

MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING

October 2, 2024

The District of Columbia Board of Elections (“the Board” or “DCBOE”) held its Regular Monthly Meeting on Wednesday, October 2, 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 Members J.C. Boggs and Karyn Greenfield were present. The Board’s Executive Director, Monica Holman Evans (“Director Evans”), General Counsel Terri Stroud, and the Office of Campaign Finance General Counsel, William SanFord, were also present.

I. CALL TO ORDER

The meeting was called to order at 10:31 a.m.

II. ASCERTAINMENT OF QUORUM

Board Chair Thompson and Board Members Greenfield and Boggs constituted a quorum.

III. ADOPTION OF AGENDA/APPROVAL OF MINUTES

BOARD ACTION: The Board unanimously adopted the agenda and minutes from the last meeting held on September 3, 2024.

IV. DIRECTOR’S REPORT (DIRECTOR EVANS)

A. General Matters

During September, Director Evans presented to members of the Washington, D.C. Alumnae Chapter of Delta Sigma Theta Sorority Inc. Director Evans also met with members of the Social Action Committee to discuss voter education and outreach plans for the general election and how the Board engages with special populations in the District of Columbia.

During the second week of September, Director Evans attended the Election Center Conference in Detroit. Workshop sessions covered election security, the delivery of election mail, and nuances of election administration. Director Evans serves on the ethics and practice committee which conducted a workshop to discuss standards of conduct, ethics, and elections.

On September 26, the Committee on Executive Administration and Labor of the D.C. Council hosted a roundtable on preparations for the 2024 General Election. Director Evans presented testimony and along with General Counsel Stroud fielded questions regarding election administration, Initiative Measure No. 83, and partnerships with other agencies. The D.C. Office of Planning was also invited to testify.

B. Voter Registration Rolls

In September, the Board registered 6,050 new voters and processed 6,090 registration changes. In total, 12,140 voter registration cards were prepared to be mailed. Additionally, 1,499 registered voters moved out of D.C., 622 voters canceled their D.C. registrations and registered with other jurisdictions, and 2,849 voters registered in D.C. after canceling their registrations in other states. We currently have 443,335 active registered voters. We are continuing to register voters using our

website portal. To date, we have processed over 75,400 applications using the portal, including new voter registrations and updates to existing registrations.

C. Local Resident Voting Rights Amendment Act

In August, 77 non-citizens were registered to vote in local elections. Total non-citizen registration is at 760.

D. 2024 Election Cycle

The general election calendar for 2024 is posted on the Board's website. The candidate qualifying period for the November 5, 2024 General Election ended on August 7 and we held the Ballot Lottery on September 13. The general election will mirror the primary election process, with all registered D.C. voters receiving a mail-in ballot. Voters can choose to vote by mail, in person, or by depositing their ballot in one of the 55 mail ballot drop boxes placed throughout the city. The Board will also operate 25 early vote centers and 75 Election Day vote centers.

The General Election landing page has been posted on the Board's website. Voters may check their registration status, view sample ballots, and access the Vote Center Locator Tool. The Board successfully mailed ballots to individuals eligible to vote under the Uniformed and Overseas Citizen Absentee Voting Act ("UOCAVA") by the September 20 deadline.

The Public Library Voter lists have been made available in public libraries as required. One citywide listing can be found at the main public library and one ward-specific listing is at each branch library within the respective wards. This was completed on September 23.

Key dates include:

- Logic and Accuracy testing of voting equipment began on September 16
- Mailing of Ballots began on September 30
- Drop Boxes Open – Friday, October 11
- Deadline to receive voter registration applications online or by mail – October 15
- Early Voting – Monday, October 28, through Sunday, November 3

E. Vendor Engagement

The Board has been actively meeting with our vendors to prepare for the upcoming General Election. We have weekly planning calls scheduled with KNOWiNK, Runbeck, BallotTrax, and Democracy Live.

F. Election Worker Division

The Election Worker Division has experienced increased interest from individuals who want to be Election Workers. The Call Center is open and election workers are being scheduled for our remaining training classes. Election worker training began on August 13. We are ahead of schedule and have already met our goal of training over 2,000 Election Workers. Election Day schedules will be sent on October 11 and the final Site Coordinator training will be held on Tuesday, October 15. Additionally, we are working with 10 organizations who have agreed to participate in our Election Day Adopt-a-Vote Center program.

G. Voter Education and Outreach (VEOD)

During the month of September, the Voter Education and Outreach Division conducted 66 outreach events on behalf of the agency. We recognized National Voter Registration Day on September 17 with seven events. September events included attendance at Teens' Day of Wellness and Well-Being at MLK Library and the H Street Festival. We also had touch points with Howard University, Springfield Baptist Church, Potomac Job Corps Center, and the Girl Scouts of D.C.

H. Recall Petition of Brianne Nadeau Ward One, Member of D.C. Council

The registered proposer did not timely file a petition by October 1 for the recall of Brianne Nadeau, Ward 1 Member of the D.C. Council. Since the deadline has passed without the petition being filed, this matter is considered closed.

VI. GENERAL COUNSEL'S REPORT (TERRI STROUD)

A. Litigation Status

1. Stacia Hall, et al., v. D.C. Board of Elections (U.S. Court of Appeals for the D.C. Circuit)

This case concerns an appeal from the D.C. Superior Court's denial of the appellant's challenge to legislation allowing non-citizens to vote in local elections. The Solicitor General filed a notice of cross-appeal, and the cases have been consolidated. The petitioner's brief and appendix were filed on August 22, 2024. The Solicitor General's initial cross-appeal brief is due on October 21, 2024. Hall's reply/cross-appeal response is due December 5, 2024, and the Solicitor General's cross-appeal/reply is due January 6, 2025.

2. District of Columbia Democratic Party, et al., v. Muriel Bowser, et al. (D.C. Court of Appeals)

This case involves an appeal from the D.C. Superior Court's denial of the appellant's challenge to Initiative Measure No. 83 on the grounds that it was untimely filed. Briefing is complete, and oral argument is set for October 23, 2024.

3. Dr. Shiva Ayyadurai v. Merrick Garland, et al. (U.S. Court of Appeals for the D.C. Circuit)

The appeal arises from the U.S. District Court's order rejecting the plaintiff's complaint for a declaration that he is eligible to serve as President of the United States, notwithstanding the Natural Born Citizen Clause or, alternatively, that the disqualification presents a non-justiciable political issue. On July 31, 2024, the court ordered the appellant to address the motions for summary affirmance by August 30 or face dismissal. The appellant did not file in time, and on September 19, the court dismissed the appeal for want of prosecution. The court ordered the government to address the cross-appeal disposition by September 25. The appellant filed for reconsideration of the dismissal, citing a timely response, and on September 26, the Solicitor General moved for dismissal without prejudice. The Solicitor General's response to the motion for reconsideration is due on October 7, 2024.

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

This is the resubmission of a case previously dismissed without prejudice. Mr. Long seeks \$10,000 in damages for an overdraft fee caused by a stop payment on a \$500 check issued for his service as an election worker. The case has been on a mediation track since June 2024, during which time the plaintiff filed three motions for summary judgment, all of which were

denied. A status conference is set for October 25, 2024.

5. John Page v. Monica Evans (U.S. Dist. Ct. for D.C.)

This is an appeal from the U.S. Court of Appeals for the D.C. Circuit. On August 7, 2024, the plaintiff appealed the U.S. District Court's order granting the Office of the Attorney General's motion to dismiss his complaint on standing grounds. The plaintiff argued that the Supreme Court's decision in *Trump v. Anderson* does not apply to D.C., as it concerns the rights of states under the 14th Amendment, and D.C. is not a state. Dispositive motions were filed on September 23, 2024, at which time the Solicitor General moved to affirm the District Court ruling.

6. Deirdre Brown vs. D.C. Board of Elections (D.C. Court of Appeals)

This case involves a challenge to Initiative Measure No. 83. On August 7, 2024, the petitioner sought review of the board's certification of Initiative Measure No. 83. On August 14, 2024, the petitioner filed a motion for expedition or a stay. On August 30, 2024, the court denied the request for a stay but expedited the matter. The board filed the administrative record on September 9, 2024. The court declined to resolve the case before finalizing the ballot, meaning that Initiative Measure No. 83 will appear on the ballot. The petitioner's brief is due on October 22, 2024, and the board's brief is due 30 days thereafter.

7. Ashleigh Fields vs. D.C. Board of Elections (D.C. Court of Appeals)

On September 5, 2024, the petitioner sought review of the Board's order denying her ballot access in her bid for the office of Advisory Neighborhood Commission for Single Member District 1B07. The board filed a motion for summary affirmance, the agency record, and a motion to expedite on September 6, 2024. The petitioner filed a motion for summary reversal and opposition to the board's motion for summary affirmance on September 9 and 10, 2024, respectively. On September 11, 2024, the petitioner filed a motion to dismiss her appeal, and the court granted the motion that same day, closing the matter.

8. Sherice Muhammad vs. D.C. Board of Elections (D.C. Court of Appeals)

On September 9, 2024, the petitioner sought review of the Board's order denying her ballot access in her bid for the Ward 7 seat on the State Board of Education. The board filed a motion for summary affirmance, the agency record, and a motion to expedite on September 10, 2024. The petitioner filed an opposition to the board's motion for summary affirmance on September 11, 2024, and the court granted the board's motion for summary affirmance on September 12, 2024.

9. Kevin Rapp vs. D.C. Board of Elections (D.C. Court of Appeals)

On September 9, 2024, the petitioner sought review of the Board's order denying his ballot access in his bid for a Council Member At-Large seat. The petitioner filed for a stay and expedited consideration on September 10, 2024, and the Board filed a motion for summary affirmance, the agency record, and a motion to expedite on September 11, 2024. The

petitioner’s opposition to the Board’s motion for summary affirmance was filed on September 12, 2024, and the court granted the Board’s motion for summary affirmance, denying the petitioner ballot access.

VII. CAMPAIGN FINANCE REPORT (GENERAL COUNSEL SANFORD ON BEHALF OF CECILY COLLIER-MONTGOMERY)

A. Office of the Director

1. 2024 Election Cycle Debates

The Office of Campaign Finance (“OCF”) hosted a debate on September 18, 2024 for the Office of At-Large Member of the Council. All Candidates certified to participate in the Fair Elections Program (“FEP”) in contested city-wide elections are required under the Fair Elections Act to participate in the debates, and candidates in the Traditional Campaign Finance Program (“TCFP”) who have qualified for ballot access are invited to participate.

2. Community Outreach

During September, OCF actively engaged with the community through a series of events to promote its TCFP and FEP. On September 17, 2024, OCF held an informational session at the Woodridge Public Library Branch. OCF participated in two annual Community Day events at the Mt. Moriah Baptist Church and the Gethsemane Baptist Church where program information was shared. Additionally, on September 23, 2024, the OCF presented at the ANC 3E's monthly meeting, focusing on the FEP. The OCF report is posted on the OCF website, www.ocf.dc.gov.

B. Fair Elections Program (“FEP”) Division

1. Authorized Base Amount

a) 2024 Election Cycle

There are 20 certified participating candidates in the FEP. OCF has authorized the disbursement of the total sum of \$2,777,584.50 from the FEP fund in base amount and matching payments.

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

OCF authorized three disbursements to certified participating candidates. A listing of these disbursements is available in the report posted on the OCF website.

3. Desk Reviews and Other Activities

There were 22 desk reviews of Reports of Receipts and Expenditures (“R & E Reports”), and six Requests for Additional Information (“RFAI”) letters were issued.

4. Remitted Funds

As of September 30, 2024, a total of \$871,502.58. has been remitted to the FEP Fund during Fiscal Year 2024.

C. Public Information and Records Management Division (“PIRM”)

1. R&E Reports

There was there was one filing date for R&E Reports: September 10 for Initiative Committees. There were two required filers, and both filed timely reports.

2. New Candidates/Committees

a) Traditional Campaign Finance Program

There are 47 candidates registered to participate during the 2024 election cycle. There were seven new registrations in September.

b) FEP Candidates

There are 32 candidates registered to participate during the 2024 election cycle. There were no new registrations in September.

D. Reports Analysis and Audit Division (“RAAD”)

1. Desk Reviews and Other Activities

a) 108 desk reviews of R&E Reports were conducted and 18 RFAI letters were sent.

2. Audits Issued

a) Hotel Organization to Elect Leaders Political Action Committee

3. Ongoing Audits

a) D.C. Political Action Committee

b) Credit Union Pac of Washington, D.C.

E. OCF OFFICE OF THE GENERAL COUNSEL REPORT (GENERAL COUNSEL WILLIAM SANFORD)

1. Monthly Intake/Output Report

During September, the Office of the General Counsel received three referrals and issued one order, which imposed a fine of \$3,000 against the Vincent Orange 2020 Principal Campaign Committee.

2. Open Investigations

a) In OCF-FI-2023-004, docketed June 18, Complainant Tommy Wells, Chair, Neighbors United for Ward Six alleges that The Committee to Recall Charles Allen, the D.C. Neighborhood Alliance, and the D.C. Republican Party made improper expenditures and illegally coordinated. The investigation has concluded and orders are pending.

3. Show Cause Proceedings

None occurred during September 2024.

VIII. PUBLIC COMMENT

The discussion in the public matters portion of the meeting can be found on pages 26-32 of the transcript.

IX. ADJOURNMENT

The meeting was adjourned at 11:05 a.m.