

Government of the District of Columbia
Office of the Chief Financial Officer



Glen Lee
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Glen Lee
Chief Financial Officer

DATE: September 27, 2022

SUBJECT: Fiscal Impact Statement – Elections Modernization Amendment Act of 2022

REFERENCE: Bill 24-507, Committee Print as provided to the Office of Revenue Analysis on September 14, 2022

Conclusion

Funds are not sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill. The total cost of the bill is \$400,000 in fiscal year 2023 and \$4.29 million over the financial plan.

Background

The bill makes several changes to the District's election laws. These changes are highlighted below.

Department of Corrections' Advisory Neighborhood Commission (ANC) Elections

The bill establishes¹ procedures to allow an individual in the care and custody of the Department of Corrections (DOC) to hold office as an Advisory Neighborhood Commissioner (Commissioner). The bill requires the Board of Elections (BOE) to develop educational materials for individuals in DOC care and custody on how to register to vote, how to vote, residency and elections requirements to run for Commissioner, and the functions of an ANC. DOC must distribute these materials to individuals in DOC custody and care. DOC must also transmit petition sheets to candidates who are in its care and custody, circulate petitions among registered electors, and transmit completed petition sheets to the BOE.

¹ By amending the Advisory Neighborhood Commissions Act of 1975, effective October 10, 1975 (D.C. Law 1-21; D.C. Official Code § 1-309.01 et seq.).

The bill requires DOC, in consultation with the ANC and the Office of the Advisory Neighborhood Commission (OANC), to make voting available to registered electors in its care and custody. DOC must distribute ballots, collect ballots, and transmit ballots to BOE to be processed.

The bill mandates DOC to employ a staff liaison for any Commissioner in its care and custody to assist the Commissioner in carrying out their duties. The Commissioner is entitled to technology and space to access ANC meetings and vote on matters via electronic means.

The bill requires BOE to provide information to every registered qualified elector in the care and custody of DOC and the Department of Youth Rehabilitation Services (DYRS) about the importance of and process for keeping their voter registration information, including their residence address, up-to-date.

Elections Modernization

The bill allows² candidates for an ANC seat to file electronic nominating petitions. Currently only paper form submissions are allowed. The bill also allows ANC candidates to sign their own petition sheet in support of their candidacy.

The bill requires³ BOE to mail every registered voter a mail-in ballot and a postage-paid return for each BOE-run election. Mail-in ballots must be accepted by BOE if they are postmarked or proven to have been mailed on or before Election Day and are received within ten days of an election. BOE can also receive mail-in ballots via drop box up to 8 p.m. on Election Day.

The bill requires the Board to create, maintain, and user-test an electronic ballot tracking system that updates daily to notify voters of the status of their mail-in and special ballots. BOE must also promulgate rules governing signature verification for mail-in ballots and must operate no fewer than 55 ballot drop boxes throughout the District.

The bill requires BOE to establish and maintain a publicly accessible and searchable election data portal and data visualization dashboard on its website. The data portal and dashboard must include information on each primary, general, and special election including election results, turnout data, and voter registration.

Faithless Electors

The bill prohibits⁴ an elector's ballot for President or Vice President from being accepted if the elector does not vote for the candidate of the party the elector has been elected to represent. An elector that refuses to present a ballot, presents an unmarked ballot, or refuses to vote for the candidate of the party whom the elector has been selected to represent must vacate the office of elector. The bill outlines the procedures for filling an elector vacancy.

District of Columbia Public Schools Election Day Closures and State Board of Education Eligibility

The bill requires⁵ that the District of Columbia Public Schools (DCPS) be closed to instruction on Election Day to facilitate voting in its facilities. The bill also allows registered voters to vote at any

² Id.

³ By amending The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 et seq.).

⁴ Id.

⁵ Id.

Voting Center regardless of where they reside in the District. The bill also allows⁶ employees of DCPS to be members of the State Board of Education (SBOE).

Financial Plan Impact

Funds are not sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill. The total cost of the bill is \$400,000 in fiscal year 2023 and \$4.29 million over the financial plan.

Bill 24-507, Elections Modernization Amendment Act of 2022					
Total Cost					
	FY 2023	FY 2024	FY 2025	FY 2026	Total
DOC ANC Elections	\$79,000	\$80,000	\$82,000	\$85,000	\$326,000
BOE Elections Modernization	\$321,000	\$1,191,000	\$1,214,000	\$1,238,000	\$3,964,000
Total	\$400,000	\$1,271,000	\$1,296,000	\$1,323,000	\$4,290,000

Department of Corrections Advisory Neighborhood Commission Elections

DOC requires additional resources to facilitate ANC elections and office holding by individuals under the care and custody of DOC. The bill mandates DOC employ a staff liaison to assist a Commissioner in carrying out their duties. DOC will also need to purchase additional office supplies and materials to help the Commissioner carryout their official duties. The total cost to DOC is \$79,000 in fiscal year 2023 and \$326,000 over the financial plan.

DOC Advisory Neighborhood Commission Elections					
Total Cost					
	FY 2023	FY 2024	FY 2025	FY 2026	Total
Staff Liaison ^(a)	\$69,000	\$70,000	\$72,000	\$74,000	\$285,000
Office Supplies ^(b)	\$10,000	\$10,000	\$10,000	\$11,000	\$41,000
Total	\$79,000	\$80,000	\$82,000	\$85,000	\$326,000

Table Notes:

(a) Salary and Fringe for one Grade 7, Step 4 Staff Liaison. Assumes salary growth of 1.75 percent. Assumes fringe rate of 31.5 percent and cost growth of 2.375 percent.

(b) Assumes cost growth of 2 percent.

Elections Modernization

BOE requires additional resources to send each registered voter a mail-in ballot for every election beginning in fiscal year 2024. The total cost of printing ballots and paying for postage is approximately \$1 million for each primary and general election. BOE will also need to purchase security cameras and enter into a contract with a vendor to monitor ballot drop boxes during each primary and general election. The cost of cameras and ongoing surveillance is \$53,000 in fiscal year 2023 and \$115,000 over the financial plan. The searchable data portal that is required in the bill will

⁶ By amending Section 402(e) of the State Board of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-2651(e)).

cost \$150,000 to develop in fiscal year 2023 and \$30,000 each fiscal year to maintain. The total cost of procuring and maintaining this data portal is \$240,000 over the financial plan. BOE must also hire a data analyst to regularly update the data portal and to respond to data requests and analysis. The salary and fringe cost for this new position is \$118,000 in fiscal year 2023 and \$488,000 over the financial plan. The total cost of implementing the election modernization provision in the bill is \$321,000 in fiscal year 2023 and \$3.96 million over the financial plan.

Elections Modernization Total Costs					
	FY 2023	FY 2024	FY 2025	FY 2026	Total
Ballot styles, mailers, and postage ^(a)	\$0	\$1,020,000	\$1,040,000	\$1,061,000	\$3,121,000
Security cameras/video surveillance ^(b)	\$53,000	\$20,000	\$21,000	\$21,000	\$115,000
Searchable Data Portal ^(c)	\$150,000	\$30,000	\$30,000	\$30,000	\$240,000
Data Analyst ^(d)	\$118,000	\$121,000	\$123,000	\$126,000	\$488,000
Total	\$321,000	\$1,191,000	\$1,214,000	\$1,238,000	\$3,964,000

Table Notes:

- (a) Funding is already included in the fiscal year 2023 budget for 2022 General Election mail-in ballots. Assumes 2 percent cost growth.
- (b) Assumes one-time costs in fiscal year 2023 to purchase equipment and ongoing surveillance costs.
- (c) Assumes one-time costs in fiscal year 2023 and ongoing maintenance costs in fiscal years 2024 through 2026.
- (d) Salary and fringe for one Grade 13, Step 5 Data Analyst. Assumes salary growth of 1.75 percent. Assume fringe rate of 15.4 percent and a fringe growth rate of 2.375 percent.

BOE does not require additional resources to allow ANC candidates to submit nominating petitions via electronic means. There is also no cost to prohibiting the acceptance of a ballot from a faithless elector, requiring DCPS to close schools to instruction on Election Days, and allowing DCPS employees to run for a seat on the SBOE.