GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

BOARD OF ELECTIONS

REGULAR BOARD MEETING

WEDNESDAY

JULY 13, 2022

The District of Columbia Board of Elections convened via Video-Teleconference, pursuant to notice at 10:00 a.m. EDT, Gary Thompson, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

GARY THOMPSON, Chair
MIKE GILL, Member
KARYN GREENFIELD, Member

BOARD OF ELECTIONS STAFF PRESENT:

MONICA HOLMAN EVANS, Director
TERRI STROUD, General Counsel

CECILY COLLIER-MONTGOMERY, Office of Campaign Finance

WILLIAM SANFORD, General Counsel
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P-R-O-C-E-E-D-I-N-G-S

(10:00 a.m.)

CHAIR THOMPSON: Good morning. My
name is Gary Thompson. I'm the Chair of the
Board of Elections. I'll let the other two Board
members say hello quickly.

Karyn, why don't you go ahead.

MEMBER GREENFIELD: Hi. This is Karyn
Greenfield, Board Member.

MEMBER GILL: Good morning. Mike
Gill.

CHAIR THOMPSON: Okay. We have all
three Board members present, so we have a quorum.

The first thing to do very quickly is
adopt our agenda. It's been distributed in
advance by public notice.

With everybody having had a chance to
review that, I believe, I would move that we
adopt the agenda.

MEMBER GREENFIELD: Second.

CHAIR THOMPSON: All in favor?

(Chorus of aye.)
CHAIR THOMPSON: And the second quick
housekeeping matter is we last met in a regular
meeting on June 1st. The minutes have been
distributed.

Having had a chance to review those,
I would move that we adopt those minutes.

MEMBER GREENFIELD: Second.

CHAIR THOMPSON: All in favor?

(Chorus of aye.)

CHAIR THOMPSON: So our minutes are
approved.

Next on our agenda are any comments by
Board members. And then we'll move to the
Executive Director's report and then the General
Counsel's report.

I'll start. Of course, the big news
to talk about here today is the June 21st
primary, which is now behind us several weeks
ago.

By way of oversight, I wanted to
really start by thanking everybody at the Board
of Elections and the Office of Campaign Finance
for working so hard to make the primary such a successful event for our voters. I know a lot of people worked a lot of very late nights and a lot of weekends on all aspects of the election, obviously, leading up to it, throughout the election, and during the phase of calculating the results as well.

Those thank yous of course extend to everybody, too many people to name. I couldn't even begin to name all the people that need a long thank-you for so much work, certainly everybody at the BOE itself. And also all of our election workers, especially our election workers who were there at every early vote center and every vote center, staffing every aspect of the process.

I know because I rode my bike to every single early voting center in DC. It took me a day and a half. Here's my map. I drew out a beautiful map of all of DC and connected the dots. I zigzagged around.

And the folks at the early voting
centers were just fabulous, incredibly well trained, very committed. I met so many people who have been doing this for many years, in some cases decades, who really know what they're doing. A lot of newcomers to the election worker ranks.

And I just enjoyed talking to them so much, briefly at each voting center because I had to move along on my bike. I sought every single neighborhood in the District of Columbia. And it was just great to see the easy access that our voters have to vote early, if they so choose.

I also went around, as did Board Members Greenfield and Gill, on primary election day itself and visited a dozen or so same-day voting centers in all the wards. And that was a special thing as well to see how well things were running.

I didn't see any lines. I barely heard about a line anywhere. So it was nice to see that in person, either early or same day, the voters had such easy access to voting.
And of course, a huge number chose to vote by mail. This was our first primary cycle, I believe, where we had mail ballots to every registered voter in DC.

And the statistics speak for themselves. Approximately two-thirds of all ballots were cast by mail, about one-third by either early voting or same-day voting. So that's quite a high percentage.

Some of those came in through the US Postal Service. Most of those came in through the drop boxes. They've proved themselves to be a fabulous and very popular means to allow people to vote.

One thing we learned is that a lot of people held their mail ballots until the last day and dropped them in those drop boxes on that last day, which created an unanticipated pretty high count of mail ballots being dropped on June 21st.

It was really phenomenal the way the BOE reacted to that. People worked pretty much 48 hours straight. I think a lot of people
didn't sleep much at all. But even those were very quickly tabulated and added to the totals of the course of that Wednesday and Thursday after the primary Tuesday.

By the end of the week everything was posted unofficially in terms of the unofficial results, without lines and with a really successful use of the mail ballots.

So the challenges really came from the fact that it was so successful, that so many people used the mail ballot approach. The challenges came in understanding the trends, when and how do people use mail ballots. We've learned a lot about that in anticipation of the next several election cycles with reactions to that.

All around, just a tremendous success from my observation. Huge thanks to Director Monica Holman Evans and everybody at the BOE.

And also, I'll repeat this later as well, the Office of Campaign Finance just did an amazing job with the Fair Elections Program, and
the traditional Campaign Finance program as well.

One thing I haven't heard much talk about is how quickly the FEP has ramped up and been utilized by so many candidates. That allowed them to get on the ballot and have some financing in this new way, really without a hitch that I've heard of.

It really is transformational to see that program allow new candidates to run for office across the city in so many ways, and at the same time expand access to the vote by mail.

So it's really a transformational era for our BOE and for election technology in general, elections in general. We are really at the forefront of making it work so well for all of our voters.

Thanks so much to the BOE and to our election workers. That's what I wanted to say at the outset before we got into certifying the results.

I will ask Board Member Greenfield or Gill if you'd like to add anything as well.
MEMBER GREENFIELD: I'm just going to mirror your thanks to everybody at Board of Elections, Office of Campaign Finance, and the election workers for all their stuff, not just the day of the primary but prior to it to get ready for it, what went on afterwards when the votes had come in, getting it all counted and everything, and just the work that they're continuing to do towards the general election.

I just want to thank them. I did get out to a number of the sites, and am really impressed with the election workers and the teams that were out there. I just wanted to reiterate that.

MEMBER GILL: We still have a general election so I don't want to jinx it by patting ourselves on the back too much, but major kudos to the staff at the Board of Elections and the Office of Campaign Finance.

And I guess the last thing is the numbers went up, which was nice to see. They weren't as high as we would like in terms of
voter turnout but they did substantially increase from the last primary, which was good to see. So, congrats to the voters that voted.

CHAIR THOMPSON: All right. Well, thank you for that.

With that, I will turn it over to our Executive Director for her report and to talk about certifying results.

MS. HOLMAN EVANS: Thank you and good morning. The first item of business is the certification of the June 2021 primary election results.

We had 132,182 votes cast, which was about a 32.26 voter turnout. All contest results and the complete breakdown by party are listed on the DC BOE website.

I will go through the pre-certified winners for the different contests as far as receiving highest number of votes. I will begin with the Democratic Party.

Highest number of votes: Delegate to the US House of Representatives, Eleanor Holmes
Norton; Democrat Mayor, Muriel E. Bowser;
Chairman of the Council, Phil Mendelson; At-Large
Member of the Council, Antia Bonds;
Member of the Council, Ward 1, Brianne K. Nadeau; Member of the Council, Ward 3, Matthew Frumin; Member of the Council, Ward 5, Zachary Parker; Member of the Council, Ward 6, Charles Allen; Attorney General, Brian Schwalb; United States Representative, Oye Owolewa.

Moving to the Republican Party:
Delegate to the US House of Representatives,
Nelson F. Rimensnyder; Mayor, Stacia R. Hall;
Chairman of the Council, Nate Derenge; At-Large
Member of the Council, Giuseppe Niosi; Member of the Ward 3 Council, David Krucoff; Member of the Council, Ward 5, Clarence Lee, Jr.

There were no Libertarian candidates on the ballot for the offices I just reported and no Statehood Green candidates on the ballot for the offices I just reported.

We did have several write-ins. The write-ins were pre-certified.
Those write-in candidates: Dennis Sobin, Libertarian candidate for Mayor; Bruce Majors, Libertarian candidate, Delegate to the US House of Representatives; Bruce Majors, Chair of the Libertarian Party of the District of Columbia;

Natalia Stracuzzi, Statehood Green candidate, Delegate to the US House of Representatives; Darryl L.C. Moch, Statehood Green candidate, Chairman of the Council; David Schwartzman, Statehood Green candidate, At-Large Member of the Council; Joyce Robinson-Paul, Statehood Green candidate, United States Representative; Chris Aughton (phonetic), Statehood Green candidate, Member of the Council, Ward 1.

Mr. Chair, I ask for votes to certify the complete June 21st, 2022 primary election results as listed on our website.

CHAIR THOMPSON: Thank you so much.

I so move that this Board certifies the election results as you just read them and as
are further summarized on the website.

MEMBER GILL: Second.

Karyn, I think you're on mute.

MEMBER GREENFIELD: Sorry. Okay.

CHAIR THOMPSON: All in favor?

(Chorus of aye.)

CHAIR THOMPSON: Congratulations to
the candidates that prevailed. Everybody ran a
great race. We welcome candidates from every
party and every race. The candidates are what
makes the election happen.

To every campaign out there, every
campaign worker, every campaign manager, we know
how hard you worked as well. We saw you at every
voting center standing an appropriate distance
away with your signs and your people. Really, it
was just great to see so much participation in
that regard as well.

Every election contest has winners.
The winners have been certified.

Congratulations.

As has been mentioned, this is
basically half-time. We are on to the general elections still. There's a whole 'nother half to go, but so far so good.

MS. HOLMAN EVANS: Thank you, Mr. Chair.

I will continue with my report. Other June 22 primary election matters.

First, I just would like to go on the record for thanking all of the staff members at DC BOE. Everyone worked very hard seven days a week, I know from observing personally, worked up until 5:00 in the morning overnight on several occasions, and really stepped up to ensure that everything could be done so that the election would be a seamless process.

They just really tackled some of the challenges very nicely. We could not do without staff. I just always say we have the best staff and I am very appreciative.

We had 409,677 registered voters for the primary. We utilized 39 early vote centers and 90 election day vote centers.
Forty-three thousand, nine hundred and eighty-seven individuals chose to vote in person, which was about 33.28 percent. Eighty-eight thousand, one hundred and ninety-five voters used the mail-in ballot, which was about 66.72 percent.

Approximately 40,000 mail ballots were returned as undeliverable. Half of these needed address changes. We will follow up with these ballots. And of course, this is a great tool to assist us with our list maintenance process.

We conducted our audit July 6th and July 7th. The results are on our website.

As far as primary election communications, in addition to mailing a voter guide and free informational postcards to households, we utilized television, radio, and print advertising.

There were 2,841 30-second television ads, 219,919 30-second streaming and video ads. Advertisements appeared on 27 different television stations. We had 969 radio ads played
on five stations. We had 13 print ads in five
different publications. Additionally, we
distributed 1,500 yard signs and 25,000 door
hangers.

Other administrative matters, voter
education and outreach. During the month of June
the Voter Education and Outreach Division
conducted ten outreach events on behalf of the
agency. We also partnered with nine senior
facilities to get voter ballots from 147
residents of those facilities.

In June we registered 3,139 new voters
and processed 5,125 registration changes. In
total we prepared 8,264 voter registration cards
to be mailed.

Online voter registration. We are
continuing to register voters using our website
portal. To date we have processed over 14,000
applications using the portal. These include new
voter registrations and updates to existing
registrations.

Redistricting. BOE received the ANC
and SMD boundaries on June 16th. We have been working with Otto (phonetic) to get all of the addresses moved into their new designations.

Once addresses are moved, we will be able to update our voter registration system to reflect these changes and finalize new precinct boundaries. This process will be completed prior to ANC pickup.

We actually have started general election planning. The general election will be held on Tuesday, November 8th. Petition pickup for candidates registered as No Party or Independent began on June 17th. Petition pickup for ANCs will begin on July 20. We will mail a ballot to every registered voter for the general election.

We have developed a proposed list of early vote center, election day vote center, and mail ballot drop box locations. These proposed locations will be posted on the BOE website by the end of the day. We are requesting and accepting comments by Friday, August 19th.
We will begin election worker training in August. And again our goal is to train between 2,000 and 2,500 election workers for the general election.

That concludes my report. Thank you.

CHAIR THOMPSON: Thank you very much. I don't have any questions. I don't see any from other Board members. So thank you for reviewing all that.

On to General Counsel's report from Terri Stroud.

MS. STROUD: Good morning, everyone. The first item on my agenda is a rulemaking to Title 3 of the DC Municipal Regulations.

The first item is a final rulemaking and I have a correction. We're not amending the chapters that are indicated in the agenda. We are amending Chapters 7 and 8, and we are doing so to have the regulations more accurately reflect the Board's current election and post-election practices and procedures.

A notice of emergency and proposed
rulemaking with respect to this rulemaking was published in the DC Register on May 13, 2022 at 69 DCR at 5266. These regulations deal with matters such as: eligibility of electors; the conducted post-election audits, recounts, and other matters dealing with election procedures; special ballot appeal rights; absentee voting in a manner in which ballots may be returned to the Board.

And again, these were posted in the DC Register in an emergency and proposed format in May. So we're just taking final rulemaking action with respect to that rulemaking today. That is the final rulemaking.

What I'll do is I'll ask the Board at the end of my discussion of the proposed rulemaking to approve the submission of both the final and the proposed rulemaking for submission to the DC Register for publication.

The second rulemaking is to Chapter 7 and it's proposed. It is to amend that chapter to reflect the methods by which ballots may be
returned to the Board. So it's just indicating specifically the manner in which ballots may be returned to the Board after they are completed.

These rulemakings will be published in the DC Register. Copies will be made available to the public in hard copy form in the Office of the General Counsel. And they will be posted on the Board's website as well so that individuals may read, should they wish to provide comment and weigh in on these rulemakings.

With that, I ask the Board to approve the submission of both the final rulemaking and the proposed rulemaking for submission to the DC Register.

CHAIR THOMPSON: So moved that the Board approve both the final and the proposed rulemaking that you just reviewed.

MEMBER GREENFIELD: I second.

CHAIR THOMPSON: All in favor?

(Chorus of aye.)

MS. STROUD: Okay. Thank you.

The next item on my agenda is
litigation status. The first matter is Jason Christopher Long versus the Board of Elections. This is in the DC Superior Court. This is an old matter so I'll just be providing status update.

There was a hearing on June 17th. Initially Mr. Long did not appear. And in light of that and his failure to serve the Board his complaint over many months, the judge dismissed it for want of prosecution.

However, Mr. Long eventually arrived. And over the defendant's objections, he was given until August 12th to complete service.

This was a matter in which a poll worker sued the Board for $10,000, claiming negligence and unjust enrichment, alleging that the Board issued a check without informing him not to deposit it and then had payment of the check stopped, causing him to have a negative balance and a returned check.

The next matter is Henderson versus DC Board of Elections. This was a matter involving a recalled petition that Ms. Henderson filed
against Sydelle Moore. The petition was rejected due to an insufficient number of signatures. It was appealed by Ms. Henderson to the DC Court of Appeals.

In May the court issued a briefing order directing Ms. Henderson to file her brief and supporting documents by July 5th. Ms. Henderson failed to comply with that order and did not file a brief. On July 11th, the court issued an order directing Ms. Henderson to comply with the order by August 1st. She is a pro se complainant in this matter.

Next we have Public Interest Legal Foundation versus Monica Evans in her official capacity as the Director of the Board of Elections. This was a suit that was filed in the US District Court for the District of Columbia under the National Voter Registration Act.

The suit alleges that the Board is out of compliance with the NVRA's Public Records provision. PILF requested records from the Board, which were denied due to those records not
being subjected to public disclosure.

The OAG filed a motion to dismiss on February 3rd. A response was filed on February 17th. The OAG filed a reply on March 17th. And that is where the matter currently stands. There has been no action since then.

The next three matters are new and were filed since the Board's last meeting. The next two matters both involve Initiative Measure 82. Valerie Graham filed matters in both the DC Superior Court and the DC Court of Appeals.

With respect to the Court of Appeals matter, on June 3rd Graham filed a petition for review of the Board's June 1st order denying her challenge to Initiative Measure 82. On June 13th, the proposer for Initiative 82 moved to intervene in the matter.

On June 15th, the Board filed the agency record and a motion to dismiss, or alternatively for a summary of the Board's order as well as a motion to expedite the matter.

On June 16th, the court issued an
order directing Graham to file a motion for
summary reversal by July 5th, and for the Board
and the intervener to file cross-motions by
August 1st.

On June 22nd, the court issued an
order denying the Board's motion for summary
affirmance as premature, but directing the
parties to file their motions for summary
affirmance by the dates previously indicated.

In the Superior Court matter, on June
7th Valerie Graham, John Bagwell, No to I82
(Initiative 82) Committee, and the DC Nightlife
Council filed the complaint in this matter.

Counts one through three of that
complaint are essentially the same claims that
were filed in the Court of Appeals opposing the
Board's acceptance of the petition with respect
to Ward 2 and the challenged proceeding.

In count four Mr. Bagwell complains of
the denial of his motion to intervene, and the
limits on his access to the petition and the
signature verification cards and process.
In count five the No to Initiative 82 Committee complains of the committee's right to have watchers where it was denied.

In count six the DC Nightlife Council sought review of the Board's denial of their request for records under the Freedom of Information Act.

On June 15th, the Board filed an expedited motion to dismiss. On June 28th, the plaintiffs filed an amended complaint and a praecipe that alleged that the amendments to complaint mooted the motion to dismiss.

On July 5th, the Board's Office of the General Counsel filed a reply to the praecipe. On July 8th, the plaintiffs filed a motion to strike in reply to the opposition to the praecipe or, in the alternative, for (unintelligible) to oppose a motion to dismiss two discovery requests and a motion to expedite responses to the discovery requests.

On July 13th, the court dismissed counts one through five of the complaint. And so
the only matter remaining in the Superior Court matter has to do with the Freedom of Information Act request denial.

The final matter is Calvin Gurley versus the DC Board of Elections. That was filed in the DC Superior Court on July 12th.

Mr. Gurley filed a complaint challenging several provisions of the elections statute that pertain to signature requirements for independent and minor party candidates, dates for elections, the dates on which nominating petitions become available, and signature validity requirements. As the complaint challenges provisions in the elections statute, this matter will be handled by the Office of the Attorney General.

Those are the six matters that comprise my litigation status report. And that concludes my report.

CHAIR THOMPSON: All right. Thank you so much.

I think, just to state the obvious,
everything that the Board of Elections does, 
everything this Board does, everything we decide 
is subject to challenge in court. We welcome 
those checks and balances on the work that we do. 

I wanted to say thank you to Terri and 
the other lawyers on her team. I've worked in a 
lot of law firms around DC for many decades, and 
this is the finest legal team I've ever had the 
pleasure of working with. 

They've done exceptional work at every 
stage of this process, every petition challenge, 
all the processes before our Board in these 
meetings. And when things go onward to court at 
different levels, as you've just heard, they are 
working as hard as anybody at the BOE to keep the 
process moving and to answer all of these legal 
complaints accurately and efficiently. So thank 
you to that team as well. 

MS. STROUD: Thank you, Mr. Chairman. 

I also want to note, to piggyback off 
of that, that as a result of us certifying the 
election, this begins the process during which
requests may be made for judicial review of the certified results of the election, as well as for requests for recount.

And I also want to thank my staff, in particular Christine Pembroke, who has just been amazing with respect to a lot of the litigation matters. I just wanted to highlight her.

That concludes my report.

CHAIR THOMPSON: Okay.

MS. HOLMAN EVANS: Mr. Chair?

CHAIR THOMPSON: Yes.

MS. HOLMAN EVANS: May I just take a moment because I did omit one item from my report that I really would like to add? If you will indulge me for just a moment.

We do have the pleasure of having a new registrar in place. As everyone knows, our registrar retired April 30, 2022.

We are very happy and pleased that we have Marissa Corrente here with us on staff, who has accepted and started the role as our Registrar of Voters last week. She is doing an
amazing job and I just wanted to put that on the 
record, that she is formally in that position. 

We will likely wait until after the 
general election to seek a replacement to the 
assistant registrar. Thank you. 

CHAIR THOMPSON: Thank you. Welcome 
again to Marissa Corrente and ongoing thanks to 
Karen Brooks. 

Okay, onward to Campaign Finance. I 
mentioned at the outset many thanks to Cecily 
Collier-Montgomery and her team, especially the 
real uptick in work and really detailed, 
impressive work administering the Fair Elections 
Program. 

So with that, Ms. Collier-Montgomery. 

All right. Can you hear me okay? 

MS. COLLIER-MONTGOMERY: Okay, from 
the report. 

First, the Office of Campaign Finance 
conducted on-site visits to 22 of the early vote 
centers from June 13, 2022 through June 19, 2022, 
and to 31 of the vote centers on June 21, 2022,
the primary election day, to provide guidance
where necessary concerning the application of the
Campaign Finance laws, and also to observe that
the campaign disclaimers were appropriately
placed on literature and posters.

The site visits provide the
opportunity for the OCF staff to be present in
the community.

The State Campaign Finance Index 2022
report was published on June 21, 2022 by the
Coalition for Integrity at
www.CoalitionForIntegrity.org.

The index analyzes the laws of 50
states and the District of Columbia relative to
the scope, independence, and powers of state
agencies which regulate campaign finance, as well
as the strength of each state's laws on campaign
contribution, disclosure of those contributions,
enforcement, requirements for transparency of
funding of independent expenditures and political
advertisements, and the availability of campaign
finance information.
No state achieved a perfect score.

The State of Washington ranked number one and led the index with a score of 83.99. The District of Columbia ranked number five with a score of 78.27. Seventeen states scored below 60.

The index highlights the wide variation in state campaign finance laws, notes the gaps in regulating the dollars which flow to state level campaigns, and recommends certain principles that campaign finance laws should follow. The ten principles form the framework for the questions which were proffered to the states and the District of Columbia.

The Coalition for Integrity is a non-profit, non-partisan 501(c)(3) organization which works in coalition with a wide range of individuals and organizations to combat corruption in the public and private sectors.

In our Fair Elections Program Division, as of this date during the 2022 election cycle, the total sum of $11,247,945.60 has been authorized for disbursements from the
election fund to the 33 candidates who were previously certified in the program to participate in the June 21, 2022 primary election, and to participate in the November 8, 2022 general election.

I will just point out that we had 31 candidates who were certified through the program for the primary. And we have two candidates who are certified in the program for the general election.

During the month of June there were no new candidates who were certified in the Fair Elections Program for the 2022 election cycle. However, the agency did authorize 33 disbursements from the Fair Elections fund to participating candidates certified in the program.

With respect to the Public Information and Records Management Division, I would point out that there were two dates for the filing of reports of receipts and expenditures during the month of June. One was an optional filing date
for the Fair Elections Program. And in addition, five single independent expenditure reports were filed during the month of June as well.

There were no new candidate committee registrations during the month of June 2022. In our traditional program we currently have 59 candidates who are registered. Fifty-nine were registered for the primary and four candidates are registered for the general election.

In our Fair Elections Program we have had 45 candidates who registered seeking to participate in the program. Thirty-nine were registered for the primary and 31 candidates were certified.

With our general election, six candidates have registered seeking to participate in that election. And we have two certified candidates as of this date.

In our Report Analysis and Audit Division, again that is our traditional audit program, we issued two audits during the month of June. I would also indicate for the record that
the audits will be or are posted at our website
for review by members of the public.

The first was the Metro DC Democratic
Socialists of America Solidarity DC PAC. The
report was issued on June 3, 2022. That was a
compliance audit.

The second audit is the DC Statehood
Green Party, which was issued on June 10, 2022.
That was a non-compliance audit. The audit was
referred to the Office of the General Counsel on
June 13, 2022.

There is one ongoing audit. It is an
audit of the candidate in the upcoming 2022
election.

That is the January 31, 2022 report.

At this point, I would ask the General
Counsel to give the report for the Office of the
General Counsel and the agency.

MR. SANFORD: Good morning, Mr.
Chairman and distinguished Board members. My
name is William Sanford, General Counsel for the
Office of Campaign Finance.
During the month of June 2022 the Office of the General Counsel received 15 referrals, completed two informal hearings, and issued three orders, which included the following.

Two orders were issued in which no fines were imposed and one order of revocation was issued to former elections candidate for at-large counsel member, Sharece Crawford.

During the month of June 2022 no fines were imposed. However, the Office of the General Counsel did receive and collect payment of a $175 fine that was submitted by the Greater Washington Insurance and Financial Advisors PAC.

During the month of June 2022 the Office of the General Counsel opened one investigation. The details of that investigation are as follows.

The complainant was Zachary Sawyer (phonetic). We received the complaint, the request for the investigation, on June 9, 2022. And the respondent in this matter is Brianne
Fridici (phonetic), Principal Campaign Committee.

The allegation is coordination with an independent expenditure committee. The status of that investigation is pending. The allegation is raised upon the prohibition that independent expenditure committees may not coordinate, collaborate, confer with principal campaign committees.

If they do, any expenditure is considered a contribution. And then that leads to the possibility of an excessive contribution if the expenditure exceeds the legal limit. But as I indicated, the status of that investigation is pending.

During the month of June 2022 there were no requests for interpretive opinions. There were no sure-cause proceedings conducted.

This should conclude my report. The contents of this report will be published at the Office of Campaign Finance's website by the close of business on today's date, July 15, 2022.

CHAIR THOMPSON: Thank you so much.
Before I move on to public comment,
anything else from the Executive Director,
General Counsel, or Board members?

MS. HOLMAN EVANS: No.

MS. COLLIER-MONTGOMERY: Not for me.

Thank you.

MS. STROUD: I have nothing further.

CHAIR THOMPSON: Okay. Well, thank you everybody.

Moving on then to public comment.
I'll try to call on people as they raise their hands. There's a feature, obviously, to raise your hand on Zoom, or you can chat in the margin if you'd prefer to put a question there. We'll just give it a second to see if any hands go up in the Zoom function.

Just to make sure, everybody can hear me, right? Yes, okay. All right.

Let's see. I've got 24 squares, so it looks like about 15 to 20 members of the public outside of our BOE team. Thank you all for being here. We appreciate your attendance and we
always appreciate your questions. And we appreciate your constructive criticism.

We have learned a lot from this election cycle, and we'll incorporate it into making things even better going forward in the general cycle and in future elections. We certainly have been reading what everyone's put out there on Twitter or wherever else, so we're paying attention. And we're all about getting it right and making it better. So thank you.

I'm not seeing any hands.

MS. BRIZILL: Mr. Chairman? Mr. Chairman?

CHAIR THOMPSON: Yes.

MS. BRIZILL: This is Dorothy Brizill. I apologize for joining your meeting late, but up until yesterday the time for this meeting was being carried on your website as 11:00 a.m., not 10:00 a.m. Did you know that?

MS. STROUD: Ms. Brizill, the time was updated on Tuesday.

MS. BRIZILL: I'm sorry. It was not.
It was not. And I printed out the instructions for it and it was not updated on Tuesday.

And as a matter of fact, I sent an email to your press person specifically asking about the agenda because the agenda is supposed to be posted at least 48 hours in advance. And the agenda was not posted until yesterday also, and the time again was 11:00. I have no reason to be making this up.

MS. STROUD: The agenda was posted on Tuesday by 10:00 a.m. indicating a start time of 10:00 a.m. So it was posted 48 hours in advance.

MS. BRIZILL: Well, in the future what I will do is I will print out from your website with a time stamp in regards to when you're posting this.

But Mr. Chairman, I have a question to raise with you and an issue to raise with you -- I will commit this to a formal letter if necessary -- if it's possible for me to raise a public matter at this time.

CHAIR THOMPSON: Yes, please go ahead.
It's really not a timed talk, but we ask people to try to limit to three minutes if you can.

MS. BRIZILL: Mr. Chairman, I'm not sure whether or not you or the Board members are aware of a situation which has been developing and indeed getting worse over the past several years. Namely, our elections are predicated upon citizen participation as well as citizen observers of the process.

It has become increasingly impossible or at least difficult for citizens, even those who have credentials and who have been approved by the Board, to be observers during the election process, whether or not at the polls or at the Board of Election offices on election night, to get access.

One of the things I am very concerned about is the fact that the counting or the review of absentee ballots is being done over at the warehouse. To my knowledge, there is no effort to make that known.

And indeed, last election cycle in
2020, I did not even know that they were being counted at the warehouse on V Street, and did not find out until after the fact. And again this year it was done over at the warehouse.

Now, for a variety of reasons I know I'm going to hear from your legal counsel and your Executive Director why that had to be. But I cannot stress enough the importance of there being at least an appearance of openness, an appearance that citizens can observe the process.

I'm not saying there's anything wrong or anything fraudulent going on. I'm saying that there is a concerted effort by the Board and the Board's staff to prevent citizen participation.

Now, let me give you the most recent example that you had control over. After an election the Board is supposed to conduct a manual audit. You did that, okay.

You did that in several rooms over at the Board of Election's offices, but you had cameras in the rooms so that you could not see what was being done. You could not see what was
being done on the tables and there was no
narration, okay.

I called over to Nick Jacobs and
asked, what is going on? And he said someone
would get back to me. Well, of course they never
did that.

Moreover, this is the umpteenth time
when you're supposed to have a manual audit to
review the ballots cast at particularly selected
precincts and you don't make provisions for
citizen observers.

The response I got from Nick when I
raised this is, oh, you were invited. I said, I
was? I said, where? And he said, in the email.

Well, of course I pulled up the email
and I read it. All the email said was, this is
notice that we're going to conduct a manual
audit. It did not say anything about people
being invited, people could sign up, nothing,
okay.

I am laying this out at your feet, Mr.
Chairman, because this issue of outright
hostility regarding allowing citizen observers of
the process, this happens on election night and
this has also happened at the polls, okay.

MS. HOLMAN EVANS: Ms. Brizill, thank
you for your comments and observations. I will
be happy to address several of them.

When we issued our press release for
the audit, we did have a provision in there for
individuals to come and observe in person. So I
don't know why that information did not get to
you in an appropriate way, but I will be happy to
look into that and your exchanges with Mr. Jacobs
just to see why you were not aware of that. But
we absolutely invited members of the public to
observe.

With the warehouse and the counting of
those mailed ballots, we actually did have
members of the public come in and observe that
process, everything from the scanning process to
the signature verification process, opening and
flattening ballots, and scanning them for
tabulation.
I accept your observation. We can always do better with communication. So if that has not been the case where you believe people were not fully aware of that ability to come in, we will look at our procedures to improve that. Thank you for that observation.

MS. BRIZILL: Mr. Chairman, Mr. Chairman, again, I don't know where Monica Evans is getting her information. I don't know what's going on. I have the email in front of me that was sent regarding the manual audit, okay. And in this instance I did print it out and date stamp.

What it says is, the DC Board of Elections will begin the public manual audit of the June 21 primary election on Wednesday, July 6th at 9:00 a.m. It says nothing, nothing about where it will be and the ability of citizens to observe it. It says nothing.

So Ms. Evans, I suggest -- and I will send this email to you -- I suggest that you get a clarification about what your staff is telling
you because what you have just said in response
to my concern is not true. We were not invited.
We were not informed that we could observe.

And even when I brought it to Mr. Jacobs' attention, he tried to portray it as if,
oh, you don't know what you're talking about. I
know exactly what I'm talking about. And this
has got to stop.

Moreover, if you have individuals who
you say have been invited who did attend the
processing of the mail-in ballots and other
public processes, I would like their names and
organizations, please, because I've talked to
several people including the Legal Women Voters
and they were not invited.

MS. HOLMAN EVANS: Yes. Well, we
didn't extend invitations but people reached out
to us. And I will absolutely follow up on the
information you received. I did not see the
email you got about the audit. I can only speak
to the press release and the language in the
press release.
But I will absolutely follow up, as I said from the beginning, just to see what happened and where the breakdown in communications was. You absolutely should have been made aware that there was an opportunity to view the audit in person.

Due to the complaints we got in 2020 about only having the audit viewable virtually due to the health crisis, we wanted to ensure we provided everyone an opportunity to come in person. Clearly, that was not articulated to you. I will follow up to see why the information you received was different from what I received in the press release.

MS. STROUD: Mr. Chair, I will read into the record for the benefit of the public the press release that was posted and released on June 30th.

Contests and Precincts for Public Manual Audit of June 2022 Primary. The District of Columbia Board of Elections will begin the public manual audit of the June 21st Primary
Election on Wednesday, July 6, 2022 at 9:00 a.m.

The contests and precincts to be
audited are as follows: US Representative
(citywide); Ward 1 Member of the Council; Ward 6
Member of the Council; Precincts 38, 16, 11, 64,
69, 130, 92, 114.

Members of the media and the public
who would like to observe the manual audit may
contact Nick Jacobs for more information. And it
indicates the cell phone number and email
address.

The audit will also be available
remotely and can be reviewed using the following
information. The Zoom link information used by
the Board is provided in this same press release.
And again, this was posted and released to the
public on June 30th.

MS. BRIZILL: Mr. Chairman?

CHAIR THOMPSON: Thank you. We've
got --

MS. BRIZILL: To clarify the record
from what Terri Stroud has said, that's exactly
I have the press release in front of me. At no time, at no time in the press release does it say that one can observe the manual audit in person.

And indeed, given the fact that the Board of Elections office has been closed, closed down for at least the past two years, why would someone presume that one could just show up? Moreover, it doesn't tell you in the press release where the actual manual audit is being conducted.

CHAIR THOMPSON: Ms. Brasil, we understand. We got the gist of your comment. You're way over time and it's not an opportunity to chastise, cross-examine, or argue.

We certainly understand the general nature of your comment that the audit process, the communication to the public about their opportunity to observe is something we need to look at closely.

It was clear to me. I believe it was clear to many members of the public who did show
up. But we'll certainly re-examine it and take a hard look at how to include communications with some specifics and details about logistics and all that.

Your comment is well taken. There's really no need to argue the point further.

MS. BRIZILL: I'm sorry that you think that I'm trying to chastise you or the staff. What I'm trying to do is to bring to your attention something that is wrong and I believe illegal, okay.

CHAIR THOMPSON: We've got it. Thank you.

MS. BRIZILL: Are you going to look into the matter?

CHAIR THOMPSON: Of course we are. We said we would and of course we will.

MS. BRIZILL: Did you look into the matter in 2020?

CHAIR THOMPSON: Let me give --

MS. BRIZILL: No.

CHAIR THOMPSON: Let me give somebody
else a chance out there that's maybe waiting. I
don't see any more hands up, but if anybody else
from the public would like to take the
opportunity for a comment or a question.

Okay. I think we're at the end. I do
want to end on a high note.

It's been a really busy primary
season, one of the busiest we've ever had. I
don't know if there's been anything quite like
this in some time, with so many changes happening
simultaneously with respect to mail ballots, the
Fair Election Program, early vote centers, and so
many of the other improvements that have been
made to broaden access to the vote.

Everywhere I went I saw language
interpreters. I saw physical access assistants.
I saw curbside voting. I saw every kind of
access assistance that could be provided. And I
think we're all really proud that here in the
District of Columbia our citizens can vote in any
number of ways and anyone who needs assistance
will get assistance.
I think we're all really proud of the success of mail ballot approach to date. Obviously, the registration roll is like never before. We have room for improvement in terms of accuracy, which is to some extent dependent on voters updating their information.

As the Director mentioned, there were a lot of returned ballots. There's been a lot of work to do to improve the accuracy of those lists to make sure that future mail ballots get to the right place, to the registered voters.

It will always be a moving river. There will always be issues at the margins to make sure everything is accurate. But the broad goal, which I think our council supports and I believe the vast majority of our citizens support, is to do what we've done and continue to do the same for the general election. We've got a lot of hard work ahead of us.

We'll double down our communications in terms of making things clear to the public, in terms of when and how they can observe and
participate. We are all about transparency and we welcome input.

We're happy to have the courts available to anybody who wants to challenge any decisions we make or processes we follow. It's all for public oversight and court oversight.

With that said, it's been a tremendously positive primary cycle here in DC, very calm, very under control, very accurate. It's something we can all be proud of together as a city. So thank you, everybody who made it happen, including the voters, especially the voters.

We know more of you should come out to vote. Everybody is always making that point. But the numbers look really good relative to the last few primary cycles in 2020 and 2018. Thank you.

Any final comments from anybody at the BOE team, OCF, or Board members?

MS. GREENFIELD: No. I don't have any.
MS. STROUD: I have nothing.

CHAIR THOMPSON: All right. With that, I guess I'll move to adjourn.

MEMBER GREENFIELD: Second.

CHAIR THOMPSON: All in favor?

(Chorus of aye.)

CHAIR THOMPSON: We are adjourned.

Thank you again, everybody.

(Whereupon, the above-entitled matter went off the record at 11:01 a.m.)
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In the matter of: Board Meeting

Before: DC BOE

Date: 07-15-22

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.

[Signature]

Court Reporter