

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

FRIDAY

AUGUST 2, 2024

+ + + + +

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

BOARD OF ELECTIONS MEMBERS PRESENT:

- GARY THOMPSON, Chair
- KARYN GREENFIELD, Member
- J.C. BOGGS, Member

BOARD OF ELECTIONS STAFF PRESENT:

- ALICE MILLER, Senior Policy Advisory on behalf of the Executive Director
- TERRI STROUD, General Counsel
- CECILY COLLIER-MONTGOMERY, Office of Campaign Finance
- MARISSA CORRENTE, Registrar of Voters

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

2 (10:31 a.m.)

3 MR. THOMPSON: All right. Good morning,
4 everybody. It's Friday, August 2nd, and we're
5 cruising through the calendar year. Welcome to
6 our board meeting. My name is Gary Thompson, the
7 Chair of the Board of Elections. And with us
8 here today are my fellow board members Karyn
9 Greenfield and J.C. Boggs. So we have all three
10 of us here. We have a quorum. And the first
11 thing we do real quick is adopt our agenda which
12 has been distributed in advance for everybody.
13 And at this time I would move the agenda.

14 MR. BOGGS: Second.

15 MS. GREENFIELD: Second.

16 MR. THOMPSON: All in favor say aye.

17 MR. BOGGS: Aye.

18 MS. GREENFIELD: Aye.

19 MR. THOMPSON: And also, we've all had
20 a chance to review the minutes from our prior
21 meeting of July 3rd. At this time, I would move
22 we adopt those minutes.

1 MS. GREENFIELD: Second.

2 MR. BOGGS: Second.

3 MR. THOMPSON: All in favor.

4 MR. BOGGS: Aye.

5 MR. THOMPSON: Okay. On to the
6 executive director's report from -- Monica Evans
7 couldn't be here, but with us here today is our
8 senior advisor Alice Miller.

9 MS. MILLER: Good morning. The first
10 item on the executive director's report is the
11 petition verification results for Initiative 83
12 Rank Choice Voting and Open Primary Elections to
13 Independent Voters Act of 2024. The staff has
14 reviewed, and we have gone through the standard
15 procedures for verifying registered voters'
16 signatures contained in that initiative petition,
17 and it's been determined that the petition does
18 meet the statutory requirements for certification
19 to the to the ballot pursuant to D.C. Official
20 Code Section 1-1001.1601. Therefore, it is the
21 determination that because the petition is
22 numerically sufficient in accordance with the

1 required statute that the petition should be
2 recommended for ballot access in the November
3 election.

4 I'm going to quickly go through the
5 petition verification process so that everyone is
6 aware of how the petition was reviewed and what
7 the steps were. So the petition -- the steps in
8 the petition, first the board staff verifies if
9 the circulator is a resident of the District of
10 Columbia or a resident of another jurisdiction
11 who registered as a petition circulator with the
12 board. The next thing we do is the name and
13 address of each petition signer is checked
14 against the voter registration system to
15 determine if the petitioner was registered to
16 vote at the resident's address listed on the
17 petition. Then the totals of the verified
18 registrants are compiled by registration system
19 to determine whether the petition contains a
20 sufficient number of registered voters to proceed
21 to the verification stage.

22 The next step in this process is where

1 the total number of verified registrants is
2 determined to have met the minimum signature
3 requirement, a random sample of signatures is
4 drawn for comparison to the original voter's
5 signature on file. This is done to make sure
6 that a statistical determination of sufficiency
7 of the petition as a whole to make the required
8 95 percent confidence level. So summary. The
9 petition was filed on July 1st, 2024, and
10 contained 8,528 pages. During the initial line
11 count determination, it was apparent that
12 different information on the petition had been
13 whited out. And so any line that whited out that
14 seemed to change what the voter or circulator had
15 originally written was rejected. The findings of
16 the removed lines are as follows. There were
17 4,802 lines that was whited out that were
18 rejected based on voter intent. If something was
19 whited out that wholly changed what the voter or
20 circulator originally wrote, or if D.C. BOE could
21 not determine what was changed, those lines were
22 removed. There were 1,600 blank lines that had

1 no voter information and 1,114 lines that were
2 either crossed out by the proposer or removed by
3 D.C. BOE due to circulator issues.

4 So after completing the first step in
5 the petition verification process, the total
6 number of eligible signatures was found to be
7 35,124. This total exceeded the required 5
8 percent minimum of 22,538 registrants citywide by
9 12,586. After completing this step in the
10 process, 27,773 registrants were verified. This
11 total exceeded the required 5 percent minimum by
12 22,538 registrants citywide. In addition, the
13 minimum requirement was attained in at least five
14 of the eight wards as well. Every ward except
15 Ward 8 met the five percent signature
16 requirement. And we do have available on the
17 report a chart that breaks that down by ward.
18 But basically every ward except Ward 8 had the 5
19 percent minimum requirement. So since the
20 petition exceeded the 5 percent citywide
21 requirement as well as the ward requirement, the
22 data was compiled as the random sample universe

1 and sent to the Office of Planning and Data
2 Visualization Division as is required. The
3 random sample procedure is conducted to determine
4 with a required number of confidence whether or
5 not the sufficient number of valid signatures of
6 registered voters are contained in the petition.

7 To help facilitate the sampling procedure, the
8 Planning and Data Visualization Division first
9 randomly selected a sample of 100 signatures from
10 each ward. The randomly selected signatures are
11 then reviewed by the staff and compared against
12 the voter's signature on the file in the board's
13 records. This data was compiled and then sent
14 back to the Office of Planning and Data
15 Visualization for statistical analysis. We do
16 have a memo from the Office of Planning that
17 states what their findings were and the summary
18 of the statistical findings.

19 In summary, the petition met the
20 signature requirement districtwide and by ward
21 distribution in six of the eight wards. Ward 8
22 was rejected at the outset by Planning and Data

1 Visualization Division because the number of
2 verified registrants was less than 5 percent of
3 the signatures required amount. No decision was
4 able to be made with regard to Ward 5 after the
5 statistical analysis. The remaining wards in the
6 district as a whole were all accepted with 95
7 percent confidence. So the conclusion, based on
8 the result of the petition verification process,
9 the random sampling of signatures, and the
10 statistical analysis of the sampling of the
11 district as a whole and by ward, it is the
12 executive director's determination that the
13 Initiative 83, Blank Choice Voting and Open the
14 Primary Election to Independent Voters Act of
15 2024 is determined to be numerically sufficient
16 and should be certified for valid access by the
17 board.

18 MR. THOMPSON: All right. That's much
19 appreciated. Just to summarize, it likes like
20 about 7,500 lines or signatures were rejected at
21 the outset, nearly 5,000 of them because of this
22 issue involving some white-outs that were

1 utilized that may have changed voter intent. And
2 those were rejected. So even after removing all
3 of those, there was still 35,124 eligible
4 signatures. Then after those were checked
5 against voter registration files, the final
6 number was 27,773 registrants verified, which
7 exceeded the 5 percent minimum by about 5,200
8 votes. So the proposer apparently had so many
9 signatures that even after the rejection of 7,500
10 of them it was still a sufficient number to clear
11 the 5 percent threshold both citywide and in five
12 or more of the wards as required. And any
13 remaining challenges, to the extent there were
14 any, are simply not enough to overcome the
15 numerical threshold that was verified.

16 So I want to take a moment and thank
17 everybody at the Board of Elections that went
18 through this process. It was a very compressed
19 timeframe. The burden fell primarily on the
20 registrar's office. But because of the volume of
21 signatures that had to be reviewed and verified,
22 they had to bring in 40 staff members at the BOE,

1 I think, working at a rate of about 100
2 signatures par day. So that's a lot of scrutiny.

3 One person, 100 signatures, you know, that's not
4 very many per hour. So somebody really took a
5 lot of time in with pain-staking care to go
6 through each one of these lines to verify a voter
7 intent and really scrutinize it to a high degree.

8 All of this was of course transparent with a
9 multiple observers in the office at all times
10 from both the proponents and the opposers of
11 Initiative 83. This, on our end, is basically
12 accounting and verification process. We are the
13 facilitators. We don't have -- myself and
14 everybody else at the BOE, we don't have any
15 opinions or feelings about the initiative itself,
16 whether it should be adopted or not be adopted.
17 We simply follow our regulations to review and
18 verify that these are eligible signatures, that
19 these are verified signatures for purposes
20 ultimately of running the analysis to see if the
21 thresholds are met. So the result with over 95
22 percent confidences that this clears --

1 numerically clears -- these thresholds by a wide
2 margin. So in light of all that -- and once
3 again with great "thank you's" to our BOE staff
4 and for everybody that participated as well as
5 observers, for the proposers and opponents, thank
6 you for being part of the process as well. I
7 would accept the recommendation from our
8 Executive Director Monica Evans, and I so move as
9 she's recommended that our board determine
10 Initiative 83 the quote Rank Choice Voting and
11 Open the Primary Elections To Independent Voters
12 Act of 2024, I move that we determine the Act to
13 be numerically sufficient and to be certified for
14 ballot access.

15 MR. BOGGS: Second.

16 MR. THOMPSON: And there's a second. Go
17 ahead.

18 MS. STROUD: I just wanted to state for
19 the record, and we'll continue the vote, the
20 motion having been made, and we'll take a roll
21 call. But with respect to this -- but I just
22 wanted to express that the statute provides that

1 after determining that the number and validity of
2 signatures on the initiative or referendum
3 petition meet the qualification standards
4 established under the section, the board shall
5 certify the sufficiency of the initiative or
6 referendum petition, and shall certify that the
7 initiative referendum measure will appear on the
8 ballot. And this mandatory language means that
9 having determined that the requirements for a
10 ballot access are met, the board really has no
11 discretion but to certify the sufficiency of the
12 petition and certify that the measure will appear
13 on the ballot. And so the vote will be taken,
14 but it really is a ministerial action with
15 respect to the certification of the sufficiency
16 of the petition and placing it on the ballot.
17 And so we'll take a roll call with the vote with
18 the motion having been made. Mr. Boggs as
19 indicated his vote. And so Ms. Greenfield?

20 MR. BOGGS: I think Karyn's on mute.
21 Maybe she needs to get out of mute. But, Terri,
22 thanks for clarifying that. I think Gary alluded

1 to that. We have a limited statutory or non-
2 discretionary role here. I would -- also, we may
3 have views on the --

4 MS. STROUD: Yeah.

5 MR. BOGGS: -- but we don't bring them
6 to the table here.

7 MS. GREENFIELD: And I -- yeah. I vote
8 aye.

9 MS. STROUD: And your vote, Karyn. Aye?
10 Okay.

11 MR. BOGGS: So three to nothing.

12 MS. STROUD: Three to nothing. The vote
13 is unanimous with respect to the certification of
14 the sufficiency of the petition submitted in
15 support of initiative measure number 83 and the
16 certification that the measure will appear on the
17 ballot in the November general election.

18 MR. THOMPSON: Thank you, J.C. Boggs,
19 for reiterating that point. I don't think we can
20 say it enough times, we don't have any views we
21 bring to the table here as to whether either
22 aspect of the initiative is wise or unwise. You

1 know, speaking only for myself personally, I'm
2 truly undecided. I don't -- I don't know how I
3 feel about either the rank choice voting aspect
4 or the semi- open primary aspect of the
5 initiative. And my own advice to the two sides
6 of this is take the issue to the voters. At the
7 end of the day, this is an initiative about how
8 voters should vote. And who should decide how
9 voters vote? The voters. And each side has
10 excellent and reasonable arguments to make to the
11 voters as to why there should be rank choice
12 voting or as to why there should not be rank
13 choice voting, as to why independent voters
14 should be able to vote in party primaries or as
15 to why not. My suggestion is to turn your
16 attention to the voters now and educate them. I
17 mean, people have heard about this, but I think
18 our voters have a long way to go before November
19 to really hear out both sides. So instead of
20 putting new energy on us, the ones that just
21 count the signatures and verify the signatures,
22 you know, suing the Board of Elections and that

1 sort of thing, the most productive use of
2 anybody's time I think would be to help educate
3 our voters on both sides of -- both of these
4 issues. There's two of them, and, you know, let
5 the chips fall where they may and let the voters
6 decide how the voters would like to vote. So I
7 hope that's the next phase of this journey
8 towards November, is that the two sides now focus
9 on the voters and personally I look forward to
10 hearing what both sides say on these issues
11 because I remain undecided, I think, like
12 probably a lot of people in D.C. We look forward
13 to that.

14 MS. MILLER: Mr. Chair, if I may, I
15 just want to point out that this process is very
16 very long, it's tedious, it's in a short window
17 of time that we have to get this done by statute.
18 It's 30 days. The staff went through a very hard
19 and difficult period doing this, very focused.
20 And I want to recognize them on behalf the
21 director because I think it's important that
22 everyone knows just how hard everybody worked on

1 this petition to get this through and meet the
2 deadline. So a lot of signatures, a lot of eyes,
3 a lot of hard work. And everyone did it, no one
4 complained. And they were here, I would say,
5 early morning night and day over that extended
6 period of time led by the -- under the leadership
7 of our Assistant Registrar of Voter Millicent
8 Wright-Green, our Registrar of Voters Marissa
9 Corrente, who is here with us. And it is very
10 very much appreciated. They never get the kudos I
11 would say they deserve, and so I just want to put
12 that on the record. They worked evenings,
13 weekends, holidays, including the Fourth of July,
14 and everyone showed up, everyone showed up with a
15 smile and ready to get this done, and it is very
16 much pretty much appreciated. It couldn't happen
17 -- nobody anything alone I always say that. And
18 it could not have happened without their
19 leadership and without the full support of not
20 just their initial staff but the entire staff.
21 Everyone on this staff worked hard to get this
22 through and was supportive in any way that could

1 be. So I just wanted put that on the record.

2 MR. THOMPSON: Thank you so much for
3 that. Well stated.

4 MS. MILLER: And I will continue with
5 the executive director's report. You ready for
6 that?

7 MR. THOMPSON: Yes.

8 MS. MILLER: Okay. From July 22nd
9 through July 25th, our director attended the
10 National Association of State Election Directors
11 Conference which was in Minneapolis. The topics
12 included working with you -- working with your
13 election security advisor, community engagement
14 strategies, and election audits. She is a member
15 of the executive board of that organization, and
16 she also had to do a presentation. She didn't
17 have that in the report probably. So voter
18 registration rolls, in July we registered 1,125
19 new voters and processed 7,374 registration
20 changes. In total, we prepared 8,499 voter
21 registration cards to be mailed. Additionally,
22 97 registered voters moved out D.C., 536 voters

1 cancelled their D.C. registration, and 906
2 registered in D.C. after cancelling their
3 registration in other states. We are continuing
4 to register voters using our website portal. To
5 date, we have processed over 55,756 applications
6 using this portal online. These include new
7 voter registrations and updates to existing
8 registrations. With respect to the Local
9 Resident Voting Amendments Act, since the last
10 report we registered 7 non-citizens to vote in
11 local elections, the total non-citizen
12 registration is 592. During the primary 2024
13 election cycle, we a received over 41,000
14 undeliverable mailed ballots. The Data Services
15 Division has successfully completed processing
16 these returned ballots by updating voter
17 addresses in our database with the information
18 received from the Postal Service. We have issued
19 30,040 final notice address confirmation cards to
20 voters to verify the residential addresses.

21 The 2024 general election cycle -- a
22 little bit about that. The general election

1 calendar for 2024 is posted on our website. The
2 candidate qualifying period for the November
3 5th, 2024 general election is open. Qualifying
4 deadline for all candidates is Wednesday, August
5 7th at 5:00 p.m. The general election will
6 mirror the primary. All registered D.C. voters
7 will receive a mail-in ballot. Voters may vote
8 by mail, in person, or by depositing a ballot in
9 a mail ballot drop box. D.C. BOE will have 55
10 mail ballot drop boxes placed throughout the
11 city, and we will operate 25 early vote centers
12 in a total of 75 election day vote centers.
13 Mailed ballots are scheduled to be mailed at the
14 end of September, and early voting will begin on
15 October 28th, that's a Monday through Sunday,
16 November 3rd. The ballot lottery is tentatively
17 scheduled for Friday, September 13th. Ballot
18 proofing is tentatively scheduled for Saturday,
19 September 14th. Logic and accuracy testing of
20 the equipment is scheduled to begin Monday
21 September 16th. And our drop boxes are scheduled
22 to open on Friday, October 11th. The Election

1 Worker Division in conjunction with the Voter
2 Education Outreach Division has also begun
3 recruiting new election workers for the November
4 general election. The call center is now open,
5 and election workers are being scheduled for
6 training classes. Election worker training will
7 begin on August 13th. During the month of July,
8 the Voter Education and Outreach Division
9 conducted 18 outreach events on behalf of the
10 agency. Events included the naturalization
11 ceremony at U.S. District Court, the annual
12 robing leader day with the Department of Parks
13 and Recreation, and the Ward 7 Minnesota Avenue
14 take back Tuesday event. And during the month of
15 July, many divisions, as I just said, at BOE were
16 actively engaged in our -- and/or assisting with
17 the processing of the initiative. The memorandum
18 from the executive director to the board
19 outlining the process and recommendation will be
20 attached to this report. And one other thing,
21 while I did mention that staff was busy working
22 on the initiative, I want to also indicate that

1 there was all the other work that goes on,
2 petitions -- I mean, nominating petitions being
3 filed, the processing of our returned ballots.
4 Nothing stopped. So it has been a full and
5 complete month or more of work with the staff
6 without doubt, without question, and without a
7 compliant.

8 MR. THOMPSON: Yeah. I think ANC
9 notices our Wednesday?

10 MS. MILLER: Pick up.

11 MR. THOMPSON: Pick up is --

12 MS. MILLER: Wednesday.

13 MR. THOMPSON: Next Wednesday is the
14 deadline?

15 MS. MILLER: Yes. Yes.

16 MR. THOMPSON: So we have a lot of
17 people streaming in right now as we speak filling
18 out their forms to potentially become ANC
19 commissioners. So thank you for everyone from
20 D.C. who is stepping up to run for one of those
21 seats. I did it myself once upon a time. But
22 that's a lot of work on our end, as I think

1 hundreds of people are stepping forward to
2 complete that paperwork.

3 MS. MILLER: Let me just correct that.

4 It's a filing deadline on August 7th. They
5 actually picked up the same day as the initiative
6 petition was filed. It was an active day.

7 MR. THOMPSON: The last day to turn in
8 your signatures.

9 MS. MILLER: Right. It's the final --

10 MR. THOMPSON: Your 25 signatures.

11 MS. MILLER: The 7th is the deadline.

12 MR. THOMPSON: Right. I never could get
13 25 signatures without my dog's help. The dog is
14 the best way to get signatures. So okay. With
15 that, moving on --

16 MS. MILLER: That concludes --

17 MR. THOMPSON: -- to general counsel's
18 report from Terri Stroud.

19 MS. STROUD: Thank you. Thank you. The
20 first item on my agenda is a referral matter, the
21 last of the referral matters from the 2020
22 general election involving Barbara Mason Duncan.

1 And I believe that I see -- or that I saw Duncan
2 and her attorney Carmen Jones Mitchell. That's
3 it. It's a same line, Randy. Okay. Thank you.

4 So they are present. And if I could have them -
5 - before I provide background and present
6 evidence and provide my recommendation, I will
7 have them state their names and address for the
8 record.

9 MS. DUNCAN: I'm Barbara Mason Duncan. I
10 reside at 5605 South Marwood Boulevard, Unit 237,
11 Upper Marlboro, Maryland 20772.

12 MS. STROUD: And Ms. Mitchell, if you
13 could state your professional address for the
14 record.

15 MS. MITCHELL: Good morning. My name is
16 Carmen Jones Mitchell. I'm attorney for Ms.
17 Duncan. My address is 1629 K Street NW, Suite
18 300, Washington, D.C. 20006.

19 MS. STROUD: Okay. So Mr. Chair, with
20 your leave I will present the -- first, a
21 background then evidence of the information of
22 the double voting and my recommendation. And so

1 just by way of background, the board is a member
2 of ERIC which is the Electronic Registration
3 Information Center also known as ERIC. ERIC is a
4 non-profit non-partisan list maintenance
5 organization that was created by and is comprised
6 of state election officials, and it helps us
7 maintain more accurate voter rolls. ERIC also
8 has a voter participation report, we'll call it
9 the VPR program, that allows it's state members
10 to request reports after each general election
11 that will allow them to identify potential
12 illegal voting activity. Specifically, voters
13 who may have cast ballots in more than one state,
14 more than one ballot in the same state, or who
15 may have voted on behalf of a deceased voter.
16 Voting in two jurisdictions is a violation of
17 federal law 52 U.S. Code Section 10307, and it
18 carries penalties of a fine of not more than
19 \$10,000 dollars or imprisonment of not more than
20 five years or both for each offense. After the
21 2020 general election, the board requested and
22 received VPRs from ERIC. And over the next

1 couple of years the board's Data Services
2 Division conducted investigations into the
3 information provided in those reports to
4 determine whether individuals identified therein
5 who potentially voted in both D.C. and another
6 jurisdiction corresponded with individuals in our
7 voter registration records by comparing certain
8 data points. Once reports from all participating
9 states who had information regarding double
10 voting that implicated D.C. voters were received,
11 the Office of the General Counsel reviewed and
12 reverified the information and began to schedule
13 pre-hearing conferences with the individuals at
14 issue in August of 2023. While Ms. Duncan was
15 one of the individuals for whom we had
16 information and scheduled a pre-hearing
17 conference, due to service issues, Ms. Duncan did
18 not appear at the pre-hearing conference. We
19 held hearings in December of 2023 regarding the
20 majority of individuals identified in the VPR
21 reports concerning the 2020 election. However,
22 we continued the hearing regarding Ms. Duncan but

1 not before identifying on the record the
2 information that we have with respect to Ms.
3 Duncan potentially voting in D.C. and Maryland in
4 the 2020 general election. That information
5 consisted of a Maryland voter registration record
6 indicating that a voter with her name and a July
7 birthdate -- well, that the record indicated a
8 voter with her name and a July birthdate. We
9 also presented a D.C. voter registration record
10 indicating a voter with the same name and
11 birthdate, a signed Maryland voter authority card
12 indicating that an individual with the same name
13 and birthdate voted in person in Maryland on
14 October 26, 2020, a record extracted from our
15 poll pad that indicated that an individual with
16 the same name and birthdate checked in to vote at
17 Benning Stoddert Community Center on November
18 3rd, 2020, and also the signature from the poll
19 pad associated with the aforementioned record
20 indicating that an individual with the same name
21 checked in to vote during that election. We also
22 provided an affidavit from Mr. Mohammed Maeruf

1 who is the board's supervisory information
2 technology specialist in which he attested to the
3 authenticity of the records that are pertinent to
4 this matter. In early 2024, we were able to make
5 contact with Ms. Duncan. We held a pre-hearing
6 conference at which she appeared that began on
7 February 5th, 2024, and was continued on March
8 5th, 2024. Ms. Duncan at the conference did not
9 dispute that she voted in both Maryland and D.C.
10 in the 2020 general election. However, she
11 contended that she believed that she had cast the
12 ballot on behalf of an elderly immobile voter for
13 whom she held power of attorney and whom she had
14 driven to the vote center on the date the ballot
15 at issue was cast in D.C. Notwithstanding Ms.
16 Duncan's assertions at the pre-hearing
17 conference, the facts are as follows. Ms. Duncan
18 checked in to vote at the Benning Stoddert vote
19 center under her own name. As part of the check-
20 in process, Ms. Duncan interacted with a
21 registration clerk who accessed Ms. Duncan's
22 voter registration information on a poll pad

1 which is an electronic voter check-in device.

2 The registration clerk entered Ms. Duncan's
3 information into the poll pad, which caused a
4 voter confirmation screen to appear which
5 displayed Ms. Duncan's voter name, address, date
6 of birth, and other information specific to her.

7 When Ms. Duncan confirmed that the information
8 displayed on the screen was her own, the
9 registration clerk caused the poll pad signature
10 confirmation screen to be displayed. That screen
11 contained Ms. Duncan's voter name and address as
12 well as on oath with the following language: "I
13 swear or affirm that I reside at the address
14 above and am eligible to vote in this election."

15 Finally, the screen contained a signature line
16 for the appropriate voter to sign. Ms. Duncan
17 signed the signature line on the signature
18 confirmation screen with her own signature. As a
19 result of Ms. Duncan signing the signature line
20 on the signature confirmation screen with her own
21 signature, she was provided with a ballot ticket
22 to provide to the ballot clerk who would issue

1 her the ballot that was appropriate to her for
2 her to cast. Ms. Duncan provided the ballot
3 ticket to the ballot clerk who provided her with
4 a ballot, and she voted the ballot that she was
5 issued. As a result of this activity, Ms. Duncan
6 cast a ballot in her own name in D.C. in the 2020
7 general election. As she also voted in Maryland
8 during the same election, the evidence supports a
9 finding that Ms. Duncan violated laws prohibited
10 voting in multiple jurisdictions. Ms. Duncan and
11 the Office of the General Counsel entered into a
12 stipulation of facts which we will provide for
13 the record wherein Ms. Duncan agreed to the facts
14 outlined above and my office agreed to limit its
15 recommendation of enforcement action to the
16 imposition of a civil fine against Ms. Duncan.
17 And so as she's here -- she is here present with
18 her attorney Ms. Carmen Jones Mitchell, and Mr.
19 Chair, if you would like to have this opportunity
20 to present their --

21 MR. THOMPSON: Yeah. Absolutely.
22 Please go ahead.

1 MS. STROUD: Ms. Mitchell? Ms. Duncan?

2

3 MS. MITCHELL: Oh, I didn't hear you.

4 I'm sorry. Good morning. To the board and to

5 General Counsel Stroud, thank you for the

6 opportunity to present Ms. Duncan's mitigating

7 facts to this situation in terms of a fine that

8 she's expecting to have to pay, having -- with

9 the board having -- I'm sorry -- with the general

10 counsel having established that she did

11 technically vote in two jurisdictions. As the

12 stipulation states in one of the paragraphs, she

13 was intending to vote for someone who was

14 disabled, and she was trying to get curbside

15 assistance and was flustered about that and

16 flustered about her the voter in the car. She's

17 95 years old. She was stressing. Ms. Duncan was

18 stressing at the time that this was taking place.

19 The polling place was closed. She knew she had

20 a power of attorney and went in and presented her

21 ID instead of getting the ID for the voter. And

22 there was no intent on her part whatsoever to

1 vote twice. She was actually not intending to
2 vote at all that day at that polling place. So
3 we've presented evidence at the original hearing
4 in February. She put in a sworn statement and
5 believe that that's in the board's position.
6 This morning we presented, and I would like to
7 move into evidence a document that shows a
8 temporary protective order for Ms. Duncan of
9 spousal abuse and domestic violence that she
10 suffered throughout the time of her marriage,
11 which is now dissolved as of April 2022. But at
12 the time that she presented herself to assist
13 with this voting apparatus, she was stressed
14 under that, going from house to house hiding from
15 her husband. I believe she testified to that on
16 the first day. So we just wanted to raise those
17 issues to the board to underscore that there was
18 nothing nefarious intended by Ms. Duncan. That
19 she -- like in several of the over cases, there
20 was some voting irregularity, but no intent to
21 defraud the voting process, and we'd like to just
22 raise that context for the board today. Not to

1 say that she's -- that she's has to go, you know,
2 free, it's like if you run a red light you've got
3 to pay the fine. If you, you know, if you speed
4 you get a ticket. So right now that's how we're
5 hoping the board will see this because she
6 definitely was not there to vote for herself.
7 And she's here to underscore that. We don't want
8 to, you know, belabor the point, but she's just
9 totally innocent of that intent, you know. And
10 she can even come on the record and state -- she
11 has a law enforcement background. She used to be
12 a police officer for the District of Columbia,
13 and the last thing she would do is break the law
14 that she -- I'm sorry. Ms. Duncan was saying
15 something to me. But in our -- we appreciate
16 general counsel entering into the stipulation
17 with Ms. Duncan, and we appreciate the
18 recommendation to the board, and we just thank
19 you all for the consideration in taking this
20 under advisement on her behalf. Oh, by the way,
21 she was voting -- she was registered in both
22 jurisdictions, Maryland and D.C., so she has

1 cancelled that D.C. registration. And I just
2 wanted to put that on the record as well. And I
3 think that's all. And to get the board to
4 receive the information into evidence about the
5 protective order that she lived under. She
6 wasn't under the protective order indefinitely,
7 but she was under the violence and the verbal
8 abuse that ended the marriage and upstaged her
9 life, which was going on at the time of the
10 voting and adding to the stress that night.

11 MS. STROUD: So just to clarify, we did
12 receive at 9:00 a.m. this morning the first page
13 only, Ms. Mitchell, of the temporary protective
14 order but not the other four pages.

15 MS. MITCHELL: You know, I apologize for
16 that Attorney Stroud. I have a new printer, and
17 the scanner would not do the entire document. I
18 even tried to scan the divorce decree so that the
19 dates could match. And I can present that, you
20 know, after the hearing if necessary. I
21 apologize for that. I just got that last night.
22 She had to go down to the court to get it.

1 MS. STROUD: Okay. Thank you. I just
2 wanted make sure you were aware of the fact that
3 we did not get the complete document that you
4 were trying to send.

5 MS. MITCHELL: Right. And I apologize
6 for not raising that myself. It was very
7 harrowing on this new computer, and it wasn't
8 working.

9 MS. STROUD: Okay. Thank you. And so
10 the board now has my recommendation and, you
11 know, we stipulated to the facts which she agreed
12 to as I recited, and they were expressed in the
13 stipulation -- stipulated agreement, and so it's
14 for the board at this point to determine how they
15 will handle that recommendation.

16 MR. THOMPSON: All right. Ms. Mitchell,
17 thank you so much for your presentation and
18 mentioning all those important facts. And Ms.
19 Duncan, I'm very sorry to hear about your
20 troubles and your stresses. I hope life is
21 better for you now. Ms. Mitchell, thank you for
22 making the analogy to a traffic ticket. That's -

1 - I mean, think of it like that. I'm going to
2 make a motion that we impose a \$100 civil fine
3 for the double voting that occurred. I
4 appreciate that there was no intent, et cetera,
5 along the lines you suggested, but nevertheless,
6 it did happen. It's kind of like speeding, you
7 know, when you get a speeding ticket the police
8 officer doesn't really want to know what was
9 going on, why are you rushing your kids to
10 school, you know, what's going on in your life.
11 You got caught speeding. So think of it in that
12 category. I think it's important for us when we
13 identify double voting, you know, whatever the
14 rationale or reason is to impose at least a civil
15 fine. And so I think under these circumstances,
16 \$100 dollars, which is about the lowest I think
17 we could impose, feels appropriate. So that's my
18 motion to my fellow board members.

19 MS. STROUD: Okay. The motion has been
20 made. Is there a second?

21 MS. GREENFIELD: Second it.

22 MS. STROUD: Okay. So we'll take a roll

1 call vote at this point. Mr. Chair?

2 MR. THOMPSON: Aye.

3 MS. STROUD: Member Greenfield?

4 MS. GREENFIELD: Aye.

5 MS. STROUD: Member Boggs?

6 MR. BOGGS: Aye.

7 MS. STROUD: Okay. The vote is
8 unanimous to impose a civil fine of \$100 dollars
9 in the matter of Barbara Mason Duncan for
10 violation of the prohibitions against double
11 voting or voting in multiple jurisdictions.
12 Thank you. And with that this matter is closed.

13

14 MS. MITCHELL: Counsel, may I add one
15 thing? We just wanted to thank you and the board
16 for putting this over the few times that we had
17 to get the extensions. Ms. Duncan is very
18 appreciative of that. She has a mother whose in
19 end-stage Alzheimer's, and she's a caretaker for
20 her, and she's a night person. So I appreciate
21 that on her behalf, that this was put over
22 several times, and with your cooperation of the

1 general counsel. That was very much appreciated.

2 So thank you very much.

3 MS. STROUD: You are welcome and thank
4 you.

5 MS. MITCHELL: Okay. Thank you for the
6 ruling. Are we done?

7 MR. THOMPSON: Yes. Thank you so much.

8 MS. MITCHELL: And I just want to thank
9 Mr. Quintana for his sterling example of voting
10 proponent of the law, and he was a delight to
11 work for -- work with. I'm a feedback person so
12 I love it when I could give good feedback so
13 thank you.

14 MR. THOMPSON: All right.

15 MS. STROUD: Thank you. He is in the
16 room. He heard.

17 MS. MITCHELL: Okay.

18 MS. STROUD: Okay.

19 MR. THOMPSON: If there's one thing
20 I've learned in the last year or so of dealing
21 with these matters, is the importance of the ERIC
22 system. The interstate system is what allows us

1 and other election agencies to identify these
2 incidents. And it's very important to have
3 something -- that or something like that in
4 place.

5 MS. STROUD: Okay. Thank you.

6 MS. MITCHELL: Thank you.

7 MS. STROUD: The next item on my agenda
8 is litigation status. We have five matters
9 current -- five active matters currently. The
10 first is Stacia Hall versus the D.C. Board of
11 Election which is in the U.S. Court Appeals for
12 the D.C. Circuit. This is an appeal from the
13 U.S. District Court's denial of a challenge to
14 legislation allowing non-citizens to vote in
15 local elections. Where we are currently is that
16 there was a briefing schedule established, and it
17 was extended to provide that Stacia Hall's brief
18 and appendix are due on August 22nd. The
19 solicitor general's initial cross-appeal brief is
20 due October 21st, and Hall's reply cross-appeal
21 response is due December 5th. The solicitor
22 general's cross-appeal reply is due January 6,

1 2025.

2 The next matter is Charles Wilson versus
3 Muriel Bowser, that's in the D.C. Court of
4 Appeals. This is an appeal from a decision by
5 the D.C. Superior Court denying appellant's
6 challenge to Initiative 83 for the reason that
7 was untimely filed. The board is a co-appellee
8 in this matter. Pursuant to an extension of
9 time, the solicitor general and the board filed
10 their initial briefs on July 22nd, the appellant
11 filed a reply on July 25th, and on July 30th Make
12 All Votes Count D.C. filed a motion to leave to
13 file an amicus brief and that was granted.

14 The third matter is Dr. Shiva Ayyadurai
15 versus Merrick Garland. That's in the U.S. Court
16 of Appeals for the D.C. Circuit. This is an
17 appeal from the U.S. District Court order
18 rejecting plaintiff appellant's complaint for a
19 declaration that he is eligible to serve as
20 President notwithstanding the Constitutional
21 natural born citizens clause, or alternately,
22 that disqualification that presents a non-

1 justiciable political issue for the voters. On
2 May 15th, the D.C. Circuit Court Clerk ordered
3 the appellant to file his docketing statement and
4 other initial submissions by June 14th. The
5 solicitor general filed a motion for summary
6 affirmance July 1st. On July 10th, the solicitor
7 general filed a cross-appeal on July 12th. The
8 Department of Justice filed a motion for summary
9 affirmance. The court denied Ayyadurai's request
10 to expedite. And on July 31st, the court issued
11 an order directing appellant to address by August
12 30th the motions for summary affirmance or face
13 dismissal.

14 The fourth matter is Long versus the
15 D.C. Board of Elections in the D.C. Superior
16 Court. This is the resubmission of a matter
17 previously dismissed without prejudice. Mr. Long
18 seeks \$10,000 dollars in damages based on a claim
19 concerning an overdraft cost to his bank account
20 when a stop payment was imposed on a \$500 dollar
21 issued for his service as an election worker.
22 This matter is now at mediation. A June 25th

1 mediation proceeding was rescheduled for August
2 1st. At mediation, Mr. Long offered to settle
3 the matter if we -- if he was paid \$600 dollars.

4 That request was rejected, and a status hearing
5 has been set for August 23rd, 2024.

6 The last matter is John Page versus
7 Monica Evans in the U.S. District Court for D.C.
8 On March 8th, the plaintiff filed a complaint
9 that seeks to prevent Donald Trump from appearing
10 on the ballot. It alleges that the recent
11 Supreme Court decision in Trump v Anderson does
12 not apply to D.C. because that decision pertains
13 to the rights of states under the 14th Amendment
14 and D.C. is not a state. The OAG filed a motion
15 to dismiss on April 5th that argues that does not
16 have authority in light of Trump v Anderson to
17 decide ballot eligibility for presidential
18 candidates and that that power is reserved to
19 Congress. The plaintiff replied on April 23,
20 2024, arguing that Congress has delegated to the
21 board control presidential candidate access to
22 the ballot. A surreply was filed by the OAG, was

1 accepted by the court on May 20th. The plaintiff
2 moved to admit the Colorado decision that was
3 appealed Trump v Anderson as well as the House
4 report on the January 6th events, and this motion
5 was not opposed. On July 25, 2024, the District
6 Court granted the OAG's motion to dismiss, and to
7 date the plaintiff has not appealed. And that
8 concludes the litigation status and my report in
9 its entirety.

10 MR. THOMPSON: All right. Thank you very
11 much. Finance report. I think Cecily Collier-
12 Montgomery has joined us by Zoom and we'll ask
13 her to provide her report.

14 MS. COLLIER-MONTGOMERY: Yes. Good
15 morning. For the record, the full report of the
16 activity of the Office of Campaign Finance for
17 the month of July 2024 will be posted at our
18 website before the close of business today. And
19 the website is www.ocf.dt.gov. In the Office of
20 the Director, I would note for the record that
21 the agency did participate in five community
22 outreach events during the month of July and

1 those are listed in the OCF report. I will also
2 continue at this point to highlight other items
3 of interest for members of the public. In our
4 Fair Elections Program Division for the 2024
5 election cycle, as of this date, there are 18
6 certified participating candidates in the fair
7 elections program. And the Office the Campaign
8 Finance has authorized the disbursement of the
9 total sum of \$2,661,179.50 from the fair
10 elections fund in amount and matching payments
11 during the 2024 election cycle. During the month
12 of July 2024, there was one new candidate who is
13 certified in the fair elections program for the
14 2024 election cycle. And the agency also
15 authorized 11 disbursements from the fair
16 elections to participating candidates who have
17 been certified in the program. The listing of
18 those disbursements is provided in the report,
19 again, which will be posted at our website by the
20 end of the day. The new certified participating
21 candidate is Frazier O'Leary who Ward 4, 2024
22 principal campaign committee. The candidate

1 Frazier O'Leary was certified by the OCF on July
2 23rd, 2024, as a participating candidate in the
3 fair elections program in the November the 5th,
4 2024 general election for the covered office of
5 member of the D.C. State Board of Education from
6 Ward 4. Matching payments in the amount of
7 \$12,000 were authorized for disbursement to the
8 committee.

9 The fair elections program during the
10 month of July also conducted 32 desk reviews of
11 reports which had been filed with the division
12 and issued 11 requests for additional information
13 as a result of their review of the reports. As
14 far as remittance funds are concerned, as of July
15 31, 2024, the total sum of \$72,590.80 has been
16 remitted for deposit in the fair elections
17 program fund during fiscal year 2024. With the
18 ongoing 2020 post-election full field audits, as
19 I have stated previously, for the 2020 election
20 cycle, the OCF initiated 34 full field audits of
21 the campaign operations of the candidates who
22 were certified to participate in the fair

1 elections program during the 2020 election cycle.

2 There are currently 10 of these audits which are
3 ongoing before the program at various stages of
4 the audit process. And the status of those
5 ongoing audits is stated in our activity report.

6 For the record, the FEP division has issued a
7 total of 24 final audit reports of the post-
8 election audit which were initiated for the 2020
9 cycle. With our ongoing 2022 post-election full
10 filed audits, again, we issued 42 post-election
11 audits letters for the candidates who were
12 certified and participated in the 2022 election
13 cycle. To date, the FEP has issued 23 final
14 audit reports for this cycle, and there has been
15 no change in the status of the ongoing audits
16 during the month of July 2024. All final audits,
17 I would point out, are available at the OCF
18 website for review by the public. I would also
19 note for the record that we are in the process of
20 preparing for the debate for the candidates, the
21 FEP candidates who will participate in the -- who
22 are participating and certified in the fair

1 elections program for the November the 5th, 2024
2 general election. And at the September board
3 meeting I will announce the dates for the
4 debates. Currently, tentatively they are
5 scheduled. The proposed dates are September, I
6 believe, it's 17th as well as September the 18th.

7 And again, the debates will be held in the at-
8 large races which are citywide races which are
9 scheduled for election in the November 5th, 2024,
10 election.

11 In our Public Information and Records
12 Management Division, there were two dates for the
13 filing of reports of receipts and expenditures
14 during the month of July 2024, and those reports
15 included the July 1st report of receipts and
16 expenditures by our citizen services and Senator
17 representatives statehood fund program, and the
18 July 31st report of receipts and expenditures by
19 the continuing principal campaign committees,
20 political action committees, the FEP candidate
21 committees, and independent expenditure
22 committees. All reports of receipts and

1 expenditures which have been filed with the
2 agency are available at our website for review by
3 the public. With new candidates and committees
4 for the 2024 election cycle during the month of
5 July, there were new candidate registrations in
6 the traditional campaign finance program. There
7 are currently a total of 41 candidates in the
8 program who registered to participate during the
9 2024 election cycle. The new registrations in
10 the traditional campaign finance program are for
11 the office of member of the counsel at large in
12 the general election, He'lchie Koton Watts who
13 registered on July the 5th, 2024, for member of
14 the DP board of education at large Jacque
15 Patterson who registered on July the 23rd, 2024,
16 for D.C. State Board of Education the member from
17 Ward 4, T. Michelle Colson who registered on
18 July the 10, 2024, for member of the D.C. State
19 Board of Education from Ward 7, Charles Boston
20 who registered on July the 15th, 2024. In the
21 fair elections program for the fair election
22 program, there currently 32 candidates who

1 registered to participate in the program
2 including the following new candidate
3 registration for the November 24 general election
4 during the month of July. And both candidates
5 are, for member of council from Ward 4 Addison
6 Sarter who registered on July the 9th, 2024, for
7 member of the council from Ward 7 Noah Montgomery
8 who registered on July the 3rd, 2024, for member
9 of the Office of State Board of Education from
10 Ward 7 Toni Criner who registered on July the
11 26th, 2024. There were no committee -- no new
12 committee registration during the month of July
13 2024.

14 We also held in the traditional campaign
15 finance program, we had 13 new candidates and
16 treasurers who have completed the OCF entrance
17 conference for the month of July 2024, and the
18 names of those candidates and treasurers are
19 listed in our report for the review of members of
20 the public. In our Reports, Analysis, and Audit
21 Division, which is our traditional campaign
22 finance program, during the month of July, the

1 audit branch reviewed 40 reports of receipts and
2 expenditures which had been filed, and issued six
3 requests for additional information as a result
4 of the review of those reports. There are no
5 ongoing audits in the traditional campaign
6 finance program as of this date. And that
7 concludes my report. But I would ask the General
8 Counsel William Sanford to present the report on
9 behalf of the Office of the General Counsel for
10 the Office of Campaign Finance.

11 MR. SANFORD: Thank you, director. Good
12 morning, Mr. Chairman and distinguished board
13 members Greenfield and Boggs. I'm William
14 Sanford, General Counsel for the Office of
15 Campaign Finance. During the month of July 2024
16 the Office of the General Counsel received 18
17 referrals, completed 10 informal hearings, and
18 issued 10 orders which included the following.
19 Six orders were issued in which no fines were
20 imposed, and four orders were issued in which at
21 total of \$4,250 in fines were imposed. During
22 the month of July 2024, the Office of General

1 Counsel imposed fines against the following
2 respondents. A fine \$4,000 dollars was imposed
3 against the Capital Stonewall Democrats, a
4 political action committee. A fine of \$150
5 dollars was imposed against Citizens for Andrew
6 Haynesworth. A fine of \$50 dollars was imposed
7 against Friend of Mr. Smith. A fine of \$50
8 dollars was imposed against the Committee to
9 Elect Darryl Moch. During the month of July
10 2024, the Office of Campaign Finance collected a
11 fine of \$100 dollars from former advisory
12 neighborhood commission candidate, Elaine Austin.

13 During the month of July 2024, the Office of the
14 General Counsel issued the orders requiring
15 remission of remaining fair election funds and
16 donations of equipment to the following
17 candidates who were unsuccessful in the June 2024
18 primary election. Friends of Salim Adofo, Rodney
19 Red Grant for City Council, Veda for Ward 7,
20 Committee to Elect Paul Johnson, Ebony Payne for
21 Ward 7, Friends of Lisa Gore, Committee to Elect
22 Ebony Rose-Thompson 2024, Calvin Brown for D.C.

1 Council Ward 7 2024, and Nate Fleming for Ward 7.

2 During the month of July 2024, there were two
3 open investigations ending before the Office of
4 the General Counsel. They included the
5 following, OCFI2024003 was docketed on 16th of
6 May 2024. The respondent was Veda Rasheed and
7 the Veda for Ward 7 principal campaign committee,
8 the complainant was Gayle J. Sonoman, and the
9 allegation is accepting excessive contributions.

10 That matter is pending. Second complaint is
11 FI202400. That was docketed on 18th of June
12 2024. The respondent was Committee to Recall
13 Charles Allen, the D.C. Neighborhood Alliance,
14 and the D.C. Republican Party. The complainant
15 was Tommy Wells, chair of Neighbors United for
16 Ward 6. And that matter is also pending.

17 During the month of July, there were no
18 requests for interpretive opinions, and no show
19 cause proceedings were conducted. And the
20 contents of this report will be published at the
21 Office of Campaign Finance website by close of
22 business on today's date of the 2nd of August

1 2024. And that should conclude my report.

2 MR. THOMPSON: For the OCF
3 investigations, it's a 90-day window for you to
4 issue your determination; correct?

5 MR. SANFORD: I couldn't quite hear you.

6 MR. THOMPSON: Is it 90 days from the
7 time of docketing?

8 MR. SANFORD: Yes. That's right.
9 That's correct.

10 MR. THOMPSON: All right. Thank you so
11 much. All right. Thank you to the OCF for their
12 report. Director Collier-Montgomery, thank you.

13 MS. COLLIER-MONTGOMERY: Yes. That
14 concludes our report.

15 MR. THOMPSON: Okay. All right. Moving
16 on to public comment, we've received a number of
17 requests by email to comment, and I'll call on
18 everybody that's taken the time to email us in
19 advance and also recognize anybody else who'd
20 like to raise a Zoom hand for comment. I'm going
21 to start with Ms. Lisa Rice, the formal proposer
22 of Initiative 83. I see she has her hand raised

1 and she's here with us today. So Ms. Rice,
2 welcome.

3 MS. RICE: All right. Thank you.
4 Thank you very much. I have a few people that I
5 want to thank. And as I did when we proposed
6 this, I talked about this being about democracy
7 and how committed I am to the District of
8 Columbia and to putting our voters first. And to
9 really having robust democracy here. And want to
10 thank the registrar of voters and the staff that
11 was involved in the verification of Initiative 83
12 petitions. Yes, I requested a lot of signatures,
13 and I understand that it was yeoman's work to get
14 this done and such a short period of time. And
15 so I really want to let the staff know how deeply
16 I appreciate the hard work that they put in. Our
17 watchers reported to me every day and I received
18 the emails every day. And please believe that I
19 understand how hard that work was and how
20 deliberate it was, and I appreciate it more than
21 you will ever know. Again, this is about our
22 democracy, and this is a part of process that

1 essential. And I just cannot thank them enough.
2 Secondly, I would like to thank the Office of
3 the Board of Elections, General Counsel Ms. Terri
4 Stroud, and all of the I's dotted and T's
5 crossed, and all of the guidelines that we were
6 helped with, and all of the things that Ms.
7 Stroud and her staff kept us on point for.
8 Again, it's about democracy, and I appreciate the
9 time, and I appreciate the attention. And I
10 would be remiss if I just didn't thank the Board
11 of Elections in general. I don't know if we
12 could have imagined a year ago that we would be
13 here with these kinds of numbers and this kind of
14 response, and it just shows to me that our people
15 in D.C., our and voters are eager to take part in
16 the process. And I'm always on the side of
17 democracy, and so I thank you all. And as well,
18 last July I thanked the opposition which was not
19 organized with a campaign but since has become
20 organized with a campaign. I appreciate any and
21 every voter's opinion, so thank you so much to
22 the opposition for being involved in this every

1 step of the way. And, you know, I just thank you
2 everyone this is such as exciting day in the
3 campaign. We are raring to go. Thank you very
4 much. That's all I had to say. Just wanted to
5 say thank you to all the people.

6 MR. THOMPSON: All right. Thank you,
7 Ms. Rice. Appreciate that. And thank you for
8 your comments falling under three minutes. I
9 forgot to say or ask people if they could keep
10 their comments below three minutes. Next, I want
11 to recognize Ms. Anita Shelton. I don't know if
12 she's here. She sent a thoughtful email, the
13 gist of which was that the wording of Initiative
14 83 should be changed to recognize that there's
15 two aspects of I83, the rank choice voting aspect
16 and the open primary aspect so that voters could
17 split their opinions on that. Very thoughtfully
18 stated. However, the I83 proponents put it
19 together as one initiative. But it comes as a
20 package, and we recognized that early on, and we
21 were quite careful to create the wording in a
22 manner that if you vote "yes," you're voting for

1 both one and two. And that's the way it's
2 worded. We worded it that way deliberately to
3 make sure that that joint aspect of the
4 initiative is reflected. So we can't change the
5 wording at this point, but I want to do
6 acknowledge her comment. I don't see her here.
7 She is present, so I just wanted to explain that
8 before so -- Ms. Shelton --

9 MS. SHELTON: Do you hear me?

10 MR. THOMPSON: Sure can. Yep.

11 MS. SHELTON: Okay. Chairman Thompson
12 and panel members here, particularly Boggs and
13 Greenfield, we want to make sure that you
14 understand that this is an individual vote, and
15 we want you to consider what we have presented to
16 you. Chairman Thompson, I want to -- I don't
17 want to say reprimand you -- but I do want to
18 call to your attention that sometimes your
19 opinions should be waited until we have a chance
20 to make a presentation. Also, I want to
21 reprimand you for expressing yourself you have
22 not decided. This is your personal decision, it

1 should be kept to you because that can influence
2 what is happening in general. So I want to say,
3 Chairman Boggs, be careful. Your opinions should
4 be -- even though undetermined, should be kept to
5 yourself because it does have influence. First
6 of all, Chairman, I have indicated that I, Anita
7 Shelton, who is 80-year old plus registered voter
8 wishes to request that you reword the
9 instructions on the ballot. There is a difference
10 in my opinion between what is committed to go
11 forward as a result of the initiative, and the
12 wording that the board is responsible for the way
13 it's presented to the voters. I, Anita Shelton,
14 find that I cannot voice my opinion
15 appropriately. I am a supporter of open
16 primaries and I'm very against rank choice
17 voting. That option is not provided for me in
18 the language that's on the ballot. There is a
19 difference, sir, between what is to be presented
20 and the way in which it is to be presented. And
21 I urge you. I just provided you and I hope you
22 received it a two-page analysis of one, why it is

1 necessary. You do not want to jeopardize my
2 rights as well as you do not want to jeopardize
3 the rights of the initiatives. There is a way to
4 do this in instructions. I call your personal
5 attention to the way in which you did it in 2013,
6 and it was very clear that you can give options.

7 The failure to do this is violating my voting
8 rights. I have the right to vote on initiatives
9 that are presented not in together, but in
10 separately. So I'm urging you, one, to review my
11 authority -- your authority, and your authority
12 is to protect the interests of voters, not one
13 part of voters, but all voters. And I contend
14 that my rights -- of voting rights have been
15 violated if you continue to do it in a manner
16 that you want to do it. I also urge you that you
17 do have the authority -- that you have the
18 authority when you see a measure that has gone
19 forward that has not been in keeping with the
20 best interest of a segment of the population,
21 that you have the authorize to make some changes.

22 I urge you please, as again, Chairman Boggs, you

1 telegram everything that you want to do before
2 you have really had a chance to -- I hope to
3 consider the narrative. So I'm asking you that
4 within 24 hours or 48 hours that I would like the
5 board -- board -- Chairman Thompson, Chairman --
6 panel member Boggs and panel member Greenfield to
7 reconsider or to consider my request that it be
8 reworded -- simply reworded, the instructions to
9 allow discrete determination on each. And -- so
10 that is what -- and I would like to know if you
11 would agree to give a formal decision on my
12 request as a voter to have the rewording done,
13 and if you would do that in a timely manner. The
14 reason why the manner is timely and pressed
15 because the ballots need to go out. And if they
16 go out in this way, I think that it will
17 irreparable harm to my right to vote. Thank you
18 very much. I'm open for questions and want to
19 know concretely whether or not you would agree to
20 consider the information and to make a written
21 determination that my request is not in order.

22 MR. THOMPSON: Thank you so much, Ms.

1 Shelton. I really appreciate your comments.
2 Just to remind everybody, there have been three
3 kind of big steps in this voter initiative
4 process. Like all voter initiatives, some time
5 ago we had a hearing on whether it was a proper
6 subject matter and when that determination and
7 then --

8 MS. SHELTON: We're not talking about
9 subject matter.

10 MR. THOMPSON: Thank you so much.

11 MS. SHELTON: You see, that's where you
12 get a little confused Chairman Bogg. I am not
13 talking about -- yes, it is.

14 MR. THOMPSON: Appreciate that. And the
15 second big step in the process is the adoption of
16 the ballot language. So we had a whole hearing
17 on this very issue, what should the words be with
18 respect to Initiative 83. And we did talk about
19 this very issue and gave it very careful
20 consideration. I wanted you assure that you your
21 view, although it's too late now, but at the time
22 we did consider the substance of what you said

1 very carefully in addressing the wording, and we
2 very carefully voted on that and made that
3 determination. And where we are now is the third
4 big step, which is verifying that there's a
5 sufficient number of signatures for ballot
6 access. So while I appreciate your comments
7 about how it should be worded, there was, in
8 fact, an entire hearing in that regard. Just so
9 that we all recall that here. I don't know if my
10 fellow board members have anything they want to
11 add or the general counsel.

12 MS. STROUD: Yes. I did respond to the
13 request that Ms. Shelton made via email, and I
14 advised that the statute is clear. I'm going to
15 bring up that email. What I indicated to Ms.
16 Shelton was that, you know, yes, we did, as you
17 noted Mr. Chair, the proper subject matter
18 hearing and the formulations hearing during which
19 members of the public had an opportunity to
20 provide input as to the wording of the measure
21 and no objections were raised to the formulation.

22 And I also indicated that D.C. Official Code

1 Section 1-1001Q1 provides that upon qualification
2 of an initiative measure, the board shall place
3 on the ballot the serial number of the initiative
4 and its short title and summary statement in
5 substantially the following form, and we're
6 supposed to put initiative measure number and in
7 this case, of course, it was 83, the short title,
8 the summary statement. Then we're supposed to
9 provide a line for voters to vote for the
10 initiative measure or for -- or against the
11 initiative measure. And so the board has no
12 choice but to construct the ballot so as to allow
13 people to vote for or against the measure as it
14 is currently drafted with both subjects presented
15 so that voters must vote for or against both rank
16 choice voting and the more open primary. And so
17 that's what we will do. And I think that, Ms.
18 Shelton, I'll look more into it as referring to
19 not an initiative measure from 2013, but a
20 charter amendment that was on the ballot from a
21 special election that was held, I believe, in
22 April of that year. And so I'll look into it and

1 see what she's referring to. But, of course, we
2 can -- Ms. Shelton, you and I can have a
3 conversation with respect to the measure that
4 you're referring to. But so -- yeah, I just
5 wanted to put that on the record, my response to
6 our request that the board reword the
7 instructions.

8 MR. THOMPSON: Okay. Thank you so much.

9 So the last citizen spoke for six minutes. I'll
10 see if I could lightly remind our next speakers
11 to try to limit it to three minutes please.

12 We're not on a strict time cutoff, but just try
13 to watch your clock and see if three minutes will
14 do. Next, I'd like to recognize Deirdre Brown
15 who, I think, was one of the observers on behalf
16 of the opponents. And I see that she's here, so,
17 Ms. Brown, welcome.

18 MS. BROWN: Thank you. Once again, my
19 name is Deirdre Brown. I am the chair of the
20 Vote No on Initiative 83, which is an initial
21 recall committee registered with the Office of
22 Campaign Finance. The purpose of my testimony

1 today is to get facts on the record that -- facts
2 on the public record, first, regarding the use of
3 the white-out on petition pages, and on my
4 experience as a watcher. Myself and Gaby Fraser
5 are the watchers for the Vote No on 83. Starting
6 July 3rd, we attempted to observe the counting
7 and verification process that was being used to
8 validate the I83 petitions. On the very first
9 day, we noticed that there was a use of white-out
10 on the petitions. We brought this to the
11 attention of Marissa Corrente, the registrar of
12 voters, on July 3rd. We continued to have verbal
13 and written correspondence with Ms. Corrente,
14 Monica Evans, the executive director, Terri
15 Stroud, general counsel, and Council Member
16 Boggs, who chairs the committee that's oversight
17 over BOE. We raised concerns on the lack of
18 official guidelines on the use of white-out and
19 the procedures for determining rejected
20 signatures. I was verbally informed three times
21 by Marissa Corrente that signatures would be
22 evaluated by holding petition pages to the light.

1 The findings mentioned in the report mention
2 voter intent. How was voter intent determined?
3 How can one determine what is under something
4 that's been whited out? The method implies
5 subjective judgment after the fact. Were some
6 signatures handled differently than others? What
7 were the guidelines and procedures used? We made
8 the -- who made the final determination of voter
9 intent? There was no transparency in the
10 decision-making process and requests for
11 clarification have gone unanswered. This is not
12 an appropriate exercise of power by BOE
13 leadership, and is just another example of how
14 the watcher process was restricted and lack
15 transparency. To be clear, there is prolific use
16 of white-out to alter and tamper with the
17 addresses, printed names, and information in
18 circulator affidavit boxes. At least 4,802 lines
19 were rejected due to white-out. We believe there
20 are significantly more -- possibly more than
21 double that number of that have been altered
22 using white-out. The reason we can only estimate

1 is because we did not have access to original
2 petition pages, and had to work off of scanned
3 pages sent to us electronically. It is very very
4 difficult to identify white-out using scanned
5 copies. Given that thousands of signatures
6 appeared to have been fraudulently altered, we
7 appeal and request that the BOE evaluate any
8 pages -- invalidate any pages where white-out has
9 been used to alter names, addresses, or
10 circulator affidavits. Arguing that if
11 circulators can manipulate entries with white-out
12 after petitioners have signed, it undermines the
13 integrity of the entire process. On July 16,
14 2024, the Washington City paper published a news
15 article where a pro-I83 committee member bragged
16 about the use of white-out. So if there was any
17 doubt before about whether thousands of
18 individual petitioners altered their own
19 information or if the pro-I83 circulator
20 committee members altered the information after
21 the fact, it confirmed it in the media. On July
22 18th, Vote No On Initiative 83 requests the Board

1 of Election convene an emergency hearing and
2 issue a ruling on the use of white-out by pro-
3 Initiative 83 circulators before the petitions
4 were sent for statistical analysis. Before
5 determining the validity of signatures meeting
6 the 5 percent threshold in 5 of the 8 Wards, we
7 believe that BOE had to address where the pages
8 with white-out should be included in the
9 analysis. The request was never explicitly
10 denied, and clearly an emergency hearing did not
11 occur. Chairman, your assertion that any
12 remaining challenges is not enough to get below
13 the 5 percent threshold in 5 Wards is based on
14 only some white-out signatures having been
15 rejected. We have and continue to challenge that
16 inclusion of any signatures and/or pages that had
17 white-out used should have been rejected. If all
18 white-out signatures had been properly rejected
19 by BOE leadership, there's a very good chance
20 that I83 would not have met their threshold. But
21 we will never know because some of the signatures
22 were rejected, but not all. And once again, we

1 don't know the process that was used. This issue
2 extends way beyond I83. Allowing white-out for
3 all petition pages would establish a concerning
4 precedent for all future candidates and
5 initiative petitions. It is one thing to get on
6 the ballot fair and square, and it's another
7 thing to get on the ballot by using shady and
8 possibly illegal tactics. We urge the executive
9 office and the counsel to weigh in on this
10 questionable practice. BOE has acknowledged that
11 at least 4,802 signatures were altered and did
12 not represent voter intent. So we urge the
13 attorney general to investigate this for possible
14 voter law violations.

15 As far as the watcher process, the D.C.
16 Code outlines the procedures to be an official
17 watcher and observer at BOE. Gaby Fraser and I
18 applied to be watchers and were granted
19 credentials. However, on the first day we were
20 handed a sheet with a list of watcher protocols
21 that provision is not in D.C. Code that denied
22 full access to the official counting and

1 verification and petitions submitted by the pro-
2 Initiative 83 group. The watching was restricted
3 because BOE personnel was spread out in separate
4 cubicles on the 7th and 6th floor of BOE ahead
5 quarters. And on any given day there was between
6 20 and 30 different individuals on different
7 floors in different work areas. In addition, the
8 Vote No On 83 had been assigned folding chairs in
9 designated chair are areas and could not leave
10 without an escort. This further limited the
11 watcher's freedom to observe the count and make
12 sure it was executed correctly. Depending on
13 where we were placed, it was often hard to see
14 the computer screens and impossible to know which
15 page the employee was working on. In addition,
16 we were instructed not to speak to the employees,
17 so if we had an objection we had to wait for a
18 supervisor to come check on us in order to issue
19 an objection. Finally, on July 8th, a full
20 request by Vote No was asked -- a full request
21 was made to have full access to all petition
22 workers in one designated area for the rest of

1 the counting and validation of the initiative
2 pages. This request was denied. During the
3 count and very patient process, there was, once
4 again, appeared to be no standard policy and
5 procedures. Staff were provided one hour of
6 training sessions, but often where not clear on
7 instructions and had many many questions. Many
8 decisions were left up to the staff to use their
9 own discretion, which leads to a lack of
10 uniformity. Lastly, the staff was told not to
11 reject signature lines and to make note of it for
12 quality control. On several occasions I inquired
13 as to who was in their quality control
14 department, what was the procedures used for
15 quality control, and who was making those
16 determinations. These inquiries as of today have
17 gone unanswered. If you're going to allow
18 watchers, then the watchers must not be hindered
19 by protocols or restrict access and transparency.

20 The last months have been an eye-opening
21 experience on how this agency is run, and I
22 believe an entire process needs to be reviewed

1 and evaluated by a third party. Thank you for
2 your time.

3 MR. THOMPSON: Yeah. Thank you so much
4 for your comment. Ms. Corrente, would you like
5 to address that or --

6 MS. STROUD: I'll have the Registrar of
7 Voters respond to the specific complaints that
8 was made, at least about the access which we can
9 respond to, obviously, and other things that you
10 think might be important.

11 MS. CORRENTE: Sure. So in regards to
12 access of -- we did have staff who were working
13 on this across different floors. The amount of
14 people that we needed to tackle this was
15 enormous. We don't have a facility where
16 everyone could be together to do this work. And
17 so everyone was trained, given training
18 materials, packets, and -- for the different
19 stages. There were different trainings that
20 happened for the different stages. And then
21 because of the large amount of people who were
22 working on this, if they ran into any questions,

1 they were instructed to either call myself or the
2 assistant registrar. And if they couldn't get a
3 hold of us, to designate that signature as
4 flagged and included it on a sheet. Everyone was
5 given a sheet, and at the end of every day they
6 turned it in to us so we could review those and
7 make determinations if they had any questions.
8 And so that's how that process worked.

9 In regards to the white-out and voter
10 intent I don't know if you --

11 MR. THOMPSON: Can I just address the
12 observer process? I mean I -- to me it feels
13 like at a voting center there are typically
14 observers from each party, one or two, and
15 there's a lot going on in a voting center.
16 There's a lot of tables, there's a lot of voters
17 voting. The observers don't literally look over
18 the shoulder of everything that's happening in a
19 voting center, every transaction, every voter as
20 they vote. I mean, the suggestion from the
21 speaker was kind of along those lines that if
22 different BOE staff are reviewing these

1 signatures in different cubicles, they seem to
2 wanted to be present at every moment when
3 everyone's reviewing every signature. Is that --
4 what is the nature of the observer process? It
5 doesn't -- to me it doesn't seem like it's that -
6 - it doesn't get to the point where you literally
7 have an observer leaning over the shoulder of
8 each and every staff member reviewing each and
9 every signature. Is that what it is, or is it
10 something else?

11 MS. CORRENT: Yeah. So the way the code
12 and the regulations stipulate, the -- any
13 committee that's formed in support of a ballot
14 measure or formed in opposition to a ballot
15 measure, they're allotted two watchers each that
16 can be on the premises at any time during the
17 count and the verification process -- the voter
18 verification process, and then the signature
19 verification process. And, you know, there's
20 always going to be multiple people. There's
21 going to be more than two people always doing
22 signature review, just the nature of size of

1 these petitions. And so there's never going to
2 be a way for someone to watch every single
3 moment, to your point. Again, because we were
4 spread out across, we did ask that watchers just
5 be escorted. Again, elections, there's a
6 heightened security around elections. We're
7 dealing with secure information and private
8 information. So we just asked that if they
9 wanted to move to another designated area they
10 were given an overview of where all those areas
11 were. It is asked the staff member who they were
12 watching to either get one of us from the voter
13 services team or to ask that staff member to
14 escort them to another area. We also did have --
15 we tried to make sure we had chairs with wheels
16 in every section so if they were watching
17 somebody over their shoulder they could then move
18 within that area and they could move that chair
19 to watch somebody else. So again, to your point,
20 you're never going to be able to have eyes on
21 everything that's happening at the same time, but
22 we did our best to make it accessible.

1 MR. THOMPSON: And all four observers
2 were present in our offices?

3 MS. CORRENTE: At different times.
4 They can come and go. Like, we basically share
5 the schedule of what's happening and then if they
6 want to come and watch they can. And so we had a
7 sign-in and sign-out process.

8 MR. THOMPSON: So I guess I should say
9 that all four observers were free to be present
10 at all times.

11 MS. CORRENTE: Right. And sometimes
12 they did all overlap together and sometimes, you
13 know, different part -- different folks from the
14 different committees that were designated as
15 watchers came in separately.

16 MR. THOMPSON: Thank you. You were
17 going to address the white-out issue.

18 MS. CORRENTE: Yeah. I don't know if
19 you want me to do that or -- but I can.

20 MS. STROUD: In particular, which --

21 MS. CORRENTE: I think there were
22 questions about how the determination was made.

1 MR. THOMPSON: 4,802 that were -- lines
2 that were, in fact, rejected based on the
3 presence of white-out, because it was determined
4 that there was some possible alteration voter
5 intent; is that right?

6 MS. CORRENTE: Yeah. And we --

7 MS. STROUD: I think -- and Marissa, you
8 speak to the process because you were
9 coordinating the -- how we handle the process.
10 But there were some signatures that were whited-
11 out where a completely different address than the
12 one that had been written in by the voter was
13 placed -- was white -- the original address was
14 whited-out and a completely new address was
15 placed on atop the whited-out address. In other
16 instances, the white-out was used -- so for
17 instance, if the petition said, "Massachusetts
18 Avenue" that "Mass" might have -- for "Mass
19 Avenue," the whited -- they would have whited
20 over "Mass" and put "Massachusetts" instead. So
21 it was a clarification or an elaboration on the
22 address that was written in by the voter. So it

1 wasn't changing the address, it was just
2 clarifying or elaborating on what that address
3 was. In some instances, honestly, it did not
4 need to be done because we would accepted "Mass,"
5 we would accepted shorthand that was used by the
6 voter. And so in those instances we did not
7 disregard the signature.

8 MS. CORRENTE: Correct. Yep. And we
9 did -- again, we did make the petitions available
10 to anyone who wanted to look at the original. We
11 did have some people who came in and reviewed
12 them. And so if you do hold them up to the light
13 you can see what's written underneath it. And if
14 we couldn't determine that, we rejected it. So
15 it was either if we saw that there was a change,
16 or we couldn't determine exactly what was written
17 underneath, then those lines were rejected. That
18 was, you know, how we handled it. And to be
19 clear too, there were circulator affidavits that
20 were whited-out and we did also reject those --
21 that invalidated the sheet. If we saw white-out
22 had been used and it was not just with the actual

1 signer lines, it was also with the circulator
2 affidavit as well.

3 MR. THOMPSON: All right. Yeah. Thank
4 you so much. I mean, I heard a little bit about
5 this as it was happening. But I am very very
6 confident in the result that we've reached. I
7 once again applaud the level of scrutiny applied
8 to each and every one of these signatures. It
9 sounds like they erred on the side of exclusion
10 when white-out was involved. If you held it up
11 to the light and you couldn't tell one way or
12 another, the presence of white-out alone
13 invalidated the signature. If there was any kind
14 of alteration in the voter intent, it was
15 invalidated. The relatively minor number of
16 signatures with some white-out present that
17 passed involved situations such as General
18 Counsel Stroud just mentioned, you know, "Mass" -
19 - changing "Mass" to "Massachusetts," that sort
20 of thing. So that sort leftover bit with some
21 white-out involved also does not come close to
22 defeating the numerical threshold. So even any

1 residual challenges that are left over are not
2 enough to tip the balance on the sheer math of
3 the number of valid signatures that were
4 verified. So I think this issue was handled
5 incredibly well, with great sensitivity, and we
6 took it very very seriously, the presence of
7 white-out. And as a result, the proponents lost
8 thousands and thousands of signatures. You know,
9 they thought they also turned in sheets with, I
10 think 12,586 additional signatures originally
11 from the original entry compared to what they
12 needed. So they left themselves a lot of room to
13 endure these thousands of invalidations which our
14 staff did with great care in a very surgical
15 fashion. And obviously, the process was very
16 transparent and wide open to observation by the
17 four observers at all times. So I remain highly
18 highly impressed and highly confident in both the
19 process and the result.

20 Okay. All right. I will -- I think
21 maybe in tandem is Gaby Fraser, also one of the -
22 - the other observer on the Vote No side of the

1 issue. Hello, Ms. Fraser.

2 MS. FRASER: Good afternoon. My name is
3 Gaby Fraser, and I want to thank you for the
4 opportunity to share with you my account of the
5 events I witnessed as a watcher for I83. As a
6 watcher, Deirdre Brown and myself watched the
7 employees review and work through the stages of -
8 - five or six stages of petition verification.
9 However, it was hard to watch employees when they
10 were scattered throughout the floor. We did not
11 find out until the second day that there were
12 employees on another floor also doing the same
13 work. We immediately questioned the obvious
14 blatant white-out altering of the petition
15 signer's addresses and brought it to the
16 attention of what Marissa Corrente, the registrar
17 of voters. We were shocked because the purpose of
18 white-out is to amend or correct. Why would you
19 correct or amend someone's address after they
20 signed the petition and walk away? That goes
21 against the principal petition signing which is
22 to have the petition signer's address and

1 signature match the address and signature on file
2 with BOE. If it does not match, then that's on
3 file with BOE, then it doesn't the match. You
4 cannot amend it or correct it to make it match.
5 Every sheet with altered white-out should have
6 been invalidated and thrown out. Nonetheless,
7 after bringing several issues to the attention of
8 the registrar, Deirdre Brown and I met with the
9 general counsel who tried to explain to us what
10 we saw and what they were experiencing wasn't
11 what was happening. I found this highly
12 insulting and offensive. We were not imagining
13 these things, they were actually happening.
14 After bringing numerous complaints and
15 observations to the attention of the registrar,
16 we were given daily sheets outlining where each
17 employee was stationed and which floor. While we
18 needed an escort to walk from area to area, as
19 the employees progressed through the final two
20 phases of the process, I found that the employees
21 seemed hesitant, and I might even say, scared to
22 reject signatures after the statistical and

1 analysis portion of the file was set. All in
2 all, it was an extremely informative process,
3 however, one which needs to be revised. Thank
4 you.

5 MR. THOMPSON: Thank you so much. We
6 really appreciate your comment. And I think it's
7 also important to note that we are staff.
8 Everybody who did this on our end is -- was and
9 is neutral. We don't -- we're not trying to
10 validate or invalidate any particular signature.

11 We're not trying to get to a certain result
12 where overall the petition passes or doesn't
13 pass. We're just calling balls and strikes it's,
14 you know, it's an over-used analogy, but that's
15 all it is. Just like an umpire isn't necessarily
16 trying to get to a certain number of strikes or
17 balls or anything, umpire just calls them one at
18 a time, and that's what we did. And, you know, I
19 appreciate the observers on both sides have a
20 vested interest in a "yes" or a "no." I did want
21 to reiterate our total neutrality and
22 indifference to the result.

1 So I don't know if the other -- either
2 of the other observers are here.

3 MS. STROUD: They were --

4 MR. THOMPSON: Matt LaFortune?

5 MS. STROUD: No. Brian and Ashley.

6 MR. THOMPSON: Oh.

7 MS. STROUD: There was a Brian and
8 Ashley from Make All Votes Count D.C., and I'm
9 wondering -- Brian is present.

10 MR. THOMPSON: I don't know. Okay. So
11 let me recognize from the other side of the
12 observer aisle, Mr. Brian Strege.

13 MR. STREGE: Hi. Did you have a
14 specific question? We were the two watchers,
15 myself and Ashley Chapin for yes on 83.

16 MR. THOMPSON: Okay. I don't know if
17 you wanted to add anything having been an
18 observer.

19 MR. STREGE: Yeah. Ashley and I were
20 there very very frequently. We thought that the
21 Board of Elections handled the situation very
22 well. It was done very professionally. They did

1 split between two floors, but we were allowed to
2 go wherever we wanted if we requested that.
3 There were a couple of small things early, but
4 they were dealt with very fast. Some workers
5 have a tendency to use with privacy screens on
6 their monitors, and we requested that they be
7 removed, and they were. So yeah, we actually had
8 a very good experience watching. We didn't find
9 that anything was restricted. You know, it would
10 be nice if you had a facility large enough for --
11 if there was a giant bullpen such that everybody
12 could be in the same room, but given your
13 facility, I understand that's not possible. And
14 had there been a one-to-one ratio of watchers to
15 validators, there would be 40 people from each
16 side in the room. So it would be completely
17 impractical. The watchers would be flooding the
18 validation process. So I felt that it was
19 handled professionally and very well.

20 MS. STROUD: And I would just say that
21 the statute provides for two watchers per
22 committee, so that's a statutory issue that

1 everyone has run up against with respect to the
2 number of watchers and the number of people that
3 were required to ensure that we could complete
4 the verification process within the 30-day
5 period. And there's no ability for there to be
6 sort of a one-to-one, watcher and worker ratio.
7 And that's just the way that the statute is
8 written.

9 MR. THOMPSON: All right. Well, thank
10 you so much --

11 MR. STREGE: No problem.

12 MR. THOMPSON: -- Brian. Appreciate
13 that. And I don't know if Ashley Chapin is here.
14 I don't see her. So she is here, but she doesn't
15 have her hand raised. So I'm not seeing Ms.
16 Chapin raise her hand. We will move on to
17 Dorothy Brazil has also asked to be heard today.
18 So Ms. Brazil, I would appreciate it if you
19 could state your name and your residential
20 address please, and try to limit it to three
21 minutes if you can.

22 MS. BRAZIL: Good afternoon. Can you

1 hear me?

2 MR. THOMPSON: Yes.

3 MS. BRAZIL: My name is Dorothy Brazil,
4 and I'm the executive director of D.C. Watch. I
5 would like to focus my comments on essentially
6 three issues. First and foremost, I would ask
7 the board, what measures are specific actions are
8 you as a board going to take regarding these
9 irregularities regarding the petitions for
10 Initiative 83 that were brought to your
11 attention, namely the use of white-out? Namely,
12 the question about watchers at the process of
13 reviewing the petitions? But first, let me go
14 into detail. In all my years of monitoring the
15 Board of Elections in reviewing petitions and
16 initiatives and referendums, I have never known
17 of a committee that submitted petitions using
18 white-out. When it was brought to my attention,
19 I was appalled. And as Mr. Brown has already
20 stated you cannot easily see the white-out when
21 you were sent the petition sheets by email. You
22 could, however, see the white-out when you

1 reviewed the original petition. I am concerned
2 that two things are at play here. I am concerned
3 first and foremost by the process and procedures
4 the circulators of the petitions used.
5 Obviously, the circulators of petitions thought
6 that they could willy nilly use white-out to
7 correct names, signatures, addresses, and even
8 tamper with the affidavit on the petition sheet.
9 What corrective action is the board going to take
10 to make sure that this does not happen in the
11 future? Moreover, I had been told by reliable
12 sources that the same organizers who organized
13 Initiative 83 have used white-out in past
14 initiative measures, namely, Initiative 71
15 marijuana, 77 regarding the minimum wage, 82
16 regarding the minimum wage, and now 83. Did the
17 board know that the organizers were using white-
18 out in past initiatives and never caught it? Or
19 did they know it and look the other way? Second,
20 I have deep concerns regarding the Board of
21 Elections and its traditional treatment of
22 watchers and observers. In the past, I have

1 complained about my efforts to go the warehouse
2 to monitor the tallying of mailed-in ballots, and
3 the repeated rejections I received as regards my
4 efforts to watch it. Now, we have a first-hand
5 experience of watchers who try to observe their
6 mandated role in reviewing and seeing the board's
7 review of the petitions. First and foremost, Ms.
8 Corrente and Ms. Stroud have suggested, "Well,
9 we had to do it this way. There was no other way
10 to do it. There was no bullpen. There was no
11 area large enough to support all the many people
12 we had reviewing the petitions." That is an out
13 and out lie. Indeed, on many days that I came
14 down there, neither the boardroom, nor the
15 training room at the Board of Elections -- on the
16 same floor of the Board of Elections is located,
17 7th floor, those two large rooms were vacant. If
18 there is a mandate in the law that there shall be
19 two watchers for each side, then the law needs to
20 be changed and the process needs to be open and
21 transparent.

22 The other things I would mention as

1 regards to this review process that you, Mr.
2 Thompson, want to herald and champion and what
3 have you even though I've never saw you down
4 there.

5 MR. THOMPSON: Thank you so much.

6 MS. BRAZIL: The fact that they would
7 split the staff between two floors at the same
8 time you have only two observers for each side,
9 is ridiculous. You don't want the process to be
10 seen. Again, I come back to my question, this
11 initiative and the process by which it was
12 handled by the Board of Elections and the way in
13 which the circulators manipulated the petitions
14 points to a need for a review, a serious review,
15 and if need be, a change in laws and procedures.
16 Will the board commit to that? Thank you.

17 MR. THOMPSON: Thank you so much for
18 your comment. We appreciate it. I think it's
19 covered in substance the things we've already
20 discussed. And as mentioned, I'm highly
21 confident and highly satisfied with both the
22 observer process as well as how the white-out

1 issue was handled. Next, we've got an email from
2 Celeste Garcia who would also like to make a
3 comment. Hello, Ms. Garcia.

4 MS. GARCIA: I have no comment at this
5 time. But I do support the comments of Ms.
6 Brazil and Ms. Deirdre Brown. Thank you.

7 MR. THOMPSON: Thank you so much. We
8 also have an email from Ms. Janice Davis. If we
9 can find her. Like J-A-N-I-C-E. Nope? Okay.
10 Search "Davis." All right. Well, we don't see
11 Ms. Davis, but there's a hand up from Brianna
12 McGowan, and then we'll just keep looking for
13 Zoom hands. Go ahead Ms. McGowan.

14 MS. MCGOWAN: Hi everyone. Good
15 afternoon. I wanted to address some of the
16 concerns. So we wanted to clarify messy
17 handwriting and the fact that voters just make
18 mistakes. The signature is the intent, and we
19 did not use white-out on any of the signatures.
20 There are no regulations or statutes on the use
21 of correction tape or white-out, but now we know
22 for the future. So it's been made abundantly

1 clear. And also I want to say in a more
2 celebratory tone, this has been five years in the
3 making, and it is to amazing to bring this to the
4 voters. I remember just knocking on doors in the
5 heat of summer and the dead of winter and having,
6 like, my fingers frozen, you know, just talking
7 to people on the street. And it has been an
8 amazing incredible process. We have just -- I
9 just feel like this has just been so full circle.

10 And one of the things I'm really excited for is
11 this to be on the ballot in November and to let
12 the voter decide. Thank you, everyone.

13 MR. THOMPSON: All right. Thank you,
14 Ms. McGowan. We appreciate your comment. I
15 don't see any additional hands refer from Ms.
16 Shelton. Let me give it a minute, a few seconds
17 to see if anybody else wants to raise a Zoom hand
18 who hasn't spoken yet. Okay. Well, thank you,
19 everybody. And I guess I mentioned the three
20 steps on our part are proper subject matter, the
21 wording, and now the signature verification. And
22 having certified the initiative for ballot

1 access, the next step is for the voters to
2 decide. So we've heard a lot of very passionate
3 views today from both sides, both the proponents,
4 starting with Ms. Rice and the opponents
5 including Ms. Brown and others, your passions and
6 your views on both sides of this issue. So, you
7 know, as a couple have mentioned, as I have
8 mentioned, please help the voters understand
9 where the final step on this will be their vote
10 either for or against the initiative as worded.
11 So we look forward to a very very wholesome
12 educational effort from both sides. I'm sure
13 you'll do the hard work in helping voters
14 understand this issue. And we will be at the
15 ready as we always are to do our part, which is
16 to be neutral, independent, and simply count the
17 votes when they come in one way or the another,
18 and then let the next step of the process run its
19 course, whether that's at the D.C. council or in
20 our D.C. courts. You know, we welcome oversight
21 of what we do as well. So if some of these
22 issues do bubble up into court challenges, that's

1 fine. Everybody has a right to appeal different
2 orders that are issued from our office. And so
3 we'll all just move forward. There's an
4 incredible amount of work to do as we ahead
5 towards November. This is just one thing among
6 many many things that have emerged and there's
7 going to be some other ones that I'm sure will
8 emerge shortly as we head to the home stretch. So
9 I hope everybody gets a vacation week or two in
10 August. Everybody here for sure deserves it very
11 much before we kick into high gear in September
12 October and November. So, once again, we really
13 appreciate the hard work that everybody here on
14 our staff regarding this initiative and so many
15 other things that are in the mix right now. It's
16 really really impressive, and I'm incredibly
17 proud and honored to be associated with the Board
18 of Elections because of the strength, the
19 confidence, and the commitment of the people that
20 work here that make our democracy possible. So
21 once again, thank you. Okay. I guess --
22 anything else for anybody on our team?

1 MS. STROUD: Nothing from me.

2 MR. THOMPSON: Okay.

3 MS. MILLER: Nothing.

4 MR. THOMPSON: All right so with that
5 it is time for lunch. I will make a motion to
6 adjourn.

7 MS. GREENFIELD: Second.

8 MR. THOMPSON: All in favor, say "aye."

9 MS. GREENFIELD: Aye.

10 MR. BOGGS: Aye.

11 (Whereupon, the above entitled matter
12 went off the record at 12:25 p.m.)

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In the matter of: Board Meeting

Before: DC BOE

Date: 08-02-24

Place: teleconference

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