

**MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
October 4, 2022**

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Tuesday, October 4, 2022, 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 Karyn Greenfield and Mike Gill 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.

CALL TO ORDER (10:00 a.m.)

ASCERTAINMENT OF QUORUM

- Board Chair Thompson and Board Members Greenfield and Gill constituted a quorum.

ADOPTION OF AGENDA/APPROVAL OF MINUTES

- **BOARD ACTION:** The Board unanimously adopted the agenda and minutes from the last meeting held on September 6, 2022.

BOARD MATTERS

- NONE

DCBOE GENERAL COUNSEL’S SEPTEMBER 2022 REPORT (GENERAL COUNSEL STROUD)

- **Public Hearing**
 - Kathy Henderson v. D.C. Office of Campaign Finance
 - This matter involved a request for a hearing *de novo* pursuant to 3 DCMR § 3709.12 with respect to OCF’s July 22, 2022 Second Amended Order in OCF 2022 F-008 in which Ms. Henderson was fined \$550.00 for filing the March 10, 2022 R & E Report late. In the OCF Order, OCF’s Director rejected a request by Kathy Henderson, Treasurer of Our Committee to Elect Kathy Henderson, to waive a fine for the late-filing of a report.
 - Ms. Henderson characterized her failure to file timely the March 10, 2022 R & E Report as “excusable neglect.” While she acknowledged that she had attended OCF’s Entrance Conference and that that conference would have covered the FEP report filing deadlines, she objected to being treated as an experienced candidate based on the filing of her first FEP report in that new program. Although Ms. Henderson acknowledged that she did not have the March 10th report prepared at the time that it was due and did not attempt to log into OCF’s filing portal until a month later, she maintained that her late filing was due to technical difficulties. She also offered documentation of emails between her and representatives of OCF for the purported purpose of

demonstrating that her history of late Traditional Program R&E Report filings was the result of technical issues with OCF's online filing portal. Noting that she "did not memorize the filing calendar," Ms. Henderson insisted that she should have been allowed to rely on email reminders of her filing obligation. Ms. Henderson repeatedly asserted that she had always been compliant with OCF's directives and argued that no purpose would be served by imposing a fine on her, given that, *inter alia*, she received no FEP public funding. She chastised OCF for fining her, claiming that the process was "horribly unfair" and "an abuse of authority."

- OCF General Counsel SanFord noted that compliance with the FEP's reporting obligations is not contingent upon whether the candidate receives any public funds. He also commented that OCF offers a computer and in-person assistance to filers at its offices. He denied that anyone at OCF was out to get Ms. Henderson and urged the Board to uphold OCF's order imposing a \$550 fine on Ms. Henderson.
- OCF Public Affairs Manager Wesley Williams testified that, during the candidates' entrance conference, slides are presented that show all filing dates, including the one for the report at issue. Mr. Williams also testified that OCF sent notifications to Ms. Henderson via e-mail on February 17, 2022 and March 8, 2022 notifying her of the requirements for filing the March 10, 2022 R&E report.
- The Board announced that it would leave the record open for a day to allow the parties to submit any further documentation. The Board advised that, after the submission of any such further documentation and Board review of that material, it would meet to announce its decision.

○ **Litigation Status**

- **Kathy Henderson v. D.C. Board of Elections (DC Court of Appeals)**
 - This was an appeal filed by Ms. Henderson from the Board's rejection of her recall petition submitted against Sydelle Moore, Advisory Neighborhood Commissioner for SMD 5D05, due to an insufficient number of signatures.
 - On September 20, 2022, the Court issued a notice calendaring the matter for November 15, 2022 at 2:00 p.m.
- **Public Interest Legal Foundation (PILF) v. Monica Evans (US District Court)**
 - This matter, which was filed under the National Voter Registration Act (NVRA), alleges that the Board violated the NVRA's public records provision when it rejected the plaintiff's request for certain records.
 - All briefing in this matter has been submitted, and we are currently awaiting a ruling from the court.
- **Valerie Graham v. DC Board of Elections I and II (Consolidated)(DC Court of Appeals)**
 - This matter is a consolidation of appeals from the Board's June 1 order denying Graham's challenge to Ward 2 signatures on the petition submitted

in support of Initiative Measure No. 82 (“I82”) and the D.C. Superior Court’s order dismissing Graham’s claims regarding I82.

- On August 31, the court issued an order granting the Board's and intervenors’ motions for summary affirmance of the Board's June 1 order and affirming the D.C. Superior Court’s order dismissing their claims regarding I82.
- On September 2, Ms. Graham filed a petition for a hearing *en banc*. The Board filed a response to the petition on September 6, 2022, and the DCCA denied the petition on September 8, 2022.

DCBOE EXECUTIVE DIRECTOR’S SEPTEMBER 2022 REPORT (EXECUTIVE DIRECTOR EVANS)

- **Voter Education and Outreach (VEOD)**
 - During September, 50 outreach events were conducted.
 - VEOD participated in events at the DC State Fair, Deanwood Rehabilitation Center, George Washington Hospital, Gallaudet University, and the H Street festival.
 - VEOD participated in several events commemorating National Voter Registration Day on September 20, 2022, including engagements at S.O.M.E., Carlos Rosario International Public Charter School, UDC, United Medical Center, Richard Wright Public Charter School, and the M.L.K Library.
- **Voter Registration Rolls**
 - In September, the Voter Services Division registered 4,532 voters and processed 5,200 registration changes. In total, we mailed out 9,745 registration cards.
- **Online Voter Registration**
 - 20,809 applications were processed in September.
- **Redistricting**
 - There are currently 345 Single-Member Districts (SMDs).
 - 300,000 residents received postcards reflecting new SMD assignments effective January 2, 2023.
- **Automatic Voter Registration Expansion Amendment Act of 2022**
 - On September 16, 2022, Director Evans testified before the DC Council’s Committee on the Judiciary and Public Safety regarding the impact of the proposed legislation on the Board's operations and budget.
- **General Election Planning**
 - The General Election will be held on Tuesday, November 8, 2022.
 - Every registered voter will be mailed a ballot for the General Election; mailing started on October 3, 3022.
 - Voters have started to get text notifications regarding mail ballots.
 - A few ballot drop boxes have moved since the June Primary Elections. All drop box locations can be found on the Board’s website.
 - Mail ballot droboxes will open on October 14, 2022.

- The communications plan for the general election is being finalized. BOE will engage via print, radio, and television advertising, and produce postcard mailers (sent on September 29 (eligible but unregistered DC residents) and October 1 (registered voters)), voter guides, door hangers, and yard signs.
 - The Voter Guide will be sent to the printer this week.
 - Election Worker training began on August 15, 2022 with the goal to train 2,000 to 2,500 workers for the general election. To date, there have been 1,500 election workers trained.
- **Special Election Planning**
 - On August 31, 2022, the Board accepted the petition filed in support of the effort to recall Amber Gove, Advisory Neighborhood Commissioner for SMD 6A04.
 - The Board will conduct a special recall election regarding Ms. Gove on October 23, 2022 from 1:00 p.m. to 5:00 p.m.
 - The election will be held in person at Northeast Library and Maury Elementary School.

OCF SEPTEMBER 2022 REPORT (DIRECTOR COLLIER-MONTGOMERY)¹

- **2022 Election Cycle Debate**
 - OCF conducted debates on September 19 and September 21 in the contested races for the offices of the Mayor and At-Large Member of the Council. A total of four candidates participated in the mayoral debate, and eight candidates participated in the At-Large Member of the Council debate.
 - The debates were presented in a virtual format and live-streamed at the OCF 2022 DC Debates website, www.dcdebates.com. They were moderated by Denise Rolark Barnes, the publisher and owner of The Washington Informer.
 - The videos of the debates will remain available for viewing through November 8.
- **Fair Elections Program (FEP) Division Report for September 2022**
 - During the 2022 election cycle, the total sum of \$13,216,207.20 has been authorized for disbursement from the FEP Fund in base amounts and matching payments to the 41 candidates certified in the FEP to participate in the June 21, 2022 Primary Election and in the November 8, 2022 General Election.
 - A total sum of \$632,388.79 has been remitted for deposit in the Elections Fund from the campaign operations of candidates certified to participate in the 2022 Election Cycle
 - One new candidate was certified to participate in the FEP:
 - Alfonso Gregory Way Jr – certified on September 7, 2022 as a Participating Candidate in the FEP in the November 8, 2022 General Election for the Office of Member of the State Board of Education for Ward 1.
- **Desk Reviews and Other Activities**

¹ The report given at the Board Meeting is an abbreviated version of the OCF September Report; [the complete report may be found here](#).

- 51 desk reviews were conducted of the August 31, 2022 Reports of Receipts & Expenditures (“R & E Reports”).
 - 18 Requests for Additional Information letters (RFAI) were sent.
 - **Candidate/Treasurer Consultations:**
 - Alfonso Gregory Way, Jr. on September 8, 2022.
 - **Ongoing Post-Election Audits**
 - There are currently 27 ongoing post-election audits; all names are posted on the OCF website.
- **Public Information and Records Management Division (PIRM)**
 - There were two filing dates for R & E Reports in September 2022:
 - Third R&E Report for Initiative Committees (Initiative Measure No. 82), due September 20, 2022. Two of two reports were timely filed.
 - Optional R&E Report for Fair Elections Candidate Committees, due September 30, 2022. Five reports were timely filed.
 - **New Candidate/Committees**
 - A total of 83 candidates are registered in the traditional campaign finance program.
 - 71 candidates registered to participate in the June 21, 2022 Primary Election, and 12 candidates registered in the November 8, 2022 General Election.
 - One new candidate registered in the traditional program on September 22, 2022 for the Office of the Mayor as a write-in: Rhonda Hamilton
 - **Fair Elections Program**
 - 52 candidates have registered to participate in the program.
 - 39 candidates registered to participate in the June 21, 2022 Primary Election, and 13 candidates registered to participate in the November 8, 2022 General Election.
 - No new candidates registered to participate in the FEP.
 - Two new Independent Expenditure Committees were registered in September:
 - Democracy for DC, registered on September 7, 2022.
 - We Are Labor, registered on September 15, 2022.
 - **Entrance Conference**
 - Three new candidates and treasurers completed the mandatory training program in September.
- **Reports Analysis and Audit Division (RAAD) Program**
 - 20 desk reviews were conducted during September 2022.
 - Four RFAI letters were sent.
 - **September Audits Issued**
 - Campbell for Mayor – Issued September 7, 2022

- Ward One Democrats' PAC – Issued September 28, 2022

- **Ongoing Audits**

- Kenyan 2022
- Stacia 2022

OCF GENERAL COUNSEL REPORT SEPTEMBER 2022 (GENERAL COUNSEL WILLIAM SANFORD)

- **Intake/Output Report**

- One referral was received from the RAAD division for failure to timely respond to an RFAI.
- Nine informal hearings were conducted and nine orders were issued:
 - Six orders imposing a total of \$7,800
 - Committee to Elect Bill Lewis - \$1,300.00
 - Monica Palacio - \$1,300.00
 - Randy Downs - \$1,300.00
 - Markus for DC - \$1,300.00
 - Washington for - Ward 8 \$1,300.00
 - James for Ward 2 SBOE - \$1,300.00
 - Three orders with no imposed fines

- **Open Investigations**

- There are currently four open investigations, the most recent one of which is indicated below:
 - Complainant: Chuck Theis
 - Date Received – September 1, 2022
 - Complainant: Patricia “Tricia” Duncan and Benjamin Bergmann
 - Allegation: Receipt of an illegal “in-kind” contribution
 - Status: Pending

- **Interpretative Opinions**

- NONE

- **Show Cause Proceedings**

- NONE

PUBLIC MATTERS

- Dorothy Brizill
 - Stated that she would submit a letter to all Board members addressing her tone towards the Board members, as well as a letter addressing the issue of public observation of the vote count.
 - Stated that she had issues utilizing ZOOM to gain access to Board

meetings.

ADJOURNMENT (11:52 a.m.)