(202) 234-4433

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

DECEMBER 8, 2021

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The District of Columbia Board of Elections convened via Video Teleconference, pursuant to notice at 10:30 a.m. EST, Mike Gill, Member, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

MIKE GILL, Member KARYN GREENFIELD, Member

BOARD OF ELECTIONS STAFF PRESENT:

MONICA HOLMAN EVANS, Executive Director TERRI D. STROUD, General Counsel CECILY COLLIER-MONTGOMERY, Director,

Office of Campaign Finance

WILLIAM SANFORD, Office of the General

Counsel

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1	P-R-O-C-E-E-D-I-N-G-S
2	(10:03 a.m.)
3	MEMBER GILL: Good morning, today is
4	December 8th and this is the monthly Board
5	Meeting, monthly hearing, of the D.C. Board of
6	Elections. My name is Mike Gill and I am sitting
7	in the Chairman's seat today.
8	With me on the dais is our Executive
9	Director, Monica Evans, our General Counsel,
10	Terri Stroud, my fellow Board Member, Karen
11	Greenleaf, and the Head of our Office of Campaign
12	Finance, Cecily Collier Montgomery.
13	Let me welcome everyone and let me
14	ascertain that with Karen here, we do have a
15	quorum. And then I want to accept the motion if
16	one is made, Karen, for an adoption of the agenda
17	and approval of the minutes.
18	MEMBER GREENFIELD: I move that we
19	adopt the agenda and approve the minutes.
20	MEMBER GILL: Second, all in favor?
21	Aye? Wonderful. I don't have any Board Members
22	for today, Karen, do you have any?

1	MEMBER GREENFIELD: No, I don't.
2	MEMBER GILL: And then with that,
3	Monica, I'll turn it over to you for your
4	Executive Director's report.
5	MS. EVANS: Thank you, and good
6	morning. On November 18, 2021 I provided
7	testimony regarding the VOICE Amendment Act,
8	which was introduced to bring rank choice voting
9	to D.C.
10	Of course, BOE takes no position
11	regarding the passing of pending legislation,
12	however, we provided information regarding the
13	impact of proposed legislation.
14	Implementing rank choice voting would
15	require a well funded comprehensive voter
16	education campaign. Additionally, we would need
17	to be properly resourced.
18	Specifically, we would need staff and
19	financial resources to provide voter education
20	and outreach and to modify our ballot design and
21	voting equipment.
22	More importantly, we would need to
-	

1	reset the expectation of voters. Election
2	results will not be available on election night.
3	Our voter-focused registration system,
4	our new registration system is up and running and
5	the election worker portal is operational.
6	Staff training is continuing with the
7	new voter-focused system and as Staff Members
8	continue to use Voter Focus, we have identified a
9	few enhancements with how reports are generated.
10	Even though Voter Focus is fully
11	operational, the integrity system is still
12	functioning to allow us to conduct parallel
13	testing and reviews to ensure Voter Focus is
14	producing accurate data and reports.
15	Today, all testing has yielded correct
16	information. Voter outreach, during the month of
17	November, the voter education and outreach
18	Division participated in many outreach events on
19	behalf of the Agency.
20	Overall, we participated in 14 format
21	outreach events. One noteworthy event was held
22	at the Voice of America men's halfway house in

1 Baltimore on November 19th.

2	This was our first visit to this
3	location and we successfully registered 11 D.C.
4	residents at this event. We will continue to
5	visit this halfway house to conduct voter
6	registration and provide outreach.
7	Voter registration, we are currently
8	processing new registrations in Voter Focus and
9	producing registration reports. In November we
10	registered 3064 new voters.
11	We also processed and mailed 4575
12	voter cards. Election worker training, as
13	mentioned last month, we are developing an online
14	training component for election workers.
15	The online training will complement
16	the mandatory four-hour in-person training class.
17	We're continuing to develop the content for the
18	online training module.
19	The online training component will be
20	available for any election worker as a refresher
21	to the in-person training. That concludes my
22	report.

1	MEMBER GILL: Thank you, Monica.
2	Karen, do you have any questions?
3	MEMBER GREENFIELD: No, I don't have
4	anything.
5	MEMBER GILL: I don't have any
6	questions, I'm just want to emphasize, you gave
7	update on what you told the Council on rank
8	voting.
9	As of this time, there is not
10	intention for D.C. Board of Elections to use rank
11	voting?
12	MS. EVANS: That's correct, and if the
13	legislation passes, it would not be effective for
14	the 2022 election cycle, it would be effective
15	for the 2024 election cycle.
16	MEMBER GILL: Thank you, that's all.
17	With that, I'm going to turn it over Terri
18	Stroud, our General Counsel.
19	MS. STROUD: Good morning, everyone.
20	The first item on my agenda is rulemaking to
21	Title 3 of the D.C. Municipal Regulations.
22	The first piece of the final

rulemaking, which would amend Chapter 7 to 1 2 establish that voters who cast special or provisional due to failure to provide the 3 required proof of residence at the time of voting 4 5 must provide such proof by no later than the second day after election day. 6 We visited this rulemaking first 7 8 during the Board's last meeting on November 3rd. 9 Actually, it was before that but the notice of emergency proposed rulemaking with respect to 10 11 this rulemaking was published in the D.C. 12 Register on October 22nd. 13 We haven't received any written 14 comments on the rules during the public comment period and we made no substantive changes to the 15 16 rules as they were proposed. And so today I ask the Board to allow 17 18 us to submit this final rulemaking to the D.C. 19 Register at which time it will become effective. And so that's the first item and I will go to the 20 21 second piece of rulemaking, which is emergency 22 and proposed rulemaking.

1	And this would be to amend Chapters 10
2	through 11 and 14 through 17.
3	And these regulations simply make
4	clear that the Board has more flexibility with
5	respect to the formatting of rulemaking so as to
6	allow for common day electronic petition
7	circulation, which was implemented during the
8	last election cycle when we were in a pandemic
9	environment.
10	And so previously, the petitions have
11	to be double-sided and allow for 20 lines of
12	space on the front and back.
13	But we are no longer bound to the
14	double-sided signatures per the double-sided
15	sheet provisions because they have been removed.
16	And so the rulemaking is something to reflect the
17	new method for circulation, which is electronic.
18	And so you can circulate the
19	petitions, most of the petitions, either
20	electronically of still using the paper or with
21	e-sign, our digital petition software program
22	that we allow members of the public to use who

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are circulating petitions. 1 2 And so I would ask for the Board's permission to submit this to the D.C. Register 3 for publication. 4 5 And we would take a final rulemaking action with respect to this no later than 120 6 days from the adoption date. 7 8 And so I ask the Board for permission 9 to send both of these pieces of rulemaking to the D.C. Register for publication. 10 Thanks, Terri. 11 MEMBER GILL: Karen, 12 can I get a motion to allow for publication of the final rulemaking that has to do with 13 14 provisional ballots and I.D. within two days? 15 Let's do one at a time. Motion? 16 MEMBER GREENFIELD: I make a motion 17 that we allow for the publication of the final 18 rulemaking with respect to the special 19 provisional ballots that you must notify within 20 two days. 21 MEMBER GILL: I second it. All in favor? 22

1	(Chorus of aye.)
2	Any opposed? The motion passes.
3	Next, a motion on amending Chapters 10, 11, and
4	14 through 17?
5	MEMBER GREENFIELD: I make a motion
6	that we amend the Chapters 10, 11, and 14 through
7	17 in the publication.
8	MEMBER GILL: Second. All in favor?
9	MEMBER GREENFIELD: Aye.
10	MEMBER GILL: Aye. All opposed? The
11	motion passes. Does that conclude your report?
12	MS. STROUD: It does not. I have
13	litigation status and at the time the agenda was
14	published we only had one matter but since that
15	time, we have received two losses.
16	So, the first case is Long v. The D.C.
17	Board of Elections, that was filed in D.C.
18	Superior Court on July 2nd. It's a civil
19	complaint seeking \$10,000 in damages.
20	So, Mr. Long, the Plaintiff, claims
21	negligence and unjust enrichment, and alleges
22	that the Board issued him a check without

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1 informing him not to deposit it, then had payment 2 of the check stopped causing him to have a negative balance and a return check fee. 3 4 The Office of the Attorney General is 5 handling this matter for the Board. They are Counsel for the Office of Finance and Resource 6 7 Management, which handle the issue of coworker 8 checks on the Board's behalf. 9 The matter will be heard by the D.C. Superior Court on December 14th. The second 10 11 matter is Henderson v. the Board of Elections. 12 Kathy Henderson filed a recall 13 petition against Sydelle Moore, Advisory 14 Neighborhood Commissioner for Single-Member 15 District 5D05. 16 The Board rejected that due to an 17 insufficient number of signatures and Ms. 18 Henderson had to appeal to the D.C. Court of 19 Appeals. The final matter Is Public Interest 20 21 Legal Foundation v. the Board. PILF has sued the Board in D.C.'s Federal District Court under the 22

MDRA alleging that the Board is out of compliance 1 2 with that statute's public records provision. PILF had requested records from the 3 4 Board but the Board denied the complaint based on 5 its understanding that the records requested are not subject to public disclosure. 6 7 And so that matter is in the D.C. 8 Federal District Court. That concludes my 9 report. 10 MEMBER GILL: Karen, do you have any questions for Terri? 11 12 MEMBER GREENFIELD: No, I don't have 13 any questions. 14 MEMBER GILL: Not a question but an observation, Terri, the PILF matter, that's going 15 16 on across the country, requesting this 17 information from others, not just us? 18 MS. STROUD: They had requested it 19 from several jurisdictions. MEMBER GILL: And it's our view of the 20 21 legal technical response, which is it's not a 22 FOIA-able request and, therefore, we're not

1	giving it up because it's private information.
2	MS. STROUD: That is correct.
3	MEMBER GILL: Thank you. Without any
4	further questions, then, Cecily, are you ready?
5	MS. COLLIER-MONTGOMERY: Yes.
6	MEMBER GILL: Go right ahead.
7	MS. COLLIER-MONTGOMERY: Good morning,
8	on behalf of the Office of Campaign Finance, I
9	would report initially that the OCF did
10	participate in a community event on November
11	10th.
12	The OCF accompanied the Board of
13	Elections at the Central Union Mission for a
14	voter registration event.
15	Of course, these events give us the
16	opportunity to inform the residents of the
17	District of Columbia about the Office of
18	Campaign Finance and also about its
19	responsibilities and programs that the Agency
20	administers.
21	In the Fair Elections program during
22	the month of November 2021, the first thing I

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would like to again report is that the 2020 1 2 election cycle was the first election cycle during which the Fair Elections program. 3 4 The total sum of \$4,016,797.64 was 5 dispersed from the Fair Elections fund in the base amount and also in matching payments to the 6 7 36 candidates who were certified in the program 8 during the 202 election cycle for the two 9 elections which were conducted, the June 2020 primary election as well as the November 3, 2020 10 11 general election. 12 And also during this timeframe, the 13 Agency also administered the program to those 14 candidates who participated in the June 16, 2020 15 special election. 16 As of this date during the 2022 17 election cycle, the total sum of \$1,338,527.55 18 has been authorized for dispersement from the 19 fund to the nine candidates who are currently 20 certified in fair elections program to 21 participate in the June 21, 2022 primary election. 22

During the month of November, we also
certified four new candidates to participate in
the Fair Elections program during the primary
election.
They are Charles Allen, re-elect
Charles Allen for Ward 6.
The candidate was certified on
November 5th as a participated candidate in the
program for the Covered Office of Member of the
Council for Ward 6 in the sum of \$74,212.55 and
matching payments was authorized for
dispersement.
The second candidate is Kenya McDuffy,
McDuffy 2022. The candidate was certified on
November 5, 2020.
We want to participate in the program
for the Covered Office of the Attorney General in
the sums of \$308,535 in matching payments and
\$20,000 for the base amount payment were
authorized for dispersement.
The third candidate is White, Robert
for D.C.

	- -
1	The around was certified on November
2	5th in the program for the Covered Office of
3	Mayor in the sums of \$381,185 in matching
4	payments and \$80,000 for the base amount payment
5	authorized for dispersement.
6	Zachary Parker is the fourth candidate
7	who was certified.
8	Friends of Zachary Parker 2022, he was
9	certified on November 18, 2021 in the program for
10	the Covered Office of Member of the Council from
11	Ward 5 in the sums figure out \$67,405 and
12	matching payments and \$20,000 for the base amount
13	payment were authorized for dispersement.
14	We also made an additional
15	dispersement to Charles Allen, Re-Elect Allen for
16	Ward 5, on November 18, 2021. The additional sum
17	of \$1,9075 was authorized in dispersement in
18	additional matching payments.
19	I would also point out for the members
20	of the public who have just heard me indicate
21	that base amount payments were authorized for
22	dispersement that the Fair Elections authorizes

1 the payment of base amounts.

2	And the amount varies depending on the
3	Office in Contested Elections. So, you will see
4	that I have indicated in some instances base
5	amounts for authorized and others I did not
6	mention the base amount.
7	Also in the Fair Elections program
8	during the month of November, 14 reports were
9	received of expenditures were desk reviewed and
10	those were of the October 10, 2021 report.
11	Also, the Division issued nine
12	requests for additional information and that was
13	the result of the desk reviews which were
14	conducted.
15	With respect to remmitted funds, as of
16	November 30, 2021, the total sum of \$140,686.80
17	has been remitted for deposit in Fair Elections
18	from the campaign operations of candidates who
19	participated in the 2020 election cycle and the
20	June 2020 special election.
21	There are 44 ongoing post-election
22	audits in the Fair Elections program and they are

currently at varying stages. I would indicate
for the members of the public that the 34 audits
are listed in our report.

And the status of each one those reports is also provided, and that the statistics of the Office of Campaign Finance will be posted at our website before the close of business today so that those stats can be reviewed.

9 In the Public Information and Records 10 Management Division for the month of November 11 there was one filing deadline and that was from 12 the Legal Defense Committee.

13 It was the 20th report of receipts and 14 expenditures, which was due on Monday, November 15 1, 2021. There was one required filing and the 16 report was timely filed.

17 There was almost one referral to the 18 Office of the General Counsel for enforcement and 19 that was for failure to timely register as a 20 candidate. The candidate is trained as candidate 21 for mayor.

22

With new candidates in Committees who

registered during the month of November, we had 1 2 two new candidates who registered in the traditional program during the month of November. 3 There are currently 12 candidates in 4 5 that program. The new candidates are Bruce Viba, Attorney General who registered on November 16, 6 2021, Norman Rogers, Council Ward 5, who 7 registered on November 19, 2021. 8 9 There are 22 candidates currently who 10 are registered to participate in the Fair 11 Elections program and we had eight new members 12 who registered in November. 13 They are Muriel Bowser for mayor, 14 registration date, November 4, 2021, Lisa Gore, Council at Large, who registered on November 4th, 15 16 Harry Thomas, Council Ward 5 who registered on 17 November 9th. 18 Dexter Williams, Counsel at large who 19 registered on November 10th, Trayon White, mayor 20 who registered on November 12th, Bradley Thomas, 21 Counsel At Large who registered on November 15th. 22 Anita Bonds, Counsel at large who

registered on November 16th, and David Krucoff 1 2 Council Ward 3, who registered no November 29th. At this time, there are still three initiative 3 commitments who are registered with the Agency. 4 There were no known Committees who 5 registered during the month of November. 6 During 7 the month of November, also, 14 new candidates and registered treasurers completed the OCF 8 9 entrance conference presentation. And the names of the those candidates 10 11 and treasurers are listed in our report. And again, just for the information of 12 13 the public, I should indicate that the only 14 registered candidates and Treasurers are required by statute by the Campaign Finance Log to take a 15 16 mandatory training conference. 17 And basically, the purpose is to 18 inform them of their responsibilities as 19 candidates under the campaign finance laws with 20 respect to the reporting requirements. 21 In our report's analysis in the Audit 22 Division during the month of November, and this

is our traditional audit program, the Audit 1 2 Branch conducted 10 desk reviews of reports, receipts, and expenditures that had been final. 3 They issued two final audit reports, 4 5 the first was Mendelson 2022, PRO at random audit, and that was issued on November 12th. 6 7 Also, our Ward 5 constituents service 8 program that was in a period at random audit and that was issued on November 12th. 9 The final audit reports are exemptible 10 11 at our website for review by members of the 12 public. There are three ongoing audits in the report now within the Audit Division. 13 14 The first two are of newly elected 15 officials and these are of full-field audits, 16 which were initiated following the November 2020 17 general election. 18 The first one is Brooke Pinto for Ward 19 2 and the second is Jacque for D.C. at the State Board of Education. 20 21 And the status of those audits are indicated in a report again. The report will be 22

posted by the end of the day. 1 2 Also, we have one ongoing constituent service program periodic award and that's of the 3 4 October 1, 2021 report of receipts and expenditures. 5 That is Mayer Bowser's constituent 6 service program and again, the status of that 7 8 audit is listed in our report, which we will post 9 at the end of the day. And that concludes my report but I 10 11 would ask my General Counsel to give the report 12 for the Office of the General Counsel. 13 MR. SANFORD: Morning, Mr. Chairman 14 and distinguished Board Member Greenfield. My name is William Sanford, General Counsel for the 15 16 Office of Campaign Finance. 17 During the month of November 2021, the 18 Office of the General Counsel received one 19 referral from the Public Information and Records 20 Management Division, issued 19 orders, which 21 included the following. 22 Seven orders were issued which vacated

prior orders in which plans were imposed and 1 2 those seven orders removed the fines. Five orders were issued in which the 3 4 fines were suspended and seven orders in which a 5 total of \$11,550 and fines were passed. During the month of November 2021, the 6 7 Office of the General Counsel imposed fines 8 against the following Respondents. 9 A fine of \$1650 was imposed against Monica Palacio for City Council Principal 10 11 Campaign Committee. 12 The fine of \$1650 was imposed against 13 the Capital Stonewall Democrats PAC, a fine of 14 \$1650 was imposed against the Markus for D.C. principal campaign Committee. 15 16 A fine of \$1650 was imposed against the Committee to elect Stuart Anderson. 17 A fine 18 of \$1650 was imposed against James for Ward 2, 19 State Board of Education. 20 A fine of \$1650 was imposed against Keith Silver for D.C. and a fine of \$1650 was 21 22 imposed against Randy Downs for Ward 2 Principal

Campaign Committee. 1 2 During the month of November 2021, the Office of the General Counsel did not collect any 3 4 fines. And during the month of November 2021, 5 there were no open investigations, no requests 6 for interpretive panings were received and no 7 show-cause proceedings were conducted. 8 9 That concludes my report. Thank you, Bill. 10 MEMBER GILL: Karen, do you have any questions for Cecily or Bill? 11 12 Let me just make sure, Cecily, does that conclude 13 your report? Karen, any questions? 14 MEMBER GREENFIELD: No, I don't have 15 any questions. 16 MEMBER GILL: I don't have any either. 17 Thanks, folks. With that, we will turn to public 18 matters and we will go to the phones, as they 19 say. 20 I'm going to ask that folks are 21 unmuted and if you would like to raise a matter within public matters, please state your name and 22

1 your address and you have three minutes. 2 If we don't have any comments from public matters, and I'll give it a few more 3 seconds here, but it looks like we don't. With 4 5 that, I think we're good. Karen, a motion to adjourn? 6 7 MEMBER GREENFIELD: I move that we 8 adjourn the meeting. 9 MEMBER GILL: Second. All in favor? 10 (Chorus of aye.) 11 All opposed? The meeting is 12 adjourned. 13 (Whereupon, the above-entitled matter went off the record at 11:02 a.m.) 14 15 16 17 18 19 20 21 22

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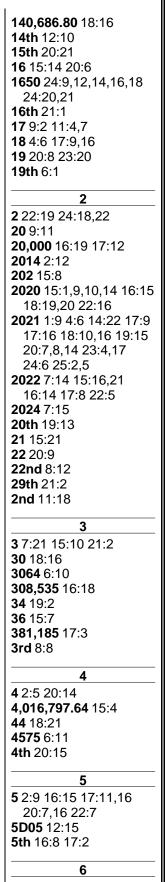
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