

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Executive Office of Mayor Muriel Bowser



Public Hearing on

Bill 23-324, the “Restore the Vote Amendment Act of 2019”

Testimony of

Kevin Donahue
Deputy Mayor for Public Safety and Justice

Before the
Committee on the Judiciary and Public Safety
Council of the District of Columbia
The Honorable Charles Allen, Chairperson

John A. Wilson Building
Room 500
1350 Pennsylvania Avenue, NW
Washington, DC 20004
October 10, 2019
10:00 a.m.

Good morning, Chairperson Allen, members, and staff of the Committee on the Judiciary and Public Safety. I am Kevin Donahue, Deputy Mayor for Public Safety and Justice, and I am here to testify in support of Bill 23-324, the “Restore the Vote Amendment Act of 2019.” While the bill does not include any direct role for my office or the public safety agencies under my purview, I believe it is important for me to express Mayor Muriel Bowser’s support for expanding voting rights.

The right to vote is a core principle of American democracy. It is a right that must be both cherished and vigorously defended. While several states keep coming up with ways to restrict or eliminate the right and ease with which people vote, here in the District, we take the opposite approach. We believe in expanding voting rights and making voting as easy as possible. It is a fundamental component of our DC values.

The ability to vote sends a message to residents that their voice matters, they have the power to choose their leaders, and by extension, they are empowered to make decisions about the future direction of their lives.

The District has some of the most progressive views on voting rights. A voter must be a U.S. citizen, a District resident, not claiming the right to vote in another state or territory, and at least 18 years old to vote in primaries, general, and special elections. There are only two exceptions: A resident cannot vote if deemed by a court to be legally incompetent to vote or if incarcerated for a felony.¹

We as a city have repeatedly expanded voting rights for residents who are returning citizens or being held at the Department of Corrections. District law preserves the right to vote for residents incarcerated at the DC Jail on misdemeanor convictions,² charged with a felony and awaiting trial, and while on probation or parole. The District also automatically restores the right to vote for residents convicted of a felony after they are released from prison.

The Department of Corrections partners with the DC Board of Elections to ensure District residents held at the DC Jail while awaiting trial or serving their sentence for a misdemeanor have the ability to vote. The Mayor’s Office of Returning Citizens Affairs includes voter registration as part every new client intake and conducts voter registration at community events.

While the Executive supports the bill, I must mention some anticipated obstacles with implementation. To implement this bill requires the participation of the U.S. Bureau of Prisons (BOP), a federal agency not under our purview. Its willingness to participate in ensuring District residents’ voting rights – or simply respond to requests for information – is impossible to predict and cannot be compelled. While the District has a good working relationship with the BOP, as administrations and leadership changes, so too may the nature of that working relationship.

¹ D.C. Official Code §§ 1-1001.02 (2)(D) and (E).

² Certain election, lobbying, and campaign finance-related crimes that may be misdemeanors are defined as felonies for the purpose of disenfranchisement. *See* D.C. Official Code §§ 1-1001.14, 1-1162.32, and 1-1163.35.

The rehabilitation and reintegration process can be very challenging. However, we believe the continued engagement of District residents is important, no matter where they are residing, because when those residents are released, it should feel like they are coming back home.

Thank you for allowing me to testify today. I welcome any questions.