

June 3, 2020

Michael Bennett
Chairman, DC Board of Elections
1015 Half Street SE
Suite 750
Washington, DC 20003

Alice Miller
Director, DC Board of Elections
1015 Half Street SE
Suite 750
Washington, DC 20003

Dear Chairman Bennett and Director Miller:

Yesterday, the DC Board of Elections failed the voters of the District of Columbia. Large numbers of voters who requested to vote safely by absentee ballot never received their ballot, and, faced with the prospect of not being able to express their voice, showed up at a limited number of voting centers, leading to waiting times as long as five to six hours to cast a ballot. I am aware that the coronavirus, and the associated social distancing measures that were put in place, presented challenges, but the Board's performance leading up to yesterday's outcome was simply unacceptable.

Therefore, I am asking that the Board immediately contract with an outside firm to do a full audit of the primary to determine why absentee ballots were not processed and identify other operational failures that might have occurred. The District cannot have a repeat performance of what happened in the November general election. The stakes are too high.

More immediately, we cannot repeat these failures on June 16 for the Ward 2 special election. I am deeply concerned that the Board may have similar processing missteps impacting potentially hundreds of Ward 2 absentee ballot applications. I am asking the Board to do an immediate audit of the Ward 2 voter requests for absentee ballots to make sure voters receive their ballot swiftly and make sure that ballots will be received and counted properly. There should be a special outreach effort made to alert Ward 2 voters to the special election and to contact the Board if they have not received their absentee ballot yet.

In conjunction, I am deeply disturbed by the shifting answers Board Chairman Bennett has given on how results from the primary will be released. On a call with DC Council members last week, Chairman Bennett first said that results will be released if there was a significant number of ballots counted. During the course of the call, the answer evolved that the Board would release election results that evening and then update daily. This answer was confirmed on the day of the election. Now I read in social media Chairman Bennett said that the Board would not release results after the initial June 2 results for another week. Not only do I strongly disagree with this decision, again, the changing answers on such a basic issue is unacceptable.

Finally, I have yet to receive an answer to my letter to you both yesterday. Starting Monday and continuing through Tuesday, my office received approximately 500 requests for emailed absentee ballots, from voters who requested but failed to receive an absentee ballot by mail. I learned Monday that this was an option the Board was offering voters yet the policy around it was unclear. As well, there was little knowledge this option even existed. Even the policy for

when to return these emailed ballots was changing throughout Election Day, as some voters were told to return the ballot by 8pm while others were told to email it back by midnight.

I will tell you that today, the day after the primary, my office is still receiving emails from dozens of voters who want to know why they didn't receive an absentee ballot and want to still be able to vote. In fact, given the Ward 2 race looks too close to call, the failure of delivery of absentee ballots to Ward 2 voters might be a factor in who wins. It is truly a travesty of democracy for the outcome of a race to potentially be decided by the dysfunction of the Board of Elections.

Worst of all, the Board's failures meant that we didn't fully listen to the voices of our own voters. Many of our residents themselves fought for the right to vote, and the District is still fighting for full voting rights in Congress. Many voters have written to me that they believe they were disenfranchised by the failure to properly process absentee ballots. That is a disgrace.

I know that the Committee on the Judiciary and Public Safety has scheduled a roundtable to investigate the primary and what happened with absentee balloting. I will be attending it, and I am encouraging DC voters who had problems with voting to submit testimony for the hearing as well.

We cannot have a repeat of this dysfunction on June 16, November 3, or ever again. The right to vote is too precious.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Elissa Silverman". The signature is fluid and cursive, with a small flourish at the end.

Elissa Silverman,
At-Large DC Councilmember
Chair, Committee on Labor and Workforce Development