



The District of Columbia Board of Elections Election Day Preparation and Administration Can Be Improved

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A Report by the Office of the District of Columbia Auditor
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The Honorable Kenyan R. McDuffie
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Letter Report: The District of Columbia Board of Elections' Election Day Preparation and Administration Can Be Improved

Dear Councilmember McDuffie:

The Office of the District of Columbia Auditor (ODCA) is pleased to have examined concerns surrounding the November 4, 2014 General Election reflected in your letter of September 25, 2014, and our findings follow.

Background

The Board of Elections (BOE) is the independent agency of the District government responsible for voter registration, ballot access and the administration of elections. The BOE was established under §3 of the District of Columbia Election Act, approved August 12, 1955 (69 Stat. 699; DC Code §1-1001.01 et seq.). The BOE consists of three active Board members, an Executive Director, a General Counsel and a number of additional staff who run the day-to-day operations of the Agency. More than 450,000 potential voters were registered and therefore eligible to vote in the November 4, 2014 General Election.

The BOE is responsible for all aspects of the electoral process, including voter registration and the implementation of and compliance with Federal and District law. They are also responsible for ensuring that all eligible residents have the opportunity to vote.

The Board's responsibilities related to Election Day include, but are not limited to, the following:

- Recruiting and appointing a sufficient number of election workers to adequately staff elections;
- Providing training to election workers;
- Testing voting machines for accuracy prior to use on Election Day;
- Ensuring accessibility of polling places for disabled voters; and
- Tabulating and reporting election results.

Objectives, Scope and Methodology

The Office of the District of Columbia Auditor (ODCA) assessed the BOE's preparedness for, and administration of, the November 4, 2014 General Election, specifically through the examination of:

- Staffing, election worker retention, and training and evaluation procedures;
- Compliance with the Americans with Disabilities Act (ADA) at polling places;
- Election technology; and
- Reporting times and methodology used to tabulate election results.

We interviewed BOE personnel, including Executive Director Clifford Tatum, in order to gain an understanding of election operations, election technology, and the methodologies used in reporting and tabulating election results. We reviewed:

- Federal and District law governing Election Day activities, as well as the BOE's policies and procedures;
- The after-action report prepared by the BOE in response to concerns regarding the April 1, 2014 Primary Election;
- Training material and procedures in place to train all Election Day personnel;
- Election worker data over the past three major elections to analyze worker retention;
- Training sign-in sheets to confirm if randomly selected election workers attended training;
- Written examinations for a sample of Election Day workers demonstrating sufficient knowledge to meet the Board's standards for executing a smooth election;
- Logic and accuracy testing performed on a sample of voting equipment that was used in the election; and
- The Staff Technician Report from Election Day.

ODCA also attended a training session for check-in clerks. In addition, we conducted 89 unannounced site visits (see Appendix I for all precincts visited) to observe precinct operations and the precincts' compliance with applicable ADA laws and regulations on Election Day. We observed the early voting tabulation, Election Day voting tabulation process, the post-election manual audit, and reviewed the post-election manual audit results. We also observed the Board of Elections certification of the November 4, 2014 General Election results.

We did not conduct the examination as an audit as defined by the Government Accountability Office's Government Auditing Standards.

Results of the Auditor's Examination

Staffing

Having an adequate number of election workers staffed at precincts on Election Day is critical to ensuring that the voting process is conducted in an efficient and effective fashion. Election workers for the November 4 election were compensated based on their level of responsibility. Figure 1 was taken from the BOE's April 1, 2014 Primary After-Action Report. ODCA used this information to determine the minimum staffing requirements for the November General Election. The table provides a breakdown of the election worker positions at each precinct, number of workers needed for each position, and job descriptions.

Figure 1

Election Worker Positions at Each Precinct, Number of Workers Needed For Each Position and Job Descriptions

Position	Per. Precinct	Job Description
Captain/Assistant Captain	1	Manage and lead the precinct
Assistant Captain	0-1	Assist with precinct leadership in busiest precincts
Check-In Clerk	2-7	Sign in voters and direct voters to get their ballots
Special Ballot Clerk	1-3	Handle voters unable to vote via a regular ballot
Voter Assistance Clerk	2-3	Handle curbside voters and assist disabled voters
Ballot Clerk	2-5	Ensure voters are given the correct ballot
Total	8-20	

We reviewed the staffing assignments at 89 precincts within the District. We noted that 23 of the 89 precincts did not have the minimum number of workers in each position, per the staffing requirements in the BOE's April Primary After-Action Report. We learned that the main cause for these staffing shortages was workers not showing up for duty on Election Day. In addition, ODCA observed several precincts that had the minimum number of workers in each position but the election workers were moved from their assigned position to fill in for election workers who did not show up. Below are the statistics for no-shows from the April Primary and November General Election:

- During the April 1, 2014 Primary, of the 1,687 assigned workers, 1,513 showed up for work, meaning that 174 workers (10.3 percent) failed to report to their polling places on Election Day.
- During the November 4, 2014 General Election, of the 1,911 assigned workers, 1,743 showed up for work, meaning that 168 workers (8.8 percent) failed to report to their polling places on Election Day.

The BOE is well aware of the significant impact that no-shows have on Election Day operations. In an attempt to address this persistent issue, the BOE factors in the number of election workers who are likely to not show up to work on Election Day and increases the number of workers recruited and assigned to each precinct in an attempt to accommodate the no-shows. In

addition, they recruit additional workers to be on standby for deployment in the event a precinct is in need of additional staffing.

Although these are laudable strategies, and actual participation improved from April 1 to November 4, there was still a lack of coverage on Election Day. Through discussions with precinct captains, we learned that in many cases they had no choice but to shift their workers to positions they may not have been trained for in order to have coverage as complete as possible. We are concerned that workers were re-assigned to positions they were not trained for which could conceivably affect the efficiency of the voting process if any unforeseen circumstance occurred that they were not trained to resolve. We suggest that the BOE ensures that the minimum staffing requirements for each position are fulfilled on Election Day. In addition, we suggest that the BOE conduct a more comprehensive training course that will train all election workers for multiple positions to ensure the efficiency of the voting process.

Election Worker Retention

Per your request and for information purposes only, ODCA provided the following election worker retention data: Of the 1,743 full-time workers who worked in the November General Election 2014, we learned that 930 (53.4 percent) had worked in the April Primary Election and 534 (30.6 percent) had worked in both the April Primary Election and the General Election in November 2012.

Training and Evaluation Procedures

Per the BOE's April Primary After-Action Report, election workers, regardless of their prior experience and training, are required to: (1) attend a training class specific to the worker's assigned tasks; (2) pass a written test to demonstrate sufficient knowledge to meet the Board's standards for executing a smooth election; and (3) successfully complete Election Day simulation exercises to demonstrate the ability to complete the tasks required for the position.

ODCA randomly selected 25 election workers (four captains, two assistant captains, five check-in clerks, four special ballot clerks, five voter assistance clerks, and five ballot clerks) from 15 precincts to verify whether they attended a training course and passed a written exam to demonstrate sufficient knowledge to meet the Board's standards. We observed that:

- Captains and assistant captains did not complete a written test at the conclusion of their training notwithstanding BOE's own requirement. Per the BOE staff, captains and assistant captains were evaluated solely on their hands-on performance and their work in previous elections;
- 1 of the 25 election workers did not attend a training course, but still worked on Election Day. This individual was assigned as a voter assistance clerk. We learned that people that did not attend training prior to the election show up to help on Election Day and the precinct captains will allow them to stay;
- 1 of the 25 election workers worked on Election Day, despite scoring a 66.7 percent on the check-in clerk exam. Per the BOE staff, the election worker was re-assigned to the ballot clerk position but did not attend training after the staffing lists had been finalized. The election worker was assigned as an extra ballot clerk at her precinct; and
- 1 of the 25 election workers worked on Election Day, despite scoring less than 50 percent on the written exam. Per the BOE, the test score is used in conjunction with

observations of the hands-on performance evaluation and they generally want to see workers get an 80 percent or better on the test.

Election workers should be properly trained and understand the material. We fully appreciate the difficulty of recruiting large numbers of Election Day workers and the challenge of assuring that they are all well equipped with experience and training. We suggest that the Board revisit its training and testing requirements, including benchmarking with other jurisdictions and incorporating a required level of proficiency when tested on procedures. While we tend to believe that captains and assistant captains should complete a comprehensive exam in addition to their simulation exercises, we defer to experts in how such issues are handled successfully elsewhere.

We also suggest that only individuals who attended training prior to the election be allowed to work on Election Day, as their failure to attend could indicate a lack of reliability. In addition to attending a training session and completing a written exam, District of Columbia Municipal Regulations § 3-705.6 states that all polling place officials shall take and sign an oath of office to honestly, faithfully, and promptly perform the duties of office. Individuals that do not show up for training do not sign this oath. Further, a lack of training could impact voting process in the event an unforeseen circumstance occurs that they cannot resolve.

Compliance with the Americans with Disabilities Act (ADA) at Polling Places

Title II of the Americans with Disabilities Act (1990) requires state and local governments to ensure that people with disabilities have a full and equal opportunity to vote. This applies to all aspects of the voting process, including voter registration, site selection, and the casting of ballots. ODCA consulted a guide from the U.S. Department of Justice to inform our observations and analysis of the BOE's compliance with the ADA on Election Day. A major responsibility of election officials is to make sure polling places have a disability accessible route from the parking area to the entrance, a disability accessible entrance to the voting booths, and an exit back to the parking area. ODCA conducted a spot check of 89 precincts to determine if they complied with certain Americans with Disabilities Act requirements. During our visits, we specifically checked for the following:

- Reserved disability parking spots;
- A disability accessible voter entrance;
- Signage for a disability accessible voter entrance;
- A disability accessible path to the precinct free of obstructions;
- Doorbells for locked disability accessible voter entrances;
- Signage leading disabled voters to the polling area once inside the precinct;
- Touch-screen machines are on stands with different heights for wheelchair users; and
- Audio headsets for voters with hearing impairments to use with the touch-screen machines.

While the BOE has taken significant steps to ensure the precincts were accessible, we noted that 37 out of the 89 precincts we visited did not have one or more of the criteria mentioned above to fully accommodate voters with disabilities.

We suggest that the BOE have an Americans with Disabilities Act coordinator(s) on staff to ensure that all precincts are 100 percent accessible on Election Day. In addition, all precinct captains would benefit from a manual or checklist on Election Day, giving them instructions on where to place signage, doorbells, and other relevant items prior to the precinct opening on Election Day. While observing precinct 136's compliance with the Americans with Disabilities Act (see Figure 2), we noted that the signage for a designated parking spot for disabled voters and signage leading to the disability accessible entrance was still inside the precinct and had not been removed from the supplies container. After inquiry, the Captain was unaware of where to place these signs and asked ODCA for assistance.

Figure 2 includes the results of the precincts visited that were not 100 percent accessible on Election Day, and ODCA's observations.

Figure 2

Precincts That Were Not 100% Disability Accessible on Election Day and ODCA's Observations

Precinct Number	Location	Observations
2	The School Without Walls	The disability accessible entrance required the use of an elevator. The elevator lacked audible floor indicators and signs letting the voter know which floor to go to. In addition, the doorbell at this location was not working.
6	Georgetown Neighborhood Library	The disability accessible entrance required the use of an elevator. The elevator lacked signs letting the voter know which floor to go to.
13	Our Lady Queen of the Americas	The location did not have a disability accessible entrance. The entrance that could have been used for the disability accessible entrance was next to a daycare center and was not used due to safety concerns for the children.
16	15 th Street Presbyterian Church	The disability accessible entrance required the use of an elevator. The elevator lacked audible floor indicators.
23	Rita Bright Community Center	The location lacked signage leading disabled voters to the disability accessible entrance from the parking lot.
30	Janney School	The signs posted for the disability accessible entrance lead to the wrong side of the building.
33	Murch School	The doorbell at the disability accessible entrance did not work.
34	Edmund Burke School	There was no doorbell or curbside voter assistance clerk at this location.
38	Cesar Chavez Prep Charter School	The disability accessible entrance was located on the opposite side of the building. The door to the disability accessible entrance was locked. When we knocked, we waited for two minutes before the school's janitor opened the door. Once we entered, the use of an elevator was required. The elevator did not have audible floor indicators or signage leading disabled voters to the polling area.
41	Trinity AME Zion Church	The location did not have designated parking spots for disabled voters.
45	MPD – Regional Operation Command	The disability accessible entrance required the use of an elevator. The elevator lacked signage letting the voters know which floor to go to.
47	Powell School	There were no signs posted for the disability accessible

Precinct Number	Location	Observations
		entrance. After entering through the main entrance and inquiring, we were informed that the disability accessible entrance was through a back door in the alley.
56	Truesdell Elementary School	The door to the disability accessible entrance was locked. When we knocked, no one answered. There was no doorbell present.
65	LaSalle Elementary School	The location did not have designated parking spots for disabled voters and the doorbell was not working because the batteries were missing.
66	UDC Community College @ Backus	There were no signs posted for the disability accessible entrance. There were also steps to go into the building, as well as two flights of stairs to walk up to get to the voting area. There was a ramp but the door was locked. Once we spoke to the captain, we learned there was another entrance on the other side of the building that had the parking spot, signage and doorbell.
67	Bunker Hill Elementary School	Heavy closed doors blocked the disability accessible entrance. In addition, there was no doorbell at the entrance and no voter assistance clerk to help
68	St. Francis Hall	The doorbell at this location was placed curbside and did not always work.
69	Perry Street Prep	A dumpster and school bus obstructed the disability accessible entrance that was located around the back of the building. Once we entered the building through the disability accessible entrance, there was no signage leading the disabled voters to the polling area. In addition, the doorbell was placed too far from the base and did not work.
70	Burroughs Elementary School	There were no designated parking spots for disabled voters or voter assistance clerks in the parking lot. In addition, there was no doorbell present at the disability accessible entrance.
72	Model Cities Senior Wellness Center	A dumpster obstructed the designated parking spots for disabled voters.
77	Joseph Cole Recreation Center	The doorbell at this location did not work.
78	Trinidad Recreation Center	There were no designated parking spots for disabled voters. In addition, it took 3-4 minutes to gain access through the disability accessible entrance.
81	Miner Elementary	The doorbell at this location did not work. The location also lacked a ramp for wheelchair access.
97	Kelly Miller Middle School	The location did not have designated parking spots for disabled voters. In addition, there were steps that lead to the polling area with no ramp for wheel chair accessibility.
107	Sousa Middle School	The location did not have designated parking spots for disabled voters. In addition, the door to the disability accessible entrance was locked. We rang the doorbell six times with no answer.
111	St. Francis Xavier Parish	The location did not have designated parking spots for disabled voters. There were no signs posted for the disability accessible entrance or a functional doorbell.

Precinct Number	Location	Observations
114	Union Baptist Church	The doorbell at this location did not work. The disability accessible entrance required the use of an elevator that did not have audible floor indicators.
118	Moten School	The disability accessible entrance required the use of an elevator that did not work. Disabled voters had to vote curbside. In addition, the doorbell at this location initially did not work but was later fixed.
121	Ferebee-Hope Recreation Center	We noted that a wheelchair would have a difficult time accessing the precinct.
122	Ballou High School	There was no designated parking spot for disabled voters. In addition, we noted that there was a doorbell, but it was not placed outside for use.
123	Martin Luther King Elementary School	We were told there were designated parking spots for disabled voters, but we could not locate them. In addition, the disability accessible entrance was crowded.
126	W B Patterson Elementary School	The location did not have designated parking spots for disabled voters.
127	King Greenleaf Recreation Center	The doorbell at this location did not work.
129	MLK Library	The doorbell for the disability accessible entrance was not working.
134	Allen Chapel AME Church	There were no signs posted for the disability accessible entrance. In addition, the door for the disability accessible entrance did not have a doorbell in use because the batteries were missing.
136	LeadingAge	The location did not have designated parking spots for disabled voters. In addition, there were no signs leading to the disability accessible entrance, or a visible doorbell. After inquiry, the Captain pulled the signs out of the supplies container and asked ODCA for assistance on where to place them.
141	Frank D. Reeves Municipal Center	The button to open the wheelchair accessible entrance did not work.

Election Technology

Voting Equipment

The BOE deployed a total of 429 voting machines including both optical scan and touch screen units for the General Election. The optical scan voting machine (M100) was used to tabulate paper ballots. The touch screen voting units, technically known as the direct-recording electronic (DRE) voting machines, were originally used to facilitate voting for voters with disabilities.

The BOE used electronic poll books (ePollbooks) to check-in voters at every precinct. EPollbooks are electronic versions of paper pollbooks that enable check-in clerks to locate a voter's information quickly and accurately.

Of the 89 precincts visited, we found 57 precincts experienced technical issues and required the assistance of a staff technician or technical rover. Precinct captains should have been able to

address some issues such as changing the Real-Time Audit Log (RTAL) tape. The RTAL records the voter's choices to paper as the voter makes their choices. If the paper runs out, the printer roll must be changed in order for the DRE to operate effectively. The information below was provided by precinct captains, the BOE's Staff Technician Report, and ODCA's observations.

Figure 3 includes the results of the precincts visited that experienced voting equipment and/or ePollbook issues.

Figure 3

Precincts That Experienced Voting Equipment and/or EPollbook Issues

Precinct Number	Location	Equipment	Issue
2	The School Without Walls	ePollbook	Malfunction of ePollbooks.
3	St. Paul's Parish	DRE	DRE had to be replaced.
4	The School Without Walls At Francis-Stevens	DRE	DRE screen was unresponsive. A hard reset was required in order to operate properly.
12	St. Sophia's Greek Orthodox Cathedral Church	DRE	DRE experienced issues when it was turned on at 7am. Technician had to open the machine.
13	Our Lady Queen of the Americas	M100	M100 scanner head had to be replaced.
14	St. Thomas Parish	M100	M100 had to be replaced.
16	15 th Street Presbyterian Church	DRE/ePollbook	DRE RTAL tape had to be changed and the printer needed to be reset. An ePollbook was not booted at precinct opening.
17	Metropolitan AME Church	ePollbook/M100	EPollbook went down and SD Card had to be replaced. The M100 at this location also experienced some ballot jamming.
19	Dunbar High School	ePollbook	Two ePollbooks froze and had to be reset.
21	Watha T. Daniels-Shaw Neighborhood Library	DRE/ePollbook	DRE RTAL tape had to be replaced. The captain at this precinct also indicated an ePollbook issue that took over 30 minutes to resolve.
26	Oyster Elementary School	ePollbook	EPollbook froze and had to be reset.
33	Murch School	ePollbook	EPollbook had to be reset for login and experienced printer issues.
34	Edmund Burke School	DRE/ePollbook/M100	DRE RTAL tape had to be changed. The captain also indicated that an ePollbook wasn't working and that the M100 wasn't working and had to be serviced prior to opening.
35	HD Cooke Elementary School	DRE	Both DRE's would not vote with a red PEB. The red PEB's had to be replaced with green PEB's in order to function properly.
37	Banneker Community Rec. Center	DRE	RTAL roll had to be changed.
38	Cesar Chavez Prep Charter School	ePollbook	EPollbook froze.
39	Columbia Heights Education Campus	ePollbook	EPollbook froze.
40	Bancroft School	DRE/ePollbook	DRE froze and had to be replaced. EPollbook printers had to be reset.

Precinct Number	Location	Equipment	Issue
45	MPD – Regional Operation Command	ePollbook	EPollbook printer went down.
47	Powell School	M100/ePollbook	M100 experienced a couple of ballot jams and an ePollbook froze.
48	Sharpe Health School	M100/ePollbook	M100 experienced a couple of ballot jams and an ePollbook froze.
54	West Elementary School	ePollbook	EPollbook froze and experienced printing issues.
56	Truesdell Elementary School	ePollbook	Multiple EPollbooks froze and paper had to be changed on an ePollbook printer.
65	LaSalle Elementary School	ePollbooks/DRE	All the ePollbooks at this precinct kept freezing up. In addition, a RTAL tape had to be changed.
66	UDC Community College at Backus	ePollbook/DRE	EPollbook froze and had to be reset. In addition, all ePollbook printer rolls had to be changed. The red PEB stopped working on the DRE. The technician instructed the captain to use the green PEB and continue voting. The green PEB stopped working as well and another PEB had to be created. All voters had to use a paper ballot until the green PEB arrived to the precinct, which took a while.
67	Bunker Hill Elementary School	ePollbook	EPollbook froze and had to be reset.
68	St. Francis Hall	ePollbook	EPollbook froze and had to reset.
69	Perry St. Prep PCS at Taft	DRE	DRE had to be replaced.
70	Burroughs Elementary School	DRE	DRE experienced an issue that the technician could not resolve. The DRE had to be replaced.
72	Model Cities Senior Wellness Center	DRE	DRE RTAL rolls had to be changed.
81	Miner Elementary School	ePollbook/DRE	EPollbook froze and had to be reset. DRE screen froze and had to be replaced.
82	Sherwood Rec. Center	ePollbook	EPollbook printer went down and had to be reset.
84	Stuart Hobson Middle School	ePollbook	EPollbook printer went down and had to be reset.
86	Eliot-Hine Middle School	ePollbook	EPollbook froze and had to be reset.
87	Payne Elementary School	ePollbook	EPollbook printer went down and had to be reset. The ePollbook printer paper also had to be changed.
95	Drew Elementary School	DRE	Technician had to re-calibrate the DRE at the precinct in order for it to work properly.
97	Kelly Miller School	ePollbook	EPollbook froze and had to be reset.
103	Plummer School	ePollbook	Minor problems with the ePollbooks occurred but were easily resolved.
107	Sousa Middle School	DRE	DRE had to be reset.
109	Randle-Highlands Elementary School	ePollbook	EPollbook froze but was not fixed due to having enough ePollbooks remaining to accommodate the precinct traffic.
111	St. Francis Xavier Parish	DRE	Captain was concerned with a DRE's speed. The technician re-calibrated the machine to improve the speed.

Precinct Number	Location	Equipment	Issue
114	Union Baptist Church	ePollbook	EPollbook printer had to be reset after printer paper was changed.
116	THEARC	DRE	A malfunction with the DRE's printer caused issues during the closing process.
118	Moten School	DRE	A printer was incorrectly connected to the DRE and caused minor issues during the closing process.
120	Malcolm X Elementary School	ePollbook	EPollbooks froze multiple times throughout the day and had to be replaced.
121	Ferebee-Hope Recreation Center	ePollbook	EPollbooks froze and had printers that needed to be reset.
123	Martin Luther King Elementary School	M100	M100 did not properly process ballots, and the M100 head had to be replaced.
124	Covenant Baptist United Church	ePollbook	EPollbooks at this location continuously froze throughout the day and eventually had to be replaced.
127	King Greenleaf Rec. Center	ePollbook	EPollbook had the April Primary election formatted on the ePollbook. The technician had to re-program the ePollbook to the November General Election.
129	MLK Library	DRE	DREs were not ready at 7am due to password issues. Morning voters could only vote via paper ballot until issue was resolved. A printer also went down and had to be reset.
130	Lutheran Reformation	ePollbook	EPollbook froze and had to be reset.
131	Van Ness School	DRE	DRE froze and had to be replaced.
132	D.C. Center for Therapeutic Recreation	ePollbook	EPollbooks froze and had to be reset multiple times.
134	Allen Chapel AME Church	ePollbook	An issue with one of the ePollbook's printer could not be rectified.
135	Mt. Bethel Baptist Church	ePollbook	EPollbook froze and had to be reset.
141	Frank D. Reeves Municipal Center	DRE	DRE RTAL tape had to be changed.
143	Chinese Community Church	ePollbook	EPollbook went down and SD Card had to be replaced.

Although several precincts experienced voting machine and equipment issues, we determined that the BOE had adequate contingency plans to remedy voting machine and equipment malfunctions on Election Day. On Election Day, the BOE had 45 technical rovers assigned to specific precincts to repair, restart, or replace equipment experiencing hardware or software problems. The BOE stated that this practice will continue until replacement voting systems are found, tested, funded, and procured. Given the number of technical issues resulting from the malfunction of M100's, DRE's, and ePollbooks, we strongly support the BOE's request for replacement systems. We suggest that the BOE be given the opportunity and resources to purchase updated hardware and software. New equipment will minimize equipment breakdowns and speed up the tabulation process, discussed below. In addition, ODCA observed long lines during our site visits and fewer equipment malfunctions should assist with this issue.

A particular challenge in our review was clarifying what transpired with regard to seven voting machines that were not completely closed down on Election Night. This was seven out of a total of 429 machines, one each at seven individual precincts. In spite of not having tabulated the votes from seven machines, the BOE, nevertheless, announced that 143 of 143 precincts had

reported. A majority of votes had been tabulated at all 143 precincts. The machines at these precincts experienced technical issues on Election Night and the memory cards, that store all the voting data from these machines, were not read until after November 4th. ODCA confirmed that the votes from these machines were included in the tabulation of votes prior to the certification of the General Election results. We suggest that the BOE not announce that 143 of 143 precincts have reported – implying that all election day votes are in -- until all machines have been properly read.

Logic and Accuracy Testing

District of Columbia Municipal Regulations § 3-801.2 states that before each election, every unit of voting equipment shall be subject to public testing, referred to as logic and accuracy testing (“L&A testing”). L&A testing is conducted to ensure voting equipment is in proper working order and is tabulating votes with 100 percent accuracy.

ODCA randomly selected 15 precincts and requested the L&A documentation for each M100 and DRE used on Election Day. We noted that every voting unit selected was tested. Nevertheless, we observed the following:

1. Each DRE used on Election Day went through a systematic process that required the completion of a 12-step preparation checklist to complete the L&A process. During our review, we noted that the BOE maintained a preparation checklist for each DRE we selected but none of the preparation checklists were completely filled out. Steps 1 - 7 were checked off, signed, and dated, but steps 8 - 12 were always left blank. Without these steps being properly checked, signed and dated, ODCA could not verify whether these L&A steps were actually performed.
2. At the completion of L&A testing, each voting unit produces a tape that captures the results of the test. Each tape must be reviewed for accuracy and then signed as evidence of review. Of the 15 M100 tapes we reviewed, we noted that two were not signed and none of the 15 DRE L&A tapes were signed. Without a signature on the tapes ODCA could not verify if the tapes were reviewed to ensure the machines were tabulating correctly.
3. After all test ballots have been run through the voting units, the BOE prints out a report from Unity, the BOE’s voting software. The Unity Report comprises the actual results tallied from the machines. The BOE also manually creates a report referred to as the Pre-determined Results Report, which should mirror results of the test deck. During our walkthrough of this process, the Executive Director informed ODCA that he personally compared these two reports to identify discrepancies.
4. When ODCA compared these two L&A reports, we identified 40 Single Member Districts (SMDs) that had tabulation discrepancies. In the District of Columbia, there are 40 Advisory Neighborhood Commissions (ANCs) comprised of 296 SMDs. Each SMD has a population of approximately 2,000 residents. After further inquiry, we learned that these differences were the result of human error on the manually created Pre-determined Results Report. Failing to perform a thorough analysis of the two reports prior to Election Day could have led to voting machines being used in the election that were not tabulating correctly.

Properly functioning voting machines are critical to ensuring that all votes are recorded and tabulated accurately. This also ensures the integrity of the voting process. We suggest that the BOE strengthen its controls over the L&A testing to ensure that each voting unit used on

Election Day is thoroughly tested and reviewed with 100 percent accuracy. This includes ensuring that all DRE preparation checklists are completely filled out and all M100 and DRE tapes are signed off in order to provide evidence of review. In addition, we suggest that the BOE consider having a vendor create the sample test deck for L&A testing, as well as, the Pre-determined Results Report. This will better assist the BOE in determining whether their machines tabulate accurately and minimize the risk of human error that exists when the BOE manually prepares the Pre-determined Results Report. Last, we suggest that the Executive Director perform a thorough comparison of the Unity Report and the Pre-determined Results Report to ensure the accuracy of the voting machines.

Reporting Times and Methodology Used to Tabulate Elections

Closing Process

District of Columbia Municipal Regulations § 3-806.1 states that the tabulation of votes shall be started immediately on Election Day after polls close. Polls close at 8:00 p.m. but voters who are in line at 8:00 p.m. are permitted to vote. Voting equipment cannot be shut down until all voters have cast their ballots. All precincts have one M100 and two DREs that need to be closed. Before tabulation can begin, each precinct captain must retrieve the media cards from inside the M100 and DRE's at their precinct. Each media card contains all the votes cast on that particular machine, and cannot be read unless the machine is closed down properly. If the closing process proceeds without incident, it takes at least 25 minutes to successfully close a DRE machine. If the machines are not closed properly, the captain will either restart the closing process or call a technical rover for assistance.

After successfully closing the machines, the precinct captain must place the signed Election Results Pick-Up Form, Green PEB, Red PEB, DRE combined Zero morning and Closing Result reports tape, M100 Memory Card in plastic case, and M100 combined Zero morning and Closing Results reports tape inside the Clear Election Equipment Bag. Team A, also known as the Return Officers, then picks up the sealed Clear Election Equipment Bag from the precinct and delivers them to One Judiciary Square by police escort. We observed these bags being escorted to headquarters, checked off as received, unsealed and unpacked in the tabulation room and memory cards read. The BOE immediately read the memory cards when they were received. The reading of the cards took less than a minute each.

Special Ballots

For this General Election, there were more than 20,000 special ballots. District of Columbia Municipal Regulations § 3-807.7 states that all special ballots cast by voters, whose eligibility has been verified, shall be tabulated on the tenth (10th) day following an election. The final unofficial count of special ballots was not completed until November 20, 2014, the 16th day following the election. According to the BOE, their goal is to comply with the law, a feat that may be unrealistic with more than 20,000 special ballots to contend with. We suggest that the BOE comply with the regulation, and tabulate all special ballots by the 10th day following the election.

Manual Audit

District of Columbia Municipal Regulations § 3-812.2 states that after each Primary, General, and Special Election, the Executive Director shall conduct a public manual audit of at least:

- (a) All ballots cast, including absentee ballots, in one precinct per Ward or at least five percent of all precincts participating in an election, whichever is greater;
- (b) Five percent (5%) of special ballots cast and counted; and
- (c) Five percent (5%) of ballots cast at early voting centers.

ODCA observed the manual audit process. In accordance with the District regulations, the BOE randomly selected to audit the Mayoral, U.S. Senator, and Wards 1 and 5 Member of the State Board of Education contests within precincts 3, 32, 43, 62, 73, 111, 126 and 131. Precinct 131 could not be audited due to technical problems encountered with the touch screen units leaving the audit team unable to visually inspect all votes cast. Therefore, the BOE chose precinct 130 to be audited.

District of Columbia Municipal Regulations § 3-812.20 states that the Executive Director or his or her designee shall include a report, which shall be made public on its website, on the results of the manual audit before the certification of the official election results. Such report shall:

- (a) Identify any discrepancies between the machine count and the manual tally;
- (b) Describe how each of these discrepancies was resolved; and
- (c) Describe further investigations or actions to be taken, if any.

We noted that the BOE fully complied with District of Columbia Municipal Regulations § 3-812.2 by performing a manual audit, but did not meet the deadline set by District of Columbia Municipal Regulations § 3-812.20. The BOE certified the November General Election results on December 3, 2014, but did not make the post-election manual audit results public until December 18, 2014. We suggest that the BOE complies with District of Columbia Municipal Regulations § 3-812.20 by publishing post-election manual audit results prior to the certification of election results.

Other Observations

During ODCA's observation of the November 4, 2014 General Election, ODCA also noted the following:

Frank D. Reeves Municipal Center (Reeves Center)

According to the BOE, registered voters do not need to present identification (proof of residence) to vote. Nonetheless, some polling places require identification to enter the building. We observed several voters being turned away at the Reeves Center due to a lack of identification required to enter the building. The BOE is responsible for ensuring that all eligible residents have the opportunity to vote. Selecting a facility that requires identification to enter denies eligible voters the right to vote. We suggest the BOE either select facilities that do not require identification to enter or make arrangements with those facilities to ensure the entrance of voters without ID on Election Day.

Supplies

Precincts without complete election materials (i.e. stationary, signs, etc.) can significantly impact the voting process. For example, precinct 54 did not receive their paper ballots until 10:00 a.m. on Election Day, three hours after the precinct opened. This logistical breakdown

could have caused a back-up at the touch-screen machines by creating longer lines and wait times for voters. Although the BOE had an adequate contingency plan in case materials could not be located or ran out on Election Day, we suggest improving the process that ensures the initial supply delivery includes all necessary materials prior to the precinct opening at 7:00 a.m. During our visits at 89 precincts, ODCA asked precinct captains if they received all their supplies by opening. Figure 4 includes the 15 precincts where captains indicated that they could not locate supplies:

Figure 4

Precincts Where Captains Could Not Locate Supplies

Precinct Number	Location	Supply Issue
9	Metropolitan Memorial United Methodist Church	Pencils
16	Fifteenth Street Presbyterian	Short on red security stickers and RTAL spools
17	Metropolitan AME Church	Short on table cloths and power strips
39	Columbia Heights Education Campus	Voter assistance kit
40	Bancroft School	One ePollbook
41	Trinity AME Zion Church	"Electioneering beyond this point" signs
54	West Elementary School	Paper ballots were delivered around 10 am on Election Day, rather than the previous night
65	LaSalle Elementary School	Batteries for doorbell and parking cones for disability spot
66	UDC community college @ Backus	Not enough "Vote Here" signs
86	Eliot-Hine Middle School	The charger for the cell-phone assigned to the precinct
88	Thankful Baptist Church	"Electioneering beyond this point" signs
90	Tyler Elementary School	Voter guides
95	Drew Elementary School	Tables arrived late
107	Sousa Middle School	Complete instructions for the set-up book
134	Allen Chapel AME Church	Batteries

Schools Used as Polling Places

For the General Election, 69 schools were designated as precincts. Utilizing schools as polling sites while school is in session can interfere with the school day and the voting process. We observed that voters and students shared rooms and hallways at times. ODCA noted that Arlington County, Prince George's County, Fairfax County, Montgomery County, and Frederick County close schools on Election Day. We suggest the District consider closing schools on Election Day. If school is to be in session on Election Day, the voting areas should have their

own entrances and exits, thereby requiring voters to enter and leave the designated voting area without accessing other areas of the school building. In addition, students should not have access to the voting area.

ODCA observed that having schools in session on Election Day interfered with the voting process at precinct 69 (Perry Street Preparatory). As previously noted in Figure 2, during our spot check of Perry Street Preparatory, we observed ADA concerns with the facility. The school would not allow the precinct captain to open the disability accessible entrance around the corner from the main entrance out of safety concerns for the students. Instead, the precinct captain used a disability accessible entrance that was a long walk from the front door, and that was obstructed by a dumpster and school bus. Since the new entrance was so far away, the doorbell was out of range and did not work properly.

Precinct Leadership

Precinct captains lead and manage the operations of their designated precinct. Therefore, their knowledge, professionalism, and leadership skills are vital to the efficiency and effectiveness of their precinct. During ODCA's observation of the November General Election, we learned that most precinct captains met these requirements. According to reports we received, a few did not meet these requirements. The following are complaints the election workers made regarding precinct captains:

- Two captains showed up late, requiring a technician to open the precinct and the voting equipment in their place.
- Captain took a lunch break without notifying election workers of their whereabouts or time of return.
- Captain had a negative attitude and refused to refer to standard operating procedures.
- Captain took a smoke break near voters standing in line.

Conclusion

The BOE's responsibility for preparing and administering elections within the District is an enormous task. For a typical election, the BOE must, among other things, organize and train approximately 2,000 election workers, arrange for 143 facilities, prepare L&A testing on more than 400 machines, organize and pack supplies and schedule delivery of supplies to 143 locations. Federal and District Law places detailed requirements on the BOE with which it must comply in preparing and administering elections.

During the course of our observations, we noted:

- Of the 89 precincts visited, 23 precincts did not have the minimum number of workers in each position.
- Captains shifted election workers to positions they did not train for in order to have adequate coverage within their precinct.
- Captains and assistant captains did not complete a written test at the conclusion of their training. Their evaluative component was based solely on their hands-on performance.
- Of the 25 election workers we randomly selected to verify whether they attended a training course and passed a written exam, we noted one election worker who did not attend a training course, but still worked on Election Day.
- Of the 25 election workers we randomly selected to verify whether they attended a training course and passed a written exam, we noted one election worker worked on Election Day, despite scoring a 66.7 percent on the check-in clerk exam. The election worker was re-assigned to the ballot clerk position but did not attend training after the staffing lists had been finalized. The election worker was assigned to be an extra ballot clerk at her precinct.
- Of the 25 election workers we randomly selected to verify whether they attended a training course and passed a written exam, we noted one election worker worked on Election Day, despite scoring less than 50 percent on their written exam.
- Of the 89 precincts visited, we observed 37 precincts that were not fully disability accessible.
- Of the 89 precincts visited, we noted 57 precincts that experienced equipment issues.
- Voting equipment at seven precincts had not been completely closed down on Election Night when the BOE announced that 143 of 143 precincts had reported.
- DRE preparation checklists were not properly checked off, signed, and dated as evidence of completing the L&A process for each unit.
- Of the 15 M100 tapes we reviewed after L&A testing was completed, we noted that two did not include a signature as evidence of review. None of the 15 DRE tapes we reviewed included a signature as evidence of review.
- We noted 40 instances where the Unity Report and Pre-determined Results Report did not match.
- The BOE did not consistently comply with District of Columbia Municipal Regulations § 3-807.7 by not tabulating all special ballots by the 10th day following the election.

- The BOE did not consistently comply with District of Columbia Municipal Regulations § 3-812.20 by not publishing the post-election manual audit results prior to the certification of election results.
- We observed several voters being turned away at the Reeves Center due to a lack of identification required to enter the building.
- We observed 15 precincts where captains indicated that they could not locate supplies.
- We observed utilizing schools as polling sites, while school is in session, can interfere with the school day and the voting process.

Based on our findings we recommend that:

1. The Mayor and the Council allocate FY 2016 funds for replacement hardware and software to improve District elections.
2. The Mayor and Council consider closing schools on Election Day.
3. The BOE ensure that the minimum staffing requirements for each position are fulfilled on Election Day.
4. The BOE conduct more comprehensive training covering multiple positions to better enable workers to staff multiple roles as needed.
5. The BOE revisit training and testing requirements, including benchmarking with other jurisdictions and incorporate a required level of proficiency.
6. The BOE permit only individuals who attend training to work Election Day.
7. The BOE consider having an Americans with Disabilities Act coordinator to ensure that all precincts are 100 percent accessible and having a manual or checklist for precinct captains to use on Election Day for the proper placement of signage, doorbells and other relevant items.
8. The BOE ensure that all Election Day votes are tallied before reporting that all 143 precincts have reported.
9. The BOE consider strengthening its controls over the L&A testing to ensure that each voting unit used on Election Day is thoroughly tested and reviewed with 100 percent accuracy. This includes ensuring that all DRE preparation checklists are completely filled out.
10. The BOE consider strengthening its controls over the L&A testing to ensure that each voting unit used on Election Day is thoroughly tested and reviewed with 100 percent accuracy. This includes ensuring that all M100 and DRE tapes are signed off in order to provide evidence of review.
11. The BOE Selects facilities to be polling sites that do not require identification to enter or make arrangements with those facilities to ensure the entrance of voters without ID.
12. The BOE comply with the District of Columbia Municipal Regulations § 3-807.7 and tabulate all special ballots by the 10th day following the election.
13. The BOE comply with the District of Columbia Municipal Regulations § 3-812.20 and publish post-election manual audit results prior to certification.
14. The BOE consider improving the supply process that ensures the initial supply delivery includes all necessary materials prior to the precinct opening at 7:00 a.m.

15. The Executive Director perform a thorough comparison of the Unity Report and the Pre-determined Results Report to ensure voting machine accuracy or consider having a vendor create the sample test deck for L&A testing, as well as, the Pre-determined Results Report.

ODCA appreciates the professionalism and cooperation of the staff of the Board of Elections and we look forward to continued discussion of issues raised in our review, including the need for new hardware and software at District polling places. We hope our suggestions can help to improve Election Day preparation and experience.

Sincerely,

A handwritten signature in black ink, reading "Kathleen Patterson". The signature is fluid and cursive, with the first name "Kathleen" and last name "Patterson" clearly distinguishable.

Kathleen Patterson
District of Columbia Auditor

Appendix I

Appendix I

All 89 precincts visited to observe precinct operations and their compliance with applicable ADA laws and regulations on Election Day.

Precinct Number	Location
1	WALKER-JONES EDUCATION CAMPUS
2	THE SCHOOL WITHOUT WALLS
3	ST. PAUL'S PARISH
4	THE SCHOOL WITHOUT WALLS AT FRANCIS-STEVENSON
5	CHRIST EPISCOPAL CHURCH GEORGETOWN
6	GEORGETOWN NEIGHBORHOOD LIBRARY
7	HARDY RECREATION CENTER
9	METROPOLITAN MEMORIAL UNITED METHODIST CHURCH
11	GUY MASON RECREATION CENTER
12	ST. SOPHIA GREEK CATHEDRAL CHURCH
13	OUR LADY QUEEN OF THE AMERICAS
14	ST. THOMAS' EPISCOPAL PARISH
16	FIFTEENTH STREET PRESBYTERIAN
17	METROPOLITAN AME CHURCH
19	DUNBAR SENIOR HIGH SCHOOL
20	WASHINGTON METROPOLITAN HIGH SCHOOL
21	WATHA T. DANIEL-SHAW NEIGHBORHOOD LIBRARY
23	RITA BRIGHT COMMUNITY CENTER
25	GOODWILL BAPTIST CHURCH
26	OYSTER ELEMENTARY SCHOOL
30	JANNEY ELEMENTARY SCHOOL
33	MURCH SCHOOL
34	EDMUND BURKE SCHOOL
35	H D COOKE ELEMENTARY SCHOOL
36	LATIN AMERICAN YOUTH CENTER
37	BANNEKER COMMUNITY REC CENTER
38	CESAR CHAVEZ PREP CHARTER SCHOOL
39	COLUMBIA HEIGHTS EDUCATION CAMPUS
40	BANCROFT SCHOOL
41	TRINITY AME ZION CHURCH
43	PARK VIEW RECREATION CENTER
44	UKRAINIAN NATIONAL SHRINE
45	MPD - REGIONAL OPERATION COMMAND
47	POWELL SCHOOL
48	SHARPE HEALTH SCHOOL

Precinct Number	Location
54	WEST ELEMENTARY SCHOOL
56	TRUESDELL ELEMENTARY SCHOOL
65	LA SALLE ELEMENTARY SCHOOL
66	UDC COMMUNITY COLLEGE @ BACKUS
67	BUNKER HILL ELEMENTARY SCHOOL
68	ST FRANCIS HALL
69	PERRY STREET PREPARATORY PCS @ TAFT
70	BURROUGHS ELEMENTARY SCHOOL
72	MODEL CITIES SENIOR WELLNESS CENTER
74	NOYES EDUCATION CAMPUS
76	BETHESDA BAPTIST CHURCH
77	JOSEPH H. COLE RECREATION CENTER
78	TRINIDAD RECREATION CENTER
80	ST. BENEDICT THE MOOR
81	MINER ELEMENTARY SCHOOL
82	SHERWOOD RECREATION CENTER
84	STUART HOBSON MIDDLE SCHOOL
86	ELIOT-HINE MIDDLE SCHOOL
87	PAYNE ELEMENTARY SCHOOL
88	THANKFUL BAPTIST CHURCH
90	TYLER ELEMENTARY SCHOOL
93	HOUSTON ELEMENTARY SCHOOL
95	DREW ELEMENTARY SCHOOL
97	KELLY MILLER MIDDLE SCHOOL
98	SMOTHERS ELEMENTARY SCHOOL
99	SMOTHERS ELEMENTARY SCHOOL
101	BEYOND THE VEIL WORSHIP CENTER
103	PLUMMER ELEMENTARY SCHOOL
105	HARRIS SCHOOL
107	SOUSA MIDDLE SCHOOL
109	RANDLE-HIGHLANDS ELE SCHOOL
111	ST. FRANCIS XAVIER PARISH
114	UNION TEMPLE BAPTIST CHURCH
115	SEVENTH DISTRICT POLICE STATION
116	THEARC
118	MOTEN ELEMENTARY SCHOOL
120	MALCOLM X ELEMENTARY SCHOOL
121	FEREBEE-HOPE RECREATION CENTER
122	BALLOU SENIOR HIGH SCHOOL
123	MARTIN LUTHER KING ELEMENTARY

Precinct Number	Location
124	COVENANT BAPTIST UNITED CHURCH
126	W B PATTERSON ELEMENTARY SCHOOL
127	KING GREENLEAF RECREATION CENTER
129	MARTIN LUTHER KING LIBRARY
130	LUTHERAN CHURCH OF THE REFORMATION
131	VAN NESS ELEMENTARY SCHOOL
132	D.C. CENTER FOR THERAPEUTIC RECREATION
134	ALLEN CHAPEL AME CHURCH
135	MT. BETHEL BAPTIST CHURCH
136	LEADINGAGE
137	GARRISON ELEMENTARY SCHOOL
140	ANACOSTIA SR. HIGH SCHOOL
141	FRANK D. REEVES MUNICIPAL CENTER
143	CHINESE COMMUNITY CHURCH

Appendix II



COUNCIL OF THE DISTRICT OF COLUMBIA
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, NW
WASHINGTON, D.C. 20004

KENYAN R. McDUFFIE
Councilmember, Ward 5
Chair Pro Tempore
Chair, Committee on Government Operations

Committee Member
Economic Development
Human Services
Transportation and the Environment
Workforce and Community Affairs

September 25, 2014

Julie Lebowitz, Audit Supervisor
Office of the District of Columbia Auditor
717 14th Street, NW, Suite 900
Washington, DC 20005

VIA E-MAIL

Dear Ms. Lebowitz:

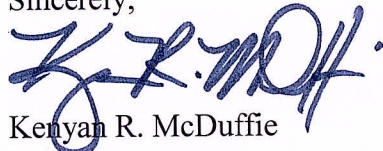
Acting District of Columbia Auditor Mr. Lawrence Perry met with me on September 9, 2014. During our meeting he mentioned that your office initiated an audit of the District of Columbia Board of Elections' (BOE) eligible voter file. Our discussion, however, was short-lived because he is recused from all BOE audits while Deborah Nichols serves as the Chair. I expressed during that meeting that my goal as the Chair of the Committee on Government Operations is to confront issues challenging agencies within the Committee's purview with a spirit of problem-solving. To that end, I am now formally requesting a more expansive audit of the BOE.

This request follows not only our meeting on the 9th but also Roundtables held by the Committee on Government Operations on April 29, 2014 and September 18, 2014. During the April and September Roundtables we discussed the inadequacies of the April 1, 2014 Primary Election and the BOE's preparedness to administer the November 4 General Election respectively. Consequently, I believe BOE and ultimately the residents of the District of Columbia would benefit from an independent investigation and recommendations from your office. I request that you expand the audit to include an examination of: (1) poll worker retention and training procedures; (2) BOE's organizational structure as an independent agency; (3) election technology; (4) reporting times and methodology used to tabulate elections; (5) compliance with the Americans with Disabilities Act at polling places, and (6) the inclusion of individuals with disabilities as election workers.

I understand that the auditing process is time- and labor-intensive. I do not expect your recommendations to be available prior to for the November 2014 General Election, but I am hopeful that your recommendations will be useful to BOE for elections going forward.

Thank you for your attention to this matter, and look forward to the results of this audit.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. R. McDuffie".

Kenyan R. McDuffie

Councilmember, Ward 5

Chair, Committee on Government Operations