

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

TUESDAY

JUNE 20, 2023

+ + + + +

The District of Columbia Board of
Elections convened via Video/Teleconference, Gary
Thompson, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

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

BOARD OF ELECTIONS STAFF PRESENT:

MONICA HOLMAN EVANS, Director
TERRI STROUD, General Counsel
CECILY COLLIER-MONTGOMERY, Office of
Campaign Finance
WILLIAM SANFORD, General Counsel

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Adjournment

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

2 (10:38 a.m.)

3 CHAIRMAN THOMPSON: My name is
4 Gary Thompson, the Chair of the Board of
5 Elections. And we have a full quorum here today,
6 with all three of our Board members: J.C. Boggs,
7 Karyn Greenfield. We're all here, so we have a
8 quorum, and we can proceed with business.

9 First thing we do as a quick
10 housekeeping matter is we adopt our agenda, which
11 has been distributed in advance for all to see.
12 It was amended, which I'll explain in a second,
13 but at -- with that, I would move the agenda.

14 MEMBER BOGGS: Second.

15 CHAIRMAN THOMPSON: All in favor?

16 MEMBER GREENFIELD: Aye.

17 MEMBER BOGGS: Aye.

18 CHAIRMAN THOMPSON: Second quick
19 housekeeping thing is we all had a chance to
20 review the minutes from our prior meeting in May,
21 had a chance to make any suggestions. We've all
22 looked at it, so, at this time, I would move that

1 we adopt our minutes.

2 MEMBER GREENFIELD: Second.

3 CHAIRMAN THOMPSON: All in favor?

4 (Chorus of aye.)

5 CHAIRMAN THOMPSON: Minutes are
6 adopted. Next on our agenda is our Board
7 matters.

8 And I wanted to summarize, at the
9 outset of this meeting, the status of a new voter
10 initiative that has been submitted, the Make All
11 Votes Count Act of 2024, which appears to have
12 two components, one regarding ranked-choice
13 voting, one regarding open primaries.

14 It was submitted in time to be
15 considered in this meeting with respect to
16 whether it is a, quote, proper subject, under our
17 laws, but I understand that last week, it was
18 withdrawn and resubmitted, which restarts the
19 clock on public notices and consideration. So it
20 has been moved to our July meeting or discussion.
21 So that's the status of it.

22 And just to explain, I think, what a

1 lot of people know, but in case not everybody
2 understands, in DC, of course, the voters are
3 allowed to propose laws. It's not the same as
4 when the DC council proposes a law. There are
5 certain laws and regulations that govern and, to
6 some extent, limit the scope of what a voter
7 initiative can do. This stems from our DC
8 charter itself, which is like our constitution,
9 which makes it a provision for --

10 (Audio interference.)

11 (Pause.)

12 CHAIRMAN THOMPSON: They must have
13 gone away. The term initiative, as defined in
14 the charter, means the process by which the
15 electors of the District of Columbia may propose
16 laws, except laws appropriating funds, and
17 present such proposed laws directly to the
18 registered qualified electors of the District of
19 Columbia for their approval or disapproval.

20 So there's a parenthetical that says
21 except laws appropriating funds. And that, among
22 other requirements to qualify as a voter

1 initiative to make it onto the ballot has to be
2 considered by our Board in a couple steps.

3 The very first step that we take is we
4 make sure that the voter initiative follows seven
5 different requirements. And we're not
6 considering that today, but just to sort of
7 review the process for everybody, number 1, it
8 can't conflict with or amend our charter, which
9 is in the Home Rule Act. It can't conflict with
10 the United States Constitution, obviously. It
11 has to be properly filed. There has to be a
12 verified statement of contributions filed. You
13 can't authorize discrimination in violation of
14 the DC Human Rights Act. It can't negate or
15 limit a budgetary act of the DC Council, or it
16 cannot impermissibly appropriate funds under
17 applicable DC Court of Appeals Ruling.

18 So one of the parts of this process
19 is, right out of the box, there are two advisory
20 opinions issued with respect to any proposed
21 voters' initiatives. One opinion comes from the
22 Office of the Attorney General, and one opinion

1 comes from the Office of the General Counsel of
2 the Council of the District of Columbia. And we
3 received both of those opinions of June 9th. And
4 both of those opinions were issued with respect
5 to the Make All Votes Count Act of 2024 as it was
6 submitted. And I won't try to summarize what
7 these two opinions say, but they are both, almost
8 entirely, concerned with whether the proposed
9 initiative is a law, quote, appropriating funds.

10 And there are certain DC Court of
11 Appeals -- that's our highest court -- opinions
12 that give guidance to us on how to look at that
13 issue. This Board, itself, has issued opinions
14 in that regard, over the years. So we have a
15 body of law, including our own opinions, to
16 review, but the process starts with these two
17 advisory opinions which come from these two
18 respective Counsels.

19 So we got these opinions. They're
20 public. Other people saw them. I assume that
21 the proposer of the initiative saw these
22 opinions.

1 One of them, the opinion of the Office
2 of the Attorney General, makes a suggestion
3 regarding the language of the initiative that may
4 or may not allow it to survive scrutiny under
5 this limitation on making appropriation. So it
6 appears they deemed it wise to withdraw the
7 initiative as submitted and resubmit it with this
8 new language that is suggested by the Attorney
9 General Brian Schwalb.

10 And so, that has now been -- the
11 process has now been followed. What it does is
12 it resets the clock for our consideration because
13 we have to publish the new initiative with the
14 amended language, provide opportunity for public
15 comment, et cetera. So that's why about a week
16 ago, I think we all thought that this would be
17 that hearing. But then, once these opinions came
18 out and the initiative was withdrawn and
19 resubmitted, it has reset the clock for our
20 consideration on the proper subject issue, which
21 will take place in our July meeting, which,
22 because of the clock and the way the schedule

1 works in terms of 30 days' notice, et cetera, I
2 believe we'll hold on July 18th. So I'm' going
3 to ask General Counsel Terri Stroud to clarify.

4 (Simultaneous speaking.)

5 MS. STROUD: It is, actually, that we
6 will publish the notice in the DC Register,
7 allowing people to be notified of the proper
8 subject hearing, which is tentatively scheduled
9 for July 18th.

10 And the reason why we have scheduled
11 it accordingly is because the Office of the
12 Attorney General and the General Counsel for the
13 Council have 15 business days from the date that
14 they receive the notice of the submission of the
15 initiative to provide advisory opinions regarding
16 the same. And so that is why we're waiting 15
17 business days to have a meeting on the propriety
18 of the measure. And so that is the reason for
19 the July 18th date.

20 But it will be published in the DC
21 Register and the individuals will have notice of
22 it. And that notice should be published in the

1 Register on June 30th because it will be sent up
2 to the Register, and it will be published in time
3 for it to appear in the -- not this Friday's
4 edition of the DC Register, but next Friday's
5 edition of the DC Register.

6 CHAIRMAN THOMPSON: All right. All
7 that said, if anybody is here to comment on or
8 about this voter initiative, in person or by
9 Zoom, you are welcome to comment. We'll -- we
10 have some other things on the agenda first, but
11 once public comments start, you're welcome to
12 make your comment. We'll take notes. We'll
13 remember it and take it under advisement for our
14 next meeting.

15 We won't be voting today on this, but
16 you're welcome to make your comment. It may or
17 may not have to do with this little nuance from
18 this Attorney General's opinion that changes the
19 language in a way that has to deal with the finer
20 points of the Court of Appeals test. If it -- it
21 may not have anything to do with that. It may be
22 about other aspects of the voter initiative. So

1 we'd love to hear from you today.

2 You're obviously more than welcome to
3 return on -- in July, in our July meeting, to
4 comment further. So we'll open the floor to your
5 comments at that time.

6 And also, one other sort of final
7 comment about voter initiatives, in case it's not
8 obvious, is what our role is, on the Board, is to
9 ensure that a voter initiative complies with
10 these seven requirements. And then we get into
11 the language that gets on the ballot, and the
12 short summary, and how it's seen by voters, and
13 these are all process-oriented things that we
14 consider.

15 We do not take a position on the
16 merits of the proposed initiative in any way. We
17 were not -- we're not for it; we're not against
18 it. But we don't mean to suggest, at any point
19 in this process, that we're for or against it.
20 That's strictly for the voters to decide. Our
21 role is just to make sure that the initiative
22 complies with the law and that the wording of the

1 initiative is fair and balanced and appropriate
2 for voters to, you know, one day read in the
3 voting booth, so --

4 MS. STROUD: I will just add to that
5 that the notice that we will publish in the DC
6 Register will indicate that with respect to this
7 iteration of the initiative, we will accept
8 proposed testimony for the hearing on the 18th by
9 the close of business on Thursday, I believe it's
10 July 15th, but let me just check. But I think
11 that that is when we have indicated that comments
12 would be due, and individuals can also let us
13 know by that date whether or not they would like
14 to speak on -- regarding the measure,
15 specifically the criteria that the Chair
16 discussed.

17 And yes, that would be -- actually, it
18 would be Thursday, July 13th, at 4:45 p.m., for
19 the July 18th hearing, which will be at 10:30
20 a.m. So there will be that opportunity to
21 address and submit written testimony or an
22 indication that you wish to testify at the 18th

1 meeting; there will be that opportunity by the
2 13th of July.

3 CHAIRMAN THOMPSON: All right. Thank
4 you.

5 Before proceeding with the Executive
6 Director's report, any other Board matters that
7 anybody would like to raise?

8 MEMBER GREENFIELD: No, I don't have
9 any.

10 CHAIRMAN THOMPSON: All right. Thank
11 you so much.

12 With that, Monica Holman Evans, our
13 Executive Director.

14 MS. EVANS: Good morning. The
15 Executive Director Report for the month of May is
16 as follows. First, as far as precinct mapping,
17 as required by regulations, the Board is looking
18 at our current precinct boundaries to divide the
19 district into appropriate voting precincts based
20 on our Election Boards. We are working with
21 Gottlieb Simon to complete this task. Our
22 proposed precinct boundaries are currently being

1 finalized and will be posted for review.

2 ANC vacancies, we have 13 ANC
3 vacancies for the 2023/2025 term. These
4 positions are in different stages of being
5 filled. After candidate filing requirements are
6 met, an open vote of registered voters of the
7 affected SMD will be held during regularly
8 scheduled ANC meetings.

9 We are currently engaged in off-year
10 election planning for 2024. And we are looking,
11 of course, at the requirements of the Elections
12 Modernization Amendment Act and the Local
13 Resident Voting Rights Amendment Act to ensure we
14 are compliant. We are working with our database
15 vendor to determine what is needed to augment our
16 current systems. And we are also talking about
17 the data visualization interface on our website
18 that is required under the EMA. VR Systems is
19 assisting us with these efforts. Additionally,
20 we will acquire additional equipment to assist
21 with our mail ballot processing activities.

22 And our brochures have been revised

1 and will be sent to the printer. And again, the
2 following brochures are Voting at the District of
3 Columbia, The Voter Guide for Incarcerated
4 Citizens, Guide for Returning Citizens, College
5 Student Voting Guide, High School Student Voting
6 Guide, Being A Student Election Worker, and
7 Conducting A Voter Registration Drive. We are
8 also working on a brochure that will be used to
9 assist us with outreach to non-citizens in the
10 District of Columbia.

11 Additionally, we are updating the
12 Election Worker Training Manual, developing a
13 2024 voter education outreach plan, and assessing
14 our plan for vote center and mail ballot drop box
15 locations. Our plan for the vote center and mail
16 ballot drop box locations will be posted this
17 summer for comment.

18 As previously mentioned, we joined a
19 cross-state data work group to explore ways to
20 share our voter history, to address cross-state
21 voter fraud. Even though we are a member of
22 ERIC, the Electronic Registration Information

1 Center, many states are not members. Our
2 participation with this work group will allow us
3 to engage more states. And currently, subgroups
4 have met to discuss the development of a legal
5 MOU and data sharing.

6 We have also reached out to the
7 Department of Motor Vehicles to determine if they
8 are utilizing the state-to-state data-sharing
9 program to report canceled licenses. Using this
10 program is another step in identifying DC
11 residents who move.

12 We are engaged in conversations with
13 Maryland, Virginia, and North Carolina to discuss
14 the best ways to share data and upset -- update
15 information outside of ERIC. All of the most
16 voting history data is in, and all of the
17 deceased and in-state reports have been received
18 from ERIC. We are currently working on cross-
19 state triage. More detailed information
20 regarding our 2024 election planning will be
21 conveyed during a Council roundtable that will be
22 held on Monday, June 26th.

1 Other administrative matters, voter
2 education and outreach, during the month of May,
3 the Voter Education and Outreach Division
4 conducted eight outreach events on behalf of the
5 Agency. Events included a voter registration
6 drive at Senior Fest in Ward 8 and a voter
7 registration drive at Bread for the City.

8 We have also successfully connected
9 with a new community partner, DC Greens. DC
10 seeks to build a more just and resilient food
11 system in the district.

12 And finally, we are preparing a voter
13 education/outreach strategy that will be used in
14 the implementation of the Local Voter Rights
15 Amendment Act.

16 As far as our voter registration
17 rolls, in May, we registered 1,172 new voters and
18 processed 2,093 registration changes. In total,
19 we prepared 3,265 voter registration cards to be
20 mailed. Additionally, 30 registered voters moved
21 out of DC, and 20 voters canceled their
22 registrations and registered with other

1 jurisdictions. And 1,197 voters registered in DC
2 after canceling their registrations in other
3 states.

4 Online voter registration, we're
5 continuing to register voters using our website
6 portal. To date, we have processed over 35,515
7 applications using the portal, and these include
8 new voter registrations and updates to existing
9 registrations.

10 And that concludes my report. Thank
11 you.

12 CHAIRMAN THOMPSON: All right. Thank
13 you so much, Director Evans.

14 Also, a note for the record that our
15 Director represented our agency very well at a
16 Congressional Hearing on June 7th, a couple weeks
17 ago, where two different committees of Congress
18 discussed a proposed act that had to do with
19 elections, just in part, reporting to effect, the
20 way we conduct our elections in the District of
21 Columbia, our Executive Director was called to
22 testify at that hearing, along with three other

1 individuals, and it -- I just want to note for
2 the record that Director Evans really represented
3 our agency very well that day.

4 With that, General Counsel Stroud.

5 MS. STROUD: Thank you. And good
6 morning, everyone. The first item on my agenda
7 is a proposed rulemaking. We are submitting, for
8 the Board's consideration, a comprehensive review
9 and amendment to chapters 1 through 2 and 5
10 through 19 and 99 of Title 3 of the DC Municipal
11 Regulations. The purpose of these regulations,
12 or the amendments thereto, is to have them
13 conform with the Elections Modernization
14 Amendment Act of 2022, which was legislation that
15 was enacted in April of this year.

16 And the overall purpose of the EMA is
17 to codify and make permanent some of the changes
18 that were made to election administration that
19 arose in light of the pandemic, for example, the
20 addition of drop boxes, the implementation of
21 vote by mail, and some other innovations
22 regarding election administration in the District

1 of Columbia. And so, this legislation was
2 designed to, again, make those permanent.

3 And so, we have the -- in the Office
4 of the General Counsel, we have proposed rules
5 that would address the changes to the statute and
6 have amended our regulations accordingly. In
7 addition, there's some other changes that have
8 been implemented. And I will say, for the
9 record, that this is just the first phase of what
10 we're thinking that we will do. We will likely
11 introduce other rulemaking that will address the
12 specifics of vote by mail in the District.

13 Because there are several provisions
14 in the EMA that have not yet been funded and we
15 expect that to occur in due course. And so, as
16 that occurs, we will update our regulations
17 introduced. We'll make them to address the
18 funding of those provisions.

19 And so, today, we seek to implement or
20 introduce, for the Board's consideration, the
21 first phase of rulemaking to address the changes
22 to the EMA. And so, that -- with that, I would

1 ask for a motion from the Board to allow us to
2 submit this rulemaking to the DC Register for
3 publication. And they would be published on June
4 30th, which would launch a 30-day review period,
5 which would end I think it's July 31st, as the
6 30th day is after a weekend, a Sunday, and so,
7 the next day would be July 31st. But there's the
8 opportunity to submit comments through the DC
9 Register website or, also, directly to the Board
10 through an email to the Office of the General
11 Counsel.

12 And so, with that, I submit this for
13 the Board's consideration. And I'm happy to
14 answer any questions, with respect to the
15 rulemaking, that the Board might have.

16 CHAIRMAN THOMPSON: Yeah, thank you.
17 I'm very pleased to make that motion to submit
18 this proposed rulemaking to the DC Register for
19 publication, public comment, et cetera, as you
20 just described it.

21 MEMBER GREENFIELD: I second it.

22 CHAIRMAN THOMPSON: All right. I'll

1 just -- just to explain just a little bit -- you
2 can tell I like to explain things; I should be a
3 teacher.

4 You know, when an act is passed by our
5 DC Council or Congress or any legislative body,
6 it -- how does that get translated into action?
7 It happens through regulations that, at the
8 Agency level, tell us, tell the public exactly
9 what's done to follow and implement that law as
10 passed. And it takes a lot of work to take a big
11 act like the Election Modernization Amendment Act
12 of 2022 and translate it with -- in great detail
13 and with consistency with the act, into
14 regulations.

15 And so, what Ms. Stroud was describing
16 is 37 pages of excruciating detail that changes
17 the language, in some cases, ever so slightly; in
18 some case, new provisions for a lot of the
19 provisions of our regulations' chapters 1 to 2, 5
20 to 19, and 99. So I just want to commend the
21 amount of work that went into this. This is
22 really meticulous stuff, and it requires a really

1 high degree of lawyering to, you know, eagle eye
2 that this is being done properly.

3 So, and I just want everybody to know
4 that this has been -- this has been ongoing for -
5 - this has been an elaborate process that's been
6 ongoing for many months. And we've had a chance
7 to review it carefully and shepherd it and ask
8 questions. So, you know, I just want to commend
9 you for this getting to the point where this is
10 being proposed.

11 MS. STROUD: And I just want to thank
12 my wonderful staff. It's been a team effort.
13 Christine Pembroke has -- is awesome, as usual,
14 and so are Karla Garcia, Tonisha Erskine,
15 Jay Penuel. And like, you know, we've had
16 several team members, Marissa Corrente, vet it to
17 make sure that we are crossing our Ts and dotting
18 our Is, so I just want to highlight everyone who
19 played a role.

20 And I just also want to say that
21 upcoming rulemakings will address issues that
22 have arisen in the past, with respect to the way

1 that we conduct business, nominate and petition,
2 challenge hearings. So we're looking at, you
3 know, sort of, another large-scale rulemaking
4 that we will likely introduce in July.

5 And then beyond that, and we do have
6 some time to, you know, get these things done.
7 So we've been really looking in depth at
8 regulations that are consistent with the law but
9 may not serve as well in terms of how we
10 administer and process things. So we're looking
11 at lots of things. And so I just wanted to
12 highlight everyone that's playing a role in this.

13 CHAIRMAN THOMPSON: Yeah, thank you.
14 Yeah, another example that struck me as may be
15 relevant to a voter initiative is there's a new
16 Section 518 called Systematic Voter Roll
17 Maintenance Program: Biennial Mail Canvass is
18 amended as follows. And it sets forth a very
19 meticulous process for how we maintain and
20 improve our voter rolls, starting with the March
21 31st mailing, which I think is already behind us.

22 And then it walks through the rest of

1 the process, depending on whether the voter card
2 is returned undeliverable or accepted. The
3 objective being to get as updated a set of
4 addresses in the system as possible. And if
5 registered voters are no longer living here, then
6 they're moved into an inactive status, and
7 ultimately, off the voter rolls, which is, you
8 know, kind of a serious thing to take somebody
9 off of the voter registration list.

10 But we are a very transient city.
11 People come and go. This was one of the things
12 that Congress talked about in the hearing, and we
13 do have a very elaborate, meticulous process.
14 The way this has to be done is really well laid
15 out in 518.1, .2, .3, .4, et cetera.

16 So it's something that's in progress
17 as we speak, throughout this calendar year, get
18 to a point where our voter rolls are changed,
19 namely, a certain number of voters will be
20 removed from the rolls, so that when those
21 ballots get mailed late next spring, early next
22 summer, before the primary, you know, hopefully,

1 they'll be as accurate as we could possibly make
2 them, and onward, with the general election.

3 So that's one of the things that's
4 ironed out in here, in some detail. And it's
5 been the subject of a lot of discussion with, I
6 think, some of the people I see here,
7 participating.

8 With regard to our -- the last voter
9 initiative, number 82, from last year, so we
10 heard everybody loud and clear on that issue.
11 And it's something that we have been very
12 attentive to. And in part, it's reflected in
13 these regulations. That's just me talking more.

14 (Laughter.)

15 CHAIRMAN THOMPSON: Any Board -- have
16 a Board comment?

17 MEMBER GREENFIELD: No.

18 CHAIRMAN THOMPSON: All right. So
19 I'll call the vote on the motion. All in favor?

20 (Chorus of aye.)

21 CHAIRMAN THOMPSON: All right. So
22 that's three to nothing.

1 MS. STROUD: Thank you. So we will be
2 submitting this initiative or -- initiative --
3 this rule -- proposed rulemaking to the DC
4 Register. And because we will have it done in
5 time for next week's register, it will be
6 published on June 30th. And again, that will
7 launch a 30-day review period. We will make
8 copies of it available and post it on our website
9 so that members of the public can have access to
10 it. And we'll do that once we send it to the DC
11 Register.

12 The next item on my agenda is
13 litigation status. And I have five matters to
14 discuss.

15 The first is Public Interest Legal
16 Foundation v. Monica Evans in her official
17 capacity as the Executive Director for the DC
18 Board of Elections. That matter is in a US
19 District Court for the District of Columbia. It
20 was filed in that court for the District of
21 Columbia under the National Voter Registration
22 Act. The suit alleges that the Board is out of

1 compliance with the NVRA's public records
2 provision.

3 PILF had requested records from the
4 Board which were denied due to they're not being
5 subject to public disclosure. The OAG filed a
6 motion to dismiss back in February. And in the
7 interest of judicial efficiency, that motion was
8 denied. And some of this has to do with the fact
9 that a new judge had been assigned to the case
10 because the previous judge on the matter was
11 reassigned to the DC Circuit.

12 The motion to dismiss was denied on
13 April 10th, and the Court issues a standing order
14 directing the parties to file a joint status
15 report in 21 days, that updates the Court on any
16 developments, including settlement discussions
17 and to propose a briefing schedule that would
18 address the refiling of motions. That status
19 report was timely filed and was followed by a
20 status conference at which the judge directed the
21 parties to file a further status report on today.

22 So the next matter is DC Board of

1 Elections v. Lamont Harrell. And this, in
2 addition to the next matter I will address: DC
3 Board of Elections v. Jacque Patterson, are both
4 OCF fine enforcement matters that were filed in
5 the DC Superior Court.

6 The Harrell matter was filed on
7 February 15th. There was a March 17th show cause
8 hearing before Senior Judge Dixon. That was
9 continued until April 4th, 2023, to allow the
10 Board to pursue service of process on
11 Mr. Harrell. The certified mail that was mailed
12 to him at his last known address was returned by
13 the US Postal Service. And so, on April 4th, the
14 Judge in Chambers granted a further extension
15 until July 5th, to allow the Board to pursue
16 service.

17 The Jacque Patterson matter was filed
18 on January 25th, 2023, at DC Superior Court. On
19 May 19th, the parties appeared at a status
20 hearing that had been scheduled. And following
21 discussions on the record, Judge Dayson granted
22 the Board's motion for enforcement.

1 The next two matters concern
2 Stacia Hall v. the Board of Elections. The first
3 matter was in the Superior Court for DC. On
4 March 14th, the plaintiffs filed a challenge to
5 the Local Resident Voting Rights Amendment Act,
6 which would allow residents in DC who are non-
7 citizens to vote in local elections. And the
8 suit was filed for the reason that the
9 constitution precludes -- on the grounds that the
10 constitution precludes non-citizens from voting.

11 On May 4th, before the case could be
12 heard, at an initial status conference scheduled
13 for June 23rd, the Office of the Attorney
14 General, who was representing the Board in this
15 matter, because it is a challenge to a DC Code
16 provision, removed the case to the US District
17 Court for the District of Columbia.

18 And then, the next matter is that
19 matter but after it was removed to the US
20 District Court, so that's the fifth matter. On
21 May 4th, the DC Superior Court -- the case was
22 removed to the US District Court. And on June

1 7th, the Office of Attorney General filed a
2 motion to dismiss the complaint.

3 And that concludes the litigation
4 status, as well as my overall report.

5 CHAIRMAN THOMPSON: Who's the judge in
6 the federal case? Do we know? It's all right.
7 All right.

8 MS. STROUD: I'll look into that and
9 report back.

10 CHAIRMAN THOMPSON: Okay. And as I've
11 said before, while that lawsuit proceeds
12 regarding whether non-citizens can or can't vote,
13 consistent with the US Constitution, we'll
14 continue to follow our DC Counsel's act in that
15 regard and prepare ourselves accordingly with
16 respect to the 2024 election.

17 So, with that, Office of Campaign
18 Finance. Ms. Cecily Collier-Montgomery, thank
19 you.

20 MS. COLLIER-MONTGOMERY: Good morning.
21 For the record, the full report of the activity
22 of the Office of Campaign Finance for the month

1 of June 2023, will be posted at the OCF's
2 website, www.ocf.dc.gov, before the close of
3 business today. I will, however, highlight a few
4 items of interest from the report, for members of
5 the public.

6 With respect to community outreach
7 during the month of May, the Office of Campaign
8 Finance presented at four advisory neighborhood
9 commission meetings and also at a branch of the
10 District of Columbia public library. Information
11 on the Agency's Traditional Campaign Finance and
12 Fair Elections program was shared with the
13 participants.

14 The ANCs and the library branch are as
15 follows: ANC-AE on May the 1st, ANC-6E on May the
16 2nd, ANC-7D on May 9th, and ANC-3F on May 16th.
17 We also appeared at the Anacostia Neighborhood
18 Library on May the 17th.

19 In our Fair Elections Program
20 Division, and let me just point out and
21 acknowledge that the manager of our Fair
22 Elections Program, Erick Jackson, is present.

1 But during the month of May '23, I would point
2 out that, with the 2022 election cycle, the
3 Office of Campaign Finance has, as of this date,
4 authorized the total sum of \$13,557,106.70 for
5 disbursement from the Fair Elections Fund in base
6 amount and matching payments to the 42 candidates
7 who were certified in the program to participate
8 in the June 21st, 2022, primary election and to
9 participate in the November the 8th, 2022,
10 general election.

11 With the 2024 election cycle, we have
12 had two candidates who have registered to
13 participate in the program, and one candidate has
14 been certified. We have, as of this date,
15 disbursed the sum of \$76,244.40 from the
16 elections fund to the certified candidate who is
17 Selene K. Adolfo, Friends of Selene Adolfo, who
18 is -- who has registered to participate in the
19 program as a candidate for a member of the
20 Council from Ward 8.

21 Also, I would point out that there
22 were no disbursements from the fund during the

1 month of May to participating candidates in
2 either the 2022 cycle or for the 2024 election
3 cycle. The Fair Elections Division also
4 conducted 36 desk reviews of amended reports and
5 receipts and expenditures which have been filed
6 with the Agency and issued seven requests for
7 additional information letters based on the desk
8 reviews of the reports.

9 As of May 31st, 2023, the total sum of
10 \$686,433.82 has been remitted for deposit in the
11 Fair Elections Fund from the campaign operations
12 of the candidates who participated in the 2022
13 election cycle.

14 With respect to audits in the
15 division, with the 2022 election cycle, there are
16 currently 16, 2020 post-election full field
17 audits which are ongoing, before the Fair
18 Elections Program, at various stages. The
19 details of those audits are listed in our report.

20 I would also point out that the FEP
21 Division has issued a total of 18 final audit
22 reports of the post-election audits initiated for

1 the 2020 election cycle and that those audits are
2 available for review by members of the public at
3 our website.

4 With the 2022 post-election full field
5 audit, as I have reported previously, the Agency
6 issued 42 post-election audit letters for the
7 candidates who participated in the primary and
8 also in the November general election. During
9 the month of May 2023, the Fair Elections
10 Division issued seven preliminary audit finding
11 reports and three final audit reports.

12 The final audit reports were issued in
13 the matter of Beau Finley from Ward 3. It was a
14 compliance audit, and it was issued on May the
15 2nd, 2023. Elissa for DC, which was also a final
16 audit report, was a compliance audit. And it was
17 issued on May the 14th, 2023. And Ryan Jones for
18 AG, which was a final audit report and a
19 compliance audit as well and was issued on May
20 the 16th, 2023. Again, the audits are available
21 at our website for review by members of the
22 public.

1 In the Public Information and Records
2 Management Division, there are new -- no due
3 dates for the month of May for the filing of
4 reports of receipts and expenditures.

5 With respect to new candidates and
6 committees, we did have one new candidate
7 committee who registered in the Traditional
8 Campaign Finance program. And we did not have
9 any new candidates in the Fair Election program
10 during the month of May 2023.

11 For the Office of US Shadow
12 Representative, the candidate Brandaun Douglass
13 registered with the Office on May the 26th, 2023,
14 to participate in the primary election. And
15 again, this candidate registered in our
16 traditional program.

17 We also had one committee registration
18 during the month of May. And that was with
19 respect to the new initiative committee. And the
20 committee registered on May the 17th, 2023. The
21 committee is the Make All Votes Count DC. And
22 again, the treasurer for that committee is

1 Phillip E. Pannell.

2 We also had candidates and treasurers
3 who completed the mandatory training program
4 during the month of May: Ebbon Allen, candidate
5 for Ward 7 City Council; and Nia M. Thomas
6 (phonetic) treasurer, Friends of Ebbon Allen.

7 In our Reports, Analysis, and Audit
8 Division -- and that is our traditional audit
9 program -- I would indicate that during the month
10 of May, the division conducted 17 reviews of
11 reports of receipts and expenditures which had
12 been filed with the Agency and issued one request
13 for additional information.

14 With respect to the audit program, the
15 Traditional Audit program issued one audit and
16 that was Eric Goulet for State Board of
17 Education. The audit was issued on May the 26th,
18 2023. That was a compliance audit, and it was
19 the audit of a newly elected official from the
20 2022 election cycle. Again, the audit is
21 available at our website for review by the
22 public.

1 There are two ongoing audits, which
2 are full field audits, in the Traditional
3 Campaign Finance program. And they both are of
4 newly elected officials. The first is Mendelson
5 for Chairman 2022. And with that audit, the
6 audit fieldwork is complete, and the preliminary
7 audit report, the draft, is under review by the
8 audit manager.

9 The second is Kenyan McDuffie 2022.
10 And with that audit, again, the audit fieldwork
11 is complete. And the draft is under review by
12 the audit manager.

13 And that completes my report for the
14 Officer of the Director, but I would ask that
15 William Sanford who is the general counsel for
16 the agency can send the report for the Office of
17 the General Counsel.

18 MR. SANFORD: Thank you, Director.
19 Good morning, Mr. Chairman and distinguished
20 Board Members Greenfield and Boggs. I am
21 William Sanford, general counsel for the Office
22 of Campaign Finance.

1 During the month of May 2023, the
2 Office of the General Counsel received two
3 referrals from the Public Information and Records
4 Management division, completed six informal
5 hearings, and issued six orders, which included
6 the following: three orders in which it totaled
7 to \$3,000 in fines was imposed, and three orders
8 in which no fines were imposed.

9 During the month of May 2023, the
10 Office of the General Counsel imposed fines
11 against the following respondents: the fine of
12 \$1,000 was imposed against the Capital Stonewall
13 Democratic PAC, a fine of \$1,000 was imposed
14 against Partisans for Ward 8, and an additional
15 fine for \$1,000 was imposed against Partisans for
16 Ward 8.

17 During the month of May 2023, no new
18 investigations were opened, no request for
19 interpretive opinions were received, and no show
20 cause proceedings were conducted.

21 The contents of this report will be
22 published at the Office of Campaign Finance's

1 website later, on today's date, June 20th, 2023.
2 And that should conclude my report.

3 CHAIRMAN THOMPSON: All right. Thank
4 you so much. I don't have any questions, but I
5 continue to admire the incredible attention to
6 detail that the Office of Campaign Finance shows,
7 especially with regard to these audits. They're
8 so important to audit the way candidates in the
9 traditional program use funds and in the Fair
10 Elections program, which impacts the way that
11 candidates utilize our public tax dollars. And
12 they have to file a lot of reports with a lot of
13 detail, but we scrutinize those reports. And
14 these audits are really important to making sure
15 that every T is crossed, every I is dotted, so
16 it's all done appropriately and in compliance
17 with the law. And it's easy for me to say that,
18 explain that in a couple sentences, but the work
19 it takes to accomplish that is really impressive.
20 So, you know, once again, thank you for
21 everything that, you know, your office does and
22 including the investigations as well.

1 MS. COLLIER-MONTGOMERY: And that
2 concludes my report.

3 CHAIRMAN THOMPSON: All right. I
4 think, anything else before we turn to public
5 comment from anybody up here?

6 Okay. Hearing nothing, we have plenty
7 of time, at this point, to hear from members of
8 our public. And I'd like to start with anybody
9 who has come down to see us here in person. If
10 anybody -- you don't have to, but if anybody
11 wants to take the mic and say a few words, you're
12 more than welcome.

13
14 Okay. If you change your mind, just raise
15 your hand, let us know.

16 So then, turning to our Zoom
17 attendees, just raise your Zoom hand, and as we
18 see them, we'll go ahead and ask you to speak.
19 And I think that very first hand just came up.
20 We'll have to ask you to unmute.

21 Yeah, go ahead. This is Abel Amene.

22 MR. AMENE: Thank you. I hope you can

1 hear me well. I'm outside. I'm at work today.

2 Sorry. I -- okay. I'm assuming you can hear me.

3 I wanted to comment about the section
4 in the agenda on rulemaking, but before I do, I
5 want to also take up this opportunity to talk
6 about the subject we're going to talk about next
7 hearing, next meeting, which is the ballot
8 initiative. I was -- I want to say that I'm in
9 favor of finding that this is proper subject
10 matter. And the OAG's advisory opinion makes a
11 very clear case for how ballot initiatives that
12 include and are subject of appropriations,
13 including the B section, are proper subject
14 matters. And I will refer you to the OAG's
15 advisory opinion on -- that makes a case for
16 that, including Court opinions and recent
17 legislation passed by the Council.

18 I want to -- but also talk more in-
19 depth and ask a few questions about the
20 rulemaking process. I understand this rulemaking
21 you're engaged in currently is focused on the
22 Election Modernization Act. I do note that the

1 Election Modernization Act, just like the Local
2 Resident's Voting Rights Act, was only fully
3 funded very recently and that the most recent
4 budget support act removes the applicant
5 liquidity clause from the election modernization,
6 making it fully funded. And that same budget
7 support act also removes the applicability
8 section from the -- this voting rights act,
9 making that not only that the fact that it's been
10 included in the budget but also removes any
11 subject to appropriations language from the --
12 from the act.

13 Both these budget support acts, the
14 Council has also included an emergency and that
15 will make that -- that will implement that sooner
16 than later, and that's currently on the mayor's
17 desk. So I wanted to ask if this rulemaking
18 process, while it's moving forward, will consider
19 rulemaking for the Local Residents Voting Rights
20 Act. And specifically, I'm asking about chapter
21 5, which as it currently reads, the DCMR does not
22 include non-citizens. It would need to be

1 updated.

2 So I wanted to ask when the Board
3 plans to update the DCMR to make the Local
4 Resident's Act applicable and implementable in
5 your rules. Thank you for that. And I'm happy
6 to hear any response to that. Thank you.

7 CHAIRMAN THOMPSON: All right. Thank
8 you so much for your question. That's an
9 excellent question, and I'll ask our general
10 counsel to address it.

11 MS. STROUD: Yes, thank you. The
12 Board does intend to or -- we intend to introduce
13 rulemaking with respect to the Local Resident
14 Voting Rights Amendment Act soon. As I indicated
15 earlier, this is just the first rulemaking that
16 we are doing around legislation pertaining to
17 elections that has been enacted by the Council.
18 And so, we're looking at introducing more
19 rulemaking in our next couple of meetings. And
20 so, that will be on the agenda as, you know, we
21 promulgate rulemaking for the Board's
22 consideration. And it will address the Local

1 Resident Voting Rights Act as well as other
2 legislation dealing with automatic voter
3 registration at the appropriate time. So, yes,
4 that will be something that will be introduced in
5 due course.

6 CHAIRMAN THOMPSON: In this calendar
7 year?

8 MS. STROUD: In this calendar year.

9 CHAIRMAN THOMPSON: In plenty of time
10 before the 2024 election.

11 MR. AMENE: Thank you very much. And
12 you can understand my excitement because that
13 will mean I will be a voter. So thank you very
14 much, and I will be participating in that
15 process. Thank you.

16 CHAIRMAN THOMPSON: All right. Thank
17 you. We really appreciate your comment.

18 I see Nicholas Schiller has a hand
19 raised. Go ahead, Mr. Schiller, well, once
20 you're unmuted.

21 MR. SCHILLER: Thank you,
22 Chairman Thompson. I appreciate you taking my

1 question today. Nicholas Schiller, 2448
2 Massachusetts Avenue Northwest, Washington DC.

3 My question is mostly about -- I guess
4 it's two parts. Part one is I received the
5 updated voter roll from June 1st a couple days
6 ago, and I was very concerned that during the
7 budget hearing in March, the -- there was an
8 announcement that there was going to be an update
9 with respect to the voter roll, how the removal
10 of inactive voters was going to be updated to the
11 Councilmember Bonds.

12 And I noticed that some of the people,
13 or at least one person in specific, wasn't
14 removed, even though Councilmember Bonds had
15 mentioned that that person was an inactive voter
16 and that they had, you know, filled out the form
17 for the mail-in ballot three different times, but
18 that person hadn't been removed yet. And that
19 person is still on the voter roll.

20 So my question is, is the voter roll
21 going to be updated in, like, throughout the
22 year? Is there going to be a big point in which

1 all of them are going to be removed? Because we
2 -- I haven't really heard much about the 86,000
3 ballots that were undeliverable. They were
4 mentioned during that congressional hearing. And
5 so I'm just very concerned that the update hasn't
6 been taking place on schedule.

7 And part two, the Election
8 Modernization Act, could the General Counsel
9 expand a little bit more about the process in
10 which inactive voters will be removed from the
11 voter roll? Thank you so much for your time, and
12 I hope you guys are having a wonderful summer
13 day.

14 CHAIRMAN THOMPSON: Thank you.

15 MS. EVANS: Yes, good morning. I will
16 begin, and then I'll turn it over to our General
17 Counsel.

18 So we are in different stages of our
19 list maintenance process. And one, you mentioned
20 the 87,000 individuals that -- where we had
21 ballots that were returned. And so, they
22 essentially would be in phase two of removal.

1 And so, they would be candidates to receive our
2 second mailer.

3 And so, our process includes two
4 mailers to individuals. The first mailer is a
5 non-forwardable postcard that goes out. That
6 first mailer has gone to the printer, but the
7 second mailer has not gone out yet. And so, that
8 87,000, they would be included in that batch with
9 the second mailer that goes out. And because
10 that returned ballot would essentially count as
11 that first mailer because ballots are not
12 forwardable.

13 So we are in the process of removing,
14 and we will likely do that with one large effort.
15 Once we get all of the information in hand, then
16 we'll go through. So that will happen in due
17 course. It will happen prior to any petitions or
18 any ballots that are mailed. And so, we should
19 wrap that up this summer. So I think I answered
20 your questions. If I did not, please --

21 (Simultaneous speaking.)

22 MR. SCHILLER: Quickly, about the

1 Election Modernization Act, it outlines some
2 updates; could you explain a little bit more?
3 And that will be published in the register next
4 week I assume?

5 MS. STROUD: It will be published on
6 June 30th in the DC Register. And with respect
7 to the EMA, the only update was the --

8 MR. SCHILLER: Thank you.

9 MS. STROUD: -- the deadline for
10 commencing the canvass was extended. Previously,
11 it would take place in January, but
12 administratively, the Agency recognized that
13 post-election, and because of all of the post-
14 election processes that have to occur, it was
15 really not workable to have that process
16 completed. And that process -- have it -- that
17 process completed by January of the next year.
18 And that was even the case prior to the
19 implementation of vote by mail, which, you know,
20 sort of, like, necessarily had to extend the
21 process.

22 So we had requested that the Council

1 give us an extension in the legislation, with
2 respect to the time in which we had to implement
3 the process, even recognizing that there would be
4 some circumstances under which we would need even
5 more time than that. And there is a provision in
6 518 that allows for that.

7 But if the question is with respect to
8 -- so that's basically it. I mean, we got an
9 extension of time from January to March 31st,
10 with respect to when the process should begin for
11 the canvass.

12 CHAIRMAN THOMPSON: All right. Thank
13 you. Thank you for the question.

14 I thought I saw another hand up.
15 Tom Donohue, Ward 8, there you go.

16 MR. DONOHUE: Hello, and thank you for
17 -- can everyone hear me okay?

18 CHAIRMAN THOMPSON: Sure can.

19 MR. DONOHUE: Okay. Great. Thank
20 you. Thank you for allowing me the opportunity
21 to speak.

22 Board, I come to you once again, in

1 regards to the, I will say, at this point, antics
2 of ANC-8A. The Board of Elections has sent two
3 letters to the Board or -- excuse me -- to the
4 ANC, clarifying the need for them to host a
5 special meeting to review the potential of a
6 vacancy in ANC-8A-03, which is Holly Muhammad. I
7 have submitted multiple items of supporting
8 documentations, not only to the Board, however --
9 and also to the ANC.

10 As of what I know of this moment, no
11 such meeting has been called, nor do they have
12 any intentions on calling it. They have informed
13 us that they do not see that there is a vacancy.
14 However, they do not provide any supporting
15 documentation or any documentation whatsoever to
16 tell us how they came to that unfair and
17 inappropriate conclusion as they didn't take any
18 of my input or ask me any questions, or even,
19 from my understanding, consider the supporting
20 documentation that I had provided.

21 I'd also like to bring to your
22 attention, during our June meeting, the ANC, upon

1 my informing the meeting via the chat message
2 option, the members of the ANC deleted all
3 messages that I had put into the chat message to
4 help inform my neighbors of your direction to the
5 ANC to host this special meeting as soon as --
6 and this is -- this is -- what you're seeing in
7 front of you is the message that I had posted,
8 which included a Dropbox link directly to the
9 letters that you had sent to the ANC.

10 Momentarily, you'll see that the ANC
11 actually reads the message. She puts up her
12 hands. She doesn't know what to do. And then,
13 she immediately deletes them. She deleted
14 multiple of these messages throughout the course
15 of the meeting, preventing our ANC, my neighbors
16 -- they basically are preventing our neighbors
17 from knowing that you folks have sent them a
18 letter stating that they do need to have a
19 special meeting to review the, in my opinion,
20 vacancy that exists in ANC-8A-03 with Holly
21 Muhammed.

22 As you may know, I've also taken some

1 additional steps because I am feeling, at this
2 point, a little bit lost as to where we move from
3 here. I even took this -- the unprecedented
4 steps to file a motion in a civil complaint or in
5 a civil complaint I have filed against
6 Holly Muhammad for defamation and libel -- one is
7 written, and one is verbal -- where, on multiple
8 occasions, Ms. Muhammed has made claims that I am
9 a racist. That I do not like or that I hate
10 women or black women and that I hate Muslims.
11 None of which, nobody, in the ten years I've been
12 living here, has ever provided any supporting
13 documentation for.

14 In that civil suit, she was able to be
15 represented by the Office of the Attorney General
16 because she does sit in that seat. It was my
17 concern that Ms. Muhammed would not be eligible
18 for that representation, given the fact that she
19 doesn't live in the location that she says she
20 lives. That location is also owned by a fellow
21 ANC-8A Commissioner, Barbara Clark.

22 Basically, Holly is using, in my

1 opinion, that address as her own in order to run
2 for office and to continue running for office.
3 At no point has Holly ever declined or said that
4 she doesn't live there. She even went to the
5 extent of, after filing my civil complaint, she
6 filed a bogus anti-stalking claim against me.
7 And in that court hearing, under oath, she was
8 asked what her address was. She refused to
9 answer, leaving it up in the air to where she
10 lived, to the judge. That anti-stalking case was
11 ultimately dismissed. And it was just completely
12 bogus.

13 The reason I'm before you today is
14 because there needs to be some sort of action
15 taken, enforceable action taken. It is very
16 clear that the ANC, in their allegiance with each
17 other, has determined that they are not going to
18 be cooperative in hosting a special meeting,
19 which would, in my opinion, with the already
20 submitted documentation to the Board, prove that
21 Ms. Muhammed does not live at that address which
22 is owned by fellow ANC Commissioner Barbara

1 Clark.

2 She has been -- there has been ten
3 different attempts to serve Ms. Muhammad with the
4 civil complaint that I was filing: three attempts
5 by MPD and seven attempts by a professional
6 process server. I even went to the extent of
7 having her served during an actual ANC meeting
8 where you would -- might -- where you -- the
9 likelihood of her being home during a virtual
10 meeting was probably pretty high. When the
11 server, process server arrived, I informed
12 Ms. Muhammed during the meeting that the process
13 server was at her door and to ask her to go to
14 her door and get the paperwork. Ms. Muhammad was
15 not home. This seems to be the case every single
16 time.

17 There is -- since additional
18 information that have yet to be provided to the
19 Board. However, this is a matter that, you know,
20 that the Board is going to have to step in to.
21 Otherwise, we're in this loophole of a circle
22 going around and around and around, where the ANC

1 is not going to hold -- host a meeting, even
2 though the law tells them that they need to. And
3 the Board of Elections refuses to investigate the
4 matter due to it not being clear in the law that
5 you have the opportunity to do so. I think that
6 if mailings come back to an address -- oh go
7 ahead.

8 (Simultaneous speaking.)

9 CHAIRMAN THOMPSON: Yeah, thank you.
10 I appreciate your comment. I know that you have
11 a lot going on, but some lawsuits that you wanted
12 to mention. I don't think we want to comment on
13 any of that. I think that your core issue seems
14 to be that you have information that you believe
15 suggests that an ANC member is not a resident of
16 the single member district that she was elected
17 to. That's an issue that occurs from time to
18 time in single member districts. It actually
19 happened in my own single member district. So, I
20 appreciate the issue.

21 I think as you and our Board have
22 identified, the process for addressing that issue

1 takes place at the ANC level, which makes sense.
2 The ANC should -- it's its own body. It should
3 consider the evidence and make its own
4 determination. And then, if it gets to the
5 point, petition our Board to declare a vacancy.
6 And I know that -- I know that law's been
7 provided to you.

8 Your problem seems to be that the ANC
9 won't take action. So I don't know what -- if
10 the ANC won't take action in that regard, what
11 there is to do. Maybe, I think you mentioned a
12 court case, but I'll ask our general counsel to
13 comment on that. So I don't think there's -- I
14 don't think we can be involved in that process.

15 MS. STROUD: Yes, and we have done
16 what I think is the extent of our authority --
17 what is within the extent of our authority to
18 do, which is we have recommended on two separate
19 occasions, as Mr. Donohue noted, that the matter
20 should be heard in the first instance in the ANC.

21 And I believe that the Office of
22 Advisory Neighborhood Commissions, we had

1 communicated with them to see whether or not they
2 would be the ones to sort of require the ANC to
3 hold this meeting. And they were not the body.

4 And we know that you've gone to court.
5 And I think that there is an opinion from the
6 Superior Court that said it's -- the ANC does not
7 have to hold the hearing if it does not find that
8 there is grounds to hold a hearing. And even if
9 it did, they could still decide not to issue a
10 petition that -- seeking that the Board declare a
11 vacancy pursuant to the position that -- petition
12 that it submits.

13 And so, the Board is simply without
14 the authority. If we were to uncover, in the
15 course of our list maintenance process, that
16 there was a vacancy in the ANC, then we could
17 take action with respect to that, but that is not
18 this. We have not received any information
19 through any list maintenance process that
20 Ms. Muhammed does not reside in the ANC -- in
21 that single member district rather. And so --

22 MR. DONOHUE: And the argument that I

1 would make to that is the spirit of that law --
2 of that part of the law that says that if you
3 get a mailer back that says that the person
4 doesn't live there, the spirit of that, I think,
5 says that, you know, if you are to obtain
6 information that suggests that of a voter or --
7 doesn't live in a particular area or in a single
8 member district or, you know, that that be
9 investigated.

10 Because it's not a returned mailer,
11 you're saying that that doesn't give you the
12 authority to do an investigation, which, frankly,
13 to me, sounds silly when you have signed, sworn
14 documents from a process server that says that,
15 you know, they spoke to neighbors, and it's very
16 well documented that Ms. Muhammed does not live
17 there.

18 You know, I think that the spirit of
19 the whole mailer, you're going to, you know,
20 you're going to accept a returned mailer, but
21 you're not going to accept sworn statements that
22 somebody doesn't live there is comical, with all

1 due respect. You're going to accept a mailer,
2 but you're not going to accept sworn statements.
3 I think that, you know, that is -- sworn
4 statements is heavier, way heavier than a mailer.

5 Go ahead, sir.

6 CHAIRMAN THOMPSON: Mr. Donohue, thank
7 you so much. We understand the issue really
8 well. We'll take your comments under advisement
9 and reconsider whether our Board may have some
10 role in this -- in a process like this. Our
11 initial review and, I guess, and our second
12 review concluded that we do not. But, you know,
13 we heard you loud and clear. And, you know,
14 we'll take another look and take all your
15 comments under advisement. So thank you so much
16 for --

17 MR. DONOHUE: I do have one additional
18 question. The OANC, they do have the option of
19 withholding their allotment.

20 CHAIRMAN THOMPSON: I don't -- I can't
21 comment on that. I mean, I know that there's
22 this -- there was a gentleman there named

1 Gottlieb Simon for years, when I was a
2 commissioner, and I think there's a new person
3 there now at the Office of ANC, so you can go
4 down there and meet with them. You know, there
5 are --

6 MR. DONOHUE: I would also say that,
7 during the process of you changing these laws and
8 making --

9 CHAIRMAN THOMPSON: Thank you. Yeah,
10 we don't -- I mean, we don't need to discuss what
11 you might --

12 MR. DONOHUE: I mean, there is a
13 problem with the law here, but I --

14 CHAIRMAN THOMPSON: We're focused on
15 our role in the process, and we'll reconsider and
16 take your comments under advisement. So thank
17 you.

18 Let's see if there are any other
19 hands. Will they go to the top necessarily? We
20 have to scroll down, make sure.

21 Okay. So our next meeting is July
22 18th, where I believe we will consider whether

1 the voter initiative has resubmitted --

2 MS. BRIZILL: Mr. Chairman, this is
3 Dorothy Brizill, and I wanted to make a comment.

4 CHAIRMAN THOMPSON: Thank you. Yes,
5 Ms. Brizill, please, go ahead.

6 MS. BRIZILL: Mr. Chairman, I just had
7 two matters I wanted to raise with you. One is a
8 housekeeping matter on the Board of Elections
9 website. On the Board of Elections website,
10 there is a banner across the top that has a --
11 the title, ballot measures. And under that, it
12 provides for the posting of initiative measures
13 and referendum. And indeed, it then goes on to
14 say current measures.

15 Why doesn't the Board of Elections
16 post this current initiative that is before the
17 Board and also indicate what is in the DC
18 Register, informing citizens of how they can
19 appear before the Board or submit comments on the
20 proposed initiative?

21 MS. STROUD: Hi. This is
22 Terri Stroud. The Board will post it, in

1 addition to it being published in the DC
2 Register, which it is required to do under the
3 law.

4 MS. BRIZILL: What is particularly
5 concerning is that in order to comment on it, you
6 have to give the Board of Elections several days'
7 notice, and you don't know that unless you peruse
8 the DC Register.

9 Also, I would appreciate that, going
10 forward, since you say you're going to be
11 revising the website, that that is done.

12 My second matter has to do with a
13 hearing that is scheduled for next Monday, before
14 the City Council. I would like Ms. Evans to give
15 me an updated report on what the conditions are
16 at the warehouse. I noted and received a copy of
17 an enhancement request from her that was sent to
18 the executive office of the mayor, seeking a half
19 a million dollars to make some capital
20 improvements in the warehouse buildings. Can she
21 give me an update on what the situation is,
22 specifically regarding the toilet situation and

1 the lighting and the ventilation?

2 MS. EVANS: Yes, good afternoon,
3 Ms. Brizill. There are no updates. We did not
4 receive the enhancement request, but we are
5 working with DGS about alternatives. But nothing
6 has been decided, and there are no updates at the
7 moment.

8 MS. BRIZILL: Well, you say you're
9 working with DGS regarding alternatives; what
10 does that mean?

11 MS. EVANS: They came and met with us
12 at the warehouse, toured the space. We were able
13 to ascertain our needs as far as space
14 requirements, our needs as far as the number of
15 people who are working there, and our needs as
16 far as equipment. They were -- they took all of
17 that information down, and they are exploring
18 options. And so, once they have some options, we
19 will move forward. So, at this point, the ball
20 is essentially in their court now that they have
21 a full appreciation of what we need for that
22 operation center at the warehouse.

1 MS. BRIZILL: Can you give me some
2 idea of when that visit occurred? Was it in the
3 past week?

4 MS. EVANS: I believe, if you allow me
5 just a moment, I can tell you when that was. I
6 believe that meeting was on Tuesday -- I mean,
7 I'm sorry -- on Friday the 2nd of June.

8 MS. BRIZILL: The alternatives they
9 are exploring are improvements to the interiors
10 of the buildings or relocating the warehouse out
11 of those two buildings on V Street Northeast?

12 MS. EVANS: They're exploring both
13 options.

14 MS. BRIZILL: And so the half a
15 million dollars you're trying to get from the
16 mayor's office would do what? Is that for
17 relocation or is that for capital improvements?

18 MS. EVANS: That was for improvements.
19 That is not an official capital improvement
20 request. That came through as an enhancement
21 request. And so, if we need to do a capital
22 improvement request, then it would be a more

1 comprehensive ask, and it will likely be closer
2 to \$1 million.

3 MS. BRIZILL: So what was the half
4 million dollars intended for then?

5 MS. EVANS: That was for some initial
6 updates that would allow us to at least remain in
7 the space temporarily until a more permanent
8 solution was identified, in particular, lighting,
9 security, and bathrooms.

10 MS. BRIZILL: So you wouldn't have to
11 rent Porta-Johns anymore?

12 MS. EVANS: That was what the request
13 was for, correct.

14 MS. BRIZILL: Thank you.

15 CHAIRMAN THOMPSON: Okay. Thank you
16 so much, Ms. Brizill.

17 I'm looking for any other hands that
18 are up, and I don't see anybody. So it's been
19 about an hour, 20 minutes. So anything else
20 before we adjourn the meeting?

21 All right. With that, I would move we
22 adjourn.

1 MEMBER GREENFIELD: Second.

2 CHAIRMAN THOMPSON: All right. All in
3 favor?

4 (Chorus of aye.)

5 CHAIRMAN THOMPSON: All right. Thank
6 you, everybody.

7 (Whereupon, the above-entitled matter
8 went off the record at 11:54 a.m.)

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In the matter of: Board Meeting

Before: DC BOE

Date: 06-20-23

Place: teleconference

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