

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

TUESDAY

MARCH 7, 2023

+ + + + +

The District of Columbia Board of Elections convened via Video Teleconference, pursuant to notice at 10:30 a.m. EST, Gary Thompson, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

GARY THOMPSON, Chair  
J.C. BOGGS, Member

BOARD OF ELECTIONS STAFF PRESENT:

MONICA HOLMAN EVANS, Director  
TERRI STROUD, General Counsel  
WILLIAM SANFORD, General Counsel

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1 P-R-O-C-E-E-D-I-N-G-S

2 (10:31 a.m.)

3 CHAIR THOMPSON: All right. Good  
4 morning, everybody. I think we have a court  
5 reporter on as well. If that person could  
6 confirm, please. All right. Thank you so much.

7 All right. Good morning, everybody.  
8 Thanks for joining us. It is Tuesday, March  
9 7th. This is our regular monthly meeting. My  
10 name is Gary Thompson, Chair of the Board of  
11 Elections.

12 With me is J.C. Boggs, also on the  
13 Board. There are two of us out of three so we  
14 have a quorum. We will proceed with business.  
15 The first thing we do is adopt our agenda which  
16 is very light today. I'll move the agenda. All  
17 in favor?

18 MEMBER BOGGS: Second it. Yes, aye.

19 CHAIR THOMPSON: All right. It is  
20 moved.

21 Quick housekeeping thing. The  
22 minutes from our last meeting have been

1 distributed. We've had a chance to review them  
2 and at this time I would move that we adopt  
3 those minutes.

4 MEMBER BOGGS: Second that.

5 CHAIR THOMPSON: Okay. All agree?

6 MEMBER BOGGS: Aye.

7 CHAIR THOMPSON: Okay. So our  
8 minutes have been adopted. There is nothing on  
9 our agenda before we get to the Executive  
10 Director's Report. I'll just say that in an  
11 off-election year the work of the Board -- the  
12 three-member Board itself is relatively light  
13 compared to an election year because we don't  
14 typically hear petition challenges and valid  
15 access issues, which we heard a lot of in 2022.

16 Our work is relatively light, but I  
17 know the Board and the OCF staff are all working  
18 extremely hard on a lot of issues in the wake of  
19 last year's election, and especially as we turn  
20 our attention towards the 2024 elections with a  
21 pretty heavy workload in process and ahead of us  
22 on a lot of things.

1 I just want to continue to thank  
2 everybody from the Executive Director Monica  
3 Evans and everybody else on the whole staff for  
4 all your continuing hard work on so many  
5 important matters; to register more voters, to  
6 improve the voter registration role, to do  
7 everything that we can do to position ourselves  
8 to succeed again in the next election cycle.  
9 Just some words of gratitude.

10 I don't know, J.C., if you want to add  
11 anything before we ask Director Evans to proceed.

12 MEMBER BOGGS: We can proceed.

13 CHAIR THOMPSON: Okay. All right.

14 It's time for the Executive Director's report.

15 MS. EVANS: Thank you. Good morning.  
16 The first order of business, we finalized and  
17 submitted our 2022 Election Administration and  
18 Voting Survey (EAVS). That was submitted to the  
19 EAC (Election Assistance Commission.)

20 This report published by the EAC  
21 presents data compiled from jurisdictions and  
22 presented an aggregate. This EAC report includes

1 types of voting, registration numbers, and voting  
2 rates.

3 The Election Assistance Commission  
4 also closed the submission period for 2022  
5 Clearing House Awards. The submission period was  
6 open from January 17th through February 28th. We  
7 submitted four:

8 Outstanding election official state  
9 association program or local office programming  
10 for a Restore the Vote program. Improving  
11 accessibility for voters with disabilities.  
12 A Work Coordinator Senior Ballot Collection  
13 Program.

14 Best practices for recruiting,  
15 retaining, and training co-workers with our  
16 online training and learning module. And then  
17 creative and original "I Voted" sticker we  
18 submitted for our partnership with Monumental  
19 Sports.

20 We currently have 14 ANC vacancies for  
21 the 2023/2025 term. These positions are in  
22 different stages of being filled but after

1 candidate filing requirements are met, an open  
2 vote of registered voters of the affect SMD will  
3 be held during regularly scheduled ANC meetings.

4 As far as our 2023 next steps and off  
5 selection year planning, as previously mentioned,  
6 we are looking at the 2022 general election and  
7 exploring area of improvement and assessing the  
8 need for new equipment. We had a follow-up  
9 meeting with Ron Beck yesterday and VR Systems  
10 will be on site next week.

11 We are looking at returned and  
12 undeliverable ballots from the November election  
13 and placing them into categories of return.  
14 Valid information is being entered into voter  
15 focus and ballots are still being delivered from  
16 USPS. This process will inform our list  
17 maintenance process that will begin next week,  
18 the week of March 13th.

19 We are also taking steps to fully  
20 implement new legislation ahead of the 2024  
21 election cycle. After the congressional review  
22 period ends and the laws are enacted, we will be

1 able to procure the necessary services.

2 If enacted, we will need to become  
3 compliant with the Elections Modernization  
4 Amendment Act of 2022, the Local Resident Voting  
5 Rights Amendment Act of 2022, and the Automatic  
6 Voter Registration Act.

7 We are also in the process of revising  
8 our brochures and we met with our vendor to  
9 discuss what site improvements. Additionally, we  
10 are updating the Election Worker Training Manual,  
11 developing the 2024 Voter Education Outreach  
12 Plan, and accessing our plan for vote center and  
13 mail ballot drop box locations.

14 Other administrative matters for voter  
15 education and outreach. During the month of  
16 February the Voter Education and Outreach  
17 Division conducted three outreach events on  
18 behalf of the Agency. We conducted voter  
19 registration drives at Phelps ACE High School,  
20 Victory Heights, and the Excalibur Group at the  
21 Adell C. White Workforce Center.

22 As far as our voter registration



1 roles, in February we registered 1,678 new voters  
2 and processed 2,368 registration changes. In  
3 total, we prepared 4,046 voter registration cards  
4 to be mailed.

5 Additionally, 37 registered voters  
6 moved out of D.C., sixteen voters cancelled their  
7 registration and registered with other  
8 jurisdictions, and 1,259 voters registered in  
9 D.C. and cancelled their registrations in other  
10 states.

11 We are continuing to register voters  
12 using our website portal. To date we have  
13 processed 34,206 applications using the portal  
14 and these include new registrations and updates  
15 to existing registrations.

16 On March 1st we had our performance  
17 oversight hearing. This was our first hearing  
18 under the Committee on Executive Administration  
19 and Labor with Chairperson Councilmember Anita  
20 Bonds. We are appreciative of the constructive  
21 written testimony that was provided prior to the  
22 oversight hearing.

1                   We have followed up with the  
2 Councilmember's office and are gathering the  
3 information she requested. We have also  
4 scheduled regular meetings with the Councilmember  
5 and her staff. During the hearing I indicated  
6 that our list maintenance process would begin  
7 this month and, as stated, we will begin next  
8 week and information will be placed on our  
9 website under the list maintenance header.

10                   Finally, I will note that we were  
11 recently asked to identify 25 percent in non-  
12 personnel services reductions as part of the FY  
13 2024 budget process. If enacted, the 25 percent  
14 reduction will have a significant impact as we  
15 continue to plan for the 2024 election cycle.

16                   That concludes my report. Thank you.  
17 I just want to add to that my thank you to  
18 Councilmember Bonds and her staff for the  
19 oversight hearing. I listened to the entire  
20 thing. It was very thorough and informative.  
21 It's been a smooth transition from Councilmember  
22 Allen. I thought Councilmember Bonds and her

1 staff did a great job reviewing our work and  
2 providing support. I just want to add my thanks  
3 to them if anyone is out there today listening.

4 So I think, with that, General Council  
5 Terri Stroud has some rulemaking measures and  
6 then litigation and status updates.

7 MS. STROUD: Good morning, everyone.  
8 The first item on my agenda is final rulemaking.  
9 The rulemaking would amend Chapters 30, 33, 37,  
10 and 42 and would place the Board's regulations  
11 into conformity with the Campaign Finance Reform  
12 Act and other legislation.

13 I will defer to the Office of Campaign  
14 Finance's General Counsel Mr. William Sanford to  
15 discuss the rulemaking. I will say that this  
16 rulemaking was introduced in emergency and  
17 proposed form during the Board's January meeting.

18 It was placed in the D.C. Register.  
19 No comments were received so I just wanted Mr.  
20 Sanford to provide some background in terms of  
21 what the rules will accomplish once they are  
22 published in the D.C. Register at which point

1 they will become final.

2 MR. SANFORD: Thank you, General  
3 Counsel Stroud.

4 Good morning, Mr. Chairman, and  
5 distinguished Board Member Boggs. I am William  
6 Sanford, General Counsel for the Office of  
7 Campaign Finance. As my colleague Ms. Stroud had  
8 indicated, the Board approved the emergency  
9 proposed rulemaking on these matters during the  
10 January 4, 2023 monthly meeting. They were  
11 published in the D.C. Register and the Office of  
12 Campaign Finance did not receive any comments or  
13 any objections.

14 In summary, the final rulemaking will  
15 include identifying or requiring that Independent  
16 Expenditure Committee establish separate and  
17 segregated accounts for contributions and non-  
18 contributions. In addition, rulemaking will also  
19 indicate or require mandatory training for  
20 treasurers and candidates may be conducted either  
21 in person or virtually.

22 Rulemaking also includes what is a

1 significant change in the regs which is the  
2 covered contract provisions. That became  
3 effective in November of 2022 and these  
4 provisions provide that any contractor who  
5 currently holds a contract with the District  
6 government, or is competing for a contract with  
7 the District government is prohibited from making  
8 contributions to political campaigns.

9 The rulemaking also includes  
10 amendments to the publication of the biannual  
11 report that the Office of Campaign Finance is  
12 required to produce during odd-numbered years.  
13 Also includes that the personal funds of  
14 candidates are not considered contributions in  
15 the traditional program.

16 In the Fair Elections Program the  
17 personal funds a candidate might contribute is  
18 limited to \$2,500. In the traditional program,  
19 there are no limitations so they are not limited  
20 to the contribution restrictions. Further, it  
21 amends the covered contract provisions and it  
22 identifies which candidates these provisions

1 apply to.

2 It also identifies limitations on the  
3 expenditure of campaign funds that has been  
4 established for over 20 years so it restates  
5 those limitations. It prohibits the use of  
6 government resources for campaign purposes, and  
7 finally, it amends the schedule of funds.

8 That is a brief -- very brief summary  
9 of the final rulemaking that we respectfully ask  
10 the Board to approve.

11 MS. STROUD: And so on behalf of the  
12 Office of Campaign Finance I would ask that the  
13 Board move to permit the Office of the General  
14 Counsel to submit the final rulemaking to the  
15 D.C. Register through the Office of Documents and  
16 Administrative Issuances so that it can be  
17 published in the D.C. Register not this coming  
18 Friday but the next coming Friday at which point  
19 the rulemaking would become effective.

20 CHAIR THOMPSON: All right. Thank  
21 you. So moved with all the detail that you just  
22 cited.

1 MS. STROUD: So, I guess we'll need to  
2 take a vote.

3 CHAIR THOMPSON: Looks like J.C. is  
4 trying to unmute. Maybe he has to be -- Randy  
5 has to unmute.

6 MEMBER BOGGS: There we go. That is  
7 correct. I will not mute myself again. Did you  
8 make a motion?

9 CHAIR THOMPSON: Yes.

10 MEMBER BOGGS: Okay. I second that.  
11 I would just add I was impressed with all the  
12 deliberation and what looks like hard work that  
13 went into this. It can be tedious in drafting  
14 these things so for Terry and others involved  
15 with that, I commend them.

16 MS. STROUD: Mainly Mr. Sanford and  
17 his staff.

18 MEMBER BOGGS: Thank you. Thank you  
19 very much.

20 MS. STROUD: We will be submitting  
21 this to the D.C. Register for publication next  
22 week. Thank you.

1                   So the next item on the agenda is  
2 litigation.

3                   MEMBER BOGGS: Just to make sure,  
4 Gary, so we did mover that, right?

5                   MEMBER BOGGS: Thank you.

6                   CHAIR THOMPSON: Yes, it was seconded  
7 and all in favor.

8                   MS. STROUD: Thank you. Sorry for  
9 jumping the gun. So the next item on my agenda  
10 is litigation status. We have five items. The  
11 first is Public Interest Legal Foundation v.  
12 Executive Director Monica Evans in her official  
13 capacity.

14                   That's in the U.S. District Court for  
15 the District of Columbia. This matter was filed  
16 in that court under the National Voter  
17 Registration Act, or the NVRA. The suit alleges  
18 that the Board is out of compliance with the  
19 NVRA's Public Records Provision.

20                   PILF requested records from the Board  
21 and that request was denied due to the requested  
22 records not being subject to disclosure. The



1 Office of the Attorney General filed a motion to  
2 dismiss on February 3rd. The complainant filed a  
3 response on February 17th. This was all in 2022.  
4 The OAG filed a reply on March 17th.

5 In late September of 2022 the U.S.  
6 District Court Judge assigned to the case was  
7 appointed to the D.C. Circuit which meant that  
8 the case required reassignment. On February 21st  
9 it was reassigned to Judge Reyes. So all  
10 subsequent pleadings have been filed and we are  
11 simply awaiting a decision in that matter.

12 The next four matters involve the  
13 Board's Office of the General Counsel filing  
14 petitions for enforcement of Office of Campaign  
15 Finance orders, imposing fines for failure to  
16 timely file the January 31, 2021 Report of  
17 Receipts and Expenditures.

18 As you will recall, in January of this  
19 year the Board authorized our office to proceed  
20 in Superior Court by filing these petitions for  
21 enforcement. These four matters are the D.C.  
22 Board of Elections v. Jacques Patterson. This

1 OCF enforcement matter was filed in D.C. Superior  
2 Court on January 25th. The case has been set for  
3 an initial status hearing before Judge Dayson on  
4 April 28th of 2023.

5 The next matter is D.C. Board of  
6 Elections v. Marlana Edwards. This was filed on  
7 February 15th. The case has been set for a show  
8 cause hearing before the judge in chambers on  
9 March 20th of this year.

10 The next matter is D.C. Board of  
11 Elections V. Courtney Snowden. This matter was  
12 filed in D.C. Superior Court on February 15th.  
13 The case has been set for a show cause hearing  
14 before the judge in chambers on March 21st.

15 And, finally, in D.C. Board of  
16 Elections v. Lamont Harrell. This was filed in  
17 D.C. Supervisor Court on February 15th and this  
18 case has been set for a show cause hearing before  
19 the judge in chambers on March 17th.

20 That concludes the litigation status.

21 This is not on the agenda but I just  
22 wanted to report that I will be presenting

1 tomorrow in the Metropolitan Washington Council  
2 of Governments Board Hearing on the District's  
3 2022 election cycle and plans for the 2024  
4 election cycle.

5 I'll be presenting as a member of the  
6 Election Officials Technical Committee for MCOG,  
7 as the Council of Governments is called, along  
8 with counterparts from Maryland and Virginia.  
9 That's tomorrow during the Board's meeting which  
10 will take place from 12:00 to 2:00 virtually.  
11 That concludes my report.

12 CHAIR THOMPSON: All right. Thank  
13 you. Thank you for covering that hearing  
14 tomorrow.

15 Moving on Campaign Finance Report,  
16 General Counsel William Sanford.

17 MR. SANFORD: Thank you again, Mr.  
18 Chairman and distinguished Board Member Bogs.  
19 First, the Office of Campaign Finance attended  
20 the Performance Oversight Hearing before the  
21 committee on the Executive Administration and  
22 Labor on Wednesday, March 1, 2023.

1                   Since that hearing, the Office of  
2 Campaign Finance has submitted the information  
3 requested regarding national trends in public  
4 financing to the committee.

5                   Going on, the Report of the Director  
6 in its entirety will be published at the OCF  
7 website later today, but I will give a summary of  
8 the significant events that occurred during the  
9 month of February 2023.

10                   The Office of Campaign Finance  
11 attended four Advisory Neighborhood Commission  
12 meetings and made presentations regarding the  
13 Traditional and Fair Elections Program. On the  
14 following dates the office attended ANC-3B on  
15 February 9th, ANC-3A on February 21st, ANC-5A on  
16 February 22nd, and ANC-5F on February 28th.

17                   The Office of the Campaign Finance  
18 under the Fair Elections Division made two  
19 disbursements during the month of February to  
20 candidates who were active in the 2023 election  
21 cycle. The first disbursement was made to  
22 Michael Sheriki in the amount of \$200. The

1 second disbursement was made to Matthew Fillerman  
2 in the amount of \$1,750. Both the specimens were  
3 made on the 9th of February 2023.

4 The Fair Elections Division concluded  
5 42 desk reviews and issued 16 requests for  
6 additional information. As of February 28, 2023  
7 the total sum of \$667,679.43 has been remitted  
8 for deposit to the Fair Elections Fund from  
9 Campaign operations for participating candidates  
10 in the 2022 election cycle.

11 The Fair Elections Division has  
12 completed some post-election audit for the 2020  
13 election cycle including the special election.  
14 An audit of the Keysean Theater award to special  
15 election 2020, Principle Campaign Committee, was  
16 issued on February 3, 2023.

17 A final audit of the Frazer Award for  
18 Principle Campaign Committee was issued on  
19 February 13, 2023. A final audit of the Vincent  
20 Orange 2020 Principle Campaign Committee was  
21 issued on February 3, 2023. And a final audit of  
22 Randy Downs for Ward 2 was issued on February 23,

1 2023.

2 In the Public Information and Records  
3 Management Division a total required filing of  
4 receipts and expenditures for the January 31st  
5 report was 101, 81 filed on time three requested  
6 an extension, and 17 failed to timely report.

7 In the Fair Elections Division the  
8 January 31st report 37 were required, 29 were  
9 received, six extensions were requested and  
10 granted, and two failed to file. In the  
11 Independent Expenditure Committee requirement is  
12 to file by January 31st. Eight were required to  
13 file and all eight timely filed.

14 Initiative Referendum Committee, eight  
15 were required to file, two timely filed, and six  
16 failed to file. The Recall Committees, there was  
17 one required filer who failed to file. In the  
18 Inaugural Committee there was one requested filer  
19 who timely filed.

20 Under Advisory Neighborhood Commission  
21 filers there was a total of 458 required filers.  
22 Three hundred and thirty-one filed timely, one

1 requested an extension which was granted, and 127  
2 failed to timely file.

3 The Audit Division conducted a total  
4 of 55 desk audits, reviewed four constituent  
5 services funds, reviewed 39 principle campaign  
6 committees, and reviewed 147 Advisory  
7 Neighborhood Commission candidate submissions.

8 Finally, under this report, the office  
9 has identified the following committees for full  
10 field audits as a result of the 2023 election  
11 cycle. Mendelson for Chairman 2022, Kenyon  
12 McDuffie 2022, Eric Goulet, State Board of  
13 Education, Boyle U.S. Representative.

14 In the General Counsel Division during  
15 the month of February 2023 the Office of the  
16 General Counsel received three referrals,  
17 completed 25 informal hearings, and issued 25  
18 audits which included the following: 15 orders  
19 were issued in which a \$26,825 in fines were  
20 imposed, and 10 orders were issued in which no  
21 fines were imposed.

22 The details regarding the individual

1 responding committees that received fines will be  
2 posted at the OCF website later today. During  
3 the month of February the Office of Campaign  
4 Finance, General Counsel Division, received  
5 payments for two fines by the following  
6 respondents: a fine of \$150 was paid by George  
7 Douglas, a candidate in the 2020 election cycle,  
8 and a fine of \$525 was paid by the Credit Union  
9 of D.C.

10 During the month of February 2023  
11 there were no new investigations initiated.  
12 During the month of February 2023 there were no  
13 requests for interpretive opinion, nor were there  
14 any show cause proceedings conducted.

15 That concludes my report. The  
16 contents of my report and the Director's Report  
17 will be posted at the OCF website later today on  
18 today's date, March 7, 2023.

19 CHAIR THOMPSON: All right. Thank you  
20 so much. I guess my only question is, I think  
21 there's a couple of open investigations that you  
22 have still?



1                   MR. SANFORD: There are still two open  
2 investigations which are nearing their  
3 completion.

4                   CHAIR THOMPSON: Okay. All right.

5                   With that, unless anybody has anything  
6 else for our agenda, I'll turn to public comment.  
7 Anything else from any directors or counsel? All  
8 right. Thank you for all that.

9                   We always have plenty of time to hear  
10 from our D.C. residents. As everybody knows, I  
11 don't keep strict time limits. We ask people to  
12 limit to roughly three minutes. At this time I  
13 would welcome any D.C. residents to raise a Zoom  
14 hand and we'll unmute you. We would love to hear  
15 from you.

16                   Not seeing any hands yet. For  
17 technical reasons we'll just wait a little bit to  
18 make sure. I knew we would have a meeting at  
19 some point in 2023 where there was no public  
20 comment. We are always open for your comments by  
21 email and at all of our meetings.

22                   So seeing no hands raised, I think

1 that concludes our meeting. I don't think  
2 there's any more business to be done today. With  
3 that I would move we adjourn.

4 MEMBER BOGGS: I'll second that.

5 CHAIR THOMPSON: In favor?

6 MEMBER BOGGS: Aye. Thank you, Gary.

7 CHAIR THOMPSON: All right. Thank you  
8 everybody. See you next time.

9 (Whereupon, the above-entitled matter  
10 went off the record at 11:01 a.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DC BOE

Date: 03-07-23

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.



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Court Reporter

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