

Restore the Vote Overview

D.C. Official Code §1-1001.05 (m) mandates that the Board and the Corrections Information Council (CIC) provide, on a biennial basis, a report to the Mayor and Council on the Restore the Vote Amendment Act (Act) of 2020. Specifically, the Act requires reporting on the following:

- (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.

Accordingly, the Board and CIC developed a detailed joint report, which will be provided by the CIC. That said, what follows is an abridged version covering the period through the November 8, 2022 General Election.

The Act extends voting rights to persons who are incarcerated for felony convictions. Because persons from DC who are incarcerated for a felony conviction are confined in the Federal Bureau of Prisons (BOP), implementation requires coordination with the BOP, as well as the DOC. Coordination with each agencies occurs in very different forms.

The following illustrates the number of DC residents who registered and voted in each election:

Registered to vote:

2020 General Election:	DOC unknown	BOP 562
2022 Primary Election:	DOC 405	BOP 824
2022 General Election	DOC 767	BOP 920

Voted:

2020 General Election:	DOC 333	BOP 264
2022 Primary Election:	DOC 218	BOP 257
2022 General Election:	DOC 241	BOP 403

Of the 218 persons who voted in the 2022 Primary Election at the DOC, 132 votes were cast in person; 86 were handed in at the polling place or received via the mail. Thirty-two persons at DOC voted immediately after using same-day registration.

Of the 241 persons who voted in the 2022 General Election at the DOC, 76 votes were cast in person; 165 were handed in at the polling place or received via the mail. Three persons at DOC voted immediately after using same-day registration.

The Act requires that the DOC become an automatic voter registration agency. The DOC has implemented a process to provide each qualified elector an opportunity to register. As part of intake, staff check if the resident: 1) was given a voter registration application to complete, 2) states they are currently registered, 3) refused to register or 4) is not eligible to vote. Case management staff follows up with additional opportunities to register. Completed voter registration forms are then scanned and emailed to the BOE. This process provides the BOE with all the necessary information to successfully register qualified electors. Education materials are also uploaded onto the DOC tablets. In addition to

the DOC's efforts, staffs from BOE, CIC, and advocacy groups provided in-person outreach in an effort to improve general election knowledge and increase registrations.

All registered voters in the DOC received a mail ballot for each election. For the 2022 elections, vote centers were set up at the DOC to allow two days of in-person early voting. During the 2022 Primary Election, vote centers were staffed by BOE employees. During the 2022 General Election, the Board employed 16 incarcerated residents to work certain positions with the aim of providing a higher level of exposure and understanding of the election process.

Registration and outreach efforts in the BOP occurred entirely via the mail and email. The BOP is unable to provide lists of DC resident names and locations due to privacy regulations. As a remedy, the BOP provides the Board a list with the number of DC residents in each facility. Subsequently, the Board mailed packets of educational and voter registration materials to each facility for distribution by staff to the impacted residents. Communication with those unknown to the Board is also attempted via email through a system called Trulincs. Both forms of outreach have challenges. If no response is received, there is no reasonable method to ensure the messages are read by the intended audience. Additionally, not all residents have access to Trulincs at all times. While direct mailings also do not provide proof the message is received, it would likely prove more effective, thus the BOE has requested the BOP continue to seek a remedy to allow them to provide lists of DC residents and their locations.

The Board also assisted the BOP with the development of voter rights lesson plans for its admissions and release orientation programs. Each facility maintains its own admissions handbook, although not all handbooks contain the necessary information as of this writing. Also, the BOP is still in the process of implementing a standardized release program, so the lesson plans are not yet available in all locations. The BOP is currently working on both issues.

All registered qualified electors in the BOP were sent a mail ballot for each of the elections covered by this report. The BOP considers ballots legal mail, thus affording an extra measure of accountability. Legal mail is logged, hand delivered, and opened only in the presence of the addressee. Feedback from DC residents in the BOP revealed the use of the legal mail process was inconsistent. Also, several residents in the BOP contacted the Board stating they either did not receive their ballot or it was received too late to be counted. A second ballot was mailed to those residents who alerted the Board. When unused ballots were returned to the Board as undeliverable, the Board verified the location of residents in the BOP using the on-line inmate locator tool and re-mailed ballots. The Board is unable to track the final delivery of ballots; however, this limitation exists for all mailed ballots, not just those sent to correctional facilities. The Board analyzed the number of those registered and voted in each facility and discovered results ranging from zero to 100 percent participation. The data was shared with the BOP in an effort to highlight facilities where ballots may not have been properly delivered and pinpoint possible areas of concern.

The largest challenges surround difficulties with locating and communicating with incarcerated DC residents in the BOP. Locating residents that transferred facilities also proved challenging. To address these issues, the DC Council passed the Elections Modernization Act of 2021, currently under the 60-day review process by Congress, with the following provisions: One, the Board may use reliable information obtained from the DOC or the BOP to update the address information of incarcerated voters. And two, at least monthly, at the request of the Board, the DOC shall provide the Board with the name and date of birth of each person transferred from the DOC to the BOP. Many issues will likely be resolved if the BOP is able to provide detailed lists of DC residents and their location; however, the Board will continue to explore additional ways to overcome this obstacle.