

**MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
March 7, 2023**

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Tuesday, March 7, 2023, 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 Member J.C. Boggs were present. The Board’s Executive Director Monica Holman Evans (“Director Evans”), General Counsel, Terri Stroud, and Office of Campaign Finance (“OCF”) General Counsel, William SanFord, were also present.

CALL TO ORDER (10:30 a.m.)

ASCERTAINMENT OF QUORUM

- Board Chair Thompson and Board Member Boggs 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 1, 2023.

BOARD MATTERS

- Board Chair Thompson thanked the Board’s and OCF’s Executive Directors and staff for all their continued hard work during election and non-election years.

DCBOE EXECUTIVE DIRECTOR’S FEBRUARY 2023 REPORT (EXECUTIVE DIRECTOR EVANS)

- **General Matters**
 - The Board has finalized and submitted the 2022 Election Administration & Voting Survey (“EAVS”) to the Election Assistance Commission (“EAC”).
 - The report published by the EAC presents data compiled from multiple jurisdictions and in aggregate.
 - The EAC’s 2022 Clearinghouse Awards submission period closed on February 28, 2023. The Board submitted for awards in several categories:
 - Outstanding Election Official State Association Program or Local Office Program: Restore the Vote Program;
 - Improving Accessibility for Voters with Disabilities: Ward Coordinator Senior Ballot Collection Program;
 - Best Practices in Recruiting, Retaining, and Training Poll Workers: Online Training Learning Module;
 - Creative and Original “I Voted” Sticker: Partnership with Monumental Sports.
 - There are currently 14 Advisory Neighborhood Commission (“ANC”) vacancies for the 2023-2025 term that are in different stages of being filled. After candidate filing requirements are met, an open vote of registered voters within the pertinent single-member district (“SMD”) will be held during regularly scheduled ANC meetings.

- **2023 Next Steps/Off-Election Year Planning**
 - The Board had follow-up meetings with vendor Runbeck (Ballot On Demand and Agilis systems) on March 6, and will meet with the VR Systems vendor onsite next week.
 - Returned/undelivered ballots from the November 2022 Election have been sorted into categories for action.
 - Beginning the week of March 13, the Board will begin voter roll list maintenance activities to update the voter registration database. Returned ballots are now being entered into Voter Focus, which is the first step toward updating the voter registration database.
 - The Board is preparing to fully implement new legislation for the 2024 election cycle.
 - Brochure revisions and website improvements are currently in process.
 - The Board is updating the Election Worker Training Manual, developing the 2024 Voter Education and Outreach Plan, and assessing our Vote Center and Mail Ballot Drop Box locations plan.

- **Voter Education and Outreach (VEOD)**
 - During February, three outreach events were conducted at Phelps ACE High School, Victory Heights, and Excalibur Group/Adell C. White Workforce Center.

- **Voter Registration Rolls**
 - In February, the Voter Services Division registered 1,678 voters and processed 2,368 registration changes.
 - In total, 4,046 registration cards were mailed out.
 - 37 registered voters moved out of D.C.
 - 1,259 voters registered moved into D.C.
 - 16 voters canceled their D.C. registrations and registered with other jurisdictions.

- **Online Voter Registration**
 - 34,206 applications have been processed to date.

- **Performance Oversight Hearing**
 - On March 1, Executive Director Evans and General Counsel Stroud appeared before the Committee on Executive Administration and Labor (“CEAL”) and its Chairperson, Councilmember (“CM”) Anita Bonds, for the Board’s first Performance Oversight Hearing before that committee. During the hearing, CEAL was advised that the list maintenance process would begin this month, and updates will be placed on our website under the heading “List Maintenance.”
 - The Board’s staff is gathering all the follow-up information requested by the Committee.
 - A regular monthly meeting has been scheduled with the Board, CM Anita Bonds, and her staff.

- With regard to the related upcoming budget process, the Committee was advised of the substantial impact a 25% reduction in non-personnel funding would have on the 2024 election cycle.

DCBOE GENERAL COUNSEL’S FEBRUARY 2023 REPORT (GENERAL COUNSEL STROUD)

- **Rulemaking to Title 3 (Elections and Ethics) of the D.C. Municipal Regulations**
 - **Final Rulemaking**
 - The Board previously approved the emergency and proposed version of this rulemaking at its January 2023 meeting. That rulemaking proposed that Chapters 30, 33, 37, and 42 be amended to achieve consistency between the regulations and recent legislation. The changes require that political action committees establish non-contribution accounts for the purpose of making independent expenditures, and that these accounts be segregated from the other accounts during those tax years. The changes also allow the continuation of OCF online training, limit campaign contributions from government contractors, impose fines for failure to remit unexpended campaign funds, and adjust the basis upon which Fair Election matching funds are calculated. As there were no comments or objections to the emergency and proposed rulemaking when published in the D.C. Register, General Counsel Stroud requested that the Board approve final adoption of the rulemaking. If approved, the final rulemaking would be submitted to the D.C. Register for publication on March 17, 2023 and would be effective at that time.
 - **BOARD ACTION:** Voted 2-0 to adopt the final rulemaking to amend Chapters 30, 33, 37, and 42.
- **Litigation Status**
 - **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.
 - In September 2022, the US District Court Judge assigned to the case was appointed to the DC Circuit Court.
 - On February 21, 2023, the matter was reassigned to Judge Reyes.
 - All substantive pleadings have been filed, and the case is currently awaiting the court’s decision.
 - **Petitions for Enforcement of OCF Orders**
 - The next four matters involve petitions for enforcement of OCF Orders imposing fines for failure to timely file the January 31, 2021 Report of Receipts and Expenditures (“R & E Report”).
 - At its January 2023 meeting, the Board authorized its Office of General Counsel to file the petitions in D.C. Superior Court.

- **D.C. Board of Elections v. Jacques Patterson**
 - This matter was filed in D.C. Superior Court on January 25.
 - An initial status hearing will be held on April 28 before Judge Dayson.
 - **D.C. Board of Elections v. Marlana Edwards**
 - This matter was filed in D.C. Superior Court on February 15.
 - A show cause hearing will be held on March 20 before the Judge in Chambers (“JIC”).
 - **D.C. Board of Elections v. Courtney Snowden**
 - This matter was filed in D.C. Superior Court on February 15.
 - A show cause hearing will be held on March 21 before the JIC.
 - **D.C. Board of Elections v. Lamont Harrell**
 - This matter was filed in D.C. Superior Court on February 15, 2023.
 - A show cause hearing will be held on March 17 before the JIC.
- **OTHER**
 - On March 8, 2023, as a member of the Election Officials Technical Committee, the General Counsel will be presenting at the Metropolitan Washington Council of Governments (“MWCOG”) Board Meeting regarding the District’s 2022 election cycle and plans for the 2024 election cycle.

OCF FEBRUARY 2023 REPORT (DIRECTOR COLLIER-MONTGOMERY)

**OCF General Counsel SanFord presented for Director Collier-Montgomery*

On March 1, 2023, OCF appeared before CEAL for its Performance Oversight Hearing and submitted information regarding its operations and national trends in public financing.

- **Community Outreach**
 - OCF attended four ANC meetings and made presentations regarding the Traditional and Fair Elections Programs on the dates indicated below:
 - ANC3B – February 9
 - ANC3A – February 21
 - ANC5A – February 22
 - ANC5F – February 28
- **Fair Elections Program (“FEP”) Division Report for February 2023**
 - OCF authorized two disbursements from the FEP fund to participating candidates who were active during the 2023 election cycle. All names are listed on the OCF website.
 - **Desk Reviews and Other Activities**
 - There were 42 desk reviews conducted on the January 10, 2022 R & E Reports filed.

- 16 requests for additional information (“RFAI”) letters were issued.
- **Remitted Funds**
 - As of February 28, the total sum of \$667,679.43 has been remitted for deposit in the FEP fund from campaign operations of candidates who were certified to participate in the 2022 election cycle.
- **Ongoing Post-Election Audits**
 - There are currently 29 post-election audits.
 - All names and statuses are posted on the OCF website.
- **Public Information and Records Management Division (PIRM)**
 - There were two filing deadlines covered by the February reporting period for the committees/persons listed below:
 - January 31, 2023 R & E Reports:
 - Principal Campaign Committees (“PCCs”) & Political Action Committees (“PACs”)
 - FEP Candidate Committees
 - Independent Expenditure Committees
 - Initiative/Referendum Committees
 - Recall Committees
 - Inaugural committees
 - February 21, 2023 ANC Financial Statement
 - ANC Candidates
 - **Referrals to the OGC**
 - NONE
- **Reports Analysis and Audit Division (RAAD) Program**

During February 2023, RAAD’s activity included:

 - 55 desk reviews
 - 39 Campaign Committee reviews
 - 147 ANC submissions
 - **February Audits Issued**
 - NONE
 - **Ongoing Audits**
 - Full Field
 - Mendelson for Chairman 2022
 - Kenyan McDuffie 2022
 - Eric Goulet SBOE
 - Oye for US Representative

OCF FEBRUARY 2023 GENERAL COUNSEL REPORT (GENERAL COUNSEL WILLIAM SANFORD)

○ **Intake/Output Report**

- OGC received three referrals from the RAAD division for failure to timely respond to an RFAI letter.
- 25 informal hearing orders were issued:
 - 15 orders were issued in which a total of \$26,825 in fines was imposed:
 - DC Political Action Candidate Election- \$100
 - Edwards for Ward 3 - \$4000
 - Monica Palacio for City Council - \$3,900
 - Cmte. to Elect Claudia Barragan City Council- \$2,000
 - Committee to Elect Karim Marshall - \$1,025
 - Friends of Best - \$850
 - Paul Trantham At-Large - \$650
 - Dems for Progress - \$2,750
 - Butler for Mayor - \$2,750
 - Citizens for Jennifer G. Muhammad - \$350
 - Gary To To Forward 5 - \$350
 - Committee to Elect Art Lloyd - \$2,400
 - Campaign to Elect Lawson - \$2,450
 - Food Service PAC - \$500
 - 10 orders were issued in which no fines were imposed.
- Other Fines Collected:
 - Dorothy Douglas (a 2020 candidate) - \$150
 - Credit Union PAC of DC - \$525

○ **Open Investigations**

- No new investigations opened.

○ **Interpretative Opinions**

- NONE

○ **Show Cause Proceedings**

- NONE

PUBLIC MATTERS

- NONE

ADJOURNMENT (11:01 a.m.)