

MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
August 3, 2022

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, August 3, 2022 via Zoom and in the Board’s Hearing Room, located at 1015 Half Street, SE, Washington, D.C. 20003, Suite 750. Board Chairman Gary Thompson and Board Members Karyn Greenfield and Mike Gill were present. The Board’s Executive Director, Monica Holman Evans (“Executive Director Evans”), General Counsel, Terri Stroud, and Office of Campaign Finance (“OCF”) General Counsel, William Sanford, were also present.

CALL TO ORDER (10:00 a.m.)

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 July 15, 2022.

BOARD MATTERS

- Board Chair Thompson spoke about the success of the June 2022 Primary Election and the work currently being done in preparation for the November 2022 General Election.

DCBOE EXECUTIVE DIRECTOR’S REPORT (EXECUTIVE DIRECTOR EVANS)

- **Voter Education and Outreach (VEOD)**
 - During July, 16 outreach events were conducted.
 - VEOD partnered with the Department of Aging and Community Living and the Metropolitan Police Department for “Beat the Streets.”
 - VEOD conducted a voter registration drive along with the Federal City Alumnae Chapter of Delta Sigma Theta Sorority, Inc. at Ballou High School.
- **Voter Registration Rolls**
 - In July, the Voter Services Division registered 3,081 voters and processed 4,911 registration changes. In total, we mailed out 7,992 registration cards.
- **Online Voter Registration**
 - 14,675 applications were processed in July.
- **General Election Planning**
 - We met with Election workers and vendors to obtain feedback regarding the Primary Election.
 - The General Election will be held on Tuesday, November 8, 2022
 - Independent and minor party candidate nominating petition pick-up began on June

17.

- ANC nominating petition pick-up began on July 20.
- The last day to file petitions is August 10.
- The petition challenge period will run from August 13 through August 22.
- Every registered voter will be mailed a ballot for the General Election with a target initial mailing date of October 3.
- Ballot drop boxes will remain in place until after the General Election.
- A proposed list of early vote centers, election day vote centers, and drop box locations are posted on the website for a public comment period that will end on August 19.
- Election Worker training will begin on August 15 with the goal to train 2,000 to 2,500 workers for the General Election.

DCBOE GENERAL COUNSEL’S REPORT (GENERAL COUNSEL STROUD)

○ Litigation Status

• Jason Christopher Long v. D.C. Board of Elections

- This matter was filed in D.C. Superior Court on July 2, 2021 and is a civil complaint seeking \$10,000 in damages. Mr. Long claims negligence and unjust enrichment, and alleges that the Board issued him a check without informing him not to deposit it, then had payment of the check stopped, causing him to have a negative balance and a returned check fee.
- At a June 17, 2022 status hearing, Mr. Long initially failed to appear and the Court dismissed for failure to prosecute. Mr. Long later arrived at the hearing and the court reversed its dismissal and granted Mr. Long until August 12 to complete service.
- The Office of the Attorney General (OAG) represents the Board in this matter.

• Kathy Henderson v. D.C. Board of Elections

- Kathy Henderson filed a Recall Petition against Sydelle Moore, Advisory Neighborhood Commissioner for Single-Member District 5D05. The petition was rejected due to an insufficient number of signatures.
- Ms. Henderson appealed the matter to the DC Court of Appeals (“DCCA”).
- On May 25, the Court issued a briefing order directing Ms. Henderson to file her brief on or before July 5. No brief was filed, and on July 11, the Court ordered Ms. Henderson to submit her brief by August 1.
- Ms. Henderson filed her brief and supporting documents on July 22. The Board will file its response on or before August 22.

• Public Interest Legal Foundation (PILF) v. Monica Evans

- This matter was filed in the US 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 subjected to public disclosure.

- The OAG filed a motion to dismiss on February 3. The plaintiff filed a response on February 17. The OAG responded on March 17. There has been no further action in the matter.
- **Valerie Graham v. DC Board of Elections (DCCA)**
 - On June 3, 2022, Graham filed a petition for review in the DCCA of the Board's June 1 order denying her challenge to Ward 2 signatures on the petition submitted in support of Initiative Measure No. 82 ("I82").
 - On June 13, the I82 proposer moved to intervene. On June 15, OGC filed the agency record and a motion to dismiss or, alternatively, for summary affirmance.
 - The DCCA has ordered: (1) Graham to file a motion for summary reversal and a response to the pending motion to dismiss by July 5; (2) the Board to file a motion for summary affirmance and a reply to the response to the motion to dismiss by August 1; and (3) Graham to respond to the motion for summary affirmance by August 8.
- **Valerie Graham et al. v. DC Board of Elections, et al. (DC Superior Court)**
 - This matter was filed on June 7, 2022, in the D.C. Superior Court following the issuance of the Board's decision denying Valerie Graham's challenge to the Ward 2 signatures on the petition submitted in support of I82. In Counts I-III, Graham raises the same claims she raises in her appeal to the DCCA. In Count IV, John Bagwell complains of the denial of his motion to intervene in the Board's proceedings on the Graham challenge and the limits on his access to the petition and signature cards. In Count V, the No to I82 Committee complains that its right to have watchers was denied. Finally, in Count VI, DC Nightlife Council seeks review under the FOIA of the denial of I82-related information.
 - On June 15, OGC filed an expedited motion to dismiss Counts I-V. On June 28, Plaintiffs filed an amended complaint and a praecipe that alleged that the amendments to the complaint mooted the motion to dismiss. On July 5, OGC filed a reply in opposition to the praecipe's claim. On July 8, Plaintiffs filed a motion to strike the Board's reply and discovery requests.
 - On July 15, the Superior Court dismissed Counts I-V, leaving only D.C. Nightlife's FOIA complaint.
 - On July 27, the FOIA claim was voluntarily dismissed without prejudice by the Plaintiffs for the purpose of appealing the case in its entirety to the DCCA.
- **Valerie Graham v. DC Board of Elections (DCCA)**
 - On July 15, 2022, Graham, *et al*, filed a joint notice of appeal in the DCCA of the July 13, 2022 D.C. Superior Court order dismissing their claims.
 - On July 25, the Court issued an order directing the appellants to show cause why the appeal should not be dismissed and to provide their

position regarding consolidating the appeal with the I82 matter by July 28, and appellants and intervenors to respond by August 1. All parties complied with the order.

- On August 3, the DCCA issued an order consolidating the two matters, and setting a briefing schedule and a timeframe during which oral argument would be held (the week of August 22).

- **Calvin Gurley v. DC Board of Elections (D.C. Superior Court)**

- On July 12, 2022, Mr. Gurley filed in the D.C. Superior Court a complaint pertaining to the signature requirements for independent and minor party candidates, dates for elections, dates on which nominating petitions become available, and petition signature validity requirements.
- An answer in this matter is due on September 12.
- The OAG will represent the Board in this matter.

OCF REPORT (DIRECTOR COLLIER-MONTGOMERY)*

**OCF General Counsel William SanFord is giving report on Director's behalf*

- **Community Outreach**

- During July 2022, the OCF joined other District agencies and participated in the Metropolitan Police Department's (MPD) Beat the Streets (BTS) Program at eight Community Outreach events.

- **Fair Elections Program (FEP) Division**

- During the 2022 election cycle, the total sum of \$11,329,138.65 has been authorized for disbursement from the FEP Fund in base amounts and matching payments to the 33 Candidates previously certified in the FEP to participate in the June 21, 2022 Primary Election and in the November 8, 2022 General Election.
- No new candidates were certified in July.

- **Public Information and Records Management (PIRM) Division**

- There were six required filers for the Constituent Service Programs Report of Receipts and Expenditure ("R & E Report") due on July 1, and six timely filers.
- There were three required filers for the Senator/Representative Statehood Funds R & E Report due on July 1, and three timely filers.
- There were two required filers for the Fair Elections Candidate Committees R & E Report due on July 10, and two timely filers.
- There were two required filers for the Initiative Committees (concerning I83) second R & E Report due on July 11, and two timely filers.
- There was a total of 63 committee reports due on August 1. The number of timely filers has not yet been determined.
- The August 1 committee reports were due from the Principal Campaign Committees (PCCs) & Political Action Committees (PACs), Independent Expenditure Committees, Initiative/Referendum Committees, Recall Committees,

and the FEP PCCs.

- Six new candidates were registered in July, and seven treasurers completed mandatory entrance counseling.
- **Reports Analysis and Audit Division (RAAD) Program**
 - 31 desk reviews were conducted during July 2022.
 - Five committees were approved for termination.
 - Two cases were referred to the OGC.
 - On July 11, Fred Hill Council At-Large PCC was issued one non-compliance order.

OCF GENERAL COUNSEL REPORT (GENERAL COUNSEL WILLIAM SANFORD)

- **Intake/Output Report**
 - Two referrals for an informational hearing were received.
 - Fourteen hearings were held.
 - Fourteen orders were issued in which a total of \$13,600.00 in fines was imposed.
- **Open Investigations**
 - NONE
- **Interpretative Opinions**
 - NONE
- **Show Cause Proceedings**
 - NONE

PUBLIC MATTERS

- NONE

ADJOURNMENT (10:30 a.m.)