

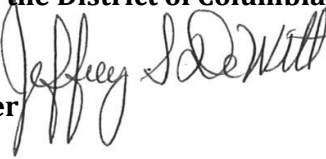
Government of the District of Columbia  
Office of the Chief Financial Officer



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

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**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.<sup>1</sup> 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

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<sup>1</sup> 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,<sup>2</sup> 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.<sup>3</sup> 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.

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<sup>2</sup> 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).

<sup>3</sup> 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](https://www.prisonpolicy.org/global/appendix_2018.html)).

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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.

<b>Restore the Vote Amendment Act of 2020, Bill 23-324</b>					
<b>Implementation Costs</b>					
<b>Fiscal Year 2021 – Fiscal Year 2024</b>					
<b>(\$ thousands)</b>					
	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>Total</b>
<b>DOC Costs</b>					
<b>Staff</b>	\$119	\$119	\$119	\$120	\$477
<b>Technology</b>	\$120	\$0	\$0	\$0	\$120
<b>Total DOC Costs</b>	\$239	\$119	\$119	\$120	\$597
<b>BOE Costs</b>					
<b>Staff</b>	\$143	\$143	\$143	\$144	\$573
<b>Technology</b>	\$150	\$0	\$0	\$0	\$150
<b>Total BOE Costs</b>	\$293	\$143	\$143	\$144	\$723
<b>Total</b>	<b>\$532</b>	<b>\$262</b>	<b>\$262</b>	<b>\$264</b>	<b>\$1,320</b>