

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

+ + + + +

REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

JULY 3, 2024

+ + + + +

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

BOARD OF ELECTIONS MEMBERS PRESENT:

GARY THOMPSON, Chair
J.C. BOGGS, Member

BOARD OF ELECTIONS STAFF PRESENT:

MONICA HOLMAN EVANS, Director
TERRI STROUD, General Counsel
CHRISTINE PEMBROKE, Senior Staff Attorney
WILLIAM SANFORD, General Counsel, Office of Campaign Finance

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

2 (10:32 a.m.)

3 CHAIR THOMSON: Okay, well, good
4 morning, everybody. I hope you're having a great
5 almost holiday. It's a beautiful summer day and
6 we're just about there for a little break from
7 our busy, busy year. Happy 4th of July in
8 advance.

9 My name is Gary Thomson, the Chair of
10 the DC Board of Elections. With us here today is
11 board member J.C. Boggs, Karen Greenfield
12 couldn't make it, but we've got two out of three
13 and that is a quorum, so we are open for business
14 in our regular board meeting.

15 The first thing we do is adopt our
16 agenda, which has been distributed to everybody
17 and it's been duly noticed to the public. At
18 this time, I would move that we adopt the agenda
19 and I vote aye. J.C., I think we have to get --

20 MEMBER BOGGS: I second and aye.

21 CHAIR THOMSON: Okay so that passes.

22 Next, I also move we adopt the minutes from our

1 regular board meeting of June 12th.

2 MEMBER BOGGS: Second.

3 CHAIR THOMSON: Okay, on to board
4 matters. We are in the swing of things for the
5 general election cycle. A shout out to all ANC
6 Commissioners and those who would like to be an
7 ANC Commissioner, that window is now open for
8 nominating petitions to be picked up for those
9 who want to give a shot at the ANC. I did it for
10 eight years. It was very rewarding. I highly
11 recommend it. So, that process is now underway.

12 With that, I will turn it over to our
13 brilliant Executive Director, Monica Evans, for
14 the monthly report.

15 MS. EVANS: Thank you, Mr. Chair. The
16 executive director's report for June 2024 and, of
17 course, the first item of business is
18 certification of the June 4, 2024, primary
19 election results, 98,221 votes were cast. Voter
20 turnout was 25.93 percent.

21 All contest results and the complete
22 breakdown by party are listed on the DC BOE

1 website.

2 Received Highest Number of Votes Democrat

3 Presidential preference citywide: Joseph R.

4 Biden, Jr.

5 Delegate to the US House of Representatives:

6 Eleanor Holmes Norton.

7 At-Large Member of the Council: Robert

8 White.

9 Member of the Council Ward 2: Brooke Pinto.

10 Member of the Council Ward 4: Janeese Lewis

11 George.

12 Member of the Council Ward 7: Wendell

13 Felder.

14 Member of the Council Ward 8: Trayon White,

15 Sr.

16 United States Senator: Ankit Jain.

17 United States Representative: Oye Owolewa.

18 Received Highest Number of Votes Republican

19 Delegate to the US House of Representatives:

20 Myrtle Patricia Alexander.

21 Member of the Council Ward 8: Nate Derenge.

22 United States Representative: Ciprian

1 Ivanof.

2 National Committeeman Citywide: Jose

3 Cunningham.

4 National Committeewoman Citywide: Joanne W.

5 Young.

6 Ward 7 Chairman: Michael Bekesha.

7 Ward 8 Chairman: Nate Derenge.

8 Received Highest Number of Votes

9 Statehood Green Party

10 Delegate to the US House of Representatives:

11 Kymone Freeman.

12 At-Large Member of the Council: Darryl

13 Moch.

14 Write-in Contest Winners

15 Statehood Green Candidate Presidential

16 Nominee: Jill Stein.

17 Republican Candidate Member of the Council

18 Ward 7: Noah Montgomery.

19 Mr. Chair, I ask for a vote to certify

20 the complete June 4, 2024, primary election

21 results as stated and listed on our website.

22 CHAIR THOMSON: Thank you very much.

1 The Chair so moves that we certify those results
2 and the Chair votes aye.

3 MEMBER BOGGS: I second and aye.

4 MS. EVANS: Thank you for that. Onto
5 other matters, other June 2024 primary election
6 matters are as follows. First of all, I would
7 like to thank the DC Board of Elections staff
8 members, temporary workers, election workers and
9 interns. All played a significant role in the
10 successful primary election and we couldn't do it
11 without them.

12 We had 378,821 registered voters.

13 25 early vote centers were utilized
14 for early voting.

15 75 vote centers were utilized on
16 election day.

17 27,534 individuals voted in person
18 (28.03 percent).

19 70,687 voters used mail-in ballot
20 (71.97 percent).

21 We trained 1,000 election workers.

22 (Telephonic interference.) 592 were

1 assigned to work.

2 As of June 30, 41,841 mail ballots
3 were returned as undeliverable. We will follow
4 up with these ballots to assist us with our list
5 maintenance process. Our data services team has
6 been updating the voter registration database
7 using information provided by the US Postal
8 Service.

9 We conducted an audit on June 26,
10 2024. The full audit results are on our website.

11 All election results were verified within the
12 margins of error.

13 June engagements. From June 24
14 through June 26, I attended the 2024 annual
15 meeting for the multistate and elections
16 infrastructure information sharing and analysis
17 centers, and that would be MSISAC and EIISAC.
18 The target audience for the meeting was the US
19 state, local, tribal and territorial governmental
20 officials and the meeting aligned all who have a
21 role and interest in government and elections
22 infrastructure, information technology operations

1 and security.

2 The meeting provided attendees with an
3 opportunity to connect and collaborate with
4 relevant subject matter experts on best
5 practices, threats, risks and trends in cyber
6 security.

7 Voter registration rolls. In June, we
8 registered 1,534 new voters and processed 1,647
9 registration changes. In total, we prepared
10 3,181 voter registration cards to be mailed.
11 Additionally, 47 registered voters moved out of
12 DC, 19 voters canceled their DC registrations and
13 registered with other jurisdictions and 435
14 voters registered in DC after canceling their
15 registrations in other states.

16 Online voter registration. We are
17 continue to register voters using our website
18 portal. To date, we have processed over 52,152
19 applications using the portal. These include new
20 voter registrations and updates to existing
21 registrations.

22 Local Resident Voting Rights Amendment

1 Act. In June, we registered 55 non-citizens to
2 vote in local elections. Total non-citizens
3 registration is at 585. A total of 115
4 registered non-citizen residents voted in the
5 June primary.

6 2024 Election Cycle. The general
7 election calendar for the 2024 election cycle is
8 posted on our website, also the 2024 election
9 information landing page is currently active on
10 the home page. The candidate qualifying period
11 for the November 5, 2024 general election open
12 for state board of education seats and for
13 independent and minor party candidates on Friday,
14 June 14. For the non-partisan ANC contest, the
15 qualifying period opened on Monday, July 1st.
16 The qualifying deadline for all candidates is
17 Wednesday, August 7 at 5:00 p.m.

18 In many ways the general election will
19 mirror the primary. All registered DC voters
20 will be mailed a ballot. Voters may vote by
21 mail, in person or by depositing a ballot in a
22 mail ballot drop box. Again, DC BOE has 55 mail

1 ballot drop boxes that are placed throughout the
2 city. We will also operate 25 early vote centers
3 and a total of 75 election day vote centers.

4 Election Worker Division. In June,
5 the Election Worker Division conducted three
6 debriefing sessions with site coordinators to
7 solicit feedback from the primary election. The
8 division has also begun recruiting election
9 workers for the November general election.
10 Election worker training will begin on August 13.

11 Voter education and outreach. During
12 the month of June, the voter education and
13 outreach division conducted 14 outreach events on
14 behalf of the agency. Events included the
15 Pilgrim Baptist Church Juneteenth celebration,
16 the Taste of the DMV Festival and the DC
17 Volunteer Lawyers Project Legal Clinic.

18 Initiative Measure 83. On Monday,
19 July 1, a petition for Initiative Measure 83,
20 Rank Choice Voting and Open the Primary Elections
21 to Independent Voters Act of 2024 was timely
22 submitted to DC BOE. Within three days after

1 receiving the petition, DC BOE will prepare an
2 initial count of the signatures submitted. If
3 the initial count indicates that the petition
4 contains on its face the minimum number of
5 signatures required and meets other preliminary
6 requirements, DC BOE will accept the petition and
7 begin its own 30-day verification process and
8 post the petition for a 10-day challenge period,
9 during which any registered voter may challenge
10 the validity of signatures obtained on the
11 petition. That concludes my report. Thank you.

12 CHAIR THOMSON: All right, thank you
13 so much. I missed it, you mentioned the number
14 of non-citizens that voted in the primary, it was
15 100 and something?

16 MS. EVANS: That is correct, we had
17 115.

18 CHAIR THOMSON: 115, okay, all right.
19 Thank you so much. Turning to the General
20 Counsel's report from Terri Stroud.

21 MS. STROUD: Good morning, board
22 members and everyone. The first item on my

1 agenda is a proper subject hearing for the DC
2 Cash Payment Reparations Act. I'll just provide
3 an overview of the proper subject determination
4 process which is part of the overall initiative
5 process. At this meeting, the Board will conduct
6 a hearing to determine whether the proposed
7 initiative measure titled, The DC Cash Payment
8 Reparations Act presents a proper subject in the
9 District of Columbia.

10 Here in the District, voters are
11 permitted to participate directly in the
12 legislative process via the right of initiative.

13 The term initiative is defined in the District
14 Charter as the process by which the electors of
15 the District of Columbia may propose laws except
16 for laws appropriating funds and present such
17 proposed laws directly to the registered
18 qualified electors of the District for their
19 approval or disapproval. Pursuant to District
20 law, the Board, upon receipt of a proposal
21 initiative measure, must refuse to accept it if
22 it determines that the measure conflicts with or

1 seeks to amend the District Charter, the measure
2 conflicts with the US Constitution, the measure
3 has not been properly filed, the measure's
4 verified statement of contributions, which
5 consists of the state of organization and report
6 of receipts and expenditures was not timely
7 filed, the measure would authorize discrimination
8 in violation of the DC Human Rights Act or the
9 measure would negate or limit a budgetary act of
10 the council or the measure would impermissibly
11 appropriate funds under applicable DC Court of
12 Appeals rulings.

13 We have an initiative that was brought
14 to us by Mr. Addison Sarter on May 14. Mr.
15 Sarter is a registered voter in the District of
16 Columbia. According to its summary statement,
17 the measure would ensure that the DC Council puts
18 out a study showing how a one-time payment of
19 300,000 dollars to every Black household in DC
20 over the next 15 years would benefit the Black DC
21 residents. It would also ensure that the DC
22 Council holds a public hearing regarding the

1 study in which the public could testify.

2 The legislative text of the measure
3 contains a policy discussion of the racial wealth
4 gap in America and in the District. The
5 narrative also includes language that asserts
6 that the proposal would not appropriate funds
7 because it is simply a study and a public hearing
8 regarding the specific number of 300,000 dollars
9 one-time cash payments being distributed to every
10 Black household in DC over the next 15 years.

11 Shortly after receiving the measure, the Board
12 submitted a notice to the DC Register to inform
13 the public that the Board would hold a meeting on
14 July 3 to determine whether the measure presented
15 a proper subject. That notice was published in
16 the DC Register on May 31st.

17 On May 15th, the Office of the General
18 Counsel requested advisory opinions from the
19 attorney general for the District of Columbia and
20 the DC Council's General Counsel as to whether
21 the proposed measure met the proper subject
22 requirements as required by law. On June 6, both

1 the Office of the Attorney General and the
2 General Counsel for the council provided advisory
3 opinions on the measure. Both opinions concluded
4 that the measure was a proper subject of
5 initiative, specifically in addition to noting
6 that the measure met all other proper subject
7 requirements, the Office of the Attorney General
8 noted that the measure would not necessarily
9 violate the prohibition against proposing a law
10 appropriating funds.

11 The opinions stated that whether the
12 measure's mandate for the council creates
13 unbudgeted costs is a factual question that may
14 be determined conclusively only by the Office of
15 the Chief Financial Officer. That office has
16 previously opined that requiring the District to
17 conduct a study would have a fiscal impact.

18 However, any mandatory provisions requiring funds
19 would necessarily be subject to appropriations
20 under the General Legislative Procedures Act and
21 the attorney general went on to say that that act
22 could be reflected in the measure through the

1 addition of a clause that indicated that the
2 measure's effectiveness is subject to
3 appropriations and they included an their
4 drafting recommendations a subject to
5 appropriations section for use in the event that
6 the measure would be found to have a negative
7 fiscal impact.

8 As for the general counsel for the
9 council, that office determined that the measure
10 was proper stating that under the Board's recent
11 decisions, the measure would be a proper subject
12 of initiative if it contained a subject to
13 appropriations clause such that the proposed
14 initiative would not apply unless and until the
15 Council elected to fund it. I see that Mr.
16 Sarter is present and I just want to acknowledge
17 that he's here so we can highlight Mr. Sarter and
18 I wanted to determine whether or not any
19 representatives from either the Office of the
20 Attorney General or the General Counsel for the
21 Council were present. Okay, it appears that
22 while Mr. Sarter is here, no representatives from

1 either agency that provided the advisory opinions
2 is present.

3 We had a request for an individual
4 named Ronald Galvin, who requested to participate
5 in the hearing.

6 CHAIR THOMSON: Mr. Sarter, would you
7 like to comment for a couple minutes? If we
8 could unmute him. About three minutes. Why
9 don't you please go ahead, sir.

10 MR. SARTER: Hello, how are you doing?

11 Thank you for having me here today. Yeah, just
12 to follow up on what Ms. Stroud just said. This
13 would just simply be the measure as written, it
14 wouldn't appropriate any funds. It would just
15 simply be a study and a hearing, so it wouldn't
16 appropriate any funds, I just want to reiterate
17 that. Yeah, just Washington, DC a report put out
18 by the Washington Informer recently said that
19 Washington, DC is the most racially unequal city
20 when they compared it to all 50 states in
21 America, DC had the most racial inequality. Just
22 someone like Dr. King, Martin Luther King, Jr.,

1 towards the end of his life he was really
2 advocating for a type of reparations program and
3 said that there needs to be a radical
4 redistribution of economic power in order for
5 things to change.

6 So this study is just intended to pick
7 up where he left off in terms of realizing that
8 dream that he had, but again, it's just a study
9 and not appropriating any funds at the moment.
10 It's just a study.

11 As far as things going, I know one
12 argument against reparations is no one alive
13 today was a slave or anything like that, but just
14 last week a Native American tribe in California,
15 it was announced that they were going to be given
16 land back from a massacre from 160 years ago.

17 So, in my eyes, if we can pay reparations to
18 Native Americans as well as Japanese-Americans,
19 then this is definitely something that needs to
20 be studied and looked into. I appreciate you all
21 for hearing me out and thank you.

22 CHAIR THOMSON: Okay, General Counsel,

1 do you have a recommendation?

2 MS. STROUD: I do, Mr. Chair, and the
3 Office of the General Counsel has reviewed the
4 measure and we do not agree with the opinions of
5 the Office of the Attorney General and the
6 General Counsel for the Council. We do find that
7 the measure violates the prohibition on proposing
8 laws appropriating funds and the reasons for that
9 are as follows. By its terms, the measure would
10 require a hearing and mandate a study and this
11 Board, well not this Board, but the previous
12 Board, rejected a proposal that directed the
13 Council to hold a public hearing or round table
14 because that requirement ran afoul of the
15 prohibition on initiatives that appropriate
16 funds.

17 Even though the legislative text
18 provided that nothing in this initiative shall
19 direct the obligation of funds, and in that
20 order, the Board noted that hearings have costs
21 associated with them including personnel,
22 utilities and security and if the Council is

1 required to hold a hearing those associated costs
2 would have to be accounted for. The order
3 rejected the proposer's position that the measure
4 avoided an appropriations defect because the
5 Council holds hearings all the time and already
6 appropriates funds for this purpose and the
7 proposal by its own terms prevented the
8 obligation of funds. The order explained that
9 the proposal's mandate of hearings could not be
10 complied with if the Council declined to fund
11 such hearings.

12 In the opinion of OAG, the Office of
13 the Attorney General, the chief financial officer
14 indicated with respect to other legislation that
15 appropriated funds are needed to support a study.

16 So, hearings and studies cost money and to the
17 extent that the measure was intended to impose an
18 additional hearing or study requirements, that
19 would interfere with the Council's authority over
20 the budget.

21 The General Counsel for the Council
22 has stated that the proposed initiative would be

1 a proper subject of initiative if it contains a
2 subject to appropriation clause. This measure
3 does not and so it's a law appropriating funds
4 because it does not have the language that the
5 General Counsel for the Council suggests that
6 would be necessary in order for the measure to
7 pass muster. While the Office of the Attorney
8 General asserts that the measure could be amended
9 to include a clause that indicates that the
10 measure's effectiveness is subject to
11 appropriation, the Board does not have the
12 authority at this juncture to so amend the
13 measure. The Board could only prepare a measure
14 in the proper legislative form once it has been
15 deemed to present a proper subject and there is
16 court precedent that indicates that the Board
17 cannot read subject to appropriations language
18 into initiatives. That would be appropriate
19 under pertinent District case law.

20 For these reasons, it's my
21 recommendation that the measure be rejected as
22 not presenting a proper subject. So, that would

1 be my recommendation to the Board.

2 CHAIR THOMSON: All right, well thank
3 you for that. I appreciate that. Just to state
4 the obvious that everybody knows, we don't at
5 this phase look at the merits or the substance of
6 the proposed initiative, just like with
7 Initiative 83 or 82, we don't really consider
8 whether the proposed idea is wise or unwise.
9 We're just applying the threshold requirements
10 here and among other things, the proposed matter
11 cannot require appropriations.

12 I also noted that in the opinion from
13 the General Counsel to the DC Council, she writes
14 that initiatives that require expenditures are
15 impermissible and then posed as the hypothetical
16 that this initiative would be proper if it
17 contained a subject to appropriations clause,
18 which it doesn't. Then, in the opinion from the
19 attorney general, they cite some authority for
20 the point that requiring DC to conduct a study
21 would have a fiscal impact. They note that that
22 could be remedied with a subject to

1 appropriations clause they took the liberty of
2 suggesting in a draft, which is fine, but as
3 submitted it's a little bit more than a
4 technicality.

5 I appreciate the point that we can't
6 read into an initiative as proposed, a
7 conditional aspect of subject to appropriations,
8 so I'm constrained to agree that as submitted, it
9 doesn't clear the requirement. It could easily
10 be redrafted and resubmitted, Mr. Sarter. I
11 think what we're saying is this could just
12 basically be the subject of a subsequent amended
13 proposed initiative, but at least as drafted, I
14 don't think we can set aside the fact that it
15 technically does require appropriations. I say
16 all that by way of leaning to accept our general
17 counsel's requirement and before I make a motion,
18 let me ask my fellow board member, J.C. Boggs, if
19 he has any thoughts or questions or comments. We
20 might have to unmute him. There we go.

21 MEMBER BOGGS: Thank you, thanks,
22 Gary. I appreciate your good explanation. As

1 always, I think it's helpful in the process, but
2 I don't have anything to add.

3 CHAIR THOMSON: All right, well then
4 I'll go ahead and move at this time that we
5 decline the proposed initiative on the grounds
6 that it would require appropriations with the
7 caveat that Mr. Sarter is welcome to resubmit it.
8 Is there a second?

9 MEMBER BOGGS: I second.

10 MS. STROUD: All in favor?

11 MEMBER BOGGS: Aye.

12 CHAIR THOMSON: Aye. We both vote
13 aye.

14 MS. STROUD: With that, the Board has
15 rejected the proposed initiative measure titled,
16 DC Cash Payment Reparations Act, as it does not
17 present a proper subject of initiative. In light
18 of the Board's refusal to accept the measure, the
19 proposer may within 10 days from today, apply to
20 the Superior Court for the District of Columbia
21 for a writ in the nature of mandamus to compel
22 the Board to accept the measure. I just wanted

1 to make you aware of your rights under the
2 statute, Mr. Sarter.

3 That concludes this matter.

4 CHAIR THOMSON: All right. I just
5 wanted to thank Mr. Sarter again, as with the
6 last initiative, for thinking about important
7 issues and proposing them as ideas for voters to
8 consider. Think about this one, what we said in
9 terms of how it might be amended if you'd like
10 and one of your other options obviously is to
11 instead of appealing this, to just resubmit it.
12 Something to think about.

13 MR. SARTER: Thank you, thank you, I
14 appreciate it. Thank you for hearing me out and
15 I definitely will take that advice and will amend
16 the measure.

17 CHAIR THOMSON: Thank you.

18 MR. SARTER: Thank you.

19 MS. STROUD: Thank you, Mr. Sarter.

20 The next matter on my agenda is a referral
21 hearing involving Barbara Mason Duncan. I am
22 requesting that this be removed from the agenda

1 because Ms. Duncan is working with her attorney
2 and we are trying to resolve this matter or at
3 least come up with a stipulation order that will
4 be presented at the next meeting. This matter
5 will be taken up at the Board's next regular
6 meeting and it will either be a full hearing or
7 it will be a hearing based on the stipulation
8 agreement reached between the parties, the Office
9 of the General Counsel and Ms. Duncan. This will
10 not be taken up at today's meeting.

11 CHAIR THOMSON: All right, the Chair
12 accepts that recommendation and we'll defer it to
13 the next meeting if necessary.

14 MS. STROUD: Okay, thank you. The
15 next matter on my agenda is a referral hearing
16 regarding Mr. Ashish Kanswal. I will provide
17 background on how we got here today and then
18 Senior Staff Attorney Christine Pembroke will
19 present on the Office of the General Counsel's
20 investigation and the prehearing conference that
21 occurred and where we are at this point.

22 This matter arises out of evidence

1 that came to the Board's attention as a result of
2 a challenge filed to the nominating petition
3 submitted by candidate Ankit Jain, candidate for
4 the office of US Senator in the 2024 Democratic
5 party primary election. The Board ultimately
6 found that Candidate Jain did achieve ballot
7 access as his petition contained enough valid
8 signatures to achieve ballot access, but the
9 Board did see fit to discard 77 signatures on the
10 petition that was submitted in support of Mr.
11 Jain's candidacy that were attributed a
12 circulator involved in his ballot access effort,
13 named Mr. Ashish Kanswal.

14 These 77 signatures were attributed to
15 Mr. Ashish Kanswal and these were signatures that
16 the Registrar of Voters for the Board did not
17 already determine to be invalid as part of her
18 review of the challenge. The Board's decision to
19 discard these signatures was based primarily on
20 the fact that the Board credited the testimony of
21 Dr. Roy Fenoff, a handwriting expert, who
22 appeared at the challenge hearing on behalf of

1 the challenger, Trezell Ragas. Dr. Fenoff
2 testified that his review of both the 40 voter
3 signatures on four petition sheets circulated by
4 Circulator Kanswal, 276, 277, 278 and 291, and
5 the signatures in the circulator's affidavits on
6 those petition sheets led him to conclude that
7 several voter signatures on these pages and the
8 signatures in the circulator's affidavit for
9 these pages were likely made by the same hand.

10 At the hearing, the Board had reviewed the four
11 petition sheets at issue and agreed with Dr.
12 Fenoff that there was a strong likelihood that
13 the voter signatures on those four sheets and the
14 signatures in the circulator's affidavit on the
15 same were made by the same hand.

16 At the conclusion of the challenge
17 hearing, you noted, Mr. Chair, that the Board had
18 the authority to pursue the matter of apparent
19 forgeries in a separate proceeding involving Mr.
20 Kanswal. That brings us to today's hearing and I
21 will have Ms. Pembroke present on the Office of
22 General Counsel's investigation and what we

1 found.

2 MS. PEMBROKE: Thank you. Just to
3 follow up on what general counsel just explained,
4 because of the Jain challenge matter, the Office
5 of General Counsel initiated an investigation of
6 Mr. Kanswal. I initially undertook in that
7 investigation a review of 14 petition sheets that
8 he circulated focusing on the 10 sheets that were
9 not viewed by Dr. Fenoff.

10 With respect to those 10 sheets, there
11 was one sheet that showed similar handwriting as
12 had appeared on four sheets that were reviewed by
13 Dr. Fenoff. I have provided the Board with the
14 14 sheets as well as printouts of the signatures
15 from the voters in the voter roll on that fifth
16 sheet that seemed suspect, so the board members
17 can compare signatures on that fifth sheet to the
18 signatures that were on the voter roll.

19 In seven of the 10 signatures on that
20 page, at least in my lay opinion and, of course,
21 the Board is fully capable of reviewing that on
22 their own, but seven of the 10 signatures were

1 not similar to the signatures of voters as they
2 are in the voter roll and they displayed the
3 similarities that Dr. Fenoff had observed on the
4 four sheets that he reviewed, that is that the
5 signatures were very similar in handwriting to
6 the handwriting of Mr. Kanswal. The Board can
7 see the handwriting of Mr. Kanswal in the
8 circulator affidavits that he signed. He also
9 signed a non-registered circulator form. He has
10 a very distinctive signature pattern where he
11 starts in the left corner signature space and
12 writes diagonally across, rising across the
13 signature space to the right corner and then at
14 the end underscores the entire signature. Those
15 seven signatures on the fifth page show that
16 pattern. They were also unusual in that in most
17 cases the signature was only the first name of
18 the voter, which is not a typical thing we see
19 for voters signing petitions.

20 I know that board members have
21 reviewed many petition sheets so they can make an
22 opinion about that. If you compare how the

1 letters were formed, there are some striking
2 examples of the signatures on that one sheet
3 being very dissimilar from voter=

s signatures.

4 I also followed up on a claim by Ms.
5 Ragas in the Jain challenge matter that two of
6 the signers of the four sheets reviewed by Dr.
7 Fenoff were deceased and I reviewed the voter
8 roll and confirmed that based on the voter roll,
9 she had relied on online obituary information.

10 On the voter roll, those voters are indicated as
11 deceased. I also found that another voter who
12 had signed that fifth sheet was a deceased voter
13 at the time the petition sheets were signed.

14 After completing that review, I
15 scheduled a prehearing conference with Mr.
16 Kanswal for May 15. He was warned in writing and
17 orally of his possible incrimination and his
18 right to have counsel present. He did appear and
19 he did not deny that he was a circulator for
20 Candidate Jain, but when I began to ask him about
21 his signature gathering, he expressed an interest
22 in getting counsel, so the matter was continued

1 until June 17 to give him an opportunity to
2 obtain counsel.

3 On the eve of the June 17th
4 prehearing, he emailed me to say that his
5 attorney would not be present. He said that his
6 attorney had said he would not represent Mr.
7 Kanswal after Mr. Kanswal revealed the situation
8 to him and learned of the nature of the
9 allegations. Just for the record, I'd like to
10 read in to the Board what Mr. Kanswal stated in
11 the email he sent notifying me that he would not
12 have counsel at the June 17th prehearing.

13 "Regarding the matter at hand, I am bewildered as
14 to any wrongdoing on my part. As a volunteer, I
15 diligently followed instructions without
16 remuneration, solely motivated by personal
17 interests. Assurances from Ankit Jain allayed
18 any concerns citing his keen oversight of
19 signature verification. I must stress that I
20 lack the means to substantiate my claims beyond
21 my bank statement, which confirms no financial
22 compensation received for my involvement.

1 Despite attempts to contact Ankit Jain's team,
2 there has been no response or acknowledgment.
3 Rather than facing undue blame, I believe myself
4 to be (Telephonic interference.) a party in this
5 situation."

6 Based on the email sent by Mr.
7 Kanswal, I ask that this matter be set for a
8 hearing before the Board and he was notified of
9 today's hearing. I don't believe he is here, but
10 I can't see the entire list of attendees. I
11 don't see him.

12 CHAIR THOMSON: Yeah, I don't see him
13 either. Thanks for unmuting me.

14 MS. PEMBROKE: General counsel, do we
15 want to go over the statutes that are implicated
16 by this behavior?

17 MS. STROUD: Sure.

18 MS. PEMBROKE: Okay. The two primary
19 statutes that are involved here are official code
20 1-1001.08, which sets forth the requirement for
21 petition circulation and includes that petition
22 signatures must "be made by the person whose

1 signature it purports to be and not by any other
2 person and that circulators sign an affidavit
3 that states they personally circulated the
4 petition and personally witnessed each person
5 sign." That provision, if violated, can be
6 prosecuted by the Attorney General of the
7 District of Columbia. The penalties consist of a
8 fine of not more than 10,000 dollars and/or
9 imprisonment for not more than six months for
10 each occurrence of a violation.

11 There is also a code provision,
12 Section 22-2405, this is not in the election
13 laws, this is in the general criminal laws, that
14 criminalizes making false statements to the
15 government and, as noted previously, Mr. Kanswal
16 signed affidavits on each page that he
17 circulated, whereby he swore that he would follow
18 the petition circulation requirements which I
19 just brought.

20 CHAIR THOMSON: We also have our own
21 regulations that give us the separate authority
22 to impose a civil fine, correct?

1 MS. STROUD: That's correct.

2 CHAIR THOMSON: Do you all have a
3 recommendation?

4 MS. STROUD: Yes, Mr. Chair. In light
5 of the fact that I think that there is sufficient
6 evidence of unlawful activity, specifically the
7 violations of the statute that Ms. Pembroke
8 highlighted, by Circulator Ashish Kanswal to
9 justify the referral of this matter for further
10 investigation and criminal prosecution by the
11 Attorney General for the District of Columbia
12 and/or the United States Attorneys Office for
13 criminal investigation and prosecution, I
14 recommend that the Board grant permission to make
15 such a referral.

16 CHAIR THOMSON: Yes, I will make that
17 motion that we refer this for potential criminal
18 prosecution. I think we were a bit shocked at
19 the time to hear the facts that it appears that
20 Mr. Kanswal may have forged a substantial number
21 of signatures on these petitions. I think it's
22 appropriate to make the referral for the reasons

1 you stated.

2 MEMBER BOGGS: I second that.

3 CHAIR THOMSON: All in favor? Aye.

4 MEMBER BOGGS: Aye.

5 CHAIR THOMSON: Okay, anything else on
6 that matter before we move on to the litigation
7 status updates?

8 MS. STROUD: No, just to say that
9 based on the Board's vote, we will be referring
10 this matter for criminal investigation and
11 prosecution.

12 CHAIR THOMSON: Okay.

13 MS. STROUD: The next item on my
14 agenda is litigation status. We have five
15 matters and I'll be providing updates on these
16 five matters.

17 The first is Stacia Hall, et al., v.
18 DC Board of Elections and this is in the US Court
19 of Appeals for the DC Circuit. It's an appeal
20 from the US District Court's denial of a
21 challenge to legislation allowing non-citizens to
22 vote in local elections. The appeal was filed on

1 April 16. The solicitor general for DC filed a
2 notice of cross appeal and the cases have been
3 consolidated. Calls, brief and appendix are due
4 on July 23. The solicitor general's cross appeal
5 brief is due to August 22 and its reply is due
6 September 23. Calls reply is due October 15.

7 The next matter is District of
8 Columbia Democratic Party, et al., v. Muriel
9 Bowser, et al., and the Board. This is in the DC
10 Court of Appeals. This is an appeal from a
11 decision by the DC Superior Court denying
12 appellant's challenge to Initiative 83 for the
13 reason that it was untimely filed. The
14 appellant's filed their initial petition. The
15 appellee's unopposed request for an extension of
16 time to July 22 to file their initial brief has
17 been granted.

18 The next matter is Dr. Shiva Ayyadurai
19 v. Merrick Garland, et al, and the Board, the
20 defendant in this case as well. This is in the
21 US District Court for DC. This is an appeal from
22 the US District Court order rejecting

1 plaintiff/appellant's complaint for a declaration
2 that he is eligible to serve as President,
3 notwithstanding the constitutional natural born
4 citizen clause or alternatively that this
5 qualification matter is a non-justiciable
6 political issue for the voters. On May 15, the
7 DC Circuit Clerk ordered the appellant to file
8 his docketing statement and other initial
9 submissions by June 14. The clerk also ordered
10 that dispositive motions be filed by July 1,
11 2024, and they were by all parties.

12 The next matter is Long v. the DC
13 Board of Elections. This is in DC Superior
14 Court. This is the resubmission of a matter
15 previously dismissed without prejudice. Mr. Long
16 seeks 10,000 dollars in damages based on a claim
17 concerning an overdraft cost to his bank account
18 when a stock payment was imposed on a 500 dollar
19 check issued for his service as an election
20 worker. The case has been referred to an
21 associate judge. Where we are now is that at a
22 May 31, 2024 status conference, the plaintiff

1 requested mediation and that request was not
2 opposed. A mediation proceeding that had been
3 scheduled for June 25 has been rescheduled for
4 August 1, 2024.

5 The final matter is John Page v.
6 Monica Evans in the US District Court for the
7 District of Columbia. This involves a complaint
8 that seeks to prevent Donald Trump from appearing
9 on the ballot. The complaint alleges that the
10 recent Supreme Court decision in Trump v.
11 Anderson does not apply to DC because that
12 decision pertains to the rights of states under
13 the 14th Amendment and DC is not a state, but a
14 federal district. The Office of the Attorney
15 General filed a motion to dismiss on April 5 that
16 argues that the Board does not have the authority
17 in light of Trump v. Anderson to decide ballot
18 eligibility for presidential candidates because
19 that power is reserved to Congress.

20 The plaintiff replied on April 23,
21 arguing that Congress has delegated to the Board
22 control over presidential candidate access to the

1 ballot. On April 29, the OAG filed a motion for
2 leave to file and a surreply, I guess with why.
3 Those were accepted on May 2. On May 20, 2024,
4 the plaintiff filed motions to admit the Colorado
5 decision that was appealed in Trump v. Anderson
6 as well as the US House of Representatives report
7 on the January 6 events.

8 The Office of the Attorney General let
9 the court know that the plaintiff had not sought
10 the Office of the Attorney General's position on
11 the motion to admit, but did not oppose admission
12 of the court decision and the report and the
13 dispositive motion is pending.

14 That concludes my litigation status
15 report as well as my overall report.

16 CHAIR THOMSON: All right, thank you
17 very much. Moving on to the Office of Campaign
18 Finance, I believe, General Counsel William
19 Sanford will give us that report as well as his
20 own report.

21 MR. SANFORD: Thank you. Good
22 morning, Mr. Chair and distinguished Board Member

1 Boggs. My name is William Sanford. I will
2 provide an abbreviated version of the Director's
3 Report. The report will be published at the
4 Office of Campaign Finance website by close of
5 business later today.

6 During the month of June 2024, the
7 Office of Campaign Finance participated in the
8 following outreach events. On June 11, the
9 Office of Campaign Finance participated in a
10 community outreach event hosted by Francis On The
11 Hill organization in conjunction with the Mayor's
12 Office of Latino Affairs. On June 14, the Office
13 of Campaign Finance participated with the
14 Metropolitan Police Department, Department of
15 Parks and Recreation's late night community
16 outreach event. On June 18, the Office of
17 Campaign Finance held an information session in
18 partnership with the District of Columbia Public
19 Libraries at the Shaw Library Branch. On June
20 18, 2024, the Office of Campaign Finance
21 presented virtually at an advisory neighborhood
22 single member district 8F04. On June 27, the

1 Office of Campaign Finance attended virtually for
2 an advisory neighborhood commission single member
3 district 8D06 and on June 28, the Office of
4 Campaign Finance participated in the Wellness
5 Fair and community outreach event held at the
6 Zion Baptist Church.

7 From the Fair Elections Division
8 during the month of June, as of today's date,
9 there are 17 certified participating candidates
10 in the Fair Elections Program and the Office of
11 Campaign Finance has authorized disbursement of
12 a total of 2,512,253 dollars from the Fair
13 Elections Fund, the base amount and matching
14 fund.

15 During the month of June, the Fair
16 Elections Division conducted 57 desk reviews and
17 issued 14 requests for additional information.

18 In the public information and records
19 management division, there was a required report
20 due on June 10 and the reports filed were as
21 follows. The traditional program where a total
22 number of 22 reports required, a total of 14 were

1 timely filed, one extension was granted and seven
2 failure to file reports were referred to the
3 Office of the General Counsel.

4 With regard to political action
5 committees, there were 43 required filings, 38
6 timely filed and eight failure to file committees
7 were referred to the Office of the General
8 Counsel.

9 With regard to independent expenditure
10 committees, there were 11 required filings and 11
11 filed as timely filing.

12 With regard to the fair election
13 candidates, there were 22 required filers, 10
14 timely filed. There were six extensions granted
15 and six referrals were made to the Office of the
16 General Counsel.

17 In the Reports Analysis and Audits
18 Division, during the month of June, that division
19 conducted 34 desk reviews, issued 24 requests for
20 additional information and completed a few audits
21 which involved the following committees. The DC
22 Proud 2023 Inaugural Committee was issued a

1 compliance audit. The Committee to Elect Roscoe
2 Grant, Jr., ward 7, was also issued a compliance
3 audit.

4 In the Office of the General Counsel
5 during the month of June 2024, the Office of the
6 General Counsel received 21 referrals, completed
7 nine informal hearings and issued nine audits
8 which included the following: Four audits were
9 issued and no fines were imposed and five audits
10 were issued in which a total of 13,000 dollars in
11 fines were imposed.

12 During the month of June, the Office
13 of the General Counsel imposed fines against the
14 following respondents. A fine of 4,000 dollars
15 was imposed against The Economic and Protection
16 Party, a fine of 4,000 dollars was imposed
17 against the ward 5 democrats, a fine of 4,000
18 dollars was imposed against our friend, Brandon
19 Douglass' campaign committee, a fine of 500
20 dollars was imposed against ward 5 democrats and
21 a fine of 500 dollars was imposed against
22 Citizens for a Safer DC.

1 During the month of June 2024, the
2 Office of Campaign Finance collected one fine of
3 175 dollars from the District of Columbia
4 Insurance and Financial Advisors Pact.

5 During the month of June 2024, there
6 were two open investigations pending before the
7 Office of General Counsel and they include the
8 following: Docket number OCF F1 2024 003, it was
9 docketed on May 16. The complainant is Gayle J.
10 Sullivan. The respondent is Veda Rasheed for
11 ward 7 principal campaign committee. The
12 allegation was accepting excessive contributions.

13 That matter is still pending. The second
14 matter, Docket number OCF F1 2024 004, it was
15 docketed on June 18. The complainant is former
16 council member Tommy Wells, Chair of Neighbors
17 United for Ward 6 and the respondents are Ready
18 to Recall Charles Allen, DC Neighborhood Alliance
19 and the DC Republican Party. The allegation is
20 possible improper expenditures, an illegal
21 corporation and that matter is pending.

22 During the month of June, there was

1 one interpretive opinion issued by the Office of
2 the General Counsel. That was opinion number
3 2024 02. It was submitted June 25, 2024. The
4 requestor was Gregory Emerson, member of the DC
5 Police Union. The issue was whether the DC
6 Police Union is required to register as a
7 political action committee or in the alternative
8 an independent expenditure committee as they
9 placed a sign in ward 6 and other places in which
10 they are criticizing the activity of the current
11 ward 6 council member and other council members
12 regarding their reaction to the increased crime
13 rate. On June 13, the office issued an opinion
14 stating that the DC Police Union is not required
15 to register as a political action committee or in
16 the alternative, an independent expenditure
17 group. That opinion will be posted at the Office
18 of Campaign Finance website.

19 During the month of June 2024, no show
20 cause proceedings were conducted and the entirety
21 of this report and the Director's Report will be
22 published at the OCF website later today, on

1 today's date, July 3, 2024, and that should
2 conclude my report.

3 CHAIR THOMSON: All right, thank you
4 so much. Last, but not least, we love to hear
5 from members of the DC Public. You can go ahead
6 and raise your Zoom hands. We're going to ask
7 people to limit their comments to three minutes
8 and give us all your comments or any questions in
9 one session and then we'll do our best to respond
10 or answer if we can. I'm seeing Ms. Brizill's
11 hand raised so far, so why don't we unmute Ms.
12 Brizill to hear her comment.

13 MS. BRIZILL: Thank you, Mr. Chairman.
14 This is Dorothy Brizill with DC Watch. I just
15 have a general question. When will the DC Board
16 of Elections website be up to what it was at one
17 prior to the security breach? I note to the
18 Board that currently there is no search function
19 on the BOE website, moreover, I would ask that a
20 review be made of information that is currently
21 posted on the website. Somehow information
22 regarding past issues and cases of the Board have

1 been dropped from the website.

2 Moreover, I would ask that in a new
3 and revised website that the text of referendum
4 and initiative measures that are before the Board
5 be posted on the Board of Elections website so
6 one can easily review and not have to run to the
7 DC Register to find them.

8 The other thing I would ask the Board
9 in addition to looking at the website and
10 improving it, is that when the general counsel
11 has cases that she wants to reference as part of
12 her report for the Board, that she give the full
13 citation of the individual cases so that they are
14 more easily found in whatever court they may be
15 heard.

16 Finally, I would ask where does the
17 Board provide the tabulation in terms of the vote
18 count for non-citizens voting? I know that
19 non-citizens are given a different ballot and go
20 through a different voter registration process,
21 but I would be curious to know where can one find
22 the non-citizens who voted, especially what wards

1 or precincts they voted in. Where does the
2 Board of Elections count or tabulate the votes of
3 incarcerated individuals, who participate in an
4 election? Thank you.

5 CHAIR THOMSON: All right, thank you
6 so much. I think Director Evans could respond.

7 MS. EVANS: Yes and good morning and
8 thank you, Ms. Brizill, for those questions. The
9 first question regarding website and when it will
10 be back up to its original functionality. We are
11 in the process of making those edits. As far as
12 the search feature, it was my understanding that
13 the search feature has just been relaunched, so
14 you should be able to currently find that on the
15 website. We are working with our vendor to
16 ensure that everything is back to its original
17 status. It's been a little challenging during an
18 election season with us trying to get current
19 information up, but then also trying to get
20 archived information up, but I am told that that
21 is progressing.

22 As far as the referendum and

1 initiative information being posted on the
2 website, I'll allow our general counsel to
3 respond to that and then I will move back to the
4 rest of your questions.

5 MS. STROUD: Yes, on the ballot
6 measures portion of the website in the Current
7 Measures section, we currently have the following
8 measures. We have the Ranked Choice Voting and
9 Open the Primary Elections to Independent Voters
10 Act of 2024. We have the Human Environment Block
11 Up Plan. We have the Vermelle Paid Maternity
12 Leave Act. We have the DC Cash Payment
13 Reparations Act. We have the notices of these
14 hearings also on that page. We also have the
15 advisory opinions received by the Office of the
16 Attorney General and the General Counsel for the
17 Council and that is on the Ballot Measures page
18 of the website.

19 MS. EVANS: As far as the non-citizen
20 voting information, we actually just those
21 numbers and so as far as where that can be found,
22 it is not posted yet, but that will be

1 prominently displayed on the website as well.
2 The information about the incarcerated voters
3 will be found on our website as well. I can make
4 sure that you receive specific links. I will
5 talk to my Communications Director and we can
6 ensure that you have full access to that
7 information as it's posted.

8 CHAIR THOMSON: All right, thank you
9 so much. Would anybody else out there like to
10 make a comment? Just raise your Zoom hand.
11 We'll give it a little time in case you're having
12 a technical issue. All right, well, I'm not
13 seeing any Zoom hands come up.

14 I think our next meeting is Wednesday,
15 August 7. We may or may not be called upon to
16 consider the I83 petitions, I'm not sure if that
17 will coincide or be a special meeting, but that's
18 probably on our horizon as well. Not seeing any
19 other hands, I will wish everybody a fabulous at
20 least one day break, maybe two for some or a
21 four-day weekend, enjoy and be safe. With that,
22 I move that we adjourn.

1 MS. STROUD: Mr. Chair, I'm sorry.

2 CHAIR THOMSON: Yes.

3 MS. STROUD: Just wanted to state
4 publicly that the Voter Services Division is
5 currently working through the signatures to
6 ensure or to determine whether or not there is a
7 minimum number of signatures needed citywide. In
8 the event that the Voter Services Division finds
9 that there is a sufficient number of signatures,
10 the petition will be posted beginning tomorrow,
11 July 4. So, actually just wanted to say publicly
12 that we will, in all likelihood, be open
13 tomorrow. That is not indicated on our calendar,
14 but because the initiative was filed on July 1
15 and we have three days, as the Executive Director
16 indicated, to determine whether or not there are
17 a sufficient number of signatures to proceed to
18 the Board's independent verification phase, we
19 will be, if necessary, posting the petition
20 tomorrow, so we will be open tomorrow for the
21 posting and the onset of a potential challenge
22 period.

1 CHAIR THOMSON: Well then once again,
2 to the point that we are one of the hardest
3 working agencies out there, if not the hardest
4 working, thank you to those who will be at work
5 tomorrow on July 4th to man the stations in case
6 there's a challenge submitted. We really
7 appreciate that among other things I'm sure that
8 are happening tomorrow as well at the BOE, it's
9 really impressive the commitment that we have, so
10 thank you.

11 All right, thus I move to adjourn. It
12 looks like there's a thumbs up from J.C. and all
13 in favor that's two thumbs up and with that,
14 everybody have a great break.

15 (Whereupon, the above-entitled matter
16 went off the record at 11:39 a.m.)

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This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DC BOE

Date: 07-03-24

Place: teleconference

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