

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

+ + + + +

REGULAR BOARD MEETING

+ + + + +

WEDNESDAY,

NOVEMBER 8, 2023

+ + + + +

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

BOARD OF ELECTIONS MEMBERS PRESENT:

GARY THOMPSON, Chair
J.C. BOGGS, Member

BOARD OF ELECTIONS STAFF PRESENT:

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

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

2 (10:32 a.m.)

3 CHAIR THOMPSON: All right. Good
4 morning, everybody.

5 We have -- Zoom is open now. I see
6 we have a number of participants. I see the
7 court reporter is present. Thank you very
8 much. And we have a number of people here with
9 us today in the Board Room.

10 My name is Gary Thompson, the Chair
11 of the D.C. Board of Elections. With me is
12 J.C. Boggs of the Board, and also I believe
13 Karyn Greenfield is on by Zoom. Let me pause
14 for a second to make sure of that.

15 (Pause.)

16 CHAIR THOMPSON: I don't see her.
17 Well, we do have a quorum, so we'll go ahead
18 and start. If Board Member Greenfield joins
19 us, we'll note it for the record.

20 It is a light agenda, regular agenda
21 today. No special issues.

22 So we do have a quorum. Quick

1 housekeeping measure, we have distributed the
2 minutes of our former meeting on October 4th.
3 We reviewed them, and at this time I would move
4 that we adopt those minutes.

5 MEMBER BOGGS: Second.

6 CHAIR THOMPSON: All in favor?

7 MEMBER BOGGS: Aye.

8 CHAIR THOMPSON: Okay. So that's
9 done.

10 All right. Any Board matters from -
11 - I don't have any. Any Board members? From
12 you?

13 All right. So we'll move on with
14 the Executive Director's Report from Monica
15 Evans.

16 MS. EVANS: Thank you, and good
17 morning. This is the Executive Director's
18 Report for October 2023.

19 On Monday, October 2nd, we
20 recognized five recent graduates of the CERA
21 Program, which is the nation's first
22 professional certification program for election

1 and voter registration professionals. Since
2 1994, the Election Center, in partnership with
3 Auburn University in Alabama, has offered
4 professional certification as Certified
5 Elections Registration Administrator, CERA,
6 status.

7 The Professional Education Program
8 is the only program of continuing professional
9 education which specializes in voter
10 registration and elections administration.
11 Participants receive continuing education units
12 from Auburn University and Election Center
13 credits toward the achievement of the
14 profession's highest designation.

15 Our 2023 graduates are Melissa
16 Alexander, Duan Jones, Randy Legette, Richard
17 Thompson, and Ladawne White. Congratulations
18 to our graduates.

19 As far as data breach, on
20 October 5th, 2023, BOE became aware that a
21 hacking group known as RansomVC claimed to have
22 breached BOE's records and accessed 600 lines

1 of U.S. voter data, including D.C. voter
2 records. While BOE is still investigating this
3 matter, we know that voter records were
4 accessed through a breach of the web server of
5 DataNet Systems, BOE's website host. No
6 internal BOE databases, networks, or servers
7 were directly compromised.

8 BOE has taken the following actions
9 during the initial phase of our investigation.
10 BOE initiated an internal assessment and began
11 working with its data security and federal
12 government partners to investigate the breach.
13 These partners include, but are not limited to,
14 the Multi-State Information Sharing and
15 Analysis Center, or MS-ISAC, the Federal Bureau
16 of Investigation, and Homeland Security.

17 BOE collaborated with MS-ISAC's
18 computer incident response team to resolve the
19 issue. BOE has also received support and
20 guidance from the Office of Chief Technology
21 Officer. BOE directed DataNet to take down our
22 website and replace it with a maintenance page

1 upon learning that our website was the source
2 of the breach. A static website is now up, and
3 we are continuing to populate it with
4 additional content.

5 BOE conducted weekly vulnerability
6 scans on our database, server, and other IT
7 networks. We have set up an email account
8 where residents can ask questions, and that is
9 questions@dcboe.org.

10 During the investigation, it remains
11 safe and secure to register to vote in the
12 District of Columbia. D.C. residents can still
13 register to vote online, by using a paper form,
14 or in person at BOE offices. It should also be
15 noted that in the District of Columbia some
16 voter registration data, such as voter names,
17 addresses, photo records, and party
18 affiliation, all public information, unless it
19 has been made confidential in accordance with
20 District of Columbia rules and regulations.
21 BOE shares this information upon request and in
22 compliance with the law.

1 At this point, we know that DataNet
2 Systems' breached database server did contain a
3 copy of D.C. BOE's voter roll. Therefore, out
4 of an abundance of caution, BOE is working with
5 DataNet Systems to contact all registered
6 voters.

7 MS-ISAC has completed their
8 engagement and issued a report stating the
9 vulnerabilities with DataNet's practices.
10 Specifically, DataNet Systems failed to deploy
11 security updates and patches and failed to
12 conduct routine vulnerability scans.

13 Next steps. BOE will engage in a
14 system penetration testing at least annually.
15 BOE is exploring options for a permanent
16 website hosting solution, and these current
17 options do include conversations with OCTO.
18 BOE is working with DataNet to ensure a
19 comprehensive response to the breach, including
20 notifying all registered D.C. voters that that
21 plan is in place.

22 On October 31st, 2023, the Committee

1 on Executive Administration and Labor of the
2 Council of the District of Columbia held a
3 roundtable on the BOE data breach in
4 preparation for the 2024 election cycle. BOE
5 provided information regarding the data breach,
6 the investigation, and next steps.

7 BOE also updated information that
8 was given during the June 2023 roundtable on
9 2024 election planning. BOE is preparing a
10 response to the Council that provides
11 additional information. The official record
12 closes on November 10, 2023, at 5:00 p.m.

13 Precinct mapping. As required by
14 regulations, the Board is looking at our
15 current precinct boundaries to divide the
16 District into appropriate voting precincts
17 based on our election wards. A file has been
18 sent to OCTO to verify the SMDs and precinct
19 alignment, and the precinct mapping plan has
20 been sent to Councilmember Bonds for review.

21 ANC vacancies. We have 14 ANC
22 vacancies for the 2023-2025 term. These

1 positions are in different stages of being
2 filled. After candidate filing requirements
3 are met, an open vote of registered voters of
4 the affected SMD will be held during regularly
5 scheduled ANC meetings.

6 We have been working with the
7 Department of Corrections to fill the vacancy
8 at the ANC that the represents the jail, and
9 that is 7F-08. The petition and challenge
10 processes have ended. The ANC will be
11 conducting the special election in December.

12 List maintenance. Our 2023 list
13 maintenance process is still actively underway.
14 A non-forwardable postcard was sent to every
15 voter who did not vote in the November 2022
16 general election. Based on that data, we
17 mailed a second postcard that was forwardable
18 to those individuals. The forwardable postcard
19 was also mailed to voters who had a ballot
20 returned as undeliverable in 2022.

21 To date, we have removed 65,544
22 voters from our voter rolls. An additional

1 37,962 inactive voters will be removed from our
2 voter rolls before December 31st. We have
3 moved another 73,522 to an inactive status.

4 We are in the process of sending a
5 second batch of forwardable mailers. Once that
6 second batch is sent, an additional 20,000
7 voters will be moved to an inactive status.

8 Next steps and off-year election
9 planning. Our draft primary and general
10 election calendars for 2024 are posted on our
11 website. We are implementing the requirements
12 of the Elections Modernization Amendment Act
13 and the Local Resident Voting Rights Amendment
14 Act. We have met with VR Systems, our voter
15 registration database vendor, to provide a
16 database solution to house non-citizens who
17 registered to vote in local elections.

18 Our current timeline to implement
19 the database to register non-citizens for local
20 elections includes delivery of initial software
21 updates to BOE, BOE review of software updates,
22 and we will provide feedback, revision of

1 software date -- revision of the software based
2 on our feedback, and then of course training
3 BOE staff.

4 We are preparing to register
5 non-citizen residents to vote in January 2024.

6 We will acquire additional equipment to assist
7 with our mail ballot processing activities. We
8 receive funding in our FY2024 budget to
9 purchase an additional Agilis machine to sort
10 the ballots and signature verification
11 software. We are also acquiring DS950
12 equipment that will be used to tabulate
13 ballots.

14 The Agilis and DS950 equipment
15 purchases are currently with the Office of
16 Contracting and Procurement.

17 The comment period for our proposed
18 vote center and mail ballot dropbox locations
19 closed on October 2nd. We are in the process
20 of reviewing comments received. BOE plans to
21 have 55 mail ballot dropboxes that will be
22 placed throughout the city. We also plan to

1 operate 25 early vote centers and a total of 75
2 election day vote centers.

3 Accessibility. We are conducting an
4 accessibility survey of all prospective vote
5 centers before the 2024 election cycle,
6 regardless of whether they have been used
7 previously or not, to ensure the vote centers
8 remain accessible.

9 We are partnering with disability
10 rights at University Legal Services and the
11 Office of Disability Rights to conduct surveys.
12 As is our practice, we will also partner with
13 DGS to ensure that both centers are
14 structurally accessible. We will also ensure
15 that election workers are aware of the
16 Americans with Disabilities Act guidelines, as
17 well as the operational accessibility concerns
18 that have been raised, and that they are
19 trained to promptly and effectively address
20 these issues as they arise.

21 The Election Worker Training
22 Division is revising the election worker

1 handbook and the training curriculum based on
2 recently passed legislation. The recruitment
3 of quality election workers is important, and
4 their presence at vote centers requires
5 attention to detail.

6 During the 2024 election cycle, our
7 goal is to recruit and train between 2,000 and
8 2,500 election workers. We will deploy
9 approximately 1,700 election workers to serve
10 at both centers. Election worker training will
11 begin on Tuesday, March 2nd, 2024.

12 We will provide training classes for
13 registration clerks, ballot clerks, voter
14 assistance clerks, site coordinators, and area
15 reps. Classes will be offered six to seven
16 days a week for 10 weeks. Election workers are
17 also able to access online training -- the
18 online training module to complement the
19 required in-person classes.

20 Voter education and outreach.
21 During the month of October, the Voter
22 Education and Outreach Division conducted 19

1 outreach events on behalf of the agency.
2 Events included the 2023 Disability Tech Summit
3 at the Convention Center and a naturalization
4 ceremony held at the United States District
5 Court on October 10th.

6 Voter registration rolls. In
7 October, we registered 2,071 new voters and
8 processed 17,008 registration changes. In
9 total, we prepared 19,079 voter registration
10 cards to be mailed. Additionally, 2,697
11 registered voters moved out of D.C., 492 voters
12 canceled their registration and registered with
13 other jurisdictions, and 1,045 voters
14 registered in D.C. after canceling their
15 registrations in other states.

16 We are continuing to register voters
17 using our website portal. To date, we have
18 processed over 39,294 applications using the
19 portal. These include new voter registrations
20 and updates to existing registrations.

21 And that concludes my report. Thank
22 you.

1 CHAIR THOMPSON: All right. Thank
2 you very much. It's great to hear about new
3 voters registering to vote. Critical thing.

4 And I was just reflecting on the
5 fact that a year ago, here we were in the wake
6 of the general election talking about our list
7 maintenance and how many potential names were
8 on that list that were no longer active or had
9 moved out of D.C., et cetera. There was quite
10 a lot of talk about that, and we promised to
11 drill down on the details and spend careful
12 time following our processes, to meticulously
13 improve the list.

14 And, you know, it's just great to
15 hear that after a lot of hard work, here we are
16 talking about improving the list with voters
17 who no longer live here or who are no longer
18 active having been confirmed through that
19 meticulous process being moved to inactive
20 status or off the rolls completely, and it
21 really -- it will have a significant impact on
22 what I always call the denominator when a voter

1 initiative or a candidate has to obtain a
2 certain percentage or a certain number of
3 signatures driven by percentages.

4 So it's really important work. It's
5 detailed work. It's one of the major things
6 that happens in between election cycles, and
7 it's really great to hear we are nearly
8 concluded that very laborious process. So
9 thank you for that.

10 That was just a comment. And with
11 that, General Counsel's report from Terri
12 Stroud.

13 MS. STROUD: Good morning, everyone.
14 Before I get into the substance of my report, I
15 just wanted to introduce two new staff
16 attorneys who began with the Office of the
17 General Counsel on October 23rd. We have Jorge
18 Quintana and LaKetha Walker.

19 Jorge comes to us from the District
20 Court of Maryland where he served as a
21 commissioner. He practiced law in Montana for
22 about 20 years, including serving as chief

1 legal counsel in the Montana Secretary of
2 State's office for about seven years where he
3 had exposure to election law and
4 administration.

5 LaKetha Walker comes to us from
6 Louisiana where she practiced law for about
7 12 years, most recently as an administrative
8 law judge in the state's Division of
9 Administrative Law. She has also served as an
10 attorney with the Louisiana Department of
11 Health and as assistant DA in several counties.

12 So welcome, Jorge and LaKetha.
13 We are very happy to have you here, and we
14 all look forward to working with you.

15 So for litigation status, we have
16 four matters. The first is Public Interest
17 Legal Foundation versus Monica Evans in her
18 official capacity as the Executive Director for
19 the Board. This matter is in the U.S. District
20 Court for the District of Columbia.

21 It was filed under the National
22 Voter Registration Act, and it alleges that the

1 Board is out of compliance with the NVRA's
2 public records provision because the Board
3 denied a request for particular records related
4 to the electronic registration information
5 center, and we denied that request based on the
6 records not being subjected to public
7 disclosure.

8 All of the pleadings in this matter
9 have been filed, and a hearing has been
10 scheduled on the pending motion to dismiss for
11 December 4th.

12 The next matter is Stacia Hall
13 versus the Board. This is also in the U.S.
14 District Court for the District of Columbia.
15 This is a challenge to the Local Resident
16 Voting Rights Act. As this is a challenge to
17 the constitutionality of an act of the Council,
18 the Board is being represented by the Office of
19 the Attorney General.

20 All pleadings have been filed in
21 this matter, and we are awaiting the Court's
22 ruling.

1 The next matter is District of
2 Columbia Democratic Party versus Muriel Bowser,
3 et al. The Board and the District government
4 are also named defendants. This case was in
5 the D.C. Superior Court. It was a challenge to
6 initiative measure number 83.

7 And prior to the initial hearing,
8 which was set for November 6, the plaintiffs
9 withdrew the complaint. And that is because an
10 additional complaint was filed in the same
11 matter, and the caption is the same, with the
12 addition of an additional plaintiff.

13 On October 3rd, the defendants filed
14 a joint motion to dismiss, and we notified the
15 court that the statute requires that the case
16 be expedited. The plaintiffs filed their
17 opposition on November 4th, and the defendant's
18 reply is due on November 13th. An initial
19 hearing has been set for December 1st.

20 And that concludes the litigation
21 status and my report.

22 CHAIR THOMPSON: Thank you very

1 much.

2 Turning now to campaign finance,
3 Cecily Collier-Montgomery.

4 MS. COLLIER-MONTGOMERY: There were
5 no new certifications or disbursements from the
6 Fair Elections Fund which were authorized by
7 the agency during the month of October 2023.
8 In terms of desk reviews, the office -- the
9 Fair Elections Division conducted 19 desk
10 reviews of reports of receipts and
11 expenditures, and also issued 11 requests for
12 additional information concerning the review of
13 the amended reports of receipts and
14 expenditures.

15 The Fair Elections Division also
16 conducted four candidate treasurer
17 consultations during the month of October,
18 first for Markus for One Ward 8, Committee to
19 Re-elect Janeese Lewis-George, Veda for Ward 7
20 2024, and for Rodney "Red" Grant for City
21 Council.

22 As of October 31, 2023, with respect

1 to remitted funds from the Fair Elections
2 Program, the total sum of \$803,207.20 has been
3 remitted for deposit in the fund from the
4 campaign operation of the candidates who were
5 certified to participate during the 2022
6 election cycle.

7 With the ongoing 2020 post-election
8 full field audits, again, the OCF initiated
9 34 full field audits of the campaign operation
10 of the candidates who were certified to
11 participate in the Fair Elections Program
12 during the 2020 election cycle.

13 There are currently 11 of these
14 post-election audits which are ongoing before
15 the division at various stages of the audit
16 process. And, again, with respect to the
17 status of those audits, that is detailed in our
18 report, which again will be filed or posted on
19 our website this afternoon.

20 FEP Division has issued a total of
21 23 final audit reports of the post-election
22 audits which were initiated for the 2020

1 election cycle, and those audits are available
2 for review by the public at our website.

3 With the ongoing 2022 post-election
4 full field audits, the Office of Campaign
5 Finance issued approximately 42 post-election
6 audit letters for the candidates who
7 participated in the June 2022 primary election
8 and the November 2022 general election. To
9 date, the FEP has issued 19 preliminary
10 statements of audit findings and 12 final audit
11 reports for the 2020 election cycle, including
12 for the month of October the following: Nina
13 O'Neill for D.C., the final audit report was
14 issued on October 12th, 2023, which was a
15 compliance audit report.

16 Together with Wiley, the final audit
17 report was issued on October 12th, 2023, which
18 was also a compliance audit report. Elect
19 Ms. Carisa Stanley Beatty for D.C. Board of --
20 State Board of Education, Ward 5, preliminary
21 audit findings were issued on October 13th,
22 2023. And for Elect Mr. Ben Michael Williams

1 for D.C. State Board of Education, Ward 1, the
2 preliminary audit findings were issued on
3 October 27th, 2023.

4 Again, all final audit reports are
5 available at our website for review by the
6 public. In our Public Information and Records
7 Management Division during the month of
8 October, there were two due dates for the
9 filing of reports of receipts and expenditures.
10 The first was the October 2nd, 2023 due date
11 for the filing of the financial reports by the
12 constituent service programs at our senator or
13 representative statehood fund program.

14 And the October 10th, 2023 due date
15 for the filing of the financial reports for our
16 Political Action Committee, the Independent
17 Expenditure Committee, and the Fair Elections
18 Program Candidate Committees. The real-time
19 images of the reports are available at our
20 website for review by the public.

21 For the 2023 election cycle, with
22 respect to new candidates and committees, and

1 the traditional Campaign Finance Program, there
2 are currently a total of seven candidates who
3 have registered to participate in the 2024
4 primary election. There were no new
5 registrations in the traditional Campaign
6 Finance Program during October 2023.

7 In our Fair Elections Program,
8 again, there are currently nine candidates who
9 are registered to participate in the program,
10 including four new registrations for the month
11 of October.

12 And those registrations are Kevin
13 Rapp, candidate for At-Large Member of the
14 Council, the June 4th, 2024, primary election.
15 The candidate registered on October 1st, 2023.

16 Janeese Lewis-George, candidate for
17 Member of the Council from Ward 4, the June
18 4th, 2024, primary election. The candidate
19 registered on October 4th, 2023.

20 Markus Batchelor, candidate for
21 Member of the Council from Ward 8, in the June
22 4th, 2024, primary election. The candidate

1 registered on October 4th, 2023.

2 And, last, Christina Henderson,
3 candidate for At-Large Member of the Council
4 for the November 8th, 2024, general election.
5 The registration date was October 11th, 2023.

6 Also, in the traditional program,
7 four candidates and treasurers completed the
8 OCF entrance conference, and those candidates
9 were Kevin Rapp, candidate Council At-Large;
10 Janet McHale (phonetic), treasurer, Committee
11 to Re-elect Janeese Lewis-George; Kevin Rapp,
12 Treasurer, Kevin Rapp for Council At-Large; and
13 Jonathan D. Hill, Treasurer, Markus for One
14 Ward 8.

15 The Public Information and Records
16 Management Division, during the month of
17 October, also referred four Political Action
18 Committees for the failure to follow the
19 October 10th report of receipts and
20 expenditures to the Office of the General
21 Counsel for the initiation of the enforcement
22 process.

1 The names of those committees are
2 listed in our report, again, which will be
3 posted on -- today.

4 For the report's Analysis and Audit
5 Division, that is our traditional campaign
6 finance audit program. The Audit Branch
7 conducted 64 reviews of reports of receipts and
8 expenditures that have been filed, and also
9 issued eight requests for additional
10 information letters concerning the review of
11 those reports.

12 The traditional Audit Branch issued
13 two final audit reports during the month of
14 October. The first was the D.C. Latino Caucus
15 PAC, and the audit report was issued on
16 October 31st, '23, and that was a compliance
17 audit report. And the audit was a periodic
18 random audit which was conducted on the July
19 31st, 2023, report of receipts and
20 expenditures, which had been filed by the
21 Political Action Committee.

22 The second was D.C. Young Democrats,

1 and that final audit report was issued on
2 October 31st, '23, and was a compliance audit
3 report. And, again, the report was of the
4 July 31st report of receipts and expenditures,
5 which had been filed by the committee.

6 There are currently three ongoing
7 full field audits before the traditional Audit
8 Branch. The first is a full field audit of a
9 newly elected official, and that is of the
10 Kenyan McDuffie 2022 Principal Campaign
11 Committee, and that is ongoing.

12 The second is a random periodic
13 audit, which is being performed of a Political
14 Action Committee as July 31st, 2023, report of
15 receipts and expenditures. The Political
16 Action Committee is the Citizens for Empower
17 (phonetic), and basically I would also note for
18 the record that the bank account of the
19 committee was closed.

20 And we have received a letter from
21 the bank which confirms that the third full
22 field audit is of the D.C. Proud Inaugural

1 Committee, and that particular field audit is
2 ongoing.

3 And that concludes my report, but I
4 would ask Mr. SanFord to provide the report of
5 the Office of the General Counsel for the
6 Office of Campaign Finance.

7 CHAIR THOMPSON: Good morning,
8 Mr. SanFord.

9 MR. SANFORD: Good morning,
10 Mr. Chairman, and good morning, distinguished
11 Board Member Boggs.

12 I'd first like to start by
13 introducing the newest members of the Office of
14 the General Counsel for the Office of Campaign
15 Finance, and they are Narita Gonzalez
16 (phonetic) and Tina Ball (phonetic). They both
17 bring a wealth of experience to the agency.

18 They both commenced their journey
19 with the Office of Campaign Finance in
20 September, and we are looking forward to having
21 them on board. And we have high expectations
22 of their contributions they will make during

1 their tenure at the Office of Campaign Finance.

2 CHAIR THOMPSON: Welcome. Welcome
3 to everybody starting.

4 MR. SANFORD: Thank you very much.

5 Regarding the reporting, during the
6 month of October, the Office of the General
7 Counsel received four referrals from the Public
8 Information and Records Management Division,
9 completed 21 informal hearings, and issued one
10 order, including -- which included -- issued
11 10 orders, which included the following: two
12 orders to vacate were issued, two orders to
13 vacate notices of hearings or prior orders,
14 three orders in which a total of \$950 in fines
15 was imposed, and five orders were issued in
16 which no fines were imposed.

17 During the month of October 2023,
18 the Office of the General Counsel imposed fines
19 against the following respondents. A fine of
20 \$50 was imposed against Thaddeus James, former
21 Advisory Neighborhood Commissioner candidate.

22 A fine of \$850 was imposed against

1 Friends of Best, a Principal Campaign Committee
2 in the 2022 election cycle.

3 And a fine of \$50 was imposed
4 against Robin McKinney, a former Advisory
5 Neighborhood Commission candidate.

6 During the month of October 2023,
7 the Office of the General Counsel collected
8 \$100 in fines from McKinney, former Advisory
9 Neighborhood Commission candidate. That has
10 changed, former Neighborhood Commission
11 candidate.

12 And also collected a \$500 payment
13 towards a repayment that former candidate and
14 current Council Member Zachary Parker is
15 required to repay the Fair Elections Program.

16 During the month of October 2023,
17 the Office of General Counsel transmitted eight
18 petitions for enforcement to the Office of
19 General Counsel for the Board of Elections.
20 The petitions were for the following
21 respondents: James Ward 2 State Board of
22 Education, Evan Redd PAC (phonetic), Markus for

1 D.C., Kishan for D.C. 2020 primary election,
2 Citizens for Bill Lewis 2020 election, Ward 3
3 Amore (phonetic) 2020 election, Ed Lazere for
4 D.C. Council At-Large 2020, and John Fanning
5 for the Ward 2 special election in 2020.

6 During the month of October 2023,
7 the Office of General Counsel opened one
8 investigation. In this investigation, the
9 complainant was Edwin Hanlon. The date the
10 investigation was docketed was October 23rd.
11 The respondent is Committee to Re-elect Brooke
12 Pinto 2024, and the allegation is use of
13 government resources for campaign-related
14 purposes. And the status of that investigation
15 is pending.

16 During the month of October,
17 2024 (sic), there were no requests for
18 interpretative opinions, and no show cause
19 proceedings were conducted.

20 The contents of my report will be
21 published at the Office of Campaign Finance
22 website by close of business on today's date,

1 November 8th, 2023, and that should conclude my
2 remarks.

3 CHAIR THOMPSON: All right. Thank
4 you very much.

5 MR. SANFORD: Thank you.

6 CHAIR THOMPSON: We will turn now to
7 public comment. We love to hear from our D.C.
8 residents. And looking at the Zoom screen, and
9 I would ask a hand to be raised. I think
10 Nikolas Schiller's hand went up first, so we'll
11 hear from Mr. Schiller.

12 MR. SCHILLER: Greetings. Can you
13 hear me okay?

14 CHAIR THOMPSON: Yeah.

15 MR. SCHILLER: All right. First
16 off, I just want to thank the Board for their
17 hard work on updating the voter roll. I want
18 to echo what you said, Chairman Thompson, that
19 I know it has been a lot of work and a long
20 time coming, and it was great to see the voter
21 roll updated.

22 I received a copy -- I requested in

1 writing a copy on October 19th, and I was able
2 to look over. And I heard during the report
3 that there was still potentially another 20,000
4 that will be removed or at least placed into
5 the inactive status. If I can get confirmation
6 on what that number is, that would be great.

7 I do know that there are still some
8 more work to be done. I used 1900 F Street as
9 an example throughout this process, because
10 it's a freshman dorm at George Washington
11 University. And when I was looking over the
12 voter roll, I still noticed that there are
13 still people that are registered to vote there
14 in 1998. So there's -- I know there's still
15 some more work to be done.

16 Number two, I'm going to post in the
17 chat real fast a link. I know the website is
18 under maintenance, and I just have a quick
19 follow-up on that is that this link here is a
20 check your voter registration status.

21 When we start the signature
22 collection effort, one way that petition

1 circulators are able to engage voters in a way
2 to ensure that they have a valid -- collect a
3 valid signature from a registered voter is
4 being able to use that link. I create QR codes
5 that we put on the clipboards, so if a voter is
6 not sure where they're registered to vote, they
7 can just, you know, whip out their phone and be
8 able to check to see if they're -- where
9 they're registered to vote.

10 Right now, because the website is
11 under maintenance, that page is not available.
12 And it would be really -- it's very important
13 that that interactivity is added or possibly an
14 app is created by the Board so that a voter who
15 is out in the field can be able to check their
16 voter registration immediately. Because if
17 someone writes down the wrong address, you
18 know, that signature might not count. And that
19 tool that the Board of Elections had available
20 was very useful for political campaigns.

21 And then the last mention is that
22 the press release that was issued I believe on

1 October 6th about the hack, it said that the
2 Board was made aware on October 5th. I brought
3 the attention to the Board on October 4th that
4 there was malicious code that had been added to
5 the Board of Elections website. And I'm just
6 curious if the malicious code that I discovered
7 is the same related to the hack that took place
8 or if they are totally not related or if they
9 are related.

10 Thank you so much for your time, and
11 keep -- I appreciate your service to the
12 District of Columbia. Thank you.

13 CHAIR THOMPSON: Thank you. Three
14 questions.

15 MS. EVANS: Yes. Thank you for your
16 questions. So, first, about the number of
17 additional votes that will be moved to an
18 inactive status, we do not have an exact number
19 right now, because that is part of the active
20 campus, so we do expect a second mailer to go
21 out this week, and then we will be able to have
22 that exact number once we know what is in that

1 batch that goes out, which would signal for
2 those individuals to be moved to an inactive
3 status. But that information will be posted on
4 our website.

5 As far as the hack and the
6 information --

7 CHAIR THOMPSON: Can I just ask real
8 quick, he mentioned an address of a GW dorm.
9 Is that something we can look at?

10 MS. EVANS: Yes. And of course the
11 universities, that is always our biggest
12 challenge, just making sure we have accurate
13 information, but we are looking into that. So
14 we're working with all of the universities,
15 because some universities have one address that
16 actually signals different SMDs, if you will.

17 So there are a number of issues
18 we're working with universities to correct in
19 short order.

20 In reference to the hack, the date
21 that we reported was the date that we had some
22 indication that the voter roll was hacked. Of

1 course, there was potentially some other
2 activity, including the activity that you
3 reported earlier that week. And so it is
4 likely part of the same group, but based on the
5 information we have from MS-ISAC, there could
6 be multiple players involved.

7 And so since we are referencing what
8 we know today from the RansomVC group, that is
9 the information that was in the October 6th
10 press release that we put out.

11 I hope that provided clarification
12 to your questions.

13 CHAIR THOMPSON: And he also asked
14 about fixing the check your registration
15 status.

16 MS. EVANS: Oh, yes. And that is
17 also something -- thank you, Chair -- that will
18 be corrected. We have been working on updating
19 and getting a new temporary website launched,
20 and we hope to have that pretty much underway
21 by next week.

22 We're working on some minor issues

1 and some irregularities that we have identified
2 as we have gone through the full site. But our
3 target is next week, and then voters will be
4 able to check their registration from that as
5 well.

6 CHAIR THOMPSON: All right. Thank
7 you.

8 I see -- excuse me, I'll recognize
9 you in a -- I will. I will. I'll get to it.
10 I see it. Abel Amene with a hand up for
11 comment. Welcome.

12 MR. AMENE: Thank you. Thank you
13 very much. I hope you can hear me well.

14 CHAIR THOMPSON: Yes.

15 MR. AMENE: Like you said, my name
16 is Abel Amene. First, before I go into my
17 comments, just a quick question for the General
18 Counsel. Is it still possible to make comments
19 about the rulemaking? And then I can go into
20 more detail about my comments.

21 MS. STROUD: Yes. The comment
22 period I believe closes on Sunday, so you are

1 able to make comments with respect to the
2 proposed rulemaking. And I think you submitted
3 a comment already with respect to some language
4 regarding the Local Resident Voting Rights Act,
5 which we have taken into account.

6 So, yes, you are still able to make
7 -- submit comments through the portal, and I
8 can -- you know, you can certainly email
9 ogc@dcboe.org, but I will check with our
10 Director of Communications to see whether or
11 not the portal that is on our website that
12 allows for comments to be submitted in writing
13 is still up in light of the issues that we're
14 having with the website due to the breach.

15 MR. AMENE: Yeah. I made that -- I
16 made that comment using the same form after the
17 breach, so I believe it seems to be still
18 operational.

19 I am just going to reiterate what I
20 said in my comments and just go through them a
21 little bit. I'm just going to drop for people
22 who are paying attention some links in the --

1 from what I'm going to be talking about.

2 In particular, I want to talk about
3 page 15 of the rulemaking, and this is the most
4 important part when it comes to Local Resident
5 Voting Rights Act. The way you have it written
6 here, it's -- I'm looking at 500.2, subsection
7 B. What I am concerned about is the use of the
8 term "ballot measures."

9 MS. STROUD: The word should have
10 been "ballot question," "question" as opposed
11 to "ballot measure." Because a ballot question
12 encompasses charter amendments, which is what
13 you pointed out. So that is something that
14 will be corrected, not with the final
15 rulemaking that we're going to put forth
16 because I don't want to delay the entirety of
17 the rulemaking from going forward, since that
18 could be considered a substantive change.

19 And so what we're going to do is
20 submit that as part of another proposed
21 rulemaking, so that should have said "ballot
22 question" as opposed to "ballot measure."

1 MR. AMENE: That is great. And,
2 thankfully, we don't have any charter
3 amendments coming up, so that shouldn't be an
4 issue. I appreciate you taking my comments.

5 MS. STROUD: Yeah.

6 MR. AMENE: Thank you.

7 MS. STROUD: That regulation would
8 have been in conflict with the statute. That
9 wouldn't have been an issue because we -- you
10 know, it wouldn't have -- that statute would
11 have trumped the regulation that would've been
12 in error. So there wouldn't have been an issue
13 in terms of ensuring that local residents could
14 vote on a charter amendment were one to have
15 come down the pike.

16 MR. AMENE: I appreciate it very
17 much. Thank you very much.

18 Just to follow up, as far as the --
19 is there any update on the registration
20 process, I guess this would be more a question
21 for the Director, any clear timeline besides
22 definitely before January 1st? I know that you

1 have a little bit more detail. I would love
2 it.

3 MS. EVANS: Yes. And in my report I
4 did just briefly list the number of steps that
5 will take us to the deployment of that portal.
6 And we expect to complete staff training with
7 that additional database in mid-December. And
8 so no later than the beginning of January we
9 are anticipating going live with that.

10 So some of it just depends on the
11 revisions that are presented to BOE and walking
12 through and testing those revisions and just
13 determining how many there are. So it's a
14 somewhat fluid timeline, but definitely by
15 mid-December with a deployment date early
16 January. However, we said at least by early
17 January. So in the event we get fewer
18 revisions, then it is possible that we can move
19 forward with that, even in December.

20 MR. AMENE: Now, to ask this of the
21 Board I guess and their interpretation of these
22 rules, I am considering running for office, and

1 technically right now I am not a registered
2 voter. How will you be interpreting the
3 requirement that I need to be a registered
4 voter? Even though I'm eligible, I'm just
5 physically not able to because the process is
6 not ready.

7 I will, by the time I take office,
8 if I do take office, be a registered voter.
9 How will you be interpreting that requirement
10 that, you know, an elected official when they
11 take office has to be a registered voter. But
12 right now -- the vacancy is open now, and the
13 vacancy petition collection would be now.

14 So how will you deal with this
15 discrepancy and the fact that I cannot
16 physically say that I am a registered voter
17 until this process is ready, but that is a
18 prerequisite of running for office that is
19 currently open that I am technically, you know,
20 legally eligible for but physically not able to
21 because the registration process is not ready.

22 I would love any input on that and

1 any advice on that.

2 MS. EVANS: I would defer to my
3 General Counsel, but prior to candidate pickup,
4 the registration process for non-citizens will
5 be active. And so before that date, there will
6 be no issues with stating you are a registered
7 voter.

8 MR. AMENE: Just to clarify, this
9 would be a vacancy and the process would be --
10 I believe the petition collection process has
11 started as of yesterday. You said they could -
12 -

13 MS. EVANS: So if you -- we can talk
14 to you offline about that, just to ensure that
15 you have the proper information going forward.

16 MR. AMENE: I appreciate it. Thank
17 you for your service.

18 MS. EVANS: Absolutely.

19 CHAIR THOMPSON: All right. Thank
20 you, Mr. Amene. I'm just looking at the Zoom
21 board to see if there is any other hands
22 raised. And seeing none, we'll turn here in

1 the Board Room to hear from Dorothy Brizill.

2 MS. BRIZILL: Good morning. My name
3 is Dorothy Brizill, and I'd like to raise a few
4 issues with the Board, time permitting.

5 First and foremost, can you tell me
6 whether or not Board of Elections meetings are
7 in fact open to the public? I arrived today
8 for the second or third time and found that the
9 doors to the meeting room were locked. And I
10 only gained access by getting a staff person
11 who knew me to use their passkey to let me in.

12 When I approached you, Mr. Chairman,
13 your counsel responded, "The meeting is not
14 open. The meeting is Zoom."

15 So several months -- weeks --
16 several months ago, meetings ago, you welcomed
17 people back to Board of Elections meetings.
18 Are in fact Board of Elections meetings open to
19 the public?

20 CHAIR THOMPSON: Okay. Are those
21 all your questions? If you could --

22 MS. BRIZILL: No. I'd like to go --

1 CHAIR THOMPSON: If you could --

2 MS. BRIZILL: -- one by one.

3 CHAIR THOMPSON: Yeah. Just please
4 let us know your points, and then we'll address
5 them, kind of in the way Mr. Schiller did. If
6 you could finish your comment, please.

7 MS. BRIZILL: The second thing is is
8 that I'd like to get some clarification on what
9 the role of your Communications Director is.
10 As you know, she is new to the staff. I had
11 not met her. I approached her before the start
12 of the meeting and indicated I would like to
13 introduce myself and to speak with her after
14 the meeting.

15 She told me she'd have to consider
16 it. What does that mean? I had thought that
17 with the hiring of a new Communications
18 Director, especially prior to the 2024
19 election, we would improve -- I stress improve
20 -- communications between this Board and the
21 public. Have you directed Communications
22 Director not in fact to speak to members of the

1 public until they get prior approval of the
2 Board or the Executive Director?

3 My last points concern planning for
4 the 2024 election. Can I get an update as
5 regards to what the real status is currently at
6 the warehouse? Are there working toilets? Is
7 there running water? What are the plans for
8 using the warehouse for the storage of
9 equipment and the tabulation of votes in 2024?

10 Moreover, can Ms. Evans give a more
11 detailed rendition as regards what equipment is
12 still to be purchased, what equipment needs to
13 be repaired, and what the future of backup
14 equipment for the 2024 election is, because we
15 have situations where, at least in Ward 1,
16 machines went down, especially printers, and
17 they were not repaired or replaced for several
18 hours.

19 Thank you very much.

20 CHAIR THOMPSON: Okay. Thanks for
21 your comments. I will just briefly address the
22 issue of our meetings. It's, obviously,

1 entirely within our discretion whether to have
2 meetings be physically open to the public here
3 in our Board Room or just by Zoom. We have
4 shifted back and forth. Mostly recently, we
5 shifted back to a remote or Zoom-only format,
6 not just due to pandemic concerns but to some
7 extent safety concerns that I don't want to go
8 into.

9 But it felt like the right call to
10 proceed remotely, at least for a while, until
11 we feel like it would be safe to have the
12 meetings open to the public. That's something
13 we'll think about for future meetings,
14 especially as we head into special issues that
15 might be raised.

16 I'm sure they will be raised in the
17 next election cycle, so thank you for your
18 comment. It's something we will continue to
19 take under advisement.

20 The other matters you raised are
21 within the province of the Executive Director
22 and her staff, so I would defer to Ms. Evans.

1 MS. EVANS: Yes. And good morning,
2 Ms. Brizill. The first question you asked was
3 about clarification of the role of the Director
4 of Communications. And, no, the Director of
5 Communications has not been directed to have no
6 comment or interaction with members of the
7 public.

8 I don't know what she said to you,
9 so I can't really comment about what she said
10 or didn't say to you, but I don't know what her
11 schedule is after the meeting. So I don't know
12 if that had to do with her schedule or what she
13 has planned for the day.

14 So because I wasn't a part of that,
15 it's difficult for me to address the specifics
16 of that engagement. But, no, there was no
17 directive for our Director of Communications to
18 withhold meetings with members of the public or
19 you in particular.

20 MS. BRIZILL: Can I respond to that
21 before we go on?

22 CHAIR THOMPSON: Hold on. Let her

1 finish. I think you wanted to --

2 MS. BRIZILL: Something to finish?

3 CHAIR THOMPSON: Yeah. Just maybe
4 address the warehouse question, and we'll
5 permit one brief follow up.

6 MS. EVANS: As far as planning for
7 the 2024 election and status of the warehouse,
8 we did receive a quote from the landlord about
9 modifications to the current warehouse space.
10 We also had viewed and toured other locations
11 in the District of Columbia that provide
12 temporary suggestions for location of our mail
13 ballot processing unit and logic and accuracy
14 testing, et cetera, for 2024.

15 And so I had to submit an updated
16 scope of work, which I have done. DGS is now
17 looking at costing that out, and so the two
18 options that are currently available is just a
19 temporary move for 2024 or looking to see if we
20 have enough time for a permanent move, and then
21 continue renovations with portions of the space
22 as we occupy areas that are currently able to

1 be used in a safe manner.

2 MS. BRIZILL: Can I respond, first,
3 to Mr. Thompson? You made a statement at a
4 Board meeting that you welcomed people back
5 because the Board was back and open. I don't
6 recall your making a statement saying that the
7 Board meetings were closed. And, as I said,
8 this is not the first time I've arrived to find
9 the doors locked.

10 Can you elaborate on what -- the
11 safety concerns you have, as regards locking
12 the doors?

13 CHAIR THOMPSON: No. But I
14 appreciate the spirit of your comment. I'll
15 think about it. We'll think about it as we
16 move forward. And really appreciate your
17 comments.

18 So thank you very much. It's not --
19 it's not a cross-examination.

20 MS. BRIZILL: I'm not cross-
21 examining.

22 CHAIR THOMPSON: You've had a

1 comment --

2 MS. BRIZILL: I just have a
3 question.

4 CHAIR THOMPSON: -- and a follow up.

5 MS. BRIZILL: I'd like to follow up
6 with Ms. Evans.

7 CHAIR THOMPSON: Going on eight
8 minutes.

9 MS. BRIZILL: Ms. Evans, you
10 indicated that the Communications Director is
11 free to -- essentially free to interact. Prior
12 to her being brought on, was she given any
13 instructions as regards -- or directed
14 regarding interacting with the public?

15 CHAIR THOMPSON: As lawyers say,
16 asked and answered.

17 MS. BRIZILL: Oh. She just --

18 CHAIR THOMPSON: She has directly
19 answered that question from you, and it's not a
20 cross-examination. We're not taking a
21 deposition.

22 MS. BRIZILL: This is a public

1 meeting of this Board.

2 CHAIR THOMPSON: To conduct --

3 MS. BRIZILL: I have a question
4 about the work of the Communications Director.

5 CHAIR THOMPSON: Well --

6 MS. BRIZILL: Ms. Evans, can you
7 answer that? Was she given --

8 CHAIR THOMPSON: She just did.

9 MS. BRIZILL: -- instructions as
10 regards how to act -- interact with the public?

11 MS. EVANS: No.

12 MS. BRIZILL: She was not even any
13 instruction.

14 MS. EVANS: No. There was no formal
15 instruction about how to or not to interact
16 with the public.

17 MS. BRIZILL: She came from another

18 --

19 MS. EVANS: She is a seasoned -- she
20 is a seasoned communications officer, and so
21 she acts within the parameters of what a
22 director of communications would do. But as

1 far as direction one way or another, that was
2 not discussed with her.

3 MS. BRIZILL: And for --

4 CHAIR THOMPSON: Thank you. Thank
5 you.

6 MS. BRIZILL: With regard to the
7 warehouse, you've indicated --

8 CHAIR THOMPSON: Ms. Brizill?

9 MS. BRIZILL: -- point of saying --

10 CHAIR THOMPSON: Now you're --

11 MS. BRIZILL: -- other locations for
12 relocating the warehouse --

13 CHAIR THOMPSON: That was answered.

14 MS. BRIZILL: -- for the tabulation
15 of votes? What about the other employees, the
16 other issues at the warehouse in terms of the
17 use of the warehouse for the storage of
18 election equipment?

19 MS. EVANS: Yes. As I said, for the
20 space we currently occupy, we have received a
21 quote for improvements and upgrades to that
22 current space. And so we're working with DGS

1 to move forward with a timeline of March 2024.

2 CHAIR THOMPSON: Thank you.

3 MS. BRIZILL: Is it moving that
4 space or improving that space?

5 MS. EVANS: Improving that space.

6 CHAIR THOMPSON: All right. Listen,
7 thank you so much. We've been patient. So
8 your comment is appreciated.

9 So I'm looking to make sure on Zoom
10 if there are -- see if there's any other hands
11 raised.

12 And I don't see anybody else here
13 who would like to comment, so with that, I
14 would move we adjourn.

15 MEMBER BOGGS: Second.

16 CHAIR THOMPSON: All in favor?

17 MEMBER BOGGS: Aye.

18 CHAIR THOMPSON: Aye. Thank you.
19 Thank you so much, everybody. And, once again,
20 welcome to our new staff members.

21 (Whereupon, the above-entitled
22 matter went off the record at 11:29 a.m.)

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In the matter of: Board Meeting

Before: DC BOE

Date: 11-08-23

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