

Agency Comments

On September 30, 2021, we sent a draft copy of this report to the D.C. Board of Elections (DCBOE) for review and written comment. DCBOE responded with comments on October 28, 2021. Agency comments are included here in their entirety, followed by ODCA's Response to Agency Comments.



DISTRICT OF COLUMBIA
BOARD OF ELECTIONS
WASHINGTON, D.C. 20003-4733



October 28, 2021

Kathleen Patterson
District of Columbia Auditor
Office of the District of Columbia Auditor
717 14th Street, NW – Suite 900
Washington, DC 20005

Re: Response to the Draft Audit Report, “District of Columbia 2020 Election Administration Report”

Dear Ms. Patterson:

Please find the District of Columbia Board of Elections’ response to the above-referenced draft audit report issued on September 30, 2021. Thank you for this opportunity to respond to the findings and observations. As I am sure you are aware, we take the mission of the agency very seriously. We always seek and embrace opportunities to improve our operations.

We will gladly respond to any questions you may have.

Sincerely,

A handwritten signature in blue ink that reads "Monica H. Evans".

Monica H. Evans
Executive Director

cc: Board Members

DCBOE RESPONSE TO THE DRAFT AUDIT REPORT

The District of Columbia Board of Elections (DCBOE) has reviewed the Office of the District of Columbia Auditor's (ODCA) report entitled "The District of Columbia 2020 Election Administration Report" dated September 30, 2021.

In reviewing the ODCA's observations and recommendations, DCBOE has identified several topics that necessitate a response. Before addressing the recommendations contained in the draft audit report, we provide the following DCBOE observations.

DCBOE Efforts to Implement Restore the Vote Legislation

Since the enactment of the Restore the Vote legislation, DCBOE has endeavored to ensure its requirements are met and exceeded. Even though the legislation, with respect to the Federal Bureau of Prisons (BOP), was not required to be implemented until 2021, DCBOE began implementation before the November 2020 General Election.

Prior to being required to do so, DCBOE put measures in place to implement the legislation by establishing new contacts with the BOP, and we continued to cultivate the existing relationship with the Department of Corrections (DOC). The enactment of the Restore the Vote legislation added increased responsibilities and created unforeseen challenges, specifically, the need to garner positive working relationships with the BOP to obtain needed information with respect to DC residents who were incarcerated in the federal prisons so that they could register and vote. Additionally, the Board:

- Worked with the DOC to conduct education and registration drives. Voter education/registration material was developed by DCBOE and placed on tablets by the DOC for use by citizens incarcerated in the DC Jail. The enactment of the 'Restore the Vote' legislation required DOC and DCBOE to include citizens convicted of felony offenses in the population of citizens allowed to register and vote.
- Continued to work with the Office of Human Rights (OHR) to ensure the rights of Returning Citizens. Joint education/registration sessions at the DC Jail were held in conjunction with OHR to educate incarcerated citizens about their voting rights upon release.
- Created posters that articulated the rights of incarcerated and Returning Citizens that were posted in the DC jail in strategic high-traffic areas. This information was also electronically sent within the BOP.
- Gave a presentation at the Court Services and Offender Supervision Agency (CSOSA) Community Resource Video Conference to DC residents incarcerated in federal prisons who are scheduled for release.

- Continued to work with the Mayor's Office on Returning Citizen Affairs (MORCA). MORCA attended and assisted with some DCBOE outreach events. Plans were made for joint MORCA/DCBOE jail visits, but none occurred because the DC Jail was closed to outsiders due to the health emergency.
- Attended CSOSA's BOP 2-day trip to visit DC residents incarcerated at federal prisons who were scheduled for release.

In-person registration activities were held at the DOC until the jail was closed due to the health emergency. After this, DCBOE worked with the DOC to ensure voter registration materials, Voter Guides, and absentee ballots were provided to incarcerated citizens. Tablets were used for the first time to disseminate information to the DC Jail population. DOC and BOP worked together to get ballots to and returned from voters within the DOC.

DCBOE worked with the BOP to determine the number of DC residents housed throughout the BOP. The BOP provided information indicating DC residents were housed throughout 103 federal facilities. Based on this, DCBOE sent registration materials to the wardens of those facilities for dissemination. When registration applications were received, DCBOE either registered the individual or attempted to perfect incomplete applications. Ballots were sent to and received from the BOP via the USPS. In some unique and last-minute cases, FedEx had to be used to get ballots to and from voters. The BOP Re-Entry Affairs Coordinators were instrumental in the resolution of Voter Registration Application problems and getting last-minute ballots distributed and returned.

With respect to Returning Citizens, DCBOE met with the new Director of the Ready Center, a facility that assists Returning Citizens with their reentry into society. DCBOE provided updated Voter Registration Applications to the Ready Center and ensured staff were educated on how to complete the Voter Registration Application. DCBOE left posters and brochures at the Ready Center and disseminated a PowerPoint presentation for their use. A monthly schedule for DCBOE to meet with Ready Center constituents (Returning Citizens) was created. However, this plan was not implemented due to the health emergency. An electronic Voter Guide was also provided for posting on the Ready Center's website after the facility was closed.

During the health emergency and in preparation for the General Election, teleconference voter registration sessions between DCBOE and the Returning Citizen community were conducted. These sessions focused on voter education, voter registration, and election worker recruitment.

As a result of the Board's efforts, 562 DC residents incarcerated across the BOP facilities successfully registered to vote. Of these, 264 voted in the General Election.

Robinson v. Board of Elections

The audit report contains the statement from the auditors that, “concerns prompted a lawsuit against DCBOE by two Ward 8 residents alleging that the voting procedures adopted in response to the pandemic violated the Voting Rights Act by failing to consider historical inequities and current conditions in the ward.” The plaintiffs alleged that DCBOE’s selection of Vote Centers for Ward 8 served to diminish Black voters’ access to the voting process. The draft audit report fails to acknowledge that DCBOE successfully defended the lawsuit and the original Vote Centers selected by the Board were deemed appropriate. The lawsuit was dismissed for lack of merit.

Voters with Disabilities

The draft audit report contains the statement that “[v]oters with disabilities ... experienced difficulties voting in the primary election.” This statement appears to be based primarily upon the DC Voting Access Report on the June 2, 2020 Primary Election authored by Disability Rights DC at University Legal Services (DRDC). However, the draft audit report does not offer any testimony from voters with disabilities that supports the claim that they, in fact, experienced difficulties voting. Accordingly, the conclusory statement about voters’ actual experiences is problematic. It would be more accurate to simply state that DRDC filed a report claiming that their observers found instances of structural and/or operational inaccessibility at voting locations used in the Primary Election.

Moreover, there were some flaws in DRDC audit report. For example, the DRDC report states that “BOE’s failure to effectively manage the absentee ballot process ... resulted in overcrowded voting centers[,]” which put the vulnerable disability community at further risk. The Vote Centers were not overcrowded. As mentioned in the draft audit report, DCBOE adhered to social distancing recommendations and limited the number of people in Vote Centers per guidance from the Centers for Disease Control and Prevention (CDC) and the DC Department of Health.

DCBOE takes its responsibility to voters with disabilities very seriously. We take deliberate steps to make polling places accessible to all. Our efforts have received national recognition from the Election Assistance Commission (EAC). In 2019, DCBOE was honored with a Clearie Award for Improving Accessibility for Voters with Disabilities. Specifically, the EAC recognized DCBOE for its overall commitment to assisting voters with disabilities throughout the voting process.

Communications and Outreach

There are several different issues that need to be addressed in the audit regarding DCBOE communications. The audit closely examines DCBOE's social media effort and makes only passing reference to the massive communications and outreach campaign DCBOE executed leading up to the General Election. Moreover, the focus on social media fails to mention efforts to address the digital divide and reach District voters in other ways.

DCBOE produced two 30-second TV ads. The first utilized graphics to inform DC voters of the different ways to register and cast a ballot in DC. The second took a more active and engaging approach, using prominent public figures such as Virginia Ali, owner of Ben's Chili Bowl, and Jason Wright, player for the Washington Football Team, to deliver the same message and encourage voting by mail. The ads ran on all local TV affiliates – WRC-4, FOX-5 DC, WJLA-7, and WUSA-9 - as well as some national cable networks during high viewership events such as the Presidential and Vice-Presidential debates. Combined, the ads aired over 5,000 times, so that individual viewers saw the ads multiple times to re-enforce the message.

DCBOE also utilized radio advertising to further amplify the TV ad message. The ads played multiple times a day for a total of 1,800 airings. Specifically, the ads played on Weather & Traffic radio, I Heart Radio, WAMU, Radio One, WKYS, WHUR, WPGC, WBIG, WASH, WAMU, WTOP, and others.

Then-DCBOE Chair Michael Bennett and staff assisted with and provided interviews for over 300 TV, radio, and newspaper stories. These stories focused on providing voters with information about voter registration, and then after the registration deadline, shifted to providing information about mail ballots, drop boxes, Super Vote Centers, etc. DCBOE worked with a number of outlets, including all local TV stations, CNN, NBC, CBS, The Washington Post, City Paper, DCist, The Afro-American, El Tiempo, the Washington Blade, WAMU, WHUR, WTOP, PRAISE, WKYS, and WPGC.

We also diversified our advertising approach. We advertised in Metro stations, using Metro's "Live Boards," and placed an emphasis on stations in Wards 5, 6, 7, and 8. We also initiated a targeted online advertising buy utilizing the TV ads mentioned above. These ads appeared in ad breaks during streamed programming and reached approximately 300,000 District residents. DCBOE also developed and placed print advertising echoing the same core message of having a voting plan – how to return a mailed ballot or utilize Vote Centers during Early Voting or on Election Day – in the Washington Business Journal, City Paper, the Washington Informer and Afro-American, the Georgetown, El Pregonero, El Tiempo, the Washington Blade, Hill Rag,

East of the River, and Mid-City DC. These ads appeared in print as well as in key placements on their respective websites.

When Early Voting started, DCBOE increased messaging to voters. We produced and distributed robocalls that reached 400,000 registered voters. We also sent targeted text messages that promoted the same early voting message to 200,000 District voters. Finally, DCBOE distributed door hangers to individual residents and placed yard signs on major thoroughfares across the city.

The audit indicates that in conducting its media review, discussions were held with stakeholders and press accounts were reviewed. However, no specifics were provided regarding which press accounts were reviewed and which stakeholders were contacted.

While DCBOE sees some benefit to referencing social media generally, it strongly objects to the inclusion of specific social media posts in the audit report. It is impossible to fact-check every anecdotal social media post, and false information spreads faster than truthful information. It is difficult to measure the intrinsic value of social media posts to performance, positive or negative. There is also no way to objectively know whether selected social media posts are representative of a problem or solution. Additionally, the selection of social media platforms chosen to review is somewhat curious. While DCBOE is active on Facebook, Twitter, and Instagram, it has no presence on Reddit, a social media platform used in this report. A better analysis of DCBOE's social media activities can and should be drawn solely from the platforms on which it is active and has a presence.

There is also critical context missing in the social media examples used in the audit. While comments from voters are presented, a discussion of DCBOE's responses to and/or resolution of issues that arose is notably absent. Showing how DCBOE responded to issues and criticisms coming directly from the public would offer a much more accurate and revealing picture of our social media operation than just displaying individual comments.

During the General Election, DCBOE responded to comments and issues by asking voters to "[p]lease DM so we can address." This was a way to deliver service to individual voters to address their unique issues directly and to protect their privacy. In many instances, we needed to have a voter's full name, address, and birthdate to look up their voting record, find their ballot, etc. To that end, we decided not to share a voter's personal and private information on a public forum such as Twitter, and therefore moved to the more direct and private Direct Message approach. It should also be added that issues were successfully resolved in these direct exchanges by providing relevant information and/or directing the voter to the relevant DCBOE staff person to help them.

Entertainment and Sports Arena Event

DCBOE has continuously conducted targeted outreach events in Wards 7 and 8. A major voter registration event was held on October 13, 2020 that leveraged many community partners. The event was held at the Entertainment and Sports Arena parking lot in Ward 8. We had representation from the Washington Football Team, the Washington Nationals, the Washington Wizards, and the Washington Mystics. The Racing Presidents and the Wizards cheerleaders were also on hand. Dunkin Donuts and Power Up provided snacks and coupons to those who attended the event. Martha's Table had a grocery giveaway. The event was covered by the Washington Post, local radio and television stations, and national media outlets. In addition to offering voter registration, the sports teams had giveaways and took pictures with fans. Monumental Sports assisted with advertising and logistics for the event.

Despite the efforts of DCBOE and its partners, the event was not well attended. A lot of time and creativity went into making this event successful. We even went into the neighborhood to garner support, but few people responded or even seemed interested. Unfortunately, our efforts to register people in Wards 7 and 8 are not always fruitful.

Working Group

The draft audit report references the working group that was established during the 2020 Election Cycle. While DCBOE appreciates the benefits of working with local partners and getting input, the working group proved to be problematic. First, the working group was not selected by DCBOE, nor did we have input into its composition. The working group's diversity was not representative of District voters. Additionally, the role and parameters of the working group were never clearly defined.

Several members of the working group were excessively critical of the work of DCBOE staff. They apparently viewed themselves as providing oversight over the Board instead of partnering with the Board. Comments and criticism were often not accompanied by suggestions or solutions. Feedback from the working group was not balanced and was oftentimes exaggerated or baseless. For instance, one of the working group members said a document sent to them for review was, "riddled with grammatical and spelling errors." The document in question had already been shared with Council staff members and we were in agreement about its content. Also, no grammatical or spelling errors were identified, because none existed.

Feedback from the working group sometimes came with racial undertones. For instance, errors or oversights were articulated with complete disdain. Some working group members often

referred to DCBOE as “incompetent” and did not acknowledge the pandemic pressures nor the relatively short time in which we were working.

With agreement from Council staff, the working group was disbanded. While sometimes helpful, their approach was overreaching, intrusive, and counterproductive.

DCBOE 2020 Election Cycle

DCBOE takes the mission of the agency very seriously. Everyone works hard and is fully dedicated to the agency’s work. The 2020 Election Cycle was unlike any other. Due to the pandemic, staff members faced many challenges. We must recognize that staff continuously worked onsite in extremely compromising and challenging conditions. This occurred daily for over ten months.

No one was personally or professionally prepared to tackle the many obstacles we faced. The agency had to pivot and change course abruptly. Plans that had been in place for 18 months were abandoned and reworked to administer the June Primary Election in just three months’ time. We then modified preparations for the November General Election.

All of this was done while staff faced health challenges that included hospitalizations, and the deaths of children, parents, and other family members. Nonetheless, staff stood tall, supported each other, and worked hard to execute the elections on behalf of District voters. Admittedly, the June Primary was far from perfect, but we are proud of the work of the staff and commend them for their efforts.

Other Concerns

There are a few other substantive and procedural issues we noted during our review of the draft audit report. Distinctions between Primary Election events and General Election events were not always clearly distinguished. The draft audit report also erroneously stated that the 2020 Election Cycle was the first time we offered Same-Day Registration during Early Voting; Same-Day Registration has been offered during Early Voting for over ten years.

Regarding process, the auditors never contacted the Executive Director or Board Chair to discuss the findings and recommendations contained in the draft audit report. It is baffling that a draft audit report would be issued without a single conversation with the Executive Director. Instead, the draft audit cites many third party sources without including any responses from DCBOE.

We were also disappointed that the draft audit report was sent to the Executive Office of the Mayor and to the Office of Campaign Finance. We thought we would have the opportunity to address the findings and recommendations before they were shared with others. We hope future draft reports will be kept confidential until they are issued as final.

Thank you for the time that was put into your review of the 2020 Election Cycle. We hope the comments presented herein are helpful. We are happy to respond to any questions you may have.

We now turn our attention to the recommendations contained in the draft audit report and DCBOE's responses.

RECOMMENDATIONS

Resources

Recommendation: DCBOE has access to federal funding from the U.S. Election Assistance Commission (EAC), which pursuant to the Help America Vote Act (HAVA), distributes congressionally-appropriated funds like those most recently approved for improved cybersecurity in the 2018 omnibus appropriations bill and for COVID-19 response in the 2020 Coronavirus Aid, Relief, and Economic Security (CARES) Act. Although these funds, which are distributed to states using a formula based on voting-age population, cover targeted priority issues and not basic operating expenses, DCBOE should be coordinating with the DC Council to ensure that its overall funding, from both District and federal resources, covers its full mission.

DCBOE Response: DCBOE has and will continue to request adequate funding to meet our needs. We are currently in the 2023 budget request cycle. As always, we will use this opportunity to advocate for adequate resources. Unfortunately, full funding has never been provided due to other government priorities.

Improved Communications

Recommendation: Voters look to the DCBOE website for information about the election process, so it is important to keep the site up to date with easy-to-find information on frequently asked questions. Voters complained that information about polling places and wait times was not kept current and was not provided in a user-friendly format. Many also struggled to find information on voting procedures and how to use various in-person and by-mail voting options. The DCBOE should consider a rigorous audit of the content and usability of the website to ensure it meets voters' needs.

DCBOE Response: DCBOE recognizes challenges with finding content and navigating our website. Our Public Information Officer has begun a comprehensive review of the current website and plans to launch a more user-friendly version in early 2022.

During Early Voting, wait times are updated by site coordinators. Many coordinators did not update wait times on the poll pads as instructed. In some instances, DCBOE staff updated wait times when they observed it had not been done. DCBOE will emphasize the importance of frequently updating wait times during election worker training.

Recommendation: Include descriptions of each ballot status used in the ballot tracker system. This information should be readily available within the tracker, on the website, and included in

the confirmation email sent when voters register to receive status updates. Additionally, voters should be clearly informed what actions they need to take to “cure” their ballot if there is an issue that might prevent it from being counted.

DCBOE Response: DCBOE recognizes the confusion with understanding the terminology regarding ballot status. We will ensure clear definitions accompany the ballot tracker in the future. While DCBOE does inform voters about “cure” measures, we will make additional efforts to amplify this message. DCBOE will ensure this information is on the website with information about tracking ballots. DCBOE will also include this information in future mail ballot instructions.

Recommendation: The locations at which voters could cast ballots in person changed dramatically in 2020. Vote center locations were new and unfamiliar to voters, and the shift to vote centers disrupted the habits of many voters accustomed to voting at their traditional precinct-based polling location. As DCBOE formalizes plans for in-person voting in future election cycles—whether that be with continued use of vote centers, shifting back to precinct-based locations, or some combination—it will be critically important to inform all voters of plans and any changes from previous election cycles, including the location of all in-person voting locations, when each will be open, and which options will be available to them. This information should not only be part of communications such as the Voter Guide, postcards, and other advertisements or outreach materials, but also available on the DCBOE website as a searchable map that makes it easy for voters to identify which locations are closest or most convenient for them. This mapping feature should be kept up to date and, if possible, should provide accurate wait times at each facility during early voting and on Election Day. If and when locations change, post signage at inactive voting locations to notify residents of the closest alternative location to cast their ballot.

DCBOE Response: DCBOE agrees that voters and residents should be notified of changes to vote locations and available voting options for each election cycle. DCBOE posted signage at every voting location that was not being used for this election. DCBOE will continue this practice with the 2022 Election Cycle. Changes to voting practices will be articulated on the DCBOE website, in the Voter Guide, and via other communications to voters such as mailing postcards and voter education materials. During the 2020 Election Cycle, DCBOE distributed a Voter Guide to all households that included a list of Vote Centers. Vote Center locations and changes were also included on our website.

Due to changes with voting locations, we recognized the importance of launching a searchable map. A searchable map was available to voters during the General Election. We do not provide wait times on Election Day. Wait times are only provided during Early Voting.

Recommendation: Make rigorous efforts to correct misinformation, including proactively providing updates when policy changes create confusion among voters. For example, when the voter registration online application was taken down in mid-August, a frequent theme within social media posts was the inaccurate claim that online registration was no longer available in the District. In addition to general statements providing accurate information (in this case the availability of the fillable PDF option for online registration), DCBOE should have a dedicated staff member to actively monitor and respond to inaccurate posts to provide correct information. This will help slow the spread of misinformation and lessen confusion caused by conflicting messages circulating through official vs. unofficial sources.

DCBOE Response: DCBOE agrees that rigorous efforts should be made to correct misinformation. Policy changes and procedural updates should be proactively provided to voters. While DCBOE will make every effort to correct misinformation in the 2022 Election Cycle, we have not been staffed to provide a dedicated staff member to actively monitor and respond to inaccurate posts to provide correct information. We will, however, use our current resources to make this a top priority.

Recommendation: Communicate early and often; in the words of one stakeholder, “I feel like DCBOE is often ‘too little, too late’ in communicating about the problems it is facing.” These same stakeholders suggested that DCBOE take better advantage of the working group of local organizations set up during the 2020 cycle and consult proactively about challenges rather than present specific approaches as final. These coordination efforts occurred too late in the election cycle for many recommended changes to be implemented in 2020. Moving forward, DCBOE should coordinate with working group members, community leaders, and other stakeholders well ahead of the next election, soliciting their feedback and including their voices in the planning phase of communication and outreach.

DCBOE Response: DCBOE agrees that it should communicate early and often. We strive to be transparent about our challenges and processes. However, we do not believe the working group established in 2020 is the best vehicle to accomplish this. During the 2022 Election Cycle and going forward, we will coordinate with community leaders and other stakeholders to solicit feedback regarding communication and outreach.

Registration and List Maintenance

Recommendation: Enhance online registration systems to be easier to use and more accessible, no matter what type of device they are accessed on. The massive increase in traffic to the Vote4DC app revealed substantial problems with both usability and functionality, leading

to the discontinuation of this tool mid-cycle. As part of broader investments in IT infrastructure, DCBOE should ensure sufficient time and resources are dedicated to not just developing but also testing new applications. This is particularly the case for any voter-facing tools such as the mobile app but is also important for back-end applications used by DCBOE to process voting materials, where shifting demand volume, process changes, and a lack of redundancy led to delays and errors that potentially disenfranchised voters and decreased trust in the DC election system.

DCBOE Response: DCBOE agrees that online registration should be enhanced and easier to use. An effective online registration system is under development and will be available during the 2022 Election Cycle.

Recommendation: Encourage registered voters to check and update their registration information regularly, with clear instructions on how to do this. Many states have had success with campaigns urging residents to be “vote ready.” For example:

- Virginia publishes a pocket voter guide that explains the process;
- Washington state partners with the League of Women Voters to encourage people to “Be A Voter”; and
- Maryland publishes a one-page guide entitled “How Maryland Votes” that walks voters through the ballot casting process.

There are many other similar examples nationwide and DCBOE can and should look to these for inspiration and guidance in improving voting information for District residents. The Center for Civic Design has a series of user guides that could be very useful in designing and distributing voting information resources to voters.

DCBOE Response: DCBOE agrees that registered voters should be encouraged to check and update their registration. We will review some of the methods used by other jurisdictions and begin additional messaging in early 2022. During the 2020 Election Cycle, a flash page was displayed on the BOE website that discussed how to register or update a registration, as well as the three methods of voting: Voting by mail, Early Voting, and Election Day Voting. Again, a Voter Guide was mailed to all residential households that contained this information.

Recommendation: Send periodic address confirmation mailings to all voters, not only those flagged as potentially having moved within or outside the District based on Electronic Registration Information Center (ERIC), DMV, or National Change of Address (NCOA) reports. Do this earlier than the 90 days ahead of each federal election required by the National Voter Registration Act (NVRA) so that there is adequate time for response and follow-up.

DCBOE Response: DCBOE generally agrees with the recommendation. In fact, DCBOE mailed out address confirmation cards to all registered voters during the 2020 Election Cycle. However, DCBOE is not properly staffed and resourced to provide additional mailers on a periodic basis.

Recommendation: Work with voter registration agencies (VRA), including but not limited to the DMV, to ensure they are effectively fulfilling their obligations to inform voters about registration opportunities. Communicate to VRAs the important role that they play in ensuring District residents are able to participate in the election process and encourage a proactive approach to executing registration responsibilities.

DCBOE Response: DCBOE agrees with this recommendation. We will continue to work with VRAs and provide training. We have sent letters outlining VRA responsibilities to each agency. We are also working on an informational video that will assist in our training efforts.

Recommendation: If possible, rather than simply providing agencies with paper registration forms, look for ways to integrate agency systems into the District's registration system, similar to DMV integration, so that address and other information changes are automatically received, and the address update/confirmation process can start immediately.

DCBOE Response: Given the complexities of this recommendation, integrating systems is not possible at this time. This recommendation would require the full cooperation of other agencies, some of which have informed us that voter registration is not their responsibility. Additionally, this action would require those agencies to adopt online systems that would allow for the integration and electronic transfer of data.

Equity Across Wards

Recommendation: Expand opportunities to register to vote and update voter registration, particularly at agencies and community organizations that residents regularly interact with. This will help voters ensure their registration information is up to date—specifically, address information—so that by-mail ballots are received and can be returned in a timely manner.

DCBOE Response: DCBOE has a very robust Voter Education and Outreach unit that conducts voter registration drives. We will continue to look for ways to work with new agencies and community organizations that interact with residents. Our efforts will also remind registered voters to check and update registration information, as needed. During the 2020 Election Cycle, we conducted many voter registration drives and virtual informational sessions in the midst of a global pandemic. We held over 50 in-person voter registration events and

participated in over 60 virtual meetings. All of this information was posted on our website under the Events tab.

Recommendation: Work closely with community leaders to develop and implement concerted efforts to inform and update voters on the voting process and strategies to better serve these communities. Look for ways to create new partnerships or better leverage existing ones (like the working group of local organizations) as a way to discuss and test solution to challenges regarding registration and turnout in Ward 8 compared to the rest of the District. These efforts should occur sufficiently ahead of the election so that feedback can be meaningfully incorporated into plans for both how the next election will be administered (e.g., where in-person voting locations and drop boxes are located) as well what information is needed and how that information can best be communicated to residents.

DCBOE Response: DCBOE will continue voter education and outreach efforts. We will look for ways to create new partnerships and better leverage existing relationships with local organizations and Advisory Neighborhood Commissioners. During the 2020 Election Cycle, we solicited input from community leaders and the DC Council regarding the placement of Vote Centers and Mail Ballot Drop Boxes. However, voter turnout is not part of DCBOE’s mission. DCBOE is not charged with increasing voter turnout and does not engage in this practice. Arguably, increasing voter turnout in particular areas of any jurisdiction can be viewed as partisan or biased. DCBOE will continue efforts to target special populations.

Recommendation: In areas with low voting rates, and particularly with low rates of by-mail voting, gather information about the barriers that prevent residents from using vote-by-mail options. Other states have found that all-vote-by mail systems increase turnout, especially among lower propensity voting groups. For DC to actualize this potential benefit of expanded by-mail voting, residents must trust this method of voting, understand how to use the system, and have sufficient access to resources and the opportunity to use this option. Whether through a formal survey, qualitative approaches such as focus groups or in-depth interviews, or community engagement and listening efforts, DCBOE should seek to understand perceptions of by-mail voting, the specific challenges residents experienced that precluded them from returning a mail ballot, and how the system might be improved to become more trusted by and better meet the needs of residents.

DCBOE Response: DCBOE will continue education and outreach efforts around vote-by-mail practices. However, DCBOE will not focus efforts solely on areas with low voting rates. As previously stated, voter turnout is not part of the agency’s mission. DCBOE will use a variety of effective communication tools, taking into account the demographic makeup of the District.

ODCA Response to Agency Comments

ODCA appreciates the comprehensive response to the draft report provided by the D.C. Board of Elections (DCBOE) and would like to thank the Board and staff once again for their collaboration and timely response to all inquiries and requests from ODCA staff and staff of Fors Marsh Group throughout the audit.

We are pleased that DCBOE concurs with the recommendations and has indicated their commitment to address virtually all suggestions to improve the administration of elections in the nation's capital.

One advantage to ODCA reports in publishing verbatim written comments from agencies under audit is that the agency comments section provides an opportunity to tell a more complete story which can cover useful related information that may not have been a focus for the audit. We greatly appreciate the thorough description provided of the DCBOE outreach to incarcerated persons and to District residents who have returned following incarceration. We commend the board for the outreach and successful registration.

Similarly, we appreciate the comprehensive description of the DCBOE's communications efforts throughout the primary and general election including details about press outreach and frequency of advertisements. Both sections of DCBOE comments provide the interested reader with a more comprehensive picture of the work of the Board throughout a most unusual and challenging election cycle.

With regard to specific concerns with language in the draft report, we concur with the DCBOE view that in mentioning the litigation filed during the election cycle it was important to also note that the lawsuit was dismissed and we have added that to the report text. To the Board's point about the source of criticism on services to persons with disabilities we have edited the text to note the complaint was made in a report issued by Disability Rights DC at University Legal Services. And we apologize for inadvertently sending the draft report to the Executive Office of the Mayor. It is a standard step to include the EOM for reports on mayoral agencies but a report on an independent agency such as the Board of Elections should have gone solely to the DCBOE.

Finally, regarding the implementation date for same day voter registration (SDR) the Board indicated to our audit team that they allowed SDR during early voting beginning in 2010. Same day registration during early voting was formally authorized in D.C. Municipal Regulations in 2018 (See 3 DCMR § 504.6).

About ODCA

The mission of the Office of the District of Columbia Auditor (ODCA) is to support the Council of the District of Columbia by making sound recommendations that improve the effectiveness, efficiency, and accountability of the District government.

To fulfill our mission, we conduct performance audits, non-audit reviews, and revenue certifications. The residents of the District of Columbia are one of our primary customers and we strive to keep the residents of the District of Columbia informed on how their government is operating and how their tax money is being spent.

Office of the District of Columbia Auditor

717 14th Street N.W.

Suite 900

Washington, DC 20005

Call us: 202-727-3600

Email us: odca.mail@dc.gov

Tweet us: https://twitter.com/ODCA_DC

Visit us: www.dcauditor.org



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