

Voting Rights in Colorado Jails

Many people believe:

- that once you have a criminal record you can never vote in Colorado
 - that you cannot register to vote while incarcerated
 - that you cannot vote while incarcerated

THESE ARE MYTHS AND NOT TRUE!

Colorado law states: No person while serving a sentence of detention or confinement in a correctional facility, jail, or other location for a felony conviction or while serving a sentence of parole shall be eligible to register to vote or to vote in any election; however, a confined person who is awaiting trial but has not been tried shall be certified by the institutional administrator and shall be permitted to register to vote by mail registration pursuant to part 5 of this article. Colorado Revised Statute §1-2-103(4).

Who is eligible to register and vote in Colorado jails?

- People in jail pretrial (pending the outcome of the criminal case)
- People serving a county jail sentence for a misdemeanor, petty, or traffic offense
- People convicted of or on a deferred sentence for misdemeanor, petty or traffic offenses
- People convicted of a felony, **IF** they have completed their sentence of incarceration and any period of parole, if required
- People on probation or a deferred sentence for a felony conviction, unless either is revoked and a prison sentence is imposed
- People on bond

How do I register to vote in jail?

- Request a voter registration form from a deputy or program administrator.
- Return the completed form to:
 - Colorado Department of State*
 - Elections Division*
 - 1700 Broadway, Suite 550*
 - Denver, CO 80290*
- In approximately 20 days, you will receive an official information card confirming your voter registration.
- In May of 2024, SB24-072 was signed into law, mandating that county jails offer in-person voting options and services that allow people in jails to register to vote, meaning you will be able to register through the options your facility will provide.
- **If you were previously registered to vote, you must re-register in jail.**

How do I vote in jail?

- If you are registered to vote at least 8 days prior to election day, you will automatically receive a mail-in ballot.
- After completing the ballot, you can **return it by mail** in the provided envelope.
- All ballots must be **received** no later than 7 P.M. on election day. To ensure that your ballot is received in time, election officials recommend that you mail your ballot back at least 1 week prior to election day.
- If the jail you are at has a ballot drop box on site, you can simply drop your ballot there.
- In May of 2024, SB24-072 was signed into law, mandating that county jails offer in-person voting options, meaning that you will now be able to vote on the day that this is offered in your facility.

Why is it important to vote?

- Voting is one of our most important rights.
- Voting helps us have a say in our communities and what laws are being made.
- Voting is a powerful way we can speak up for what we believe in.
- Voting helps us pick who is in charge of our government and makes decisions that affect us.
- Even if you are incarcerated, you can and should still have a say in your community.

What are some important things to remember?

- Individuals convicted of a felony offense and currently incarcerated or on parole, are not eligible to vote.
- It is a class 5 felony for a person to vote or register to vote in an election when they are not legally eligible to do so.
- To be eligible to register to vote you must have lived in Colorado for at least 22 days prior to the election you wish to vote in.

The American with Disabilities Act (ADA) and the Help America Vote Act (HAVA) provide protection against disability-based discrimination in the voting process, including access to register to vote and to vote, when eligible. You can request disability-related reasonable accommodations to assist with either process, if necessary.

What should I do if I am unable to solve an access issue at a polling place?

- ★ [Contact Disability Law Colorado](#)
- ★ [File a Help America Vote Act \(HAVA\) Complaint with the Colorado Secretary of State](#)
- ★ [File a complaint with the Colorado Civil Rights Division](#)
- ★ [File a complaint with the Department of Justice](#)