GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

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WEDNESDAY

JANUARY 4, 2023

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The District of Columbia Board of Elections convened via Videoconference, pursuant to notice at 10:30 a.m. EST, Gary Thompson, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

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

BOARD OF ELECTIONS STAFF PRESENT:

MONICA HOLMAN EVANS, Director
TERRI STROUD, General Counsel
CECILY COLLIER-MONTGOMERY, Office of Campaign Finance
WILLIAM SANFORD, General Counsel
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CHAIR THOMPSON: All right, well good morning, everybody, and happy new year. We're kicking off 2023 ready to go. We appreciate everybody's attendance. My name is Gary Thompson, the Chair of the Board of Elections, now in my second year in that role. We're also joined by Zoom by Board Member Karyn Greenfield. To my right is our newest Board Member, Jason Boggs, so welcome to the Board.

MEMBER BOGGS: Thank you, Gary. It's good to be here. It's my first meeting to start off the year. Appreciate the Mayor's nomination last year. I was sworn in this morning by Steve Walker back here in the Mayor's office. I've just had a great welcome of folks here. I'm originally from Washington, D.C., born in the District and a practicing attorney in town. Thanks.

CHAIR THOMPSON: All right, we're excited that you're joining us. We appreciate your service on the Board. I know you're a long-
time Washingtonian and you care very deeply about
the District of Columbia and our elections, so
welcome. And I think Michael Gill is off today,
Mr. Boggs' predecessor, so we'll see if we can
get him to attend our next meeting so we can
express our gratitude and wish Mike well. So with
that, we do have a forum with all three board
members here.

Our first order of business, as usual,
is to adopt our agenda. Our agenda was duly
noticed more than 48 hours ago, and we've all had
a chance to review it. With that I would move
that we adopt the agenda, if I could have a
second.

MEMBER BOGGS: Second.

CHAIR THOMPSON: All right. I see Karyn
waving, seconding by wave. All in favor say aye.

(Chorus of ayes).

CHAIR THOMPSON: Okay, let's get Karyn
unmuted.

MEMBER GREENFIELD: Aye.

CHAIR THOMPSON: The agenda passes.
Next, simple housekeeping, is approval of the minutes of our last regular board meeting of Wednesday, November 30th. The transcript is available and we've seen the minutes. I would move that we adopt those minutes, if I could have a second?

MEMBER GREENFIELD: Second.

CHAIR THOMPSON: Okay, and I think, JC, you were going to abstain or?

MEMBER BOGGS: Abstain.

CHAIR THOMPSON: Since he wasn't at the meeting. Although Robert's Rules of Order actually has a footnote on that, that you don't have to be present at a meeting to approve their minutes. I don't understand that footnote, but anyway --

MEMBER BOGGS: I can read something I approve.

CHAIR THOMPSON: All in favor?

MEMBER GREENFIELD: Aye

CHAIR THOMPSON: 2-0 the motion carries. So on support matters, our series of
matters are Hearings on Petition for Enforcement of Office of Campaign Finance Orders. There are six of them, and I think these matters will be presented by our director?

MS. EVANS: Bill Sanford.

CHAIR THOMPSON: Oh, Bill Sanford, General Counsel of OCF. I see Mr. Sanford out there, and we'll get you unmuted so you can walk us through these six petitions.

MR. SANFORD: Good morning, Mr. Chairman and distinguished Board Member Greenfield, and a warm welcome to the newest Board Member Boggs. My name is William Sanford, General Counsel to the Office of Campaign Finance. The Office of Campaign Finance respectfully requests that the Board approve the petitions for enforcement in the following matters.

The first petition is a Petition to Enforce an Order that the Office of Campaign Finance Opposed on May 11, 2021 against the Friends of Courtney Snowden Principal Campaign
Committee, in which a fine of $1,650.00 was imposed. The Respondent did not file the Report of Receipts and Expenditure timely, and after the order was issued, the Respondent did not pay the fine, nor did the Respondent file a petition with the Board. On that basis, we're requesting that the Board authorize the general counsel of the Board to take this matter to the D.C. Superior Court and seek a Petition for Enforcement.

The second matter is the Committee to Elect Jacques Patterson 2016. On May 11, 2021, the Office of the General Counsel imposed a fine of $1,650.00 for failure to timely file a Report of Receipts and Expenditures. Here again, the Respondent did not pay the fine nor did the Respondent petition the Board for review.

The next matter is Toliver for Ward 6. This was issued on the 27th of April 2016. Here again, the Office of the General Counsel imposed a fine of $1,600.00 for failure to timely file a Report of Receipts and Expenditures. The Respondent did not pay the fine, nor did the
Respondent petition the Board for review.

     The next matter is Patterson for Ward
8. On October 5, 2018, the Office of the General
Counsel imposed a fine of $500.00 for failure to
file a Report of Receipts and Expenditures. The
Respondent did not pay the fine, nor did the
Respondent petition the Board within the
prescribed time period.

     The next matter is Bonita Goode 2016.
On May 14, 2021, the Office of the General
Counsel imposed a fine of $1,650.00 against this
principal campaign committee and the candidate
for failing to timely file a Report of Receipts
and Expenditures, and the Respondent did not pay
the fine, nor did the Respondent petition the
Board for review.

     I believe that covers the six matters
before the Board with today's date. There was one
other one, I'm sorry, it's Edwards and here
again, that's a Petition for Enforcement in which
the Respondent did not pay the fine nor did
Respondent petition the Board for review within
the prescribed time period.

Some of these matters appear to be old, and that's because these are matters that involve what we call continuing committees. If committees continue after the election, they have a continuing obligation to file reports on January 31st and July 31st of each year until the committees have terminated. This is the case with most of these committees. They have filed to timely file those reports and that's why the matters are before the Board today.

CHAIR THOMPSON: We'll certainly give each of the six Respondents a chance to comment, or their counsel if they have counsel. Before we do that, Mr. Sanford, could you just walk us through how the amount of the fine was determined? Is that statutory?

MR. SANFORD: The statutory fine requirement is $50.00 per day for each day of delinquency, and we impose fines up until the date the order is issued.

CHAIR THOMPSON: So I notice each one
I think is $1,650.00. Is that a maximum?

MR. SANFORD: No, that's as of the date of the order.

CHAIR THOMPSON: Okay.

MR. SANFORD: So that would represent so many days multiplied by $50.00 per day.

CHAIR THOMPSON: Okay. You've kind of already answered this, but I noticed some of these campaigns go back to 2016, so I was curious for you to elaborate a little bit on how a campaign was seven years old, six years old?

MR. SANFORD: Yeah, campaigns are required to continue to file their Reports of Receipts and Expenditures subsequent to the election year, the election cycle. They are only required to file two reports per year, January 31st and July 31st. Those are for continuing committees. They are required. They have an obligation to file those reports until they file a termination. Some of the campaigns have outstanding debts or they might have audit issues, so they are required to file. If they do
not file, they are still subject to the fines.

CHAIR THOMPSON: Okay, and if we make
and approve a motion to approve these petitions
for enforcement, what happens next in the
process?

MR. SANFORD: Following the Board's
approval of the petitions, the general counsel
for the Board will file an order, file a petition
with the D.C. Superior Court requesting that the
Superior Court enter a judgment against the
committee, or in some cases the candidate for the
amount of the fine.

CHAIR THOMPSON: Okay, I don't have any
other questions. J.C., Karyn, any questions from
you all? Okay, all right go ahead.

MS. STROUD: I just wanted to provide
background as to what happened when the Petitions
for Enforcement were sent over to the Office of
the General Counsel. On September 30, 2022, the
Office of the General Counsel sent notices via
e-mail and certified mail to each of the
Respondents in these matters informing them that
we would schedule pre-hearing conferences in each of these matters to provide the Board with some information it could use to determine whether or not it wanted to accept the Petitions for Enforcement.

So we scheduled pre-hearing conferences on October 25th for two matters, and two were held on October 25th. Four of the matters today were held on October 26th. Again, we sent notice via email and certified mail. I'll just go through with respect to, in sequence, the outcome of the pre-hearing conferences, including whether or not the Respondents attended and what they indicated if they did attend.

So with respect to the first matter on the agenda, OCF versus Friends of Courtney Snowden, we held this pre-hearing conference on October 26th. Ms. Snowden did not attend, but she acknowledged via email the receipt of the notice of our pre-hearing conference and advised that she could not attend, but was going to pay the fine. She was offered via email a further pre-
hearing conference date on the morning of October 27th, and she was emailed instructions as to how to go about arranging payment.

She did not appear at that pre-hearing. Just prior to scheduling this matter for a Board hearing and us sending out the December 15th notice of this hearing, OCF advised that no payment was received. Mr. Sanford, if you could confirm that no payment has in fact been received with respect to this matter?

MR. SANFORD: The Office of Campaign Finance has not received a payment.

MS. STROUD: We should ask if Ms. Snowden is present, if she could raise her hand via Zoom. Courtney Snowden?

CHAIR THOMPSON: Or anybody on her behalf?

MS. STROUD: Mm-hmm. Hearing no comment or indication that Ms. Snowden is present, I'll proceed with the next matter. This would be OCF versus the Committee to Elect Jacques Patterson from 2016. We again sent notice of a pre-hearing
conference that took place on October 26th on
September 30th via email and certified mail. Is
either Mr. Jacques Patterson or Lamont Harell,
treasurer for the committee, present?

Okay, so there are two matters
involving Mr. Patterson and two different
campaigns. When he appeared in the other matter
against him, Mr. Patterson was advised of this
matter. He advised that he would pay the fine in
the instant case and the pre-hearing conference
was adjourned to allow him to work out a
settlement with the Office of Campaign Finance,
but he did not follow through.

Also, OCF indicated at the pre-hearing
conference that the report had yet to be filed.
As of today, there have been no updates from OCF
in that regard, so I would again ask Mr. Sanford
if there are any updates with respect to this
matter in terms of payment of the fine or
arrangements to pay?

MR. SANFORD: As of today's date, there
have been no updates, no submission of fines, or
any other arrangements with Mr. Patterson.

MS. STROUD: I'll just go out of turn since we're dealing with Mr. Patterson, and the Respondent in this instance is Patterson for Ward 8. The pre-hearing conference in this matter was held on October 26, 2022, again with notice served on September 30 via email and certified mail. At this pre-hearing, the Respondent stated that he wished to pay the fine in this matter and in the other matter that was pending that we just discussed.

Again, the pre-hearing was adjourned to work out the terms of the settlement with OCF, but there was no follow-through on this. OCF indicated at the pre-hearing that the report had yet to be filed. Mr. Sanford, is that still the case? Has the report not been filed and has there been any payment made or any arrangements for payment to be made?

MR. SANFORD: That remains the case. No payments have been made, no arrangements have been agreed to.
MS. STROUD: Okay. And with respect to Mr. Dwayne Toliver for Toliver for Ward 4, which is Item No. 3 on the agenda, again, pre-hearing conference held on October 26 pursuant to notice served on September 30 via email and certified mail.

Mr. Toliver did not appear at the pre-hearing and the Board was unable to make contact with him. He has not responded to the notices received from the Board of Elections from the Office of General Counsel, and I would just state for the record that with respect to OCF's proceedings, notices of hearings were served via email on March 1, 2021 and March 22, 2021 for hearings that occurred on March 16, 2021 and April 7, 2021.

The Respondent did not appear at either of those hearings. Again, we have no updates with respect to Mr. Toliver and I would ask if Mr. Sanford could indicate whether or not he's made contact with OCF with respect to filing the report and/or payment of the fine.
MR. SANFORD: We have not received any payment of the fine or had any contact with Mr. Toliver.

CHAIR THOMPSON: Is he here?

MS. STROUD: Oh, is Mr. Toliver here?

Mr. Dwayne Toliver? Okay. The next matter, Item No. 5 is the Office of Campaign Finance versus Bonita Goode 2016, Bonita Goode, Treasurer. I do see that Ms. Goode is present. If I could ask you to unmute Ms. Goode?

MS. GOODE: I'm here.

MS. STROUD: Hi, Ms. Goode.

MS. GOODE: Hi.

MS. STROUD: First, by way of background, we held a pre-hearing conference in this matter on October 25, 2022 pursuant to notice received by certified mail and email. Ms. Goode did appear at the pre-hearing conference, and during the pre-hearing conference she had indicated that she did not receive OCF's email notifying her of the OCF proceedings.

OCF, for its part, stated that it sent
notice of its pre-hearings via email and they did
not receive any bounce-backs, indicating that the
sent email had not been received. They further
indicated that Ms. Goode attended OCF's mandatory
training program in February 2016, wherein she
affirmed by oath and signature that she would
adhere to the District's campaign finance laws.
Ms. Goode, you've heard the presentation by the
Office of Campaign Finance with respect to your
matter. You have the opportunity now to respond.

MS. GOODE: Yes. Thank you all. I try
to attend all the meetings. I caught up on all my
committee duties and responsibilities at a
reasonable time when I was notified. I had a
little concern about they said they notified me
by email, and it was during 2021 when the COVID
and everything was going on. I think maybe people
was in their office at home or whatever.

I was a little concerned about I
didn't get a notification through mail. I felt if
I had got something through mail along with the
email that's not being used and not being worked,
that I would've been able to handle this a little bit better, a little bit faster and better. I take my campaign responsibilities very important. I'm thinking about my reputation and my character, too.

I took that into consideration because the Board sent me a certified letter through the mail when it comes to the fines and the fees, but I didn't get nothing beforehand about maybe I missed it. I went back through my paperwork and I looked on October 19th. I think it was July 19th. They sent a reminder reminding all the community people to make sure they did their committee finance stuff.

I tried to explain different reasons why I didn't do it. It wasn't done, but I felt like I didn't know about the information. If I had knew, I thought I had closed my committee. So I have closed everything, filed everything that I'm supposed to do, and I am hoping to -- I was going to try to ask to try to get some kind of settlement or work something out because I'm on
Social Security disability.

I can't really afford that. I've closed up my committees and I've done everything I possibly can do at this time, including attending and responding. That's just where I'm at now, to see what can be done.

MS. STROUD: And I will state for the record that Ms. Goode did file the January 31st Report of Receipts and Expenditures on October 7th of 2022. She also indicated during the pre-hearing conference that she did file a termination report. If Mr. Sanford could speak to whether that report had been filed?

MR. SANFORD: The report has not been approved because there's still outstanding fines, so the termination cannot be approved until the fines have been resolved. However, I would say this to Ms. Goode. If she is prepared to try to resolve this issue, we would be glad to reopen it. I would recommend that she would contact Ms. Pete at the Office of the General Counsel staff, and we'll take a look at and try to figure out
how we can resolve it.

MS. GOODE: Okay, so I'm at this meeting and I need to have another meeting. So if I talk to Ms. Pete --

MR. SANFORD: Yes, let me just say this, Ms. Goode. Our goal is actually compliance here. It's not the imposition of fines. So our primary concern is compliance, and according to the General Counsel, you have fulfilled your obligation to comply to make your filing requirements. There's still the matter of the outstanding fine. That can be negotiated. So if you contact Ms. Pete of the Office of the General Counsel staff, then we can see how we can resolve.

MS. GOODE: Okay, I would be interested in that.

MS. STROUD: So with respect to that, I will recommend that the Board entertain a motion to adjourn this matter pending the outcome of negotiations between Ms. Goode and the Office of Campaign Finance with respect to this matter.
That would be the General Counsel's recommendation.

CHAIR THOMPSON: So moved. I will move that we adjourn Item No. 5, Office of Campaign Finance versus Bonita Goode 2016, to allow her to engage in discussions with OCF.

MEMBER BOGGS: Second.

CHAIR THOMPSON: We have a second over here. All in favor?

(Chorus of ayes).

CHAIR THOMPSON: Karyn, are you out there somewhere to make it unanimous?

MS. STROUD: I don't see her.

CHAIR THOMPSON: We may have to re-unmute. Yeah. Sorry about that.

MS. STROUD: Okay, I think she's raising her hand, I don't know.

MEMBER GREENFIELD: Aye.

CHAIR THOMPSON: Okay, so the motion carries with respect to the matter of Bonita Goode 2016.

MS. STROUD: Okay, so --
CHAIR THOMPSON: Thank you, Ms. Goode.

MS. GOODE: Thank you very much, too.

MS. STROUD: Thank you, Ms. Goode.

MS. GOODE: All right, thank you all.

Have a good day.

MS. STROUD: You, too. With respect to Item No. 6, the Office of Campaign Finance versus Edwards for Ward 4, the Office of the General Counsel served notice of a pre-hearing conference scheduled for October 25, 2022 on September 30th via email and certified mail. The Respondent did not appear at the pre-hearing conference.

I will note that we sent notice to Ms. Edwards both at the address provided by the Office of Campaign Finance and the address that is provided in the Board's own voter registry, so we sent the notices by certified mail to those addresses, as well as email. We have not been able to make contact with Ms. Edwards at this point. I would ask if the Office of Campaign Finance has any updates with respect to the filing of the report at issue and/or the payment
of the fine in this matter?

    MR. SANFORD: As of today's date, we have no updates.

    CHAIR THOMPSON: Just to confirm the obvious, I assume when a campaign files, they confirm that the email they provide is a working email and that the address they provide is a operating address for purposes of receiving notices?

    MS. STROUD: Well, Mr. Sanford could probably speak more directly to that, but yes. They are also informed, to my knowledge, at the entrance interviews and mandatory trainings that candidates have to undergo, as well as their treasurers, of the requirements in terms of keeping their contact information up to date, as well.

    MR. SANFORD: That's correct. That is correct.

    MS. STROUD: So those are the matters that OCF is asking the Board to take to the D.C. Superior Court for enforcement. I don't think
this office has anything further.

CHAIR THOMPSON: Is Ms. Edwards present?

MS. STROUD: Oh, Ms. Edwards? Marlena Edwards?

CHAIR THOMPSON: I don't see her.

MS. STROUD: I don't see any indication that she's present at this meeting.

CHAIR THOMPSON: Well, as Ms. Goode demonstrated it's helpful to show up.

MS. STROUD: At this point, Mr. Sanford, the Office of Campaign Finance's General Counsel has presented requests that the Board enforce its orders concerning the failure to file, or failure to timely file, as the case may be, whichever one it is, depending on the matter, the January 31st, 2021 Report of Receipts and Expenditures.

In five of these matters, the six indicated minus the Office of Campaign Finance versus Bonita Goode 2016, which has been adjourned pending the outcome of negotiations.
with the Office of Campaign Finance. So I would recommend that the Board entertain a motion to go forward with presenting these petitions for enforcement in the D.C. Superior Court with respect to all of the matters indicated with the exception of Office of Campaign Finance versus Bonita Goode 2016.

CHAIR THOMPSON: Without trying to re-recite all that, I will so move that we get these Petitions for Enforcement regarding those five campaigns.

MEMBER BOGGS: I'll second that.

CHAIR THOMPSON: All in favor?

(Chorus of ayes).

CHAIR THOMPSON: Motion carries, 3-0.

MS. STROUD: The orders will issue and then my office will pursue these matters in the D.C. Superior Court.

CHAIR THOMPSON: Thank you, Mr. Sanford. So with that ruled upon, we'll proceed with the Executive Director's Report from Monica Evans.
MS. EVANS: Good morning. I'd like my first order of business to be to officially welcome our newest Board member, J.C. Boggs, welcome.

MEMBER BOGGS: Thank you, thank you.

MS. EVANS: I'm very much looking forward to working with you and I'm only a phone call away if you ever have any questions or need anything, so thank you. On December 6th I was on a panel at the Bipartisan Policy Center Summit. Election officials, secretaries of state, academics and others discussed the 2022 midterm elections and examined trends and issues to address ahead of upcoming elections.

We also had our budget review team meeting in December to present our FY2024 budget. We have requested funding to upgrade systems and replace equipment ahead of the next election cycle. On December 14th, we conducted recounts for Advisory Neighborhood Commission Single-Member District 5A06 and ANC SMD 7C05.

We certified results for the ANC SMD
5A06 contests changed from Derrick Holloway to Kwiku A. Ture. The Board recertified this election result on Monday, December 19th, and certified the election results for the two ANC contests that ended in a tie, 3E07 and 6E02. Of course, we have a busy year ahead of us as far as 2023 next steps and off election year planning.

We are continuing to meet with our vendors regarding what worked well and what can be improved with future elections. We have already met with No Inc., ESNS, Runbeck and VR Systems. We have meetings scheduled with K&H Milhouse and with BallotTrax. We will be conducted list maintenance to update our voter registration database. Returned ballots are being entered into voter focus as this is the first step in the process.

We will also take steps to fully implement new legislation that was signed in 2022, and this legislation will be effective for the 2024 election cycle. Specifically, we will take actions to become compliant with the
Elections Modernization Amendment Act of 2022 and the Local Resident Voting Rights Amendment Act of 2022. We will have to engage in a comprehensive education and outreach campaign and develop an election data portal and data visualization dashboard.

Now that we are required to operate vote centers and send out ballots for all elections, we will need to procure a mailhouse for each election and expand ballot-on-demand or BOD voting. During 2023, we will also update our informational materials and look for ways to improve our website. Other administrative matters, further education and outreach.

During the month of December, the voter education and outreach division conducted two outreach events on behalf of the agency. Events included the YMCA Anthony Bowen Branch Youth Summit and the 24th Annual Senior Holiday Celebration at the D.C. Armory. Voter registration rolls. In December we registered 1,266 new voters and processed 3,397 registration
changes.

In total, we prepared 4,963 voter registration cards to be mailed. We are continuing to register voters using our website portal. To date, we have processed over 33,283 applications using the portal, and these include new voter registrations and updates to existing registrations. That concludes my report.

CHAIR THOMPSON: Just a follow-up question because I know there's a lot of public interest in this. Can you walk through the process for updating voter registration lists? What are the steps that are ahead of us the next couple months?

MS. EVANS: So we have very specific list maintenance requirements that require multiple mailings to be sent. One mailing is sent that cannot be forwarded. Another mailing is sent that can be forwarded. Individuals are actually placed on an inactive list or in an inactive status before they are actually permanently removed from the list.
As far as the mailings, returned ballots that we received for the 2022 general election can be used as one of those official mailers that we receive, and that's why we're in the process of entering those returned mailings into our database so that can count as the first mailer for list maintenance purposes.

CHAIR THOMPSON: I appreciate that and I think, as I've said a few times, it's a very careful process and it has to be careful because you're literally removing somebody from the active voter registration list and don't want to inadvertently disenfranchise anybody, while at the same time we want the list to be updated and accurate. It's a meticulous process, as it should be. This is something that will take place over the next several months.

MS. EVANS: That's correct, yes.

CHAIR THOMPSON: Okay. Oh, and when will the counsel grant all our budget requests?

MS. EVANS: Not soon enough.

CHAIR THOMPSON: Okay, all right. When
will they grant some or maybe all of them?
February? March?

MS. EVANS: I don't know what the exact
timeline is for hearing back. We not only have
our 2024 budget at the budget mark, but we also
have submitted enhancement requests, so we will
typically hear about our budget mark, which we
will probably receive, which is about $12
million. As far as our enhancements, I'm not sure
when they will give us a decision on those budget
enhancements.

CHAIR THOMPSON: By my review, all are
very important enhancements, starting with
additional full-time employees to help implement
the counsel's latest Elections Modernization Act
all the way through an enhancement to improve pay
for our election workers. Between equipment and
all kinds of things, it all seemed incredibly
obvious to me, so I hope the counsel hears us.

MS. EVANS: Yes, and then of course we
really do need to upgrade and provide additional
parameters around our mail ballot processing. We
stood up an entire mail ballot processing
operation very quickly in 2020 to respond to the
pandemic, and now that we're required to do so,
we need to make sure that that process is very
formalized and actually get the equipment we need
to ensure that we are engaging in that endeavor
efficiently.

CHAIR THOMPSON: Okay. Any other
questions for Director Evans? No? Okay. General
Counsel's report.

MEMBER BOGGS: Thank you.

MEMBER GREENFIELD: Thank you.

MS. STROUD: Thank you. Hello again,
everyone. The first item on my agenda is
Rulemaking to Title III of the D.C. Municipal
Regulations, the title that encompasses the rules
of the Board of Elections. I think the Rulemaking
is an Emergency Proposed Rulemaking to amend
Chapters 30, 33, 37 and 42 of the Office of
Campaign Finance's Portion of the Regulation. So
I will defer to General Counsel Sanford to give
an explanation of the regulations.
MR. SANFORD: Good morning again, Mr. Chairman and distinguished Board members. I hope you can hear me.

CHAIR THOMPSON: Yes.

MEMBER GREENFIELD: Yes.

MR. SANFORD: Okay, thank you. The Office of Campaign Finance respectfully requests that the Board approve Rulemaking to amend Chapters 30, 33, 37 and 42 of the District of Columbia Municipal Regulations. I will briefly summarize what the amendments entail. Chapter 30, Subsection 300.32, 33, 34 and 35 requires that political action committees establish non-contribution accounts for the purpose of making independent expenditures. These accounts must be segregated from the other accounts those tax years.

Chapter 30, Subsection 3001.1 provides for in-person training of candidates and their treasurers. Subsection 3008.31, 32, 34, 35, 36 and 37 amends the regulations to include the covered contractor provisions which became
effective after the last election. These
provisions prohibit current holders of D.C.
government contracts and those who are competing
for contracts with the D.C. government from
making contributions to political campaigns.

Subsection 3011.5 establishes
contribution limits, excluding the limits on
personal funds and independent expenditures.
Subsection 3011.36 exempts initiative and
referendum committees from the contribution
limits. Subsection 3011.37, 38, 39 and 40
identifies the offices under which covered
contractors are prohibited from making
contributions.

Subsection 3013.2 restates the
restrictions on the use of campaign funds.
Chapter 33 restates the prohibition on the use of
government resources for campaign purposes.
Chapter 37 revises the schedule of fines. Chapter
42 amends the fair elections program regarding
matching funds and disbursement of funds
electronically and through debit cards.
I would just like to add that the
Board had previously approved these provisions,
and so we are seeking re-approval because the
prior approval which was granted by the Board
expired at the end of September of 2022. These
regulations, in order for them to be effective
and for implementation, they must be re-approved
by the Board. We are seeking that approval today.

MS. STROUD: So on behalf of the Office
of Campaign Finance, I recommend that the Board
entertain a motion to adopt this emergency and
Proposed Rulemaking that would amend Chapters 30,
33, 37 and 42 which would place the Board's
regulations into conformity with the Campaign
Finance Reform and Conflict of Interest Public
Disclosure Amendment Act of 2011, as well as the
Board of Ethics and Government Accountability
Establishment and Comprehensive Ethics Reform
Amendment Act of 2011 as amended by the COVID-19
Response Supplemental Emergency Amendment Act of
2020.

I recommend that the Board adopt this
so that it can be submitted to the D.C. Register,
at which point it would become effective as it constitutes an emergency Proposed Rulemaking.

CHAIR THOMPSON: Thank you for reciting all that detail. I will so move. Is there a second? Karyn? We may need to unmute Karyn again.

MEMBER GREENFIELD: I second.

CHAIR THOMPSON: All in favor?

MEMBER GREENFIELD: Aye.

MEMBER BOGGS: I was going to add, it all makes sense to me. I just sat down and haven't had a chance to -- there's a lot in there to digest it. I'm just going to abstain.

CHAIR THOMPSON: Okay, yes. As Mr. Sanford mentioned, we approved it previously and this is the re-approval, so that makes good sense. So the vote carries 2-0.

MS. STROUD: Thank you. The next item on my agenda is the litigation status. The first item is Henderson versus D.C. Board of Elections, which is in the D.C. Court of Appeals. This matter involves a recall petition that was filed
by Ms. Henderson against Sydelle Moore, who was
the advisory neighborhood commissioner for
single-member district 5D05.

That petition was rejected due to an
insufficient number of signatures. Ms. Henderson
appealed the matter to the D.C. Court of Appeals.
On November 10th, the Court issued an order
directing that the parties file briefs addressing
whether the case is moot in light of the November
8, 2022 general election.

In its brief, the Board contended that
the case was effectively moot as a recall
election could not be scheduled before Moore's
term expires on January 2, 2023, which of course
is now in the past. On December 6th, the Court
issued an order dismissing Ms. Henderson's appeal
as moot, which means that this matter is closed.

The next item on the agenda is the
Public Interest Legal Foundation versus Monica
Evans in her official capacity as the Director of
the Board of Elections. This is in U.S. District
Court for the District of Columbia. This matter
was filed in that court under the National Voter Registration Act, or the NVRA.

The suit alleges that the Board is out of compliance with the NVRA's public records provision because PILF had requested records from the Board and the Board denied that request due to the requested records not being subject to public disclosure. This matter is still pending, but it has been fully briefed.

The third item is Williams versus the District of Columbia. This was filed in September 2022 against the District of Columbia regarding the Board's publication of certified election results on its website instead of in the D.C. Register. The plaintiff requested that new elections be held and that actions issued by the affected administrations, particularly with respect to zoning and property disposition, be nullified. The Office of the Attorney General plans to file a motion to dismiss in this matter.

The final matter is Dorothy Douglas versus the D.C. Board of Elections. This case is
in the D.C. Court of Appeals. On December 7th, Dorothy Douglas, a candidate who lost her election bid to become advisory neighborhood commissioner for single member district 7C07, filed a pro se petition in the court seeking to decertify the election results in that race.

Ms. Douglas alleges that she lost votes as a result of voters in SMD 7C07 being given ballots for 7D03. On December 2nd, the court ordered that Ms. Douglas' petition be filed, that the case be expedited, and it set a deadline for the Board to file a designation of record for January 11th and for Ms. Douglas' motion for summary reversal of the election results be filed on January 23rd. Then the Board would have seven days to respond to Ms. Douglas' motion.

That concludes the litigation status, as well as my overall report.

CHAIR THOMPSON: All right, thank you so much. Turning to our Office of Campaign Finance Director, Cecily Collier-Montgomery?
MS. COLLIER-MONTGOMERY: Yes, good morning. For the record, the full report of the activity of the Office of Campaign Finance for the month of December 2022 will be posted at the OCF website, www.ocf.dc.gov before the close of business today. I will, however, at this time, highlight a few items from the report for the public.

First, in our Fair Elections Program Division, during the month of December and as of this date, the OCF has authorized a total sum of $13,529,614.50 for disbursement from the Fair Elections Fund in base amount and matching payment to the 42 candidates who were certified in the Fair Elections Program to participate in the June 21, 2022 primary election and the November 8, 2022 general election.

During the month of December 2022, the OCF authorized six disbursements from the fund through participating candidates again who were certified in the 2022 election cycle, and those disbursements are listed in our report. With
respect to desk reviews and other activities, the
FEP Division conducted 24 desk reviews of the
December 10, 2022 reports and amended Reports of
Receipts and Expenditures which were filed with
Agency and issued eight requests for additional
information letters based on the review of those
reports.

With remitted funds as of December 31, 2022, the total sum of $667,679.43 has been
remitted for deposit in the fund from the
campaign operations again of candidates who were
certified to participate in the 2022 election.
There are currently 27 post-election audits which
are ongoing before the Fair Elections Program at
various stages in the audit process. The audits
and the status of each are listed in the OCF
report.

In our Public Information and Records
Management Division for the month of December,
there was one filing deadline for the filing of
Reports of Receipts and Expenditures during the
month of December, and that was the December 10th
Report of Receipts and Expenditures, which was
due by the principal campaign committees,
political action committees, the FEP candidate
committees, independent expenditure committees,
and the inaugural committees. The real-time
images of the reports are available at the OCF
website for review by the public.

For the 2024 election cycle, there
were no new candidate registrations for the month
of December 2022. In addition, there were no new
committee registrations for the month of December
2022. One new treasurer completed the OCF
entrance conference in December 2022.

In terms of referrals to the Office of
the General Counsel, the Public Information and
Records Management Division referred for the
failure to file timely the December 10th Report
of Receipts and Expenditures five principal
campaign committees, one Fair Elections Program
candidate committee, and three political action
committees for enforcement action. In our
traditional audit program, which is our Reports
Analysis and Audit Program, the RAAP conducted 107 desk reviews of Reports of Receipts and Expenditures which have been filed with the Agency, and issued 12 requests for additional information as a result of the reports which were reviewed.

The traditional audit program also issued three compliance audits which are available at our website for review by the public. These were compliance audits. The first was PILF’s Fund for Citizen Service. The audit report was issued on December 12, 2022 for the October 1, 2022 financial report, which had been filed by the citizen services program. Kenyan McDuffie 2022, the audit report was issued on December 12, 2022 of the August 10, 2022 financial report, which had been filed by the committee.

Fascher for Mayor 2022, the audit report was issued on December 12, 2022 of the August 10, 2022 financial report. For the record, I would just indicate that with the periodic
audits that are conducted by the traditional audit branch, the committees are required to submit all of the financial documents which underlie the expenditures and the receipts that are reported on the report for that particular coverage period.

With respect to ongoing periodic audits at this time, there are none in the audit branch, but the traditional audit branch we do anticipate that we will initiate audits for the newly-elected public officials whose campaigns participated in the traditional campaign finance program. We also will, with respect to the Fair Elections Program, initiate full field audits of the candidates who were certified to participate in that program, as well. That concludes my report, but I would ask the General Counsel to present the report on behalf of the Office of the General Counsel.

CHAIR THOMPSON: All right. Well, before that, I'll just express my ongoing thanks to the OCF and its staff for implementing the
Fair Elections Program and the ongoing traditional program. It's truly impressive. Years ago the council adopted the program and it got a partial start in 2020, but 2022 was obviously the first election cycle where it really all kicked in. It's just incredibly impressive to see a number like $13.5 million that was disbursed to 41 different candidates participating in that program, money that enabled those candidates, largely through matching, to run for office and create a larger field of qualified candidates for the voters to choose from. I hope the counsel is pleased with how well it's been implemented. Also, this is my favorite part. If they don't use the money, they have to return it.

MS. COLLIER-MONTGOMERY: That's true.

CHAIR THOMPSON: So that's $667,000 coming back into the fund, which is nice to see and obviously incredibly important to carefully monitoring how public taxpayer dollars are used as the incredible amount of audit activity that takes place. Twenty-seven audits in the Fair
Elections Program, three more audits in the traditional program.

That's a lot of time and a lot of work really going through line by line every expenditure by these campaigns to make sure everything tics and ties as it should. To tie it back in with what we just saw earlier in this meeting, there's a few stragglers that don't report. If you don't report, then we can't audit, can't review, can't confirm that dollars are spent appropriately.

With the fines that are available for those who don't report timely, hopefully the whole system works as best as it can to make sure the dollars are used in the way they're supposed to be used. So that report all speaks to the success of the program in 2022. It's just something I'm continually impressed with and I just wanted to say that.

MS. COLLIER-MONTGOMERY: Thank you.

CHAIR THOMPSON: So with that, Mr. Sanford, a report from General Counsel? I think
we have to re-unmute him.

MR. SANFORD: Good morning again, Mr. Chairman and distinguished Board members. This is William Sanford giving the report for the Office of the General Counsel and the Office of Campaign Finance. During the month of December 2022, as the director has indicated, the Office of the General Counsel received 10 referrals. The Office of the General Counsel issued three orders in which a total of $5,850 in fines was imposed.

The Office of the General Counsel imposed fines against the following Respondents: Friends of Courtney Snowden, a fine of $1,950 was imposed, Toliver for Ward 4, a fine of $1,950 was imposed, and Carter at large, a fine of $1,950 was imposed. During the month of December 2022, the Office of the General Counsel collected one fine for $500, which was submitted for the Perry Red for Ward 4 Council principal campaign committee.

During the month of December 2022, one full investigation was initiated pursuant to a
complaint that was filed by Eric Goulet. The complaint was docketed on the 29th of December, 2022. The Respondents are Elissa Silverman and the Elissa for D.C. principal campaign committee. The allegation is that the Respondents violated the Fair Elections Act by making an illegal contribution to another principal campaign committee.

During the month of December 2022, there were no requests for interpretive opinions and no show cause proceedings were conducted. That should conclude my report. The contents of the report will be published at the Office of Campaign Finance website by close of business on today’s date, January 4, 2023.

CHAIR THOMPSON: And just to clarify that, this complaint filed by Mr. Goulet, that's entirely new and separate from the matter that we heard last December?

MR. SANFORD: Yes, that's a new complaint.

CHAIR THOMPSON: Which I presume you'll
proceed to investigate that, is that right?

MR. SANFORD: The parties have been all notified. To avoid any misunderstanding in terms of the timeline, we have given specific time periods in which we expect responses.

CHAIR THOMPSON: Thank you so much.

Before we proceed to public matters, anything else that anybody needs to raise?

MS. STROUD: No, Mr. Chair. I don't have anything further.

MEMBER GREENFIELD: No.

CHAIR THOMPSON: All right, okay. So we're always pleased to hear public comment. Generally anybody who would like to speak can speak for three minutes. If any people would like to speak, all you have to do is raise your Zoom hand and we'll call on you one at a time from top to bottom, I guess.

MS. BRIZILL: Mr. Chairman, this is Dorothy Brizill. I'd like to speak.

CHAIR THOMPSON: All right, go ahead, your three minutes will be appreciated.
MS. BRIZILL: I have one quick question to general counsel. The administrative order in the Silverman case heard in December has not been posted on the website. Has it been written and filed with the Board?

MS. STROUD: It has not been issued as of yet. It will be issued this week.

MS. BRIZILL: My next question goes to Ms. Edwards. She indicated that there was a budget briefing of some sort, I could not fully understand her. What kind of budget briefing? Is this the preliminary budget with the Mayor's office of the budget? What sort of upgrades and replacement of equipment is she seeking? Was I correct when I heard that the amount is $12 million?

MS. EVANS: Ms. Brizill, I assume you're referring to me, not Ms. Edwards? But yes, in early December we had our budget review team meeting with the Executive Office of the Mayor and went through the budget requests for FY2024, as well as presenting several enhancement
requests for 2024. The budget mark is $12,172,000 for FY2024.

As far as enhancement requests, we have asked for enhancements for our ballot-on-demand printers to upgrade those that are not the latest technology, and also our mail balloting processing equipment at the warehouse, particularly now since we had the passage of the Elections Modernization Amendment Act and are required to have a fully operational mail ballot processing system. We do need some redundancy with some of the equipment and we do need to upgrade some of that equipment, as well.

MS. BRIZILL: The $12 million is specifically for what purpose then?

MS. EVANS: That is for our personnel and then our operational budget.

MS. BRIZILL: So the $12 million is not for new equipment?

MS. EVANS: That is correct. We issued some budget enhancement requests for that new equipment.
MS. BRIZILL: I don't understand, nor am I familiar with the term budget enhancement. The budget enhancement you're talking about is just to purchase or replace equipment?

MS. EVANS: Budget enhancements are for different reasons. It's not just equipment. Budget enhancement requests will essentially be our ask for anything that's not included in our budget mark, so that would be for anything such as personnel or equipment or increased stipends for election workers, upgrading IT systems, upgrading warehouse facilities, et cetera. So it's anything that's not included in the budget mark.

MS. BRIZILL: Okay, can we go back. I'm trying to take notes on this, and I've missed something or I've misunderstood you on some point. The $12.1 million you're requesting is for the FY2024 budget. I thought I heard you say that that was for personnel. You're saying that that's for both personnel and equipment?

MS. EVANS: No, part of that is
personnel budget. So we do have personnel that
comes out of that, but also we do have
operational costs that come out of that, as well.

MS. BRIZILL: What other budget enhance
-- what is the budget enhancement figure? Is it
separate?

MS. EVANS: Those are separate line
items for additional requests that we are making
of the council.

MS. BRIZILL: For what purpose? For
what purpose were budget enhancements?

MS. EVANS: I don't have the
enhancement packet in front of me. We had I want
to say 11 enhancement requests that we submitted,
everything from increasing election worker
stipends to replacing equipment that needs to be
replaced with our ballot-on-demand printers, with
adding sorting trays to our AGILIS mail sorting
equipment, enhancing our ballot processing
machines from the current equipment to the latest
equipment, which would allow us to be more
efficient with the counting of ballots, and
standing up a more formalized mail ballot system.

But then also with the Elections Modernization Amendment Act, we have to create a dashboard and that dashboard has certain data points, and so we have realized that we need to look at formalizing our information around data and data analysis and the collection of that information.

MS. BRIZILL: Let me --

CHAIR THOMPSON: If I may interject and maybe cap this off, there's a whole process before a council committee can approve our budget, correct?

MS. EVANS: That is correct.

CHAIR THOMPSON: I think I attended last year, it was in March or April?

MS. EVANS: The BRT meeting was held in December, but yes, in the spring we will actually have the formal meeting.

CHAIR THOMPSON: The formal meeting in front of the committee.

MS. EVANS: Yes, that's correct.
CHAIR THOMPSON: I guess just for the record, I believe we're no longer under the oversight of the Judiciary and Public Affairs Committee and we're being shifted over to a different committee?

MS. EVANS: Yeah.

CHAIR THOMPSON: What's it called?

MS. EVANS: Yes, we will now be under Councilmember Anita Bonds.

CHAIR THOMPSON: Bonds, it's like public administration?

MS. EVANS: I think that, yeah.

CHAIR THOMPSON: Yeah, so sometime in several months, Councilmember Bonds will hold hearing to review our budget, Fiscal Year 2024 budget requests with our requested enhancements?

MS. EVANS: Yes.

CHAIR THOMPSON: The public meeting information will be made available and public comment can be taken at that time.

MS. EVANS: That is correct.

MS. STROUD: And the committee which is
under Anita Bonds is the Committee on Executive
Administration and Labor.

CHAIR THOMPSON: Okay. So that's six or
actually seven minutes. If we can move on to
anyone else that would like to comment? Scroll
down and make sure we're not missing anybody? All
right, well, it's been a very productive and
constructive meeting. I want to thank everybody
for attending. Thank you, especially, to our
newest Board member, J.C. Boggs. I guess with
that, I would move that we adjourn.

MEMBER BOGGS: I'll second.

CHAIR THOMPSON: Second. All in favor?
(Chorus of ayes).

CHAIR THOMPSON: All three. Thank you
everybody, and we'll see you next month on the
first Wednesday.

(Wherefore, the above-entitled
proceeding went off the record at 11:41 a.m.)
C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DC BOE

Date: 01-04-23

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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