

MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING

December 2, 2024

The District of Columbia Board of Elections (“the Board” or “DCBOE”) held its Regular Monthly Meeting on Monday, December 2, 2024 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 J.C. Boggs and Karyn Greenfield 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.

I. CALL TO ORDER

The meeting was called to order at 10:30 a.m.

II. ASCERTAINMENT OF QUORUM

Board Chair Thompson and Board Members Greenfield and Boggs constituted a quorum.

III. ADOPTION OF AGENDA/APPROVAL OF MINUTES

BOARD ACTION: The Board unanimously adopted the agenda and minutes from the last meeting held on October 2, 2024.

IV. DIRECTOR’S REPORT (DIRECTOR EVANS)

A. Certification of November 5, 2024 General Election Results

The November 5, 2024 General Election results are as follows and as stated on the BOE website:

- A total of 328,871 votes were cast, resulting in a voter turnout of 70.8%.
- The following individuals received the highest number of votes:
 - President of the United States, Kamala D. Harris
 - Delegate to the US House of Representatives, Eleanor Holmes Norton
 - At-Large Member of the Council, Robert White
 - At-Large Member of the Council, Christina D. Henderson
 - Member of the Council Ward 2, Brooke Pinto
 - Member of the Council Ward 4, Janeese Lewis George
 - Member of the Council Ward 7, Wendell Felder
 - Member of the Council Ward 8, Trayon White Sr.
 - United States Senator, Ankit Jain
 - United States Representative, Oye Owolewa
 - At-Large Member of the State Board of Education, Jacque Patterson
 - Member of the State Board of Education Ward 2, Allister Chang

- Member of the State Board of Education Ward 4, T. Michelle Colson
- Member of the State Board of Education Ward 7, Eboni-Rose Thompson
- Member of the State Board of Education Ward 8, LaJoy Johnson-Law
- Initiative Measure No. 83 – Approved

BOARD ACTION: The Board unanimously certified the November 5, 2024 General Election results.

Write-in winners will be placed on the website after the meeting; unless otherwise noted, they will be certified today. Due to an ongoing review, the ANC 6B04 contest will be certified later.

B. Swearing-In of the Presidential Electors

Board Chair Thompson administered the oath of office to the winning presidential electors, Addison Rose, Russell Breckenridge, and Darryl Wiggins.

C. General Election and Administration Matters

During early voting in the November 2024 General Election, there were 25 Early Vote Centers, with a turnout of 72,914 voters. 75 Vote Centers were utilized on Election Day, with 155,310 individuals voting in person (47.23%). 173,561 voters used mail-in ballots (52.77%). Approximately 36,000 mail ballots were returned as undeliverable and 1,015 Special Ballots were processed (93 counted).

D. Audit Results

On November 22 and 25, BOE conducted an audit. The full results are available on the Board's website.

E. General Election Communications

For the General Election, BOE mailed a Voter Guide, two informational postcards, and a postcard to eligible but unregistered residents. BOE utilized streaming TV, video ads, Metro live boards, bus shelters, radio spots, and advertisements in several local newspapers to disseminate election information. Additionally, yard signs and palm cards were distributed.

F. Next steps

BOE is currently debriefing with our vendors to assess what worked well and identify areas for improvement in future elections. During the off-election season, we will focus on equipment replacement and acquisition, engage in list maintenance to update our voter registration database by removing deceased voters and updating addresses, verify residential addresses of non-participating voters, and mail approximately 135,000 canvass postcards in the first quarter of 2025.

G. Executive Director Engagements

During October, DCBOE participated in a Table Top Exercise hosted by the Emergency Preparedness Council of HSEMA to address scenarios and prepare for potential crisis management on Election Day.

H. Voter Registration Rolls

In October, the Board registered 7,152 new voters and processed 10,176 registration changes. In total, 17,328 voter registration cards were prepared to be mailed. 1,360 registered voters moved out of D.C., 1,013 voters canceled their D.C. registrations and registered with other jurisdictions, and 5,776 voters registered in D.C. after canceling their registrations in other states.

In November, the Board registered 11,817 new voters and processed 3,154 registration changes. In total, 14,971 voter registration cards were prepared to be mailed. 88 registered voters moved out of D.C., 363 voters canceled their D.C. registrations and registered with other jurisdictions, and 699 voters registered in D.C. after canceling their registrations in other states.

We are continuing to register voters using our website portal. To date, we have processed over 95,000 applications using the portal, including new voter registrations and updates to existing registrations.

I. Local Resident Voting Rights Amendment Act

In October, 73 non-citizens were registered to vote in local elections. In November, 137 non-citizens were registered to vote in local elections. Total non-citizen registration is at 981.

J. Restore the Vote Legislation

Three days of early voting were conducted at the Central Detention and Correctional Treatment facilities. Approximately 400 residents voted in person, with many same-day registrations. Additionally, 13 residents served as Election Workers at these facilities. DC residents within the Federal Bureau of Prisons were afforded the opportunity to register and vote by mail.

K. Election Worker Division

The Election Worker Division experienced increased interest from individuals who wanted to be election workers. We exceeded our goal by training 2,254 Election Workers during an 8-week period. In total, 2,152 Adult Election Workers and 102 Student Election Workers were trained. We deployed 1,369 Election Workers during Early Voting, 1,053 Election Workers on Election Day, and 60 Student Election Workers

volunteered on Election Day. In a partnership with the VEOD, ten organizations volunteered to adopt one of the 75 Vote Centers on Election Day.

L. Voter Education and Outreach (VEOD)

During October, the VEOD conducted 58 outreach events on behalf of the agency. The events included visits to the Richard Wright Public Charter School and the George Washington University Hospital, and attendance at the Southwest Waterfront AARP Chapter Fall Luncheon.

In November, VEOD engage in five events, including the Naturalization Ceremony at the US District Court.

V. GENERAL COUNSEL’S REPORT (TERRI STROUD)

A. Litigation Status

1. Stacia Hall, et al., v. D.C. Board of Elections (U.S. Court of Appeals for the D.C. Circuit)

This is an appeal from the U.S. District Court’s denial of the appellant's challenge to legislation allowing non-citizens to vote in local elections. This appeal was filed on April 16, 2024. The Solicitor General for the District filed a notice of cross-appeal, and the cases have been consolidated. Hall's brief and appendix were filed on August 22, 2024. After being granted a 30-day extension, the Solicitor General filed its initial brief and cross-appeal brief on November 20, 2024. Hall's reply and cross-appeal response, as well as the Solicitor General's cross-appeal reply, are due and forthcoming.

2. Charles Wilson v. Muriel Bowser, et al. (D.C. Court of Appeals)

This case involves an appeal from the D.C. Superior Court’s denial of the appellant's challenge to Initiative Measure No. 83 on the grounds that it was untimely filed. Oral argument was held on October 23, 2024. On November 13, 2024, the court granted the board's motion for supplemental briefing and ordered that the clerk file the supplemental brief and that the appellant file any reply to that brief by November 27, 2024. The appellant filed a reply on November 26, 2024.

3. Dr. Shiva Ayyadurai v. Merrick Garland, et al. (U.S. Court of Appeals for the D.C. Circuit)

The appeal arises from the U.S. District Court’s order rejecting the plaintiff's complaint for a declaration that he is eligible to serve as President of the United States, notwithstanding the Natural Born Citizen Clause or that the disqualification presents a non-justiciable political issue. On October 28, 2024, the Court granted the appellee's motion for summary affirmance, finding that the district court correctly dismissed the appellant's case for lack of standing. The

deadline for seeking rehearing has passed.

4. Jason Christopher Long v. D.C. Board of Elections (D.C. Superior Court)

This is the resubmission of a case previously dismissed without prejudice. Mr. Long seeks \$10,000 in damages for an overdraft fee caused by a stop payment on a \$500 check issued for his service as an election worker. On October 25, 2024 a status conference was held and the court established a deadline of November 25, 2024 for filing motions for summary judgment. The Office of the Attorney General timely filed a motion for summary judgment on behalf of the Board. A status hearing is scheduled for February 21, 2025.

5. John Page v. Monica Evans (U.S. Court of Appeals for the D.C. Circuit)

This was an appeal from the U.S. District Court order dismissing plaintiff/appellant's complaint that Donald Trump should be denied access to the ballot in the November 5, 2024 General Election. The Appellant/Plaintiff's position was that the recent Supreme Court decision in *Trump v. Anderson*, 601 U.S. ____ (2024) does not apply to D.C. because that decision pertains to the rights of states under the Fourteenth Amendment and D.C. is not a state. On October 29, 2024, the court granted the appellee's motion for summary affirmance and denied the appellant's motion for summary reversal finding that the district court correctly ruled that appellant asserted only a "generally available grievance" and therefore lacked standing to challenge former President Trump's eligibility to appear on the District of Columbia ballot. The deadline for seeking rehearing has passed.

6. Deirdre Brown vs. D.C. Board of Elections (D.C. Court of Appeals)

This matter involves the review of the Board's certification of Initiative Measure No. 83. On September 12, 2024, the Court issue a briefing order wherein it ordered that Petitioner's brief be filed in 40 days and that the Board's brief be filed 30 days thereafter. On October 24, 2024, the Petitioner filed a motion for an extension of time in which to file her brief. On October 29, 2024, the Petitioner filed her brief. (On November 5, 2024, Dorothy Brizill filed a motion to appear as amicus curiae in the matter. On November 18, 2024, the court denied Ms. Brizill's motion, stating that she had not demonstrated why her participation in this appeal would be helpful to the court.) On November 29, 2024, the Board filed its initial brief.

7. Calvin Gurley vs. D.C. Board of Elections (D.C. Superior Court)

On November 18, 2024, Mr. Gurley filed a complaint challenging Initiative Measure No. 83 on various grounds. An initial status hearing has been set for February 21, 2025.

8. Jeffrey Young-Bey vs. D.C. Board of Elections (D.C. Court of Appeals)

On November 18, 2024, Young-Bey, an inmate at the DC Department of Corrections, filed a pro se action in the D.C. Court of Appeals in which he sought

to challenge the outcome of the 2024 general election. On November 27, 2024, the court sua sponte ordered the petitioner to show cause in 20 days why his action should not be dismissed because the Board had not yet certified the election results.

VI. CAMPAIGN FINANCE REPORT (CECILY COLLIER-MONTGOMERY)

A. Office of the Director

1. 2024 Election Site Visits

The Office of Campaign Finance (“OCF”) conducted site visits to 19 of the Early Vote Centers from October 28, 2024 through November 3, 2024, and to 41 of the 75 Election Day Vote Centers to provide guidance where necessary concerning the application of the campaign finance laws.

B. Fair Elections Program (“FEP”) Division

1. Authorized Base Amount

a) 2024 Election Cycle

There are 20 certified participating candidates in the FEP. OCF has authorized the disbursement of the total sum of \$2,830,041.15 from the FEP fund in base amount and matching payments.

2. Candidates Certified/Disbursements Made During the Month of October and November for the 2024 Election

OCF authorized 12 disbursements to certified participating candidates. A listing of these disbursements is available in the report posted on the OCF website.

3. Desk Reviews and Other Activities

There were 42 desk reviews of Reports of Receipts and Expenditures (“R & E Reports”) and ten Requests for Additional Information (“RFAI”) letters were issued.

Beginning in January 2025, the Fair Elections Division will begin to issue letters indicating the initiation of audits and post-election audits for the 2024 election cycle to all candidates certified to participate in the FEP program.

C. Public Information and Records Management Division (“PIRM”)

1. R&E Reports

There were three filing dates for R&E Reports in October: October 1st for

Constituent Service Programs and Senator/Representative and Statehood funds, October 10th for political action committees and principal campaign committees, and October 28th for the eight-day pre-general election R & E Report.

The division referred 46 matters of reporting violations to the OGC, including one referral for the October 1st R & E Report, 23 referrals for the October 10th R & E Report, and 22 referrals for the October 28th for the eight-day pre-general election R & E Report.

D. Reports Analysis and Audit Division (“RAAD”)

1. Desk Reviews and Other Activities

- a) 130 desk reviews of R&E Reports were conducted and 25 RFAI letters were sent.

2. Audits Issued

- a) DC Political Action Committee
- b) Credit Union Political Action Committee of Washington, D.C.
- c) The McDuffie Constituent Services Program

E. OCF OFFICE OF THE GENERAL COUNSEL REPORT (GENERAL COUNSEL WILLIAM SANFORD)

1. Monthly Intake/Output Report

During October, OGC received 24 referrals, completed seven informal hearings, and issued seven orders. In one order no fines were imposed and six orders imposed fines of \$310 and \$127.50 against the Committee to Elect Paul Johnson, fines of \$150, \$252.50, and \$200.00 against Patricia Equino for DC Council, and a fine of \$132.50 against Nate Fleming for Ward 7, respectively.

During November, OGC received twenty-five referrals, completed nine informal hearings, and issued ten orders. Eight orders did not impose a fine and two orders imposed fines of \$2,700 against Randy Downs for Ward 2 and a fine of \$162.50 against the Committee to Elect Eboni R. Thompson SBOE, respectively.

2. Open Investigations

- a) In OCF-FI-2023-004, docketed June 18, Complainant Tommy Wells, Chair, Neighbors United for Ward 6, alleges that The Committee to Recall Charles Allen, the D.C. Neighborhood Alliance, and the D.C. Republican Party made improper expenditures and illegally coordinated. Orders were issued to all three Respondents, reducing the imposed fine by \$200.

3. Show Cause Proceedings

In OCF 2024-F-034, respondents Friends of Zachary Parker and Zachary Parker accepted a Revised Repayment Agreement.

VII. PUBLIC COMMENT

The transcript, which includes the discussion from the public matters portion of the meeting, will be posted on the Board's website once it is received.

VIII. ADJOURNMENT

The meeting was adjourned at 11:47 a.m.