The District of Columbia Board of Elections convened a Special Board Meeting via Video-Teleconference, pursuant to notice at 10:30 a.m. EST, 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
## CONTENTS

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Call to Order</td>
<td>3</td>
</tr>
<tr>
<td>Ascertainment of Quorum</td>
<td>3</td>
</tr>
<tr>
<td>Adoption of Agenda/Approval of Minutes</td>
<td>4</td>
</tr>
<tr>
<td>Board Matters</td>
<td>4</td>
</tr>
<tr>
<td>Executive Director's Report</td>
<td>50</td>
</tr>
<tr>
<td>General Counsel's Report</td>
<td>96</td>
</tr>
<tr>
<td>Campaign Finance Report</td>
<td>103</td>
</tr>
<tr>
<td>Public Matters</td>
<td>134</td>
</tr>
<tr>
<td>Adjournment</td>
<td>134</td>
</tr>
</tbody>
</table>
CHAIR THOMPSON: All right. Good morning, everybody. We are now connected with the public. Welcome everybody for --

AUTOMATED VOICE: This meeting is being recorded.

CHAIR THOMPSON: This meeting is being recorded. Today is April 6, 2022. And this is a regularly scheduled meeting of the District of Columbia, Board of Elections. My name is Gary Thompson, I'm the Chair of the three-member board, and if the other board members could each please introduce themselves as well.

MEMBER GILL: Mike Gill, I'm here.

CHAIR THOMPSON: Okay.

MEMBER GREENFIELD: And Karyn Greenfield on virtual.

CHAIR THOMPSON: Okay. So all three of us are present. We have a forum, and the first quick thing we do is adopt the agenda. The agenda has been distributed and advance to
everybody. I move that we follow the agenda.

MEMBER GILL: Second.

CHAIR THOMPSON: All right, all in favor?

(Chorus of aye.)

CHAIR THOMPSON: A second quick thing is to approve our minutes from the last meeting of Wednesday, March 2nd, so I would -- would have been distributed, everybody's had a chance to review them and make any corrections. So at this time I would move we adopt those minutes.

MEMBER GILL: Second.

CHAIR THOMPSON: All in favor?

(Chorus of aye.)

CHAIR THOMPSON: Okay. Well, thank you so much for the preliminary matters. And next on the agenda, under board matters, we wanted to start by welcoming and saying thank you in many ways to former board chair Michael Bennett. Welcome, Michael.

MR. BENNETT: Thank you.

CHAIR THOMPSON: Well known to
everybody here at the BOE, six years, the Chair of the Board of Elections. So we wanted to present Mr. Bennett with the resolution of appreciation, to honor him, and come up with some whereas clauses that hopefully summarize, as well, your contributions to the BOE. So if I may, I'd like to read it into the record and for everybody out there to hear.

And it is as follows: A resolution honoring D. Michael Bennett, Whereas D. Michael Bennett has been a long time resident of the District of Columbia with a distinguished career as an attorney and business executive. Whereas, in 2016, Mayor Muriel Bowser nominated, and the DC Council unanimously confirmed, Michael to be on the three-member Board of the DC Board of Elections;

Whereas from 2016 to 2021, Michael served two three-year terms as Chair of the Board; whereas in such role, Michael devoted significant time and effort to many monthly and special board meetings, staff meetings,
interacting with DC officials, voter education and outreach, registration drives, media interviews, events, and countless other interactions and communication;

Whereas Michael oversaw the board's work through three major election cycles in 2016, 2018 and 2020, which included elections to choose the US president, the delegates in the House of Representatives for the District of Columbia, the Mayor of the District of Columbia, and many other DC offices;

Whereas Michael oversaw a period of major change in how citizens vote, shifting from an era, where nearly all votes were cast on a single election day, to a new era, where most votes are now cast through mail or absentee ballots, early voting, and other means;

Whereas at the height of the COVID-19 pandemic, Michael guided the board through an 11th hour overhaul of its election administration plan, so as to ensure a safe and secure election for the voters of the District of Columbia;
utilizing creative solutions that were new to DC, including vote by mail, mail ballot drop boxes, and super vote centers;

  Whereas Michael oversaw a period where the vote in DC was also expanded in many ways to ensure full access to all citizens, regardless of physical ability, age, language, and any other barriers to voting with ease;

  Whereas Michael conducted himself with integrity, wisdom, and congeniality at all times, and guided the board through many years of excellent service to the citizens of the District of Columbia; whereas the board and every staff member at the agency deeply appreciates Michael for his years of dedication and leadership. Now, therefore, be it resolved, the DC Board of Elections commends and recognizes D. Michael Bennett for his exemplary years as its dedicated Chair. And before I read the last part, I would move that the board adopt this resolution.

  MEMBER GILL: Second.

  CHAIR THOMPSON: Second, all in favor?
(Chorus of aye.)

CHAIR THOMPSON: It's unanimous.

MR. BENNETT: The last part is about UNC-Duke basketball.

CHAIR THOMPSON: All right. This regulation was duly considered and passed by the board at its public meeting by the unanimous vote of three to nothing. The resolution is individually signed by and attested to by each of the board members below, as well as the two Executive Directors during Michael's tenure, Monica Hollman Evans and Alice Miller. We've all signed this, and we're very pleased to adopt it. You know, it's only a piece of paper, but I think it summarizes a lot of incredible work and dedication that better the Board of Elections, and most importantly, served well the people of the District of Columbia.

We've recently met, after I was nominated, and I want to thank you personally for reaching out to me and helping me with this transition, and I know everybody thinks
incredibly highly of you, and with that I would
ask my fellow board members if they have any
words at this time?

MEMBER GILL: Well, I guess, I feel
like I've said great things about Michael, four
or five goodbye parties now. So I'm starting to
wonder, you know -- no. Michael, you are -- the
word I think of is consequential. You have been
consequential in the evolution of this Board of
Elections, and I'm very honored to have you as a
colleague, and more honored to have you as a
friend.

CHAIR THOMPSON: Thank you for that.
Karyn?

MEMBER GREENFIELD: Yeah. I
definitely want to thank Michael for his
guidance, especially when I first came on the
board and was trying to figure things out. I
also want to thank him just for his energy he had
with the board, and all the things he did in
terms of supporting the board, working with them.
The 2020 election was my first one and it would
happen to have been in a pandemic, and so I got
to see all the very quick changes that we had to
do and that the board had to do under Michael.
And he was just so supportive of them and
definitely very involved in it, and easy for me
to just call when I had questions, or needed
advice, or whatever. I'm really very grateful to
the Chair so, I want to thank him for all of
that.

CHAIR THOMPSON: Turning to my left,
Terri or Monica, any words, or --

MS. STROUD: So I -- you know, Michael
was a dear friend and had become so over the
years. But the most recent thing that I want to
thank him for is for calling me when my squad
whooped his squad on Saturday night, and allowing
me to -- he said I'm going to give you ten
seconds to gloat. And I think I might have gone
on, but I really appreciate you allowed me to do
that. I was going to do it any way, but thank
you for being so amenable to me doing it on
Sunday, because you did not call on Saturday
night. But Michael, you know how I feel about you. I think you're just the consummate person. You're just a wonderful person despite the fact of your bad choices in alma maters. So thank you. Ah, yes. Thank you very much.

CHAIR THOMPSON: Monica?

MS. EVANS: And I really just want to say thank you. That's the most meaningful thing I can say. Because it's not just thank you for being the chair of this board, but thank you for serving with integrity. Thank you for caring about staff and caring about the residents in District Columbia. Thank you for going above and beyond the call of duty with everything you said, everything you do. I want to just let you know that you are appreciated. And I appreciate you as a colleague and as a friend. Even though I only got to serve as EP for about two months under your leadership, those were a very meaningful two months and I really can't thank you enough for your confidence in me, and for what you have poured into me, so --
CHAIR THOMPSON: Cecily Collier-Montgomery.

MS. COLLIER-MONTGOMERY: Yes, hi. Michael, on behalf of the Office of Campaign Finance, I would thank you for the assistance and the guidance that you gave us during the first cycle of the implementation of the Fair Elections Act. You were in contact with us practically on a weekly basis. And so we appreciate your assistance in that regard. And as everyone knows, the program was tremendously successful. So thank you again.

CHAIR THOMPSON: And last but certainly not least, Alice Miller.

MS. MILLER: So last but not least. Thank you, Gary. So Michael, I guess everybody said everything that needs to be said. But I will say this: When it comes to support, you are Superman, Okay? It is non-stop and definitely continues. Everybody on the staff know it, everybody will definitely attest to it. And I think that was the biggest fear when you
announced that you were going to step down, is that, you know, are we going to still have the support that we had with you? And I do think that we're seeing that with this current board, but God knows. I know that I could not have done this job without you standing beside me and I do appreciate that. And I want to thank you for that sincerely.

CHAIR THOMPSON: All right. Well, I know there's about 50 other, 60, 100 other people at the BOE and elsewhere that would love to say a few words, but in the interest of time, we'll -- I think I'll pass off this resolution to Michael and then invite you to grab the mic as well and share any final words.

MR. BENNETT: Thank you.

CHAIR THOMPSON: Absolutely.

MR. BENNETT: I won't -- I won't sit down but -- because if I do I'll probably cry, But two things -- well there's a lot of stuff. One is, the very first thing I had to do when I got here, Terri was doing an incredible job as
Acting Director, and she was screaming, Hear me out, hear me out. So we tried, you know, she was going to stay, but I'm so thankful that we were ultimately able to convince her to take the role of General Counsel. She is the best in the country. Ain't nobody better. And Gary, you are so fortunate now, and the board is fortunate to have Terri Stroud as your General Counsel. People around the country look up to her in terms of her capabilities in this area, and there is no one better, absolutely no one better.

And so the other thing I wanted to say in general about the organization is that, most of you know, I had a really long career in corporate. And one of the things I did in my corporate life was mergers and acquisitions and so Karyn knows, because Karyn was with me a lot during that, is I bought and sold a lot of companies over the years. A lot of companies over the years. And in fact -- and I ran a number of organizations over the years. One of the organizations I ran was close to a billion
dollars a year in budget. I have never, in all of my career, been involved in the organization that was better run than the DC Board of Elections. One of things that used to aggravate me, and still does sometimes, is how so often, people, not just in the city, but around the country, make not so flattering comments about DC Government. I don't know all of DC Government, I know the DC Board of Elections. And there is not a better run organization in the country, private or public, than the DC Board of Elections. And the citizens of this city and borders are very fortunate to have an organization run so well.

I had the pleasure of selecting, and with the other board members, we selected Ms. Miller as our Director, and -- on her second tour in that spot. One of the former chairs called me and said, if you need to select somebody, you really need to select Alice Miller. And he was right. You know, the way we were able to work together. In fact, everybody knows, in fact, I still do work for Alice, and it wasn't the other
way around.

But it was such a cohesive, well run, but always focused on what was important. And what was important are the voters of the city, not the politicians, you know, not all of the hullabaloo, but it's really, it's the voters. And I can say, without question, that there's not one person in this organization that ever took their eye off the ball, and the ball is making sure that the voters are well taken care of. And that's also Campaign Finance, as well as the Board of Elections. Cecily and her team, and Bill, they were constantly focused on that. It wasn't hard making sure that their elections program was successful because that's where their focus was.

My job was to make sure that they had what they needed, because I know they were focused on making sure that it was a successful program. It was so different than anything that they ever had to do before. And the success is just, you know, kudos to everybody in that
organization that make sure -- and they made sure
everything else kept going well, too. And that's
the function of the people in the organization.
And I was able to, on my way moving forward,
Monica Evans, along with the board members, they
were also a pleasure. And I think that we found
by far the best replacement for Ms. Miller that
existed in the country.

So I don't -- you know, DC is the
focus and is looked at by lots and lots of people
around the country, relative to how we do things.
And the DC Board of Elections is simply a model
for the rest of the country. I say it every time
I get a chance to, The Brookings Institute graded
us -- graded all 51 jurisdictions, in the primary
in 2020, as well as the general. They gave out
six As in the primary and they gave out eight As
in the general. And DC received an A on both
occasions, A, B, C, D, and F.

And our neighbors were not as -- there
were only two As in the general on the east
coast. One is DC, the other was New Jersey. So
I am proud to have served. It was time for me to go. My basic philosophies are that, you know, people shouldn't sit in those roles for so long. And it's important to have other people come in and to give new blood and fresh eyes to the processes. But those six years were, certainly, some of the most exciting times of my life, especially 2020, and I still think about those long lines during the primary, and we still got an A.

But one thing that I guess I wanted to share about those, is that I probably talked to 1,500 people on that day, and I walked those lines until probably 11:00 or 12:00 at night. And one occasion, I remember, and of those 1500 or 1600 people that I talked to, there was only probably four or five people that actually gave me a hard time. And I told everybody who I was, and I thanked them for being in line, and I thanked them for their waiting, you know, we would, you know, getting people through as fast as we could.
And as I was walking down one line, I believe it was over at Ouray, I didn't even know it, but tears were coming down my face, because one lady said to me, she said, it's okay, Mr. Bennett, we don't mind -- we don't mind waiting. Thank you for being here. And that, I think, I remember that probably as much as I do anything over the term period, is that the citizens and the voters were responsive to us. And responsive to the things that we were trying to do, and appreciated that, and that meant a lot to me.

And it's not to say everything happened, you know, perfectly, and it would've been great had things had gone well, that nobody had to wait in line for all those time periods. But at the end of the day, I think we did a great job. I appreciate all the people. I'll miss you guys more than you can possibly imagine. It is, you know, I think about you all -- I don't miss having sitting in that chair and make some of the decisions that we had to make. But, you know, you do what you have to do. And I think we have
great leadership going forward.

And all I can do is just thank the organization, and thank the support that -- the staff, and especially the senior leadership, you know, gave me during those time periods. Unfortunately, I'd call people late at night, and poor Alice had to suffer. Terri suffered quite a bit, and still does. Monica didn't have to worry about me but two months. And Cecily, I'd call her ten times because she wouldn't answer her phone the first time. She'd called me right back. She'd say, what does he want now? But we had just an amazing relationship, and still do. You know, which is why I can tease now.

So anyway, I'll stop talking. This is a wonderful, wonderful resolution, I certainly appreciate that. And, you know, at the end of the day, you know, it's all about service and, you know, leaders, and I know this leadership team is that way, you know, leaders are the number one service. I think when I came in, I told everybody, I work for everybody else,
because that's what leaders are supposed to do. Our job is to make sure that everybody has what they need, or have what they need to get the job done. And I hope I did that. So thank you. Thank you for that resolution. And thank you for giving me a couple of minutes -- in fact, I think I took 15, to say thank you to everybody else.

CHAIR THOMPSON: Thank you so much.
Thank you, Michael. You're welcome anytime, virtual by Zoom, if you'd like. Your hard work and dedication is deeply appreciated. And thank you for your comments about the BOE and the Office of Campaign Finance. People ask me, oh, how's it going? You know, you've been the Chair now for a couple of months. How's it going? And I have nothing but enthusiasm to provide to my colleagues and friends that ask that question. And the main reason I'm so upbeat when I answer that question is because of the excellence of everybody here -- up here, in the BOE, and in the OCF. It is an extraordinarily well-run, excellent organization, which makes, you know our
job as board members, easy. I think I shouldn't say easy, because it's maybe, in a few minutes, you'll see it's not going to be -- maybe not be so easy, but --

So with that, I guess we'll turn to the first substantive issue on the agenda today. It is a hearing on an appeal from an adverse preliminary determination of eligibility for ballot access by Ms. Lori Furstenberg, who picked up petitions to be in the Republican primary for the Office of Mayor of the District of Columbia. Apparently did not return a sufficient numbers of signatures to qualify, received an adverse determination, and we received a letter of appeal on April 3rd. We're here today to address that issue. And with that set up, I would ask General Counsel Terri Stroud to address the matter.

MS. STROUD: Yes. Good morning, everyone. Is Ms. Furstenberg present?

CHAIR THOMPSON: Yes. We can see her.

Yes.

MS. STROUD: Okay. Hi, Ms.
Furstenberg, and I will now ask the Registrar of Voters, Mrs. Karen Brooks, to come and give her report of the circumstances around the filing of the nominating petition submitted by Ms. Furstenberg, and then we'll hear from Ms. Furstenberg.

MS. BROOKS: Good morning. I'm Karen Brooks, the Registrar of Voters for the Board of Elections. Ms. Furstenberg received her nominating petitions on January 28th to run for the Office of the Mayor of the District of Columbia as a Republican candidate. She was -- received information of the required number of signatures for the office, and was given enough specificity to collect more than the required number of ballot signatures just in case she'd get challenged. She filed her number of petitions on March 23rd. She did not file the required number of valid signatures to have her name placed on the primary ballot for the general election.

MS. STROUD: Okay. So Mrs. Brooks,
what was the required number of signatures for
the office in the Republican Primary?

MS. BROOKS: 290 signatures.

MS. STROUD: Okay. And how many were
filed?

MS. BROOKS: 240.

MS. STROUD: Okay. Thank you.

MS. BROOKS: You're welcome.

MS. STROUD: Do you have any
questions? Do the board members have any
questions for Mrs. Brooks?

CHAIR THOMPSON: And 290 being one
percent of roughly --

MS. BROOKS: The rest of the voters at
the time she received her petition.

CHAIR THOMPSON: Which was 28,900 --

MS. BROOKS: Yes.

CHAIR THOMPSON: -- of registered
Republicans as of what date?

MS. BROOKS: As of January 28th.

CHAIR THOMPSON: Okay. Well, thank
you so much.
MS. BROOKS: You're welcome.

CHAIR THOMPSON: Karen, any questions?

No. Okay. Well, with that, we'll turn to Ms. Furstenberg.

MS. STROUD: Yes. Good morning, Ms. Furstenberg. And if you could state your name and address for the record.

MS. FURSTENBERG: Can you hear me?

Yes. Excellent. Good morning, Lori Furstenberg, 3 Tingey Square SE, Washington, DC, 20003.

MS. STROUD: Okay, Ms. Furstenberg, and you can present your position.

MS. FURSTENBERG: Okay. So there's two questions that I have. First set of questions. So this is the first time that I've heard the exact amount of signatures that a Republican candidate running for mayor was to attain, or obtain. That said, Ms. Brooks just said it was 290. The list I had, provided to me by the BOE, which was what Mr. Thompson said, was 28,900. Therefore, right now, I've just heard that, and correct me if I'm wrong, the BOE
expected me to get 289 signatures; is that correct?

MS. BROOKS: I stated the requirement was 290 when you received your petition.

MS. FURSTENBERG: Well, no, that was never told to me. It's not in writing anywhere.

I received the list from the BOE that had 28,900 signatures on it. Do you-all recall giving me that list?

MS. BROOKS: I don't know when you received your list, Ms. Furstenberg. I think you received the list before you received your petition?

MS. FURSTENBERG: No. That's not correct.

MS. BROOKS: Yeah, I was asking a question.

MS. STROUD: Well, what's your second question?

MS. FURSTENBERG: So these are my two questions -- so that's my first question. Just saying that I'm glad to know that you all stated
today that I needed 290 signatures. The list
that I received had 28,900 people on it. But
that goes into my second point, why was that list
that the BOE sent me so absolutely inaccurate?

MS. BROOKS: I don't know. I can't
explain that to you, Ms. Furstenberg, I didn't
see your list. So I'd have to see what list you
were seeing, and then do an assessment of what
was in it.

MS. FURSTENBERG: Well, please --

MS. BROOKS: But -- excuse me, but I
know my staff, and I know what they are taught,
and they are taught to instruct the candidates to
what the signature requirement is. And to give
them enough petition pages to collect double the
amount of what's required. And I know you
received 60 pages, but you only turned in 33, so
it's only as to that.

MS. FURSTENBERG: So my question is:
Why was the list so inaccurate that I did receive
from the BOE? When I went to these houses of the
addresses that the BOE gave me -- first, to
address the BOE list, there were numerous
duplicate names, duplicate addresses with
different names. There were dead people. There
were dead people on the list. There were houses
that I went to on the list that supposedly had
registered Republican, but they were actually
registered Democrat, that had lived there for at
least ten to 20 years. So my question is: Why is
this list so inaccurate when this organization,
Mr. Bennett just said, is extraordinarily run
very, very well. So why is this list so
inaccurate, Ms. Brooks?

MS. BROOKS: Again, as I explained to
you a couple minutes ago, I would need a copy of
the list to see what you received so I can do an
assessment of it. I can't base it on just what
you said, I can't base it on your words, I need
to see the document.

MS. FURSTENBERG: Okay. The list that
your office sent me. Sure, I'm happy to resend
it back to you, Ms. Brooks.

CHAIR THOMPSON: How many, I guess, so
how many signatures did you believe you were
supposed to get?

MS. FURSTENBERG: Well, that's a great
question, Mr. Thompson. That's a great question
because I'm not a lawyer, I'm just a citizen.
But when the BOE never gave me a number, it's on
you to have -- roll, correct? So therefore, the
list that you gave me was so inaccurate, how am I
supposed to know what the accurate number is when
you all don't even know what your list contains?

MEMBER GILL: The quick answer to that
is, everyone gets a list, and that's the official
list. And then you are to get one percent or
whatever from that. And so you weren't
discriminated in any way with that, everyone gets
the same thing. But if you didn't -- I guess
what I'm trying to get to is, you had to know
that there was a number you needed while you're
out getting signatures. And so what did you
think it was, 250? Did you think it was 200?

MS. FURSTENBERG: You know, it seemed
very evident to me, Mr. --
MEMBER GILL: Gill.

MS. STROUD: That's Mr. Gill.

MS. FURSTENBERG: Okay. Mr. Gill, excuse me. I apologize. It became very clear to me that the list that you all gave me was so inaccurate. The 28,900 signatures, or 900, registered Republicans, so to speak, was so inaccurate, that it became very clear to me that you didn't even know the registered Republicans in DC. And in fact, my team, that consisted of seven members, all having lived here from ten to 40 years, all being registered Republicans, were not even on that list.

The list that the oldest member of my team, who has worked with the Republican Party for years, he thought that list to be at least ten to 12 years old. The list that the BOE gave me. It became clear to me down the line, when I was told that another list that was given out to another candidate, had 30 -- Republican candidate, had 37,000 registered Republicans on it.
So I throw it back at you, Mr. Gill, which list was I to get? 289 or 370? Does that mean I never saw that 37,000 supposed registered Republicans updated list? But I can tell you from the 28,900 list that I had, that was very nefarious. Complete wrong information. So I just throw it back to you, how many signatures, provided these lists, does a candidate running for Mayor, Republican candidate, supposed to get?

MEMBER GILL: So that, the quick answer is one percent. But no, you should not, there should not be two lists for the same primary election. So I don't know what the issue is there.

MS. STROUD: The pertinent list, pursuant to the statute. And I'm going to just read the statute for you, Ms. Furstenberg. Let's see. It's a District of Columbia code. Do you see Official Code, section 1-1001.08 I1B provides that: Each individual in a primary election, candidate for the office of Mayor shall be nominated for any such office by a petition
that's signed by, in terms of the Republican
Party, which is signed by one percent of the duly
registered members of such political party,
whichever is less, as shown by the records of the
board as of the 144th day before the date of such
election. The 144th day before the date of the
June 21, 2022 primary election is January 28th.

So the list that was in effect as of
January 28th is the list that you were
accountable for collecting signatures based on
that count. And so that would be the one percent
of the 28,900 -- the list that contained that
number of voters on it. And so one percent of
that is 289. And so maybe that's the amount of
signatures. I mean, you know, I think that you
said that the list that you received said 290.

MS. FURSTENBERG: No, I said --

(Simultaneous speaking.)

MS. STROUD: And so that -- even if
you thought it was 289, which was one percent of
that list, you would have to collect one percent
of that. And so my understanding is that your
petition that was filed, I believe, on March 23rd, which was, I believe, the last day that you could submit a nominating petition. That was the last day. And yeah, I just want to say that that's the list that should apply.

MS. FURSTENBERG: Okay. So --

MEMBER GILL: Are you aware of a list of 37,000?

MS. STROUD: No. I wasn't.

MEMBER GILL: Okay.

MS. FURSTENBERG: So that being said, and thank you, ma'am, for your comments on the statute. So that being said, you just said that the records of the board indicated that the list I got -- and I would agree, if that list were valid, that I should get 289 signatures. I would absolutely agree with that, that would be one percent. But that list wasn't valid.

The Board of Elections -- and I just heard how great you all are, and you're a model for the country. Okay. Your model for the country gave me a complete inaccurate list. Now,
us scrubbing that list to the best that we could, with my small team, me working full-time, getting signatures before, after work, and on weekends, right? Aside from my full-time job.

We determined that that list may be in-between -- the accuracy of that list may only be 13,000, a little bit above that, we don't know. It's not our job to keep that list, it's the Board of Elections to keep a valid list to give to candidates that are running for office, correct?

Correct? It's your job to keep that list accurate. That said, again, dead people, people that had never lived at that address, duplicate addresses, duplicate names. So when the BOE scrubs that list, which they should be doing all the time, I know you will see inaccuracies. That list is inaccurate.

So I ask you: If our preliminary figures of 13,000 and some change, seem to be the accurate amount of registered Republicans in District Columbia, then we could go off that
number, right? The 13,000? So that would be
130. So we just throw arbitrary numbers all day
because I'm telling you that list that you gave
me is absolutely inaccurate. Therefore, I demand
to be on the ballot. You provided me an
inaccurate list. I demand to be on the ballot.

MS. STROUD: Thank you for your
comments. The one thing I would just like to add
is, we do have procedures that we are required to
follow regarding this maintenance and moving
voters from an active to an inactive status, and
I don't disagree that there were inaccuracies on
the list. However, we do have a process we must
follow in order to conduct and update our voter
registration rolls, and we do follow that
process. And it may not always coincide with
petition pick-up and the time that we make voter
rolls available to the candidate, however we are
bound by the rules that are in place.

MS. FURSTENBERG: And thank you for
saying that, you're bound by the rules that are
in place. So I just told you that there was a
list that had 37,000 signatures on that someone else was giving to the Republican Party. Then I was told that there was another list, 300 more names were added to that list. So the list of 37,000 signatures was evidently up to speed on August of 2021 -- or I'm sorry, August of 2020. Then there was evidently 300 more signatures were added to a list that was given to another Republican that had 300 more signatures. And that list was provided in May -- or that list was supposedly up-to-date May of 2021. So the 28,900 signatures I've had, that I was given, how old was that? Since you are supposed to keep these records up to date. How old was that list?

MS. BROOKS: I don't know when you would see the list, Ms. Furstenberg.

MS. FURSTENBERG: Ma'am, it was January of 2022. And let me just also say this, let me back up a little. In my appeal, I wrote that this is not a personnel problem that I'm having with the BOE. I want to tell you that. Everybody has been absolutely polite to me. This
is not a personnel problem. This is a process problem, and this is a legal problem. So again, that list that I received in January of 2022, with 28,900 names on it. When was that list created? How old is that list?

MS. STROUD: That list was current as of January 28, 2022. That is the list that is set forth, and that is the date that the statute specifies the list that's provided. The numbers are based on the list as of that date. And so that is the date, January 28, 2022.

And pursuant to that list, the number of signatures that you had to collect was 289 because it's one percent of the 28,900. I'm not sure whether that's the 28,900, I'm not sure of the exact -- whether that was off by one or two, such that it would have been rounded up to 289, I don't know. But they would have at least been 289 signatures, which would mean that your petition, if you turned in 240 signatures, was below.

MS. BROOKS: Yes.
MS. EVANS: And I also want to just speak to other documentation that you received as part of your pick-up packet, where the instructions were that you, as individuals, should check, they should, you know, attempt to file early if they could've, and supplement, if they did not have the number of ballot signatures on that list. Were you provided with the documentation with respect to tips on circulating and filing nominating petitions?

MS. FURSTENBERG: I was. And let me just hold your word, ma'am. Valid signatures. Well, I didn't receive a valid list. So I -- here's what we agree on. I agree that I should get one percent of whatever valid list, up-to-date of registered Republicans, are in the District of Columbia. I did not receive a list with a valid voter role list for registered Republicans. I did not receive that list. That said, I demand that -- you don't know what the accurate number is. You don't know, I don't know. Therefore, I demand I'm on that list -- or
I demand that I'm on the petition.

CHAIR THOMPSON: Ms. Furstenberg,

thank you so much. I think the board is going to have a long discussion now about this. So we really appreciate you bringing this issue before us, and we appreciate you filling out the papers, and being willing to run for office. Our city needs, you know, more qualified candidates from multiple parties and perspectives. So you know, thank you for going down this road.

MS. FURSTENBERG: Thank you, Sir. And I just -- before you make your decision, I just want to say the following, and I appreciate you thanking me for running because, (audio interference) be a two-party system everywhere in the United States, at least. So in closing, the inaccuracy of the DC voter rolls, combined with the one percent determination rule, is vague, unconstitutional and discriminatory, and amounts to voter suppression under the Constitution and the Voting Rights Act of 1965. Therefore, again, I demand that the BOE overturn its preliminary
determination, and that the BOE place my name on
the ballot for the Office of the Mayor of the
District of Columbia for the June 21, 2022,
primary election. Thank you for your time today.

CHAIR THOMPSON: Thank you so much.
And just for the record, we also, of course, have
your April 3, 2022 letter that, besides many
other points you've made, and some off the
constitutional due process arguments you've made.

MS. FURSTENBERG: Thank you.

CHAIR THOMPSON: So with that, I
think, my board members, I'll go ahead and make a
motion and some comments to explain it. And my
motion is to -- go ahead.

MEMBER GILL: One more question.

CHAIR THOMPSON: Yes, please go ahead.

MEMBER GILL: So the issue here is
duplicate lists. You said you're not aware of a
list of 37,000?

MS. BROOKS: I don't know what list
she received. I can't confirm that.

MEMBER GILL: So everyone gets the
same list --

    MS. BROOKS: Correct.

    MEMBER GILL: -- when they go out to
get signatures, right? Okay. So at least that's
the procedure, that's your knowledge of how this
played out? Okay, all right, thanks.

    CHAIR THOMPSON: Karyn, any questions
before I make a motion?

    MEMBER GREENFIELD: No, I don't have
any more questions.

    CHAIR THOMPSON: Okay. So my motion
is to respectfully decline the appeal that's been
made by Ms. Furstenberg. And I'll just share my
comments to explain why I am so moving to decline
the appeal. As General Counsel Stroud indicated,
it's very clear that when you run for the Office
of Mayor in a party primary, you must collect
either 2,000 signatures or one percent of the
voters, as they exist on the registry on the
144th day prior to the primary, which is January
28, 2022. So in short, it's either 2,000 or one
percent of that January 28th list, whichever is
less. And in the case of the Republican primary,
one percent is probably less than 2,000.
Specifically, one percent of 28,900 or 289 valid
signatures, maybe it was rounded up to 290. That
little issue doesn't matter because 240
signatures were returned.

So the candidate, of course, knew that
number that was in that list that was provided to
her of 28,900. So it was known to a certainty
that one percent of that is 289. So going out,
collecting the signatures, there was a known
target of 289. If the list had been 37,000, it
would be 370, but 289 was communicated, it was
known. And there's, of course, some
responsibility on the candidate to understand
what these requirements are and to gather the
necessary signatures, at least equal to or
preferably well above the required number, to
make sure that the threshold is going to be
cleared. That clearly wasn't done here.

I hear the sort of underlying
complaint which is that the list of 28,900 names
was "not valid." And I don't agree with that. It was the official list in the voter registry as of January 28, 2022. It may not have been perfect. No list is 100 percent perfect at any given moment in time, because the world is constantly changing. Voters to some extent have to keep their registrations updated. When somebody dies, there's a lag time of information that's shared between agencies, et cetera. So at any given moment in time, there's always going to be imperfections on that list. You can always go through a list and find names of people who are no longer registered for the party, or deceased, et cetera.

And I certainly agree that we should try make that list as perfect as possible. But we certainly don't scrub lists, we don't purge lists, we try to maintain them to the greatest degree of accuracy possible, and that's always an effort that's a work in progress. Then, this is another example of how important it is for our agency to try to keep those lists as perfect as
possible. We're not going to get there, but, you
know, it's an ongoing effort.

You know, that said, one percent of
28,900 was a knowable number of signatures to
obtain 289. If you run through this list all
week long with a lot of people trying to perfect
it, maybe it was 287, or 288, or 298, whatever it
is. The number that was known and knowable as of
the date the petitions were -- the signatures was
picked up, was 289, and only 240 were turned in.
And it wouldn't be fair to the other candidates,
who in many cases have to get 2,000 signatures,
to view the list as -- because it's imperfect,
that's quote, invalid, and therefore, there was
no real requirement for collecting signatures.

We would obviously aggregate the
letter and spirit of the statute in that regard.
So unfortunately, this is one of those chores you
have to do when you're a candidate. I did it
when I was an A&C commissioner, I only needed 25,
but I got there eventually -- sorry, I'm walking
my dog. It's not easy, I know. It's just not
easy. So unfortunately, the number submitted fell short, and notwithstanding your concerns about the accuracy of the registration list, which I hear, and I think puts another, you know, spark under us to try and improve those. Notwithstanding your concerns in that regard, I have to respectfully move that we decline your appeal.

MEMBER GILL: So let me -- I'm sorry. I second the motion, but let me -- just a couple of comments. One, the fact that they have a Republican candidate fighting to get on the ballot is positive sign in that this city has struggled to get folks from other parties to run, period. And so good for the city over the long-term to have a diversity of parties on these ballots. The voting lists and the accuracy, to go back to the minutes of the last six, seven meetings, my largest concern about mail balloting is that it is hard to keep these lists updated and, you know, it's incumbent on the Board of Elections to do this. But it's not for lack of,
you know, interest on our part.

The rules, and this is why I think before we move to mail balloting, the rules need to be updated. It's very difficult -- we had the issue with the GW dorm, that it was clear that the folks that had registered to vote were all in a dorm that wasn't open. There was no way to get those signatures. And candidates are sort of left with, you know, being in limbo.

But in this instance, the lists are the same, everyone gets the same requirement, everyone gets the same list. I don't know how, you know, recognizing that I think those lists are probably more imperfect than the Chairman does. But even recognizing that, everyone's got to have the same rules of the game going in. And so I just don't see how we can -- but we don't know what the true number is to an exact moment. And therefore, we have to go by what the official tally is every month. And so short of any other answers, I think it's the same rules for everybody.
CHAIR THOMPSON: Karyn Greenfield?

MEMBER GREENFIELD: Yes. I think he seconded it, or if you want, I was going to second it because I do think, you know, we understand no list is really ever going to be 100 percent perfect. The board works very hard in getting an updated list and maintaining one. And it is the -- on them to work on getting that listed as well as every single citizen of the District of Columbia. Because if I were to move, and not file anything, or tell anyone, they may not know. I'm not an active voter anymore for a while, and so they work very hard with a lot of other sources to make sure that list stays updated. It will never be 100 percent perfect. I don't think any list such as that would ever be, but I think they do a good job in trying to keep it updated.

And I do think it's a little bit of a responsibility also on those seeking signatures and petitions, that if someone starts seeing huge errors in the list, to contact the board.
Because you're trying to get petitions and you're trying to get on the ballot. And I think that it is, you know, unfair for the other candidates that did hit the signatures, and did work hard to get this on. I'm in agreement with the Chair on this issue.

CHAIR THOMPSON: Thank you. So I think that that is, just to be clear, all in favor of the motion?

(Chorus of aye.)

UNKNOWN_MALE: Accepting the General Counsel's --

CHAIR THOMPSON: Accepting General Counsel's recommendation?

(Chorus of aye.)

CHAIR THOMPSON: All right. So that passes, three to nothing. Again, thank you to Ms. Furstenberg. Kind of like with the Voter Initiative 82 issue, which we're about to talk about, you know, it's another reminder of the importance of trying to get the voter registration list as accurate as possible. But
there's a tension here that I've now picked up on
over a couple of these matters, which is, on the
one hand, if your job is to get one percent or
five percent of signatures on a list, you want
the denominator to be lower, you want the list to
be reduced, so your job is easier. On the other
hand, the more important, maybe, consideration is
be very careful before you remove somebody from
the voter registration list, because you're
disenfranchising a person. And there's a very
careful process for removing somebody from those
lists. A lot of it has to do with the fact that
this election takes place.

There's a number of rounds of review
to improve and try to perfect that voter
registration list. And, you know, you just have
to have some tolerance in a system for that list
to be imperfect, because you want to err on the
side of inclusion, not rush to exclusion driven
by this need to have fewer signatures to get.
But it's attention, and both goals are important.
So I just want to tell everybody, including the
Initiative 82 people who are listening, we get it, and especially after this election cycle, when that's another round of scrutiny regarding the accuracy of the list, you know, we're going to double down our efforts to try to improve upon it in every way possible, because it adds so many downstream implications for other issues. Okay. Thank you so much.

MS. BROOKS: You're welcome.

CHAIR THOMPSON: Appreciate you being here.

MS. BROOKS: You're welcome.

CHAIR THOMPSON: Okay. With that, we'll turn to the Executive Director's report, Monica Hollman Evans, and I believe she's going to start with the petition verification results for Initiative Measure Number 82.

MS. EVANS: Yes. Thank you, and good morning. So as our Chair indicated, I will begin by giving the petition verification report on Initiative Measure 82, District of Columbia Tip Credit Elimination Act of 2021, and we'll make
the determination as to whether to accept the
petition as numerically sufficient. After
executing the board's standard procedure for
verifying registered voters' signatures contained
in the above referenced initiative petition, the
board staff has determined that this petition
does meet the statutory requirements for
certification to the ballot. It is therefore my
recommendation that the board accept the petition
as numerically sufficient, because it does
contain the required minimum number of registered
voters. An overview of the petition verification
process and a summary of its results will being
briefly discussed now.

So as far as the overview of the
petition verification process, the petition
verification process is conducted to determine
whether a petition to present an initiative
measure to the electorate, contains the minimum
number of registered voters' signatures required
to place the measure on the ballot. The required
minimum is five percent of the duly registered
voters citywide, and five percent of duly
registered voters, in at least five of the eight
wards. This numerical requirement is based on
the board's published registration totals in
effect at least 30 days before the petition was
filed. And in this case, that registration total
list was December 31, 2021.

I'm going to start the summary of our
findings. The petition for Initiative Measure 82
contains 7,966 pages. And those were filed on
February 22, 2022. The petition contains 33,228
signatures. After completing the procedures for
verifying the voter registration status of
petition circulators and signers, the total
number of eligible signatures counted for
qualifying the initiative for the ballot, was
initially found to be 26,935. A subsequent
review found the initiative to actually have
27,026 valid signatures. This total exceeded the
required five percent minimum of 26,204 by 822.

A random sample procedure is conducted
to determine the required level of confidence in
whether or not a sufficient number of valid signatures of registered voters are contained in the petition. To help facilitate the sampling process, the Office of Planning, Data Management Division, randomly selected a sample of 100 petition signatures from each ward. Their initial findings are noted, but it was determined that we could not certify as of that first sampling. As a result of the initial random sample, Wards 1, 3, and 4, were accepted. Wards 5, 7, and 8, were rejected, and no decision could be made regarding Wards 2 and 6. As a result, a subsequent sample was done for Wards 2 and 6. The result of that sampling, consisting of both 100 and 150 signatures, concluded to accept Ward 2, but no decision could be made for Ward 6. The sampling of 150 voters from Ward 6 similarly resulted in no decision. Based on the no decision determination for Ward 6, the Department of Planning recommended a signature validation by BOE of all registrants in the sampling universe, which at the time, represented
4,656 signers. On review of the signatures by BOE, it was determined that 5,135 Ward 6 registered voters should have actually been assigned to the Ward 6 universe, and increase that universe by 479 additional signatures. And that was at the time that the petition was signed, and that was prior to the boards re-districting process.

So that correction was made to the universe in the Ward, prior to the sampling of signatures. At the conclusion of the petition signature validation of Ward 6 petition signers, it was determined that 5,135 registered voter signatures were reviewed, and 4,761 were validated. These results were provided to Planning, DMD for statistical analysis. And it is the determination from DMD that the initiative shows acceptance in five of the eight wards and rejection of three wards.

In conclusion, based on the petition verification process, the random sample of signatures, the sampling of the universe of
signatures conducted for Ward 6, and the
statistical analyses of the sampling of the
district as a whole, and by ward, it is my
recommendation that Initiative Measure 82,
District of Columbia Tip Credit Elimination Act
of 2021, is numerically sufficient, and should be
certified for ballot access by the board. And of
course, we will be available to answer questions
and provide additional information during public
matters. And at this point, I turned it over to
our board chair. Thank you.

CHAIR THOMPSON: All right. Director
Evans, thank you so much. Thank you everybody
out there for bearing with us. A lot of you
listening have followed this process over the
last several special hearings, and now this
hearing. I think as many people may recall, when
we were last together on this issue on March
24th, in the morning, when the hearing commenced,
as the director said, there were three of the
necessary five wards were confirmed as meeting
the signature requirement. Mid-way through the
day, a fourth ward, Ward 2 passed and was accepted, and Ward 6 was going through a series of random sampling, none of which could arrive at the necessary 95 percent level of confidence. And eventually, it was determined that the only way to really get to the accurate answer was to do a complete re-review of all the signatures submitted, and that's what took place since March 24th up to this date by a lot of people working extremely hard to get the answer correct.

So I want to publicly thank everybody who pitched in to conduct that review, not just since March 24th, but throughout this entire process. And it was important, we realized, to be as accurate as possible, because it appeared to be extremely close, at least as of March 24th. And as the director just explained, there was also a need to readjust ward assignments for signatories to the petitions, to ensure that there was a consistency of viewing signatories as of the ward boundaries, prior to the most recent adjustment.
The curve ball in the middle of all this is the Council adopted new ward boundaries that impacted Ward 6, among other places, and that was implemented at the BOE level in late January I believe, January 28th. But the way this is counted 30 days prior to the submission of the petition on February 22nd, that's January 22nd. And the locked official registry in place as of that date was December 31, 2021. The difference between that and January 22nd is immaterial, it's extremely insignificant. That issue has been raised and it's not outcome determinative here.

So it wasn't until the January 28th rolls that the new ward boundaries were adjusted. So clearly, the recommendation incorporates the use of the December 31st rolls as the denominator here. It's even if that was shifted to January 22nd, or 19th, or whatever the date it is, it would be immaterial, I believe. But at the end of the day, once those ward adjustments were made, and all the signatures were compared, the
proposers cleared the necessary five percent threshold in the five wards indicated, and DC as a whole, by a pretty decent margin. I think in Ward 6, it ended up being 4,761 out of 4,656 needed, which clears it by 122 signatures.

So I mean, on that day, March 24th, we weren't ready to reach any determination with a level of confidence. So we needed to take the extra time. I'm glad we did, because we're not owed the answer, we owe that accurate answer to the public. And I believe we have it now. And so those are my comments, and I guess it's a precursor to therefore, make the motion that we adopt the recommendations of the Executive Director and ourselves, as the three-member board, issue a memorandum opinion, which was drafted, which largely incorporates everything that Director Evans just read.

The core of it incorporates the procedures and the procedural history that's been noted, and the ultimate numbers that were found after the ward adjustment is all set forth in our
memorandum opinion, making it clear that the requisite number of signatures were all collected. And I'll talk for a moment what that means in terms of when this goes on the ballot. So for now, my motion incorporates everything that has been reported, and to likewise determine that Initiative 82 meets the statutory requirements for certification to the ballot, in accordance with district law.

MEMBER GILL: And I can go second, so I second the acceptance of this Executive Director's determination. I guess, you know, the interesting issue on, are the rolls dynamic or are they official to the last of the month? I think the fact that if they're dynamic, then the January 22nd date is important and it doesn't affect the outcome. And I think to me, that's because I do think this issue of when the roll is official, you know, equity would say everyone went into this with December 31st as the official date.

And so I think we would be hard
pressed to say, oh even though I understood the rules as one way, we're going to change them later. That being said, I think it's important to recognize that, you know, the rolls, we accept same-day voting, and therefore, that means the roll is updated to that point. But on the date this was filed, under that argument, and that was the sequential date. And under that it's not determinative, therefore I accept.

CHAIR THOMPSON: Karyn, any comment?

MEMBER GREENFIELD: I just want to thank everybody who worked on this. I know when we got down to this that the sampling wasn't working for Ward 6, it was a lot of work that had go into getting what that accurate number was to make sure that we got the accurate result back. So I'm going to thank everybody for doing that effort. Yes, and I agree and concur with your motion, so --

CHAIR THOMPSON: Yes. And I'm also told it's rare for the board to issue a written opinion in a situation like this. But given the
heightened attention that we've received, and
care by both the proposers and the challengers
who are paying attention to every detail, and
thank you for that, because it's helped improve
our attention to detail as well. We thought it
was important to set forth in one memorandum
opinion, the board's determination. It's been
circulated among the board members, we've all had
a chance to review it. And so just to be clear
for the record, I would also move that we adopt
the written memorandum opinion and order that has
been circulated among us.

MEMBER GILL: Second.

CHAIR THOMPSON: All in favor?

(Chorus of aye.)

CHAIR THOMPSON: Okay. With that, I
don't have anything else we need to address in
that regard. We'll move on to --

MEMBER GILL: I know some folks want
to --

CHAIR THOMPSON: Yes.

MEMBER GILL: -- comment on this, so
are we going straight to that or are we waiting for public matters?

CHAIR THOMPSON: Yes, I think, we've got other issues, General reports, and OCF report. And then usually we do public comment at the end, but --

MEMBER GILL: I think we could do it now.

CHAIR THOMPSON: It's a good comment. It seems like it's most pertinent to hear from the public on this issue now. If someone might want to address that little footnote issue as between January 22nd and December 31st. And I know there's probably also questions about, not just the details, but about when Initiative 82 will be on the ballot. Before I open this to the public, anything you want --

MEMBER GILL: I think it was -- I think maybe one representative from each. We know Andrew and Ms. Adams available also, maybe just to hear from both.

CHAIR THOMPSON: So we'll hear from
the proposer first, and then the challenger, and then anybody else. So anybody on behalf of the proposer would like to speak first.

MR. O'LEARY: Sure. I'm happy to speak. My name is Ryan O'Leary, I live at 1665 Lamont Street NW, Washington, DC. All I have to say is thank you to the board and the staff for all of your hard work. I know it hasn't been easy and I've been with you in the offices for a lot of it. And so I just appreciate all the work you've put into this, and I'm excited for this to be on the primary ballot.

CHAIR THOMPSON: Thank you, Ryan. Anyone for the challenger? I think Andrew Kline is here with us?

MR. KLINE: Yes, good morning, thank you. I just want to confirm that the board will be following the statute and having this initiative that's (audio interference) certified on the next city-wide ballot, which is at least 90 days after the date of certification. I did not see the primary ballot, the general election
ballot, that is the new statute. It seems to us that's the appropriate time when this matter would be on the ballot if the certification be formed.

MEMBER GREENFIELD: I'm sorry, Mr. Kline, if you could state your name and address for the record or the address for your firm.


MS. STROUD: I will speak to the issue of when the measure will appear on the ballot. Pursuant to DC Official Code Section 1-1001.16P1, the statute reads that, the board shall conduct an election on an initiative measure at the next primary, general, or citywide special election, held at least 90 days after the date on which the measure has been certified, as qualified to appear on the ballot. The certification is occurring today, and the board members have just voted to certify it as qualified to appear on the ballot. And so since we are beyond the 90 day
time-frame, the measure would not appear on the primary election ballot, but rather instead, on the general election ballot, in accordance with the law. That would be when the measure would appear on the ballot.

CHAIR THOMPSON: Right. Yes, thank you for that. This is something we looked at very closely, because I believe the proposers, at least initially, were helpful to see it on the primary ballot. When you go back and look at the code sections that Terri Stroud just cited, it clearly says 90 days after the date on which the measure has been certified, which is today, which is beyond June 21st, and therefore, places the matter on the general election ballot in November.

And when you go back and look at the regulations of 1009.9.11.12, there's clearly a process whereby the board has 30 days to either accept, or reject, or declare, there's not enough information, basically, you have to keep taking random sampling to arrive at an answer. And it's
a little unfair. What do you do if the random sampling continues to produce inconclusive results? And I'll just read some of the key language in that regard from our written opinion that we just adopted.

Despite best efforts, that determination could not be reached within the 30-day time frame, faced with the unprecedented likelihood that continued random sampling, even those progressively larger sample sizes, would, for statistical reasons related to the narrow margin of signatures over the number required for Ward 6, also generates inconclusive results. The board ordered that the entire universe of valid signatures for Ward 6 to be reviewed for signature authentication, and that led to this last almost two-week period where that additional review took place.

So following the letter of the statute, the petition was not certified positively as of March 24th, and therefore could not be certified in a timely manner for purposes
of appearing on the primary ballot. However, the statute quite clearly provides that, whenever that certification date takes place, which is today, it goes on the ballot next after the 91st day, which is the general election. So the bottom line is Initiative 82 is going to be on the ballot for the voters to decide in November. And I think that's the correct reading of the statutes in terms of the timing.

I'm so glad we got the answer right. And thank you to the proposers for all the work you did. It's really up to the voters to decide and that's really kind of an overriding philosophical principle that I think we have, that I know I have, which is, on all these issues, trying to err on the side of the vote of democracy and let the voters decide, not us. So that's where we are. I'm sorry, I just kind of went in with a speech my own Mr. Kline, anything else?

MR. KLINE: The only other issue I would raise is the one that you spoke to. Is it
the board's position that the official records as of January 22nd are closer to the numbers that existed as of December 31st, rather than those that existed as of January 31st?

CHAIR THOMPSON: I think, yes, I think if you go back the precise number of days, you land on January 22nd, and the last official registry in place was the one published on December 31st. And to Mr. Gill's point, there is an element of equity here because the proposers -- that's what the proposers knew about, that December 31st publication date. That's what was knowable to them. And therefore, they hit the streets with certain targets in mind, based on those officially published lists. There was no way of knowing what it was on January 18th, or 19th, or 20th, or 22nd, as the case may be. If you can capture that moment in time -- clearly, in hindsight, forensically, you can.

But the equity argument, the equity point is that, it wouldn't be fair to adopt a denominator based on an unknowable list that's
not published. With all of that said, they were
fairly minor changes between December 31st and
January 22nd. If you forensically reconstruct
the last half of January 22nd, it's extremely
close, in some cases, I think even identical to
the ward numbers from December 31st. Very sort
of minor changes in the numbers, so by January
31st, there were more significant changes because
of the ward boundaries shifting.

But that is not -- just because it was
closer to the 22nd, it's kind of like the price
is right rules or something, like, I don't think
you take that and apply it retroactively as a
pro-proxy for January 22nd. From the 22nd, you
look back to the 31st or at a minimum, you just
look to the 22nd. So I think, I think it becomes
a footnote issue in terms of numbers, eventually.

MR. KLINE: We respectfully disagree
in terms of what responsibilities are in the
 statute and I've also noted the matter of equity.
 We re-requested the voter rolls, in connection
 with preparing the challenge, we were provided
with numbers that reflected the new ward
distribution, not the old numbers. So after the
(audio interference) information, certainly under
any circumstance, given the way that the statue
is worded, one might not know this decision, how
many signatures would be needed on a certain
date. That is why one attempts to collect more
signatures, and submit them, so that there is a
margin of error. I don't think that that so-
called equity changes what's in the statute, nor
changes the responsibility of the Board of
Elections to accurately maintain a uniform,
interactive, computerized, voter registration
list, which is the official voter registration
list for all elections.

The December 31st publishing is merely
informational, it is not official in any way.
It's never been certified, the board has never
voted on it, it's never been before this board
request as being official. It is merely a number
that was published for informational purposes.
And now the district relies on it as official,
contrary to the language of the statute.

MS. STROUD: Mr. Chair, we do have
Cliff Tatum in the room, who is prepared to give
additional information regarding the numbers and
the list that have been referenced.

CHAIR THOMPSON: Please go ahead, Mr.
Tatum.

MR. TATUM: Thank you, Mr. Chair. The
board took a look at the numbers that were
published in the register as of December 31st,
2021. And that number of total registered voters
was 524,088. We also took a look at the numbers
as of January the 19th, 2022, and the citywide
numbers were 524,482. And for January the 27th,
2022, the numbers were 524,790.

MS. STROUD: Mr. Tatum, I would just
like to interrupt for one second. I would like
to state that these were published in response to
request for voter files, which is the reason why
we printed or took snapshots on those days,
because that's because individuals call in or
write in requesting the voter file in its
entirety. And so we had occasion, pursuant to
those requests, to have those snapshots for
January 19th and January 27th.

MR. TATUM: That is correct. So we
did not generate a snapshot for January the 22nd,
2022, so we do not have those numbers available.
But based on the general mat that you've
indicated there, the difference between the
December 2022 number -- 2021 numbers, and the
February 2022 numbers, is roughly 5,864. If you
take five percent of that, would be the signature
requirements, that number drops down to about
293. Break that down into Ward 8, into 8 for
distribution, that turns out to be roughly 293
divided by 8, roughly --

MS. STROUD: But do we have the ward
breakdowns for those dates, the 19th and the
27th, when we actually did do the voter
registration files in response to the --

MR. TATUM: I do not have that file,
those numbers in front of me here, but yes, we
would have the breakdown, yes. Turns out roughly
to be about 35 voters per ward.

CHAIR THOMPSON: You're comparing December 31st with January 27th?

MR. TATUM: February.

CHAIR THOMPSON: February?

MR. TATUM: Yes. February 28th.

CHAIR THOMPSON: And I take it if you were to compare December 31st with January 22nd, it's a much much smaller --

MR. TATUM: That is correct.

CHAIR THOMPSON: -- margin. So it appears to me, from all the numbers, that this is an immaterial or moot point. We could be interesting to debate about, I suppose. If you were to deem the January 22nd voter rolls as the quote official list, the chip and numbers would be so inconsequential, it would not the outcome determinative on this issue, either with respect to DC as a whole, Ward 6, or any other given ward; is that correct?

MR. TATUM: That's correct. It's roughly 954, the difference is 954. And then you
break that down into eight wards and it becomes how many voters would sign in the eight wards.

CHAIR THOMPSON: It also appears to be the case, even if you used the February list, it's still going to be immaterial and not outcome determinative on this issue.

MR. TATUM: That's correct.

CHAIR THOMPSON: So it's just -- I keep calling it a footnote point, because it doesn't determine the outcome. But for what it's worth, the statute, the charter itself, quite clearly says to use, in this case, as of January 22nd, the "latest" official count. So the charter and the corresponding statute and regulation all fairly contemplate the notion that it's something prior. This isn't necessarily on that date. And I certainly don't read code section 1-1001.05A1 to the contrary, as mandating a dynamic list on any given moment, not just any day, but any given moment in time, there's an official list that can be, you know, pegged under the Help America Vote Act, but I guess that's a
legal debate, if we have to have it for another time.

I think we got the answer right as a matter of law, and as the facts show, it really doesn't matter where you've gone with this date issue. The proposers still have the requisite number of signatures. But I understand the argument's been made and preserved. I haven't paid attention to other public comments out there, are there other hands raised?

MR. EIDINGER: Yes. Adam Eidinger.

2448 Massachusetts Avenue NW, Washington, DC.

I'm the Treasurer of the campaign, To Build a Better Restaurant Industry. Overall, I mean, we're excited that we're qualifying for the ballot, but there's a huge concern with our campaign that we played by the rules, we submitted the signatures on time to qualify for the primary ballot, and you may have heard the proposer, Ryan O'Leary already say, we look forward to being on the primary ballot. If you look on the DC BOE website right now, on the top
of the page, it says, all voters will have the
ability to vote in the primary ballot on the
Initiative 82, it's said that now for a few days.
The only reason that statutorily that we're being
denied the primary ballot is because of the way
that the board reviews the wards, and using
sampling.

I just don't understand -- my question
is: Why aren't you just tracking the wards as
you're going along with validations and then just
running the result? Instead of having to do this
complex sampling method, why not just check wards
as you go along? We do that with our own
internal validation. And because I understand a
whole different process and that's what caused
the delay. And now we're like 77 days out from
the primary and we're only determining today and
your client has a point, and you're making the
right call, putting it on the general election
ballot.

Our lawyers have said the same thing,
but it still isn't fair how this is going down.
I mean, we could have had a bigger surplus, I suppose. I acknowledged that. But we still had a healthy surplus, and this question of the ward boundaries shouldn't even be that hard to determine. So can I get an answer as to why it's done this way with the sampling and not just tracking as you go along with the entire ballot validation?

MS. STROUD: The statute allows for the bona fide random and statistical sampling method leading up. And I just want to state for the record that we had never been faced with a situation where we could not accomplish the up or down determination within 30 days. This is not to say that we are required to adhere to this process, but that's the process that is allowed for by statute, and that's what we did in this instance. And that's, yeah, I mean --

CHAIR THOMPSON: Yes, the random sampling process is outlined in the DC code, that 1-1001.16 in the corresponding regulation at title 3-1009, sorry, which lays out this two-step
process that the director referred to earlier, where first, basic condition of qualifications are reviewed and determined, regarding duplicates, and dates, and that sort of thing. And the final step, the signature verification itself, while clearly, lays out this process of using the random sampling approach, which, on every occasion up to now, allowed the board to achieve 95 percent certainty. That's a really high threshold, by the 30th date, and you can make the final determination up or down.

However, the regulation clearly tells you to keep going until you can get to 95 percent certainty, and so we just ran out of time. Because it was so close, and unfortunately we had to take an extra -- and they used something in that neighborhood to reach the final and correct determination, and it's unprecedented in terms of the process on our part, certainly not the first -- I'm sure not the first, election result, or signature verification result, or whatever the case may be that, where the election board needed
more time to get it right. So when all is said
and done, it's important that we got it right and
that one would be on the general ballot.

    MS. EVANS: I think, you know,
arguably if we didn't do a sampling and looked at
-- because we do have to validate the signatures.
And I do think that that process could take
longer, were it not for the ability to do a
random sample and just take on the random sample
universe. So arguably, it could take, but that's
-- I don't think the issue is the sampling. I
will say that.

    CHAIR THOMPSON: Okay. All right.
Yes. Anybody else? Just on this issue, because
we've got general matters in OCF, and then more
public comment at the end. But on this
particular issue regarding Initiative 82, who's
ever next.

    MR. BIANCO: Mr. Chair, this is
Richard Bianco. I represent John Bagwell. We
filed the motion to intervene in this matter. I
didn't receive a copy of whatever memorandum has
been circulated. I assume, just based on the
discussion that's being had here, that our motion
was either not considered or denied. I don't
expect to re-argue it, we fully briefed the
matter, and I believe there was an opposition
filed on Friday. I just wanted to ensure that I
note for the record our objection to the either
denial or non-consideration of our motion to
intervene, to ensure that the issue was preserved
for appeal.

MS. EVANS: Mr. Bianco, you did not
intervene with respect to this matter. This is a
matter that is separate from the challenge, to --
regarding more to where you did intervene. So
this is not that matter. The parties agreed to
table the hearing on the challenge until after
this was resolved. And so when we take up that
matter, that's when your motion to intervene will
be entertained.

MR. BIANCO: Thank you so much,
Counsel. I appreciate that clarification. I
just wanted to make sure that our issue was
preserved. I see that it has. Thank you very much.

MS. EVANS: You're welcome.

CHAIR THOMPSON: Okay. Who is next?

MR. KLINE: Yes. We would just formally object to certification at this time as to the challenge that was properly filed and has been determined (audio interference).

CHAIR THOMPSON: And yes. Thank you for that. I understand there will be a pre-hearing process on the challenge and then, if necessary, another hearing by the board to address the challenge itself, which in relevant part, I think pertains to Ward 2, and to the extent that that goes forward, at that time we will roll out the motion to intervene as well.

MR. SCHILLER: This is Nikolas Schiller, 2448 Massachusetts Avenue NW, Washington, DC. I'm chiming in about two things. Number one, Friday, April 8th, in two days, is the 180th day for the Initiative 82 petition, which means the campaign could've been collecting
signatures all the way up until this Friday. The campaign followed the published calendar on the Board of Elections' website to the tee. We submitted our petitions on the deadline. And because of the Board of Elections' internal error when it comes to the Ward 6 boundaries, we are being denied ballot access to the primary. I was at the Board of Elections on June of 2021, to submit the petition. When the -- I'm sorry dismiss the ballot initiative language. The ballot initiative language provides a pay raise to tipped workers.

And the first pay raise goes into effect on the 1st of January, 2023. If this issue was voted on during the general election, it will be transferred to congress in January of 2023, and will not become effective until at least the end of February or the first week of March of 2023, thereby delaying the pay raise. The ballot initiative was supposed to give workers, assuming it gets passed by the voters this general election. The entire point of this
ballot initiative was to be placed on the primary ballot. And it was due to the Board of Elections' error that we're now denying voters the opportunity to take part on this in the primary, and delay tip workers raises if this ballot initiative passes. It's clearly unfair. And I was a person who worked the Referendum Number 8 back in 2018, and it was also Board of Elections' error that denied voters the opportunity to take part in that referendum, which was aimed to overturn the board of the DC counsel's repeal of Initiative 77, which this ballot initiative does.

So this is, like, again and again, we have seen Board of Elections' errors, denying voters the opportunity to give tipped workers, hard workers in the District of Columbia, the fair pay raise that they deserve. And we didn't do anything wrong, but we are being penalized for an error that was made by the Board of Elections with respect to Ward 6, in the counting of the signatures that we turned in on time. The
statute is clear, 90 days, I get it. But there
needs to be some mechanism that the Board of
Elections can except an error and be able to
provide ballot initiative campaigns the ability
to be placed on the ballot when they follow the
rules that have been published. That's all I
have to say. Thank you for your time.

MS. EVANS: Thank you for your
comment. The only thing that I just wanted to
make sure I include on the record, is the fact
that the areas that you referred to really had to
do with re-districting. And the way re-
districting happened at the time and not having
all of the data in place before we started this
process. And so we needed to go back and just
make sure people were in the correct ward, as the
list we were using. And so I wouldn't
necessarily classify it as an error, but we just
wanted to make sure we got it 100 percent right.
Thank you.

CHAIR THOMPSON: Thank you. I mean,
I also wish we could have leniency here and sort
of do this retroactively to March 24th, sort of
demean that to be, in hindsight, the date of
certification, because I certainly hear you, what
you just said. But the statutes are really
clear. I mean, we can only -- we have to follow
the letter of the statute in this particular
case. It's the 90th day after certification,
which is today. And I can only guess as to the
reason for waiting 90 days is that the DC Council
had in mind when they passed 1-1001.16, but
that's what it tells us to do, so we have to do
it.

You know, obviously, with the point
being made that the initiative's going to the
voters on the issue here, June 21st or November
8th. So it will be on the ballot and -- rest
assured. Well, barring a successful challenge,
which we have yet to address.

MR. CAPOZZI: Hello, this is John
Capozzi, 3612 Austin Street, proud member of the
Hill Crest community. My comments actually are
similar to Nick Schiller's comments, but I think
a couple of things. First of all, I think it's been clear from the beginning that this initiative faced some strong legal challenges. So not living within the 30 days of verifying the signatures and wards, it was clear that I didn't even know there was sampling. I thought you guys checked all the signatures and did exactly what we did, which is you verify where each person lives to make sure the five percent is achieved. But apparently this other, you know, procedure, is what delayed us to get pass this 90 days.

And so, Mr. Chairman, when you're congratulating the board in terms of, like, the efficiency of the group, I mean, clearly what's happened is, a lot of time and effort was spent to collect the signatures, and knowing that there was a determined legal challenge against them, you still are able to go past 90 days.

So there are two remedies for this that I want to recommend you consider. One is, the Council can put this at issue on the ballot for the primary. I ask you to consider going to
them and asking them to do that, based on the
fact that due to the inefficiency of the
procedures of verifying the signatures within 90
days, that would actually solve this problem.

And secondly, you know, based on what
Mr. Kline said, and other legal representation,
it's clear that this is not going to be over.
Your confidence that this is going to be on the
November ballot, I think is misplaced, because
they're going to say, hey, you know what? They
followed the procedures for the primary ballot,
but you know what, now it's going to November, so
they're going to challenge it based on that.

So I want you to consider having your
counsel go to court and represent this challenge
in a way that ensures that it will be on the
November ballot if that is your wish at this
time. Because, you know, either way, like you
can go to court now and say, hey, it's 90 days,
but, you know, it's 77, because the fact is that
we were inefficient in our procedures. Or you
can defend it for November ballot so that it
actually does appear before the voters.

But it's clear that the people who oppose this initiative are not going to end at the end of this hearing. I mean, Mr. Kline just said that he's determined to continue, so I need your legal counsel to be in court with, you know, the people from the initiative, to defend it, to ensure that it does make it on the ballot. Thank you.

CHAIR THOMPSON: Thank you so much for your comment. Anyone else have their hand raised on this issue?

MR. CAPOZZI: Mr. Chairman, it was a request, it was not a comment.

CHAIR THOMPSON: And I understand. I mean, there's a lot of steps to this process. What's before us today is whether the certified petition is eligible for the ballot and we've now certified it as eligible for the ballot, and addressed some of the detailed issues involved in that result. Next, we'll take up the challenge that's been filed, unless it's resolved or
withdrawn, which focuses on Ward 2 and hear what
they have to say and hear what the intervenor has
to say if that motion is granted and, you know,
everybody gets their due say and -- and this
process and procedures allow for challengers.
And there's nothing wrong with what they're
doing. They have a right to do it and we'll hear
their challenge and consider the merits of the
arguments they make.

If they have additional arguments to
make, that are timely and that we're allowed to
address, we'll address them at that time. But,
you know, we can only -- we can only sort of
comment on where we are today, which is
certification is achieved and you know, onward
from here in terms of next steps. And you're
right to be -- to point out that it's not yet
clear exactly what's happening next. We haven't
even heard the challenge for that matter.

But, you know, this thing all comes in
steps and it's, hopefully, a good day for the
proposer of Initiative 82 to find out that
they've now been formally -- that their
initiative has now been formally approved to be
on the ballot. And we'll certainly continue to
think hard and seriously about the date of the
vote. So, you know, we've reached our
preliminary determination in that regard
obviously, as just explained, I promise you,
we'll continue to think about it. Well --

MR. AMENE: Mr. Chair?

CHAIR THOMPSON: Yeah, go ahead.

MR. AMENE: My name is Abel Amene, I
live at 506 Longfellow Street, Northwest, in
Washington DC. I was a volunteer for this
campaign and helped collect signatures, I was out
in the cold weekend after weekend, as a
volunteer. I'm a former restaurant worker. This
is very disappointing and I would like an
acknowledgment from this board that -- that it
caused this problem.

I remember attending the meeting, in
which the chair, I remember saying that if the
worst that can happen is that we miss the 30-day
period, I'm not worried about that. And if you
go back in your recording you will see that. And
now earlier you acknowledged that -- that the
statute over and over again warrants this board
to get this done within 30 days, and this board
failed to do that. And not only failed, but
failed to recognize this campaign several times
acknowledging during those meetings that you were
looking at the wrong maps. So I would like the
board to acknowledge that the error came from you
and that not -- that the campaign had no problem
there.

CHAIR THOMPSON: Thank you so much for
your time out gathering signatures. It's a --
it's a valuable process. The BOE followed the
statutes and the regs and I -- I respectfully
disagree that any errors were committed. There
was -- nothing was remiss, nobody was
irresponsible and quite -- quite the contrary, a
lot of people worked around the clock for a lot
of days to get -- to get this right. And I
believe they did and I remain impressed by that
and proud of that effort.

Okay. Any other public comment on this issue? Okay. Thank you. I really appreciate everybody's patience. There's -- there's more to this process as we've -- as we've noted. So we -- we may be together again soon and in another hearing, possibly with respect to the challenge at hand. With that, we'll move on to general matters and hear from the Executive Director Evans in that regard.

MS. EVANS: Thank you, Mr. Chair, good afternoon. I will begin with voter education and outreach. During the month of March, the Voter Education and Outreach Division conducted 31 outreach or recruitment events on behalf of the agency. 15 of the events were conducted in Wards 7 and 8. One notable event was Let It Ride and Walk Senior Popup. And that was held in conjunction with the Department of Aging and Community Living. And the event highlighted the various modes of transportation available to seniors. Resource agencies such as the Board of
Elections participated in that event. In addition to educating seniors, we provided voter registration services.

In regards to our voter registration rolls, we are currently processing new voter registrations and voter focus in producing registration reports. In March, we registered 2,261 new voters, and processed 1,709 registration changes. In total, we mailed 3,970 voter registration cards. As we are preparing to mail ballots for the June primary, we are encouraging voters to review and update their voter registration information. We are also working on the accuracy of our voter registration rolls by reviewing files and moving voters to an inactive status.

As a result of voter maintenance efforts, we moved 37,811 registered voters from an active to an inactive status in March. The number of current active voters is now 48,257 voters. As far as our online voter registration, our online voter registration portal continues to
gain popularity. Those registering to vote can complete the process with a cell phone, tablet, laptop, or desktop computer. To date, we have registered 3,087 voters using that portal. As far as an update regarding the process and what we're doing to prepare for the June primaries, as mentioned, of course, the June primary will be held on June 21, 2022. Candidate pick up began on January 28th, and petitions were filed on March 23, 2023. The challenge process began on March 26th, and the challenge period ended on Monday, May 4th. We have received a total of 23 challenges.

Also as indicated, we will mail a ballot to every registered voter in the district for the June primary. We're working with K&H Mailhouse to prepare the documents that will be mailed to registered voters. The ballot will be finalized after the ballot lottery that will be held on Friday, April 29th. Our tentative plans to begin mailing ballots on May 16th and the final mailing of ballots will occur on June 10th.
Also as indicated, we have 40 vote centers that will be open for early voting June 10th through June 19th, and there will be no in-person voting on June 20th in observation of Juneteenth. 90 vote centers will be opened on election day, June 21st.

I just want to say we appreciate everyone who commented on the location of our proposed vote centers, mail ballot drop-boxes and we have taken all of that feedback very seriously and we have finalized the location for the 55 mail ballot drop-boxes, the 40 early vote centers, and the 90 election day vote centers.

As previously mentioned, mail ballot drop-boxes will open on May 27th, and voters can deposit ballots at any vote center during early voting and on election day.

We are currently recruiting election workers and election worker training began on March 22nd. Our goal is to recruit and train between 2,000 and 2,500 election workers for the primary. As of Saturday April 2nd, we had 207
election workers fully trained. And we do have our online training portal that is available to supplement in-person training.

As far as communications, I'd like to say, ready, set, vote, which is the thing you will see on our website. We have revised portions of our website to make it easier and more user friendly. We went to ensure information can be found and that it is clear. As we continue the process, we appreciate the public to exercise their right to provide feedback so that we can continue with any improvements that are needed. And that concludes my report.

CHAIR THOMPSON: Thank you. Any questions from any board members? None here.

MEMBER GILL: No questions.

CHAIR THOMPSON: Okay.

MEMBER GREENFIELD: No questions.

CHAIR THOMPSON: Okay. Turning now to the General Counsel's report.

MS. STROUD: Okay. I have the first
item on my agenda as the Emergency and Proposed
Rulemaking. And the -- an incorrect caption is
in the rulemaking, we'll publish the -- we'll
have copies of the rulemaking available for the
public. But it is actually rulemaking to amend
Chapter 30 -- Chapters 30 -- Chapters 30, 33, 37,
and 42 of the DCMR. And these are -- this is a
rule amendments to the OCF's regulations and so
I'll defer to Bill Sanford to explain the purpose
of the rulemaking.

CHAIR THOMPSON: Thank you, Mr. Sanford.

MR. SANFORD: Morning, Mr. Chairman,
and distinguished Board Members Gill and
Greenfield. My name is William Sanford, General
Counsel for the Office of Campaign Finance. The
Office of Campaign Finance is requesting that the
board approve emergency and prepares rulemaking
which will achieve consistency between the
regulations and legislation that has recently
been approved by the Counsel and the Mayor.

Section 30 -- Section 3001 will be amended to
allow candidates and treasurers of political committees to continue to fulfill their required OCF training online.

Section 3008 be amended to include the common contractor provisions of the Campaign Finance Reform Amendment Act of 2018. It has an applicability date after the November 22nd general election. The covered contractor provisions prohibit principles of entities that have contracts with the District government or are competing for contracts with the District government, with an aggregate value of $250,000, from making contributions to political campaigns in the District of Columbia throughout the duration of the contract or the competition for the contract.

Section 3011 provides for reimbursement of childcare expenses from campaign funds. Section 3301 extends and further explains the prohibition on the use of government services for campaign related purposes. This was the result of the board's request as a result of a
case that was before the board involving this issue during the last election year, 2020. This provision will include and expands the restrictions to e-mail accounts, social media accounts, web pages, Internet domains, linking to candidates' political groups or websites, Tweeting or re-Tweeting a link or an article on candidate of office, posting photographs or cartoons of a candidate or political group in support of or opposition of that candidate or political group to a District government account.

Section 3711 imposes fines of $4,000 each against fair election candidates who fail to remit unexpended funds from a campaign account or fail to remit unexpended matching funds from campaign accounts, and fail to donate equipment purchased by the fair elections campaign. And finally, Section 4200 authorizes mandatory OCF training online during public health emergencies that have been declared by the Mayor.

Section 4201A gives the recalculation for matching funds for candidates in the fair
elections program based upon the legislation that
was recently passed, in which the calculation
will be the most recent general elections as
opposed to specific election cycles or specific
offices. And that should conclude the issues
involved in this proposed rulemaking.

MS. STROUD: Okay. So I would request
that the board permit this rulemaking to be
submitted to the DC Register. It means that it
will appear in the DC Register next Friday, which
is April 15th, and because it's emergency and
proposed rulemaking, they will remain in effect
until August 13th, which is the 120th day after
publication of the DC Register. And we will
actually begin to make rulemaking available
online for review and comment. And so members of
the public will have the ability to pick them up
from offline, and make comments, submit comments
to the board with respect to the rulemakings. So
that is my recommendation. I request that the
board move to permit the rulemaking to be
submitted to the DC Register for publication and
comment.

CHAIR THOMPSON: So mote.

MEMBER GILL: Second.

CHAIR THOMPSON: All in favor?

(Chorus of aye.)

CHAIR THOMPSON: Okay. Thank you so much for that.

MR. SANFORD: Thank you.

MS. STROUD: Yeah. And the next item on my agenda is litigation status. The first matter is Jason Christopher Long v. Board of Elections. This matter involves a poll worker payment. An individual filing a complaint seeking $10,000 in damages, claiming negligence and unjust enrichment, alleging that the board issued a check inappropriately, then had the payments stopped, causing him to have a negative balance and a return check fee. This matter is being continued to June 17th.

The next matter is Henderson v. Board of Elections. Henderson filed a recall petition against advisory neighborhood commissioner
Sydelle Moore, commissioner in single-member district 5B05. The petition was rejected due to an insufficient number of signatures and the matter was appealed. On January 25th, the court issued an order ordering the board to file the administrative record in this matter by May 23rd.

And the final matter is Public Interest Legal Foundation v. Executive Director Evans in her official capacity. This has to do with the denial of a request for records under the National Voter Registration Act. The suit alleges that the board is out of compliance with the NVR-based public records provision. The board is being represented by the Office of the Attorney General. They filed a motion to dismiss on February 3rd. The plaintiff filed a response on February 17th, and the OAG filed a reply on March 17th. And so we're still just awaiting to see what happens next in the court. And that concludes my report.

CHAIR THOMPSON: Okay. Thank you for that. Unless you have questions.
MEMBER GILL: No questions.

CHAIR THOMPSON: Moving on down to the campaign finance report. Thank you, Cecily, for being so patient throughout all this.

MS. COLLIER-MONTGOMERY: Yeah.

CHAIR THOMPSON: Please -- please proceed.

MS. COLLIER-MONTGOMERY: Good afternoon. (Simultaneous speaking) the Office of Campaign Finance and during the month of March, we attended -- thank you -- five Advisory Neighborhood Commission meetings. And basically, at those meetings, we present information on the programs in the Office of Campaign Finance, including the traditional campaign finance program, and the fair elections program. And the dates were March 2nd, ANC 1C; March 9th, ANC 1A; March 9th also, ANC 3C; March 15th, ANC 3F; and on March 28th, ANC 3G.

In the Fair Elections Program Division, during the month of March, I would first point out that we are in the process of
planning for the debate -- the virtual debates
that we will be conducting in the -- in each of
the contested citywide races. The -- under the
fair elections program, the candidates who are in
contested citywide races are required by the act
to participate in the debate.

And as of this day, we will be holding
debates for the covered offices of the Mediary,
the Attorney General, the Council Chairman, as
well as for the at-large members of the Council.
The debates, and I will provide more information
at the May meeting for the debates, probably,
more than likely will be scheduled after the end
of the challenge period once we know who in fact,
has qualified for ballot access. I would also
indicate that the candidates in the traditional
program who achieve ballot access will also be
invited to participate in the debates.

Also, we want -- we intend to schedule
the debates before the beginning of the mailing
of the ballots to the voters, so that voters will
have the information about the candidates in
these races before then. As of this date, during
the 2022 election cycle, and again, I will just
mention that this is the second election cycle
during which the fair elections program has
become fully operational, the agency has
disbursed -- authorized for disbursement, the
total sum of $7,183,808.50 from the fair election
fund in base amount and matching payments to the
23 candidates who have been certified to
participate in the June 21, 2022, primary
elections.

During the month of Mach, we certified
six new additional candidates in the fair
elections program, and we also authorized 26
disbursements from the fund. I will basically
provide the information concerning the six new
candidates. The information concerning the 26
disbursements is listed in our report and for
members of our public, I would indicate that the
report will be posted on our website by the end
of the day.

The first was Nate Fleming, Committee
to Elect Nate Fleming. The candidate was certified on March 1, 2022, as a participating candidate in the fair elections program. Again, in the June 21, 2022, primary election for the covered office of at-large member of the Council. And the sums are $20,000 for the first half of the base amount payment for this covered office. And also $67,602.25 was authorized in matching payments.

Brian L. Schwalb, Brian for DC. The candidate was certified on March 1, 2022, as a participating candidate in the June 21, 2022, primary election for the covered Office of Attorney General. And the sums are $20,000 for the first half of the base amount payment, and $432,160 in matching payments were authorized for disbursement. And I'll just mention on the record, too, that as far as the base amount payment is concerned, the second-half is authorized once the candidates have in fact achieved ballot access.

The third candidate who was certified
during the month of March is William Phillip Thomas, Phil for Ward 3. The candidate was certified on March 15th, as a participating candidate in the fair elections program in the June 21st primary elections for the covered office of council member from Ward 3. And the sums of $20,000 in the first half of the base amount payment was authorized for disbursement. And $48,850 in matching payments.

The fourth candidate is Patricia Dunkin, Tricia Duncan for Ward 3. The candidate was certified on March 15th, again, in the fair elections program to participate in the June 21st primary election for the covered office of Member of the Council from Ward 3. And the sums of $20,000, which again, represent the first half of the base amount payment for this covered office, and $40,125 in matching payments were authorized for disbursement.

The next candidate is Matthew Frumin, Matthew Frumin for Ward 3. The candidate was, again, certified on March 18th in the fair
elections program to participate in the June 21st primary election for the covered office of council member from Ward 3. And the sums of $20,000 for the first half of the base amount payment, and $88,375 in matching payments were authorized for disbursement.

The last candidate that was certified during the month of March was David Krucoff, David for Ward 3. The candidate was certified on March the 26th, as a participating candidate in the primary election for the covered office of Member of the Council from Ward 3. And the sums are $20,000 for the first half of the base amount payment, and $32,332 in matching payments were authorized for disbursement.

Also during the month of March, the Fair Elections Division conducted 58 reviews of the reports of receipts and expenditures which were filed on March 10th. I also issued 31 requests for additional information as a result of those staff reviews and it conducted six candidate treasurer consultations. And those are
conducted after the filing of the first report, as well as the participation of the candidate treasury in the mandatory training program.

Also, I would mention, with remitted funds, again, as of March 30, 2022, the total sum of $153,261.39 has been remitted to a deposit in the Fair Elections Fund from those candidates who participated during the 2020 election cycle.

Also on March 18, 2022, Mary Cheh, Cheh 2022 Principle Campaign Committee remitted the sum of $65,509.51 from the campaign operation because the candidate has withdrawn as a participating candidate in the primary election.

With the ongoing post-election full field audit in the Fair Elections Division, I would just again mention the status of the 33 audits is in the report and again, the report will be posted this afternoon. But I would indicate that the audits at this point are at various stages including the audit documentation has been received and the audit is in progress or the audit is complete and the preliminary
statement of fines have been issued or the response has been received and under review by the audit manager. And also, I would indicate where there’s the failure to submit audit documentation, those matters have been referred to the Office of the General Counsel for enforcement.

Also, it’s important to note that as of this date, 17 draft audits of the post-election audits are currently under the review of the office manager for issuance of the final audit report and we expect that several of those were in fact issued this week. In our Public Information and Records Management Division during the month of March, I would report that there were several filing dates. The first was with the Legal Defense Committee, it was the 24th report of received expenditures.

There was one report filer and the required filed a timely file. With our principle campaign committees and our political action committees, March 10th was the date for the
report of the filing of receipts and
expenditures. There were 69 required files, 67
timely files, three late files, one requested an
extension, which was granted. And there was
three failure to file, and six referrals to the
Office of the General Counsel.

With our Fair Elections Program, the
Principle Campaign Committee, March 10th was also
a required filing deadline for the report of
receipts and expenditures. There were 37
required filings, 35 timely files, seven
requested extensions which were granted, two
failed to file, and there were two -- two
referrals to the Office of the General Counsel.
With our independent expenditure committee, also
March 10th was the deadline for the filing of
their report of receipts and expenditures. There
were three required filings and all three timely
filed.

With our Fair Elections Program and
Principle Campaign Committee, March 30th was an
optional date for the filing of the March 30th
report of receipts and expenditures and seven
timely filed that report. With new candidates
and committees who registered during the month of
March, I will indicate who they are. This is a
running list that is published in our reports,
which indicate all of the registrations as of
this date.

So with the traditional campaign
finance program, we currently have 62 candidates
who are registered. For the primary, we have 59
candidates, and I would point out that 44 of
those candidates have registered as candidates
for U.S. Shadow Representative and also for
national and local party offices. The 15
remaining candidates who are registered have
registered for the covered offices of Mayor,
Attorney General, Counsel, Chairman, and At-
Large, and more council offices.

So in the traditional program, the new
registrants for the office of the Council At-
Large in the primary election is Paul Trantham,
who registered on March the 2nd, 2022. In the
Office of the Council Ward 3, for the primary
election, Henry Cohen, who registered on March
the 24th, 2022. With the Office of Ward 2, DC
Democratic State Committee, primary election,
John Fanning registered on March the 25th. Brian
Romanowski registered on March the 24th. Janice
Ferebee registered on March the 25th. Margaret
E. Roggensack registered on March the 24th. And
the -- for the Office of Ward 3, on the
Democratic State Committee, for the primary
election, Hugh Allen registered on March the 7th.

On March the 4th, Michael Haresign
registered and also Elizabeth Mitchel and Shelley
Tomkin. For the Office of Ward 4, the DC
Democratic State Committee, for the primary
election, Charles Gaither registered on March the
24th. Renee Bowser, Paul Johnson, Antoine Kirby,
and Anne Strauss all registered on March the 4th.

In the Office of Ward 5, DC Democratic State
Committee, for the primary election, Timothy
Thomas registered on March the 28th. For the
Office of Ward 6, DC Democratic State Committee,
for the primary election, Frank Avery registered on March the 29th, Dorinda Wright registered on March the 30th.

For Office of Ward 7, DC Democratic State Committee, for the primary election,
Dorothy Douglas registered on March the 22nd.
Sirraya Grant registered on March the 23rd, and
Jimmie Williams registered on March the 30th.

For the Office of Ward 8, DC Democratic State Committee, for the primary election, David Meadows, Wanda Lockridge, Anthony Muhammad, Joseph "Jack" Johnson, Regina Pixley, and Sandra Williams all registered on March the 30th. For the Office of Ward 3, DC Republican Committee, for the republic -- for the primary election, Carl Van Atkins (phonetic) registered on March the 15th. Office of Ward 4, the DC Republican Committee, for the primary election, Nicolle Lyon registered on -- I'm sorry. That was a registration in February.

But one thing I did also want to point out that with respect to our traditional primary
with our traditional candidates, we also have three candidates who are registered to participate in the general election as of this date, too. With our fair elections program, we currently have 42 candidates who are registered in the program, 37 are registered in the primary, and five have registered to participate in the general election.

In terms of the new registrants for the month of March, Office of the Council At-Large, for the general election, we have Graham McLaughlin who registered on March the 17th, Elissa Silverman who registered on March the 18th, Karim D. Marshall who registered on March the 25th. For the Office of the Council Ward 3, for the primary election, Eric Goulet registered on March the 3rd, Beau Finley registered on March the 4th, and Monte Monash registered on March the 15th.

For the Office of the State Board of Education from Ward 1 in the general election, Isabella S. Pimienta registered on March the
For the Office of the State Board of Education, Ward 5 for the general election, Carisa S. Beatty registered on March the 30th, 2022. There are currently four initiative committees that are registered in the office. During the month of March, there were 38 candidates and treasury who completed the OCF entrance conference -- conference presentation. And the names of those candidates and treasurers are listed in our report. Again, the report will be available this afternoon.

Again, there were eight referrals to the Office of the General Counsel for enforcement of the failure to timely file or to file the March 10th report of receipts and expenditures and the names of those committees and their treasurer is listed in the report as well. In the traditional audit program, the Reports Analysis and Audit Division, during the month of March, the audit branch conducted 95 desk reviews of the reports of receipts and expenditures that have been filed in the -- with the agency, and it
also issued 15 requests for additional
information with respect to those desk reviews.

There were no audit issues during the
month of March. There are currently eight
ongoing audits in our traditional program. There
are four candidates in the upcoming '22 -- 2022
election, and these periodic random audits were
conducted or being conducted of the January the
31st, 2022 report. There were four. The audit
notification letter were issued on February the
11th with a due date of March 7th for the
submission of the finance reports, and those
committees, their names are listed and also the
status of each audit.

With our candidates in the upcoming
2022 election, we currently initiated two
periodic random audits of March 10, 2022,
reports. With those audits, the letters were
issued on March the 24th, with a due date of
March -- April the 11th for the submission of
financial records. We also have two ongoing
audits of Political Action Committee. The
January 31, 2022, report, the audit notification letters were issued on February the 25th, with a due date of full financial records of March 14, 2022. And again, the particulars with each of those committees is listed in our report and will be posted this afternoon. I would ask the General Counsel to now provide the report of the Office of the General Counsel to the Office of Campaign Finance.

MR. SANFORD: Thank you, Director.

Good -- good afternoon, again, Mr. Chairman and distinguished board members. My name is William Sanford, General Counsel for the Office of Campaign Finance. During the month of March 2022, the Office of the General Counsel received 11 referrals which included eight referrals from the Public Information and Records Management Division, and three referrals from the reports, announced as an audit division. The office completed four informal hearings and issued four orders in which the agency impounds $2,150 in fines.
The Office of the General Counsel imposed fines against the following respondents:

A fine of $1,200 was imposed against the Capital Stonewall Democrats. A fine of $250 was imposed against the DC Libertarian Party. A fine of $600 was imposed against Oye for Representative 2022. And a fine of $100 was imposed against Harry "Tommy" Thomas Works, candidate for shadow representative. And during the month of March 2022, the office collected $100 in fines and that fine was paid by Harry Thomas -- Harry "Tommy" Thomas Works' principle campaign committee.

During the month of March 2022, the Office of the General Counsel transmitted nine petitions for enforcement to the Office of the General Counsel for the Board of Elections, and the petitions were filed against the following respondents: Ken Ludlow, Ward 8 Strong, based upon a fine of $1,650. Friends of Courtney Snowden, based upon a fine of $1,650. Committee to Elect Shawn Patterson based upon a fine of $1,650. (Audio interference) for Ward 4, based
upon a fine of $1,650. Patterson for Ward 8,
based upon a fine of $1,650. Carter At-Large,
based upon a fine of $1,650. Bonita Goode, based
upon a fine of $1,650. Committee to Elect Harry
Red, based upon a fine of $1,650. And Edwards
for Ward 4 2020, based upon a fine of $1,650.

Conditions for enforcement are
transmitted from the Office of Campaign Finance
to the General Counsel for the Board of Elections
in matters in which the respondent has neither
satisfied the outstanding fine or filed an appeal
or a notice for review within the prescribed time
period. During the month of March 2022, there
are now open investigations carried by the Office
of the General Counsel. There were no requests
for an interpretive opinions and there was no
show cause proceedings conducted. And that
should conclude my report. The contents of this
report will be published at the Office of
Campaign Finance website by close of business
today, April 6, 2022.

CHAIR THOMPSON: All right. Thank you
very much, both of you.

    MS. STROUD:  Thank you.

    CHAIR THOMPSON:  I don't have any

questions. Any questions?

    MEMBER GILL:  No questions.

    CHAIR THOMPSON:  Okay. With that, the

final item on the agenda is general public

comment. We probably exhaustively covered

Initiative 82, so but -- but, you know, anybody

out there can still raise -- make a comment on

anything they would like.

    MS. BRIZILL:  Mr. Chairman, this is

Dorothy Brizill, and I would like to raise a

public comment.

    CHAIR THOMPSON:  Okay. Go ahead, Ms.

Brizill.

    MS. BRIZILL:  I would like to ask

Terri Stroud, what is the plan going forward

regarding handling the complaint that was

recently filed by Mr. Spiva regarding Kenyan

McDuffie's eligibility to be a --

    MS. STROUD:  That matter is scheduled
to -- for a board hearing, but that matter has to be resolved by April 18th. And so it will be by then. And we'll proceed with -- in the same manner as we proceed with challenges to not name petitions in terms of the time frame, but it will be resolved by the 18th.

CHAIR THOMPSON: Thank you. Anybody else? I have a hand raised it looks like.

MR. CAPOZZI: Yeah, this is John Capozzi again, 3612 Boston Street, Southeast Hillcrest community member. I did have a few recommendations. I don't get to join the Board too often, so I appreciate getting to talk to you today. I don't want to come off as too angry. My first comments, it's just disappointment that based on how things went that we're not going to see this on the ballot in June. And based on the legal challenges I heard about today, they're going to continue to try to keep it off the ballot in November. So I did want to go back to my question that you didn't answer, which is, writing to the City Council and asking them to
resolve this issue by placing it on the ballot in June, which they have the perfect right to do.

But I'm also focused on the list that was talked about for the first challenge that came up today. I guess in a rare case of bipartisanship as an ardent Democrat, I agreed with Ms. Furstenberg, as a Republican, that the list that is out there for the people who are voters, is serious problem of the city. And I think, you know, Ms. Evans just pointed that out today by saying that 37,000 plus people are being removed from that list. And Mr. Chairman, I would also caution you, like, the language they use is very important and when you use the word disenfranchisement to say that when people are taken off that list, that is an issue. We actually resolved that here in the city a long time ago by having same-day registration here in the District.

So even if no one was on this list, everyone could come and vote that day and still be, you know, have their democratic rights
preserved. And so in this case, there is a
nuance to this, which is, right now, a postcard
has to be returned for people to be taken off the
list as a registered voter, which puts the onus
on someone who lives at an address of someone
who's moved to return it. Otherwise, those
people stay on the rolls indefinitely. I would
look at how you can change that. I think that
would be an important update to get this list to
be more accurate.

And it's not just the fact that people
have to collect a whole bunch more signatures
because the list is so inaccurate and I'm, you
know, like when you remove 37,000 people, that's
probably what like, eight percent. I think it's
more like a 20 or 30 percent inaccuracy rate. It
just does a disservice to all the people running
for office, because they have to mail it to all
these people who are no longer here or not alive.
And so that is an issue that I think is really
important to focus more on that.

And then, ask the public to get
involved. You know, I've volunteered to do it. I've talked to other people in Ward 7 who -- we can go door to door to the voters who have not returned, you know, who have not voted in, let's say two cycles and get an affidavit from that individual who lives at that current address and say, this person's just not here anymore, they moved a long time ago. We don't even know who they are. That would be one way we could get these lists to be more accurate. I think that should be a goal of the board to really enlist the public to do that.

Just asking at a board meeting like this when we have, you know, 40 people that they update their registration, I just don't feel that that is going to change this level of dissatisfaction with the voter rolls that you're hearing. And finally, on the COVID side, I mean, I was out collecting signatures for the initiative. And one of the ways I collected signatures is to go to the lines at the libraries of people looking for COVID tests. You know,
there'd be between 50 and 100-and-some people in line when those things would open.

And so as an example, at least a few voters pointed out to me, listen, I mean, we're here during the pandemic. You're collecting signatures, you're getting close to me. That's an issue. So if the board had actually made it easier for people to be able to identify voters that supported the initiative versus actually collecting in-person signatures, I -- I think that's something that just wasn't looked at enough because, you know, some voters were unhappy with the idea that we were actually coming to them with a clipboard and a petition to get their signature.

And then, I do -- I also -- and I did learn something today which I really appreciate which Ms. Evans mentioned there's 23 people that have had challenges filed against them by Monday at 5:00. Now, I'm not sure what the big secret is, but can she read those 23 names of the candidates or because there are candidates
sitting out there now and people that I've talked
to that have no idea who these people are that
are challenged. And I don't know why they can't
be posted on the website within a few hours of
when the challenges are filed.

Now if there is a procedure to
preliminarily look at them to see if the
challenges are legitimate, I can understand that,
but it -- it's another thing to not notify a
candidate immediately, as well as the general
public that someone's been challenged and then,
you know, determine at some point whether they're
going to actually be on the ballot. So -- so if
I could request that those 23 names be read now,
I would really appreciate that.

And also, the answer to my question
about writing to the council and letting them
know that due to our inefficiency of verification
within 30 days, it won't be on the June ballot,
but they can correct that by actually placing the
other ballots themselves. And thank you for
listening. Thank you.
MS. EVANS: Yes. Thank you. And just a couple of quick things. We do have measures in place for electronic collection of signatures, particularly with COVID in place. And as far as the challenges, they have been placed on the website. They are currently on our website. I'm going to see if I have the list before me. So, I mean, there are 23 names. I think in the interest of time, they are and have been listed on the website. So it would be acceptable for those to be accessed instead of me reading them.

Okay. So I have then Heather Lye. Candidate Kenyan McDuffie for Attorney General. James Harnett. Candidate Corren Brown, Mayor, Green Party. Patricia Stamper. And please forgive me if I mispronounce the names. I don't have the candidate list with how names are pronounced in front of me. Sirraya Gant, Ward 7 committeewoman challenging Celeste Biagini, candidate for Ward 2, chairperson, Republican Party. James Harnett. Candidate Nicolle S.A. Lyon, for Ward 4 chairperson, Republican Party.
James Harnett. Candidate Andrew Zesser Ward 1
chirperson, Republican Party.

James Harnett. Lori Furstenberg,
Mayor, Republican Party. James Harnett. Bruce
Linequa'dominique Jenkins, At-Large. James
Harnett. Bruce Majors, chair, Libertarian Party.

Dorothy Douglas. Candidate Villareal Johnson,
Ward 7 committeeman. Luz Martinez-Munoz
challenging candidate Trayon White, mayor.

Jimmie Williams challenging candidate Tyrell
Holcomb, Ward 7 committeeman. David Meadows
challenging candidate Anthony Muhammad, Ward 8
committee.

Sirraya Gant challenging candidate
Dorothy Douglas, Ward 7 committeewoman. Lisa
Gore challenging Lenequia'dominique Jenkins, for
At-Large City Council. Denise Reed challenging
candidate Mary Eva Candon, Democratic National
Committeewoman. Linda Gray challenging Oye
Owolewa for US Representatives. Dennis Jaffe
challenging candidate Bradley Thomas At-Large

MR. CAPOZZI: And -- and Ms. Evans, and the board, I apologize if I raised this and asked you to read them because to be honest, I couldn't find them on the website anywhere. I'm hoping you're going to put that in the chat as to where it's found because it's not under the list of candidates, which is where you would normally look to find this information.

MS. STROUD: I mean, we opted to make sure that we notified all of the candidates first, and after all of the candidates had been notified, so we had planned to put it up on Friday. And so the candidate should have been known by now. So if they have all been notified,
then we can place that up earlier, but we just
wanted to make sure that we timely notified all
of the candidates and apparently, they have all,
at this point, they've all been notified and so
we can place that list on the website now.

MS. EVANS: My apologies. I thought
it was already posted.

MS. BRIZILL: Mr. Chairman, this is
Dorothy Brizill --

CHAIR THOMPSON: Thank you, Mr. -- if
I could just comment, Mr. Capozzi, thank you for
all your comments. There was -- there was a bit
more in there that you mentioned and I will
certainly look into your idea of whether the DC
Council has some ability to take action here. I
just don't know on the fly what the answer to
that is, but I'm going to look into it. And you
know, thank you again for your emphasis on voter
registration accuracy. You know, I appreciate
that there's the ultimate safeguard of same --
day registration, but I am -- I'm keenly
interested in -- in a process for, improving the
accuracy as I talked about earlier. So thank you for your comments there. I think with that, anyone else out there for a public comment?

MS. BRIZILL: This is Dorothy Brizill, I was inadvertently cut off, I'm on my computer.

CHAIR THOMPSON: Go ahead -- go ahead, Ms. Brizill.

MS. BRIZILL: I wanted to ask Ms. Stroud, what would be the process and procedure that will be followed regarding handling Mr. Spiva's challenge to Mr. McDuffie's candidacy and qualifications for candidacy? The reason I ask that is that I have not participated in a candidate challenge for some time, but in the past, they usually have been because of one person challenging another one's signatures in terms of whether or not they have a sufficient number of signatures or the validity of those signatures. And in the past, General Counsel's Office has had a standard practice of restricting who has access to the hearings, namely restricting it to the candidate and the
individual bringing the challenge.

Given the broad scope of this particular challenge, what is the intention of the General Counsel on this matter and will you post in it there when the proceedings will be held and will you open it up either -- either by Zoom or in an in-person meeting to people in the general public who might be interested?

CHAIR THOMPSON: All right. And thank you, just for the record, what's your -- what's your address?

MS. BRIZILL: Dorothy Brizill, the organization is DC Watch and the address is 1327 Girard Street Northwest.

CHAIR THOMPSON: Okay. Go ahead.

MS. STROUD: Thank you. We will proceed in the same manner as we do with respect to nominating position challenges. The matter will be resolved by the 20th day after the challenge was filed, which would be on April 18th. There will be a pre-hearing conference in the matter. It will not be open to the public.
That's not how we normally proceed, but the hearing will of course be open. The hearing --
the pre-hearing conference begins with settlement conference, where we sort of narrow the issues
that are -- that will be before the board, so that -- that proceeding will only be open to the parties, as well as individuals who both parties consent to having be present. And so notice has been given to the pre-hearing conference and notice will be given with respect to the public meeting that will take place when the hearing will be held.

CHAIR THOMPSON: Thank you. Anyone else out there still with their hand raised, after -- okay, well, seeing no other hands for public comments and thank you, Mr. Capozzi, for your words I see coming up there. Thank you to everybody else who's hung with us for -- well, it's been a pretty long hearing, I think everybody is ready for lunch. So with that, I would move we adjourn.

MEMBER GILL: Second.
CHAIR THOMPSON: All in favor?

(Chorus of aye.)

CHAIR THOMPSON: Thanks again, everybody.

(Whereupon, the above-entitled matter went off the record at 1:14 p.m.)
Neal R. Gross and Co., Inc.
Washington DC
www.nealrgross.com
dollars 15:1
domains 99:5
donate 99:16
door 125:3,3
Dorinda 114:2
dorm 46:5,7
Dorothy 114:6 121:13 129:8,16 131:9 132:4 133:12
double 27:15 50:5
Douglas 114:6 129:8,16
downstream 50:7
draft 110:9
drafted 58:17
driven 49:19
drives 6:2
drop 7:2
drop-boxes 95:9,12,14
drops 72:12
due 40:9 83:2 87:2 89:4 102:2 117:11,19 118:3 127:18
duly 8:6 32:2 51:22 52:1
Duncan 107:11
Dunkin 107:11
duplicate 28:2,2 34:15 34:15 40:18
duplicates 78:4
duration 98:15
duty 11:14
dynamic 59:13,15

eight 17:17 52:2 54:18 74:1,2 116:12 117:4
118:16 124:15
either 41:18,21 65:19 73:18 80:3,7 87:18 133:6,6
Elect 106:1 119:21
120:4
32:6,7 40:4 49:13 50:2 63:22 66:15,16 65:2,3,5 67:5 76:19
78:20 22 82:15,22 95:5,13,17,18,19,21
114:5,10,15,18 115:3 115:8,11,16,21,16:2
117:7,16
15:11 16:12,14 17:12 23:9 33:19 34:9 45:22
70:12,15 82:8 83:20 84:3 93:1 99:17 100:1 100:3 101:12,21
103:16,20 104:4
115:4 119:16 120:9
Elections' 82:3,5 83:3,9 83:15
electorate 51:19
electronic 128:3
element 68:10
eligibility 22:8 121:21
eligible 52:15 88:18,19
Elimination 50:22 55:5
Elissa 115:13
Elizabeth 113:13
emergencies 99:19
emergency 97:1,18 100:11
emphasis 131:18
encouraging 93:12
ended 58:4 94:11
energy 9:19
enforcement 110:7
116:13 119:15 120:7
enlist 125:11
enrichment 101:15
ensure 6:21 7:6 56:19 80:6,9
88:9 96:8
ensures 87:16
entertained 80:19
enthusiasm 21:16
entire 56:13 66:14 77:7
82:22
entirety 72:1
titles 98:9
entrance 116:8
EP 11:18
equal 42:17
equipment 99:16

equity 59:19 68:10,20
68:20 69:20 70:10
era 6:14,15
Eric 115:16
er 49:18 67:16
error 70:9 82:5 83:3,9
83:20 84:3,18 91:10
errors 47:22 83:15
91:17
especially 9:17 18:8
20:4 50:2
EST 1:12
et 43:9,14
Eva 129:19
Evans 1:19 8:12 11:7
17:5 38:1 50:15,18
55:13 58:18 79:4
80:11 81:3 84:8 92:10
92:11 102:9 123:10
126:18 128:1 130:9
131:6
event 92:17,20 93:1
events 6:3 92:15,16
eventually 44:21 56:5
69:17
everybody 3:4,5 4:1 5:1
5:8 5:8 22 12:16,20,21
15:21 16:22 18:18
20:22,22 21:2,7,20
36:22 46:22 49:22
55:13 56:11 60:12,17
89:4 134:18,20 135:4
everybody's 4:9 92:4
everyone's 46:15
evident 29:22
evidently 36:5,7
evolution 9:9
exact 25:16 37:16 46:18
exactly 86:7 89:18
example 43:21 126:3
exceeded 52:19
excellence 21:12
excellently 7:12 21:22
25:9
excited 63:11 75:15
Kirby 113:17
Kline 63:14,16 64:6,8,9
67:19,21 69:18 81:5
87:6 88:4
knew 42:7 68:11
knowable 44:4,8 68:13
knowing 68:16 86:16
knowledge 41:5
known 4:22 42:9,11,14
44:8 130:22
knows 12:11 13:5 14:17
15:21
Krucoff 108:8
kudos 16:22
L
L 106:10
lack 45:22
lady 19:4
lag 43:8
Lamont 63:6
land 68:7
language 7:7 66:4 71:1
82:10,11 123:13
laptop 94:3
Large 112:18,21 115:11
largely 58:17
larger 66:10
largest 45:19
late 20:6 57:4 111:3
lateral 74:13
law 59:9 65:4 75:4
lawyer 29:5
lawyers 76:21
lays 77:22 78:6
leaders 20:19,20 21:1
leadership 7:15 11:19
20:1,4,19
leading 77:11
learn 126:17
led 66:16
left 10:10 46:9
legal 37:2 75:1 86:3,17
87:6 88:6 102:8
110:17 122:18
legislation 97:20 100:1
legitimate 127:8
Lenequa'dominique 129:17
leniency 84:22
let's 31:17 125:4
letter 22:14 40:7 44:17
66:19 85:6 117:10
letters 117:18 118:2
letting 127:17
level 52:22 56:4 57:4
58:8 125:16
Libertarian 119:5 129:7
libraries 125:21
life 14:16 18:7
likelihood 66:9
likewise 59:6
limbo 46:9
Linda 129:20
line 18:19 19:1,15 30:18
67:6 126:2
Linequa'dominique 129:6 130:2
lines 18:9,14 125:21
link 99:7
linking 99:5
Lisa 129:16
listed 47:9 105:18
116:10,17 117:13
118:5 128:9
listen 126:4
listening 50:1 55:15
127:22
lists 31:8,12 40:18
43:17,18,22 45:17,20
46:10,13 49:12 68:15
125:10
litigation 101:10
little 34:7 36:19 42:5
47:19 62:12 66:1
live 63:5 90:12
lived 28:7 30:11 34:14
lives 86:9 124:5 125:6
living 86:4 92:20
local 112:14
location 95:8,11
locked 57:8
Lockridge 114:11
long 5:11 14:14 18:3,9
39:4 44:6 101:11
123:17 125:8 134:19
long- 45:15
longer 43:13 79:8
124:19
Longfellow 90:12
look 14:9 65:10,17
69:15,16 71:9,12
75:20,22 124:8 127:7
130:16 131:14,17
looked 17:10 65:7 79:5
126:11
looking 91:9 125:22
looks 122:8
Lori 22:9 25:9 129:3
lot 8:15 13:20 14:17,18
14:19 19:11 44:6
47:13 49:12 55:14
56:9 60:14 63:10
86:15 88:16 91:20,20
lots 17:10,10
lottery 94:19

(202) 234-4433
Neal R. Gross and Co., Inc.
Washington DC www.nealrgross.com
Simultaneous
simply
similar
significant
single
somebody
solve
sold
social
Snowden
snapshots
smaller
sizes
situation
sitting
sit
situation
sitting
sit
sitting
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
sit
s

<table>
<thead>
<tr>
<th>2023</th>
<th>207</th>
<th>20th</th>
<th>21st</th>
<th>22nd</th>
<th>23rd</th>
<th>24th</th>
<th>25th</th>
<th>26th</th>
<th>27th</th>
<th>28th</th>
<th>29th</th>
</tr>
</thead>
</table>

**4**

|-----------------|-----------------|------------------|-----------------|-----------------|-----------------|-----------------|-----------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DC BOE

Date: 04-06-22

Place: teleconference

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

______________________________
Court Reporter

(202) 234-4433
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701
www.nealrgross.com