GOVERNMENT OF THE DISTRICT OF COLUMBIA

BOARD OF ELECTIONS

REGULAR BOARD MEETING

TUESDAY

JUNE 20, 2023

The District of Columbia Board of Elections convened via Video/Teleconference, Gary Thompson, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

GARY THOMPSON, Chair
KARYN GREENFIELD, Member
J.C. BOGGS, Member

BOARD OF ELECTIONS STAFF PRESENT:

MONICA HOLMAN EVANS, Director
TERRI STROUD, General Counsel
CECILY COLLIER-MONTGOMERY, Office of Campaign Finance
WILLIAM SANFORD, General Counsel
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Adjournment
CHAIRMAN THOMPSON: My name is Gary Thompson, the Chair of the Board of Elections. And we have a full quorum here today, with all three of our Board members: J.C. Boggs, Karyn Greenfield. We're all here, so we have a quorum, and we can proceed with business.

First thing we do as a quick housekeeping matter is we adopt our agenda, which has been distributed in advance for all to see. It was amended, which I'll explain in a second, but at -- with that, I would move the agenda.

MEMBER BOGGS: Second.

CHAIRMAN THOMPSON: All in favor?

MEMBER GREENFIELD: Aye.

MEMBER BOGGS: Aye.

CHAIRMAN THOMPSON: Second quick housekeeping thing is we all had a chance to review the minutes from our prior meeting in May, had a chance to make any suggestions. We've all looked at it, so, at this time, I would move that
we adopt our minutes.

MEMBER GREENFIELD: Second.

CHAIRMAN THOMPSON: All in favor?

(Chorus of aye.)

CHAIRMAN THOMPSON: Minutes are adopted. Next on our agenda is our Board matters.

And I wanted to summarize, at the outset of this meeting, the status of a new voter initiative that has been submitted, the Make All Votes Count Act of 2024, which appears to have two components, one regarding ranked-choice voting, one regarding open primaries.

It was submitted in time to be considered in this meeting with respect to whether it is a, quote, proper subject, under our laws, but I understand that last week, it was withdrawn and resubmitted, which restarts the clock on public notices and consideration. So it has been moved to our July meeting or discussion. So that's the status of it.

And just to explain, I think, what a
lot of people know, but in case not everybody understands, in DC, of course, the voters are allowed to propose laws. It's not the same as when the DC council proposes a law. There are certain laws and regulations that govern and, to some extent, limit the scope of what a voter initiative can do. This stems from our DC charter itself, which is like our constitution, which makes it a provision for --

(Audio interference.)

(Pause.)

CHAIRMAN THOMPSON: They must have gone away. The term initiative, as defined in the charter, means the process by which the electors of the District of Columbia may propose laws, except laws appropriating funds, and present such proposed laws directly to the registered qualified electors of the District of Columbia for their approval or disapproval.

So there's a parenthetical that says except laws appropriating funds. And that, among other requirements to qualify as a voter
initiative to make it onto the ballot has to be considered by our Board in a couple steps.

The very first step that we take is we make sure that the voter initiative follows seven different requirements. And we're not considering that today, but just to sort of review the process for everybody, number 1, it can't conflict with or amend our charter, which is in the Home Rule Act. It can't conflict with the United States Constitution, obviously. It has to be properly filed. There has to be a verified statement of contributions filed. You can't authorize discrimination in violation of the DC Human Rights Act. It can't negate or limit a budgetary act of the DC Council, or it cannot impermissibly appropriate funds under applicable DC Court of Appeals Ruling.

So one of the parts of this process is, right out of the box, there are two advisory opinions issued with respect to any proposed voters' initiatives. One opinion comes from the Office of the Attorney General, and one opinion
comes from the Office of the General Counsel of the Council of the District of Columbia. And we received both of those opinions of June 9th. And both of those opinions were issued with respect to the Make All Votes Count Act of 2024 as it was submitted. And I won’t try to summarize what these two opinions say, but they are both, almost entirely, concerned with whether the proposed initiative is a law, quote, appropriating funds.

And there are certain DC Court of Appeals -- that’s our highest court -- opinions that give guidance to us on how to look at that issue. This Board, itself, has issued opinions in that regard, over the years. So we have a body of law, including our own opinions, to review, but the process starts with these two advisory opinions which come from these two respective Counsels.

So we got these opinions. They’re public. Other people saw them. I assume that the proposer of the initiative saw these opinions.
One of them, the opinion of the Office of the Attorney General, makes a suggestion regarding the language of the initiative that may or may not allow it to survive scrutiny under this limitation on making appropriation. So it appears they deemed it wise to withdraw the initiative as submitted and resubmit it with this new language that is suggested by the Attorney General Brian Schwalb.

And so, that has now been -- the process has now been followed. What it does is it resets the clock for our consideration because we have to publish the new initiative with the amended language, provide opportunity for public comment, et cetera. So that's why about a week ago, I think we all thought that this would be that hearing. But then, once these opinions came out and the initiative was withdrawn and resubmitted, it has reset the clock for our consideration on the proper subject issue, which will take place in our July meeting, which, because of the clock and the way the schedule
works in terms of 30 days' notice, et cetera, I believe we'll hold on July 18th. So I'm going to ask General Counsel Terri Stroud to clarify.

(Simultaneous speaking.)

MS. STROUD: It is, actually, that we will publish the notice in the DC Register, allowing people to be notified of the proper subject hearing, which is tentatively scheduled for July 18th.

And the reason why we have scheduled it accordingly is because the Office of the Attorney General and the General Counsel for the Council have 15 business days from the date that they receive the notice of the submission of the initiative to provide advisory opinions regarding the same. And so that is why we're waiting 15 business days to have a meeting on the propriety of the measure. And so that is the reason for the July 18th date.

But it will be published in the DC Register and the individuals will have notice of it. And that notice should be published in the
Register on June 30th because it will be sent up to the Register, and it will be published in time for it to appear in the -- not this Friday's edition of the DC Register, but next Friday's edition of the DC Register.

CHAIRMAN THOMPSON: All right. All that said, if anybody is here to comment on or about this voter initiative, in person or by Zoom, you are welcome to comment. We'll -- we have some other things on the agenda first, but once public comments start, you're welcome to make your comment. We'll take notes. We'll remember it and take it under advisement for our next meeting.

We won't be voting today on this, but you're welcome to make your comment. It may or may not have to do with this little nuance from this Attorney General's opinion that changes the language in a way that has to deal with the finer points of the Court of Appeals test. If it -- it may not have anything to do with that. It may be about other aspects of the voter initiative. So
we'd love to hear from you today.

You're obviously more than welcome to return on -- in July, in our July meeting, to comment further. So we'll open the floor to your comments at that time.

And also, one other sort of final comment about voter initiatives, in case it's not obvious, is what our role is, on the Board, is to ensure that a voter initiative complies with these seven requirements. And then we get into the language that gets on the ballot, and the short summary, and how it's seen by voters, and these are all process-oriented things that we consider.

We do not take a position on the merits of the proposed initiative in any way. We were not -- we're not for it; we're not against it. But we don't mean to suggest, at any point in this process, that we're for or against it. That's strictly for the voters to decide. Our role is just to make sure that the initiative complies with the law and that the wording of the
initiative is fair and balanced and appropriate for voters to, you know, one day read in the voting booth, so --

MS. STROUD: I will just add to that that the notice that we will publish in the DC Register will indicate that with respect to this iteration of the initiative, we will accept proposed testimony for the hearing on the 18th by the close of business on Thursday, I believe it's July 15th, but let me just check. But I think that is when we have indicated that comments would be due, and individuals can also let us know by that date whether or not they would like to speak on -- regarding the measure, specifically the criteria that the Chair discussed.

And yes, that would be -- actually, it would be Thursday, July 13th, at 4:45 p.m., for the July 18th hearing, which will be at 10:30 a.m. So there will be that opportunity to address and submit written testimony or an indication that you wish to testify at the 18th
meeting; there will be that opportunity by the
13th of July.

CHAIRMAN THOMPSON: All right. Thank you.

Before proceeding with the Executive Director's report, any other Board matters that anybody would like to raise?

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

CHAIRMAN THOMPSON: All right. Thank you so much.

With that, Monica Holman Evans, our Executive Director.

MS. EVANS: Good morning. The Executive Director Report for the month of May is as follows. First, as far as precinct mapping, as required by regulations, the Board is looking at our current precinct boundaries to divide the district into appropriate voting precincts based on our Election Boards. We are working with Gottlieb Simon to complete this task. Our proposed precinct boundaries are currently being
finalized and will be posted for review.

ANC vacancies, we have 13 ANC
vacancies for the 2023/2025 term. These
positions are in different stages of being
filled. After candidate filing requirements are
met, an open vote of registered voters of the
affected SMD will be held during regularly
scheduled ANC meetings.

We are currently engaged in off-year
election planning for 2024. And we are looking,
of course, at the requirements of the Elections
Modernization Amendment Act and the Local
Resident Voting Rights Amendment Act to ensure we
are compliant. We are working with our database
vendor to determine what is needed to augment our
current systems. And we are also talking about
the data visualization interface on our website
that is required under the EMA. VR Systems is
assisting us with these efforts. Additionally,
we will acquire additional equipment to assist
with our mail ballot processing activities.

And our brochures have been revised
and will be sent to the printer. And again, the following brochures are Voting at the District of Columbia, The Voter Guide for Incarcerated Citizens, Guide for Returning Citizens, College Student Voting Guide, High School Student Voting Guide, Being A Student Election Worker, and Conducting A Voter Registration Drive. We are also working on a brochure that will be used to assist us with outreach to non-citizens in the District of Columbia.

Additionally, we are updating the Election Worker Training Manual, developing a 2024 voter education outreach plan, and assessing our plan for vote center and mail ballot drop box locations. Our plan for the vote center and mail ballot drop box locations will be posted this summer for comment.

As previously mentioned, we joined a cross-state data work group to explore ways to share our voter history, to address cross-state voter fraud. Even though we are a member of ERIC, the Electronic Registration Information
Center, many states are not members. Our participation with this work group will allow us to engage more states. And currently, subgroups have met to discuss the development of a legal MOU and data sharing.

We have also reached out to the Department of Motor Vehicles to determine if they are utilizing the state-to-state data-sharing program to report canceled licenses. Using this program is another step in identifying DC residents who move.

We are engaged in conversations with Maryland, Virginia, and North Carolina to discuss the best ways to share data and upset -- update information outside of ERIC. All of the most voting history data is in, and all of the deceased and in-state reports have been received from ERIC. We are currently working on cross-state triage. More detailed information regarding our 2024 election planning will be conveyed during a Council roundtable that will be held on Monday, June 26th.
Other administrative matters, voter education and outreach, during the month of May, the Voter Education and Outreach Division conducted eight outreach events on behalf of the Agency. Events included a voter registration drive at Senior Fest in Ward 8 and a voter registration drive at Bread for the City.

We have also successfully connected with a new community partner, DC Greens. DC seeks to build a more just and resilient food system in the district.

And finally, we are preparing a voter education/outreach strategy that will be used in the implementation of the Local Voter Rights Amendment Act.

As far as our voter registration rolls, in May, we registered 1,172 new voters and processed 2,093 registration changes. In total, we prepared 3,265 voter registration cards to be mailed. Additionally, 30 registered voters moved out of DC, and 20 voters canceled their registrations and registered with other
jurisdictions. And 1,197 voters registered in DC after canceling their registrations in other states.

Online voter registration, we're continuing to register voters using our website portal. To date, we have processed over 35,515 applications using the portal, and these include new voter registrations and updates to existing registrations.

And that concludes my report. Thank you.

CHAIRMAN THOMPSON: All right. Thank you so much, Director Evans.

Also, a note for the record that our Director represented our agency very well at a Congressional Hearing on June 7th, a couple weeks ago, where two different committees of Congress discussed a proposed act that had to do with elections, just in part, reporting to effect, the way we conduct our elections in the District of Columbia, our Executive Director was called to testify at that hearing, along with three other
individuals, and it -- I just want to note for
the record that Director Evans really represented
our agency very well that day.

With that, General Counsel Stroud.

MS. STROUD: Thank you. And good
morning, everyone. The first item on my agenda
is a proposed rulemaking. We are submitting, for
the Board's consideration, a comprehensive review
and amendment to chapters 1 through 2 and 5
through 19 and 99 of Title 3 of the DC Municipal
Regulations. The purpose of these regulations,
or the amendments thereto, is to have them
conform with the Elections Modernization
Amendment Act of 2022, which was legislation that
was enacted in April of this year.

And the overall purpose of the EMA is
to codify and make permanent some of the changes
that were made to election administration that
arose in light of the pandemic, for example, the
addition of drop boxes, the implementation of
vote by mail, and some other innovations
regarding election administration in the District
of Columbia. And so, this legislation was
designed to, again, make those permanent.

And so, we have the -- in the Office
of the General Counsel, we have proposed rules
that would address the changes to the statute and
have amended our regulations accordingly. In
addition, there's some other changes that have
been implemented. And I will say, for the
record, that this is just the first phase of what
we're thinking that we will do. We will likely
introduce other rulemaking that will address the
specifics of vote by mail in the District.

Because there are several provisions
in the EMA that have not yet been funded and we
expect that to occur in due course. And so, as
that occurs, we will update our regulations
introduced. We'll make them to address the
funding of those provisions.

And so, today, we seek to implement or
introduce, for the Board's consideration, the
first phase of rulemaking to address the changes
to the EMA. And so, that -- with that, I would
ask for a motion from the Board to allow us to
submit this rulemaking to the DC Register for
publication. And they would be published on June
30th, which would launch a 30-day review period,
which would end I think it's July 31st, as the
30th day is after a weekend, a Sunday, and so,
the next day would be July 31st. But there's the
opportunity to submit comments through the DC
Register website or, also, directly to the Board
through an email to the Office of the General
Counsel.

And so, with that, I submit this for
the Board's consideration. And I'm happy to
answer any questions, with respect to the
rulemaking, that the Board might have.

CHAIRMAN THOMPSON: Yeah, thank you.
I'm very pleased to make that motion to submit
this proposed rulemaking to the DC Register for
publication, public comment, et cetera, as you
just described it.

MEMBER GREENFIELD: I second it.

CHAIRMAN THOMPSON: All right. I'll
just -- just to explain just a little bit -- you can tell I like to explain things; I should be a teacher.

You know, when an act is passed by our DC Council or Congress or any legislative body, it -- how does that get translated into action? It happens through regulations that, at the Agency level, tell us, tell the public exactly what's done to follow and implement that law as passed. And it takes a lot of work to take a big act like the Election Modernization Amendment Act of 2022 and translate it with -- in great detail and with consistency with the act, into regulations.

And so, what Ms. Stroud was describing is 37 pages of excruciating detail that changes the language, in some cases, ever so slightly; in some case, new provisions for a lot of the provisions of our regulations' chapters 1 to 2, 5 to 19, and 99. So I just want to commend the amount of work that went into this. This is really meticulous stuff, and it requires a really
high degree of lawyering to, you know, eagle eye
that this is being done properly.

So, and I just want everybody to know
that this has been -- this has been ongoing for --
this has been an elaborate process that's been
ongoing for many months. And we've had a chance
to review it carefully and shepherd it and ask
questions. So, you know, I just want to commend
you for this getting to the point where this is
being proposed.

MS. STROUD: And I just want to thank
my wonderful staff. It's been a team effort.
Christine Pembroke has -- is awesome, as usual,
and so are Karla Garcia, Tonisha Erskine,
Jay Penuel. And like, you know, we've had
several team members, Marissa Corrente, vet it to
make sure that we are crossing our Ts and dotting
our Is, so I just want to highlight everyone who
played a role.

And I just also want to say that
upcoming rulemakings will address issues that
have arisen in the past, with respect to the way
that we conduct business, nominate and petition, challenge hearings. So we're looking at, you know, sort of, another large-scale rulemaking that we will likely introduce in July.

And then beyond that, and we do have some time to, you know, get these things done. So we've been really looking in depth at regulations that are consistent with the law but may not serve as well in terms of how we administer and process things. So we're looking at lots of things. And so I just wanted to highlight everyone that's playing a role in this.

CHAIRMAN THOMPSON: Yeah, thank you. Yeah, another example that struck me as may be relevant to a voter initiative is there's a new Section 518 called Systematic Voter Roll Maintenance Program: Biennial Mail Canvass is amended as follows. And it sets forth a very meticulous process for how we maintain and improve our voter rolls, starting with the March 31st mailing, which I think is already behind us.

And then it walks through the rest of
the process, depending on whether the voter card
is returned undeliverable or accepted. The
objective being to get as updated a set of
addresses in the system as possible. And if
registered voters are no longer living here, then
they're moved into an inactive status, and
ultimately, off the voter rolls, which is, you
know, kind of a serious thing to take somebody
off of the voter registration list.

But we are a very transient city.
People come and go. This was one of the things
that Congress talked about in the hearing, and we
do have a very elaborate, meticulous process.
The way this has to be done is really well laid
out in 518.1, .2, .3, .4, et cetera.

So it's something that's in progress
as we speak, throughout this calendar year, get
to a point where our voter rolls are changed,
namely, a certain number of voters will be
removed from the rolls, so that when those
ballots get mailed late next spring, early next
summer, before the primary, you know, hopefully,
they'll be as accurate as we could possibly make them, and onward, with the general election.

So that's one of the things that's ironed out in here, in some detail. And it's been the subject of a lot of discussion with, I think, some of the people I see here, participating.

With regard to our -- the last voter initiative, number 82, from last year, so we heard everybody loud and clear on that issue. And it's something that we have been very attentive to. And in part, it's reflected in these regulations. That's just me talking more.

(Laughter.)

CHAIRMAN THOMPSON: Any Board -- have a Board comment?

MEMBER GREENFIELD: No.

CHAIRMAN THOMPSON: All right. So I'll call the vote on the motion. All in favor?

(Chorus of aye.)

CHAIRMAN THOMPSON: All right. So that's three to nothing.
MS. STROUD: Thank you. So we will be submitting this initiative or -- initiative -- this rule -- proposed rulemaking to the DC Register. And because we will have it done in time for next week's register, it will be published on June 30th. And again, that will launch a 30-day review period. We will make copies of it available and post it on our website so that members of the public can have access to it. And we'll do that once we send it to the DC Register.

The next item on my agenda is litigation status. And I have five matters to discuss.

The first is Public Interest Legal Foundation v. Monica Evans in her official capacity as the Executive Director for the DC Board of Elections. That matter is in a US District Court for the District of Columbia. It was filed in that court for the District of Columbia under the National Voter Registration Act. The suit alleges that the Board is out of
compliance with the NVRA's public records provision.

PILF had requested records from the Board which were denied due to they're not being subject to public disclosure. The OAG filed a motion to dismiss back in February. And in the interest of judicial efficiency, that motion was denied. And some of this has to do with the fact that a new judge had been assigned to the case because the previous judge on the matter was reassigned to the DC Circuit.

The motion to dismiss was denied on April 10th, and the Court issues a standing order directing the parties to file a joint status report in 21 days, that updates the Court on any developments, including settlement discussions and to propose a briefing schedule that would address the refiling of motions. That status report was timely filed and was followed by a status conference at which the judge directed the parties to file a further status report on today. So the next matter is DC Board of
Elections v. Lamont Harrell. And this, in addition to the next matter I will address: DC Board of Elections v. Jacque Patterson, are both OCF fine enforcement matters that were filed in the DC Superior Court.

The Harrell matter was filed on February 15th. There was a March 17th show cause hearing before Senior Judge Dixon. That was continued until April 4th, 2023, to allow the Board to pursue service of process on Mr. Harrell. The certified mail that was mailed to him at his last known address was returned by the US Postal Service. And so, on April 4th, the Judge in Chambers granted a further extension until July 5th, to allow the Board to pursue service.

The Jacque Patterson matter was filed on January 25th, 2023, at DC Superior Court. On May 19th, the parties appeared at a status hearing that had been scheduled. And following discussions on the record, Judge Dayson granted the Board's motion for enforcement.
The next two matters concern Stacia Hall v. the Board of Elections. The first matter was in the Superior Court for DC. On March 14th, the plaintiffs filed a challenge to the Local Resident Voting Rights Amendment Act, which would allow residents in DC who are non-citizens to vote in local elections. And the suit was filed for the reason that the constitution precludes -- on the grounds that the constitution precludes non-citizens from voting.

On May 4th, before the case could be heard, at an initial status conference scheduled for June 23rd, the Office of the Attorney General, who was representing the Board in this matter, because it is a challenge to a DC Code provision, removed the case to the US District Court for the District of Columbia.

And then, the next matter is that matter but after it was removed to the US District Court, so that's the fifth matter. On May 4th, the DC Superior Court -- the case was removed to the US District Court. And on June
7th, the Office of Attorney General filed a
motion to dismiss the complaint.

And that concludes the litigation
status, as well as my overall report.

CHAIRMAN THOMPSON: Who's the judge in
the federal case? Do we know? It's all right.
All right.

MS. STROUD: I'll look into that and
report back.

CHAIRMAN THOMPSON: Okay. And as I've
said before, while that lawsuit proceeds
regarding whether non-citizens can or can't vote,
consistent with the US Constitution, we'll
continue to follow our DC Counsel's act in that
regard and prepare ourselves accordingly with
respect to the 2024 election.

So, with that, Office of Campaign
Finance. Ms. Cecily Collier-Montgomery, thank
you.

MS. COLLIER-MONTGOMERY: Good morning.
For the record, the full report of the activity
of the Office of Campaign Finance for the month
of June 2023, will be posted at the OCF's website, www.ocf.dc.gov, before the close of business today. I will, however, highlight a few items of interest from the report, for members of the public.

With respect to community outreach during the month of May, the Office of Campaign Finance presented at four advisory neighborhood commission meetings and also at a branch of the District of Columbia public library. Information on the Agency's Traditional Campaign Finance and Fair Elections program was shared with the participants.

The ANCs and the library branch are as follows: ANC-AE on May the 1st, ANC-6E on May the 2nd, ANC-7D on May 9th, and ANC-3F on May 16th. We also appeared at the Anacostia Neighborhood Library on May the 17th.

In our Fair Elections Program Division, and let me just point out and acknowledge that the manager of our Fair Elections Program, Erick Jackson, is present.
But during the month of May '23, I would point out that, with the 2022 election cycle, the Office of Campaign Finance has, as of this date, authorized the total sum of $13,557,106.70 for disbursement from the Fair Elections Fund in base amount and matching payments to the 42 candidates who were certified in the program to participate in the June 21st, 2022, primary election and to participate in the November the 8th, 2022, general election.

With the 2024 election cycle, we have had two candidates who have registered to participate in the program, and one candidate has been certified. We have, as of this date, disbursed the sum of $76,244.40 from the elections fund to the certified candidate who is Selene K. Adolfo, Friends of Selene Adolfo, who is -- who has registered to participate in the program as a candidate for a member of the Council from Ward 8.

Also, I would point out that there were no disbursements from the fund during the
month of May to participating candidates in either the 2022 cycle or for the 2024 election cycle. The Fair Elections Division also conducted 36 desk reviews of amended reports and receipts and expenditures which have been filed with the Agency and issued seven requests for additional information letters based on the desk reviews of the reports.

As of May 31st, 2023, the total sum of $686,433.82 has been remitted for deposit in the Fair Elections Fund from the campaign operations of the candidates who participated in the 2022 election cycle.

With respect to audits in the division, with the 2022 election cycle, there are currently 16, 2020 post-election full field audits which are ongoing, before the Fair Elections Program, at various stages. The details of those audits are listed in our report. I would also point out that the FEP Division has issued a total of 18 final audit reports of the post-election audits initiated for
the 2020 election cycle and that those audits are available for review by members of the public at our website.

With the 2022 post-election full field audit, as I have reported previously, the Agency issued 42 post-election audit letters for the candidates who participated in the primary and also in the November general election. During the month of May 2023, the Fair Elections Division issued seven preliminary audit finding reports and three final audit reports.

The final audit reports were issued in the matter of Beau Finley from Ward 3. It was a compliance audit, and it was issued on May the 2nd, 2023. Elissa for DC, which was also a final audit report, was a compliance audit. And it was issued on May the 14th, 2023. And Ryan Jones for AG, which was a final audit report and a compliance audit as well and was issued on May the 16th, 2023. Again, the audits are available at our website for review by members of the public.
In the Public Information and Records Management Division, there are new -- no due dates for the month of May for the filing of reports of receipts and expenditures.

With respect to new candidates and committees, we did have one new candidate committee who registered in the Traditional Campaign Finance program. And we did not have any new candidates in the Fair Election program during the month of May 2023.

For the Office of US Shadow Representative, the candidate Brandaun Douglass registered with the Office on May the 26th, 2023, to participate in the primary election. And again, this candidate registered in our traditional program.

We also had one committee registration during the month of May. And that was with respect to the new initiative committee. And the committee registered on May the 17th, 2023. The committee is the Make All Votes Count DC. And again, the treasurer for that committee is
Phillip E. Pannell.

We also had candidates and treasurers who completed the mandatory training program during the month of May: Ebbon Allen, candidate for Ward 7 City Council; and Nia M. Thomas (phonetic) treasurer, Friends of Ebbon Allen.

In our Reports, Analysis, and Audit Division -- and that is our traditional audit program -- I would indicate that during the month of May, the division conducted 17 reviews of reports of receipts and expenditures which had been filed with the Agency and issued one request for additional information.

With respect to the audit program, the Traditional Audit program issued one audit and that was Eric Goulet for State Board of Education. The audit was issued on May the 26th, 2023. That was a compliance audit, and it was the audit of a newly elected official from the 2022 election cycle. Again, the audit is available at our website for review by the public.
There are two ongoing audits, which are full field audits, in the Traditional Campaign Finance program. And they both are of newly elected officials. The first is Mendelson for Chairman 2022. And with that audit, the audit fieldwork is complete, and the preliminary audit report, the draft, is under review by the audit manager.

The second is Kenyan McDuffie 2022. And with that audit, again, the audit fieldwork is complete. And the draft is under review by the audit manager.

And that completes my report for the Officer of the Director, but I would ask that William Sanford who is the general counsel for the agency can send the report for the Office of the General Counsel.

MR. SANFORD: Thank you, Director. Good morning, Mr. Chairman and distinguished Board Members Greenfield and Boggs. I am William Sanford, general counsel for the Office of Campaign Finance.
During the month of May 2023, the Office of the General Counsel received two referrals from the Public Information and Records Management division, completed six informal hearings, and issued six orders, which included the following: three orders in which it totaled to $3,000 in fines was imposed, and three orders in which no fines were imposed.

During the month of May 2023, the Office of the General Counsel imposed fines against the following respondents: the fine of $1,000 was imposed against the Capital Stonewall Democratic PAC, a fine of $1,000 was imposed against Partisans for Ward 8, and an additional fine for $1,000 was imposed against Partisans for Ward 8.

During the month of May 2023, no new investigations were opened, no request for interpretive opinions were received, and no show cause proceedings were conducted.

The contents of this report will be published at the Office of Campaign Finance's
website later, on today's date, June 20th, 2023.
And that should conclude my report.

CHAIRMAN THOMPSON: All right. Thank you so much. I don't have any questions, but I continue to admire the incredible attention to detail that the Office of Campaign Finance shows, especially with regard to these audits. They're so important to audit the way candidates in the traditional program use funds and in the Fair Elections program, which impacts the way that candidates utilize our public tax dollars. And they have to file a lot of reports with a lot of detail, but we scrutinize those reports. And these audits are really important to making sure that every T is crossed, every I is dotted, so it's all done appropriately and in compliance with the law. And it's easy for me to say that, explain that in a couple sentences, but the work it takes to accomplish that is really impressive. So, you know, once again, thank you for everything that, you know, your office does and including the investigations as well.
MS. COLLIER-MONTGOMERY: And that concludes my report.

CHAIRMAN THOMPSON: All right. I think, anything else before we turn to public comment from anybody up here?

Okay. Hearing nothing, we have plenty of time, at this point, to hear from members of our public. And I'd like to start with anybody who has come down to see us here in person. If anybody -- you don't have to, but if anybody wants to take the mic and say a few words, you're more than welcome.

Okay. If you change your mind, just raise your hand, let us know.

So then, turning to our Zoom attendees, just raise your Zoom hand, and as we see them, we'll go ahead and ask you to speak. And I think that very first hand just came up. We'll have to ask you to unmute.

Yeah, go ahead. This is Abel Amene.

MR. AMENE: Thank you. I hope you can
hear me well. I'm outside. I'm at work today.

Sorry. I -- okay. I'm assuming you can hear me.

I wanted to comment about the section in the agenda on rulemaking, but before I do, I want to also take up this opportunity to talk about the subject we're going to talk about next hearing, next meeting, which is the ballot initiative. I was -- I want to say that I'm in favor of finding that this is proper subject matter. And the OAG's advisory opinion makes a very clear case for how ballot initiatives that include and are subject of appropriations, including the B section, are proper subject matters. And I will refer you to the OAG's advisory opinion on -- that makes a case for that, including Court opinions and recent legislation passed by the Council.

I want to -- but also talk more in-depth and ask a few questions about the rulemaking process. I understand this rulemaking you're engaged in currently is focused on the Election Modernization Act. I do note that the
Election Modernization Act, just like the Local Resident's Voting Rights Act, was only fully funded very recently and that the most recent budget support act removes the applicant liquidity clause from the election modernization, making it fully funded. And that same budget support act also removes the applicability section from the -- this voting rights act, making that not only that the fact that it's been included in the budget but also removes any subject to appropriations language from the -- from the act.

Both these budget support acts, the Council has also included an emergency and that will make that -- that will implement that sooner than later, and that's currently on the mayor's desk. So I wanted to ask if this rulemaking process, while it's moving forward, will consider rulemaking for the Local Residents Voting Rights Act. And specifically, I'm asking about chapter 5, which as it currently reads, the DCMR does not include non-citizens. It would need to be
So I wanted to ask when the Board plans to update the DCMR to make the Local Resident's Act applicable and implementable in your rules. Thank you for that. And I'm happy to hear any response to that. Thank you.

CHAIRMAN THOMPSON: All right. Thank you so much for your question. That's an excellent question, and I'll ask our general counsel to address it.

MS. STROUD: Yes, thank you. The Board does intend to or -- we intend to introduce rulemaking with respect to the Local Resident Voting Rights Amendment Act soon. As I indicated earlier, this is just the first rulemaking that we are doing around legislation pertaining to elections that has been enacted by the Council. And so, we're looking at introducing more rulemaking in our next couple of meetings. And so, that will be on the agenda as, you know, we promulgate rulemaking for the Board's consideration. And it will address the Local
Resident Voting Rights Act as well as other legislation dealing with automatic voter registration at the appropriate time. So, yes, that will be something that will be introduced in due course.

CHAIRMAN THOMPSON: In this calendar year?

MS. STROUD: In this calendar year.

CHAIRMAN THOMPSON: In plenty of time before the 2024 election.

MR. AMENE: Thank you very much. And you can understand my excitement because that will mean I will be a voter. So thank you very much, and I will be participating in that process. Thank you.

CHAIRMAN THOMPSON: All right. Thank you. We really appreciate your comment.

I see Nicholas Schiller has a hand raised. Go ahead, Mr. Schiller, well, once you're unmuted.

MR. SCHILLER: Thank you, Chairman Thompson. I appreciate you taking my
question today. Nicholas Schiller, 2448 Massachusetts Avenue Northwest, Washington DC.

My question is mostly about -- I guess it's two parts. Part one is I received the updated voter roll from June 1st a couple days ago, and I was very concerned that during the budget hearing in March, the -- there was an announcement that there was going to be an update with respect to the voter roll, how the removal of inactive voters was going to be updated to the Councilmember Bonds.

And I noticed that some of the people, or at least one person in specific, wasn't removed, even though Councilmember Bonds had mentioned that that person was an inactive voter and that they had, you know, filled out the form for the mail-in ballot three different times, but that person hadn't been removed yet. And that person is still on the voter roll.

So my question is, is the voter roll going to be updated in, like, throughout the year? Is there going to be a big point in which
all of them are going to be removed? Because we -- I haven't really heard much about the 86,000 ballots that were undeliverable. They were mentioned during that congressional hearing. And so I'm just very concerned that the update hasn't been taking place on schedule.

And part two, the Election Modernization Act, could the General Counsel expand a little bit more about the process in which inactive voters will be removed from the voter roll? Thank you so much for your time, and I hope you guys are having a wonderful summer day.

CHAIRMAN THOMPSON: Thank you.

MS. EVANS: Yes, good morning. I will begin, and then I'll turn it over to our General Counsel.

So we are in different stages of our list maintenance process. And one, you mentioned the 87,000 individuals that -- where we had ballots that were returned. And so, they essentially would be in phase two of removal.
And so, they would be candidates to receive our second mailer.

And so, our process includes two mailers to individuals. The first mailer is a non-forwardable postcard that goes out. That first mailer has gone to the printer, but the second mailer has not gone out yet. And so, that 87,000, they would be included in that batch with the second mailer that goes out. And because that returned ballot would essentially count as that first mailer because ballots are not forwardable.

So we are in the process of removing, and we will likely do that with one large effort. Once we get all of the information in hand, then we'll go through. So that will happen in due course. It will happen prior to any petitions or any ballots that are mailed. And so, we should wrap that up this summer. So I think I answered your questions. If I did not, please --

(Simultaneous speaking.)

MR. SCHILLER: Quickly, about the
Election Modernization Act, it outlines some updates; could you explain a little bit more? And that will be published in the register next week I assume?

MS. STROUD: It will be published on June 30th in the DC Register. And with respect to the EMA, the only update was the --

MR. SCHILLER: Thank you.

MS. STROUD: -- the deadline for commencing the canvass was extended. Previously, it would take place in January, but administratively, the Agency recognized that post-election, and because of all of the post-election processes that have to occur, it was really not workable to have that process completed. And that process -- have it -- that process completed by January of the next year. And that was even the case prior to the implementation of vote by mail, which, you know, sort of, like, necessarily had to extend the process.

So we had requested that the Council
give us an extension in the legislation, with respect to the time in which we had to implement the process, even recognizing that there would be some circumstances under which we would need even more time than that. And there is a provision in 518 that allows for that.

But if the question is with respect to -- so that's basically it. I mean, we got an extension of time from January to March 31st, with respect to when the process should begin for the canvass.

CHAIRMAN THOMPSON: All right. Thank you. Thank you for the question.

I thought I saw another hand up.

Tom Donohue, Ward 8, there you go.

MR. DONOHUE: Hello, and thank you for -- can everyone hear me okay?

CHAIRMAN THOMPSON: Sure can.

MR. DONOHUE: Okay. Great. Thank you. Thank you for allowing me the opportunity to speak.

Board, I come to you once again, in
regards to the, I will say, at this point, antics of ANC-8A. The Board of Elections has sent two letters to the Board or -- excuse me -- to the ANC, clarifying the need for them to host a special meeting to review the potential of a vacancy in ANC-8A-03, which is Holly Muhammad. I have submitted multiple items of supporting documentations, not only to the Board, however -- and also to the ANC.

As of what I know of this moment, no such meeting has been called, nor do they have any intentions on calling it. They have informed us that they do not see that there is a vacancy. However, they do not provide any supporting documentation or any documentation whatsoever to tell us how they came to that unfair and inappropriate conclusion as they didn't take any of my input or ask me any questions, or even, from my understanding, consider the supporting documentation that I had provided.

I'd also like to bring to your attention, during our June meeting, the ANC, upon
my informing the meeting via the chat message option, the members of the ANC deleted all messages that I had put into the chat message to help inform my neighbors of your direction to the ANC to host this special meeting as soon as -- and this is -- this is -- what you're seeing in front of you is the message that I had posted, which included a Dropbox link directly to the letters that you had sent to the ANC.

Momentarily, you'll see that the ANC actually reads the message. She puts up her hands. She doesn't know what to do. And then, she immediately deletes them. She deleted multiple of these messages throughout the course of the meeting, preventing our ANC, my neighbors -- they basically are preventing our neighbors from knowing that you folks have sent them a letter stating that they do need to have a special meeting to review the, in my opinion, vacancy that exists in ANC-8A-03 with Holly Muhammed.

As you may know, I've also taken some
additional steps because I am feeling, at this point, a little bit lost as to where we move from here. I even took this -- the unprecedented steps to file a motion in a civil complaint or in a civil complaint I have filed against Holly Muhammad for defamation and libel -- one is written, and one is verbal -- where, on multiple occasions, Ms. Muhammad has made claims that I am a racist. That I do not like or that I hate women or black women and that I hate Muslims. None of which, nobody, in the ten years I've been living here, has ever provided any supporting documentation for.

In that civil suit, she was able to be represented by the Office of the Attorney General because she does sit in that seat. It was my concern that Ms. Muhammad would not be eligible for that representation, given the fact that she doesn't live in the location that she says she lives. That location is also owned by a fellow ANC-8A Commissioner, Barbara Clark.

Basically, Holly is using, in my
opinion, that address as her own in order to run
for office and to continue running for office.
At no point has Holly ever declined or said that
she doesn't live there. She even went to the
extent of, after filing my civil complaint, she
filed a bogus anti-stalking claim against me.
And in that court hearing, under oath, she was
asked what her address was. She refused to
answer, leaving it up in the air to where she
lived, to the judge. That anti-stalking case was
ultimately dismissed. And it was just completely
bogus.

The reason I'm before you today is
because there needs to be some sort of action
taken, enforceable action taken. It is very
clear that the ANC, in their allegiance with each
other, has determined that they are not going to
be cooperative in hosting a special meeting,
which would, in my opinion, with the already
submitted documentation to the Board, prove that
Ms. Muhammed does not live at that address which
is owned by fellow ANC Commissioner Barbara
Clark.

She has been -- there has been ten different attempts to serve Ms. Muhammad with the civil complaint that I was filing: three attempts by MPD and seven attempts by a professional process server. I even went to the extent of having her served during an actual ANC meeting where you would -- might -- where you -- the likelihood of her being home during a virtual meeting was probably pretty high. When the server, process server arrived, I informed Ms. Muhammed during the meeting that the process server was at her door and to ask her to go to her door and get the paperwork. Ms. Muhammad was not home. This seems to be the case every single time.

There is -- since additional information that have yet to be provided to the Board. However, this is a matter that, you know, that the Board is going to have to step in to. Otherwise, we're in this loophole of a circle going around and around and around, where the ANC
is not going to hold -- host a meeting, even though the law tells them that they need to. And the Board of Elections refuses to investigate the matter due to it not being clear in the law that you have the opportunity to do so. I think that if mailings come back to an address -- oh go ahead.

(Simultaneous speaking.)

CHAIRMAN THOMPSON: Yeah, thank you. I appreciate your comment. I know that you have a lot going on, but some lawsuits that you wanted to mention. I don't think we want to comment on any of that. I think that your core issue seems to be that you have information that you believe suggests that an ANC member is not a resident of the single member district that she was elected to. That's an issue that occurs from time to time in single member districts. It actually happened in my own single member district. So, I appreciate the issue.

I think as you and our Board have identified, the process for addressing that issue
takes place at the ANC level, which makes sense. The ANC should -- it's its own body. It should consider the evidence and make its own determination. And then, if it gets to the point, petition our Board to declare a vacancy. And I know that -- I know that law's been provided to you.

Your problem seems to be that the ANC won't take action. So I don't know what -- if the ANC won't take action in that regard, what there is to do. Maybe, I think you mentioned a court case, but I'll ask our general counsel to comment on that. So I don't think there's -- I don't think we can be involved in that process.

MS. STROUD: Yes, and we have done what I think is the extent of our authority -- what is within the extent of our authority to do, which is we have recommended on two separate occasions, as Mr. Donohue noted, that the matter should be heard in the first instance in the ANC.

And I believe that the Office of Advisory Neighborhood Commissions, we had
communicated with them to see whether or not they would be the ones to sort of require the ANC to hold this meeting. And they were not the body.

And we know that you've gone to court. And I think that there is an opinion from the Superior Court that said it's -- the ANC does not have to hold the hearing if it does not find that there is grounds to hold a hearing. And even if it did, they could still decide not to issue a petition that -- seeking that the Board declare a vacancy pursuant to the position that -- petition that it submits.

And so, the Board is simply without the authority. If we were to uncover, in the course of our list maintenance process, that there was a vacancy in the ANC, then we could take action with respect to that, but that is not this. We have not received any information through any list maintenance process that Ms. Muhammed does not reside in the ANC -- in that single member district rather. And so --

Mr. Donohue: And the argument that I
would make to that is the spirit of that law --
of that part of the law that says that if you
get a mailer back that says that the person
doesn't live there, the spirit of that, I think,
says that, you know, if you are to obtain
information that suggests that of a voter or --
doesn't live in a particular area or in a single
member district or, you know, that that be
investigated.

Because it's not a returned mailer,
you're saying that that doesn't give you the
authority to do an investigation, which, frankly,
to me, sounds silly when you have signed, sworn
documents from a process server that says that,
you know, they spoke to neighbors, and it's very
well documented that Ms. Muhammed does not live
there.

You know, I think that the spirit of
the whole mailer, you're going to, you know,
you're going to accept a returned mailer, but
you're not going to accept sworn statements that
somebody doesn't live there is comical, with all
due respect. You're going to accept a mailer, but you're not going to accept sworn statements. I think that, you know, that is -- sworn statements is heavier, way heavier than a mailer.

Go ahead, sir.

CHAIRMAN THOMPSON: Mr. Donohue, thank you so much. We understand the issue really well. We'll take your comments under advisement and reconsider whether our Board may have some role in this -- in a process like this. Our initial review and, I guess, and our second review concluded that we do not. But, you know, we heard you loud and clear. And, you know, we'll take another look and take all your comments under advisement. So thank you so much for --

MR. DONOHUE: I do have one additional question. The OANC, they do have the option of withholding their allotment.

CHAIRMAN THOMPSON: I don't -- I can't comment on that. I mean, I know that there's this -- there was a gentleman there named
Gottlieb Simon for years, when I was a commissioner, and I think there's a new person there now at the Office of ANC, so you can go down there and meet with them. You know, there are --

MR. DONOHUE: I would also say that, during the process of you changing these laws and making --

CHAIRMAN THOMPSON: Thank you. Yeah, we don't -- I mean, we don't need to discuss what you might --

MR. DONOHUE: I mean, there is a problem with the law here, but I --

CHAIRMAN THOMPSON: We're focused on our role in the process, and we'll reconsider and take your comments under advisement. So thank you.

Let's see if there are any other hands. Will they go to the top necessarily? We have to scroll down, make sure.

Okay. So our next meeting is July 18th, where I believe we will consider whether
the voter initiative has resubmitted --

MS. BRIZILL: Mr. Chairman, this is Dorothy Brizill, and I wanted to make a comment.

CHAIRMAN THOMPSON: Thank you. Yes, Ms. Brizill, please, go ahead.

MS. BRIZILL: Mr. Chairman, I just had two matters I wanted to raise with you. One is a housekeeping matter on the Board of Elections website. On the Board of Elections website, there is a banner across the top that has a -- the title, ballot measures. And under that, it provides for the posting of initiative measures and referendum. And indeed, it then goes on to say current measures.

Why doesn't the Board of Elections post this current initiative that is before the Board and also indicate what is in the DC Register, informing citizens of how they can appear before the Board or submit comments on the proposed initiative?

MS. STROUD: Hi. This is Terri Stroud. The Board will post it, in
addition to it being published in the DC Register, which it is required to do under the law.

MS. BRIZILL: What is particularly concerning is that in order to comment on it, you have to give the Board of Elections several days' notice, and you don't know that unless you peruse the DC Register.

Also, I would appreciate that, going forward, since you say you're going to be revising the website, that that is done.

My second matter has to do with a hearing that is scheduled for next Monday, before the City Council. I would like Ms. Evans to give me an updated report on what the conditions are at the warehouse. I noted and received a copy of an enhancement request from her that was sent to the executive office of the mayor, seeking a half a million dollars to make some capital improvements in the warehouse buildings. Can she give me an update on what the situation is, specifically regarding the toilet situation and
the lighting and the ventilation?

MS. EVANS: Yes, good afternoon,

Ms. Brizill. There are no updates. We did not
receive the enhancement request, but we are
working with DGS about alternatives. But nothing
has been decided, and there are no updates at the
moment.

MS. BRIZILL: Well, you say you're
working with DGS regarding alternatives; what
does that mean?

MS. EVANS: They came and met with us
at the warehouse, toured the space. We were able
to ascertain our needs as far as space
requirements, our needs as far as the number of
people who are working there, and our needs as
far as equipment. They were -- they took all of
that information down, and they are exploring
options. And so, once they have some options, we
will move forward. So, at this point, the ball
is essentially in their court now that they have
a full appreciation of what we need for that
operation center at the warehouse.
MS. BRIZILL: Can you give me some
idea of when that visit occurred? Was it in the
past week?

MS. EVANS: I believe, if you allow me
just a moment, I can tell you when that was. I
believe that meeting was on Tuesday -- I mean,
I'm sorry -- on Friday the 2nd of June.

MS. BRIZILL: The alternatives they
are exploring are improvements to the interiors
of the buildings or relocating the warehouse out
of those two buildings on V Street Northeast?

MS. EVANS: They're exploring both
options.

MS. BRIZILL: And so the half a
million dollars you're trying to get from the
mayor's office would do what? Is that for
relocation or is that for capital improvements?

MS. EVANS: That was for improvements.
That is not an official capital improvement
request. That came through as an enhancement
request. And so, if we need to do a capital
improvement request, then it would be a more
comprehensive ask, and it will likely be closer to $1 million.

MS. BRIZILL: So what was the half million dollars intended for then?

MS. EVANS: That was for some initial updates that would allow us to at least remain in the space temporarily until a more permanent solution was identified, in particular, lighting, security, and bathrooms.

MS. BRIZILL: So you wouldn't have to rent Porta-Johns anymore?

MS. EVANS: That was what the request was for, correct.

MS. BRIZILL: Thank you.

CHAIRMAN THOMPSON: Okay. Thank you so much, Ms. Brizill.

I'm looking for any other hands that are up, and I don't see anybody. So it's been about an hour, 20 minutes. So anything else before we adjourn the meeting?

All right. With that, I would move we adjourn.
MEMBER GREENFIELD: Second.

CHAIRMAN THOMPSON: All right. All in favor?

(Chorus of aye.)

CHAIRMAN THOMPSON: All right. Thank you, everybody.

(Whereupon, the above-entitled matter went off the record at 11:54 a.m.)
CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DC BOE

Date: 06-20-23

Place: teleconference

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

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Court Reporter

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