

**MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING  
September 6, 2022**

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Tuesday, September 6, 2022 via Zoom. Board Chair Gary Thompson and Board Members Karyn Greenfield and Mike Gill were present. The Board’s Executive Director, Monica Holman Evans (“Director Evans”), General Counsel, Terri Stroud, the Director of the Office of Campaign Finance (“OCF”), Cecily Collier-Montgomery, and OCF General Counsel, William Sanford, were also present.

**CALL TO ORDER (11:04 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 amended agenda and the minutes from the last meeting held on August 3.

**BOARD MATTERS**

- NONE

**DCBOE GENERAL COUNSEL’S AUGUST 2022 REPORT (GENERAL COUNSEL STROUD)**

○ **NOMINATING PETITION CHALLENGE HEARINGS**

• **Kathy Henderson v. Salvador Saucedo-Guzman, Candidate for Advisory Neighborhood Commissioner, Single Member District (SMD) 5D05**

○ The Registrar of Voters (“the Registrar”) determined that Mx. Saucedo-Guzman’s petition had two signatures below the 25 required for ballot access. Mx. Saucedo-Guzman testified under oath that they inadvertently put the wrong date on the circulator affidavit on a petition sheet, an error that invalidated five otherwise valid signatures. Because no substantial evidence was presented that the circulator acted in a manner inconsistent with the circulator’s oath, the Board waived Mx. Saucedo-Guzman’s error and credited their petition with the five otherwise valid signatures.

**BOARD ACTION:** Ballot access granted.

• **Kathy Henderson v. Carrie Dellesky, Candidate for Advisory Neighborhood Commissioner, SMD 5D06**

○ The Registrar determined that Ms. Dellesky’s petition had 24 signatures over the 25 required for ballot access, despite Ms. Henderson alleging, among other things, that 45 signatures were not made by the persons whose signatures they were purported to be. Ms. Henderson did not produce any voter who signed Ms. Dellesky’s petition and denied having done so, and did not offer credible forensic evidence calling into question the validity of the signatures, such as testimony from

a handwriting expert. Accordingly, the Board had no basis upon which to overrule the Registrar's findings.

**BOARD ACTION:** Ballot access granted.

• **Kathy Henderson v. Rebecca Ryan, Candidate for Advisory Neighborhood Commissioner, SMD 5D01**

o The Registrar determined that Ms. Ryan's petition had two signatures over the 25 required for ballot access, despite Ms. Henderson alleging, among other things, that 65 signatures were not made by the persons whose signatures they were purported to be. Ms. Henderson asked the Board to rely on a previous Board ruling, *Williams v. District of Columbia Bd. of Elections and Ethics*, 804 A.2d 316 (D.C. 2002), to invalidate Ms. Ryan's petition. The Board declined to do so, finding *Williams* distinguishable from this matter as there was no basis for imputing any inappropriate conduct to Ms. Ryan, much less circulator conduct of the criminal nature indicated in *Williams*.

**BOARD ACTION:** Ballot access granted.

• **Kathy Henderson v. Juan McCullum, Candidate for Advisory Neighborhood Commissioner, SMD 5D07**

o The Registrar determined that Mr. McCullum's petition had four signatures over the 25 required for ballot access, despite Ms. Henderson alleging, among other things, that 20 signatures were not made by the persons whose signatures they were purported to be. Ms. Henderson did not produce any voter who signed Mr. McCullum's petition and denied having done so, and did not offer credible forensic evidence calling into question the validity of the signatures, such as testimony from a handwriting expert. Accordingly, the Board had no basis upon which to overrule the Registrar's findings.

**BOARD ACTION:** Ballot access granted.

• **Clayton Aristotle Rosenberg v. Edward Daniels, Candidate for Advisory Neighborhood Commissioner, SMD 8F04**

o The Registrar determined that Mr. Daniels' petition had one signature below the 25 required for ballot access. Mr. Daniels asked that the Board credit to his petition one signature that was found to be invalid because it had a hatch, or ditto, mark in the field for entry of the signer's address. Mr. Daniels had previously indicated to the Registrar that that hatch mark was meant to signify the building address, as opposed to the unit address, associated with the immediately preceding signer entry on the form. With that information, the Registrar was able to match a voter in the Board's records to the printed name on the petition. However, because the address at issue was for an apartment building and the hatch mark was meant to signify the same address as the immediately preceding entry, and that entry included an apartment number that did not match the voter's apartment number, the Registrar continued to discount the entry.

Board Members Thompson and Greenfield felt that, in the context of an apartment building, the hatch or ditto mark should be interpreted as signifying the address of the building alone and not the specific apartment number included in the preceding

entry, and voted accordingly. Board Member Gill found that the hatch or ditto mark should be applied literally and that therefore the apartment number included in the prior entry should apply to the signature at issue, and voted accordingly. Accordingly, the majority of the Board found that the Board contained a sufficient number of signatures for ballot access.

**BOARD ACTION:** Ballot access granted.<sup>1</sup>

○ **Litigation Status**

- **Jason Christopher Long v. D.C. Board of Elections (DC Superior Court)**
  - This matter was filed 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.
  - There was a status hearing on August 12, by which time Mr. Long was to have completed service. Mr. Long did not appear at the hearing and did not complete service. As a result, the case was dismissed without prejudice.
  
- **Kathy Henderson v. D.C. Board of Elections (DC Court of Appeals)**
  - This was an appeal filed by Ms. Henderson from the Board's rejection of her recall petition submitted against Sydelle Moore, Advisory Neighborhood Commissioner for SMD 5D05 due to an insufficient number of signatures.
  - All briefing in this matter has been submitted, and we are currently awaiting a ruling from the court.
  
- **Public Interest Legal Foundation (PILF) v. Monica Evans (US District Court)**
  - This matter was filed under the National Voter Registration Act (NVRA), and it alleges that the Board violated the NVRA's public records provision when it rejected the plaintiff's request for certain records.
  - All briefing in this matter has been submitted, and we are currently awaiting a ruling from the court.
  
- **Valerie Graham v. DC Board of Elections I and II (Consolidated)**
  - This matter is a consolidation of appeals from the Board's June 1 order denying Graham's challenge to Ward 2 signatures on the petition submitted in support of Initiative Measure No. 82 ("I82") and the D.C. Superior Court's order dismissing Graham's claims regarding I82.
  - The matters were fully briefed as of August 19, and there was oral argument on August 24. On August 31, the court issued an order granting the Board's and intervenors' motions for summary affirmance of the

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<sup>1</sup> After the Public Matters portion of the meeting, at approximately 1 pm, the Board Members voted unanimously to enter into Executive Session pursuant to D.C. Official Code § 2-575(b)(13) to deliberate upon the issues raised in the nominating petition challenge hearings. At 1:32 pm, the Board unanimously voted to resume the public meeting and thereafter voted with respect to each matter, granting or denying ballot access as indicated.

Board's June 1 order and affirming the D.C. Superior Court's order dismissing their claims regarding I82.

- On September 2, Ms. Graham filed a petition for a hearing *en banc*. The Board will file a response to that petition today.

- **Calvin Gurley v. DC Board of Elections**

- On July 12, 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.
- On August 9, the case was dismissed for failure to state a claim.

## **DCBOE EXECUTIVE DIRECTOR'S AUGUST 2022 REPORT (EXECUTIVE DIRECTOR EVANS)**

- **Voter Education and Outreach (VEOD)**

- 31 outreach events were conducted, including a partnership with GW Votes at George Washington University and a Back to School Community Fair with Gateway DC. We also participated at the Professional Development Training with DC Public School Teachers.

- **Voter Registration Rolls**

- In August, the Voter Services Division registered 2,540 voters and processed 1,990 registration changes. In total, we mailed out 4,530 registration cards.

- **Online Voter Registration**

- 15,693 applications have been processed to date.

- **Redistricting**

- The process of moving voters affected by redistricting has been finalized within the database.
- There are currently 345 SMDs.
- Approximately 300,000 residents will receive postcards reflecting their new SMD assignment.

- **General Election Planning**

- The General Election will be held on Tuesday, November 8.
- The last day to file nominating petitions was on August 10.
- The petition challenge period ran from August 13 through August 22.
- The Board is currently conducting petition challenge hearings.
- We will mail a postcard encouraging DC residents who are eligible to vote but have not yet registered to register to vote.
- Every registered voter will be mailed a ballot for the General Election with a target mailing date of October 3.
- Most ballot drop boxes will remain in place until after the General Election, but

some will be moved from locations used during Primary Election based on feedback and comments we received.

- Early vote centers, election day vote centers, and mail ballot drop box locations have been finalized and are posted on the Board's website.
- We will engage in print, radio, and television advertising about the upcoming election. We will also produce postcard mailers, a voter guide, door hangers, and yard signs.
- Election Worker training began on August 15 with the goal to train 2,000 to 2,500 workers for the General Election. 560 election workers have been trained to date.

## **OCF AUGUST 2022 REPORT (DIRECTOR COLLIER-MONTGOMERY)**

### **○ 2022 Election Cycle Debates**

- OCF will conduct debates on September 19, 2022, and September 21, 2022 in the contested races for the offices of Mayor and At-Large Member of the Council.
- All candidates certified to participate in the Fair Election Program (FEP) who are in contested city-wide elections must participate in the debates, and any candidates in the Traditional Campaign Finance Program (Traditional Program) who have qualified for ballot access will be invited to participate.
- The mandatory debate requirement is waived when there is no other FEP participating candidate or willing non-participating candidate.
- There is one certified participating candidate seeking the office of Mayor, and five certified participating candidates seeking the office of At-Large Member of the Council.
- OCF will update information on the website and at the OCF debates website, [www.dcdebates.com](http://www.dcdebates.com), as it become available concerning the date, time, participants, and the registration process for the public to attend virtually and participate in the debate.

### **○ Fair Elections Program (FEP) Division Report for August 2022**

- During the 2022 election cycle, the total sum of \$13,046,740.93 has been authorized for disbursement from the FEP Fund in base amounts and matching payments to 40 candidates certified in the FEP to participate in the June 21, 2022 Primary Election and in the November 8, 2022 General Election.
- OCF authorized 27 disbursements from the FEP fund to participating candidates and certified seven new candidates:
  - Robert Henderson, the Committee to Elect Robert Henderson (State Board of Education (SBOE) Ward 5, certified on August 17, 2022.
  - Ben Michael Williams, Ben for Ward 1 (SBOE Ward 1), certified on August 17, 2022.
  - Michael Sriquei, Sriquei for Ward 3 Schools, certified on August 17, 2022.
  - Karim David Marshall for DC Council Member At-Large, certified on August 17, 2022.
  - Brandon Best, Friends of Best for SBOE (SBOE Ward 6), certified on August 17, 2022.
  - Joshua David Wiley, Together with Wiley for Ward 6 (SBOE Ward 6),

- certified on August 17, 2022.
  - Nina Geddings O’Neill, Nina O’Neill 2022 (SBOE Ward 5), certified on August 17, 2022.
- **Desk Reviews**
  - 73 desk reviews were conducted during August 2022.
  - 21 Requests for Additional Information (RFAI) Letters were sent.
- **Ongoing Post Election Full Field Audits**
  - 27 post-election audits are currently ongoing
  - Two Final Audit Reports were issued:
    - In the Matter of Yiln for Ward 2, July 29
    - In the Matter of the Committee to Elect Janeese Lewis George, July 19
- **Public Information and Records Management Division (PIRM)**
  - Filing of Reports of Receipts and Expenditure (“R & E Reports”)
    - Two filing dates: July 31 and August 10
  - **New Candidates and Committees**
    - Two new candidates were registered in the Traditional Program:
      - Fred Hill, Office of the Council At-Large, August
      - Eric Goulet, Office of the SBOE for Ward 3
    - Two new candidates were registered in the FEP:
      - Michael Sriqui, Office of the SBOE for Ward 3 (General Election)
      - Brandon West, Office of the SBOE for Ward 6
  - 11 Candidates and Treasurers completed the OCF Entrance Conference for August; their names are posted on OCF’s website
  - **Referrals to the OCF Office of General Counsel (OCF OGC)**
    - 25 Committees were referred for failure to file the July 31, 2022 R & E Report
    - 18 Committees were referred for failure to file the August 10, 2022 R & E Report
- **Reports Analysis and Audit Division (RAAD) Program**
  - 93 desk reviews were conducted during August 2022.
  - Issued 29 Request for Additional Information (RFAI) letters were sent.
- **Ongoing Audits**
  - Campbell for Mayor-The Committee was referred to the OCF General Counsel on April 19, 2022 for failure to provide the requested audit records. The Audit staff is in the process of writing the Audit Report.

## **OCF AUGUST GENERAL COUNSEL REPORT (GENERAL COUNSEL WILLIAM SANFORD)**

- **Intake/Output Report**
  - 43 referrals for an informal hearing were received
    - 24 failures to timely file July 31, 2022 R & E Reports
    - 19 failures to timely file August 10th, 2022 R & E Reports
  - Eleven informal hearings were held; eight orders were issued in which a total of \$9,225.00 in fines was imposed, and 3 orders issued for which no fines were imposed.
  - \$200 in fines were collected from Monika Nemeth for Ward 3 DC Council.
  
- **Open Investigations**
  - Zachary Sawyer filed a complaint on June 9 against the Brianne for DC Principal Campaign Committee – Investigation Pending
  - Karim Marshall filed a complaint on August 23 against the Elissa for DC Principal Campaign Committee – Investigation Pending
  - Troy Kravitz filed a complaint on August 5, 2022 against the Eric Goulet for Ward 3 Principal Campaign Committee – Investigation Pending
  
- **Interpretative Opinions**
  - NONE
  
- **Show Cause Proceedings**
  - NONE

## **PUBLIC MATTERS**

- Dorothy Brizill
  - Inquired regarding the status of the app the Board was working with OCTO to develop.
    - Executive Director Evans indicated that since OCTO could not assist with the app, we had developed and deployed a web solution that voters are currently using that has the same functionality as an app. She also indicated that we are still exploring developing a mobile app.
  - Requested a list of vacancies within the Board and OCF.
    - Executive Director Evans indicated that the Board’s chief information security officer recently left and that someone was currently acting in that capacity. OCF Director Collier-Montgomery indicated that the administrative officer position, which has been reclassified as the chief operations and policy officer position, is vacant and is going through the recruitment process
  
- Kathy Henderson
  - Requested a copy Director Evans’ August report.

- Objected to the August 19 closing of the period to file comments regarding the locations of the Vote Centers.
  - Executive Director Evans indicated that the comment period was addressed at two previous Board meetings, that the proposed locations had been posted on the Board's website since July and posted on the Board's social media platforms. She also indicated that the Board worked with senior groups and advocates to ensure that we received input about the locations.

**ADJOURNMENT (1:38 p.m.)**