

MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING

January 15, 2025

The District of Columbia Board of Elections (“the Board” or “DCBOE”) held its Regular Monthly Meeting on Wednesday, January 15, 2025 via Zoom and in the Board’s Hearing Room, located at 1015 Half Street, SE, Washington, D.C. 20003, Suite 750. Board Chairman Gary Thompson and Board Member Karyn Greenfield were present. The Board’s Executive Director, Monica Holman Evans (“Director Evans”), General Counsel Terri Stroud, the Director of the Office of Campaign Finance (“OCF”), Cecily Collier-Montgomery, and OCF General Counsel, William SanFord, were also present.

I. CALL TO ORDER

The meeting was called to order at 10:32 a.m.

II. ASCERTAINMENT OF QUORUM

Board Chair Thompson and Board Member Greenfield constituted a quorum.

III. ADOPTION OF AGENDA/APPROVAL OF MINUTES

BOARD ACTION: The Board unanimously adopted the agenda and minutes from the last meeting held on December 2, 2024.

IV. BOARD MATTERS

A. Acknowledgement of Board Member JC Boggs

Chairman Thompson acknowledged the departure of Board Member JC Boggs, who has moved abroad. The Board expressed gratitude for his contributions and wished him well.

V. DIRECTOR’S REPORT (DIRECTOR EVANS)

A. General Matters

The 2024 General Election was successfully completed with all locations opening and closing on time.

B. Budget Review

The Budget Review Team convened in December to present the Fiscal Year 2026 budget. The team has requested funding to upgrade systems and replace equipment ahead of the next election cycle.

C. Recount in the Election for Advisory Neighborhood Commissioner (ANC) in Single

Member District (SMD) 3/4G05

A recount was completed on December 12, 2024 for ANC SMD 3/4G05. DCBOE recounted ballots cast in Precinct 50. The recount did not change the election outcome, and Karrenthya Simmons remains the winner.

D. 2026 Election Planning

DCBOE is reviewing the 2024 election exploring areas of improvement in processes and assessing equipment needs. DCBOE is reviewing the Automatic Voter Registration Expansion Act and updating the Election Worker Training Manual. Development of the 2025 Voter Education Outreach Plan is underway, alongside assessments of Vote Center and Mail Ballot Drop Box locations. DCBOE continues to work with the Electronic Registration Information Center, the Department of Motor Vehicles, the US Postal Service and the Department of Health Vital Records to verify and cross-check data ensuring the accuracy of the voter registration database.

DCBOE is also conducting our biennial mail canvas to confirm the residential addresses of voters who are eligible but did not participate in the 2024 general election. This involves mailing a first-class postcard to the mailing addresses listed in our records. We are currently finalizing the address confirmation postcards and plan to mail approximately 135,000 postcards.

In technology and cybersecurity, DCBOE is identifying necessary infrastructure upgrades and conducting a nationwide cybersecurity risk assessment. The Election Worker Division has held debriefing sessions for site coordinators.

E. Voter Registration Rolls

In December, the Board registered 4,515 new voters and processed 8,852 registration changes. In total, 13,367 voter registration cards were prepared to be mailed. 460 registered voters moved out of D.C., 578 voters canceled their D.C. registrations and registered with other jurisdictions, and 2,173 voters registered in D.C. after canceling their registrations in other states.

We are continuing to register voters using our website portal. To date, we have processed over 95,407 applications using the portal, including new voter registrations and updates to existing registrations.

F. Local Resident Voting Rights Amendment Act

In December, one non-citizen registered to vote in local elections. Total non-citizen registration is at 979.

G. Restore the Vote Legislation

1,173 residents were registered to vote in the Federal Bureau of Prisons with 654 of those having voted. That amounts to 253 more registrations and 251 more voters compared to the 2022 general election. Statistics from the Department of Corrections are currently being tabulated. BOE will soon meet with the Federal Bureau of Prisons as well as our other government community partners to discuss the 2024 election cycle.

H. ANC Vacancies

There are currently 31 ANC vacancies for this term, with these positions at various stages of being filled. Once the candidate filing requirements are satisfied, an open vote by registered voters of the affected SMD will take place during the regularly scheduled ANC meetings.

V. GENERAL COUNSEL’S REPORT (TERRI STROUD)

A. Referral Hearing

1. In re: Mattan Johnson - The Office of the General Counsel presented evidence of Mr. Johnson submitting multiple fraudulent voter registration applications and attempting to vote illegally. The General Counsel recommended referring the matter to the Attorney General for D.C. and the U.S. Attorney’s Office for criminal investigation, and imposing a \$12,000 civil fine.

BOARD ACTION: After deliberation in executive session, the Board unanimously decided to refer the matter to the Office of the Attorney General for the District of Columbia for potential criminal prosecution and imposed a civil fine of \$6,000. Additionally, the Board accepted the conditions offered by Mr. Johnson's counsel to confirm attendance in therapy and to have a forensic examination of Mr. Johnson’s digital devices conducted by an independent party.

B. Litigation Status

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

This is an appeal from the U.S. District Court’s denial of the appellant's challenge to legislation allowing non-citizens to vote in local elections. On January 6, the plaintiffs filed their reply cross-appeal with declarations concerning their interest in elections where non-citizens vote. The Solicitor General's cross-appeal reply is due on February 19, 2025.

2. **Charles Wilson v. Muriel Bowser, et al. (D.C. Court of Appeals)**

This case involves an appeal from the D.C. Superior Court’s denial of the appellant's challenge to Initiative Measure No. 83 on the grounds that it was untimely filed. There has been no new activity since the Board's December 2,

2024 meeting.

3. Jason Christopher Long v. D.C. Board of Elections (U.S. District Court for D.C.)

This is the resubmission of a case previously dismissed without prejudice. Mr. Long seeks \$10,000 in damages for an overdraft fee caused by a stop payment on a \$500 check issued for his service as an election worker. On November 26, 2024, Mr. Long requested the case be removed to federal court, claiming procedural violations. The Superior Court closed the matter and vacated a status hearing scheduled for February 21, 2025.

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

This matter involves the review of the Board's certification of Initiative Measure No. 83. The petitioner filed a reply on December 10, 2024 to the Board's initial brief which was filed on November 27, 2024.

5. Calvin Gurley vs. D.C. Board of Elections (D.C. Superior Court)

On November 18, 2024, Mr. Gurley filed a complaint challenging Initiative Measure No. 83 on various grounds. An initial status hearing has been set for February 21, 2025. In early January, the Board's Office of General Counsel filed a motion to dismiss.

6. Jeffrey Young-Bey vs. D.C. Board of Elections (D.C. Court of Appeals)

On November 18, 2024, Young-Bey, an inmate at the DC Department of Corrections, filed a *pro se* action in the D.C. Court of Appeals in which he sought to challenge the outcome of the 2024 general election concerning the ANC SMD 7F08 seat. On November 27, 2024, the court ordered the petitioner to show cause within 20 days why his action should not be dismissed, as the Board had not yet certified the election results. Young-Bey filed an amended petition for review on December 11, 2024, which was after the December 9 filing deadline for appeals from the Board's certification. On December 18, 2024, the Board's Office of General Counsel filed a motion to dismiss the matter on timing grounds or, alternatively, to affirm the election results, along with the agency record. The court ordered Young-Bey to respond to the Board's motion on December 19, 2024. Young-Bey filed his response on December 23, 2024. Subsequently, on December 31, 2024, the court issued an order dismissing the case on the merits but declined to dismiss on timing grounds. On January 3, 2025, the Board's Office of General Counsel sought a rehearing of the court's decision regarding the timing issue.

7. Sobin v. D.C. Board of Elections (D.C. Court of Appeals)

Dennis Sobin petitioned to overturn the 2024 election results for the ANC SMD 2A09 seat. On December 12, 2024, the Board's Office of General Counsel filed a motion for summary affirmance, a motion to strike extra-record materials included in Sobin's petition, and the agency record. Sobin filed an opposition to the Board's motions on December 16, 2024. The Board responded to Sobin's opposition on December 17, 2024. On December 26, 2024, the court issued a judgment of affirmance. Subsequently, on December 27, 2024, Sobin filed for *en banc* review. On January 3, 2025, the Board's Office of General Counsel filed a motion for leave to oppose Sobin's *en banc* petition and submitted the opposition thereto.

8. Henderson v. D.C. Board of Elections (D.C. Court of Appeals)

On December 9, 2024, Kathy Henderson filed a petition in the DC Court of Appeals seeking to overturn the certified election results for the ANC SMD 5D06 contest. On December 12, 2024, the Board's Office of General Counsel filed a motion for summary affirmance and the agency record. Henderson filed an opposition to the Board's motion on December 16, 2024. On December 18, 2024, the court issued an order construing the Board's summary affirmance motion as a motion to dismiss and granted the motion. Henderson subsequently requested both a rehearing and an *en banc* hearing on December 19, 2024. The court denied these requests on December 20, 2024.

9. Nordan v. D.C. Board of Elections (D.C. Court of Appeals)

On December 9, 2024, Nordan petitioned the court to overturn the certified election results concerning the contest for ANC SMD 3E07, seeking to be declared the winner of that seat. On December 12, 2024, the Board's Office of General Counsel filed a motion for an order declaring vacancies in 307 and 308, a motion to expedite, and the agency record. Over the course of two days on December 13 and 16, Nordan submitted filings contesting the Board's motion, arguing that ballots cast in 3E08 could and should be allocated to her. On December 18, 2024 the Board's Office of General Counsel filed a reply to Nordan's filings, and on December 27, 2024, the court issued a judgment affirming the outcome of the election.

10. Sobin v. D.C. Board of Elections (U.S. District Court for D.C.)

Sobin filed a complaint alleging that the petition circulation process requiring candidates to gather signatures and support of their ballot access efforts violates the Americans with Disabilities Act.

VI. CAMPAIGN FINANCE REPORT (CECILY COLLIER-MONTGOMERY)

A. Fair Elections Program (“FEP”) Division

1. Authorized Base Amount

a) 2024 Election Cycle

There were 20 certified participating candidates in the FEP. OCF has authorized the disbursement of the total sum of \$2,830,041.15 from the FEP fund in base amount and matching payments. The 2024 election cycle closed on November 5, 2024.

2. Candidates Certified/Disbursements Made During the Month of October and November for the 2024 Election

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

3. Desk Reviews and Other Activities

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

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

1. R&E Reports

There was one filing date for R&E Reports in December: December 10 for Traditional Candidate Committees, Political Action Committees, and Independent Expenditure Committees.

The division referred 28 matters of reporting violations to the OGC, all for the failure of committees to timely file their December 10 R & E Reports.

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

1. Desk Reviews and Other Activities

a) 67 desk reviews of R&E Reports were conducted and 9 RFAI letters were sent.

2. Audit Issued

a) The Compliance Audit Report for Mayor Bowser’s Constituent Services Fund was issued on December 18, 2024.

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

1. Monthly Intake/Output Report

During December, OGC received 32 referrals, completed seven informal hearings, and issued seven orders. In four orders no fines were imposed and three orders imposed fines of \$150 against Nate Fleming for Ward 7, \$50 against the Committee to Elect Nate Fleming, and \$50 against Rob Simmons for DC.

2. Open Investigations

None

3. Show Cause Proceedings

None.

VII. PUBLIC COMMENT

No public comments were made.

VIII. ADJOURNMENT

The meeting was adjourned at 12:41 a.m.