

MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING

March 2, 2022

The District of Columbia Board of Elections (the Board) held its Regular Monthly Meeting on Wednesday, March 2, 2022 via Zoom. Board Chairman Gary Thompson, and Board Members Karyn Greenfield and Mike Gill were present. The Board's Executive Director, Monica Evans, General Counsel, Terri D. Stroud, and the Director of the Office of Campaign Finance (OCF), Cecily Collier-Montgomery, were also present.

CALL TO ORDER: (10:38 am)

ASCERTAINMENT OF QUORUM:

- Board Chair Thompson and Board Members Greenfield and Gill constituted a quorum.

ADOPTION OF AGENDA/APPROVAL OF MINUTES

- **BOARD ACTION:** The Board unanimously adopted the agenda and minutes from the last meeting held on February 2, 2022.

BOARD MATTERS

- Ward 6 Councilmember Charles Allen, who chairs the Committee on the Judiciary and Public Safety, presented the unanimously passed "Alice P. Miller Resolution of 2021" to Mrs. Miller to thank her for the leadership she demonstrated throughout her tenure as the Board's Executive Director.

DCBOE EXECUTIVE DIRECTOR'S FEBRUARY 2022 REPORT (EXECUTIVE DIRECTOR MONICA EVANS)

- **General Information**
 - Because of the sharp decline in the Omicron variant, the Mayor has lifted mask mandates for businesses effective March 1, 2022. DCBOE will retain the mask requirement, but will no longer require an appointment to our offices.
- **Voter Education and Outreach (VEOD)**
 - During February 2022, the VEOD conducted 17 outreach events, including events at Phelps High School, Howard University, and the Department of Aging and Community Living.
- **Voter Registration**
 - We are currently processing new voter registrations through Voter Focus. In February, we registered 3,246 new voters and processed 2,850 address changes. In total, we mailed out 6,096 voter registration cards. We modified voter registration forms to properly capture required information from incarcerated DC residents.
- **Online Voter Registration:**
 - Our online portal went live at the end of January. It can be accessed through the DCBOE website. Use of the portal is gaining in popularity. Those registering to vote using the portal can complete the process using a cell phone, tablet, laptop, or desktop. So far, 932

voters have registered using this portal. We are making preparations to mail ballots for the June primary. DCBOE encourages voters to review and update their voter registration information if necessary.

- We recently moved 10,000 voters from “active” to “inactive” status. The remainder who are eligible to be moved will be moved within the next two weeks.
- **Redistricting:**
 - The US Census Bureau was set to release information to states by March 31, 2021 but, due to COVID delays, DC didn’t receive redistricting data until August and September 2021. The Redistricting Task Force has completed the ward redistricting process, and we have new ward boundary lines. The Council’s Ward Task Force is currently engaged in the Advisory Neighborhood Commission (ANC) redistricting process.
 - Yesterday, emergency legislation that amended the Redistricting Procedure Act of 1981 was passed. The bill extends the deadline for submission of ward task force reports on the redistricting of ANCs and Single Member Districts (SMDs). We will work closely with the Council to make sure provisions of this bill provide a timeline that allows us to complete the ANC and SMD redistricting process ahead of the pickup of ballot access documents for the office of Advisory Neighborhood Commissioner in July.
- **Update on Preparations for the June 21, 2022 Primary Election:**
 - The primary election is on June 21. Candidate pick-up began on January 28, and petitions are being circulated. All petition sheets must be submitted by March 23. We will mail a ballot to every registered DC voter for the June primary.
 - A contract for mail ballots has been awarded to K & H. DCBOE used them to mail ballots for the 2020 general election. We were pleased with their service and expect the same during this election cycle.
 - We tentatively plan to begin mailing ballots on May 16. Final mailing of ballots will occur on or around June 10.
 - Early vote centers will be open from June 10 through June 19. There will be no in-person voting on June 20 because of the Juneteenth holiday. A total of 40 vote centers will be open during early voting. A total of 90 vote centers will be open on election day. We have finalized the locations of the 40 early vote centers, and the election day voting centers will be finalized this week.
 - DCBOE owns 55 mail ballot drop boxes and are finalizing where these drop boxes will be located. We posted proposed locations on our website for public comment, and made adjustments based on feedback we received. With the help of the Department of General Services (DGS) and the Department of Public Works (DPW), we plan to open mail ballot drop boxes on May 27. Voters can also deposit ballots at any vote center during early voting and on Election Day.
- **Election Workers:**
 - We are currently recruiting election workers, and election worker training begins on March 22. Our goal is to recruit and train between 2000-2500 election workers for the primary. The online training portal (which will be available on our website) is finished and will supplement the in-person training.

- We have revised portions of our website to make it more user-friendly. We have also requested Personal Protective Equipment (PPE) and plexiglass for use in our vote centers, and will review DC mandates and monitor CDC guidelines with respect to the pandemic. Changes and adjustments to our plan will be made as needed.

DCBOE GENERAL COUNSEL’S FEBRUARY 2022 REPORT (TERRI STROUD):

- **Rulemaking to Title 3 of DCMR**
 - **Emergency and Proposed Rulemaking**
 - Title 3, Chapters 5, 7, 10, 14-15 and 99 will be amended
 - Assuming the rulemaking is published in the DC Register on March 11, the public can submit comments on or before April 11. We ask that the Board approve the submission of the rulemaking to the DC Register.
 - **BOARD ACTION:** The Board unanimously approved the motion for the emergency and proposed rulemaking to be submitted to the DC Register for publication.
- **Litigation Status:**
 - **Long vs. DCBOE:**
 - This matter was filed in DC Superior Court on July 2, 2021, and is a civil complaint seeking \$10,000.00 in damages. Petitioner claims negligence and unjust enrichment stemming from the 2020 election cycle, and alleges that the Board issued him a check without informing him not to deposit it, then had the payment stopped, causing him a returned check fee and a negative balance. The Office of Financial Resource Management (OFRM) handled payments to poll workers in this matter.
 - The Board is being represented in this matter by the Office of the Attorney General (OAG), which serves as counsel for OFRM.
 - The next hearing is set for March 25.
 - **Henderson vs DCBOE:**
 - Kathy Henderson filed a recall petition against Sydelle Moore, the ANC Commissioner for SMD 5D05. The petition was rejected because of an insufficient number of signatures.
 - Ms. Henderson appealed the matter to the DC Court of Appeals.
 - On January 19, the Court issued an order indicating this matter would be referred to the mediation coordinator for mediation screening. We are awaiting next steps.
 - **Public Interest Legal Foundation (PILF) vs. Monica Evans:**
 - This matter was filed in the United States District Court for the District of Columbia under the National Voter Registration Act (NVRA).
 - The suit alleges that the Board is out of compliance with the NVRA’s public records provision.
 - PILF requested records from the Board, and the request was denied due to the requested records not being subject to public disclosure pursuant to federal law.
 - The OAG filed a motion to dismiss on February 3, and PILF filed their opposition on February 17. A reply is due by March 17.

OCF FEBRUARY 2022 REPORT (DIRECTOR COLLIER-MONTGOMERY)

- The Fair Elections Program (FEP) and Traditional Campaign Finance Program (TCFP) reports, including fact sheets and information sheets, are posted on the OCF website.
- **Community Outreach**
NONE
- **Fair Elections Program Division (FEP) Report as of March 2, 2022**
 - Authorized Base Amount and Matching Payments
 - During the 2020 election cycle, the FEP Division authorized for disbursement \$4,016,797.64 in Base Amount and Matching Payments to 36 candidates certified to participate in 2020 election cycle, and to four additional candidates certified to participate in a special election held during that year.
 - During the current election cycle, the total sum of \$5,037,454.05 was authorized for disbursement from the Fair Election Fund in Base Amount and Matching Payments to 16 candidates certified in the FEP to participate in the June 21, 2022 Primary Election (the 2022 Primary Election).
 - Three candidates were certified in the FEP for the 2022 election cycle, and disbursements were authorized from the fund to participating candidates on 20 separate occasions. Disbursements and all particulars are detailed in the report which will be published on our website today. The three candidates are:
 - Sable Harris, Committee to Elect Sable Harris, certified on February 4 for the 2022 Primary Election for At-Large member of the Council
 - \$20,000.00 for the Base Amount, then \$31,975.00 in Matching Payments were authorized for disbursement.
 - Lisa Gore, Friends of Lisa Gore, certified on February 18 for the 2022 Primary Election for At-Large member of the Council
 - \$20,000.00 for the Base Amount, then \$66,580.00 in Matching Payments were authorized for disbursement.
 - Dexter Williams, Friends of Dexter, certified February 22 for the 2022 Primary Election for At-Large member of the Council
 - \$20,000.00 for the Base Amount, then \$66,580.00 in Matching Payments were authorized for disbursement.
 - **Desk Reviews and other Activities**
 - 46 desk reviews of Reports of Receipts & Expenditures (R&E Reports).
 - 17 Request for Additional Information (RFAI) letters were sent.
 - A new initiative requiring consultation with new candidates and treasurers was introduced. Eight committees participated. The list of participants can be found

in a report on OCF's website.

○ **Remitted Funds**

- As of February 28, \$153,261.39 was remitted for deposit in the Fair Elections Fund from the campaign operations of candidates who participated in the 2020 election cycle and the 2020 special election.

○ **Ongoing Post-Election (Full Field) Audits**

- Post-Election Audits - Primary Election
 - Of 34 candidates who were certified to participate, audits are at various stages. The draft audits for 18 post-election audits of candidates who did not proceed to the 2020 General Election are under review with audit manager.
 - The post-election audit report for the Committee to Elect Dontrell Smith was issued on February 28.
 - The names and status of each are listed in the report.

Public Information and Records Management Division (PIRM) Report for February 2022

- Legal Defense Committees - January 31 R&E Report
 - 1 required filer
 - 1 timely filed
- Principal Campaign Committees (PCCs) & Political Action Committees (PACs) - January 31 R&E Report
 - 105 required filers
 - 83 timely filed
 - 3 asked for requested extensions – granted
 - 22 failed to file – referral to OGC for enforcement
- Fair Elections Program PCCs - January 31 R&E Report
 - 38 required filers
 - 33 timely filed
 - 4 requested extensions - granted
 - 5 failed to file – referral to OGC for enforcement
- Independent Expenditures Committees - January 31 R&E Report
 - 3 required to file
 - 3 timely filed
- Initiative and Referendum Committees - January 31 R&E Report
 - 7 required filers
 - 1 timely filed
 - 6 failed to file – referral to OGC for enforcement

- Recall Committee - January 31 R&E Report
 - 1 required filer
 - 1 timely filed

- Fair Elections Program PCCs - February 10 R & E Report (Optional)
 - 5 committees timely filed

- New Candidates/Committees – registered in February 2022
 - 25 registered committees and candidates
 - 12 new candidates registered during February 2022
 - New candidates:
 - Deidre Brown – Candidate for Ward 3 Member of the Council – February 3
 - Harry Thomas – Candidate for US Representative – February 3
 - Calvin Gurley – Candidate for Council Chair – February 4
 - Kirk Hope – Candidate for US Representative – February 4
 - Salah Czapary – Candidate for Ward 1 Member of the Council – February 9
 - Linda Gray – Candidate for US Representative – February 10
 - Nathan Derenge – Candidate for Council Chair – February 16
 - Art Lloyd – Candidate for Ward 5 Member of the Council – February 16
 - Nicolle Lyon – Candidate for Ward 4 Member of the Council – February 17
 - Denise Reed – Candidate for Democratic National Committee – February 18
 - Jennifer Muhammad – Candidate for At-large Member of the Council – February 23
 - Stacia Hall – Candidate for Mayor – February 24

- Fair Elections Program
 - There are 35 registered candidates
 - Five new candidates registered during February 2022
 - Kathy Henderson – Ward 5 Member of the Council – February 4
 - Tricia Duncan – Ward 3 Member of the Council – February 15
 - Matthew Frumin – Ward 3 Member of the Council – February 15
 - Phil Thomas – Ward 3 Member of the Council – February 22

➤ Benjamin Bergmann – Ward 3 Member of the Council –
February 27

- Four active initiative committees
- Traditional Audit Program & FEP
 - 10 new candidates and treasurers completed the mandatory OCF Entrance Conference in February. The 10 who participated are listed in the OCF report.
- **Reports Analysis and Audit Division (RAAD) – February 2022**
 - 33 referrals were made to OGC for failure to file reports that were due January 31
 - 89 desk reviews were conducted
 - 12 RFAI letters issued
 - Two candidate treasurer consultations conducted
- **Ongoing Audits**
 - One final audit report was issued on February 7. (Full field audit from 2020 election and non-compliance audit - referred to OGC for enforcement.)
 - Four new audits were initiated in February 2022 regarding candidates in upcoming 2022 elections based on January 31 reports. Audit initiation letters were issued on February 11, and have a due date of March 7 for the submission of financial records. Committees are:
 - Spiva for DC Attorney General;
 - Rodney Grant for Mayor;
 - Cory Brown for Mayor, and;
 - Fred Hill 4 At-large Member of the Council

OFFICE OF CAMPAIGN FINANCE: (GENERAL COUNSEL WILLIAM SANFORD)

Intake/Output Report

- 37 referrals received
- Conducted two informal hearings
- No new fines imposed
- Collected fine of \$2,500.00 from John Fanning Ward 2 Special Election PCC

Motions for Reconsideration

- Issued two orders in connection with motions for reconsideration:
 - Motion filed by former ANC candidate Evelyn Hutchins was granted - prior order imposing fine of \$1,950.00 vacated
 - Motion filed by former FEP Candidate for Ward 8 Member of the Council Stewart Anderson was denied – fine of \$1,650.00 affirmed

Open Investigation

- NONE.

Interpretative Opinions

- NONE.

Show Cause Proceedings

- NONE.

PUBLIC MATTERS

- Dorothy Brizill:
 - Expressed frustration that information isn't clearly and easily posted on the DCBOE website. She stated that she had to hunt for today's meeting and agenda information, and requested that the Board make the site more user-friendly. She also requested that the Board do a better job of providing information to the public.
 - Board Response: Executive Director Evans explained that the Board meeting agenda is posted on our website and that we are working with an outside vendor to update our website and make it more user-friendly. Executive Director Evans also explained that, as a result of Ms. Brizill's comments at the Board's previous meeting, the Board made certain that the requested information (including proposed locations for vote centers and mail ballot drop boxes) was posted on the agency website and made available on social media platforms. She further stated that the Board has no intention of making decisions in secret.
 - Stated that she was taken aback that the OCF Director did not mention the final audit report regarding OCF issued by the Office of the DC Auditor (ODCA) in her report.
 - Board Response: Director Collier-Montgomery responded that she had just received the final ODCA report and had not yet fully reviewed it.

ADJOURNMENT (12:01 PM)