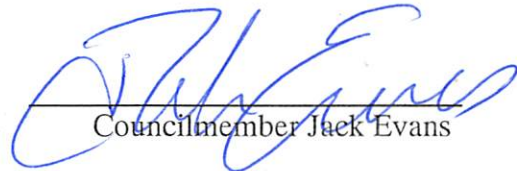


Councilmember Robert White, Jr.


Councilmember Jack Evans

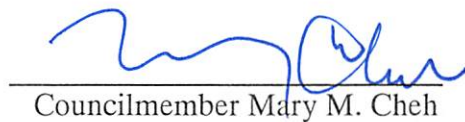

Councilmember Anita D. Bonds


Councilmember Brianne K. Nadeau

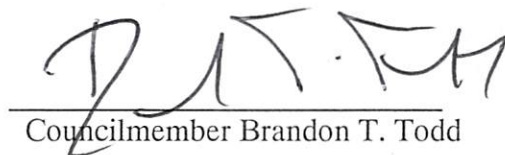

Councilmember Kenyan McDuffie


Councilmember David Grosso


Councilmember Vincent C. Gray


Councilmember Mary M. Cheh


Councilmember Elissa Silverman


Councilmember Brandon T. Todd

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

1 To provide that non-incarcerated individuals with felony convictions are made aware of their
2 right to vote in the District of Columbia, and to empower these individuals to participate
3 civically by reducing misinformation about ex-felon voting rights.

4
5 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
6 act may be cited as the “D.C. Voting Rights Notification Act of 2017”.

7 Sec. 2. Definitions.

8 For the purposes of this act, the term:

9 (1) "Covered person" means any resident of the District of Columbia who meets
10 the qualifications of a qualified elector as established by D.C. Official Code § 1-1001.02(2), and
11 who has been convicted of a felony in the District of Columbia.

12 (2) "Custodial authority" means a person employed by a judicial, correctional, or
13 other agency or partner of the District of Columbia government, and acting in an official capacity
14 as:

15 (A) A corrections officer;

16 (B) A prison administrator;

17 (C) An inmate counselor;

18 (D) A parole officer;

19 (E) A probation officer;

20 (F) A judge;

21 (G) A court official;

22 (H) A police officer;

23 (I) A District Department of Corrections official;

24 (J) An Office on Returning Citizen Affairs official;

25 (K) A federal Bureau of Prisons official; or

26 (L) Other official considered competent by:

27 (i) The District Department of Corrections;

28 (ii) The Federal Bureau of Prisons;

29 (iii) The Office for Returning Citizen Affairs;

30 (iv) The District of Columbia Courts; or

31 (v) Other relevant implementing body.

32 (3) "Formerly covered person" means any resident of the District of Columbia
33 who meets the qualifications of a qualified elector as established by D.C. Official Code § 1-
34 1001.02(2), and who having been previously convicted of a felony was released from prison or
35 sentenced to a penalty other than a prison term before the date on which the notification
36 requirements of this act take effect.

37 (4) "Information on the right to vote" means a written document issued by a
38 District of Columbia government agency outlining the qualifications of electors and procedures
39 for voting in the District of Columbia.

40 (5) "Lesser penalty" means a judicially or administratively imposed sanction for
41 unlawful behavior that does not involve a post-sentencing prison term, including:

- 42 (A) Probation;
- 43 (B) Community service; and
- 44 (C) Other terms of supervision.

45 (6) "Right to vote" means the ability to legally vote in elections in the District of
46 Columbia in accordance with D.C. Official Code §§ 1-1001.02(2) and 1-1001.07, despite one or
47 more prior felony convictions in the District of Columbia or another jurisdiction.

48 (7) "Verbal notification" means an oral statement delivered by a custodial
49 authority to the covered person to whom notification is being given, certifying that covered
50 person are eligible to vote in the District of Columbia despite one or more previous felony
51 convictions, and notifying the specific individual to whom notification is given of this fact.

52 (8) "Written notification" means a document certifying that covered persons are
53 eligible to vote in the District of Columbia despite one or more previous felony convictions, and
54 notifying the specific individual to whom notification is given of this fact, issued by a District of

55 Columbia government agency and signed by a custodial authority, and delivered into the control
56 of covered person to whom notification is given.

57 Sec. 3. Implementation and timeframe.

58 (a) The District Department of Corrections, the District of Columbia Office on Returning
59 Citizen Affairs, and the District of Columbia Courts shall develop and enact administrative
60 protocols to implement the notification requirements established in this act, and to begin
61 satisfying the notification requirements herein outlined no later than the first day of the thirteenth
62 calendar month after the month in which this act becomes law.

63 (b) All relevant District of Columbia agencies shall share with other District of Columbia
64 agencies and the Federal Bureau of Prisons the information necessary to fulfill the notification
65 requirements of this act.

66 (c) The District Department of Corrections shall work with the Federal Bureau of Prisons,
67 which administers the imprisonment of individuals convicted of a felony in the District of
68 Columbia, to implement the post-sentencing notification provisions of this act within the
69 timeframe in subsection (a) of this section.

70 (d) Implementing organizations shall ensure that written and verbal notifications are
71 written in plain language easily understood by an ordinary citizen, free from overly technical or
72 legal jargon.

73 Sec. 4. Notification upon conviction.

74 (a) If a covered person is not sentenced to prison but instead sentenced to a lesser penalty
75 as a result of a new felony conviction, making them a qualified elector pursuant to D.C. Official
76 Code § 1-1001.02(2), a custodial authority shall provide verbal notification and written
77 notification of their right to vote during sentencing or post-sentencing procedures.

78 (b) Covered persons who are sentenced to probation as a result of a new felony
79 conviction shall receive verbal notification of the right to vote from their probation officer, and
80 shall also have written notification and information on the right to vote made available to them
81 by their probation officer, which shall fulfill the notification requirement in subsection (a) of this
82 section.

83 Sec. 5. Notification upon release.

84 (a) Once a covered person given a prison sentence as a result of a felony conviction has
85 completed his or her sentence, a custodial authority shall provide verbal notification to the
86 person as part of release procedures.

87 (b) Immediately prior to or upon release, District jails, reformatories, and other
88 correctional facilities shall make written notification and information on the right to vote
89 available to covered persons completing a sentence for a felony conviction through:

- 90 (1) The Community Resources Manual provided to all released inmates;
91 (2) Any release preparation and counseling provided to individual inmates; and
92 (3) Any other protocols established or utilizes by the D.C. Department of
93 Corrections for this purpose.

94 (c) The District Department of Corrections shall work in conjunction with the Federal
95 Bureau of Prisons to establish protocols to implement the notification requirements of this
96 section as part of the existing partnership between the two agencies.

97 (d) If a covered person incarcerated for a felony conviction is released from prison on
98 parole, the person shall receive verbal notification of the right to vote made available to them by
99 their parole officer, which shall fulfill the notification requirement in subsection (a) of this
100 section.

101 Sec. 6. Retroactive written notification.

102 (a) The Office on Returning Citizen Affairs shall make all appropriate efforts to provide
103 written notification to formerly covered persons who will have been released from prison or
104 terms of supervision, or sentenced a lesser penalty for their most recent felony conviction before
105 the date on which notification requirements of this act take effect.

106 (b) This retroactive written notification shall be sent by the Office on Returning Citizen
107 Affairs by mail to the home addresses of record of the formerly covered persons specific in
108 subsection (a) of this section with all deliberate speed, but no later than the first day of the
109 twenty-fifth calendar month after the month in which this act becomes effective.

110 (c) The District Department of Corrections shall in a timely fashion forward to the Office
111 on Returning Citizen Affairs a list of the names and home addresses of record of formerly
112 covered persons whose date of sentencing or date of release from prison or terms of supervision
113 was within the ten years before the date on which this act is signed.

114 Sec. 7. Notifying individuals with out-of-state felony convictions.

115 To inform persons with felony convictions from a jurisdiction other than the District of
116 Columbia of their right to vote, all public offices of the District of Columbia Department of
117 Motor Vehicles shall make written notification and information on the right to vote available to
118 individuals commuting an out-of-state driver or provisional license or learner permit to an in-
119 state license or permit.

120 Sec. 8. Liability.

121 (a) The District of Columbia and its agencies and partners shall assume no liability for
122 failure to fulfill the notification requirements of this act other than that required by law.

123 (b) This act shall not be construed to establish a right to vote other than that which is
124 heretofore provided for by law.

125 Sec. 9. Fiscal impact statement.

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

129 Sec. 10. Effective date.

130 This act shall take effect following approval by the Mayor (or in the event of veto by the
131 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
132 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December
133 24, 1973 (87 Stat. 788; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
134 Columbia Register.