

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

TUESDAY

FEBRUARY 13, 2024

+ + + + +

The District of Columbia Board of Elections convened via Videoconference, pursuant to notice at 9:30 a.m. EST, Gary Thompson, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

- GARY THOMPSON, Chair
- KARYN GREENFIELD, Member
- J.C. BOGGS, Member

BOARD OF ELECTIONS STAFF PRESENT:

- MONICA HOLMAN EVANS, Director
- TERRI STROUD, General Counsel
- CECILY COLLIER-MONTGOMERY, Office of Campaign Finance
- MARISSA CORRENTE, Registrar of Voters

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

2 (9:32 a.m.)

3 CHAIR THOMPSON: Good morning,
4 everybody. I see we have a couple dozen
5 participants by Zoom. Welcome. And welcome to
6 everybody here. Been a while since all three
7 Board members have been here together, so
8 welcome.

9 My name is Gary Thompson, the Chair
10 of the D.C. Board of Elections. Before I call
11 the meeting to order, I wanted to make a few
12 remarks about Michael Gill, our former Board
13 member. I think as most everybody knows, Mike
14 tragically passed away recently. And we miss
15 him dearly, and our thoughts and our
16 condolences continue to go out to his family
17 and his friends.

18 Mike sat up here and at our prior
19 location through dozens, maybe hundreds, of
20 Board meetings; I'm not sure how many over the
21 course of seven years. And engaged in so many
22 ways with our commission at the Board of

1 Elections to better our democracy and keep our
2 elections strong. And the success of our BOE
3 is, in many respects, one of his legacies.

4 We thank him deeply for his public
5 service. And we know that Mike had so many
6 successful parts of his life, first and
7 foremost his family life, but in his
8 profession, at his job, and at his church, and
9 in so many of his endeavors throughout life.

10 And among those many successes was
11 his time here at the Board of Elections. We'll
12 always remember him and celebrate Mike, and go
13 forward and fulfill our mission with Mike in
14 mind. So, before we jump into the formal
15 agenda, I wanted to call for a moment of
16 silence, about one minute. People can reflect
17 and pray or send their best wishes to his
18 family in silence, thank you.

19 (Moment of silence.)

20 CHAIR THOMPSON: Okay. Thank you
21 everybody. With that we will -- oh, and I
22 mentioned this recently when I appeared before

1 in our Oversight hearing, that we are
2 dedicating our 2024 election season to Mike
3 Gill. So, we'll think of him in everything we
4 do. We'll surely mention him many times as we
5 go forward in our meetings. We'll certainly
6 think of him very much on evenings when our
7 election results come in, when Mike was a
8 really big part of the team here.

9 So, I want everybody to know that
10 our 2024 election season is dedicated to Mike
11 Gill. And we're also thinking about other ways
12 to remember Mike. His funeral is Friday. And
13 after that passes, we're going to think about
14 some ways perhaps we can create some lasting
15 institutional memory or ways of remembering
16 Mike here.

17 Okay, so, with that, we have a
18 quorum. All three Board members are here. The
19 first thing we do is adopt our agenda. It's
20 been distributed, and a notice to the public.
21 And at this time, I would move we adopt our
22 agenda.

1 MEMBER GREENFIELD: Second.

2 CHAIR THOMPSON: All right, all in
3 favor. Aye.

4 MEMBER GREENFIELD: Aye.

5 MEMBER BOGGS: Aye.

6 CHAIR THOMPSON: It's adopted. We
7 also circulated our minutes from our January
8 10th meeting. We've all had a chance to review
9 those and make any corrections if needed. And
10 at this time, I would move that we adopt those
11 minutes.

12 MEMBER BOGGS: Second.

13 CHAIR THOMPSON: All in favor?

14 MEMBER BOGGS: Aye.

15 MEMBER GREENFIELD: Aye.

16 CHAIR THOMPSON: Any Board matters
17 that anyone wants to raise before we carry on?

18 (No response.)

19 CHAIR THOMPSON: Okay, all right, so
20 with that, onto the Executive Director's Report
21 from Monica Evans.

22 MS. EVANS: Thank you and good

1 morning. Executive Director's Report for
2 January 2024, I will begin with January
3 engagements. In January I attended the Joint
4 Election Official Liaison Conference of
5 Virginia. I was able to engage with other
6 elections officials and staff members from the
7 Hill. Cyber-security, election funding, and
8 mail security were some of the topics
9 highlighted.

10 On January 30, at the request of the
11 Election Assistance Commission's Vice Chair, I
12 was a panelist for the EAC and the University
13 of Maryland's 2024 election summit. My panel
14 was entitled "Serving All Voters" and covered
15 our experience with military voters, voters
16 with disabilities, student voters, and
17 language-minority voters. I was able to
18 provide insight regarding voting practices of
19 special populations within the District of
20 Columbia, to a national audience.

21 2024 Performance Oversight, our
22 Performance Oversight hearing was scheduled for

1 February 7. We provided written responses to
2 the Performance Oversight questions on January
3 31. Particular areas of interest included
4 implementation of the local Voter Rights
5 Amendment Act, precinct mapping, and
6 preparations for the 2024 election cycle.

7 Precinct mapping, as required by our
8 regulations, the Board looked at our current
9 precinct boundaries to divide the district into
10 appropriate voting precincts based on our
11 election wards. Our plan to make precinct
12 boundaries synonymous with SMD boundaries, was
13 sent to Councilmember Bonds for review on
14 November 7th.

15 We've had several meetings with the
16 Councilmember and her staff, to explain
17 modifications based on the new requirements of
18 the Elections Modernization Amendment Act.
19 We're currently awaiting action from the
20 Council.

21 ANC vacancies, we currently have 11
22 ANC vacancies for the 2023/2025 term. These

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

6 List maintenance, as previously
7 reported, our 2023 list maintenance process is
8 ongoing. In total, we removed 108,698
9 individuals from our voter registry in 2023.

10 We've moved another 92,772 active voters to an
11 inactive status. We will continue to move
12 voters from an active to an inactive status,
13 until we reach the 90-day-blackout window
14 before the June primary.

15 Our Communications and Outreach
16 Divisions are working to establish partnerships
17 with local universities to aid and maintain the
18 accuracy of our voter roll. These divisions
19 are identifying ways to utilize university
20 registrars, alumni associations, and housing
21 offices in the process. A flyer is being
22 developed to assist with our outreach efforts.

1 Voter registration rolls, in January
2 we registered 4,359 new voters, and processed
3 5,415 registration changes. In total, we
4 prepared 9,774 voter registration cards to be
5 mailed. Additionally, 519 registered voters
6 moved out of D.C. and 29 voters cancelled their
7 registrations and registered with other
8 jurisdictions. And 1,150 voters registered in
9 D.C., after cancelling their registrations in
10 other states.

11 Online voter registration, we're
12 continuing to register voters using our website
13 portal. To date, we have processed over 42,000
14 applications using the portal. These new voter
15 registrations and updates to -- these are new
16 voter registrations and updates to existing
17 voter registrations.

18 2024 election cycle year planning,
19 our draft, primary and general election
20 calendars for the 2024 election cycle are
21 posted on our website. Our vote center and
22 mail ballot drop-off locations are also posted

1 on our website. The first day for candidate
2 pickup was Friday, January 12th. Nominating
3 petitions may be returned from January 12th
4 through March 6th, 2024.

5 ESNS, election system and software
6 vendor, the installation and testing of the two
7 new DS950 tabulation units have been
8 successfully completed. Onsite training was
9 conducted by ESNS, on January 30th, 2024.

10 KNOWiNK, we are regularly meeting
11 with KNOWiNK as we prepare for the 2024
12 election cycle. Current conversations are
13 primarily focused on testing the workflow for
14 processing non-citizens in our poll pads. We
15 are also working with Runbeck to coordinate the
16 shipment of the new Agilis mail sorter. The
17 expected delivery time is approximately eight
18 weeks.

19 For our mail house vendor, the
20 contract for our mail house vendor has been
21 granted to K&H Printing Company, located in
22 Seattle, Washington. In conjunction with our

1 K&H engagement, we are meeting with our
2 additional election security partners,
3 including BallotTrax, Democracy Live, and the
4 Department of Motor Vehicles.

5 Election Registration Information
6 Center, or ERIC, we are collaborating with the
7 membership states and ERIC on the 2022 Voter
8 Participation Initiative to investigate the
9 possibility of double voting.

10 Local Resident Voting Rights
11 Amendment Act, there are -- systems provide a
12 database solution to house non-citizens who
13 registered to vote in local elections. We have
14 deployed the online registration of non-
15 citizens for local elections.

16 However, non-citizens may also
17 continue to register to vote in our office at
18 1015 Half Street, SE, using a paper
19 registration form. The paper form has been
20 translated into Spanish, Vietnamese, Chinese,
21 Korean, Amharic, and French. The translations
22 for the online form are in progress. We have

1 developed a flyer to assist with our outreach
2 efforts, and we are exploring the possibility
3 of having a town hall.

4 2024 voting options, during the 2024
5 election cycle, all registered D.C. voters,
6 will receive a mail-in ballot. Voters may vote
7 by mail, in person, or by depositing a ballot
8 in a drop box. BOE will have 55 mail ballot
9 drop boxes that will be placed throughout the
10 city. We will also operate 25 early-vote
11 centers and a total of 75 election day vote
12 centers.

13 Accessibility, we are conducting an
14 accessibility survey of all 2024 vote centers
15 before the primary election, to ensure they are
16 accessible. We have partnered with Disability
17 Rights at University of Legal Services and the
18 Office of Disability Rights to conduct surveys.
19 As is our practice, we will also work with DGS
20 to ensure vote centers are structurally
21 accessible.

22 Election Worker Division, the

1 Election Worker Training Division has revised
2 the election worker handbook and training
3 curriculum based on recently passed
4 legislation. The handbook is currently with
5 the printer. During the 2024 election cycle,
6 our goal is to recruit and train between 2000
7 and 2500 election workers.

8 We will deploy approximately 1,700
9 election workers to serve at our vote centers.
10 Election worker training will begin on Tuesday,
11 March 12th, 2024. Election workers are also
12 able to access an online training module to
13 compliment the required in person classes. And
14 we are currently conducting interviews for our
15 election worker training classes.

16 Voter Education and Outreach, during
17 the month of January, the Voter Education and
18 Outreach Division conducted five outreach
19 events on behalf of the Agency. Events
20 included, the Naturalization Ceremony at the
21 U.S. District Court, and the D.C. Army National
22 Guard Career Fair. Outreach event requests are

1 increasing as we get closer to the primary
2 election. And that concludes my report.

3 CHAIR THOMPSON: All right. Thank
4 you, Director Evans. And perhaps you heard
5 this, but we're in the period now where
6 candidates are submitting their nominating
7 petitions and declarations of candidacy.
8 Yesterday was the first day for those papers to
9 be dropped off. And March 6th is the last day
10 for declarations and nominating petitions to be
11 submitted.

12 So, we are building a ballot.
13 There's a challenge process that follows that,
14 but by Friday, April 12th, when the public
15 lottery is conducted to determine ballot
16 positions, we will have a ballot for the
17 primary election. So, that's only two months
18 away.

19 There's a very clear and regimented
20 process for how this happens. And I'm always
21 impressed with our Board of Elections staff,
22 because they have to keep pace with a series of

1 deadlines that do not change. They can't be
2 deferred. We can't say, oh, well, let's push
3 this one off to next week.

4 All of it is driven by law, and our
5 calendar is online. And when I look at it, I'm
6 amazed. For example, you look at it, there are
7 deadlines on March 6th, 7th, 9th, 10th, 11th,
8 12th, 18th, April 5th, 8, 11, and 12th leading
9 up to that public lottery on the ballot
10 positions. And then after that it's, you know,
11 nearly every day, all the way through June.

12 So, it's a fast-moving cycle with an
13 incredible amount of detail involved for our 60
14 plus brilliant election professionals to
15 handle. So, our continuing thanks go out to
16 Monica Evans, our Director, and everybody else,
17 who every day is working so hard to make all of
18 this happen.

19 And I'm pleased to report, as I did
20 at our Oversight hearing, that it's going
21 extremely well at the Board of Elections. We
22 are on pace. We are energized. And we have no

1 concerns or issues that are in our way to
2 achieving these objectives. So, you know, as
3 far as our oversight goes, I think we're an A+.
4 And I said as much, and I think we demonstrated
5 as much at our Oversight hearing. That we are
6 the finest election agency in the country, so.

7 With that, we'll proceed with our
8 General Counsel's Report from Terri Stroud.

9 MS. STROUD: Good morning, everyone.
10 The first item on my agenda is the issuance of
11 the petition and support of the recall of
12 Charles Allen, Ward 6 Member of the Council of
13 the District of Columbia. By way of
14 background, the Notice of Intent to Recall was
15 timely filed on January 18th, 2024, by Jennifer
16 M. Squires, qualified registered elector who
17 resides in Ward 6.

18 Charles Allen filed a response to
19 the Notice of Intent to Recall on January 29th,
20 2024. Both his statement and support of the
21 recall, and the statement in response to such
22 statement will be on the petition that will be

1 circulated in support of the recall.

2 The sole action that must be taken
3 today, with respect to this matter is the
4 issuance of the petition form, subsequent to
5 its adoption by the proposer. The Board staff
6 has prepared and is prepared to issue to the
7 proposer an original petition form for her
8 adoption. And she was provided a courtesy
9 draft of the original petition form for her
10 review prior to the meeting.

11 The proposer was informed on
12 February 1st, 2024, that the issuance of the
13 petition form would take place at today's
14 meeting. The proposer responded that she could
15 not attend today's meeting. The proposer was
16 then advised that the issuance of the petition
17 could be deferred to the Board's March meeting,
18 which is currently scheduled for March 6th.

19 She was also informed that under
20 Section 403 of the Board's regulations, any
21 person or party in a Board proceeding, may be
22 represented by any other person duly authorized

1 in writing to do so, provided that such
2 authorization shall state specifically, that
3 the authorization includes the power of the
4 agent or representative to bind the person, or
5 proposer in this case, in the matter before the
6 Board.

7 On February 7th, the proposer
8 provided a letter to the Board in which she
9 authorized April Brown, the treasurer of the
10 Recall Committee, to adopt the petition on her
11 behalf. This morning, a representative from
12 the Office of General Counsel sent a draft of
13 the recall petition to both the proposer and
14 her agent in this proceeding, April Brown, for
15 review.

16 So, the adoption, through adopting
17 this form, we're asking the proposer through
18 her authorized agent to adopt the form. And
19 what they should look at is whether the
20 information that they provided on the recall,
21 their name, the statement of reasons to recall,
22 their address, et cetera, is correctly and

1 accurately reflected on the petition form
2 prepared by the Board.

3 If that information is not correct,
4 the proposer or the agent in this matter,
5 should advise the Board accordingly. And so, I
6 see today, that we have April Brown present.
7 If you could unmute her. Ms. Brown, okay.

8 MS. BROWN: Yes.

9 MS. STROUD: Ms. Brown, you are
10 present?

11 MS. BROWN: I'm present. Hello, how
12 are you?

13 MS. STROUD: How are you? And if
14 you could just state your name and address for
15 the record.

16 MS. BROWN: Yes, my name is April
17 Brown, and my address is 54 Buchanan Street,
18 NE, Washington, D.C. 20011.

19 MS. STROUD: Okay, thank you. And
20 so, it is the Board's understanding, based on
21 the information that we sent, specifically, the
22 authorization provided by Ms. Squires, that you

1 will be acting as her agent in this adoption of
2 the petition this morning. Is that correct?

3 MS. BROWN: Correct, yes.

4 MS. STROUD: Okay, thank you. Have
5 you had the opportunity to review the petition?

6 MS. BROWN: Yes, ma'am. I've
7 reviewed it. General Counsel sent it to me
8 this morning.

9 MS. STROUD: Okay. And is the
10 information that is reflected on the petition,
11 the proposer's name, the statement of reasons
12 to recall, the address, et cetera, is that
13 correctly and accurately reflected on the
14 petition form?

15 MS. BROWN: Yes, everything is
16 correct, ma'am.

17 MS. STROUD: Okay. Thank you. And
18 at this point, I'll have the Chair ask whether
19 or not you adopt the petition as -- whether you
20 adopt the petition on behalf of the proposer
21 for issuance in support of the recall of Mr.
22 Allen.

1 MS. BROWN: Okay.

2 CHAIR THOMPSON: So, I pass along
3 the question.

4 MS. BROWN: Yes, we, I am adopting
5 the petition for the proposer, yes. Everything
6 is correct on the form.

7 MS. STROUD: Okay, thank you.

8 CHAIR THOMPSON: And just so people
9 understand, this is what voters see, when
10 they're asked to sign a petition. This is the
11 words on the form, whether you want to sign it
12 or don't want to sign it. This has all been,
13 you know, vetted and now adopted by the
14 proposer as what the actual voters on the
15 street will see when they're asked to consider
16 signing.

17 MS. STROUD: Okay. And we have
18 shared for the benefit of the public, the
19 petition form that was just adopted for
20 purposes of circulating the recall measure. As
21 you can see, it has the information, the
22 statement of grounds for recall. It has the

1 subject of the recall's response. It will be
2 printed in double sided and allowing for space
3 for 20 individuals to sign the particular, to
4 sign the form. And so, just for the public's
5 benefit, here is what the petition form looks
6 like. And right now --

7 CHAIR THOMPSON: Also, if I could,
8 also just make sure it's clear, the words on
9 the statements themselves, either for or
10 opposed, we did not draft them.

11 MS. STROUD: We did not draft them.

12 CHAIR THOMPSON: Those do not come
13 from the Board of Elections, those come from
14 the proposer, or --

15 MS. STROUD: And the subject of the
16 recall.

17 CHAIR THOMPSON: Or the subject of
18 the recall, we review them to make sure
19 they're, you know, make sure that they're fair.
20 Nothing is inflammatory or improper, but those
21 are their words.

22 MS. STROUD: We also look to see

1 whether or not the word counts were met. And
2 so, I would ask the Board at this time to --
3 actually what I'm going to do now, is ask the
4 Registrar of Voters, in light of the form
5 having been adopted, I'm going to ask the
6 Registrar of Voters to outline the remainder of
7 the recall process. So, we have Ms. Marissa
8 Corrente here, who is a Registrar of Voters,
9 and she will outline the process.

10 MS. CORRENTE: Good morning, thank
11 you. So, I have a memo dated for today. The
12 beginning of the memo goes over the information
13 that Counselor Stroud has already shared, about
14 leading up to this moment. So, I'm going to
15 share, I'm going to read the second half of
16 this memo, which talks about what happens from
17 here.

18 So, pursuant to D.C. Official Code
19 1-204.112, a petition for the recall of an
20 elected official from a Ward seat shall include
21 the valid signatures of 10 percent of the
22 registered qualified electors of the affected

1 Ward. The number of registers voters used to
2 compute these requirements is, quote, the
3 latest official count of registered electors by
4 the Board of Elections, which was issued 30 or
5 more days prior to submission of the signatures
6 for the particular recall petition.

7 While the signature requirement
8 cannot be determined yet, the current
9 calculations using the published December 31st,
10 2023, monthly voter registration statistics
11 report, are as follows. So, in Ward 6, as of
12 December 31st, there were 61,439 voters. And
13 that would mean, based on that calculation, 10
14 percent of those registered voters in Ward 6,
15 the signature requirement would be 6,144.

16 Both the proposer of the recall
17 measure and the elected official, who is the
18 subject of the recall, are advised to check
19 with the Board on a monthly basis, as new
20 statistics are issued to get up-to-date
21 estimates of the signature requirement. In
22 addition, since the petition has been adopted

1 at today's Board meeting, the 180-day period
2 for circulating the petition, pursuant to D.C.
3 Official Code 1-1001.17(g), expires on Monday,
4 August 12th, 2024, at 5:00 p.m.

5 And so the petition will be issued
6 to the proposer via email today, following this
7 Board meeting. It will be sent in a pdf
8 format. Again, as Counselor Stroud outlined,
9 the format when it printed needs to match the
10 original format. And so, that's double sided.
11 And in this case, it's on 8.5 by 14-inch size
12 paper. So, it's bigger than kind of your
13 normal paper, so.

14 We'll follow up with that email
15 after the Board meeting.

16 MS. STROUD: Thank you, Ms.
17 Corrente.

18 CHAIR THOMPSON: A quick question,
19 if they collect 10 percent, and turn that in by
20 August 12th, I think you said, then what's the
21 timeline after that, 90 days?

22 MS. CORRENTE: I'd have to consult

1 the regulations. I think that it's actually a
2 30-day review period.

3 MS. STROUD: Yes, just to --

4 MS. CORRENTE: To certify the
5 recall.

6 CHAIR THOMPSON: Thirty days to
7 review in there, yes.

8 MS. CORRENTE: Has to be, and then
9 it also gets posted for a challenge period as
10 well.

11 CHAIR THOMPSON: Okay.

12 MS. STROUD: Okay, with that, I will
13 ask Ms. Brown if you have any questions?

14 MS. BROWN: I don't at the moment.
15 Thank you very much.

16 MS. STROUD: Okay, thank you, and
17 certainly if you do, you have the Office of the
18 General Counsel's contact information, as well
19 as Ms. Corrente's information. If you have any
20 questions, we're happy to answer them.

21 MS. BROWN: Thank you, thank you so
22 much.

1 MS. STROUD: Okay, the next item on
2 my agenda is Rulemaking for Title III of the
3 D.C. Municipal Regulations. The first item is
4 a final rulemaking that adopts amendments to
5 Chapters 1-5, and 16 of the D.C. Municipal
6 Regulations, Title III. The purpose of the
7 amendments to these regulations is to correct
8 errors to a rule that expresses the elections
9 in which non-citizens can participate.

10 And a rule that indicates which
11 offices non-citizens can vote for, and to
12 conform certain of the Board's regulations
13 regarding its notice, an agenda, closed
14 session, and the minutes procedures to the D.C.
15 Government's Open Meetings Act.

16 A Notice of Proposed Rulemaking with
17 respect to this rulemaking, was published in
18 the D.C. Register on December 15th, 2023. No
19 written comments on the proposed rules were
20 received during the public comment period. And
21 no substantive changes have been made to the
22 regulations as proposed.

1 I request that the Board adopt these
2 rules as final, and allow for them to be
3 submitted to the D.C. Register for publication.
4 Just for information, the projected publication
5 date is Friday, February 16th, 2023 -- I mean
6 2024. And upon the regulation's publication,
7 in the D.C. Register, they will become
8 effective.

9 MS. STROUD: Do you want to take up
10 both, before you make the motion?

11 CHAIR THOMPSON: We may as well do
12 them one at a time.

13 MS. STROUD: Okay.

14 CHAIR THOMPSON: I'll go ahead and
15 move that we adopt this final rulemaking, that
16 you've described, and forward it onward for
17 final publication.

18 MS. STROUD: And so, I would ask for
19 a roll call vote on that. So, Mr. Chair, your
20 vote.

21 CHAIR THOMPSON: Aye.

22 MS. STROUD: Ms. Greenfield, your

1 vote.

2 MEMBER GREENFIELD: Aye.

3 MS. STROUD: Mr. Boggs, your vote.

4 MEMBER BOGGS: Aye.

5 MS. STROUD: Okay. And, with that,
6 the motion carries, and I will send the final
7 rulemaking upward to the D.C. Register for
8 publication.

9 The next item is a proposed
10 rulemaking. The purpose of the rulemaking is
11 to conform the Board's regulations to the
12 Elections Modernization Amendment Act of 2022.
13 Provide for consistency between Board
14 regulations, adopt rules of conduct for
15 attendees at Board meetings, and make other
16 non-substantive housekeeping updates and
17 corrections of typographical errors.

18 This rulemaking will be published in
19 the D.C. Register on February 23rd. And the
20 comment period will close on March 25th, after
21 publication in the D.C. Register -- but
22 actually, I misspoke with respect to these

1 rulemaking.

2 The purpose of these amendments is
3 to conform the Board's regulations to existing
4 law and current practice regarding the ballot
5 access and initiative processes, and qualified
6 petition circulators. This will be published
7 on our website for review and comment. And it
8 will also be published in the D.C. Register,
9 and the comment period will close on March
10 25th.

11 And so, at this time, I ask that the
12 Board permit this rulemaking to be submitted to
13 the D.C. Register for publication. There will
14 be again, the 30-day review period upon
15 publication, and that period will close on
16 March 25th. And so, I'd ask for a roll call
17 vote with respect to that.

18 CHAIR THOMPSON: Yes. And thank you
19 for clarifying what it's about. This has to do
20 with non-resident circulators. And I will so
21 move that we adopt this proposed rulemaking and
22 forward it to be published in the D.C.

1 Register, and for the public to comment.

2 MEMBER BOGGS: Will second.

3 MS. STROUD: Okay, we'll take a roll
4 call vote.

5 CHAIR THOMPSON: The Chair votes,
6 aye.

7 MS. STROUD: Okay. Ms. Greenfield.

8 MEMBER GREENFIELD: Aye.

9 MS. STROUD: Mr. Boggs.

10 MEMBER BOGGS: Aye.

11 MS. STROUD: Thank you. And with
12 that, the motion carries. And the proposed
13 regulation will be sent to the D.C. Register
14 for the 30-day review period, during which the
15 public may comment.

16 The final item on my agenda is
17 litigation status. The first matter is Public
18 Interest Legal Foundation v. Monica Evans, in
19 her official capacity as the Executive Director
20 of the Board of Elections. This matter was
21 filed in U.S. District Court under the NVRA,
22 the National Voter Registration Act. The suit

1 alleges that the Board is out of compliance
2 with the NVRA's public records provision.

3 PILF requested records from the
4 Board which were denied. On July 21st, on
5 behalf of the Board, the OAG filed a motion to
6 dismiss. On August 18th, PILF filed an
7 opposition to that motion. On October 6th,
8 2023, the OAG filed a reply. On December 4th,
9 the court denied the motion to dismiss, and
10 stayed the case pending settlement
11 negotiations.

12 A status report was filed by the
13 parties on January 17th, and the next status
14 report is due on March 18th.

15 The next matter is Stacia Hall v.
16 the Board of Elections. This is a challenge to
17 the legality of the Local Residents Voting
18 Rights Act. On June 7th, 2023, the OAG filed a
19 motion to dismiss. On July 14th, the Plaintiff
20 filed a response to that motion. On August
21 18th, the OAG filed a reply. And there has
22 been no action on the matter since the filing

1 of the reply.

2 The third matter is the District of
3 Columbia Democratic Party v. Muriel Bowser and
4 the Board of Elections. This is a challenge to
5 Initiative 83. On October 23rd, the Defendants
6 filed a joint motion to dismiss. The
7 Plaintiff's opposition was filed on November
8 3rd, 2023. The Defendants filed a reply on
9 November 13th. The record in the matter was
10 filed on November 16th, 2023. The initial
11 hearing, which had been set for December 1st,
12 2023, was continued to February 23rd, 2024.

13 The next item is Dr. Shiva Ayyadurai
14 v. Merrick Garland, the District of Columbia
15 and the Board of Elections. The Plaintiff here
16 seeks a declaration that he is eligible to
17 serve as President, notwithstanding the
18 constitutional natural-born citizens clause.
19 Or, alternatively, that this qualification
20 matter presents a non-justiciable political
21 issue for the voters.

22 On February 1st, 2024, the OAG filed

1 a motion to dismiss on behalf of the Board. On
2 February 2nd, Defendant Garland, Merrick
3 Garland, sought an extension of time to respond
4 to the complaint. Also, on February 2nd,
5 Defendant Garland -- I mean, the court granted
6 an extension to February 20th, 2024. And noted
7 that it would set a briefing schedule on the
8 OAG's motion to dismiss, after the response to
9 the complaint submitted by Defendant Garland is
10 filed.

11 The final matter is Long v. the
12 Board of Elections. This is the re-submission
13 of a matter previously dismissed without
14 prejudice. Mr. Long is seeking \$10,000 in
15 damages based on a claim concerning an
16 overdraft cost to his bank account, when a stop
17 payment was imposed on a \$500 check for his
18 service as an election worker.

19 An initial hearing was held on
20 February 2nd, 2024. At that time, the
21 Plaintiff declined to proceed before a
22 magistrate judge. So, the case was referred to

1 an associate judge, and a status hearing set
2 for March 1st, 2024. The OAG will be filing a
3 motion to dismiss on behalf of the Board in
4 this matter, in due course. And that concludes
5 my report.

6 CHAIR THOMPSON: All right, yes.
7 Thank you so much. And one thing I want to say
8 about those legal cases is, in several of these
9 cases, the appeals come from actions that we
10 have as a Board. And I have come to appreciate
11 the fact that there is an appellant avenue
12 above us. I'm glad that there is. Our D.C.
13 Court of Appeals and our Superior Court, to the
14 extent they're involved, are excellent courts.
15 And, you know, we welcome their review of our
16 actions. We want to make sure that everything
17 we do is correct.

18 So, in the case of Stacia Hall, for
19 example, that matter is purporting to challenge
20 under the Constitution, the right of non-
21 citizens to vote. It's pending. There's a
22 pending motion to dismiss. I don't think they

1 ever filed for an injunction. So, while that
2 case winds its way through the court system,
3 we're obviously continuing to prepare and will
4 conduct the elections according to the law,
5 which includes the participation of non-
6 citizens in local elections.

7 So, I don't know what's going to
8 develop in that case. But we're proceeding
9 with respect to non-citizen voters and likewise
10 with respect to Initiative 83. That's on
11 appeal as well and we'll see where that case
12 goes. But in the meantime, there are several
13 steps ahead for the proposers to gather
14 signatures. And the process is ongoing with
15 respect to our Board, I guess unless and until
16 the court may rule otherwise.

17 So, but, yes, just I've always --
18 I'm always glad when people appeal, because I
19 think it's good to have our courts review our
20 work. And let us know whether we got it right,
21 or maybe didn't get it right. And I think, so
22 far in my tenure, we've been upheld every time.

1 So, you know, it's a pretty good record on our
2 part.

3 Okay, anything else from BOE?

4 MS. CORRENTE: No, thank you.

5 MS. STROUD: No, thank you.

6 CHAIR THOMPSON: Then onto the
7 Office of Campaign Finance. General Counsel
8 Bill SanFord is here, who I think will give us
9 his part of the report for starters.

10 MR. SANFORD: Good morning, Mr.
11 Chairman and distinguished Board members. My
12 name is William SanFord, General Counsel for
13 the Office of Campaign Finance. During the
14 month of January 2024, the Office of General
15 Counsel received 14 referrals, issued 14
16 orders, which included the following. Five
17 orders to vacate prior notices of hearings
18 where orders were issued, six orders in which a
19 total of \$36,400 in fines was imposed. And
20 three orders in which no fines were imposed.

21 During the month of January 2024,
22 the Office of the General Counsel, imposed a

1 total of \$36,400 in fines against the following
2 respondents. Fine of \$2,200 was imposed
3 against Randy Downs for Ward 2. Fine of \$2,200
4 was imposed against Monica Palacio, City
5 Council. A fine of \$20,000 was imposed
6 against the Committee to Elect Trayon White. A
7 fine of \$4,000 was imposed against the
8 Committee to Elect Alpha Bah. A fine of \$4,000
9 was imposed against Friends of Courtney Snow.
10 And finally, another fine of \$4,000 was imposed
11 against the Committee to Elect Alpha Bah.

12 During the month of January 2024,
13 the Office of the General Counsel received a
14 total of \$900 in payments of fines. They
15 include the following. Former Ward 5 Council
16 candidate, Art Lloyd, paid a \$200 fine. Former
17 mayoral candidate and current Councilmember
18 Robert White paid a fine of \$450. And former
19 candidate for Ward 5 State Board of Education,
20 Bill Lewis, paid an installment of \$250 towards
21 fines of \$1200 -- \$1,050.

22 During the month of January 2024,

1 the Office of General Counsel completed one
2 investigation. And during the month, 2024 the
3 Office of General Counsel was engaged with four
4 open investigations. And they included the
5 following.

6 OCF Docket Number FY2023002,
7 docketed on October 23rd, 2023. The
8 Complainant was Edward Hanlon. The
9 Respondent's Committee to Re-elect Brooke Pinto
10 2024. And the allegation was the use of
11 Government resources for campaign related
12 purposes. The order in this matter was issued
13 on January 17, 2024.

14 The second matter is Docket Number
15 LCF2023003. It was docketed on the 13th of
16 November 2023. The Respondents, Brooke Pinto
17 for Ward 2, 2020 principal campaign committee.
18 The allegation is the use of Government
19 resources for campaign related purposes.

20 And the Office of the General
21 Counsel has requested that the Board extend the
22 investigative period, for an additional 30 days

1 to give the Respondents a final opportunity to
2 respond to the complaint.

3 And I don't know if the Board would
4 like to take that matter up at this time.

5 CHAIR THOMPSON: So, you're, right
6 now, you're asking about your Matter 003?

7 MR. SANFORD: That's right.

8 CHAIR THOMPSON: Yes, let me, I have
9 a question that may relate to four and five as
10 well. Why don't you finish, and then we'll --
11 all right?

12 MR. SANFORD: Oh, sure. The third
13 complaint is OCF Docket Number FY2023004. It
14 was docketed on the 29th of December 2023. The
15 Complainant again is Edward Hanlon. The
16 Respondent's Committee to Re-elect Brooke Pinto
17 2024. And the allegation is the use of
18 Government resources for campaign-related
19 purposes.

20 The fourth complaint is OCF
21 FY2023005. It was docketed on the 29th of
22 December 2023. The Complainant again is Edward

1 Hanlon. The Respondent again, is the Committee
2 to Re-elect Brooke Pinto. And the allegation
3 again is the use of Government resources for
4 campaign related purposes.

5 And the last three that I read into
6 the record are pending.

7 CHAIR THOMPSON: Right. Thank you
8 so much, and I believe that on the date they're
9 docketed, in normal course, you take 90 days,
10 or up to 90 days to issue a ruling.

11 MR. SANFORD: That's correct, we
12 have 90 days to complete the investigative
13 period. And issue a ruling.

14 CHAIR THOMPSON: So, in the case of
15 Matter 3, docketed on November 13th, that 90
16 days would be today, I believe, February 13th
17 or thereabouts. And the other two matters that
18 were docketed on December 29th, it looks like
19 March 29th roughly.

20 MR. SANFORD: That's approximately
21 right then.

22 CHAIR THOMPSON: A 90-day window,

1 so.

2 MR. SANFORD: Yes.

3 CHAIR THOMPSON: So, here's my
4 question is, I've noticed that in various
5 agencies, the Department of Justice and other
6 agencies around the country, I often read that
7 they have a window of time in which they don't
8 issue rulings about a particular candidate.
9 So, within, I think the policy of DOJ is within
10 90 days of the federal election, they don't
11 issue rulings that could impact how voters
12 perceive a candidate. They defer or, you know,
13 wait to consider those matters.

14 So, I was thinking about that
15 because our primary election is June 4th, and
16 90 days prior is March 4th, or maybe it's
17 sooner than that, if you consider when early
18 voting and mail ballot voting commence.

19 So, we may already be within that
20 90-day window, so, my question is, do you have
21 a similar policy about holding or deferring
22 rulings on matters about a particular

1 candidate? And if so, that gets to my ultimate
2 question is, do you want an extension beyond
3 June 4th?

4 MR. SANFORD: Well, we do not have a
5 similar policy. But we would not under any
6 circumstances, want to play an outside role in
7 any election. And so, we would take that into
8 consideration. Our objective, is to complete
9 the investigations as expeditiously as
10 possible. Sometimes the Respondents didn't
11 make that possible. However, if we have
12 sufficient information in the case file, we
13 will be able to prepare and issue an order
14 indicating our position, or our findings.

15 We don't necessarily believe at this
16 point, we would need additional time, because
17 as you can see, most of the complaints are
18 related, and the allegations are the same. And
19 the Complainant in all cases, is the same
20 Complainant.

21 So, in some cases, we look at the
22 pending cases, we would think that actually if

1 one case is resolved, it might resolve the
2 other companion case. And that would be, we
3 would not have a separate need for an extension
4 to resolve the subsequent case. Because
5 they're essentially the same allegations.

6 CHAIR THOMPSON: Right.

7 MR. SANFORD: And if it's resolved,
8 then I think, specifically, docket numbers four
9 and five. They were both filed on the same
10 day, the allegations are the same. And in all
11 likelihood, we would resolve them, hopefully,
12 before 90 days prior to the election. But if
13 not, we would not think that it would play an
14 outside role in the election. Because the
15 Respondent has been put on notice.

16 This is the fifth of a series of
17 complaints. There are five of them. And
18 they're all, the allegations are all about the
19 same alleged activity. And so, we would hope
20 that we would have sufficient information to
21 resolve these matters.

22 CHAIR THOMPSON: Matters 4 and 5 are

1 linked. Are they also linked to Matter 3?

2 MR. SANFORD: Matter 3 is separate,
3 but Matters 4 and 5 are linked to Matter 1,
4 002. Because our order, which is posted at the
5 OCF website, asked or ordered the Respondent to
6 cease and desist from using her government
7 account to re-tweak her personal account, and
8 then to the campaign account. The allegations
9 in four and five are very similar.

10 And so, there's a, if there's
11 compliance, there's a possibility that Matters
12 4 and 5 could be resolved as well.

13 CHAIR THOMPSON: Okay. So, at least
14 with respect to Matter 3, you're asking us to
15 grant an extension on your time?

16 MR. SANFORD: At this stage, we
17 think that we'd like to give Respondent an
18 additional opportunity.

19 CHAIR THOMPSON: Okay.

20 MR. SANFORD: We would establish
21 approximately a 10-day deadline to receive, a
22 final deadline to receive the response. And

1 then we will commence to preparing and issuing
2 the order.

3 CHAIR THOMPSON: Okay. Well, I'm
4 glad you said 10 days, because I'm going to
5 suggest, and I guess also formally move that
6 your extension be to March 3rd, in that regard.
7 And I say, March 3rd, because it's more than 90
8 days prior to --

9 MR. SANFORD: Well, we're giving the
10 Respondent 10 days.

11 CHAIR THOMPSON: Right.

12 MR. SANFORD: So, but we would need
13 additional time to write the order -- to
14 prepare and issue the order.

15 CHAIR THOMPSON: Okay.

16 MR. SANFORD: You know, assuming
17 that the Respondent, you know, rigorously
18 defends against these allegations.

19 CHAIR THOMPSON: Well, nevertheless,
20 it strikes me that there's enough time in that
21 window, whether you give them, five more days,
22 or 10 more days. I mean, they've had, already

1 had whatever, 60 days, 70 days. So, I'll leave
2 that to your discretion, how much additional
3 time you'd like to give the Respondent.

4 But even if it's up to 10 more days,
5 from today, I think that leaves enough time for
6 you to release whatever opinion you might
7 release by March 3rd. And I do, I just want to
8 stress that I think that that's important to
9 stay outside of that 90-day window.

10 I, so, that's my motion with respect
11 to the Matter 3. With respect to Matters 4 and
12 5, you technically have until March 29th, and
13 I, we can't govern when you release an opinion
14 in those matters. But I would simply urge you
15 to think about March 3rd as a common --

16 MR. SANFORD: I'll consider that.

17 CHAIR THOMPSON: -- deadline for
18 that. And to think about the concept that I
19 brought up, that we not rule on anything else,
20 especially within that 90-day window. Because
21 I'm sure there's more complaints that will be
22 filed in the next month or so. And they will

1 all naturally fall within this window of time
2 that will push up against, you know, late May.
3 So, that's my, I'm just sharing my thinking on
4 that.

5 MR. SANFORD: I understand. I'd
6 just like to make one comment. I think it's
7 very important that we do not appear that, you
8 know, to be favoring any particular candidate,
9 under any circumstances. Because if we have
10 given them sufficient time, and even if it goes
11 beyond March 3rd, for us, I'm just concerned
12 about the ethics of us holding a decision until
13 after an election. Because I don't know that
14 that would be appropriate either.

15 And not that we want to play an
16 outside role, but I just don't believe that the
17 Office of Campaign Finance should be holding a
18 decision because there's a pending election one
19 way or the other. We should not hold a
20 decision that might exonerate the Respondent.
21 The voters have a right to know whether or not
22 this Respondent, these allegations are

1 accurate. And we should not withhold a
2 decision that may cast some doubt on the, you
3 know, the fitness of that candidate to serve,
4 or to receive the confidence of the vote.

5 So, I don't think we should be
6 playing that --

7 CHAIR THOMPSON: Yes.

8 MR. SANFORD: -- outside role, one
9 way or the other.

10 CHAIR THOMPSON: Yes, well, thank
11 you for sharing your thoughts on that. I
12 suppose there's a couple ways to look at it. I
13 would suggest that other government offices,
14 like the Department of Justice, I'm sure have
15 thought through the same exact issue, the
16 ethics of either ruling upon or holding a
17 matter until after the election.

18 And I believe in large part, most
19 agencies believe that the correct policy is to
20 hold a ruling until after the election date
21 passes. I can't, you know, can't speak for
22 them. I'm just the guy that reads the paper

1 and reads articles about this kind of stuff.

2 But that seems to be the prevailing approach.

3 But I, we once again, just so anyone
4 listening knows we don't control or govern what
5 you do, that's within your discretion. I'm --

6 MR. SANFORD: No, I'd just like to
7 say one more thing, and not to belabor these
8 points. I think we have an ethical imperative
9 to do what's right under all circumstances. In
10 the event, we withhold, and then later you saw
11 a violation did indeed occur. I don't think
12 that casts us in a very favorable light
13 ethically, as the ones who are charged with the
14 responsibility of investigating matters,
15 complaints that are filed with the Agency. In
16 the interest, in the public interest.

17 And then by the same token, if we
18 have found evidence that exonerates the
19 Respondent, I don't think it would be
20 appropriate for us to withhold that from them.

21 CHAIR THOMPSON: Well, I certainly
22 respect your view on that. I guess I have a

1 motion to allow you an extension to March 3rd
2 on Matter 3. That's the technical motion
3 that's been made. Are any seconds, or
4 comments. I mean anything you guys want to --

5 MEMBER BOGGS: I think it's been a
6 good discussion. And very thoughtful around
7 the whole issue. I mean so I guess there's not
8 discretion without Board approval to change the
9 date, to extend the time period.

10 CHAIR THOMPSON: Correct, if we
11 don't extend it, I believe that complaint
12 would, there would be no ruling on the
13 complaint as of today.

14 MEMBER BOGGS: It sounds like that's
15 not anybody's preferred option.

16 CHAIR THOMPSON: I don't think so.
17 I don't mean -- is that what would happen, Mr.
18 Sanford, if we didn't give you an extension,
19 would the matter die on the vine?

20 MR. SANFORD: The reason why we
21 requested the extension, prior to the
22 expiration of the investigative period, was to

1 get additional time, to give the Respondent
2 additional time, one final opportunity to
3 respond. We could have issued an order,
4 sustaining the allegations, without a response
5 from the Respondent. But we believe in the
6 interest of fairness, we would give a final
7 extension, final opportunity.

8 MEMBER BOGGS: And do you believe,
9 without any conversations, the Respondent could
10 within, given an extra 10 days, that you'd
11 receive --

12 MR. SANFORD: Well, we intend to
13 deal with them, contact them and explain to
14 them that the deadline to respond is a fixed
15 date. And, you know, irrespective of what
16 action they take or don't take, we will be
17 issuing an order by a certain date.

18 MEMBER BOGGS: But that should have
19 maybe been clear already, rather than --

20 MR. SANFORD: Yes, it should be.

21 MEMBER BOGGS: Yes.

22 MR. SANFORD: Because we have

1 advised the Respondent initially of the
2 requirements. But in this case, we consider
3 five complaints by one Complainant, against one
4 Respondent. We just thought we'd give it an
5 additional --

6 MEMBER BOGGS: Then the question is,
7 we're asking for additional time, it's just how
8 much time, right?

9 MR. SANFORD: Yes, so it's 10 days,
10 or is it until March 3rd?

11 MEMBER GREENFIELD: Yes, that's the
12 clarity I was asking, is the March 3rd, you're
13 talking about that's the time by which the
14 order needs to be filed?

15 CHAIR THOMPSON: Correct.

16 MEMBER GREENFIELD: He can decide
17 how much time he wants to give Respondent to
18 respond. But you're asking that the order be
19 filed by March 3rd?

20 CHAIR THOMPSON: Yes. If they have
21 10 more days from today to respond, then Mr.
22 SanFord and his team would have about 10 days

1 to draft an order, which, you know. In the
2 law, the legal world, you can do anything in 10
3 days.

4 MR. SANFORD: Well, that would
5 definitely, if that's the extent, that would
6 definitely shorten the amount of time we'll
7 provide the Respondent. Because we do need
8 time to prepare and issue the order.

9 CHAIR THOMPSON: Well, how you
10 calibrate that is up to you. I'm just, I'm
11 suggesting March 3rd for the reasons I
12 explained it. I personally think it would be
13 best that any, for any opinion, whether it's
14 upholding or disagreeing with the allegation,
15 that it come out publicly before that 90-day
16 period.

17 MEMBER BOGGS: It makes sense to me.

18 MEMBER GREENFIELD: Yes.

19 MEMBER BOGGS: And then, let him
20 figure out, like calibrate how much time you
21 need and how much time the Respondent needs.

22 CHAIR THOMPSON: Sounds like a

1 second.

2 MEMBER BOGGS: Second.

3 CHAIR THOMPSON: So, all in favor.

4 MEMBER BOGGS: Aye.

5 MEMBER GREENFIELD: Aye.

6 CHAIR THOMPSON: Aye. Thank you,

7 Mr. SanFord. Anything else?

8 MR. SANFORD: Shall I complete my --

9 CHAIR THOMPSON: Oh, please yes,
10 sorry.

11 MR. SANFORD: The balance of my
12 report. So, the extension is granted until the
13 3rd of March, is that correct?

14 CHAIR THOMPSON: Correct.

15 MR. SANFORD: Okay, thank you very
16 much.

17 CHAIR THOMPSON: That should give
18 some time for you to issue your order.

19 MR. SANFORD: Okay. Thank you.

20 And during the month of January
21 2024, there were no requests for interpretative
22 opinions. No show cause proceedings were

1 conducted. And that should conclude my report.
2 And the content of my report will be published
3 at the Office of Campaign Finance website by
4 close of business on today's date, February
5 13th, 2024. And that concludes my report.

6 CHAIR THOMPSON: Thank you very
7 much.

8 MR. SANFORD: Thank you.

9 CHAIR THOMPSON: And we also
10 welcome, OCF Director, Cecily
11 Collier-Montgomery. Welcome. And I believe
12 you also have your report.

13 MS. COLLIER-MONTGOMERY: For the
14 record, I would indicate that the full report
15 of the activity of the Office of Campaign
16 Finance, for the month of January 2024, will be
17 posted at our website, www.ocf.dc.gov before
18 the close of business today. But I will at
19 this time, highlight a few matters, items of
20 interest for the public, from the report.

21 First, in the Office of the
22 Director, even though this activity occurred in

1 February, I did want to point out that on
2 February the 7th, 2024, I did appear before the
3 Council's Committee on Executive Administration
4 and Labor, and provide testimony on the Fiscal
5 Year '23 report of the Office of Campaign
6 Finance, and the Fiscal Year 2024 Plan.

7 Also, I wanted to indicate on the
8 record, that on February the 8th, 2024, the
9 D.C. Auditor issued a report on the
10 recommendations that she had made on 19 audits,
11 which were conducted during a specified period
12 of time. And that also included a report on
13 the Office of Campaign Finance and its
14 implementation of, The Fair Elections Act.

15 And with respect to that, the
16 auditor did indicate that the Office of
17 Campaign Finance with respect to the
18 recommendations which were made by the auditor,
19 on the Fair Elections Program, that the
20 recommendations were either in progress or had
21 been implemented.

22 And with the recommendations, we

1 must submit documentation of exactly the steps
2 that we have taken, with respect to those
3 recommendations, which we will submit to the
4 D.C. Auditor within the next couple of weeks.

5 With respect to the activity that
6 has occurred during January, the month of
7 January 2024, I would point out that the office
8 did present at two Advisory Neighborhood
9 Commission virtual meetings, as part of our
10 Community Outreach Program. And that was on
11 January the 8th, at ANC 6D. And on January the
12 10th at ANC 1A.

13 In our Fair Elections Program
14 Division, during the month of January 2024, I
15 would point out that there are nine currently
16 certified participating candidates in the Fair
17 Elections Program. And that during the month
18 of January, we certified two candidates in the
19 program for the 2024 election cycle.

20 And we made disbursements as
21 follows. First, Friends of Salim Adolfo,
22 Principal Campaign Committee, matching payments

1 in the amount of \$27,330 were authorized for
2 disbursement on January the 8th, 2024.

3 Veda for Ward 7, 2024, Principal
4 Campaign Committee, matching payments in the
5 amount of \$39,100 were authorized for
6 disbursement on January the 8th, 2024.

7 Robert White, the Re-elect Robert
8 White 2024 Principal Campaign Committee, the
9 candidate Robert White was certified on January
10 18th, 2024, to participate in the Fair
11 Elections Program, in the June 4th, 2024,
12 primary election. And matching payments in the
13 amount of \$153,410. And the first half of the
14 base amount payment in the amount of \$20,000
15 were authorized for disbursement.

16 Ebony Payne, the Ebony Payne for
17 Ward 7, Principal Campaign Committee, the
18 candidate Ebony Payne was certified on January
19 the 18th, 2024, to participate in the Fair
20 Elections Program in the June 4th, 2024,
21 primary election. And matching payments in the
22 amount of \$32,825, and the first half of the

1 base amount in the amount of \$20,000 were
2 authorized for disbursement.

3 Last, Re-elect Janeese Lewis George
4 Principal Campaign Committee, matching payments
5 in the amount of \$9,675 were authorized for
6 disbursement on January the 18th, 2024.

7 The division conducted 35 desk
8 reviews of Reports of Receipts and
9 Expenditures, which had been filed. And also
10 issued 11 requests for additional information
11 as a result of the reports, which were
12 reviewed.

13 There were two candidate
14 consultations during the month of January. The
15 first was with Robert White, the Re-elect
16 Robert White 2024, PCC on January the 18th.

17 And then Ebony Payne, the Ebony Payne for Ward
18 7, PCC on January the 18th.

19 The amount of remitted funds that we
20 have received for deposit in the Fair Elections
21 Fund, from the campaign operations of the
22 candidates who participated in the 2022

1 election cycle, is at this time, \$803,207.20.

2 With the ongoing 2020 post-election
3 full-field audit, at this time, there is no
4 change in the status, but I would again
5 indicate that the Fair Elections Division has
6 issued a total of 23 final audit reports of the
7 post-election audits, which were initiated for
8 the cycle.

9 There are currently 11 which remain
10 ongoing. And the status of the reports is
11 available at, or will be available in the
12 report that is presented or posted at the
13 website this afternoon.

14 With the 2022 post-election full-
15 field audits, there was no change in the status
16 of the audits during the month of January.
17 Again, to date, the FEP has issued 20
18 preliminary statements of audit findings and 15
19 final audit reports for the 2022 election
20 cycle.

21 The division did initiate 42 post-
22 election audits. Again, of the candidates were

1 certified to participate in both the primary
2 and the general elections, which were conducted
3 during the 2022 election cycle. All final
4 audit reports are available at our website for
5 review by the public.

6 In our Public Information and
7 Records Management Division, I would indicate
8 on the record, that there were two filing dates
9 in January 2024 for the filing of the Reports
10 of Receipts and Expenditures by our
11 Constituent-Service and Statehood Fund Programs
12 on January the 1st.

13 And on January 31st, the report of
14 candidate, the report by Candidates and the
15 Principal Campaign Committees in both the
16 Traditional Campaign Finance and Fair Elections
17 Program, our Political Action Committee, our
18 Independent Expenditure Committees, and our
19 Ballot Committees, including our Initiative,
20 Referendum, and Recall Committees, and all
21 Reports of Receipts and Expenditures that are
22 filed with the Agency are available, real-time

1 at the OCF website. Again, for review by the
2 public.

3 With new candidates and committees
4 for the 2024 election cycle, in the Traditional
5 Campaign Finance Program, there is currently a
6 total of 19 candidates who are registered to
7 participate in the June 2024 primary election,
8 including the following new registrations for
9 the month of January 2024.

10 For the Office of Council At-large
11 Member, for the primary election, Christian
12 Anderson registered on January the 18th. And
13 George Jackson registered on January the 25th.

14 For the Office of Council Ward 7,
15 the primary election, Roscoe Grant registered
16 on January the 12th. And Denise Reed
17 registered on January the 22nd. Dwight
18 Deloatch registered on January the 25th.

19 For Office of the Council Ward 8,
20 for the primary election, Armonite Wilson
21 registered on January the 12th, 2024. For the
22 Office of U.S. Shadow Representative for the

1 primary election, Linda Gray registered on
2 January the 31st.

3 For the Office of U.S. Shadow
4 Senator, the primary election, Franklin Garcia
5 registered on January the 19th. And Eugene
6 Kinlow registered on January the 31st.

7 For the Republican National
8 Committeeman for the primary election, José
9 Cunningham registered on January the 12th. For
10 the D.C. Republican Committee Ward 7, the
11 primary election, Michael Bekesha registered on
12 January the 24th.

13 In our Fair Elections Program, there
14 are currently 22 candidates who are registered
15 to participate in the program. And the
16 following new candidates registered in January
17 2024. For Office of the Council Ward 7 for the
18 primary election, Nate Fleming registered on
19 December the 29th. He was not previously
20 reported. Tyrell Holcomb registered on January
21 the 8th. Villareal Johnson registered on
22 January the 25th.

1 For the Office of Council Ward 8
2 primary election, Trayon White registered on
3 January the 12th. And Kevin Kennedy registered
4 on January the 18th. There were no new
5 committee registrations during the month of
6 January.

7 The division also, referred 14
8 committees to the Office of General Counsel for
9 enforcement for the failure to file the
10 December 10th, Report of Receipts and
11 Expenditures. And there were 9 candidates and
12 treasurers who completed the OCF Entrance
13 Conference for the month of January. And their
14 names are listed in our report.

15 In our Reports Analysis and Audit
16 Division, which is our Traditional Campaign
17 Finance Program, during the month of January,
18 there were no final audit reports which were
19 issued. However, the following audits are
20 ongoing.

21 And the first one is of newly
22 elected officials. And this is a full-field

1 audit. Kenyan McDuffie, 2022, the Principal
2 Campaign Committee, and that is an ongoing
3 audit. But the audit division has issued the
4 preliminary draft statement of finding. And
5 the committee has been in the office to discuss
6 those findings.

7 There is also, an Inaugural
8 Committee for which we are conducting a full-
9 field audit. And that is D.C. Proud Inaugural
10 Committee. And with that particular full-field
11 audit, the audit field work is complete and
12 under review. And a preliminary draft audit
13 report is being drafted.

14 With our Constituent-Service
15 periodic-random audits of the October the 1st,
16 2023 report, there are two ongoing periodic-
17 random audits. And the first is for the Ward 5
18 Council, Office Constituent-Service Program.
19 And with that particular one, the field audit
20 has been completed. And the final audit report
21 is being drafted.

22 The second is the Citizens Outreach

1 Fund. And that particular program was referred
2 to the General Counsel for the initiation of
3 enforcement action. And I would also indicate
4 that with the Traditional Campaign Finance
5 Program, it did conduct, during the month of
6 January 2024, 99 desk reviews, of Reports of
7 Receipts and Expenditures that have been filed
8 with the Agency.

9 And the division also issued 16
10 requests for additional information based on
11 the desk reviews, which were conducted. And
12 that would complete my report.

13 CHAIR THOMPSON: All right. Thank
14 you so much. Just like with the BOE, that
15 reflects an incredible amount of hard work by
16 the OCF staff. It strikes me that the Fair
17 Elections Program continues to be enormously
18 popular with candidates, passed by our council,
19 signed by our mayor.

20 But the rubber hits the road in
21 administration. And it's not a small task to
22 organize the way the Fair Elections Program

1 operates and disseminates funds to candidates.
2 I'm always impressed with how the OCF has
3 addressed that flawlessly. Now, I'm seeing it
4 in a second election cycle, where I think it's
5 going to probably be more popular than ever
6 with candidates.

7 So, it's an incredible amount of
8 work by a relatively small staff. So, kudos to
9 OCF as well. Anything else?

10 MEMBER BOGGS: Now, we're going to
11 get into public comment?

12 CHAIR THOMPSON: Yes.

13 MEMBER BOGGS: Before we do that, I
14 do have, I thought I'd just, maybe share an
15 observation and then, and I love the public
16 comment part of this, probably the best.
17 Because I've just been so impressed by the
18 thoughtfulness and really civil nature of just
19 about everybody who is engaged with this
20 process. And that's so important.

21 Just a general observation, it's
22 around that, your discussion earlier, I think

1 more generally the role and responsibilities of
2 the Board. And I've had people come to me,
3 either in these settings or just independently,
4 and, you know, why did you do that? And why
5 are you supporting open primary, or semi-closed
6 primary, or ranked-choice voting? And I said,
7 we're not.

8 I mean our role is very limited in,
9 we're administering the process. We're trying
10 to make sure that we're doing this the right
11 way. We're not making policy decisions on any
12 of these big issues. And although we may, I'm
13 sure we have views on that, perspectives on
14 that, but that's a policy decision. We want to
15 make sure we're doing this the right way.

16 This is an independent Board. It's
17 a bi-partisan Board, really a non-partisan
18 Board, or it should be a non-political Board.
19 And we make these decisions, you know, using
20 our best judgment. And I think we're actually
21 all attorneys up here. Not that you need to be
22 an attorney, to have good judgment. And

1 sometimes, it's just the opposite.

2 But, you know, we look at this, and
3 kind of, I guess, sort of in a quasi-judicial
4 way, as calling balls and strikes. And just
5 one piece on that, I think in today's measure,
6 the petition for recall, you know, it's
7 important that our role is very limited in the
8 sense that we're making sure that petition, you
9 know, we cross the t's and dot the I's. And it
10 meets the statutory requirements.

11 We're not taking a position on
12 whether Councilman Allen should be recalled.
13 We're not favoring that, or against that. And
14 I think that's just important to underscore,
15 but there's a process in place under the
16 statute of the law. And we, and it was
17 delivered to us in a way that everything met
18 the requirements. And we just oversee that and
19 make sure that's correct.

20 So, I just wanted to add that here,
21 and certainly that was my observation, but you
22 can provide a colloquy if you want to add

1 anything to that.

2 CHAIR THOMPSON: And that was very
3 well stated. You know, we try to emphasize
4 that with each matter. That we don't have a
5 position, on the issue, or the candidate. We
6 are indeed shepherds or the referees, if you
7 will.

8 And I think, I like the word, non-
9 partisan better than bi-partisan. We are truly
10 non-partisan, as my goal always was. We're
11 very objective and we try to approach things
12 from the position of just basic fairness. It's
13 candidate A and it's candidate B. It's voter
14 initiative X, or voter initiative Y. It
15 doesn't matter what it is, it's just there's a
16 process.

17 So, lawyers are, you know, tend to
18 be focused and obsessed with process, which is
19 what we're all about. It's just the
20 transparency and then the neutrality of the
21 process.

22 Okay. So, turning then to public

1 comment, which we always welcome. We welcome
2 comments from our D.C. residents. We kindly
3 ask that the comment be polite. Hopefully, not
4 insulting to anyone personally. We ask that
5 you limit your comments to three minutes. And
6 include all of your comments or questions in
7 one comment.

8 The Board of the staff may or may
9 not respond at this time. But please know that
10 your comments will be considered. And also,
11 the public may send written comment in lieu of
12 any verbal comments to our email,
13 communications@dcboe.org.

14 So, with that, we will turn to our
15 D.C. residents. If you could raise your Zoom
16 hands, if you'd like -- if you're a D.C.
17 resident and would like to comment. And we'll
18 ask, we'll start by asking you to state your
19 personal address in D.C.

20 You can scroll along, is there any -
21 - all right, Nikolas Schiller. Thanks for
22 being here. Thanks as always for your

1 comments.

2 MR. SCHILLER: Hey, there. Can you
3 hear me okay, today?

4 CHAIR THOMPSON: We sure can.

5 MR. SCHILLER: A couple questions,
6 real fast. One of them is about the proposed
7 regulations. We're looking at a timeline in
8 which that goes onto the Board of Elections
9 website, in advance of it being published in
10 the D.C. Register.

11 You alluded to non-resident petition
12 circulators, and the Initiative 83 campaign
13 currently has a couple. And I'm curious if
14 these proposed regulations go into effect, will
15 their signatures potentially be disqualified,
16 or we'd have to ask them to not circulate
17 petitions if the proposed regulations go into
18 effect, while, during the signature collection
19 effort? That's question Number 1.

20 And question Number 2, is about the
21 D.C. jails. There are -- yes, I'm sorry.

22 CHAIR THOMPSON: I just want to

1 remind you to state your D.C. --

2 MR. SCHILLER: Oh, Nikolas Schiller,
3 2448 Massachusetts Avenue, NW, Washington, D.C.
4 20008.

5 CHAIR THOMPSON: Thank you, go
6 ahead.

7 MR. SCHILLER: So, yes, the question
8 Number 2 is on the D.C. jails. They're
9 included in the voter roll. And I'm just
10 curious if the Board of Elections has any
11 processes for outreach to these voters? The
12 campaign has considered mailing voters that are
13 incarcerated a petition pre-filled out with,
14 you know, areas for them to sign.

15 But the question, is will it
16 ultimately get to the voters? Is there a means
17 that the Board of Elections has to ensure that
18 all the incarcerated individuals will receive
19 mail that's campaign or political in nature?
20 And is the Board is actually doing outreach to
21 register incarcerated individuals as well? And
22 those are the two.

1 I appreciate your time and your
2 service. And as a parting note, I really was
3 shocked to hear about Mr. Gill's passing. And
4 it really saddened me, I really enjoyed his
5 presence on the Board. He was actually really
6 good, the questions that he asked. I didn't
7 know of the passing until a week or so later,
8 I'm really sad. I send my condolences to the
9 Board and to his family as well. Thank you.

10 CHAIR THOMPSON: Thank you, thank
11 you so much for saying that. We appreciate
12 that. Okay, so we have two questions. One
13 about publication. Terri, do you want to
14 address that?

15 MS. STROUD: Sure. So, I misspoke
16 when I talked about the topic of the proposed
17 rulemaking that will be published in the D.C.
18 Register. So, the one that -- the proposed
19 rulemaking which will be posted on our website
20 today, does not concern the local residents
21 non-voting, non -- Local Residents Voting
22 Rights Act.

1 The proposed rulemaking concerns
2 ballot access and initiative process, and
3 qualified petition circulators. And the change
4 with respect to the qualified petition
5 circulators, is just a change that was made to
6 state that, what the age of the qualified
7 petitioner circulator has to be.

8 So, they have to swear or affirm
9 that they are at least 17 years of age, and
10 will be 18. So, it's not pertinent to the non-
11 resident citizens. So, that's not the
12 rulemaking that will be published in the D.C.
13 Register for the comment period.

14 And just again, the Public
15 Rulemaking should be sent to the D.C. Register
16 today, and will be published in, not this
17 Friday, but next Friday's D.C. Register.

18 MS. EVANS: And if there are no
19 follow-up questions about that, as far as your
20 comments regarding the D.C. Jail. We do
21 conduct outreach to the D.C. Jail. And I'm
22 happy to report that we have a liaison with

1 whom we work. And that individual has been
2 really great as far as helping us develop
3 materials, and a platform that are accessible
4 to those who are incarcerated.

5 And so, where you don't have access
6 to, directly to the internet, we are working
7 with them to get a version of our voter
8 registration application that they can place on
9 iPads that does not provide any type of
10 connection to the outside internet.

11 So, we're working with them to
12 modify some of our forms and processes, and
13 outreach materials so that they comply with the
14 requirements of the D.C. Jail, and how they
15 engage with their residents.

16 But I am very encouraged with the
17 new liaison. And we are working very well
18 together. And I think that we have assurance
19 that those residents in the D.C. Jail will get
20 the information they need. And will get
21 outreach opportunities so that they fully
22 understand their rights. And how to reach out

1 with any additional questions they may have to
2 D.C. Board of Elections, through that liaison.

3 CHAIR THOMPSON: All right, thank
4 you. Yes, we have a very impressive team that
5 conducts that outreach. It's led by Scott
6 Sussman?

7 MS. EVANS: Yes. Scott Sussman is
8 over our restorative vote unit. And that is a
9 very small but active and engaged unit.

10 CHAIR THOMPSON: Yes, thank you.
11 Okay, well, not seeing any other D.C. residents
12 wishing to make comment at this time. I move
13 that we adjourn.

14 CHAIR THOMPSON: No second?

15 MEMBER BOGGS: Second.

16 CHAIR THOMPSON: All in favor.

17 MEMBER GREENFIELD: Aye.

18 MEMBER BOGGS: Aye.

19 CHAIR THOMPSON: Aye. Thank you so
20 much everybody. We'll see you next time.

21 (Whereupon, the above-entitled
22 matter went off the record at 10:55 a.m.)

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Before: DC BOE

Date: 02-13-24

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