



JUNE 14, 2016
PRIMARY ELECTION
AFTER-ACTION REPORT

I. INTRODUCTION

D.C. Official Code §1-1001.05(K) and 3 DCMR § 817 mandate that, within 90 days following a general election, the District of Columbia Board of Elections (“BOE” or “Board”) must publish on its website an after-action report containing certain data and information concerning the election. Although it is not required to do so, BOE has consistently provided an after-action report after primary and special elections as well. Accordingly, BOE presents this after-action report (“the Report”) on the June 14, 2016 Primary Election (“the Election”).

In addition to the information requested in the afore-mentioned provisions, the Report also contains information on the performance of the Board’s newly-acquired voting machines, Americans with Disabilities Act (“ADA”) related improvements implemented on Election Day, outreach efforts, student election workers, and “outstanding” issues that arose during the Election, as requested by the Council of the District of Columbia’s Committee on the Judiciary in its Fiscal Year 2017 Budget Report.

II. D.C. OFFICIAL CODE §1-1001.05(K)/ 3 DCMR § 817 DATA

A. Ballot Data

1. **Total number of votes cast and counted, broken down by type of ballot, including the number of spoiled and special ballots that were not counted:**
 - a. **Total Number of Ballots Cast:** 100,423
 - b. **Total Number of Ballots Cast on Election Day:** 73,949
 - c. **Total Number of Ballots Cast during Early Voting:** 19,153
 - d. **Total Number of Absentee and Provisional Ballots Cast:** 7,321
 - e. **Number of Spoiled Ballots Not Counted:** 664
 - f. **Number of Special Ballots Not Counted:** 3,098 (2,767 on Election Day, and 331 during Early Voting)

B. Registration Activity Data

1. **The Number of Persons Registered:**
 - a. **More than 30 days preceding the election, broken down by party, ward, and precinct:** There were 437,304 registered voters as of May 13, 2016. (See Attachment #1)
 - b. **Between 30 days preceding the election and Election Day:** There were 4,378 new registrations between May 13, 2016 and June 11, 2016, including 289 early voting same day registrations.
 - c. **On Election Day:** There were 1,278 same day registrants on Election Day.

C. Election Worker Data

1. **The number of polling place officials by precinct, broken down by position title:** (See Attachment #2)
2. **Number of Student Election Workers on Election Day:** 52
3. **A synopsis of any issues identified in Precinct Captain or Area Representative logs**

BOE reviews Precinct Captain’s Notebooks (used to detail problems encountered on Election Day), tracks issues reported to the Help Desk by phone on Election Day, and holds post-election debriefing sessions to solicit feedback from the Precinct Captains. Area Representatives also record their observations for purposes of Board review and analysis. BOE also conducts online election workers surveys to solicit feedback regarding training, the quality of leadership provided by their Precinct Captains, and other topics. Some issues reported by Precinct Captains and Area Representatives are specific to the individual polling place or specific workers, but common issues and problems that occurred frequently included the following:

- Pre-Election Day (Monday) set-up teams were not able to access polling places at the planned times due to graduation ceremonies and other school-related functions;
- Precinct Captains requested:
 - more training on the special ballot process, how to troubleshoot technical issues, and how to set up the MiFi’s for use with the Poll Pads;
 - more cross-training for workers; and
 - online and in-person refresher courses;
- Voter complaints about:
 - having to go to their old polling place to change their address and vote; and
 - party affiliation status being listed incorrectly in the Poll Pads;
- Lack of clarity regarding:
 - the roles and responsibilities for setting up and opening the polling place;
 - which Poll Pads were for check-in, and which ones were for special ballots; and
 - which individuals on the election worker team were certified as technicians; and
- Workers requested that their Precinct Captains contact them earlier about pre-Election Day set-up day and meeting times.

4. Performance Measurement Data of Polling Place Officials: (See Attachment #3)

D. Election Night Reporting Data

1. Copies of Any Unofficial Summary Reports Generated by BOE on Election Night (See Attachment #4)

E. Recommendations for Improving the Vote Tabulation Process

On February 20, 2016, the District of Columbia awarded a sole-source contract for the leasing of a new voting system and related equipment to Election Systems & Software, Inc. (“ES&S”). The system and equipment included 190 DS200 precinct-based optical scan tabulators equipped with wireless modem technology, 400 ExpressVote touchscreen ballot marking devices, one DS850 central tabulator (used to tabulate absentee, provisional, and curbside ballots), and ElectionWare Election Management System software. The cost for the base year of the leasing contract is

\$946,130, and the costs for the remaining two option years are \$802,630 and \$824,130, respectively.

As a result of acquiring the new voting equipment, the Board's vote tabulation process improved significantly, as was evidenced on election night. As the summary reports indicate, the early voting results were uploaded at 8:00 p.m. on election night, results from 128 of 143 precincts were received at 8:28 p.m., results from ten additional precincts were received at 9:21 p.m., and results from the five remaining precincts were received at 9:50 p.m., along with results for absentee ballots that had been received by BOE prior to Election Day. In sum, results from Election Day, early voting, and the majority of absentee ballots cast were all available within two hours after the polls had closed.

The improvement in the vote tabulation process is primarily attributable to two factors. First, the Board's new voting system employs a "blended" system of voting and tabulation, with the optical scan method as the basis of the system. This means that, regardless of whether a voter uses the DS200 or the ExpressVote, all ballots (except for absentee, special/provisional, and curbside ballots) are tabulated on the DS200. Therefore, BOE is now able to retrieve results from one unit of voting equipment rather than two, as we have had to do in past elections. Second, each DS200 is equipped with a modem that facilitates the wireless transmission of election results from each precinct to the Board's headquarters on election night after the closing of the polls. On the night of the Election, the results from 133 of 143 precincts were successfully transmitted to BOE via the DS200's wireless modem.¹

¹ The results from the remaining ten precincts were uploaded using USB Backup Memory Devices which are stored within each DS200 and contain results data. All USB Backup Memory Devices are returned to BOE headquarters on election night in accordance with established BOE practice.

F. NEW ELECTION EQUIPMENT

In past after-action reports, and in several appearances before the Council of the District of Columbia's Committee on the Judiciary, BOE discussed at length the fact that its voting equipment, acquired in a refurbished state in 2009, was aging and in dire need of replacement. To address this issue in advance of the Election, after wrapping up the April 28, 2015 Special Election to fill vacancies in two District of Columbia Council seats, BOE began the process to acquire voting equipment that would most effectively and efficiently meet the District of Columbia's election administration needs. BOE conducted a market survey of voting systems that had been certified by the Election Assistance Commission ("EAC") under the 2005 Voluntary Voting System Guidelines. On the basis of this survey, BOE invited three vendors to demonstrate their complete voting systems to the staff. Each of the selected vendors offered paper-based systems which included tabulators for Election Day, early voting, and central counting of absentee and special (provisional) ballots, as well as an ADA-accessible voting device which would allow voters with disabilities to vote independently.

BOE appraised each system to determine the ease of use for: (1) pollworkers in setting up, opening, and closing the voting equipment; (2) voters in using the voting equipment; and (3) election administrators in building the election, designing ballots, and tabulating votes on election night. BOE also reviewed each system for compatibility with both its existing data management system and its current election administration processes and procedures, so as to facilitate as seamless and fluid a change to the voting program as possible. BOE determined that ES&S was the only vendor of the three that was capable of implementing a compatible upgrade to the Board's existing data management system. Moreover, because BOE already had a ballot purchase contract in place with ES&S, which was the vendor for the Board's previous equipment, contracting with another vendor would result in the waste of the money and resources that had already been expended. As a result, BOE was able to lease new voting equipment from ES&S, including 190 DS200 precinct-based tabulators, 400 ExpressVote touchscreen ballot marking devices, one DS850 central tabulator, and the ElectionWare Election Management System software, pursuant to a sole source contract.

In addition to voting equipment, BOE also procured new electronic poll books ("e-pollbooks"), devices used to check voters in at the polls, through a competitive bidding process. BOE staff and staff from the Office of Contracting and Procurement ("OCP") evaluated proposals submitted by three vendors and, at the conclusion of the solicitation process, KNOWiNK was selected to fulfill BOE's request for 600 e-pollbooks.

Considering the often lengthy procurement process, it was not a foregone conclusion that BOE would have new election equipment in time for the Election. In fact, BOE did not take delivery of the new voting equipment until March, and the Poll Pads until April. BOE could not have succeeded in meeting its procurement goals without the determination and persistence of its senior staff, and the extraordinary effort and leadership from OCP. Sheila Mobley, Jeffrey Tisdale, Alisha Wright, and other members of the OCP staff deserve commendation for their effort to meet the Board's timetable for procurement of voting equipment and e-pollbooks.

The election equipment performed extremely well during the Election. The most commonly reported issue was paper jams; there were seven reported with DS200s, and 16 reported with ExpressVotes. All issues reported through the Election Day Call Center were able to be resolved by either precinct-based Election Workers or technical rovers with the exception of three. In these three instances, the machines at issue were replaced with reserve equipment: one DS200 was replaced (Precinct #1 (Walker-Jones Education Campus); election definition could not be found), and two ExpressVotes were replaced (Precinct #25 (Goodwill Baptist Church) and Precinct #85 (Specialty Hospital of Washington); persistent screen calibration issues)). After the election, maintenance service was performed on each voting equipment unit for which issues were reported so that they could be completed prior to the start of logic and accuracy testing for the November General Election.

The Poll Pads, used to check voters in at voting locations, also exceeded performance expectations. The Poll Pads were equipped with technology that allowed election workers to scan the bar codes on voters' Department of Motor Vehicles-issued identification cards, voter registration cards, and a BOE-designed voter-specific informational mailer to check voters in. Prior to the Election, BOE had anticipated that the average check-in time for voters would be approximately 1½ minutes; the actual average time for a voter to check in was 58 seconds. Although BOE provided back-up paper poll books at each precinct to be used in the event that the Poll Pads failed or lost power, none of the back-up paper poll books needed to be used.

G. ACCESSIBILITY

BOE takes reasonable steps to facilitate voter access for individuals with disabilities. In 2015, BOE hired an ADA Coordinator to manage BOE efforts to ensure the accessibility of all programs. The first priority was to conduct a survey of all polling place facilities to assess accessibility. On the basis of that survey, BOE relocated two precincts due to accessibility concerns: Precinct #13 was relocated from Our Lady Queen of the America's Church to St. Margaret's Episcopal Church, and Precinct #88 was relocated from Thankful Baptist Church to Eastern Market where it was combined with Precinct #89.

Modifications were also made to several other precincts. For example, temporary ramps were placed at Precinct #92 (Zion Baptist Church) and Precinct #45 (Metropolitan Police Department - Regional Operation Command (North)). Additionally, ADA-approved handrails were installed on the ramp at Precinct #2 (School Without Walls). Additional surveys with representatives from the Office on Disability Rights ("ODR") and the Department of General Services ("DGS") were also conducted to identify and make structural improvements to public facilities used as polling places. BOE is working with DGS to implement modifications at the relatively few structurally inaccessible polling places prior to the November General Election. BOE also informed the District Department of Transportation's ("DDOT") Public Space Regulation Administration section, as well as their ADA Coordinator, that several local facilities that serve as polling places need to be modified in order to make them ADA-compliant for the November General Election. DDOT is responsible for the planning, designing, construction, and maintenance of the District's streets, alleys, sidewalks, bridges, traffic signals, and street lights. Unfortunately, DDOT informed BOE that they have already allocated their 2017 fiscal year funds for other previously scheduled projects, and will be unable to make any modifications in advance of the November General Election.

BOE is also relocating several precincts for the General Election. The following precincts will be relocated for accessibility reasons: Precinct #85 will be relocated from BridgePoint Hospital Capitol Hill to Northeast Library, Precinct #106 will be relocated from Davis Elementary School to Ridge Road Recreation Center, and Precinct #42 will be relocated from Mt. Rona Baptist Church to Raymond Recreation Center. BOE continues to offer curbside voting as an alternative method of voting at all polling places on Election Day.

When BOE considers locations for polling places, we are seeking accessible facilities located within precinct boundaries that will be available for the Board's use on Election Day and the day before for set-up purposes. These facilities must be able to accommodate our entire voting program – our personnel, our equipment, poll watchers and election observers, representatives of the media, *etc.*- and , most importantly, the number of voters that reside in that precinct. The accommodation must be in a manner that will allow voters to vote expediently and in secrecy. While BOE has identified facilities within precinct boundaries that can accommodate BOE's voting program and are structurally accessible, and thus better options for voters with disabilities than the ones that BOE selects as polling places, identifying these alternative locations is only the first step; the owners of these facilities must also agree to allow BOE to use them, and attaining such consent has proven challenging.

To address operational accessibility issues at polling places, BOE enlisted 30 volunteers to serve as ADA Compliance Assistants on Election Day. The ADA Compliance Assistants were each assigned four to five polling places to visit throughout Election Day to identify and address any correctable issues that presented barriers to voting for persons with disabilities. ADA Compliance Assistants were tasked with several duties, including: completing a precinct operational accessibility survey; posting directional signage along routes to the polling place's accessible entrance and the voting area itself; propping doors open where possible; assisting election workers with assigning accessible parking spaces where possible; placing the accessible entrance bells at the appropriate places; and ensuring that auxiliary aides, including magnifying glasses, language kits, and headphones, were available and prominently displayed so that voters were aware of their availability. BOE will be assessing the program's function for the November General Election.

As always, BOE strives to work with Disability Rights DC at University Legal Services ("DRDC") to achieve a consensus with respect to identifying and correcting accessibility issues with polling places. BOE reviewed DRDC's recently released DC Voting Access Report regarding the Election, and while we agree with DRDC that some of the precincts identified in the Access Report do present accessibility issues that need to be addressed, we object to several of its findings. To highlight a few of the findings that BOE disputes:

- DRDC reports that St. Margaret's Episcopal Church is inaccessible due to a steep ramp. However, the ramp at this location has a slope below the 1:12 (8.33%) maximum required by the ADA. The disputed threshold at the entrance is also with the legal limit;
- DRDC reports that ramps at Precincts #1 (Walker-Jones Education Campus) and #113 (E. River Washington Senior Wellness Center) are inaccessible. However, neither of these facilities has ramps;
- DRDC reports that Precinct #63 (Takoma Education Campus) was operationally inaccessible because doors were not automatic and only semi-propped. However, this facility has an automatic door with a "Push-To-Open" button. Further, less than four pounds of force is required to manually open the door. DRDC also reported that the ramp at this location was also inaccessible. However, the slope was below the 1:12 (8.33%) maximum required by the ADA; and
- Thresholds listed as being too high at several polling places were actually within the legal limit mandated by the ADA.

BOE is constantly exploring solutions that will increase the accessibility of its voting program, and we will work to survey precincts jointly with DRDC, ODR, and DGS so that these parties, all of which have a vested interest in ensuring accessibility for all District of Columbia residents, can come to an agreement and solutions regarding what issues should be addressed at each polling place. It is important to note that BOE did not receive any complaints from voters regarding their inability to enter precincts, or the unavailability of Election Workers to open doors or provide any other type of assistance during the Election.

As noted earlier, BOE leased new voting equipment in advance of the 2016 election cycle. The equipment includes 400 ExpressVote machines, touchscreen ballot marking devices which produce voter verifiable paper records and allow voters with disabilities to vote privately and independently. Although the ExpressVotes provide an accessible solution for voters with disabilities, their use was not restricted solely to such voters. These machines were available for use by all voters. Each precinct on Election Day was equipped with two ExpressVotes, one of which was designated as the “Accessible Ballot Marking Device.” The Accessible Ballot Marking Device was situated such that it could accommodate voters who use a wheelchair or prefer to sit while voting, and it had assistive devices attached to it.

H. OUTREACH

BOE's administration of the Election was most impacted by the enactment of the Primary Date Alteration Act of 2013 ("the PDAA"), and the acquisition of new election equipment. Among other things, the PDAA:

- Established that the primary elections for federal and local offices would be held on the second Tuesday in June in 2016, and that, afterwards, primary elections for local offices and the Delegate to the U.S. House of Representatives would be held on first Tuesday in September, and presidential preference primaries would be held on the 2nd Tuesday in June in presidential election years;
- Required that all absentee ballots must be received by no later than 8:00 p.m. on Election Day;
- Established that same-day registrants who provide acceptable proof of residence (current and valid government photo identification or a copy of a current utility bill, bank statement, government check, pay check, or other document specified by BOE that shows the current name and address of the voter) may vote regular ballots;
- Precluded most voters from voting outside of the precincts serving their current residence addresses;
- Permitted voters who file election day changes of address ("EDCOAs") to vote regular ballots provided they vote at the precinct that serves the address listed on the Board's records, *i.e.*, their old address, and provide proof of new residence (current and valid government photo identification or a copy of a current utility bill, bank statement, government check, pay check, or other document specified by BOE that shows the current name and address of the voter); and
- Required write-in candidates to file Declarations of Candidacy no later than 4:45 p.m. the day after a primary election, and no later than 4:45 p.m. on the 3rd day after a general or special election.

As a result of the PDAA and the acquisition of new election equipment, BOE was required to substantially revise its election administration calendar, procedures, and forms, develop a new poll worker training curriculum and manual, and issue supporting regulations. In addition, it was necessary for BOE to implement a robust public outreach effort to ensure that candidates and voters were aware of the reforms, and how they would be impacted as a result, and familiar with the new technology in advance of the Election. To assist with this endeavor, BOE engaged the services of CD Global Strategies Group, a strategic communications and public affairs firm.

BOE took a proactive and interactive approach regarding online media interaction, as well as continuing traditional media methods of information dissemination. Highlights of the Board's

voter education campaign include:

- The publication of a Voter's Guide, which was organized in an easy-to-follow Question and Answer format, and included sample ballots, information on the new election technology and changes to the voting program, voter registration and absentee ballot applications, polling place relocations, and more;
- The dissemination of a voter-specific informational mailer that included the voter's precinct, party, Advisory Neighborhood Commission Single Member District, polling place, and a copy of the voter's official ballot. The mailer also contained a voter-specific bar code that election workers could scan to check the voter in at the polling location; and
- Twitter, Facebook, and the Board's website were updated frequently to provide BOE followers with comprehensive information about the Board's activities and important dates and deadlines.

To ensure that the Board's messaging regarding the Election was spread throughout the entire city, BOE implemented the Ward Outreach Coordinator Program. BOE hired 32 Ward Outreach Coordinators, each of whom was assigned to conduct voter registration and education and outreach activities in a particular ward.

Between April 9, 2016 and Election Day, Ward Outreach Coordinators conducted or participated in a total of 124 outreach activities for the Election. They registered voters, distributed informational brochures, and/or demonstrated the new voting equipment at Advisory Neighborhood Commission meetings, civic association meetings, naturalization ceremonies, and community fairs. They administered absentee balloting at nursing homes/senior living facilities, and at the District's correctional facilities. They provided voter registration applications and information to students at 10 private schools and District of Columbia Public Charter High Schools ("DCPCHS").

As a result of the Ward Outreach Coordinators' efforts:

- 548 students in the District of Columbia were registered to vote;
- 84 students submitted applications to serve as Student Election Workers, and 52 students served in that capacity on Election Day;
- 476 new citizens registered to vote at naturalization ceremonies;
- 529 residents at nursing homes/senior living facilities voted absentee at their respective facilities; and
- 94 individuals incarcerated for misdemeanors voted absentee at their respective facilities.

I. STUDENT ELECTION WORKERS

Members of the Board’s Voter Education and Outreach Team worked directly with the Social Studies Director for District of Columbia Public Schools (“DCPS”) to recruit students to work at precincts on Election Day. Student Election Worker Applications were distributed at every DCPS school, DCPCHS school, and private school.

Approximately 100 students submitted Student Election Worker Applications and appeared for training, which was conducted at the Board’s offices and on-site at National Collegiate Prep and McKinley for students at National Collegiate Preparatory Public Charter School, Ballou High School, McKinley Technical Education Campus, and Luke C. Moore Academy. Students had the option of working a full day on Election Day and receiving either \$180, 15 service hours, or \$90 and 7.5 service hours, or working a half day and receiving either \$50 or 4 service hours.

While 75 students committed to work on Election Day, only 52 actually worked; all 52 students worked the full day. Twenty-three students were “no shows,” meaning that the “no show” rate for workers under the age of 19 was 30.7%.

J. OUTSTANDING ISSUES

1. Election Day Change of Address

The provision in the PDAA that required a voter to file an EDCOA at the precinct serving their old residence address, *i.e.*, the address listed on the Board's records, rather than the precinct serving their current address, in order to have their ballot counted, proved problematic and confusing for both voters and Election Workers during the Election. Previously, voters filing changes of address had been able to vote special ballots at the precincts in which they actually resided. These special ballots were counted upon verification of the voters' eligibility, allowing the voters to vote for officials who would actually represent them.

To remedy this issue, BOE has collaborated with the Council's Committee on the Judiciary to craft legislation that will allow voters to file changes of address at the precincts serving their current residence addresses and vote regular ballots at that time upon presenting acceptable proof of residence at the new address. This legislation will be in place prior to the November General Election.

2. Mobile App Party Affiliation Status Issue

During the Election, BOE received complaints from voters who indicated that their party affiliation status was incorrectly indicated in the Board's records. This was, understandably, a concern because of the District's closed primary system, which dictates that only voters registered with the District's three major parties can participate.

For security reasons, neither the mobile app nor web interface stores any voter data. Thus, if a voter updates his or her information through those mechanisms, only the updated fields are transmitted. For example, if a voter updates her address through the mobile app, all other fields, including party affiliation status, remain blank and are not transmitted. With respect to applications where fields other than party affiliation status were updated, the party affiliation status was viewed, in the Board's voter registry back-end processing logic, as an application in which "No Party" was indicated, and processed accordingly.

Upon discovering the flaw in the processing logic, BOE took immediate steps to rectify it. Each voter who alleged that their party affiliation status was listed incorrectly had the opportunity to vote a special ballot. BOE reviewed each "incorrect party" special ballot to determine whether the voter's party affiliation status had been changed to "No Party" after an interaction with the mobile app and, in cases where it appeared that the voter's party affiliation status had been changed inadvertently, the voter's ballot was counted.