

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

+ + + + +

REGULAR BOARD MEETING

+ + + + +

THURSDAY

MAY 2, 2024

+ + + + +

The District of Columbia Board of Elections convened via Videoconference, pursuant to notice at 10:30 a.m. EDT, Gary Thompson, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

GARY THOMPSON, Chair
KARYN GREENFIELD, Member

BOARD OF ELECTIONS STAFF PRESENT:

SYLVIA GOLDSBERRY-ADAMS, Deputy Director
TERRI STROUD, General Counsel
CECILY COLLIER-MONTGOMERY, Director, Office
of Campaign Finance
WILLIAM SANFORD, General Counsel, Office of
Campaign Finance

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1 P-R-O-C-E-E-D-I-N-G-S

2 (10:32 a.m.)

3 CHAIR THOMPSON: All right. Good
4 morning, everybody.

5 MEMBER GREENFIELD: Good morning.

6 CHAIR THOMPSON: Yes. It is - what day
7 is this? - May 2nd. As we're moving through the
8 week, it's a Thursday. We are T-minus 33 days from
9 June 4th coming up rapidly.

10 My name is Gary Thompson, the Chair of
11 the Board of Elections, and with us by Zoom is my
12 fellow Board member, Karyn Greenfield. We're two
13 for three today, so that constitutes a quorum.

14 The first thing we do is adopt our
15 agenda. I will move that we adopt it with one
16 modification. Apparently, the issue for approval
17 of a political party name has been deferred until
18 our next meeting. So with that slight
19 addition -- modification, I move the agenda.

20 MEMBER GREENFIELD: Second.

21 CHAIR THOMPSON: I will take a second
22 as two ayes. Next, we've each reviewed our minutes

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1 from our last meeting of April 5th. I move that
2 we adopt those minutes.

3 MEMBER GREENFIELD: I second.

4 CHAIR THOMPSON: All right. That
5 passes as well. As far as Board matters go, I don't
6 have anything in particular to bring up other than
7 to say we are really in the swing of it now. Of
8 course, the mailed ballots are on their way. The
9 drop boxes will open soon, and in a blink of an
10 eye, we'll be in early voting, and then June 4th,
11 we'll be here.

12 So our staff is obviously working
13 tirelessly right now. This is our, you know,
14 fourth quarter. So I want to thank everybody at
15 the BOE and the Office of Campaign Finance as well
16 for how much work everybody's handling right now,
17 grace under pressure. It's going very, very well.

18 With that, I will turn to the executive
19 director's report. Our director, Director Monica
20 Evans, couldn't be here today, so we're happy to
21 welcome Deputy Director Sylvia Goldsberry-Adams
22 to give us the Executive Director's report.

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1 MS. GOLDSBERRY-ADAMS: Good morning.

2 CHAIR THOMPSON: Good morning.

3 MS. GOLDSBERRY-ADAMS: Executive
4 Director's report for April 2024. On April 11th,
5 the Executive Director attended the monthly DC
6 Homeland Security meeting of the Emergency
7 Preparedness Council. The purpose of the meeting
8 was to address challenging issues related to
9 emergency preparedness and disaster relief.

10 On April 24th, the Executive Director
11 attended an election briefing series hosted by the
12 Meridian International Center. The topic was
13 "Truth Talks: Digital Trends Shaping the 2024
14 Elections." Speakers addressed social media and
15 technology trends and policies that will affect
16 the 2024 election cycle.

17 On April 26th, BOE had its budget
18 oversight hearing. The hearing was conducted by
19 the Committee on Executive Administration and
20 Labor. BOE addressed budget oversight issues for
21 fiscal year '24 and discuss the proposed fiscal
22 year 2025 budget. We were able to articulate

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1 expenditures, budget needs, and plans for the 2024
2 election cycle. We emphasized that there is no
3 money in our fiscal year '24 or '25 budgets to
4 conduct a special election.

5 ANC vacancies. We currently have 12
6 ANC vacancies for the '23-'25 term. Only seven
7 of the vacancies are active because they occurred
8 before we entered our blackout period for filling
9 vacancies. These positions are in different
10 stages of being filled. After the candidate
11 filing requirements are met, an open vote of
12 registered voters of the affected SMD will be held
13 during regularly scheduled ANC meetings.

14 List maintenance process. As
15 previously mentioned, we are now in the 90-day
16 blackout window before the June primary.
17 Therefore, we will not be removing any additional
18 voters from our registry as a result of list
19 maintenance. During the '23 list maintenance
20 process, we removed 108,698 individuals from our
21 voter registry and moved another 98 -- I'm sorry,
22 95,220 active voter status. As of April 30, we

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1 have 455,088 active voters.

2 Voter registration rolls. In April,
3 we registered 2,912 new voters and processed 6,159
4 registration changes. In total, we prepared 9,071
5 voter registration cards to be mailed. Additional
6 152 registered voters moved out of D.C., 348 voters
7 canceled their D.C. registrations and registered
8 with other jurisdictions, and 1,141 voters
9 registered in D.C. after canceling their
10 registrations in other states.

11 Online voter registration. We are
12 continuing to register voters using our website
13 portal. To date, we have processed over 46,735
14 applications using the portal. These include new
15 voter registrations and updates to existing
16 registrations.

17 Local Resident Voting Rights Amendment
18 Act. We are also registering noncitizens to vote
19 in our local elections using the database solution
20 developed by DR Systems, our voter database
21 contractor. We have deployed online
22 registration, and noncitizens may also register

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1 to vote in our office using a paper registration
2 form. Translations are available in Spanish,
3 Vietnamese, Chinese, Korean, Amharic, and French.

4 We are working with our vendor to ensure the
5 translations are available electronically in
6 addition to the printed translations. We have
7 developed outreach materials to assist with our
8 outreach efforts.

9 On April 30th, we hosted a town hall
10 to discuss the Local Resident Voting Rights
11 Amendment Act. In addition to issuing a press
12 release and utilizing social media, the event was
13 publicized with D.C. government agencies, schools,
14 and universities, and the Washington Hispanic
15 Newspaper. In addition to giving an overview of
16 the legislation, we discussed registration and
17 voting options for noncitizens in the District of
18 Columbia. The town hall concluded with a question
19 and answer session. In April, we registered 163
20 noncitizens to vote in local elections. Total
21 noncitizen registration is currently 376.

22 2024 election planning. Our draft

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1 primary and general election calendars for the 2024
2 election cycle are posted on our website. Our vote
3 center and mail ballot drop box locations are also
4 posted on our website. The new landing page to
5 provide 2024 election information has been
6 launched. Our ballot lottery was held on Friday,
7 April 12th, and we completed ballot proofing on
8 Saturday, April 13th.

9 2024 voting options. During the 2024
10 election cycle, all registered D.C. voters will
11 receive a mail-in ballot. Voters may vote by mail,
12 in person, or by depositing a ballot in a mail
13 ballot drop box. BOE will have 55 mail ballot drop
14 boxes that will be placed throughout the city.
15 We will also operate 25 early vote centers and a
16 total of 75 election day vote centers.

17 We are working with the Metropolitan
18 Police Department to provide security and the
19 Department of Public Works to place the mail ballot
20 drop boxes. Almost all of the mail ballot drop
21 boxes have been installed. They will open on May
22 10th. The K&H Mail House began mailing ballots

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1 to eligible voters on April 29th.

2 Accessibility. We are conducting an
3 accessibility survey of all 2024 vote centers
4 before the primary election to ensure they are
5 accessible. We have partnered with Disability
6 Rights at University Legal Services and the Office
7 of Disability Rights to conduct surveys. As is
8 our practice, we will also work with DGS to ensure
9 vote centers are structurally accessible. An
10 accessibility coordinator has started conducting
11 these visits.

12 Democracy Live. The setup for the
13 electronic ballot return designed for ADA and
14 UOCAVA voters is now up and operational. UOCAVA
15 and ADA voters can submit their ballots
16 electronically to BOE through a secure web portal
17 hosted by Democracy Live. A unique VIN code along
18 with a secure link to access the system is provided
19 exclusively to voters who opt for electronic ballot
20 submission, safeguarding the integrity of the
21 voting process. UOCAVA voters have already begun
22 submitting their ballots using this system.

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1 Election Worker Division. The
2 Election Worker Training Division is actively
3 recruiting and training election workers. During
4 the 2024 election cycle, our goal is to recruit
5 and train between 2,000 and 2,500 election workers.
6 We will deploy approximately 1,700 election
7 workers to serve at both centers. Election worker
8 training began on Tuesday, March 12th, 2024. As
9 of April 30th, we have trained 1,630 election
10 workers.

11 Voter education and outreach. During
12 the month of April, the Voter Education and
13 Outreach Division conducted 49 outreach events on
14 behalf of the agency. Events included outreach
15 to the DC Housing Authority, UnitedHealthcare, and
16 Events DC. Additionally, we engaged with the 11
17 nursing facilities, including Knollwood
18 Retirement Community and the Deanwood
19 Rehabilitation and Wellness Center.

20 Restore the Vote. The Restore the Vote
21 Division held ten outreach events in April. They
22 attended the DC Correctional Treatment Facility's

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1 resident orientation and will continue to do so
2 moving forward. They also provided voter
3 education and registration opportunities to
4 Federal Bureau of Prisons facilities in Virginia
5 and Pennsylvania. The RTV also participated in
6 CSOSA's Community Resource Day re-entry event held
7 virtually with the BOP.

8 Lastly, they provided in-person
9 registration opportunities at four different
10 county facilities in Arlington, Virginia, and
11 Montgomery and PG Counties in Maryland. The RTV
12 staff are meeting weekly with the DC Department
13 of Corrections staff leading up to the election.

14 That concludes the report.

15 CHAIR THOMPSON: All right. Thank you
16 so much. A lot of things stand out, but I just
17 kind of went wild when I heard 1,700 election
18 workers, 1,630 trained so far. I think I saw the
19 training progress today for the last of our
20 election workers. So, you know, we want to thank
21 and we'll continue to thank everybody in our city
22 that stepped up to play these important roles for

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1 our elections. And ,obviously, it's no small task
2 for our BOE to train each and every one of them
3 here in our offices, so thank you for that.

4 And, also, I was just looking at the
5 calendar, and this is something I didn't really
6 think about much before we considered one of the
7 latest voter initiatives, but by Tuesday, May 14th,
8 you can actually change party affiliation status
9 and vote in either primary, if you'd like. If
10 you're independent, you can, before May 14th,
11 anyway, register in any of the party primaries to
12 vote.

13 So that is -- I don't know what they
14 call that, semi-open, kind of open, but it is an
15 opportunity that's there for all voters. So it
16 just stood out to me because I hadn't really thought
17 about that before. So that's still, what, 10, 12
18 more days to do that?

19 Well, thanks very much. Moving on then
20 to the General Counsel's report from Terri Stroud.

21 MS. STROUD: Thank you, Mr. Chair.
22 The first item on my agenda is rulemaking to Title

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1 3 of the D.C. Municipal Regulations. I have two
2 final rulemakings.

3 The first is the rulemaking to Chapter
4 6, 10, 11, and 14 through 17 of Title 3. The
5 purpose of the amendments to these regulations is
6 to conform the Board's regulations to existing law
7 and current practice regarding the ballot access
8 and initiative processes and qualified petition
9 circulators.

10 So, one of the things that this
11 rulemaking does is it clarifies that petition
12 circulators must be at least 17 years of age and
13 will be 18 years of age on or before the next general
14 election, which is the same requirement for
15 qualified electors.

16 Another amendment that governs the
17 Executive Director's preliminary determination of
18 candidates' eligibility establishes that the date
19 by which that determination must be made is
20 the -- is three days after the deadline for filing
21 nominating petitions. That language previously
22 said that it was due within three days after the

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1 deadline for filing declarations of candidacy, but
2 we have amended that regulation to establish that
3 declarations of candidacy are now due before
4 nominating petitions -- or yeah, nominating
5 petitions are issued, and so we have to clarify
6 that regulation accordingly.

7 So those are just a couple of the
8 changes that these regulations make. And a notice
9 of proposed rulemaking with respect to this
10 rulemaking was published in the DC Register on
11 February 23rd. No written comments on the
12 proposed rules were received during the public
13 comment period, and no substantive changes have
14 been made to the regulations as proposed.

15 And the next final rulemaking -- I guess
16 I'll take a vote on the first final rulemaking
17 first. So if I could have a roll call vote, that
18 would allow me to submit this final rulemaking to
19 the DC Register for publication for a final
20 rulemaking.

21 CHAIR THOMPSON: Okay.

22 MS. STROUD: And they will appear, I

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1 think, in the May 10th version of the DC Register.

2 And once they appear, they will be final and
3 effective.

4 CHAIR THOMPSON: Okay. The Chair so
5 moves that we adopt the final rulemaking, and my
6 vote is aye.

7 MS. STROUD: And Member Greenfield?

8 MEMBER GREENFIELD: I second, and my
9 vote is aye.

10 MS. STROUD: Thank you. With that,
11 the motion carries, and this will be submitted to
12 the DC Register for publication, at which point
13 it will become effective.

14 The next final rulemaking is to Chapter
15 7, and the purpose of the rulemaking is to implement
16 the provisions of the Lead to Vote Amendment Act
17 of 2020. And this rulemaking establishes policies
18 and procedures for the administration and
19 enforcement of the act, which permits individuals
20 employed in D.C. to receive at least two hours of
21 paid leave to vote and permits students enrolled
22 in educational institutions in D.C. to receive an

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1 excused absence for at least two hours to vote.

2 A notice of proposed rulemaking with
3 respect to this rulemaking was published in the
4 DC Register on March 15th. No written comments
5 were received during the public comment period,
6 and no substantive changes have been made to the
7 regulations as proposed. These rulemakings will
8 also become final upon publication in the DC
9 Register on Friday, May 10th. And with that, I'll
10 ask for a motion that would allow me to submit these
11 to the DC Register for publication.

12 CHAIR THOMPSON: The Chair so moves,
13 and my vote is aye.

14 MS. STROUD: Member Greenfield?

15 MEMBER GREENFIELD: I second, and my
16 vote is aye.

17 MS. STROUD: Thank you. With that,
18 the motion carries, and this rulemaking will be
19 published as final in the DC Register on May 10th,
20 and at that point, it will become final.

21 The next rulemaking is a proposed
22 rulemaking, and the purpose of these regulations

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1 is to clarify the address that may be used by
2 unhoused DC residents for voter registration
3 purposes and the process for challenging
4 registered voters' status. At the DMV, unhoused
5 individuals are allowed to use, for purposes of
6 obtaining an identification card, the addresses
7 of certified social service providers, and we
8 believe that they should be able to use that
9 residence, that address as a residence address for
10 purposes of voter registration.

11 And so this is an effort to ensure that
12 we are able to reach them to the extent that we
13 can because they're apparently getting services
14 at these entities. And we sent out a notice with
15 respect to a challenge that we received, and we
16 do know that at least some of the individuals are
17 getting their mail at these addresses. And so it's
18 just an effort to ensure their participation in
19 the process. So this rulemaking would allow us
20 to use that address for voter registration
21 purposes.

22 And so this rulemaking will be

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1 published in the DC Register on Friday, May 10th,
2 for a 30-day review and comment period that will
3 end on June 10th. We will also publish it on our
4 website right after this meeting for members of
5 the public to review and prepare comments, if any.

6
7 And so, with that, I would ask for a
8 motion that we be permitted to publish this
9 rulemaking in the DC Register for the upcoming
10 Friday, May 10th edition for the review and comment
11 period that will end on June 10th.

12 CHAIR THOMPSON: All right. The Chair
13 so moves. And I'll just add the comment that I
14 think this is a fabulous rulemaking. It's
15 consistent with the statute, the intent of the
16 statute. And I just want to thank the General
17 Counsel for focusing on this and drafting a rule
18 that will allow all of our citizens to vote to the
19 extent that they can, whether they're currently
20 housed or unhoused. I think it's a fabulous
21 undertaking. So I enthusiastically move, and my
22 vote obviously will be aye -- is aye.

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1 MS. STROUD: Member Greenfield?

2 MEMBER GREENFIELD: And I second, and
3 my vote is aye.

4 MS. STROUD: Thank you. And with
5 that, we will move this rulemaking forward for
6 publication in the DC Register on Friday, May 10th.
7 And, again, we will post it on our website for
8 review and comment period. And that concludes the
9 rulemaking portion of my agenda.

10 The next item on my agenda is litigation
11 status. We have six matters to discuss. The
12 first, Stacia Hall v. the D.C. Board of Elections.

13 This is an appeal from the U.S. District Court's
14 denial of the appellant's challenge to legislation
15 allowing noncitizens to vote in local elections.

16 The appeal was filed on April 16th, and we
17 anticipate that the Solicitor General for the
18 District of Columbia will likely file a dispositive
19 motion in the near future.

20 The next matter is DC Democratic Party
21 v. Muriel Bowser and the Board. This is an appeal
22 from the D.C. Superior Court's denial of the

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1 appellant's challenge to Initiative Measure Number
2 83 on the grounds that it was untimely filed. The
3 appeal was filed on April 22nd, 2024. The Court
4 has set a briefing schedule with respect to this
5 appeal. The appellant's brief is due on June 10th,
6 and the appellee's brief is due on July 10th.

7 The next matter is Dr. Shiva Ayyadurai
8 v. Merrick Garland. This was a matter in which
9 the plaintiff is seeking a declaration that he is
10 eligible to serve as president of the United States
11 notwithstanding the constitutional natural-born
12 citizens clause, or, alternatively, that this
13 qualification matter presents a nonjusticiable
14 political issue for the voters.

15 On February 1st, the OAG filed a motion
16 to dismiss on behalf of the Board, and Defendant
17 Garland filed a motion to dismiss on February 20th.

18 On February 21st, the District Court judge ordered
19 that the plaintiff respond to the pending motions
20 to dismiss by March 22nd, and his reply was filed
21 on March 21st. On April 12, the OAG and the
22 Department of Justice responded to the plaintiff's

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1 reply.

2 The next matter is Long v. the D.C.
3 Board of Elections in the D.C. Superior Court.
4 This is the re-submission of a matter that was
5 previously dismissed without prejudice. The
6 plaintiff is seeking \$10,000 in damages based on
7 a claim concerning an overdraft cost to his bank
8 account when a stop payment was imposed on a check
9 that he was issued for his service as an election
10 worker.

11 On March 6th, the OAG filed a motion
12 to dismiss. On March 13th, the plaintiff filed
13 an opposition to the motion. On March 25th, the
14 court dismissed all of the plaintiff's claims
15 except for his claim for liquidated damages on
16 breach of contract. On April 8th, the OAG filed
17 an answer to the complaint. On April 15th, the
18 plaintiff filed a motion for sanctions, and the
19 court has set a status conference for May 31st,
20 2024.

21 The fifth matter, John Page v. Monica
22 Evans in her official capacity as Executive

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1 Director of the Board of Elections. This is in
2 the U.S. District Court for D.C. On March 8th,
3 the plaintiff filed a complaint that seeks to
4 prevent Donald Trump from appearing on the 2024
5 general election ballot. The complaint alleges
6 that the recent Supreme Court decision in Trump
7 v. Anderson does not apply to D.C. because that
8 decision pertains to the rights of states under
9 the 14th Amendment, and D.C. is not a state. The
10 OAG filed a motion to dismiss on April 5th, and
11 the plaintiff replied on April 23rd.

12 The final matter is Ragas v. the D.C.
13 Board of Elections, and this is in the D.C. Court
14 of Appeals. This was an appeal from a Board
15 decision granting ballot access to Ankit Jain, a
16 candidate in the Democratic Party primary contest
17 for nominee for the office of U.S. senator. The
18 appeal was filed on April 8th. The Board filed
19 a motion for summary affirmance on April 9th. The
20 petitioner filed an opposition on April 10th. The
21 Board filed a reply on April 11th, and on that same
22 day, the Board's motion for summary affirmance was

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1 granted.

2 And that concludes the litigation
3 status portion of my report and my report in its
4 entirety.

5 CHAIR THOMPSON: Thank you. All
6 right. Thank you very much. Moving on to the
7 Campaign Finance report. Is our Director here,
8 or perhaps General Counsel SanFord? Oh, she's on
9 by Zoom. Director Collier-Montgomery is present
10 by Zoom. Welcome, and please proceed. I'll get
11 you unmuted.

12 MS. COLLIER-MONTGOMERY: Okay. Good
13 morning. For the record, the full report of the
14 activity of the Office of Campaign Finance for the
15 month of April 2024 will be posted at the OCF
16 website, www.ocf.dc.gov, before the close of
17 business today. I will highlight a few matters
18 of interest for the public from the report. With
19 the 2022 election cycle debates, the Office of
20 Campaign Finance will host a debate in the
21 contested race for the office of at-large member
22 of the Council on May 2nd, 2024 at 7:00 p.m., and

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1 that is today.

2 The office of at-large member of the
3 Council is scheduled for election during the June
4 4th, 2024, primary election in the District of
5 Columbia. All candidates certified to
6 participate in the Fair Elections Program who are
7 in contested citywide elections must participate
8 in the debate. Any candidates in the traditional
9 campaign finance program who have qualified for
10 ballot access are invited to participate. Where
11 there is no other FEP participating candidate or
12 willing nonparticipating candidate, the mandatory
13 debate requirement is waived.

14 To date, in the June 4th, 2024, this
15 primary election, based on those candidates who
16 have achieved ballot access, there are a total of
17 two certified participating candidates in the Fair
18 Elections Program who are seeking the office of
19 at-large member of the Council as a nominee of the
20 Democratic Party. Additionally, in the
21 traditional campaign finance program, there were
22 no candidates who qualified for ballot access in

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1 the Democratic primary election.

2 Information on the debate is available
3 at the OCF website, www.ocf.dc.gov, and the
4 debates -- dcdebates.com website, including the
5 schedule, date, time, participants, and the
6 registration process for the public to attend
7 virtually and participate in the debates through
8 the submission of question. In the interest of
9 continuing to ensure the safety of our residents,
10 the OCF-sponsored debates will be conducted using
11 a virtual platform. The debates will be
12 livestreamed, again, at dcdebates.com tonight at
13 7:00 p.m.

14 The fiscal year 2025 proposed budget
15 request. On April the 26th, 2024, the Office of
16 Campaign Finance presented testimony on the OCF
17 fiscal year 2025 budget request before the
18 Committee on Executive Administration and Labor
19 of the Council of the District of Columbia. In
20 our Community Outreach Program, we presented at
21 two Advisory Neighborhood Commission meetings
22 during April. Information at the agency's

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1 traditional and Fair Elections programs were
2 discussed. We presented on April the 3rd at ANC
3 3D, and on April the 18th at ANC 6E.

4 We also, on April the 30th, kicked off
5 our partnership with the District of Columbia
6 Public Library at the Southwest Library branch.

7 We were present and available to offer again
8 information on the programs of the Office of
9 Campaign Finance. In our Fair Elections Program
10 Division, with respect to the 2024 election cycle,
11 as of this date, there are 15 certified
12 participating candidates in the Fair Elections
13 Program. And the Office of Campaign Finance has
14 authorized the disbursement of the total sum of
15 \$2,234,313 from the Fair Elections Fund in base
16 amount and matching payments.

17 During the month of April, there were
18 no new candidates who were certified in the Fair
19 Elections Program for the 2024 election cycle.
20 However, the agency did authorize 29 disbursements
21 to certify participating candidates. The listing
22 of those disbursements is provided in the OCF

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1 report, again, which will be posted at our website
2 by the end of the day. The Fair Elections Division
3 also conducted 29 desk reviews -- 39 desk reviews
4 of reports, receipts, and expenditures, which have
5 been filed with the agency, and issued 21 requests
6 for additional information as a result of the
7 review of those reports.

8 With the ongoing 2020 post-election
9 full-field audits, the status of the ongoing audits
10 is stated in the OCF activity report for this month,
11 and I would point out for the record that the Fair
12 Elections Program Division has issued a total of
13 24 final audit reports of the post-election audits
14 initiated for the 2020 election cycle. There
15 currently 10 2020 post-election audits which are
16 ongoing at various stages of the audit process.

17 With the 2022 post-election full-field audits,
18 we issued a total of 42 post-election audit letters
19 for the primary as well as for the November 2022
20 elections to candidates who were certified to
21 participate in the 2022 election cycle.

22 To date, the FEP has issued 20

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1 preliminary statements of audit findings and 22
2 final audit reports for the 2020 election cycle,
3 including the final audit report which was issued
4 during the month of April 2024 for the Re Elect
5 Muriel Bowser, Our Mayor 2022 principal campaign
6 committee, and that was the final compliance audit
7 report, which was issued on April the 22nd, 2024.

8 All final audit reports are available at our
9 website for review by the public.

10 In our Public Information and Records
11 Management Division, there were two dates during
12 the month of April for the filing of reports of
13 receipts and expenditures: the April the 1st, 2024,
14 report by the Constituent Services and Statehood
15 Fund programs, and the April the 10th, 2024, report
16 by the candidates and principal campaign
17 committees who are registered in the Fair Elections
18 Report program. All reports of receipts and
19 expenditures which are filed by the agency -- filed
20 with the agency are available at the OCF website,
21 again, for review by the public.

22 With new candidates and committees for

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1 the 2024 election cycle in the traditional campaign
2 finance program, there are currently a total of
3 37 candidates who are registered to participate
4 during the 2024 election cycle, including the
5 following four new registrations for the month of
6 April 2024.

7 For the office of member of the Council
8 at-large in the primary election, Darryl Moch
9 registered on April the 24th, 2024. For the office
10 of member of the Council from Ward 8, Khadijah Long
11 registered on April the 3rd, 2024. For the office
12 of member of the Council from Ward 4 in the general
13 election, Addison Sarter registered on April the
14 19th, 2024. And for the office of US shadow
15 representative in the general election, Ciprian
16 Ivanof registered on April the 24th, 2024.

17 In our Fair Elections Program, again,
18 there are currently 25 candidates who are
19 registered to participate in the program,
20 including the following new registrations for the
21 month of April 2024. For the office of State Board
22 of Education from Ward 7 in the general election,

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1 Sherice Muhammed registered on April the 5th, 2024.

2 For the office of State Board of Education
3 at-large in the general election, Karley Sessoms
4 registered on April the 5th, 2024.

5 In our traditional audit program for
6 the Office of Campaign Finance, the Reports
7 Analysis and Audit Division, during the month of
8 April 2024, the traditional audit program
9 conducted desk reviews of 18 reports of receipts
10 and expenditures, which had been filed by the
11 agency, and issued six requests for additional
12 information based on the desk reviews which were
13 conducted. The traditional audit program also
14 issued two final audits during the month of April.

15 The first was the Ward 3 Democratic
16 Committee. The final audit report was issued on
17 April the 12th, 2024, of the January 31st, 2024,
18 report of receipts and expenditures. This was the
19 compliance audit report. The second was the
20 Metropolitan Washington Political Action
21 Committee. The final audit report was issued on
22 April the 12th, of the January 34th -- 31st, 2024,

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1 report of receipts and expenditures. This was
2 also a compliance audit report. And both of the
3 audit reports are available for review by members
4 of the public at the OCF website.

5 There are three ongoing audits in the
6 traditional -- before the traditional campaign
7 finance audit program. The first is of an
8 inaugural committee, and that is a full-field
9 audit. It is of the DC Proud Inaugural Committee.

10 And at this stage, the committee requested an
11 extension, and an extension was granted to respond
12 to the preliminary draft audit report, which was
13 issued on February the 26th, 2023. We also have
14 two periodic random audits, and basically, those
15 audits are of the March 10 report of receipts and
16 expenditures, which was filed by the agency. And
17 these are principal campaign committees who are
18 active in the upcoming 2024 election cycle.

19 The first is the Friends of Ebbon Allen,
20 Ward 7. The preliminary draft statement of
21 findings was issued on April the 18, 2024. And
22 the second is of the committee to elect Roscoe Grant

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1 Jr., Ward 7. And basically, with that one, the
2 audit reports -- audit records were received on
3 April the 17th, and the audit field work is in
4 progress.

5 That concludes my report. And I would
6 ask the general counsel to present the report on
7 the Office of the General Counsel. But, again,
8 I would like to remind the public on the record
9 that, again, the debate for the citywide contest
10 of at-large member of the Council will be conducted
11 tonight, and, again, the debate will be streamed
12 live at dcdebates.com.

13 CHAIR THOMPSON: All right. Thank you
14 so much. Mr. SanFord?

15 MR. SANFORD: Good morning, Mr.
16 Chairman and distinguished Board Member
17 Greenfield. My name is William SanFord, General
18 Counsel for the Office of Campaign Finance.

19 During the month of April 2024, the
20 Office of the General Counsel received three
21 referrals and issued four orders, which included
22 the following: three orders were issued in which

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1 no fines were imposed, and one order was issued
2 in which a fine of \$200 was imposed. During the
3 month of April 2024, the Office of the General
4 Counsel also referred 11 petitions for enforcement
5 to the Office of the General Counsel for the Board
6 of Elections.

7 During the month of April 2024, the
8 Office of the General Counsel imposed a fine of
9 \$200 against former shadow senator candidate,
10 Brian Douglas. And during the month of April 2024,
11 the Office of the General Counsel collected a fine
12 of \$450 from the SEIU Maryland and DC State
13 Committee Council PAC. During the month of April
14 2024, there were no open investigations in the
15 Office of the General Counsel.

16 However, during the month of April
17 2024, there was one request for an interpretive
18 opinion. That request was submitted on the 1st
19 of April. The requester was LaJoy Johnson-Law,
20 candidate for Ward 8 member of the State Board of
21 Education. And the issue in the request was which
22 dependent care expenses are permissible as a

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1 campaign expense. The office issued an opinion
2 in which the office cited the statute and the reg
3 which indicated that the only dependent care
4 expenses that are permissible as campaign expenses
5 are for the child care expenses.

6 During the month of April 2024, there
7 were no show cause proceedings. And that should
8 conclude my report, which the contents of this
9 report will be published at the Office of Campaign
10 Finance website at close of business on today's
11 date, the 2nd of May, 2024. And I would just also
12 like to give a final reminder that the debates for
13 the at-large Council Democratic nomination will
14 occur at 7:00 p.m. this evening, and they will be
15 livestreamed at dcdebates.com. And that
16 concludes my report.

17 CHAIR THOMPSON: All right. Thank
18 you, Mr. SanFord. Ms. Montgomery, anything else?

19 MS. COLLIER-MONTGOMERY: No, that's
20 it. That concludes our report.

21 CHAIR THOMPSON: All right. Thank you
22 very much. We have some time today for public

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1 comment. We'll turn to that next. Before I do
2 that, I think we can announce now that our next
3 meeting is probably not going to be on Wednesday,
4 June 5th, which is the morning after the primary
5 elections. It will probably be moved to
6 Wednesday, June 12th, to coincide perhaps with
7 other matters that may come before the Board in
8 the wake of the election. So, you know, to be
9 determined based on public notice, but that's
10 probably- what we'll do next. Anything else
11 before I turn to public comment from anybody?

12 MS. STROUD: Not from me.

13 CHAIR THOMPSON: Okay. For public
14 comment, we'll just ask you to go ahead and raise
15 your Zoom hand. And when I call on you, if you
16 could kindly state your name, let us know your
17 residential address, and you can chat for about
18 three minutes in one segment. And then when you're
19 done, we'll -- if you'll please allow us to reply
20 without interruption. Otherwise, if you don't
21 want to comment verbally, you -- you can submit
22 written comments to us, of course. So with that,

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1 I see Dorothy Brizill has her hand raised. We
2 missed your last time. Ms. Brizill, please go
3 ahead.

4 MS. BRIZILL: Mr. Chairman, I have two
5 or three matters I would like to bring to the
6 Board's attention and try to get a clarification
7 or some additional information. First, I'd like
8 to bring to the Board's attention that the audio
9 for your meetings is terrible. Across the screen,
10 there's a message that says, "Low bandwidth."
11 This has been occurring for the past four or five
12 months. I asked you to have your technical staff
13 to correct it to deal with the problem because the
14 audio for the different speakers is going in and
15 out.

16 The second thing I would like to get
17 a clarification on is regarding the process by
18 which the Board of Elections has attempted to
19 redraw precinct boundaries. I recently learned
20 that they did in fact engage a consultant, Gottlieb
21 Simon, who worked a total of 200 hours at a cost
22 of \$75 per hour, and I -- my math shows that's

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1 \$15,000. And he worked from January 2023 through
2 March of '24. He produced no final report,
3 conducted no public meetings. I would like the
4 Board to explain why did they engage Mr. Simon,
5 whose recommendation, it turns out, was simply that
6 the precinct boundaries be eliminated and that we
7 resort to using ANC single-member district
8 boundaries.

9 What I am concerned about is the fact
10 that Mr. Simon, for a number of years,
11 chaired -- not chaired, but he headed the Council
12 office regarding ANCs. And so there's no stretch
13 of the imagination or no hard work or no heavy
14 lifting that he has to do as regards to making that
15 recommendation. I would appreciate a
16 clarification on where things stand regarding the
17 clarification of the boundaries for precincts.

18 And moreover, I would also like to find
19 out, why on the Board of Elections website have
20 you suddenly and without previous notice
21 eliminated the information that was on the Board
22 of Elections website regarding Board of Elections

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1 hearings and meetings prior to 2021? The record
2 on the Board of Elections website only goes through
3 2021. Why was the decision made to eliminate
4 hearings and meetings, the transcript and the
5 record of those meetings prior to 2021? Thank you.

6 CHAIR THOMPSON: All right. Thank you
7 so much. I appreciate those comments. Number
8 one, I'll -- I don't know about the low bandwidth
9 problem here. It may be on your end, so, you know,
10 check on your end as well. We'll certainly, you
11 know, redouble our review of what's -- you know,
12 what's happening on our end.

13 Number two, on precinct boundaries,
14 specifically the scope of work by Gottlieb Simon,
15 I think we'll just have to ask Ms. Evans about that
16 at a later time. I certainly know Mr. Simon from
17 my many years on the ANC, and I'm sure he
18 did -- provided very valuable insight for the Board
19 of Elections, but, you know, we'll certainly look
20 into that. And number three, I don't know why.
21 We'll, you know, look into it, or maybe --

22 MS. STROUD: Yeah.

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1 CHAIR THOMPSON: -- somebody else can
2 address that or anything else that --

3 MS. STROUD: I can speak to the
4 information on the website. As you know, a lot
5 of materials were removed post-breach, and the
6 Board is in the process of reposting items that
7 had been removed as a result of the website going
8 down. And so that is an ongoing process. And we
9 do intend to put as many of the minutes and
10 transcripts and notices and agendas from previous
11 meetings for prior to 2021 up on the website to
12 the extent that the platform can accommodate it.

13 And with respect to the precincts, one
14 thing that I'll say is that the recommendation was
15 not to eliminate precincts per se but rather to
16 have the precinct boundaries conform to SMD
17 boundaries. So there was never, you know, an
18 effort to eliminate precincts, but just to have
19 them be redesigned so that they conform to the
20 boundaries corresponded with SMD boundaries.

21 CHAIR THOMPSON: Yeah. I think we've
22 explained that a few times. It's a great decision.

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1 I mean, the old precincts don't really apply
2 anymore since you can vote anywhere you want at
3 any voting center. And it makes great sense to
4 align the precincts with the ANC single-member
5 districts. It will improve, I think, reporting
6 and more of a micro, you know, information review
7 because there will be smaller precincts that I
8 think will be more useful for review at a later
9 time. So, you know, it's an obviously wise
10 decision.

11 All right. I'm looking for any other
12 hands raised by Zoom. I think Mr. Schiller's here.

13 MR. SCHILLER: Can you hear me okay?

14 CHAIR THOMPSON: Yeah.

15 MR. SCHILLER: All right. Great.
16 Nikolas Schiller. My voting address is 216 West
17 89th Street, New York, New York. My work address
18 is 2448 Massachusetts Avenue, Northwest,
19 Washington, D.C. Two parts: is there any
20 available data on the primary turnout at the vote
21 centers in 2022? You were just speaking about the
22 precinct mapping, and what I found when I was going

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1 over the data concerning the turnout for 2022 is
2 that there isn't really any information that shows
3 up unless I correlate early voting history with
4 the data that's available.

5 But I can't actually find out how many
6 people, for example, showed up at Turkey Thicket
7 to vote in person during early voting on election
8 day. Because the vote centers don't necessarily
9 match with the precinct boundaries anymore and the
10 data is more aggregated, I was just curious if there
11 is -- if that data is available for turnout for
12 the primary election in 2022 at the vote centers
13 during early voting as well as on election day.

14 So that's question number one, if that data is
15 available.

16 Number two is I've been auditing the
17 petitions for Initiative 83, and as I spoke about
18 at the March hearing -- March meeting -- is that
19 there's an ongoing problem with a lot of voters
20 who are not going to be receiving their ballot in
21 the mail this week, mainly because they were moved
22 to the inactive status.

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1 And I'm just concerned of what's the
2 process for a campaign to challenge the validity
3 of inactivity when a voter who voted, you know,
4 in 2022 or 2020 and signs a petition with the
5 address that they were registered to vote at but
6 are not on the voter roll anymore. And in my audit
7 of the petitions, I found well over 100 -- close
8 to a few hundred individual voters who haven't
9 moved, voted recently, but were removed from the
10 voter roll and signed the petition.

11 The current regulation suggests that
12 a person who signs a ballot access petition in an
13 inactive status will not have their signature
14 counted. But the question it begs is, if someone
15 who signed the petition but was not
16 actually -- should never have been removed or moved
17 into inactive status -- is there a way that this
18 can be done prior to the submission of the
19 petitions?

20 In other states, ballot access
21 petitions -- the campaigns are allowed to turn in
22 their petitions on a rolling basis. The way the

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1 regulations are designed in D.C., we have to give
2 the petitions in one sequentially ordered stack,
3 essentially. So there is no real way to have this
4 process facilitated in advance of the submission
5 of the petitions.

6 So I'm just concerned that we have
7 unfortunately disenfranchised a lot of voters who
8 believe that they are actually registered to vote,
9 signed a ballot access petition, and are also are
10 not going to be receiving a ballot in the mail,
11 and they're going to be showing up to vote either
12 early voting or on election day and be forced to
13 cast a provisional ballot.

14 So, on one end, I'm flagging this
15 information now that the Board of Elections has
16 extra provisional ballots available because there
17 will be, I think, a good percentage of voters who
18 are going be showing up to say, I thought I was
19 registered and didn't get my ballot in the mail,
20 and what to do.

21 And what I'm unsure -- what's the
22 process for engaging a voter who has been moved

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1 to the inactive status? Should they call the Board
2 of Elections directly and say, hey, I don't see
3 myself on the April or March voter roll. I'm still
4 at the address that I was registered to vote a year
5 ago. So what's the process for a voter?

6 Thank you so much for your time and your
7 service to the District of Columbia. Thank you.

8 CHAIR THOMPSON: All right. Thank
9 you.

10 MS. STROUD: Mr. Schiller, I think that
11 this answer is best. I mean, I feel -- you're
12 saying a lot of things. I think that I understand
13 you to be saying that if a voter signed the petition
14 and they were active at the time that they signed
15 but then became inactive, what is the process?
16 The Board, when looking at petitions, can determine
17 whether or not a voter was active or inactive when
18 they signed the petition because we keep that
19 information -- a trail of any activity to a voter's
20 record in the voter database. Is that --

21 MR. SCHILLER: It's the opposite of
22 that, actually, where a voter was inactive -- made

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1 inactive during the list maintenance. The voter
2 is not made aware that they've been inactive. They
3 signed the ballot access petition, and it's only
4 after the petition has been submitted to the
5 campaign for review that we discover that that
6 voter was removed from the voter rolls.

7 What I've been doing is checking the
8 June 1st, 2023, voter roll, which was a voter roll
9 that was done before the great purge, as I like
10 to call it, and I find the voter has the same address
11 that they're registered to vote is the same address
12 that they signed the petition. But in between June
13 of last year and the spring of this year, they were
14 made inactive or basically removed from the voter
15 roll, because I don't see the inactive voters.
16 I only see the active voters on the voter roll.

17 So the concern is, like, when the
18 validation process happens after we submit the
19 petition to the Board of Elections, those voters
20 are going to be marked as inactive when they sign,
21 so there's no way for the campaign really to say,
22 hey, we're -- we have an issue here. We think this

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1 voter should -- was made inactive, but they
2 actually really are still living in DC at the
3 address that they're registered to vote. But
4 there's no way for us to really have this rectified
5 until after we submit the petitions. That's my
6 main concern.

7 The other part of it is, for example,
8 ANC commissioner Matt LaFortune, who was found to
9 be made inactive even though he was an ANC
10 commissioner working on a campaign. When I
11 checked the voter roll update, his voter
12 registration status hadn't changed. So from the
13 back end on -- when I'm checking the signatures,
14 I can't actually see if the voter was inactive
15 versus active because the registration is more of
16 a static date.

17 Like, I registered to vote, you know,
18 ten years ago. That's going to be the date that's
19 going to be in the voter roll. But in that ten-year
20 window, I went inactive for two years, and then
21 I was reactivated. It'll still show up as the
22 original date. So it's hard to actually decipher

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1 on the campaign side if a voter was inactive during
2 a window and then reactivated because the voter
3 registration date is still tied to the original
4 registration. Did that get my point?

5 MS. STROUD: Yes. So what I'm going
6 to propose is that we connect, and we've been in
7 correspondence with respect to various questions
8 about this process.

9 MR. SCHILLER: Okay.

10 MS. STROUD: So I propose that we
11 connect with respect to this, and then whatever
12 comes of our discussion of this will be conveyed
13 to the public about how we are going to respond
14 to this and handle this.

15 MR. SCHILLER: Okay. Because I have
16 a spreadsheet of voters that I can provide you that
17 could be reached out to with a -- like, a postcard
18 saying, hey, are -- you might have been removed,
19 but it appears that you've signed a petition with
20 the same address that you were registered to vote
21 at a year ago. Maybe you should still be on the
22 Board -- or on the rolls. That's my main thing,

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1 is we just don't have the ability to, you know,
2 circle back on these voters who are going to find
3 out that they can't vote come, you know, next month,
4 or they're not going to get a ballot in the mail
5 this week.

6 MS. STROUD: They will be -- there's
7 not going to be an issue with them not being able
8 to vote. Even --

9 MR. SCHILLER: But on a provisional
10 ballot, you know, as opposed to, like, a mailed
11 ballot or a good --

12 MS. STROUD: The provisional ballot.
13 They will not have to vote a provisional ballot.

14 MR. SCHILLER: Oh, okay. Voters that
15 are made -- are returned as active, like, when they
16 show up to vote, will all of a sudden their voter
17 inactive status become active when they show up
18 to vote?

19 MS. STROUD: From their address, at the
20 in-person voting place, they will be able to vote
21 a regular ballot.

22 MR. SCHILLER: Okay. And then will

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1 the voter roll be updated at that point that they
2 become active voter because they showed up to vote?

3 MS. STROUD: Yes.

4 MR. SCHILLER: But in the window
5 between them signing the petition and then showing
6 up to vote, they were inactive. Therefore their
7 signature won't count. That's the problem that
8 I'm trying to, like -- I'm --

9 MS. STROUD: Yeah.

10 MR. SCHILLER: We can connect later on.

11 I just want to -- this is something that's been
12 problematic for me as I've been auditing the
13 signatures by voters and finding that this voter's
14 signature doesn't count. It's frustrating.

15 MS. STROUD: Okay. We'll connect.

16 MR. SCHILLER: All right. Thank you
17 so much for your time. I appreciate it.

18 CHAIR THOMPSON: Yeah. Thank you. I
19 mean, that obviously goes to the point that all
20 voters should and are welcome to check their status
21 online. Right there on our website, you can see
22 your voter status. If it's been change to

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1 inactive, you can activate it right away. You can
2 activate it when you go to vote, as we just heard.

3 So there's no concerns that a person won't be able
4 to actually vote.

5 And we'll just follow up on this
6 interesting point. What if at the time you signed,
7 you were inactive? Would that count? It's an
8 interesting question. It strikes me as a curable
9 thing, but we'll -- you know, we'll see down the
10 road.

11 Okay. Any other hands out there in
12 Zoom world? Going once, going twice, three times?

13
14 Okay. I think, with that, unless
15 there's any objections, I would move that we
16 adjourn, and we'll see everybody on the other side
17 of the primary election. Is there a second from
18 my -- I think my Board member has -- there, she's
19 waving yes. So I'll take that as a yes. So --

20 MEMBER GREENFIELD: Yeah.

21 CHAIR THOMPSON: Thanks, Karyn.

22 Yeah, that's all right. We got it, so we'll count

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1 the wave and the nod as a yes. Okay. Well, thank
2 you, everybody. Have a great day.

3 (Whereupon, the above-entitled matter
4 went off the record at 11:29 a.m.)

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In the matter of: Regular Board Meeting

Before: DC BOE

Date: 05-02-24

Place: teleconference

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Neal R Gross

Court Reporter

NEAL R. GROSS

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