

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ELECTIONS

+ + + + +

REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

DECEMBER 6, 2023

+ + + + +

The District of Columbia Board of Elections convened via Video/Teleconference, pursuant to notice at 10:34 a.m. EST, 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, Office of Campaign

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

2 10:34 a.m.

3 CHAIR THOMPSON: Okay. Good

4 morning, everybody. I see a lot of people by  
5 Zoom. Hopefully you can hear me okay. My name  
6 is Gary Thompson. I'm the Chair of the D.C.  
7 Board of Elections. And welcome to our regular  
8 monthly meeting for the month of December 2023.

9 We're being recorded on Zoom. And  
10 there's also a court reporter present, I can  
11 see. Also, today's meeting is by Zoom only.  
12 And I do see that our -- my fellow board  
13 members, Karyn Greenfield and J.C. Boggs, are  
14 present. So we have all three board members.  
15 We have a quorum.

16 And our first order of business is  
17 to adopt our agenda, which was published in  
18 advance. We've all had a chance to look it  
19 over. At this time, I would move that we adopt  
20 the agenda.

21 MEMBER GREENFIELD: I second.

22 CHAIR THOMPSON: All in favor?

1 (Chorus of aye.)

2 CHAIR THOMPSON: Okay. The agenda's  
3 adopted.

4 Another quick housekeeping matter.  
5 We've also had a chance to review the minutes  
6 from our last meeting of November 8th. There's  
7 a transcript of that available, as well, on our  
8 website. At this I time, I would move that we  
9 adopt our minutes.

10 MEMBER GREENFIELD: I second.

11 CHAIR THOMPSON: All in favor?

12 (Chorus of aye.)

13 CHAIR THOMPSON: Okay. That's the  
14 easy stuff. On board matters, I don't have  
15 anything to bring up. Anything from my fellow  
16 board members at this time?

17 MEMBER GREENFIELD: No. I don't  
18 have anything.

19 CHAIR THOMPSON: Okay. Well, then,  
20 in that case, on to the Executive Director's  
21 report, Monica Evans.

22 MS. EVANS: Thank you, and good

1 morning.

2 I will begin my November 2023 report  
3 with allegations regarding violations of sexual  
4 harassment laws. During the December counsel  
5 roundtable held on October 31, statements were  
6 entered into the official record regarding  
7 repeated violations of sexual harassment laws  
8 by BOE. We take such allegations very  
9 seriously. Therefore, in November, we opened  
10 an official investigation to look into the  
11 matter. BOE's Sexual Harassment Officer  
12 reached out to staff to share information and  
13 solicit feedback. Additionally, BOE reached  
14 out to the party who made the allegations. We  
15 received no response. The investigation was  
16 closed without any evidence of sexual  
17 harassment or violations of sexual harassment  
18 laws found.

19 Data breach. As reported in  
20 November, BOE became aware that a hacking group  
21 known as Ransomed.vc claimed to have breached  
22 BOE's records and accessed 600,000 lines of

1 U.S. photo data, including D.C. voter records.  
2 The incident occurred as the result of a  
3 compromise to DataNet, our website hosting  
4 provider. An update is as follows: Booz Allen  
5 Hamilton has been assigned to work with  
6 DataNet. DataNet will provide the Booz Allen  
7 analysis summary to the Office of the Attorney  
8 General by December 18th. And that's the  
9 deadline. Booz Allen is projecting to have  
10 this finalized sooner than the deadline, and a  
11 copy will be provided to BOE once it is  
12 completed.

13 As far as our website status,  
14 DataNet released the latest version of the  
15 Kentico Experience Platform on November 15. On  
16 November 28, the BOE completed website testing  
17 and requested DataNet to conduct an environment  
18 scan through Octo. On November 30, Octo  
19 confirmed the scan's completion, revealing two  
20 vulnerabilities. On November 4, DataNet  
21 confirmed a successful completion of the  
22 website scan by Octo with all identified issues

1 addressed. Octo provided approval for release,  
2 clearing the website to go live. BOE approved  
3 production and the new website went live on  
4 December 5th.

5 Additionally, DataNet finalized the  
6 relaunch of the Check Your Voter Registration  
7 Status module. A demonstration took place on  
8 December 1. The ability to check voter  
9 registration status is expected to be  
10 operational by the end of this week.

11 Breach notification. BOE gave  
12 DataNet suggested modifications to the breach  
13 notification letter, and that letter will be  
14 sent to D.C. voters. DataNet is working with  
15 the Office of the Attorney General to finalize  
16 the necessary notifications and determine  
17 optimal delivery methods. Once legal counsel  
18 at DataNet and the OHE finalize the  
19 notification letter, it will be sent to BOE.

20 As previously stated, BOE set up an email  
21 account where residents can ask questions about  
22 the breach. And that email is:

1 questions@dcboe.org.

2           Throughout this process, it remains  
3 safe and secure to register to vote in the  
4 District of Columbia. D.C. residents can still  
5 register to vote online by using a paper form  
6 or in person at BOE offices.

7           Precinct mapping. As required by  
8 regulations, the Board is looking at our  
9 current precinct boundaries to divide the  
10 district into appropriate voting precincts  
11 based on our election wards. A file has been  
12 sent to Octo to verify the SMDs and precinct  
13 alignment. As I mentioned last month, the  
14 precinct mapping plan has been sent to Counsel  
15 Member Bonds for review and we are awaiting  
16 feedback.

17           ANC vacancies. We currently have 13  
18 ANC vacancies for the 2023, 2025 term. These  
19 positions are in different stages of being  
20 filled. And after the candidate filing  
21 requirements are met, an open vote of  
22 registered voters of the affected ANC will be

1 held during a regularly scheduled ANC meeting.  
2 We have been working with the Department of  
3 Corrections to fill the vacancy at the ANC that  
4 represents the D.C. Jail. And that's 7F08.  
5 And that election is scheduled to be held on  
6 December 13.

7 List maintenance. Our 2023 list  
8 maintenance process is still actively underway.  
9 A non-forwardable postcard was sent to every  
10 voter who did not vote in the November 2022  
11 general election. Based on that data, we  
12 mailed a second postcard that was forwardable  
13 to those individuals. The forwardable postcard  
14 was also mailed to voters who had a ballot  
15 returned as undeliverable in 2022. To date, we  
16 have removed 65,544 voters from our voter  
17 rolls. An additional 37,962 inactive voters  
18 will be removed from our voter rolls on  
19 December 12. We have moved another 92,772  
20 active voters to an inactive status. Based on  
21 reports we received regarding deceased voters,  
22 we should be able to remove an additional 5,000

1 voters from our voter rolls in December.

2 Our Communications and Outreach  
3 Divisions are working to establish partnerships  
4 with local universities to aid in maintaining  
5 the accuracy of our voter roll. These  
6 divisions are identifying ways to utilize  
7 university registrars, alumni associations, and  
8 housing offices in this process. They are also  
9 exploring ways to leverage university  
10 newsletters, mailing lists, and graduation  
11 ceremonies.

12 2024 election cycle year planning.  
13 Our draft, primary, and general elections  
14 calendars for the 2024 election cycle are  
15 posted on our website. Our election equipment  
16 vendor, ES&S, began onsite preventative  
17 maintenance in software upgrades on November  
18 27th.

19 Local Resident Voting Rights  
20 Amendment Act. VR systems is providing a  
21 database solution to house noncitizens who  
22 registered to vote in local elections. Our

1 current timeline to implement the database to  
2 register noncitizens for local elections is  
3 January 2024. However, noncitizens may  
4 currently register to vote in our offices using  
5 a paper registration form.

6 2024 voting options. During the  
7 2024 election cycle, all registered D.C. voters  
8 will receive a mail-in ballot. Voters may vote  
9 by mail, in person, or by depositing a ballot  
10 in a drop box. BOE will have 55 mail ballot  
11 drop boxes that will places throughout the  
12 city. We will also operate 25 early vote  
13 centers and a total of 75 election day vote  
14 centers.

15 Accessibility. We are conducting an  
16 accessibility survey of all perspective vote  
17 centers before the 2024 primary election,  
18 regardless of whether they have been used  
19 previously or not, to ensure that vote centers  
20 remain accessible. We are partnering with  
21 Disability Rights at University Legal Services  
22 and the Office of Disability Rights to conduct

1 surveys. As is our practice, we will also  
2 partner with DGS to ensure that vote centers  
3 are structurally accessible. Our election  
4 worker training division is revising the  
5 election worker handbook and the training  
6 curriculum based on recently passed  
7 legislation. During the 2024 election cycle,  
8 our goal is to recruit and train between 2,000  
9 and 2,500 election workers. And we will deploy  
10 approximately 1,700 election workers to serve  
11 at vote centers. Election worker training will  
12 begin on March 12th, 2024. And election  
13 workers are also able to access an online  
14 training module to complement the required in-  
15 person training matters -- or classes. Excuse  
16 me.

17 Voter education and outreach.  
18 During the month of November, the Voter  
19 Education and Outreach Division conducted 14  
20 outreach events on behalf of the Agency.  
21 Events included the First Responders Career  
22 Expo at the D.C. Army National Guard and Davis

1 Boxing Promotion at the Entertainment and  
2 Sports Arena.

3 Voter registrations rolls. In  
4 November, we registered 2,312 new voters and  
5 processed 3,333 registration changes. In  
6 total, we prepared 5,645 voter registration  
7 cards to be mailed. Additionally, 5,228  
8 registered voters moved out of D.C.; 419 voters  
9 canceled their registrations and registered  
10 with other jurisdictions; and 995 voters  
11 registered in D.C. after canceling their  
12 registration in other states. We are  
13 continuing to register voters using our website  
14 portal. To date, we have processed over 40,054  
15 applications using the portal. These include  
16 new voter registrations and updates to existing  
17 registrations. And that concludes my report.

18 Thank you.

19 CHAIR THOMPSON: Okay. Yeah. And I  
20 also wanted to highlight something that the  
21 Director mentioned is on our website. You can  
22 find a calendar of important dates and

1 deadlines pertaining to the June 4th, 2024  
2 primary election. And we are already a couple  
3 of dates into the calendar. So the election  
4 cycle has started. Last Wednesday, November  
5 30th, we determined four parties to be eligible  
6 to conduct congressional and council primary  
7 elections: namely Democrat, Republican, D.C.  
8 statehood, and Green parties. And it looks  
9 like tomorrow is the last day for those major  
10 parties to file a notice of intent to conduct a  
11 presidential preference primary and a  
12 comprehensive party plan for the selection of  
13 delegates and alternates to the national party  
14 conventions.

15 Now, I just was curious if you could  
16 maybe clarify the -- I think in some cases, the  
17 party conducts an open election in their  
18 primary. But in other cases, there's another  
19 alternate means where they convey their chosen  
20 candidate.

21 MS. STROUD: Yes. The parties can  
22 avail themselves of the District's primary

1 system or they can choose to select their  
2 candidates through their own means. So if they  
3 choose to -- for us to conduct their  
4 presidential preference primary election, then  
5 there are rules and regulations by which they  
6 have to abide. But they can also have their  
7 own means of selecting their candidates that  
8 will appear on the ballot.

9 CHAIR THOMPSON: And we'll find out  
10 tomorrow?

11 MS. STROUD: Yes.

12 CHAIR THOMPSON: All right. Okay.  
13 And also, I think -- I think you mentioned that  
14 noncitizen registration is now open for paper  
15 registrations here in our offices at 1015 Half  
16 Street SE?

17 MS. STROUD: That is correct.

18 CHAIR THOMPSON: And then, in  
19 January, I don't know exactly what day, you'll  
20 -- noncitizens will be registered to vote  
21 online or through other digital means?

22 MS. STROUD: That is correct.

1 CHAIR THOMPSON: All right. Great.

2 All right.

3 Well then, turning then, to our  
4 General Counsel's report from Terri Stroud.  
5 And before she commences, what we're going to  
6 be doing is considering a series of possible  
7 referrals to the U.S. Attorney's Office  
8 relating to possible double voting. I think  
9 all of it relates to the 2020 election cycle?

10 MS. STROUD: Yes, it does.

11 CHAIR THOMPSON: Yeah. So what I  
12 wanted to make clear before we start is, this  
13 is our Board of Elections considering whether  
14 to make a referral to the U.S. Attorney's  
15 Office for their further investigation and  
16 possible prosecution. We're not making any  
17 findings or determinations of any wrongdoing  
18 with respect to any of the people's names that  
19 will come up. We are simply reacting to  
20 information that's been provided to us through  
21 the ERIC system, which is an interstate system  
22 for identifying potential double voting.

1           You'll hear some information about  
2 whether it appears that there was double  
3 voting. And about meetings that we've had with  
4 these individuals involved. They've had a  
5 chance to -- they've been notified and had a  
6 chance to explain. And what we're doing is,  
7 considering whether to make a referral to the  
8 U.S. Attorney's Office, and that's it. That's  
9 all we're doing. I don't -- just wanted to say  
10 that at the outset before anybody maybe gets  
11 the impression that we are making findings of  
12 wrongdoing. We are simply clearing our own  
13 hurdle that there's enough information that  
14 warrants us passing this on to the U.S.  
15 Attorney's Office for their consideration.  
16 Yeah. So with that, General Counsel's Terri  
17 Stroud.

18           MS. STROUD: Thank you, Mr. Chair.

19           So I'm going to provide some  
20 background as to how we arrived here. The  
21 Board is a member of the Electronic  
22 Registration Information Center, also known as

1 ERIC. ERIC is a nonprofit, nonpartisan list  
2 maintenance organization that is created by and  
3 comprised of state election officials, and it  
4 helps election officials maintain more accurate  
5 voter rolls. ERIC also has a Voter  
6 Participation Report, we'll call it VPR,  
7 program that allows its state members to  
8 request reports after each general election  
9 that will allow them to identify potential  
10 illegal voting activity. Specifically, voters  
11 who may have cast ballots in more than one  
12 state; more than one ballot in the same state,  
13 or Federal District as we are; or who may have  
14 voted on behalf of a deceased voter. Voting in  
15 two jurisdictions is a violation of federal law  
16 52 USC, Section 10307, and it carries penalties  
17 of a fine of not more than \$10,000 or  
18 imprisonment of not more than five years, or  
19 both, for each offense.

20 After the 2020 general election, the  
21 Board requested participation reports from  
22 ERIC. And over the next couple of years, did

1 its investigations with -- in conjunction with  
2 other states who received reports that -- from  
3 other states that also participated in the VPR  
4 project for that year. Based on the  
5 information that was received from the  
6 participating states, the Board's Data Services  
7 Division worked to determine whether  
8 individuals identified in the reports, who  
9 potentially voted in both D.C. and another  
10 jurisdiction, corresponded with individuals in  
11 our registration records by comparing data  
12 points such as dates of birth, social security  
13 numbers, driver's license numbers, contact  
14 information, et cetera. Once reports from all  
15 participating states who had information  
16 regarding double voting that implicated D.C.  
17 voters was received, the Office of the General  
18 Counsel reviewed and reverified the information  
19 and began to schedule prehearing conferences  
20 with the individuals at issue.

21 These conferences took place in  
22 August of 2023 and all of the persons or their

1 representatives who appear at these -- all of  
2 the persons appeared at these conferences with  
3 one exception. At these conferences, the  
4 Office of the General Counsel presented the  
5 individuals at issue with the material  
6 information that was provided by Data Services  
7 that indicated potential double voting in the  
8 jurisdiction. The information consisted of  
9 voter registration records from D.C., and the  
10 other jurisdiction at issue, and materials that  
11 indicated the individuals at issue potentially  
12 voted in D.C. and in the other jurisdiction.

13 Based upon the information received  
14 and information garnered at the prehearing  
15 conferences, the Office of the General Counsel  
16 decided to schedule for hearings the matters  
17 that are identified in the agenda for today's  
18 meeting. And we are prepared to make  
19 recommendations as to whether these matters  
20 should be referred to the U.S. Attorney's  
21 Office.

22 In terms of notice of today's

1       hearings, on November 21st, 2023, the  
2       individuals who are the subject of today's  
3       hearings were sent notice of today's hearings  
4       via email, regular mail, and/or certified mail.  
5       And each of the individuals had actual notice  
6       of today's hearings with the exception of one  
7       individual.

8               We have affidavits from a board  
9       member staff, Mr. Mohammad Maeruf, who was the  
10      Agency Supervisory Information Technology  
11      Specialist. And he has submitted affidavits  
12      that attest to the authenticity of the records  
13      that are pertinent to each matter. So we will  
14      be submitting those affidavits for the record.  
15      But Mr. Maeruf is also here today to discuss,  
16      if necessary, the records that will be  
17      introduced into the record and that serve as  
18      the basis for the Office of General Counsel  
19      recommendations to the Board.

20             Just for information, seven cases  
21      involved double voting in Maryland, and there  
22      are two cases in Florida, and one in Illinois.

1                   And so with that, I wanted to bring  
2 the first hearing, which is -- involves Vanessa  
3 Rubio and if the board members have any  
4 questions at this time about the background I  
5 provided, I'm happy to --

6                   CHAIR THOMPSON:     I'll just, you  
7 know, clarify for the record that we're going  
8 to follow a pretty straightforward process  
9 here. We'll go one at a time through ten  
10 different individuals.     And in each case,  
11 General Counsel Stroud or her colleague will  
12 present the evidence of information and the  
13 recommendation. And then, any board member can  
14 ask questions after the evidence is presented.  
15 We'll follow that with an opportunity for the  
16 individual or their counsel, if they have  
17 counsel, to make comments, presentations, put  
18 additional evidence into the record, to ask to  
19 cross-examine Mr. Maeruf or anyone -- any other  
20 individual a testimony that's been offered. So  
21 they have a full and fair opportunity to  
22 present their defense, if you will. And then

1 any rebuttal that our General Counsel may have  
2 or additional comment that anyone else may  
3 have.

4 And then, I think we'll vote one at  
5 a time. And -- and with -- in each case, I'll  
6 ask my fellow board members, if anybody would  
7 like to reserve deliberation in executive  
8 session. In which case, we'll do that. We may  
9 not need to go into executive session if, after  
10 the presentation of the evidence, we feel like  
11 we can go ahead and make a motion, and vote.  
12 You know, we'll go that route instead. So  
13 that's -- and that's the basic process through  
14 ten individuals. We'll try to be efficient.  
15 But we also want to be absolutely sure that  
16 everybody involved gets a full and fair  
17 opportunity to present their side of the story.  
18 So we're not on a strict time clock here, and  
19 we'll just dive in with the first case, which  
20 is in the matter of ballots cast in the name of  
21 Vanessa Rubio.

22 MS. STROUD: Okay. And I first want

1 to determine whether or not Ms. Rubio is  
2 present. So, I don't know if, if you can  
3 scroll to see.

4 CHAIR THOMPSON: Just raise a hand  
5 if -- if you're --

6 MS. STROUD: Okay. I see her under  
7 Vanessa.

8 CHAIR THOMPSON: Okay.

9 MS. STROUD: So yeah. If you keep  
10 scrolling, you'll see the V. Yeah -- the --  
11 yeah.

12 CHAIR THOMPSON: And why don't we go  
13 ahead and unmute Ms. Rubio for the -- this  
14 portion.

15 MS. STROUD: Wait.

16 CHAIR THOMPSON: Oh, right. Okay.  
17 You want to say that?

18 MS. STROUD: Yes, okay.

19 So hi, Ms. Rubio. If you could  
20 state your name and address for the record.

21 MS. RUBIO: Good morning. My name  
22 is Vanessa Rubio. I am at 5749 13 Street NW,

1 Washington, D.C. 20011.

2 MS. STROUD: And if you would raise  
3 your right hand and swear or affirm that the  
4 testimony that you provide today will be the  
5 truth, the whole truth, and nothing but the  
6 truth?

7 MS. RUBIO: I do.

8 MS. STROUD: And I also want to make  
9 you aware of your right against self-  
10 incrimination under the 5th Amendment. Do you  
11 understand?

12 MS. RUBIO: I understand.

13 MS. STROUD: Okay. So --

14 CHAIR THOMPSON: Yeah. To be clear,  
15 you don't have to participate; you don't have  
16 to say anything. It's your choice. You have  
17 the right not to speak. We just wanted to make  
18 sure you understand that before we start.

19 MS. RUBIO: Yes, I do. Thank you.

20 CHAIR THOMPSON: Do you have an  
21 attorney?

22 MS. RUBIO: No.

1 CHAIR THOMPSON: All right. Go  
2 ahead, then.

3 MS. STROUD: Okay. So I wanted to  
4 give -- provide background into this matter.  
5 We did hold a prehearing conference with Ms.  
6 Rubio in August of this year. And the  
7 information that we received from Data  
8 Services, I just wanted to list them. And, Ms.  
9 Rubio, you were provided with the information  
10 that I'm about to discuss. So I just wanted  
11 you to, you know, let me know if you disagree  
12 with the information that I will read into the  
13 record. So it was either presented to you at  
14 the prehearing conference or subsequent to  
15 that, once we made you aware of this hearing.

16 And so the first is a Maryland voter  
17 registration record indicating a voter named  
18 Vanessa Rubio with a May birthdate. The second  
19 is a D.C. voter registration record, indicating  
20 a voter named Vanessa Rubio with the same May  
21 birthdate; a Maryland Voter Authority Card  
22 signed by an individual named Vanessa Rubio

1 with the same May birthdate, that indicates  
2 that that individual voted in person in  
3 Maryland on November 1st of 2020; a record  
4 extracted from our check-in device called a  
5 Poll Pad that indicates that an individual  
6 named Vanessa Rubio with the same date of  
7 birth, checked in to vote at Emery Heights  
8 Community Center on November 3rd, 2020; and a  
9 signature from a Poll Pad associated with the  
10 aforementioned record that indicates that  
11 Ms. Rubio did check in to vote at the Emery  
12 Heights Community Center on November 3rd, 2020;  
13 and the review of the signatures indicated  
14 that -- indicated similarities in signatures  
15 that we found on our records, on the Voter  
16 Authority Card, and in the Poll Pad. And so,  
17 Ms. Rubio, were you presented with this  
18 information before today's hearing?

19 MS. RUBIO: Yes, I was.

20 MS. STROUD: And based on that  
21 information, it appears that, Ms. Rubio,  
22 there's substantial evidence to indicate that

1 Ms. Rubio voted in the Maryland 2020 general  
2 election as well as the District of Columbia  
3 2020 general election. And so, at the  
4 prehearing conference, I will say that Ms.  
5 Rubio stated that she did not recall voting in  
6 Maryland, although acknowledging that she voted  
7 in D.C. during that election. And when  
8 presented with the images of the Maryland Voter  
9 Authority Card, she acknowledged that it was  
10 her signature. Albeit, a sloppier version,  
11 thereof. And she further acknowledged that she  
12 did own the property that was indicated as the  
13 address on the Maryland Voter Authority Card.  
14 And so that is the evidence that the General  
15 Counsel's office reviewed in preparation for  
16 this matter. I don't know if you want --

17 CHAIR THOMPSON: Okay. I don't --  
18 and I think -- I don't think you mentioned  
19 this, but Ms. Rubio's middle name was included  
20 on -- in both of those? I think we've --

21 MS. STROUD: Let's see.

22 CHAIR THOMPSON: I think we just

1 don't want to say it on the record; right?

2 MS. STROUD: Yes.

3 CHAIR THOMPSON: Yeah. Okay. Well,  
4 I don't have any questions. I guess, turning  
5 then to Ms. Rubio.

6 You certainly have the right to  
7 comment, explain, put any evidence into the  
8 record you would like; or, as I mentioned a  
9 moment ago, you don't have to do any of that if  
10 you don't want to.

11 MS. RUBIO: Well, first of all, I'd  
12 like to apologize to the Board of Elections and  
13 our city. And an electoral vote was casted for  
14 both states under my behalf. I did do a  
15 transaction in the state of Maryland, which  
16 registered me as a voter there as well.  
17 Therefore I was in fact -- I did cast both  
18 votes. Exercising my voter rights. Not  
19 understanding that it is a -- against the law  
20 to cast a vote in the state and in the city, as  
21 D.C. is not a state, yet. So I'd like to say,  
22 you know, I apologize for this mistake on my

1       behalf. I have addressed the issue with the  
2       State of Maryland, and I have requested for my  
3       voter registration to be canceled there, as I  
4       am a resident of the state of D.C.

5                   CHAIR THOMPSON: Okay. I don't have  
6       any questions.

7                   CHAIR THOMPSON: Any board members  
8       have any questions?

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

11                  CHAIR THOMPSON: Okay. Ms. Rubio,  
12      thank you so much. I definitely heard what you  
13      just said, and I -- my takeaway from it is that  
14      you didn't have any intent, perhaps, at the  
15      time. But thank you for your candor that you  
16      did vote in both jurisdictions. We'll, you  
17      know, take it under advisement.

18                  You know, now that I think we've  
19      concluded our first matter here, in terms of  
20      hearing the evidence, I'm getting -- I get --  
21      I'm getting the -- my takeaway is perhaps we  
22      should talk about this in executive session.

1 Maybe we'll get through all ten of these, and  
2 then -- try to keep good notes, and then come  
3 back on the record later. Is that -- I'm  
4 asking my fellow board members: Does that make  
5 sense? Or does anybody want to make a motion  
6 at this time?

7 MEMBER BOGGS: That makes sense to  
8 me, Gary.

9 CHAIR THOMPSON: Okay.

10 MEMBER GREENFIELD: Yeah, it makes  
11 sense to me.

12 CHAIR THOMPSON: All right. So  
13 amending my prior comment as to the process,  
14 we'll just go through all ten of these, and at  
15 the conclusion of each evidentiary portion,  
16 we'll take it under advisement. We'll go onto  
17 executive session, about an hour or so from  
18 now, and come back on the record and make our  
19 motions and conclusions at that time.

20 So I think, Ms. Rubio, that's all we  
21 have with you right now. Thank you so much for  
22 appearing. And thank you again for your

1 candor.

2 MS. STROUD: Thank you, Ms. Rubio.

3 MS. RUBIO: Thank you. Thank you,  
4 for the Board. Thanks.

5 MS. STROUD: And the next matter is  
6 in re: Renee Diggs. Just checking to see if  
7 Ms. Diggs is present.

8 MS. DIGGS: Yes. Excuse me. I am  
9 present.

10 MS. STROUD: Hi, Ms. Diggs. If you  
11 would state your name and address for the  
12 record.

13 MS. DIGGS: Renee Diggs. 6906 West  
14 Park Drive, Hyattsville, Maryland 20783.  
15 Excuse me a second.

16 MS. STROUD: Thank you. And are you  
17 able to appear on camera?

18 MS. DIGGS: Yeah. I'm trying to  
19 switch over to another device. I wasn't able  
20 to get the camera working on my phone, so I'm  
21 just trying to switch over to another device  
22 that will work.

1 MS. STROUD: Okay.

2 MS. DIGGS: Okay. I was able --

3 MS. STROUD: I think you might need  
4 to turn off the other device audio.

5 MS. STROUD: Okay. I think it's  
6 working now. Thank you, Ms. Diggs. You  
7 provided your name and address for the record.  
8 If you could raise your right hand and swear or  
9 affirm that the testimony you provide today in  
10 connection with this matter will be the truth,  
11 the whole truth, and nothing but the truth?

12 MS. DIGGS: Yes, I do.

13 MS. STROUD: And I just wanted to,  
14 as the Chair indicated, I don't know if you  
15 were here for that portion. As a part of your  
16 5th Amendment right against self-incrimination,  
17 you do not have to provide testimony with  
18 respect to today's hearing. That's your right  
19 to not participate and offer any testimony.  
20 Are you aware of that?

21 MS. DIGGS: Yes. I heard that.

22 MS. STROUD: Okay.

1 MS. DIGGS: I'm -- yes.

2 MS. STROUD: Okay. And you do not  
3 have any representation or counsel today with  
4 you; do you?

5 MS. DIGGS: Right. Correct.

6 MS. STROUD: So I just want to  
7 provide for the record, the information that  
8 the Office of the General Counsel was provided  
9 and reviewed in connection with this matter.  
10 Some of which was presented to you at the  
11 prehearing conference that we held in August.  
12 And other pieces of information were provided  
13 to you via mailing and email with respect to  
14 this hearing today. And so the items are a  
15 Maryland voter registration record, which  
16 indicated that a voter named Renee Diggs with a  
17 July birthdate; a D.C. voter registration  
18 record indicating a voter named Renee Diggs  
19 with the same July birthdate; a Maryland Voter  
20 Authority Card signed by an individual named  
21 Renee Diggs with the same July birthdate, that  
22 indicates that that individual voted in person

1 in Maryland on October 26, 2020; a record  
2 extracted from the Board's check-in device  
3 called a Poll Pad that indicates that an  
4 individual named Renee Diggs with the same date  
5 of birth checked in to vote at Turkey Thicket  
6 Recreation Center on October 28th, 2020; and a  
7 signature from a Poll Pad associated with the  
8 aforementioned record, indicating that an  
9 individual named Renee Diggs checked in to vote  
10 in that election on that date during the 2020  
11 general election. Did you have the opportunity  
12 to review these records, Ms. Diggs?

13 MS. DIGGS: Yes. I'd say so. I  
14 think, yes.

15 MS. STROUD: Okay. And also, the  
16 signatures that were presented on each of the  
17 documents, to board staff's review, indicated  
18 similarities between the signatures. And that  
19 is the information that we reviewed and  
20 provided to the Board. And these will be  
21 introduced in -- these are requested to be  
22 introduced into the record. And that's the

1 information that we have indicating potential  
2 double voting with this matter. And I would  
3 also say that during the prehearing conference  
4 that was held in August, Ms. Diggs acknowledged  
5 that she did vote in Maryland in the 2020  
6 election, but that she did not vote in D.C.  
7 during that election.

8 CHAIR THOMPSON: I'll just state for  
9 the record, the Board accepts, in this case and  
10 all of the other cases we'll go through today,  
11 in case it's not clear, the Board accepts into  
12 evidence the printout of the voting record from  
13 D.C. as well as from Maryland or other --  
14 another state that might be involved. As well  
15 as an accompanying affidavit of Mohammad  
16 Maeruf, our Supervisory Information Technology  
17 Specialist, that essentially authenticates the  
18 D.C. record that's been provided, so.

19 MS. STROUD: As well as the Maryland  
20 records that have been provided.

21 CHAIR THOMPSON: As well as the  
22 Maryland records.

1 MS. STROUD: They were obtained  
2 during the course of our investigation. And  
3 so, yes, with respect to each of these matters,  
4 Mr. Mohammad Maeruf, who is also here to  
5 testify, if necessary, did provide affidavits  
6 with respect to each matter, including this  
7 one, testifying or varying as to the  
8 authenticity of the documents that are  
9 presented for introduction into the record.

10 CHAIR THOMPSON: Okay. So the --  
11 that evidence is accepted into the record with  
12 respect to Ms. Diggs, as it was with respect to  
13 Ms. Rubio. In case I don't say it each time,  
14 it will be accepted into the record with  
15 respect to the other individuals we'll talk  
16 about momentarily.

17 But so here, with respect, Ms.  
18 Diggs, you can comment or not comment. Once  
19 again, you don't have to say anything. But we  
20 certainly want to give you the opportunity to  
21 say anything you'd like about this potential  
22 double voting.

1 MS. DIGGS: No. I didn't really  
2 have anything further to say. I did ask, you  
3 know, checking in -- well, short answer, I  
4 don't recall double voting at all. But, you  
5 know, in speaking with my husband, who had  
6 actually cast a vote for D.C., he stated that  
7 we actually went the same time. So, again, I  
8 don't recall voting, but it's very -- it's  
9 been, you know, with the information that was  
10 received, it was very concerning because I just  
11 personally just don't recall, like, doing any  
12 such thing. So I don't know. I was kind of --  
13 I'm still surprised, but I don't -- I feel like  
14 I cannot definitively state one way or the  
15 other, because what I remember versus, you  
16 know, the evidence that was presented to me.  
17 Yeah, so.

18 CHAIR THOMPSON: All right.

19 MS. STROUD: And, Ms. Diggs, did you  
20 have the opportunity to review the documents  
21 that were submitted that indicate your  
22 signature on the Maryland voting record?

1 MS. DIGGS: I did.

2 MS. STROUD: Go ahead.

3 MS. DIGGS: I did pull them up, yes.

4 MS. STROUD: Okay. And is it your  
5 testimony that the signature provided on the --  
6 from the D.C. Poll Pad, the check-in device, is  
7 not consistent with your signature?

8 MS. DIGGS: To me it looks similar,  
9 but -- like, similar. But, again, I don't --  
10 to me, again, like -- it's very -- because I,  
11 you know, I haven't had -- I don't know what  
12 the process is, like, for D.C. But I know for  
13 Maryland, it's, you know, you provide  
14 identification and not having D.C.  
15 identification and then seeing my -- or a  
16 similar signature, it's -- I don't want to,  
17 like, you know, I feel like I can't say, like,  
18 oh, no, that's not my signature; or like, that,  
19 yes, it is my signature. They're -- it's  
20 similar. But because based on, like, what I  
21 remember, it's just very hard for me to, like,  
22 claim that, yes, that is mine. If that -- I

1 don't know, it's -- it's -- I'm looking at it  
2 now, and it's, you know, it looks similar. But  
3 there are, you know, some differences.

4 MS. STROUD: Okay. Thank you.

5 CHAIR THOMPSON: Okay. Ms. Diggs,  
6 anything else you'd like to say at this time?

7 MS. DIGGS: No. Nothing else I'd  
8 like to say.

9 CHAIR THOMPSON: All right. Well,  
10 thank you so much for being here, as I  
11 mentioned, with respect to Ms. Rubio, we'll  
12 take this under advisement. We're going to --  
13 in other words, we're going to think about it;  
14 we're going to have a separate meeting, the  
15 three board members, to decide what we're going  
16 to do. Whether we'll refer this or not refer  
17 this. So we've got -- we've got some  
18 consideration to do on our end. And I think  
19 not, unless anybody else has any questions or  
20 comments?

21 CHAIR THOMPSON: We'll proceed to  
22 the next individual, Jessica Miser.

1 MS. STROUD: Thank you, Ms. Diggs.  
2 And I do see that Jessica Miser is present.

3 MS. MISER: Yes, I'm present.

4 MS. STROUD: Hi, Ms. Miser, could  
5 you state your name and address for the record?

6 MS. MISER: Jessica Miser. Address:  
7 860 Southern Avenue SE, Washington, D.C. 20032.

8 MS. STROUD: Okay. Thank you. And  
9 if you could raise your right hand and swear to  
10 affirm -- swear or affirm that the testimony  
11 that you will provide today in connection with  
12 this matter is the truth, the whole truth, and  
13 nothing but the truth?

14 MS. MISER: Yes.

15 MS. STROUD: Okay. And then, I just  
16 wanted to -- I know you've been present for the  
17 whole hearing, and so you -- wanted to make you  
18 aware that you are not required -- it is your  
19 right not to provide testimony in this matter  
20 if you choose not to.

21 MS. MISER: Yes, ma'am. I  
22 understand.

1 MS. STROUD: Okay. And so I, as  
2 with the previous matters, I will share for the  
3 record, the documentation that was provided to  
4 the Office of the General Counsel by our Data  
5 Services Division. And, again, we have an  
6 affidavit from Mr. Mohammad Maeruf testifying  
7 as to the authenticity of the documents that we  
8 are submitting for the record today that we  
9 reviewed. And they include a Maryland voter  
10 registration record indicating a voter named  
11 Jessica Miser with a January birthdate; a D.C.  
12 voter registration record indicating a voter  
13 with the same name and the same January  
14 birthdate; a Maryland Voter Authority Card  
15 signed by an individual with the same name and  
16 birthdate that indicates that that individual  
17 voted in person in Maryland on October 29th,  
18 2020; a record extracted from the Poll Pad that  
19 indicates that an individual with the same name  
20 and birthdate checked in to vote at Deanwood  
21 Recreation Center on November 3rd, 2020; and a  
22 signature from the Poll Pad associated with the

1       aforementioned record indicating that an  
2       individual with the same name checked in to  
3       vote during the 2020 general election. And so  
4       the Board -- the Office of the General Counsel  
5       reviewed this information as the staff from the  
6       Data Services Division did prior to providing  
7       these records and examined the signatures and  
8       indicated that there were similarities across  
9       the signatures from the records indicated. And  
10      that was the information that we took into  
11      account with bringing this matter before the  
12      Board. And I'm requesting that these be  
13      accepted into the record as well as the  
14      affidavit provided from Mr. Mohammad Maeruf  
15      attesting to the authenticity of these  
16      documents.

17                   CHAIR THOMPSON: Yep. So accepted.

18                   MS. STROUD: Do you want to --

19                   CHAIR THOMPSON: Yeah, go ahead.

20                   MS. STROUD: Okay. So, Ms. Miser,  
21      do you have a response to the records? Some of  
22      which you reviewed or got in connection with

1 the prehearing conference that we had in  
2 August, and others were presented to you in  
3 connection with today's hearing when you  
4 received notice of the hearing.

5 MS. MISER: Yes, ma'am. Thank you  
6 for giving me the opportunity to speak. Again,  
7 as I mentioned in August when we met, I do not  
8 recall voting in either jurisdiction. I did  
9 look at the signatures, and they do present as  
10 my signature. I do not recall voting for  
11 either election and it was not my intent to  
12 vote twice. At that time, I know I was  
13 displaced from my home and staying with my  
14 parents who live in Maryland. But I don't  
15 recall voting. And so I just wanted to restate  
16 that again here, as I did back in August.

17 MS. STROUD: Thank you, Ms. Miser.  
18 And I will say, consistent with the testimony  
19 that you provided today, during our prehearing  
20 conference, you did state that you did not  
21 recall voting at all in 2020. However, you did  
22 acknowledge at that time that the signature on

1 the Maryland Voter Authority Card did look like  
2 your signature. You did state at that time,  
3 although, like, just as your stating today,  
4 that you do not recall voting in either  
5 jurisdiction. But when you reviewed the  
6 signatures on the documents that you had the  
7 opportunity to review, do they appear to be  
8 consistent with your signature, in your  
9 opinion?

10 MS. MISER: From what I recall when  
11 I was presented documentation in August, yes,  
12 ma'am. They do.

13 MS. STROUD: Okay. Thank you.

14 CHAIR THOMPSON: Okay. I think that  
15 concludes --

16 MS. STROUD: Yeah. That's the  
17 information that I have, and Ms. Miser has  
18 testified with respect to her recollection of  
19 the events both of our prehearing conference  
20 and voting in the general election, 2020.

21 CHAIR THOMPSON: All right.  
22 Ms. Miser, anything else you'd like to say?

1 MS. MISER: No, sir. Thank you.

2 CHAIR THOMPSON: All right. Thank  
3 you so much for appearing. We'll take this  
4 under advisement in going to executive session  
5 later on to think about it.

6 Obviously, from these first three  
7 cases, something we have to think about is  
8 intent. I'm not hearing a lot of intent so  
9 far, or as the statute says at one point,  
10 knowingly or willfully providing false  
11 information, is another part of the statute  
12 that doesn't have an intent element. We'll  
13 have to look at that and think about it.

14 But, thank you so much for sharing  
15 your recollection, or lack thereof, as the case  
16 may be. We appreciate it, and I think we'll  
17 move on now to Ms. Marcella Gooding.

18 MS. STROUD: Yes. The next matter  
19 is -- involves Marcella Gooding. Let me check  
20 to see if miss -- if Ms. Gooding is present, if  
21 you could raise your hand using the appropriate  
22 function on the Zoom so that we can recognize

1       you.

2                   Okay.       So it appears that Ms.  
3       Gooding is not present today. For the record,  
4       Ms. Gooding did appear at the prehearing  
5       conference, and we did get an indication that  
6       certified mail that we sent on November 21st in  
7       connection with this hearing was delivered on  
8       November 24th to Ms. Gooding at the address in  
9       the Board's records. And we did not receive a  
10      notification via email that the email was not  
11      delivered, and we did not receive the regular  
12      mail that was sent, back to the -- it was not  
13      sent back to the Board from our mailing on  
14      November 21st. Ms. Gooding did appear at the  
15      prehearing conference, and she did state that  
16      the signature on the Maryland ballot return  
17      envelope that we provided was hers. And she  
18      indicated that she did vote in the 2020 general  
19      election. She did acknowledge that she was  
20      always registered to vote in D.C. Even when  
21      she was registered in D.C., and this is  
22      consistent with her voting record. She did,

1           however, state that she does not recall voting  
2           in the 2020 general election in D.C.

3                       The information that I would like to  
4           present for the record with respect to this  
5           matter is a Maryland voter registration record  
6           indicating a voter named Marcella Gooding with  
7           a November birthdate; a D.C. voter registration  
8           record indicating a voter with the same name  
9           with the same November birthdate; the mail --  
10          the Maryland mail ballot return envelope that I  
11          previously discussed, signed by an individual  
12          named Marcella Gooding, which indicates that  
13          her ballot was dated, and perhaps returned, on  
14          October 25th, 2020; a record extracted from the  
15          Board's Poll Pad that indicates that an  
16          individual named Marcella Gooding checked in to  
17          vote at Allen AME Church on November 3rd, 2020;  
18          and a signature from the Poll Pad associated  
19          with the aforementioned record indicating that  
20          an individual with that name checked in to vote  
21          during the 2020 general election. And again,  
22          we have an affidavit from Mr. Mohammad Maeruf,

1 bearing to the authenticity of the documents  
2 that I wish to have -- request to have included  
3 in the record. And so --

4 CHAIR THOMPSON: So acknowledged,  
5 and included in the record.

6 MS. STROUD: And as Ms. Gooding does  
7 not appear to be present, we are able proceed  
8 in her absence. And we can offer -- I can  
9 offer you my recommendation with respect to  
10 this matter, after we've heard them all,  
11 consistent with your instructions.

12 CHAIR THOMPSON: Yeah. This -- in  
13 this record, and this may be the case in every  
14 record, when an individual signs their name at  
15 the voting location, it looks like there's a  
16 statement made that -- I'm trying to find the  
17 exact language here. But, I mean, maybe it's  
18 in fine print, but somewhere in there it says,  
19 I understand that I'm not voting -- that I can  
20 only vote in one location and not in multiple  
21 locations. Something to that effect.

22 MS. STROUD: I think -- so in this

1 matter, we had a ballot return envelope from  
2 Maryland that was signed. And I think that  
3 that's the language that you may be referring  
4 to.

5 CHAIR THOMPSON: Okay.

6 MS. STROUD: Let me --

7 CHAIR THOMPSON: Here it is. The  
8 ballot -- the Maryland ballot of return  
9 envelopes attestation field appears below a  
10 warning of the penalty for violating laws, and  
11 a voter's oath by which the voter attests that  
12 he or she, quote, has not voted and does not  
13 intend to vote elsewhere in this election,  
14 unquote.

15 MS. STROUD: Yes. And that was  
16 included in the mail-in -- mail ballot return  
17 envelope, which was signed --

18 CHAIR THOMPSON: Okay.

19 MS. STROUD: -- on October 25th,  
20 2020, by an individual named Marcella Gooding.  
21 So that is the language from the Maryland  
22 ballot return envelope. And we do have similar

1 language on our mail ballot envelope, which is  
2 not at issue here.

3 CHAIR THOMPSON: Right. Right.  
4 Okay.

5 MS. STROUD: Okay. And the -- so  
6 does the -- do you have any questions, or do  
7 the board members have any?

8 CHAIR THOMPSON: No questions.

9 MS. STROUD: Okay. And then, my  
10 final matter, and then our Senior Staff  
11 Attorney Christine Pembroke will be presenting  
12 the remaining matters, is Barbara Ann Melvin  
13 Mason Duncan.

14 Now we were not able to reach  
15 Ms. Duncan. She did not appear at the  
16 prehearing conference, and it appears that mail  
17 that we sent to her was returned. We do not  
18 have an indication that certified mail was  
19 delivered to Ms. Duncan, and -- and, yes. Mail  
20 sent to Ms. Duncan in August was returned, and  
21 we used the same addresses to notify her of  
22 this hearing. And, again, delivery failed, and

1 we do not have an email address for Ms. Duncan.

2           The information that we have with  
3 respect to her potentially voting in D.C. and  
4 Maryland are as follows. A Maryland voter  
5 registration record indicating that a voter  
6 with her name and a July birthdate; we have a  
7 D.C. voter registration record indicating a  
8 voter with the same name and birthdate; we have  
9 a signed Maryland Voter Authority Card  
10 indicating that an individual with the same  
11 name and birthdate voted in person in Maryland  
12 on October 26th, 2020; we have a record  
13 extracting -- extracted from our Poll Pad that  
14 indicates that an individual named -- with the  
15 same name and birthdate checked in to vote at  
16 Benning Stoddert Community Center on November  
17 3rd, 2020; and we have the signature from the  
18 Poll Pad associated with the aforementioned  
19 record, indicating that an individual with the  
20 same name checked in to vote during that  
21 election. And, again, we have an affidavit  
22 from Mr. Mohammad Maeruf testifying to the

1 authenticity of the aforementioned documents  
2 that we request be admitted to the record.

3 CHAIR THOMPSON: Yeah. That  
4 information is admitted into the record. I  
5 have a question. Obviously, if this is  
6 referred to the U.S. Attorney's Office, and  
7 they decide that it's appropriate to bring  
8 charges or -- they would absolutely need to  
9 perfect service, or service of a warrant,  
10 whatever the case may be, on Ms. Duncan. But I  
11 believe that in this situation where our board  
12 is merely considering whether to make a  
13 referral, this procedural step that we're going  
14 through today does not require service of  
15 process. Is that right?

16 MS. STROUD: That's correct. And we  
17 did attempt, at several addresses that we had  
18 for Ms. Duncan, and was unable to -- we were  
19 unable to reach her at either address.  
20 Including the addresses listed on her voter  
21 registration records, so.

22 CHAIR THOMPSON: It's discretionary

1 on our part, whether we want to refer something  
2 to the U.S. Attorney's Office. We can exercise  
3 that discretion with or without serving the  
4 individuals involved. I believe with or  
5 without giving them an opportunity to present  
6 their case. But we're choosing to exercise our  
7 discretion to allow the individuals to come.  
8 And, if they'd like, testify.

9 MS. STROUD: Yeah.

10 CHAIR THOMPSON: Consistent with  
11 their 5th Amendment rights, if they choose not  
12 to.

13 MS. STROUD: Yes.

14 CHAIR THOMPSON: But because, in the  
15 case of Ms. Duncan, our inability to perfect  
16 service on her does not preclude us from making  
17 a referral, if that's what we decide to do.

18 MS. STROUD: Yes. And we can  
19 continue to -- we can continue to reach out to  
20 her, if that is, you know, what the Board  
21 prefers. We can continue to try to make  
22 contact with Ms. Duncan.

1 CHAIR THOMPSON: Okay. All right.

2 I think the next matter is the case  
3 of Eddie Bishop.

4 Is your mic on? Yeah, maybe move it  
5 a little closer. I do that too. Yeah, you got  
6 to -- yep. Even closer, actually. You got to  
7 kind of get up near to it.

8 CHAIR THOMPSON: Hold -- can we just  
9 make sure if he's -- see if he's here?

10 MS. STROUD: Oh, there's no audio.

11 CHAIR THOMPSON: Let's make sure  
12 he's unmuted.

13 MS. STROUD: You might actually have  
14 to come up here, Christine, because we're  
15 getting information that there's no audio.

16 CHAIR THOMPSON: You can sit here.  
17 And while Ms. Pembroke is coming up, looks like  
18 Mr. Bishop is present. Thank you for being  
19 here.

20 MS. PEMBROKE: Am I able to speak to  
21 Mr. Bishop?

22 CHAIR THOMPSON: All right. Why

1 don't you -- if you want to swear him, first?

2 MS. PEMBROKE: Yes.

3 CHAIR THOMPSON: Tell him about the  
4 5th Amendment.

5 MS. PEMBROKE: Mr. Bishop, if you  
6 could state your name and address for the  
7 record.

8 MR. BISHOP: (No audible answer.)

9 MS. PEMBROKE: (Simultaneous  
10 speaking.)

11 Okay. Mr. Bishop, can you state  
12 your name and address for the record, please?  
13 I think we can hear you now.

14 MR. BISHOP: (No audible answer.)

15 MS. PEMBROKE: No, he's muted.

16 CHAIR THOMPSON: We can see you  
17 talking, so maybe we have an audio issue. I  
18 can see you're unmuted. It looks like you're  
19 definitely unmuted on our end and on your end.  
20 But you've got a mic issue, it looks like.  
21 Yeah, no rush. No worries. Can you hear us?  
22 Can you give me a thumbs up that you can hear

1 me? Yep. Okay. You can hear us; we just  
2 can't hear you. Oh, you can call in, yeah.  
3 There's a separate dial-in number to create  
4 audio.

5 Can we go on to the next one?

6 MS. PEMBROKE: Yes.

7 CHAIR THOMPSON: Tell you what.

8 We're going to go to the next case, and give  
9 ourselves a few minutes to figure that out.

10 And, Mr. Bishop, for you to call in and make  
11 sure you've got audio through your phone. So  
12 take your time. And while you're doing that,  
13 we'll proceed with the matter of Margareta  
14 Sibert-Dean.

15 MS. PEMBROKE: Yes. And, again, we  
16 may have some technical issues here. I know  
17 Ms. Sibert-Dean had expressed concern about  
18 being able to join the call. So I don't see  
19 her.

20 CHAIR THOMPSON: All right. It does  
21 not appear that Ms. Sibert-Dean is present.  
22 What did she say about her inability to join?

1 MS. PEMBROKE: Well, she -- just in  
2 my experience dealing with her, she seemed to  
3 be somewhat challenged with getting technology  
4 to work, but we did reach out to her and  
5 provide a number to call staff if she was not  
6 able to join. So, no. I don't know what more  
7 we can do. We provided a link to her a couple  
8 of times and also a phone number to call in.

9 CHAIR THOMPSON: Okay. Why don't  
10 you recite and enter the evidence into the  
11 record.

12 MS. PEMBROKE: Sure.

13 CHAIR THOMPSON: And then we'll just  
14 take it under advisement as to what we may or  
15 may not do --

16 MS. PEMBROKE: Yes.

17 CHAIR THOMPSON: -- at this point.

18 MS. PEMBROKE: So following receipt  
19 of the ERIC report that General Counsel  
20 described earlier, the BOE staff became aware  
21 that ballots were cast in the 2020 general  
22 election in the name of Margaret or Margareta

1 Sibert-Dean in Maryland and then in D.C. The  
2 Board's Data Services Division reached out to  
3 the Maryland Board of Elections for records as  
4 to the ballot and identity of the voter. And  
5 also researched the D.C. voter files for the  
6 same. The records generated from this effort  
7 included voter identifying information from  
8 Maryland, showing that Margaret Sibert-Dean  
9 registered in that jurisdiction and had the  
10 same date of birth as Margareta Sibert-Dean,  
11 who registered in D.C. Both files showed that  
12 the middle name of Inetta for the individual.  
13 Maryland provided to our Data Services Division  
14 an image of a ballot return envelope issued to  
15 Margaret Sibert-Dean that was dated October  
16 9th, 2020, with a signature that can be  
17 reasonably interpreted as showing the first  
18 letter of the signer's first name as M, the  
19 middle initial of I, and the first letter of  
20 the last name as S. A handwritten, printed  
21 name on the ballot return envelope from  
22 Maryland can readily be deciphered as Margaret

1 I. Sibert-Dean. D.C.'s voter files contain an  
2 image of a Poll Pad signature, which was  
3 generated by our Data Services Division, that  
4 was entered on November 2nd, 2020, at the  
5 Kennedy Recreation Center for the voter with  
6 the same identifying information as Sibert-  
7 Dean. And the signature can be reasonably  
8 interpreted as showing a first letter of the  
9 signer's first name as M, the middle initial I,  
10 and the first letter of the last name as S. At  
11 this point, I would ask for the Board to accept  
12 Mr. Maeruf's affidavit as to the authenticity  
13 of the records providing this information.

14 CHAIR THOMPSON: Yep. That's  
15 accepted into the record.

16 MS. PEMBROKE: Sibert-Dean was  
17 contacted by the Office of General Counsel and  
18 appeared at a prehearing conference. She did  
19 not contest the evidence that she voted in  
20 Maryland. She expressed doubt as to voting in  
21 D.C., which, again, was done in person, based  
22 on her health issues. She explained that she

1 had been in a Metro bus accident and had  
2 mobility issues, which would've rendered it  
3 difficult for her to get to the polls in 2020.  
4 While I was able to independently find evidence  
5 corroborating Ms. Sibert-Dean's claims of  
6 injury, I have been unable to confirm  
7 conclusively sufficient evidence of  
8 impossibility or alibi, mistake, or other  
9 innocent explanation. So based on the evidence  
10 showing that a ballot intended for and issued  
11 to Margaret Sibert-Dean, was voted in Maryland;  
12 and that a ballot intended for and issued to  
13 the same person was voted in D.C., we are  
14 recommending that this matter be referred to  
15 the U.S. Attorney's Office for further  
16 investigation.

17 CHAIR THOMPSON: Okay. So she --  
18 she did appear for the prehearing conference?

19 MS. PEMBROKE: Yes, she did.

20 CHAIR THOMPSON: Okay. And she  
21 mentioned maybe having been in an accident?

22 MS. PEMBROKE: Yes.

1 CHAIR THOMPSON: That might have  
2 impaired her judgment?

3 MS. PEMBROKE: Yes.

4 CHAIR THOMPSON: Or something like  
5 that?

6 MS. PEMBROKE: Yes. And there are  
7 court records. It's not so much her judgment  
8 as it was that she had injury to her legs,  
9 which make -- give her mobility issues.

10 CHAIR THOMPSON: Okay.

11 MS. PEMBROKE: Which caused her to  
12 be surprised that we had a record of her voting  
13 in D.C. in person.

14 CHAIR THOMPSON: Okay. All right.  
15 Well, I think we'll take this under advisement,  
16 based on that evidence, and we'll also -- in  
17 executive session, we'll obviously talk about,  
18 you know, what to do with -- regarding her  
19 inability to appear today and whether to defer  
20 decision, so.

21 MS. PEMBROKE: Okay. All right.

22 CHAIR THOMPSON: So maybe now let's

1 go back to Eddie Bishop to see if we've got his  
2 audio connection. Bear with us. There we go.

3 I think, Mr. Bishop, you can unmute  
4 your computer now. There you go. And we still  
5 can't hear you. Maybe there's a phone done  
6 there somewhere.

7 MS. STROUD: Mr. Bishop, if you  
8 could check the chat, I sent a -- the call-in  
9 number. And I think it was also placed in by  
10 our tech employee. So if you look in the chat  
11 function in the Zoom, I think it's a 3-1 -- 3-  
12 0-1 number that you can call into, and we can,  
13 you know, hear -- have your audio that way.

14 CHAIR THOMPSON: So it's a phone  
15 number, and you just got to dial it to get --  
16 dial in to the audio line so we can hear your  
17 voice. And --

18 MS. STROUD: Mr. Bishop, can you see  
19 the chat in the Zoom?

20 MR. BISHOP: (No audible answer.)

21 MS. STROUD: No? Okay. Let me give  
22 you the call-in number so you can call in on

1 your phone. Okay. It is (301) 715-8592. And  
2 if you need to enter it, the meeting ID is 554  
3 621 5828. Okay. That's -- might be them.

4 MR. BISHOP: Hello?

5 MS. PEMBROKE: Okay. Hello,  
6 Mr. Bishop.

7 MR. BISHOP: Yes.

8 MS. PEMBROKE: If you could state  
9 your name and address for the record.

10 MR. BISHOP: Yes, ma'am. 78 --

11 MS. PEMBROKE: And I think you'll  
12 need to -- you'll need to mute your computer,  
13 Mr. Bishop. So that we don't have the --

14 MR. BISHOP: Oh. Okay. Can you  
15 hear me?

16 CHAIR THOMPSON: You got to mute the  
17 computer. You just unmuted it.

18 MR. BISHOP: Can you hear me?

19 CHAIR THOMPSON: There you go. That  
20 should work.

21 MR. BISHOP: Hello?

22 CHAIR THOMPSON: That should work.

1       Yeah.

2                       MR. BISHOP:   Hello?

3                       CHAIR THOMPSON:  Yeah, we can hear  
4       you.

5                       CHAIR THOMPSON:  There you go.  We  
6       can hear you.

7                       MR. BISHOP:   Hello?

8                       CHAIR THOMPSON:  Yeah, we can hear  
9       you.

10                      MR. BISHOP:   Hello?

11                      CHAIR THOMPSON:  Yep.  Hello.

12                      MR. BISHOP:   Yes.  My address is  
13       7804 Guildberry Court, Apt 102, Gaithersburg,  
14       Maryland 20879.

15                      MS. PEMBROKE:       Thank you, Mr.  
16       Bishop.  And I think you've been present during  
17       some of the earlier proceedings, but just to  
18       reiterate, you have a right against self-  
19       incrimination; you don't have to say anything.  
20       If you want to proceed, however, we can put you  
21       under oath.  Do you want to proceed?

22                      MR. BISHOP:   Yes.

1 MS. PEMBROKE: Okay. Well, I can't  
2 see you, but if you would raise your right  
3 hand.

4 MR. BISHOP: Yes.

5 MS. PEMBROKE: And swear or affirm  
6 that what you are about to say is the truth,  
7 the whole truth, and nothing but the truth.

8 MR. BISHOP: Yes.

9 MS. PEMBROKE: Thank you, Mr.  
10 Bishop. So with the Chair's permission, I'll  
11 proceed to go over the evidence that we have in  
12 this case.

13 CHAIR THOMPSON: Yes.

14 MR. BISHOP: Yes.

15 MS. PEMBROKE: Upon receipt, again,  
16 of the ERIC report described by General  
17 Counsel, we became aware about ballots that  
18 were cast in the 2020 general election in the  
19 name of Eddie Bishop in Maryland and then in  
20 D.C. The board's Data Services Division  
21 reached out to the Maryland Board of Elections  
22 for records as to the ballot and identity of

1 the voter, and also researched the D.C. voter  
2 files for the same. The records generated from  
3 this effort included voter identifying  
4 information from Maryland, showing that the  
5 Eddie Bishop registered in that jurisdiction  
6 had the same date of birth as the Eddie Bishop  
7 registered in D.C. Maryland provided an image  
8 of a ballot return envelope issued to Eddie  
9 Bishop, dated September 29th, 2020, with a  
10 handwritten name and a signature that are  
11 clearly decipherable as the name of Eddie  
12 Bishop. D.C.'s voter file contains an image of  
13 the ballot return envelope issued to Eddie  
14 Bishop, dated October 20th, 2020, with a  
15 signature that can be readily decipherable as  
16 the name of Eddie Bishop. As noted previously,  
17 the ballot return envelopes in both of these  
18 jurisdictions contain warnings that there are  
19 penalties for voting twice. Mr. Chair, I'd ask  
20 that the Board accept the record evidence of  
21 these documents into evidence.

22 CHAIR THOMPSON: So accepted into

1 evidence, with a question. Did you mention  
2 signatures matching?

3 MS. PEMBROKE: I didn't express an  
4 opinion on that, but it is true that the  
5 signatures on the Maryland ballot return  
6 envelope and the D.C. ballot return envelope  
7 are very well matched in this case.

8 CHAIR THOMPSON: Okay. Please  
9 proceed.

10 MS. PEMBROKE: Yes. Mr. Bishop was  
11 contacted by the Office of General Counsel and  
12 appeared at a prehearing conference along with  
13 his spouse. Mr. Bishop did not contest the  
14 evidence that he voted in Maryland. He stated  
15 that he was now a Maryland resident and he'd  
16 lived in Maryland since 2018. He denied voting  
17 in the D.C. ballot. He stated that he --  
18 because he'd moved from the apartment where he  
19 lived in D.C. in 2018, he would not have had  
20 access to the ballot that was mailed to his  
21 D.C. address. Mr. Bishop's spouse corroborated  
22 these statements regarding the relocation to

1 Maryland, and I was provided with documentation  
2 regarding the ownership of the property in  
3 Maryland by the Bishops. Which included, most  
4 notable, property tax insurance records  
5 predating the 2020 election. The Bishops also  
6 informed me that the building that they were  
7 living in was sold in 2020 and was probably  
8 under renovation at the time of the 2020  
9 general election. I ascertained from D.C.  
10 Recorder of Deeds records that the D.C.  
11 property where Mr. Bishop lived was indeed sold  
12 in February 2020. Despite further efforts on  
13 my part, however, I wasn't able to obtain any  
14 information as to how mail addressed to the  
15 former residents of that building might have  
16 been handled. I have been unable to confirm  
17 conclusively sufficient evidence of  
18 impossibility or alibi, mistake, or other  
19 innocent explanation. Based on the evidence  
20 showing that a ballot was intended for and  
21 issued to Eddie Bishop and was voted in  
22 Maryland; and that a ballot intended for and

1 issued to the same Eddie Bishop was voted in  
2 D.C. in the 2020 general election, the General  
3 Counsel is recommending that this matter be  
4 referred to the U.S. Attorney's Office for  
5 further action.

6 CHAIR THOMPSON: And I guess my  
7 question is, this is a little different in that  
8 in the D.C. general election of 2020, an  
9 individual signed a mail ballot, Eddie Bishop,  
10 rather than voting in person?

11 MS. PEMBROKE: That's correct.

12 CHAIR THOMPSON: Okay. So it's  
13 possible the ballot -- the D.C. ballot was  
14 intercepted by another individual and  
15 fraudulently signed the name Eddie Bishop.

16 MS. PEMBROKE: That's correct. We  
17 just can't ascertain through evidence what  
18 specifically happened.

19 CHAIR THOMPSON: But that being said  
20 that, although some people can mimic a  
21 signature rather well, the signatures appear to  
22 be the same?

1 MS. PEMBROKE: Yes.

2 CHAIR THOMPSON: All right. I hope  
3 you understood all that, Mr. Bishop, and heard  
4 all that.

5 MR. BISHOP: I do.

6 CHAIR THOMPSON: I guess you are  
7 free to comment.

8 MR. BISHOP: Yes.

9 CHAIR THOMPSON: Explain, say  
10 anything you want or nothing at all, if you'd  
11 rather not comment. But please go ahead if  
12 you'd like.

13 MR. BISHOP: No comment.

14 CHAIR THOMPSON: Did you say you  
15 have no comment?

16 MR. BISHOP: No comment. I didn't  
17 vote in D.C.

18 CHAIR THOMPSON: All right. Well, I  
19 appreciate that, and I -- perhaps I've  
20 identified the issue that we have to think  
21 about. And -- but -- okay. So we'll leave it  
22 at that, unless you'd like to say anything

1 else.

2 MR. BISHOP: No. And I have nothing  
3 else to say. I just didn't vote -- I had no  
4 need to vote in D.C.

5 CHAIR THOMPSON: Okay. Well, thank  
6 you so much. We appreciate you being here.  
7 Thank you for dialing in and your patience with  
8 the Zoom technology.

9 MR. BISHOP: I'm sorry. I'm sorry I  
10 couldn't get it unmuted.

11 CHAIR THOMPSON: Oh, it's not you,  
12 sir, it's just the modern age of Zoom calls.  
13 So thank you so much.

14 We're going to move on, then, to  
15 Ms. Ashley Harris. And I'll note for the  
16 record that the original agenda that was  
17 published did make reference to this.

18 MS. PEMBROKE: Yes. There was a  
19 case involving Kelechi Ahoghutu which we've  
20 taken off the agenda because of the (audio  
21 interference).

22 CHAIR THOMPSON: Okay. So Kelechi

1 Ahoghutu is now off the agenda. So we'll  
2 proceed with Ashley Harris.

3 MS. PEMBROKE: Yes. In the matter  
4 of Ashley Harris, I believe there may be an  
5 attorney on the call. A Mr. Sheehy?

6 MS. NORWOOD: Hello?

7 MS. PEMBROKE: Someone's trying to  
8 speak.

9 CHAIR THOMPSON: So we're going to  
10 find Ashley Harris or an attorney named Sheehy?

11 MS. NORWOOD: It's not Mr. Sheehy.  
12 It's Sharon Norwood, I'm a paralegal with the  
13 firm.

14 CHAIR THOMPSON: Ah, okay. There  
15 you are. Ms. Norwood?

16 MS. NORWOOD: Yes. And I am not  
17 authorized to speak on behalf of Ms. Harris.  
18 I'm only here to observe.

19 MS. PEMBROKE: Okay.

20 CHAIR THOMPSON: Okay. Very well.  
21 Then is Ms. Harris here?

22 MS. NORWOOD: No, she's not.

1 CHAIR THOMPSON: Okay.

2 MS. PEMBROKE: All right.

3 CHAIR THOMPSON: Was she notified?

4 MS. PEMBROKE: Yes. Notifications  
5 were sent to Ms. Harris that owned the property  
6 where -- to which her D.C. ballot was sent, as  
7 well as Attorney Sheehy, who's been -- we had  
8 authorizations from Ms. Harris and from that  
9 property owner where Mr. Sheehy's going to  
10 represent in this matter. I believe that's the  
11 correct pronunciation of his name, but please  
12 do let me know if that's mispronounced.

13 CHAIR THOMPSON: So there -- just to  
14 be clear, there's Mr. Sheehy confirmed that  
15 he's authorized to represent Ms. Harris?

16 MS. PEMBROKE: Yes. We have both  
17 written authorizations from Ms. Harris and from  
18 Mr. Godwin for Mr. Sheehy to represent.

19 CHAIR THOMPSON: Oh, both of them?

20 MS. PEMBROKE: Both.

21 CHAIR THOMPSON: Okay. But he's not  
22 here; rather, this paralegal that's simply

1 observing?

2 MS. PEMBROKE: Yes.

3 CHAIR THOMPSON: Okay. All right.

4 Well, then I guess we'll proceed. Ms.  
5 Pembroke, if you could recite the evidence into  
6 the record?

7 MS. PEMBROKE: Yes, thank you,  
8 Mr. Chair. Following receipt of the ERIC  
9 report, BOE staff became aware that ballots  
10 were cast in the 2020 general election in the  
11 name of Ashley Harris in Florida and then in  
12 D.C. The board's Data Services Division then  
13 reached out the Florida Department of State for  
14 records cast ballot and identity of the voter,  
15 and also researched the D.C. voter files for  
16 the same. The records generated from this  
17 effort included voter identifying information  
18 from Florida that Ashley Harris registered in  
19 that jurisdiction, had the same date of birth  
20 and social security number as Ashley Harris  
21 registered in D.C. The voter shows -- Florida  
22 files show that the middle name for Ms. Harris

1 was that of McArthur-Godwin, while the D.C.  
2 middle name was that of Godwin. The Florida  
3 records show the signature produced by the  
4 voter on election day during in-person voting  
5 there. The D.C. voter files contain an image  
6 of a ballot return envelope issued to Ashley  
7 Harris, dated November 3rd, 2020, with a  
8 signature that is consistent with Ashley M.  
9 Harris. At this point, I would ask the Chair  
10 to accept into evidence the records showing  
11 this information and as supported by the  
12 affidavit of Mr. Maeruf.

13 CHAIR THOMPSON: It's accepted into  
14 evidence. Thank you.

15 MS. PEMBROKE: OGC reached out to  
16 Ms. Harris, and while she didn't appear at the  
17 initial prehearing, she did call and inform OGC  
18 that she did not -- that she lived in Florida  
19 at the time of the 2020 general election and  
20 would not have been in D.C. to sign and return  
21 the ballot envelope mailed. As a result of  
22 that, the investigation was expanded to the

1 owner of the property to where her ballot was  
2 sent in D.C., to try and ascertain how that  
3 ballot was obtained by anyone and signed. We  
4 determined that the property where Ms. Godwin's  
5 D.C. ballot -- Ms. Harris's D.C. ballot was  
6 sent was owned by Elby Godwin, an individual  
7 who appeared to be a relative of hers. Mr.  
8 Godwin also owned a property two or three doors  
9 down from the residence of Ms. Harris at the  
10 time of the 2020 general election. We  
11 scheduled a further prehearing conference to  
12 which Mr. Godwin and Ms. Harris were asked to  
13 attend. Neither of them appeared. Instead,  
14 Attorney Sheehy appeared. Attorney Sheehy also  
15 submitted a number of documents and letters on  
16 behalf of each individual. The documents he  
17 submitted on Ms. Harris's behalf included a  
18 number of financial records, credit card  
19 statements, et cetera, for transactions that  
20 occurred at the time of the 2020 general  
21 election in which took place in Florida. The  
22 documents that he submitted on behalf of Mr.

1 Godwin included a lease arrangement under which  
2 the property at which Ms. Harris -- to which  
3 Ms. Harris's ballot was sent was leased to a  
4 third party. Neither -- as neither Mr. Godwin  
5 or Ms. Harris appeared at the prehearing  
6 conference, we did not have an opportunity to  
7 ask them material questions about this -- these  
8 documents. And as a result, at the conclusion  
9 of the prehearing, the record was kept open to  
10 provide them with an opportunity to submit  
11 affidavits, sworn statements, if their position  
12 was denying the ballot being cast in D.C., to  
13 attest to that. And also if they wished to  
14 have a further prehearing on this. In  
15 response, we did receive what, in effect, is  
16 affidavits from Ms. Harris and Mr. Godwin.  
17 However, those affidavits fairly attested to  
18 the authenticity of the records that were  
19 provided previously. So at this time, again,  
20 we have not been able to conclusively determine  
21 if there's an innocent explanation for the  
22 ballot being sent to Ms. Harris being voted in

1 D.C. And so we are recommending referral.

2 CHAIR THOMPSON: First, for the  
3 record. I don't think it was clear. Is  
4 Mr. Godwin here? I don't think so. I just  
5 wanted to be sure.

6 So it sounds like Ms. Harris,  
7 through her counsel, submitted some records  
8 that suggest that she was in Florida at the  
9 time, because -- what is it, shopping or credit  
10 card receipts or something?

11 MS. PEMBROKE: Yes. I believe also  
12 there were some hotel receipts.

13 CHAIR THOMPSON: Okay.

14 MS. PEMBROKE: She was apparently  
15 between housing, having --

16 CHAIR THOMPSON: So there's some --  
17 there's some evidence that's been submitted  
18 into the record that suggests the Ms. Harris  
19 was shopping or staying in hotels in Florida.  
20 And, further, that her prior residence in D.C.  
21 had been leased to somebody else entirely. So  
22 it's possible that -- and, once again, this is

1 a situation where the D.C. vote was cast by  
2 mail, not in person.

3 MS. PEMBROKE: Correct.

4 CHAIR THOMPSON: So it's possible  
5 somebody intercepted the mail ballot, filled it  
6 out. And that might be the explanation.

7 MS. PEMBROKE: Yes. But critically,  
8 whoever filled out the D.C. ballot, apparently  
9 knew that her middle initial was M when that  
10 middle initial does not appear on the ballot  
11 printed address and is not a middle name that's  
12 associated with her in her D.C. record.

13 CHAIR THOMPSON: Right.

14 MS. PEMBROKE: It's only associated  
15 with her in her Florida records.

16 CHAIR THOMPSON: And are there  
17 matching signatures?

18 MS. PEMBROKE: The signatures do not  
19 appear to match.

20 CHAIR THOMPSON: Okay.

21 MS. PEMBROKE: So whoever signed the  
22 ballot of, you know, the logical inference is,

1       whoever signed the ballot, knew Ms. Godwin --  
2       Ms. Harris well enough to know that her middle  
3       initial was M.

4                   CHAIR THOMPSON:       So this is a  
5       situation where, if we make a referral, we  
6       might do so and state that we don't believe Ms.  
7       Harris personally signed the D.C. ballot. But  
8       rather, we're referring it for the U.S.  
9       attorney to conduct further investigations to  
10      determine who this third person is that --

11                   MS. PEMBROKE:    Or if she authorized  
12      it.

13                   CHAIR THOMPSON:    Or she may have  
14      authorized it. Or another person with  
15      knowledge about Ms. Harris's name, et cetera,  
16      may have, without her knowledge, intercepted  
17      the ballot, signed it; and that might be the  
18      person that has violated the statute; correct?

19                   MS. PEMBROKE:    Correct.

20                   CHAIR THOMPSON:    So just so the  
21      record's clear, if we're making a referral, it  
22      doesn't, like in this case, perhaps, we'll talk

1 about it. But in this case, perhaps, it  
2 doesn't necessarily mean we're suggesting that  
3 Ms. Harris engaged in voter fraud. Although  
4 she might have, if she authorized the third  
5 person to do this. But it might be somebody  
6 else entirely that, unbeknownst to her, got the  
7 mail ballot and signed it. Okay. All right.  
8 Just wanted to make sure I understood that.  
9 The issues on this one is a little different.

10 So I don't -- neither Ms. Harris nor  
11 Mr. Godwin are here, and I know, Ms. Norwood,  
12 you're here to observe, but I just wanted to  
13 make sure, do you -- did you want to say  
14 anything on behalf of Ms. Harris?

15 MS. NORWOOD: No.

16 CHAIR THOMPSON: All right.

17 MS. PEMBROKE: And, Mr. Chair, I  
18 would just like to also place on the record  
19 that all the documentation which Attorney  
20 Sheehy provided, as well as the letters he  
21 sent, have been provided to all of the board  
22 members.

1 CHAIR THOMPSON: Okay. And those  
2 are accepted into evidence. In case I didn't  
3 say it before, the retail receipts, hotel  
4 receipts, the third-party lease, it's all in  
5 the record, so. All right. So I think the  
6 next matter is David Linfield.

7 MS. PEMBROKE: Yes. So in the  
8 matter of David Linfield, the Board became  
9 aware through ERIC of evidence of voting in the  
10 name of David Edward Linfield in Florida and in  
11 D.C. The board's Data Services Division  
12 reached out to the Florida Department of State  
13 --

14 CHAIR THOMPSON: Hold on. If I  
15 could interrupt you, sorry. Is he here?

16 MS. PEMBROKE: Oh. I'm sorry. I  
17 don't believe Mr. Linfield is here, but a third  
18 party interested in the matter, I see, Mr.  
19 Works is on the phone. I was informed by  
20 Mr. Linfield's attorney that he would not be  
21 attending. But Mr. John Works is here.

22 CHAIR THOMPSON: And he's just a

1 friend that's observing?

2 MS. PEMBROKE: No. He's not a  
3 friend, no. Mr. Works is the owner of the  
4 address to which Mr. Linfield's ballot was  
5 sent. He has no other connection with Mr.  
6 Linfield.

7 CHAIR THOMPSON: Okay. All right.  
8 So we'll unmute you Mr. Works, just to confirm  
9 you that are present.

10 MS. PEMBROKE: Mr. Works, can you --  
11 are you able to speak, Mr. Works?

12 MR. WORKS: Yes, I'm here.

13 MS. PEMBROKE: Okay. Thank you.  
14 And could you state your name and address for  
15 the record?

16 MR. WORKS: Sure. John Works. 555  
17 Massachusetts Ave NW, Unit 815, Washington,  
18 D.C. 20001.

19 MS. PEMBROKE: Mr. Chair, do you  
20 want to put Mr. Works under oath right now?

21 CHAIR THOMPSON: No. No need to put  
22 him under oath, he's not the subject of the

1 matter.

2 MS. PEMBROKE: All right.

3 CHAIR THOMPSON: But when you recite  
4 the evidence, then we'll see if we have  
5 questions for him. And if we do, then we can  
6 put him under oath.

7 MS. PEMBROKE: Okay. Well. So the  
8 information we received from the Florida  
9 Department of State showed that the David  
10 Edward Linfield registered there had the same  
11 last four social security number digits and  
12 date of birth as the David Edward Linfield who  
13 was registered with the District of Columbia.  
14 We also obtained from Florida, the ballot  
15 return envelope for an absentee ballot cast in  
16 the name of David Edward Linfield. And in the  
17 District of Columbia, our records show a ballot  
18 return envelope that was cast in the name of  
19 David Linfield. Based on this information, we  
20 reached out to Mr. Linfield and he responded  
21 with counsel at a prehearing conference. Mr.  
22 Linfield explained that he was not in the

1 country during the 2020 election, but he  
2 acknowledged that he did vote absentee from  
3 Florida. He denied voting in D.C. and claimed  
4 he had not lived in D.C. for many years. He  
5 said when he did live in D.C., he lived at the  
6 address which Mr. Works just identified. He  
7 sublet that apartment from a colleague of his,  
8 and that he had moved out a number of years  
9 before the 2020 election. We were able to  
10 somewhat independently verify that information  
11 through sales records, D.C. property records,  
12 showing that the owner that Mr. Linfield rented  
13 from had sold to Mr. Works. So the party that  
14 Mr. Linfield rented from no longer owned the  
15 unit in the 2020 election. And also, to some  
16 extent from Internet information showing that  
17 Mr. Linfield worked for the Department of State  
18 and was stationed abroad in that period.

19 Based on the information provided by  
20 Mr. Linfield, we then looked to see how his  
21 D.C. mail ballot may have been obtained and  
22 voted. And so we reached out to Mr. Works, the

1 owner of the unit, and also a D.C. voter, who  
2 we could see voted in the 2020 election under  
3 his own name, to set up a further prehearing  
4 conference. At that further prehearing  
5 conference, Mr. Works, Mr. Linfield, and  
6 Mr. Linfield's attorney appeared. Mr. Works  
7 made it very clear that he did not know Mr.  
8 Linfield; he had no connection with Mr.  
9 Linfield. And he also explained that he had  
10 not even seen the ballot addressed to  
11 Mr. Linfield. I inquired of Mr. Works about  
12 the mailroom procedures in the building, and  
13 Mr. Works explained that the mailboxes for that  
14 building have, on the inside, of the unit  
15 number -- the unit number is on the outside,  
16 and the addressees' names are on the inside.  
17 And if a -- mail is addressed to someone who's  
18 name is not indicated in the box, it can often  
19 be set aside in the mailroom area, and  
20 accessible to numerous third parties. So based  
21 on this information -- well, let me add one  
22 other fact. There were numerous signature

1 samples for Mr. Linfield in both the D.C. voter  
2 files and the Florida files. There were at  
3 least four in Florida, and I believe at least  
4 four in the District of Columbia. All of those  
5 signatures are very, very close. They match  
6 closely, except the ballot return envelope that  
7 was cast in the 2020 election has a signature  
8 that doesn't match any of his other signature  
9 samples. So based on this information we were  
10 unable to conclude that there was any innocent  
11 explanation for the ballot being cast in D.C.,  
12 and we are recommended referral. I would also  
13 add that Mr. Works provided considerable amount  
14 of information regarding the processing of mail  
15 ballots in the 2020 election. And also ask  
16 that the Board look at his voter file  
17 signatures to compare them to the signature on  
18 the 2020 general election ballot return  
19 envelope for Mr. Linfield. And I don't -- I  
20 mean, it's for the Board to say, but I don't  
21 think there's any necessary similarities  
22 between Mr. Works's signature and Mr.

1 Linfield's signature. But based on the  
2 similarity largely of the signatures, and the  
3 dissimilarity to the one 2020 D.C. ballot  
4 return envelope from Mr. Linfield, we did  
5 advise Mr. Linfield that we did not believe he  
6 was a target in this matter. And so hence his  
7 counsel has informed me that he did not believe  
8 it was necessary for him to attend.

9 CHAIR THOMPSON: All right. Well,  
10 it certainly sounds convincing that Mr.  
11 Linfield did not conduct any wrongdoing here.  
12 And neither did Mr. Works. I guess, if  
13 anything, this is a case where possibly an  
14 unknown third party intercepted the ballot at  
15 the address in question and forged a signature  
16 of David Linfield. Is that what it looks like?

17 MS. PEMBROKE: That is what the  
18 evidence suggests.

19 CHAIR THOMPSON: Okay. And Mr.  
20 Works, thanks for being here. I don't know if  
21 you'd like to say anything or add anything that  
22 you haven't said already. But we'd appreciate

1 hearing from you. You don't have to speak. I  
2 don't think you're -- you're not a target of  
3 this, so -- but just in case you're worried  
4 about that, you certainly don't have to speak  
5 if you don't want. But we certainly would  
6 appreciate hearing anything you have to offer.

7 MR. WORKS: No. No, I -- this is  
8 one of these worst nightmare scenarios, I  
9 think, for a D.C. voter, where, you know, it  
10 certainly appears that the ballot was  
11 intercepted by somebody else and voted. And,  
12 you know, mailroom procedures are pretty lax in  
13 our building. I don't know how it works in  
14 others. But bottom line, I also submitted an  
15 affidavit a few days ago to show my signature  
16 compared to the signature on this contested  
17 ballot, and it doesn't match, either. So  
18 whoever had got a hold of this ballot, I mean,  
19 I don't know what their intent was, but it  
20 didn't match Mr. Linfield's apparently; and it  
21 certainly didn't match mine. And I don't know  
22 why anybody would try to submit a duplicate

1 ballot in someone else's name. Also assuming  
2 that they would know that you-all would verify  
3 signatures on the voting records compared to  
4 the mail-in ballot. So this whole thing's a  
5 mystery to me.

6 But for the record, I've said it in  
7 the affidavit, I've said it in the prehearings,  
8 I'll say it here: I didn't vote this second  
9 ballot. This disputed ballot. Someone  
10 intercepted this in our mailroom, if it got to  
11 me at my address in question. But I certainly  
12 didn't vote it. And I'm sorry to take the  
13 Board's time for this matter.

14 CHAIR THOMPSON: Thank you so much.  
15 We really appreciate that. And I, I mean, if  
16 the U.S. Attorney's Office were to investigate  
17 this further, is there any way they could  
18 figure out who intercepted the ballot? Like,  
19 is there a camera in the lobby or mailroom area  
20 or something like that? Or what are your  
21 thoughts on that?

22 MR. WORKS: No. I think we have one

1 at the front door, but it doesn't go into the  
2 mailroom area. And, you know, as Ms. Pembroke  
3 explained, what happens is, you know, it's not  
4 a perfect system. You know, D.C. is a  
5 transient city. I think the records show that  
6 11 percent of the ballots that were mailed out  
7 were, you know, returned or not deliverable.  
8 Which is become par with like, Las Vegas, and  
9 places like that that are very transient. My  
10 point is, when -- we often get misdirected  
11 mail. And so there's one bin that you --  
12 you're supposed to put, you know, forwarded  
13 mail in. The mail that got to you that wasn't  
14 supposed to get to you, you're supposed to drop  
15 it one bin. And then, if it's just garbage,  
16 there's a second one on the other side.  
17 They're in plain view. They're accessible to  
18 anybody in the building, you know, contractors,  
19 including tenants. So anybody could, if they  
20 saw a ballot, could just pick it up and then,  
21 you know, complete it. And I think that's,  
22 frankly, what happened here.

1 CHAIR THOMPSON: All right. I don't  
2 have any other questions. Anything else?

3 MS. PEMBROKE: Nothing.

4 CHAIR THOMPSON: All right. Thank  
5 you so much, Mr. Works. We appreciate you  
6 being here, and seeing no other -- hearing no  
7 other comments on this matter, we'll turn to  
8 the last one. The matter of Hannah Brown.

9 MS. PEMBROKE: Thank you, Mr. Chair.  
10 So in this case, the ERIC report indicated that  
11 a ballot was cast in the 2020 general election  
12 in the name of Hannah Brown in the State of  
13 Illinois and also in the District of Columbia.  
14 We obtained information regarding both of those  
15 ballots. We haven't really -- we haven't  
16 supported those records with an affidavit,  
17 because in this case the evidence basically  
18 isn't contested. And so to explain why, I'll  
19 just talk about what happened when we reached  
20 out to Ms. Brown and the prehearing conference  
21 that resulted --

22 CHAIR THOMPSON: Oh, wait. Sorry.

1 Let's make sure she's here and --

2 MS. PEMBROKE: Yes. Miss -- there  
3 are a number of witnesses here, I think, on  
4 Ms. Brown's behalf. So, Hannah Brown is there.

5 CHAIR THOMPSON: Ms. Brown, could  
6 you just tell us your name and your address?

7 MS. BROWN: Hi. My name is Hannah  
8 Brown, and my address is 2201 L Street NW,  
9 Apartment 416, Washington, D.C. 20037.

10 MS. PEMBROKE: And the other witness  
11 that is here for Ms. Brown is Adrian Vuckovich.  
12 Who's, I believe, appearing in the capacity of  
13 a character witness.

14 MR. VUCKOVICH: In the capacity as a  
15 character witness. I'm also a lawyer licensed  
16 in Illinois. Last time I appeared at the  
17 prehearing, I indicated that I'm not licensed  
18 in Washington, D.C. But to the extent that I  
19 can be useful, both as a witness and as a  
20 character witness and as, maybe, a lawyer, then  
21 I would like to be.

22 MS. PEMBROKE: And, lastly, I

1 believe Ms. Brown has a Mark Brown, who is her  
2 father. And he's there.

3 MR. BROWN: I am. Thank you. Thank  
4 you, to the Board. Thanks to everybody. And  
5 if anybody has any questions for me. And I can  
6 explain, and everybody can make a decision.

7 MS. PEMBROKE: Mr. Chair, do you  
8 believe it's necessary to place these people  
9 under oath?

10 CHAIR THOMPSON: Well, let's hear  
11 the evidence first from Ms. Pembroke. And  
12 then, all three of you are free to speak. If  
13 you do speak, we'll place you under oath. And,  
14 once again, as you've heard before, this is --  
15 especially for Ms. Brown, you don't have to  
16 speak if you don't want to. You have a right  
17 not to incriminate yourself under the 5th  
18 Amendment. You can say nothing, or just a few  
19 things. It's up to you. And also, with  
20 respect to Mr. Vuckovich, you are hereby  
21 admitted pro hac vice, if you'd like to say  
22 anything in your capacity as an attorney, I

1 certainly have that discretion as board Chair  
2 to recognize your U.S. counsel being a member  
3 in good-standing, I assume, of the bar of  
4 Illinois, so.

5 MR. VUCKOVICH: Yes, Your Honor.  
6 Thank you. Thank you.

7 CHAIR THOMPSON: You're welcome.  
8 When the moment comes, you can speak for Ms.  
9 Brown or in addition to Ms. Brown. Whatever  
10 y'all would like to do. So let's hear, first,  
11 the evidence from Ms. Pembroke because it's --  
12 as you mentioned, it's not really disputed.

13 MS. PEMBROKE: Right, right. Fast-  
14 forward to the prehearing conference. Ms.  
15 Brown appeared along with her father, Mark  
16 Brown, and Attorney Vuckovich. And the  
17 evidence that was presented was that Ms. Brown  
18 had mailed her ballot into the Illinois ballot  
19 election officials. That would be the Lake  
20 County's Clerk's Office. But had been unable  
21 to confirm that the ballot had been received,  
22 and so on election day, she reached out to the

1 Illinois authority to ask about whether or not  
2 they had received her ballot. She -- there at  
3 the prehearing conference that she spent a fair  
4 amount of time on the telephone with a woman at  
5 the Lake County Clerk's Office trying to  
6 ascertain the status of her ballot. The woman  
7 informed Ms. Brown that her ballot could not be  
8 located. Ms. Brown then asked at that point  
9 what she could do in order to secure her  
10 enfranchisement. And the woman advised Ms.  
11 Brown to go to a polling site in D.C., she  
12 happened to be a student in the District of  
13 Columbia at the time, and vote in person. So  
14 Ms. Brown followed the directions of the  
15 Illinois election official's advice. And she  
16 stated she had no intention of voting twice,  
17 but only wanted to make sure that her right to  
18 vote was not forfeited because Illinois had  
19 lost her ballot.

20 Mr. Vuckovich appeared as did  
21 Ms. Brown's father, and echoed sentiments that  
22 Ms. Brown is a very civic-minded person and she

1 would never intentionally vote twice. And both  
2 witnesses commented on the Lake County Clerk's  
3 Office being overwhelmed during the 2020  
4 general election with mail ballots. As a  
5 result of this evidence, I reached out to the  
6 Illinois election officials and received an  
7 email communication that Ms. Brown had had with  
8 the Clerk's Office in Illinois about --  
9 regarding her efforts to get her mail-in  
10 ballot. And these communications show that on  
11 October 13th, 2020, Ms. Brown expressed a  
12 concern in an email that the voter power  
13 website showed that a ballot was mailed to her  
14 on September 24th, but she had not received it.  
15 And the responding Clerk's Office staff email  
16 stated that the ballot would be reissued her --  
17 to her. This evidence tended to corroborate  
18 Ms. Brown's claims as to her effort to verify  
19 the status of her ballot in Illinois.

20 More importantly, we inquired with  
21 the Lake County Clerk Office about their  
22 ability to inform voters who might have

1       inquired at that time about the status of their  
2       ballots. And this is what the clerk responded  
3       with. And I'm going to quote this language.

4                 Quote, this took place under the  
5       prior administration before our office  
6       instituted more thorough policies to account  
7       for vote-by-mail ballots. But what Ms. Brown  
8       is claiming sounds entirely feasible. I can  
9       include an audit log for the vote-by-mail  
10      ballot with other documentation which shows  
11      that Ms. Brown's ballot did not have a return  
12      status of good until November 12th. Well after  
13      -- which is well after the general election.  
14      But I do not believe that there is any other  
15      process that would have indicated that Ms.  
16      Brown's ballot had been received on November  
17      3rd, back in 2020. Close quote.

18                So based on this evidence, it  
19      appeared to us that Ms. Brown did not have the  
20      requisite criminal intent to warrant referral  
21      to the U.S. Attorney's Office. So we had not  
22      recommended referral in this case. You know,

1 she clearly -- the evidence clearly indicated  
2 that she only intended to vote once. Just this  
3 morning before this hearing, Ms. Brown also  
4 submitted a letter from an acquaintance of hers  
5 who was with her on the day she voted in person  
6 in the D.C. election. And that statement was  
7 consistent with Ms. Brown's claims that she was  
8 following up on what she'd been instructed to  
9 do by the Illinois election authorities. And  
10 just attempting to make sure that her right to  
11 vote in the 2020 election was not entirely  
12 forfeited because Illinois had lost her ballot.

13 That said, there is this other  
14 provision of the election laws which the Chair  
15 referred to previously that is a -- can trigger  
16 civil penalties. And so the question before  
17 the Board would be whether or not the actual  
18 voting twice in the 2020 general election by  
19 Ms. Brown would warrant a civil penalty. I  
20 would defer to the Board on where they want to  
21 go with that issue. I'm not making any  
22 specific recommendation at this time.

1 CHAIR THOMPSON: Okay. Well, to  
2 summarize what seems to be extremely obvious is  
3 that Ms. Brown did not vote twice. She  
4 certainly had no intent whatsoever. She had  
5 every reason to believe she had not  
6 successfully cast a ballot in Illinois. In  
7 fact, in Illinois, I think you mentioned that  
8 ballot wasn't recognized as, quote, good, until  
9 November 12th. So even in a technical sense,  
10 it doesn't sound like she voted twice, at least  
11 at the moment she voted in D.C. So I mean,  
12 it's obviously thoroughly convincing that there  
13 was no double voting here.

14 You know, we can talk in executive  
15 session about the civil penalty statute,  
16 whether there's some kind of strict liability  
17 aspect to it, regardless of intent. We'll talk  
18 about that as lawyers. But anyway, that's the  
19 evidence I'm hearing. But I just wanted to  
20 make clear on the record that -- for Ms.  
21 Brown's sake and the sake of her family and  
22 friends who have submitted affidavits, that

1 there's no finding here whatsoever of double  
2 voting or an intent in any way to vote twice.

3 But having said that, of course,  
4 everybody is free to speak. So why don't I --  
5 I'll start with Mr. Vuckovich's -- perhaps his  
6 counsel, or -- and if you'd like to speak on  
7 your behalf as a character witness as well,  
8 please go ahead, and you can let us know how  
9 you'd like to proceed from here.

10 MR. VUCKOVICH: Not much. Although  
11 we like to vote twice in Chicago, Ms. Brown, in  
12 D.C., did not vote twice. Known her since she  
13 was born. She's a painfully strict rule  
14 follower her whole life and remains so. I  
15 don't have anything to say. I don't -- I think  
16 it's -- she relied upon a voting official in  
17 Lake County. I live in the same county in  
18 Illinois. We had the same problem, by the way,  
19 in 2022. My daughter goes to American  
20 University in D.C., and almost voted, like Ms.  
21 Brown, you know, a second time because of a  
22 loss of a ballot. So it's an ongoing problem.

1 I don't have anything else to say other than  
2 your board is extremely well run. The analysis  
3 is excellent. And thank you.

4 CHAIR THOMPSON: Okay. Ms. Brown,  
5 would you like to speak?

6 MS. BROWN: I don't have anything  
7 else to add, just want to thank the Board. And  
8 thanks, Mr. Vuckovich.

9 CHAIR THOMPSON: And thank you. And  
10 Mr. Brown, I think you're here still.

11 MR. BROWN: Thank you, folks. I've  
12 been involved in politics and things, and I'm  
13 just impressed, always, with people that --  
14 elections blow my mind. I can never -- they're  
15 just -- it's -- it's really a credit. You  
16 know, party has nothing to do with it. It's  
17 just these elections are amazing, and thanks  
18 for your service. And God bless. I hope  
19 everybody stays well. But glad you're able to,  
20 you know, work through these technical problems  
21 that are very important. Thank you.

22 CHAIR THOMPSON: Okay. Thank you.

1 Did I miss anybody? Was there anyone else  
2 present? And we'll -- just to be clear for the  
3 record, we've accepted into evidence everything  
4 that Ms. Pembroke made reference to, as well  
5 as, I think, an affidavit or a letter that came  
6 in this morning from Jamie Allen along the  
7 lines of a character witness. So before we  
8 move on, anything else? Ms. Pembroke, anything  
9 else?

10 MS. PEMBROKE: No.

11 CHAIR THOMPSON: Okay. I think that  
12 concludes our review of the evidence respecting  
13 these ten people. Anything else, Ms. Stroud?

14 MS. STROUD: No, Mr. Chair. You  
15 know, as you're aware, we have the rest of the  
16 agenda to get through, but I think that it  
17 would be best if we said, you know, we'll  
18 proceed with the rest of the meeting and then -  
19 -

20 CHAIR THOMPSON: Yeah.

21 MS. STROUD: -- we'll go into  
22 executive session. So that --

1 CHAIR THOMPSON: Yeah.

2 MS. STROUD: -- we can do that at  
3 the end of the day.

4 CHAIR THOMPSON: Yeah. We've got  
5 about 20, 25 minutes left on our agenda for  
6 other matters. So we're going to proceed to  
7 hear about those issues, some rulemaking, some  
8 litigation updates. And then we'll go into  
9 executive session about 20 to 30 minutes from  
10 now. Yeah, we also obviously have the report  
11 from the Office of Campaign Finance as well,  
12 before we go into executive session. And, you  
13 know, we'll see what the timing is. But then  
14 we'll come back on the record and make some  
15 rulings as to whether we're going to refer  
16 anything to the U.S. Attorney's Office. Thanks  
17 very much. That was a lot.

18 MS. STROUD: Thank you. And so the  
19 next item on my agenda is rulemaking. And we  
20 have first, final rulemaking action to adopt  
21 amendments to Chapter 1 and Chapters 3 through  
22 20 of Title 3 of the D.C. municipal

1 regulations. And then we have proposed  
2 rulemaking action to adopt amendments to  
3 Chapter 1, Chapter 5, and Chapter 16 of Title  
4 C.

5 But before I go into the specifics  
6 of these rulemakings, Mr. Chair, I wanted to  
7 state for the record, the provision D.C.  
8 official code Section 2-505(a) which provides  
9 that the mayor and each independent agency  
10 shall, prior to the adoption of any rule or the  
11 amendment or repeal thereof, publish in the  
12 District of Columbia Register, notice of the  
13 intended action. So as to afford interested  
14 persons opportunity to submit data and views  
15 either orally or in writing, as may be  
16 specified in such notice. It goes on to say  
17 that the notice shall also contain a citation  
18 to the legal authority under which the rule is  
19 being processed. And so when we offer  
20 rulemakings that the Board approves for  
21 submission to the D.C. Register, that  
22 publication in the D.C. Register constitutes

1 the notice that the statute requires. And I  
2 just wanted to make that clear so that when we  
3 introduce these rulemakings, it will list all  
4 of the -- regulations that are being amended,  
5 specifying the chapters, the title. It'll  
6 indicate what the purpose of the rules is, and  
7 we will -- the rulemaking will include, if it's  
8 a final rulemaking, when the notice of proposed  
9 rulemaking was published. And the final  
10 rulemaking that we're offering today, I mean,  
11 I'll say this later on as well. But it was  
12 published in the D.C. Register on October 13th,  
13 for a 30-day notice period, and we're taking  
14 final action on it today.

15 So with that, we have a final  
16 rulemaking to adopt amendments to Chapters 1  
17 and 3 through 20 of the Title 3 of the DCMR.  
18 The purpose of this final rulemaking is to  
19 conform these regulations with District law,  
20 including the Local Residents Voting Rights  
21 Amendment Act of 2022. The rulemaking also  
22 reflects court decisions rendered in cases

1 concerning initiative measure number 82. The  
2 District of Columbia Tip Credit Elimination Act  
3 of 2021. In addition, the rulemaking updates  
4 and/or clarifies Board procedures for various  
5 activities, including meetings, the issuance of  
6 Board orders and advisory opinions, and ballot  
7 access for candidates and ballot measures. The  
8 amendments also make non-substantive  
9 housekeeping updates and corrections of  
10 typographical and formatting errors.

11 Again, we published in the D.C.  
12 Register on October 13th, a notice of proposed  
13 rulemaking. The Board received one comment  
14 from a registered voter during the public  
15 comment period, regarding the omission of the  
16 phrase, quote, or charter amendments, close  
17 quote, in Subsection 500.2(b), and  
18 correspondence from the office of open  
19 government regarding proposed rulemaking  
20 provisions that address the Board's notice,  
21 slash, agenda, closed session, and minutes  
22 procedures.

1           And so these concerns that were  
2 submitted to the Board will be addressed in the  
3 proposed rulemaking that I'm introducing today.  
4 And that is proposed rulemaking action to adopt  
5 amendments to Chapter 1, Chapter 5, and Chapter  
6 16 of Title 3 of the DCMR. The purpose of  
7 these amendments is to correct errors to a rule  
8 that expresses the elections in which  
9 noncitizens can participate. And a rule that  
10 indicates which offices noncitizens can vote  
11 for. And to conform certain of the Board's  
12 regulations regarding its meetings' procedures,  
13 to the District of Columbia government's Open  
14 Meetings Act.

15           And so, Mr. Chair, with that  
16 description, I wanted to ask if the Board would  
17 move that we submit these rulemakings to the  
18 D.C. Register, and they would be published a  
19 week from this coming Friday in that addition  
20 of the D.C. Register. And, again, these  
21 notices will include the requisite information  
22 and will serve as notice to the public both of

1 the filed rulemaking action, and of the  
2 proposal making action in accordance with  
3 District law.

4 CHAIR THOMPSON: Together in the  
5 same notice?

6 MS. STROUD: They are two separate  
7 notices.

8 CHAIR THOMPSON: Two separate  
9 notices.

10 MS. STROUD: Yes.

11 CHAIR THOMPSON: Published on the  
12 same --

13 MS. STROUD: Published to the D.C.  
14 Register on the same addition.

15 CHAIR THOMPSON: Okay.

16 MS. STROUD: Yes.

17 CHAIR THOMPSON: All right.

18 MS. STROUD: Because we'll submit  
19 them by the deadline for next week's addition.

20 CHAIR THOMPSON: Okay. So I would  
21 so move that you proceed to issue public  
22 notices for the filed rulemaking you described

1 and the proposed rulemaking you described, both  
2 to be simultaneously published in the D.C.  
3 Register.

4 MEMBER GREENFIELD: I second it.

5 CHAIR THOMPSON: Okay. I mean, I --  
6 it's -- tremendous work went into all of this.  
7 We've been looking at the rulemaking for, I  
8 think, most of this year. It's really an  
9 incredible amount of work. So, I think said  
10 this last time, once again, thank you. This is  
11 a lot. I mean, when -- like, with respect to  
12 voter initiative 82, we stumbled across a  
13 couple of interpretation issues that I guess no  
14 one had thought about before. Like, the  
15 December 31st publication date of the voter  
16 rolls. Is that one or is it a sort of a moving  
17 target as the month goes by? I think we've  
18 cleared up all those -- the little issues that  
19 we stumbled over, along with respect to I-82,  
20 some of which were adjudicated by us and then  
21 by court appeals. So it's all been captured in  
22 this rulemaking.

1           And thank you for also following up  
2 on the details about noncitizen voting, exactly  
3 what elections noncitizens can vote in of a  
4 local nature, not a federal nature. And what  
5 offices the noncitizen can run for of a local  
6 nature. I think that's all been captured in  
7 great detail. So I just -- my way of  
8 compliment. I renew my motion. There's been a  
9 second. Unless there's any other comment, I  
10 would call the vote. All in favor?

11                   (Chorus of aye.)

12           MS. STROUD: And my final agenda  
13 item is litigation status. We have five cases.  
14 The first is Public Interest Legal Foundation  
15 versus Director Monica Evans in her official  
16 capacity. That's in the U.S. district court  
17 for the District of Columbia, and it was filed  
18 under the National Voter Registration Act. The  
19 suit alleges that the Board is out of  
20 compliance with the NVRA's public records  
21 provision. PILF requested certain records from  
22 the Board, which were denied due to requested

1 records not being subjected to public  
2 disclosure. The board is being represented by  
3 the Office of the Attorney General in this  
4 matter. There was a hearing on the motion to  
5 dismiss on December 4th, and the Board's motion  
6 to dismiss was denied. So we are looking at  
7 next steps with respect to this matter.

8 The second matter is Stacia Hall  
9 versus the Board. And that is in the U.S.  
10 district court for the District of Columbia.  
11 This matter involves a challenge to the Local  
12 Residents Voting Rights Act which allows  
13 noncitizen District residents to vote in  
14 certain local elections. As of August 18th,  
15 all pleadings have been filed in this matter,  
16 and we are awaiting the court's ruling.

17 The third matter is the D.C.  
18 Democratic Party versus Muriel Bowser, et al.  
19 The board is a defendant in this matter as  
20 well. This is a challenge to initiative  
21 measure number 83, in which the Board is a  
22 codefendant along with the mayor and the D.C.

1 government. The board is jointly defending  
2 this matter with the OAG.

3 Updates since the last board meeting  
4 are that, on November 13th, the defendants  
5 filed a reply to the plaintiff's opposition to  
6 the defendant's motion to dismiss. On November  
7 16th, the Board filed the designation of agency  
8 record, and an initial hearing was set for  
9 December 1st, 2023. But a court order issued  
10 on November 30th, rescheduling the hearing for  
11 February 23rd.

12 The fourth item is Dr. Shiva  
13 Ayyadurai versus Merrick Garland, et al. The  
14 board is a codefendant in this matter. On  
15 November 14th, the U.S. district court Clerk's  
16 Office served the Board with a complaint for  
17 declaratory and injunctive relief that had been  
18 filed on June 21st, 2023. The plaintiff, who  
19 was not born in the United States, seeks a  
20 declaration that he is eligible to serve as  
21 President, notwithstanding the constitutional  
22 natural born citizens clause; or,

1       alternatively, that this qualification matter  
2       presents a nonjusticiable political issue for  
3       the voters. And we are going to be working  
4       with OAG to coordinate on next steps as this is  
5       a case that would typically be handled by the  
6       Office of the Attorney General.

7                       Finally, we have Jason Christopher  
8       Long versus the Board. This is in D.C.  
9       superior court. This is a refiling of a  
10      complaint that was initially filed on July 2nd,  
11      2021, and dismissed on August 12th, 2022,  
12      without prejudice. The complaint was refiled  
13      on November 28th. The complainant, who is  
14      seeking \$10,000 in damages, claims negligence  
15      and unjust enrichment, and alleges that the  
16      Board issued him a check without informing him  
17      not to deposit it, then had payment of the  
18      check stopped, causing him to have a negative  
19      balance and a return check fee. A hearing is  
20      set for February 2nd, 2024. That is the final  
21      matter, and that concludes my very long report  
22      today.

1 CHAIR THOMPSON: Okay. Thank you  
2 very much.

3 And now, campaign finance report  
4 from Director Collier-Montgomery.

5 MS. COLLIER-MONTGOMERY: Yes. Good  
6 afternoon. For the record, the full report of  
7 activity of the Office of Campaign Finance will  
8 be posted at our website before the close of  
9 business today. [www.ocf.DC.gov](http://www.ocf.DC.gov). And also, the  
10 report is for the activity, other agencies for  
11 the month of November 2023. I will, however,  
12 at this time, highlight a few items of interest  
13 for the public from the report.

14 First, with respect to the community  
15 outreach for the month of November, information  
16 on the Agency's traditional and Fair Elections  
17 Program were presented during the two virtual  
18 ANC meetings which were held on November the  
19 1st and the 8th. And these meetings were held  
20 by Advisory Neighborhood Commissions 3D and 1A.  
21 In the Fair Elections Program division, for the  
22 2024 election cycle, to date, there are three

1 certified participating candidates and nine  
2 registered candidates who are seeking to  
3 participate in the program for the 2024  
4 election cycle. During the month of November  
5 2023, one candidate was certified into the  
6 program for the 2024 election cycle. And  
7 disbursements were made to participating  
8 candidates as follows:

9 First, the reelect Brooke Pinto 2024  
10 principal campaign committee on November the  
11 1st, 2023, matching payments in the amount of  
12 \$33,600 were authorized for disbursement from  
13 the elections fund.

14 Second, the friends of Celine  
15 Rudolfo principal campaign committee, on  
16 November the 7th, 2023, matching payments were  
17 authorized in the amount of \$13,085 for  
18 disbursement from the elections fund.

19 Third, Janeese Lewis George, the  
20 committee to reelect Janeese Lewis George,  
21 principal campaign committee. The candidate,  
22 Janeese Lewis George, was certified on November

1 the 7th, 2023, as a participating candidate in  
2 the Fair Elections Program in the June 4th,  
3 2024, primary election for the covered office  
4 of member of the council from Ward 4. Matching  
5 payments will authorize for disbursement from  
6 the elections fund in the total amount of  
7 \$105,195, and the first half of the base amount  
8 payment in the total amount of \$20,000 was also  
9 authorized because the election in Ward 4 is a  
10 contested event.

11 With respect to the post-election  
12 full field audits for the 2020 election cycle,  
13 I would indicate that the OCF initiated 34 full  
14 field audits of the campaign operations of the  
15 candidates who were certified to participate in  
16 the Fair Elections Program during the 2020  
17 election cycle. There are currently 11 post-  
18 election audits which are ongoing, before the  
19 division at various stages of the audit  
20 process. The status of the ongoing audits is  
21 stated in our activity report, which, again,  
22 will be posted this afternoon. For the record,

1 the FEP division has issued a total of 23 final  
2 audit reports of the post-election audits which  
3 were initiated for the 2020 election cycle.

4 For the 2022 election cycle, the  
5 agency issued 42 post-election audit letters  
6 for the June 2021 -- I'm sorry. The June 21,  
7 2022, primary election, and also for the  
8 November 2022, general election to the  
9 candidates who were certified to participate in  
10 the program during this election cycle. To  
11 date, the FEP has issued 20 preliminary  
12 statements of audit timings, and 15 final audit  
13 reports for the 2022 election cycle, including  
14 for the month of November.

15 First, the committee to elect Sabel  
16 Harris, the preliminary audit report was issued  
17 on November the 2nd, 2023. Robert for D.C.,  
18 preliminary audit report was issued on November  
19 the 6th, 2023. Brand for D.C., preliminary  
20 audit report issued on November the 7th, 2023.  
21 And friends of Lisa Gore, preliminary audit  
22 report issued on November the 7th, 2023. All

1 of the audit reports -- the final audit reports  
2 are available at the website for review by the  
3 members of the public.

4 In our Public Information and  
5 Records Management Division, I would first  
6 report that there were no due dates for the  
7 filing of reports of receipts and expenditures  
8 during the month of November. With respect to  
9 new candidates' committees, for the 2024  
10 election cycle in the Traditional Campaign  
11 Finance Program, there are currently a total of  
12 eight candidates who are registered to  
13 participate in the June 2024, primary election,  
14 including the following new registration for  
15 the month of November. Yolanda Anderson,  
16 candidate for the office of U.S. Shadow  
17 Representative in the June 4th, 2024, primary  
18 election. The candidate registered on November  
19 the 28th, 2023.

20 And in the Fair Elections Program,  
21 there are currently 12 candidates who are  
22 registered to participate in the program,

1 including the following new three registrations  
2 for the month of November 2023. The first is  
3 Paul Johnson, who is a candidate for member of  
4 the council from Ward 4, the June 4th, 2024,  
5 primary election. The candidate registered on  
6 November the 1st, 2023. Ebony Payne, who is a  
7 candidate for member of the council for Ward 7,  
8 the June 4th, 2024 primary election. The  
9 candidate registered on November the 15th,  
10 2023. And Patricia Eguino, who is a candidate  
11 for at-large member of the council. The  
12 candidate registered on June the -- I'm sorry.  
13 On November the 3rd, 2023. And the candidate  
14 has registered to participate in the June 4th,  
15 2024, primary election.

16 We had five candidates and  
17 treasurers who completed the OCS entrance  
18 conference during the month of November. The  
19 first was Christina Henderson who's a candidate  
20 for the council at-large; Patricia Eguino who  
21 is a candidate for council at-large; Joyce  
22 DeCerce, treasurer for Patricia Eguino for D.C.

1 council; Thomas Malone, treasurer of friends of  
2 Christina Anderson, 2024; Isabella Ariza,  
3 treasurer for Ankit Jain.

4 In our reports analysis and audit  
5 division, and that's our Traditional Campaign  
6 Finance Program, the audit branch conducted 16  
7 reviews and also issued two requests-for-  
8 additional-information letters as a result of  
9 the desk reviews reports of receipts and  
10 expenditures which were issued. There were no  
11 final audit reports which were issued during  
12 the month of November 2023, but there are  
13 ongoing audits in the traditional audit branch.

14 And the first is a full field audit  
15 of a newly elected official, and that is the  
16 Kenyan McDuffie, 2022. The second is a full  
17 field audit of an inaugural committee, and that  
18 is of the D.C. Proud inaugural committee.  
19 Third, we have periodic, random audits which  
20 are ongoing, of our constituent service  
21 programs. And that is with respect to the  
22 October the 1st, 2023, report of financial

1 receipts and expenditures, which was filed by  
2 the program. The first is of the Ward 5  
3 council office constituent service fund  
4 program, and the second is of the citizens  
5 outreach fund. And again, with the audits,  
6 when the audits are completed, the final audit  
7 reports will be presented at our website for  
8 review by members of the public. The status of  
9 all of the ongoing audit reports is also  
10 reported in our activity report for the month  
11 of November as well. I would ask the General  
12 Counsel William Sanford to present the report  
13 of the Office of the General Counsel for the  
14 Agency.

15 MR. SANFORD: Thank you. Good  
16 afternoon, Mr. Chairman and distinguished  
17 board members Greenfield and Boggs. My name is  
18 William Sanford, General Counsel for the Office  
19 of Campaign Finance.

20 During the month of November 2023,  
21 the Office of the General Counsel initiated one  
22 full investigation, completed nine informal

1 hearings, and issued nine orders which included  
2 the following: Two orders to vacate, prior  
3 orders or notices of hearings were issued; six  
4 orders in which a total of \$5,225 in fines was  
5 imposed; and one order in which no fine was  
6 imposed.

7           During the month of November 2023,  
8 the Office of General Counsel imposed a total  
9 \$5,225 in fines against the following  
10 respondents: The fine of \$1,350 was imposed  
11 against Marcus for D.C. principal campaign  
12 committee; a fine of \$2,100 was imposed against  
13 friends of Robert White principal campaign  
14 committee; a fine of \$1,125 was imposed against  
15 friends of Robert White, principal campaign  
16 committee; a fine of \$200 was imposed against  
17 the campaign to elect Ed Lawson; another fine  
18 of \$200 was imposed against the campaign to  
19 elect Ed Lawson; and finally, a fine of \$250  
20 was imposed against the citizens to elect  
21 principal campaign committee.

22           During the month of November, the

1 Office of General Counsel received one payment  
2 for a fine of \$300 from the Ward 7 Democratic  
3 PAC, political action committee.

4           During the month of November, there  
5 were two open investigations before the Office  
6 of General Counsel and they included the  
7 following:           Docket       number       OCF       Full  
8 Investigation 2023 002 was docketed on the 23rd  
9 of October 2023.       The respondent, reelect  
10 Brooke Pinto committee 2024, the complainant  
11 was Edwin (audio interference), and the  
12 allegation was use of government resources for  
13 campaign related purposes.       The second  
14 investigation is docket number OCF Full  
15 Investigation 2023 003. It was docketed on the  
16 13th of November 2023.       The respondent was  
17 Brooke Pinto for Ward 2, 2020, principal  
18 campaign committee. The complainant was (audio  
19 interference), again the allegation was use of  
20 government resources for campaign related  
21 purposes. The status of both investigations is  
22 pending.

1                   During the month of November 2023,  
2                   there were no requests for interpretive  
3                   opinions, and there were no show cause  
4                   proceedings conducted. The contents of this  
5                   report will be published at the OCF website by  
6                   close of business on today's date, December  
7                   6th, 2023. And that should conclude my report.

8                   CHAIR THOMPSON: All right. Thank  
9                   you so much for the report from the Office of  
10                  Campaign Finance.

11                  MS. COLLIER-MONTGOMERY: That  
12                  concludes my report.

13                  CHAIR THOMPSON: Okay. Thank you.  
14                  All right. It's been a long morning. We've  
15                  got some executive session work to do. What  
16                  we'll do at this point is go into executive  
17                  session. I'll just note for the record if any  
18                  members of the public have any general comment,  
19                  you can submit those by way of our website in  
20                  writing. And we'll certainly read those  
21                  closely.

22                  So with that, at this time, I will

1 move under D.C. official code 2-575(e)13.  
2 Okay. That for the Board to enter into  
3 executive session, for the purpose of  
4 deliberating upon a decision whether to make  
5 referrals to the U.S. Attorney's Office in the  
6 ten matters that we considered earlier.

7 (Chorus of second.)

8 CHAIR THOMPSON: Okay. All in  
9 favor?

10 (Chorus of aye.)

11 CHAIR THOMPSON: Okay. So that's  
12 what we'll do. I don't -- I, you know, we  
13 might need some lunch or something. But it's  
14 hard to say how long we're going to need. You  
15 know, maybe half an hour, maybe longer. But if  
16 anybody would like to stay on and wait, we'll  
17 be somewhere between half an hour and an hour  
18 is my best guess. Yeah, 45 minutes; 1:45 we'll  
19 come back on the record. We'll come back on  
20 the record at 1:45. We'll let you know if we  
21 need more time, if we're still deliberating.  
22 But we'll come back on the record at 1:45. You

1 can dial back into the same link, if you want  
2 to take your link down. Or you can just leave  
3 it open. And we will -- well, no, we're going  
4 to close the link; right? Because we use it  
5 for our executive session.

6 MS. PEMBROKE: Yeah.

7 CHAIR THOMPSON: So you'll have to  
8 dial back in at 1:45, yeah. Okay. So. All  
9 right. Thank you everybody for your patience  
10 and your attention this morning. Thank you.

11 (Whereupon, the above-entitled  
12 matter went off the record at 12:56 p.m. and  
13 resumed at 1:55 p.m.)

14 CHAIR THOMPSON: Sorry. Let me  
15 start over. We're re-recording, and we're back  
16 from executive session. My name's Gary  
17 Thompson, the Chair. Board member Karyn  
18 Greenfield and board member J.C. Boggs are both  
19 here. So I'll start with a motion that we come  
20 out of executive session and back onto the  
21 record. Is there a second?

22 MEMBER GREENFIELD: I second.

1 CHAIR THOMPSON: All in favor, raise  
2 your hand or say aye.

3 (Chorus of aye.)

4 CHAIR THOMPSON: Everybody's good.  
5 All right. So we're back on the record. Thank  
6 you everybody for returning. And thanks for  
7 bearing with us. We have made our  
8 determinations and we'll go through all ten  
9 cases one at a time. I'll start with the  
10 overview point that, you know, this process is,  
11 I think, has worked really well. The first  
12 step in the process, and maybe one of the main  
13 takeaways from today is the importance of an  
14 interstate identification system like ERIC.  
15 And when that information is identified by ERIC  
16 in a very neutral way, and reported to election  
17 agencies like ours, we look into it. So we've  
18 looked into these matters. And pending before  
19 us are the possibility of referrals to the U.S.  
20 Attorney's Office or other action that we have  
21 the discretion to take. We are looking at both  
22 the federal and the D.C. statute in this

1 regard. I think earlier, I made reference to  
2 the federal statute which is 52 US Code 10307.  
3 In Subpart C, it refers to false information in  
4 voting with the requirement that the individual  
5 knowingly or willfully gives false information  
6 in registering to vote and certain other  
7 actions. Subsection E has to do with voting  
8 more than once in an election. That subsection  
9 has been interpreted to also require intent on  
10 the part of the individual to vote more than  
11 once. We've taken note of that legal  
12 requirement.

13 We've also looked at our own D.C.  
14 code statute which is at, I mentioned, I  
15 believe, 1-1001.18, which gives our board the  
16 discretion to assess civil fines for violations  
17 of the subchapter and specifically, that would  
18 be 1-1001.09 Subparagraph G which says, no  
19 person shall vote more than once in any  
20 election. A requirement that we also interpret  
21 to necessitate some degree of intent on the  
22 part of the individual who votes twice. So

1 we've thought about intent, we've taken all the  
2 evidence into account.

3 So I'll turn to the first matter.

4 In the matter of Vanessa Rubio, and make a  
5 motion at this time that we not refer this  
6 matter to the U.S. Attorney's Office for  
7 possible criminal prosecution. But rather,  
8 impose a civil fine against Ms. Rubio in the  
9 amount of \$500. Is there a second?

10 MEMBER GREENFIELD: Second.

11 CHAIR THOMPSON: And I should  
12 clarify, obviously, as I pretty much just said,  
13 the \$500 civil fine is being assessed under  
14 D.C. code 1-1001.18, Subsection B. We have the  
15 discretion to impose a civil fine. If it were  
16 a criminal matter, even under the D.C. code,  
17 that would also be referred to the U.S.  
18 Attorney's Office. So we're not referring any  
19 criminal matter to the U.S. Attorney's Office  
20 on this matter. But rather, we're imposing a  
21 civil fine of \$500. So I'll -- there having  
22 been a second, I'll call the vote. All in

1 favor?

2 MEMBER GREENFIELD: Aye.

3 CHAIR THOMPSON: Raise a hand. I  
4 have 2 votes. Did we lose J.C. Boggs?

5 MEMBER GREENFIELD: I don't see him.

6 CHAIR THOMPSON: He's iPhone 10.  
7 Just say -- ask to unmute. Well, we'll clear  
8 it up on the record shortly, but two votes --

9 MEMBER BOGGS: Hello?

10 CHAIR THOMPSON: There he is. So  
11 all in favor?

12 MEMBER BOGGS: Gary?

13 CHAIR THOMPSON: Yes.

14 MEMBER BOGGS: Yes. All right.  
15 Thank you.

16 CHAIR THOMPSON Okay. It's three to  
17 nothing. Turning then to the matter of Renee  
18 Diggs the motion there is, once again, to not  
19 make referral to the U.S. Attorney's Office to  
20 investigate potential criminal violations, but  
21 rather, to impose a civil fine. In the case of  
22 Ms. Diggs, my motion is to impose a civil fine

1 of \$100. There a second?

2 (Chorus of second.)

3 CHAIR THOMPSON: All in favor?

4 (Chorus of aye.)

5 CHAIR THOMPSON: That's three to  
6 nothing. Turning then, to Jessica Miser, the  
7 same motion is made that we not refer the  
8 matter to the U.S. Attorney's Office for a  
9 potential criminal prosecution, but rather,  
10 impose a civil fine. And in her case, of \$100.  
11 Is there a second?

12 MEMBER GREENFIELD: Second.

13 CHAIR THOMPSON: All in favor?

14 (Chorus of aye.)

15 CHAIR THOMPSON: That's three. All  
16 three to nothing. Fourth is the matter of  
17 Marcella Gooding, who is not present, but she  
18 did appear at a prehearing conference. The  
19 same motion is made there. That we not make  
20 referral to the U.S. Attorney's Office for  
21 potential criminal prosecution, but rather,  
22 impose a civil penalty of \$100. Is there a

1 second?

2 (Chorus of second.)

3 CHAIR THOMPSON: All in favor?

4 (Chorus of aye.)

5 CHAIR THOMPSON: Three to nothing.

6 The fifth matter is the matter of Barbara Ann  
7 Melvin Mason Duncan. She was not successfully  
8 served with process, and probably had -- or  
9 possibly had no opportunity to appear at this  
10 hearing. So my motion is to defer  
11 consideration of that matter to allow our  
12 General Counsel additional opportunity to make  
13 contact with Ms. Duncan, and if need be, re-  
14 present that matter in our next hearing, or  
15 some future hearing.

16 MEMBER GREENFIELD: I second that.

17 CHAIR THOMPSON: All in favor?

18 (Chorus of aye.)

19 CHAIR THOMPSON: Okay. Turning then  
20 to the sixth matter, Mr. Eddie Bishop. My  
21 motion is to not make referral to the U.S.  
22 Attorney's Office for potential criminal

1 prosecution, but rather, to impose a civil  
2 penalty of \$100. Is there a second?

3 MEMBER GREENFIELD: I second.

4 CHAIR THOMPSON: All in favor?

5 (Chorus of aye.)

6 CHAIR THOMPSON: Next case is the  
7 case of Margaretta Sibert-Dean. She was not  
8 present today, but she was at the prehearing  
9 conference. So same motion there, that we not  
10 make referral to the U.S. Attorney's Office for  
11 potential criminal prosecution, but rather,  
12 impose a civil penalty of \$100. Is there a  
13 second?

14 MEMBER GREENFIELD: Second.

15 CHAIR THOMPSON: All in favor.

16 (Chorus of aye.)

17 CHAIR THOMPSON: Three to nothing.

18 Turning then to the eighth matter involving  
19 Ashley Harris. My motion is to defer and  
20 provide 30 additional days to hear from Mr.  
21 Godwin, or potentially third parties, that can  
22 shed some light on what may have happened with

1 this mail ballot. So at this time to take no  
2 action to refer the matter for potential  
3 criminal prosecution, nor to impose any civil  
4 penalty. Is there a second?

5 MEMBER GREENFIELD: I second.

6 CHAIR THOMPSON: All in favor?

7 (Chorus of aye.)

8 CHAIR THOMPSON: Three to nothing.

9 MEMBER BOGGS: So, Gary, quick  
10 question. We would -- we're holding that open  
11 for a certain amount of time? Thirty days,  
12 definitely?

13 CHAIR THOMPSON: Thirty days.  
14 Thirty days, and I guess, you know, take this  
15 as a friendly amendment to my motion, we hold  
16 it open for 30 days to provide Mr. Godwin or  
17 another third party the opportunity to  
18 communicate with us. If we don't hear from Mr.  
19 Godwin within that 30-day window, we will make  
20 referral to the U.S. Attorney's Office for  
21 potential criminal prosecution and I say that,  
22 taking note of the fact that Ashley Harris

1 herself would not be the subject -- or at least  
2 in our opinion, would not be the proper subject  
3 for investigation. She's submitted sufficient  
4 evidence that she was in Florida at the time,  
5 that she did not sign the D.C. ballot in  
6 question, and our determination to provide a  
7 30-day window for Mr. Godwin or others relates  
8 to the fact that this ballot may have been  
9 intercepted by somebody else improperly and  
10 improperly filled out. So we mean no  
11 aspersions on Ms. Harris in this regard. So I  
12 just wanted to make that clear. So I guess,  
13 having explained all that, maybe I should  
14 recall the motion in case there's any changes.  
15 Is there a second?

16 MEMBER GREENFIELD: Second.

17 CHAIR THOMPSON: All in favor?

18 (Chorus of aye.)

19 CHAIR THOMPSON: All right. So  
20 that's three to nothing. The ninth matter is  
21 the matter of David Linfield. In light of the  
22 evidence submitted that Mr. Linfield did not

1 fill out the D.C. ballot, nor did the current  
2 owner, Mr. Works, obviously. There being  
3 nothing else to do, really, in this regard, my  
4 motion would be to not refer this to the U.S.  
5 Attorney's Office or take any other action.

6 MEMBER GREENFIELD: I second.

7 CHAIR THOMPSON: All in favor?

8 (Chorus of aye.)

9 CHAIR THOMPSON: And finally, with  
10 respect to the tenth matter of Hannah Brown,  
11 the evidence is clear that Ms. Brown did not  
12 vote twice and had no intent whatsoever of  
13 casting a second ballot in D.C. So in her  
14 case, my motion is that we make no referral to  
15 the U.S. Attorney's Office for potential  
16 criminal prosecution, nor impose any civil  
17 fine, or take any other action. Is there a  
18 second?

19 (Chorus of second.)

20 CHAIR THOMPSON: All in favor?

21 (Chorus of aye.)

22 CHAIR THOMPSON: Okay. That's all

1 ten of the matters that we heard. There's, I  
2 think, just two pending potential revisitation  
3 at our next meeting. Our next meeting would  
4 normally be the first Wednesday in the month,  
5 which is January 3rd. I think we're still  
6 considering whether we might move that to  
7 January 10th in light of holiday time or for  
8 other reasons. So we'll follow-up on that.  
9 Anything else before we close?

10 MS. STROUD: Just that written  
11 orders, regarding the matters that we just  
12 discussed, we'll issue forthwith.

13 CHAIR THOMPSON: Okay. Written  
14 orders will be issued with respect to the eight  
15 matters that we've addressed. And thank you  
16 everybody for hanging with us for this meeting.  
17 And at this time, I move we adjourn.

18 (Chorus of second.)

19 CHAIR THOMPSON: All in favor.

20 (Chorus of aye.)

21 CHAIR THOMPSON: Thanks.

22 MEMBER BOGGS: Thank you.

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MEMBER GREENFIELD: Thank you  
(Whereupon, the above-entitled  
matter went off the record at 2:09 p.m.)

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This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DC BOE

Date: 12-06-23

Place: teleconference

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