

Committee on House Administration
Committee on House Oversight and Accountability

Hearing on “American Confidence in Elections: The Path to Election Integrity in the District of Columbia”

Written Testimony: DC Board of Elections (DCBOE)
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Chairman Steil, Ranking Member Morelle, Chairman Comer, Ranking Member Raskin, and members of the Committees, I appreciate the opportunity to appear before you today to address the operations of the DC Board of Elections. I am Monica Holman Evans, Executive Director of the DC Board of Elections (DCBOE). Today, I would like to discuss the role of DCBOE in administering elections.

The DC Board of Elections is a Charter independent agency comprised of a bi-partisan three-member Board of private citizens, who are each confirmed by the DC City Council, once nominated by the Mayor. As the Executive Director, I am appointed by and serve at the pleasure of the Board. Along with a small, but dedicated staff, I am responsible for carrying out the Board’s mission.

Our Board came into existence in 1955, by Act of Congress, as an independent agency “not subject to the direction” of any elected official, person, or political party. At the time, DC residents were permitted the vote for a few local party offices. The list of elected officials expanded to the U.S. President (in 1964, after the 23rd Amendment); our School Board (in 1968); our Delegate to the US House of Representatives (in 1971); and with the 1974 voter approval of the Congressional Home Rule Act of 1973, DC residents could then elect our Mayor, DC Council, and Advisory Neighborhood Commissioners.

For the last fifty years, we have successfully administered the elections of all of those officials, in accordance with the Home Rule Act, the DC Elections Code (Title I, Chapter 10 of our DC Code), and various federal and DC laws and amendments.

The mission of the Board of Elections is simple: to enfranchise eligible residents, conduct elections, and assure the integrity of the electoral process. This mission, mandated by federal and local statutes, is executed through the operation of the District of Columbia’s voter registration system; by administration of the ballot access process for candidates and measures; through the delivery of comprehensive public, media, and voter information services; by maintenance of technical systems to support voting, ballot tabulation, and electronic mapping of election district boundaries; through the planning and implementation of each District of Columbia election; and through the performance of legal counsel, rulemaking, and adjudication function.

In my role as the Executive Director, I am responsible for providing high level leadership and guidance and direction to subordinate divisions in the areas of voter registration and services, administration, information technology, outreach, and training. The duties of the Executive Director further include:

- Developing and directing the organizational machinery and procedures necessary to ensure the effective and efficient administration and execution of the election statutes of the District of Columbia;
- Reviewing all agency programs, plans and operations for adequacy and conformance with the policies of the Board;
- Assisting the Board and the General Counsel in the review of legislative proposals and development of agency regulations affecting agency operations in the delivery of election services; and
- Serving as the primary point of contact for the agency, I ensure the operation of elections in the District of Columbia is in accordance with federal and local laws.

With respect to legislation, my office does not introduce legislation, we do not pass legislation, nor do we opine on legislation. We do not comment on the policy decisions made or proposed by elected officials. We are an agency charged with implementing election laws as they exist, or as they may be amended from time to time by elected officials. When needed, we comment to the DC Council regarding the administrative requirements and the fiscal impact of implementing pending legislation. Similar to Congress, the DC Council solicits feedback from constituents and hosts public hearings prior to the enactment of any legislation. As you know, in the District of Columbia there is also a 30-day Congressional Review period for all Council-enacted legislation. Once a DC law passes Congressional review, we administer it with neutrality and independence.

Generally, DCBOE considers its efforts successful when:

- All eligible individuals who wish to participate in the electoral process through registering and voting can do so simply, efficiently, and without barriers, and with confidence that their votes will be counted as they intended;
- Individuals who wish to run for office are fully informed regarding how to obtain ballot access; and
- Stakeholders have confidence in the management of the process and the result.

DCBOE works and collaborates with state and local elections offices through its participation in national organizations including the Election Center, the National Association of State Election Directors (NASED), and the National Association of Secretaries of State (NASS). DCBOE also interacts with and/or receives funding from the Election Assistance Commission (EAC), the Council of State Governments (COG), the Federal Voting Assistance Program (FVAP), the Department of Justice Voting Rights Division, and the National Association of County Clerks (NACO). DCBOE engages with state election officials in other states to determine best practices, and

reviews election-related research and studies from other sources including the General Accounting Office (GAO) and the National Conference of State Legislatures (NCSL). Our collaboration with FVAP is to implement the online voter registration and absentee ballot request system for military and overseas citizens. This is one of our highest priorities. In addition, BOE continues to utilize the State and Territorial Exchange of Vital Events (“STEVE”) to identify and take appropriate action with respect to voters who are deceased.

DCBOE is also a member of the Electronic Registration Information Center (ERIC), an interstate voter information exchange program in which participating jurisdictions upload anonymized voter registration, voter history, and Department of Motor Vehicles (DMV) data into a single database. Data-matching software compares the data, and facilitates the issuance of list maintenance reports back to the member jurisdictions, allowing them to identify and take the appropriate action with respect to any duplicate voter registrations, voters who are deceased, and voters who have moved within or outside of their jurisdictions. ERIC also allows DCBOE to identify individuals within the District of Columbia who are eligible to vote but are not registered.

We are also pleased to work with similar new inter-jurisdictional efforts that help us maintain our voter registration lists. Through ERIC or otherwise, our goal is simply to maintain accurate voter rolls in our jurisdiction which is, relative to the States, more transient and constantly in motion.

DCBOE spends considerable time and resources to ensure accessibility at all of its polling locations. DCBOE has collaborated with the Mayor’s Office of Disability Rights, the Department of General Services (DGS), University Legal Services (ULS), the National Federation of the Blind, the National Disability Rights Network, the National Council on Independent Living and other disability rights organizations to assist in surveying and addressing the accessibility concerns of individuals with disabilities as it relates to voting.

DCBOE ensures the integrity of each and every election. We have many measures and safeguards in place that warrant confidence in our elections processes. We are transparent with our operations and reports are published on our website. Our operations are open and accessible to members of the public.

A Voter Registration Activity Report is required under District law. DCBOE is required to publish in the District of Columbia Register on the 3rd Friday of every month, the total number of qualified electors registered to vote in the DC as of the last day of the month preceding publication. The notice is broken down by ward and political party affiliation, where applicable, and lists the total number of new registrants, party changes, cancellations, changes of names, and/or addresses processed under each category.

District law requires us to submit a Freedom of Information Act Report to the Mayor’s Office of Legal Counsel. The report is due after the close of each fiscal year.

DCBOE produces and submits an Annual Agency Accountability Report to the Office of the City Administrator. We also submit a Language Access Compliance Report to the Office of Human Rights each year.

Prior to each election, DCBOE conducts Logic and Accuracy (L&A) testing that is designed to verify the ballot counting program, prepare voting equipment, and certify that the voting equipment properly reads and tabulates votes. Setting up an election requires testing of all voting equipment. L&A testing is a collection of pre-election procedures that ensure the equipment properly displays ballots, collects votes, and tabulates results. Tests are conducted prior to every election and may be observed by members of the public. Voting equipment is not approved for use if it fails L&A testing and is not deployed to any vote center unless it produces the exact count on the predetermined script, rejects all improper votes, and meets all test criteria. Of note, the voting equipment used in the District of Columbia is accredited under the Election Assistance Commission's Testing & Certification Program. Therefore, our equipment provides basic functionality, accessibility and security capabilities as required under the Program.

DCBOE produces an After Action Report that is posted on our website. The report is due following each general election and includes ballot data broken down by type, registration activity data, election worker data, election night reporting data, and an Americans with Disabilities Act review.

Further, DCBOE conducts a manual audit after primary and general elections that examines no fewer than three contests that include at least one District-wide contest and at least two ward-wide contests. The audits are conducted in public view so that members of the public are able to verify that votes are correctly classified and tallied. A report detailing the audit is required under District law and must be completed before election results are certified.

We conduct 100% signature verification on all returned mail ballots. Trained employees review scanned signatures from ballots against signatures we have on file. We capture signatures from the Department of Motor Vehicles, from signed voter registration applications, and from in-person voting. If there is a signature mismatch or if there is no signature, we have a cure process. We email cure letters, or mail them when we do not have an email address. Voters certify that they are the individual who voted by signing a voter's certificate. These certificates may be returned to DCBOE by mail, in-person, by email, or by fax. During the last election, we were able to successfully cure the majority of the ballots that had no signature or a signature mismatch. For the upcoming 2024 Election Cycle, we plan to purchase Automatic Signature Verification software to assist with this task.

DCBOE also has guidelines for poll watchers and election observers at the polling place. DCBOE provides Guidelines for Poll Watchers & Election Observers to ensure the orderly conduct of elections, and to protect the rights of all participants in the voting process.

To further ensure transparency, DCBOE conducts monthly board meetings that are open to the public. The agenda and meeting details are posted on our website.

BOE's high-level priorities continue to be the successful administration of elections, achieved through comprehensive efforts to educate and inform voters about the election process, maintain a secure, accurate, and up-to-date voter registry, and administer efficient, inclusive, and accessible elections. Top priorities include:

To work with Gallaudet University to establish a Vote Center that specifically meets the needs of individuals with hearing impairments. Our ADA Coordinator and Voter Education and Outreach Division are working with Gallaudet to “adopt a precinct” for the 2024 Election Cycle. This is an opportunity to engage DC residents in a unique and meaningful way. If successful, we hope to replicate this Vote Center model targeting other communities in the District.

Explore options to maintain an accurate and up-to-date voter registry through consistent use of data yielded from the Electronic Registration Information Center (ERIC); the State and Territorial Exchange of Vital Events (STEVE) database; the National Change of Address (NCOA) and Social Security databases.

Develop engaging and targeted voter education and outreach programs and materials that will educate all potential and existing voters - including the youth, senior citizens, people with disabilities, people with language access needs, and underrepresented populations. We educate them about DCBOE programs and processes, their rights and responsibilities in the electoral process, and how they can contribute to the successful administration of elections. DCBOE also provides education and outreach about newly enacted legislation.

Partner with federal and local agencies to enhance the security of all election systems. Conduct additional steps to protect critical infrastructure from cyber and other attacks. Efforts include the enhancement of the IT Division by developing additional standard operating procedures to assist with the DCBOE's mission and maintain security of the infrastructure.

The work of DCBOE occurs with the input of many divisions. The Voter Services Division is responsible for management and maintenance of the District's voter registry, including all aspects of voter qualification and document management. They develop and maintain the National Voter Registration Act (NVRA) manuals to assist with training. They are responsible for various election-related functions such as ballot requests, post random audits, and recounts. This division also hosts brown bag training for candidates, processes all initiative, referendum and recall petitions to determine sufficiency, and oversees challenges associated with any petition filing. The Voter Services Division is the first point of contact for most residents entering in the election process either by registering as a first time voter, seeking ballot access, or filing ballot measures for presentation before the voters. This unit is a key source for voter information.

The Data Services Division qualifies voter registration applications received from multiple sources to determine if applicants are eligible to register and vote. As part of list

maintenance of the voter registration roll, DCBOE conducts biennial voter maintenance and sends address confirmation cards to voters who do not vote in general elections. The division processes correspondence received and acts accordingly to update the voter roll. In addition to regular voter maintenance, this division processes voter ID cards, coordinates with the Electronic Registration Information Center (ERIC) mailings and provides notices to other jurisdictions. The division also processes vote by mail for military and overseas voters by processing absentee requests and voting transactions, including data entry for ballot mailing/tracking. It determines voter registration status for processing ballot measure petitions, provisional/challenged ballots, and candidate challenges.

The Election Worker Recruitment and Training Division (Election Worker Division) recruits DC residents from all eight wards within the District of Columbia who will work during Early Voting and on Election Day. The Division identifies election workers on a continuing basis by recruiting workers at community events held throughout DC year round. The goal and mission is to adequately staff Vote Centers by recruiting, training, and deploying thousands of election workers for both Primary and General Elections.

Another responsibility of the Election Worker Division is to effectively operate the agency's call center that is staffed with a seasonal workforce that begins operating a minimum of three months in advance of an election. Call center operators are responsible for contacting and scheduling over 3,000 election workers for a mandatory four-hour training class. The division identifies and trains instructors to conduct ten to twelve weeks of training for over 200 classes held Monday through Saturday prior to every election. The Election Worker Division ensures each election worker receives detailed hands-on instruction and training tailored to one of the four different roles that must be performed in each Vote Center on Election Day. The Division also prepares a polling place operations manual that is given to each election worker.

In 2021, the Office of the District of Columbia Auditor (ODCA) issued a report that covered the administration of the 2020 election in the District of Columbia. DCBOE was able to effectively address the issues raised in the audit report. As noted in our response, DCBOE takes the mission of the agency very seriously. Everyone works hard and is fully dedicated to the agency's work. As indicated in the ODCA's final report, DCBOE's comments provided a more comprehensive picture of the work of the Board throughout a most unusual and challenging election cycle.

The Brookings Institution, one of the nation's premier nonpartisan think tanks, analyzed every state's vote-by-mail procedures in 2020. Eight states, plus the District of Columbia received an "A" grade on the scorecard.

In 2020, the Rand Corporation, a research organization that develops solutions to public policy challenges, conducted an assessment of state voting processes. Due to the processes in place in the District of Columbia, we were prepared to navigate elections during a pandemic. The key findings of the assessment indicated that eight states and the District of Columbia have automatic voter registration, online registration, and same-day registration that well positioned us to register new voters safely and to provide voters several options to minimize personal health risk. We have been commended on

the policies and approaches that support flexibility and resilience in the District of Columbia. We have also been awarded for our overall commitment to assisting voters with disabilities throughout the voting process.

In closing, DCBOE has a dedicated staff that administers elections effectively and with integrity. We work with other elections jurisdictions to share information and election practices. Simply stated, we are charged with adhering to and implementing the election laws that pertain to the District of Columbia.

Thank you.