GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

DECEMBER 8, 2021

+ + + + +

The District of Columbia Board of Elections convened via Video Teleconference, pursuant to notice at 10:30 a.m. EST, Mike Gill, Member, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

MIKE GILL, Member
KARYN GREENFIELD, Member

BOARD OF ELECTIONS STAFF PRESENT:

MONICA HOLMAN EVANS, Executive Director
TERRI D. STROUD, General Counsel
CECILY COLLIER-MONTGOMERY, Director,
Office of Campaign Finance
WILLIAM SANFORD, Office of the General Counsel
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MEMBER GILL: Good morning, today is December 8th and this is the monthly Board Meeting, monthly hearing, of the D.C. Board of Elections. My name is Mike Gill and I am sitting in the Chairman's seat today.

With me on the dais is our Executive Director, Monica Evans, our General Counsel, Terri Stroud, my fellow Board Member, Karen Greenleaf, and the Head of our Office of Campaign Finance, Cecily Collier Montgomery.

Let me welcome everyone and let me ascertain that with Karen here, we do have a quorum. And then I want to accept the motion if one is made, Karen, for an adoption of the agenda and approval of the minutes.

MEMBER GREENFIELD: I move that we adopt the agenda and approve the minutes.

MEMBER GILL: Second, all in favor?

Aye? Wonderful. I don't have any Board Members for today, Karen, do you have any?
MEMBER GREENFIELD: No, I don't.

MEMBER GILL: And then with that,

Monica, I'll turn it over to you for your
Executive Director's report.

MS. EVANS: Thank you, and good morning. On November 18, 2021 I provided testimony regarding the VOICE Amendment Act, which was introduced to bring rank choice voting to D.C.

Of course, BOE takes no position regarding the passing of pending legislation, however, we provided information regarding the impact of proposed legislation.

Implementing rank choice voting would require a well funded comprehensive voter education campaign. Additionally, we would need to be properly resourced.

Specifically, we would need staff and financial resources to provide voter education and outreach and to modify our ballot design and voting equipment.

More importantly, we would need to
reset the expectation of voters. Election results will not be available on election night.

Our voter-focused registration system, our new registration system is up and running and the election worker portal is operational.

Staff training is continuing with the new voter-focused system and as Staff Members continue to use Voter Focus, we have identified a few enhancements with how reports are generated.

Even though Voter Focus is fully operational, the integrity system is still functioning to allow us to conduct parallel testing and reviews to ensure Voter Focus is producing accurate data and reports.

Today, all testing has yielded correct information. Voter outreach, during the month of November, the voter education and outreach Division participated in many outreach events on behalf of the Agency.

Overall, we participated in 14 format outreach events. One noteworthy event was held at the Voice of America men's halfway house in
Baltimore on November 19th.

   This was our first visit to this

location and we successfully registered 11 D.C.
residents at this event. We will continue to
visit this halfway house to conduct voter
registration and provide outreach.

   Voter registration, we are currently

processing new registrations in Voter Focus and
producing registration reports. In November we
registered 3064 new voters.

   We also processed and mailed 4575

voter cards. Election worker training, as
mentioned last month, we are developing an online
training component for election workers.

   The online training will complement

the mandatory four-hour in-person training class.
We're continuing to develop the content for the
online training module.

   The online training component will be

available for any election worker as a refresher
to the in-person training. That concludes my
report.
MEMBER GILL: Thank you, Monica.

Karen, do you have any questions?

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

MEMBER GILL: I don't have any questions, I'm just want to emphasize, you gave update on what you told the Council on rank voting.

As of this time, there is not intention for D.C. Board of Elections to use rank voting?

MS. EVANS: That's correct, and if the legislation passes, it would not be effective for the 2022 election cycle, it would be effective for the 2024 election cycle.

MEMBER GILL: Thank you, that's all.

With that, I'm going to turn it over Terri Stroud, our General Counsel.

MS. STROUD: Good morning, everyone.

The first item on my agenda is rulemaking to Title 3 of the D.C. Municipal Regulations.

The first piece of the final
rulemaking, which would amend Chapter 7 to establish that voters who cast special or provisional due to failure to provide the required proof of residence at the time of voting must provide such proof by no later than the second day after election day.

We visited this rulemaking first during the Board's last meeting on November 3rd. Actually, it was before that but the notice of emergency proposed rulemaking with respect to this rulemaking was published in the D.C. Register on October 22nd.

We haven't received any written comments on the rules during the public comment period and we made no substantive changes to the rules as they were proposed.

And so today I ask the Board to allow us to submit this final rulemaking to the D.C. Register at which time it will become effective. And so that's the first item and I will go to the second piece of rulemaking, which is emergency and proposed rulemaking.
And this would be to amend Chapters 10 through 11 and 14 through 17.

And these regulations simply make clear that the Board has more flexibility with respect to the formatting of rulemaking so as to allow for common day electronic petition circulation, which was implemented during the last election cycle when we were in a pandemic environment.

And so previously, the petitions have to be double-sided and allow for 20 lines of space on the front and back.

But we are no longer bound to the double-sided signatures per the double-sided sheet provisions because they have been removed. And so the rulemaking is something to reflect the new method for circulation, which is electronic.

And so you can circulate the petitions, most of the petitions, either electronically or still using the paper or with e-sign, our digital petition software program that we allow members of the public to use who
are circulating petitions.

And so I would ask for the Board's permission to submit this to the D.C. Register for publication.

And we would take a final rulemaking action with respect to this no later than 120 days from the adoption date.

And so I ask the Board for permission to send both of these pieces of rulemaking to the D.C. Register for publication.

MEMBER GILL: Thanks, Terri. Karen, can I get a motion to allow for publication of the final rulemaking that has to do with provisional ballots and I.D. within two days?

Let's do one at a time. Motion?

MEMBER GREENFIELD: I make a motion that we allow for the publication of the final rulemaking with respect to the special provisional ballots that you must notify within two days.

MEMBER GILL: I second it. All in favor?
(Chorus of aye.)

Any opposed? The motion passes.

Next, a motion on amending Chapters 10, 11, and 14 through 17?

MEMBER GREENFIELD: I make a motion that we amend the Chapters 10, 11, and 14 through 17 in the publication.

MEMBER GILL: Second. All in favor?

MEMBER GREENFIELD: Aye.

MEMBER GILL: Aye. All opposed? The motion passes. Does that conclude your report?

MS. STROUD: It does not. I have litigation status and at the time the agenda was published we only had one matter but since that time, we have received two losses.

So, the first case is Long v. The D.C. Board of Elections, that was filed in D.C. Superior Court on July 2nd. It's a civil complaint seeking $10,000 in damages.

So, Mr. Long, the Plaintiff, 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 return check fee.

The Office of the Attorney General is handling this matter for the Board. They are Counsel for the Office of Finance and Resource Management, which handle the issue of coworker checks on the Board's behalf.

The matter will be heard by the D.C. Superior Court on December 14th. The second matter is Henderson v. the Board of Elections.

Kathy Henderson filed a recall petition against Sydelle Moore, Advisory Neighborhood Commissioner for Single-Member District 5D05.

The Board rejected that due to an insufficient number of signatures and Ms. Henderson had to appeal to the D.C. Court of Appeals.

The final matter is Public Interest Legal Foundation v. the Board. PILF has sued the Board in D.C.'s Federal District Court under the
MDRA alleging that the Board is out of compliance with that statute's public records provision.

PILF had requested records from the Board but the Board denied the complaint based on its understanding that the records requested are not subject to public disclosure.

And so that matter is in the D.C. Federal District Court. That concludes my report.

MEMBER GILL: Karen, do you have any questions for Terri?

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

MEMBER GILL: Not a question but an observation, Terri, the PILF matter, that's going on across the country, requesting this information from others, not just us?

MS. STROUD: They had requested it from several jurisdictions.

MEMBER GILL: And it's our view of the legal technical response, which is it's not a FOIA-able request and, therefore, we're not
giving it up because it's private information.

    MS. STROUD: That is correct.

    MEMBER GILL: Thank you. Without any further questions, then, Cecily, are you ready?

    MS. COLLIER-MONTGOMERY: Yes.

    MEMBER GILL: Go right ahead.

    MS. COLLIER-MONTGOMERY: Good morning,
on behalf of the Office of Campaign Finance, I would report initially that the OCF did participate in a community event on November 10th.

    The OCF accompanied the Board of Elections at the Central Union Mission for a voter registration event.

    Of course, these events give us the opportunity to inform the residents of the District of Columbia about the Office of Campaign Finance and also about its responsibilities and programs that the Agency administers.

    In the Fair Elections program during the month of November 2021, the first thing I
would like to again report is that the 2020
election cycle was the first election cycle
during which the Fair Elections program.

The total sum of $4,016,797.64 was
dispersed from the Fair Elections fund in the
base amount and also in matching payments to the
36 candidates who were certified in the program
during the 2020 election cycle for the two
elections which were conducted, the June 2020
primary election as well as the November 3, 2020
general election.

And also during this timeframe, the
Agency also administered the program to those
candidates who participated in the June 16, 2020
special election.

As of this date during the 2022
election cycle, the total sum of $1,338,527.55
has been authorized for dispersement from the
fund to the nine candidates who are currently
certified in fair elections program to
participate in the June 21, 2022 primary
election.
During the month of November, we also certified four new candidates to participate in the Fair Elections program during the primary election.

They are Charles Allen, re-elect Charles Allen for Ward 6.

The candidate was certified on November 5th as a participated candidate in the program for the Covered Office of Member of the Council for Ward 6 in the sum of $74,212.55 and matching payments was authorized for dispersement.

The second candidate is Kenya McDuffy, McDuffy 2022. The candidate was certified on November 5, 2020.

We want to participate in the program for the Covered Office of the Attorney General in the sums of $308,535 in matching payments and $20,000 for the base amount payment were authorized for dispersement.

The third candidate is White, Robert for D.C.
The around was certified on November 5th in the program for the Covered Office of Mayor in the sums of $381,185 in matching payments and $80,000 for the base amount payment authorized for dispersement.

Zachary Parker is the fourth candidate who was certified.

Friends of Zachary Parker 2022, he was certified on November 18, 2021 in the program for the Covered Office of Member of the Council from Ward 5 in the sums figure out $67,405 and matching payments and $20,000 for the base amount payment were authorized for dispersement.

We also made an additional dispersement to Charles Allen, Re-Elect Allen for Ward 5, on November 18, 2021. The additional sum of $1,9075 was authorized in dispersement in additional matching payments.

I would also point out for the members of the public who have just heard me indicate that base amount payments were authorized for dispersement that the Fair Elections authorizes
the payment of base amounts.

And the amount varies depending on the Office in Contested Elections. So, you will see that I have indicated in some instances base amounts for authorized and others I did not mention the base amount.

Also in the Fair Elections program during the month of November, 14 reports were received of expenditures were desk reviewed and those were of the October 10, 2021 report.

Also, the Division issued nine requests for additional information and that was the result of the desk reviews which were conducted.

With respect to remitted funds, as of November 30, 2021, the total sum of $140,686.80 has been remitted for deposit in Fair Elections from the campaign operations of candidates who participated in the 2020 election cycle and the June 2020 special election.

There are 44 ongoing post-election audits in the Fair Elections program and they are
currently at varying stages. I would indicate for the members of the public that the 34 audits are listed in our report.

And the status of each one those reports is also provided, and that the statistics of the Office of Campaign Finance will be posted at our website before the close of business today so that those stats can be reviewed.

In the Public Information and Records Management Division for the month of November there was one filing deadline and that was from the Legal Defense Committee.

It was the 20th report of receipts and expenditures, which was due on Monday, November 1, 2021. There was one required filing and the report was timely filed.

There was almost one referral to the Office of the General Counsel for enforcement and that was for failure to timely register as a candidate. The candidate is trained as candidate for mayor.

With new candidates in Committees who
registered during the month of November, we had
two new candidates who registered in the
traditional program during the month of November.

There are currently 12 candidates in
that program. The new candidates are Bruce Viba,
Attorney General who registered on November 16,
2021, Norman Rogers, Council Ward 5, who
registered on November 19, 2021.

There are 22 candidates currently who
are registered to participate in the Fair
Elections program and we had eight new members
who registered in November.

They are Muriel Bowser for mayor,
registration date, November 4, 2021, Lisa Gore,
Council at Large, who registered on November 4th,
Harry Thomas, Council Ward 5 who registered on
November 9th.

Dexter Williams, Counsel at large who
registered on November 10th, Trayon White, mayor
who registered on November 12th, Bradley Thomas,
Counsel At Large who registered on November 15th.

Anita Bonds, Counsel at large who
registered on November 16th, and David Krucoff Council Ward 3, who registered no November 29th.
At this time, there are still three initiative commitments who are registered with the Agency.

There were no known Committees who registered during the month of November. During the month of November, also, 14 new candidates and registered treasurers completed the OCF entrance conference presentation.

And the names of the those candidates and treasurers are listed in our report.

And again, just for the information of the public, I should indicate that the only registered candidates and Treasurers are required by statute by the Campaign Finance Log to take a mandatory training conference.

And basically, the purpose is to inform them of their responsibilities as candidates under the campaign finance laws with respect to the reporting requirements.

In our report's analysis in the Audit Division during the month of November, and this
is our traditional audit program, the Audit Branch conducted 10 desk reviews of reports, receipts, and expenditures that had been final. They issued two final audit reports, the first was Mendelson 2022, PRO at random audit, and that was issued on November 12th. Also, our Ward 5 constituents service program that was in a period at random audit and that was issued on November 12th.

The final audit reports are exemptible at our website for review by members of the public. There are three ongoing audits in the report now within the Audit Division.

The first two are of newly elected officials and these are of full-field audits, which were initiated following the November 2020 general election.

The first one is Brooke Pinto for Ward 2 and the second is Jacque for D.C. at the State Board of Education.

And the status of those audits are indicated in a report again. The report will be
posted by the end of the day.

Also, we have one ongoing constituent service program periodic award and that's of the October 1, 2021 report of receipts and expenditures.

That is Mayer Bowser's constituent service program and again, the status of that audit is listed in our report, which we will post at the end of the day.

And that concludes my report but I would ask my General Counsel to give the report for the Office of the General Counsel.

MR. SANFORD: Morning, Mr. Chairman and distinguished Board Member Greenfield. My name is William Sanford, General Counsel for the Office of Campaign Finance.

During the month of November 2021, the Office of the General Counsel received one referral from the Public Information and Records Management Division, issued 19 orders, which included the following.

Seven orders were issued which vacated
prior orders in which plans were imposed and
those seven orders removed the fines.

Five orders were issued in which the
fines were suspended and seven orders in which a
total of $11,550 and fines were passed.

During the month of November 2021, the
Office of the General Counsel imposed fines
against the following Respondents.

A fine of $1650 was imposed against
Monica Palacio for City Council Principal
Campaign Committee.

The fine of $1650 was imposed against
the Capital Stonewall Democrats PAC, a fine of
$1650 was imposed against the Markus for D.C.
principal campaign Committee.

A fine of $1650 was imposed against
the Committee to elect Stuart Anderson. A fine
of $1650 was imposed against James for Ward 2,
State Board of Education.

A fine of $1650 was imposed against
Keith Silver for D.C. and a fine of $1650 was
imposed against Randy Downs for Ward 2 Principal
Campaign Committee.

During the month of November 2021, the Office of the General Counsel did not collect any fines.

And during the month of November 2021, there were no open investigations, no requests for interpretive panings were received and no show-cause proceedings were conducted.

That concludes my report.

MEMBER GILL: Thank you, Bill. Karen, do you have any questions for Cecily or Bill? Let me just make sure, Cecily, does that conclude your report? Karen, any questions?

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

MEMBER GILL: I don't have any either. Thanks, folks. With that, we will turn to public matters and we will go to the phones, as they say.

I'm going to ask that folks are unmuted and if you would like to raise a matter within public matters, please state your name and
your address and you have three minutes.

If we don't have any comments from public matters, and I'll give it a few more seconds here, but it looks like we don't. With that, I think we're good.

Karen, a motion to adjourn?

MEMBER GREENFIELD: I move that we adjourn the meeting.

MEMBER GILL: Second. All in favor?

(Chorus of aye.)

All opposed? The meeting is adjourned.

(Whereupon, the above-entitled matter went off the record at 11:02 a.m.)
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