

**MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING**  
**March 6, 2024**

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, March 6, 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 Member 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 10:35 a.m.

**II. ASCERTAINMENT OF QUORUM**

Board Chair Thompson and Board Member Greenfield constituted a quorum. Board Member J.C. Boggs was not present.

**III. ADOPTION OF AGENDA/APPROVAL OF MINUTES**

**BOARD ACTION:** The Board unanimously adopted the agenda and minutes from the last meeting on February 13, 2024.

**IV. BOARD MATTERS**

Board Chair Thompson noted that March 6, 2024 is the deadline for filing nominating petitions, petition supplements, and declarations of candidacy.

**V. EXECUTIVE DIRECTOR’S REPORT (MONICA EVANS)**

**A. General Matters**

Director Evans welcomed new staff members to the Voter Education and Outreach Division (“VEOD”).

**1. February Engagements**

In February, Director Evans participated in an election officials panel entitled, “How Election Officials Are Facing 2024” held at the National Press Club. Director Evans attended the Electronic Registration Information Center (“ERIC”) Winter Conference and was elected to serve on ERIC’s Finance Committee during the meeting. Director Evans attended the National Association of State Election Directors (“NASED”) Conference and was

elected to serve on the NASED Executive Board as the Northeast Regional Representative.

## **2. Precinct Mapping**

The Board looked at the current precinct mapping as required by regulations to divide the district into appropriate voting precincts based on our election wards. A plan to make precinct boundaries synonymous with Single Member District (“SMD”) boundaries was sent to Councilmember Anita Bonds for review on November 7, 2023 with follow-up meetings with the Board and the Councilmember’s staff to explain modifications based on the new requirements of the Elections Modernization Amendment Act. We are awaiting the scheduling of a Council hearing regarding precinct boundaries. Current precinct assignments will be maintained for the 2024 election season.

## **3. Advisory Neighborhood Commissioner (ANC) Vacancies**

We currently have 13 ANC vacancies for the 2023-2025 term. These positions are in different stages of being filled. After candidate filing requirements are met, an open vote of registered voters of the affected SMD will be held during regularly scheduled ANC meetings.

## **4. List Maintenance**

The 2023 list maintenance process is ongoing. In total, 108,698 individuals were removed from the voter registry in 2023. 92,772 active voters were moved to inactive status. 2,400 mailers have been processed to allow additional voters to be moved from active to inactive status. This process will continue until the 90-day blackout window before the primary election. As of March 4, 2024, 448,993 active voters are listed in the registry. The Communications Division and VEOD are working to partner with local universities to aid in maintaining the accuracy of voter rolls.

## **5. Voter Registration Rolls**

In February, 1,414 new voters were registered and 1,492 registration changes were processed. 2,906 voter registration cards were prepared for mailing. 133 registered voters moved out of D.C. 322 voters canceled their registrations and registered with other jurisdictions. 877 voters registered in D.C. after canceling their registrations in other states. 39 non-citizens were registered to vote in local elections, for a total of 74 non-citizen registrations to date.

## **6. Online Voter Registration**

Online voter registration is continuing through the website portal. To date, 43,458 registrations have been processed using the portal, which includes new voter registrations and updates to existing registrations.

## **7. Media and Information Requests**

The Board has developed a new policy regarding media and information requests to provide transparency and convey the process to the public. Public information requests and media questions should be submitted in writing. Requests will be answered in the order in which they are received. Requests with immediate deadlines from official media publications may be given high priority. Response time and answers for public release may vary depending on competing deadlines, external and internal factors, and accessibility to information. Opinions or comments that require information from leadership may require additional time for completion. Inquiries may be converted to a FOIA (Freedom of Information Act) request as needed or as determined by the FOIA Officer and/or the Communications Director. Requestors will be notified if an information request has been converted and notified of any change in deadlines. Please note that the FOIA statute does not require that this agency answer written questions or create and compile new records. The Board strives to provide existing records that can be disclosed within these guidelines within the timeframe that the statute mandates.

## **8. 2024 Election Cycle Year Planning**

Draft primary and general election calendars for the 2024 election cycle are posted on the Board website. Vote Center and Mail Ballot Drop Box locations are posted on the Board's website. January 12, 2024 marked the first day for candidate ballot access pickup. The period for turning in nominating petitions is from February 12, 2024 through March 6, 2024.

## **9. Implementation of the Local Resident Voting Rights Amendment Act**

VR Systems provided a database solution to house non-citizen voters in a separate database system. Non-citizen voters may also register online at the website or in person at the office using a paper registration form. Paper registrations have been translated and are available in Spanish, Vietnamese, Chinese, Korean, Amharic, and French. The translations are also available for the online form. During the 2024 election cycle, all registered DC voters will receive a mail-in ballot. Voters may choose to vote by mail-in ballot, in-person, or depositing a ballot in a drop box. DCBOE will operate 55 Mail Ballot Drop Boxes throughout the city and 25 Early Vote Centers. A total of 75 Election Day Vote Centers will operate. DCBOE is coordinating security

efforts with the Metropolitan Police Department (“MPD”) and the Department of Public Works to place Mail Ballot Drop Boxes.

## **10. Accessibility**

The Board is conducting an accessibility survey of all 2024 Vote Centers before the primary election to ensure they are accessible for voters. We have partnered with Disability Rights DC (“DRDC”) at University Legal Services and the Office of Disability Rights to conduct surveys. The Board will also work with the Department of General Services (“DGS”) to ensure Vote Centers are structurally accessible. The Accessibility Coordinator has begun site visits to the Vote Centers.

## **11. Election Worker Division Activities**

The Election Worker Training division revised the election worker handbook and the training curriculum based upon recently passed legislation. For the 2024 election cycle, we have set a goal to recruit and train between 2,000-2,500 election workers. We will deploy approximately 1,700 election workers to serve at vote centers. Election worker training will begin on March 12, 2024, and election workers can access an online training module to complement the required in-person classes. The Call Center has been in operation with staff members since February 20, 2024, and they have begun scheduling election workers for training classes.

## **12. Voter Education and Outreach (VEOD)**

In February, the VEOD conducted 21 outreach events on behalf of the agency, including outreach to the Department of Employment Services, George Washington University, and Rosedale Public Library.

## **13. ERIC**

We are working with the ERIC member states on the 2022 Voter Participation Project Initiative to investigate the possibility of double voting. To date, we have engaged with 13 of the 14 member states and we are awaiting a response from the State of Georgia. ERIC has requested that updates be sent to them for double-voting instances for the 2020 and 2022 election cycles by May 2024.

## **14. Website Status**

DataNet completed a series of tasks in February 2024 and is currently meeting specified requirements. DataNet made upgrades to the system, including: updating the Kentico Contact Management version to the latest version, implementing the “Ask the Director” form, implementing the “Submit Feedback” form, deploying the description form and confirmation email

feature, incorporating voter addresses into the Voter Registration status search results screen, and conducting a validation check on existing email addresses that eliminates non-deliverable addresses. DataNet and the Board are working with the DC Office of the Chief Technology Officer (“OCTO”) to conduct a routine environment scan. DataNet is also collaborating with the Communications team to improve the homepage layout of our website.

## **VI. GENERAL COUNSEL’S REPORT (TERRI D. STROUD)**

### **A. Rulemaking to Title 3 (Elections and Ethics) of the D.C. Municipal Regulations**

#### **1. Final Rulemaking to amend Chapters 1, 4-5, 7, and 13-17**

The initial version of this proposed rulemaking was published in the DC Register on January 19, 2024. In light of comments received concerning new proposed Section 106 (Barring Procedures), the Board decided to send a revised version of the rulemaking - with Section 106 omitted - to the DC Register. Board Chair Thompson noted that Section 106 is being tabled for further study.

**BOARD ACTION:** The Board unanimously voted to submit a second notice of proposed rulemaking to the DC Register with Section 106 omitted for a 7-day review period consistent with the Office of the Secretary’s rules.

#### **2. Proposed Rulemaking to amend Chapter 7. The purpose of this rulemaking is to conform the Board’s regulations to the Leave to Vote Amendment Act of 2020.**

**BOARD ACTION:** The Board unanimously voted to submit the proposed rulemaking for publishing to the DC Register for a 30-day review period.

### **B. Litigation Status**

#### **1. Public Interest Legal Foundation (PILF) v. Monica Evans (U.S. Dist. Ct. for D.C.)**

This matter was filed under the National Voter Registration Act (“NVRA”). The suit alleges that the Board is out of compliance with the NVRA’s public records provision. On February 20, 2024, the parties filed a joint proposed order to settle the matter. It is expected that the Judge will adopt the order in due course.

#### **2. Stacia Hall, et al., v. D.C. Board of Elections (U.S. Dist. Ct. for D.C.)**

This case concerns a challenge to the legality of the Local Residents Voting Rights Amendment Act. All of the pleadings have been filed and

we are awaiting a decision from the court.

**3. District of Columbia Democratic Party, et al., v. Muriel Bowser, et al. (D.C. Superior Court)**

This is a challenge to Initiative Measure No. 83. All pleadings and the designation of record have been filed in this matter. The initial hearing was set for December 1, 2023, then was continued to February 23, 2024, and has been further continued to March 29, 2024.

**4. Dr. Shiva Ayyadurai v. Merrick Garland, et al. (U.S. Dist. Ct. for D.C.)**

The Plaintiff, born in India, seeks a declaration of eligibility to serve as President of the United States notwithstanding the “natural born citizens clause” or that the qualifications are a non-justiciable political issue to be determined by the voters. Defendant Garland filed a motion to dismiss on February 20, 2024. On February 21, 2024, the U.S. District Court Judge ordered that the plaintiff respond to the motion to dismiss by March 22, 2024.

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

This matter is the refile of a complaint dismissed without prejudice in August 2022. The complainant is seeking \$10,000 in damages, claiming negligence and unjust enrichment and alleging that the Board issued him a check without informing him not to deposit it, then had payment of the check stopped, causing a negative balance and returned check fee. At the February 2, 2024 hearing, the plaintiff declined to proceed before a magistrate judge. The case was referred to an associate judge, and a scheduling conference hearing was set for March 1, 2024. At the conference, it was established that the Office of the Attorney General (“OAG”) would file a motion to dismiss by March 8, 2024, the plaintiff would file a response by March 20, 2024, and any reply would be due by March 29, 2024. In the absence of a resolution, the next scheduling conference is set for May 31, 2024.

**VII. CAMPAIGN FINANCE REPORT (CECILY COLLIER-MONTGOMERY)**

**A. Fair Elections Program (FEP) Division**

**1. Authorized Base Amount and Matching Payments**

**a. 2024 Election Cycle**

There are thirteen candidates certified to participate in the FEP. During February 2024, four additional candidates were certified in the FEP for this election cycle. The OCF authorized sixteen disbursements from the FEP fund for the 2024 election cycle

totaling \$1,582,578.95. March 6, 2024 is the deadline for individuals to qualify to participate in the FEP. OCF anticipates conducting a debate in the latter part of April 2024 in the contested city-wide race for the office of At-Large Member of the Council.

## **2. Candidates Certified/Disbursements Made During the Month for the 2024 Election Cycle**

- a) Elect Eboni-Rose Thompson 2024 - \$10,464.00 and \$36,600.00
- b) Re-Elect Brooke Pinto 2024 - \$3,535.00
- c) Veda for Ward 7 - \$1,985.00
- d) Re-Elect Janeese Lewis George - \$4,593.00
- e) Friends of Christina Henderson - \$1,620.00 and \$100.00
- f) Wendell for Ward 7 Councilmember Committee - \$2,625.00 and \$29,500.00
- g) Ebony Payne for Ward 7 2024 - \$36,425.00
- h) Rodney “Red” Grant for City Council - \$76,493.35 and \$20,000.00
- i) Committee to Elect Paul Johnson - \$28,775.00 and \$20,000.00
- j) Friends of Lisa Gore 2024 - \$34,540.00 and \$20,000.00
- k) Friends of Salim Adofo - \$21,230.00
- l) Re-Elect Robert White 2024 - \$115,485.00
- m) Kelvin Brown for DC Council Ward 7 - \$50,275.00 and \$20,000.00

## **3. Desk Reviews and Other Activities**

47 desk reviews of initial and amended Reports of Receipts and Expenditures (“R & E Reports”) were conducted. 18 Requests for Additional Letters (“RFAI”) letters were sent as a result of the desk reviews.

## **4. Candidate/Treasurer Consultations**

- a) Rodney Grant, Rodney “Red” Grant for City Council, February 16, 2024
- b) Paul Johnson, Committee to Elect Paul Johnson 2024, February 16, 2024
- c) Kelvin Brown, Kelvin Brown for DC Council Ward 7 2024, February 10, 2024

## **5. Remitted Funds**

There was no change to the amount of total remitted funds in February 2024. The total sum of \$803,207.20 has been remitted for deposit in the Fair Elections Fund from candidates who were certified to participate in the 2022 election cycle.

## **6. Audits**

Reports are available on the OCF website.

### **a) Ongoing 2020 Post-Election Full Field Audits**

There are 10 current ongoing post-election audits. A total of 24 final audit reports of the post-election audits initiated for the 2020 election cycle have been issued, including the final compliance audit report for Kelvin Brown for DC Council Ward 7 Campaign Committee on February 23, 2024.

### **b) Ongoing 2022 Post-Election Full Field Audits**

No change reported to the ongoing audits. To date, 20 preliminary statements of findings and 15 final audit reports have been issued.

## **B. Public Information and Records Management Division (PIRM)**

### **1. Reports of Receipts and Expenditures**

There were no dates for filing R & E Reports for February 2024.

### **2. New Candidate/Committees**

#### **a) Traditional Program Candidates**

24 candidates are currently registered to participate in the June 2024 Primary Election. There were five new registrations in February 2024:

i) Office of Councilmember, Ward Eight  
Henry Walker

ii) Office of U.S. Shadow Representative  
Ciprian Ivanof

iii) Office of U.S. Shadow Senator  
Antoine Kirby  
Robert Brannum

iv) Republican National Committeeman  
Isaac Smith

#### **b) Fair Elections Program (FEP) Candidates**

22 candidates are currently registered to participate in the program during the 2024 Election Cycle. There was one new candidate registration:



i) Office of Council, At-Large (General Election)  
Kevin Rapp

**c) Committee Registrations**

There were four new committee registrations:

- i) Recall Committees
  - a. No Recall in Ward 6
  - b. Neighbors United for Ward 6
  - c. Committee to Recall Brianne Nadeau
  - d. Ward 1 Residents for Brianne

**d) Candidates/Treasurers Who Completed OCF Entrance Conference During the Month**

Seven candidates and treasurers in the Traditional Program completed mandatory training. All names are listed on the OCF website.

**C. Reports Analysis and Audit Division (RAAD)**

**1. Desk Reviews and Other Activities**

83 desk reviews of R & E Reports were conducted and five RFAI letters were sent during February 2024.

**2. Audits**

**a) Audits Issued**

i) Ward 5 Council Office Constituent Fund Compliance Audit Report issued on February 12, 2024. The audit report is available on the OCF website for review.

**b) Ongoing Audits**

i) Full Field Audit of a Newly Elected Official, Kenyan McDuffie 2022

ii) Inaugural Committee Audit, DC Proud Inaugural Committee

iii) Periodic Random Audit, Constituent Service Program-Citizen Outreach Fund, with a referral to the Office of the General Counsel for failure to submit documentation required for the conduct of the audit.

**D. OCF OFFICE OF THE GENERAL COUNSEL (WILLIAM SANFORD)**

**1. Monthly Intake/Output Report**

Seven informal hearings were conducted and seven orders were issued, including one order to vacate, two orders that imposed a total fine of \$200.00, and four orders with no fines imposed. A fine of \$100 each was imposed against two former ANC candidates: Elaine Alston, ANC, and Latoya Huff, ANC. No fines were collected in February 2024.

## **2. Open Investigations**

- a) OCF FI 2023-003: The complainant is Edward Hanlon and the Respondent is named as “Brooke Pinto for Ward 2, 2024 Principal Campaign Committee.” The matter was docketed on November 13, 2023. The allegations are the use of government resources for campaign-related purposes. An order was issued on March 1, 2024
- b) OCF FI 2023-004: The complainant is Edward Hanlon and the Respondent is the “Committee to Elect Brooke Pinto 2024.” The matter was docketed on December 29, 2023. The allegations are the use of government resources for campaign-related purposes. The investigation is pending.
- c) OCF FI 2023-005: The complainant is Edward Hanlon and the respondent is the “Committee to Elect Brooke Pinto 2024.” The matter was docketed on December 29, 2023. The allegations are the use of government resources for campaign-related purposes. The investigation is pending.

## **3. Requests for Interpretive Opinions**

None were requested during February 2024.

## **4. Show Cause Proceedings**

None occurred during February 2024.

## **VIII. PUBLIC COMMENT**

The discussion in the public matters portion of the meeting can be found within the transcript for this hearing once it becomes available.

## **IX. ADJOURN**

The meeting was adjourned at 11:28 a.m.