

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

JULY 13, 2022

+ + + + +

The District of Columbia Board of Elections convened via Video-Teleconference, pursuant to notice at 10:00 a.m. EDT, Gary Thompson, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

GARY THOMPSON, Chair  
MIKE GILL, Member  
KARYN GREENFIELD, Member

BOARD OF ELECTIONS STAFF PRESENT:

MONICA HOLMAN EVANS, Director  
TERRI STROUD, General Counsel

CECILY COLLIER-MONTGOMERY, Office of  
Campaign Finance

WILLIAM SANFORD, General Counsel

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

(10:00 a.m.)

CHAIR THOMPSON: Good morning. My name is Gary Thompson. I'm the Chair of the Board of Elections. I'll let the other two Board members say hello quickly.

Karyn, why don't you go ahead.

MEMBER GREENFIELD: Hi. This is Karyn Greenfield, Board Member.

MEMBER GILL: Good morning. Mike Gill.

CHAIR THOMPSON: Okay. We have all three Board members present, so we have a quorum.

The first thing to do very quickly is adopt our agenda. It's been distributed in advance by public notice.

With everybody having had a chance to review that, I believe, I would move that we adopt the agenda.

MEMBER GREENFIELD: Second.

CHAIR THOMPSON: All in favor?

(Chorus of aye.)

1                   CHAIR THOMPSON: And the second quick  
2 housekeeping matter is we last met in a regular  
3 meeting on June 1st. The minutes have been  
4 distributed.

5                   Having had a chance to review those,  
6 I would move that we adopt those minutes.

7                   MEMBER GREENFIELD: Second.

8                   CHAIR THOMPSON: All in favor?

9                   (Chorus of aye.)

10                  CHAIR THOMPSON: So our minutes are  
11 approved.

12                  Next on our agenda are any comments by  
13 Board members. And then we'll move to the  
14 Executive Director's report and then the General  
15 Counsel's report.

16                  I'll start. Of course, the big news  
17 to talk about here today is the June 21st  
18 primary, which is now behind us several weeks  
19 ago.

20                  By way of oversight, I wanted to  
21 really start by thanking everybody at the Board  
22 of Elections and the Office of Campaign Finance

1 for working so hard to make the primary such a  
2 successful event for our voters. I know a lot of  
3 people worked a lot of very late nights and a lot  
4 of weekends on all aspects of the election,  
5 obviously, leading up to it, throughout the  
6 election, and during the phase of calculating the  
7 results as well.

8 Those thank yous of course extend to  
9 everybody, too many people to name. I couldn't  
10 even begin to name all the people that need a  
11 long thank-you for so much work, certainly  
12 everybody at the BOE itself. And also all of our  
13 election workers, especially our election workers  
14 who were there at every early vote center and  
15 every vote center, staffing every aspect of the  
16 process.

17 I know because I rode my bike to every  
18 single early voting center in DC. It took me a  
19 day and a half. Here's my map. I drew out a  
20 beautiful map of all of DC and connected the  
21 dots. I zigzagged around.

22 And the folks at the early voting

1 centers were just fabulous, incredibly well  
2 trained, very committed. I met so many people  
3 who have been doing this for many years, in some  
4 cases decades, who really know what they're  
5 doing. A lot of newcomers to the election worker  
6 ranks.

7 And I just enjoyed talking to them so  
8 much, briefly at each voting center because I had  
9 to move along on my bike. I sought every single  
10 neighborhood in the District of Columbia. And it  
11 was just great to see the easy access that our  
12 voters have to vote early, if they so choose.

13 I also went around, as did Board  
14 Members Greenfield and Gill, on primary election  
15 day itself and visited a dozen or so same-day  
16 voting centers in all the wards. And that was a  
17 special thing as well to see how well things were  
18 running.

19 I didn't see any lines. I barely  
20 heard about a line anywhere. So it was nice to  
21 see that in person, either early or same day, the  
22 voters had such easy access to voting.

1           And of course, a huge number chose to  
2           vote by mail. This was our first primary cycle,  
3           I believe, where we had mail ballots to every  
4           registered voter in DC.

5           And the statistics speak for  
6           themselves. Approximately two-thirds of all  
7           ballots were cast by mail, about one-third by  
8           either early voting or same-day voting. So  
9           that's quite a high percentage.

10           Some of those came in through the US  
11           Postal Service. Most of those came in through  
12           the drop boxes. They've proved themselves to be  
13           a fabulous and very popular means to allow people  
14           to vote.

15           One thing we learned is that a lot of  
16           people held their mail ballots until the last day  
17           and dropped them in those drop boxes on that last  
18           day, which created an unanticipated pretty high  
19           count of mail ballots being dropped on June 21st.

20           It was really phenomenal the way the  
21           BOE reacted to that. People worked pretty much  
22           48 hours straight. I think a lot of people

1 didn't sleep much at all. But even those were  
2 very quickly tabulated and added to the totals of  
3 the course of that Wednesday and Thursday after  
4 the primary Tuesday.

5 By the end of the week everything was  
6 posted unofficially in terms of the unofficial  
7 results, without lines and with a really  
8 successful use of the mail ballots.

9 So the challenges really came from the  
10 fact that it was so successful, that so many  
11 people used the mail ballot approach. The  
12 challenges came in understanding the trends, when  
13 and how do people use mail ballots. We've  
14 learned a lot about that in anticipation of the  
15 next several election cycles with reactions to  
16 that.

17 All around, just a tremendous success  
18 from my observation. Huge thanks to Director  
19 Monica Holman Evans and everybody at the BOE.

20 And also, I'll repeat this later as  
21 well, the Office of Campaign Finance just did an  
22 amazing job with the Fair Elections Program, and

1 the traditional Campaign Finance program as well.

2 One thing I haven't heard much talk  
3 about is how quickly the FEP has ramped up and  
4 been utilized by so many candidates. That  
5 allowed them to get on the ballot and have some  
6 financing in this new way, really without a hitch  
7 that I've heard of.

8 It really is transformational to see  
9 that program allow new candidates to run for  
10 office across the city in so many ways, and at  
11 the same time expand access to the vote by mail.

12 So it's really a transformational era  
13 for our BOE and for election technology in  
14 general, elections in general. We are really at  
15 the forefront of making it work so well for all  
16 of our voters.

17 Thanks so much to the BOE and to our  
18 election workers. That's what I wanted to say at  
19 the outset before we got into certifying the  
20 results.

21 I will ask Board Member Greenfield or  
22 Gill if you'd like to add anything as well.

1                   MEMBER GREENFIELD: I'm just going to  
2 mirror your thanks to everybody at Board of  
3 Elections, Office of Campaign Finance, and the  
4 election workers for all their stuff, not just  
5 the day of the primary but prior to it to get  
6 ready for it, what went on afterwards when the  
7 votes had come in, getting it all counted and  
8 everything, and just the work that they're  
9 continuing to do towards the general election.

10                   I just want to thank them. I did get  
11 out to a number of the sites, and am really  
12 impressed with the election workers and the teams  
13 that were out there. I just wanted to reiterate  
14 that.

15                   MEMBER GILL: We still have a general  
16 election so I don't want to jinx it by patting  
17 ourselves on the back too much, but major kudos  
18 to the staff at the Board of Elections and the  
19 Office of Campaign Finance.

20                   And I guess the last thing is the  
21 numbers went up, which was nice to see. They  
22 weren't as high as we would like in terms of

1 voter turnout but they did substantially increase  
2 from the last primary, which was good to see. So  
3 congrats to the voters that voted.

4 CHAIR THOMPSON: All right. Well,  
5 thank you for that.

6 With that, I will turn it over to our  
7 Executive Director for her report and to talk  
8 about certifying results.

9 MS. HOLMAN EVANS: Thank you and good  
10 morning. The first item of business is the  
11 certification of the June 2021 primary election  
12 results.

13 We had 132,182 votes cast, which was  
14 about a 32.26 voter turnout. All contest results  
15 and the complete breakdown by party are listed on  
16 the DC BOE website.

17 I will go through the pre-certified  
18 winners for the different contests as far as  
19 receiving highest number of votes. I will begin  
20 with the Democratic Party.

21 Highest number of votes: Delegate to  
22 the US House of Representatives, Eleanor Holmes

1 Norton; Democrat Mayor, Muriel E. Bowser;  
2 Chairman of the Council, Phil Mendelson; At-Large  
3 Member of the Council, Antia Bonds;  
4 Member of the Council, Ward 1, Brianne  
5 K. Nadeau; Member of the Council, Ward 3, Matthew  
6 Frumin; Member of the Council, Ward 5, Zachary  
7 Parker; Member of the Council, Ward 6, Charles  
8 Allen; Attorney General, Brian Schwalb; United  
9 States Representative, Oye Owolewa.

10 Moving to the Republican Party:

11 Delegate to the US House of Representatives,  
12 Nelson F. Rimensnyder; Mayor, Stacia R. Hall;  
13 Chairman of the Council, Nate Derenge; At-Large  
14 Member of the Council, Giuseppe Niosi; Member of  
15 the Ward 3 Council, David Krucoff; Member of the  
16 Council, Ward 5, Clarence Lee, Jr.

17 There were no Libertarian candidates  
18 on the ballot for the offices I just reported and  
19 no Statehood Green candidates on the ballot for  
20 the offices I just reported.

21 We did have several write-ins. The  
22 write-ins were pre-certified.

1                   Those write-in candidates: Dennis  
2                   Sobin, Libertarian candidate for Mayor; Bruce  
3                   Majors, Libertarian candidate, Delegate to the US  
4                   House of Representatives; Bruce Majors, Chair of  
5                   the Libertarian Party of the District of  
6                   Columbia;

7                   Natalia Stracuzzi, Statehood Green  
8                   candidate, Delegate to the US House of  
9                   Representatives; Darryl L.C. Moch, Statehood  
10                  Green candidate, Chairman of the Council; David  
11                  Schwartzman, Statehood Green candidate, At-Large  
12                  Member of the Council; Joyce Robinson-Paul,  
13                  Statehood Green candidate, United States  
14                  Representative; Chris Aughton (phonetic),  
15                  Statehood Green candidate, Member of the Council,  
16                  Ward 1.

17                  Mr. Chair, I ask for votes to certify  
18                  the complete June 21st, 2022 primary election  
19                  results as listed on our website.

20                  CHAIR THOMPSON: Thank you so much.

21                  I so move that this Board certifies  
22                  the election results as you just read them and as

1 are further summarized on the website.

2 MEMBER GILL: Second.

3 Karyn, I think you're on mute.

4 MEMBER GREENFIELD: Sorry. Okay.

5 CHAIR THOMPSON: All in favor?

6 (Chorus of aye.)

7 CHAIR THOMPSON: Congratulations to  
8 the candidates that prevailed. Everybody ran a  
9 great race. We welcome candidates from every  
10 party and every race. The candidates are what  
11 makes the election happen.

12 To every campaign out there, every  
13 campaign worker, every campaign manager, we know  
14 how hard you worked as well. We saw you at every  
15 voting center standing an appropriate distance  
16 away with your signs and your people. Really, it  
17 was just great to see so much participation in  
18 that regard as well.

19 Every election contest has winners.

20 The winners have been certified.

21 Congratulations.

22 As has been mentioned, this is

1 basically half-time. We are on to the general  
2 elections still. There's a whole 'nother half to  
3 go, but so far so good.

4 MS. HOLMAN EVANS: Thank you, Mr.  
5 Chair.

6 I will continue with my report. Other  
7 June 22 primary election matters.

8 First, I just would like to go on the  
9 record for thanking all of the staff members at  
10 DC BOE. Everyone worked very hard seven days a  
11 week, I know from observing personally, worked up  
12 until 5:00 in the morning overnight on several  
13 occasions, and really stepped up to ensure that  
14 everything could be done so that the election  
15 would be a seamless process.

16 They just really tackled some of the  
17 challenges very nicely. We could not do without  
18 staff. I just always say we have the best staff  
19 and I am very appreciative.

20 We had 409,677 registered voters for  
21 the primary. We utilized 39 early vote centers  
22 and 90 election day vote centers.

1                   Forty-three thousand, nine hundred and  
2 eighty-seven individuals chose to vote in person,  
3 which was about 33.28 percent. Eighty-eight  
4 thousand, one hundred and ninety-five voters used  
5 the mail-in ballot, which was about 66.72  
6 percent.

7                   Approximately 40,000 mail ballots were  
8 returned as undeliverable. Half of these needed  
9 address changes. We will follow up with these  
10 ballots. And of course, this is a great tool to  
11 assist us with our list maintenance process.

12                   We conducted our audit July 6th and  
13 July 7th. The results are on our website.

14                   As far as primary election  
15 communications, in addition to mailing a voter  
16 guide and free informational postcards to  
17 households, we utilized television, radio, and  
18 print advertising.

19                   There were 2,841 30-second television  
20 ads, 219,919 30-second streaming and video ads.  
21 Advertisements appeared on 27 different  
22 television stations. We had 969 radio ads played

1 on five stations. We had 13 print ads in five  
2 different publications. Additionally, we  
3 distributed 1,500 yard signs and 25,000 door  
4 hangers.

5 Other administrative matters, voter  
6 education and outreach. During the month of June  
7 the Voter Education and Outreach Division  
8 conducted ten outreach events on behalf of the  
9 agency. We also partnered with nine senior  
10 facilities to get voter ballots from 147  
11 residents of those facilities.

12 In June we registered 3,139 new voters  
13 and processed 5,125 registration changes. In  
14 total we prepared 8,264 voter registration cards  
15 to be mailed.

16 Online voter registration. We are  
17 continuing to register voters using our website  
18 portal. To date we have processed over 14,000  
19 applications using the portal. These include new  
20 voter registrations and updates to existing  
21 registrations.

22 Redistricting. BOE received the ANC

1 and SMD boundaries on June 16th. We have been  
2 working with Otto (phonetic) to get all of the  
3 addresses moved into their new designations.

4 Once addresses are moved, we will be  
5 able to update our voter registration system to  
6 reflect these changes and finalize new precinct  
7 boundaries. This process will be completed prior  
8 to ANC pickup.

9 We actually have started general  
10 election planning. The general election will be  
11 held on Tuesday, November 8th. Petition pickup  
12 for candidates registered as No Party or  
13 Independent began on June 17th. Petition pickup  
14 for ANCs will begin on July 20. We will mail a  
15 ballot to every registered voter for the general  
16 election.

17 We have developed a proposed list of  
18 early vote center, election day vote center, and  
19 mail ballot drop box locations. These proposed  
20 locations will be posted on the BOE website by  
21 the end of the day. We are requesting and  
22 accepting comments by Friday, August 19th.

1           We will begin election worker training  
2           in August. And again our goal is to train  
3           between 2,000 and 2,500 election workers for the  
4           general election.

5           That concludes my report. Thank you.

6           CHAIR THOMPSON: Thank you very much.  
7           I don't have any questions. I don't see any from  
8           other Board members. So thank you for reviewing  
9           all that.

10           On to General Counsel's report from  
11           Terri Stroud.

12           MS. STROUD: Good morning, everyone.  
13           The first item on my agenda is a rulemaking to  
14           Title 3 of the DC Municipal Regulations.

15           The first item is a final rulemaking  
16           and I have a correction. We're not amending the  
17           chapters that are indicated in the agenda. We  
18           are amending Chapters 7 and 8, and we are doing  
19           so to have the regulations more accurately  
20           reflect the Board's current election and post-  
21           election practices and procedures.

22           A notice of emergency and proposed

1 rulemaking with respect to this rulemaking was  
2 published in the DC Register on May 13, 2022 at  
3 69 DCR at 5266. These regulations deal with  
4 matters such as: eligibility of electors; the  
5 conducted post-election audits, recounts, and  
6 other matters dealing with election procedures;  
7 special ballot appeal rights; absentee voting in  
8 a manner in which ballots may be returned to the  
9 Board.

10 And again, these were posted in the DC  
11 Register in an emergency and proposed format in  
12 May. So we're just taking final rulemaking  
13 action with respect to that rulemaking today.  
14 That is the final rulemaking.

15 What I'll do is I'll ask the Board at  
16 the end of my discussion of the proposed  
17 rulemaking to approve the submission of both the  
18 final and the proposed rulemaking for submission  
19 to the DC Register for publication.

20 The second rulemaking is to Chapter 7  
21 and it's proposed. It is to amend that chapter  
22 to reflect the methods by which ballots may be

1 returned to the Board. So it's just indicating  
2 specifically the manner in which ballots may be  
3 returned to the Board after they are completed.

4 These rulemakings will be published in  
5 the DC Register. Copies will be made available  
6 to the public in hard copy form in the Office of  
7 the General Counsel. And they will be posted on  
8 the Board's website as well so that individuals  
9 may read, should they wish to provide comment and  
10 weigh in on these rulemakings.

11 With that, I ask the Board to approve  
12 the submission of both the final rulemaking and  
13 the proposed rulemaking for submission to the DC  
14 Register.

15 CHAIR THOMPSON: So moved that the  
16 Board approve both the final and the proposed  
17 rulemaking that you just reviewed.

18 MEMBER GREENFIELD: I second.

19 CHAIR THOMPSON: All in favor?

20 (Chorus of aye.)

21 MS. STROUD: Okay. Thank you.

22 The next item on my agenda is

1 litigation status. The first matter is Jason  
2 Christopher Long versus the Board of Elections.  
3 This is in the DC Superior Court. This is an old  
4 matter so I'll just be providing status update.

5 There was a hearing on June 17th.  
6 Initially Mr. Long did not appear. And in light  
7 of that and his failure to serve the Board his  
8 complaint over many months, the judge dismissed  
9 it for want of prosecution.

10 However, Mr. Long eventually arrived.  
11 And over the defendant's objections, he was given  
12 until August 12th to complete service.

13 This was a matter in which a poll  
14 worker sued the Board for \$10,000, claiming  
15 negligence and unjust enrichment, alleging that  
16 the Board issued a check without informing him  
17 not to deposit it and then had payment of the  
18 check stopped, causing him to have a negative  
19 balance and a returned check.

20 The next matter is Henderson versus DC  
21 Board of Elections. This was a matter involving  
22 a recalled petition that Ms. Henderson filed

1       against Sydelle Moore. The petition was rejected  
2       due to an insufficient number of signatures. It  
3       was appealed by Ms. Henderson to the DC Court of  
4       Appeals.

5               In May the court issued a briefing  
6       order directing Ms. Henderson to file her brief  
7       and supporting documents by July 5th. Ms.  
8       Henderson failed to comply with that order and  
9       did not file a brief. On July 11th, the court  
10      issued an order directing Ms. Henderson to comply  
11      with the order by August 1st. She is a pro se  
12      complainant in this matter.

13              Next we have Public Interest Legal  
14      Foundation versus Monica Evans in her official  
15      capacity as the Director of the Board of  
16      Elections. This was a suit that was filed in the  
17      US District Court for the District of Columbia  
18      under the National Voter Registration Act.

19              The suit alleges that the Board is out  
20      of compliance with the NVRA's Public Records  
21      provision. PILF requested records from the  
22      Board, which were denied due to those records not

1 being subjected to public disclosure.

2 The OAG filed a motion to dismiss on  
3 February 3rd. A response was filed on February  
4 17th. The OAG filed a reply on March 17th. And  
5 that is where the matter currently stands. There  
6 has been no action since then.

7 The next three matters are new and  
8 were filed since the Board's last meeting. The  
9 next two matters both involve Initiative Measure  
10 82. Valerie Graham filed matters in both the DC  
11 Superior Court and the DC Court of Appeals.

12 With respect to the Court of Appeals  
13 matter, on June 3rd Graham filed a petition for  
14 review of the Board's June 1st order denying her  
15 challenge to Initiative Measure 82. On June  
16 13th, the proposer for Initiative 82 moved to  
17 intervene in the matter.

18 On June 15th, the Board filed the  
19 agency record and a motion to dismiss, or  
20 alternatively for a summary of the Board's order  
21 as well as a motion to expedite the matter.

22 On June 16th, the court issued an

1 order directing Graham to file a motion for  
2 summary reversal by July 5th, and for the Board  
3 and the intervener to file cross-motions by  
4 August 1st.

5 On June 22nd, the court issued an  
6 order denying the Board's motion for summary  
7 affirmance as premature, but directing the  
8 parties to file their motions for summary  
9 affirmance by the dates previously indicated.

10 In the Superior Court matter, on June  
11 7th Valerie Graham, John Bagwell, No to I82  
12 (Initiative 82) Committee, and the DC Nightlife  
13 Council filed the complaint in this matter.

14 Counts one through three of that  
15 complaint are essentially the same claims that  
16 were filed in the Court of Appeals opposing the  
17 Board's acceptance of the petition with respect  
18 to Ward 2 and the challenged proceeding.

19 In count four Mr. Bagwell complains of  
20 the denial of his motion to intervene, and the  
21 limits on his access to the petition and the  
22 signature verification cards and process.

1                   In count five the No to Initiative 82  
2                   Committee complains of the committee's right to  
3                   have watchers where it was denied.

4                   In count six the DC Nightlife Council  
5                   sought review of the Board's denial of their  
6                   request for records under the Freedom of  
7                   Information Act.

8                   On June 15th, the Board filed an  
9                   expedited motion to dismiss. On June 28th, the  
10                  plaintiffs filed an amended complaint and a  
11                  praecipe that alleged that the amendments to  
12                  complaint mooted the motion to dismiss.

13                  On July 5th, the Board's Office of the  
14                  General Counsel filed a reply to the praecipe.  
15                  On July 8th, the plaintiffs filed a motion to  
16                  strike in reply to the opposition to the praecipe  
17                  or, in the alternative, for (unintelligible) to  
18                  oppose a motion to dismiss two discovery requests  
19                  and a motion to expedite responses to the  
20                  discovery requests.

21                  On July 13th, the court dismissed  
22                  counts one through five of the complaint. And so

1 the only matter remaining in the Superior Court  
2 matter has to do with the Freedom of Information  
3 Act request denial.

4 The final matter is Calvin Gurley  
5 versus the DC Board of Elections. That was filed  
6 in the DC Superior Court on July 12th.

7 Mr. Gurley filed a complaint  
8 challenging several provisions of the elections  
9 statute that pertain to signature requirements  
10 for independent and minor party candidates, dates  
11 for elections, the dates on which nominating  
12 petitions become available, and signature  
13 validity requirements. As the complaint  
14 challenges provisions in the elections statute,  
15 this matter will be handled by the Office of the  
16 Attorney General.

17 Those are the six matters that  
18 comprise my litigation status report. And that  
19 concludes my report.

20 CHAIR THOMPSON: All right. Thank you  
21 so much.

22 I think, just to state the obvious,

1 everything that the Board of Elections does,  
2 everything this Board does, everything we decide  
3 is subject to challenge in court. We welcome  
4 those checks and balances on the work that we do.

5 I wanted to say thank you to Terri and  
6 the other lawyers on her team. I've worked in a  
7 lot of law firms around DC for many decades, and  
8 this is the finest legal team I've ever had the  
9 pleasure of working with.

10 They've done exceptional work at every  
11 stage of this process, every petition challenge,  
12 all the processes before our Board in these  
13 meetings. And when things go onward to court at  
14 different levels, as you've just heard, they are  
15 working as hard as anybody at the BOE to keep the  
16 process moving and to answer all of these legal  
17 complaints accurately and efficiently. So thank  
18 you to that team as well.

19 MS. STROUD: Thank you, Mr. Chairman.

20 I also want to note, to piggyback off  
21 of that, that as a result of us certifying the  
22 election, this begins the process during which

1 requests may be made for judicial review of the  
2 certified results of the election, as well as for  
3 requests for recount.

4 And I also want to thank my staff, in  
5 particular Christine Pembroke, who has just been  
6 amazing with respect to a lot of the litigation  
7 matters. I just wanted to highlight her.

8 That concludes my report.

9 CHAIR THOMPSON: Okay.

10 MS. HOLMAN EVANS: Mr. Chair?

11 CHAIR THOMPSON: Yes.

12 MS. HOLMAN EVANS: May I just take a  
13 moment because I did omit one item from my report  
14 that I really would like to add? If you will  
15 indulge me for just a moment.

16 We do have the pleasure of having a  
17 new registrar in place. As everyone knows, our  
18 registrar retired April 30, 2022.

19 We are very happy and pleased that we  
20 have Marissa Corrente here with us on staff, who  
21 has accepted and started the role as our  
22 Registrar of Voters last week. She is doing an

1       amazing job and I just wanted to put that on the  
2       record, that she is formally in that position.

3               We will likely wait until after the  
4       general election to seek a replacement to the  
5       assistant registrar. Thank you.

6               CHAIR THOMPSON: Thank you. Welcome  
7       again to Marissa Corrente and ongoing thanks to  
8       Karen Brooks.

9               Okay, onward to Campaign Finance. I  
10       mentioned at the outset many thanks to Cecily  
11       Collier-Montgomery and her team, especially the  
12       real uptick in work and really detailed,  
13       impressive work administering the Fair Elections  
14       Program.

15               So with that, Ms. Collier-Montgomery.  
16       All right. Can you hear me okay?

17               MS. COLLIER-MONTGOMERY: Okay, from  
18       the report.

19               First, the Office of Campaign Finance  
20       conducted on-site visits to 22 of the early vote  
21       centers from June 13, 2022 through June 19, 2022,  
22       and to 31 of the vote centers on June 21, 2022,

1 the primary election day, to provide guidance  
2 where necessary concerning the application of the  
3 Campaign Finance laws, and also to observe that  
4 the campaign disclaimers were appropriately  
5 placed on literature and posters.

6 The site visits provide the  
7 opportunity for the OCF staff to be present in  
8 the community.

9 The State Campaign Finance Index 2022  
10 report was published on June 21, 2022 by the  
11 Coalition for Integrity at  
12 [www.CoalitionForIntegrity.org](http://www.CoalitionForIntegrity.org).

13 The index analyzes the laws of 50  
14 states and the District of Columbia relative to  
15 the scope, independence, and powers of state  
16 agencies which regulate campaign finance, as well  
17 as the strength of each state's laws on campaign  
18 contribution, disclosure of those contributions,  
19 enforcement, requirements for transparency of  
20 funding of independent expenditures and political  
21 advertisements, and the availability of campaign  
22 finance information.

1           No state achieved a perfect score.  
2           The State of Washington ranked number one and led  
3           the index with a score of 83.99. The District of  
4           Columbia ranked number five with a score of  
5           78.27. Seventeen states scored below 60.

6           The index highlights the wide  
7           variation in state campaign finance laws, notes  
8           the gaps in regulating the dollars which flow to  
9           state level campaigns, and recommends certain  
10          principles that campaign finance laws should  
11          follow. The ten principles form the framework  
12          for the questions which were proffered to the  
13          states and the District of Columbia.

14          The Coalition for Integrity is a non-  
15          profit, non-partisan 501(c)(3) organization which  
16          works in coalition with a wide range of  
17          individuals and organizations to combat  
18          corruption in the public and private sectors.

19          In our Fair Elections Program  
20          Division, as of this date during the 2022  
21          election cycle, the total sum of \$11,247,945.60  
22          has been authorized for disbursements from the

1 election fund to the 33 candidates who were  
2 previously certified in the program to  
3 participate in the June 21, 2022 primary  
4 election, and to participate in the November 8,  
5 2022 general election.

6 I will just point out that we had 31  
7 candidates who were certified through the program  
8 for the primary. And we have two candidates who  
9 are certified in the program for the general  
10 election.

11 During the month of June there were no  
12 new candidates who were certified in the Fair  
13 Elections Program for the 2022 election cycle.  
14 However, the agency did authorize 33  
15 disbursements from the Fair Elections fund to  
16 participating candidates certified in the  
17 program.

18 With respect to the Public Information  
19 and Records Management Division, I would point  
20 out that there were two dates for the filing of  
21 reports of receipts and expenditures during the  
22 month of June. One was an optional filing date

1 for the Fair Elections Program. And in addition,  
2 five single independent expenditure reports were  
3 filed during the month of June as well.

4 There were no new candidate committee  
5 registrations during the month of June 2022. In  
6 our traditional program we currently have 59  
7 candidates who are registered. Fifty-nine were  
8 registered for the primary and four candidates  
9 are registered for the general election.

10 In our Fair Elections Program we have  
11 had 45 candidates who registered seeking to  
12 participate in the program. Thirty-nine were  
13 registered for the primary and 31 candidates were  
14 certified.

15 With our general election, six  
16 candidates have registered seeking to participate  
17 in that election. And we have two certified  
18 candidates as of this date.

19 In our Report Analysis and Audit  
20 Division, again that is our traditional audit  
21 program, we issued two audits during the month of  
22 June. I would also indicate for the record that

1 the audits will be or are posted at our website  
2 for review by members of the public.

3 The first was the Metro DC Democratic  
4 Socialists of America Solidarity DC PAC. The  
5 report was issued on June 3, 2022. That was a  
6 compliance audit.

7 The second audit is the DC Statehood  
8 Green Party, which was issued on June 10, 2022.  
9 That was a non-compliance audit. The audit was  
10 referred to the Office of the General Counsel on  
11 June 13, 2022.

12 There is one ongoing audit. It is an  
13 audit of the candidate in the upcoming 2022  
14 election.

15 That is the January 31, 2022 report.

16 At this point, I would ask the General  
17 Counsel to give the report for the Office of the  
18 General Counsel and the agency.

19 MR. SANFORD: Good morning, Mr.  
20 Chairman and distinguished Board members. My  
21 name is William Sanford, General Counsel for the  
22 Office of Campaign Finance.

1                   During the month of June 2022 the  
2 Office of the General Counsel received 15  
3 referrals, completed two informal hearings, and  
4 issued three orders, which included the  
5 following.

6                   Two orders were issued in which no  
7 fines were imposed and one order of revocation  
8 was issued to former elections candidate for at-  
9 large counsel member, Sharece Crawford.

10                  During the month of June 2022 no fines  
11 were imposed. However, the Office of the General  
12 Counsel did receive and collect payment of a \$175  
13 fine that was submitted by the Greater Washington  
14 Insurance and Financial Advisors PAC.

15                  During the month of June 2022 the  
16 Office of the General Counsel opened one  
17 investigation. The details of that investigation  
18 are as follows.

19                  The complainant was Zachary Sawyer  
20 (phonetic). We received the complaint, the  
21 request for the investigation, on June 9, 2022.  
22 And the respondent in this matter is Brianne

1       Fridici (phonetic), Principal Campaign Committee.

2               The allegation is coordination with an  
3 independent expenditure committee. The status of  
4 that investigation is pending. The allegation is  
5 raised upon the prohibition that independent  
6 expenditure committees may not coordinate,  
7 collaborate, confer with principal campaign  
8 committees.

9               If they do, any expenditure is  
10 considered a contribution. And then that leads  
11 to the possibility of an excessive contribution  
12 if the expenditure exceeds the legal limit. But  
13 as I indicated, the status of that investigation  
14 is pending.

15              During the month of June 2022 there  
16 were no requests for interpretive opinions.  
17 There were no sure-cause proceedings conducted.

18              This should conclude my report. The  
19 contents of this report will be published at the  
20 Office of Campaign Finance's website by the close  
21 of business on today's date, July 15, 2022.

22              CHAIR THOMPSON: Thank you so much.

1                   Before I move on to public comment,  
2 anything else from the Executive Director,  
3 General Counsel, or Board members?

4                   MS. HOLMAN EVANS: No.

5                   MS. COLLIER-MONTGOMERY: Not for me.

6 Thank you.

7                   MS. STROUD: I have nothing further.

8                   CHAIR THOMPSON: Okay. Well, thank  
9 you everybody.

10                   Moving on then to public comment.  
11 I'll try to call on people as they raise their  
12 hands. There's a feature, obviously, to raise  
13 your hand on Zoom, or you can chat in the margin  
14 if you'd prefer to put a question there. We'll  
15 just give it a second to see if any hands go up  
16 in the Zoom function.

17                   Just to make sure, everybody can hear  
18 me, right? Yes, okay. All right.

19                   Let's see. I've got 24 squares, so it  
20 looks like about 15 to 20 members of the public  
21 outside of our BOE team. Thank you all for being  
22 here. We appreciate your attendance and we

1 always appreciate your questions. And we  
2 appreciate your constructive criticism.

3 We have learned a lot from this  
4 election cycle, and we'll incorporate it into  
5 making things even better going forward in the  
6 general cycle and in future elections. We  
7 certainly have been reading what everyone's put  
8 out there on Twitter or wherever else, so we're  
9 paying attention. And we're all about getting it  
10 right and making it better. So thank you.

11 I'm not seeing any hands.

12 MS. BRIZILL: Mr. Chairman? Mr.  
13 Chairman?

14 CHAIR THOMPSON: Yes.

15 MS. BRIZILL: This is Dorothy Brizill.  
16 I apologize for joining your meeting late, but up  
17 until yesterday the time for this meeting was  
18 being carried on your website as 11:00 a.m., not  
19 10:00 a.m. Did you know that?

20 MS. STROUD: Ms. Brizill, the time was  
21 updated on Tuesday.

22 MS. BRIZILL: I'm sorry. It was not.

1 It was not. And I printed out the instructions  
2 for it and it was not updated on Tuesday.

3 And as a matter of fact, I sent an  
4 email to your press person specifically asking  
5 about the agenda because the agenda is supposed  
6 to be posted at least 48 hours in advance. And  
7 the agenda was not posted until yesterday also,  
8 and the time again was 11:00. I have no reason  
9 to be making this up.

10 MS. STROUD: The agenda was posted on  
11 Tuesday by 10:00 a.m. indicating a start time of  
12 10:00 a.m. So it was posted 48 hours in advance.

13 MS. BRIZILL: Well, in the future what  
14 I will do is I will print out from your website  
15 with a time stamp in regards to when you're  
16 posting this.

17 But Mr. Chairman, I have a question to  
18 raise with you and an issue to raise with you --  
19 I will commit this to a formal letter if  
20 necessary -- if it's possible for me to raise a  
21 public matter at this time.

22 CHAIR THOMPSON: Yes, please go ahead.

1 It's really not a timed talk, but we ask people  
2 to try to limit to three minutes if you can.

3 MS. BRIZILL: Mr. Chairman, I'm not  
4 sure whether or not you or the Board members are  
5 aware of a situation which has been developing  
6 and indeed getting worse over the past several  
7 years. Namely, our elections are predicated upon  
8 citizen participation as well as citizen  
9 observers of the process.

10 It has become increasingly impossible  
11 or at least difficult for citizens, even those  
12 who have credentials and who have been approved  
13 by the Board, to be observers during the election  
14 process, whether or not at the polls or at the  
15 Board of Election offices on election night, to  
16 get access.

17 One of the things I am very concerned  
18 about is the fact that the counting or the review  
19 of absentee ballots is being done over at the  
20 warehouse. To my knowledge, there is no effort  
21 to make that known.

22 And indeed, last election cycle in

1 2020, I did not even know that they were being  
2 counted at the warehouse on V Street, and did not  
3 find out until after the fact. And again this  
4 year it was done over at the warehouse.

5 Now, for a variety of reasons I know  
6 I'm going to hear from your legal counsel and  
7 your Executive Director why that had to be. But  
8 I cannot stress enough the importance of there  
9 being at least an appearance of openness, an  
10 appearance that citizens can observe the process.

11 I'm not saying there's anything wrong  
12 or anything fraudulent going on. I'm saying that  
13 there is a concerted effort by the Board and the  
14 Board's staff to prevent citizen participation.

15 Now, let me give you the most recent  
16 example that you had control over. After an  
17 election the Board is supposed to conduct a  
18 manual audit. You did that, okay.

19 You did that in several rooms over at  
20 the Board of Election's offices, but you had  
21 cameras in the rooms so that you could not see  
22 what was being done. You could not see what was

1 being done on the tables and there was no  
2 narration, okay.

3 I called over to Nick Jacobs and  
4 asked, what is going on? And he said someone  
5 would get back to me. Well, of course they never  
6 did that.

7 Moreover, this is the umpteenth time  
8 when you're supposed to have a manual audit to  
9 review the ballots cast at particularly selected  
10 precincts and you don't make provisions for  
11 citizen observers.

12 The response I got from Nick when I  
13 raised this is, oh, you were invited. I said, I  
14 was? I said, where? And he said, in the email.

15 Well, of course I pulled up the email  
16 and I read it. All the email said was, this is  
17 notice that we're going to conduct a manual  
18 audit. It did not say anything about people  
19 being invited, people could sign up, nothing,  
20 okay.

21 I am laying this out at your feet, Mr.  
22 Chairman, because this issue of outright

1 hostility regarding allowing citizen observers of  
2 the process, this happens on election night and  
3 this has also happened at the polls, okay.

4 MS. HOLMAN EVANS: Ms. Brizill, thank  
5 you for your comments and observations. I will  
6 be happy to address several of them.

7 When we issued our press release for  
8 the audit, we did have a provision in there for  
9 individuals to come and observe in person. So I  
10 don't know why that information did not get to  
11 you in an appropriate way, but I will be happy to  
12 look into that and your exchanges with Mr. Jacobs  
13 just to see why you were not aware of that. But  
14 we absolutely invited members of the public to  
15 observe.

16 With the warehouse and the counting of  
17 those mailed ballots, we actually did have  
18 members of the public come in and observe that  
19 process, everything from the scanning process to  
20 the signature verification process, opening and  
21 flattening ballots, and scanning them for  
22 tabulation.

1           I accept your observation. We can  
2 always do better with communication. So if that  
3 has not been the case where you believe people  
4 were not fully aware of that ability to come in,  
5 we will look at our procedures to improve that.  
6 Thank you for that observation.

7           MS. BRIZILL: Mr. Chairman, Mr.  
8 Chairman, again, I don't know where Monica Evans  
9 is getting her information. I don't know what's  
10 going on. I have the email in front of me that  
11 was sent regarding the manual audit, okay. And  
12 in this instance I did print it out and date  
13 stamp.

14           What it says is, the DC Board of  
15 Elections will begin the public manual audit of  
16 the June 21 primary election on Wednesday, July  
17 6th at 9:00 a.m. It says nothing, nothing about  
18 where it will be and the ability of citizens to  
19 observe it. It says nothing.

20           So Ms. Evans, I suggest -- and I will  
21 send this email to you -- I suggest that you get  
22 a clarification about what your staff is telling

1 you because what you have just said in response  
2 to my concern is not true. We were not invited.  
3 We were not informed that we could observe.

4 And even when I brought it to Mr.  
5 Jacobs' attention, he tried to portray it as if,  
6 oh, you don't know what you're talking about. I  
7 know exactly what I'm talking about. And this  
8 has got to stop.

9 Moreover, if you have individuals who  
10 you say have been invited who did attend the  
11 processing of the mail-in ballots and other  
12 public processes, I would like their names and  
13 organizations, please, because I've talked to  
14 several people including the Legal Women Voters  
15 and they were not invited.

16 MS. HOLMAN EVANS: Yes. Well, we  
17 didn't extend invitations but people reached out  
18 to us. And I will absolutely follow up on the  
19 information you received. I did not see the  
20 email you got about the audit. I can only speak  
21 to the press release and the language in the  
22 press release.

1           But I will absolutely follow up, as I  
2           said from the beginning, just to see what  
3           happened and where the breakdown in  
4           communications was. You absolutely should have  
5           been made aware that there was an opportunity to  
6           view the audit in person.

7           Due to the complaints we got in 2020  
8           about only having the audit viewable virtually  
9           due to the health crisis, we wanted to ensure we  
10          provided everyone an opportunity to come in  
11          person. Clearly, that was not articulated to  
12          you. I will follow up to see why the information  
13          you received was different from what I received  
14          in the press release.

15                 MS. STROUD: Mr. Chair, I will read  
16                 into the record for the benefit of the public the  
17                 press release that was posted and released on  
18                 June 30th.

19                 Contests and Precincts for Public  
20                 Manual Audit of June 2022 Primary. The District  
21                 of Columbia Board of Elections will begin the  
22                 public manual audit of the June 21st Primary

1 Election on Wednesday, July 6, 2022 at 9:00 a.m.

2 The contests and precincts to be  
3 audited are as follows: US Representative  
4 (citywide); Ward 1 Member of the Council; Ward 6  
5 Member of the Council; Precincts 38, 16, 11, 64,  
6 69, 130, 92, 114.

7 Members of the media and the public  
8 who would like to observe the manual audit may  
9 contact Nick Jacobs for more information. And it  
10 indicates the cell phone number and email  
11 address.

12 The audit will also be available  
13 remotely and can be reviewed using the following  
14 information. The Zoom link information used by  
15 the Board is provided in this same press release.  
16 And again, this was posted and released to the  
17 public on June 30th.

18 MS. BRIZILL: Mr. Chairman?

19 CHAIR THOMPSON: Thank you. We've  
20 got --

21 MS. BRIZILL: To clarify the record  
22 from what Terri Stroud has said, that's exactly

1 -- I have the press release in front of me. At  
2 no time, at no time in the press release does it  
3 say that one can observe the manual audit in  
4 person.

5 And indeed, given the fact that the  
6 Board of Elections office has been closed, closed  
7 down for at least the past two years, why would  
8 someone presume that one could just show up?  
9 Moreover, it doesn't tell you in the press  
10 release where the actual manual audit is being  
11 conducted.

12 CHAIR THOMPSON: Ms. Brasil, we  
13 understand. We got the gist of your comment.  
14 You're way over time and it's not an opportunity  
15 to chastise, cross-examine, or argue.

16 We certainly understand the general  
17 nature of your comment that the audit process,  
18 the communication to the public about their  
19 opportunity to observe is something we need to  
20 look at closely.

21 It was clear to me. I believe it was  
22 clear to many members of the public who did show

1 up. But we'll certainly re-examine it and take a  
2 hard look at how to include communications with  
3 some specifics and details about logistics and  
4 all that.

5 Your comment is well taken. There's  
6 really no need to argue the point further.

7 MS. BRIZILL: I'm sorry that you think  
8 that I'm trying to chastise you or the staff.  
9 What I'm trying to do is to bring to your  
10 attention something that is wrong and I believe  
11 illegal, okay.

12 CHAIR THOMPSON: We've got it. Thank  
13 you.

14 MS. BRIZILL: Are you going to look  
15 into the matter?

16 CHAIR THOMPSON: Of course we are. We  
17 said we would and of course we will.

18 MS. BRIZILL: Did you look into the  
19 matter in 2020?

20 CHAIR THOMPSON: Let me give --

21 MS. BRIZILL: No.

22 CHAIR THOMPSON: Let me give somebody

1 else a chance out there that's maybe waiting. I  
2 don't see any more hands up, but if anybody else  
3 from the public would like to take the  
4 opportunity for a comment or a question.

5 Okay. I think we're at the end. I do  
6 want to end on a high note.

7 It's been a really busy primary  
8 season, one of the busiest we've ever had. I  
9 don't know if there's been anything quite like  
10 this in some time, with so many changes happening  
11 simultaneously with respect to mail ballots, the  
12 Fair Election Program, early vote centers, and so  
13 many of the other improvements that have been  
14 made to broaden access to the vote.

15 Everywhere I went I saw language  
16 interpreters. I saw physical access assistants.  
17 I saw curbside voting. I saw every kind of  
18 access assistance that could be provided. And I  
19 think we're all really proud that here in the  
20 District of Columbia our citizens can vote in any  
21 number of ways and anyone who needs assistance  
22 will get assistance.

1           I think we're all really proud of the  
2 success of mail ballot approach to date.

3 Obviously, the registration roll is like never  
4 before. We have room for improvement in terms of  
5 accuracy, which is to some extent dependent on  
6 voters updating their information.

7           As the Director mentioned, there were  
8 a lot of returned ballots. There's been a lot of  
9 work to do to improve the accuracy of those lists  
10 to make sure that future mail ballots get to the  
11 right place, to the registered voters.

12           It will always be a moving river.  
13 There will always be issues at the margins to  
14 make sure everything is accurate. But the broad  
15 goal, which I think our council supports and I  
16 believe the vast majority of our citizens  
17 support, is to do what we've done and continue to  
18 do the same for the general election. We've got  
19 a lot of hard work ahead of us.

20           We'll double down our communications  
21 in terms of making things clear to the public, in  
22 terms of when and how they can observe and

1 participate. We are all about transparency and  
2 we welcome input.

3 We're happy to have the courts  
4 available to anybody who wants to challenge any  
5 decisions we make or processes we follow. It's  
6 all for public oversight and court oversight.

7 With that said, it's been a  
8 tremendously positive primary cycle here in DC,  
9 very calm, very under control, very accurate.  
10 It's something we can all be proud of together as  
11 a city. So thank you, everybody who made it  
12 happen, including the voters, especially the  
13 voters.

14 We know more of you should come out to  
15 vote. Everybody is always making that point.  
16 But the numbers look really good relative to the  
17 last few primary cycles in 2020 and 2018. Thank  
18 you.

19 Any final comments from anybody at the  
20 BOE team, OCF, or Board members?

21 MS. GREENFIELD: No. I don't have  
22 any.

1 MS. STROUD: I have nothing.

2 CHAIR THOMPSON: All right. With  
3 that, I guess I'll move to adjourn.

4 MEMBER GREENFIELD: Second.

5 CHAIR THOMPSON: All in favor?

6 (Chorus of aye.)

7 CHAIR THOMPSON: We are adjourned.

8 Thank you again, everybody.

9 (Whereupon, the above-entitled matter  
10 went off the record at 11:01 a.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DC BOE

Date: 07-15-22

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.



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Court Reporter

**NEAL R. GROSS**

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