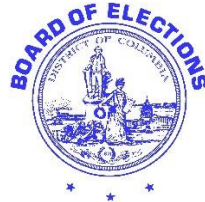


**District of Columbia  
Corrections Information Council  
And  
Board of Elections**



**Thematic Report**

**Implementation of the Restore the Vote  
Amendment Act of 2020**

**March 8, 2023**



## District of Columbia Corrections Information Council

Charles Thornton, Board Chair  
Katharine A. Huffman, Board Member  
Nkechi Taifa, Board Member

### *About the District of Columbia Corrections Information Council*

The District of Columbia Corrections Information Council (CIC) is an independent oversight body mandated by the United States Congress and the Council of the District of Columbia to inspect, monitor, and report on the conditions of confinement in correctional facilities where residents from the District of Columbia are incarcerated. This includes facilities operated by the Federal Bureau of Prisons (BOP), the District of Columbia Department of Corrections (DOC), and private contractors.

The CIC reports its observations and recommendations to the District of Columbia Representative in the United States Congress, the Mayor of the District of Columbia, the Council of the District of Columbia, the District of Columbia Deputy Mayor for Public Safety and Justice, the Director of the BOP, the Director of the DOC, and the community.

Although the CIC does not handle individual complaints or provide legal representation or advice, individuals are still encouraged to contact the CIC. Reports, concerns, and general information from incarcerated DC residents and the public are very important to the CIC, and they greatly inform our inspection schedule, recommendations, and reports. However, unless expressly permitted by the individuals or required by law, names and identifying information of residents, corrections staff not in leadership, and members of the general public will be kept anonymous and confidential.

### **DC Corrections Information Council**

1400 Eye Street NW – Suite 400  
Washington, DC 20005  
Phone: (202) 478-9211  
Email: [dccic@dc.gov](mailto:dccic@dc.gov)  
Website: <https://cic.dc.gov/>



## District of Columbia Board of Elections

Monica Holman Evans, Executive Director

### *About the District of Columbia Board of Elections*

The District of Columbia Board of Elections (BOARD) is the independent agency of the District of Columbia government responsible for the administration of elections, ballot access, and voter registration. The Board consists of three active Board members, an Executive Director, a General Counsel, and other staff who run the day-to-day operations of the Agency.

The Board is established under §3 of the District of Columbia Election Act, approved August 12, 1955 (69 Stat. 699; DC Code §1-1001.01 et seq.). The Board is vested with authority to administer and enforce the provisions of the District of Columbia Election Act, as amended, and the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 446; as codified in DC Code §1-1101.01 et seq. (1981).

The Board's mission is to enfranchise eligible residents, conduct elections, and assure the integrity of the electoral process. This mission, mandated by federal and local statutes, is executed through:

- The operation of the District of Columbia's voter registration system
- Administration of the ballot access process for candidates and measures
- The delivery of comprehensive public, media, and voter information services
- Maintenance of technical systems to support voting and ballot tabulation
- The planning and implementation of each District of Columbia election
- The performance of legal counsel, rulemaking, and adjudication functions

District of Columbia Board of Elections

1015 Half Street, SE, Suite 750

Washington, DC 20003

Phone: (202) 727-2525

Email: [director@dcboe.org](mailto:director@dcboe.org)

Website: <https://dcboe.org>

## Table of Contents

Introduction.....	5
Background.....	5
Data Requested .....	6
The DC Department of Corrections (DOC).....	6
Voter Registration.....	6
I. Successes.....	6
ii. Challenges.....	7
iii. Recommendations.....	7
Voting .....	8
i.Successes.....	8
ii. Challenges.....	8
iii. Recommendations.....	8
The Federal Bureau of Prisons (BOP) .....	9
Voter Registration.....	9
i. Successes .....	9
ii. Challenges.....	9
iii. Recommendations.....	10
Voting .....	10
i. Successes .....	10
ii. Challenges.....	11
iii. Recommendations.....	11
Changes/Clarifications to the Restore the Vote Amendment Act.....	11
Recommendations.....	11

# Introduction

---

D.C. Official Code §1-1001.05 (m) mandates that the Board of Elections (“the Board” ) and the Corrections Information Council (“the DC CIC”) provide, on a biennial basis, a report to the Mayor and Council on the [Restore the Vote Amendment Act of 2020](#)<sup>1</sup> ("the Act"), including:

- (1) The number of incarcerated qualified electors registered since [April 27, 2021], 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 [April 27, 2021] 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 the DC CIC present this report, which covers the period from the November 3, 2020 General Election through the November 8, 2022 General Election.

## Background

The Act extends voting rights to people who are incarcerated for felony convictions. The Act also requires that the DC Department of Corrections (DOC) become an automatic voter registration agency. Because people from DC who are incarcerated for a felony conviction are confined in the Federal Bureau of Prisons (BOP), implementation of the Act requires coordination with the BOP and the DOC.

The DC Council also passed the Elections Modernization Act of 2022<sup>2</sup> (EMA) which is currently under the 60-day review process by Congress. Certain provisions in the EMA will impact the Restore the Vote Amendment Act. Specifically, under the EMA:

- a. The Board may use reliable information obtained from the Department of Corrections or the Federal Bureau of Prisons to update the address information of incarcerated voters.
- b. At least monthly, at the request of the Board, the Department of Corrections shall provide the Board with the name and date of birth of each person transferred from the Department of Corrections to the Bureau of Prisons.
- c. The DOC shall provide residents with information that shall discuss the importance of and process for keeping voter registration information, including their residence address, current, including upon transfer or release from Department custody.

---

<sup>1</sup> DC Law 23-277 Restore the Vote Amendment Act of 2020 [Restore the Vote Amendment Act of 2020](#)

<sup>2</sup> [B507 | District of Columbia 2021-2022 | Elections Modernization Amendment Act of 2021 | TrackBill](#)

CIC: 1400 I Street NW – Suite 400, Washington, DC 20005 | 202.478.9211 | [dccic@dc.gov](mailto:dccic@dc.gov) | [www.cic.dc.gov](http://www.cic.dc.gov)

BOE:1015 Half Street, SE, Suite 750, Washington DC 20003 202.727.2525 [director@dcboe.org](mailto:director@dcboe.org) [www.dcboe.org](http://www.dcboe.org)

## Data on registrations and voting in DOC and BOP

	Number Registered to vote in DOC	Number registered to vote in BOP
General Election November 2020	data not collected <sup>3</sup>	562
Primary Election June 2022 <sup>4</sup>	405 <sup>5</sup>	824 <sup>6</sup>
General Election November 2022	767	920

	Number voted in DOC	Number voted in BOP
General Election November 2020	333	264
Primary Election June 2022	218	257 <sup>7</sup>
General Election November 2022	241	403

Of the 218 people who voted in the June 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<sup>8</sup>. Thirty-two people at the 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 DC Department of Corrections (DOC)

---

### Voter Registration

#### *i. Successes*

The DOC has years of experience registering people held pre-trial and on misdemeanor charges. This background served as the groundwork for the implementation of the Act. While an ongoing process,

<sup>3</sup> Data collection system for DOC was created and implemented in March 2022.

<sup>4</sup> Under the District of Columbia’s closed primary system, only those voters registered with one of the major political parties (Democratic, Republican, Libertarian, and D.C. Statehood Green) may vote in that party’s primary election to determine that party’s candidates in the general election. All registrants are eligible to vote in a general election; therefore, there are more eligible voters for general elections. Note, the Libertarian party lost its major party status because candidates received too few votes during the 2022 General Election.

<sup>5</sup> The Board found some residents in the DOC who are registered and voted using their home address rather than the residential or mailing address of 1901 D or E Streets. As a result, it is not possible to provide an absolutely accurate number. Additionally, forty-eight (48) of the electors registered as unaffiliated and were therefore appropriately not mailed a ballot for the primary. They were mailed a ballot for the general election in November 2022.

<sup>6</sup> Eighty-three (83) of the electors registered as “unaffiliated”; therefore, they were appropriately not mailed a ballot for the primary. They were mailed a ballot for the general election in November 2022.

<sup>7</sup> The Board provided the DC CIC with a breakdown of registered voters and number of voters by BOP facility to determine the level of voting at each institution. Inconsistencies were noted, which may be informative regarding residents’ access to information, registration materials, and/or ballots.

<sup>8</sup> All eligible voters were sent a mail ballot with the option of mailing it to the Board of Elections, placing it in a drop box, or bringing it to a vote center during early voting or on election day. Residents in the DOC may either mail back the ballot or bring it to the vote center on the days it is operating within the DOC. Ballots that are handed in at a DOC vote center are considered mail ballots for statistical purposes.

voter registration began in earnest in early spring 2022 and continued until the November 2022 General Election. In addition to staff from the Board and the DOC conducting voter registration, volunteers from several advocacy organizations assisted residents as they completed voter registration forms. The in-person registration process allowed residents the opportunity to ask questions about the voting process.

As required by the Act, the DOC established the role of Lead Voting Coordinator (LVC). The LVC worked collaboratively with Board staff to ensure that voter registration forms were distributed and fully completed, and that voter educational materials were available. The LVC and other DOC staff met weekly with Board staff beginning on March 31, 2022. The close-out meetings to de-brief the 2022 Primary and General Elections were held on June 30, 2022 and December 8, 2022, respectively.

The Board and DOC had assistance from various entities, including government agencies and advocacy organizations. For example, the DC Office of Human Rights and the League of Women Voters developed voter educational materials and conducted in-person sessions to inform residents on their voting rights and assist with registrations. Some of the educational materials were uploaded onto the DOC tablets on May 18, 2022. Residents without access to tablets could access similar educational materials in loose leaf binders.

In September 2021, the Board modified the voter registration application to include a box where residents could provide their DOC registration numbers. This change was made to facilitate the distribution of ballots. The modified form was uploaded to the Board's website in December 2021.

The Act requires that the DOC become an automatic voter registration agency. The DOC has implemented a process for people to register. As part of intake, staff check if the resident: 1) was given a voter registration card to complete, 2) states that they are currently registered, 3) refused to register, or 4) not are eligible to vote. Case management staff then follows up with additional opportunities to register. Completed registration forms are then scanned and emailed to the Board of Elections. This process provides the Board with all the necessary information to successfully register qualified voters.

## *ii. Challenges*

Registering voters in the DOC took considerable staff effort by the DOC and the Board. Many of the residents needed assistance with providing complete information on the forms.

Similar to the general public, not all residents of the DOC who registered to vote understood that DC has a closed primary,<sup>9</sup> and several people wanted to vote in the primary after they registered with no party affiliation.

## *iii. Recommendations*

- 1) The Board and DOC should continue to partner with other government agencies and advocacy organizations to conduct voter registration drives throughout the year to supplement efforts by the DOC staff.
- 2) The Board should develop more thorough educational materials about voting and voting registration, including materials that inform residents about the closed primary process.

---

<sup>9</sup> In a closed primary people must declare a party affiliation before election day. Those who choose to affiliate must only vote for members of their own party; those who remain unaffiliated are not allowed to vote in primary elections.

## Voting

### *i. Successes*

All registered voters in the DOC were sent a mail ballot for the June Primary Election. Initially, the ballots were mailed from the Board to the DOC, and there was some confusion about distribution of the ballots in the jail. However, once the timing issues were clarified, mail ballots were distributed within the jail beginning June 9, 2022 and collected from the general population until June 21, 2022.

In-person voting, with voting machines, occurred in the Correctional Treatment Facility (“the CTF”) on June 14 and 15, and in the Central Detention Facility (“the CDF”) on June 14, 15, and 16, 2022 for those people who were permitted to leave their units. The Board and the DOC developed a proof of residency document for same-day registration for people using 1901 D Street or 1901 E Street as their residential address. The DOC Director signed address confirmation documents for each same-day registrant.

In lieu of same-day registration, people assigned to special management units<sup>10</sup> received voter registration applications on June 16, 2022, and the Board delivered mail ballots to said residents on Friday June 17, 2022. Ballots were collected from the special management units on Tuesday June 21, 2022, due to the Juneteenth holiday (June 20, 2022).

During the 2022 General Election, the Board employed 16 incarcerated residents to work certain positions in the vote centers within the DOC with the aim of providing a higher level of exposure and understanding of elections in DC. The Board provided training to 24 residents. Training was performed at the DOC and was consistent with the training provided to all election workers (lectures, slide presentations, equipment, tests, etc.). All workers were compensated \$100 per shift, the same as election workers at other early vote centers.

### *ii. Challenges*

Each ballot is unique to a voter so it can be tracked to ensure the integrity of the voting process. For same-day registration, the voter must sign a Poll Pad (a device used to check voters in and facilitate registrations for same-day registrants) to receive a ballot. Poll Pads could not be made available to those on the special management units; therefore, Board staff had to produce ballots for same-day registrants currently housed on restricted units and deliver them the following day. As noted above, this created an extra burden on staff and a delay for those people voting, although all still voted on time.

### *iii. Recommendations*

- 1) The Board should be able to use reliable information obtained from the DOC to update the address information of incarcerated voters.<sup>11</sup>
- 2) The Board should schedule voting and same-day registration by residents on the restricted units for the first day of the voting period so that ballot dissemination and collection can be done during the designated voting dates. Note: This recommendation was implemented during the November 2022 General Election.

---

<sup>10</sup> People on Special Management Units cannot leave the unit even under supervision.

<sup>11</sup> The EMA includes language which would satisfy this recommendation.



# The Federal Bureau of Prisons (BOP)

---

## Voter Registration

### *i. Successes*

The BOP assigned a national liaison to the Board who provided information regarding the number of people in each federal facility.

The BOP also uploaded information about voting rights and responsibilities provided by the Board onto Trulincs, an email system for incarcerated residents. There is no way to measure if DC residents accessed this information, but the Board experienced an uptick in registrations shortly after each Trulincs posting. Additionally, the BOP added voting rights information to its Admission and Orientation Handbooks, although as of this writing, not all individual institution handbooks contain this information.

The BOP created lesson plans for all residents regarding voting rights. Each resident is informed of their rights based on their state of residence as part of the Admission and Orientation Program. Additionally, residents are updated on their voting rights as part of the Release Preparation Program prior to release from custody. 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 DC CIC, with cooperation from the Board, sent a letter about voting to every person listed on a roster provided by BOP to the DC CIC in mid-August 2022.

DC residents in the BOP have communications access to the DC CIC. The DC CIC shares residents' issues with the Board and, working together, both entities are able to resolve most issues regarding registration and the receipt of ballots.

In September 2021, prior to providing voter registration materials to the BOP, the Board modified the voter registration application to include a box where residents provide their BOP registration number. This change was made to facilitate the distribution of ballots. The modified form was uploaded to the Board's website in December 2021.

### *ii. Challenges*

The BOP did not provide lists of resident names and specific institutions to the Board; rather, the BOP provided the Board a list with the number of DC residents in each facility. Subsequently, the Board created packets of voter registration materials that were sent to each warden for distribution to the impacted residents. Because names are not known to the Board, there is no system of accountability for the packets, which makes it difficult to determine if the voter registration materials were distributed to each DC resident.

If the BOP were to provide lists of DC residents and specific locations, the Board could better target residents to encourage registration and voting participation. This would prove particularly valuable when a DC resident first arrives, as well as during transfers and release. At present, the Board may only communicate directly with those residents that have first made contact with the Board. Communication with those unknown to the Board is attempted via Trulincs with titles that alert DC residents the message is meant for them, but there is no reasonable method to ensure the messages are

read by the intended audience unless the resident contacts the Board. Additionally, not all residents have access to Trulincs at all times. Mass mailings are also used by the Board; however, they are provided to BOP staff members for distribution and are not addressed to specific residents. While direct mailings also do not provide proof the message is received, it would likely prove more effective.

Each facility maintains its own handbook, but not all handbooks contain the necessary information. The BOP has recognized the inconsistency and is working to resolve the issue.

According to the BOP, ballots are considered legal mail, and thus afforded an extra measure of accountability regarding delivery, but voter registration materials are not.<sup>12</sup>

### *iii. Recommendations*

- 1) The BOP should pursue an exception to the regulations that prevent them from providing more specific information regarding the whereabouts of DC residents.<sup>13</sup>
- 2) The BOP should treat voter registration forms as legal mail.
- 3) The BOP should include information about voting rights and responsibilities in each Admission and Orientation Handbook. This will require changes to 122 different handbooks. The Board can monitor this progress, because each handbook is available on the BOP's public website.

## **Voting**

### *i. Successes*

A ballot and Voter Guide were sent to each eligible voter in the BOP.

Materials provided to DC residents in the BOP encouraged direct communication with the Board, specifically via email. While the number of emails received was not recorded, there was a significant increase in communication prior to the General Election. Messages ranged from questions about registration to inquiries as to why they had not received a ballot. This communication provided the Board opportunities to troubleshoot issues it would not otherwise be afforded. The Board also encouraged partnering agencies and advocacy groups to communicate with the Board on behalf of incarcerated residents, which proved fruitful. While the Board was unable to share personally identifiable information with advocacy groups, the communications provided additional opportunities to troubleshoot issues (e.g., mailing replacement ballots that may have been lost).

Communication with residents incarcerated under an alias was initially a challenge. The Board must register citizens under the name known to the District of Columbia, but the BOP uses the name provided by the court and only accepts mail by that name or known alias. Some mail was rejected because the use of different names. Subsequently the Board created materials addressing this issue prior to the General Election. The information was posted on Trulincs and when necessary mail was sent using both the name provided by the court and the alias.

---

<sup>12</sup> [BOP Voting handout \(justice.gov\)](#) “Incoming mail from election officials labeled “Official Election Mail,” “Official Election Ballot,” “Ballot Enclosed,” or with similar language indicating that the envelope contains an election ballot, will be treated as legal mail, meaning that it will be opened in your presence and you will be asked to sign for receipt of the mail. Incoming ballots are the only election-related material that will be treated as legal mail. Other types of informational mail are considered general correspondence. All outgoing inmate mail addressed to election officials will be treated as legal mail and will not be opened or inspected by BOP staff.”

<sup>13</sup> Passage of H.R. 7686 may achieve this goal.

## *ii. Challenges*

Several residents of the BOP contacted the Board to say that they either did not receive their ballots or that they received them too late to be counted. The Board sent a second ballot to those residents who alerted the Board. The Board is unable to track the final delivery of a ballot to voters; however, this limitation exists for all ballots, not just those mailed 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.

Many ballots were not delivered as legal mail, which introduced more opportunities for the unsuccessful delivery of ballots.

When unused ballots were returned to the Board as undeliverable, the Board verified the location of residents in the BOP using the on-line BOP inmate locator tool and re-mailed ballots.

## *iii. Recommendations*

- 1) Both incoming and outgoing ballots should be consistently treated as legal mail throughout the BOP.
- 2) The Board should be able to use reliable information obtained from the BOP to update the address information of incarcerated voters.<sup>14</sup>

## **Suggested Revisions to the Restore the Vote Amendment Act**

Due to the COVID-19 pandemic, the use of mail ballots has expanded far beyond the previous purpose of including those people who were “absent” during an election. Mail ballots were sent to every registered DC voter, including those in the DOC and BOP. The language in the Act that states that “without first requiring an absentee ballot application to be submitted, an absentee ballot and postage-paid envelope” is no longer necessary due to the expanded use of mail ballots. Similar language was included in the EMA.

The Act also states that, “[a]t 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.” This provision was designed to help facilitate locating DC residents who have transferred from one secure facility to another. Currently, the BOP is unable to provide the information.

### *Recommendations:*

- 1) Modify language in the Restore the Vote Amendment Act from “absentee ballots” to “mail ballots”.

---

<sup>14</sup> Passage of the EMA will satisfy this recommendation.

- 2) Include new language stating that the Board may use reliable information obtained from the Department of Corrections or the Federal Bureau of Prisons to update the mailing addresses of incarcerated voters.<sup>15 16</sup>

---

<sup>15</sup> On September 15, 2002, while preparing for the 2022 General Election, it was discovered that approximately 14% of registered DC residents in the BOP either released or transferred facilities since the preparation for the June 21, 2022 Primary Election began.

<sup>16</sup>Passage of the EMA will satisfy this recommendation.

