

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

FEBRUARY 1, 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  
KARYN GREENFIELD, Member

BOARD OF ELECTIONS STAFF PRESENT:

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

C-O-N-T-E-N-T-S

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Adjournment

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

2 (10:32 a.m.)

3 CHAIRMAN THOMPSON: All right. Well,  
4 good morning, everybody. Happy February. One  
5 month in already, just like that. We've got a  
6 lot of folks here in our boardroom at the Board  
7 of Elections and a number of people participating  
8 by Zoom.

9 Good morning, everyone. My name is  
10 Gary Thompson, the Chair of the Board of  
11 Elections. And all three board members are  
12 present, J.C. Boggs, Karyn Greenfield, so we have  
13 a quorum to proceed with business.

14 Not too heavy of an agenda today. The  
15 agenda's been distributed. We've all had a  
16 chance to look at it, and the first order of  
17 business is I would move that we adopt the  
18 agenda. Is there a second?

19 MEMBER BOGGS: Second.

20 CHAIRMAN THOMPSON: A second. All in  
21 favor of the agenda as posted and duly notified?

22 (Chorus of aye.)

1                   CHAIRMAN THOMPSON: Aye. Second quick  
2 order of business is the minutes from our prior  
3 meeting of January 4 have been distributed.  
4 We've all had a chance to review them, and at  
5 this time, I would move that we adopt those  
6 minutes.

7                   MEMBER GREENFIELD: Second.

8                   CHAIRMAN THOMPSON: All in favor?

9                   (Chorus of aye.)

10                  CHAIRMAN THOMPSON: The motion  
11 carries. Okay, well, as you can see, to my right  
12 is our newest board member, J.C. Boggs. Welcome  
13 again to your now second meeting, a true veteran  
14 of the proceedings.

15                  And J.C., of course, has taken this  
16 seat replacing Mike Gill, who's with us today,  
17 and our first order of business is to recognize  
18 Mike for his many years of amazing service on  
19 this board. I believe you were on the Board for  
20 seven years? Seven years, and -- oh, was here  
21 before major election cycles 2016, 2018, 2020,  
22 2022.

1                   That is a lot of work and a lot of  
2 activity through a lot of really important  
3 election cycles, and I mean, Mike, you've seen a  
4 lot of change during that arc. I mean, I guess  
5 when you started, maybe people were still voting  
6 with paper ballots? Like, folding them up and  
7 putting them in? I don't know, but it's two  
8 presidents ago, anyway. One president.

9                   But no, I mean, it's amazing the  
10 changes that you've seen, obviously, in people on  
11 the Board and professionals at the Board of  
12 Elections, but just probably more change in the  
13 way that we vote in the last seven years than our  
14 country, our world, has seen in a very long time.

15                   We've transitioned to a whole new  
16 approach to voting with, you know, more  
17 technology and now mailed ballots, and it's just  
18 been incredible for you to probably see all that.

19                   And I don't even know how many issues  
20 you had to consider and rule upon. I've been  
21 here for just one year myself, and it was a  
22 pretty busy year with this election cycle. And

1 we tackled a lot of things, some things that were  
2 more publicly discussed, like the attorney  
3 general race, and Initiative 82, and the Elissa  
4 Silverman campaign finance issue, but I'm often  
5 explaining to people just how many matters we  
6 adjudicate.

7 All those petition challenges, and I  
8 lost count this year. Maybe 20 or 30 different  
9 petition challenges. And I've learned a lot  
10 about how much there is to do as a board member,  
11 how busy it is. There's a lot of reading to do  
12 to prepare, and it's a great deal of time and  
13 commitment to give.

14 And so, you know, multiply that by  
15 seven years, throw in the pandemic, and you know,  
16 really disrupting things for a couple of years  
17 there, and that's quite a tenure, quite an  
18 amazing body of service.

19 And, you know, in terms of Mike's  
20 style, I mean, I think everybody here knows and  
21 appreciates that Mike's, you know, fair, and, you  
22 know, comes out just with a lot of integrity.

1 Very straightforward, you know, very pragmatic,  
2 common sense. You know, what's the issue here,  
3 what does the issue turn on, and kind of gets  
4 right to the heart of the matter and considers it  
5 from a very fair and equitable point of view, and  
6 just always reaches the right decision without a  
7 lot of drama.

8 And I would describe Mike as a model  
9 board member for this Board or any other, you  
10 know, city board, you know, election agency, or  
11 any kind of board. It's really exemplary in  
12 terms of style and substance, Mike, how you've  
13 conducted yourself.

14 So, with that, we all want to  
15 recognize your service. I have a little  
16 presentation, but before I do that, I would ask  
17 anyone else up here who would like to make some  
18 remarks to please go ahead.

19 MEMBER GREENFIELD: Yeah, sure. First  
20 of all Mike, just thank you for all your support  
21 in the midst of a pandemic and a major election  
22 that was going crazy across the entire country,

1 so -- and for which we had to suddenly change how  
2 we were going to do things in a nanosecond.

3 But it's been great serving with you.  
4 It's made the board stuff, you know, fun and  
5 interesting, and I know there are a lot of tough  
6 topics and issues we had to deal with, but I will  
7 definitely miss you as our little team of three.  
8 And so, you know, whatever you're going to do or  
9 go, you know, good luck or whatever.

10 Check in on us every so often, but --  
11 because I was really sorry to hear you were  
12 leaving. And so, I know it's been seven years,  
13 so it's probably time for you to decide it's time  
14 to do something different. And so, I just --  
15 yeah. Thank you.

16 And, oh -- and I actually learned  
17 quite a bit from you. I used to like to hear  
18 from you and when we would talk about decisions  
19 and opinions and stuff, so I just want to thank  
20 you for that.

21 And I want to say welcome to J.C.  
22 because this is the first time we've met in



1 person. So, welcome.

2 MEMBER BOGGS: Thanks very much. I'm  
3 just going to add to the accolades, and Mike and  
4 I won't have a chance to serve together, but  
5 clearly I have big shoes to fill.

6 It's a challenge, but I've known Mike  
7 a long time, and he's an exceptional individual,  
8 and attorney, and public servant, so I applaud  
9 you too for your seven years here. I hope I can  
10 continue that a little bit. I know that  
11 everybody's going to say, you know, we miss Mike,  
12 and J.C.'s okay, we miss Mike, but, you know,  
13 thank you for all you do.

14 And, you know, I appreciate -- I  
15 wouldn't be here today, I think, without your  
16 support and encouragement, so thank you for that.

17 CHAIR THOMPSON: All right.

18 MS. EVANS: I'll keep it brief so we  
19 can move on to the business of the agenda, but I  
20 do want to say, Mike, you will be missed.

21 I stepped into this role in 2021, and  
22 I think the very first thing that happened, you

1 reached out to me and said you'd like to go to  
2 lunch. And it showed me that you cared, and you  
3 really wanted to start our working relationship  
4 off in a very positive way, and I think that's  
5 what you've brought to the Board.

6 You have been fair, you've been  
7 transparent, and you have brought a certain  
8 gravitas to the Board that will be missed. So,  
9 we'll miss working with you, but I'd like to  
10 think that I will still see you, and our paths  
11 will continue to cross.

12 MS. STROUD: Yes, I'm definitely going  
13 to continue harassing Mike, so.

14 We began our working relationship in  
15 2016, when I was moving out of the Office of the  
16 General Counsel into the Acting Executive  
17 Director role, and so we were both sort of, like,  
18 in this new territory. And you made that  
19 transition, you along with Mike Bennett and  
20 Diana, Marie Lewis, made that transition very,  
21 very easy for me.

22 And I want to just, you know,

1 piggyback on all of the things that the Board  
2 members and Monica have said about you. You've  
3 been fair, you have had our back.

4 I'm thinking of, like, one council  
5 hearing that we had in particular. We were, you  
6 know, at the warehouse during the height of the  
7 pandemic -- well, in the early stages of the  
8 pandemic, around the June primary, and you came  
9 out to the warehouse where we were sitting and  
10 having this hearing on Zoom, of course.

11 And just -- the thing that stood out  
12 to me most in that particular instance was the  
13 way that you had our back. And we were always  
14 letting the council know when things were not  
15 going as perfectly as people sometimes assume  
16 elections go who don't have any idea of what all  
17 goes into it. You were there.

18 And in fact, at one point, you stood  
19 behind, I think, Alice as she was speaking to  
20 figuratively and literally say I have their back,  
21 even though, you know, there wasn't a lot of  
22 grace extended to the agency at that particular

1 time. But you, you know, were very adamant in  
2 your defense of us, and so I'm very appreciative  
3 of that.

4 And I'm going to continue to harass  
5 you, like I said, so this is not goodbye. As  
6 long as you don't leave D.C. and as long as you  
7 continue to not root for Duke, then we will  
8 continue to remain in contact.

9 And I will miss you very much, but  
10 again, harassment will continue. Thank you,  
11 Mike.

12 CHAIRMAN THOMPSON: Yeah, so, for  
13 those on Zoom who can't see, we've got a -- oh,  
14 go ahead Cecily.

15 (Simultaneous speaking.)

16 MS. COLLIER-MONTGOMERY: Oh, sorry.  
17 Yeah. Mike, on behalf of the Office of Campaign  
18 Finance, I would also like to thank you for your  
19 support of the agency during your tenure as a  
20 member of the Board of Elections, and in  
21 particular for your support during the  
22 implementation by the agency of the Fair

1 Elections Program and the 2020 inaugural debate.

2 As you know, the Fair Elections  
3 Program was immensely successful, and we faced,  
4 during that time, many challenges as a result of  
5 the COVID-19 public health emergency. But again,  
6 thank you for your support. It was much  
7 appreciated.

8 CHAIRMAN THOMPSON: All right. With  
9 that, you get a glass plaque. It reads,  
10 presented to Michael D. Gill in recognition of  
11 your vision, dedication and commitment while  
12 serving as a member of the District of Columbia  
13 Board of Elections 2016-2022.

14 MR. GILL: Oh, okay. So, I will be  
15 very quick since there are people that actually  
16 tuned into this that were not for me, and I'll  
17 move on.

18 As you started speaking, my first  
19 thought was, gosh, this is all on Zoom. My  
20 mother should be watching this right now. If I  
21 had more time, I would have sent her a note.

22 So, first of all, thank you for those

1 kind words. This was a very quick seven years,  
2 in my mind. It did go quickly. I enjoyed it.

3 When I was first approached about  
4 doing this, and I thought, you know, there's a,  
5 you know, a sense of public service, and I wanted  
6 to do my part for the city. I do love the city,  
7 I've lived here 30 years, but part of me also  
8 thought, well, this will be easy.

9 How hard is the Board of Elections,  
10 right? I mean, you have an election. You have a  
11 winner, the loser shakes hand, the loser goes  
12 home. All good, you know? And then -- who  
13 would've known?

14 But yes, the pandemic, going from  
15 paper ballots, going from getting people to the  
16 right precincts and all the ballots had to line  
17 up with the precincts, all those technology  
18 changes we've made are wonderful. They didn't  
19 happen by accident. It took a lot of work behind  
20 the scenes for all this stuff to happen, so I  
21 will say I know how hard it is and how much work  
22 that goes into this because I was probably the

1 least busy of anyone for all these elections.

2 You guys made it super, super easy.

3 This was my D.C. civic service family. I really  
4 feel like, you know, this was an important thing  
5 for me to do, but I've enjoyed it, and we've had  
6 many, many good times. I really enjoy the  
7 discussions.

8 We've been around so long. We were  
9 there for Alice's brother's passing, our friend  
10 Rudy passed away, and Michael Stauter passed  
11 away, all in the service that I've been here.  
12 People that I would have never known except for  
13 this position, and I'm a better person for having  
14 known them.

15 Got to see the entire city. You know,  
16 like most folks, you have your little  
17 neighborhood. I'm Ward 4, and, you know, I kind  
18 of stick to my area, but got to, you know, see  
19 the events that we did, the community events, the  
20 elections, the primaries. My daughter came with  
21 me a couple times to go visit all the various  
22 precincts around the city, which she very much

1 enjoyed.

2 So, all in all, it was a quick seven  
3 years, and I really appreciate the opportunity to  
4 serve. Thank you.

5 CHAIRMAN THOMPSON: All right. Thank  
6 you, everyone, for being here. Much appreciated.

7 Okay. Next on our agenda is, as most  
8 people may recall, that we considered an OCF  
9 order in the matter of, in re, Elissa for D.C.  
10 and Elissa Silverman.

11 We made our ruling in a board meeting.  
12 I think it was December 12. We ultimately issued  
13 our decision on January 6, and there's been a  
14 motion for reconsideration submitted by the  
15 Office of Campaign Finance general counsel.

16 And before I talk about that some  
17 more, General Counsel Stroud, I think you want to  
18 maybe review some of that history?

19 MS. STROUD: Yes. Thank you, Mr.  
20 Chair. So, again, the Board issued on January 6  
21 the order in the matter that is subject to -- for  
22 the motion for reconsideration, and that order



1 memorialized the oral ruling that was rendered on  
2 December 12.

3 OCF filed a motion for reconsideration  
4 on January 20 pursuant to DC Regulation 3DCMR  
5 429.1. The petitioners filed a response on  
6 January 27 pursuant to 3DCMR 429.3. And so, we  
7 scheduled it for today's hearing, and that's what  
8 the Board is taking up today.

9 CHAIRMAN THOMPSON: Oh, okay. Yes,  
10 and we have received all the briefing on this,  
11 and we're prepared to go ahead and rule on it.

12 I'm going to make a motion at this  
13 time to deny the motion for reconsideration.  
14 This will be followed by a written order as well,  
15 but in brief summary, OCF made essentially two  
16 arguments in their motion for reconsideration.

17 Number one, they argued that they did  
18 not have the burden of proof, but rather the  
19 burden of proof should have been placed on  
20 petitioners, Elissa for D.C..

21 And we examined that point and found  
22 that it's quite clear. To quote the language of

1 this regulation, quote, in all cases involving  
2 violations of the Campaign Finance Reform and  
3 Conflict of Interest Act, the Office of Campaign  
4 Finance has the burden of proving the violation  
5 with reliable probative and substantial evidence,  
6 unquote.

7 Unless of course, this cannot be  
8 applied in our reasoning, in our written ruling.

9 And the second grounds for the motion  
10 for reconsideration was basically a reargument of  
11 -- somewhat of a new argument with respect to the  
12 three reasons that were provided by the Silverman  
13 Campaign as to why they conducted the polling in  
14 question, arguing that you're really sort of  
15 shifting more to the communications that were  
16 made once that polling took place and getting  
17 away from the polling itself as a per se  
18 violation.

19 We went back and looked at the record  
20 in the transcript of our argument, and it was  
21 quite clear that the argument has been made that  
22 it was a per se violation just to conduct the

1 polling, and we declined that argument  
2 previously. We decline it now, and for other  
3 reasons that I guess we'll make clear in our  
4 written order. That's why I'm moving to deny the  
5 motion for reconsideration.

6 With that, I'd ask for a second and  
7 any other comments from the Board members.

8 MEMBER GREENFIELD: I second the  
9 motion. I would agree from the reading of the  
10 motion and Ms. Silverman's response, but also  
11 from our transcripts on the record.

12 With respect to the burden of proof,  
13 that's correct. It's firmly on the OCF.

14 And with respect to the second  
15 argument which they made, we'd asked several  
16 questions, you did and Mike Gill did, regarding  
17 what were they, you know, ruling on, and it was  
18 the polls. It was not the conversations later.  
19 In fact, that was asked, so I agree with the  
20 motion.

21 MEMBER BOGGS: Before I call the vote,  
22 any comment?

1                   MEMBER BOGGS: Yeah. Yeah, sure.  
2 Thank you. I did have an opportunity to review  
3 the January 6 motion -- I'm sorry, order, which I  
4 thought was very well written and analyzed and  
5 thoughtful, and also reviewed the petitioner's  
6 and respondent's motions today.

7                   I think I may be coming in, like I  
8 said, in the ninth inning, after the ninth  
9 inning, so I think I'm just going to abstain  
10 today. They've done a lot of work before I came  
11 along to the Board on this issue.

12                   I think it's interesting, and again,  
13 I reviewed it. I appreciate everybody's hard  
14 work here, but given the history of the matter  
15 and my newness here, I'm going to abstain.

16                   MEMBER GREENFIELD: Can I just, one --  
17 I need to make a clarity. I have said I agreed  
18 with the motion, but I agree with the denial.

19                   CHAIRMAN THOMPSON: Yes. All right.  
20 So, all in favor of the motion to deny the motion  
21 for reconsideration, say aye.

22                   (Chorus of aye.)

1                   CHAIRMAN THOMPSON: Okay, so it's two  
2 to zero with one abstention. The motion for  
3 reconsideration is denied, and that, I believe,  
4 concludes our business with this matter.

5                   MS. STROUD: Yes, and the written  
6 order, we'll issue shortly.

7                   CHAIRMAN THOMPSON: Ah, okay. Yeah,  
8 I just -- I want to add on the record that our  
9 next regular board meeting is not Wednesday,  
10 March 1st. It's Wednesday, March -- is that a  
11 Wednesday?

12                   MS. STROUD: Tuesday, March 7.

13                   CHAIRMAN THOMPSON: Tuesday, March 7.

14                   MS. STROUD: And that is in light of  
15 the fact that both the Board of Elections and the  
16 Office of Campaign Finance have their performance  
17 oversight hearings on Wednesday, March 1st.

18                   And so, therefore, there's a need to  
19 change the date of the March board meeting from  
20 the first Wednesday of the month, when it's  
21 normally held, to Tuesday March 7th.

22                   CHAIRMAN THOMPSON: Okay. With that,

1 I think it's now on the agenda the executive  
2 director's report. Monica?

3 MS. EVANS: And good morning. We are  
4 currently in the process of finalizing our 2022  
5 Election Administration and Voting Survey, or  
6 EAVS, submission to the Election Assistance  
7 Commission, and so, those responses will be  
8 uploaded to the portal later today.

9 The Election Assistance Commission has  
10 also opened a submission period for its 2022  
11 Clearinghouse Awards. The submission period is  
12 open from January 17th through February 28th,  
13 2023.

14 The seven categories are outstanding  
15 use of HAVA grants and elections modernization,  
16 outstanding election official state association  
17 program or local office programming, improving  
18 accessibility for voters with disabilities,  
19 outstanding innovations and elections, best  
20 practices in recruiting, retaining, and training  
21 poll workers, creative and original I Voted  
22 sticker, and outstanding innovation in election

1 cybersecurity and technology.

2 We have posted 24 ANC vacancies for  
3 the 2023-2025 term. Twenty three were posted in  
4 the DC Register on January 6, and one was posted  
5 in the DC Register on January 20. After  
6 candidate filing requirements are met, an open  
7 vote of registered voters of the affected SMDs  
8 will be held during regularly scheduled ANC  
9 meetings.

10 As far as 2023, our next steps and off  
11 election year planning, we have now met with all  
12 of our vendors regarding the 2022 general  
13 election. The new meetings included KNOWiNK,  
14 ESNS, Runbeck VR Systems, KNH, and BallotTrax.

15 We are exploring areas of improvement  
16 and assessing the need for new equipment. We are  
17 also looking to make enhancements to existing  
18 equipment and software.

19 In March, we will begin this  
20 maintenance activities to update our voter  
21 registration database. Returned or undelivered  
22 ballots are being entered into voter focus as the

1 first step in this process, and return ballots  
2 are still coming in from USPS.

3 We will also take steps to fully  
4 implement new legislation ahead of the 2024  
5 election cycle. Specifically, we will take  
6 actions to become compliant with the Elections  
7 Modernization Amendment Act, which is expected to  
8 become effective in May, and the Local Resident  
9 Voting Rights Amendment Act of 2022. Once  
10 enacted, we will have to engage in comprehensive  
11 education and outreach campaigns and develop an  
12 election data portal and data visualization  
13 dashboard.

14 We have also done meetings regarding  
15 the Automatic Voter Registration Amendment Act.  
16 This legislation will become effective for the  
17 2026 election cycle, however we are scheduling  
18 meetings with other jurisdictions that have  
19 similar legislation already in place.

20 And of course, now that we are  
21 required to open vote centers and send mail  
22 ballots for all elections including ANC special



1 elections, we will need to procure a mail house  
2 for each election and expand our ballot on-demand  
3 voting, and we are going through that procurement  
4 process and reviewing those steps now.

5 Finally, we're in the process of  
6 revising brochures and looking at website  
7 improvements.

8 As far as other administrative matters  
9 for voter education outreach, during the month of  
10 January, the Voter Education and Outreach  
11 Division conducted four outreach events on behalf  
12 of the agency. Events included voter  
13 registration drives at Mary Center, the  
14 Department of Aging and Community Living, Thrive  
15 DC, and Central Union Mission.

16 In January, we registered 2,439 new  
17 voters and processed 5,050 registration changes.  
18 In total, we prepared 7,489 voter registration  
19 cards to be mailed.

20 Additionally, 43 registered voters  
21 moved out of D.C., 28 voters canceled their  
22 registrations and registered with other

1 jurisdictions, and 528 voters registered in D.C.  
2 canceled their registrations in other states.

3 We are continuing to register voters  
4 using our website portal. Today, we have  
5 processed over 33,270 applications using the  
6 portal, and these include new voter registrations  
7 and updates to existing registrations.

8 And that concludes my report. Thank  
9 you.

10 CHAIRMAN THOMPSON: Thank you. Terri?

11 MS. STROUD: Good morning again,  
12 everyone. I'm presenting now the litigation  
13 status for the Board.

14 The first matter is the Public  
15 Interest Legal Foundation v. Monica Evans in her  
16 official capacity as Executive Director of the  
17 Board of Elections. That matter is in the U.S.  
18 District Court for the District of Columbia.  
19 This suit alleges that the Board is out of  
20 compliance with the public records provision of  
21 the National Voter Registration Act.

22 PILF requested certain records from

1 the Board having to do with the deceased  
2 residents, and that request was denied due to the  
3 requested records not being subject to public  
4 disclosure because of provisions in federal law.

5 The Office of the Attorney General has  
6 filed a motion to dismiss on February 3rd of  
7 2022, and the plaintiff filed a response on  
8 February 17th, and the OAG filed a reply on March  
9 17th.

10 On May 23rd, PILF sought to introduce  
11 supplemental authorities.

12 On July 22nd and August 1st of 2022,  
13 PILF filed motions for leave to file a surreply  
14 to include the supplemental authority on the  
15 record. Those motions were denied and orders  
16 issued on July 29th and August 2nd, 2022  
17 respectively.

18 In late September 2022, the U.S.  
19 District Court judge assigned to the case was  
20 appointed to the D.C. Circuit, and so that case  
21 requires reassignment, and that's why there's a  
22 delay in the matter.

1           The next matter is Williams v.  
2 District of Columbia. That matter is in the D.C.  
3 Superior Court. On September 2, 2022, the  
4 plaintiff filed a complaint against the District  
5 regarding the Board's publication of certified  
6 election results on its website instead of in the  
7 DC Register.

8           The plaintiff's prayer for relief  
9 includes new elections and the nullification of  
10 certain actions of past administrations,  
11 particularly mayoral decisions regarding zoning  
12 and property disposition.

13           The OAG filed a motion to dismiss on  
14 November 8th, 2022 and that motion was granted on  
15 December 3rd, 2022, and so that matter is now  
16 closed.

17           The next matter is Dorothy Douglas v.  
18 the DC Board of Elections. That case is in the  
19 D.C. Court of Appeals. On December 7th of 2022,  
20 Dorothy Douglas, a candidate who lost her bid to  
21 serve as the advisor neighborhood commissioner  
22 for Single Member District 7C07, filed a pro se

1 petition in the D.C. Court of Appeals seeking to  
2 de-certify the election results in that race.

3 Ms. Douglas alleged that she lost  
4 votes as a result of voters in S7D7C07 being  
5 given the wrong ballot, specifically the ballot  
6 for Single Member District 7D03.

7 On December 22nd, the court ordered  
8 that Ms. Douglas's petition be filed, expedited  
9 the case, and set filing deadlines. On January  
10 9th, 2023 the Board filed the agency record.

11 On January 11, Ms. Douglas filed a  
12 motion for summary reversal, and she filed an  
13 amendment to that motion on January 13th, 2023 to  
14 clarify that she was also challenging the results  
15 of the 7D03 contest.

16 On January 20th, the Board filed an  
17 opposition to Ms. Douglas's motion and a cross  
18 motion for summary affirmance, and so we are  
19 awaiting ruling in that matter.

20 And there is another matter in the  
21 D.C. Superior Court, Paterson, the Board of  
22 Elections v. Paterson, and this is results from

1 the filing of a petition for enforcement of an  
2 OCF order stemming from the failure to file a  
3 specific report of receipts and expenditures.

4 And so, at the Board's last meeting,  
5 the Board authorized -- three members of the  
6 Board authorized the Board of Elections to go to  
7 Superior Court to enforce the order, so that  
8 matter is also currently in the D.C. Superior  
9 Court.

10 And other matters will be filed in  
11 that court as well, having to do with other  
12 petitions for enforcement that the Board  
13 authorized the Office of the General Counsel for  
14 the Board to seek enforcement for.

15 And that concludes the litigation  
16 status report and my overall report.

17 CHAIRMAN THOMPSON: All right, we have  
18 no questions. Director Collier-Montgomery from  
19 the Office of Campaign Finance?

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

1 January 2023 will be posted at the OCF website,  
2 www.ocf.dc.gov, before the close of business  
3 today. However, I will highlight a few items of  
4 interest for the public from the report at this  
5 time.

6 In the Fair Elections Program Division  
7 during the month of January 2023, as of this date  
8 the Office of Campaign Finance has authorized the  
9 total sum of \$12,356,756.90 for disbursement from  
10 the Fair Elections Fund in base amount and  
11 matching payment to the 42 candidates who were  
12 certified in the program to participate in the  
13 November 2022 general election and the June 2022  
14 primary election.

15 The 2022 election cycle closed on  
16 November the 8th, 2022. During the month of  
17 January 2023, the OCF authorized specifically for  
18 disbursements from the Fair Elections Fund to  
19 participating candidates, again, who are  
20 certified in the 2022 election cycle, and those  
21 disbursements are listed in our report.

22 With desk reviews and other

1 activities, the Fair Elections Division conducted  
2 eight desk reviews of the December 10th, 2022  
3 reports and amended reports of receipts and  
4 expenditures, which have been filed with the  
5 agency, and issued six requests for additional  
6 information that is based on the reviews.

7 As of January 31, 2023, the total sum  
8 of \$691,818.64 has been remitted for depositing  
9 the Fair Elections Fund from the campaign  
10 operation for candidates who were certified to  
11 participate in the 2022 election cycle.

12 There are currently 25 post-election  
13 audits which are ongoing before Fair Elections  
14 program at various stages in the audit process.  
15 The audits and the status of each are also listed  
16 in our report.

17 For the record, the FEP did issue two  
18 audit reports during the month of January 2023,  
19 and those were compliance audits. The audits  
20 were issued on January the 26th and Patrick  
21 Kennedy for Ward 2, and in Patrick Kennedy for  
22 Ward 2 Special, June 16th, 2020. The reports are



1 available for review by the public at our  
2 website.

3 In our Public Information and Records  
4 Management Division, there were three due dates  
5 for the following reports and expenditures during  
6 the month of January 2023.

7 The first was January the first  
8 activity report for the Constituent Services and  
9 the Statehood Fund Program.

10 The second was the January 31st report  
11 of receipts and expenditures by our traditional  
12 campaign finance principal campaign committees  
13 and candidates, political action committees, our  
14 FEP candidate committees, our independent  
15 expenditure committees, initiative referendum and  
16 recall committees, and the normal committee.

17 And also January the 30th, 2023 was  
18 the filing deadline for the filing of the ANC  
19 summary financial statement by the candidates for  
20 ANC member. The real-time images of all of the  
21 reports, which were filed with the agency, are  
22 available at the OCF website for review by the

1 public.

2 With respect to new candidates and  
3 committees who registered with the agency for the  
4 2024 election cycle, there was one new candidate  
5 registration for the month of January 2023 in the  
6 traditional Campaign Finance Program. And for  
7 the Office of City Counsel, Ward A, Roman Branch  
8 registered on January the 23, 2023. There was no  
9 new committee registrations for the month of  
10 January.

11 In our traditional audit program for  
12 the Office of Campaign Finance, the traditional  
13 audit program conducted 117 desk reviews of  
14 reports of receipts and expenditures which were  
15 filed during the month of January and issued for  
16 a request for additional information as a result  
17 of the desk reviews.

18 There are no ongoing full field audits  
19 or periodic audits in the traditional audit  
20 branch. However, the traditional audit branch  
21 will issue audit notification letters in February  
22 2023 for the initiation of full field audits of

1 the campaign operations of the candidates who  
2 were newly elected during the November 2022  
3 general election and any other committees active  
4 during the 2020 election cycle, which might be  
5 selected for audit by the audit manager. And the  
6 pre-audit field work is in progress.

7 And I would also mention for the  
8 record that the Office also is in the process of  
9 preparing and compiling the information which  
10 will be required for the post-election reports  
11 updating the 2020 election cycle, which will be  
12 due in August of 2023, as well as preparing  
13 brochures for the 2024 election cycle.

14 And that concludes my report, but I  
15 would ask the General Counsel to give the report  
16 on behalf of the Office of the General Counsel.

17 CHAIRMAN THOMPSON: Let's see. All  
18 right, there he is.

19 MR. SANFORD: Hello. Good morning.  
20 This is William Sanford. Good morning, Mr.  
21 Chairman, and distinguished board members.

22 First off, I'd like to thank now

1 former Board Member Mike Gill for his  
2 distinguished service on the Board of Elections  
3 during the last seven years, and extend all the  
4 compliments for that service, and wish him all  
5 the best.

6 During the month of January 2023, the  
7 Office of the General Counsel received one  
8 referral from the Reports Analysis and Audit  
9 Division and issued eight orders after informal  
10 hearings, which included the following.

11 Six letters were issued, in which a  
12 total of \$13,850 in fines were imposed, and two  
13 orders of settlement were issued, in which cases  
14 were settled for \$850 in one case and \$975 in the  
15 second case.

16 During the month of January 2023, the  
17 Office of the General Counsel imposed fines  
18 against the following respondents.

19 A fine of \$2,000 was imposed against  
20 the Capital Stonewall Democrats. A fine of  
21 \$2,250 was imposed against Ken Laurel, Ward 8  
22 Strong. A fine of \$3,000 was imposed against

1 Rodney Jones for Ward 2, Principal Campaign  
2 Committee. A fine of \$2,950 was imposed against  
3 James, Ward 2, State Board of Education. A fine  
4 of \$1,000 was imposed against the committee to  
5 elect Renee Bowser, and a fine of \$2,650 was  
6 imposed against the Capital Stonewall Democrats.

7 These fines were imposed for the  
8 failure to timely file reports of receipts and  
9 expenditures.

10 During the month of January 2023, the  
11 Office of the General Counsel collected a total  
12 of \$1,150 in fines, which included the following.

13 The fine of \$850 was paid by the D.C.  
14 Republican Party after a settlement agreement in  
15 which the original fine of \$1,700 was reduced.  
16 The fine of \$125 was paid by the Kenworth Ward 8  
17 Principal Campaign Committee, and the fine of  
18 \$950 was paid by the Citizens for Empowerment  
19 after the original fine of \$1,950 was reduced.

20 During the month of January 2023,  
21 there were no new investigations open, no  
22 requests for interpretive opinions were received,

1 and no show cause proceedings were conducted.

2 That should conclude my report. The  
3 content of this report will be published at the  
4 Office of Campaign Finance website later on on  
5 today's date, February 1st, 2023.

6 CHAIRMAN THOMPSON: All right, thank  
7 you very much, Mr. Sanford.

8 MS. COLLIER-MONTGOMERY: And that  
9 concludes my report.

10 CHAIRMAN THOMPSON: Okay. All right,  
11 yeah. That concludes our Board matters and  
12 reports, and at this time we'll move on to any  
13 comment by our D.C. residents who are here or who  
14 are on by Zoom.

15 In that regard, I just wanted to  
16 mention we're still working on making it possible  
17 for the public to attend our meetings in person.

18 It's especially nice today to have  
19 some of our BOE staff here. I went to an ANC  
20 meeting recently, it was in-person, it really  
21 changed the dynamic of the meeting. So, I'm a  
22 proponent of returning to a mix, obviously, of in

1 person and Zoom.

2 And we're trying to keep up with what  
3 D.C. and the federal government are doing in that  
4 regard with respect to public meetings and taking  
5 into account any spacing requirements or things  
6 of that nature, but possibly, by the next meeting  
7 or the April meeting, we'll invite members of the  
8 public to come here in person and pass the mic  
9 around. I guess that's what used to happen, or  
10 come to the table.

11 So, anyway, so here we are on Zoom  
12 still. And so, with that, I would ask for  
13 anybody out there to raise a Zoom hand, and we'll  
14 call on you for comment and ask you to limit  
15 your comments to three minutes.

16 MS. BRIZILL: Mr. Chairman? This is  
17 Dorothy Brizill.

18 CHAIRMAN THOMPSON: Okay, I hear Ms.  
19 Brizill. Let me make -- hold on, we're working  
20 on the volume.

21 MEMBER BOGGS: Is she unmuted?

22 CHAIRMAN THOMPSON: Okay. Ms.

1 Brizill, you're unmuted. We hear you very  
2 faintly, but maybe you've got a mic issue there?

3 MS. BRIZILL: I don't know if I have  
4 a mic issue, but I will turn my mic up in volume.  
5 I will try to do the best I can.

6 I had a question for Ms. Evans. When  
7 she spoke, she mentioned a report had been  
8 submitted to the Election Assistance Commission.  
9 Could she detail what is in that report again  
10 because the volume wasn't very good to hear her?

11 And will that report and copies of  
12 such reports be posted on the Board of Elections  
13 website? In the past, prior to this particular  
14 Board, such reports that were submitted,  
15 especially when it involved financing from the  
16 federal government, were posted.

17 Can Ms. Evans indicate again what is  
18 in that report, when it was submitted, and will  
19 it be posted on the Board of Elections website?

20 MS. EVANS: Thank you, Ms. Brizill.  
21 The report has not been submitted. It will be  
22 submitted today, and the information is submitted



1 from all jurisdictions around voting for the 2022  
2 general election, and EAC actually produces that  
3 report based on information they receive from all  
4 of the jurisdictions.

5 And you'll have information regarding  
6 types of voting, registration numbers, voting  
7 rates, and that report is usually available  
8 sometime in the summer, so I am thinking mid to  
9 late summer of 2023 that will be posted on our  
10 website.

11 I believe our EAVS reports, which are  
12 the reports that I'm referencing, are posted on  
13 our website, but they are also posted on the EAC  
14 website. Thank you.

15 MS. BRIZILL: Mr. Chairman, the reason  
16 why I'm asking, in a few weeks the Board of  
17 Elections will have its performance hearing  
18 before the counsel.

19 Such information as that that has been  
20 submitted by Ms. Evans to the EAC is important in  
21 terms of people evaluating not only the funds  
22 received from the federal government, but how

1 those funds were spent and any issues that  
2 might've been flagged in the report.

3 So, I can understand why EAC might not  
4 be releasing its full report until the middle of  
5 the summer, but there is no reason that would  
6 preclude the Board of Elections from releasing  
7 what it has submitted itself to EAC, and I am  
8 specifically asking the Board to mandate that  
9 that happen.

10 MS. EVANS: Yes, Ms. Brizill. The  
11 information that is submitted is uploaded into a  
12 portal, and it is essentially information that is  
13 currently available.

14 It's really data-driven, and so the  
15 questions that are asked are questions such as  
16 the number of registered voters, how many voters  
17 voted by mail and voted in person, voted on  
18 Election Day. So, that is the purpose of that  
19 report, and then the EAC compiles it and issues a  
20 report in aggregate.

21 So, that information is not something  
22 that we keep from the public. That information

1 is already available. We're just compiling it  
2 for submission to EAC, so that is the information  
3 that's currently on our website.

4 MS. BRIZILL: In your conversations  
5 with EAC over the past year, in preparation for  
6 last year's election, you indicated that you were  
7 seeking funds and that you would be using it for  
8 a particular purpose.

9 Is that included in the report that  
10 you have subsequently submitted, what you have  
11 spent and how much you have spent in pursuant to  
12 what you had requested?

13 MS. EVANS: Well, the EAVS report does  
14 not address funding at all.

15 CHAIRMAN THOMPSON: All right. Well,  
16 thank you, Ms. Brizill. I will look at the  
17 information myself, and I hope to attend the  
18 March 1st performance oversight hearing. I  
19 attended last year, and I'm certainly eager to  
20 participate, to the extent, I can in our  
21 oversight process.

22 And all that information in summary of

1 last year's elections is public, and we'll be  
2 glad to discuss it with the council.

3 Any other public commenters out there?  
4 Looking for raised hands on Zoom. Well, if  
5 you're on by phone, I think you can just unmute  
6 yourself.

7 (No audible response.)

8 CHAIRMAN THOMPSON: All right, going  
9 once. Going twice.

10 That concludes public comment. I  
11 think our business today is complete, so with  
12 that, I would move that we adjourn.

13 MEMBER GREENFIELD: Second.

14 CHAIRMAN THOMPSON: Second over here.  
15 All in favor?

16 (Chorus of aye.)

17 CHAIRMAN THOMPSON: All right, thank  
18 you so much.

19 (Whereupon, the above-entitled matter  
20 went off the record at 11:19 a.m.)  
21  
22

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Before: DC BOE

Date: 02-01-23

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Court Reporter

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