

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To 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, to add the Department of Corrections as an automatic voter registration agency, to require the District of Columbia Board of Elections to provide 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, a voter registration form and postage-paid return envelope and educational materials about the right to vote, to require the District of Columbia Board of Elections to 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, a voter guide, educational materials about the right to vote, and an absentee ballot with a postage-paid return envelope, and to require the District of Columbia Board of Elections and the Corrections Information Council, by July 1, 2021, and biennially thereafter, to jointly submit a report to the Mayor and the Council; to amend the Department of Youth Rehabilitation Services Establishment Act of 2004 to require the Department of Youth Rehabilitation Services to register to vote any committed youth who is a qualified elector, unless the youth opts out, and annually transmit to the District of Columbia 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; and to amend An Act To create a Department of Corrections in the District of Columbia to require the Department of Corrections to employ personnel whose sole responsibility is the civic engagement and enfranchisement of eligible individuals in its care or custody, to require the Department of Corrections to automatically register to vote individuals who are qualified electors, unless an individual opts out, and to require the Department of Corrections to transmit to the District of Columbia Board of Elections the voter registration information of each incarcerated individual who did not decline to register to vote.

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

(1) Subsection (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

“(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;”

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

“(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, passed on 2nd reading on October 20, 2020 (Enrolled version of Bill 23-324) (“Act”), including:

“(1) The number of incarcerated qualified electors registered since the Act’s effective 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 effective 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.”.

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

(1) Subsection (a) is amended as follows:

(A) The lead-in language is amended by striking the phrase “unless:” and inserting the phrase “unless the person:” in its place.

(B) Paragraph (1) is amended by striking the phrase “He or she meets the qualifications” and inserting the phrase “Meets the qualifications” in its place.

(C) Paragraph (2) is amended to read as follows:

“(2)(A) 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 the person meets the requirements of a qualified elector, and if the person desires to vote in party elections, indicating the person’s political party affiliation; or

“(B) Automatically registers pursuant to subsection (c) of this section; and”.

(D) Paragraph (3) is amended by striking the phrase “his or her” and inserting the phrase “the person’s” in its place.

(2) Subsection (b) is amended as follows:

(A) Paragraph (2A) is amended by striking the phrase “No later than 180 days following the effective date of the Voter Registration Access and Modernization Amendment Act of 2014, passed on 2nd reading on September 23, 2014 (Enrolled version of Bill 20-264), the 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;

“(II) Citizenship;

“(III) Choice of party affiliation (if any);

“(IV) Last address of voter registration (if known);

“(V) Whether the applicant would like information on serving as an election worker in the next election;

“(VI) 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) Ability to decline to register to vote, or, if already registered in the District, ability to decline to update the applicant's voter registration.

“(D) For each applicant who did not decline to register to vote or update the applicant's voter registration information under subparagraph (B) of this paragraph and stated that the applicant is a citizen of the United States, the automatic voter registration agency 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 (if any);

“(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.

“(E) An application for voter registration submitted pursuant to this subsection shall be considered as an update to any previous voter registration.

“(F) Any application for the purpose of a change of address or name submitted pursuant to this subsection shall be considered notification to the Board of the change of address or name unless the applicant states on the application that the change of address or name is not for voter registration purposes.

“(G) The instructions on the application shall also include a statement that:

“(i) If an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

“(ii) If an applicant does register to vote, the automatic voter registration agency at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

“(H) The deadline for transmission of the voter registration information to 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.”.

(B) Paragraph (3)(B) is amended by striking the phrase “he or she” and inserting the phrase “the person” in its place.

(4) Subsection (d)(1)(B) is amended by striking the phrase “Department of Youth and Rehabilitative Services” and inserting the phrase “Department of Youth Rehabilitation Services” in its place.

(5) Subsection (e) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase “the DMV” and inserting the phrase “an automatic voter registration agency” in its place.

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(B) Paragraph (2) is amended as follows:

(i) Subparagraph (A) is amended by striking the phrase “her or his” and inserting the phrase “the applicant’s” in its place.

(ii) Subparagraph (B) is amended by striking the phrase “the DMV” and inserting the phrase “an automatic voter registration agency” in its place.

(C) Paragraph (3) is amended by striking the phrase “his or her” and inserting the phrase “the voter’s” in its place.

(D) Paragraph (5)(A) is amended by striking the phrase “he or she” both times it appears and inserting the phrase “the voter” in its place.

(6) Subsection (g) is amended by striking the phrase “his or her” both times it appears and inserting the phrase “the qualified elector’s” in its place.

(7) Subsection (i) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase “he or she” both times it appears and inserting the phrase “the person” in its place.

(B) Paragraph (2) is amended by striking the phrase “his or her” both times it appears and inserting the phrase “the registered voter’s” in its place.

(C) Paragraph (3) is amended by striking the phrase “his or her” and inserting the phrase “the registered voter’s” in its place.

(D) Paragraph (4) is amended by striking the phrase “his or her” and inserting the phrase “the registered voter’s” in its place.

(E) Paragraph (5)(B) is amended by striking the phrase “Corporation Counsel” and inserting the phrase “Attorney General” in its place.

(8) Subsection (j) is amended by striking the phrase “his or her” both times it appears and inserting the phrase “the registrant’s” in its place.

(9) Subsection (k) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase “registrant, upon notification of a registrant’s incarceration for a conviction of a felony” and inserting the word “registrant” in its place.

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

“(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.”.

(10) Subsection (m) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

“(1) The Board, in conjunction with each automatic voter registration agency, shall develop and implement electronic transmission of voter registration information from that automatic voter registration agency.”.

(B) Paragraph (2) is amended by striking the phrase “the DMV” both times it appears and inserting the phrase “the automatic voter registration agency” in its place.

Sec. 3. Section 104(18) of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.04(18)), is amended to read as follows:

“(18) 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. 700; 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.”.

Sec. 4. 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.*), is amended as follows:

(a) Section 2(b) (D.C. Official Code § 24-211.02(b)) is amended as follows:

(1) Paragraph (5) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Paragraph (9) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph (10) is added to read as follows:

“(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.”.

(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:

“(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.”

(4) Subsection (c) is amended by striking the phrase “of inmates” and inserting the phrase “of incarcerated individuals” in its place.

Sec. 5. Applicability.

(a) Section 4 of this act shall apply upon the date of inclusion of its fiscal effect in an 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.

Chairman
Council of the District of Columbia

Mayor
District of Columbia