

**Board of Elections Response to Issues Presented at the  
Committee on Judiciary and Government Operations  
June 19<sup>th</sup> Oversight Hearing**

As a follow up to the Oversight Hearing that was conducted on June 19<sup>th</sup>, this submission is for the record and consists of testimony presented by Board Chairman Michael Bennett, responses to questions that were raised along with attachments, and other documentation that was requested.

The reoccurring issues from the Primary election focus on the Board's communication and outreach efforts to inform voters about the voting opportunities during the pandemic, and technology challenges with the mobile app, email requests, and the manual interaction needed for the tracker to continuously update and verify signatures before returned ballots could be classified as accepted.

Outreach:

As previously indicated, the Board procured the services of a PR firm, Baynes and Associates, to assist with the Vote Safe DC campaign for the June Primary Election. The PR firm was selected through the contracting and procurement process and, at the time of the selection, it was the only firm that had responded to the Request for Proposal (RFP). The firm was responsible for the outreach associated with media ads, including television, radio, and digital. Attached is a copy of the "time" and "runs" of the ads that were purchased by the firm on behalf of the Board. In addition, the firm assisted with developing the Vote Safe DC campaign and oversaw the scheduling and hosting of approximately 30 meetings with various community groups, elected officials, party representatives, and members of the public at large. These meetings were held between April and May 21<sup>st</sup>. The dates, times, and participating organizations that were a part of the ongoing meetings that were conducted to discuss the Primary Election are attached.

The Board also engaged in an ongoing social media campaign through twitter, Facebook, and website postings by sharing updates multiple times per day and pushing out new information as soon as it became available.

Also attached is an outline of the outreach and coordination that the Board engaged in that was specific to Wards 7 and 8, along with ongoing communication and information provided to and exchanged with the Department of Corrections (DOC). We were consistently told by DOC that the residents were in "lockdown" and were extremely concerned about the outbreak of the virus. As a result of the health emergency, no one from the staff was allowed to enter the jail; nor was there anyone in a position to do so safely. There were multiple daily announcements in the facilities regarding the Primary Election. However, the interest from the residents, for obvious reasons, appeared to be marginal at best. Eventually, we were able to devise a plan that provided for the ballots to be mailed to the jail and guarantee delivery to the residents without being opened prior to delivery. This was based on the postmark on the ballots. There were 13 ballots requests. Of that number, 9 ballots were sent to DOC, and 4 were not because the requestors were registered as Independents. Of the nine ballots that were sent to DOC, seven were counted, one was not returned, and one was returned after the deadline for the postmark. Essentially, there were serious underlying health and safety conditions that contributed to the low voter turnout by the incarcerated population, including a number of deaths from the virus within the facilities.

### Technology and Support:

The mobile app used during the Primary election failed and has been disabled. It will not be used in the election process moving forward. Currently, voters are able to complete a fillable pdf application for voter registration and to request a mail-in-ballot. The Board is actively developing a replacement web application that will allow a voter to submit a request and track the request from delivery to fulfillment. This replacement web application will be evaluated during multiple phases of its development to ensure the capability of meeting the Board's needs moving forward.

The Board is in the process of evaluating its email system to ensure that all communications submitted to the Board are actually received, indexed, and processed so that they may be adequately addressed. The magnitude of emails received during the Primary resulted in the need for additional authorized manpower to timely respond appropriately.

The Board will increase its IT staff to allow for multiple levels of redundancy and support in varying areas of expertise associated directly with IT administration and election operations. The limitations of our current IT staff and technology became more apparent in light of the technical requirements associated with processing a large volume of mail-in ballots. This increase in staff will serve to facilitate redundancy and obviate the risk that a single point of failure related to personnel and technology operations will undermine the successful administration of the General Election.

### Federal funds:

The Board has received federal HAVA grant funds which are available to use for certain aspects of the election administration process. I am providing an attachment that reflects the encumbered funds, the balances of each grant provided, and the intended use of remaining funds. Consistent with the acceptance of the federal grant funding, there is also a local match that must be associated with each of the grants. The outstanding amount tied to the match funding is currently \$1.2 million dollars, (20% of 6 million). The time for providing the match funding ranges from 2-5 years, depending on the definition of the federal grant award. We will continue to rely on and expend the HAVA funds to meet the needs of the Board's administration of federal elections as allowed under the provisions of the grant. It is important to note that HAVA requires that the match funds cannot be supplanted as a way to meet the requirement.

The Board plans to use the remaining HAVA funds to enhance its IT infrastructure, execute its vote by mail program, achieve the optimal level and quality of staffing, acquire necessary voting equipment and other technology, conduct requisite list maintenance activities, support an aggressive messaging campaign about all aspects of the November General Election, including targeted outreach for underrepresented populations in the electorate, and procure items necessary to ensure the safety of voters, election workers, and election officials.

### **Current Plans for November Election**

#### **A. Ballot Delivery:**

As represented during the Hearing, the Board is in the process of procuring a Mail House vendor to support the November General Election. The vendor must be capable of timely providing all registered

voters with ballots, instituting the Intelligent Mail Bar Code for tracking both outgoing and incoming ballots, demonstrating their successful experience with providing support of elections the expected magnitude of the November General Election, and the ability to manage up to 600 ballot styles. Further, the mail house must deliver multiple sample decks and accommodate continuous regular meetings with the appropriate staff members prior to mailing ballots to DC residents and throughout the ballot mailing process.

Based on the market research that has been done since the Primary Election, the cost for this acquisition will be in the range of \$700,000-1 million dollars. HAVA funds are available to be used for this procurement.

B. Vote Centers:

There are still many unknowns with respect to the Public Health Emergency brought on by Covid-19. However, based on current information and following trends that are being planned nationwide regarding the administration of the November Presidential Election, the Board will institute the operation of Vote Centers in addition to mailing every registered voter a ballot. Experts who have been conducting Vote by Mail Elections for well over 10 years have **STRONGLY** advised against operating all local precincts on election day, once the decision has been made to mail ballots to every voter. This has proven to be a recipe for disaster due to voter habits. The reasons given vary, but consistent with this recommendation and guidance, the operation of centrally located Vote Centers, where all voters may cast a ballot should they choose to do so in person, is the best option for operating any in-person voting up to and including election day. The Board intends to follow that advice.

With this in mind, and respecting the opinions of those who have a successful operation in place in their statewide jurisdictions, the Board will seek to identify 40 Vote Centers for in-person voting. This will also provide an opportunity to residents who may have missed deadlines associated with registration/registration updates. Further, in the event, that a voter does not receive a ballot that may have been mailed, the Vote Center will also be available for that voter to cast a ballot. The Vote Centers will operate for 7 days, including election day, November 3<sup>rd</sup>.

Also, as was mentioned during the Hearing, the typical voting location will no longer serve to accommodate our voters. As such, the Board is in the process of identifying super-sized event venues that may be available to serve as Super Vote Centers. Conversations are progressing with Events DC, hotels, Public/Private non-profit entities, and other such locations. Based on the large number of voters who wish to cast a ballot in person, rather than by mail, it is clear that the need to support that decision also requires a venue large enough to accommodate them so that they have a positive voting experience. Smaller venues, no matter the number, will not provide the space needed for voters who intend to vote in person. This is also a trend that has been seen nationwide. It is the Board's hope that the Super Vote Center idea will be materialized in time for the November Presidential Election to better accommodate the potentially large number of in-person voters.

C. Public Schools as Vote Centers:

During the June Primary Election, the Board utilized the gymnasiums in many of the DC Public Schools. This proved to be successful until the afternoon of Election Day when the voter turnout increased substantially over the previous 10 days of Early Voting. We would like to continue to have access to the schools for the entire 7-day period including Early Voting and Election Day. In addition, we

would request the use of additional public school gymnasiums that are capable of accommodating both the voters and respecting the social distancing guidelines that may still be in place. We are currently assessing which locations would best suit the needs of the voters.

D. Communications:

BOE will continue to employ the services of a PR firm to assist with communicating the plans in place for conducting the November Election to voters. An acquisition is currently with the Office of Contracting and Procurement for this purpose. We will also continue to engage members of the public and schedule meetings with various members of the public, organizations, community groups, and elected officials. To the extent possible, we will engage members of those groups to assist with identifying poll workers, polling locations, messaging to voters, call center operations, and other needs as identified through the discussions with the members of the public and others.

E. Mail-in Ballot Process:

The mail-in-ballot process for the November Election will begin with a list maintenance process. During the Primary and Ward 2 special election the Board experienced a significant amount of undeliverable mail. The undeliverable mail was categorized by the USPS into the following undelivered notifications:

- Out of state address changes
- Intra-District Address changes
- Temporarily Away Holds
- Unable to Forward Notifications
- Return to Sender Notifications

The majority of the undeliverable mail is connected to voters who moved from the District to an out-of-state address. The next significant category was the intra-District address changes. The Board has begun updating addresses within its voter registration system and will continue updating its voter roll prior to executing the mail-in-ballot program for the November General election.

The Board will begin preparation for the mail-in-ballot program with an update to the voter registration mailing list by using the Address Correction Service (ACS) offered by the USPS. This ACS process begins with a postcard mailer sent to all voters at the address that is currently on file. Information on the postcard will advise voters of the mail-in-ballot process for the November 3, 2020 General election and will advise the voter that a ballot will be mailed to the address on file unless the postcard is returned by the voter with a request to update and mail the ballot to another address. Updates will be done as requested on the postcard as returned by the voter.

Multiple subsequent mailings will be sent to voters with information such as the date by which to return mail ballots, and locations, dates, and hours of operation for Vote Centers. Those mailings will be postcard/brochure style with short messages.

A voter guide will be developed. The voter guide will be posted on the website – anyone who would like a hard copy of the voter guide can request it and the Board will send it to those voters. The contents of the voter guide will be minimized in accordance with comments from members of the public indicating

that the volume of information in the voter guide is overwhelming and should be condensed. Those comments will be taken into consideration as we prepare the guide for the November election.

### Conclusion

The Board's successes with the Primary were overshadowed by unanticipated challenges that were highlighted. The public health emergency presented many challenges as we worked to conduct the election. Social distancing and gathering limitations resulted in a minimal number of both workers and voters allowed in the vote center at all times. BOE tried to respect that mandate by keeping the number of voters and poll workers to no more than 10, the limit in place. Social unrest in light of the murder of George Floyd resulted in the implementation of a curfew during EV and on election day which led to confusion and mixed messages. Police unintentionally began enforcing the curfew at some of the Vote Centers, especially on Election Day. Throughout all of these challenges, our staff and election workers served valiantly and performed admirably. We are thankful and grateful to those who risked their lives daily in order to limit others from risking theirs.

There are many lessons learned from the Board's very first attempt at a mail-in ballot process. Some of those lessons were quickly applied to the June 16<sup>th</sup> Ward 2 Special Election. The realization of how to do it differently resulted in a more positive voting and administrative experience for that election, overlapping with and occurring 2 weeks after the Primary. Continuing to apply lessons learned will undoubtedly result in eventually perfecting the process. We will incorporate the tools needed as we move forward. The ultimate goal is always perfection, but election administration is a human process, and one that requires the cooperation and understanding of voters by all definitions. The pivot from in-person voting to all mail is a heavy lift and takes years to accomplish in a normal environment. While we intend to put forth every effort possible and do a better job of monitoring and communicating, there will be hiccups and unknowns that will occur. We will do a better job of setting realistic expectations going forward, and realistic expectations include understanding that there are some factors that lie outside of the Board's ability to control.

As we move forward with November preparations, we will continue to follow all health guidelines as needed to guard against the reality of Covid-19 as a global pandemic of unprecedented proportions, institute policies and practices for compliance with the Americans with Disabilities Act, recruit and train poll workers as required by law, continue to have meaningful engagement with community leaders, and request their assistance when interacting with their constituencies. We will also execute our customary administrative functions, including reviewing nominating petition challenges tied to the candidates for direct access and the ANC's, reviewing and certifying a possible initiative submission for ballot access, and defining the election. More staff will be needed. We will employ WAE's until a better solution can be realized. We will also look to the possibility of contracting out services where possible. The goal is to leave no stone unturned and to make the election as successful as possible.