

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

JANUARY 15, 2025

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

BOARD OF ELECTIONS MEMBERS PRESENT:

GARY THOMPSON, Chair
KARYN GREENFIELD, Member

BOARD OF ELECTIONS STAFF PRESENT:

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

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

2 (10:32 a.m.)

3 CHAIR THOMPSON: All right. Well,
4 hello, everybody. Good morning. I hope
5 everybody is staying warm on this frigid morning.
6 We've got a lot more cold weather ahead of us,
7 but happy 2025.

8 And I'm Gary Thompson, the Chair of the
9 Board of Elections. With me today is Kayrn
10 Greenfield, my fellow Board member. We are a
11 quorum of two today, so this meeting will
12 commence.

13 And the first thing we do is adopt our
14 agenda, which we've had a chance to look at
15 before this meeting. And I would move the
16 agenda.

17 MEMBER GREENFIELD: Second.

18 CHAIR THOMPSON: Both being in favor,
19 the agenda is adopted. I also move that we adopt
20 our minutes as circulated form our last meeting
21 of December 2nd, 2024.

22 MEMBER GREENFIELD: Second it.

1 CHAIR THOMPSON: Okay. And the minutes
2 are adopted.

3 At the top of the meeting here, I want
4 to take a moment and acknowledge our fellow Board
5 member, J.C. Boggs, who, as of today, is no
6 longer on the Board. He's moved abroad, and
7 we're going to miss him greatly.

8 J.C. stepped into this role at a
9 difficult time for the Board but rose to the
10 occasion and graced us with his good cheer and
11 his engagement. He really was a fabulous Board
12 member, a great lawyer, a great person.

13 We just really enjoyed working together
14 with J.C. We were very lucky to have him on the
15 Board. The BOE was lucky as an Agency to have
16 J.C.'s contributions. The city was very lucky to
17 have somebody like J.C. Boggs step up and take on
18 this role.

19 And we wish him all the best. We know
20 we'll keep in touch, but we really, really
21 appreciate, J.C., everything that you did while
22 on the Board.

1 Anybody else have any comment?

2 MEMBER GREENFIELD: No, just thanks for
3 all of the work and support, and have good time
4 abroad.

5 MS. EVANS: Yes, I echo everything that
6 has been said. When I was looking back at my
7 notes it appears that the January 2023 meeting
8 two years ago was his first Board meeting with
9 us, and so it's bittersweet. So we, of course,
10 wish him well, but we are thankful for the
11 contributions he made to DC Board of Elections.

12 MS. STROUD: Absolutely. It has been a
13 pleasure to serve with and under J.C. and the
14 other Board members. And we look forward to
15 visiting him across the pond. He said we could,
16 so we're going to take him up on that.

17 CHAIR THOMPSON: Let's just double
18 check, maybe he's dialed in.

19 If you happen to be there, J.C., raise
20 your Zoom hand.

21 It looks like iPhone 10. There it is.
22 I thought iPhone 10 was

1 (Simultaneous speaking.)

2 MR. BOGGS: I am here.

3 CHAIR THOMPSON: All right, welcome J.C.

4 MR. BOGGS: Thank you. Well, I second
5 all those comments, Gary, and everybody. That
6 was very kind of you. So I'm glad I -- I'm still
7 waiting for, maybe there's a few minutes anyway,
8 to do those good things. So thanks so much.

9 It's been really joy and pleasure for me
10 to participate on the Board. It seemed like two
11 months, it's been, you know, Monica, as you
12 noted, two years. It flew by. We had some
13 various issues and topics, both legally and
14 otherwise.

15 And I just can't say enough good things
16 about the Board, and the staff, the full office
17 of the Board of Elections, and add to that the
18 community, the public, who joined, many people
19 regularly, on a monthly basis, to participate in
20 these meetings.

21 And generally without exception, or
22 maybe one or two exceptions, pretty much a

1 positive contributing, want to make this work.
2 And I've just been so impressed with that. The
3 city has so many smart, able people that take
4 time out of their days to help this process in a
5 very good way.

6 So again, grateful for my small
7 contribution on the Board, and it's just been a
8 pleasure getting to know all of you and working
9 with you. And as you say, I look forward to
10 staying in touch on either side of the pond. So
11 thanks again.

12 CHAIR THOMPSON: All right, thanks
13 again, J.C. See you soon.

14 MR. BOGGS: Okay, take care.

15 CHAIR THOMPSON: All right, and thanks
16 for dialing in.

17 Okay. Well, with that, onward with the
18 Executive Director's Report from Monica Holman
19 Evans.

20 MS. EVANS: Thank you. And this the
21 report for December of 2024. As far as my
22 engagements, of course, first I'd just like to

1 report that D.C. Board of Elections is proud to
2 report the successful completion of the 2024
3 general election which ran smoothly with all
4 locations opening and closing on time despite
5 minor challenges.

6 Our teams responded swiftly to resolve
7 issues ensuring a seamless voting experience.
8 Public engagement reached new heights with voter
9 registrations requiring us to adapt quickly and
10 reallocate resources to manage the application
11 influx.

12 We are increasingly concerned about the
13 risks associated with our aging election
14 equipment which heightens cyber security
15 vulnerabilities and complicates operations, but
16 we are addressing those concerns.

17 Accordingly, we had our budget review
18 team meeting in December to present our FY 2026
19 budget. We have requested funding to upgrade
20 systems and replace equipment ahead of the next
21 election cycle.

22 On December 12th, District of Columbia

1 Board of Elections completed a recount in the
2 contest for advisory neighborhood commissioner,
3 ANC, in Single Member District 3/4-GO5 from the
4 November general election. For ANC SMD 3/4-GO5,
5 BOE recounted ballots cast in Precinct 50. The
6 outcome of the election was not changed as a
7 result of the recount. Accordingly, BOE did not
8 issue a new certification of the results of this
9 contest, and Karrenthya Simmons remains the
10 winner of that contest.

11 Voter registration rolls, in December we
12 registered 4,515 new voters and processed 8,852
13 registration changes. In total, we prepared
14 13,367 voter registration cards to be mailed.

15 Additionally, 460 registered voters
16 moved out of D.C., 578 voters cancelled their
17 D.C. registrations and registered with other
18 jurisdictions, and 2,173 voters registered in
19 D.C. after cancelling their registrations in
20 other states.

21 Online voter registration, we are
22 continuing to register voters using our website

1 portal. To date we have processed over 95,407
2 applications using the portal. These include new
3 voter registrations and updates to existing
4 registrations.

5 In December, we registered one-non
6 citizen to vote in local elections, total non-
7 citizen registration is 979.

8 Restore the Vote, ahead of the general
9 election, 1,173 D.C. residents were registered to
10 vote in the Federal Bureau of Prisons. Of those
11 registered to vote, 654 actually voted. This
12 includes eight voters that reside in half-way
13 houses and either voted by mail or in person. By
14 comparison, this is 253 more registrations and
15 251 more voters than the 2022 general election.

16 We are in the process of finalizing the
17 tabulation of the Department of Corrections'
18 statistics with final results expected shortly.
19 We will soon meet with the Federal Bureau of
20 Prisons and DOC, as well as our other government
21 community partners, to discuss lessons learned.

22 2025 next steps and off-election year

1 planning, we are looking at the 2024 general
2 election and exploring areas of improvement and
3 accessing the need for new equipment.

4 We are taking steps to fully implement
5 new legislation ahead of the 2026 election cycle.
6 We are currently reviewing the requirements of
7 the Automatic Voter Registration Expansion Act.

8 Additionally, we are exploring updates
9 to the election worker training manual,
10 developing the 2025 voter education outreach
11 plan, and accessing our plan for votes in our
12 email ballot drop box locations.

13 List maintenance is an ongoing process.
14 Our data team will continue to focus on keeping
15 voter registration records accurate and up to
16 date by conducting essential tasks such as
17 identifying registrants who have moved, whether
18 in state or out of state, verifying deceased
19 individuals, addressing duplicate records,
20 identifying ineligible voters and inactive
21 voters.

22 We are working with ERIC, the Electronic

1 Registration Information Center, the Department
2 of Motor Vehicles, the U.S. Postal Service, and
3 the Department of Health, Vital Records to verify
4 and cross-check data, ensuring the accuracy of
5 the voter registration database.

6
7 We are also conducting our biennial mail
8 canvas to confirm the residential addresses of
9 voters who are eligible but did not participate
10 in the 2024 general election. This will involve
11 mailing a first class, non-forwardable canvas
12 card to the mailing addresses listed in our
13 records. We are in the process of finalizing the
14 address confirmation postcards and plan to mail
15 approximately 135,000 canvas postcards in
16 February.

17 Technology, cyber security, we are
18 assessing our technology infrastructure to
19 identify necessary replacements or upgrades, and
20 ensuring readiness for the next election cycle.

21 We are working with our election
22 partners to conduct a nationwide cyber security

1 risk assessment to evaluate our current
2 environment. Following the assessment, we will
3 receive a customized report with the
4 recommendations to strengthen our threat
5 environment.

6 Election worker division, at the end of
7 each election cycle, BOE extends an invitation to
8 all site coordinators to participate in de-
9 briefing sessions that provide a platform to
10 share observations and experiences.

11 Between December 10th and December 12th,
12 BOE conducted three sessions where site
13 coordinators provided feedback and discussed
14 challenges. One challenge our election workers
15 faced was updating addresses in our voter
16 database.

17 Our city is experiencing rapid growth
18 with the construction of new apartment buildings,
19 condominiums, and homes. With so many new
20 residences, our office does not always receive
21 timely address update information. In some
22 instances this necessitates assistance with same-

1 day registrations. This required us to make
2 immediate address updates to our system.

3 There were also a number of vote centers
4 that faced challenges with Wi-Fi connectivity.
5 This resulted in delays and challenges with the
6 sign in and sign out process for election
7 workers. To address this, additional crater
8 points deployed to vote centers to improve
9 connectivity. In the future, this proactive
10 measure will help ensure better functionality
11 going forward.

12 ANC vacancies, we currently have 31 ANC
13 vacancies for this term. These positions are in
14 different stages of being filled. After
15 candidate filing requirements are met, an open
16 vote of registered voters of the affected SMD
17 will be held during regularly scheduled ANC
18 meetings.

19 And that concludes my report. Thank
20 you.

21 CHAIR THOMPSON: All right, thank you
22 very much. Turning now to the General Counsel,

1 Terri Stroud.

2 MS. STROUD: Thank you. The first
3 matter on my agenda is in re: Mattan Johnson.
4 And this matter concerns a determination of what
5 enforcement action shall be taken concerning
6 Mattan Johnson based on evidence that he
7 submitted multiple fraudulent voter registration
8 applications over a period of time beginning in
9 October of 2022 and ending in November of 2024.
10 And then he fraudulently cast a ballot in the
11 November 2024 general election.

12 If it is the Board's pleasure, I suggest
13 that we proceed as follows. The Office of the
14 General Counsel, myself, and the senior staff
15 attorney, Christine Pembroke, will lay out the
16 procedural history and facts in this matter.

17 And then I will discuss the applicable
18 law, and we will hear then from Mr. Johnson or
19 his Counsel. And the Board, of course, can ask
20 questions of both sides, the Office of the
21 General Counsel as well as Mr. Mattan if -- Mr.
22 Johnson and his Counsel.

1 And then I will make a recommendation to
2 the Board regarding enforcement action for the
3 Board's consideration.

4 CHAIR THOMPSON: That sounds good. I
5 also want to confirm that Mr. Johnson and his
6 Counsel, I think, Mr. Gansler, are present at
7 this time.

8 MS. STROUD: Mr. Gansler?

9 (Simultaneous speaking.)

10 MS. STROUD: And Mr. Gansler could speak
11 to whether Mr. --

12 (Simultaneous speaking.)

13 MR. GANSLER: Can you hear me?

14 MS. STROUD: Yes.

15 MR. GANSLER: Okay. Can you see us?

16 MS. STROUD: No.

17 MR. GANSLER: How do I fix that, you
18 think?

19 It worked last time. Earlier in this
20 meeting, you put us as a panelist. And that
21 seemed to work. Is that possible?

22 CHAIR THOMPSON: Yes, bear with us,

1 we'll do that.

2 You should -- there you are.

3 MR. GANSLER: All right, thank you.

4 And, this is Doug Gansler. For the record, I'm
5 representing Mattan Johnson. His parents are
6 actually in the next room if they're needed for
7 any reason, both his mother and his father.

8 CHAIR THOMPSON: Okay. And are they
9 also observing?

10 MR. GANSLER: They are not. We met
11 earlier, we talked about this. They've been very
12 involved with Ms. Pembroke, and they prefer to be
13 next door.

14 CHAIR THOMPSON: Okay. Thank you very
15 much, Mr. Gansler and Mr. Johnson. Thank you
16 both for being here. We're going to proceed in
17 the matter that General Counsel Stroud outlined.
18 Is that okay with you, Mr. Gansler?

19 MR. GANSLER: It absolutely is. And
20 just we'll be able to cut some corners, I think.
21 I don't think there's any question at all here
22 about the facts. And we agree and accept all the

1 facts as they've been put out to us in the past.
2 So we'll go ahead and go through them if you
3 want.

4 CHAIR THOMPSON: Okay. Well, we'll turn
5 then to Counsel Christine Pembroke who, I
6 believe, is going to summarize those facts and
7 the evidence that will be in the record. If you
8 could

9 MS. PEMBROKE: Thank you.

10 CHAIR THOMPSON: -- introduce yourself
11 and go ahead.

12 MS. PEMBROKE: Thank you, Chairman. And
13 as mentioned, I'm Christine Pembroke. I'm with
14 the Office of General Counsel. And as General
15 Counsel Stroud pointed out, this case involves
16 fraudulent voter applications and an illegally
17 cast ballot.

18 And one of the main factors with respect
19 to the fraud, and just by way of background for
20 everyone, is that Mr. Johnson was at all times
21 ineligible to register to vote because of his
22 age. There were other factors with respect to

1 fraud, but that's the overriding issue here.

2 And before we get started, just for the
3 record, I want to just briefly describe some of
4 the central components of our voter application
5 to this case.

6 So the voter application form consists
7 of instructions on the top half and then the form
8 portion at the bottom half. And the instructions
9 state that to be eligible to vote you have to be
10 a resident of the District of Columbia. And to
11 vote in a general election, you have to be 18
12 years old.

13 And it says if you are registering to
14 vote in the District of Columbia for the first
15 time, and submit an application by mail or
16 electronically, you may be required to provide
17 identification that shows your name and current
18 address for the first time you vote in an
19 election in the District of Columbia.

20 And it also goes on to state that you
21 can register on the same day that you vote with
22 valid proof of residence.

1 And then in the form portion of the
2 application, the second field sets forth the
3 reasons for completing the form. And there's
4 four boxes to check. One is new registration,
5 the next one is an address change, then there's a
6 box for party change, and a box for name change.

7 And the form goes on to set forth fields
8 for providing personal identifying information
9 such as name and address, last four of Social
10 Security, date of birth. And then at the bottom
11 of the form there is, in bold print, the word
12 warning.

13 And after that it says if you sign this
14 statement, even though you know it is untrue, you
15 can be convicted and fined up to \$10,000 and/or
16 jail for up to five years. So that's the
17 application form that was at issue with respect
18 to this matter.

19 And as Attorney Gansler mentioned, the
20 facts are undisputed that Mr. Johnson submitted
21 five voter registration applications that
22 contained false information. And he attempted to

1 cast illegally a ballot in the 2024 general
2 election.

3 I'm just going to walk through by date
4 each application. So the first --

5 CHAIR THOMPSON: And also just a quick
6 question. Will those each be in the record here?

7 MS. PEMBROKE: Yes. So prior to the
8 meeting, all of these applications were shared
9 with the Board members, as well as email
10 communications between Mr. Johnson and Board
11 staff, and a recording of a pre-hearing
12 conference. And so I would ask the Board to
13 accept all of that material as part of the record
14 in this proceeding.

15 CHAIR THOMPSON: Thank you. Mr.
16 Gansler, any objection to all those items being
17 entered into our record, including the pre-
18 hearing conference?

19 MR. GANSLER: None at all.

20 CHAIR THOMPSON: Thank you. And just
21 for the record. I want to confirm that Mr.
22 Johnson was represented by Counsel at the pre-

1 hearing conference, correct.

2 MS. PEMBROKE: Correct.

3 CHAIR THOMPSON: All right.

4 MS. PEMBROKE: Okay.

5 CHAIR THOMPSON: So admitted.

6 (Whereupon, the above-referred to
7 documents were marked for identification
8 as Hearing Exhibit Nos. 1 through 6 and
9 received into evidence.)

10 MS. PEMBROKE: Thank you. So the first
11 voter registration application was dated October
12 19th, 2022. On that application, the new
13 registration box was checked. And it contained a
14 false year of birth, and the false last four
15 digits of Mr. Johnson's Social Security Number.

16 The next application was submitted on
17 May 30th, 2023. On that one, the box was checked
18 for a name change. And it included a false first
19 name for Mr. Johnson and a false year of birth.

20 The next application was submitted on
21 October 7th, 2024. And on that one, the new
22 registration box was checked. And it included a

1 false first name for Mr. Johnson, a partially
2 false middle name, a false year of birth, and the
3 false last four digits of his social security
4 number.

5 On November 2nd, the application was
6 submitted in the form of the application that
7 exists on the special ballot envelope. This was
8 submitted when Mr. Johnson went to the polls to
9 try and vote in person.

10 And as I'll explain later, he was not
11 allowed to cast a regular ballot, because he was
12 not a registered voter based on these prior
13 attempts to register. And so he was given a
14 ballot, and then it was put inside of an envelope
15 we referred to as a special ballot envelope.

16 And that envelope contains, on the
17 outside of it, a voter registration application
18 form. And this is all so that we can check, and
19 perfect, and determine whether or not the ballot
20 should be counted, because the person is eligible
21 to vote.

22 So on that voter registration

1 application form, Mr. Johnson provided a false
2 first name, a partially false middle name, false
3 year of birth, false last four digits of his
4 Social Security Number, and a false address.

5 And then the last application that he
6 submitted was dated November 6th. And on that one
7 the address change box on the form was checked.
8 And he submitted an application with a false
9 first name, a partially false middle name, false
10 year of birth, false last four digits of his
11 Social Security number, and a false address.

12 And just for the record, I'm not
13 discussing the particulars of this information,
14 because it's personal identifying information
15 that's protected, and this is a public proceeding
16 so, you know, we're making best efforts to not
17 disclose what his actual date of birth is and
18 what his Social Security number is.

19 CHAIR THOMPSON: Okay.

20 MS. PEMBROKE: So on each of these forms
21 Mr. Johnson signed the warning that I read
22 earlier acknowledging that if any of the

1 information he provided was untrue he could be
2 fined and jailed.

3 So all of this came to our attention.
4 And the need to pursue enforcement action was
5 brought to the attention of General Counsel as a
6 result of Mr. Johnson's attempt to update his
7 registration and cast a ballot during early
8 voting on November 2nd, 2024.

9 On that early voting date Mr. Johnson
10 went to the vote center and provided, for the
11 first time, and again falsely, the address he had
12 not previously used.

13
14 And because he was a first time voter,
15 and as I explained based on the instructions of
16 the voter registration application form, he
17 needed some proof of residency. He was not
18 allowed to vote a regular ballot.

19 And so he was given a special ballot
20 which would only be accepted if he timely
21 submitted an acceptable form of documentation
22 such as a current Government issued

1 identification card, or utility bill, or bank
2 statement that was not more than 90 days old and
3 that showed his name with the address that he
4 claimed.

5 The deadline for him to submit this
6 information, this documentation to cure his
7 special ballot was 5:00 p.m. on November 12th,
8 2024. Two minutes prior to that deadline Mr.
9 Johnson emailed his documentation with the
10 following note. Quote, I am submitting proof of
11 residency documentation, and I ask that my
12 provisional ballot, which was cast on 02 November
13 will be counted, close quote.

14 In identifying himself in the forwarding
15 note, Mr. Johnson again provided a false first
16 name, a false address, and a false date of birth.
17 The Board's records indicate that this message
18 was received at 5:01 p.m. That is after the
19 after the deadline.

20 Apparently, Mr. Johnson tried to email
21 this to two email addresses. One of those
22 addresses was not valid and bounced back. And

1 the other one that went through, went through
2 after the deadline.

3 The next day Mr. Johnson determined that
4 this special ballot was not accepted, and he
5 emailed the Board's General Counsel in the
6 morning stating, quote, my ballot was not
7 counted, because I emailed proof of residency
8 documents approximately 30 minutes late. I
9 initially emailed it right before 5:00, but for
10 some reason it bounced back multiple times.
11 Voting is a Constitutional right, and I do not
12 believe that a technical error should stop my
13 vote from being counted, close quote.

14 Johnson sought the intervention of the
15 Board's General Counsel knowing, notwithstanding
16 whatever proof of residency he provided, he was
17 ineligible to vote because of his age.

18 Moreover, he continued his deception
19 again by including in his email to the General
20 Counsel a false year of birth and a false name
21 and address.

22 This led the General Counsel to review

1 the documentation that Johnson had submitted and
2 for her to email him back a list of acceptable
3 documents along with an explanation that, because
4 that documentation he had provided was more than
5 90 days old. It was unacceptable.

6 After seeing the list of acceptable
7 documentation, Mr. Johnson responded via email
8 that at the vote center he had provided IDs. And
9 he questioned why the IDs he had shown when
10 trying to cast his ballot were not accepted.

11 The General Counsel asked Mr. Johnson to
12 email her images of those IDs. Johnson responded
13 by sending two photo IDs, a community college ID,
14 and Library of Congress user card that was
15 prominently marked a minor.

16 He stated in his email that he got the
17 Library of Congress card, quote, a few days
18 before my birthday, which is why it says minor,
19 close quote. As neither ID showed any
20 residential D.C. address for Johnson, the General
21 Counsel informed him on November 14th that those
22 IDs were also insufficient and his ballot would

1 not be counted.

2 Mr. Johnson persisted in email to
3 General Counsel asking her how she was sure that
4 his ballot was not counted.

5 When the General Counsel confirmed that
6 his ballot had not been accepted, he went further
7 and asked how he could appeal that decision.

8 The General Counsel advised Johnson that
9 he could appeal to the Board. Johnson then
10 requested a hearing before the Board during the
11 last few minutes for doing so on Friday, November
12 15th, 2024.

13 A virtual hearing was quickly organized,
14 at which the General Counsel, the Board's
15 Registrar of Voters, and Johnson appeared, on the
16 evening of November 15th, 2024, before our Board
17 member Karyn Greenfield.

18 Knowing all the while that he was
19 ineligible to vote and withholding that
20 information, Johnson continued to protest the
21 disposition of his documentation as to residency.
22 The presiding Board Member Greenfield, however,

1 ruled that he had failed to provide the required
2 residency documentation.

3 On the following morning, November 18th,
4 the General Counsel followed up on the Board
5 hearing proceedings by emailing Johnson
6 information on his right to further appeal the
7 Board decision to the D.C. Superior Court and by
8 sending him a six-page formal written Board order
9 that held the rejection of his special ballot for
10 lack of proper documentation of residency.

11 At approximately noon that same day, Mr.
12 Johnson emailed the General Counsel letting her
13 know that he had filed an appeal with the D.C.
14 Superior Court and asking her how long it would
15 take the Court to act.

16 The General Counsel emailed him a reply
17 stating that, as the matter was now a litigation,
18 I would be handling it. And he could communicate
19 with me going forward.

20 I then engaged with Mr. Johnson by
21 emailing him and letting him know that he would
22 have to address his questions on Court processing

1 times to the Court. I also explained in my email
2 that I had conducted a search for his case in the
3 Superior Court and could not find it.

4 I went on to say to Mr. Johnson the
5 following. Quote: In addition, and as this case
6 has been referred to me due to your appeal, I
7 have undertaken my due diligence, and
8 independently investigated the matter. My
9 investigation has produced credible evidence that
10 you were ineligible to cast a ballot in the 2024
11 general election for reasons of your age. Should
12 your appeal be perfected, and your date of birth
13 be confirmed through evidence presented in such
14 litigation, I will be asking the Court to affirm
15 the Board's decision on that ground as well,
16 close quote.

17 Knowing full well that he was ineligible
18 for to vote based on his age, Mr. Johnson never
19 the less responded to my email, quote, what
20 credible evidence do you have, close quote.

21 I then advised him the following.
22 Quote, I have an email communication from your

1 mother which also stated that John is not your
2 name. I believe that that information is highly
3 credible given that, one, your mother would be
4 expected to know your date of birth. Two, the
5 signature of the voter application that led to
6 this email is consistent with other signatures on
7 file for you. And, three, you have persistently
8 avoided providing an identification card that
9 might actually document your date of birth. Of
10 course, your date of birth and name will be
11 verified through a Court proceeding, close quote.

12 I also requested that Mr. Johnson
13 confirm whether he filed appeal and, if so, that
14 he provide the case number.

15 Mr. Johnson emailed me back, quote, the
16 allegations are not appreciated. I did indeed
17 file an appeal which was rejected due to an
18 administrative error. You know how D.C. works,
19 close quote.

20 He went on to explain, however, that he
21 was not pursuing his appeal because he could not
22 meet the deadline for doing so. And he had since

1 learned that the votes on his ballot would not
2 have been of any consequence.

3 Given the clear evidence of voter fraud
4 related to Johnson, an enforcement proceeding was
5 then initiated by the sending of a formal notice
6 to him on November 21, 2024, that there would be
7 a pre-hearing conference on December 3rd and
8 requesting that he attend.

9 I checked the Board's data file for
10 active voters living at the addresses that Mr.
11 Johnson had provided which is a normal procedure
12 when we have an enforcement matter to try and
13 identify witnesses.

14 And I discovered that there were two
15 voters, one at each address that he had provided,
16 who were later confirmed to be his parents. And
17 so they were also sent a pre-hearing conference
18 notice from requesting their attendance as
19 potential witnesses.

20 The next day, Mr. Johnson responded to
21 the notification of the pre-hearing conference by
22 stating, quote, I will not be available at that

1 time. If I am to attend this conference it will
2 need to be rescheduled, hopefully for after the
3 new year, close quote.

4 Although he had been copied on the
5 notifications to the witnesses who were his
6 parents, that they should be attending the pre-
7 hearing conference, he did not copy this email to
8 his parents.

9 I responded by noting the evidence was
10 strong enough that I was prepared to move forward
11 without speaking to him and that in any event,
12 his mere statement that he was not available was
13 not enough, given the seriousness of the matter.
14 And I denied his request for a continuance.

15 Subsequently Attorney Gansler contacted
16 me and advised that he would representing Mr.
17 Johnson. Just prior to the pre-hearing
18 conference, I shared with Mr. Johnson and
19 Attorney Gansler all of the voter application
20 forms that Mr. Johnson had submitted.

21 At the December 3rd pre-hearing
22 conference, Mr. Johnson and his Attorney

1 appeared, and his mother made herself available.
2 Attorney Gansler discussed with Mr. Johnson his
3 Fifth Amendment right, and Mr. Johnson agreed to
4 waive that right. He was placed under oath.

5 I then proceeded to go through each one
6 of the applications and the false information
7 that was entered on those applications, which I
8 discussed previously. And Mr. Johnson,
9 unhesitatingly admitted to all of the false
10 entries that I discussed.

11 With respect to his choice of the alias,
12 John, I sought an explanation from Mr. Johnson as
13 to how he came to select that particular false
14 name. And when I did that, I explained to him
15 that John Johnson was an extremely common name
16 and that there were 83 John Johnsons in the
17 Board's voter records. And I asked him
18 specifically if he used the name John because it
19 would likely make it more difficult for the Board
20 to detect as fraud.

21 Mr. Johnson responded by explaining why
22 he did not care for his given name, Mattan, he

1 commented that was often mispronounced and he
2 often had to correct people about how to
3 pronounce it. But he did not provide a credible
4 exculpatory explanation as why he opted for the
5 substitute common name, John.

6 I then went through the email
7 communications with Mr. Johnson that I just
8 discussed and focused on why, in his response to
9 my pointing out that he had used a false date of
10 birth by saying the allegations are not
11 appreciated, he responded along the lines of
12 people do not, in general, appreciate being
13 accused of deception.

14 I noted that during the arguably busiest
15 election cycle on record, Mr. Johnson had, based
16 on entirely false pretenses, caused the General
17 Counsel, the Registrar of Voters, and a member of
18 the Board to appear at a hearing convened on
19 essentially an emergency basis. And I expressed
20 concern that Mr. Johnson was not exhibiting any
21 remorse for the disruption and resource misuse
22 that he had caused.

1 At that point, Attorney Gansler
2 commented, then and later, that his client does
3 not wear his emotions on his sleeve, but he did
4 regret his actions.

5 After speaking with me, Mr. Johnson left
6 the video proceeding. His mother entered, and I
7 had an opportunity to pose a few questions to
8 her. I asked her if she could shed any light on
9 John's adoption of the alias John.

10 And she volunteered that she had
11 commented to Mr. Johnson at one point that her
12 distinctive name enabled third parties to
13 ascertain her background. And she speculated
14 that Johnson stopped using the somewhat
15 distinctive given name for similar reasons.

16 She essentially acknowledged that Mr.
17 Johnson had concealed from her his use of the
18 name John stating that she found out about that
19 when school personal referred to him as John.
20 Johnson's mother could not speak to Johnson's
21 peer group, and she did not even seem to know
22 whether he had any friends and, if so, who they

1 were.

2 While in 2023 she came into possession
3 of Board mail sent to Johnson regarding the then
4 pending effort on his part to register illegally,
5 and she notified the Board that he should not be
6 registered, she was otherwise unaware of
7 Johnson's continuous efforts to illegally
8 register to vote.

9 During the pre-hearing conference, I
10 explained what the next steps would be, that
11 Johnson and Attorney Gansler would have the
12 opportunity to present evidence to the Board.
13 And I also notified them that the matter would
14 likely go before the Board in January. And
15 although there was an opportunity for Mr. Gansler
16 to provide us with additional materials, I've
17 received nothing from him.

18 So that concludes the factual background
19 for this matter. So I'll turn things back to the
20 General Counsel to discuss the violations of law.

21 MS. STROUD: So just to reiterate, Ms.
22 Pembroke, you walked through each of the

1 applications that were sent. And I just want to
2 get the dates and the particular violations
3 associated with each voter registration
4 application for your and the Board's
5 understanding, so just to reiterate

6 MS. PEMBROKE: Sure.

7 MS. STROUD: -- of what you laid out.

8 So on October 19th, 2022, that's when the
9 first voter registration application was
10 submitted. And in that application was provided
11 a false year of birth and a false last four
12 digits of the Social Security number, which I'll
13 refer to SSN 4.

14 MS. PEMBROKE: Correct.

15 MS. STROUD: Okay. So then the second
16 voter registration application, which was
17 indicated as being submitted for the purpose of a
18 name change, was submitted on May 30th, 2023. And
19 so in that application was provided a false first
20 name and a false year of birth.

21 MS. PEMBROKE: Correct.

22 MS. STROUD: And of course, the last

1 four Social were different, because he provided
2 the correct last four of the Social on this form,
3 so there was no false SSN 4 with respect to this.

4 MS. PEMBROKE: Okay.

5 MS. STROUD: And then on October 7th, a
6 third voter registration application was
7 submitted by Mr. Mattan Johnson indicating that
8 it was a new registration. And in that
9 application was provided a false first and middle
10 name, a false year of birth, and a false SSN 4?

11 MS. PEMBROKE: Yes. The false middle
12 name was partly correct. I think he used a
13 combined middle name, so part of it was correct
14 and the other part wasn't.

15 MS. STROUD: Okay, so a partially false
16 middle name.

17 MS. PEMBROKE: Right.

18 MS. STROUD: And then on November 2nd we
19 have the fourth voter registration application
20 submitted by Mr. Johnson. And that was a same-
21 day registration that occurred during the early
22 voting period. And in that application he

1 provided a false first name, a partially false
2 middle name, a false year of birth, false SSN 4,
3 and false address.

4 MS. PEMBROKE: Correct.

5 MS. STROUD: And on that same day, he
6 cast a special ballot.

7 MS. PEMBROKE: Correct.

8 MS. STROUD: Okay. And finally, the
9 fifth voter registration application was
10 submitted on November 6th. And the purpose for
11 that was to submit an address change according to
12 the box that was checked. And in that
13 application he provided a false first name, a
14 partially false middle name, a false year of
15 birth, false SSN 4, and false address.

16 MS. PEMBROKE: Correct, that's correct.
17 And again, he admitted to all of this information
18 during the pre-hearing conference.

19 MS. STROUD: Okay. So with respect to
20 -- I just wanted to lay out, for the benefit of
21 the record and the public, the applicable law
22 with respect to the activity that is being

1 described as having been committed by Mr.
2 Johnson, which he's admitted to.

3 D.C. Official Code, Section 1-1001.14(a)
4 provides that any person who shall register, or
5 attempt to register, or vote, or attempt to vote
6 under the provisions of this sub-chapter, and
7 make any false representations as to the persons
8 qualifications for registering for voting shall,
9 upon conviction, be fined not more than \$10,000,
10 or be imprisoned for not more than five years, or
11 both.

12 And based on the five applications of
13 the attempt to vote, there were six instances in
14 which there was a registration or attempt to
15 register and to attempt to vote or vote. There
16 were six of these particular violations, five
17 with respect to attempts to register, and one
18 with -- or attempting to register or registering,
19 and one with respect to voting or attempting to
20 vote.

21 MS. PEMBROKE: That's if you count the
22 application as the violation. And I don't think

1 that there's any legal authority in this
2 jurisdiction as to whether or not the individual
3 entries could be parsed out, so a minimum of --

4 (Simultaneous speaking.)

5 MS. STROUD: Could potentially be.

6 MS. PEMBROKE: Right, minimums.

7 MS. STROUD: And so that's that
8 particular code section. So we have six
9 potential violations associated with that
10 particular activity.

11 MS. PEMBROKE: Correct.

12 MS. STROUD: Next, D.C. Code 1-
13 1001.14(a)-11 provides that a person shall not
14 knowingly or willfully give false information as
15 to the person's name, address, or period of
16 residence for the purpose of establishing a
17 person's eligibility to register or vote that is
18 known by person to be false.

19 And based on the five applications,
20 there are arguably not instances in which a false
21 or first and/or middle name and address were
22 given across these five applications?

1 MS. PEMBROKE: I think that's right.

2 MS. STROUD: Okay. That same section,
3 and D.C. Official Code, Section 1-1001.14 deals
4 with corrupt election practices. That's the
5 section that we're dealing with.

6 That section also provides that a person
7 shall not knowingly or willfully procure or
8 submit voter registration applications that are
9 known by the person to be materially false,
10 fictitious, or fraudulent.

11 And so we have the submission of the
12 four voter registration applications and the
13 submission of the special ballot envelope, a
14 portion of which constitutes a registration
15 application. So there were five instances of
16 submitting voter registration applications that
17 were false.

18 MS. PEMBROKE: Yes.

19 MS. STROUD: Next, the Code Section goes
20 on to provide that a person shall not knowingly
21 or willfully procure, cast, or tabulate ballots
22 that are known by the person to be materially

1 false, fictitious, or fraudulent. And we have
2 the one instance where, on November 2nd, during
3 the early voting period, Mr. Johnson did submit a
4 ballot under fraudulent circumstances.

5 MS. PEMBROKE: Okay.

6 MS. STROUD: So these are all the
7 violations of the Corrupt Election Practices
8 Statute that pertain to the activity that you've
9 outlined which Mr. Johnson also admitted to at
10 the pre-hearing conference that took place on
11 December 3rd.

12 MS. PEMBROKE: That's correct. They're
13 just the D.C. law violations.

14 MS. STROUD: Yes, those are the D.C.
15 violations.

16 And now we'll turn to federal law which
17 52 U.S. Code Section 10307(c) discusses providing
18 false information in registering or voting. And
19 the penalties associated with that activity.

20 And that provides that whoever knowingly
21 or willfully gives false information as to his
22 name, address, or period of residence in the

1 voting district for the purpose of establishing
2 his eligibility to register or vote shall be
3 fined not more than \$10,000, or imprisoned not
4 more than five years, or both.

5 And this is a federal provision, so it
6 applies to federal elections, but we did have two
7 federal contests on the ballot for the November
8 2024 general election, correct?

9 MS. PEMBROKE: That's correct.

10 MS. STROUD: Okay. Federal law also
11 criminalizes concealing material facts from
12 election hearing examiners, and that section is
13 52 USC, Section 10307(d) which concerns
14 falsification or concealment of material facts
15 for giving a false statement in matters within
16 jurisdiction of examiners or hearing officers and
17 the penalties associated therewith.

18 And that section provides that whoever,
19 in any matter within the jurisdiction of an
20 examiner or hearing officer, knowingly and
21 willfully falsifies or conceals a material fact,
22 or makes any false, fictitious, or fraudulent

1 statements or representation, or uses any false
2 writing or document knowing the same to contain
3 any false, fictitious, or fraudulent statement or
4 entry, shall be fined not more than \$10,000 or
5 imprisoned not more than five years, or both.

6 And so we have the instance where we had
7 a pre-hearing conference, we had a hearing before
8 the Board in connection with an election that did
9 have federal offices on the ballot.

10 MS. PEMBROKE: Okay.

11 MS. STROUD: So those are the provisions
12 under which -- that outline the violations both
13 for the District law and federal law.

14 And in terms of the penalties that could
15 be levied, District law provides that,
16 specifically D.C. Official Code, Sections 1-
17 1001.14(a) and (a)(1), so Paragraph 2, provides
18 that any person who shall register or attempt to
19 register, or vote or attempt to vote, or make any
20 false representations as to the person's
21 qualifications for registering or voting, shall,
22 upon conviction, be fined not more than \$10,000

1 or be imprisoned not more than five years, or
2 both.

3 And the same section goes on to say,
4 with respect to how a person shall not knowingly
5 or willfully give false information as to their
6 name, address, or period of residence for the
7 purpose of establishing eligibility to register
8 or vote that is known by the person to be false,
9 or procure or submit voter registration
10 applications that are known by the person to be
11 material, false, fictitious, or fraudulent, or
12 procure, cast, or tabulate ballots that are known
13 by the person to be materially false, fictitious,
14 or fraudulent. And those are the violations.

15 And the statute further says that a
16 person who violates this subsection shall, upon
17 conviction, be fined not more than \$10,000, be
18 imprisoned not more than five years, or both.

19 In addition, the Board has authority,
20 pursuant to D.C. Official Code, Section 1-
21 1001.18(a) to -- the General Counsel can make
22 recommendations to the Board of criminal, or

1 civil, or both violations of this sub-chapter.

2 And upon a finding that there has been
3 a violation of any of the provisions of the
4 pertinent sub-chapter, may be assessed a civil
5 penalty for each violation of not more than
6 \$2,000 by the Board. And for purposes of this
7 section, each day of non-compliance with an order
8 of the Board shall constitute a separate
9 offense.

10 So those provisions lay out what
11 enforcement authority the Board has and what
12 criminal or civil penalties may lie with respect
13 to each of the violations that were described by
14 the activity or that constituted the activity
15 that resulted in the violation, which are subject
16 to the penalties that I just read.

17 So based on how the Board could view the
18 activity described, based on the number of
19 applications and the attempt to vote, there could
20 be arguably at least 21 separate criminal
21 violations of D.C. election laws, meaning there
22 could be a maximum of \$42,000 in civil fines that

1 Mr. Johnson could be assessed.

2 And it's just so there were, based on
3 your counting, Ms. Pembroke, there were three
4 violations associated with the voter registration
5 application submitted on October 19th, including
6 the submission of the application itself, three
7 in connection with the second voter registration
8 application, including the submission of the
9 application itself, four associated with the
10 third voter registration application submitted,
11 including the submission if the application
12 itself, six that occurred on November 2nd which
13 include the submission of the application on the
14 special ballot envelope, five with respect to the
15 submission, and one with respect to the vote
16 itself which constitutes six violations, or could
17 constitute six violations, and five in connection
18 with the fifth voter registration application
19 which was submitted on November 6th, including the
20 submission of the application itself.

21 And so there could arguably be 21
22 violations that were committed by Mr. Johnson.

1 And he admitted to all of the activity with
2 respect to the submission of the voter
3 registration applications as well as the vote.

4 So all told, we're looking at
5 conceivably 21 violations and a maximum of
6 \$42,000 in civil fines, separate and apart from
7 any enforcement action that could be taken on the
8 criminal side.

9 MS. PEMBROKE: That's correct, yes.

10 MS. STROUD: And I think that, at this
11 time, it would be appropriate to hear from Mr.
12 Gansler and Mr. Johnson with respect to what has
13 been laid out.

14 CHAIR THOMPSON: Yeah, Mr. Gansler,
15 thanks so much. Please go ahead, you know, give
16 us your argument or any points you want to make.
17 And of course, you're also welcome to put
18 evidence into the record or present Mr. Johnson
19 or any other witnesses you would like.

20 MR. GANSLER: Thank you. I appreciate
21 that. I mean, I think most of what was said was
22 accurate. Just a couple points of clarification.

1 One is Mr. Johnson wanted to vote. He was a
2 juvenile during all of this. He's still a
3 juvenile. He'll turn 18 in August. He graduated
4 early from high school. Went to Northern
5 Virginia Community College. He's a member of the
6 ROTC. And he was voting not for ideological
7 reasons -- attempting to vote, not for
8 ideological reasons such as preferring one
9 candidate over another or one party over another
10 or some cause over another cause. He simply
11 wanted to vote.

12 He recognizes that the prescribed age to
13 vote is 18 and he was not 18. He's still not 18.
14 And so while, you know, I get it, you rack up all
15 the offenses and put them under the jail and
16 throw away the key and make him, you know, in
17 debt for the rest of his life. That's what
18 motivated here. In fact, the candidates for who
19 he voted were write-in candidates that had not
20 even declared their candidacy. So this isn't
21 sort of a particularly, you know, this polarized
22 world in which we live right now. And this

1 wasn't sort of a pro one side or pro the other
2 and the attempts that more often sees of people
3 trying to, because they're impassioned one way or
4 the other, about a particular candidate or cause,
5 they go and vote in that regard.

6 This is somebody who just simply wanted
7 to exercise his -- the ability to vote. And I
8 would say it's not a constitutional right because
9 the constitution doesn't allow you to do it until
10 you're 18, but it's laudable as difficult as it
11 is to get people to vote anyway, it's laudable
12 that he wants to vote. He just would have to
13 wait and will need to wait until he's 18 to do
14 so. And not that it's technically wrong and
15 violative of the statutes.

16 I just would add that when there was
17 constant mention of false names and false
18 addresses, while that may be, he used his either
19 given name or the name that he uses, which is
20 John. And so many people as we know in society,
21 perhaps some of you today, you don't use your
22 full name when asked. I mean my name -- my full

1 name is Douglas and right on here -- on the
2 screen, I don't know who put that on there, I'm
3 62, so I'm not good at technology. Somebody put
4 Doug on there, which is the name I actually do
5 use. So he used -- the two names he used were
6 either his given name or his actual -- or the
7 name that he has been using.

8 He started doing -- seeking the
9 opportunity to vote when he was 15. So the
10 change of name, while interesting as the concept,
11 certainly had nothing to do whatsoever with some
12 sort of deception in terms of being able to vote.
13 It's what he calls himself to his friends and at
14 school and elsewhere.

15 As well as the addresses, it's not like
16 he was putting addresses of people who don't
17 exist or fictitious addresses. The two addresses
18 he used was either his -- his parents got
19 divorced sort of during this whole time --
20 separated. Yeah, they're not even divorced.
21 They're separated. And so he used the address of
22 one or the other interchangeably in terms of the

1 addresses. And again, this is by just
2 explanation, not excuse. What he did was wrong.
3 He knows it was wrong. He tried to vote before
4 he was able. And fortunately, he'll be able to
5 vote in the next election.

6 We don't have any additional materials
7 because we're not contesting any of this. This
8 happened. And I guess what I would say is there
9 was not illegally cast vote, so there's no
10 fraudulent vote. This was all inchoate. He was
11 not able to vote and I think that's complimentary
12 to this Board and the folks in the District of
13 Columbia who are, you know, rooting out,
14 identifying people who, for whatever reason I
15 would submit 99.9 percent of them are different
16 than what Mr. Johnson's reasons for voting, which
17 is they believe strongly in some candidate or
18 cause.

19 Here, the system worked. And there was
20 no illegally cast vote by Mr. Johnson in any
21 election, as a matter of fact. So, I guess I'll
22 just reiterate part and parcel that he never even

1 voted in the one provisional that he attempted to
2 do, it was not -- it was for no declared
3 candidate he was even voting.

4 And I guess one more comment I would
5 make is -- and Ms. Pembroke, by the way, was very
6 accessible, very helpful, very easy to deal with,
7 and we appreciate that and was attentive to our
8 issues here. I would say that Mr. Johnson had no
9 idea, nor would he have thought of it, nor would
10 I have thought of it that this was, I think what
11 Ms. Pembroke said, was a particularly busy
12 election or whatever, you know, different
13 election. And that his attempt to vote by, you
14 know, mailing some things in to try and get the
15 vote, would have such an effect. Not that he
16 didn't take it seriously, he did. But that it
17 would have an effect on workers in the District
18 of Columbia to have to sort of respond to it.

19 So, this is probably different than some
20 of the cases you hear in the sense that it's not
21 being contested. The reasons for his willingness
22 and desire to vote are different than other cases

1 like it, I would assume.

2 So the question is --and because he's a
3 juvenile, the question is, so what is the right
4 thing to do here? And I submitted what I thought
5 would be appropriate to Ms. Pembroke as the right
6 thing to do, which was three different things.
7 One is, look, we can all recognize this is an
8 unusual situation. I'd be surprised if in the
9 tenure that you all have had and of your departed
10 member, that anything like this has actually
11 happened for the reasons that it did. And again,
12 not to say it's not important, but it's
13 different. And so, Mr. Johnson has started to
14 see a therapist and would want to continue to do
15 that to sort of talk through, you know, issues
16 that he may or may not be having around elections
17 or other things. And so that process has already
18 started. That was one of the three things that
19 we suggested.

20 The second was the civil penalty. You
21 know, I was a prosecutor for 22 years myself.
22 And I was always very reluctant to allow on sort

1 of cases that, let's just say nobody got hurt or
2 nothing ever happened. For juveniles to have
3 some sort of a penalty assessed toward them where
4 their parents were just going to go pay it. And
5 so, what we suggested here is that there be a
6 small civil penalty, up to \$2,000 that Mr.
7 Johnson would have to pay himself. Now, he is
8 enrolled in school. He does not have a job. He
9 would have to get a job, and we would ask for
10 nine months to be able to satisfy that payment.
11 And I, having again worked in government for 22
12 years, I recognize sometimes we don't want -- the
13 government doesn't want outstanding issues. So,
14 it could be a scenario where he does get a loan
15 from his parents, but as part of the agreement,
16 he has to pay that back through his own money,
17 diligent service, and work.

18 And then the last thing that we
19 suggested, and I guess it sort of came up during
20 conversations that this is an unusual set of
21 facts and we recognize that. And you know, when
22 you see something sort of out of the ordinary,

1 people in this world are worried about, you know,
2 is this somebody who's, you know, potentially
3 violent? Not that there's any violence here or
4 any suggestion of it. And I talked to Mr.
5 Johnson. He has no violent tendencies. There's
6 nothing on his computer or whatever, but we would
7 be willing -- to assuage any concerns, we would
8 be willing to allow a third party independent
9 forensic analyst to review his machine, is what I
10 call it with my kids, to make sure that there is
11 nothing, you know, sort of threat, violence, or
12 attempt -- you know, anything like that. And I
13 can represent that -- and I have found Mr.
14 Johnson to be, as was said earlier, he does wear
15 his emotions on his sleeve. I find him to be
16 excessively and overly honest and candid and
17 forthright. And I don't -- there is nothing
18 there, but to assuage any concerns that may
19 exist, he'd be willing to do that.

20 I would submit that that would be the
21 right thing to do here to try and -- because
22 there was no sort of bad effect here of what he

1 tried to do and he's going to be able to vote and
2 he is a juvenile, referral to the AG's Office
3 obviously is something you can do, but it's not
4 actually -- I would submit, not the right thing
5 to do in this particular case.

6 So, I'm happy to answer any questions
7 and Mr. Johnson is here to answer any questions
8 that you might have.

9 CHAIR THOMPSON: All right. Thank you
10 very much, Mr. Gansler, for all of that. I guess
11 my main question is, you referred to Mr.
12 Johnson's attempt to vote as laudable and
13 inchoate just, you know, something in formation
14 that didn't really have an impact when all was
15 said and done.

16 I was wondering if you could speak --
17 maybe you could say that if he applied once by
18 mail. Maybe, you know, the sense of being naive.
19 But I was wondering if you could speak to the
20 fact that Mr. Johnson applied to vote five times.
21 Went to the election center. Obtained a special
22 ballot. Cast it. Pursued the General Counsel's

1 Office here through emails, emails that
2 themselves were false, you know, expressed an
3 intent to appeal and to the court system. Forced
4 us to -- our board to hold an emergency hearing
5 on his administrative appeal.

6 I mean all that is a lot more than just
7 applying once that, you know, maybe you might
8 describe the first try as laudable in some sort
9 of abstract sense of believing in the civic value
10 of voting. But the record reflects a substantial
11 amount of persistence and relentlessness that did
12 have a real world impact on the time and the
13 resources of a lot of election officials during,
14 not just a busy, but a stressful election season.
15 I just was wondering if you could speak to why,
16 you know, what was the cause of all that?

17 And you also mentioned, Mr. Johnson --
18 you might speak and of course, I assume you --
19 he's welcome to do so if he would like, but I
20 assume you've advised him of his Fifth Amendment
21 rights that he doesn't have to speak, but if he
22 does speak, what he says can be used against him,

1 et cetera.

2 MR. GANSLER: Yeah. So, I guess, the
3 laudable nature is actually -- that I suggested
4 is abstract in the sense that the motivation, you
5 know, is he really wanted to vote. And he was
6 going -- you know, that he took steps, you know,
7 through the process to try and get to vote. And
8 you know again, the ability of people that vote
9 that can -- and people died for the right to
10 vote, and he really wanted to vote. He was
11 denied that opportunity. He thought that was
12 wrong that he would be denied that opportunity,
13 so he continued to try to get to vote.

14 I think that, that is sort of -- yes,
15 did he do it sort of multiple times to try and
16 get to vote? Yes. And that is -- wasn't a half-
17 hearted effort. He truly wanted to vote and took
18 steps towards being able to do that. The fact
19 that he was not able to vote illegally, I mean is
20 -- maybe there's sort of two factors. One, that
21 I thought it was good that the DC Board of
22 Elections and correlating agencies and so forth

1 rooted it out. So there was not actually any
2 votes cast. And the effect of -- and I was a
3 prosecutor for 22 years, like I mentioned -- and
4 you have somebody stand in a parking lot and
5 shoot a gun around and nobody gets hurt, nobody
6 dies. The bullet doesn't hit them. Same person
7 does the same conduct and 25 people die because
8 they're in the parking lot and the guy sneezes.
9 The results of the act does matter. And here,
10 fortunately, there was no bad results in the
11 sense that there was no illegal vote cast. So,
12 that's why I mentioned that.

13 Again, he fully recognizes that what he
14 did was wrong. He really wanted to vote. It's
15 hard, perhaps, for people who are over 18 to
16 understand that. It started when he was 15,
17 really wanted to vote. And so I mentioned just
18 by explanation, not by excuse, what he did was
19 wrong. And having to go through this whole
20 process already, merely because he wanted to vote
21 as a juvenile, I think has had some significant
22 life lessons already. And just trying to suggest

1 that we do the right thing here, but you know,
2 obviously it's your prerogative to refer to the
3 AG's Office, then we'll take it up with them.
4 But that's the -- I was just trying to do the
5 right thing for everybody here -- suggest the
6 right thing for everybody here.

7 CHAIR THOMPSON: And our board, I think
8 we have two decisions to make. Number one is
9 whether we refer this to the Attorney General's
10 Office. And that's all we would do. We would
11 either refer it or not refer it. We don't
12 exercise any prosecutorial discretion on our own
13 as to whether there is an indictment of a
14 criminal violation, what might be done with that,
15 whether there could be jail time, whether there
16 could be criminal fines. We don't do any of
17 that. All we do is refer it for a prosecutor
18 such as yourself used to be, Mr. Gansler, as to,
19 you know, whether they think any action should be
20 taken. So, I was wondering if you could speak to
21 just that decision that we have to make as a
22 board whether we should or should not refer this

1 to the Attorney General's Office for further
2 consideration.

3 MR. GANSLER: Yeah, I think -- I
4 understand everything you said -- we both
5 recognize what you said as to be the case. I
6 think it should not be referred. I think,
7 frankly, more will happen here than would happen
8 there. They have -- unfortunately, we're down
9 murders now and that kind of thing. There's a
10 lot -- there's a lot more going on. This kind of
11 case would be seen as, I think, not that
12 significant because of all the facts around it by
13 then, and nothing would happen. Though, you
14 know, there's potential that a lot could happen.
15 But I just sort of, as a former Attorney General
16 myself and knowing, and dealing with that office
17 on almost a daily basis -- the D.C. AG's Office,
18 it's a wonderful office and General Racine is a
19 friend since I was 12. And General Schwalb, I've
20 known for 30 years. They're great people. They
21 run a great office. This will not rise to the
22 level of something that they would, you know, I

1 think do much with. They'll do something with
2 it, but who knows what they'll do with it.

3 I think this is a Board of Elections
4 issue. I think the idea of having some of these,
5 you know, the, if you will, punishment for Mr.
6 Johnson in terms of actually having to go get a
7 job and make money and pay a fine and to see a
8 therapist to make sure that everything, you know,
9 continue seeing a therapist and make sure that
10 everything's going on well. And people -- it's
11 not a bad thing for people to see a therapist
12 anyway. And so, I think that's part of this. I
13 think those are good things and that would make
14 sense going forward.

15 So my thought was, and I always try to
16 look at sort of the other side of the table on
17 what's the right thing to do? I understand what
18 you can do. You can refer it and then they can
19 prosecute it and seek jail time and whatever.
20 But, I think what the right thing to do here,
21 particularly given that there was not any
22 election fraud that was completed, would be to

1 use as a life lesson.

2 And you know, sort of the other -- I
3 guess the last thing I would say is one of the
4 things we'd look at certainly in the -- did look
5 at in the AG world is injunctive relief. Sort of
6 what can we do to make sure this doesn't happen
7 again? Well, for Mr. Johnson, he turns 18,
8 whether we all like it or not, before the next
9 election. And so there's no sort of effect that,
10 that would have by referring it. So, I guess
11 those are my thoughts.

12 CHAIR THOMPSON: Okay. Thank you for
13 that. And on the point of seeking therapy, Mr.
14 Johnson, that's a really, really good idea. I
15 myself have seen a therapist on and off in my
16 life. Members of my family have. It's always
17 smart to reach out and seek help from family and
18 friends and professionals like therapists. So
19 that's a really, really good decision and I
20 encourage you to continue to pursue that.

21 I guess my final question, Mr. Gansler,
22 you indicated an openness to a civil fine, you

1 said up to \$2,000 and that perhaps there may be a
2 way that Mr. Johnson would pay that fine by
3 working as opposed to his parents paying it. I
4 mean we don't have a mechanism to address who
5 would pay it. But I was wondering if you could
6 speak a little more to your thoughts on an
7 appropriate civil fine and how and who might pay
8 that fine.

9 MR. GANSLER: Yeah, thank you for that.
10 On the therapist point, I always -- it always is
11 remarkable to me. You know, you're younger than
12 I am, I'm sure, but when we were kids, you would
13 no more tell someone you were seeing a therapist
14 than, you know, sticking around. Now these kids
15 are like oh, I can't do it at 4 o'clock. I'm
16 going to go see my therapist. You know, it's a
17 whole different world and I think you're right,
18 it's helpful.

19 On the fine piece, yeah, there's no sort
20 of enforcement mechanism. I understand that.
21 You'd have to sort of take it on the good faith
22 that Mr. Johnson or I, as a sort of officer of

1 the court if you will, represent that he will be
2 paying the fine himself. I think that's the -- I
3 think that's all you can do, but that will
4 happen. I've spoken with his parents and they
5 would -- they could walk in and vouch for that.

6 The only thing I talked about the
7 parents piece is just because it's always --
8 there's always an interest in closing cases. And
9 so any fine would be able to be paid in short
10 order so the case will be closed from your
11 perspective. He has no money. He has no bank
12 account right now and no job. And so he would
13 have to get a job and get the money. And I think
14 the point there is that it just, it's a --
15 punishment -- it's certainly punishment and it's
16 part of -- obviously, I don't think he should --
17 and I don't think he would ever go to jail for
18 this. And I think there could be some amount of
19 money that he can't pay. I think the \$2,000 is
20 high. He was hoping for sort of like \$500. But
21 you know, I think that it's not out of the range
22 of something that he could, having through our

1 conversations, come up with after, you know,
2 working, while staying in school and doing ROTC.

3 CHAIR THOMPSON: Okay. Would you like
4 to confer with Mr. Johnson about whether he wants
5 to speak to us? He doesn't have to. We don't
6 need to hear from Mr. Johnson. It's entirely his
7 choice on your advice.

8 MR. GANSLER: He'd like to speak, he
9 just told me.

10 CHAIR THOMPSON: Are you ready to go
11 ahead? And once again, I want to be real clear
12 that, Mr. Johnson, has your counsel explained
13 your Fifth Amendment rights to you that you don't
14 have to speak? And that anything you do say here
15 could be used against you? For example, if we
16 refer this case to the Attorney General for
17 further consideration, they might be looking at
18 this video and use your words against you. Do
19 you understand all that?

20 MR. JOHNSON: I understand.

21 CHAIR THOMPSON: So with your counsel's
22 consent, why don't you go ahead and address us

1 and you know, let us know your thoughts. Any
2 regret that you might have, anything you want to
3 let us know.

4 MR. JOHNSON: Well, as Mr. Gansler said,
5 I did this out of conviction. But at the same
6 time, I didn't want to cause anyone too much
7 trouble and it's unfortunate that I did. There's
8 also one more thing I want to address. My mom
9 has always been a very good and dedicated mother
10 and there was no reason earlier to make her seem
11 incompetent as Ms. Pembroke did because that's
12 the last thing she is.

13 MR. GANSLER: Is that it?

14 MR. JOHNSON: Yes. That's all.

15 CHAIR THOMPSON: Thanks very much for
16 that. Thanks for chatting with us. All right.
17 Mr. Gansler, anything else?

18 MR. GANSLER: I don't think so. I'd
19 just be actually interested in the process. It's
20 always dangerous to ask about a government
21 process, but what's the referral -- like when we
22 will know if it's being referred? How will we

1 know if it's being referred, and that kind of
2 thing.

3 CHAIR THOMPSON: All right. Well, thank
4 you. Yeah, I'm going to ask Ms. Stroud or Ms.
5 Pembroke if they have anything else to add to the
6 record. But I was going to suggest we conclude
7 the remainder of our meeting. We have to get an
8 update on ten different lawsuits and a report
9 from a few other things. Yeah, okay. So we're
10 going to get a recommendation on the record right
11 now, I believe. And then I was going to suggest
12 we go -- we, the Board, Karyn and I, go into
13 executive session at the end of this meeting, so
14 we can deliberate in private, pursuant to the DC
15 Code, which we're allowed to do. And then when
16 we're ready, we'll come -- we'll issue our
17 decision.

18 MR. GANSLER: Okay. And when you say
19 "issue," will someone let us know what the
20 decision is?

21 CHAIR THOMPSON: Of course. We make --
22 I mean, sometimes we come right back on the

1 record like after we --

2 MR. GANSLER: Okay.

3 (Simultaneous speaking.)

4 MR. GANSLER: Well, whatever you want.
5 I'm here today. You know, whatever, so if
6 someone can just let me know, we can come back.

7 CHAIR THOMPSON: We're going to --
8 General Counsels -- Any further comments that
9 General Counsels have and her recommendation.
10 And then we'll take it under advisement, go
11 through the rest of the meeting. We'll go into
12 executive session afterwards, about an hour from
13 now probably. So you may hear later this
14 afternoon.

15 MR. GANSLER: Great, thank you.
16 Appreciate it. You know, obviously, whatever
17 works, works. I just wanted to get a sense.

18 MS. STROUD: Yeah. So I mean I just
19 wanted to make two points before giving my
20 recommendation. I think much has been made of
21 the fact that the Board was able to catch the
22 ballot such that it was not counted and so,

1 therefore, there should be some consideration
2 given for that. And I, in response, would say
3 that the fact that the Board did its part to
4 prevent fraud does not relive citizens of their
5 obligation and responsibility not to engage in
6 fraud.

7 MR. GANSLER: I was not --

8 MS. STROUD: One minute. Let me just
9 finish. My second thing is, and I, you know,
10 with respect to any referral to the appropriate
11 parties, whatever their priorities may be, the
12 Board's mission is to ensure the integrity of the
13 electoral process. So whatever they might decide
14 to do with it, I think that the Board has to do
15 what it needs to do to make it clear that it
16 takes this responsibility to ensure the integrity
17 of the process very, very seriously.

18 And so with that, I would recommend that
19 the matter be referred to the Attorney General
20 for the District of Columbia and the United
21 States Attorney's Office for criminal
22 investigation. And I further would recommend

1 that the Board impose \$12,000 in civil fines with
2 respect to each of the -- because whether or not
3 you take them separately, there were five
4 fraudulent voter registration applications
5 submitted. And there was one attempt to cast a
6 ballot. And I think that because the Board could
7 fine well more than this, it is appropriate to
8 recommend that the Board consider each of these
9 six instances separately and assign a \$2,000
10 violation for each in accordance with the law.
11 And so that would be my recommendation to the
12 Board for its consideration.

13 CHAIR THOMPSON: Yeah, thank you. I
14 appreciate the recommendation. That's something
15 that our board, Ms. Greenfield and I, will take
16 under advisement and consider it, along with all
17 the facts that we've heard and the comments that
18 you've made, Mr. Gansler and Mr. Johnson. We
19 acknowledge and you know, appreciate the
20 recommendation from our General Counsel.

21 Anything else, Ms. Pembroke that you
22 wanted to add?

1 MS. PEMBROKE: Nothing.

2 CHAIR THOMPSON: Okay.

3 MS. PEMBROKE: Nothing further.

4 CHAIR THOMPSON: Okay. Mr. Gansler, any
5 final comments before we move on?

6 MR. GANSLER: No. Thank you. We
7 appreciate your time and consideration and
8 desire, hopefully, to do what makes sense here.

9 CHAIR THOMPSON: Thank you for being
10 here.

11 MR. GANSLER: Thank you.

12 CHAIR THOMPSON: And you're welcome to
13 listen to the litigation report and other
14 matters.

15 MR. GANSLER: Thanks.

16 CHAIR THOMPSON: Bye.

17 MR. GANSLER: Bye.

18 MS. STROUD: Thank you. The next item
19 on my agenda is litigation status. We have 11
20 matters to discuss. The first is Stacia Hall v.
21 the Board. This matter is in the U.S. Court of
22 Appeals for the D.C. Circuit. This is an appeal

1 from the U.S. District Courts denial of a
2 challenge to legislation allowing non-citizens to
3 vote in local elections.

4 I'm going to be reporting on activity
5 since the Board's last meeting. And the Board's
6 minutes and transcripts are posted on the website
7 if you want further background on the cases.

8 On January 6th, the Plaintiffs timely
9 filed their reply cross appeal, along with
10 declarations concerning their interest in
11 elections where non-citizens vote. And the
12 Solicitor General's cross appeal reply in this
13 matter is due on February 19th, 2025.

14 The next matter is Charles Wilson v.
15 Muriel Bowser, et al., including the Board.
16 That's in the D.C. Court of Appeals. This is an
17 appeal from a decision by the D.C. Superior Court
18 denying Appellant's challenge to Initiative
19 Measure No. 83 for the reason that it was
20 untimely filed. There has been no new activity
21 since the Board's December 2nd, 2024 Board
22 meeting.

1 The next matter is Long v. the Board of
2 Elections. This is in D.C. Superior Court. This
3 is the resubmission of a case previously
4 dismissed without prejudice where Mr. Long is
5 seeking \$10,000 in damages for an overdraft fee
6 caused by a stop payment on a \$500 check issued
7 for his service as an election worker.

8 On November 26, 2024, Mr. Long requested
9 that the case be removed to Federal Court,
10 claiming that the Small Claims and Conciliation
11 Branch violated procedural rules and his
12 constitutional rights. The Superior Court closed
13 that matter on that day and vacated a status
14 hearing that was scheduled for February 21st,
15 2025.

16 And so, related to that, is Long v. D.C.
17 Board of Elections and the U.S. District Court
18 for D.C. As a result of Mr. Long's November 26th
19 removal of the case he brought in the D.C.
20 Superior Court, the removed action is now pending
21 before the U.S. District Court for the District
22 of Columbia.

1 The next matter is Deirdre Brown v. the
2 Board of Elections. That's in the D.C. Court of
3 Appeals. On August 7th, the Petitioner filed a
4 petition for review of the Board's certification
5 of Initiative Measure No. 83. Since the Board's
6 last meeting, the Petitioner filed a reply on
7 December 10th to the Board's initial brief, which
8 was filed on November 27th, 2024.

9 The sixth matter is Calvin A. Gurley v.
10 the D.C. Mayor and the Board of Elections.
11 That's in the D.C. Superior Court. Mr. Gurley
12 has filed a complaint challenging Initiative
13 Measure No. 83. An initial status hearing has
14 been set for February 21st, 2025. In early
15 January, the Board's Office of the General
16 Counsel filed a motion to dismiss, as well as the
17 Agency record.

18 The next matter is Young-Bey v. the D.C.
19 Board of Elections. This is in the D.C. Court of
20 Appeals. On November 18th, 2024, an inmate at
21 the D.C. Department of Corrections filed a pro se
22 action in the D.C. Court of Appeals in which he

1 sought to challenge the outcome of the 2024
2 general election with respect to the Advisory
3 Neighborhood Commission 7F08C.

4 On November 27th, the court ordered the
5 Petitioner to show cause in 20 days why his
6 actions should not be dismissed because the Board
7 had not yet certified the election results. On
8 December 11th, 2024, which was after the December
9 9th filing deadline for appeals from the Board's
10 certification, Young-Bey filed an amended
11 petition for review. On December 18th, the
12 Board's Office of General Counsel filed both a
13 motion to dismiss the matter on timing grounds or
14 alternatively to affirm the election results, as
15 well as the Agency record.

16 On December 19th, the court ordered
17 Young-Bey to respond to the Board's motion. On
18 December 23rd, Young-Bey filed his response. On
19 December 31st, the court issued an order
20 dismissing the case on the merits, but declining
21 to dismiss on timing grounds. On January 3rd,
22 the Board's Office of General Counsel sought re-

1 hearing of the court's decision with respect to
2 the timing issue, since it was filed after it
3 should have been on December 9th.

4 The eighth matter is Sobin v. the D.C.
5 Board of Elections and the D.C. Court of Appeals.
6 On December 9th, 2024, Dennis Sobin petitioned
7 the court to overturn the 2024 certified general
8 election results with respect to the Advisory
9 Neighborhood Commission 2A09C and declare him the
10 winner. On December 12th, the Board's Office of
11 General Counsel filed a summary affirmance
12 motion, a motion to strike extra record materials
13 that were included in his petition, and the
14 Agency record.

15 On December 16th, Sobin filed an
16 opposition to the Board's motions. On December
17 17th, the Board responded to Sobin's opposition.
18 On December 26th, the court issued a judgement of
19 affirmance. On December 27th, Sobin filed for en
20 banc review. On January 3rd, 2025, the Board's
21 Office of General Counsel filed a motion for
22 leave to oppose Sobin's en banc petition and the

1 opposition thereto.

2 The ninth matter is Henderson v. the
3 District Board of Elections in the D.C. Court of
4 Appeals. On December 9th, Cathy Henderson
5 petitioned the court to overturn the certified
6 election results with respect to the contest for
7 Advisory Neighborhood Commissioner in single
8 member district 5D06.

9 On December 12th, the Board's Office of
10 General Counsel filed a summary affirmance motion
11 in the Agency record. On December 16th,
12 Henderson filed an opposition to the Board's
13 motion. On December 18th, the court issued an
14 order construing the Board's summary affirmance
15 motion as a motion to dismiss and granting the
16 motion. On December 19th, Henderson requested
17 both a re-hearing and a re-hearing en banc. On
18 December 20th, the court denied these requests.

19 The tenth matter is Nordan v. the D.C.
20 Board of Elections in the D.C. Court of Appeals.
21 On December 9th, 2024, Aida Nordan petitioned the
22 court to overturn the certified election results

1 with respect to the contest for Advisory
2 Neighborhood Commissioner in single member
3 district 3E07 and declare her the winner of that
4 seat. On December 12th, the Board's Office of
5 General Counsel filed a motion for an order
6 declaring vacancies in 3E07 and 3E08, a motion to
7 expedite, and the Agency record.

8 Over the course of two days on December
9 13th and 16th, Nordan submitted filings
10 contesting the Board's motion, arguing that
11 ballots cast in 3E08 could and should be
12 allocated to her. On December 18th, the Board's
13 Office of General Counsel filed a reply to
14 Nordan's filings. And on December 27th, 2024,
15 the court issued a judgement affirming the
16 outcome of the election.

17 And the final matter is Sobin v. the
18 D.C. Board of Elections. This is in the U.S.
19 District Court for D.C. On January 13th, 2025,
20 Sobin filed a complaint in the U.S. District
21 Court for D.C. in which he alleges that the
22 petition circulation process requiring candidates

1 to gather signatures in support of their ballot
2 access efforts violates the Americans with
3 Disabilities Act. That concludes my litigation
4 status report, as well as my report in its
5 entirety. I'm happy to answer any questions you
6 might have.

7 CHAIR THOMPSON: No, thank you so much.
8 All right. With that, let's turn to Cecily
9 Collier-Montgomery with the report for the Office
10 of Campaign Finance.

11 MS. COLLIER-MONTGOMERY: Thank you.
12 There were 20 certified participating candidates
13 in the Fair Elections Program. And the Office of
14 Campaign Finance authored the disbursement of the
15 total sum of \$2,830,041.15 from the Fair
16 Elections Fund and base amount and matching
17 payments. During the month of December 2024, the
18 OCF authorized three disbursements from the Fair
19 Elections Fund to FEP candidates who participated
20 in the 2024 election cycle. The contributions
21 were received by the committees on or before
22 November 5th, 2024, which was the date of the

1 general election.

2 Also in the Fair Elections Program
3 Division, for the 2022 election cycle, the Office
4 of Campaign Finance issued 42 post-election audit
5 letters to the candidates who were certified to
6 participate in the 2022 election cycle. As of
7 this date, we have issued 26 final audit reports
8 for the 2022 election cycle, including the orange
9 Ward 5 2022 Principle Campaign Committee post-
10 election audit report, which was issued on
11 December 16th, 2024.

12 In the Public Information and Records
13 Management Division, during the month of December
14 2024, there was one date for the filing of
15 reports of receipts and expenditures by
16 committees; by Political Action Committees, as
17 well as by Principle Campaign Committees. The
18 real time images of the reports are available at
19 the OCF website for public review.

20 And also, I need to mention or note for
21 the record, that the audit report, which was
22 issued during the month of December by the Unfair

1 Elections Program Division is also available at
2 the OCF website for review by members of the
3 public. There were no new candidate or committee
4 registrations for the 2026 election cycle who
5 registered during the month of December 2024, in
6 the Judicial Campaign Finance Program, or in the
7 Fair Elections Program. There were 28 referrals,
8 which were made to the Office of the General
9 Counsel, during the month of December 2024 for
10 the failure of committees to timely file the
11 December 10th report of receipts and
12 expenditures. The names of the referring
13 committees, the candidates, and treasurers are
14 listed again in our report, which will be filed
15 at the website.

16 In the Traditional Audit Program in our
17 Reports Analysis and Audit Division, the Audit
18 Division conducted 67 desk reviews and issued
19 nine requests for additional information during
20 the month of December 2024. The Traditional
21 Campaign Finance Audit Program also issued an
22 audit, a final audit, which was a compliance

1 audit of Mayor Bowser's Constituent Service Fund.
2 The audit report was issued on December 18th,
3 2024. It was a random periodic audit of the
4 October 1, 2024 Constituent Service Program
5 Activity Report.

6 At this time, I would ask our General
7 Counsel to provide the report of the Office of
8 the General Counsel, William Sanford.

9 MR. SANFORD: Good morning, Mr. Chairman
10 and distinguished Board Member Greenfield. My
11 name is William Sanford, General Counsel for the
12 Office of Campaign Finance. During the month of
13 December 2024, the Office of the General Counsel
14 received 32 referrals, completed seven informal
15 hearings, and issued seven orders, which included
16 the following: Four orders were issued in which
17 no fines were imposed and three orders were
18 issued in which the total of \$250 in fines were
19 imposed.

20 During the month of December, the Office
21 of the Campaign Finance imposed fines against the
22 following respondents: A fine of \$50 was imposed

1 against Nate Fleming, Ward 7 Principle Campaign
2 Committee, a fine of \$50 was imposed against the
3 Committee to Elect Nate Fleming, and a fine of
4 \$150 was imposed against Rob Simmons for D.C.

5 During the month of December 2024, there
6 were no open investigations pending before the
7 Office of the General Counsel. There were no
8 requests for interpretive opinions, and no show
9 cause proceedings were conducted.

10 The contents of this report will be
11 published at the Office of Campaign Finance
12 website at the Data and Reports section by close
13 of business on today's date, the 15th of January
14 2025 and that should conclude my report.

15 CHAIR THOMPSON: All right, thank you so
16 much. Anything else?

17 MS. COLLIER-MONTGOMERY: No, that
18 concludes the report for the Office of Campaign
19 Finance.

20 CHAIR THOMPSON: Okay. With that, let's
21 turn to public comment. If you could pull up the
22 attendees and if anybody would like to make a

1 comment just raise your Zoom hand and bear with
2 us as we scroll through and look for that. All
3 right, we're not seeing any, which is fine.

4 I want to thank everybody. It looks
5 like we have 26 attendees. Thank you so much for
6 being here. Oh, there's something in the Q&A, is
7 that what I saw?

8 Oh, okay. That was the question earlier
9 from the Court Reporter. All right, well thanks
10 everybody. Stay warm out there. And for the
11 record, our next meeting is Wednesday, February
12 5th -- Oh. Sorry, before I adjourn -- We're not
13 adjourning. Just for the record, our next
14 meeting is Wednesday, February 5th at 10:30 a.m.
15 And without adjourning at this time, I'm going to
16 move that we go into executive session pursuant
17 to D.C. law for the purpose of the Board's
18 consideration of the matter of Mattan Johnson
19 that we heard earlier. Is there a second?

20 MEMBER GREENFIELD: I second.

21 CHAIR THOMPSON: All in favor of going
22 into executive session for that purpose?

1 (Chorus of aye.)

2 CHAIR THOMPSON: So that's what we'll do
3 and we'll come back on the record in, I don't
4 know, in a little while -- maybe in half an hour
5 and probably, I think bounce our determination on
6 the record, then adjourn the meeting. And then
7 any -- any written opinion would follow.

8 MS. STROUD: So do you want to set a
9 time for when we would come back so we can say on
10 the record?

11 MEMBER GREENFIELD: Yes.

12 CHAIR THOMPSON: 12:30.

13 MS. STROUD: Okay. So we'll be back on
14 the record at 12:30 to announce the Board's
15 determination with respect to the recommendation
16 that was made in the in re: Mattan Johnson
17 matter.

18 CHAIR THOMPSON: Thank you.

19 (Whereupon, the above-entitled matter
20 went off the record at 12:10 p.m. and resumed at
21 12:34 p.m.)

22 CHAIR THOMPSON: All right, so we're out

1 of executive session and we're resuming our
2 meeting. We're just going to wait for another two
3 minutes to see if Mr. Gansler or Mr. Johnson are
4 here. We've left a message with Mr. Gansler in
5 case they want to dial in. If you are here under
6 one of these other numbers, just do a Zoom hand.

7 All right. We're going to go ahead and
8 proceed. I'm going to go ahead and make a motion
9 on the record in this matter of Mattan Johnson
10 that the D.C. Board of Elections refer this to
11 the United States Attorney General -- Oh, I'm
12 sorry. D.C. --

13 MS. STROUD: The Office of -- Yeah, the
14 D.C. --

15 CHAIR THOMPSON: Office of Attorney
16 General.

17 MS. STROUD: Yes. Yes.

18 CHAIR THOMPSON: The Office of Attorney
19 General. My motion is that we do refer this for
20 potential criminal prosecution. Once again, as I
21 indicated earlier, that's all we would do, is
22 refer it. It would be up to the AG's Office to

1 decide what to do with the matter. Secondly, my
2 motion is that our Board of Elections impose a
3 civil fine of \$6,000, representing \$1,000 for
4 each of the six violations that have been
5 referenced in the record and admitted to by Mr.
6 Johnson.

7 Further, my motion is that we accept Mr.
8 Johnson and his attorney's offer to confirm that
9 Mr. Johnson is attending therapy, number one.

10 And number two, that they hire a forensic
11 examiner to look at Mr. Johnson's digital devices
12 and issue a report of some kind confirming that
13 there's no evidence of any tendencies towards
14 violence. If those two things are confirmed and
15 documented to our office, our board would take
16 those under advisement on any motion for
17 reconsideration. And so that's the motion to
18 one, refer it, two, impose a \$6,000 civil fine,
19 and three, to accept the two offers that were
20 made through counsel, Mr. Gansler, to confirm
21 attendance in therapy and obtain a forensic
22 examination of digital devices.

1 MEMBER GREENFIELD: I second the motion.

2 CHAIR THOMPSON: There's a second. And
3 we'll do a roll call vote. So the Chair votes
4 aye.

5 MS. STROUD: Okay.

6 CHAIR THOMPSON: All right. Just to
7 confirm the timing of all this, the civil fine
8 will be due in 60 days from today. In the
9 interim, if the two conditions are met and
10 documented and there's a pending motion for
11 reconsideration, we would take that under
12 advisement as to possibly adjusting the civil
13 fine. So just to do a roll call vote, the Chair
14 votes aye.

15 MEMBER GREENFIELD: Aye.

16 MS. STROUD: And that, with the vote
17 that was the subject of the motion, the Board has
18 decided to refer the matter to the Office of the
19 Attorney General for the District of Columbia and
20 to assess a fine of \$6,000 with respect to the
21 five voter registration applications and the
22 voting activity. So that's not to say, and

1 correct me if I'm wrong, that's not to say that
2 there were only six violations, but just that
3 they're assessing \$6,000 with respect to each
4 voter registration application -- \$1,000 with
5 respect to each voter registration application
6 and \$1,000 with respect to the voting activity.
7 And so -- wait. So it will be referred to the
8 U.S. -- I mean, to the Office of the Attorney
9 General for the District of Columbia and the fine
10 of \$6,000. And the Board has accepted the
11 recommendation made by Attorney Gansler with
12 respect to the therapy or mental health
13 counseling and the examination of devices by a
14 third independent party.

15 CHAIR THOMPSON: All right. With that,
16 I move that we adjourn.

17 MEMBER GREENFIELD: I second.

18 CHAIR THOMPSON: Okay. All being in
19 favor, we are so adjourned. And thanks,
20 everybody. Have a great rest of the month.

21 (Whereupon, the above-entitled matter
22 went off the record at 12:42 p.m.)

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In the matter of: Board Meeting

Before: DC BOE

Date: 01-15-25

Place: teleconference

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Court Reporter

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