

MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING

January 12, 2022

The District of Columbia Board of Elections (the Board) held its Regular Monthly Meeting on Wednesday, January 12, 2022 via Zoom. Board Chairman Gary Thompson, Board Member Karyn Greenfield, and Board Member 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 (10:42 a.m.)

ASCERTAINMENT OF QUORUM

- Board Chair Thompson and Board Members Greenfield and Gill constitute a full 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 December 8, 2021.

BOARD MATTERS

- New Board Chairman Thompson gave introductory remarks in which he:
 - Highlighted and expressed his alignment with the mission of the Board, which is to enfranchise eligible residents, conduct elections, and ensure the integrity of the electoral process;
 - Noted that he and the Board share a common philosophy: the desire to register as many voters as possible;
 - Voiced support for community engagement and outreach starting at the high school level; and
 - Advocated for the immediate registration of new residents in the District and ensuring that voting is as easy and accessible as possible for everybody who is eligible to vote.
- Board Member Gill addressed concerns about how the Board arrived at its decisions regarding mail voting, particularly in light of concerns about the state of the voter registry, and other changes to the electoral process.
- Board Member Greenfield expressed support for mail voting, but also expressed an understanding of the concerns raised by Board Member Gill.

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

- **General Information**
 - Due to the recent COVID surge, we have had to modify our operating status. Until further notice, our offices are open by appointment only; this will help us limit the number of people in our office at any given time.

- Petition pickup begins on January 28. In addition to scheduling an appointment, petitions will also be available online. Appointments can be made by calling our main number, (202)727-2525.
 - We are still tweaking the new Voter Focus system and identifying enhancements.
 - Although Voter Focus is fully operational, the Integrity system is still functioning to allow us to conduct parallel testing and reviews to ensure Voter Focus is producing accurate data and reports.
 - The Integrity system will be utilized through the end of March to ensure that there are no glitches, but to date all testing has yielded correct information.
- **Voter Outreach**
 - During the month of December, the Voter Education and Outreach Division (VEOD) participated in many outreach events on behalf of the agency.
 - Overall, we participated in 12 formal outreach events, five of which were held in Wards 7 and 8.
- **Voter Registration**
 - We are currently processing new registrations in Voter Focus and producing registration reports. In December, we registered 2,877 new voters and processed 3,392 address changes. In total, we mailed 6,269 voter cards.
- **Election Worker Training**
 - We are currently working with our vendor to develop content for our online training component for election workers. The vendor was onsite during the month of December. The online training will complement the mandatory four-hour in-person training class.
- **Elections Modernization Amendment Act of 2021**
 - On January 6, Executive Director Evans testified at a hearing for the Elections Modernization Act. The legislation introduced by Councilmember Allen is co-sponsored by a majority of the Council.
 - This legislation would make the most successful approaches from the 2020 election cycle permanent. Most importantly, the bill requires the Board to mail every voter a mail-in ballot with a postage-paid envelope and provide an alternative for voters with disabilities.
 - The Board takes no position on specific legislation, but the Executive Director did provide comments regarding the impact the legislation would have on the Board.
 - The Board's actions are aligned with feedback received from the Council and the public. The Board also held town hall meetings to ascertain the pleasure of voters, and will continue to move forward with complete transparency.

BOE OGC NOVEMBER 2021 REPORT (GENERAL COUNSEL STROUD)

- **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. The matter has been continued to February 14, 2022,

- **Henderson v. D.C. Board of Elections**

- Kathy Henderson filed a Recall Petition against Sydelle Moore, Advisory Neighborhood Commissioner for Single-Member District 5D05. The petition was rejected due to an insufficient number of signatures.
- Ms. Henderson appealed the matter to the DC Court of Appeals.
- On January 19, the Court issued an order indicating this matter would be referred to the mediation coordinator for mediation screening.

- **Public Interest Legal Foundation (PILF) v. Monica Evans**

- This matter was filed in the District's federal district court under the National Voter Registration Act (NVRA).
- The suit alleges that the Board's decision not to release requested documents violates the NVRA's public records disclosure provision.
- A responsive pleading is due on February 3, 2022.

OCF DECEMBER 2021 REPORT (DIRECTOR COLLIER-MONTGOMERY)

- The Fair Elections Program (FEP) and Traditional Campaign Finance Program (TCFP) revised fact sheets and information sheets are posted on the OCF Website.

- **Community Outreach**

The OCF continues with its community outreach efforts. On December 15, 2021, OCF joined the Board at the 23rd Annual Senior Holiday Celebration at the Walter E. Washington Convention Center. The Board held a voter registration event on that date, which provided OCF with the opportunity to distribute information on the FEP and the TCFP.

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

- Authorized Base Amount and Matching Payments

- 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 2020 Primary Election”), the June 16, 2020 Special Election (“the 2020 Special Election”), and the November 3, 2020 General Election (“the 2020 General Election”). The 2020 Election Cycle closed on November 3, 2020, and the 2020 Special Election Cycle closed on June 16, 2020.
- As of January 12, 2022, a total sum of \$5,279,142.05 has been authorized for disbursement from the Fair Elections Fund in Base Amount (\$420,000.00) and Matching Payments (\$3,520,614.50) to 12 candidates certified to participate in the FEP in the June 21, 2022 Primary Election (“the 2022 Primary Election”).
- Four candidates were certified in the FEP for the 2022 Election Cycle:
 - Muriel Bowser, Re-Elect Muriel Bowser Our Mayor 2022, certified on December 20, 2021, for the office of Mayor.
 - \$1,855,130.00 in Matching Payments and \$80,000.00 for the Base Amount were authorized for disbursement.
 - Vincent Orange, Orange Ward 5, was certified on December 21, 2021, for the Office of Member of the Council from Ward 5.
 - \$47,110.30 in Matching Payments and \$20,000.00 for the Base Amount payment were authorized for disbursement.
 - Bradley Thomas, Bradley Thomas for DC Council 2022, certified on December 21, 2021, for the Office of Member of the Council At-Large.
 - \$75,945.00 in Matching Payments and \$20,000.00 for the Base Amount payment were authorized for disbursement.
 - Mary Cheh, Cheh 2022, previously certified Participating Candidate.
 - \$20,000.00 in Base Amount payments were authorized for disbursement on December 9, 2021.
 - Brianne Nadeau, Brianne for DC 2022, previously certified Participating Candidate.
 - \$20,000.00 in Base Amount payments were authorized for disbursement on December 9, 2021.
 - \$1,250.00 in additional Matching payments were authorized for disbursement on December 10, 2021.
 - Robert White, Robert for DC 2022, previously certified Participating Candidate.
 - \$118,670.00 in additional Matching Payments were authorized for disbursement on December 14, 2021.

- Kenyan McDuffie, McDuffie 2022, previously certified Participating Candidate.
 - \$165,150.00 in additional Matching Payments were authorized for disbursement on December 14, 2021
- Charles Allen, Re-Elect Charles Allen for Ward 6 2022, previously certified Participating Candidate.
 - \$28,550.00 in additional Matching Payments were authorized for disbursement on December 14, 2021.
- Faith Hubbard, Friends of Faith for Ward 5 2022, previously certified Participating Candidate.
 - \$35,575.00 in additional Matching Payments were authorized for disbursement on December 14, 2021.
- Brianne Nadeau, Brianne for DC 2022, previously certified Participating Candidate.
 - \$40,577 in additional Matching Payments were authorized for disbursement on December 10, 2021.
- Erin Palmer, Erin for DC, previously certified Participating Candidate.
 - \$41,800.00 in additional Matching Payments were authorized for disbursement on December 15, 2021.
- Zachary E. Parker, Friends of Zachary Parker 2022, previously certified Participating Candidate.
 - \$38,585.70 in additional Matching Payments were authorized for disbursement on December 15, 2021.
- Mary Cheh, Cheh 2022, previously certified Participating Candidate.
 - \$250.00 in additional Matching Payments were authorized for disbursement on December 17, 2021.
- Gordon Fletcher, Gordon Fletcher for Ward 5, previously certified Participating Candidate.
 - \$2,075.00 in additional Matching Payments were authorized for disbursement on December 17, 2021.
- Kenyan McDuffie, McDuffie 2022, previously certified Participating Candidate.
 - \$3,375.00 in additional Matching Payments were authorized for disbursement on December 20, 2021.
- Zachary E. Parker, Friends of Zachary Parker 2022, previously certified Participating Candidate.

- \$750.00 in additional Matching Payments were authorized for disbursement on December 22, 2021.
 - Charles Allen, Re-Elect Charles Allen for Ward 6 2022, previously certified Participating Candidate.
 - \$500.00 in additional Matching Payments were authorized for disbursement on December 29, 2021.
- **Desk Reviews and Other Activities**
 - Forty-two desk reviews of termination and amended Reports of Receipts & Expenditures (R&E Reports).
 - Twenty-one Request for Additional Information (RAI) letters were sent.
- **Remitted Funds**
 - As of December 31, 2021, \$140,686.88 been remitted for deposit in the Fair Elections Fund from the campaign operations of Participating Candidates who participated in the 2020 Election Cycle and the June 16, 2020 Special Election.
- **Ongoing Post-Election Audits**
 - Post-Election Audits - Primary Election
 - There are currently 14 post-election audits of candidates who did not proceed to the 2020 General Election. The audits were initiated on June 19, 2020.
 - The names of the candidates and audit statuses are posted on the OCF website.
 - Post-Election Audits - Special Election
 - There are currently 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 statuses are posted on the OCF website.
 - Post-Election Audits - General Election
 - There are currently 20 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 statuses are posted on the OCF website.

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

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

- Legal Defense Committees – 22nd R&E Report

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

- Referrals to the Office of General Counsel:

One candidate, Trayon White, was referred for failure to timely register as a candidate.

- New Candidates/Committees

- TCFP Candidates

- Lori Furstenberg (Mayor) – registered December 3, 2021

- FEP Candidates

- Sabel Harris (Council, Ward1) – registered December 2, 2021
- Giuseppe Niosi (Council, At-Large) – registered December 2, 2021
- Andre Davis (Mayor) – registered December 3, 2021
- Gary Johnson (Council, Ward 5) – registered December 8, 2021
- Brian Schwalb (Attorney General) – registered December 13, 2021
- Ambrose Lane (Council, At-Large) – registered December 16, 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

- Fourteen new candidates and treasurers have completed the mandatory OCF Entrance Conference Presentation for December 2021

- Andre Davis/Candidate for Mayor
- Joseph D. Brown/Treasurer, Andre for DC
- Sabel Harris/Candidate for Council, Ward 1
- Dawn Crawford/Treasurer, Committee to Elect Sabel Harris
- David Krucoff/Candidate for Council, Ward 3
- David Krucoff/Treasurer, David for Ward 3
- Michael Watson/Treasurer, Friends of Dexter
- Gary Johnson/Candidate for Council, Ward 5
- Giuseppe Niosi/Candidate for Council, At-Large
- Giuseppe Niosi/Treasurer, Niosi 2022
- Bruce Spiva/Candidate, Attorney General

- Allison Murray/Treasurer, Spiva for DC AG
 - Gabriel Rodriguez-Eng/Treasurer, Metro DC Democratic Socialist of American Solidarity DC PAC
 - Shirley R. Smith/Treasurer, Ward 5 Democratic Committee
- **Reports Analysis and Audit Division (RAAD) – December 2021**
 - Fifty-eight desk reviews and other activities
 - No audit reports were issued during December
 - Ongoing Audits
 - Newly elected officials:
 - Brooke Pinto for Ward 2 – Preliminary Draft Audit Report issued August 25, 2021. The Committee met with the Audit staff on October 8, 2021 to discuss the findings, recommendations, and the response to the Preliminary Draft Audit Report. The audit report is being prepared.
 - Jacqu4DC At-Large SBOE – Hearing held on August 18, 2021 to reinforce request for additional records. Records were received September 2, 2021. The Preliminary Draft Audit Report issued on November 30, 2021. The Committee’s response was due on December 30, 2021.
 - One Audit – Constituent Service Programs (CSPs):
 - Mayor Bowser’s Constituent Service Program – Audit Notification Letter issued on October 8, 2021. The audit records were received on October 25, 2021, and the audit fieldwork is completed. The Preliminary Draft Statement of Findings issued on November 29, 2021.

OCF DECEMBER 2021 REPORT (GENERAL COUNSEL WILLIAM SANFORD)

- **Intake/Output Report**
 - Three referrals for an informal hearing were received
 - There were no orders were issued.
- **Open Investigations**
 - NONE
- **Interpretative Opinions**
 - NONE
- **Show Cause Proceedings**
 - NONE

PUBLIC MATTERS

- **Dorothy Brizill**
 - Requested further clarification regarding the concerns noted by Board Member Gill during the discussion of Board matters.
 - **Board Response:** Board Member Gill explained that he was concerned that the decisions being made were not part of a larger public hearing. Board Member Gill further explained that he believed the Council and the Mayor are a better place to have the types of discussions and hearings such as whether the Board should move to mail balloting.
 - Raised additional concerns regarding the Board's transparency on various matters.
 - **Board Response:** Executive Director Evans agreed with the request for transparency. She noted that there have been discussions regarding a detailed plan to share information with the public during the 2022 election cycle. The intent of the Board is to provide information and be transparent, and the Board will address the concerns raised in further detail at a future meeting.
- **Nikolas Schiller**
 - Raised concerns regarding the inconsistency of the voter rolls as they pertain to petition circulation in the District of Columbia.
 - **Board Response:** Executive Director Evans indicated that the Board would follow up with Mr. Schiller to address his specific concerns. The Board views the accuracy of the voter rolls as a top priority, especially as the election season approaches. The Board will provide additional information regarding steps it is taking to address these issues during a future Board meeting.

ADJOURNMENT (11:56 a.m.)