessarily try to draw a lot of attention to it, because really it's not an exception. We're not doing anything exceptional here. These are American citizens exercising their right to vote. This is a bureaucratic process, we go

down there to make sure that it's done right, more than anything. I do support the right to vote, and I try to live that expression of patriotism as best as I can, without making a lot of extra work for myself.

Does the state have estimates of the turnout rate or participation level in prisons?

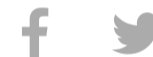
We don't have any numerical way to track the number of absentee ballots that are requested via the prisons and returned because that's all done at the town level. Even the towns don't track specifically where they come from and where they are returned to. I will tell you that when we go down there, there's usually a pretty big line of inmates looking to participate. I wouldn't say we get a huge percentage of them, maybe a third, but it's still a pretty significant number. And frankly, if one American wants to vote that's significant enough for me.

Explore the Political Report's series on the landscape of felony disenfranchisement laws and reforms in states.

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