

Congress of the United States

Washington, DC 20515

October 8, 2020

Mr. Michael Bennett
Chairman
District of Columbia Board of Elections
1015 Half Street, S.E. Suite 750
Washington, D.C. 20003

Dear Mr. Bennett:

We write to express our deep concern about the District of Columbia's blanket mail-in balloting and the risk it poses to election integrity. According to recent reports, the DC Board of Elections is sending ballots to individuals across the District of Columbia who no longer reside at the addresses where those ballots are sent.¹ These reports come against a larger backdrop of growing instances across the country of administrative error, or worse, by election officials and others in the wake of the rapid expansion of mail-in balloting. In light of these reports, we write to request additional information to ensure the DC Board of Elections is taking requisite measures to guard against error or fraud.

Widespread mail-in voting has presented ongoing challenges for years, even in jurisdictions with large amounts of experience conducting elections by mail.² Maintaining accurate voter rolls is essential to ensure only eligible voters cast ballots and prevent voters from voting twice.³ States have struggled to make reasonable efforts to remove the names of ineligible voters if they are deceased or move away.⁴ In 2012, the Pew Research Center reported that nearly one of every eight voter registrations are "no longer valid or are significantly inaccurate," including more than 1.8 million individuals who were dead.⁵ Moreover, substantive procedures to detect and prevent voters from casting multiple ballots are essential when conducting an election with a large mail-in component, which presents a voter with the opportunity to vote by mail and in person. It was recently discovered that at least 1,000 residents

¹ Olson, Tyler, *Return to sender: DC voters are being sent mail-in ballots for ex-residents*, FOX NEWS (Oct. 1, 2020), available at <https://www.foxnews.com/politics/dc-voters-are-being-sent-mail-in-ballots-for-ex-residents>.

² Republican Staff Report, *How Democrats are Attempting to Sow Uncertainty, Inaccuracy, and Delay in the 2020 Election*, U.S. House of Representatives, Comm. on the Judiciary & Comm. on Oversight and Reform (Sept. 23, 2020), available at <https://republicans-judiciary.house.gov/wp-content/uploads/2020/09/2020-09-23-How-Democrats-Are-Attempting-to-Sow-Uncertainty-Inaccuracy-and-Delay-in-the-2020-Election.pdf>.

³ *Id.* at 12-13.

⁴ *Id.*

⁵ Pew Ctr. on the States, *Inaccurate Costly, and Inefficient: Evidence that America's Voter Registration System Needs an Upgrade* (Feb. 2012), available at https://www.pewtrusts.org/~media/legacy/uploadedfiles/pcs_assets/2012/pewupgradingvoterregistrationpdf.pdf.

voted twice in Georgia’s June 2020 primary, each having submitted an absentee ballot but then voting again in person on the day of the election.⁶

These problems are growing more acute and extensive as jurisdictions—many without experience, expertise, or safeguards in place—make last-minute changes to conduct an election largely with mail-in ballots. Late changes and the sheer increase of volume in mail-in ballots increase the likelihood for election-related crime and administrative errors, putting the integrity of the nation’s electoral process at risk.⁷

The DC Board of Elections announced in June that it would send unsolicited mail-in ballots to every registered District voter for the November election.⁸ According to the DC Board of Elections website, that process of mailing each voter a mail-in ballot began the first week of October.⁹ In order to be successful and error-free, such a program should require accurate and up-to-date voter addresses and up-to-date voter rolls, therefore excluding residents who have relocated outside of the District or who have died.

However, multiple reports exist of ballots being sent to residences in DC where voters no longer reside, either because they have moved or died.¹⁰ In some cases, multiple ballots have been received for voters who have not resided at the address for years.¹¹ One individual reported that he received five incorrectly addressed ballots.¹²

The dangers of these administrative errors are obvious: receiving multiple ballots permits individuals to fraudulently cast ballots in place of those for whom they are intended. Such a scenario also disenfranchises the voter to whom the ballot was misaddressed.

On September 30, the DC Board of Elections acknowledged this problem in a Twitter post requesting that recipients of unsolicited ballots for individuals no longer residing at a residence to mark the ballots as “return to sender” and place them in the mail.¹³ The DC Board of Elections also stated voters should not “take advantage” of erroneously sent ballots.¹⁴ Notwithstanding its failure to take responsibility for creating this avoidable situation, the Board places a large onus squarely on individual citizens to clean up a mess solely of the Board’s

⁶ Curl, Joseph, *1000 people Double-Voted in Georgia Primary, Face 10 Years in Prison, \$100,000 Fine*, DAILY WIRE (Sept. 8, 2020), available at <https://www.dailywire.com/news/1000-people-double-voted-in-georgia-primary-face-10-years-in-prison-100000-fine>.

⁷ Republican Staff Report, *supra* note 2.

⁸ Auster Muhle, Martin, *D.C. Plans to Mail Every Voter a Ballot for November’s Presidential Election*, DCIST (Jun. 17, 2020), available at <https://dcist.com/story/20/06/17/dc-plans-mail-ballot-2020-election-day-president/>.

⁹ www.dcboe.org (last accessed October 2, 2020).

¹⁰ Olson, Tyler, *supra* note 1.

¹¹ *Id.*

¹² *Id.*

¹³ “...If ballots are arriving for voters who do not live in your residence anymore, please mark it ‘return to sender’ and drop it in the mail.”, available at <https://twitter.com/Vote4DC/status/1311323509780631553>.

¹⁴ Olson, Tyler, *supra* note 1.

making. This appears to be the only “safeguard” in place, with no other procedures to avoid, detect, and/or divert misaddressed ballots.

In fact, it is unclear whether the DC Board of Elections took any steps to prevent misaddressed ballots from being sent out in the first place. It is unclear when the Board last updated its voter rolls or whether it is currently taking any steps to rectify the current situation. It is also unclear what safeguards the DC Board of Elections has in place to detect fraudulent ballots or preventing an individual from casting multiple ballots.

To assist the Committee in understanding the DC Board of Elections procedures and protections in place as it relates to its universal mail-in balloting process, please provide information sufficient to answer the following questions by October 16, 2020:

1. Did the DC Board of Elections perform a comprehensive update of its voter rolls in preparation for the November election, and if not, when was the last time such a comprehensive update was performed?
2. What is the process for updating voter information? For example, what is the process when a voter changes addresses or dies?
3. What is the DC Board of Elections’ process for ensuring accurate voter rolls?
4. How quickly is updated information, such as a new address, populated into DC Board of Elections’ systems if a voter attempts to update their address? How is updated information populated?
5. What prevents someone from casting a ballot sent to a previous resident of their address in error?
6. Does the DC Board of Elections have procedures in place to detect instances where an individual might attempt to cast multiple ballots sent to them in error?
7. What procedures are in place to ensure that voters who cast ballots by mail are prevented from also attempting to cast a ballot in-person on election day?
8. What procedures are followed in the case DC Board of Elections detects a fraudulently cast ballot?

To schedule a briefing or document delivery, or to ask any follow-up or related questions, please contact Committee on Oversight and Reform staff at (202) 225-5074.

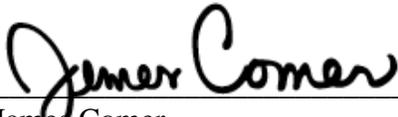
Chairman Bennett

October 8, 2020

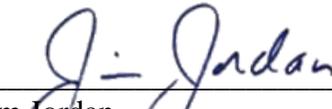
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The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Jim Jordan
Ranking Member
Committee on the Judiciary



Jody Hice
Ranking Member
Subcommittee on Government Operations

cc: The Honorable Carolyn B. Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Jerrold Nadler, Chairman
Committee on the Judiciary

The Honorable Gerald Connolly, Chairman
Subcommittee on Government Operations