

Council of the District of Columbia
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY
COMMITTEE REPORT
1350 Pennsylvania Avenue, N.W., Washington, DC 20004

To: Members of the Council of the District of Columbia

From: Councilmember Charles Allen *CA*
Chairperson, Committee on the Judiciary and Public Safety

Date: September 24, 2020

Subject: Report on B23-0324, the “Restore the Vote Amendment Act of 2020”

The Committee on the Judiciary and Public Safety, to which Bill 23-0324, the “Restore the Vote Amendment Act of 2020”, was referred, reports favorably thereon and recommends approval by the Council of the District of Columbia.¹

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¹ As introduced, the short title of B23-0324 was the “Restore the Vote Amendment Act of 2019”.

STATEMENT OF PURPOSE AND EFFECT

I. Purpose and Effect

Bill 23-0324, the “Restore the Vote Amendment Act of 2020”, was introduced on June 4, 2019, by Councilmember Robert White, with unanimous Council support. The bill was referred to the Committee on the Judiciary and Public Safety on the same day. The Committee held two public hearings on the bill: one at the John A. Wilson Building on October 10, 2019, and one in Ward 8 at the R.I.S.E. Demonstration Center on October 29, 2019. The Committee also passed the core provisions of the Committee Print on an emergency basis on June 7, 2020.²

Over the past few years, the Council has made great strides in promoting voter registration and amplifying historically marginalized residents’ voices in the District’s elections. For example, the Council has passed legislation providing for the public financing of elections,³ campaign finance reform,⁴ automatic voter registration,⁵ and innovations in petition circulation.⁶ In addition, the Council has encouraged participation in our elections through voter outreach and education initiatives to underserved and underrepresented populations, such as returning citizens and young people.⁷

B23-0324 follows in the same vein and further expands the franchise by restoring the right vote to District residents while they are incarcerated for felony convictions. In so doing, the bill lifts the last remaining restriction on the ability of residents who are justice-involved to vote in the District. The Committee Print additionally builds on the introduced version of the bill by expanding the District’s automatic voter registration system and requiring the Department of Corrections (“DOC”) and the Department of Youth Rehabilitation Services (“DYRS”) to register all eligible incarcerated residents and committed youth in their care, respectively, unless an individual affirmatively declines to register. The Committee hopes to eventually have all District agencies that interface with the public participate in automatic voter registration. In addition, the Committee Print makes voter registration and voting for the District’s incarcerated populations more accessible by requiring the Board of Elections to mail voter registration applications and information about voting rights to eligible unregistered residents in the Department of Corrections’ and the Bureau of Prisons’ care and custody and mail-in ballots and voting information to all registered residents of the two agencies.

² B23-0825, the “Comprehensive Policing and Justice Reform Second Emergency Amendment Act of 2020”, <https://lims.dccouncil.us/Legislation/B23-0825>.

³ B22-0192, the “Fair Elections Act of 2018”, <http://lims.dccouncil.us/Legislation/B22-0192>.

⁴ B22-0107, the “Campaign Finance Reform Amendment Act of 2018”, <http://lims.dccouncil.us/Legislation/B22-0107>.

⁵ B21-0194, the “Automatic Voter Registration Amendment Act of 2016”, <http://lims.dccouncil.us/Legislation/B21-0194>.

⁶ B21-0193, the “Ballot Access Modernization Amendment Act of 2015”, <http://lims.dccouncil.us/Legislation/B21-0193>.

⁷ See e.g., B22-0312, the “Voting Rights Notification Amendment Act of 2018”, <http://lims.dccouncil.us/Legislation/B22-0312>.

II. Committee Reasoning

a. *Background*

State disenfranchisement laws across the United States prevent an estimated 6.1 million Americans from voting.⁸ Of this number, nearly 4.7 million are no longer incarcerated and are living and working in their communities.⁹ These disenfranchisement laws disproportionately affect people of color: African Americans are four times more likely to be disenfranchised by a felony conviction as are non-African Americans.¹⁰ Nationally, 1 out of every 13 voting-age African Americans cannot vote due to a felony conviction.¹¹ In addition, in four states, more than one in five Black adults are prohibited from voting because of a felony conviction.¹² In the District, African Americans account for less than half of the total population, but they account for approximately 96% of people convicted of felonies.¹³

The disproportionate impact of felony disenfranchisement laws on people of color is not incidental – indeed, these laws reflect the modern evolution of slavery and post-Civil War attempts to suppress Black Americans’ full participation in democratic life.

i. History of Felony Disenfranchisement Laws

The practice of felony disenfranchisement in the United States dates to early colonial times, when the punishment was typically used only in particularly serious or election-related crimes.¹⁴ It was not until after the Civil War that many states, including non-Confederate states, implemented expansive felony disenfranchisement laws covering all felony crimes. Indeed, between 1865 and 1880, at least 13 states – more than a third of the country’s 38 states at the time – enacted broad disenfranchisement laws.¹⁵ Simultaneous with felony disenfranchisement laws, lawmakers put on the books new criminal laws that explicitly targeted Black citizens.¹⁶ By expanding criminal laws, more Black men could be arrested and convicted, and more Black men could be then barred from voting due to those convictions. The combination of criminal laws targeting Black voters and broad disenfranchisement laws that revoked voting rights had the intended effect of excluding Black people from voting in elections and maintaining white power structures.

⁸ Erin Kelley, *Racism & Felony Disenfranchisement: An Intertwined History*, Brennan Center for Justice (2019), https://www.brennancenter.org/sites/default/files/2019-08/Report_Disenfranchisement_History.pdf.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Committee on the Judiciary and Public Safety, Public Hearing on B23-0324, the “Restore the Vote Amendment Act of 2020” (October 10, 2019) (testimony of Paula Thompson, Co-chair, Reentry Action Network), https://lims.dccouncil.us/downloads/LIMS/42718/Hearing_Record/B23-0324-HearingRecord1.pdf.

¹⁴ *Supra*, note 8.

¹⁵ *Id.*

¹⁶ *Id.*

There is extensive evidence that states used these laws, along with other tactics, as creative ways to undermine the newly passed 15th Amendment, which granted Black men the right to vote, and to prevent the political power of Black citizens.¹⁷ Many lawmakers were explicit about their motivations. For example, at an Alabama constitutional convention in 1901, the president of the convention stated the purposes of the convention were subverting the 14th and 15th Amendments without provoking legal challenge and establishing white supremacy.¹⁸ In 1902, Virginia expanded its disenfranchisement laws in its state constitution, along with poll taxes and literacy tests.¹⁹ A Virginia state senator stated that the amendments would “eliminate [a racial slur used to describe Black people] as a political factor in this state in less than five years, so that in no single county of the Commonwealth will there be the least concern felt for the supremacy of the white race in the affairs of government.”²⁰ Felony disenfranchisement laws, as well as newly created criminal laws, were supposedly “race neutral” policies that served the purpose of denying people of color the right to vote while complying with federal law. This legacy lives on today in blatant partisan rationales for maintaining felony disenfranchisement. As recently as 2003, a state Republican Party chairperson stated, “As frank as I can be, we’re opposed to [restoring voting rights] because felons don’t tend to vote Republican.”²¹

During the 1970’s, 80’s, and 90s, the “War on Drugs” and “tough on crime” policies worsened the discriminatory impact of disenfranchisement laws as strategic criminalization of drug use led to ballooning incarceration rates of Black and Brown Americans.²² High arrest and incarceration rates of people of color reflected selective enforcement in urban areas, lower-income communities, and communities of color.²³ The subsequent emergence of mass incarceration and mandatory minimums has led to unprecedented levels of disenfranchisement among African Americans.

Almost every witness at the Committee’s hearing on this bill referenced the racist history of felony disenfranchisement laws. For example, Kara Gotsch from The Sentencing Project testified that these laws were a “vestige of slavery and Jim Crow era policies” that “explicitly sought to weaken the political clout of Black Americans”.²⁴ Similarly, Rodney McKenzie from Demos testified that felony disenfranchisement laws are “rooted in racism and oppression”.²⁵ The ACLU of the District of Columbia presented testimony about the District’s own disenfranchisement law, noting that when Congress passed the law in 1955, it did so with the

¹⁷ *Id.*

¹⁸ Tierra Bradford, *Zero Disenfranchisement: the Movement to Restore Voting Rights*, Common Cause (2019), <https://www.commoncause.org/wp-content/uploads/2019/08/FelonyDisenfranchisementReportv4-1-1.pdf>.

¹⁹ *Id.*

²⁰ Committee on the Judiciary and Public Safety, Public Hearing on B23-0324 (testimony of Rodney McKenzie, Executive Vice President of Movement Strategies, Demos), https://lms.dccouncil.us/downloads/LIMS/42718/Hearing_Record/B23-0324-HearingRecord1.pdf.

²¹ Tova Wang, *MYTH: Ex-Felons Should be Ineligible to Vote*, Demos (2012), <https://www.demos.org/blog/myth-ex-felons-should-be-ineligible-vote>.

²² *Supra*, note 18.

²³ *Id.*

²⁴ Committee on the Judiciary and Public Safety, Public Hearing on B23-0324 (Kara Gotsch, Director of Strategic Initiatives, The Sentencing Project), https://lms.dccouncil.us/downloads/LIMS/42718/Hearing_Record/B23-0324-HearingRecord1.pdf.

²⁵ *Supra*, note 20.

knowledge that the District had a majority Black population, and the law would have a disproportionate impact on Black people.²⁶

It is crystal clear that felony disenfranchisement laws are part of the fabric of the entrenched racial disparities of our criminal justice system, and these policies serve only to perpetuate racism and inequality.

ii. Impact of Felony Disenfranchisement on Communities of Color

*The consequences of ‘civil death’ have a deep-rooted connection to communities of color targeted by the criminal justice system. Its effects are felt across generations and continue to devastate the lives of those in my community.*²⁷

At the Committee’s hearings on B23-0324, numerous witnesses spoke about the impact disenfranchisement laws have had on their families and communities. Many specifically used the term “civil death” to describe their consequences. The practice of civil death was used in Medieval England, and subsequently adopted in colonial America, to isolate those who had committed a crime from society.²⁸ People subjected to civil death not only lost their right to vote – they lost their property, could not enter into contracts, and were considered dead in terms of their marriage (their spouses were considered widowed and could remarry).²⁹ In effect, people lost access to civic life and their right to participate in society. Today, under felony disenfranchisement laws, a person with a felony conviction in many states can not only not vote, but cannot run for elected office, serve on a jury, become a police officer, serve in the military, or get a license to work in many professions.³⁰

At the hearing, Tyrone Walker, a Policy Associate with the Justice Policy Institute, testified about his experience with “civil death” and how it spanned generations in his community.³¹ He spoke about his parents who had felony convictions and never voted.³² As a result, he and his siblings did not vote or discuss the importance of voting.³³ Indeed, his community was plagued by civil death in that most people he knew were disengaged from politics as a result of felony convictions and were never reengaged after their release from incarceration.³⁴ Similarly, Jimmie Williams, President and Executive Director of the Washington Literacy Center, testified about his

²⁶ Committee on the Judiciary and Public Safety, Public Hearing on B23-0324 (testimony of Nassim Moshiree, Policy Director, ACLU of the District of Columbia), https://lms.dccouncil.us/downloads/LIMS/42718/Hearing_Record/B23-0324-HearingRecord1.pdf.

²⁷ Committee on the Judiciary and Public Safety, Public Hearing on B23-0324 (testimony of Tyrone Walker, Associate, Justice Policy Initiative), https://lms.dccouncil.us/downloads/LIMS/42718/Hearing_Record/B23-0324-HearingRecord1.pdf.

²⁸ Alec Ewald, *Punishing at the Polls: The Case Against Disenfranchising Citizens With Felony Convictions*, Demos (2003), https://www.prisonpolicy.org/scans/demos/punishing_at_the_polls.pdf.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Supra*, note 27.

³² *Id.*

³³ *Id.*

³⁴ *Id.*

experience of civil death transferring through generations.³⁵ As an educator, he has seen firsthand that children of parents who cannot read are also unlikely to be able to read, and likewise, children of parents who do not vote are unlikely to vote.³⁶ He views his formerly incarcerated students as “twice disenfranchised” – first by systemic issues like lack of access to education that place them on the path to incarceration, and second by their inability to vote for elected officials to hold them accountable for such systemic injustices.³⁷ In addition, Clayton Carter, an intern at the National Reentry Network for Returning Citizens, testified that he was not taught about the importance of voting growing up.³⁸ Instead, he was always under the impression that, as a Black person in America, his vote would be “overlooked”, so he should not bother attempting to participate.³⁹

Several witnesses at the hearing also mentioned a related phenomenon called “prison gerrymandering” as a practice that further disproportionately impacts communities of color as a result of felony disenfranchisement laws. In some states, districts that contain prisons are allowed to count incarcerated people in the Census for redistricting purposes. Most of the time, these districts where prisons are located are rural and white, while the prison population is overwhelming people of color. The districts’ political power is artificially inflated because of incarcerated people, while the incarcerated people themselves are prohibited from voting. Corwin Knight, Founder of the Hope Foundation, testified about his own experience being incarcerated in New Jersey, where he was counted as a resident of that district instead of as a resident of the District of Columbia.⁴⁰ He noted that he was one of the many so-called “ghost voters” – those who are not permitted to vote and do not have connections to actual residents of the district where they “reside” for purposes of the Census.⁴¹

Another impact of felony disenfranchisement laws is the disenfranchisement of eligible voters due to misinformation and confusion about the state of the law in their particular jurisdiction. States’ laws vary greatly,⁴² and some are so complex that eligible voters mistakenly believe they are ineligible to vote. The turnout-depressing effects of these laws seriously impacts Black communities. A 2009 study found that eligible Black voters were nearly 12 percent less likely to cast ballots if they lived in states with lifetime disenfranchisement policies – while white voters decreased by only 1 percent.⁴³ At the hearing, Blair Bowie from the Campaign Legal Center

³⁵ Committee on the Judiciary and Public Safety, Public Hearing on B23-0324 (testimony of Jimmie Williams, President and Executive Director, Washington Literacy Center), https://lims.dccouncil.us/downloads/LIMS/42718/Hearing_Record/B23-0324-HearingRecord1.pdf.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ Committee on the Judiciary and Public Safety, Public Hearing on B23-0324 (testimony of Clayton Carter, Intern, The National Reentry Network for Returning Citizens), https://lims.dccouncil.us/downloads/LIMS/42718/Hearing_Record/B23-0324-HearingRecord1.pdf.

⁴⁰ Committee on the Judiciary and Public Safety, Public Hearing on B23-0324 (testimony of Corwin Knight, Founder, HOPE Foundation), https://lims.dccouncil.us/downloads/LIMS/42718/Hearing_Record/B23-0324-HearingRecord1.pdf.

⁴¹ *Id.*

⁴² See further discussion of states’ laws, *infra*.

⁴³ *Supra*, note 8.

testified that she runs a hotline for returning citizens to call for information about their voting rights, and she frequently receives calls from states with even relatively simple laws.⁴⁴

iii. Disenfranchisement Laws Do Not Improve Public Safety

As many witnesses outlined in detail at the hearing, felony disenfranchisement laws do not serve any of the four goals of the criminal justice system: incapacitation, deterrence, retribution, or rehabilitation.⁴⁵ First, taking away someone's right to vote does not incapacitate a person who may be a danger to society. Second, disenfranchisement occurs automatically and invisibly – prosecutors do not discuss the action, and the judge does not include the consequence in the sentence. In fact, many people convicted of felonies are not even aware that their voting rights have been removed at the time of their sentencing. Therefore, this consequence cannot serve as a deterrent for people who are considering committing a crime. Third, disenfranchisement is not a retributive criminal penalty. These laws are in state election codes and state constitutions, not in criminal codes.

Fourth, disenfranchisement, which further isolates and alienates individuals from their community, is counterproductive to the goal of rehabilitation.⁴⁶ In fact, disenfranchisement can serve as an active barrier to successful rehabilitation. Keith Towery, a public witness, testified that society often talks about barriers to successful reentry in terms of employment, education, housing, program eligibility, and lack of release planning.⁴⁷ However, we forget to talk about the importance of people maintaining connections with their community while incarcerated, which can be particularly difficult for residents of the District who are incarcerated in far-off states.⁴⁸ Voting is a way to maintain these connections and to feel stronger ties to one's community while incarcerated.⁴⁹ Nassim Moshiree, Policy Director of the ACLU of the District of Columbia, testified that restoring voting rights is critical to rehabilitation and reentry because it allows residents to retain a sense of civic responsibility and have a stronger stake in the community to which they will return.⁵⁰ Marcus Batchelor, Vice President of the State Board of Education, testified that we cannot expect people who are incarcerated to be more productive members of society if we deny them the right to participate in society.⁵¹ He noted that incarceration should be about reformation and not about being outcast.⁵² Boe Umar, a returning citizen, testified that he

⁴⁴ Committee on the Judiciary and Public Safety, Public Hearing on B23-0324 (testimony of Blair Bowie, Legal Counsel/Restore the Vote Manager, Campaign Legal Center), https://lims.dccouncil.us/downloads/LIMS/42718/Hearing_Record/B23-0324-HearingRecord1.pdf.

⁴⁵ *Supra*, note 28.

⁴⁶ Committee on the Judiciary and Public Safety, Public Hearing on B23-0324 (testimony of Paula Thompson, Co-chair, Reentry Action Network), https://lims.dccouncil.us/downloads/LIMS/42718/Hearing_Record/B23-0324-HearingRecord1.pdf.

⁴⁷ Committee on the Judiciary and Public Safety, Public Hearing on B23-0324 (testimony of Keith Towery, Public Witness), https://lims.dccouncil.us/downloads/LIMS/42718/Hearing_Record/B23-0324-HearingRecord1.pdf.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Supra*, note 26.

⁵¹ Committee on the Judiciary and Public Safety, Public Hearing on B23-0324 (testimony of Markus Batchelor, Vice President, State Board of Education), https://lims.dccouncil.us/downloads/LIMS/42718/Hearing_Record/B23-0324-HearingRecord1.pdf.

⁵² *Id.*

believes the reason he has stayed out of prison for so long is directly tied to his ability to vote and the pride he takes in exercising that right.⁵³

iv. Other Jurisdictions and Reform Efforts

There is no federal felony disenfranchisement law in the United States. Instead, there is a patchwork of state laws that vary widely and range in restrictiveness from never losing the right to vote to lifetime disenfranchisement. Maine, Vermont, and Puerto Rico are the only jurisdictions in the United States to not disenfranchise people with felony convictions even while incarcerated.⁵⁴ In contrast, until August 2020 when the Governor issued an executive order lifting the policy, Iowa remained the only state to impose permanent disenfranchisement for *all* people with felony convictions until their rights are restored by the governor or by the President of the United States.⁵⁵

In 16 states and the District (at least until the passage of a version of B23-0324 via emergency legislation in July 2020), people lose their right to vote only while incarcerated for a felony, and they are automatically allowed to vote once released from incarceration (they may vote while on supervision).⁵⁶ “Automatic” restoration of voting rights typically means the person is responsible for re-registering to vote through the normal processes once released from incarceration – it does not mean they are automatically re-registered to vote.⁵⁷ In 21 states, incarcerated people lose their voting rights while incarcerated and for a period of time after, typically while on parole or probation. Voting rights are automatically restored once this time period is over.⁵⁸ Formerly incarcerated people may have to pay fines or fees before their voting rights are restored.⁵⁹ In 11 states, incarcerated people lose their right to vote indefinitely for some crimes or require a governor’s pardon to have their voting rights restored, face an additional waiting period after sentence completion, or require additional action before restoration of voting rights.⁶⁰

⁵³ Committee on the Judiciary and Public Safety, Public Hearing on B23-0324 (oral testimony of Boe Umar, Public Witness), https://lms.deccouncil.us/downloads/LIMS/42718/Hearing_Record/B23-0324-HearingRecord1.pdf.

⁵⁴ See *Felony Voting Rights*, National Conference of State Legislatures, <https://www.ncsl.org/research/elections-and-campaigns/felon-voting-rights.aspx>.

⁵⁵ *Voting Rights Restoration Efforts in Iowa*, Brennan Center (2020), <https://www.brennancenter.org/our-work/research-reports/voting-rights-restoration-efforts-iowa>.

⁵⁶ *Supra*, note 54.

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

Table 1: State Felony Disenfranchisement Laws

<i>Never Lose Right to Vote</i>	<i>Lost Only While Incarcerated and Automatic Restoration Upon Release</i>	<i>Lost Until Completion of Parole/Probation and Automatic Restoration After</i>	<i>Lost Until Completion of Parole/Probation and Additional Action Required After (Such as Waiting Period or Governor Approval)</i>
Maine	Colorado	Alaska	Alabama
Vermont	District of Columbia*	Arkansas	Arizona
Puerto Rico	Hawaii	California	Delaware
	Illinois	Connecticut	Florida
	Indiana	Georgia	Iowa
	Maryland	Idaho	Kentucky
	Massachusetts	Kansas	Mississippi
	Michigan	Louisiana	Nebraska
	Montana	Minnesota	Tennessee
	Nevada	Missouri	Virginia
	New Hampshire	Missouri	Wyoming
	North Dakota	New Jersey	
	Ohio	New Mexico	
	Oregon	New York	
	Pennsylvania	North Carolina	
	Rhode Island	Oklahoma	
	Utah	South Carolina	
		South Dakota	
		Texas	
		Washington	
		West Virginia	
		Wisconsin	

Source: National Conference of State Legislatures

Fortunately, there is significant momentum nationwide to reverse felony disenfranchisement laws and restore the vote to millions of Americans. Since 1997, more than 20 states have amended their laws to expand voting rights, which has resulted in an estimated 1.4 million people regaining their right to vote.⁶¹ In 2018, the governor of New York pardoned 35,000 people who were on parole, restoring their right to vote.⁶² In 2019, 130 bills restoring voting rights were introduced in 30 state legislatures, and least four of those states were considering allowing incarcerated people to vote.⁶³ In Florida, the state passed a ballot initiative, which, along with subsequent legislation, has resulted in 840,000 formerly incarcerated people re-gaining their right to vote, contingent on the payment of fines and fees.⁶⁴ In Colorado, the state restored the right to vote to people on parole, impacting about 9,000 people.⁶⁵ In addition, Nevada passed legislation

⁶¹ *Supra*, note 18.

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

to restore the vote to anyone convicted of a felony upon release from prison automatically.⁶⁶ Both Washington and Illinois passed legislation related to educating incarcerated people about their voting rights.⁶⁷ Moreover, the topic of felony disenfranchisement has become part of the national dialogue. Indeed, the subject was debated by the Democratic presidential candidates, with an unprecedented number of candidates supporting restore the vote efforts to varying degrees.⁶⁸

v. Automatic Voter Registration

Another important reform measure to increase voter registration and combat disenfranchisement is “automatic voter registration” (“AVR”). Under an AVR system, eligible individuals are automatically registered to vote whenever they interact with certain government agencies, most commonly the Department of Motor Vehicles. Individuals are free to “opt out” of registering to vote, but they must affirmatively do so. The designated agencies then transmit the voter registration information to election officials, who register the individuals to vote. AVR streamlines registering to vote by capturing individuals during drivers’ license registration and other common contact with government agencies, thereby removing additional burdens to registering to vote.⁶⁹ As of April 2020, 19 states and the District have some form of automatic voter registration.⁷⁰

vi. Current District Law

Currently in the District (with the exception of emergency legislation presently in effect), incarcerated people lose their right to vote only while incarcerated for a felony conviction.⁷¹ Once released from incarceration, individuals may vote without going through any process other than re-registering with the Board of Elections. Individuals may vote while on probation or parole or while living in a halfway house. At the Committee’s hearing, Alice Miller, Executive Director of the Board of Elections, explained that the Board currently receives a monthly roster from the D.C. Superior Court of residents who have been sentenced for felonies, which the Board uses to remove individuals from the voter rolls.⁷² Director Miller explained that once a resident is released from incarceration, they must re-register to vote.⁷³ She noted that, although District residents convicted of felonies are incarcerated in jurisdictions outside of the District, they remain residents of the District for purposes of voting.⁷⁴ Therefore, with the implementation of this bill, these individuals will be able to vote in the District though they are not physically present in the District – much

⁶⁶ *Supra*, note 54.

⁶⁷ *Id.*

⁶⁸ *The Democratic debate over letting people in prison vote, explained*, Vox (2019), <https://www.vox.com/policy-and-politics/2019/5/13/18535423/prisoner-felon-voting-rights-bernie-sanders-2020>.

⁶⁹ For more discussion of automatic voter registration, see https://lms.dccouncil.us/downloads/LIMS/33766/Committee_Report/B21-0194-CommitteeReport1.pdf.

⁷⁰ National Conference of State Legislatures, *Automatic Voter Registration*, <https://www.ncsl.org/research/elections-and-campaigns/automatic-voter-registration.aspx>.

⁷¹ D.C. Official Code § 1–1001.02.

⁷² Committee on the Judiciary and Public Safety, Public Hearing on B23-0324 (testimony of Alice Miller, Executive Director, District of Columbia Board of Elections), https://lms.dccouncil.us/downloads/LIMS/42718/Hearing_Record/B23-0324-HearingRecord1.pdf.

⁷³ *Id.*

⁷⁴ *Id.*

like the regular absentee voting process.⁷⁵ In fact, since the passage of the emergency version of this legislation, approximately 200 currently incarcerated persons have registered to vote from the D.C. Jail alone, and dozens more from the Bureau of Prisons.

In addition, the District currently implements an automatic voter registration system through the Department of Motor Vehicles (“DMV”). On November 1, 2016, the Council passed Chairperson Allen’s legislation, the Automatic Voter Registration Amendment Act of 2016,⁷⁶ which provides that each DMV application for a DMV-issued driver’s license (including any renewal application) or nondriver’s identification card shall automatically serve as an application to register to vote in the District, unless the applicant indicates on the application that they do not want the application to serve as a voter registration application. Since the law’s implementation, tens of thousands of District voters have been registered through the DMV or updated their addresses. This law has been a successful way for new voters who interact with the DMV to register to vote with no additional barriers, including returning citizens with licenses.

b. *Committee Print*

The Committee Print amends the District of Columbia Election Code of 1955 to lift the last remaining restriction in the District on the voting rights of incarcerated residents by removing the requirement that a qualified elector not be currently incarcerated for a felony conviction. As a result, all District residents who are incarcerated for felony convictions will be allowed to vote *while they are incarcerated for such convictions*. This provision brings the District to the forefront of the felony voting rights reform movement in the United States.

In addition, the Print expands the District’s automatic voter registration system and designates the Department of Corrections (“DOC”) as an automatic voter registration agency, along with the Department of Motor Vehicles. As such, the Print requires DOC to collect voter registration information from eligible residents in its care or custody and transmit this information to the Board of Elections, unless a resident affirmatively opts out. The Print further requires DOC to designate a staff member whose sole responsibility is the civic engagement and enfranchisement of eligible individuals in its care or custody. These new requirements will augment DOC’s existing dedication to voter enfranchisement, and the Committee thanks the agency for its continued commitment to this issue.

The Print additionally requires the Department of Youth Rehabilitation Services (“DYRS”) to register eligible youth committed to its care or custody, unless a youth affirmatively opts out. DOC and DYRS already are actively engaging residents in their care or custody in the voting process. For example, DYRS just recently held a successful voter registration event on National Voter Registration Day (September 22). By expanding the voter registration responsibilities of DOC and DYRS, the Committee hopes to move in the direction of having all District agencies that interface with the public participate in automatic voter registration.

To further increase access to voting for incarcerated residents, the Print also requires the Board of Elections, before any upcoming voter registration or absentee ballot deadlines and with

⁷⁵ *Id.*

⁷⁶ <https://lims.dccouncil.us/Legislation/B21-0194>.

reasonable time for qualified electors to return materials to the Board, to provide to every *unregistered* qualified elector in DOC’s care or custody and endeavor to provide to every *unregistered* qualified elector in the BOP’s care or custody, a voter registration form and postage-paid return envelope and educational materials about the right to vote. Similarly, the Print requires the Board to provide to every *registered* qualified elector in DOC’s care or custody and endeavor to provide to every *registered* qualified elector in BOP’s care or custody, a voter guide, educational materials about the right to vote, and an absentee ballot with a postage-paid return envelope.

Lastly, the Print requires the Board of Elections and the Corrections Information Council to jointly submit a report to the Mayor and the Council on the bill’s implementation by July 1, 2021, and biennially thereafter, to enable the Committee to monitor its efficacy.

For implementation purposes, the Committee would like to request that the Board consult with criminal justice experts to promulgate rulemaking to define “residency” for our incarcerated residents who are newly enfranchised. The current guidance instructs individuals to use their District home address – which is straightforward for individuals who are incarcerated whose families have not moved and whose residence remains stable. However, the Committee requests that the Board promulgate rules that take into consideration incarcerated individuals who experienced homelessness prior to being incarcerated, for example, or whose families may have moved out of the District during the period of incarceration.

LEGISLATIVE HISTORY

June 4, 2019	B23-0324 is introduced by Councilmembers Robert White, Allen, Bonds, Cheh, Evans, Gray, Grosso, McDuffie, Nadeau, Silverman, Todd, and Trayon White, and Chairman Mendelson.
June 4, 2019	B23-0324 is referred to the Committee on the Judiciary and Public Safety.
June 14, 2019	Notice of Intent to Act on B23-0324 is published in the <i>District of Columbia Register</i> .
September 20, 2019	Notice of Public Hearing on B23-0324 is published in the <i>District of Columbia Register</i> .
October 4, 2019	Notice of Public Hearing on B23-0324 is published in the <i>District of Columbia Register</i> .
October 10, 2019	Public Hearing on B23-0324 is held by the Committee on the Judiciary and Public Safety.
October 29, 2019	Public Hearing on B23-0324 is held by the Committee on the Judiciary and Public Safety.
September 24, 2020	Consideration and vote on B23-0324 by the Committee on the Judiciary and Public Safety.

POSITION OF THE EXECUTIVE

The Committee received testimony at its October 4, 2019 public hearing on B23-0324 from then-Deputy Mayor for Public Safety and Justice Kevin Donahue and Director of the Department of Corrections Quincy Booth, whose testimony is summarized below:

Kevin Donahue – Deputy Mayor for Public Safety and Justice

Deputy Mayor Donahue testified in support of B23-0324, although he noted the bill does not provide any direct role for his office. He stated that the Executive believes that the right to vote is a core tenet of democracy. For this reason, while some states are currently working to restrict voting rights, the District is working to expand voting rights. He stated that we have some of the most progressive voting laws in the country, because voting is fundamental to our District values. He discussed ways the District already works to enfranchise incarcerated and returning citizens. For example, the Department of Corrections partners with the Board of Elections to ensure that incarcerated residents at the D.C. Jail have the opportunity to vote, if they are eligible. In addition, the Office on Returning Citizen Affairs conducts voter outreach events at the D.C. Jail and in the community.

Deputy Mayor Donahue also testified to some of the implementation challenges the Executive foresees with the bill. BOP is a federal entity and not under the District's jurisdiction. Therefore, the bill requires the cooperation of an agency we cannot compel to act. He stated that the Executive will push this conversation with BOP at every opportunity, but it may be a challenge. He concluded by noting that we should continue to engage incarcerated residents, because they are eventually coming home. Deputy Mayor Donahue concluded that the Executive will engage with BOP at the highest levels to attempt to smooth implementation issues that may arise. He believes we will have more clarity as to how communications with BOP will go once the bill is passed.

Quincy Booth – Director, Department of Corrections

Upon questioning, Chairperson Allen noted earlier testimony from the ACLU that in Puerto Rico, which allows incarcerated residents to vote, voter turnout numbers are just as high in prison as they are on the outside. He noted that, while the District has done a lot to increase education within the D.C. Jail, we have more work to do to increase voter turnout. He asked DOC Director Booth what efforts are underway at the D.C. Jail to mirror some of the practices taking place in Puerto Rico. Director Booth testified that they hold empowerment sessions, advertise elections in the facility, and make announcements closer to elections. He also noted that he was planning to reach out to Puerto Rico.

Director Booth also pointed out, in response to a question from Councilmember Robert White, that District residents convicted of felonies almost always pass through the D.C. Jail before being transferred to BOP, so these individuals could register to vote at the D.C. Jail before leaving for BOP. He further noted that the bill would affect approximately 581 individuals currently in DOC custody, but this number is always fluctuating. Lastly, Director Booth stated that there are

no operational challenges from his perspective with individuals in DOC custody receiving absentee ballots.

ADVISORY NEIGHBORHOOD COMMISSION COMMENTS

The Committee received the following comments from Advisory Neighborhood Commissions:

Villareal Johnson – Commissioner, ANC 7B05

Commissioner Johnson testified in support of the bill. He stated that it is good to see the Council taking steps to empower residents to remain part of the democratic process as they work to restore their debts to society for the mistakes they have made. B23-0324 is an opportunity to fight for our residents and help them stay connected to their families. He stated that he recently discussed the bill with a returning citizen, who said that it would have made him feel connected to home, empowered, and dignified. The right to vote would help him advocate for himself and other incarcerated individuals. Commissioner Johnson also asked if the Council could take the bill one step further and push for resources for incarcerated residents when they return home.

Anthony Lorenzo Green – Commissioner, ANC 7C04

Commissioner Green testified in support of the bill. He stated that the bill takes a historic step in tearing down laws that were put in place to prevent Black people from voting. He noted that, in a progressive city, everyone is watching how we advocate for our incarcerated residents. We must practice what we preach on our march towards statehood. He believes it is time the District end disenfranchisement practices from the Jim Crow era. He stated that people who don't have the right to vote are ignored, and this feeling that you do not matter is passed down through generations.

Dorothy Douglas – Commissioner, ANC 7D03

Commissioner Douglas testified in support of the bill. She stated that she is a native Washingtonian who has lived in Ward 7 for more than forty years, where she has raised her children and grandchildren. She is also a retired corrections officer and case manager. She has also worked at CSOSA. She supports restoring the vote to incarcerated residents. She recommended that the Board of Elections distribute information about voting rights at libraries, community meetings, stores, and other public spaces.

WITNESS LIST AND HEARING RECORD

On Thursday, October 10, 2019 and Tuesday, October 29, 2019, the Committee on the Judiciary and Public Safety held public hearings on B23-0324. Video recordings of the hearings can be viewed at <https://entertainment.dc.gov/page/on-demand-2019>. The following witnesses testified at the hearings or submitted statements to the Committee:

Public Witnesses

Arrington Dixon – Former D.C. Councilmember

Mr. Dixon testified in support of the bill. He stated that, while he was on the Council, he introduced legislation to restore the vote to individuals formerly incarcerated for a felony conviction at a time when the public sentiment favored mandatory sentencing. He noted that he grew up in Anacostia River East, and knew people in his community who had been incarcerated. He cited the Netflix miniseries *When They See Us* as a reflection of the significant difficulties experienced by returning citizens. He believes that restoring the right to vote repairs the severed link to communities that incarceration creates. He stated that incarcerated residents have much to offer their communities, and they must be seen and heard.

Kara Gotsch – Director of Strategic Initiatives, The Sentencing Project

Ms. Gotsch testified in support of the bill. She stated that laws excluding people with felony convictions from voting resulted in the disenfranchisement of over six million Americans during the 2016 election. She noted that these laws are in large part a vestige of slavery and Jim Crow era policies that “explicitly sought to weaken the political clout of Black Americans”. She stated that racial disparities in the criminal justice system result in higher rates of disenfranchisement in communities of color – in fact, 1 out of every 13 African American adults nationwide is ineligible to vote because of a felony conviction.

Ms. Gotsch further testified that denying the right to vote to people with felony convictions is deeply problematic to a democratic society and counterproductive to effective reentry. She outlined the national momentum to reform restrictive voting laws, stating that since 1997, 24 states have amended their laws to expand voter eligibility. In fact, six states (Connecticut, Hawaii, Massachusetts, Nebraska, New Jersey, and New Mexico) have introduced legislation to allow individuals in prison to vote. She urged the Council to pass the bill and restore voter eligibility to approximately 6,000 incarcerated District residents [*the Committee notes that the current population of District residents incarcerated in the BOP is approximately 2,600 as of the date of markup*]. She noted that imprisonment should not be an excuse for denying citizens their constitutional rights – denying the right to vote is no more justified than denying the right to freedom of religious expression. In addition, voting from prison can help develop connections to the community and promote pro-social thinking and behavior. Public safety is not helped by ostracizing incarcerated people and disconnecting them from their communities. Ms. Gotsch concluded that the Council should prioritize implementation of the bill and remain vigilant over the BOP to ensure access to voting for our residents incarcerated in BOP facilities.

Rodney McKenzie – Executive Vice President of Movement Strategies, Demos

Mr. McKenzie testified in support of the bill. He stated that there are close to six million people in the United States today who do not have the right to vote because of a criminal conviction. This has weakened our democracy by silencing the voices of these individuals. He believes the bill is particularly profound given the District’s lack of representation in Congress. He stated that felony disenfranchisement laws were created for the explicit purpose of

disenfranchising newly emancipated Black voters – they were not about punishment, but rather about suppressing the Black vote. He cited historical examples to support this analysis. Given this origin, he argued, there is no legitimate basis for these laws. Instead, they have caused harm to our democracy and to equal representation of Black and Brown communities. Mr. McKenzie further testified that the restoration of voting rights to those who are incarcerated could bring much needed change to our criminal legal system. He concluded by stating that felony disenfranchisement is a “deep stain on our integrity and our morality as a people”. Rooted in racism, voter disenfranchisement laws do nothing to improve public safety, and instead prevent full civic engagement. He believes the District should play a leading role in pushing the country to end the practice of excluding people from democracy.

Tyrone Walker – Associate, Justice Policy Institute

Mr. Walker testified in support of the bill. He stated that disenfranchising those in prison has the effect of silencing communities of color in the District. Moreover, the negative impact of what he termed “civil death” spans across generations. He spoke about his parents who had felony convictions and never voted. They did not educate him and his siblings about civic engagement. They did not discuss current events or politics or why voting matters. He stated that his family and community were plagued by aspects of this “civil death” – individuals were disengaged from politics and voting due to felony convictions and never reengaged after incarceration. He believes that restoring the vote would encourage political engagement across multiple generations and benefit communities of color immensely.

Mr. Walker further testified that when communities have a voice, they can have an impact. He noted that, unfortunately, the communities most impacted by issues such as gentrification and mass incarceration are the ones most likely to lack a voice through voting. He believes that restoring the vote would reinforce the message that your voice matters and your thoughts and opinions have value. This, in turn, would foster a prosocial environment that aids in rehabilitation for returning citizens. Voting can allow returning citizens to feel stronger ties to the community and more vested in politics, which can reduce recidivism.

Nassim Moshiree – Policy Director, ACLU of the District of Columbia

Ms. Moshiree testified in support of the bill. She reiterated others’ testimony that disenfranchisement is rooted in racism and disproportionately affects communities of color. She noted that the District has one of the highest rates of incarceration in the nation, and most of the District’s incarcerated residents are Black. These residents have no say in their government or the decisions that directly affect them. Furthermore, Ms. Moshiree testified that restoring voting rights is critical to rehabilitation and successful reintegration. Voting allows these residents to retain a sense of civic responsibility and have a stronger stake in the community to which they will eventually be released. This is especially important because District residents are housed far away from their communities and have a difficult time maintaining connections. Ms. Moshiree also testified that restoring the vote is a best practice, already done in Maine, Vermont, and Puerto Rico. Other countries, like Canada, Ireland, Israel, South Africa, Spain and nearly two dozen other countries do not place restrictions on voting for incarcerated people. She believes the District can

serve as a model for other jurisdictions in the United States as similar reforms are considered elsewhere.

Ms. Moshiree further testified that there are challenges to the bill's successful implementation. First, the bill requires the cooperation of the BOP to share the location and contact information of incarcerated District residents and ensure these individuals have access to absentee ballots and other mailings from the Board of Elections. This is complicated further because individuals are often moved from one federal facility to another. She also wondered how outreach would be done to District residents incarcerated in state prisons in other jurisdictions. She recommended that the District connect with election officials in Maine, Vermont, and Puerto Rico to learn more about their experiences and best practices.

Paula Thompson – Co-Chair, Reentry Action Network

Ms. Thompson testified in support of the bill. She stated that the District's laws impact residents in the criminal justice system the same way they do those not incarcerated, yet incarcerated residents are denied a voice. This further alienates this population from society and disconnects them from the communities to which they will return, while fostering anger and frustration that jeopardizes successful reentry. She noted that there are few studies that estimate the effect of enfranchisement on recidivism, but the ones that exist show that restoring the right to vote decreases recidivism. She cited several of these studies, noting particularly that making people feel like members of society again improves reentry outcomes. She also explored the arguments used against restoring the vote: first, that there could be crime-related impacts associated with enfranchisement. She said that she does not know of a study indicating that felony disenfranchisement deters crime. Another argument is that disenfranchisement is a way to signal the importance of norms that people with felonies have violated. She believes that this is not a useful way to send a message that criminal behavior is unacceptable.

Ms. Thompson further testified that the District was the first place in the nation to abolish slavery. Yet, today, African Americans in the District are experiencing civic inequality. Felony disenfranchisement overwhelmingly affects African Americans – although, they account for less than half of the District's population, they account for 96% of people convicted of felonies. In addition, nationally, African Americans are four times as likely to be disenfranchised by a felony conviction as non-African Americans. She believes the bill is a step in the right direction for improving racial justice.

Pat McGlone – Board President, Council for Court Excellence

Mr. McGlone testified in support of the bill. He stated that the District's legacy on civil rights is marked by two contrasting stories. On the one hand, it was the first place in the nation where African Americans could vote, the first place to abolish slavery, and the first place to desegregate schools. On the other hand, the District allowed racially restrictive deed covenants to prevent African Americans from living in certain neighborhoods through the mid-twentieth century, along with many other policies that promoted segregation. Mr. McGlone believes that this bill presents an opportunity for the District to advance the former position. He noted that there are many reasons to support the bill, including that there have been some studies that show restoring

the right to vote decreases recidivism. Voting offers District residents incarcerated across the country in the BOP an opportunity to maintain a connection with their communities. He believes that the positive benefits of the bill far outweigh the cost of removing a “retributive burden” placed on people with felony convictions. He dismantled several arguments against restoring the vote, including that people with poor moral character, e.g., those convicted of felonies, should be prevented from voting. He cited evidence that suggests that people with felony convictions have the same views of rightness and wrongness of crimes (their own included) as do those without felony convictions. In addition, there is no evidence that the threat of felony disenfranchisement actually deters crime.

Ella Hankins – Public Witness

Ms. Hankins, a Ward 4 resident and 8th grader, testified in support of the bill. She talked about an assignment her English teacher had given her to write a persuasive speech about any topic. She chose to discuss the right to vote of people in prison, and she argued against disenfranchisement. She argued that incarcerated people need to be able to vote to elect officials who make decisions about issues that affect them and their families. She cited incidents in prisons in Texas and New York where prison conditions might have been addressed had incarcerated people had a say through voting. She also stated that, without their vote, we have an unfair and inaccurate representation of the voice of the community. She asked, how can communities have their voices heard if a large part is not allowed a voice? Lastly, she stated that voting allows incarcerated people to feel more connected to the world and less alienated.

Makia Green – Organizer, D.C. Working Families

Mx. Green testified in support of the bill. They stated that, at a time when democracy is under attack, they are proud that the District is working to create a stronger and more inclusive democracy. They noted that we must continue to dismantle the barriers to democracy that have been built to lock people out or down. They believe this bill expands our democracy and rights a historic wrong. They testified that voting is a human right, and to restrict this right is to tell people that they are “less than”, and they do not matter. They stated that, as we fight for statehood, District residents are hungry for an inclusive democracy and for lifting the voices of all of our residents, including those who are incarcerated. They further stated that “true democracy is only a threat to those who choose to abuse their power”. They concluded by offering a few suggestions to strengthen accessibility to voting, including mandating the circulation of a voter guide, requiring automatic voter registration at the D.C. Jail, and adequately resourcing the Board of Elections.

April Goggans – Core Organizer, Black Lives Matter D.C.

Ms. Goggans testified in support of the bill. She stated that our neighbors incarcerated across the country are stripped of their rights and facing civil death. She discussed the history of civil death as a key tool of the suppression of the Black vote and a way to maintain racial power structures in states that saw strong Black turnout after the franchise was granted. She stated that there is no place on earth where all Black lives do not matter or where our voices do not belong. She believes we must ensure that every single incarcerated person is granted unfettered access to this right to vote.

Jeffrey Reid – Political Action Team Member, United Food and Commercial Workers Union, Local 400

Mr. Reid testified in support of the bill. He stated that the bill is important, because many of the members of his union are returning citizens. He said disenfranchisement is particularly problematic where we have such a high incarceration rate and a high percentage of the people who are incarcerated are Black. He noted that the right to vote for those who are incarcerated was taken away in 1955 by Congress, and with this bill, we are on the verge of righting this wrong.

Corwin Knight – Founder, Hope Foundation

Mr. Knight testified in support of the bill. He stated that he is a returning citizen who was incarcerated in a facility in New Jersey, and therefore was counted as a resident of that area. He stated that prisons are constructed on the backs of “ghost voters” – those who are not permitted to vote and do not have connections to actual residents of the area where they “reside” for purposes of the Census. He believes this artificially inflates the power of areas in which prisons are located. He stated that this bill promotes racial equity, and he is proud that his elected officials are supporting this effort.

Lauren Spokane – Representative, Jews United for Justice

Ms. Spokane testified in support of the bill. She stated that central to the Jewish practice of “teshuva” is the idea that we all have the capacity to change, to learn from mistakes, and to repair harm we create. She noted that our criminal justice system is a far cry from a system that effectively repairs harm and supports rehabilitation. She believes that one small way we can move in the right direction is to allow incarcerated people to have a voice in civic life. She stated that restoring the vote is the right thing to do both morally and pragmatically, given its connection to reducing recidivism. She suggested that, in order to make voting truly accessible, we also provide ballots in postage-paid envelopes.

Keshia Morris – Census & Mass Incarceration Project Manager, Common Cause

Ms. Morris testified in support of the bill. She stated that the current system of mass incarceration presents a democratic challenge in which those most affected by the criminal justice system are unable to have a voice through voting. By taking away the right to vote, we create a class of citizens who have no say in the laws or people that govern them. She testified that it is time for the District to fight back and ensure incarcerated people are not stripped of their voices in our democracy. She noted that people do not lose their citizenship when incarcerated, so they should not lose their right to vote. She reviewed the “disturbing” history of felony disenfranchisement and “civil death” brought to the American colonies by the British. She also noted that most “western-style” democracies today allow some or all convicted persons to vote while incarcerated, in addition to Maine and Vermont in the United States.

Blair Bowie – Legal Counsel & Restore Your Vote Manager, Campaign Legal Center

Ms. Bowie testified in support of the bill. She stated the question is whether we believe there is any legitimate reason to take away someone's right to vote. As Americans, we start with the presumption of the right to vote and share an understanding that participation in elections is the most powerful tool in our democracy. We should only strip someone of the right for a very good reason. Yet none of the goals of the criminal justice system are advanced by disenfranchisement – it has no deterrent value, no restraint value, and no punitive value. In fact, studies have shown that felony disenfranchisement actually undermines rehabilitation and reentry. Restoring the vote would promote reentry and keep people connected to their home communities. She stated it is an open secret that these laws are the progeny of Jim Crow designed to harm communities of color. She spoke about the hotline she runs for returning citizens to call for information about their voting rights. She noted that she frequently receives calls from states that have relatively simple voting laws, and yet people are still confused. She has never received a call from Maine or Vermont. She further noted that the BOP Mail Management Manual (Section 3.14) allows business reply mailers for absentee ballots.

Samuel Briggs – Vice Chair, Board of Directors, Jubilee Housing

Mr. Briggs testified in support of the bill. He stated that through his organization's extensive work with returning citizens, he affirmed that the more that incarcerated individuals are engaged with their family and community during incarceration, the higher the level of successful reintegration upon release. He believes that the right to vote is a critical avenue to engage residents while they are serving time in prison far away from the District. He then shared his personal story. He was convicted of a felony at age 16 and was released at age 32. During that time, he did not have the opportunity to vote and felt disconnected. While subsequently serving time in Montgomery County, he was given his first opportunity to vote by absentee ballot. He was "overjoyed" and "felt like an adult American citizen for the first time". He stated that he then began to pay more attention to policies and how the government was spending tax dollars. He believes that allowing incarcerated people to opportunity to participate in public life will make the transition back to society easier.

Amy Feeser – Community Outreach Liaison, Jubilee Housing

Ms. Feeser testified in support of the bill. She stated that, as a social worker and the child of a returning citizen, she can attest to the feeling of powerlessness and loss of dignity that comes from the experience of incarceration. She believes that restoring the vote and giving incarcerated people agency will allow them a voice in their community's future. She stated that it is our duty to welcome returning citizens home and equip them to be empowered leaders for the future. She believes voting is a momentous step towards self-empowerment and increases the chances of successful reintegration.

Margaret Martin Barry – Visiting Professor of Law/Director, Reentry Clinic, American University Washington College of Law

Professor Barry testified in support of the bill. She stated that the criminal justice system is deeply flawed. She believes that voting is a vehicle for restoring a measure of humanity to District residents dispersed in the BOP system. It is harder to forget those we incarcerate if their voices are allowed to join the public debate. She reiterated the racist history of disenfranchisement laws and the disproportionate impact these laws have on communities of color. She noted that Maine and Vermont are the only two states that allow people incarcerated for felonies to vote – and she suggested the connection between the racial demographics of these states and the racial implications of the laws' history. African Americans make up only 1.4% of Vermont's population and 1.6% of Maine's population. In the District, 46.4% of the population is Black, and approximately 97% of all incarcerated individuals are Black. She stated that these statistics illustrate the disproportionate impact of the criminal justice system. Professor Barry further spoke about challenges to implementation given the distant federal facilities in which District residents are incarcerated.

Xena Hinson – Dean's Fellow, Reentry Clinic, American University Washington College of Law

Ms. Hinson testified in support of the bill. She is pleased that the bill includes provisions requiring the District and BOP to collaborate to identify eligible residents. She noted that we need strong oversight to ensure implementation. The Board of Elections must ensure that the information and names of incarcerated residents are accurate. She urged the Council to maintain a strong system of accountability.

Keith Towery – Public Witness

Mr. Towery testified in support of the bill. He stated that we often talk about barriers to reentry in terms of employment, education, housing, program eligibility, and lack of release planning, but we forget to talk about the importance of maintaining connection while incarcerated. He noted that it can be hard to stay connected to a community when you are 900 miles away. He further testified that when someone is convicted of a crime, they do not deserve to lose all of their rights and privileges. He stated that we should provide incarcerated people with the opportunity to be civically involved and inspire other to follow suit when they return home. He cited voter turnout statistics from Wards 7 and 8, where the numbers are the lowest and the proportion of Black residents is the highest (90%). He believes that this bill presents an opportunity to help strengthen voter turnout in predominantly Black neighborhoods of the District. Lastly, he supports the bill because it would provide the District with a monthly accounting of the location of our residents in BOP custody, which will in turn require the BOP to improve how they capture and report this information.

Kesh Ladduwahetty – Operations Director, D.C. for Democracy

Ms. Ladduwahetty testified in support of the bill. She stated that, first and foremost, voting is a right, not a privilege. Second, she noted the root of disenfranchisement laws in racial

oppression. Third, she stated that she believes voting helps connect people to their communities and the larger society. Voting is an important element in rehabilitation and can reduce recidivism.

Courtney Stewart – Executive Director/C.E.O., The National Reentry Network for Returning Citizens

Mr. Stewart testified in support of the bill. He stated that incarcerated people do not lose their citizenship, so they should not lose their right to vote. He pointed out that they have the right to worship, the right to protest, the freedom of speech, and due process rights. He stated that stripping voting rights also strips away their desire to be law-abiding stakeholders in society. He further noted that the United States is the only Western democracy that permits permanent denial of voting rights for individuals with felony convictions. He believes that disenfranchisement serves no purpose and only becomes a barrier to reentry.

Michael Jones – Client, The National Reentry Network for Returning Citizens

Mr. Jones testified in support of the bill. He is a returning citizen after 23 years of incarceration, starting at the age of 19. He testified that the community around him has changed due to development. He noted that this bill is about being respected and valued despite a criminal history or past mistake. He stated that everyone should be involved in the political process because lives are affected by the decisions made by the government. He believes that everyone should have a voice because they are parents, taxpayers, employees, students, employers, and neighbors. He further stated that just because a person loses their freedom because of a crime does not mean they should lose their humanity for life.

Jamila Grooms – Operations Facilitator, The National Reentry Network for Returning Citizens

Ms. Grooms, a returning citizen, testified in support of the bill. She stated that as a student in D.C. Public Schools, she was taught about the Constitution, the Bill of Rights, and voting rights. She was taught about her ancestors' uphill battle to secure the right to vote. She stated that, later in life, she realized that a lot of what she had learned did not apply to her. When she learned that she could not vote while incarcerated, she felt "total defeat". She believes no citizen should have their voice silenced because of a mistake they make. She further testified that disenfranchisement leads to a decrease in government trust, which is counterproductive to lowering recidivism. She cited a study in which eligible returning citizens who voted were half as likely to be rearrested as those who did not vote.

Weyimi Ayu – Program Coordinator, The National Reentry Network for Returning Citizens

Mr. Ayu testified in support of the bill. He stated that disenfranchisement laws disproportionately impact racial and ethnic minorities. He also stated that prisoners retain many rights while incarcerated, including the freedom to worship and the right to free speech. He believes voting is a natural extension of those rights and is so central to our experience in a free society that depriving people of this right is a crime itself.

Derrick Nathan – Outreach Coordinator, The National Reentry Network for Returning Citizens

Mr. Nathan testified in support of the bill. He stated that restoring the vote would mean re-enfranchising the Black and Brown people who are disproportionately jailed. He noted that, as of 2016, 55% of U.S. prisoners were Black or latinx, while making up just 30% of the overall population. He testified that felony disenfranchisement laws are relics of Jim Crow, and we should move towards a society where people in prison are not further dehumanized.

Clayton Carter – Intern, The National Reentry Network for Returning Citizens

Mr. Carter testified in support of the bill. He stated that his views about politics have changed – he used to be reluctant to get involved, and now he is eager. He testified that he was never taught the importance of voting. Instead, he has always been under the impression that his vote as a Black person in America would be overlooked, and therefore, why participate in elections. He stated that this mentality developed due to mass incarcerations, a history of racially biased laws, and a criminal justice system that strips citizens of civil and human rights. He noted that disenfranchisement further disconnects people from their community and makes it even harder to engage in the political process after release.

Jarnese Harris – Executive Assistant, The National Reentry Network for Returning Citizens

Ms. Harris, a returning citizen, testified in support of the bill. She stated that from the time she was eligible to vote, she did. She was taught from a young age that every vote counts, and one vote could make a difference. She stated incarcerated people still want their voice to be heard and to be able to make a difference. She noted that she has as much right as any other person to be able to vote for the next Mayor or President.

Charlie Sullivan – President, International CURE

Mr. Sullivan testified in support of the bill. He spoke about his evolution to come to the realization that if voting is an inherent human right, then a criminal conviction should not restrict it. He testified that since then, CURE has been focused on this issue. Last year, CURE supervised a registration drive for eligible incarcerated people in the D.C. Jail. CURE also facilitated absentee voting for this population. He stated that CURE continues to work with the Board of Elections to register all returning citizens upon their release. However, he pointed out that a felony conviction can have a chilling effect on voter registration. Despite this, he stated that he has seen the faces of formerly incarcerated persons after they voted and proudly placed the “I Voted” sticker on their shirts – he has witnessed firsthand how voting can be a transformative event.

Jimmie Williams – President/Executive Director, Washington Literacy Center

Mr. Williams testified in support of the bill. He stated that many students who come to his organization have undiagnosed learning disabilities and suffer from generational issues such as poverty, lack of access to quality early education, lack of remedial education, and lack of support for trauma they have suffered. Many of the students also have a family member who is

incarcerated. He stated that many systemic issues that result in social, environmental, mental, and educational traumas also result in civic withdrawal. He noted that a child of a parent who cannot read is also unlikely to be able to read. Similarly, a child of a parent who does not vote is unlikely to vote. He also noted that more than 60% of all incarcerated people in prisons are functionally illiterate. He views his formerly incarcerated students as twice disenfranchised. First, by the unfair educational and social systems that placed them on the track to incarceration, and second, by mooting their ability to hold elected officials accountable and demand they address the problems that led to their incarceration.

Markus Batchelor – Vice President, State Board of Education

Mr. Batchelor testified in support of the bill. He noted that B23-0324 would make the District a pioneer in voting rights for incarcerated individuals. He stated that disenfranchisement laws are rooted in racism, as is mass incarceration. He said that if we believe that people who pass through prison should be more productive members of society, then how can we deny them the right to participate in society? He believes that the people who are the most oppressed by society require the agency to shape systems and hold them accountable, which they can do through voting. He noted that our most isolated residents are those in BOP who are relegated to facilities hundreds of miles from home, away from their family and support systems. These individuals often return to an unrecognizable community with little sense of empowerment. He thinks that the ability to vote and make choices is a bridge. He stated that criminal justice should be about reform and overcoming obstacles, not about being cast out.

Zachary Hoffman – Vice President, D.C. Bar and Restaurant Workers Alliance

Mr. Hoffman testified in support of the bill. He has worked with several returning citizens in his career in the hospitality industry, with one of whom he was recently discussing this bill. The coworker, who had been convicted of a felony, stated that he would have voted while incarcerated if he had had the opportunity. The coworker also stated that he believed a lot of his peers would have felt so apathetic and dissociated from the world that they would not have voted. However, he believes his desire to stay connected while incarcerated was paramount to his success upon reentry to society. Mr. Hoffman believes this bill, though it does not address the many steps that led his coworker to incarceration, does begin to chip away at the flaws in the criminal justice system. He believes we dehumanize those we incarcerate. In his experience, returning citizens he has worked with are just as opinionated and human as he is.

Eric Weaver – Chair, National Association for the Advancement of Returning Citizens

Mr. Weaver testified in support of the bill. He stated that he had been incarcerated for 22 years and was not aware that he was able to vote. Now, the right to vote is one of his most “prized possessions”. He believes that this bill is going to make a difference. He stated that individuals who are incarcerated will be engaged and have their whole mindsets changed. They will feel like they are a part of society and can make an impact in elections. He believes that this is bigger than restoring the vote – it is about connecting families and communities. He is happy to be a Washingtonian.

Ambrose Lane, Jr. – Chair, Health Alliance Network

Mr. Lane testified in support of the bill. He stated that disenfranchisement of a specific group of people undermines democracy, and it does so with a disproportionate impact on people of color because of racial disparities in the criminal justice system. Just because people are in prison does not mean they disappear – they have ties to their communities, and most of them come back. He testified that he supports this legislation because it restores humanity, dignity, self-worth, and self-healing. He offered one suggested change: that individuals serving felony sentences for violent crimes such as homicide and sexual assault engage in restorative practice with the survivors of those crimes before having their right to vote restored.

Dan Mauer – Public Witness

Mr. Mauer testified in support of this bill. He noted the discriminatory impact of felony disenfranchisement laws on communities of color. He noted that, after apartheid, South Africa bestowed voting rights on all, including those who were incarcerated. He believes rights cannot be limited without justification, and we must interpret law in favor of enfranchisement rather than against it. He stated that, for decades, people in power have been trying to undo voting rights, thus furthering empowering those in power. He cited recent voter identification laws and other restrictive laws that have been put in place recently to make it harder for working people to get to the polls. He believes this bill would make our democracy stronger.

Mike Watson – Public Witness

Mr. Watson testified in support of the bill. He noted that disenfranchisement leaves incarcerated residents disconnected from society, further alienating them from the community to which they will return and jeopardizing successful reentry. He spoke about his experience working with returning citizens in Arkansas, where many did not know about their right to vote after they completed their sentence. He saw firsthand how their experience voting improved reentry and can only imagine how voting would impact those who are currently incarcerated. He also testified that, as an educator, he believes the bill would give them a voice in the democratic process.

Robin McKinney – Public Witness

Ms. McKinney testified in support of the bill. When she thinks about restoring the vote, she thinks about rehabilitation, reentry, and review. She thinks about freedom of speech. She noted that she has two loved ones incarcerated, who she is advocating for every day. She stated that she hopes the District restores the vote, so that we can change something today that will change lives tomorrow.

Travis Ballie – Public Witness

Mr. Ballie testified in support of the bill. He stated that the bill is important for several reasons. He quoted Sojourner Truth's speech to white suffragists asking them to remember Black women. He stated we must remember the best of our past, where we have expanded the right to vote and reinvigorated our democracy. This bill follows in these footsteps. He noted that voting is

a small but critical way we can maintain incarcerated individuals' connections and investments in their community, as we also fight for a future with less incarceration.

Kendrick Jackson – Public Witness

Mr. Jackson testified in support of the bill. He stated that his work has recently focused on employing returning citizens. He believes it is hard to have economic opportunity when you do not have political opportunity. He testified that that value of the returning citizen voting bloc is great. They are faced with a myriad of issues upon returning home, and being able to vote should not be another barrier. He believes that the responsibility to educate incarcerated individuals and returning citizens should not just be on the Council and the District government, it should be on the political parties, also. He recommended including funding for political parties and other organizations to enter into detention facilities to educate voters.

Kymone Freeman – Co-Founder, We Act Radio

Mr. Freeman testified in support of the bill. He noted that disenfranchisement was about white supremacy from the beginning, and he cited the history of Virginia's disenfranchisement law as an example. He further cited the War on Drugs and President Ronald Reagan as the cause of the flooding of prisons with Black Americans. He believes we have the duty to right the wrongs of America's past and change the course of the country's future.

Malissa Freese – Public Witness

Ms. Freese testified in support of the bill. She believes that we must ensure that incarcerated people can vote. She shared that she moved to the District to be a hotel worker when she was 21 years old. Many of her coworkers at that time were returning citizens residing in halfway houses. She would talk to these coworkers about family, friends, and life in general. She found out how much \$5 per hour meant to those living in halfway houses. Over the years, she watched some of her coworkers succeed, some go back to prison, and some die. She believes that people have to feel worthy in order to grow. She stated that voting is precious to those who have few rights and dignities. It is important to feel like your voice matters, especially if it feels like your voice does not matter anywhere else in life.

Muhsin “Boe” Umar – Public Witness

Mr. Umar testified in support of the bill. He was sentenced to life without parole. When he came home from prison, he met a Councilmember who told him his vote counts. Now people on the streets see him as someone who has completely turned his life around. He continues to encourage people who are incarcerated to vote when they return, and he gives them information about issues and candidates. He believes you must make your vote count, so you must be informed. He stated that he believes he has stayed out of prison for so long because he votes. He is proud to speak with others and teach them about the importance of voting.

Chris Thomas – Community Engagement Officer, 100 Fathers, Inc.

Mr. Thomas testified in support of the bill. He stated that everyone has a voice once they come out of the womb, and everyone should have a voice until they die. He noted that there are no perfect people. He believes the District needs to pass this bill to give incarcerated people another shot at life. Voting can give them the confidence to get out and make a change in their community and maybe even throughout the country. He volunteers with returning citizens on a weekly basis, and they tell him they want to have a relationship with their families and communities again. He believes this bill would help them do that.

Makia Green – Organizer, D.C. Working Families Party

Mx. Green testified in support of the bill. They stated that the Board of Elections must be given sufficient funding to implement the bill and to communicate with the public about voting rights. They also believe there should be automatic voter registration when residents enter the criminal justice system, similar to what occurs at the Department of Motor Vehicles. They also suggested that stronger language be included requiring the Board of Elections to circulate a voter guide to currently incarcerated people.

Tenika Brown – Co-Founder, Bullying is Not Dope D.C.

Ms. Brown testified in support of the bill. She supports the bill because it puts the District on the right path towards remedying the history of civil death. She stated that citizenship is not a right that expires because of misbehavior. She noted that it is good to reexamine how we treat incarcerated people, and this bill is the right thing to do. She also believes that the prison system would be better if it were accountable to a constituency – those who are housed in prisons.

Louis Sawyer – Co-Chair, D.C. Reentry Task Force

Mr. Sawyer testified in support of the bill. He stated that the bill is important for several reasons. First, restoring the right to vote for individuals while incarcerated promotes racial equity. Second, restoring the vote supports reentry by developing a sense of social responsibility and membership in the political process. He cited a study by Demos that found that individuals who are released in states that permanently disenfranchise are roughly 19 percent more likely to be rearrested than those released in states that restore the vote post-release. He believes that the District should be a pioneering jurisdiction and join Maine and Vermont in enfranchising individuals while they are incarcerated.

Brittney Floyd – Representative, the WIRE

Ms. Floyd testified in support of the bill. She noted that, as a young person, she thinks that the importance of voting is not emphasized enough to young people. She shared that she was convicted her senior year of high school, and her father was incarcerated as a result of a plea deal she took. She stated that when her father returns home in 2032, the District will be an entirely different place than when he left. She believes this bill is a step to allow incarcerated people power to contribute to the life of the District. It creates accountability and promotes family reunification.

Ronald E. Hampton – Public Witness/Retired Officer, Metropolitan Police Department

Mr. Hampton testified in support of the bill as a means to work towards racial equity, reduce recidivism, and improve community trust in our justice system. He noted that the disenfranchisement of people in the District is based on racism, not public safety. In fact, disenfranchisement has no basis in public safety. Laws that disenfranchise incarcerated people undermine efforts to ensure successful reentry by isolating them and treating them as second-class citizens. He believes we should be doing everything in our power to connect incarcerated residents to their community rather than creating unnecessary barriers for them. He stated that police officers depend on the community to share information so they can prevent and solve crime. He believes that restoring the vote can help build community trust and show that the justice system recognizes incarcerated people as stakeholders and citizens of the community.

Tony McCright, Jr. – Public Witness

Mr. McCright submitted written testimony in support of the bill. He stated that, as a returning citizen, he feels the stigma associated with having a felony conviction. He noted that he was unable to be present at the Committee's hearing in person because of restrictions on his movement as a result of his conviction. He stated that incarcerated people are treated as second-class citizens in general, but particularly during elections they feel as if they are not considered citizens at all. He cannot fathom another reason to disenfranchise incarcerated people other than to further dehumanize them. He urged the Council to continue its work in aiding returning citizens and producing structural change in a broken system.

T Vatnick and Anna Morrison – Members, Showing Up for Racial Justice (SURJ)

SURJ testified in support of the bill, stating that the justice system has been based on violent control over Native and Black bodies from its inception. This legacy continues today, as illustrated by the statistic that Black people make up nearly half of the prison population, although they make up only 13% of the total population. They believe that restoring the vote is a crucial step towards creating racial equity in the District. Instead of criminalizing certain groups of people, we should work towards mending harms caused by individual behavior. Once a person is released from prison, they should be able to rejoin their community as a full contributing member, which includes the right to vote. Disenfranchisement is just one more law that prevents Black people from making their voices heard.

Stacey Litner – Prisoners' Rights Advocacy Director, Washington Lawyers' Committee for Civil Rights and Urban Affairs

Ms. Litner testified in support of the bill. She noted that, throughout the country, various "race neutral" laws deny the right to vote disproportionately to Black Americans. She examined the history of these laws and their racist inception. She noted that, as of 2018, 2.2 million Black Americans remained disenfranchised – four times the rate of all other racial groups combined. In addition, over 90% of incarcerated D.C. residents are Black. Restoring the right to vote should allow all residents to have a voice in matters that impact their life, family, community, and country.

Ms. Litner further testified about concerns she has surrounding implementation of the law, if passed. She noted that District residents are incarcerated all over the country in the custody of BOP, a federal agency over which the District has no control. The BOP does not have to provide information to District residents in their prisons on how to vote, and it does not have to allow the Board of Elections to provide prepaid envelopes for absentee ballots (in fact, many prisons do not allow pre-stamped envelopes in their facilities). BOP does not have to even tell the District where all of its residents are housed.

She made several recommendations. First, she suggested that the District determine residency based on where the individual resided prior to incarceration. Second, she stated that the District needs to put systems in place to ensure that people register to vote. She suggested that we automatically register people when they are sentenced. She also suggested that the District place incarcerated people on the “Permanent Absentee Ballot List” until their release from custody. In addition, she stated that the District should educate the public about the change in law and actively engage incarcerated residents incarcerated in BOP. Educational materials should be accessible to those with language barriers and disabilities. Lastly, she testified that the District needs to ensure that the Board of Elections has the necessary staffing and financial resources to implement the law.

Government Witnesses

Alice Miller – Executive Director, Board of Elections

Director Miller testified that the Board does not take a position on the bill, but she offered comments on how the bill would affect the agency’s operations. She stated that the bill’s requirements fall within the agency’s mission and would not present any operational challenges. She explained how the Board currently monitors which District residents are incarcerated for felonies: Superior Court sends the Board a monthly list of residents who have been sentenced for felony convictions. The Board then cross checks the voter roll and removes any name from the voter roll that appears on the list from Superior Court. Director Miller stated that the Board could use these lists moving forward to inform eligible voters of their right to vote. She noted that the Board would need to create a database and expand their Voter Education and Outreach Division to achieve the bill’s directives. She further noted that the Board may need to make technical modifications to their current voter registration system, but the Board would be able to do this.

Director Miller also testified that the Board is already required to take reasonable steps to inform all residents of elections and does so in part by mailing voter guides. She also believes the bill’s reporting requirement is achievable – it will just require designated staff members to monitor the program and keep copious records. She further stated that eligible residents who are incarcerated for felonies in BOP facilities will be able to use their last address where they resided in their District as their registration address. They then will be able to absentee vote, like other regular absentee voters.

Upon questioning from Chairperson Allen, Director Miller clarified that Superior Court sends the Board a monthly roster of convicted residents, which the Board uses to remove those individuals from the voter rolls. She was unable to provide exact figures for how many people on

the roster from Superior Court were actually registered to vote, but she thought that the number usually is high. She also clarified that, upon individuals' release from prison, the Board does not receive a similar roster. Individuals are responsible for re-registering to vote upon release – the Board does not automatically register released individuals, because they do not have access to release information. Director Miller also reiterated that incarcerated individuals may use their address at which they last resided in the District, even if they have not lived there for 20 years. In this sense, the Board would treat incarcerated individuals exactly like other absentee voters.

Karl Racine – Attorney General for the District of Columbia

Attorney General Racine testified in support of the bill, stating that it will be a strong step towards positive reentry. He noted that when people violate the law, we must hold them accountable. However, this does not mean stripping them of their rights as citizens. He believes that the bill will help incarcerated individuals maintain a stronger connection to their communities. He connected this bill to the District's struggle to achieve statehood, noting that the right to vote is a sacred right in the United States. To be denied the right to vote is to be denied a say in our self-governance and a stake in our shared future. He believes restoring the vote will provide incarcerated residents with a feeling of self-worth and personal obligation to our communities.

Katya Semyonova – Special Counsel to the Director for Policy, Public Defender Service for the District of Columbia (“PDS”)

Ms. Semyonova testified in support of the bill. She stated that restoring the vote upholds the basic tenets of our democracy and furthers the goal of successful rehabilitation and reentry. She believes that regardless of wealth or status, residents should be able to participate in the decision-making that affects their lives. In the District, voting is central to allocating the budget, setting policy priorities, funding schools, and a myriad of other important issues. Under current law, even if a resident is incarcerated for three months only for a felony during an election, that person misses out and lacks a voice in decision making. For those with longer sentences, disenfranchisement results in a “civil death” that may permanently impact those individuals' connection to the District. She pointed out that the vast majority of people with felony sentences in the District are Black and male. In addition, typically more than 90% of people who appear in Superior Court for felony charges lack financial resources for an attorney. In this way, disenfranchisement continues to marginalize poor communities of color.

Ms. Semyonova further testified that treating incarceration as a period of total exclusion makes little sense as a matter of policy. The District has focused significantly on successful reentry policies, such as criminal record sealing, occupational licensing for people with criminal records, and many others. She believes the District would benefit from having those who are affected by incarceration be a part of those conversations. Being able to vote would help ensure their engagement on important issues like affordable housing, public schools, and family leave – all issues that affect them and their families. Voting can also help incarcerated people stay connected to their communities even when they are unable to see their families. This kind of connection has been shown to be critical to successful reentry and decreasing recidivism.

Ms. Semyonova also highlighted some of the implementation challenges presented by the bill, similar to those that other witnesses noted. She believes that the Corrections Information Council may be in the best position to determine where District residents are incarcerated and how to reach them. She also suggested that the District conduct a “pre-implementation analysis” to identify gaps in the law before they occur so that incarcerated residents will be able to vote as soon as the law is implemented.

Upon questioning from Councilmember Robert White, Ms. Semyonova stated that PDS does not keep in touch with most of its clients in BOP. However, for those that they do keep in touch with, they use in-person visits, telephone calls, and letters. PDS has not experienced any systematic communication issues in the course of these cases. She believes that receiving mail will not be the biggest challenge – instead, obtaining and maintaining a list of who is incarcerated in which facilities will be the most challenging aspect of the bill.

IMPACT ON EXISTING LAW

B23-0324 amends the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 669; D.C. Official Code § 1-1001.01 *et seq.*), to allow District residents, who are otherwise qualified, to vote while incarcerated for a felony conviction, to add the Department of Corrections (“DOC”) as an “automatic voter registration agency”, to require the Board of Elections (“BOE”) to provide every unregistered qualified elector in DOC’s care or custody and endeavor to provide to every unregistered qualified elector in the BOP’s care or custody, a voter registration form and postage-paid return envelope and educational materials about the right to vote, to require BOE to provide to every registered qualified elector in DOC’s care or custody and endeavor to provide to every registered qualified elector in BOP’s care or custody, a voter guide, educational materials about the right to vote, and an absentee ballot with a postage-paid return envelope, and to require BOE and the Corrections Information Council, by July 1, 2021, and biennially thereafter, to jointly submit a report to the Mayor and the Council on the act.

B23-0324 also amends section 104(18) of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Official Code § 2-1515.04(18)), to require the Department of Youth Rehabilitation Services to register to vote any youth committed at the agency who is a qualified elector, unless the youth opts out.

Lastly, B23-0324 amends An Act To create a Department of Corrections in the District of Columbia, approved June 27, 1946 (60 Stat. 320; D.C. Official Code § 24-211.01 *et seq.*), to require DOC to employ personnel whose sole responsibility is the civic engagement and enfranchisement of eligible individuals in DOC’s care or custody, to require DOC to automatically register to vote individuals who are qualified electors, unless an individual opts out, and to require DOC to transmit to BOE the voter registration information of each incarcerated individual who did not decline to register to vote.

FISCAL IMPACT

The Committee adopts the fiscal impact statement of the District’s Chief Financial Officer.

SECTION-BY-SECTION ANALYSIS

- Section 1** States the short title.
- Section 2** Amends the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 669; D.C. Official Code § 1-1001.01 *et seq.*), to:
- (a) Amend the definition of “qualified elector” to remove the prohibition on being incarcerated for a felony; and add definitions of “DOC” and “automatic voter registration agency”;
 - (b) Require the Board of Elections to, before any upcoming voter registration or absentee ballot deadlines and with reasonable time for qualified electors to return materials to the Board, provide to every unregistered qualified elector in DOC’s care or custody, and endeavor to provide to every unregistered qualified elector in the BOP’s care or custody, a voter registration form and postage-paid return envelope and educational materials about the right to vote; require the Board to provide to every registered qualified elector in DOC’s care or custody, and endeavor to provide to every registered qualified elector in BOP’s care or custody, a voter guide, educational materials about the right to vote, and an absentee ballot with a postage-paid return envelope; and require the Board and the Corrections Information Council, by July 1, 2021, and biennially thereafter, to jointly submit a report to the Mayor and the Council on the bill; and
 - (c) Make conforming changes; add DOC as an automatic voter registration agency; require DOC to automatically register each qualified elector in its care or custody to vote, unless individuals choose to opt out; require each automatic voter registration agency and the Board to jointly develop voter registration application forms; require each automatic voter registration agency to provide the Board with information regarding each applicant who did not decline to register to vote or update their voter registration information; require the Board to, at least monthly, request from BOP the name, location, and contact information for each qualified elector in BOP’s care or custody; and require the Board, in conjunction with each automatic voter registration agency, to develop and implement electronic transmission of voter registration information from that automatic voter registration agency.
- Section 3** Amends section 104(18) of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Official Code § 2-1515.04(18)), to require the Department of Youth Rehabilitation Services to register to vote any youth committed at the agency who is a qualified elector, unless the youth opts out.

Section 4 Amends An Act To create a Department of Corrections in the District of Columbia, approved June 27, 1946 (60 Stat. 320; D.C. Official Code § 24-211.01 *et seq.*), to:

(a) Require DOC to employ personnel whose sole responsibility is the civic engagement and enfranchisement of eligible individuals in DOC's care or custody; and

(b) Require DOC to automatically register to vote individuals who are qualified electors, unless an individual opts out; require DOC to transmit to the Board of Elections the voter registration information of each incarcerated individual who did not decline to register to vote; and make conforming changes.

Section 5 Contains the applicability clause.

Section 6 Contains the fiscal impact statement.

Section 7 Contains the effective date.

COMMITTEE ACTION

On September 24, 2020, the Committee on the Judiciary and Public Safety held an Additional Meeting to consider and markup B23-0324, the "Restore the Vote Amendment Act of 2020". The meeting was called to order at 11:08 a.m. Chairperson Charles Allen recognized a quorum consisting of himself and Councilmembers Anita Bonds, Mary M. Cheh, and Vincent Gray. Councilmembers Bonds, Cheh, and Gray all spoke in enthusiastic support for the bill and the community leaders who had tirelessly pursued change on these issues, and thanked Chairperson Allen for moving it forward. Without objection, Chairperson Allen moved the Committee Report and Print for B23-0324 en bloc with leave for staff to make technical, editorial, and conforming changes. The Committee then voted 4-0 to approve the Committee Report and Committee Print with the Members voting as follows:

YES: Chairperson Allen and Councilmembers Bonds, Cheh, and Gray

NO: None

PRESENT: None

ABSENT: Councilmember Brooke Pinto

LIST OF ATTACHMENTS

(A) B23-0324, as introduced

(B) Notice of October 10, 2019 Public Hearing, as published in the *District of Columbia Register*

- (C) Notice of October 29, 2019 Public Hearing, as published in the *District of Columbia Register*
- (D) Agenda and Witness List for the October 10, 2019 Public Hearing
- (E) Agenda and Witness List for the October 29, 2019 Public Hearing
- (F) Witness Testimony
- (G) Fiscal Impact Statement
- (H) Legal Sufficiency Determination
- (I) Comparative Committee Print
- (J) Committee Print

ATTACHMENT A

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council

From : 
Nyasha Smith, Secretary to the Council

Date : June 05, 2019

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Legislative Meeting on Tuesday, June 4, 2019. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Restore the Vote Amendment Act of 2019", B23-0324

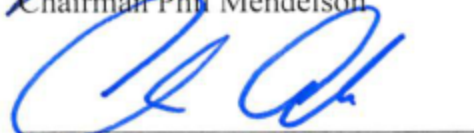
INTRODUCED BY: Councilmembers R. White, Evans, McDuffie, Grosso, Nadeau, Gray, Allen, Cheh, Bonds, Silverman, Todd, T. White, and Chairman Mendelson


The Chairman is referring this legislation to the Committee on Judiciary and Public Safety.

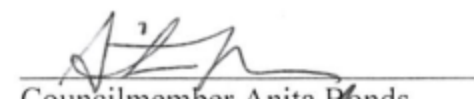
Attachment


cc: General Counsel
Budget Director
Legislative Services


Chairman Phil Mendelson

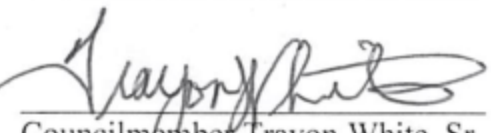

Councilmember Charles Allen



Councilmember Mary M. Cheh



Councilmember Anita Bonds



Councilmember Elissa Silverman

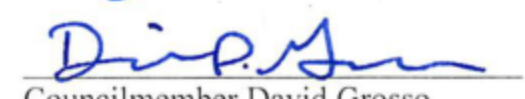

Councilmember Brandon T. Todd


Councilmember Trayon White, Sr.

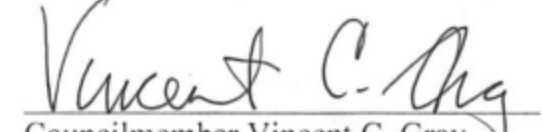

Councilmember Robert C. White, Jr.


Councilmember Jack Evans


Councilmember Kenyan R. McDuffie


Councilmember David Grosso


Councilmember Brianne K. Nadeau


Councilmember Vincent C. Gray

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Election Code of 1955 to expand voting rights to residents incarcerated for felony convictions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Restore the Vote Amendment Act of 2019".

Sec. 2. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 669; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

(a) Section 2(2) (D.C. Official Code § 1-1001.02(2)) is amended as follows:

(1) Subparagraph (C) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(2) Subparagraph (D) is repealed;

(b) Section 5 (D.C. Official Code § 1-1001.05) is amended as follows:

(1) Subsection (a) is amended by adding new paragraphs (12A) and (12B) to read as follows:

“(12A) Notify a resident incarcerated for a felony of the resident’s right to vote upon receiving notice from the Superior Court of the District of Columbia or from the District Court for the District of Columbia pursuant to section 7 of this act;

“(12B) Endeavor to provide incarcerated residents a voter guide pursuant to paragraph (12) of this subsection;”.

(2) A new subsection (m) is added to read as follows:

“(m) By June 1, 2023, the Board shall submit a report to the Council that shall include:

“(1) An analysis of the implementation of the Restore the Vote Amendment Act of 2019, as introduced on June 4, 2019, and any challenges that are identified during implementation;

“(2) Any policy recommendations of the Board to ensure that all incarcerated residents have a meaningful opportunity to vote.”.

(c) Section 7(k) (D.C. Official Code § 1-1001.07(k)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “upon notification of a registrant’s incarceration for a conviction of a felony,”.

67 (2) A new paragraph (4A) is added to read as follows:

68 “(4A) Upon the applicability date of the Restore the Vote Amendment Act of 2019, as
69 introduced on June 4, 2019, the Board shall contact the Federal Bureau of Prisons (“BOP”) on a
70 monthly basis to request the name, location of incarceration, and contact information for each
71 District resident incarcerated by the BOP.”.

72 Sec. 3. Applicability.

73 This act shall apply as of January 1, 2021.

74 Sec. 4. Fiscal impact statement.

75 The Council adopts the fiscal impact statement in the committee report as the fiscal impact
76 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
77 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

78 Sec. 5. Effective date.

79 The act shall take effect following approval by the Mayor (or in the event of veto by the
80 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
81 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,
82 1973, (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
83 Columbia Register.

ATTACHMENT B

**Council of the District of Columbia
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

ANNOUNCES A PUBLIC HEARING ON

BILL 23-0324, THE “RESTORE THE VOTE AMENDMENT ACT OF 2019”

**Thursday, October 10, 2019, 10:00 a.m.
Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Thursday, October 10, 2019, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public hearing to discuss Bill 23-0324, the “Restore the Vote Amendment Act of 2019”. The hearing will take place in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:00 a.m. *Please note that the Committee will also be holding an evening field hearing in the community on the bill later in the fall.*

The stated purpose of B23-0324 is to amend the District of Columbia Election Code of 1955 to extend voting rights to residents currently incarcerated for felony convictions. This would include otherwise qualified residents convicted of a felony and pending transfer to the Bureau of Prisons, as well as those currently incarcerated in Federal Bureau of Prisons facilities throughout the country. The proposed applicability date would be January 1, 2021.

Currently, non-incarcerated District residents with criminal records are fully enfranchised, as well as residents currently incarcerated for misdemeanors or those incarcerated in the District and awaiting trial for a felony offense. District residents are not considered incarcerated if they have completed a court-ordered sentence of confinement and subsequently reside in a halfway house or other community supervision center, or if they are otherwise on court-ordered supervision. A Board of Elections voting guide for incarcerated and returning citizens is available here: https://www.dcboe.org/getattachment/Data-Resources-Forms/Forms-and-Resources/ReturningCitizens_4-30-18.pdf.aspx?lang=en-US.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee via email at judiciary@dccouncil.us and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Monday, October 7**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes.

Witnesses should bring **twenty copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to judiciary@dccouncil.us.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at judiciary@dccouncil.us. **The record will close at the end of the business day on Thursday, October 24.**

ATTACHMENT C

**Council of the District of Columbia
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

ANNOUNCES A PUBLIC HEARING ON

BILL 23-0324, THE “RESTORE THE VOTE AMENDMENT ACT OF 2019”

**Tuesday, October 29, 2019, 7:00 p.m.
R.I.S.E. Demonstration Center
2730 Martin Luther King, Jr. Avenue, S.E.
Washington, D.C. 20032**

On Tuesday, October 29, 2019, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public hearing to discuss Bill 23-0324, the “Restore the Vote Amendment Act of 2019”. The hearing will take place in Ward 8 at the R.I.S.E. Demonstration Center, 2730 Martin Luther King Jr. Avenue, S.E., from 7:00 to 8:30 p.m. *Please note that the Committee has also scheduled a public hearing on this bill on October 10, 2019, in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:00 a.m.*

The stated purpose of B23-0324 is to amend the District of Columbia Election Code of 1955 to extend voting rights to residents currently incarcerated for felony convictions. This would include otherwise qualified residents convicted of a felony and pending transfer to the Bureau of Prisons, as well as those currently incarcerated in Federal Bureau of Prisons facilities throughout the country. The proposed applicability date would be January 1, 2021.

Currently, non-incarcerated District residents with criminal records are fully enfranchised, as well as residents currently incarcerated for misdemeanors or those incarcerated in the District and awaiting trial for a felony offense. District residents are not considered incarcerated if they have completed a court-ordered sentence of confinement and subsequently reside in a halfway house or other community supervision center, or if they are otherwise on court-ordered supervision. A Board of Elections voting guide for incarcerated and returning citizens is available here: https://www.dchoe.org/getattachment/Data-Resources-Forms/Forms-and-Resources/ReturningCitizens_4-30-18.pdf.aspx?lang=en-US.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee via email at judiciary@dccouncil.us and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Friday, October 25**. Representatives of organizations will be allowed a maximum of

five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses should bring **twenty copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to judiciary@dccouncil.us.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at judiciary@dccouncil.us. **The record will close at the end of the business day on Tuesday, November 12.**

ATTACHMENT D

**Council of the District of Columbia
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY
AGENDA & WITNESS LIST
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

ANNOUNCES A PUBLIC HEARING ON

BILL 23-0324, THE “RESTORE THE VOTE AMENDMENT ACT OF 2019”

**Thursday, October 10, 2019, 10:00 a.m.
Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

AGENDA AND WITNESS LIST

- I. CALL TO ORDER**
- II. OPENING REMARKS**
- III. WITNESS TESTIMONY**
 - i. Public Witnesses
 - 1. Arrington Dixon, Former D.C. Councilmember
 - 2. Kara Gotsch, Director of Strategic Initiatives, The Sentencing Project
 - 3. Rodney McKenzie, Executive Vice President of Movement Strategies, Demos
 - 4. Tyrone Walker, Associate, Justice Policy Institute
 - 5. Nassim Moshiree, Policy Director, ACLU of the District of Columbia
 - 6. Paula Thompson, Co-Chair, Reentry Action Network
 - 7. Pat McGlone, Board President, Council for Court Excellence
 - 8. Ella Hankins, Public Witness
 - 9. Makia Green, Organizer, D.C. Working Families
 - 10. April Goggans, Core Organizer, Black Lives Matter D.C.

11. Jeffrey Reid, Political Action Team Member, United Food and Commercial Workers Union, Local 400
12. Corwin Knight, Founder, HOPE Foundation
13. Roach Brown, Public Witness
14. Lauren Spokane, Representative, Jews United for Justice
15. Keshia Morris, Census & Mass Incarceration Project Manager, Common Cause
16. Blair Bowie, Legal Counsel & Restore Your Vote Manager, Campaign Legal Center
17. Carrie Morris, Public Witness
18. Anthony Lorenzo Green, Commissioner, ANC 7C04
19. Tyrone Parker, Executive Director, Alliance for Concerned Men
20. Al-Malik Farrakhan, Public Witness
21. Ronald Moten, Public Witness
22. Roger Williams, Public Witness
23. Yango Sawyer, Public Witness
24. Ricky Brown, Public Witness
25. Samuel Buggs, Vice Chair, Board of Directors, Jubilee Housing
26. Amy Feeser, Community Outreach Liaison, Jubilee Housing
27. Margaret Martin Barry, Visiting Professor of Law/Director, Reentry Clinic, American University Washington College of Law
28. Xena Hinson, Dean's Fellow, Reentry Clinic, American University Washington College of Law
29. Kevin Petty, CEO, Amazing Gospel Souls, Inc.
30. Keith Towery, Public Witness
31. Salim Adofo, Commissioner, ANC 8C07
32. Kesh Ladduwahetty, Operations Director, D.C. for Democracy
33. Courtney Stewart, Executive Director/CEO, The National Reentry Network for Returning Citizens
34. Michael Jones, Client, The National Reentry Network for Returning Citizens
35. Jamila Grooms, Operations Facilitator, The National Reentry Network for Returning Citizens
36. Weyimi Ayu, Program Coordinator, The National Reentry Network for Returning Citizens
37. Derrick Nathan, Outreach Coordinator, The National Reentry Network for Returning Citizens

38. Clayton Carter, Intern, The National Reentry Network for Returning Citizens
39. Jarnese Harris, Executive Assistant, The National Reentry Network for Returning Citizens
40. Stuart Anderson, Executive Director, Family & Friends of Incarcerated People
41. Charlie Sullivan, President, International CURE
42. Jimmie Williams, President/Executive Director, Washington Literacy Center
43. Leonard Edwards, Chief Financial Officer, Connections
44. Tanisha Murden, Program Director, Women Involved in Reentry Efforts
45. Dorothy Brizill, Executive Director, D.C. Watch

ii. Government Witnesses

1. Alice Miller, Executive Director, Board of Elections
2. Kevin Donahue, Deputy Mayor for Public Safety and Justice
3. Katya Semyonova, Special Counsel to the Director for Policy, Public Defender Service for the District of Columbia

IV. ADJOURNMENT

ATTACHMENT E

**Council of the District of Columbia
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY
AGENDA & WITNESS LIST
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

ANNOUNCES A PUBLIC HEARING ON

BILL 23-0324, THE “RESTORE THE VOTE AMENDMENT ACT OF 2019”

**Tuesday, October 29, 2019, 7:00 p.m.
R.I.S.E. Demonstration Center
2730 Martin Luther King, Jr. Avenue, S.E.
Washington, D.C. 20032**

AGENDA AND WITNESS LIST

- I. CALL TO ORDER**
- II. OPENING REMARKS**
- III. WITNESS TESTIMONY**
 - i. Public Witnesses**
 - 1. Markus Batchelor, Vice President, State Board of Education
 - 2. Zachary Hoffman, Public Witness
 - 3. Eric Weaver, Chair, National Association for the Advancement of Returning Citizens
 - 4. Ambrose Lane, Chair, Health Alliance Network
 - 5. Dan Mauer, Public Witness
 - 6. John Capozzi, Public Witness
 - 7. Mike Watson, Public Witness
 - 8. Laverne Glenn, Commissioner, ANC 8D06
 - 9. Villareal Johnson, Commissioner, ANC 7B05
 - 10. Dorothy Douglas, Commissioner, ANC 7D03

11. Robin McKinney, Public Witness
12. Sheika Reid, National Committeewoman, D.C. Young Democrats
13. Travis Ballie, Public Witness
14. Kendrick Jackson, Public Witness
15. Kymone Freeman, Co-Founder, We Act Radio
16. Malissa Freese, Public Witness
17. Justin Johnson, Representative, Live Long Go-Go
18. Chris Thomas, Community Engagement Officer, 100 Fathers, Inc.
19. Makia Green, Organizer, D.C. Working Families Party
20. Tenika Brown, Co-Founder, Bullying is Not Dope D.C.
21. Louis Sawyer, Co-Chair, D.C. Reentry Task Force

IV. ADJOURNMENT

ATTACHMENT F

The Committee on the Judiciary & Public Safety
October 10, 2019
Public Hearing on Legislation: B23-324,
"Restore the Vote Amendment Act of 2019"

Chairman and Councilmembers

I speak today in favor of legislation: B23-324, the "Restore the Vote Amendment Act of 2019.

During my tenure as a member of the Council, I was proud to have offered legislation that restored voting rights for former incarcerated felons, at a time very different from now when public sentiment was moving towards mandatory sentencing. I was pleased that restoring returning citizens' right to vote was supported by both the Council and the public. That legislation helped many insightful citizens, voters, activists, and elected officials to resume their contributing roles.

At the time, I was the first Ward 4 Councilman, but I was born and raised in "ARE" (Anacostia River East). I personally knew people from my community who had been or were incarcerated.

My reason for proposing legislation to restore convicted felons' voting rights *then* and my reason for supporting "Restore the Vote Amendment Act of 2019" *now* are reflected in the recent Netflix miniseries *When They See Us*, created, co-written, and directed by Ava DuVernay. The miniseries deals not only with the injustice of wrongful convictions but also with the significant difficulties experienced by those attempting to rejoin their communities. Restoring voting rights while people are serving their sentences repairs the severed link to their communities brought about by their convictions.

These men and women are not nameless, faceless people but former members of their communities, with much to offer the community at large, who must be seen and heard. Their many ideas, issues, and concerns about the community at large are offered with a special, valuable perspective, one coming from citizens who had difficulty within our community but who one day will return to us as special citizens.

"When they see us" . . . when we VOTE!

Arrington Dixon, 1W4, 2CC, 13AL
2401 Shannon Place SE
Anacostia River East (ARE)
Douglass Commonwealth 20020
ADA11@aol.com

Committee on the Judiciary and Public Safety
Public Hearing
Bill 23-0324, The "Restore the Vote Amendment Act of 2019"
October 10, 2019

Testimony of Kara Gotsch, Director of Strategic Initiatives at The Sentencing Project

Good morning, my name is Kara Gotsch and I am the Director of Strategic Initiatives at The Sentencing Project, a national criminal justice research and advocacy organization that has documented and advanced voting rights for people with felony convictions for over 20 years. I am also a Ward 5 resident. I would like to thank Chairman Allen and Committee members for the opportunity to speak today at this important hearing to support the Restore the Vote Amendment Act.

Forty-eight states and the District of Columbia exclude people with felony convictions from voting resulting in the disenfranchisement of over six million Americans during the 2016 election. These laws are in large part a vestige of slavery and Jim Crow era policies that explicitly sought to weaken the political clout of Black Americans. Indeed, racial disparities in the criminal justice system translate into higher rates of disenfranchisement in communities of color. One of every thirteen African American adults, nationwide, is ineligible to vote because of a felony conviction.

Denying the right to vote to an entire class of citizens is deeply problematic to a democratic society and counterproductive to effective reentry. Fortunately, in recent years significant reforms in felony disenfranchisement policies have been achieved. Since 1997, 24 states have amended their felony disenfranchisement policies to reduce their restrictiveness and expand voter eligibility.

- Eight states either repealed or amended lifetime disenfranchisement laws;
- Six states expanded voting rights to some or all persons under community supervision;
- Seventeen states eased the restoration process for persons seeking to have their right to vote restored after completing their sentence.

Moreover, this year six states – Massachusetts, Hawaii, New Mexico, Connecticut, Nebraska, and New Jersey – introduced legislation to expand voting rights to people in prison.

Despite the national momentum to reform restrictive voting rights laws, there is still much to be done before the United States will join with many comparable nations in allowing the full democratic participation of its citizens. I urge the Council to take the next step by joining Maine,

Vermont and Puerto Rico to end felony disenfranchisement and restore voting eligibility to approximately 6,000 incarcerated District residents.

Imprisonment should not be an excuse for denying the constitutional rights of citizenship, including the right to vote. Denying voting rights to people in prison is no more justified than denying them religious expression, access to safe conditions of confinement and legal representation. To quote a Republican Party official from Vermont, "People's right to vote is sacred. The last thing we want to do is start putting up insurmountable barriers to participation in civic life because someone may have been convicted of a crime."

As the Council advances this legislation I hope it will prioritize its implementation as well as its passage. District residents are incarcerated in federal prisons around the country and can expect to be transferred to multiple facilities during their incarceration. To ensure that the intent of this legislation is achieved, the Council must be vigilant over the Bureau of Prisons, where examples exist of eligible voters losing access to voting because of mailroom delays in delivering ballots. Indeed, it is well documented that the Bureau of Prisons is significantly overcrowded, has staff shortages that jeopardize the health and well-being of people who work or live in their facilities and that rehabilitation opportunities are severely lacking. For these reasons it is critical that there be oversight to ensure that voting access is prioritized by staff and administrators in the federal prison system.

Voting from prison can help to develop positive connections to institutions in the community and promote pro-social thinking and behaviors. Public safety is not enriched by preserving a culture that seeks to ostracize incarcerated people and disconnect them from their home community. Voting can affirm our collective responsibility and commitment to the community, a value I hope all citizens pursue.

Thank you again for this opportunity to speak in favor of voting rights for all District residents. The Sentencing Project is pleased to support the Restore the Vote Amendment Act and urges you to pass it.

Dēmos

Rodney McKenzie, Jr. Executive Vice President of Movement Strategies, Demos
Written Testimony on "The Restore the Vote Amendment Act of 2019"
Submitted to the Committee on Judiciary and Public Safety
District of Columbia City Council

Good afternoon, my name is Rodney McKenzie, Jr., Executive Vice President of Movement Strategies at *Demos*, a dynamic "think-and-do" tank dedicated to racial, social, and economic justice. Thank you to Chairman Allen, Council Member White and Members of the Committee for the opportunity to submit testimony on this critical issue.

The name *Demos* means "the people." The organization bears that name because of our commitment to lifting up every individual in this country and challenging our government to live up to its ideals of equality, freedom, justice and indeed, democracy. That is why I am here today in strong support of the Restore the Vote Amendment Act of 2019, which would expand voting rights to eligible incarcerated residents with felony convictions. I also want to acknowledge and thank Council Member White for his leadership on this critical intervention to strengthen our democracy.

An Equal Say

Currently in the U.S. there are close to 6 million individuals who do not have the most basic civil right, the right to vote, because of a criminal conviction.¹ Our bloated system of criminal justice has not only destroyed individuals and families; but it has also weakened our democracy by silencing the voices of millions. The District of Columbia City Council has taken a bold and profoundly democratic step by introducing legislation to restore this fundamental right to currently incarcerated individuals, a move which will impact roughly 6000 residents.² This is a particularly profound reform in light of the fact that the District of Columbia itself lacks representation in Congress.

Original Sin, Original Intent

As our system of mass incarceration has come under increasing scrutiny, the needle has moved towards acknowledging the rights of people who have been involved in the criminal legal system. Practices like solitary confinement are slowly being acknowledged as torture and limited in use, while campaigns against the prison industrial complex which profits from our system of punishment are being waged on

¹ Uggen, Chris, Larson, Ryan, Shannon, Sarah, "Six million lost voters: State Level Estimates of Felony Disenfranchisement, 2016," October 6, 2016, Sentencing Project. Retrieved from: <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>

² Arnold, Allen, "District of Columbia Could Restore Voting Rights to Felon in Prison," June 4, 2016, *Huffington Post*. Retrieved from: https://www.huffpost.com/entry/dc-felony-voting-rights_n_5cf6e0bde4b059c99ebf19c0

multiple fronts in states across the country.³⁴ On the issue of voting rights, seventeen states including the District of Columbia have gone so far as to automatically restore the right to vote upon release from prison, while others have passed legislation to re-enfranchise those on probation, on parole, or both.⁵

The typical arguments for these reforms invariably come down to stressing that people who are formerly incarcerated have “paid their debts” to society and therefore should be given back their right to vote, while also pointing out that research has shown a positive correlation between re-enfranchisement and reduced recidivism, suggesting that restoring this civil right helps to positively integrate people back into their communities.⁶

Arguments like these, while undoubtedly important to underscore the benefits to the community as well as serve as an indicator of the profound effect of rights restoration on the individual psyche, ignore a critical truth: felony disenfranchisement laws were created for the explicit purpose of disenfranchising newly emancipated black (male) voters. These laws were never about punishment, they were always about suppressing the black vote.⁷⁸ We don’t need to rely just on scholarship for this. In state after state, historical record tells us so. Consider the example from neighboring Virginia:

In 1902, Virginia sought to expand restrictions to the right to vote in the state constitution by strengthening felony disenfranchisement provisions, as well as poll taxes and literacy tests. Carter Glass, a Virginia state senator is quoted as saying these amendments would “eliminate the darkey as a political factor in this state in less than five years, so that in no single county of the Commonwealth will there be the least concern felt for the complete supremacy of the white race in the affairs of government.”⁹

New York State provides a number of references as well, despite the tendency in the minds of the public to think of New York and the North as solely the home of abolition then, and progressive, inclusive democracy now. Delegate Samuel Young spoke on the issue of granting suffrage to non-propertied black

³ Wysktra, Stephanie, “The Case Against Solitary Confinement,” April 17, 2019, Vox Magazine. Retrieved from: <https://www.vox.com/future-perfect/2019/4/17/18305109/solitary-confinement-prison-criminal-justice-reform>

⁴ Wagner, Peter, “Iowa Governor Pledges to Address Cost of Prison and Jail Phone Calls,” December 28, 2015, Prison Policy Initiative. Retrieved from: <https://www.prisonpolicy.org/blog/2015/12/28/iowa-governor/>

⁵ Chung, Jean, *Felony Disenfranchisement: A Primer*, June 27, 2019, Sentencing Project. Retrieved from: <https://www.sentencingproject.org/publications/felony-disenfranchisement-a-primer/>

⁶ Klas, Mary Ellen, “Price tag for restricting felon’s rights after prison put at more than \$365 million a year,” originally published May 21, 2018, updated July 5, 2019, *Miami Herald*. The *Herald* article notes that of those Floridians whose rights were restored upon release from prison, “less than one percent of them returned to crime.” These findings are disputed of course. Governor Scott claims the recidivism rate has been on a steady decline for some years. Retrieved from: <https://www.miamiherald.com/news/politics-government/election/article211408754.html>

⁷ Taylor, Jennifer Rae, “Jim Crow’s Lasting Legacy at the Ballot Box,” August 20, 2018, *The Marshall Project*. Retrieved from: <https://www.themarshallproject.org/2018/08/20/jim-crow-s-lasting-legacy-at-the-ballot-box>

⁸ Holloway, Pippa, “

⁹ New York Times Editorial Board, “Virginia’s Century-Old Mentality on Race,” July 30, 2016, *The New York Times*. Retrieved from: <https://www.nytimes.com/2016/07/31/opinion/sunday/virginias-century-old-mentality-on-race.html>

men at the New York State Constitutional Convention of 1821, arguing that, "The minds of the blacks are not competent to vote."¹⁰

In light of this history, as Professor Charles Ogletree writes, "When a law can be traced clearly to a racially discriminatory start-point, the burden of proving absence of racial taint in the current operation of the law should fall on those who seek to justify its continued existence."¹¹ Demos would argue that with respect to laws whose origins and impact are so clearly racial, the burden both inside of the courtroom and inside of the legislature should in fact be on those who want to maintain these laws to prove that they (the laws) are *not* racist and doing disproportionate harm to the equal representation of black and brown communities.

At Demos, we are committed not only to creating a just and equitable world, but to telling the truth about that world. If we do not center the reasons for the creation of felony disenfranchisement laws in the discussion to abolish it, then we are missing the whole point. The root, we would also argue, cannot be separated from the tree. What we are discussing is the repeal of laws that never had any legitimate basis to begin with and has caused untold harm to the strength of our democracy. It is with that frame in mind that we should fight to end this shameful and violent practice.

A Human Rights Intervention

Despite significant hurdles, people behind bars as well as those who have been released have always been fighting for their rights. From the infamous "Angola Three" who fought for the rights of fellow prisoners to the political organizing and PAC formation by incarcerated leaders in Massachusetts, people in prison have taken considerable risks and used their talents to fight for everything from improved conditions inside, to having a stake in the communities their families live in and to which they will eventually return.¹²¹³ The restoration of voting rights for incarcerated residents from the District of Columbia, who are often housed in federal prisons far from their families could enable residents not only to continue to weigh in on the laws, policies, and elected officials that shape life in the District, but it would increase their ability to advocate for themselves.¹⁴ Without close family or friends nearby, individuals from the District who are incarcerated cannot draw on the help of loved ones on the outside to help bring attention to conditions that are often beyond the comprehension of the public, such as the exploitation of prison labor, extreme temperatures, violence, and generally deplorable living conditions.¹⁵

¹⁰ Wood, Erika, Budnitz, Liz, Malhotra, Garima, "Jim Crow in New York," 2009, *Brennan Center for Justice*. The report can be found here: https://www.brennancenter.org/sites/default/files/2019-08/Report_JIMCROWNY_2010.pdf

¹¹ *Ibid.*

¹² Aviv, Rachel, "How Alfred Woodfox Survived Solitary," Jan. 8, 2017, *The New Yorker Magazine*. Retrieved from: <https://www.newyorker.com/magazine/2017/01/16/how-albert-woodfox-survived-solitary>

¹³ Nichanian, Daniel, "Massachusetts Lawmakers Consider Voting Rights, but Organizers Are Not Waiting," Feb. 7, 2019, *The Appeal*. Retrieved from:

¹⁴ Austermuhle, Martin, "D.C. Inmates Serve Time Hundreds of Miles From Home. Is it Time to Bring Them Back?" Aug. 10, 2017, *WAMU*.

¹⁵ Morning Edition, "U.S. Prison Inmates Strike Over Living Conditions," August 21, 2018, *NPR News*. Retrieved from: <https://www.npr.org/2018/08/21/640437993/u-s-prison-inmates-to-strike-over-poor-living-conditions>

Arguing for the restoration of voting rights to the incarcerated population as a human rights intervention does not negate the work they have done and continue to do in leading the charge on reforming our laws and policy. What it does is recognize their constitutional right to a voice in our society and to trigger the same kind of accountability that elected officials feel to non-incarcerated citizens to the millions of people inside our prisons.

Accountability for Actors in the Criminal Legal System

The restoration of voting rights to those who are incarcerated could also bring about much-needed reforms to our criminal legal system. Prosecutors have been widely acknowledged as the most powerful people in the criminal legal system.¹⁶ However, as a result of a Supreme Court decision four decades ago which gives them absolute immunity “for acts committed in their prosecutorial role” there is literally no way to hold them accountable for misconduct, *except* for the ballot box.¹⁷ Prosecutorial misconduct is a leading factor in wrongful convictions, but their impact on the wrongly convicted is just the tip of the iceberg.¹⁸ For instance, until this year, prosecutors in the borough of Manhattan could legally withhold evidence from defense counsel until the very day of trial, a practice known as the “blindfold law” which prosecutors regularly chose to engage in.¹⁹ Within such a system, the right to a fair trial is virtually non-existent.

People outside of the criminal justice system rarely know about the abuses committed by prosecutors. On shows like, “Law and Order,” police and prosecutors are the heroes, and heroes are never wrong, and certainly never unethical. As elected officials, they are additionally powerful because of the votes they can bring. Therefore, imagine how differently they might operate – from charging to plea deals to fulfilling their Brady obligations to share all relevant evidence with defense counsel - if they knew defendants would not be effectively silenced upon incarceration? One could argue the same applies to elected Judges and Sheriffs, both major stakeholders in the criminal justice system who incur little scrutiny while wielding enormous power.

District of Columbia in a unique position to lead

Felony disenfranchisement laws in the U.S. are a deep stain on our integrity and our morality as a people. They are inconsistent with our values as a democratic society. They are rooted in racism and oppression. They do nothing to improve public safety and, in fact, deny society, especially directly impacted communities, the myriad benefits that come from full civic engagement. As the home of the highest incarceration rate in the country—and the seat of our nation’s capital—DC can and should play a leading role in pushing the nation to end this painful and violent practice of excluding people from our

¹⁶ Reese, Hope, “The Growing Power of Prosecutors,” May 2019, *Longreads*. Retrieved from: <https://longreads.com/2019/05/03/the-growing-power-of-prosecutors/>

¹⁷ Sarma, Bidish, “After 40 Years, Is it Time to Reconsider Absolute Immunity for Prosecutors?” July 19, 2016, American Constitution Society Law Blog. Retrieved from: <https://www.acslaw.org/expertforum/after-40-years-is-it-time-to-reconsider-absolute-immunity-for-prosecutors/>

¹⁸ The Editorial Board, “Rampant Prosecutorial Misconduct,” June 4, 2014, *The New York Times*. Retrieved from: <https://www.wnyc.org/story/unmasking-new-york-states-blindfold-law/>

¹⁹ *The Leonard Lopate Show*, “Unmasking New York State’s ‘Blindfold Law,’” June 22, 2017, WNYC. Retrieved from: <https://www.wnyc.org/story/unmasking-new-york-states-blindfold-law/>

democracy. Please show leadership by abolishing our felony disenfranchisement law and expanding voting rights to Washingtonians whose rights have been taken away once and for all.

Testimony from Tyrone Walker
Justice Policy Institute, Associate

Bill 23-0324, The “Restore Vote Amendment Act of 2019”

COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

Thursday, October 10, 2019, 10:00 am

Room 500, John A. Wilson Building

1350 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Thank you Chairperson Allen and other Committee members. for allowing me to testify at this hearing in support of the “Restore Vote Amendment Act of 2019.” This bill would align Washington, D.C. with Maine and Vermont, two states that have always granted the right to vote to every citizen, regardless of criminal justice involvement. This extends to those individuals still in prison for a felony sentence. While Washington, D.C. currently restores voting rights after release from prison, the current policy has the effect of silencing communities of color in the District. Moreover, this negative impact spans across generations.

I speak about these issues as someone who has been directly impacted by the widespread disenfranchisement of black and brown voters. The practice of restricting voting rights traces its origins to ancient Greece and Rome. The United States modeled its practice on the European concept of “civil death,” which stripped a person of his or her civil rights based on current and/or past criminal justice involvement.

The consequences of “civil death” have a deep rooted connection to communities of color targeted by the criminal justice system. Its effects are felt across generations and continue to devastate the lives of those in my community.

My parents had felony convictions, they never voted, and they never educated me and my siblings about our civic duties or encouraged us to vote. Because of their disenfranchisement.

they never walked us to the polls, never discussed current events or politics, and never talked about why voting is important; especially locally within the District of Columbia.

I was not legally disenfranchised until I was convicted and incarcerated in a federal prison at 19, but my community and family were still plagued by aspects of “civil death.” I was not educated about the candidates and their positions on issues. I never learned about the importance of voting for our community. My parents were disengaged from voting due to their felony incarceration and never saw the means to reengage. Therefore, they didn’t see any reason to educate their family about politics or current events. Extending voting rights to all people throughout the entire criminal justice system is paramount and would encourage political engagement across multiple generations. Communities of color, largely impacted by disenfranchisement policies, would benefit immensely.

In the 2004 State of the Union address, President George W. Bush observed that “America is the land of second chances, and when the gates of the prison open, the path ahead should lead to a better life”

It’s my firm belief that when we have a voice or vote, we have an impact on what is important in our communities. In New York City, it was the strength of the politically-engaged locals that led to the rejection of one of the biggest companies in the world, Amazon, from establishing its headquarters in a developing community. Conversely in D.C., impacted communities and those incarcerated are talking about policy issues surrounding neighborhood gentrification, mass incarceration, and recidivism. Unfortunately, the communities most impacted either lack the right to cast a vote or have never voted or been educated on the basic fundamentals of civic engagement due to generational suffering from “civil death.”

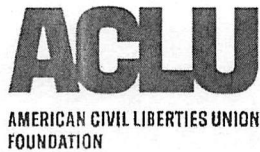
Extending voting rights to those who are currently incarcerated for a felony, would not only be *restoring*, but, like me, give them their first opportunity to participate in a fundamental activity of a democratic society: voting and political engagement. Moreover, they will share these important values with their family. Those with misdemeanors are currently voting inside the DC Jail. The same should be done for all residents of the District of Columbia regardless of their criminal justice status. This will no doubt encourage community engagement within a carceral space and promote a meaningful and powerful practice of political inclusion. It reinforces the message that you are important and your voice matters, even if you are temporarily serving a

felony sentence in prison. Your thoughts and opinions have value. This, in turn, fosters a prosocial environment that will further aide in the rehabilitative process for those returning home. If restored, these men and women will be more socially-minded from the transformative effects of voting alone, more active in the community with stronger ties, and feeling vested which would reduce recidivism rates according to the models of successful re-entry. The research is clear on that point. The Justice Policy Institute supports the passing of this bill.

In closing, the District of Columbia believes in redemption. In the words of Pope Francis, we believe, "every human person is endowed with an inalienable dignity, and society can only benefit from the rehabilitation of those convicted of crimes." We believe that when people make mistakes, they deserve the opportunity to remake their lives. And if we can give them the hope of a better future, and a way to get back on their feet, then we will leave our children with a country that is safer, stronger and worthy of our highest ideals.

**Statement on behalf of the
American Civil Liberties Union of the District of Columbia
before the
DC Council Committee on Judiciary and Public Safety
Public Hearing on Bill 23-324, The "Restore the Vote Amendment Act of
2019"
Thursday, October 10, 2019
Room 500
By Nassim Moshiree, Policy Director**

Good morning, Councilmember Allen and members of the Committee. My name is Nassim Moshiree, and I am the Policy Director of the American Civil Liberties Union of the District of Columbia (ACLU-DC). I present the following testimony on behalf of our more than 14,000 members in the District.



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The ACLU-DC is committed to working to reverse the tide of over-incarceration, eliminate racial disparities, and safeguard the fundamental rights and liberties of all District residents. We believe that the right to vote is the cornerstone of our democracy, and that no citizen should ever be stripped of their right to vote as punishment.

I'm pleased to be testifying before you today in support of the Bill 23-324, the "Restore the Vote Amendment Act of 2019."

Introduced on June 4, 2019 by Councilmember Robert White, with full support of the D.C. Council, the purpose of Bill 23-324 is to restore voting rights to incarcerated D.C. residents who are convicted of felonies. Specifically, the bill requires the D.C. Board of Elections ("DCBOE") to 1) notify incarcerated residents of their right to vote, 2) contact the Federal Bureau of Prisons ("BOP") on a monthly basis to request the location and contact information of each D.C. resident incarcerated in a federal facility, and 3) submit a report to the Council after implementation of the law to analyze outcomes and make recommendations for improvements. The bill also requests that the DCBOE "endeavor to provide" a voter guide to incarcerated residents.¹

¹ Bill 23-324, The "Restore the Vote Amendment Act of 2019" available at <http://lms.dccouncil.us/Download/42718/B23-0324-Introduction.pdf>

Bill 23-324 is a critical step in re-enfranchising District residents who have, for decades, been unjustly stripped of their right to vote.

I. Restoring Voting Rights to Incarcerated District Residents is a Matter of Racial Justice

First, it will come as no surprise that the history of felony disenfranchisement is one rooted in racism. When Congress passed a law in 1955 to disenfranchise DC residents incarcerated with felony convictions, it did so knowing the law would have a disproportionate impact on Black residents, and that the District itself had a majority Black population. Many such laws were passed in the Jim Crow era with the express intent to bar people of color, and specifically Black people, from voting.²

Just as our criminal legal system has and continues to disproportionately criminalize and incarcerate Black residents, so too have felony disenfranchisement laws disproportionately impacted Black citizens.³ Together, these systems work to perpetuate existing injustices by removing a critical tool that citizens possess to enact change and push back against harmful laws and regressive policies – their ability to vote.

Over 5 million Americans today lack the right to vote because they're incarcerated, completing probation or parole, or because of a felony conviction in their past.⁴ Black Americans are more four times more likely to be stripped of their voting rights than the rest of the adult population⁵, and nationally, 1 in 13 Black citizens are disenfranchised.⁶

To its credit, the District does not strip voting rights of citizens incarcerated for misdemeanors and has restored voting rights to District residents who are released following a felony conviction. However, D.C. also has one of the highest incarceration rates in the nation, and most DC residents who are incarcerated in the Federal Bureau of Prisons are Black.⁷ These citizens have no say in their government or the decisions that directly affect them, their families, and their communities. Racial justice demands an end to felony disenfranchisement in the District.

² Mauer, M. (2011) Voting Behind Bars: An Argument for Voting by Prisoners. Retrieved from <https://www.sentencingproject.org/wp-content/uploads/2016/01/Voting-Behind-Bars-An-Argument-for-Voting-by-Prisoners.pdf>

³ Id.

⁴ McLeod, M. (2018) Expanding the Vote: Two Decades of Felony Disenfranchisement Reform. Retrieved from <https://www.sentencingproject.org/publications/expanding-vote-two-decades-felony-disenfranchisement-reforms/>

⁵ The Sentencing Project (2018) Felony Disenfranchisement: A Primer. Retrieved from <https://www.sentencingproject.org/publications/felony-disenfranchisement-a-primer/>

⁶ The Sentencing Project (2016) 6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016. <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>

⁷ *District of Columbia and NATO incarceration comparison*, Prison Policy Initiative (2018), <https://www.prisonpolicy.org/graphs/NATO2018/DC.html>.

II. Restoring Voting Rights to Incarcerated District Residents Is Critical to Rehabilitation and Successful Reintegration.

The vast majority of DC residents who are incarcerated will return to the community one day.⁸ Studies have shown that when people with convictions participate in democracy, they are less likely to recidivate. In Puerto Rico, where incarcerated citizens have the right to vote, voter turnout rates among incarcerated and non-incarcerated citizens are similar.⁹ Restoring the right to vote for incarcerated District residents will allow them to retain a sense of civic responsibility and have a stronger stake in the community to which they will be released.

Incarcerated District residents are often housed in BOP facilities that are far away from the District, where they experience isolation and have a difficult time maintaining important connections with family members in the District, making rehabilitation both during incarceration and after release difficult.¹⁰ Restoring the right to vote can help these individuals maintain connections to the District and stay engaged with their local communities.

Continuing to deny incarcerated District residents this basic right does nothing to keep our communities safer or make our democracy stronger. In fact, it does the opposite. It prevents thousands of District citizens from successfully reintegrating into society and becoming active, invested participants in our community.

III. Restoring Voting Rights to Incarcerated District Residents Is A Best Practice

Two states, Maine and Vermont, have never disenfranchised their residents who are incarcerated, and Puerto Rico restored the right to vote to its incarcerated population in 1977.¹¹ All authorize their incarcerated residents to vote at their last place of residence prior to confinement. Outside of the United States, Canada, Ireland, Israel, South Africa, Spain and nearly two dozen other countries do not place any restrictions on voting for people who are incarcerated.¹²

In recent years, reforms in other states have begun to chip away at disenfranchisement laws, and there is a national movement and recognition that the government should not have been able to take away this basic right in the first place. By restoring the vote to its incarcerated residents, the District would serve as a model to other jurisdictions that are also considering similar reforms to restore this fundamental right to their citizens.

IV. Challenges to Successful Implementation of B23-324

⁸ Nationally, 97% of incarcerated individuals will one day return to their communities. See U.S. Department of Justice (2018) Project H.O.P.E. Re-Entry Initiative. Retrieved from <https://www.justice.gov/usao-sdal/programs/ex-offender-re-entry-initiative>

⁹ See Newkirk, Vann (2016) Polls for Prisons. Retrieved from <https://www.theatlantic.com/politics/archive/2016/03/inmates-voting-primary/473016/>

¹⁰ Martin Austeruhle, *D.C. Inmates Serve Time Hundreds Of Miles From Home. Is It Time To Bring Them Back?*, WAMU (Aug. 10, 2017), <https://wamu.org/story/17/08/10/d-c-inmates-serving-time-means-hundreds-miles-home-time-bring-back/>.

¹¹ Newkirk, Vann (2016) Polls for Prisons. Retrieved from <https://www.theatlantic.com/politics/archive/2016/03/inmates-voting-primary/473016/>

¹² ProCon.org (2018) International Comparison of Felon Voting Laws. Retrieved from <https://felonvoting.procon.org/view.resource.php?resourceID=000289>

While the ACLU-DC strongly supports Bill 23-324 and the intent of the Council to ensure that incarcerated District residents can successfully exercise their rights to vote, we also recognize there are challenges to successful implementation of such a law.

The biggest challenge is implementation of this law will require the cooperation of the Federal Bureau of Prisons (BOP) to not only identify and share the location and contact information for incarcerated District residents, but to ensure that these voters have access to both ingoing and outgoing mail so they can vote by absentee ballot and receive voter guides and other information from the DCBOE. This is further complicated when individuals are moved, as they often are, from one federal facility to another. Identifying alternative methods to get contact information for incarcerated residents in instances where the BOP is not cooperative, for example, may be necessary to aid in implementation of Bill 23-324.

Other challenges we foresee that are less daunting but equally important include 1) how to ensure that D.C. residents in BOP facilities will have enough information about candidates and issues before they're expected to vote, and 2) how D.C. residents in the BOP will register to vote if they have not already done so. One amendment we recommend to Bill 23-324 is for the law to *require*, rather than simply *encourage* the creation of a voter guide for this population.

We also wonder how outreach will be done to District residents who are incarcerated in state prisons in other jurisdictions, as opposed to the BOP. What cooperation will DCBOE need from states to ensure that District residents in state prisons are apprised of their voting rights?

Unfortunately, the ACLU-DC does not have ready solutions to all the challenges raised above. However, we believe that answering these questions and including the path forward either in regulations or, where appropriate, the law, is critical to ensuring that the District moves forward with the tools necessary for successful re-enfranchisement. Connecting with elections officials in Maine, Vermont, and Puerto Rico to learn about their experiences and best practices is an important first step.

Finally, we hope that these needs will be accurately assessed by both DCBOE and the Council in partnership with community stakeholders, and that in passing this legislation, the Council ensures that DCBOE has adequate resources to allocate for successful implementation of this important law.

Conclusion:

We want to thank Councilmember White for leading the introduction of this legislation and thank all Councilmembers for supporting this important effort to restore voting rights to D.C. residents incarcerated for felony convictions.

Protecting the right to vote for all is imperative to the future of our democracy, and the ACLU-DC is committed to working with the Council, the Board of Elections, and all community stakeholders to ensure that the strongest version of this legislation is passed and implemented faithfully.



**Statement of the DC Reentry Action Network and Voices for a Second Chance
before the Committee on the Judiciary and Public Safety
of the Council of the District of Columbia**

Public Hearing on Bill 23-0324, the “Restore the Vote Amendment Act of 2019”

October 10, 2019

Introduction

Good morning, Chairman Allen and members of the committee. My name is Paula Thompson, I am a Co-Chair for the DC Reentry Action Network (RAN) as well as the Executive Director for Voices for a Second Chance (VSC). RAN is a coalition of nonprofit organizations that provide direct reentry-specific services to justice-involved District residents. RAN strives to ensure that all justice-involved people in DC have access to high quality reentry services to support their successful reintegration and promotes community-based alternatives to end DC's over-reliance on the criminal justice system. VSC empowers justice-involved individuals with the opportunity to reengage in their communities and ultimately build better futures for themselves and their loved ones. I am grateful for the opportunity to testify today on behalf of RAN in support of the Restore the Vote Amendment Act of 2019.

As you know, RAN connects effective, local, client-centered reentry service providers to exchange knowledge, strengthen services and give voice to a historically underserved population in our city—people returning home from incarceration. We are a collective voice of reentry service providers to communicate the needs of returning citizens and work closely with city agencies. It is our belief that this legislation is crucial to helping promote a safer and more successful reentry process. Our laws and officials impact DC residents in the criminal justice system the same way they do the rest of us, yet our incarcerated citizens are denied a voice. This



measure only works to further alienate these citizens from society and disconnect them from the communities to which they will eventually return, while also fostering anger and frustration that may jeopardize positive reentry outcomes. Recidivism reduction is a foundational focus of RAN's long-term goals, and we strongly maintain that all legislative efforts to support this objective should be seriously considered, including the Restore the Vote Amendment Act.

Facts

There are few studies that attempt to estimate the effect of re-enfranchisement on recidivism, but those that exist show that restoring the right to vote decreases recidivism. A study in Berkley's *La Raza Law Journal* found that permanent voting rights loss increased recidivism rates among people with felonies by 46.8%.¹ In another, the Florida Parole Commission found that individuals granted their civil rights re-offended at a rate of 11.1% in 2009 and 2010,² relative to the average re-offense rate in Florida over the same period of time of 26.95%.³ These studies highlight how civic reintegration, or the process of making people who have been incarcerated feel like they are members of a community again, improves reentry outcomes.⁴

The question that this legislation poses is whether the positive benefits of voting outweigh the costs of removing a retributive burden placed on those convicted of felony crimes. One set of arguments against enfranchisement asserts that there could be material, crime-related

¹ Hamilton-Smith, Guy Padraic, and Matt Vogel. "The Violence of Voicelessness: The Impact of Felony Disenfranchisement on Recidivism." *Berkeley La Raza Law Journal* 22, no. 3 (2012).

² "Status Update: Restoration of Civil Rights' (RCR) Cases Granted 2009 and 2010." Florida parole Commission, July 1, 2019. <https://www.fcor.state.fl.us/docs/reports/2009-2010ClemencyReport.pdf>.

³ "Florida Prison Recidivism Report: Releases from 2010 to 2016." Florida Department of Corrections, August 2018. <http://www.dc.state.fl.us/pub/recidivism/RecidivismReport2018.pdf>.

⁴ Bazemore, Gordon, and Jeanne Stinchcomb. "A Civic Engagement Model of Reentry: Involving." *Federal Probation* 68, no. 2 (2004).



impacts associated with giving people with felony convictions the right to vote. To RAN's knowledge, there has never been a study that indicates that attaching felony disenfranchisement to legislation actually deters crime, and so this claim should be viewed skeptically.

Alternatively, some argue that removing the right to vote is a good way to signal the importance of the norms that people with felonies have violated. It presumes that denying the right to vote is a useful medium for the community to send a message to individuals who break laws that their behavior is unacceptable.⁵ Those who believe that these signals are important premise their argument on the assumption that denying the right to vote is an important message about the District's values. If it is true that the purpose of disenfranchisement is to send such a signal, we should think carefully what message we are really sending. As the nation's capital, DC should strive to be a leader in criminal justice reform, and should ensure the messages we send pushes us closer to this goal.

In order to be a leader, DC has to acknowledge that its legacy of civil rights leadership has not always been an equitable and just one. Racially restrictive deed covenants and neighborhood association petitions prevented African Americans from living in several neighborhoods throughout the District since the early twentieth century. These covenants prevented African American access to wealthy neighborhoods, and crammed them into poorer ones.⁶ Children in DC were educated in separate schools on the basis of their race until the 1960s. Black police officers could not arrest white suspects.⁷ A 1947 commission described

⁵ Sigler, Mary. "Defensible Disenfranchisement." *Iowa Law Review* 99 (2014).

⁶ Shoenfeld, Sarah, and Mara Cherkasky. "The Rise and Demise of Racially Restrictive Covenants in Bloomingdale," 2019. <https://www.dcpolicycenter.org/publications/racially-restrictive-covenants-bloomingdale/>.

⁷ Forman, James. *Locking up Our Own: Crime and Punishment in Black America*. New York: Farrar, Straus and Giroux, 2017.



segregation in the District as a system of, “countless daily humiliations.” African Americans could not attend movies or plays downtown, work jobs appropriate to their abilities, send their children to decent schools, receive adequate medical, or stay in most hotels.⁸ Felony disenfranchisement is merely another form of this racial inequality that has impacted the District.

Interestingly enough, in 1862, DC became the first place in the nation to abolish slavery, nine months prior to the Emancipation Proclamation. It is also the first place where African American men were permitted to vote, as a consequence of an 1867 law that preceded the 1870 passage of the 15th amendment. Yet today, African Americans in our city are experiencing civic inequity. We at RAN believe that both sides of DC’s civil rights history provide important context when considering the how important this legislation is regarding the rights of DC residents.

To be clear, felony disenfranchisement overwhelmingly affects African Americans. Although African Americans in DC account for less than half the total population, they account for 96% of people convicted of felonies.⁹ Nationally, African Americans are four times as likely to be disenfranchised by a felony conviction as non-African Americans.¹⁰ In 1998, there were 8,700 people convicted of felonies in the District of Columbia who were disenfranchised.¹¹ 99% of those individuals were African American, resulting in the disenfranchisement of 7.2% of all

⁸ “To Secure These Rights: The Report of the President’s Committee on Civil Rights.” Government Printing Office, 1947.

⁹ Duane, M., Reimal, E., & Lynch, M. (2017, July). *Criminal Background Checks and Access to Jobs: A Case Study of Washington, DC*. Retrieved from https://www.urban.org/sites/default/files/publication/91456/2001377-criminal-background-checks-and-access-to-jobs_2.pdf

¹⁰ Uggen, Christopher, Ryan Larson, and Sarah Shannon. “6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016,” 2016. <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>.

¹¹ Fellner, Jamie. “Losing the Vote: The Impact of Felony Disenfranchisement Laws in the United States.” The Sentencing Project, 1998. <https://www.sentencingproject.org/wp-content/uploads/2016/01/Losing-the-Vote-The-Impact-of-Felony-Disenfranchisement-Laws-in-the-United-States.pdf>.



African American men in the District of Columbia, in comparison to only two percent of the total adult population in 1998.¹² This racial inequality has not gotten better in the last 11 years, and the passing this legislation is a step in the right direction for improving racial justice in DC.

Conclusion

RAN would like to extend our gratitude to the Council once again for the chance to voice our support for the “Restore the Vote Amendment Act of 2019.” This bill is a small but very important step toward reducing the disparate access to civic rights in the District, and will provide a meaningful opportunity for individuals convicted of felonies to begin the process of civic reintegration. This concludes our testimony; thank you for your time, and we welcome any further questions you may have.

¹² *Ibid*

2019-2020

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**Statement of the Council for Court Excellence
Before the Committee on Judiciary and Public Safety
of the Council of the District of Columbia**

**“Restore the Vote Amendment Act of 2019”
October 10, 2019**

Introduction

Good morning, Chairman Allen, and members of the committee. My name is Patrick McGlone. I am the President of the Board of Directors for the Council for Court Excellence (CCE). I am also Senior Vice President, General Counsel and Chief Compliance Officer of Ullico Inc., which has maintained offices in the District of Columbia for more than three decades. No judicial members of CCE participated in the formulation of this testimony. For the past 37 years, CCE, a nonpartisan, nonprofit civic organization has worked to improve the administration of justice in the courts and related agencies in D.C.

This testimony addresses B23-0324, the “Restore the Vote Amendment Act of 2019.” CCE supports this bill as an opportunity for the District of Columbia to continue to be a national leader in providing opportunities to vote to its justice involved residents.

The District’s legacy on civil rights is marked by two contrasting stories, and that legacy provides relevant context when considering legislation that would extend the franchise to D.C. residents convicted of felony offenses.

On the one hand, D.C. was the first place in the nation where African Americans could vote, as a consequence of an 1867 law that preceded the

passage, in 1870, of the 15th amendment.¹ D.C. was also the first place in the nation to abolish slavery, nine months before the emancipation proclamation,² and it was the first jurisdiction to desegregate schools, as the *Bolling v. Sharpe* ruling came down two years before *Brown v. Board of Education*.³

On the other hand, racially restrictive deed covenants and neighborhood association petitions prevented African Americans from living in several neighborhoods throughout the District through the mid-twentieth century. These covenants prevented African Americans from accessing wealthy neighborhoods, and crammed them into poorer ones.⁴ Children in D.C. were educated in separate schools on the basis of their race until the 1960s. Black police officers could not arrest white offenders.⁵ A 1947 commission described segregation in the District as a system of “countless daily humiliations.” African Americans could not attend movies or plays downtown, work jobs appropriate to their abilities, send their children to decent schools, receive adequate medical care, or stay in most hotels.⁶

The disenfranchisement of D.C. residents convicted of felonies runs counter to the District’s favorable history of legal reforms that advanced equality, and helps perpetuate the District’s ugly legacy of racial prejudice. This bill presents an opportunity for the District to

¹ Panetta, Grace, and Olivia Reaney. “Today Is National Voter Registration Day. The Evolution of American Voting Rights in 242 Years Shows How Far We’ve Come — and How Far We Still Have to Go.” *Business Insider*, 2019. <https://www.businessinsider.com/when-women-got-the-right-to-vote-american-voting-rights-timeline-2018-10>.

² Davis, Damani. “Slavery and Emancipation in the Nation’s Capital.” *Prologue Magazine* 42, no. 1 (2010). <https://www.archives.gov/publications/prologue/2010/spring/dcslavery.html>.

³ Pollak, Louis. “Race, Law & History: The Supreme Court from ‘Dred Scott’ to ‘Grutter v. Bollinger.’” *Daedalus* 134, no. 1 (2005).

⁴ Shoenfeld, Sarah, and Mara Cherkasky. “The Rise and Demise of Racially Restrictive Covenants in Bloomingdale,” 2019. <https://www.dcpolicycenter.org/publications/racially-restrictive-covenants-bloomingdale/>.

⁵ Forman, James. *Locking up Our Own: Crime and Punishment in Black America*. New York: Farrar, Straus and Giroux, 2017.

⁶ “To Secure These Rights: The Report of the President’s Committee on Civil Rights.” Government Printing Office, 1947.

advance a policy that would positively impact its justice-involved residents, while removing a policy that disproportionately harms the civic involvement of African Americans in the District.

There are many good reasons to support this legislation. While few studies attempt to estimate the relationship between felony disenfranchisement and recidivism, those that do indicate that restoring a person's right to vote decreases recidivism. A study in Berkley's *La Raza Law Journal* found that a permanent loss of voting rights increased recidivism rates among individuals with felony convictions by 46.8%.⁷ In another, the Florida Parole Commission found that individuals granted their civil rights re-offended at a rate of 11.1% in 2009 and 2010,⁸ relative to the average re-offense rate in Florida over the same period of time of nearly 27%.⁹

This evidence is far from conclusive, but it buttresses the expectation that civic participation does improve outcomes for returning citizens, and will help those efforts in the District. There is a robust academic literature that indicates that civic reintegration – or the process of making people who have been incarcerated feel like they are members of a community again through things like increased participation in community groups, civil service, voluntarism, and participation in restorative justice sessions – improves reentry outcomes.¹⁰ The ability to vote in elections is a key hallmark of civic integration. Moreover, D.C. residents in the Federal Bureau of Prisons serve time in facilities scattered across the country. Voting offers them one, albeit one important, opportunity to maintain a connection with their community in D.C.

⁷ Hamilton-Smith, Guy Padraic, and Matt Vogel. "The Violence of Voicelessness: The Impact of Felony Disenfranchisement on Recidivism." *Berkeley La Raza Law Journal* 22, no. 3 (2012).

⁸ "Status Update: Restoration of Civil Rights' (RCR) Cases Granted 2009 and 2010." Florida parole Commission, July 1, 2019. <https://www.fcor.state.fl.us/docs/reports/2009-2010ClemencyReport.pdf>.

⁹ "Florida Prison Recidivism Report: Releases from 2010 to 2016." Florida Department of Corrections, August 2018. <http://www.dc.state.fl.us/pub/recidivism/RecidivismReport2018.pdf>.

¹⁰ Bazemore, Gordon, and Jeanne Stinchcomb. "A Civic Engagement Model of Reentry: Involving." *Federal Probation* 68, no. 2 (2004).

Additionally, controlling for other factors, voting by young adults is associated with higher levels of subsequent income and education, as well as mental health.¹¹

Putting all that together, it is perhaps unsurprising that voting positively affects justice-involved individuals. The question that this legislation poses is whether the positive benefits of voting outweigh the costs of removing a retributive burden placed on those convicted of felony crimes.

While perhaps not a strong sentiment in the District, some have argued that felony disenfranchisement prevents people with poor moral character from voting. This argument wrongly assumes that the moral compasses of people with felony convictions are different from those without felony convictions, and that a given set of beliefs ought to disqualify an individual from voting.¹² However, what evidence exists suggests that people with felony convictions have the same view of the rightness and wrongness of crimes (their own included) as those without felony convictions.¹³ There is no evidence indicating that attaching felony disenfranchisement to a sentence actually deters, or in any way reduces, crime.¹⁴

Alternatively, others have argued that removing the right to vote is a good way to signal the importance of the norms that people with felony convictions have violated. This wrongly

¹¹ Ballard, Parissa, Lindsay Hoyt, and Mark Pachucki. "Impacts of Adolescent and Young Adult Civic Engagement on Health and Socioeconomic Status in Adulthood." *Child Development* 90, no. 4 (2018).

¹² Manfredi, Christopher. "Judicial Review and Criminal Disenfranchisement in the United States and Canada." *The Review of Politics* 60, no. 2 (1998)., see also Clegg, Roger. "Who Should Vote." *Texas Review of Law & Politics* 6, no. 1 (2001).

¹³ Casper, Jonathan. "American Criminal Justice: The Defendant's Perspective." *University of Pennsylvania Law Review* 121, no. 5 (1973).

¹⁴ Hamilton-Smith, Guy Padraic, and Matt Vogel. "The Violence of Voicelessness: The Impact of Felony Disenfranchisement on Recidivism." *Berkeley La Raza Law Journal* 22, no. 3 (2012)

presumes that denying the right to vote is a useful medium for the community to send a message to individuals who break laws that their behavior is unacceptable.¹⁵

If it is true that the purpose of disenfranchisement is to send such a signal, we here in the District should think carefully about which message we are really sending, and which of D.C.'s civil rights legacies we support.

To be clear, and to circle back to the important history we discussed earlier, felony disenfranchisement overwhelmingly affects African Americans. Although African Americans in D.C. account for less than half the total population, they are 96% of people with felony convictions.¹⁶ Nationally, African Americans are four times as likely to be disenfranchised by a felony conviction as non-African Americans.¹⁷ In 2017, there were 5,258 D.C. Code offenders in the Federal Bureau of Prisons serving time for felony offenses who were unable to vote.¹⁸ Ninety-nine percent of those individuals were African American, resulting in the disenfranchisement of 1.6% percent of all African American men in the District of Columbia.

Passing the "Restore the Vote Amendment Act of 2019" is the right thing to do. It is a small but important step toward reducing the disparate access to civic rights in the District, and will provide a meaningful opportunity for individuals convicted of felonies to begin the process of civic reintegration. Thank you for your time and attention.

¹⁵ Sigler, Mary. "Defensible Disenfranchisement." *Iowa Law Review* 99 (2014).

¹⁶ Duane, M., Reimal, E., & Lynch, M. (2017, July). *Criminal Background Checks and Access to Jobs: A Case Study of Washington, DC*. Retrieved from https://www.urban.org/sites/default/files/publication/91456/2001377-criminal-background-checks-and-access-to-jobs_2.pdf

¹⁷ Uggen, Christopher, Ryan Larson, and Sarah Shannon. "6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016," 2016. <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>.

¹⁸ "One-Day Estimate of Justice System-Involved Individuals within the District of Columbia." Criminal Justice Coordinating Council, 2017.

D.C. Council Committee on the Judiciary and Public Safety
Public Hearing on Bill 23-0324, The Restore the Vote Amendment Act of 2019
October 10, 2019

Good morning, my name is Ella Hankins. I am a Ward 4 resident and I'm in 8th grade at Washington Latin Public Charter School. Last year my English teacher, Mr. Green, gave my class an assignment to write a persuasive speech about any topic we found interesting. The topic that was the most interesting to me was whether or not people in prison should have the right to vote.¹ After I wrote my speech in favor of extending the right to vote, my mom told me that a bill had been introduced in the Council about this topic. I am testifying today in support of The Restore the Vote Amendment Act of 2019. I think the Council should pass this bill and give people who are serving prison sentences the right to vote in D.C. elections. This is the speech I gave to my English class.

A group of over 6.1 million people didn't vote in the 2016 election. These people did not vote in this election not because they were indecisive, hated both candidates, or all the other excuses the adults who did not cast a ballot used. They didn't vote because they couldn't. There are only two places in America where you can vote while behind bars. These places are Maine and Vermont. In the other 48 states and in D.C. you will either gain back your right to vote immediately after release, after a short time of being released, or you could never get it back. Where you are affects which option you will receive, but in most states you will regain the right back after serving your sentence and completing a short time out of prison without the right to vote. Most people who lose their right to vote have committed felonies. In D.C. a felony is any crime that you could end up in prison for more than a year if found guilty. Felonies include robbery, murder, rape, child abuse, human trafficking, and arson. Voting should be given to people behind bars for three reasons: (1) because it is important for incarcerated people to elect officials who can help with problems they face; (2) because without them voting we have an unfair representation of what communities want; and (3) and because it allows them to feel more connected to the outside world.

Inmates need to have the right to vote because it is important for them to elect officials who can help with problems they face. When I say problems I don't mean little things like how they only get one pillow. The purpose of prison is to punish those who (supposedly) did wrong, prison would no longer serve its function if by voting it was suddenly turned into a 5-star getaway. So when I say problems, I mean the big problems that you hear about on the news. For example, in Texas (a place known for heat that can reach the hundreds) one of the prisons

¹ Even though my mom is very interested in criminal justice issues, she did not suggest this topic to me. Other than explaining to me the difference between a felony and a misdemeanor and giving me examples of felony crimes, my mother did not help me with my speech.

decided not to pay for the AC. Violence among the inmates increased resulting in many being injured. If the inmates in Texas had the right to vote then they could have elected officials that would have prevented this situation from happening. The opposite happened in New York. It had been a chilly week, with temperatures less than 10 degrees when the power for one of the prisons decided to go out. The heat and lights all turned off leaving inmates who were only wearing their prison jumpsuits freezing in the dark. Blankets were sent over to help keep the prisoners warm, but many claimed to never receive one. Outside the prison, protesters could hear the begging of loved ones trapped, pleading for help. If prisoners could vote then there could have been more prepared when a situation occur. By the inmates voting they could have elected an official that would have made sure the prisons was more prepared for a situation like this to occur. The representative could have made sure that the prison provided warmer clothes, made sure everyone got blankets, and that there were backup generators or extra heaters. The Eighth Amendment protects people from cruel or unusual punishment. If what happened in Texas and New York isn't considered cruel or unusual I don't know what is. If people behind bars could vote then they could elect officials that would make sure that unfortunate incidents like what happened in New York and Texas could be prevented, or at least not repeated.

It is also important to have inmates vote because without them voting we have an unfair representation of what communities want. A fact that we have to face is that racism still exists. According to an article by The Perspective, an African American male is five times more likely to be incarcerated than a white male in this country. The criminal justice system has a greater negative impact on African American communities than on white communities. It is not that African Americans commit more crimes than white people. It is that we are arrested, convicted, and imprisoned more. Because African Americans are a minority, and elections are decided by majorities, it is already hard for African Americans to elect people to represent their interests. And then because African Americans are convicted of crimes at a higher rater, when you say that felons can't vote, you are taking even more votes away from the African American community. If we let inmates vote though then more problems facing Black communities could be recognized and solved. African Americans as a whole could also have more political power. Another statistic I found said that no state had more than 11% of total people not be able to vote, but in Florida, Kentucky, Virginia, and Tennessee more than 20% of Black voters couldn't vote. This again shows that African Americans have a disadvantage in terms of voting. How are communities supposed to get what they really want as a whole if a part of that whole isn't allowed to contribute?

Finally, voting is an important right for inmates to have because it allows them to feel more connected to the outside world. This connection that they can gain through voting is very important. For example, a large number of people in prison have children under the age of eighteen. They might not be able to pick their child up from school, ask them about their day, or say goodnight like other parents, but they can help their children in another way. They can make sure that the neighborhood park is safer and the school is better. They can make sure that the

traffic light near their house is fixed and that the uneven sidewalk is redone. They can make sure all these things happen by voting for officials who will take care of them. When they can't be there to protect their children, they need to be reassured that their kids are in good hands anyway.

Another way that this connection helps is by making inmates feel less alienated. When many prisoners return to society it can be challenging, since they have been locked away from all this for so long it can feel like the world has moved on without them and that they no longer belong. But, people who work with inmates say that having a general sense of what is going on in the world and their communities can help decrease that isolation. Voting is a way for prisoners to be tied to and informed of what is happening in the outside world, and that tie to the outside world can be very beneficial in their lives.

Voting is a right that should be given to every US citizen over the age of eighteen, no matter where they are. It should be given to people behind bars because it is important for them to elect officials who can help with problems they face, because without them voting we have an unfair representation of what communities want, and because it allows them to feel more connected to the outside world. We give inmates other rights like freedom of religion and freedom of speech, so why not the right to vote? 6.1 million people didn't vote in the 2016 elections because they couldn't. When you prevent people in prison from voting you are not only hurting them, you are also hurting their families and our communities. You hurt all of us. When you take away someone's right to vote you take away a part of their voice, a part of their freedom. Some people say that the point of prison is to punish but, you don't have to take everything away from someone to punish them. Some people say that the point of prison is to rehabilitate and the best way to return someone back to their regular life is to let them keep some of the life they are living normal.

I hope this Committee and then the D.C. Council passes Bill 23-0324. It is important for the D.C. I want to grow up and live in. Thank you.

Committee on the Judiciary and Public Safety
Public Hearing
Bill 23-0324, The "Restore the Vote Amendment Act of 2019"

October 10, 2019

Testimony of Makia Green, Ward 2 Resident and Organizer at Working Families Party

Good morning, Chairman Allen and Committee members. Thank you for calling this hearing today. My name is Makia Green. I'm with **Working Families Party** and a resident of Ward 2. I am here to express my support of the Restore the Vote Amendment Act of 2019.

At a time when voting rights, and even democracy itself, is under attack, I'm proud that the District has been working to create a stronger and more inclusive democracy. In recent years, we've taken steps to make our Attorney General an elected position, expand early voting, establish Automatic Voter Registration, create public financing of elections system, Fair Elections, and more. These are all welcome and important steps in the right direction, but as we know all too well, we have *a lot* of work to do if we want to have a system that listens to everyone's voice and count every vote.

We need you to continue this work to dismantle the barriers to democracy that have been erected to lock people out, or in this case, lock people down. That is why Restore the Vote is so important, it helps expand our democracy and right a historic wrong, by bringing people back into our democracy who have been excluded and told they don't count. Voting is a human right, and excluding it from anyone, for any reason, is to tell them they are less than what they are and they don't matter; that is the opposite message that we need to be sending if we care about restorative justice and our democracy. If we are going to address the greatest challenges we face as a city, it is vital that we include the voices of people who are incarcerated in these debates and discussions.

To many people, Restore the Vote will sound like a radical idea, but that is just another indicator of how much ground we have lost. It is a cruel irony that people who were incarcerated in 1955 had *more* voting rights than they do today. We are not asking for anything new, just that an old barrier be brought down.

Restoring the right to vote while incarcerated promotes racial equity. DC residents serving felony convictions were permitted to vote in DC until 1955 when Congress voted to disenfranchise them. This occurred during the era of Jim Crow and two years prior to 1957 when DC's Black population surpassed the 50 percent mark, making it the first predominantly Black major city in the nation and leading a nationwide trend. This was intentionally designed to marginalize Black people and suppress our vote. Consequently, one out of every 13 African Americans lost the right to vote, compared to one out of every 56 non-Black voters. Today, roughly 6,000 District residents continue to be disenfranchised while being locked in cages. This is especially problematic in DC, where our incarceration rate is near twice the national average, and 96% of people convicted of felonies are Black. This council has the opportunity to be on the right side of history. Restore The Vote.

As we fight for Statehood, DC residents are hungry for an inclusive democracy. In the recent hearing on Statehood, republicans used dog-whistle politics to undermine our calls for representation. We know why - because with 46% of DC being Black and they know DC won't vote for their candidates. So the same goes for justice-involved residents.

Maintaining the District's current disenfranchisement policy means that we are okay with marginalizing incarcerated residents and leaving them voiceless in the democratic process that ultimately impacts them, particularly when they return home. This policy has created a population that is subjected to laws but are voiceless in the democratic process- an experience familiar in a city without voting representation in Congress and subjected to taxation without representation. For both statehood and restore the vote, true inclusive democracy is only a threat to those who choose to abuse their power.

While I think this is strong legislation, on a hot day, what good is a glass of water, that I can see but can never reach to drink? The same goes for this legislation. If you care about changing the living conditions for the most vulnerable in our city, not only is it time to pass this bill to restore voting rights but it is also time to strengthen this legislation to the level justice-involved people deserve.

I suggest we make the vote truly accessible by providing ballots in **postage-paid envelopes**. Otherwise, incarcerated residents without adequate funds will not be able to actually participate in the democratic process.

DC residents who have registered to vote in their Ward before they enter the jail do NOT get kicked off the voter rolls, but its harder for those who are NOT already registered to register once they're at the jail. You have the power to require that automatic voter registration be extended to those who are incarcerated as part of the intake process, along with privacy redactions so that their identifying information isn't publicly available like that which exists for survivors of domestic violence.

There must be stronger language around the board of elections printing and circulating a voter guide. It is currently mentioned as a suggestion, and this should be a requirement. Our community cannot take part in the voting process if they are not informed.

We are stronger together, so during your research, connect with jurisdictions that either have never taken away the vote such as Maine and Vermont or have restored it like Puerto Rico to learn about their best practices and challenges.

Lastly, we need to ensure that the Board of Elections has the adequate resources to fully implement this law and that both the agency and Council can make an accurate assessment of what that would take and fully fund it.

I urge you to pass the Restore the Vote Amendment of 2019 so that the District can continue its bold leadership in enfranchisement, which began after the establishment of Home Rule. Since then, DC has expanded the franchise so that residents incarcerated for misdemeanors and those released after their felony convictions can vote. It is time to restore the right to vote to the only residents in the District who lose their right to vote.

Thank you for the opportunity to testify today. I'm happy to answer any questions.

Best,

Makia Green

Committee on Judiciary and Public Safety, Public Hearing on October 10, 2019

Testimony in SUPPORT of Bill 23-0324, The "Restore the Vote Amendment Act of 2019"

Testimony of Lauren Spokane, Ward 4 resident, Board Member of Jews United for Justice, 206-455-1876, laurenspokane@gmail.com

Good morning, Chairman Allen and Committee members. Thank you for calling this hearing today. My name is Lauren Spokane. I'm a board member of Jews United for Justice, the lead instigator of the New Synagogue Project, and a resident of Ward 4. I am here on behalf of JUFJ to express my support of the Restore the Vote Amendment Act of 2019.

Jews United for Justice advances economic, racial, and social justice in the Baltimore-Washington region by educating and mobilizing our local Jewish communities to advance issue-based campaigns for real, immediate, and concrete improvements in people's lives. We work towards a DC region where everyone has what they need to live and thrive, where our government responds to the needs of its least powerful citizens and focuses on expanding well-being for all, and where our Jewish community is a visible and valued partner in the struggle for social, racial, and economic justice and equity.

The Jewish community is in the midst of our high holy days. Yesterday many of us fasted for Yom Kippur, a day many think of as the Day of Atonement. It is a day that completes our 10 days of awe, a time during which we're called to engage in teshuva – at its most basic, this means apologizing for our mistakes to those we've harmed and asking for forgiveness. It also means forgiving those who've harmed us. It's a time in which we work to heal and transform, to return to a righteous path.

Central to our practice of teshuva is the idea that we all have the capacity to change, to learn from our mistakes and to repair harm that we create. It calls us to give people second chances. It's really an ancient practice of "calling in," you might say. We acknowledge that we can continue being in community with one another, even after we've harmed each other.

Our criminal justice system is a far cry from being a system that effectively repairs harm and supports people through a process of transformation and rehabilitation. But one small way we can make our system closer to one in which transformation is possible is to hold people who have created harm as members of our community and ensure they continue to have a voice in civic life. We know from research by Demos and others that voting supports reentry after incarceration, that participation in elections help people who are behind bars "develop a sense of social responsibility and membership in the political community." And that recidivism declines when voting rights are restored. This means that rights restoration is both the right thing to do morally and also pragmatically, as one small way we can move toward greater safety. And given the racial inequities in our criminal justice system, in which 96% of people convicted of felonies in DC are black and one out of every 13 African Americans nationally has lost the right to vote due to felony disenfranchisement, rights restoration is all the more critical to making our city a more just place.

While I think this is strong legislation, and I along with JUFJ support its passage, I do suggest we make the vote truly accessible by providing ballots in postage-paid envelopes. Otherwise, incarcerated residents without adequate funds may not be able to actually participate in the democratic process.

I urge you to pass the Restore the Vote Amendment of 2019, so that all people who call the District home can remain part of our political community and continue participating in the civic process. All of our voices matter, including those who are all too often most marginalized and unheard.

Thank you for the opportunity to testify today. I'm happy to answer any questions.

October 10, 2019

Good morning: Chairperson Allen and members of the committee,

My name is Keshia Morris, I am the Census and Mass Incarceration Project Manager at Common Cause, and I am testifying in favor of Bill 23-0324, the "Restore The Vote Amendment Act of 2019."

Common Cause supports this bill because we believe that our government ought to work for everyone. Far too often, the legal system is working against many of our friends and neighbors, instead of helping to obtain a truly inclusive democracy. The current system of mass incarceration presents a democratic challenge: those most affected by the criminal justice system are unable to express their grievances at the ballot box.

By taking voting rights away from incarcerated people, we create a class of citizens who are subject to D.C. and U.S. laws -- but have no say in how they're governed or who represents them. It's time for that to change.

Our mass incarceration system is silencing the communities most impacted by it. And that's by design -- dating back to the Jim Crow era, felony disenfranchisement laws have been used to restrict Black political power. But these obtuse voting laws do not only impact the black and brown community. In the words of Dr. Martin Luther King Jr. "Injustice anywhere is a threat to justice everywhere."

It is time for the District to fight back -- by making sure those who are incarcerated are not stripped of their voice in our democracy.

Everyone, including people that are currently incarcerated, should have the right to vote in elections. It is a fundamental right that should never be taken away.

People do not lose their citizenship when they are incarcerated, so they shouldn't lose their right to vote.

The historical background of felony disenfranchisement is as disturbing as it is long. British citizens who came to colonial America brought with them the policy of "civil death" -- the loss of property, voting and other civil rights for those convicted of serious crimes¹ and the tradition took hold in the U.S. And we saw an explosion of disenfranchisement laws passed in South in the aftermath of the Civil War to exclude free black men from the ballot box, for crimes that were considered only committed by

black Americans. Committee members can read more about the history in Common Cause's report *Zero Disenfranchisement: The Movement to Restore Voting Rights*. The committee has a printed copy.

Today, most western-style democracies permit some or all convicted persons to vote while in prison,ⁱ and two U.S. states allow it – Maine and Vermont. In the U.S., over 6 million incarcerated and formerly incarcerated Americans are legally denied the right to vote.ⁱⁱⁱ

In the District of Columbia, the Restore the Vote Amendment Act would have an impact on 6000 families. 6000 families that will have a new reason to engage with the political process and have their voices heard.

Felony disenfranchisement laws do not stand up to common sense tests. Traditionally, Americans have seen time in prison as an offender's payment of a debt to society. People in prison retain their citizenship and we expect that having served their time; they will return to communities as productive citizens. But while calling on them to be good citizens, our system generally denies or erects barriers to their exercise of citizenship's core right – the right to vote.

Common Cause on behalf of our 3,600 members in the District of Columbia, and those that are in the room today, calls on the Committee to vote in favor of the "Restore the Vote Amendment Act of 2019."

Thank you for your time.

Keshia Morris

Census and Mass Incarceration Project Manager, Common Cause

ⁱ <https://felonvoting.procon.org/view.timeline.php?timelineID=000016>

ⁱⁱ <https://felonvoting.procon.org/view.resource.php?resourceID=000289>

ⁱⁱⁱ Christopher Uggen, Ryan Larson, and Sarah Shannon, "6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016," The Sentencing Project (October 6, 2016), <http://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>





Affordable Housing

Resident Life

Youth Services

Reentry Housing

**Testimony of Samuel Buggs
Vice Chair - Board of Directors
Jubilee Housing, Inc.
Before
COUNCILMEMBER CHARLES ALLEN, CHAIR
COMMITTEE ON JUDICIARY AND PUBLIC SAFETY**

Restore the Vote Amendment Act of 2019

B23-0234

Thursday, October 10, 2019

Good morning Chairperson Allen and members of the Committee. My name is Samuel Buggs. I serve as the Vice Chair of the Board of Directors for Jubilee Housing, Inc. We are grateful that you are holding a hearing on this important legislative proposal which will expand voting rights to individuals currently serving a sentence for a felony conviction. We are firmly in support of this expansion of voting rights.

Let me give a brief explanation of Jubilee Housing as well as a brief description of our work with returning citizens.

Founded in 1973, Jubilee Housing's mission is to provide safe, affordable housing and supportive services for residents with low-incomes living in the Adams Morgan, Columbia Heights, and Mount Pleasant neighborhoods of the Nation's Capital. Jubilee Housing serves more than 500 individuals and families and has been a model for programs around the country seeking effective responses to the urban affordable housing crisis. Rather than simply preserving bricks and mortar, Jubilee Housing builds diverse communities that create opportunities for everyone to thrive.

Jubilee Housing understands that, as Bryan Stevenson of the Equal Justice Initiative says, "The opposite of poverty is not wealth. In too many places, the opposite of poverty is justice." Jubilee Housing strives to create "justice housing," which is affordable to those who need it most, located in neighborhoods with resources such as quality schools, grocery stores, and transportation, and near support that enables us all to succeed. Housing that offers these fundamentals promotes justice and fosters greater equity among D.C. citizens.

The Reentry Housing Initiative, a program of Jubilee Housing, was commenced seven years ago to support returning citizens in their journey home from incarceration. We are currently providing housing and services for up to 20 men and women returning to the community after time in jail or prison. The program is operated out of two properties – one for men and one for women – each in walking distance of the various Jubilee Ministries in the Adams Morgan neighborhood. Residents participate in the program for about one year as they take the critical first steps towards rebuilding their lives and becoming contributing members of society. Upon successful completion, residents are able to transition to Jubilee apartments and to other long term affordable housing options.

Since inception, over 200 men and women have participated in our Reentry program with very strong outcomes:

- 0% recidivated while participating in our program.
- 76% of participants that stay at least six months leave with stable housing.
- 75% of participants that stay at least three months leave clean and sober with a recovery network in place.
- 90% of participants do not recidivate within the first year.

Through our extensive work with returning citizens we are able to affirm what all of the research has confirmed: the more that incarcerated individuals are engaged with their family and their community during incarceration, the higher the level of a successful reintegration into society upon release. Due to the fact that the District of Columbia does not have its own prison and that incarcerated individuals serve their time in prisons all over the country, many incarcerated individuals rarely have regular contact with family or community. It is incumbent on our city to utilize all avenues available for assisting incarcerated individuals to be involved in the DC community while serving their sentences. The right to vote is a critical avenue to engaging residents in their community while serving time in a prison far away from the District of Columbia.

Let me take a moment to share my personal story and why I believe the full restoration of voting rights is important for both returning citizens as well as the District of Columbia as a whole. As a young boy, I was taught that voting was one of the most important responsibilities of an adult. Voters helped to shape the policy directions of our country. I also know that parts of our country denied voting rights to people like me for many years. When I was sixteen, I made some serious mistakes and was convicted of a felony and sentenced to many years in jail. During that time I never had the opportunity to vote in any election and I felt pretty disconnected. I was released 16 years late at the age of 32 and continued to make mistakes which landed me back in jail. Around 1999 or 2000 when I was serving time in Montgomery County, I was given the opportunity to vote by absentee ballot for the first time in my life. I was overjoyed to be able to finally exercise this important franchise. I felt like an adult American citizen for the first time when I mailed in my absentee ballot. And I began to pay better attention to what policies were being debated and where governments were spending tax payer money. Now that I have completed my time and paid my debt to society, I believe that I should be able to exercise the right to vote. I am grateful that our city extended the right to vote for people like me, returning citizens, several years ago. Now is the time to do the same for people serving time for felony convictions. I believe it will help people who are incarcerated to participate in public life even while in jail. And it will make the transition to life outside the jail easier.

For these reasons, Jubilee Housing strongly supports the passage of this legislation which will both restore the voting franchise to currently incarcerated DC residents serving time for a felony conviction and will require the Board of Elections to take the necessary steps that will implement this important right. We believe the continued expansion of voting rights is an important step in racial reconciliation. It is also another tool in assisting returning citizens prepare for a successful reintegration following incarceration.

Thank you for your time. I am happy to answer any questions.



Affordable Housing

Resident Life

Youth Services

Reentry Housing

**Testimony of Amy Feeser
Community Outreach Liaison
Jubilee Housing, Inc.
Before
COUNCILMEMBER CHARLES ALLEN, CHAIR
COMMITTEE ON JUDICIARY AND PUBLIC SAFETY**

Restore the Vote Amendment Act of 2019

B23-0234

Thursday, October 10, 2019

Good morning Chairperson Allen and members of the Committee. My name is Amy Feeser. I serve as the Community Outreach Liaison for the Reentry Housing Initiative at Jubilee Housing. We are grateful that you are holding a hearing on this important legislative proposal which will expand voting rights to individuals currently serving a sentence for a felony conviction. We are firmly in support of this expansion of voting rights.

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Through our extensive work with returning citizens we are able to affirm what all of the research has confirmed: the more that incarcerated individuals are engaged with their family and their community during incarceration, the higher the level of a successful reintegration into society upon release. Due to the fact that the District of Columbia does not have its own prison and that incarcerated individuals serve their time in prisons all over the country, many incarcerated individuals rarely have regular contact with family or community during their period of incarceration. It is incumbent on our city to utilize all avenues available for assisting incarcerated individuals to be involved in the DC community while serving their sentences. The right to vote is a critical avenue to engaging residents in their community while serving time in a prison far away from the District of Columbia.

As a social worker in the District of Columbia and the child of a returning citizen, I can attest to hearing both my residents and my own father talk about the experience of incarceration stripping away their voice: feeling the powerlessness and loss of dignity that comes from having every decision made for you every day: when you sleep, when and what you eat, when and if you get to see day light. The power to exercise choice is a privilege of empowerment and personal agency that can be used to connect our folks back to their home. To have agency in the voting process of your community means you belong. To have agency in the voting process in your community means you have a voice contributing to the direction of your city's future.

Ultimately, the lived experience of returning citizens will guide us to the solutions, restructuring, and healing we seek in our criminal justice system. It is our ethical duty to not only welcome folks home but equip them to be the empowered leaders we need for the future. Voting expansion for individuals serving a felony conviction sentence is one small but momentous step towards the self-empowerment and connectedness we should offer these individuals in order to increase their chances for successful integration upon their return to the community.

For these reasons, we strongly support the passage of this legislation which will both restore the voting franchise to currently incarcerated DC residents serving time for a felony conviction and will require the Board of Elections to take the necessary steps that will implement this important right. We believe the continued expansion of voting rights is an important step in racial reconciliation. It is also another tool in assisting returning citizens prepare for a successful reintegration following incarceration.

Thank you for your time. I am happy to answer any questions.

TESTIMONY IN SUPPORT OF BILL 23-0324

Submitted by Margaret Martin Barry, Visiting Professor of Law and Director of the Re-Entry Clinic at American University Washington College of Law and by Xena Hinson, Dean's Fellow.

We are grateful for the opportunity to submit this testimony in support of Bill 23-0324.

The legislation serves as a reminder that incarceration as a felon should not strip away basic human dignity and citizenship.¹ We know that our criminal justice system is deeply flawed. One flaw has been that we are complacent about rights taken from those we lock up. The prison doors close and we allow ourselves to ignore the conditions experienced behind them. In doing so, we abrogate our responsibility for those who serve time under laws enforced in our names, ostensibly on our behalf and which often go well beyond what is reasonable in the execution. Voting is a vehicle for restoring a measure of humanity to District citizens dispersed in the federal prison system. It is harder to forget those we incarcerate when their voices join the public debate.²

¹ Or, as Retired Judge Jan Breland put it, "These people that come through our courts are human beings, regardless of the things they've done. They all have mamas, and they were all little boys and little girls at one time." Sarah Mervosh and Nicholas Bogel-Burroughs, *Amber Guyger's Judge Gave Her a Bible and a Hug. Did That Cross a Line*, N.Y. TIMES, OCT. 4, 2019 AT A17 (discussing the unusual, emotional response of a black judge in Texas to the conviction of a white, female police officer for murder of a black man in his apartment.)

<https://www.nytimes.com/2019/10/04/us/amber-guyger-judge-tammy-kemp-hug.html?smid=nytcore-ios-share>

² While prisoners typically intend to return to the place of residence from which they were removed, "legislators often acknowledge that they do not treat the prisoners in their districts as constituents." John C. Drake, *Locked Up and Counted Out: Bringing an End to Prison-based Gerrymandering*, 37 Wash. U. J. L. & Pol. 237, 249 (2011)(arguing that prisoners should not be counted as residents of their prison communities for Census purposes). https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1036&context=law_journal_law_policy

Approximately six thousand District of Columbia residents are incarcerated in federal prisons.³ The vast majority of these citizens are black.⁴ The complicated reasons for this in a city that, until 2011, was over fifty percent black is part of the history with which the city still struggles.⁵ As James Forman Jr., observes, “What if we endeavored to make the lives of black victims matter without policies that lead to the mass incarceration of black defendants?”⁶ By extension, what if we endeavor to protect those we do incarcerate through policies that protect their humanity and focus on their return to the community as constructive members? One such policy is extending the vote to incarcerated felons.

RACIAL INJUSTICE AND VOTING RIGHTS

It has been well-established that felony disenfranchisement after the Civil War and under Jim Crow, was a widely used tool in “suppressing the African-American vote.”⁷ The earliest campaigns pushing for the disenfranchisement of black people “invoked disparities in criminality as evidence that blacks were unworthy of assuming the full rights and duties of citizenship.”⁸ This purported criminality was the result of laws almost exclusively enforced against black

³ District of Columbia profile, Prison Policy Initiative, <https://www.prisonpolicy.org/profiles/DC.html> (last visited Oct. 7, 2019). See also Fact: DC has a mass incarceration problem, <https://www.sentencingproject.org/news/fact-dc-mass-incarceration-problem/> (last visited Oct. 7, 2019) (noting that figures placing the District at the fourth highest in the country for incarceration rates are disputed).

⁴ Ninety-seven percent of the 6,000 incarcerated are black. Martin Austermuhle, *D.C. Serve Time Hundreds of Miles from Home. Is It Time To Bring Them Back?*, WAMU 88.5, Am. U. Radio (Aug. 10, 2017), <https://wamu.org/story/17/08/10/d-c-inmates-serving-time-means-hundreds-miles-home-time-bring-back/>.

We use “black” as the shorthand for people of identified as being of African descent within the racial caste system in our country. “The concept of race is a relatively recent development. Only in the past few centuries, owing largely to European imperialism, have the world’s people been classified along racial lines. Here, in America, the idea of race emerged as a means of reconciling chattel slavery...with ideals of freedom preached by whites in the new colonies.” MICHELLE ALEXANDER, *THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS* 23 (2010).

⁵ See generally JAMES FORMAN JR., *LOCKING UP OUR OWN* (2017).

⁶ *Id.* at 236.

⁷ Guy Padraic Hamilton-Smith & Matt Vogel, *The Violence of Voicelessness: The Impact of Felony Disenfranchisement On Recidivism*, 22:2 Berkeley La Raza L.J. 407, 409 (2012) <https://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1252&context=blrlj>. See also Alexander *supra* note 4 at 20-58.

⁸ JEFF MANZA & CHRISTOPHER UGGEN, *LOCKED OUT: FELON DISENFRANCHISEMENT AND AMERICAN DEMOCRACY*, 41 (Oxford U. Press, 2006), https://www.nypl.org/sites/default/files/manza_uggen_-_chapter_2.pdf

Americans.⁹ Current laws barring felons from voting are widely considered vestiges of the same policies simply reworded to appear less explicitly racist.¹⁰ Today black voters remain inordinately impacted by felony disenfranchisement laws. Of the 6.1 million felons without the right to vote because of felony disenfranchisement laws, approximately 2.4 million are black.¹¹

Maine and Vermont are the only two states that allow incarcerated felons to vote.¹² Significantly, the racial demographics in these two states suggest the connection between our history and their franchise laws since the “racialization of crime and policy and rhetoric” is less visible in light of their white majorities.¹³ In fact, the 2010 Census reported that African-Americans make up only 1.4% of Vermont’s total population.¹⁴ That number is 1.6% in Maine.¹⁵ In 1800, a year after the provision of voting rights for all incarcerated people in Vermont was established, Vermont and Maine reportedly had no slaves and only 0.3% Vermont’s population and of 0.5% of Maine’s population were made up of non-white “free persons.”¹⁶

⁹ *Id.* at 42.

¹⁰ Angela Behrens et al., *Ballot Manipulation and the ‘Menace of Negro Domination’: Racial Threat and Felon Disenfranchisement in the United States, 1850–2002*, 109:3 AJS 559, 568–69 (2003), http://users.cla.umn.edu/~uggen/Behrens_Uggen_Manza_ajs.pdf.

¹¹ Jean Chung, *Felony Disenfranchisement: A Primer*, The Sentencing Project (June 2019) citing Christopher Uggen et. al., Sentencing Project, *6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement* (2016), <file:///C:/Users/mmbarry/Downloads/Felony-Disenfranchisement-Primer.pdf>

¹² Nicole Lewis, *In Just Two States All Prisoners Can Vote. Here’s Why Few Do*, MARSHALL PROJECT (JUNE 11, 2019), <https://www.themarshallproject.org/2019/06/11/in-just-two-states-all-prisoners-can-vote-here-s-why-few-do>. Puerto Rico also extends the right to vote to incarcerated felons; U.S. citizens in that territory are not allowed to vote in presidential elections and are in the same position as the District with regard to Congressional representation. See *Vann R. Newkirk II, Polls for Prisons*, ATLANTIC, MAR. 9, 2016, <https://www.theatlantic.com/politics/archive/2016/03/inmates-voting-primary/473016/>.

¹³ *Id.*

¹⁴ U.S. Census Bureau, Quick Facts: Vermont (2018), <https://www.census.gov/quickfacts/fact/table/VT/PST040218#PST040218> (last visited Oct. 4, 2019).

¹⁵ U.S. Census Bureau, Quick Facts: Maine (2018), [\(last visited Oct. 4, 2019\).](https://www.census.gov/quickfacts/ME%20(last%20visited%20Oct.%204.%202019))

¹⁶ U.S. Dept. of State, U.S. Census, *Return of the Whole Number of Persons Within the Several Districts of the United States* (1800), https://vermonthistory.org/client_media/files/Learn/Census%20Records/1800-Census.pdf (last visited Oct. 5, 2019). Maine established universal male suffrage, which did not exclude felons, in 1819, following the path Vermont took in 1777. Donald Ratcliffe, *The Right to Vote and the Rise of Democracy, 1787–1828*, 33:2 *Journal of the Early Republic* 219, 244–245 (Summer 2013), <https://jer.pennpress.org/media/26167/sampleArt22.pdf>

In the District, 46.4% of the general population is black¹⁷ and approximately 97% of all inmates are black.¹⁸ Of the 8,300 incarcerated District residents, 6,000 are in federal prisons.¹⁹ The statistics illustrate that race has a disproportionate impact on how the criminal justice system operates, regardless of the racial demographics in the population at large. The identity of who is viewed as criminal and how harshly they are treated is part of our national narrative that laws like Bill 23-0324 seek to change. That narrative has placed us in stark contrast to our international peers.²⁰

BILL 23-0324 IS CONSISTENT WITH INTERNATIONAL LAW

The Universal Declaration of Human Rights (1948) Article 2 states in part that, “Everyone is entitled to all the rights and freedoms, without distinction of any kind.”²¹ Article 21 speaks specifically to sovereignty, stating the “Everyone has the right to take part in the government of his country” through “periodic and genuine elections which shall be by universal and equal suffrage.” Rule 3 of the United Nations Standard Minimum Rules for the Treatment of Prisoners, also known as the Nelson Mandela Rules, provides as follows:

Imprisonment and other measures that result in cutting off persons from the outside world are afflictive by the very fact of taking from these persons the right of self-determination by depriving them of their liberty. Therefore the prison system shall not, except as incidental to justifiable separation or the maintenance of discipline, aggravate the suffering inherent in such a situation.²²

¹⁷ U.S. Census Bureau, Quick Facts: D.C. (2018), <https://www.census.gov/quickfacts/DC> (last visited Oct. 4, 2019).

¹⁸ Martin Auster Muhle, *D.C. Inmates Serve Time Hundreds of Miles from Home. Is It Time To Bring Them Back*, WAMU 88.5, Am. U. Radio (Aug. 10, 2017), <https://wamu.org/story/17/08/10/d-c-inmates-serving-time-means-hundreds-miles-home-time-bring-back/>.

¹⁹ See “District of Columbia profile,” Prison Policy Initiative (Dec. 2018), prisonpolicy.org/profiles/DC.html (LAST VISITED October 7, 2019).

²⁰ *ACLU History: Felon Disfranchisement: A Relic of Jim Crow*, ACLU, <https://www.aclu.org/other/aclu-history-felon-disfranchisement-relic-jim-crow> (last visited Oct. 4, 2019).

²¹ G.A. Res. 217 (III) A, Universal Declaration of Human Rights (Dec. 10, 1948).

²² G.A. Res. 70/175, annex, at 3, United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) (Dec. 17, 2015).

The United States is among the countries with the greatest restrictions on voting rights for prisoners.²³ This is so because, with the exception of Vermont, Maine and Puerto Rico, the District and the rest of the states either permanently bar felons from voting or prohibit voting while in prison. While much of how our criminal justice system is executed places the country at the extreme of voting rights for prisoners, this legislation is important because of its opportunity to reduce the suffering inherent in the separation justified by criminal penalties.²⁴

CHALLENGES TO IMPLEMENTATION

Our support of this legislation is not without concerns about its implementation. Significantly, Bill 23-0324 addresses implementation of the law across the distant locations within the federal Bureau of Prisons that house felons from this community. We hope that the oversight contemplated by the Bill will pay particular attention to the potential for neglect and abuse in execution of the franchise anticipated. We are heartened to see that the proposed legislation provides concrete plans for partnering with the Federal Bureau of Prisons to identify voters, provide access to voting information, and assure privacy in voting. While the legislative language leaves details to the regulatory process, we urge oversight attention to these issues. Administrative shortcomings can undermine the goals of this legislation by failing to assure that the implementation is carefully constructed and monitored. Attention to timely distribution of information regarding candidates and issues, to distribution of ballots, and to privacy in voting can go a long way to avoiding missed voting opportunities, undue influence by guards and other

²³ Brandon Rottinghaus, Int'l Foundation for Election Systems, Incarceration and Enfranchisement: International Practices, Impact and Recommendations for Reform 24 (June-July 2013), https://ifes.org/sites/default/files/08_18_03_manatt_brandon_rottinghaus.pdf.

²⁴ It is worth noting that District citizens placed in the federal prison system are doubly isolated. Austermuhle *supra* note 18 (discussing the isolation of prisoners sent as far away as Seattle, making it virtually impossible for family to visit them).

prison administrators, and undue influence by other prisoners. This is particularly true in an age where politics are highly polarized and prisons exist as essentially “coercive organizations.”²⁵

CONCLUSION

We thank the Committee for the opportunity to submit this testimony in support of Bill 23-0324, and we thank Councilmember White and the other sponsors of the Bill for introducing it. The Bill serves the community by providing a vehicle for a significant portion of the population to exercise their rights as citizens and reminds the community and its elected officials that the humanity of those we convict as felons does not end with that determination.

²⁵ John Wooldredge and Benjamin Steiner, *The Exercise of Power in Prison Organizations and Implications for Legitimacy*, 106 J. CRIM. L. & CRIMINOLOGY 125, 128 (2016), <https://scholarlycommons.law.northwestern.edu/jclc/vol106/iss1/6>.

1. Washingtonians Distance From the District

Washingtonians under the federal custody reside in over 118 BOP facilities across 35 States. On average, Washingtonians are some 900 miles plus from the District. When you account for variances by looking at distance regionally, you find their range in the Mid-Atlantic from 80 to 860 miles, and in the Western region from 2300 to 2800 plus miles away.

We are all familiar with the standard barriers to reentry; Employment, Education, Housing, Eligibility to Programs, Lack of release planning, but sometimes we forget to talk about the importance of maintaining connections with our families and communities. It's pretty hard to be connected to a community when you are some 900 miles away. It takes about 2 hours and 30 minutes to travel 150 miles. We are probably not at the point where we are ready to subsidize families travel to these far away BOP facilities to see their loved ones, but at least we can keep them connected to what's happening in the District. We have a chance to strengthen their ties to the community.

Table 1. Washingtonians Under Federal Custody per BOP Regions

BOP Region	Average Distance	Number of DC Residents in BOP Custody*	Percent of Incarcerated Washingtonians in BOP Custody per Region
Mid-Atlantic (BOP MXR)	311.6	1996	49.9%
Northeast Region (BOP NER)	274.4	885	22.1%
Southeast Region (BOP SER)	750.7	465	11.6%
North Central Region (BOP NCR)	1055.9	236	5.9%
Western Region (BOP WXR)	2644.7	222	5.5%
South Central Region (BOP SCR)	1376.7	200	5%
Average Distance Between All Regions and DC	917.4	4004	100%

Source: CIC, BOP Census Roster OF DC Residents As Of 2019-02 (*Excluded those reported as "In-Transit")

Chart 1. Number of Washingtonians in BOP Facilities by State (As of Feb 2019)

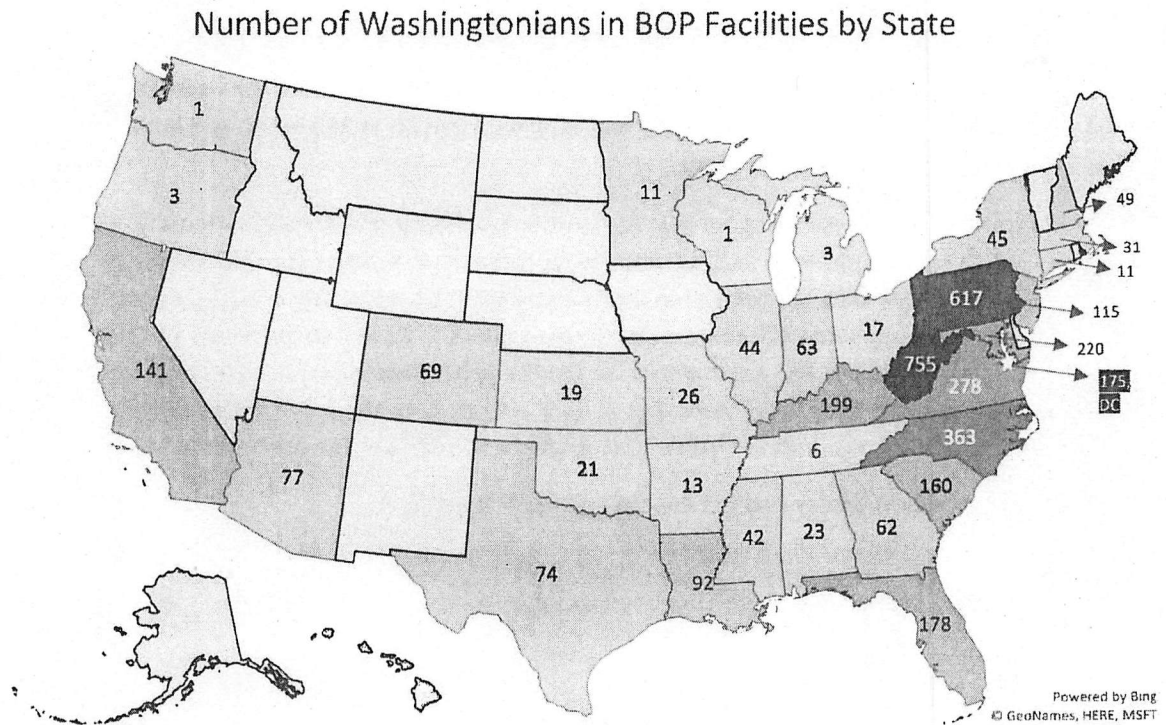
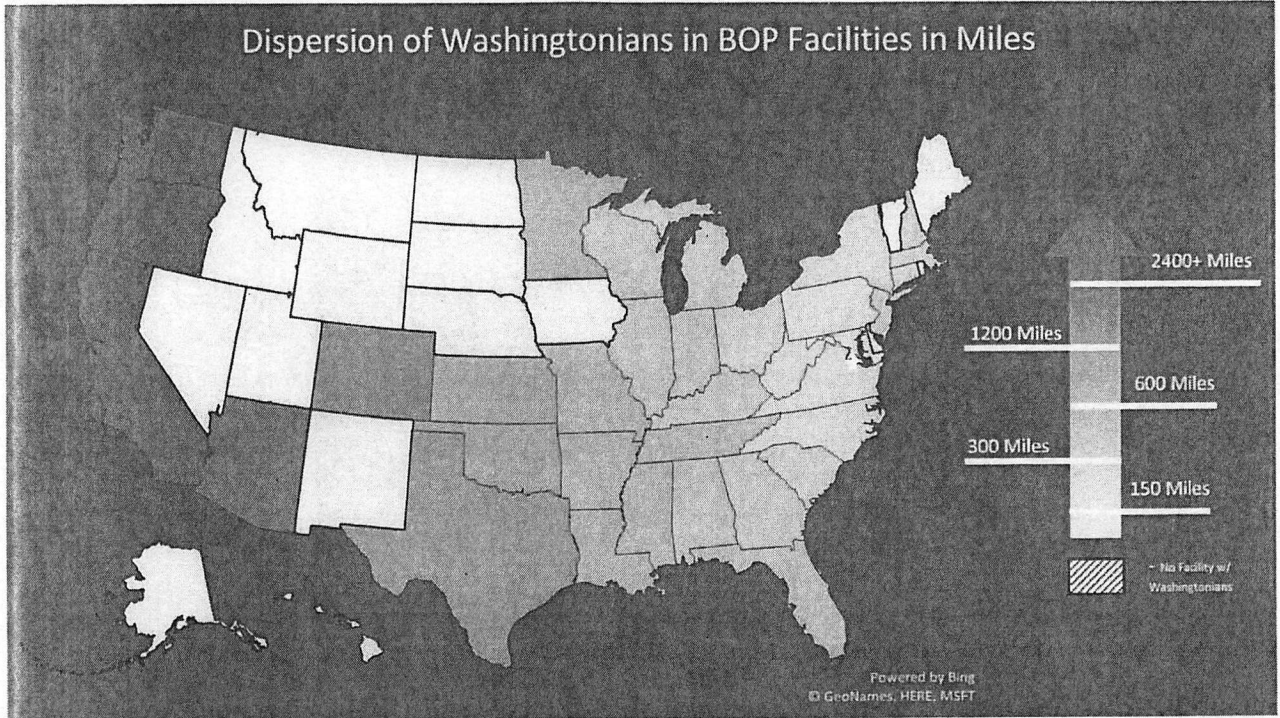


Chart 2. Average Distance of Washingtonians in BOP Facilities in Miles



Source (Both Maps): CIC, BOP Census Roster OF DC Residents As Of 2019-02

2. Punishment shouldn't mute our right to vote and be represented

Some people love to feel that once a person is convicted of a crime, that they deserve to lose all of their rights and privileges and that prison is this magical box; where you can put in nothing, and miracles manifest. Yes, some of our returning citizens can learn how to read, write or other life skills during their stay, but that takes the initiative and opportunity. Our returning citizens use those talents they earn while away and share those gifts with their community. Why not restore their right to vote and provide them with the opportunity to be civically involved and to inspire others to follow suit when they make it home. It pains me to say it, but when you look at voter turnout amongst the wards, 7 and 8 have the lowest number and is 90%, Black. Washingtonians in BOP custody are also mostly Black at 88.5%. This bill presents a great opportunity to help strengthen voter turnout in predominately Black wards in the District. It's a step in the right direction to truly be able to declare full representation across all 8 wards.

Table 2. DC Ward Registered Voter Turnout and its Black Population per Ward

	Ward 1	Ward 2	Ward 3	Ward 4	Ward 5	Ward 6	Ward 7	Ward 8
Voter Turnout Rate (%)	48.2	46.3	55.5	50.7	45.2	50.8	39.7	31.9
Blacks in Ward (%)	22.2	13.9	5.4	48.1	57.9	40.8	92.4	92.1

Keith Raphael Hasan-Towery

Testimony: Committee on the Judiciary and Public Safety

Bill 23-0324, The "Restore the Vote Amendment Act of 2019"

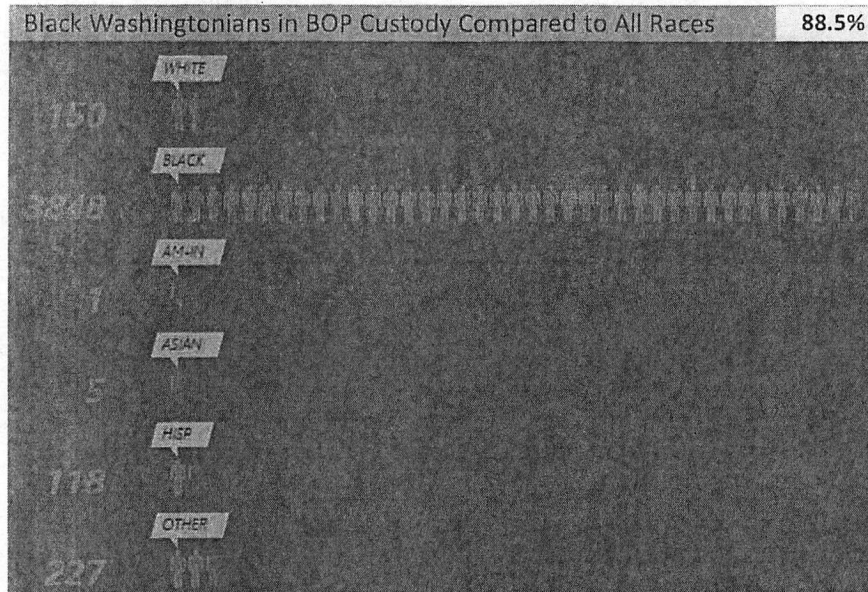
Page 3 of 4

Sources: DCBOE, General Election 2018 – Certified Results

https://electionresults.dcboe.org/election_statistics/2018-General-Election

DC Health Matters, 2019 Demographics by Ward

<http://www.dchealthmatters.org/?module=demographicdata&controller=index&action=index&id=131493§ionId=>



Source: CIC, BOP Census Roster OF DC Residents As Of 2019-02 (*Other Category recalculated to account for the total population count of 4,349)

3. Accountability: This legislation will allow us to know with certainty where our residents are in BOP facilities

Data is amazing...because of it; I was able to produce these maps included in my testimony, calculate BOP distances from the District, and give some meaningful statistics about our neighbors that are so far away from home. However, while I was preparing my testimony, and trying to gain a good grasp of Washingtonians in BOP custody throughout the nation, it became very apparent that there were no solid reports that provided an accurate census of Washingtonians throughout the 118 facilities. Another reason I support this legislation because it will provide the District with a monthly accounting of the location of our citizens. Standard BOP rarely reports breakdown of their population by the client's originating jurisdiction. I checked BOP, NIJ, NACJD, and even USMS site. The District will yet again be a leader in setting a standard for excellence. A perfect example of not having this data was USAO erroneous statement that DC had the lowest incarceration rate of residents held at DOC in their statistic because they had incorrect information. With the increase in frequency for receiving this information, BOP will have to improve how they capture and report this information; be able to keep better track of their clients; families and friends will have a firmer understanding of the location of their loved ones.

Keith Raphael Hasan-Towery

Testimony: Committee on the Judiciary and Public Safety

Bill 23-0324, The "Restore the Vote Amendment Act of 2019"

Page 4 of 4

Testimony of Kesh Ladduwahetty, Operations Director of DC for Democracy
Before the Committee on Judiciary & Public Safety Public Hearing
B23-0324, "Restore the Vote Amendment Act of 2019"
October 10, 2019

Chairperson Allen, thank you for holding this hearing today. My name is Kesh Ladduwahetty, and I am testifying as Operations Director of DC for Democracy, an all-volunteer progressive organization of over 700 members based in the District of Columbia. I am here today to express DC for Democracy's unqualified support for this legislation.

We thank Councilmember Robert White for introducing this bill and the entire Council for co-sponsoring. When we learned about this bill, we arranged for DC Council Legislative Assistant, Dexter Williams, to make a presentation to our members at the August meeting. At the September meeting, our members voted unanimously to endorse the bill.

We support this legislation without reservation for the following reasons:

First, "democracy" is in our name, and we believe that voting is a right, not a privilege.

Second, we now recognize that the denial of voting rights for incarcerated persons was rooted in racial oppression. While the Jim Crow era is past, the criminal justice system continues to be plagued by racism. Restoring these voting rights is essential to promoting racial equity, a major priority for our organization.

Third, we feel strongly that voting helps to connect people to their communities and the larger society. Voting rights for incarcerated people is an important element in their rehabilitation and reduces the risk of recidivism. These are immense potential benefits of the legislation.

While we support the bill as written, we agree with the recommendation that postage-paid envelopes be provided for incarcerated voters in order to minimize the financial barriers to voting.

As DC voters, we are proud to live in a jurisdiction that has made consistent efforts since Home Rule to reduce barriers to voting, even as we are denied the most basic voting rights in Congress. Passing the Restore the Vote Amendment Act of 2019 would be in keeping with DC's proud history. We urge the Council to pass it as soon as possible.

Thank you.

**COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

ANNOUNCES A PUBLIC HEARING ON

BILL 23-0324, THE "RESTORE THE VOTE AMENDMENT ACT OF 2019"

**Thursday, October 10, 2019, 10:00 a.m.
Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

Good morning, Chairman Allen, members of the committee, and my fellow community members. My name is Courtney Stewart. I'm the Chairman/CEO of The National Reentry Network for Returning Citizens whose principal office is here in the District of Columbia. Today is a very important time in our criminal justice reform efforts here in Washington DC. In 2011 we establish a coalition of returning citizens called "Reclaim the Vote DC" and it's important to mention that we provided voter registration services to over 500 inmates at the D.C. jail.

In the past, the Board of Elections did not allow detainees to exercise their right to vote. We facilitated early voter registration and brought a ballot box into the jail so that inmates who were awaiting trial or revocation hearings could still exercise their right to vote. Even though the Board of Elections refused to allow many inmates to register via same-day registration, we were still able to help 446 inmates/detainees cast a ballot in the D.C. Mayoral Election. Additionally, we went to homeless shelters, treatment facilities, and poor housing units and registered 4-5k as well as educated them on their civil rights. We also hosted 5 candidate forums on the subject of reentry and other criminal justice reform issues. The Network lobbied to pass the Fair Screening Amendment Act in D.C. (Ban the Box bill) This was a great time in our democracy, individuals felt like they were still connected to their communities and issues that directly impacted them they felt empowered and a sense of responsibility. Our organization is made of those most affected by mass incarceration African American men and women, our staff, our clients and our members are 95% returning citizens.

There are approximately 65 million people in the U.S. that have a criminal record, many of whom are disenfranchised, overlooked and underserved. These individuals have become an economic burden because employers won't hire them or landlords won't house them, they often are left to fend for themselves and more than half return to prison. Prisoners don't lose their citizenship when they have a felony conviction, so why should they lose their right to vote. They have the right to

worship, the right to protest, freedom of speech and Due Process Rights. Incarcerated felons stripped of their voting rights are also stripped away of their desire to be law abiding stakeholders in a larger society, such a desire is crucial in lowering subsequent crime and rearrests rates.

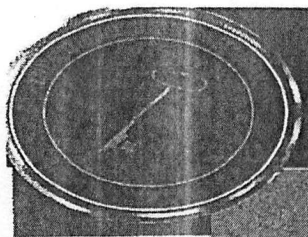
The U.S. is the only Western democracy that permits permanent denial of voting rights for individuals with felony convictions. Disenfranchising returning citizens who have been convicted of a criminal offense and who are living and working in our community serves no real purpose and becomes a barrier to rehabilitation and reintegration. The collateral consequences of denying voting rights have been devastating to the black community. A little more than half of district residents are register voters only 1-2% are people with criminal records and part of the reason is when you disenfranchise a whole class of people they start accepting and believing that their vote don't count, therefore they don't exercise that right nor do they feel compelled to fight for that right as these hearings will bear out.

Both Vermont and Maine currently allow felons to vote and have only seen positive results. It's time for the District of Columbia to step up and Restore the civic rights of those who are incarcerated, and our citizens who have felony convictions, Restore the Vote DC thank you.

Courtney Stewart

Chairman/CEO

The National Reentry Network for Returning Citizens



The National Reentry Network for Returning Citizens

"Spiritual formation, social transformation, the prodigal sons and daughters return home"

COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

ANNOUNCES A PUBLIC HEARING ON

BILL 23-0324, THE "RESTORE THE VOTE AMENDMENT ACT OF 2019"

**Thursday, October 10, 2019, 10:00 a.m.
Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

Greetings Chairman Charles Allen and all distinguished Committee Members

My name is Michael Jones and I am a 43 year old male of African descent who was born and raised in Washington DC. I am a returning citizen after 23 years of incarceration starting at age 19 in 1996. I'm currently a client of The National Reentry Network for Returning Citizens in the Ready4Work program.

The community has really changed around me. A lot of redeveloping and improvements are being made but a lot of things are still the same. I want to thank everyone today for allowing me to heard which is a great right.

Today is really about individuals obtaining the right to vote, to be respected and valued despite their criminal history or a current mistake. I acknowledge personally what it feels like today to be involved in the political process by being here right now.

Bill 23-0324, the Restore The Vote Amendment Act of 2019, to eliminate the voting bans for felons and restore their voting rights is greatly needed and I truly believe is in the best interest of DC overall.

I have learned a lot through talks with family members, friends, and neighbors that when one has the right to be involved in the political process it creates a feeling of responsibility.

I believe all should be involved in the political process of their government. Lives are really being affected by all the decisions being made yearly here in this room and the District of Columbia.

Everyone should have a voice and opinion on the affairs of DC local government because they are the same parents, tax payers, employees, students, employers, and our neighbors.

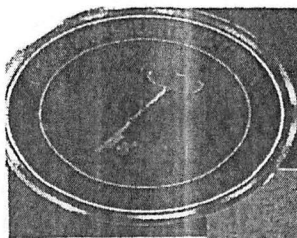
Incarcerated persons are disproportionately people of color thus continuing to deny these individuals the right to vote means disenfranchising a large number of black and brown people. There are currently about 6,000 DC residents who are incarcerated within the federal prison system throughout the United States.

Everyone should be encouraged and entitled to exercise their free Constitutional right to vote. Individuals has already lost their freedom based on unlawful actions but should not lose their humanity for life.

Please allow those who are convicted felons and incarcerated to actively be a part of the DC political process. It has been 64 years since this law was put in place in 1955 preventing incarcerated residents from voting actively and its time to change that now.

Thank you all for your time and support in making a dream for many a reality.

Respectfully Michael A. Jones



The National Reentry Network for Returning Citizens

"Spiritual formation. social transformation. the prodigal sons and daughters return home"

COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

ANNOUNCES A PUBLIC HEARING ON

BILL 23-0324, THE "RESTORE THE VOTE AMENDMENT ACT OF 2019"

**Thursday, October 10, 2019, 10:00 a.m.
Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

Good morning Chairman Allen and distinguish Councilmembers. My name is Jamila Grooms and I am the Operations Facilitator for The National Reentry Network for Returning Citizens. I am presenting this testimony to you on behalf of our organization.

First and foremost, I am native to Washingtonian, attended DC Public Schools, worked in the District Columbia, graduated college in the District Columbia, and also was incarcerated in District Columbia. As a young girl attending school, I was taught about the constitution, bill of rights, the supreme court, and voting rights. I was taught that my ancestors had an uphill battle to secure the same rights and privileges as other Americans.

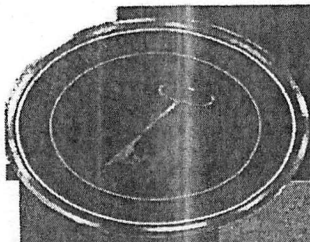
Later in my adulthood, through my experiences I realized that a lot of what I had learned in school, in regards to rights and privilege - did not apply to me. Through mistakes I made, distorted decisions from addiction, and severe mental health issues, the criminal justice system was officially introduced to me by way of DC Jail. By being stripped of my human dignity in DC Jail, one thing I could count on was my voice to express what I agreed or disagreed with during that process. When I learned that I could not vote while incarcerated, and that I could not cast a ballot to make my voice heard from inside those walls-I felt total defeat. No US Citizen should have their voice silenced, because of a slip-up. We all fall short of the glory.

Regardless of whether the individual would vote if allowed to do so, the experience of being disenfranchised likely leads to a decrease in government trust. Therefore, incarcerated felons stripped of their voting rights are also stripped away of their desire to be law abiding stakeholders in a larger society. Such a desire is crucial to lowering rearrests rates. Engagement of the political process involves connecting individuals to the broader community and involves them in maintaining the health of that community.

Also, in a 2002 study by Uggen and Manza, eligible ex-offenders who voted were half as likely to be rearrested as eligible ex-offender who did not vote. One could strongly conclude that if currently incarcerated felons were given the opportunity to vote, the likelihood of reincarceration would lessen.

These reasons I have stated, are why I am in support Bill 23-0324 "Restore the Vote Amendment Act of 2019."

Jamila Grooms



The National Reentry Network for Returning Citizens

"Spiritual formation. social transformation. the prodigal sons and daughters return home"

those 6.1 million, 1.3 million were currently incarcerated in a state or federal facility (according to The Sentencing Project).

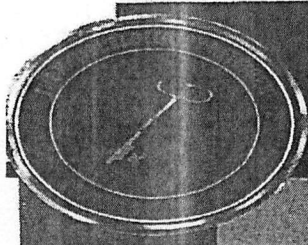
Incarcerated persons are disproportionately people of color thus, continuing to deny these people the right to vote means disenfranchising a disproportionate number of black and brown people. The system of chattel slavery and Jim Crow discrimination period down to mass incarceration involves the torture and the maltreatment of people that look like me and the masses in Washington, DC today.

I would like to personally request that the DC Council do what is just, what is right, what is beneficial for the residents of this great City. Restore the basic, natural citizenship right of voting back to our incarcerated brothers and sisters, because their vote, their opinions and their lives matter to us. Thank you for allowing me to deliver this testimony.

Weyimi Ayu

Program Coordinator

National Reentry Network for Returning Citizens



The National Reentry Network for Returning Citizens

"Spiritual formation, social transformation, the prodigal sons and daughters return home"

**COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

ANNOUNCES A PUBLIC HEARING ON

BILL 23-0324, THE "RESTORE THE VOTE AMENDMENT ACT OF 2019"

**Thursday, October 10, 2019, 10:00 a.m.
Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

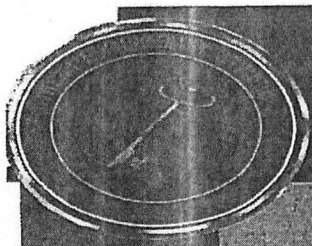
Greetings, Chairman Allen and Distinguished Council Members:

My name is Weyimi Ayu and I am the Program Coordinator for the National Reentry Network for Returning Citizens. I am here to testify in support of the Restore the Vote Amendment to be passed within the District of Columbia. I live, work, and play within the District of Columbia and I believe the initiative we are discussing today is of the utmost importance to a population that has been historically and disproportionately ignored and cast aside.

State disenfranchisement laws disproportionately impact racial and ethnic minorities. As of 2016, more than 7 percent of the voting-age African-American population, or 2,200,000 African-Americans, were disenfranchised. One out of every 13 African-Americans were unable to vote because of felony disenfranchisement, which is a rate more than 4 times greater than non-African-Americans. 7.4 percent of African-Americans were disenfranchised whereas 1.8 percent of non-African-Americans were. In 2016, in 4 States—Florida (23 percent), Kentucky (22 percent), Tennessee (21 percent), and Virginia (20 percent)—more than 1 in 5 African-Americans were unable to vote because of prior convictions.

Prisoners retain a variety of rights while incarcerated. These include the freedom of worship, protesting mistreatment and poor conditions, and exercising some free speech rights (i.e. writing for newspapers, magazines, and other publications). Voting would be a natural extension of those rights. Our right to vote is so central to our experience as a free society that depriving a few people of this solemn right as a punishment for a crime is a crime itself.

Denying persons incarcerated the right to vote in DC means disenfranchising thousands of people. According to the Prison Policy Initiative as of 2018, 8300 DC residents were incarcerated, 2000 of those people are housed in the local jail. Allowing DC's incarcerated population to vote would put a dent into the 6.1 million people denied the right to vote due to a current or previous felony conviction in 2016. Of



The National Reentry Network for Returning Citizens

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those 6.1 million, 1.3 million were currently incarcerated in a state or federal facility (according to The Sentencing Project).

Incarcerated persons are disproportionately people of color thus, continuing to deny these people the right to vote means disenfranchising a disproportionate number of black and brown people. The system of chattel slavery and Jim Crow discrimination period down to mass incarceration involves the torture and the maltreatment of people that look like me and the masses in Washington, DC today.

I would like to personally request that the DC Council do what is just, what is right, what is beneficial for the residents of this great City. Restore the basic, natural citizenship right of voting back to our incarcerated brothers and sisters, because their vote, their opinions and their lives matter to us. Thank you for allowing me to deliver this testimony.

Weyimi Ayu

Program Coordinator

National Reentry Network for Returning Citizens



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Good morning/afternoon Chairman and Members of the Council:

My name is Derrick Nathan and I am a Washingtonian born and raised in Ward 8. Giving currently incarcerated people their right to vote back means re-enfranchising the black and brown people that are disproportionately jailed.

As of 2016, 55% of US prisoners were black or Hispanic, compared to being just 30% of the overall population. Depending on where they lived, whether they were currently incarcerated, and the type of crime, those black and brown persons probably couldn't vote. DC now has the opportunity to follow in the footsteps of states like Vermont and Maine, by ensuring that regardless of whether they are incarcerated, people of color are no longer denied a basic right. In Vermont, black people made up 1% of the state's population but 8.5% of its inmates.

Disenfranchising incarcerated persons is a relic of the Jim Crow era. Moving towards a society where people in prisons aren't further dehumanized and people of color aren't continually relegated to second class citizenry, can and should start with re-enfranchising the incarcerated.

The right to vote is the most basic constitutional act of citizenship. Regaining the right to vote reintegrates individuals with criminal convictions into free society, helping to enhance public safety.

All of those black people are empowered and connected to the larger community because they can vote despite being incarcerated. I encourage the Council to do the same for the incarcerated people of DC. Empower them. Support them. Encourage their connection to the District. Give incarcerated persons back their right to vote. Thank you.

Derrick Nathan

National Reentry Network for Returning Citizens



The National Reentry Network for Returning Citizens

"Spiritual formation. social transformation. the prodiaal sons and dauahthers return home"

**COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

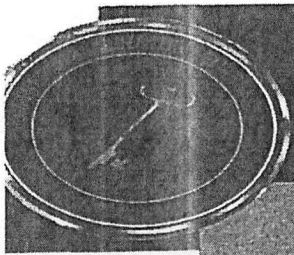
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Greetings Chairman Alan & distinguished Councilmembers,

My name is Clayton Carter and I'm interning at the National Reentry Network for Returning Citizens. The National Reentry Network for Returning Citizens has given me the opportunity to be an advocate for my community. My view about politics has changed, when I was reluctant to get involved - I now want to be involved! I am a future voter, who was never taught the importance of voting. All my life I have been under the impression that as "blacks" in America our votes are overlooked, and therefore the minority do not participate in elections. I believe this voting mentality was developed due to mass incarceration, a history of racially bias laws in our country, and a criminal justice system that strips citizens of civil and human rights. Being denied the right to vote while incarcerated further disconnects people from their community, family, and friends, which makes it even harder to engage in the political process after release. Allowing people to vote while incarcerated helps people to start and continue casting a ballot, which could unite them with their community and give them a voice on the issues that affect them.



The National Reentry Network for Returning Citizens

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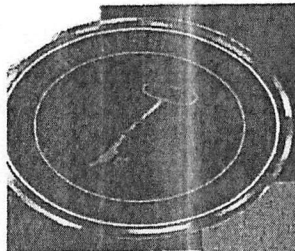
Good morning, Councilmember Allen and members of the Committee. My name is Jarnese Harris and I am the Executive Assistant for The National Reentry Network for Returning Citizens. I present the following testimony on behalf of The National Reentry Network for Returning Citizens.

The National Reentry Network for Returning Citizens is committed to building a strong, national network comprised of individuals returning from incarceration who support each other's successful reintegration. We use a client-centered approach to identify basic needs and to create a continuum of care that can address barriers to reentry, promote restorative practices, and reduce recidivism.

First, thank you for this opportunity to provide testimony regarding Bill 23-0321, "Restore the Vote Amendment Act of 2019". Most U.S. states and D.C. prohibit people from voting if they are serving time in prison for felonies. But the city disenfranchises an outsize number of people because it has a higher incarceration rate than any state in the country. More than 4,500 of its residents are incarcerated in federal prisons, and over 90 percent of them are Black.

I am a formerly incarcerated individual (a returning citizen) that was convicted of a Felony and I do not have the right to vote. I completed my required imprisonment term and was released back to the community with a supervised release term of 5 years. The one thing that was not returned to me was my god given rights as a United States Citizen, specifically my right to vote.

From the time I was eligible to vote, I did. Every Mayoral or presidential race, I made sure I got my vote in. You are told from a young age that every vote counts. Yours could be the one that makes a difference. We all want to make a difference in one way or another. Now, after being released from incarceration, I don't have the choice to make that difference. It was stripped



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away the moment I received my conviction. Its not fair that Individuals still on supervision are not given a choice in the matter. We still want our voice to be heard and to be able to make a difference.

During incarceration, inmates currently have certain rights such as the right to freedom of worship and free speech. Voting would be a natural extension of these rights. Upon release we are expected to contribute to society but how can we successfully contribute when we are not given the choice to vote? Another right that we are entitled to. I have as much right as any other person to be able to vote for my next Mayor or President. Yet the law does not see it that way because I am under supervision. I am employed, pay taxes, pay rent, follow the law and do all the other things that any other resident of the District does. There should be no stipulation that someone convicted of a crime and is on supervision cannot have the same voting rights as someone that hasn't been.

I fully support the passing of Bill 23-0324 "Restore the Vote Amendment Act of 2019".

Jarnese Harris

Executive Secretary

Getting the Vote for Prisoners in Washington, D.C.: A Journey from Civil Rights to Human Rights

Angered by the death of Martin Luther King Jr., and inspired by his example, in 1968 I attended a meeting of civil rights leaders planning a commemoration of the bombing of the 16th Street Baptist Church in Birmingham, Alabama, where four children had been brutally killed. Since white clergymen rarely volunteered to participate, the leaders asked me to speak. That speech marked my baptism in the fight for civil rights.

My activism soon flourished, and my wife and I were jailed several times while protesting. We experienced inhuman prison conditions firsthand. As a result, in 1971 we started CURE, a prison reform organization, in Texas. By 1985 we had expanded nationally and moved our headquarters to Washington, D.C.

Revisiting Birmingham many years later, I chanced upon the Birmingham Civil Rights Institute and picked up a handout. It introduced me to the United Nations' Universal Declaration of Human Rights, a "bill of rights for the world." I immediately recognized that many of its articles related to prisoners. Article 21(1), "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives," particularly caught my attention.

The universal suffrage advocated therein meant that everyone, including prisoners, should have the right to vote! Until then, I had believed that felons should not be allowed to vote until they had completed their sentences. In fact, one of CURE's efforts in Texas helped ex-felons win the right to vote. But if voting was an inherent human right, a criminal conviction should not restrict it.

CURE turned its attention to this issue, especially within Washington, D.C., its adopted home. Like every state except for Vermont and Maine, Washington, D.C., does not have universal suffrage for prisoners: those serving a felony cannot vote. To change the policy, I testified regularly before the District's Board of Elections and Ethics and the City Council.

As a result, last year CURE supervised a registration and voting drive for eligible prisoners in the two jails in the District. Working with jail chaplains and volunteers, we registered hundreds of pretrial detainees and prisoners serving misdemeanors. Although we wanted to have polling places inside the jails, we had to settle for in-person absentee voting. We hand-delivered the ballots ourselves because jail officials can withhold mail. Our project would have been more successful if all prisoners could have voted, but this was an acceptable first step.

We continue to work with the elections board to register all prisoners upon their release, but many inmates are leery. A felony conviction can have a chilling effect on voter registration. Inmates say, "Why should I exercise my right to vote and risk getting into trouble when I'm in trouble enough as it is!" They are also aware that—as statistics confirm—prisoner disenfranchisement has an overwhelming racist and class impact. They say, "You are guilty until proven rich!"

Nevertheless, voting can be a transformative event. I've seen this on the faces of prisoners after they voted and proudly placed the "I voted" sticker on their uniforms.

Universal suffrage, as espoused in the Universal Declaration of Human Rights, has been called a "revolution within a revolution." Can you think of a more appropriate city than Washington, D.C., to lead this revolution?

By Charles Sullivan who is executive director of CURE, Citizens United for Rehabilitation of Errants.

**Testimony of Jimmie Williams before the Committee on the Judiciary & Public Safety
Bill 23-0324, the "Restore the Vote Amendment Act of 2019"**

October 10, 2019

**Jimmie Williams, President/Executive Director
Washington Literacy Center**

Good Afternoon, Mr. Chairman, Councilmember, and Members of the Committee. Thank you for the opportunity to testify before the committee about the merits of the Restore the Vote Amendment Act of 2019 and its potential impact.

I am the President of the Washington Literacy Center; a nonprofit organization founded more than 50 years ago with the purpose of teaching some of the District's most challenged residents to read. The Washington Literacy Center has since evolved into teaching more skills, including numeracy, workforce, and other necessary skills to empower and move many of the District's most marginalized adults toward employment, better employment, continued education, and most importantly, self-sufficiency. Collectively, the Washington Literacy Center has successfully changed lives, by teaching literacy skills and understanding the many factors that impact our students.

Many students when walking into our doors have undiagnosed learning disabilities and they suffer from generational issues such as poverty, lack of access to strong early education, lack of necessary remedial education, and often lack of support from psychological, domestic, and physical trauma. Many of our students also have a parent or close relative who has been or is still incarcerated. Over the last half-century, collectively, many of the barriers that we address are systemic. While we are proud of our mission, the fissures that negatively impact generations continue. Unfortunately, for all of our efforts and successes, the systemic issues that result in social, environmental, mental, and education traumas, also result in civic withdrawal. The Washington Literacy Center strongly supports this legislation because it is a realistic and essential factor in the solution to address a system that unfairly

punishes but does not rehabilitate our citizens. In fact, the negative impacts extend beyond the imprisoned by punishing the children, grandchildren and others.

More simply put, a child of a parent who can't read, is also unlikely to read, a child of a parent who struggles with math is unlikely to excel in math, a child of a disenfranchised parent who does not vote is unlikely to vote. Let me cite some critical facts to illustrate why disrupting the systemic inequities that further marginalize and extend beyond those who are incarcerated:

- Eighty-five percent of all juveniles who interface with the juvenile court system are functionally illiterate.
- More than 60 percent of all prison inmates are functionally illiterate.
- Penal institution records show that inmates have a 16% chance of returning to prison if they receive literacy help, as opposed to 70% who receive no help. This equates to taxpayer costs of \$25,000 per year per inmate and nearly double that amount for juvenile offenders.
- Illiteracy and crime are closely related. The Department of Justice states, "The link between academic failure and delinquency, violence, and crime is welded to reading failure." Over 70% of inmates in America's prisons cannot read above a fourth-grade level. (ProLiteracy; NAAC)

We view our formerly incarcerated students as twice disenfranchised. The unfair education and social environment that placed many of them on track towards incarceration and the system further punishes them and their family by erasing and muting their ability to hold elected officials accountable, and to address many of the problems that resulted in their being incarcerated.

There's a temptation to use extreme cases to oppose this measure, without considering the full extent and large number of people who will benefit from this much needed change in approach which

disproportionally impacts minorities and future generations. We fail to realize that in cities, we are also talking about youth who are likely to return to society, and will return struggling to connect.

Our motto is "Where Lives Change", but we could use help with changing perceptions, changing futures, and working toward true rehabilitation. We can teach them literacy and literacy skills, but without the ability to vote, current future generations remain unfairly compromised.

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Zachary Hoffman
Vice President, DC Bar and Restaurant Workers Alliance (DCBRWA)
Written Testimony 10/29/19
Committee on Judiciary and Public Safety

-B23-0324 Restore the Vote Amendment Act of 2019

Hello and good evening, thank you council members and committee staff for allowing me to testify with you today. My name is Zachary Hoffman, I am the Vice President of the DC Bar and Restaurant Workers Alliance, however I am not here on behalf of my organization this evening. I have had the pleasure to work with several returning citizens in my 10+ year career in the hospitality industry. In that time I have been able to develop several deep connections to people that have vastly different life experiences than my own. These have been incredibly powerful reminders for me that no matter how difficult my own life is or the struggles I face in life, there are always those who have a steeper hill to climb. I think it's important to me that I come before you today coming at this issue from maybe a different angle than I have seen in previous testimony and what I assume will be discussed today.

I have recently discussed with a coworker of mine this week about the idea of this bill becoming law. He had served time for a felony conviction some time ago. The conversation was dynamic and nuanced. Deep emotional conflicts and feelings were shared. I asked him if he would have voted while he was incarcerated and he said yes. What surprised me was the "yes", the entire lead up to that answer was a trove of reasons why this idea of allowing currently incarcerated felons voting rights would be lost on the vast majority of that population. He told me a lot of his peers while incarcerated would have either felt apathetic or disassociated from the world to even care enough to cast a vote. And yet, the most powerful part of his story was what followed his "yes", he told me his desire to remain connected to the world regardless of incarceration status was paramount to his success once returning to civilian society. He expressed how his family never discussed voting with him, for a time anyone with a felony conviction couldn't vote and that impacted his family. That change has made a positive impact on our society. This bill does not do anything to address why he was locked up, how he was tried, the sentencing he received or the way he was treated whilst in prison...but this bill does begin to slowly chip away at a system that has many flaws. I think it is important to understand that as a civilised society we are required to attempt to rehabilitate and reform people while in prison. It is common decency to give

the opportunity to anyone we can a chance to become a better person. The opportunity for civic engagement is a noble and respectable notion to bestow onto anyone. It strikes me as a common sense measure to give this opportunity to everyone, and we should mean everyone.

I believe it is an unintended consequence of our current justice system that humanity is being removed from the people we incarcerate. When I interact with my coworkers or any of my numerous close friends that while we are very different people we share the commonality of being hospitality professionals, they are always just as invested and opinionated and human as I am. At no point was this any different prior to, during or after serving time. What I hear the most, is the transition back to work is easy when it comes to doing the job, it is however the social aspect of comradery or social interactions that are the most difficult to get reacquainted with. I've heard it compared to feeling like there's a glass box around them separating the rest of the world and themselves. With the way we as hospitality workers openly accept anyone and have come to be known as a safe space upon release, I feel inclined to be a supporter of this idea that we can do more than simply having an open door.

I summed up my opinion to the coworker I mentioned before, like this: We are not fixing the criminal justice system, or making any radical changes to how we choose to rehabilitate people. What we can do is simply allow the opportunity to have people stay engaged and participate in a small way, a way that could be an impactful and meaningful human moment that allows for a sense of connection and through that a more realistic and simplified transition back into civilian life, and if that helps even one person then I would be glad to have done it.

Thank you for hearing my testimony and I am free to answer any questions you may have.

Zac Hoffman,
October 29 2019

10/29/19 Testimony of

Ambrose Lane, Jr., Chair,

Health Alliance Network

Good evening. My name is Ambrose Lane, Jr. and I am chair of the Health Alliance Network. The network is the largest community-based health advocacy organization in the District. We convene, collaborate, provide programming or advocacy in Wards 4, 5, 7, and 8. I want to recognize that this is still Breast Cancer awareness month and we recently honored African-American women from wards 4, 5, 6, 7, 8 and the African diaspora who are champions, not just survivors, over breast cancer. I am part of the B3 Coalition, the DC Grassroots Planning Coalition, the Ward 7 Democrats, the PTO of my son's school, a partner to the Ward 8 Health Council, a member of ACC, the HCCA-education committee, the ECIN, and I am a commissioner, appointed by the Mayor, to the DC Commission on Health Equity.

The current proposed legislation that, if passed into law, would restore the voting rights to those convicted of and currently incarcerated for committing a felony crime, pose many difficult questions, for which there are no easy solutions. Over the past few decades, there have been various legislative efforts at the state level, to grant the right to vote for convicted felons that have served their sentence (been released), or are no longer on probation and/or parole. Some state governors have granted this right through executive powers, only to be challenged in court. . Between 1996 and 2008 There have been 28 states that have enacted legislation changing felon voting rights, either restoring them or to at least simplify the process. With the exception

of Vermont and Maine, there are no states that allow voting while in prison serving sentences. DC would become the third jurisdiction to restore this right, regardless of the crime committed. In MS, AL and AK, the ability for a felon to vote depends specifically on the type of crime committed. But the questions remain. What does citizenship mean? What are the rights of an adult citizen? Where is the voice of the victims of crimes? How do we address racism and white supremacy that has permeated the American criminal justice system? What is the relevance of the thirteenth amendment? What does punishment of a crime have to do with voting rights?

In The Atlantic journal, the writer writes:

“Some argue that disenfranchisement should be part of the punitive process, or say individuals should get their rights back on a case-by-case basis. Those who favor enfranchising all people with felony convictions, on the other hand, argue that voting is a right of citizenship and shouldn’t be connected to punishment. Disenfranchising a specific group of people undermines democracy...with a disproportionate impact on people of color because of racial disparities in the criminal-justice system. Some state disenfranchisement laws have explicitly racist origins, advocates argue. And just because many people in prison can’t vote doesn’t mean they disappear: They have ties to their communities, and most of them come back.” In fact, most convicted felons are NOT serving prison terms.

“We messed up. We’re paying our debt to society by being in prison ... but we’re still human,” says Tyler Orvis, from Vermont, who has been convicted of felonies for aggravated assault, burglary, and lewd and lascivious conduct. “We still should have the right to vote.”

The Brennan Center for Justice proposes that all vote restoration policies:

- Automatically restore voting rights to people living in the community. Voting rights should not be contingent upon payment of fees, fines, restitution, or other legal financial obligations.
- Ensure that criminal defendants receive notice: (1) before conviction and sentencing to prison, that they will lose their voting rights while in prison; and (2) upon release from prison, that they are again eligible to register and vote. T

There remains one significant blanket barrier to the franchise. 5.3 million american citizens are not allowed to vote because of a felony conviction.

- Assist eligible voters with registration. Make the Department of Corrections and Probation and Parole authorities responsible for assisting with voluntary voter registration. Ensure that all citizens are subject to the same application procedures.
- Synchronize statewide voter registration databases. Names on the state's computerized list of registered voters should be marked inactive upon a person's imprisonment and then reactivated upon release from incarceration by electronic information-sharing between criminal justice agencies and elections agencies.
- Educate eligible voters. The state's chief election official should be responsible for educating other government agencies and the public about the new law. These proposals are based on research, policy

objectives, and historical analysis presented in this report. We conclude that post-incarceration voting rights restoration builds a stronger democracy, advances civil rights, ends second-class citizenship, aids law enforcement, empowers family and communities, and assures fair and accurate voter rolls.

The Health Alliance Network supports this legislation, because in general, restoring citizen rights to those serving prison sentences restores humanity, dignity, self-worth and self-healing, which lends towards better physical and mental health for families and communities. The Health Alliance Network also adds one condition:

- That felons currently serving sentences for violent crimes such as homicide and sexual assault engage in restorative practice with the victims of those crimes to the satisfaction of the victims before restoring their vote.

Michael Watson
Statement on the Restore the Vote Amendment Act of 2019

Good afternoon, my name is Michael Watson, I'm an ESL Professor at the University of the Potomac. Thank you, Chairman Allen and Members of the Committee, for the opportunity to submit testimony on this critical issue. Also, I want to acknowledge Councilmember Robert White for his leadership to make the District the first jurisdiction to re-enfranchise all its incarcerated residents.

Our city has the highest incarceration rate of any jurisdiction in the country, which disproportionally impacts Black people. The impact of felony disenfranchisement leaves our incarcerated residents disconnected from society, further alienating them from the community to which they will eventually return and jeopardizing the success of their reentry – a reality that has had adverse effects on the African American community. That is why I am here today in strong support of the Restore the Vote Amendment Act of 2019

As a graduate student at the Clinton School of Public Service, located in Arkansas, I had the opportunity to work with returning citizens. Arkansas' constitution gives formerly incarcerated residents who were convicted for a felony the right to vote after they complete their sentence.

Many of the returning citizens that I worked with didn't know about their voting rights. As a result, we worked diligently with the ACLU of Arkansas along with the CARE Coalition in order to ensure that returning citizens were educated about their rights and had the opportunity to exercise them. I saw first-hand how their experience with voting impacted their lives and improved their reentry process. I can only imagine how voting would impact those who are currently incarcerated, especially when most of our incarcerated residents with felonies are serving time several hundred miles away from the District.

I am a strong supporter of this bill. I've had family members who are involved with the criminal justice system, and I want them to enjoy the same rights that I do. At the same time, we must sure that we are giving

incarcerated residents the information they need about candidates and issues impacting the District to make an informed decision when they vote.

As an educator, I believe that this bill would not only give residents a voice in the democratic process but also has the potential to help residents improve on their learning skills. I understand that the District has made significant investments in the returning citizen community, but we must also invest in our incarcerated residents who will need educational supports to make informed decisions about the candidates and policies they would vote for.

I want to thank the Council for the opportunity to testify, and I am happy to answer any questions you might have.

**COMMISSIONER DOROTHY DOUGLAS
ADVISORY NEIGHBORHOOD COMMISSION 7D
SINGLE MEMBER DISTRICT 7D03 AND ANC WARD 7 MEMBER ON THE
UNDERGROUND PROJECT CONSUMER EDUCATION TASK
WARD 7 DEMOCRATIC STATE COMMITTEEWOMEN
GOVERNMENT OF THE DISTRICT OF COLUMBIA
4508 Minnesota Avenue, NE, Suite 1400 (DOES Building) • Washington, DC 20019
d.douglas0123@gmail.com • 7d03@anc.dc.gov • (202) 640-9584**

October 29, 2019

Bill 23-0324, "Restore the Vote Amendment Act of 2019"

Thank you for hearing me today, Councilmember Charles Allen, Chairperson Committee of the Judiciary & Public Safety, Trayon White, Sr. Ward 8 Councilmember and Robert C. White, Jr. At-Large Councilmember, and all the other District Councilmembers.

I am Dorothy Douglas a native Washingtonian and longtime ANC Commissioner SMD 7D03 and Ward 7 DC Democrat State Committeewoman.

I have lived in Ward 7 for over 40 years raising my children, foster children and my grandchildren.

I attended DC Public Schools and am an Alumni of UDC with a degree in Elementary Education.

I am a retired Correction Officer and Case Manager.

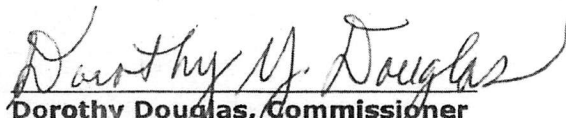
As a volunteer I worked with the US Justice Department and CSOSA (Court Service and Offender Supervision Agency) a program to help provide wrap around services for returning citizens for all 8 Wards. I strongly support to restore the voting **Rights** for our family members of **Returning and Incarcerated Citizens** who have paid their debt to society and want to regain their **right to vote**.

I am requesting that the Councilmembers please pass **Bill 23-0324 "Restore the Vote Amendment Act of 2019"**.

MAYOR FOR LIFE MARION BARRY and all our great leaders past and present who have fought and continue to fight to ensure that all programs meet the needs of the American people with excellence in truth and equality services for ALL.

I want to leave you with a quote from the Honorable Congressman Elijah Cummings that states that **"Our children are living messages that we send to a future generation we will never see"**.

VOTE FOR RESTORE THE VOTE AMENDMENT ACT OF 2019.


Dorothy Douglas, Commissioner
ANC SMD7D03

Committee on the Judiciary and Public Safety
Public Hearing
Bill 23-0324, The "Restore the Vote Amendment Act of 2019"
October 29, 2019
Testimony of Kevin Travis Ballie Resident of Ward 7, Randle Highlands

Good morning, Chairman Allen and Committee members. Thank you for calling this hearing today. My name is **Travis Ballie**. I am a proud East of the River Ward 7 Resident, although in a part of DC that measures it's residency in generations, I must admit that I am a baby (just 4 years EoTR!). I am also a dues-paying member of the DC Working Families Party. I want to thank you SO MUCH for hosting this hearing in the evening and closer to where I live. Frankly, this is another part of enfranchising residents, making our Democracy more accessible to us. I am here to express my support of the Restore the Vote Amendment Act of 2019.

This bill is important to me for several reasons.

First, I want to start off with a quote by Sojourner Truth, shared in Akron, Ohio in 1851 at a Women's Rights convention regarding women's suffrage:

"That man over there says that women need to be helped into carriages, and lifted over ditches, and to have the best place everywhere. Nobody ever helps me into carriages, or over mud-puddles, or gives me any best place! And ain't I a woman? Look at me! Look at my arm! I have ploughed and planted, and gathered into barns, and no man could head me! And ain't I a woman? I could work as much and eat as much as a man - when I could get it - and bear the lash as well! And ain't I a woman? I have borne thirteen children, and seen most all sold off to slavery, and when I cried out with my mother's grief, none but Jesus heard me! And ain't I a woman?"

I share this because, in order to fully understand the step we are about to take on re-enfranchising the vote for thousands of my future returning neighbors here East of the River, we need to understand whose shoes we are walking in. Sojourner Truth was appealing in that speech to the white women who dominated the suffragette movement of the 1850s, pleading with them to recognize her humanity, and that her right to the ballot box was just as worth fighting for as theirs. We are here today because Sojourner Truth agitated the white women's suffrage movement in the 19th century to remember black women. The Civil Rights movement agitated to make the technical right to vote more of a reality for communities of color. Movements today, like movements before, are calling on us to remember the best of our past, where we have expanded the right to vote and in doing so reinvigorated our democracy and our humanity. The DC Council, in considering the Restore the Vote Amendment Act of 2019, is following in the footsteps of America's greatest civil rights ancestors. When I hear Sojourner Truth asking her audience in Akron to look at her, to look at her arm, I think of DC's incarcerated residents whose humanity I am sure they are also pleading with us in absentia tonight to recognize.

In the spirit of that Sojourner Truth speech, I want to for a moment center this conversation on re-enfranchising our future returning citizens on black women and transgender folks. Between

1980 and 2016, the number of women incarcerated in American jails and prisons increased by more than 700 percent. more than 60% of these women have a child outside under the age of 18. More than one in two African-American transgender individuals have experienced incarceration. These intersections matter, for their humanity, and for the families both blood and chosen that these future returning citizens feel helpless to support while incarcerated. Voting is a small, but critical way we can maintain these future returning citizens' connections and investments in their communities, as we also fight for a future with less of our communities incarcerated.

I want to call forward some of the states that most resisted Reconstruction and Civil Rights movement, both periods that pushed hard to assert the right of African-Americans to ballot box access. Oklahoma (1,079), Louisiana (1,052), Mississippi (1,039), Georgia (970). Another thing these states have in common is having the highest incarceration rates in the country, Oklahoma incarcerates 1,079 citizens per 100,000 residents. Louisiana, 1,052 per 100,000 residents, Mississippi 1,039 per 100,000 residents and Georgia 970 per 100,000 residents. But worst than all of those states, where the backlash against enfranchisement was so visceral during reconstruction and the Civil Rights movements, is my home of Washington DC, where we incarcerate 1,153 citizens per 100,000 D.C. residents.

While I think this is strong legislation, I do suggest we make the vote truly accessible by providing ballots in postage-paid envelopes. Otherwise, incarcerated residents without adequate funds may not be able to actually participate in the democratic process. The first time I tried to vote, I mailed in my absentee ballot. I was crushed when it was returned to me a week later, because I didn't realize that I had to pay for my vote to be counted, via postage. If I had trouble with my absentee ballot, the logistical and financial burdens of our future returning citizens may also have the same issues.

Kymone Freeman

Testimony for Restore the Vote Amendment Act 2019:

Felony Voter Disenfranchisement was written into VA constitution in 1902. It was about White Supremacy from the very beginning. Carter Glass, the U.S. Senator that wrote the constitution said that his greatest achievement was to eliminate the darkey as a political factor in his state. Because of the 15th Amendment they could no longer bar Black voters. So instead they barred felons from voting and then proceeded to criminalize Black people by making them felons. 40% of the 6 million people with Felony Voter Disenfranchisement in America are Black people. That's 3 times our proportion of the population. This is another form of voter suppression.

In 1980 Paul Weyrich, the "founding father of the conservative movement" addressed a seminal Religious Right gathering in Dallas, Texas. He is on record for saying and I quote: "I don't want everybody to vote. Elections are not won by a majority of people. They have never been from the beginning of our country and they are not now. As a matter fact, our leverage in the elections quite candidly goes up as the voting populace goes down." Paul Weyrich co-founded the Heritage Foundation that claims to be the most influential conservative group in America today and the American Legislative Exchange Council otherwise known as ALEC that brought us Stand your Ground laws among other things. I would like to add that the racist President Ronald Reagan also addressed this gathering.

During the 80's as you know, we saw the so-called War on Drugs in full swing. We saw our streets flooded with cocaine. We saw violence. We saw families destroyed. We saw 100 to 1 crack disparities and mandatory sentencing. We did not see compassion. The entire Black community in DC and other cities across the country was under attack and criminalized.

But what a lot of people don't talk about is that the racist Ronald Reagan, who supported Apartheid South Africa, was exchanging guns for drugs through the CIA during the Iran-Contra Scandal.

Those drugs then quickly found their way on to the streets of Black America setting off the crack epidemic. The journalist that uncovered these inconvenient truths later committed suicide by shooting himself two times in the head. His name was Gary Webb and his picture sits proudly in the storefront window of We Act Radio today.

Now while millions of people faced drug charges, flooding the prisons to create the largest prison population in the entire world, I know of only two people that faced charges related to the Iran-Contra scandal. That was Colonel Oliver North and Rick Ross. The real Rick Ross. Today, Rick Ross is a convicted felon and Oliver North is a favorite on Fox News and later became president of the NRA. Despite his criminal past he never lost his right to vote unlike the real Rick Ross and over 2 million other people as the direct result of a so-called War on Drugs that we now know was a war on Black people. Many of whom still suffer from felony voter disenfranchisement today. I am here to say that not only will the Restore the Vote Amendment Act of 2019 be historic legislation making the nation's capital the first jurisdiction in the entire country to restore the right to vote to imprisoned felons, but we have both an opportunity and the duty to right the wrongs of America's past and change the course of her future. I would also add that access to public housing should be restored to returning citizens.

Testimony in Support of Bill 23-0324, Restore the Vote Amendment Act of 2019

D.C. Council Committee on Judiciary and Public Safety

Public Hearing | Tuesday, October 29, 2019

RISE Demonstration Center

Washington, D.C.

**Louis Sawyer Jr. and Isa Mirza
Co-Chairs, DC Reentry Task Force**

Good Evening Chairman Allen, Councilmember White, and Committee members. Thank you for calling this hearing. My name is Louis Sawyer Jr. Along with my colleague Isa Mirza, we serve as Co-Chairs of the D.C. Reentry Task Force, in support of its mission to empower and improve the lives of DC's justice involved individuals.

The DC Reentry Task Force is an advocacy group committed to improving the lives of DC residents who are returning from incarceration. Participants in the DC Reentry Task Force include service providers, educators, interfaith groups, attorneys, grassroots organizations, returning citizens and individuals who are interested in making government and private organizations more responsive to the needs of returning citizens. The Task Force's purpose is to promote the prosperity of returning citizens by sharing information and resources, and advocating for matters identified as important by participants through such information exchanges. I am testifying today to unequivocally express the Co-Chairs' support for Bill 23-0324 – the Restore the Vote Amendment Act of 2019.

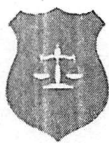
This bill is important for several reasons. As the Council members know well, restoring the right to vote while incarcerated promotes racial equity. Men and women serving felony convictions were permitted to vote in DC until 1955, when Congress unilaterally revoked that right. This

occurred during the era of Jim Crow and was intentionally designed to disregard people of color and suppress their vote. Consequently, one out of every 13 African Americans has lost the right to vote, compared to one out of every 56 White voters. Today, roughly 4,000 District residents continue to be denied enfranchisement while serving time for a felony conviction. This is especially problematic in DC, where our incarceration rate is nearly twice the national average, and 96 percent of people convicted of felonies are African Americans.

Another benefit of restoring the right to vote to individuals incarcerated for a felony is that researchers have found that voting supports reentry of the formerly incarcerated into the community. The think tank Demos found that allowing people to vote during their involvement with the justice system “helps incarcerated individuals develop their sense of social responsibility and membership in the political process.” That same study also found that “individuals who are released in states that permanently disenfranchise are roughly 19 percent more likely to be rearrested than those released in states that restore the charter post-release. This finding provides initial evidence consistent with the proposal that exclusion is directly related to recidivism.”

As you are aware, there are three other US jurisdictions – Maine, Vermont, and Puerto Rico – that don’t restrict the right to vote simply because someone has received a felony conviction. Vermont and Maine even support in-person voter registration drives by advocacy groups. DC should be among these pioneering states. While this measure is a solid piece of legislation, we do suggest making the vote truly accessible by providing ballots in postage-paid envelopes. Otherwise, incarcerated individuals without adequate funds may still face limitations in exercising their newly-restored rights.

We wholeheartedly support the Restore the Vote Amendment of 2019. The measure's passage would ensure that the Council is able to continue serving as a leader in empowering all of its citizens. Since DC achieved Home Rule in 1973, the Council has expanded the franchise to individuals incarcerated for misdemeanors and those who already served time for a felony. The time is now to further expand enfranchisement to encompass the only individuals in the District who are automatically deprived of this right. Thank you for this opportunity to testify. I'm available to answer any question.



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November 25th, 2019

Chairman Charles Allen
Committee on the Judiciary and Public Safety
Council of the District of Columbia

Re: Bill 23-0324 -- Restore the Vote Amendment Act of 2019

Dear Chairman Allen,

As a retired officer with the Metropolitan Police Department and as Executive Director of the Law Enforcement Action Partnership, we are writing to express our support for the Restore the Vote Amendment Act of 2019.

The Law Enforcement Action Partnership (LEAP) is a nonprofit group of police, judges, prosecutors, and other criminal justice professionals who speak from firsthand experience. Our mission is to make communities safer by addressing the root causes of crime and strengthening police-community relations.

We support Restoring the Vote for DC residents who are in prison in order to work toward racial equity, reduce recidivism, and improve community trust in our justice system.

The disenfranchisement of incarcerated people in DC is based on racism, not public safety. People with felony convictions were permitted to vote in DC until Congress voted to disenfranchise them in 1955 as part of the Jim Crow-era suppression of black people. Today, roughly 6,000 District residents are disenfranchised due to this antiquated law.¹ DC's incarceration rate is nearly twice the national average, and over 90 percent of those convicted of felonies are black.²

We know that disenfranchisement has no basis in public safety. In fact, incarcerated people are already able to vote in three other U.S. jurisdictions: Maine, Vermont, and Puerto Rico.

This law undermines efforts to make sure people are re-entering society productively and safely. The right to vote is a fundamental right of citizenship. Barring incarcerated people from voting isolates them and separates them as second-class citizens. We know the stakes are high to ensure successful reentry upon their release, so we should be doing

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everything in our power to connect them with their community, not creating unnecessary barriers. By voting on issues affecting their community, they can engage in a positive way and start on the right path before release.

Restricting voting rights also impacts community trust in the justice system. Our officers depend on the community to share information so that we can prevent and solve crime. Restoring voting rights can help restore this collaboration by showing that the justice system recognizes incarcerated people as citizens and stakeholders.

We believe that now is the time for the District of Columbia to join Maine, Vermont, and Puerto Rico and become a leader on this issue.

Respectfully,

Officer Ronald E. Hampton (Ret.)
Metropolitan Police Department
Washington, DC

Maj. Neill Franklin (Ret.)
Maryland State Police
Executive Director, Law Enforcement Action Partnership

1. "D.C. could be first to restore voting rights to prisoners - The" 3 Jun. 2019, https://www.washingtonpost.com/local/dc-politics/incarcerated-prisoners-from-dc-could-have-their-voting-rights-restored/2019/06/02/2194847a-854e-11e9-98c1-e945ae5db8fb_story.html. Accessed 25 Nov. 2019.
2. "DC Department of Corrections Facts and Figures - Dc Doc." <https://doc.dc.gov/sites/default/files/dc/sites/doc/publication/attachments/DC%20Department%20of%20Corrections%20Facts%20and%20Figures%20October%202014.pdf>. Accessed 25 Nov. 2019: p. 14.

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Tony McCright Jr.

10/29/19

Re: Judiciary and Public Safety Public Hearing

Greetings Committee Members,

Thank you for reading and considering my submission in lieu of me being present at the hearing.

As a returning citizen I feel the stigma associated with being a felon, in fact I am not present at the hearing because of restrictions on my movement; however, I know at least that there are opportunities and rights bestowed upon me as a resident of the District. But behind bars, not only are we treated as 2nd class citizens in general, but during the election cycle we clearly see we are not considered citizens at all. I've asked numerous people what is the point of disenfranchising an incarcerated person other than to further promote the dehumanization process that prisons undertake. So far, I have not had an alternate answer.

The law that disenfranchises felons was passed during a time when there was a concerted effort to strip the rights of as many minorities as possible. Knowing this and by not passing the Amendment Act, another conscious decision is being made, this time to perpetuate a biased disenfranchising process aimed specifically at African-Americans.

The District leads the nation in the rate it incarcerates its citizens; recently it has taken significant steps in aiding its returning citizens in their transition back into society. In fact, some of the actions taken are the first of their kind in the country. The question that will be answered by your actions is 'is this movement a temporary trend, or an effort to produce structural change in a broken system?' I ask that you continue making the District a leader in the criminal justice reform effort by passing the Restore the Vote Amendment Act of 2019.

Thank you for your time and consideration.

Sincerely,

Tony A. McCright Jr.

Dear Chairman Mendelson, Chair Pro Tempore McDuffie, and Members of the Council,

Our names are T Vatnick and Anna Morrison, and we are two members of the DC chapter of Showing Up for Racial Justice (SURJ). This testimony is respectfully offered on behalf of SURJ DC's almost four-thousand members in support of the Restore the Vote Amendment Act of 2019 (B23-0324).

The US justice system from the time of its creation is based on the violent control over certain people's bodies-- in particular Native and Black people. This legacy has continued to the present day, so that currently Black people make up nearly half of the US prison population, though they are only 13 percent of the total population. Therefore, SURJ DC strongly supports the restoration of post-incarceration voting rights due to the disproportionate impact felony disenfranchisement voting laws have on Black people. Restoring the vote for people who live and work in DC is a crucial step toward creating racial equity in the district.

Given the inherently unjust principles that our justice system is based on, the Restore the Vote Act is one small step toward creating a society that promotes actual justice, where instead of criminalizing certain groups of people, we work toward amending harms caused by individual behavior. Within our current system, once a person is released from prison, they have completed what has been required of them by the courts. By preventing a person who has a convicted felony from voting, our society labels them a "criminal" and places them into a different class of citizenship for the rest of their life. This is not justice. When a person returns from prison, they should be able to rejoin their community as a full contributing member, which includes the right to vote. As DC has already outlawed the practice of asking whether individuals have felonies on job applications, the District has made steps toward recognizing that imposing lifelong penalties on individuals for time already served is unjust.

Finally, governments in the US have an established history of disenfranchising Black people. Because of the disproportionate imprisonment of Black people, disenfranchising people with felonies is one more law that prevents Black people from making their voice heard through voting. Particularly given its history as the "Chocolate City", the disenfranchisement of Black voters is not a practice that the District of Columbia should participate in.

In closing, we urge you to pass the Restore the Vote Amendment Act of 2019.

Sincerely,
T Vatnick and Anna Morrison
On behalf of Showing Up for Racial Justice DC



**WASHINGTON LAWYERS' COMMITTEE
FOR CIVIL RIGHTS AND URBAN AFFAIRS**

Written Testimony of Stacey Litner, Prisoners' Rights Advocacy Director
Before the
Council of the District of Columbia
Committee on the Judiciary

Concerning Bill 23-0324, the "Restore the Vote Amendment Act of 2019"

October 10, 2019

Thank you for the opportunity to provide testimony on Bill 23-0324, the "Restore the Vote Amendment Act of 2019." This testimony is submitted on behalf of the Washington Lawyers' Committee for Civil Rights and Urban Affairs ("the Washington Lawyers' Committee"). For more than fifty years, the Committee has fought to create legal, economic, and racial equity through litigation and policy advocacy. Since 2006, the Committee has litigated on behalf of D.C. residents incarcerated in the D.C. Department of Corrections, halfway houses, and in the federal Bureau of Prisons ("BOP").

Disenfranchisement of Black Voters through Voting Laws

The right to vote is an essential element of a democratic society. Unfortunately, this fundamental right is not shared by all. Throughout the country, various "race neutral" laws deny the right to vote disproportionately to Black Americans. An examination of the history of these laws reveal that they were designed to do exactly that.

Following the Civil War, Black Americans for the first time began to gain some political power. In 1865, the 13th Amendment to the Constitution abolished slavery; in 1868, the 14th Amendment clarified that every person naturalized or born in the U.S. is a citizen; the 14th Amendment also forbids states from denying any person due process of law or equal protection of the laws; in 1870, the ratification of the 15th Amendment guaranteed all U.S. citizens the right to vote regardless of "race, color, or previous condition of servitude." These laws initially were successful in expanding access to the ballot box for recently freed slaves. In Louisiana, Mississippi, and South Carolina, Black voter registration rates surpassed white registration rates. In other states, such as Alabama and Georgia, Black citizens were nearly 40 percent of all registered voters. Over 700,000 Black citizens voted for the first time in the 1868 presidential election.¹ Following this expansion of the ballot access, states began passing laws to limit access.² Felony disenfranchisement laws, while in existence before reconstruction, proliferated and, in some cases, were narrowly tailored to attempt to deny ballot access mostly to Black

¹ U.S. Commission on Civil Rights, *An Assessment of Minority Voting Rights Access in the United States*, 2018 statutory report, p. 15-16.

² *Id.* at 16.

voters.³ And, the larger a state's Black population, the more likely the state was to pass the most expansive felony disenfranchisement laws.⁴ In 1955, the U.S. Congress imposed a voter disenfranchisement law on the District that barred individuals with criminal convictions from voting.

Today, felony disenfranchisement, coupled with mass incarceration of Black and brown citizens, continues to disenfranchise communities of color. As of 2018, 2.2 million Black Americans remained disenfranchised. This is four times the rate of all other racial groups combined.⁵ Over 90% of incarcerated D.C. residents are Black.

Since the passage of the Home Rule Act in 1973, the District has taken several important steps to correct these 64 years of historical wrongs. People can vote while incarcerated on misdemeanors and people with felony convictions can vote once they are out of custody. However, people with felony convictions remain disenfranchised while they are incarcerated.

This legislation is a chance to restore the most fundamental right to all District residents. All residents should have a voice in matters that impact their life, their family, their community, and their country. Limiting the right to vote for some weakens democracy for all.

Ensuring the Right to Vote is Meaningful

While the proposed legislation would take the critical step of restoring the vote to thousands of District residents, the Committee has concerns about how the District will ensure that all D.C. residents actually have the ability to cast their votes, and that they have access to the information necessary to make that right meaningful. Ensuring the right for D.C.'s incarcerated citizens is complicated by the fact that D.C. prisoners are housed in federal BOP facilities. These facilities are spread out all over the country, often in rural and far flung places. And, of course, the District cannot make the federal BOP take action that would ensure D.C. residents imprisoned in their facilities are able to exercise their right to vote. The BOP does not have to provide information to D.C. prisoners on how to register to vote; it does not have to allow the Board of Elections ("BOE") to provide prepaid envelopes for absentee ballots; it does not even have to tell the District where D.C. prisoners are housed. Below we highlight some of the key barriers to voting that will need to be addressed to actually restore the vote to our fellow citizens of D.C.

³ The Sentencing Project, *Felony Disenfranchisement: A Primer*, p. 3, available at <https://www.sentencingproject.org/publications/felony-disenfranchisement-a-primer>.

⁴ Behrens, Angela, and Uggen, Christopher's, and Manza, Jeff, *Ballot Manipulation and the "Menace of Negro Domination": Racial Threat and Felon Disenfranchisement in the United States, 1850-2002*, (2003), available at: http://users.cla.umn.edu/~uggen/Behrens_Uggen_Manza_ajs.pdf

⁵ Taylor, J. Jim Crow's Lasting Legacy At the Ballot Box, (2018), available at: <https://www.themarshallproject.org/2018/08/20/jim-crow-s-lasting-legacy-at-the-ballot-box>

Determining Residency

The District needs to decide how it will determine residency for incarcerated individuals. In Maine and Vermont, which never passed felony disenfranchisement laws, residency is determined by where the individual resided prior to incarceration, regardless of how many years have passed since the person lived at that address. We urge D.C. to adopt a similar mechanism for determining residency.

Voter Registration

In order to successfully re-enfranchise incarcerated D.C. residents, the District needs to establish processes for ensuring that people imprisoned in BOP facilities and in state prisons are notified of their right to vote and have the ability to register. One way to ensure that people imprisoned in the future are able to exercise their right to vote is to automatically register them when they are sentenced to prison. This is similar to the process already in place in which D.C. residents automatically are registered to vote when they complete a driver's license or identification card application, unless they opt to decline.⁶ D.C. also should stop removing people from voter registration rolls at the time of their conviction.

Absentee Ballots

In addition to automatic voter registration, the District should place incarcerated individuals who are held outside of the District on the "Permanent Absentee Ballot List" until their release from custody. The District currently allows residents to request placement on the "Permanent Absentee Ballot List," which triggers the BOE to automatically send a ballot to the individual in all future elections.⁷

The BOE also should take steps to ensure that incarcerated individuals are not removed from the Permanent Absentee Ballot List. Individuals are removed from the List if any mail sent by the BOE is returned as undeliverable for any reason or if the person fails to vote by mail in two consecutive elections. These provisions should not apply to individuals incarcerated outside of the District. Instead, returned mail should trigger the BOE to identify the individual's new housing location, not remove the individual from the list. And, because sending and receiving mail in a correctional setting is not always reliable or timely, the failure of an individual incarcerated outside of the District to vote in two consecutive elections does not necessarily indicate a lack of intention to vote or even a failure to send in a ballot.

⁶ District of Columbia, Department of Motor Vehicles. (2018, June 22). Automatic Voter Registration Begins at DC DMV on June 26, 2018 [Press release]. Retrieved from <https://dmv.dc.gov/release/automatic-voter-registration-begins-dc-dmv-june-26-2018>.

⁷ United States, District of Columbia, Board of Elections. (2019). Absentee Ballot Request. Washington, DC. Retrieved from <https://www.dcboe.org/AbsenteeBallotRequest>.

Public Education

It is crucial that the District, either through the BOE or another government agency such as the Corrections Information Council, educate the public at large and particularly incarcerated District residents about the change in law. The BOE should engage in active outreach to incarcerated residents across the BOP and in other jurisdictions to encourage and support voter registration. While this outreach should include voting guides, which the bill indicates the BOE will “endeavor” to provide incarcerated residents, the information provided should not be so limited. The responsible agency should provide guides about the registration process, reasons to register, and ways to access additional information about the candidates.

Accessibility

Educational materials, voter registration information, and ballots need to be accessible to all District residents so that incarcerated individuals with language barriers, disabilities, or other barriers will have a meaningful opportunity to cast a ballot.

1. Language Access

The D.C. ballot is offered in English and Spanish, but some individuals may rely upon other language translations. Not only must the ballot be offered in translated versions, but all documents relating to the election process must be made available in a format that the individual can understand.

One option for ensuring access is to allow incarcerated individuals to utilize the language access phone line provided by the BOE.⁸ This would require the BOE to expand capacity to allow for collect calls from prison facilities, or establish a different contact line directly for incarcerated voters.

2. Accessibility for People with Disabilities

The District should create a system that would increase accessibility for incarcerated residents with disabilities and allow them to exercise their right to vote absentee privately and independently.⁹ Relying on inaccessible paper ballots will deprive some individuals with a disability of the right to cast his or her ballot privately and independently. Ballots should be formatted to allow them to be processed using visual impairment devices and/or readers, such as a tablet-based voting system, for individuals who are blind or have low vision.

3. Costs

⁸ Voter Access FAQs. (2019). Retrieved from <https://dcboe.org/FAQS/Voter-Access-FAQs>.

⁹ U.S. Election Assistance Commission, Voting Accessibility. Retrieved from <https://www.eac.gov/voters/voting-accessibility/>.

The District needs to ensure that the BOE has the necessary staffing and monetary resources to implement this law. And, the District needs to ensure that there is not a cost associated with voting for incarcerated D.C. residents. Many prisons, including the BOP, do not allow pre-stamped or pre-metered envelopes into the facility. The District needs to establish procedures that will allow all incarcerated residents to vote without incurring debt.

Conclusion

Overall, the Restore the Vote Amendment Act is a crucial step towards restoring the right to vote to the thousands of D.C. residents who are in prison, most of whom are Black. We are glad to see strong Council support and leadership on this issue and urge the District to act to restore the right to vote to all District residents.

In part because the District has allowed D.C. residents to be incarcerated in federal facilities, however, actually making this right meaningful will be difficult. The Council and the BOE will need to work together to surmount the hurdles discussed above. This legislation is an important first step.

**TESTIMONY BEFORE THE COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY**

ON

**"Restoring Voting Rights to District Residents Incarcerated for Felony Convictions"
*Bill 23-0324, the "Restore the Vote Amendment Act of 2019"***

**Thursday, October 10, 2019
Room 500, John A. Wilson Building
1350 Pennsylvania Ave., N.W.
Washington, D.C. 20004**

**Alice P. Miller, Executive Director
D.C. Board of Elections**

Good afternoon, Chairman Allen, Members of the Committee on the Judiciary and staff. I am Alice P. Miller, Executive Director of the D.C. Board of Elections ("the Board"). With me today is Terri Stroud, General Counsel to the Board. Thank you for the opportunity to testify on B23-0324, the "Restore the Vote Amendment Act of 2019" ("the Bill"), which would amend the District of Columbia Election Code of 1955 to expand voting rights to District residents incarcerated for felony convictions.

As usual, when providing testimony on proposed legislation, the Board does not take a position, but instead comments on how the bill, if enacted, will affect the operations of the agency.

Under current District of Columbia law, individuals who are incarcerated as a result of having been convicted of a felony are ineligible to vote. Enactment of the Bill would extend voting rights to these individuals (assuming they are otherwise eligible to vote), including those currently incarcerated in Federal Bureau of Prisons (BOP) facilities throughout the country.

In addition, the Bill would require the Board to identify District residents incarcerated for felony convictions (by way of requests for reports from District and federal courts as well as the BOP), notify them of their right to vote, and provide them with a copy of the

Board's voter guide to the greatest extent possible. The Bill would also require the Board to provide the Council with a report by no later than June 1, 2023 that would analyze the implementation of the Bill, discuss any challenges identified during the implementation, and offer policy recommendations that would ensure that all incarcerated residents have a meaningful opportunity to vote.

As the independent agency of the District government responsible for the administration of elections, ballot access, and voter registration, the Bill's requirements fall within the Board's mission to enfranchise eligible residents, and would not present any operational hardships for the Board. First, the Board currently receives reports from the Superior Court of the District of Columbia and federal district courts concerning residents incarcerated as a result of felony convictions. Currently, these reports are used to remove the individuals at issue from the voter registry. Once the Bill becomes effective, these reports would be used to inform the affected individuals of their eligibility to vote. Adding the BOP to the list of entities from which the Board requests information would not be burdensome. However, the Board would need to create a database and expand our Voter Education and Outreach Division (VEOD). The technical development of a database to accurately track District residents in BOP facilities¹ may require some modifications to our current voter registration system, but the Board will be able to meet this objective.

Second, providing a voter guide to incarcerated voters is consistent with the Board's mission to facilitate the delivery of comprehensive voter information to all voters. The Board is already required to take reasonable steps to inform all residents and qualified voters of elections and means of casting votes therein, and has met that requirement in part by mailing primary and general election voter guides to each District household during each election cycle. In upcoming

¹ There are currently approximately 6,000 District residents in BOP facilities.

election cycles, the Board will offer an electronic version of the voter guide to any voter who elects to receive it in that format.

Finally, the Bill's reporting requirement is also achievable. This requirement is consistent with the Board's longstanding practice of responding to requests for information from the Council on performance and providing annual performance measure updates for budget purposes. Therefore, this requirement will not alter the Board's routine practice, and simply requires designated staff members to properly monitor the program and keep copious records of steps taken to resolve any unforeseen challenges as well as suggestions to aid with enhancing the program.

If enacted, the Bill would place the District in the company of Vermont and Maine, which are currently the only other jurisdictions where individuals incarcerated due to felony convictions do not lose their right to vote. Impacted individuals would be able to take advantage of the District's "no excuse" absentee or vote-by-mail program, which is currently available to all qualified voters. Eligible incarcerated residents would use the last address where they resided in the District of Columbia as their registration address, and be subject to the same absentee voting rules as other District residents, including those concerning deadlines for requesting and returning their mail ballots.

The Board's mission is to enfranchise eligible residents, conduct elections, and assure the integrity of the electoral process. Therefore, we are prepared to fulfill all the requirements of the new bill, with increased support from the Council through additional resources to our VEOD's incarcerated voter and returning citizens program.

Thank you for allowing me the opportunity to provide this testimony. The General Counsel and I are both available to answer any questions you may have at this time.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Executive Office of Mayor Muriel Bowser



Public Hearing on

Bill 23-324, the “Restore the Vote Amendment Act of 2019”

Testimony of

Kevin Donahue
Deputy Mayor for Public Safety and Justice

Before the
Committee on the Judiciary and Public Safety
Council of the District of Columbia
The Honorable Charles Allen, Chairperson

John A. Wilson Building
Room 500
1350 Pennsylvania Avenue, NW
Washington, DC 20004
October 10, 2019
10:00 a.m.

Good morning, Chairperson Allen, members, and staff of the Committee on the Judiciary and Public Safety. I am Kevin Donahue, Deputy Mayor for Public Safety and Justice, and I am here to testify in support of Bill 23-324, the “Restore the Vote Amendment Act of 2019.” While the bill does not include any direct role for my office or the public safety agencies under my purview, I believe it is important for me to express Mayor Muriel Bowser’s support for expanding voting rights.

The right to vote is a core principle of American democracy. It is a right that must be both cherished and vigorously defended. While several states keep coming up with ways to restrict or eliminate the right and ease with which people vote, here in the District, we take the opposite approach. We believe in expanding voting rights and making voting as easy as possible. It is a fundamental component of our DC values.

The ability to vote sends a message to residents that their voice matters, they have the power to choose their leaders, and by extension, they are empowered to make decisions about the future direction of their lives.

The District has some of the most progressive views on voting rights. A voter must be a U.S. citizen, a District resident, not claiming the right to vote in another state or territory, and at least 18 years old to vote in primaries, general, and special elections. There are only two exceptions: A resident cannot vote if deemed by a court to be legally incompetent to vote or if incarcerated for a felony.¹

We as a city have repeatedly expanded voting rights for residents who are retuning citizens or being held at the Department of Corrections. District law preserves the right to vote for residents incarcerated at the DC Jail on misdemeanor convictions,² charged with a felony and awaiting trial, and while on probation or parole. The District also automatically restores the right to vote for residents convicted of a felony after they are released from prison.

The Department of Corrections partners with the DC Board of Elections to ensure District residents held at the DC Jail while awaiting trial or serving their sentence for a misdemeanor have the ability to vote. The Mayor’s Office of Returning Citizens Affairs includes voter registration as part every new client intake and conducts voter registration at community events.

While the Executive supports the bill, I must mention some anticipated obstacles with implementation. To implement this bill requires the participation of the U.S. Bureau of Prisons (BOP), a federal agency not under our purview. Its willingness to participate in ensuring District residents’ voting rights – or simply respond to requests for information – is impossible to predict and cannot be compelled. While the District has a good working relationship with the BOP, as administrations and leadership changes, so too may the nature of that working relationship.

¹ D.C. Official Code §§ 1-1001.02 (2)(D) and (E).

² Certain election, lobbying, and campaign finance-related crimes that may be misdemeanors are defined as felonies for the purpose of disenfranchisement. See D.C. Official Code §§ 1-1001.14, 1-1162.32, and 1-1163.35.

The rehabilitation and reintegration process can be very challenging. However, we believe the continued engagement of District residents is important, no matter where they are residing, because when those residents are released, it should feel like they are coming back home.

Thank you for allowing me to testify today. I welcome any questions.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CORRECTIONS**



Office of the Director

October 15, 2019

The Honorable Charles Allen
Chairperson, Committee on the Judiciary and Public Safety
1350 Pennsylvania Avenue NW
Washington, DC 20002

VIA ELECTRONIC MAIL

RE: Department of Corrections' (DOC) clarification on the agency's voting process


Dear Chairperson Allen:

Thank you for allowing me the opportunity to provide testimony on Bill 23-0324, the "Restore the Vote Amendment Act of 2019." In my testimony, I indicated that we have on-site voter polls located at the Correctional Treatment Facility (CTF) gymnasium. I am accurate in that all voting activity takes place at the CTF gymnasium on election days. However, DOC inmates are only allowed to participate in the voting process through absentee ballot.

On election days, the DC Board of Elections (DCBOE) provides staff and absentee ballots for onsite voting. The DOC generates a roster of the registered voters as vetted by DCBOE. For those who elect to exercise their voting rights, the DOC escorts the voters to the voting location so that they may complete the absentee ballot in a confidential environment with assistance from DCBOE as needed.

Please let me know if you have any further questions about the DOC's voting process.

Sincerely,



Quincy L. Booth

THE
PUBLIC
DEFENDER
SERVICE
for the District of Columbia



COMMENTS OF THE PUBLIC DEFENDER SERVICE
FOR THE DISTRICT OF COLUMBIA

concerning

RESTORE THE VOTE AMENDMENT ACT OF 2019

BILL 23-0324

Presented by

Katerina Semyonova

before

COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY
COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Charles Allen

October 10, 2019

Avis E. Buchanan, Director
Public Defender Service
633 Indiana Avenue, N.W.
Washington, D.C. 20004
(202) 628-1200

Thank you for the opportunity to testify on Bill 23-0324, the Restore the Vote Amendment Act. I am Katerina Semyonova, Special Counsel to the Director at the Public Defender Service for the District of Columbia.

PDS strongly supports this legislation and all the thoughtful work of the Council in lifting up returning citizens and individuals who are still serving sentences. Restoring the vote to individuals who are serving felony sentences will uphold the tenets of our democracy, end the disproportionate impact on African-Americans of disenfranchisement laws, further the process of rehabilitation, and connect people to their communities.

Voting is one of the most fundamental rights in our democracy. "The vote of each and every citizen is a badge of dignity and personhood."¹ It is how all individuals, regardless of wealth and status can participate in decision-making on equal footing. Setting aside the right to vote in presidential elections and primaries, in the District, voting is central to allocating the local budget, setting priorities for public schools and agencies, criminal justice reform, and a host of other issues.

Under current law, District residents are disenfranchised when they are "incarcerated for a crime that is a felony in the District."² This prohibition applies regardless of the length of sentence to be served. While a felony is defined as a crime for which the maximum possible punishment exceeds a year of incarceration, even a three month sentence of incarceration, if imposed during an election season, strips that resident of any voice in local decision making. For individuals serving longer sentences,

¹ August v. Electoral Comm'n 1999 (3) SA 1 (CC) at 23 para. Judge Albie Sachs, striking down an administrative ban on prisoner voting.

² D.C. Code § 1-1001.02 (2)(d).

disenfranchisement is a civic death that may permanently impact an individual's connection to his community.

The District's disenfranchisement laws overwhelmingly impact African-Americans and individuals with limited financial resources. According to the 2018 annual report of the D.C. Sentencing Commission, the "vast majority (96%)" of the individuals sentenced on felony offenses were Black and 92% of those sentenced were male.³ Since 2010, when the Sentencing Commission began including race in its data collection, between 89% and 96% of defendants sentenced on felony offenses in the District were Black.⁴ Typically more than 90 percent of individuals who appear in D.C. Superior Court lack the financial resources to afford counsel and are appointed counsel by the court.⁵ In June of 2019, CSOSA reported that there were approximately 4,200 individuals in BOP custody who had been sentenced in D.C. Superior Court.⁶ The disproportionate representation of African-American men and individuals with limited resources in this disenfranchised group decreases their political voice across the District and continues the marginalization of poor communities.

³ District of Columbia Sentencing Commission, Annual Report, 2018. Available at: <https://scdc.dc.gov/>.

⁴ District of Columbia Sentencing Commission, Annual Reports, 2010-2018. Available at: <https://scdc.dc.gov/>.

⁵ The Defender Services Office, a division of the Public Defender Service, conducts eligibility interviews for all individuals who are detained and presented in Superior Court. Routinely, 93 percent of individuals interviewed are eligible for appointed counsel paid for by the Court or the Public Defender Service.

⁶ Court Services and Offender Supervision Agency, fact sheet, June 30, 2019, "Distribution of District of Columbia Inmates Adjudicated in D.C. Superior Court and Housed in BOP Facilities, by State and Gender." Individuals convicted of felony offenses in Superior Court who are sentenced to a period of incarceration are typically in the custody of the Bureau of Prisons. However, this number does not include individuals who were convicted in federal district court or individuals who were convicted of felonies and sentenced to short periods of incarceration during which they could have remained in the custody of the Department of Corrections.

Most individuals who are incarcerated will return home, some after months and some after years.⁷ Treating their period of incarceration as a time of total exclusion from participation in local decision-making makes little sense as a matter of policy. Many of the issues taken up by the Council and the Mayor focus on the successful re-entry of returning citizens. Just in the last several years, Councilmembers proposed multiple bills on record sealing⁸, removing barriers to professional licensing⁹, identification for individuals returning from prison¹⁰, entrepreneurship programs for returning citizens,¹¹ and providing transportation subsidies to returning citizens¹². The District would benefit from having the most affected individuals be a part of these conversations. Individuals who are incarcerated also have valuable perspectives on the highly debated issues that have been addressed by elected leaders such as the creation of affordable housing, paid family leave, and the elimination of the tipped wage. Allowing District residents to vote from prison would help ensure their engagement on these important issues.

Voting while in prison would also be a key step toward re-entry for returning citizens. District residents typically serve their terms of incarceration for felony offenses in the Bureau of Prisons. They are frequently thousands of miles from home and may

⁷ For instance, the mean sentence length reported in the 2018 annual report of the D.C. Sentencing Commission for men is 30 months.

⁸ For example, Bill 23-0401, the Clean Slate Amendment Act of 2019, Bill 23-0040, the Record sealing Modernization Act of 2019, and Bill 23-0016, the Second Chance Amendment Act of 2019.

⁹ Bill 23-0440, Removing Barriers to Occupational Licensing for Returning Citizens Amendment Act of 2019.

¹⁰ Bill 22-0268, the Returning Citizens Opportunity to Succeed Amendment Act of 2017.

¹¹ Bill 21-0463, the District of Columbia Incarceration to Incorporation Entrepreneurship Program Act of 2015.

¹² Bill 22-0268, the Returning Citizens Opportunity to Succeed Amendment Act of 2017.

have no opportunity to see family members during their incarceration. Voting is a way for residents who are incarcerated to stay connected to their communities even when they cannot see their families. It gives incarcerated people a way to participate and a deeper reason to follow local issues. It would allow parents who happen to be incarcerated to vote on the candidates that hold the most promise for advancing public education, or for sons and daughters who happen to be incarcerated to vote for candidates that would make senior living facilities a budget priority. Maintaining that connection to home has been shown to be critical to success in re-entry and to facilitating the transition from incarceration to home. Voting has also been correlated with an increase in identification with a community and the potential to decrease recidivism.¹³

In an effort to ensure that the benefits of this bill reach all individuals, PDS wanted to highlight some potential complications in implementation. The Restore the Vote Amendment Act provides that the Board of Elections will notify a resident incarcerated for a felony of the resident's right to vote upon receiving notice from the Superior Court of the District of Columbia or from the District Court for the District of Columbia pursuant to section 7 of this act. While this notification would address individuals who are newly sentenced, to our understanding, Superior Court does not track release dates. The Bureau of Prisons calculates sentence length and whether an individual has earned any good time.¹⁴ The BOP, rather than Superior Court, would have the most up to date information about whether an individual remains incarcerated. Locally, the

¹³ Cristopher Uggen and Jeff Manza, Voting and Subsequent Crime and Arrest: Evidence from a Community Sample, 36 Columbia Human Rights Law Review 193 (2004).

¹⁴ Pursuant to D.C. Code § 24-403.01(d) individuals convicted of offenses that occurred on or after August 5, 2000 are able to receive 15 percent good time credit per year.

Corrections Information Council may be in the best position to provide information about where individuals are incarcerated and how they can be reached in order to inform them of their right to vote.

Finally, the Restore the Vote Amendment Act would re-enfranchise residents beginning on January 1, 2021. It also requires the Board of Elections to submit an analysis of the implementation of the Restore the Vote Amendment Act including any challenges that are identified during implementation. The report of the Board of Elections is due on June 1, 2023. PDS recommends moving forward the due date for that analysis and at the same time, requiring the Board of Elections to conduct a pre-implementation analysis. A pre-implementation analysis should require the Board of Elections to engage in essentially the same inquiry that is required by the Bill. However, a pre-implementation analysis would allow the District to identify gaps in implementation before they occur. A pre-implementation analysis would also ensure that incarcerated residents are able to take the meaningful step of voting as soon as the law takes effect on January 1, 2021.

PDS thanks Councilmember Robert White and the entire Council for co-introducing this bill and advancing this important issue. We look forward to working with the Council as the Restore the Vote Amendment Act moves forward.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



ATTORNEY GENERAL
KARL A. RACINE

October 10, 2019

The Honorable Charles Allen
Chair, Committee on Judiciary and Public Safety
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Chairperson Allen:

I am pleased to write in support of Bill 23-324, the "Restore the Vote Amendment Act of 2019." Bill 23-324 restores voting rights to incarcerated District residents. It accomplishes this by striking language excluding persons incarcerated for felony crimes from the definition of "Qualified Elector."¹ As you know, the Office of the Attorney General (OAG) is concerned with how re-entry and family reunification of formerly incarcerated individuals affects young people, potential delinquency, and overall public safety in the District. Enacting the "Restore the Vote Amendment Act of 2019" will be a strong step towards positive reentry.

When people violate the law, we must hold them accountable. However, that does not mean stripping them of their rights as citizens. Most countries in the world recognize that incarcerated people will eventually return to their communities, and that ensuring their active participation with their families and community during their sentence decreases the likelihood of recidivism upon release.

Much like with job training and education programs, Bill 23-324 will help incarcerated individuals maintain a stronger connection to their home community. As we all know from our efforts to make the District of Columbia the 51st state, disenfranchisement has effects that are both tangible and intangible. The vote is a sacred right in the United States, binding citizens together in our democratic process. It obligates us to take ownership of our public affairs. To be denied the vote, then, is to be denied both a say in our self-governance and a stake in our shared future. That's why we know that the aim of achieving full democracy for the District goes well beyond our ability to have a role in decisions over federal expenditures. Statehood would deliver to District residents a renewed sense of value and purpose that can only manifest through full enfranchisement. Bill 23-324 would provide our incarcerated residents with a similar feeling of self-worth and personal obligation to our communities.

OAG stands ready to assist the Council, Executive, Courts, and all other stakeholders to ensure this bill is successfully implemented once it becomes law. I want to thank Councilmember Robert

¹ District of Columbia Code § 1-1001.02(2)

White for drafting this important legislation, the Committee on the Judiciary and Public Safety for holding this hearing, and the entire Council for Co-Introducing Bill 23-324, the "Restore the Vote Amendment Act of 2019."

Sincerely,

A handwritten signature in dark ink, appearing to be "KARL A. RACINE", written in a cursive style.

Karl A. Racine

cc: Members, Council of the District of Columbia

ATTACHMENT G

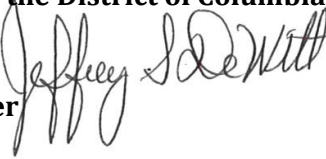
Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: September 24, 2020

SUBJECT: Fiscal Impact Statement – Restore the Vote Amendment Act of 2020

REFERENCE: Bill 23-324, Draft Committee Print as circulated on September 23, 2020

Conclusion

Funds are not sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill. The bill's implementation will cost approximately \$532,000 in fiscal year 2021 and \$1.3 million over the four-year financial plan period to enhance staff and technology at the Board of Elections and the Department of Corrections.

Background

The Board of Elections (BOE) manages all aspects of elections in the District, including the eligibility of a resident to be an elector in the District. BOE also provides qualified electors with relevant information about how to register to vote and how to participate in an election.¹ There are also several District agencies designated as voter registration agencies that provide applications for qualified electors to register and transmit that information to BOE. These include the Department of Parks and Recreation, Department of Corrections (DOC), Department of Youth Rehabilitation Services (DYRS), Department of Aging and Community Living, District of Columbia Public Schools, and District of Columbia Public Library. The Department of Motor Vehicles (DMV) is also designated as an automatic voter registration agency that registers qualified electors when they issue or renew a driver's license or identification card.

The bill makes a District resident who is incarcerated for a felony offense a qualified elector and thus eligible to vote in elections in the District. The subtitle requires BOE to provide information to those

¹ District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 669; D.C. Official Code § 1-1001.01 et seq.).

within DOC or Federal Bureau of Prisons (BOP) custody on how to register to vote, a voter guide, educational materials on the importance of voting, and an absentee ballot. BOE will begin to request information, on a monthly basis, from BOP about the name, location, and contact information for qualified electors within BOP's custody. Along with the same information it currently requests monthly from the Superior Court of the District of Columbia and the United States District Court for the District of Columbia, BOE must notify the qualified electors of their right to vote.

The bill also requires BOE, in conjunction with the Corrections Information Council,² to report to the Mayor and the Council by July 1, 2021, and biannually thereafter, on the implementation of this bill, the number of qualified electors registered and who voted, and any BOE policy recommendations to enhance the opportunity for incarcerated individuals to vote. The bill ensures BOE treats the date a voter registration application is accepted by an automatic voter registration agency as the date the voter is considered registered.

The bill makes DOC, like DMV, an automatic voter registration agency. DOC must hire staff to register incarcerated individuals, design and implement voting in DOC facilities, and ensure that the required voter registration data is transmitted to BOE. DOC must electronically transmit this information to BOE within ten days of accepting the voter registration information. DOC must also update its Inmate Handbook to include information on the voting rights of incarcerated individuals and those with a criminal record. An incarcerated individual can indicate that they do not wish to register to vote.

The bill expands DYRS' voter registration responsibilities to include providing information to youth in its long-term care on the voting rights of incarcerated and individuals with a criminal record, actually registering those youth rather than just providing the voter registration application, and providing an annual report to BOE on the number of youth DYRS registers and the number that decline to register.

Financial Plan Impact

Funds are not sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill.

There are over 410,000 qualified electors in the District and approximately 6,200 District residents incarcerated at DOC and BOP.³ The bill requires BOE to proactively reach out to incarcerated residents, inform them of their right to vote, and provide them the necessary information to exercise their rights. BOE will need to mail voter registration guides, voter guides, educational materials, and absentee ballots to these new qualified electors. BOE will also need to collect additional data and work with the Corrections Information Council and report to the Mayor and Council on its success implementing the bill by July 1, 2021 and biannually thereafter. BOE can implement these provisions within its existing budgeted resources.

² National Capital Revitalization and Self-Government Improvement Act of 1997, effective October 2, 2010 (D.C. Law 18-233; D.C. Official Code § 24-101.01).

³ As of September 18, 2020, the DOC population was approximately 1,400 (<https://doc.dc.gov/sites/default/files/dc/sites/doc/publication/attachments/September%2012th%20through%20September%2018th%202020.pdf>). As of 2018, the BOP population of District residents was approximately 5,800 (https://www.prisonpolicy.org/global/appendix_2018.html).

The Honorable Phil Mendelson

FIS: Bill 23-324, "Restore the Vote Amendment Act of 2020," Draft Committee Print as circulated on September 23, 2020

As an automatic voter registration agency, DOC will need to automatically register any eligible elector within its custody unless the individual declines to be registered. DOC must transmit the voter registration information to BOE electronically. DOC must also employ staff dedicated to promoting the civic engagement of incarcerated individuals through the District's electoral processes. Both DOC and BOE will require additional budgeted resources to effectuate DOC as an automatic voter registration agency. DOC will require two additional staff members at a cost of \$119,000 in fiscal year 2021 and \$477,000 over the four-year financial plan period. DOC also requires an additional \$120,000 in technology costs in fiscal year 2021 to ensure DOC can capture and store the required information, link DOC systems to BOE systems, and transmit the necessary voter registration information. BOE will also need staff and technology resources to connect to DOC's systems, receive the DOC information, validate the information, and ensure the eligible electors are properly registered. The staff costs are \$143,000 in fiscal year 2021 and \$573,000 over the four-year financial plan period. The BOE technology needs are \$150,000 in fiscal year 2021. The chart below summarizes the fiscal impact of elevating DOC to an automatic voter registration agency.

Restore the Vote Amendment Act of 2020, Bill 23-324					
Implementation Costs					
Fiscal Year 2021 – Fiscal Year 2024					
(\$ thousands)					
	FY 2021	FY 2022	FY 2023	FY 2024	Total
DOC Costs					
Staff	\$119	\$119	\$119	\$120	\$477
Technology	\$120	\$0	\$0	\$0	\$120
Total DOC Costs	\$239	\$119	\$119	\$120	\$597
BOE Costs					
Staff	\$143	\$143	\$143	\$144	\$573
Technology	\$150	\$0	\$0	\$0	\$150
Total BOE Costs	\$293	\$143	\$143	\$144	\$723
Total	\$532	\$262	\$262	\$264	\$1,320

ATTACHMENT H



OFFICE OF THE GENERAL COUNSEL

Council of the District of Columbia
1350 Pennsylvania Avenue NW, Suite 4
Washington, DC 20004
(202) 724-8026

MEMORANDUM

TO: Councilmember Charles Allen

FROM: Nicole L. Streeter, General Counsel *NLS*

DATE: September 23, 2020

**RE: Legal sufficiency determination for Bill 23-324, the
Restore the Vote Amendment Act of 2020**

The measure is legally and technically sufficient for Council consideration.

The bill would amend the District of Columbia Election Code of 1955 to:

- Allow District residents, who are otherwise qualified, to vote while incarcerated for a felony conviction;
- Require the District of Columbia Board of Elections (“the Board”) to provide every unregistered qualified elector in the Department of Corrections’ (“DOC”) care or custody, and endeavor to provide to every unregistered qualified elector in the Bureau of Prisons’ (“BOP”) care or custody, a voter registration form and postage-paid return envelope and educational materials about the right to vote;
- Require the Board to provide to every registered qualified elector in DOC’s care or custody, and endeavor to provide to every registered qualified elector in BOP’s care or custody, a voter guide, educational materials about the right to vote, and an absentee ballot with a postage-paid return envelope; and
- Require the Board and the Corrections Information Council, by July 1, 2021, and biennially thereafter, to jointly submit a report to the Mayor and the Council on the bill.

The bill would amend the Department of Youth Rehabilitation Services Establishment Act of 2004 to require the Department of Youth Rehabilitation Services to provide oral and written notification to each youth of the right to vote, register to vote any youth who is a qualified elector, unless the youth opts out, and annually transmit to the Board of Elections and the Council a report including the number of youth who

registered to vote and the number of youth who declined to register to vote.

The bill would amend An Act To create a Department of Corrections in the District of Columbia to:

- Require DOC to employ personnel whose sole responsibility is the civic engagement and enfranchisement of eligible individuals in DOC's care or custody
- Require DOC to automatically register to vote individuals who are qualified electors, unless an individual opts out;
- Require DOC to electronically transmit to the Board the voter registration information of each incarcerated individual who did not decline to register to vote; and
- Require DOC to include information about voting rights in its Inmate Handbook or similar resource.

I am available if you have any questions.

ATTACHMENT I

1 **Comparative Committee Print**
2 **B23-0324**
3 **Committee on the Judiciary & Public Safety**
4 **September 24, 2020**

5
6 **Section 2**
7

8 **D.C. Official Code § 1–1001.02. Definitions.**
9

10 For the purposes of this subchapter:

11 (1) The term “District” means the District of Columbia.

12 (2) The term “qualified elector” means a person who:

13 (A) Is at least 17 years of age and who will be 18 years of age on or before the next
14 general election;

15 (B) Is a citizen of the United States;

16 (C) Has maintained a residence in the District for at least 30 days preceding the
17 next election and does not claim voting residence or right to vote in any state or territory; and

18 ~~(D) Is not incarcerated for a crime that is a felony in the District; and~~

19 (E) Has not been found by a court of law to be legally incompetent to vote.

20 [...]

21 (32) The term “DOC” means the Department of Corrections.

22 (33) The term “automatic voter registration agency” means an agency designated under
23 section 7(c)(1) to automatically register qualified electors to vote.
24

25 **D.C. Official Code § 1–1001.05. Board of Elections – Duties.**
26

27 (a) The Board shall:

28 (1) Accurately maintain a uniform, interactive computerized voter registration list
29 which shall serve as the official voter registration list for all elections in the District, and shall
30 contain the name, registration information, and a unique identifier assigned for every registered
31 voter in the District. The voter registration list shall be administered pursuant to the Help America
32 Vote Act of 2002 and pertinent federal and local law, and shall be coordinated with other District
33 agency databases;

34 (2) Take whatever action is necessary and appropriate to actively locate, identify,
35 and register qualified voters;

36 (3) Conduct elections;

37 (4) Provide for recording and counting votes by means of ballots or machines or
38 both; provided, that the Board may begin counting votes 15 days before the day of the election,
39 but may not publish or disclose tabulation results before 8:00 p.m. on the day of the election;

40 (5) Publish in the District of Columbia Register no later than 45 days before each
41 election held under this subchapter, a fictitious name sample design and layout of the ballot to be
42 used in the election. This requirement shall not apply to any special election to fill a vacancy in an
43 Advisory Neighborhood Commission single-member district;

44 (6) Publish in 1 or more newspapers of general circulation in the District, a sample
45 copy of the official ballot to be used in any such election; provided, that nothing contained herein

shall require the publication of a sample copy of the official ballots to be used in the advisory neighborhood commissions' elections;

(7) Publish in the District of Columbia Register on the 3rd Friday of every month, the total number of qualified electors registered to vote in the District as of the last day of the month preceding publication. Such notice shall be broken down by ward and political party affiliation, where applicable, and shall list the total number of new registrants, party changes, cancellations, changes of names, and/or addresses processed under each category;

(8) Every 5 years, divide the District into appropriate voting precincts, each of which shall contain at least 350 registered persons; draw precinct lines within election wards created by the Council, subject to the approval of the Council, in whole or in part, by resolution;

(9) Operate polling places; provided, that for the November 3, 2020, General Election, the Board shall operate no fewer than 80 polling places, including a polling place for individuals incarcerated in the Department of Corrections' custody at the Central Detention Facility and Correctional Treatment Facility, if public health guidance permits;

(9A) For the June 2, 2020, Primary Election, mail every registered qualified elector an absentee ballot application and a postage-paid return envelope;

(9A-i) For the November 3, 2020, General Election, mail every registered qualified elector an absentee ballot and a postage-paid return envelope;

(9B) Before any upcoming voter registration or absentee ballot deadlines and with reasonable time for qualified electors to return materials to the Board:

(A) Provide to every unregistered qualified elector in the Department of Corrections' care or custody and endeavor to provide to every unregistered qualified elector in the Bureau of Prisons' care or custody:

(i) A voter registration form and postage-paid return envelope; and
(ii) Lay-friendly educational materials about the importance of voting and the right of an individual currently incarcerated or with a criminal record to vote in the District; and

(B) Provide to every registered qualified elector in the Department of Corrections' care or custody and endeavor to provide to every registered qualified elector in the Bureau of Prisons' care or custody:

(i) A voter guide;
(ii) Lay-friendly educational materials about the importance of voting and the right of an individual currently incarcerated or with a criminal record to vote in the District; and

(iii) Without first requiring an absentee ballot application to be submitted, an absentee ballot and postage-paid return envelope;

(10) Provide information regarding procedures for voter registration and absentee ballots to absent uniformed services voters and overseas voters in United States elections, accept valid voter registration applications, absentee ballot applications, and absentee ballots including write-in ballots from all of those voters, and comply with the Uniformed and Overseas Citizens Absentee Voting Act, approved August 28, 1966 (100 Stat. 924; 42 U.S.C. § 1873ff et seq.);

(10A) Accept absentee ballots postmarked or otherwise proven to have been sent on or before the day of the election, and received by the Board no later than the 7th day after the election; provided, that for elections held in calendar year 2020, the Board shall accept absentee ballots postmarked or otherwise proven to have been sent on or before the day of the election, and received by the Board no later than the 10th day after the election;

(11) Certify nominees and the results of elections in sufficient time to comply with the requirements of the Uniformed and Overseas Citizens Absentee Voter Act, approved August 28, 1986 (100 Stat. 924; 42 U.S.C. § 1973ff et seq.);

(12) Take all reasonable steps to inform all residents and voters of elections and means of casting votes therein, including by establishing a system to permit voters to elect to receive a voter guide by electronic means in lieu of by mail, if such a guide is published by the Board; provided, that for the November 3, 2020, General Election, the Board shall:

(A) Publish and mail a paper voter guide; and

(B) Email registered voters, for whom the Board maintains email addresses, at least once with an electronic voter guide and lay-friendly instructions, separate from the electronic voter guide, about mail-in voting, early voting, polling place locations, how to check polling place wait times, and how to update their voter registration information;

(13) Repealed;

(14) Issue such regulations and expressly delegate authority to officials and employees of the Board (such delegations of authority only to be effective upon publication in the District of Columbia Register) as are necessary to carry out the purposes of this subchapter, Chapter 11A of this title, subchapter VII of this chapter, and related acts requiring implementation by the Board. The regulations authorized by this paragraph include those necessary to determine that candidates meet the statutory qualifications for office; define the form of petitions; establish rules for the circulation and filing of petitions; establish criteria to determine the validity of signatures on petitions; and provide for the registration of any political party seeking to nominate directly candidates in any general or special election;

(15) Take reasonable steps to facilitate voting by blind persons and persons with physical and developmental disabilities, qualified to vote under this subchapter, and to authorize such persons to cast a ballot with the assistance of a person of their own choosing;

(15A) At the request of a candidate, consider what action, if any, should be taken to clarify the identity of a candidate if there is potential for confusion among voters about the identity of a candidate because of the similarity of his or her name to another candidate or elected official;

(16) Perform such other duties as are imposed upon it by this subchapter;

(17) Perform duties imposed upon it by subchapter VII of this chapter;

(18) Tabulate all ballots in sufficient time to comply with the requirements of the Uniformed and Overseas Citizens Absentee Voter Act, approved August 28, 1986 (100 Stat. 924; 42 U.S.C. § 1973ff et seq.);

(19)(A) Obtain or develop a mobile application that:

(i) Connects the user to the Board's computerized voter registration list to immediately confirm that a petition signer is a registered qualified elector;

(ii) Maintains an up-to-date count of the number of electronic signatures collected; and

(iii) Allows signed petitions to be printed out for submission to the Board;

(B) No later than October 1, 2017, implement a pilot program that provides a limited number, as determined by the Board, of candidates, qualified petition circulators, and proposers with the option to use a mobile application, in addition to the paper circulation process, to gather electronic signatures on a mobile device registered with the Board for the June 2018 Primary Election;

(C) For the November 2018 General Election, and all subsequent elections, make a mobile application available to all candidates, qualified petition circulators, and proposers to install on a mobile device registered with the Board; and

(D) Issue rules to implement the use of a mobile application for all elections, including how to register a mobile device with the Board in order to utilize the mobile application; provided, that the rules shall require signed petitions from the mobile application to be printed out and submitted to the Board; and

(20) Develop and post on the Board's website a voter registration packet for new tenants and homeowners, which shall constitute a vital document for the purposes of § 2-1933, including:

(A) A voter registration application;

(B) Information concerning:

(i) Online voter registration;

(ii) Updating a voter's address;

(iii) The voting rights in the District of individuals with criminal records; and

(iv) Voter registration information for high school and college

students; and

(C) A weblink to the Board's website, which shall identify:

(i) The date of the next scheduled election;

(ii) Polling place locations;

(iii) The names and positions of current elected officials in the District; and

(iv) How to search for an individual's Ward Councilmember, Ward State Board of Education member, and Advisory Neighborhood Commissioner.

[...]

(m) By July 1, 2021, and biennially thereafter, the Board and the Corrections Information Council, established by section 11201a of the National Capital Revitalization and Self-Government Improvement Act of 1997, effective October 2, 2010 (D.C. Law 18-233; D.C. Official Code § 24-101.01), shall jointly submit a report to the Mayor and Council on the Restore the Vote Amendment Act of 2020, as approved by the Committee on the Judiciary and Public Safety on September 24, 2020 (Committee print of Bill 23-0324) ("Act"), including:

(1) The number of incarcerated qualified electors registered since the Act's applicability date or, beginning in the July 1, 2023 report, since the date of the previous report;

(2) The number of incarcerated registered qualified electors who voted, for each election held since the Act's applicability date or, beginning in the July 1, 2023 report, since the date of the previous report;

(3) An analysis of the Act's implementation and any identifiable challenges; and

(4) Any policy or legislative recommendations to ensure that all incarcerated qualified electors have a meaningful opportunity to register and vote.

D.C. Official Code § 1–1001.07. Voter.

(a) No person shall be registered to vote in the District of Columbia unless the person:

(1) ~~He or she meets~~ Meets the qualifications as a qualified elector as defined in § 1-1001.02(2);

(2)(A) ~~He or she~~ Executes an application to register to vote by signature or mark (unless prevented by physical disability) on a form approved pursuant to subsection (b) of this section or by the Election Assistance Commission attesting that ~~he or she~~ the person meets the requirements of a qualified elector, and if ~~he or she~~ the person desires to vote in party elections, indicating ~~his or her~~ the person's political party affiliation; or

(B) ~~He or she applies for a DMV-issued driver's license or non-driver's license~~ Automatically registers pursuant to subsection (c) of this section; and

(3) The Board approves ~~his or her~~ the person's registration application as provided in subsection (e) of this section.

(a-1)(1) No application for voter registration may be accepted or processed by the Board unless the application includes:

(A) The DMV-issued identification number of the applicant, or

(B) The last 4 digits of the social security number of an applicant who has not been issued a current and valid DMV-issued identification.

(2) If an applicant has not been issued a current and valid DMV-issued identification or a social security number, the Board shall assign the applicant the unique identifier assigned pursuant to § 1-1001.05(a)(1).

(a-2) A person who is otherwise qualified may pre-register on or after that person's 16th birthday and may vote in any election occurring on or after that person's 17th birthday; provided, that the person is at least 18 years of age on or before the next general election.

(b) In administering the provisions of subsection (a)(2) of this section:

(1) The Board shall prepare and use a registration application form that meets the requirements of the National Voter Registration Act of 1993 [42 U.S.C. § 1973gg et seq.] and of the Help America Vote Act of 2002, and in which each request for information is readily understandable and can be satisfied by a concise answer or mark.

(2) Mail-in voter registration application forms approved by the Board shall meet the requirements of the National Voter Registration Act of 1993, approved May 20, 1993 (107 Stat. 77; 42 U.S.C. § 1973gg et seq.) and the Help America Vote Act of 2002, shall be designed to provide an easily understood method of registering to vote by mail, and shall be mailable to the Board with postage prepaid. These forms shall have printed on them, in bold face type, the penalties for fraudulently attempting to register to vote pursuant to § 1-1001.14(a) and the National Voter Registration Act of 1993 [42 U.S.C. § 1973gg et seq.]. If an applicant fails to properly complete the registration form, the Board's registrar shall notify the applicant and provide the applicant with an opportunity to complete the form in a timely manner prior to the next election.

(2A) ~~No later than 180 days following February 26, 2015, the~~ The Board shall implement a digital voter service system that includes a voter registration application form that may be executed by either:

(A) An electronic signature provided by the applicant directly to the Board;
or

(B) An electronic signature provided to the Board by the DMV in accordance with paragraph (5) of this subsection.

(3) The Board shall accept any application form that has been preapproved by the Board for the purpose of voter registration and meets the requirements of this subsection or has been approved for use by federal legislation or regulation.

(4) The Board shall provide a field on voter registration forms to allow an applicant to indicate ~~his or her~~ the applicant's interest in working as a polling place worker during the next election.

(5) For each individual who submits a voter registration application using the Board's digital voter service system required by paragraph (2A) of this subsection, the Board shall request, and the DMV shall furnish, an electronic copy of the applicant's signature for the purpose of executing the application submitted for acceptance and approval; provided, that the applicant provides the applicant's DMV-issued identification number and affirmatively consents to the use of that signature as the signature for the application submitted.

~~(c)(1)(A)(i) Each DMV application for a DMV-issued driver's license (including any renewal application) or nondriver's identification card shall automatically serve as an application to register to vote in the District of Columbia, unless the applicant indicates on the application that he or she does not want the application to serve as a voter registration application.~~

~~(ii) For each applicant who did not decline to register to vote or update his or her voter registration information under sub-subparagraph (i) of this subparagraph and stated that he or she is a citizen of the United States, the DMV shall provide to the Board electronic records containing the applicant's:~~

- ~~(I) Legal name;~~
- ~~(II) Date of birth;~~
- ~~(III) Residence;~~
- ~~(IV) Mailing address;~~
- ~~(V) Previous voter registration address;~~
- ~~(VI) DMV-issued identification number or social security number;~~
- ~~(VII) Party affiliation;~~
- ~~(VIII) Response as to whether the applicant would like information on serving as a poll worker in the next election;~~
- ~~(IX) Citizenship information; and~~
- ~~(X) Electronic signature.~~

~~(B) The DMV and the Board shall jointly develop a DMV application form that shall contain the necessary information for the:~~

~~(i) Issuance, renewal, or correction of the applicant's driver's license or nondriver's identification card; and~~

~~(ii) Means for the applicant to:~~

- ~~(I) Provide a mailing address, if mail is not received at the residence address;~~
- ~~(II) State whether the applicant is a United States citizen;~~
- ~~(III) Indicate a choice of party affiliation (if any);~~
- ~~(IV) Indicate the last address of voter registration (if known);~~
- ~~(V) Indicate whether the applicant would like information on serving as a poll worker in the next election;~~

~~(VI) Sign, under penalty of perjury, an attestation that sets forth the requirements for voter registration and states that the applicant meets each of those requirements; and~~

~~(VII) Decline to register to vote, or, if already registered in the District, decline to update his or her voter registration.~~

275 ~~(C) The application for voter registration submitted pursuant to this~~
276 ~~subsection shall be considered as an update to any previous voter registration.~~

277 ~~(D) Any application submitted for the purpose of a change of address or~~
278 ~~name accepted by the DMV, pursuant to this subsection, shall be considered notification to the~~
279 ~~Board of the change of address or name unless the applicant states on the application that the~~
280 ~~change of address or name is not for voter registration purposes.~~

281 ~~(E) Repealed.~~

282 ~~(F) Repealed.~~

283 ~~(G) The instructions for completing the form shall also include a statement~~
284 ~~that:~~

285 ~~(i) If an applicant declines to register to vote, the fact that the~~
286 ~~applicant has declined to register will remain confidential and will be used only for voter~~
287 ~~registration purposes; and~~

288 ~~(ii) If an applicant does register to vote, the office at which the~~
289 ~~applicant submits a voter registration application will remain confidential and will be used only~~
290 ~~for voter registration purposes.~~

291 ~~(H) The deadline for transmission of the voter registration application to the~~
292 ~~Board shall be not later than 10 days after the date of acceptance by the DMV, except that if a~~
293 ~~voter registration application is accepted within 5 days before the last day for registration to vote~~
294 ~~in an election, the application shall be transmitted to the Board not later than 5 days after the date~~
295 ~~of its acceptance.~~

296 ~~(I)(i) An application shall be considered received by the Board pursuant to~~
297 ~~subsection (e) of this section on the date it was accepted by the DMV.~~

298 ~~(ii) The Board shall consider an application that the DMV accepted~~
299 ~~for the purposes of voter registration on or before the voter registration deadline as timely received.~~

300 ~~(J) Any form issued by mail for the purposes of correcting or updating a~~
301 ~~driver's permit or nondriver's identification card shall be designed so that the individual may~~
302 ~~decline to correct or update the individual's address or name for voter registration purposes and~~
303 ~~provide a mailing address, if mail is not received at the residence address.~~

304 ~~(K) The Board and the DMV shall match information in their respective~~
305 ~~databases to enable each agency to verify the accuracy of the information on applications for voter~~
306 ~~registration.~~

307 (c)(1)(A) The following shall be automatic voter registration agencies, although the Board
308 may designate additional automatic voter registration agencies by rulemaking:

309 (i) DMV; and

310 (ii) DOC.

311 (B) Unless the applicant indicates that the applicant does not want to register
312 to vote:

313 (i) Each DMV application for a DMV-issued driver's license
314 (including any renewal application) or nondriver's identification card shall automatically serve as
315 an application to register to vote or update the applicant's voter registration information; and

316 (ii) DOC shall automatically register each qualified elector in its
317 care or custody in the Central Detention Facility or Correctional Treatment Facility to vote.

318 (C) Each automatic voter registration agency and the Board shall jointly
319 develop an application that captures:

320 (i) If the automatic voter registration agency is the DMV, the
321 necessary information for the issuance, renewal, or correction of the applicant's driver's license or
322 nondriver's identification card; and

323 (ii) The applicant's:
324 (I) Mailing address, if mail is not received at the residence
325 address;

326 (II) Citizenship;
327 (III) Choice of party affiliation (if any);
328 (IV) Last address of voter registration (if known);
329 (V) Whether the applicant would like information on serving
330 as an election worker in the next election;

331 (VI) Under penalty of perjury, an attestation that sets forth
332 the requirements for voter registration and states that the applicant meets each of those
333 requirements; and

334 (VII) Ability to decline to register to vote, or, if already
335 registered in the District, ability to decline to update the applicant's voter registration.

336 (D) For each applicant who did not decline to register to vote or update the
337 applicant's voter registration information under subparagraph (B) of this paragraph and stated that
338 the applicant is a citizen of the United States, the automatic voter registration agency shall provide
339 to the Board electronic records containing the applicant's:

340 (i) Legal name;
341 (ii) Date of birth;
342 (iii) Residence;
343 (iv) Mailing address;
344 (v) Previous voter registration address;
345 (vi) DMV-issued identification number or social security number;
346 (vii) Party affiliation (if any);
347 (viii) Response as to whether the applicant would like information
348 on serving as a poll worker in the next election;

349 (ix) Citizenship information; and
350 (x) Electronic signature.

351 (E) An application for voter registration submitted pursuant to this
352 subsection shall be considered as an update to any previous voter registration.

353 (F) Any application for the purpose of a change of address or name
354 submitted pursuant to this subsection shall be considered notification to the Board of the change
355 of address or name unless the applicant states on the application that the change of address or name
356 is not for voter registration purposes.

357 (G) The instructions on the application shall also include a statement that:
358 (i) If an applicant declines to register to vote, the fact that the
359 applicant has declined to register will remain confidential and will be used only for voter
360 registration purposes; and

361 (ii) If an applicant does register to vote, the automatic voter
362 registration agency at which the applicant submits a voter registration application will remain
363 confidential and will be used only for voter registration purposes.

364 (H) The deadline for transmission of the voter registration information to
365 the Board shall be not later than 10 days after the date of acceptance of the application by the

automatic voter registration agency, except that if an application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the Board not later than 5 days after the date of its acceptance.

(I)(i) An application shall be considered received by the Board pursuant to subsection (e) of this section on the date it was accepted by the automatic voter registration agency.

(ii) The Board shall consider an application that the automatic voter registration agency accepted for the purposes of voter registration on or before the voter registration deadline as timely received.

(J) Any form issued by mail for the purposes of correcting or updating a driver's permit or nondriver's identification card shall be designed so that the individual may decline to correct or update the individual's address or name for voter registration purposes and provide a mailing address, if mail is not received at the residence address.

(K) The Board and each automatic voter registration agency shall match information in their respective databases to enable each agency to verify the accuracy of the information on applications for voter registration.

(L) Except as provided in this subsection, any citizenship information provided by an applicant for voter registration purposes shall not be otherwise retained, used, or shared by the automatic voter registration agency.

(2) Repealed.

(3)(A) If a person who is not a qualified elector becomes registered to vote under this subsection, that person's voter registration:

(i) Shall be presumed to have been effected with official authorization and not through the fault of that person;

(ii) Shall not constitute a violation of § 1-1001.14; and

(iii) Shall not serve as a basis for holding that person civilly or criminally liable for the voter registration;

(B) If a person who is not a qualified elector becomes registered to vote under this subsection and votes or attempts to vote in an election held after the effective date of that person's voter registration, that person shall not be in violation of § 1-1001.14 or held civilly or criminally liable for voting, unless that person votes or attempts to vote knowing that ~~he or she~~ the person is not a qualified elector.

(d)(1)(A) Any agency of the District of Columbia government that provides public assistance or that operates or funds programs primarily engaged in providing services to persons with disabilities shall be designated as a voter registration agency.

(B) In addition to the agencies named in subparagraph (A) of this paragraph, the Department of Parks and Recreation, the Department of Corrections, the Department of Youth and Rehabilitative Rehabilitation Services, the Office on Aging, the District of Columbia Public Library, and the District of Columbia Public Schools shall be designated as voter registration agencies; provided, that access to voter registration services at District of Columbia Public Schools shall be restricted to District of Columbia Public Schools students and employees.

(C) The Mayor may designate any other executive branch agency of the District of Columbia government as a voter registration agency by filing written notice of the designation with the Board.

(D) The District shall cooperate with the Secretary of Defense to develop and implement procedures for persons to apply to register to vote at Armed Forces recruitment offices.

(2) The agencies named in paragraphs (1)(A), (B), and (C) of this subsection shall:

- (A) Distribute with each application for service or assistance, and with each recertification, renewal, or change of address form relating to the service or assistance, a voter registration application, unless the applicant, in writing, declines to register to vote;
- (B) Provide assistance to applicants in completing voter registration application forms, unless the applicant refuses assistance;
- (C) Provide the services described in this paragraph at the person's home, if a voter registration agency provides services to a person with a disability at the person's home;
- (D) Accept completed forms and forward these forms to the Board as prescribed in this section; and
- (E) For the June 2, 2020, Primary Election and the June 16, 2020, Ward 2 Special Election, regularly promote the Board's revised plans for those elections on the voter registration agencies' social media platforms, including by providing information about how to register to vote and vote by mail.

(3) Each voter registration agency shall, on its own application, document, or on a separate form, provide to each applicant for service or assistance, recertification or renewal, or change of address the following information:

- (A) The question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";
- (B) Boxes for the applicant to check to indicate whether the applicant would like to register or decline to register to vote (failure to check either box being deemed to constitute a declination to register for purposes of subparagraph (C) of this paragraph, together with the statement (in close proximity to the boxes and in prominent type), "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";
- (C) The statement, "If you would like help completing the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may complete the application form in private.";
- (D) The statement, "If you believe that someone has interfered with your right to register or decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the chief administrative officer of the Board of Elections and Ethics [Board of Elections]."; the name, title, address, and telephone number of the chief administrative officer shall be included on the form; and
- (E) If the voter registration agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.".

(4) No person who provides a voter registration service at a District of Columbia government agency shall:

- (A) Seek to influence an applicant's political preference or party registration;
- (B) Display any political preference or party allegiance;
- (C) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

456 (D) Make any statement to an applicant or take any action the purpose or
457 effect of which is to lead the applicant to believe that a decision to register or not to register has
458 any bearing on the availability of services or benefits.

459 (5) Each agency that has been designated a voter registration agency in paragraph
460 (1) of this subsection shall provide to each applicant who does not decline to register the same
461 degree of assistance with regard to the completion of the registration application form as provided
462 by the office with regard to the completion of its own forms, unless the applicant refuses assistance.

463 (6) No information that relates to a declination to register to vote in connection with
464 an application made at an office described in this subsection may be used for any purpose other
465 than voter registration.

466 (7) No voter registration agency shall reveal whether a particular individual
467 completed an application to register to vote except when ordered by the officer designated in
468 paragraph (12)(A) of this subsection when a complaint has been filed pursuant to paragraph (11)
469 of this subsection or pursuant to § 11 of the National Voter Registration Act of 1993.

470 (8) A completed voter registration application or change of address or name
471 accepted at a voter registration agency shall be transmitted by the agency to the Board by not later
472 than 10 days after its acceptance by the agency, except that if a voter registration application is
473 accepted at a voter registration agency office within 5 days before the deadline for voter
474 registration in any election, the application shall be transmitted by the agency to the Board not
475 later than 5 days after the date of acceptance.

476 (9) An application accepted at a voter registration agency shall be considered to
477 have been received by the Board pursuant to subsection (e) of this section as of the date of
478 acceptance by the voter registration agency.

479 (10) Notwithstanding any other provision of law, the Board shall ensure that the
480 identity of the voter registration agency through which any particular individual is registered to
481 vote is not disclosed to the public.

482 (11) An allegation of violation of the National Voter Registration Act of 1993 [42
483 U.S.C. § 1973gg et seq.] or of this subchapter may be made in writing, filed with the chief
484 administrative officer of the Board and detail concisely the alleged violation.

485 (12)(A) The Board shall designate its chief administrative officer as the official
486 responsible for the coordination of the District of Columbia's responsibilities under the National
487 Voter Registration Act of 1993 [42 U.S.C. § 1973gg et seq.] and as the official responsible for the
488 coordination of this subchapter.

489 (B) The chief administrative officer designated under subparagraph (A) of
490 this paragraph and the Board shall have the authority:

491 (i) To request any voter registration agency to submit in writing any
492 reports and to answer any questions as the chief administrative officer or the Board may prescribe
493 that relate to the administration and enforcement of the National Voter Registration Act of 1993
494 [42 U.S.C. § 1973gg et seq.] and of this subchapter; and

495 (ii) To bring a civil action in the Superior Court of the District of
496 Columbia for declaratory or injunctive relief with respect to the failure of any voter registration
497 agency to comply with the requirements of this subchapter.

498 (13) The Board may adopt regulations with respect to the coordination and
499 administration of the National Voter Registration Act Conforming Amendment Act of 1994 and
500 the National Voter Registration Act of 1993 [42 U.S.C. § 1973gg et seq.].

(14)(A) Agencies, other than voter registration agencies, may be designated as application distribution agencies. These agencies shall include the District of Columbia Public Library, the District of Columbia Fire Department, the Metropolitan Police Department, and any other executive agency the Mayor designates in writing.

(B) Each application distribution agency shall request, and the Board shall provide, sufficient quantities of mail-in voter registration applications for distribution to the public.

(C) These mail-in voter registration applications shall be placed in each office or substation of the agency in an accessible location and in clear view so that citizens may easily obtain a mail-in voter registration application.

(D) Nothing in this subsection shall be deemed to require or permit employees of a mail-in voter registration application distribution agency to accept completed forms for delivery to the Board or to provide assistance in completing an application.

(15) The Board shall transmit an annual report to the Mayor and Council providing the number of voter registration applications received and the number of voter registration applications approved at each voter registration agency.

(e)(1) Within 19 calendar days after the receipt of a registration application form from any applicant, ~~the DMV~~ an automatic voter registration agency, pursuant to subsection (c)(1) of this section, or a voter registration agency, pursuant to subsection (d) of this section, the Board shall mail a non-forwardable voter registration notification to the applicant advising the applicant of the acceptance or rejection of the registration application by its chief voter registration official.

(2)(A) If the application is accepted, the notification shall include the applicant's name, address, date of birth, party affiliation (if any), ward, precinct and Advisory Neighborhood Commission single-member district ("SMD"), the address of the applicant's polling place and the hours during which the polls will be open. The voter registration notification shall state that the applicant shall not vote before ~~her or his~~ the applicant's 18th birthday. The Board may include along with the registration notification any voter education materials it deems appropriate. Registration of the applicant shall be effective on the date the Board determines that the applicant is a qualified elector and eligible to register to vote in the District of Columbia.

(B) For applications received from ~~the DMV~~ an automatic voter registration agency, pursuant to subsection (c)(1) of this section, the notification, in addition to the information required under subparagraph (A) of this paragraph, shall include information regarding the process to decline voter registration and to change or adopt a political party affiliation, if one was not designated on the application.

(3) If the application is rejected, the notification shall include the reason or reasons for the rejection and shall inform the voter of ~~his or her~~ the voter's right to appeal the rejection pursuant to subsection (f) of this section.

(4) If the voter registration notification is returned to the Board as undeliverable, the Board shall mail the notice provided in subsection (j)(1)(B) of this section.

(5)(A) Any duly registered voter may file with the Board objections to the registration of any person whom ~~he or she~~ the voter has reason to believe is fictitious, deceased, a disqualified person, or otherwise ineligible to vote (except with respect to a change of residence), or file a request for the addition of any person whose name ~~he or she~~ the voter has reason to believe has been erroneously omitted or cancelled from the voter roll. Application for the correction of the voter roll or the challenge of the right to vote of any person named on the voter roll shall be in writing and include any evidence in support of the challenge that the registrant is not qualified to be a registered voter. The Board shall issue regulations establishing an expedited procedure for its

review of a voter registration challenge or an application for correction of the voter roll filed during the period beginning on the 90th day before an election and ending on the 45th day before an election. The Board shall not accept a voter registration challenge or application for correction of the voter roll after the 45th day before an election.

(B) The Board shall send notice to any person whose registration has been challenged along with a copy of any evidence filed in support of the challenge. The notice shall be sent to the address listed on the Board's records. The notice shall state that the registrant must respond to the challenge not later than 30 days from the date of the mailing of the notice or be cancelled from the voter roll.

(C) The Board's chief voter registration official shall make a determination with respect to the challenge within 10 days of receipt of the challenged registrant's response. The determination shall be sent by first class mail to the challenged registrant and the person who filed the challenge. Within 14 days of mailing the notice, any aggrieved party may appeal, in writing, the chief voter registration official's determination to the Board. The Board shall conduct a hearing and issue a decision within 30 days of receipt of the written notice of appeal.

(D) With respect to a request for the addition of a person to the voter roll, if the Board's records do not evidence that the individual named has been erroneously omitted or cancelled, the Board shall send notice to the individual named in the request and to the person who filed the request. The notice shall state that the named individual must file a completed voter registration application in order to become a registered voter in the District.

(6) An individual whose registration has been cancelled under this section shall not be eligible to vote except by re-registration as provided in this section.

(f) In the case where a voter registration application is rejected pursuant to subsection (e) of this section, the Board shall immediately notify the individual of the rejection by first class mail. The individual may request a hearing before the Board on the rejection within 14 days after the notification is mailed. Upon the request for a hearing, the Board shall hold the hearing within 30 days after receipt of the request. At the hearing, the applicant and any interested party, may appear and give testimony on the issue. The Board shall determine the issue within 2 days after the hearing. Any aggrieved party may appeal the decision of the Board to the Superior Court of the District of Columbia within 3 days after the Board's decision. The decision of the Court shall be final and not appealable. If any part of the process is pending on the date of any election held under this subchapter, the person whose registration is in question shall be permitted to cast a ballot in such election which is designated "challenged". The ballot shall be counted in the election if the applicant is ultimately deemed to be a qualified registered elector.

(f-1) Repealed.

(g)(1) Except as provided in paragraph (4) of this subsection, at any time except during the 21-day period preceding any regularly scheduled election, a qualified elector or any individual who will be a qualified elector at the time of the next election may register to vote in the precinct in which the voter maintains residence by completing a voter registration application and submitting it in person at the Board's office, using the digital voter service system required by subsection (b)(2A) of this section, or by mail. A registration that is received no later than 4:45 P.M. on the 21st day preceding any election, or such time on that day as the Board's office remains open to receive registrations, shall be accepted.

(2) The Board shall process voter registration applications and voter registration update notifications that are received, whether received postmarked, non-postmarked, or digitally, by the Board by the 21st day preceding any election.

(3) The Board shall process faxed postcard applications from persons eligible to vote absentee in federal elections in the District of Columbia pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, approved August 28, 1966 (100 Stat. 924; 42 U.S.C. § 1973ff et seq.), which are faxed not later than the 21st day preceding any election.

(4) After the 21st day preceding an election, a qualified elector may register to vote in the precinct in which the voter maintains residence by completing a voter registration application and submitting it in person at the Board's office. A qualified elector shall not change ~~his or her~~ the qualified elector's party affiliation after the 21st day preceding an election.

(5) A qualified elector may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence by completing a voter registration application, making an oath in the form prescribed by the Board, and providing proof of residence. An individual may prove residence for purposes of registering by presenting such identification as required under federal law, District law, or Board regulation, including a current and valid government photo identification or a copy of a current utility bill, bank statement, government check, pay check, or other document specified by the Board, that shows the current name and address of the voter. Each individual who successfully registers on Election Day shall cast a regular ballot. A qualified elector shall not change ~~his or her~~ the qualified elector's party affiliation on election day.

(6) The precinct captain shall keep a record of individuals who attempt to register on election day and shall indicate the form of proof of residency provided by the person. The record shall be forwarded to the Board with the election returns for that precinct.

(7)(A) The Board shall maintain a list, including the name and addresses, of all individuals who either:

(i) Attempted to register and vote in the election, but could not provide proof of residence; or

(ii) Successfully registered and voted.

(B) The Board shall make the list available to public inspection upon request.

(h)(1) No later than 45 days preceding any election held under this subchapter, the Board shall cause a District-wide alphabetical list of qualified electors registered to vote in the District to be placed in the main public library and shall cause an alphabetical ward list of qualified registered electors for each ward to be placed in each branch library located within the respective ward. Such lists shall be current as of the 60th day preceding such elections.

(2) The Board shall cause a copy of the list of qualified electors registered to vote as of the date the voter registry closed to be placed in public buildings of the District of Columbia for a period of not less than 14 days preceding each election held under this subchapter as follows:

(A) A District-wide list shall be placed in the main public library; and

(B) A ward list for the ward shall be placed in every branch library located within the respective ward.

(2A) Repealed.

(3) The provisions of this subsection shall not apply when a special election is held to fill a vacancy in an Advisory Neighborhood Commission single-member district.

(4) The provisions of this subsection shall not apply to the June 2, 2020, Primary Election and the June 16, 2020, Ward 2 Special Election.

(i)(1) A person shall be entitled to vote in an election in the District of Columbia if ~~he or she~~ the person is a duly registered voter. A qualified elector shall be considered duly registered in

the District if ~~he or she~~ the person has met the requirements for voter registration and, on the day of the election, either resides at the address listed on the Board's records or files an election day change of address pursuant to this subsection.

(2) Each registered voter who changes ~~his or her~~ the registered voter's place of residence from that listed on the Board's records shall notify the Board, in writing, of the new residence address. A change of address shall be effective on the date the notification was mailed as shown by the United States Postal Service postmark. If not postmarked, the notification shall be effective on the date of receipt by the Board. Change of address notifications from registrants shall be accepted pursuant to subsection (g) of this section, except that any registrant who has not notified the Board of ~~his or her~~ the registered voter's current residence address by the deadline established by subsection (g) of this section may be permitted to vote at the polling place that serves the current residence address by filing an election day change of address notice pursuant to paragraph (4) of this subsection.

(3) Each registered voter who votes at a polling place on election day shall affirm ~~his or her~~ the registered voter's residence address as it appears on the official registration roll for the precinct. The act of signing a copy of the official registration roll for the precinct shall be deemed affirmation of the voter's address as it appears on the Board's registration records.

(4)(A) A registered voter who has moved within the District but has not notified the Board in writing of ~~his or her~~ the registered voter's current address by the deadline established pursuant to subsection (g) of this section, or who is designated inactive pursuant to subsection (j) of this section, shall, prior to being permitted to vote, file notification of a change of address on a form provided by the Board, at the polling place serving the current residence address; provided, that the voter shall provide proof of address change in the form of a current and valid government photo identification or a copy of a current utility bill, bank statement, government check, pay check, or other document specified by the Board that shows the current name and address of the voter either in person on election day or at the Board's office or a voter registration agency following the election.

(B) Repealed.

(C) A registered voter who files an election day change of address may vote by regular ballot on election day at the polling place serving the current residence address or the accessible polling place assigned by the Board pursuant to § 1-1001.09(b)(3).

(5)(A) As soon as practicable after the election, the Board shall mail each registered voter who filed a change of address at the polls on election day a nonforwardable address confirmation notice to the address provided in the written affirmation.

(B) Where the United States Postal Service returns the address confirmation notification as undeliverable or indicating that the registrant does not live at the address provided in the written affirmation, the Board shall notify the ~~Corporation Counsel~~ Attorney General of the District of Columbia.

(6) Each individual who has not previously voted in a federal election in the District and who registers to vote by mail shall present, either at the time of registration, at the polling place, or when voting by mail, a copy of a current and valid government photo identification or a copy of a current utility bill, bank statement, government check, or pay check that shows the name and address of the voter. Individuals who fail to present this identification shall vote by special ballot. This paragraph shall not apply to:

(A) Individuals whose registration application includes a DMV-issued identification number or at least the last 4 digits of the individual's social security number, and

matches an existing identification record bearing the same number, name, and date of birth as the application; or

(B) Individuals entitled to vote otherwise than in person under federal law.

(j)(1) The Board shall develop a systematic program to maintain the voter roll and keep it current. This program shall include the following:

(A) In January of each odd-numbered year, the Board shall confirm the address of each registered voter who did not confirm ~~his or her~~ the registrant's address through the voting process or file a change of address at the polls in the preceding general election by mailing a first class nonforwardable postcard to the address listed on the Board's records.

(B)(i) If the United States Postal Service returns the notice and provides a new address for the registrant within the District of Columbia, the Board shall change the address on its records and mail to both the old and new addresses of the registrant a forwardable notification that the address has been changed to reflect the information obtained from the United States Postal Service.

(ii) If the United States Postal Service returns the notice and provides a new address outside the District of Columbia, the Board shall mail a forwardable notice to both the old and new address informing the registrant how to register to vote in the new jurisdiction or correct the address information obtained from the United States Postal Service.

(iii) If the United States Postal Service returns the notice to the Board as undeliverable, the Board shall mail to the registrant at ~~his or her~~ the registrant's last known address the notice prescribed in sub-subparagraph (ii) of this subparagraph.

(C) The notices prescribed in subparagraphs (A) and (B) of this paragraph shall include a pre-addressed and postage paid return notification postcard to enable the registrant to correct any address information obtained from the United States Postal Service. In addition, the notices shall include the following information:

"If you did not change your residence, or changed residence but remained in the District, you should return the card not later than the deadline for mail registration for the next federal election (the 30th day before the election). If the card is not returned, affirmation of your address may be required before you are permitted to vote in any election during the period beginning on the date of the notice and ending on the day after the date of the second general election for federal office that occurs after the date of the notice, and if you do not vote in an election during that period, your name will be removed from the list of eligible voters."

(D) The Board may, in addition, utilize information obtained from the United States Postal Service, the National Change of Address System ("NCOA"), the DMV (subject to the provisions of subsection (c)(1)(D) of this section, which identifies registrants who have moved from the addresses listed on the Board's records. In these cases the Board shall issue the notices prescribed in subparagraph (B) of this paragraph.

(2)(A) Upon mailing of the notice required in paragraph (1)(B) of this subsection, the registrant's voter registration status shall be designated as inactive on the voter roll.

(B) Where a registered voter is designated as inactive on the voter roll pursuant to subparagraph (A) of this paragraph and the registrant provides the Board with a current residence address, or votes in any election in accordance with subsection (i) of this section by the date established in subparagraph (C) of this paragraph, the inactive designation shall be removed from the registrant's record.

(C) Where the Board mails the notice required in paragraph (1)(B) of this subsection, and the registrant fails to respond to the notice and fails to vote during the period

beginning on the date the notice was mailed and ending on the day after the second general election for federal office, the registrant's name shall be removed from the voter roll.

(3) As part of its systematic voter roll maintenance program, the Board may, by regulation, develop additional procedures to identify and remove from the voter roll registrants who are deceased and no notification was received from the Bureau of Vital Statistics, who have moved from the District and no notification was received from the registrant or the United States Postal Service, or who otherwise no longer meets the qualifications as duly registered voters.

(4) Any systematic program conducted by the Board to identify individuals who do not reside at the address listed on the Board's records shall be completed not less than the 90th day immediately preceding any primary, general, or District-wide special election

(5) The voter registrations of individuals whose registrations are designated as inactive on the voter roll, pursuant to paragraph (2) of this subsection:

(A) Shall not be utilized in the calculation of the number of signatures required for qualification of candidate, initiative, referendum, and recall petitions;

(B) Shall not be counted as valid in the verification of signatures pursuant to §§ 1-1001.08(o), 1-1001.16(o), and 1-1001.17(k);

(C) Shall not be included where the Board is required:

(i) To provide lists of registered voters at the polls on election day or for public inspection;

(ii) To calculate or report the number of registered voters for an administrative purpose; or

(iii) For the issuance of information mailings; and

(D) Their names shall not be sold by the Board either in hard copy form or electronic media, except upon specific request of the purchaser and the fact that the registrations are designated as inactive is made known to the purchaser.

(k)(1) The Board shall cancel a voter registration upon receipt of a signed request from the registrant, upon notification of the death of a registrant, ~~upon notification of a registrant's incarceration for conviction of a felony~~, upon notification that the registrant has registered to vote in another jurisdiction, or for any other reason specifically authorized in this subchapter.

(2) The Board shall request at least monthly, and the Mayor shall furnish, the name, address, and date of birth, if known, of each District resident 18 years of age and over reported deceased within the District, together with the name and address of each District resident who has been reported deceased by other jurisdictions since the date of the previous report.

(3) The Board shall request at least monthly, and the Superior Court of the District of Columbia shall furnish, the name and address of each person incarcerated as a result of a felony conviction since the date of the previous report, and the former and present names and address of each person whose name has been changed by decree or order of the Court since the date of the previous report.

(4) The Board shall request from the United States District Court for the District of Columbia, at least monthly, the name and address of each person incarcerated as a result of a felony conviction since the date of the previous report.

(4A) At least monthly, the Board shall request from the Bureau of Prisons the name, location of incarceration, and contact information for each qualified elector in the Bureau of Prisons' care or custody.

(5) Any individual whose registration has been cancelled shall not be permitted to vote except by re-registration as provided in this section.

777 (l) Before May 1, 2010, the Board shall submit to the Council a report indicating the
778 feasibility of implementing automatic voter registration in the District.

779 (m)(1) ~~By October 1, 2017, the Board, in conjunction with the DMV, shall develop and~~
780 ~~implement electronic transmission of voter registration information from the DMV; The Board, in~~
781 ~~conjunction with each automatic voter registration agency, shall develop and implement electronic~~
782 ~~transmission of voter registration information from that automatic voter registration agency.~~

783 (2) Upon implementation of electronic transmission of voter registration
784 information required under paragraph (1) of this subsection, ~~the DMV~~ the automatic voter
785 registration agency shall transmit any eligible voter registration application to the Board no later
786 than 5 days after the date of the application's acceptance by ~~the DMV~~ the automatic voter
787 registration agency.

788 **Section 3**

789 **D.C. Official Code § 2-1515.04. Duties.**

790
791 The primary duties of the offices of the Department are to plan, program, operate, manage,
792 control, and maintain a juvenile justice system of care, rehabilitative service delivery, and security
793 that meets the treatment needs of youth within the juvenile justice system and that is in accordance
794 with national juvenile justice industry standards and best practices. These duties include:

795 (1) Providing services for committed and detained youth and PINS that balance the need
796 for rehabilitation and holding youth accountable for their actions in the context of public safety;

797 (2) Facilitating and enhancing intra-District coordination of services and supports for youth
798 in the juvenile justice system;

799 (3) Establishing and adopting best practices standards for the provision of residential,
800 restorative, and rehabilitative services to youth in the juvenile justice system consistent with the
801 standards of the American Correctional Association or those of another nationally accepted
802 accrediting body;

803 (4) Employing a cadre of juvenile justice professionals who are highly skilled and
804 experienced with the principles, goals, and the latest advancements of juvenile rehabilitation and
805 treatment provision;

806 (5) Establishing through contracts, provider agreements, human care agreements, grants,
807 memoranda of agreement or understanding, or other binding agreements a system of secure and
808 community-based facilities and rehabilitative services with governmental bodies, public and
809 private agencies, institutions, and organizations, for youth that will provide intervention,
810 individualized assessments, continuum of services, safety, and security;

811 (6) Establishing a system that constantly reviews a youth's individual strengths, needs, and
812 rehabilitative progress and ensures placement within a continuum of least restrictive settings
813 within secure facilities and the community;

814 (7) Assessing the risks and needs of youth, and determining and providing the services
815 needed for treatment for substance abuse and other services;

816 (8) Developing and maintaining a system with other governmental and private agencies to
817 identify, locate, and retrieve youth who are under the care, custody, or supervision of the
818 Department, who have absconded from an assigned secure governmental facility, or community
819 shelter home, group home, residential facility, or foster care placement;

(9) Developing and maintaining state-of-the-art systems to monitor accountability and to enhance performance for all Department programs, services, and facilities;

(10) Developing and maintaining an ongoing training program for employees that ensures continuous development of expertise in juvenile justice service delivery;

(11) Taking a leadership role in the provision of training and technical assistance to non-governmental juvenile justice service providers that fosters the development of high-quality, comprehensive, cost-effective, and culturally competent delinquency prevention and juvenile rehabilitative services for the youth and their families;

(12) Developing and maintaining a capital improvement, licensing, and regulating program that ensures governmental and private institutions maintain up-to-date residential facilities, group homes, and shelter facilities to serve the safety, the security, and the rehabilitative needs of youth in the juvenile justice system;

(13) Enforcing all laws, rules, regulations, court orders, policies, and procedures necessary and appropriate to accomplish the duties of the Department;

(14) Conducting a behavioral health screening and assessment as required in § 2-1215.04a;

(15) Within 180 days after December 13, 2017, developing a manual for families of juveniles residing in secure juvenile facilities that includes, at a minimum, information on the operation of the institution or facility as it relates to families of juveniles, information on government and community resources available for families of juveniles, and information and resources available for juveniles after leaving confinement;

(16) Evaluating the effectiveness of rehabilitative services by collecting any available information from other District agencies on the education, employment, criminal justice, or other outcomes of persons who are either currently committed to the Department or who were committed to the Department in the previous 3 years;

(17) Cooperating with the Criminal Justice Coordinating Council by sharing data and allowing access to individuals under 21 years of age, to the extent otherwise permissible under the law, for the purpose of preparing the report described in section § 22-4234(b-3); and

~~(18) In addition to any obligations imposed upon the Department due to its designation as a voter registration agency by § 1-1001.07(d)(1)(B), providing an oral and written notification to each youth of the right of an individual currently incarcerated or with a criminal record to vote in the District. In addition to any obligations imposed upon the Department due to its designation as a voter registration agency by section 7(d)(1)(B) of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 669; D.C. Official Code §§ 1-1001.07(d)(1)(B)):~~

~~(A) If a youth committed at the Department is a qualified elector, as that term is defined in section 2(2) in the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 669; D.C. Official Code § 1-1001.02(2)), registering the youth to vote, unless the youth indicates that they do not want to register; and~~

~~(B) Transmitting to the Board of Elections and the Council of the District of Columbia, on an annual basis, a report containing the number of youth the agency has registered to vote and the number of youth who declined to register to vote.~~

Section 4

D.C. Official Code § 24-211.02. Powers; promulgation of rules.

(a) Said Department of Corrections under the general direction and supervision of the Mayor of the District of Columbia shall have charge of the management and regulation of the Workhouse at Occoquan in the State of Virginia, the Reformatory at Lorton in the State of Virginia, and the Washington Asylum and Jail, and be responsible for the safekeeping, care, protection, instruction, and discipline of all persons committed to such institutions. The Department of Corrections with the approval of the Council of the District of Columbia shall have power to promulgate rules and regulations for the government of such institutions and to establish and conduct industries, farms, and other activities, to classify the inmates, and to provide for their proper treatment, care, rehabilitation, and reformation.

(a-1)(1) The Department of Corrections shall have charge of the management and operation of the Central Cellblock, located at 300 Indiana Avenue, N.W., Washington, D.C., and shall be responsible for the safekeeping, care, and protection of all persons detained at the Central Cellblock or detained at a medical facility in the District, by the Metropolitan Police Department, before their initial court appearance.

(2) Nothing in this subsection shall be construed as:

(A) Removing any authority from the Metropolitan Police Department to determine where to hold in custody any person arrested and awaiting an initial court appearance;

(B) Granting any arrest powers to any employee of the Department of Corrections performing any duty at the Central Cellblock; or

(C) Limiting any powers or authority of the Metropolitan Police Department or the Department of Corrections.

(b) The Department of Corrections shall:

(1) Provide access to the Central Detention Facility, upon request and appointment, to members of the Corrections Information Council, or their staff, agents, or designees, for the purposes of conducting:

(A) Inspections of all areas accessible to inmates; and

(B) Unmonitored interviews of inmates in areas open to inspection under subparagraph (A) of this paragraph;

(2) Provide to the Council on a quarterly basis all internal reports relating to living conditions in the Central Detention Facility, including inmate grievances, the Crystal report, the monthly report on the Priority One environmental problems and the time to repair, the monthly report of the Environmental Safety Office, the monthly report on temperature control and ventilation, and the monthly report on the jail population that includes the number of people waiting transfer to the federal Bureau of Prisons and the average number of days that inmates waited for transfer;

(3) Initiate and maintain regular afternoon and evening visiting hours at the Central Detention Facility for a minimum of 5 days a week, including Saturdays and Sundays;

(4) Develop and implement a classification system and corresponding housing plan for inmates at the Central Detention Facility;

(5) Return to an inmate, upon the inmate's release from the Central Detention Facility, any personal identification documents collected from the inmate, including driver's licenses, birth certificates, and Social Security cards; and

(6) Repealed.

(7) Repealed.

(8) Repealed.

(9) Cooperating with the Criminal Justice Coordinating Council by sharing data and allowing access to individuals under 21 years of age to the extent otherwise permissible under the law for the purpose of preparing the report described in § 22-4234(b-3); and

(10) Employ personnel whose sole responsibility shall be the civic engagement and enfranchisement of eligible individuals incarcerated in the Department of Corrections' care or custody, including those responsibilities in section 8 and designing and implementing a plan to facilitate voting for each election in the Central Detention Facility and Correctional Treatment Facility.

D.C. Official Code § 24-211.08. Voting Automatic voter registration and voter assistance and notifications to inmates incarcerated individuals in Department of Corrections custody.

(a) In addition to any obligations imposed upon the Department of Corrections ("Department") due to its designation as a voter registration agency by § 1-1001.07(d)(1)(B), the Department shall, ~~during the inmate intake process and again when an inmate exits the Department's custody:~~

(1) Determine whether an ~~inmate~~ incarcerated individual is a qualified elector, as that term is defined in § 1-1001.02(2);

(2) If the Department determines that an ~~inmate~~ incarcerated individual is a qualified elector, as that term is defined in § 1-1001.02(2), ~~but is not registered to vote, provide that inmate with a voter registration application~~ automatically register that incarcerated individual to vote pursuant to section 7(c) of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 669; D.C. Official Code § 1-1001.07(c)), unless the incarcerated individual indicates that they do not want to register; and

(3) Provide an oral and written notification to each ~~inmate~~ incarcerated individual of the right of an ~~individual currently incarcerated~~ incarcerated individual or with a criminal record to vote in the District.

(a-1) (1) The Department shall transmit to the District of Columbia Board of Elections the voter registration information of each applicant who did not decline to register to vote no later than 10 days after the date of its acceptance by the Department, except that if an application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the Board not later than 5 days after the date of its acceptance.

(2) The information submitted pursuant to paragraph (1) of this subsection shall contain the applicant's:

(A) Legal name;

(B) Date of birth;

(C) Residence;

(D) Mailing address;

(E) Previous voter registration address;

(F) DMV-issued identification number or social security number;

(G) Party affiliation (if any);

(H) Response as to whether the applicant would like information on serving as a poll worker in the next election; and

(I) Signature.

956 (b) The Department shall include information about the District voting rights of individuals
957 currently incarcerated or with a criminal record in its Inmate Handbook or other similar resource
958 provided to inmates.

959 (c) Beginning on April 26, 2019, and every 6 months thereafter, the Department shall
960 provide to the Office on Returning Citizen Affairs the names and contact information of inmates
961 incarcerated individuals released from its custody in the prior 6 months.

ATTACHMENT J

1 **Committee Print**
2 **B23-0324**
3 **Committee on the Judiciary & Public Safety**
4 **September 24, 2020**
5
6
7

8 A BILL
9

10 23-0324
11
12

13 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
14
15
16
17

18 To amend the District of Columbia Election Code of 1955 to allow District residents, who are
19 otherwise qualified, to vote while incarcerated for a felony conviction, to add the
20 Department of Corrections as an automatic voter registration agency, to require the Board
21 of Elections to provide every unregistered qualified elector in the Department of
22 Corrections' care or custody, and endeavor to provide to every unregistered qualified
23 elector in the Bureau of Prisons' care or custody, a voter registration form and postage-
24 paid return envelope and educational materials about the right to vote, to require the Board
25 of Elections to provide to every registered qualified elector in the Department of
26 Corrections' care or custody, and endeavor to provide to every registered qualified elector
27 in the Bureau of Prisons' care or custody, a voter guide, educational materials about the
28 right to vote, and an absentee ballot with a postage-paid return envelope, and to require the
29 Board of Elections and the Corrections Information Council, by July 1, 2021, and
30 biennially thereafter, to jointly submit a report to the Mayor and the Council; to amend the
31 Department of Youth Rehabilitation Services Establishment Act of 2004 to require the
32 Department of Youth Rehabilitation Services to register to vote any committed youth who
33 is a qualified elector, unless the youth opts out, and annually transmit to the Board of
34 Elections and the Council a report including the number of youth who registered to vote
35 and the number of youth who declined to register to vote; and to amend An Act To create
36 a Department of Corrections in the District of Columbia to require the Department of
37 Corrections to employ personnel whose sole responsibility is the civic engagement and
38 enfranchisement of eligible individuals in its care or custody, to require the Department of
39 Corrections to automatically register to vote individuals who are qualified electors, unless
40 an individual opts out, and to require the Department of Corrections to transmit to the Board
41 of Elections the voter registration information of each incarcerated individual who did not
42 decline to register to vote.
43

44 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
45 act may be cited as the "Restore the Vote Amendment Act of 2020".

Sec. 2. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 669; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 1-1001.02) is amended as follows:

(1) Paragraph (2) is amended as follows:

(A) Subparagraph (C) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(B) Subparagraph (D) is repealed.

(2) New paragraphs (32) and (33) are added to read as follows:

“(32) The term “DOC” means the Department of Corrections.

“(33) The term “automatic voter registration agency” means an agency designated under section 7(c)(1) to automatically register qualified electors to vote.”.

(b) Section 5(a) (D.C. Official Code § 1-1001.05(a)) is amended by adding a new paragraph (9B) to read as follows:

“(9B) Before any upcoming voter registration or absentee ballot deadlines and with reasonable time for qualified electors to return materials to the Board:

“(A) Provide to every unregistered qualified elector in the Department of Corrections’ care or custody and endeavor to provide to every unregistered qualified elector in the Bureau of Prisons’ care or custody:

“(i) A voter registration form and postage-paid return envelope; and

“(ii) Lay-friendly educational materials about the importance of voting and the right of an individual currently incarcerated or with a criminal record to vote in the District; and

68 “(B) Provide to every registered qualified elector in the Department of
69 Corrections’ care or custody and endeavor to provide to every registered qualified elector in the
70 Bureau of Prisons’ care or custody:

71 “(i) A voter guide;

72 “(ii) Lay-friendly educational materials about the importance of
73 voting and the right of an individual currently incarcerated or with a criminal record to vote in the
74 District; and

75 “(iii) Without first requiring an absentee ballot application to be
76 submitted, an absentee ballot and postage-paid return envelope;”.

77 (2) A new subsection (m) is added to read as follows:

78 “(m) By July 1, 2021, and biennially thereafter, the Board and the Corrections Information
79 Council, established by section 11201a of the National Capital Revitalization and Self-
80 Government Improvement Act of 1997, effective October 2, 2010 (D.C. Law 18-233; D.C. Official
81 Code § 24-101.01), shall jointly submit a report to the Mayor and Council on the Restore the Vote
82 Amendment Act of 2020, as approved by the Committee on the Judiciary and Public Safety on
83 September 24, 2020 (Committee print of Bill 23-0324) (“Act”), including:

84 “(1) The number of incarcerated qualified electors registered since the Act’s
85 applicability date, or, beginning in the July 1, 2023 report, since the date of the previous report;

86 “(2) The number of incarcerated registered qualified electors who voted, for each
87 election held since the Act’s applicability date or, beginning in the July 1, 2023 report, since the
88 date of the previous report;

89 “(3) An analysis of the Act’s implementation and any identifiable challenges; and

90 “(4) Any policy or legislative recommendations to ensure that all incarcerated
91 qualified electors have a meaningful opportunity to register and vote.”.

92 (c) Section 7 (D.C. Official Code § 1–1001.07) is amended as follows:

93 (1) Subsection (a) is amended as follows:

94 (A) The lead-in language is amended by striking the phrase “unless.” and
95 inserting the phrase “unless the person.” in its place.

96 (B) Paragraph (1) is amended by striking the phrase “He or she meets the
97 qualifications” and inserting the phrase “Meets the qualifications” in its place.

98 (C) Paragraph (2) is amended to read as follows:

99 “(2)(A) Executes an application to register to vote by signature or mark (unless
100 prevented by physical disability) on a form approved pursuant to subsection (b) of this section or
101 by the Election Assistance Commission attesting that the person meets the requirements of a
102 qualified elector, and if the person desires to vote in party elections, indicating the person’s
103 political party affiliation; or

104 “(B) Automatically registers pursuant to subsection (c) of this section; and”.

105 (D) Paragraph (3) is amended by striking the phrase “his or her” and
106 inserting the phrase “the person’s” in its place.

107 (2) Subsection (b) is amended as follows:

108 (A) Paragraph (2A) is amended by striking the phrase “No later than 180
109 days following the effective date of the Voter Registration Access and Modernization Amendment
110 Act of 2014, passed on 2nd reading on September 23, 2014 (Enrolled version of Bill 20-264), the
111 Board” and inserting the phrase “The Board” in its place.

(B) Paragraph (4) is amended by striking the phrase “indicate his or her interest” and inserting the phrase “indicate the applicant’s interest” in its place.

(3) Subsection (c) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

“(1)(A) The following shall be automatic voter registration agencies, although the Board may designate additional automatic voter registration agencies by rulemaking:

“(i) DMV; and

“(ii) DOC.

“(B) Unless the applicant indicates that the applicant does not want to register to vote:

“(i) Each DMV application for a DMV-issued driver's license (including any renewal application) or nondriver's identification card shall automatically serve as an application to register to vote or update the applicant’s voter registration information; and

“(ii) DOC shall automatically register each qualified elector in its care or custody in the Central Detention Facility or Correctional Treatment Facility to vote.

“(C) Each automatic voter registration agency and the Board shall jointly develop an application that captures:

“(i) If the automatic voter registration agency is the DMV, the necessary information for the issuance, renewal, or correction of the applicant's driver's license or nondriver's identification card; and

“(ii) The applicant’s:

“(I) Mailing address, if mail is not received at the residence address;

135 “(II) Citizenship;

136 “(III) Choice of party affiliation (if any);

137 “(IV) Last address of voter registration (if known);

138 “(V) Whether the applicant would like information on

139 serving as an election worker in the next election;

140 “(VI) Under penalty of perjury, an attestation that sets forth

141 the requirements for voter registration and states that the applicant meets each of those

142 requirements; and

143 “(VII) Ability to decline to register to vote, or, if already

144 registered in the District, ability to decline to update the applicant’s voter registration.

145 “(D) For each applicant who did not decline to register to vote or update the

146 applicant’s voter registration information under subparagraph (B) of this paragraph and stated that

147 the applicant is a citizen of the United States, the automatic voter registration agency shall provide

148 to the Board electronic records containing the applicant's:

149 “(i) Legal name;

150 “(ii) Date of birth;

151 “(iii) Residence;

152 “(iv) Mailing address;

153 “(v) Previous voter registration address;

154 “(vi) DMV-issued identification number or social security number;

155 “(vii) Party affiliation (if any);

156 “(viii) Response as to whether the applicant would like information

157 on serving as a poll worker in the next election;

158 “(ix) Citizenship information; and

159 “(x) Electronic signature.

160 “(E) An application for voter registration submitted pursuant to this
161 subsection shall be considered as an update to any previous voter registration.

162 “(F) Any application for the purpose of a change of address or name
163 submitted pursuant to this subsection shall be considered notification to the Board of the change
164 of address or name unless the applicant states on the application that the change of address or name
165 is not for voter registration purposes.

166 “(G) The instructions on the application shall also include a statement that:

167 “(i) If an applicant declines to register to vote, the fact that the
168 applicant has declined to register will remain confidential and will be used only for voter
169 registration purposes; and

170 “(ii) If an applicant does register to vote, the automatic voter
171 registration agency at which the applicant submits a voter registration application will remain
172 confidential and will be used only for voter registration purposes.

173 “(H) The deadline for transmission of the voter registration information to
174 the Board shall be not later than 10 days after the date of acceptance of the application by the
175 automatic voter registration agency, except that if an application is accepted within 5 days before
176 the last day for registration to vote in an election, the application shall be transmitted to the Board
177 not later than 5 days after the date of its acceptance.

178 “(I)(i) An application shall be considered received by the Board pursuant to
179 subsection (e) of this section on the date it was accepted by the automatic voter registration agency.

180 “(ii) The Board shall consider an application that the automatic voter
181 registration agency accepted for the purposes of voter registration on or before the voter
182 registration deadline as timely received.

183 “(J) Any form issued by mail for the purposes of correcting or updating a
184 driver’s permit or nondriver’s identification card shall be designed so that the individual may
185 decline to correct or update the individual's address or name for voter registration purposes and
186 provide a mailing address, if mail is not received at the residence address.

187 “(K) The Board and each automatic voter registration agency shall match
188 information in their respective databases to enable each agency to verify the accuracy of the
189 information on applications for voter registration.

190 “(L) Except as provided in this subsection, any citizenship information
191 provided by an applicant for voter registration purposes shall not be otherwise retained, used, or
192 shared by the automatic voter registration agency.”.

193 (B) Paragraph (3)(B) is amended by striking the phrase “he or she” and
194 inserting the phrase “the person” in its place.

195 (4) Subsection (d)(1)(B) is amended by striking the phrase “Department of Youth
196 and Rehabilitative Services” and inserting the phrase “Department of Youth Rehabilitation
197 Services” in its place.

198 (5) Subsection (e) is amended as follows:

199 (A) Paragraph (1) is amended by striking the phrase “the DMV” and
200 inserting the phrase “an automatic voter registration agency” in its place.

201 (B) Paragraph (2) is amended as follows:

202 (i) Subparagraph (A) is amended by striking the phrase “her or his”
203 and inserting the phrase “the applicant’s” in its place.

204 (ii) Subparagraph (B) is amended by striking the phrase “the DMV”
205 and inserting the phrase “an automatic voter registration agency” in its place.

206 (C) Paragraph (3) is amended by striking the phrase “his or her” and
207 inserting the phrase “the voter’s” in its place.

208 (D) Paragraph (5)(A) is amended by striking the phrase “he or she” both
209 times it appears and inserting the phrase “the voter” in its place.

210 (6) Subsection (g) is amended by striking the phrase “his or her” both times it
211 appears and inserting the phrase “the qualified elector’s” in its place.

212 (7) Subsection (i) is amended as follows:

213 (A) Paragraph (1) is amended by striking the phrase “he or she” both times
214 it appears and inserting the phrase “the person” in its place.

215 (B) Paragraph (2) is amended by striking the phrase “his or her” both times
216 it appears and inserting the phrase “the registered voter’s” in its place.

217 (C) Paragraph (3) is amended by striking the phrase “his or her” and
218 inserting the phrase “the registered voter’s” in its place.

219 (D) Paragraph (4) is amended by striking the phrase “his or her” and
220 inserting the phrase “the registered voter’s” in its place.

221 (E) Paragraph (5)(B) is amended by striking the phrase “Corporation
222 Counsel” and inserting the phrase “Attorney General” in its place.

223 (8) Subsection (j) is amended by striking the phrase “his or her” both times it
224 appears and inserting the phrase “the registrant’s” in its place.

225 (9) Subsection (k) is amended as follows:

226 (A) Paragraph (1) is amended by striking the phrase “registrant, upon
227 notification of a registrant’s incarceration for a conviction of a felony” and inserting the word
228 “registrant” in its place.

229 (B) A new paragraph (4A) is added to read as follows:

230 “(4A) At least monthly, the Board shall request from the Bureau of Prisons the
231 name, location of incarceration, and contact information for each qualified elector in the Bureau
232 of Prisons’ care or custody.”.

233 (10) Subsection (m) is amended as follows:

234 (A) Paragraph (1) is amended to read as follows:

235 “(1) The Board, in conjunction with each automatic voter registration agency, shall
236 develop and implement electronic transmission of voter registration information from that
237 automatic voter registration agency.”.

238 (B) Paragraph (2) is amended by striking the phrase “the DMV” both times
239 it appears and inserting the phrase “the automatic voter registration agency” in its place.

240 Sec. 3. Section 104(18) of the Department of Youth Rehabilitation Services Establishment
241 Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.04(18)), is
242 amended to read as follows:

243 “(18) In addition to any obligations imposed upon the Department due to its
244 designation as a voter registration agency by section 7(d)(1)(B) of the District of Columbia
245 Election Code of 1955, approved August 12, 1955 (69 Stat. 700; D.C. Official Code § 1-
246 1001.07(d)(1)(B)):

247 “(A) If a youth committed at the Department is a qualified elector, as that
248 term is defined in section 2(2) in the District of Columbia Election Code of 1955, approved August
249 12, 1955 (69 Stat. 669; D.C. Official Code § 1-1001.02(2)), registering the youth to vote, unless
250 the youth indicates that they do not want to register; and

251 “(B) Transmitting to the Board of Elections and the Council of the District
252 of Columbia, on an annual basis, a report containing the number of youth the agency has registered
253 to vote and the number of youth who declined to register to vote.”.

254 Sec. 4. An Act To create a Department of Corrections in the District of Columbia, approved
255 June 27, 1946 (60 Stat. 320; D.C. Official Code § 24-211.01 *et seq.*), is amended as follows:

256 (a) Section 2(b) (D.C. Official Code § 24-211.02(b)) is amended as follows:

257 (1) Paragraph (5) is amended by striking the phrase “; and” and inserting a
258 semicolon in its place.

259 (2) Paragraph (9) is amended by striking the period and inserting the phrase “; and”
260 in its place.

261 (3) A new paragraph (10) is added to read as follows:

262 “(10) Employ personnel whose sole responsibility shall be the civic engagement
263 and enfranchisement of eligible individuals incarcerated in the Department of Corrections’ care or
264 custody, including those responsibilities in section 8 and designing and implementing a plan to
265 facilitate voting for each election in the Central Detention Facility and Correctional Treatment
266 Facility.”.

267 (b) Section 8 (D.C. Official Code § 24-211.08) is amended as follows:

(1) The section heading is amended by striking the phrase “Voting assistance and notifications to inmates” and inserting the phrase “Automatic voter registration and voter assistance and notification to incarcerated individuals” in its place.

(2) Subsection (a) is amended as follows:

(A) The lead-in language is amended by striking the phrase “shall, during the inmate intake process and again when an inmate exits the Department’s custody:” and inserting the phrase “shall:” in its place.

(B) Paragraph (1) is amended by striking the phrase “an inmate” and inserting the phrase “an incarcerated individual” in its place.

(C) Paragraph (2) is amended by striking the phrase “an inmate is a qualified elector, as that term is defined in section 2(2) of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 669; D.C. Official Code § 1-1001.02(2)), but is not registered to vote, provide that inmate with a voter registration application” and inserting the phrase “an incarcerated individual is a qualified elector, as that term is defined in section 2(2) in the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 669; D.C. Official Code § 1-1001.02(2)), automatically register that incarcerated individual to vote pursuant to section 7(c)(1) of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 669; D.C. Official Code § 1-1001.07(c)(1)), unless the incarcerated individual indicates that they do not want to register” in its place.

(D) Paragraph (3) is amended by striking the phrase “each inmate of the right of an individual currently incarcerated” and inserting the phrase “each incarcerated individual of the right of an incarcerated individual” in its place.

(3) A new subsection (a-1) is added to read as follows:

291 “(a-1)(1) The Department shall transmit to the District of Columbia Board of Elections the
292 voter registration information of each applicant who did not decline to register to vote no later than
293 10 days after the date of its acceptance by the Department, except that if an application is accepted
294 within 5 days before the last day for registration to vote in an election, the application shall be
295 transmitted to the Board not later than 5 days after the date of its acceptance.

296 “(2) The information submitted pursuant to paragraph (1) of this subsection shall
297 contain the applicant’s:

- 298 “(A) Legal name;
- 299 “(B) Date of birth;
- 300 “(C) Residence;
- 301 “(D) Mailing address;
- 302 “(E) Previous voter registration address;
- 303 “(F) DMV-issued identification number or social security number;
- 304 “(G) Party affiliation (if any);
- 305 “(H) Response as to whether the applicant would like information on
306 serving as a poll worker in the next election; and
- 307 “(I) Signature.”

308 (4) Subsection (c) is amended by striking the phrase “of inmates” and inserting the
309 phrase “of incarcerated individuals” in its place.

310 Sec. 5. Applicability.

311 (a) Section 4 of this act shall apply upon the date of inclusion of its fiscal effect in an
312 approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of the provision identified in subsection (a) of this section.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.