

MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING

October 13, 2021

The District of Columbia Board of Elections (the Board) held its Regular Monthly Meeting on Wednesday, October 13, 2021 telephonically. Board Members Karyn Greenfield and Mike Gill were present. The Board's Executive Director, Monica Evans, the Board's General Counsel, Terri D. Stroud, the Director of the Office of Campaign Finance (OCF), Cecily Collier-Montgomery, and OCF's General Counsel, William Sanford, were also present.

CALL TO ORDER (11:10 am)

ASCERTAINMENT OF QUORUM

- Board Members Greenfield and Gill constitute a two-member quorum to conduct business.

ADOPTION OF AGENDA/APPROVAL OF MINUTES

- **BOARD ACTION:** The Board unanimously adopted the agenda and minutes from the last meeting held on August 26, 2021.

BOARD MATTERS

- NONE

BOE OGC SEPTEMBER 2021 REPORT (GENERAL COUNSEL STROUD)

- **Issuance of Petition in Support of Initiative Measure No. 82, the "District of Columbia Tip Credit Elimination Act of 2021"**
 - General Counsel Stroud provided background information on the Initiative:
 - The Board approved the initiative measure as presenting a proper subject on August 26, 2021.
 - The Board formulated the initiative measure language on September 20, 2021.
 - The formulations were published in the DC Register on October 1, 2021 for a ten-day review period during which any registered voter could challenge the Board's formulations.
 - The review period ended on October 12, and no challenges were filed.
 - The initiative formulations, as published in the DC Register, were read into the record.
 - Proposer Ryan O'Leary acknowledged his presence at the meeting and formally adopted the petition as his own.
 - **BOARD ACTION:** The Board unanimously approved a motion for issuance of the petition form adopted by the proposer for the District of Columbia's Tip Credit Elimination Act of 2021.
 - The Board's Election Service Specialist, Myisha Thompson, read the signature requirement report for the Initiative into the record.
- **Rulemaking to Title 3 of the DC Municipal Regulations**
 - Final Rulemaking

- Amend Chapter 6, Sections 601 and 602, to reconcile it with the Initiative and Referendum Process Improvement Amendment Act of 2020, which provides that a write-in candidate must declare their candidacy no later than 4:45 p.m. on the third (3rd) day immediately following a primary election, and no later than the seventh (7th) day following a general or special election.
 - The proposed rulemaking was published in the DC Register on September 3, 2021, and no comments were received.
 - Amend Chapter 7 to reconcile it with the Primary Date Alteration Amendment Act of 2019, which mandates that an election’s early voting period may last for no more than 12 days.
 - The proposed rulemaking was published in the DC Register on September 3, 2021, and no comments were received.
 - Final Rulemaking - Amend Chapter 11, Section 1100, to outline the rules that shall apply to the counting of words in a proposer’s statement in a Recall Notice and the elected official’s response thereto.
 - The proposed rulemaking was published in the DC Register on September 3, 2021, and no comments were received.
 - **BOARD ACTION:** Unanimously approved motion to transmit final rulemaking to the DC Register.
 - Proposed Rulemaking - Amend Chapter 7 to establish that voters who cast special/provisional ballots due to failure to provide required proof of residence or identity at the time of voting must provide such proof by no later than the second day after the election at issue in order for their ballots to be counted.
 - **BOARD ACTION:** Unanimously approved motion to transmit proposed rulemaking to the DC Register to commence the 30-day comment period.
- **Litigation Status**
 - **Long v. D.C. Board of Elections**
 - This matter was filed in D.C. Superior Court 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.
 - The Board is being represented in this matter by the OAG, which serves as counsel for the Office of Finance and Resource Management, the entity that handled the issuance of poll worker checks for the Board.
 - There was an initial hearing on August 9, 2021, and the matter was continued to October 12, 2021. On that date, the matter was continued to December 14, 2021.

BOE EXECUTIVE DIRECTOR'S SEPTEMBER 2021 REPORT (EXECUTIVE DIRECTOR EVANS)

- **General Information**

- On September 28, the Board's new voter registration system, Voter Focus, was fully implemented and has replaced the former Integrity System that was in operation for 20 years.
- The Board is following the Mayor's order requiring everyone to either be fully vaccinated or undergo weekly COVID testing. As of now, the Board is over 90 percent compliant.
- During the month of September, the Voter Education and Outreach Division participated in 22 outreach events. Some events included the Eighth Street Festival, high school registration events, and the grand reopening of Martin Luther King, Jr. Memorial Library.
- The Data Services Division processed 3,532 voter ID cards, sent 166 cure letters for incomplete registration, sent 1,844 cancellation notices to other jurisdictions, and processed 3,002 address changes.
- Elections worker training will take place in person, but will be supplemented by online training which will be used as a tool to assist and provide an introduction to the in-class training for all election worker positions.

OCF SEPTEMBER 2021 REPORT (DIRECTOR COLLIER-MONTGOMERY)

- Revised fact sheets and information sheets for the Fair Elections Program (FEP) and Traditional Campaign Finance Program (TCFP) are posted on the OCF Website.
- **Community Outreach**

The OCF continues to focus its efforts on sharing information about the TCFP and the FEP with residents across the city. During September 2021, the OCF did not participate in any Community Outreach.

- **Fair Elections Program Division (FEP) Report for September 2021**

- Authorized Base Amount and Matching Payments
 - During the 2020 Election Cycle, the total sum of \$4,016,797.64 was disbursed from the Fair Elections Fund in Base Amount and Matching Payments to the 36 candidates certified in the FEP to participate in the June 2, 2020 Primary Election ("the Primary Election"), the June 16, 2020 Special Election ("the Special Election"), and the November 3, 2020 General Election ("the General Election"). The 2020 Election Cycle closed on November 3, 2020, and the 2020 Special Election Cycle closed on June 16, 2020.
 - As of September 30, 2021, the total sum of \$97,555 has been distributed from the Fair Elections Fund in Base Amount and Matching Payments to two candidates

certified to participate in the FEP in the June 21, 2022 Primary Election (“the 2022 Primary Election”).

- There were two candidates certified as “participating candidates” in the FEP for the 2022 Election Cycle:
 - Gordon Fletcher for Ward 5, certified on September 1, 2021
 - Cheh 2022, certified on September 1, 2021

- **Desk Reviews and Other Activities**

- Three desk reviews of termination and amended Reports of Receipts & Expenditures (R&E reports).
- One Request for Additional Information (RFAI) letter was sent.

- **Remitted Funds**

- As of September 30, 2021, \$140,686.88 been remitted for deposit in the Fair Elections Fund from the campaign operations of participating candidates from the three elections held in 2020.

- **Ongoing Post-Election Audits**

- Primary Election

- There are currently ten post-election audits of candidates and committees who participated in the Primary Election. The audits were initiated on June 19, 2020.
- The names of the candidates and audit status are posted on the OCF website.

- Special Election

- There are four post-election audits of candidates and committees who participated in the Special Election. The audits were initiated on July 6, 2020.
- The names of the candidates and audit status are posted on the OCF website.

- General Election

- There are twenty post-election audits of candidates and committees who participated in the General Election. The audits were initiated on March 30, 2021.
- The names of the candidates and audit status are posted on the OCF website.

- **Public Information and Records Management Division (PIRM) Report for September 2021**

- September Filing of Reports of Receipts and Expenditures (R&E Reports):

- Legal Defense Committees
 - 1 required filer
 - 1 timely filer
 - 1 electronically filed their report
 - 1 certified E-filing

- Referrals to the Office of General Counsel:
 - Twenty-eight committees were referred for failure to timely file the July 31st R & E Report.
 - Principal Campaign Committees (PCCs) – Eight referrals
 - PCCs 2020 – Seven referrals
 - PCCs 2020 (FEP) – Nine referrals
 - Political Action Committees (PACs) – One referral
 - Initiative Committees – Two referrals
 - Referendum Committees – One referral
 - A list of the committee names is posted on the OCF Website

- New Candidates/Committees
 - TCFP Candidates
 - Barbara Summers (Mayor), registered June 25, 2019
 - Karl Racine/Karl Racine 2022 (Attorney General), registered March 12, 2020
 - Phil Mendelson/Mendelson for Chairman (Council), registered May 5, 2021
 - Adeoye Owolewa/ Oye 4 U.S. Representative 2022, registered May 11, 2021
 - James Butler/Butler for Mayor 2022, registered June 24, 2021
 - Rodney Red Grant/Rodney Red Grant for Mayor, registered July 6, 2021
 - Corren Brown (Mayor), registered August 23, 2021
 - Fred Hill (Council, At-Large), registered August 31, 2021
 - Anita Bonds (Council, At-Large), registered September 1, 2021
 - FEP Candidates
 - Ryan Jones/Ryan Jones for AG (Attorney General), registered April 25, 2011
 - Mary Cheh/Cheh 2022 (Council, Ward 3), registered June 17, 2021
 - Gordon Fletcher/Gordon Fletcher for Ward 5, registered July 13, 2021
 - Erin Palmer (Council, Chairperson), registered September 23, 2021
 - Zachary Parker (Council, Ward 5), registered August 3, 2021
 - Sharece Crawford (Council, At-Large), registered September 23, 2021
 - Brianne Nadeau (Council, Ward 1), September 14, 2021
 - Faith Gibson Hubbard (Council, Ward 5), September 28, 2021

Initiative Committees

- Elizabeth Davis Education Equity Pathway Policy Act of 2022, registered April 23, 2021
- DC Committee to Build a Better Restaurant Industry, registered June 21, 2021
- The Black Autonomy Movement, registered July 12, 2021

- Nine new candidates and treasurers completed the mandatory OCF Entrance Conference Presentation for September 2021
 - Gordon Fletcher/Candidate for Council, Ward 5
 - Ronald D. Thompson, Jr./Treasurer, Erin for DC
 - Zachary Parker/Candidate for Council, Ward 5
 - C. Allison DeFoe Reese/Treasurer, Friends of Zachary Parker 2022
 - Corren Brown/Candidate for Mayor
 - Katherine Tilley/Treasurer, Brianne for DC 2022
 - Jason Hall/Treasurer, DC for Sharece Crawford
 - Don Dinan/Treasurer, Re-Elect Anita Bonds 2022
 - Anita Bonds/Candidate for Council, At-Large

- **Reports Analysis and Audit Division (RAAD) – September/October 2021**
 - 68 desk reviews and other activities

 - September 2021 Audits Issued
 - None

 - Ongoing Audits
 - Newly elected officials:
 - Brooke Pinto for Ward 2 – Preliminary Draft Audit Report issued August 25, 2021

 - Jacque4DC At-Large SBOE – Hearing held on August 18, 2021 to reinforce request for additional records. Records were received September 2, 2021. The audit fieldwork will continue.

 - Candidates in the upcoming 2022 election and PACs:
 - Mendelson 2022 – The Preliminary Draft Statement of Findings was issued on September 24, 2021.
 - Mendelson 2022 – The Preliminary Draft Statement of Findings was issued on September 24, 2021.

 - Two Audits - Constituent Service Programs (CSPs):
 - Mayor Bowser’s CSP – Audit Notification Letter issued on October 8, 2021.
 - Our Ward 5 CSP – Audit Notification Letter issued on October 8, 2021.

OCF SEPTEMBER 2021 REPORT (GENERAL COUNSEL WILLIAM SANFORD)

- **Intake/Output Report**
 - 37 referrals for informal hearings were received
 - 34 informal hearing orders were issued
 - 29 orders were issued in which fines totaling \$52,900 were imposed.
 - A list of all orders is posted on the OCF Website.
 - One order was issued in which the fine was suspended
 - Four orders were issued in which the Notices of Hearings and Statements of Violations were vacated
 - Fines Imposed
 - A total sum of \$52,800 in fines were imposed on 29 ANC Candidates
 - A list of all names and fine amounts is posted on the OCF Website.
- **Fines Collected**
 - \$2,250 fines were collected from:
 - Candidate and Treasurer of the Patrick Kennedy for Ward 2 2020 Special Election Principle Campaign Committee (\$200)
 - John Fanning for Ward 2 2020 Principle Campaign Committee (\$2,050)
- **Open Investigations**
 - NONE
- **Interpretative Opinions**
 - #2021-01 Requestor: Thorn Pozen
Submitted: August 26, 2021
Issue: Segregation of Non-Resident Contributions to FEP Candidates
Status: Issued September 10, 2021
 - #2021-02 Requestor: Thorn Pozen
Submitted: August 31, 2021
Issue: Funding an Independent Expenditure Committee through a 501(c) (4) Non-profit organization
Status: Issued September 30, 2021
- **No Show Cause Proceedings**
 - NONE

PUBLIC MATTERS

- Dorothy Brizill
 - Suggested that notices of Board rulemaking action indicate that Title 3 of the DCMR is being amended.
 - **BOARD RESPONSE:** The suggestion was noted.
 - Questioned if it was realistic for voters to provide proof of identity and address within two days after voting per proposed rulemaking on Chapter 7, and how the rule would apply to voters that do not receive utility bills in their name.
 - **BOARD RESPONSE:** General Counsel Stroud explained that the rule only applied to same day registrants and certain first time District voters. General Counsel also indicated that, in most instances, voters who did not present such proof while voting simply didn't have the proof on their person at the time.

ADJOURNMENT (11:57 a.m.)