

MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
September 13, 2023

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, September 13, 2023 via Zoom and in the Board’s Hearing Room, located at 1015 Half Street, SE, Washington, D.C. 20003, Suite 750. Board Chairman Gary Thompson and Board Members Karyn Greenfield and J.C. Boggs were present. The Board’s Executive Director Monica Holman Evans (“Director Evans”), General Counsel, Terri Stroud, the Director of the Office of Campaign Finance (“OCF”), Cecily Collier-Montgomery, and OCF General Counsel, William SanFord, were also present.

CALL TO ORDER (10:38 a.m.)

ASCERTAINMENT OF QUORUM

- Board Chair Thompson and Board Members Greenfield and Boggs constituted a quorum.

ADOPTION OF AGENDA/APPROVAL OF MINUTES

- **BOARD ACTION:** The Board unanimously adopted the agenda and minutes from the last meeting held on July 21, 2023.

BOARD MATTERS

- None

ANNOUNCEMENT OF DCBOE STAFF LOSS

- **DCBOE’s Executive Director and Chair joined in acknowledging DCBOE Staff member Antoinette Williams**
 - On August 31, 2023, Antoinette Williams, a member of the Board’s Information Technology (“IT”) Division, lost her battle with cancer.
 - A moment of silence was held in her honor, followed by stories of remembrance from fellow BOE staff members.

DCBOE EXECUTIVE DIRECTOR’S JULY/AUGUST 2023 REPORT (EXECUTIVE DIRECTOR EVANS)

- **Precinct Mapping**
 - The Board is working with Gottlieb Simon to review current precinct boundaries to divide the District into appropriate voting precincts based on election wards.
 - The Board is working with Electionware election software to create additional Advisory Neighborhood Commission (“ANC”) Single Member Districts (“SMDs”), which involves several simulations before mapping finalization.
 - Files have been sent to Office of the Chief Technology Officer (“OCTO”) to verify SMDs and precinct alignment.

- **ANC Vacancies**
 - There are 13 ANC vacancies for the 2023/2025 term, all of which are in different stages of being filled. After candidate filing requirements are met, an open vote of registered voters within the SMD will be held during regularly scheduled ANC meetings.
 - At the end of the month, vacancies are expected to increase based on current resignation notifications.

- **List Maintenance**
 - The Board has mailed 305,402 canvass mailers to registered voters who did not participate in the 2022 General Election.
 - 77,508 canvass mailers have been received back from the U.S. Postal Service.
 - By September 20, 71,221 follow-up notices will be sent to registered voters. Afterward, individuals will be moved to inactive status.
 - 65,628 voters have been identified as inactive and will be removed from the voter roll.

- **Vendor Engagement**
 - On August 9, KnowInk demonstrated their poll print solution (ballot-on-demand) option.
 - Before the end of the year, the Board will work with Election Systems & Software (“ES&S”) to replace the batteries in all of the DS 200s.

- **Education and Training**
 - Tabletop the Vote 2023
 - On August 16, the Board participated in a tabletop exercise sponsored by the Cybersecurity and Infrastructure Security Agency (“CISA”), which facilitated identifying best practices for election improvement in incident planning, identification, response, and recovery.
 - WASP Asset Cloud Training
 - On August 30 and 31, WASP conducted training for the Board’s logistics team at our warehouse. This training is designed to optimize the utilization of the WASP platform so as to allow us to better manage inventory, oversee logistics, and monitor supplies, equipment, and other resources.

- **2023 Next Steps/Off-Election Year Planning**
 - Draft calendars for the 2024 Primary and General elections are now posted on the Board’s website.
 - Candidate access forms have been reviewed and edited where needed.
 - 2024 election cycle worker applications are currently being processed, and worker assignment and training forms are being updated.
 - The Board has updated Special Ballot Envelopes and Poll Pad prompt screens to facilitate non-citizen voting consistent with new legislation.

- We are implementing the requirements of the Elections Modernization Amendment Act (“EMA”) requirements and the Local Resident Voting Rights Amendment Act (“LRVR”) are being reviewed to ensure the Board’s compliance.
 - The Board has met with the voter registration vendor, VR Systems, regarding the data visualization interface that the EMA requires for the Board’s website and the creation of a database solution to house non-citizens who register to vote in local elections.
 - The Board will require additional equipment to assist with mail ballot processing. Funding received in the FY 2024 budget will go towards the purchase of a mail ballot processing machine.
 - The Board has finalized brochures that will be used to assist with outreach to non-citizens in the District of Columbia.
 - The Board is creating an election worker training manual addendum that addresses non-citizen voting in local elections.
 - The Board is updating the Election Worker Training Manual, developing the 2024 Voter Education and Outreach Plan, and assessing our Vote Center and Mail Ballot Drop Box locations plan.
 - All Dropbox locations plans are posted on the website. The public may comment on the proposed locations until October 2.
 - The Board is engaged in conversations with Maryland, Virginia, and North Carolina to discuss the best ways to share data and update information outside of ERIC.
 - The Board has entered into an MOU with Virginia to share information regarding registered voters and voter participation.
- **Voter Education and Outreach (VEOD)**
 - During July, 19 outreach events were conducted, including Voter Registration Drives at the following locations/events:
 - Fresh Farm Market – Columbia Heights
 - Barracks Row Main Jazz in the Park
 - Naturalization Ceremony – US District Court
 - During August, 15 outreach events were conducted, including Voter Registration Drives at the following locations/events:
 - Community College Preparatory School
 - Building Bridges Across the River at the ARC
- **Voter Registration Rolls**
 - In July, the Voter Services Division registered 2,339 new voters and processed 360 registration changes.
 - In total, 2,699 voter registration cards have been prepared for mailing.
 - 86 registered voters moved out of D.C.
 - 988 voters registered moved into D.C.
 - Nine voters canceled their D.C. registrations and registered with other

jurisdictions.

- In August, the Voter Services Division registered 2,979 new voters and processed 358 registration changes.
 - In total, 3,337 voter registration cards have been prepared for mailing.
 - 276 registered voters moved out of D.C.
 - 944 voters registered moved into D.C.
 - 670 voters canceled their D.C. registrations and registered with other jurisdictions.
- **Online Voter Registration**
 - 37,539 applications have been processed to date.

DCBOE GENERAL COUNSEL'S JULY/AUGUST 2023 REPORT (GENERAL COUNSEL STROUD)

- **Issuance of Petition in Support of Initiative Measure No. 83 (“I83”), the “Ranked Choice Voting and Open the Primary Elections to Independent Voters Act of 2024,” *if appropriate***
 - Two complaints objecting to I83 were filed in the D.C. Superior Court, but those filings were not made within the ten calendar day period for challenging initiative matters that began with the publication of I83’s formulations in the D.C. Register on September 1 and ended on September 11.
 - I83 Proposer Lisa Rice requested that the issuance of the I83 petition be delayed until the Board’s January 2024 regular board meeting, which will allow non-citizens the opportunity to vote.
 - **BOARD ACTION:** Voted unanimously adopted a motion to defer the issuance of the petition for Initiative Measure No. 83 until such time as the Board decides to issue the petition.
- **Rulemaking to Title 3 (Elections and Ethics) of the D.C. Municipal Regulations**
 - Final Rulemaking
 - Amend Chapters 1-2, 5-19, and 99 of Title 3 of the D.C. Municipal Regulations to have them conform with the EMA and to make non-substantive housekeeping updates to terminology and corrections for typographical errors.
 - On June 13, a notice of proposed rulemaking was published in the DC Register; no written comments were received, and no substitute changes have been made.
 - **BOARD ACTION:** Voted unanimously for the final rulemaking to be submitted to the D.C. Register for publication in the September 22 edition.
- **Litigation Status**
 - **Public Interest Legal Foundation (“PILF”) v. Monica Evans (U.S. Dist. Ct. for D.C.)**
 - This matter was filed under the National Voter Registration Act (“NVRA”).
 - The suit alleges that the Board is out of compliance with the NVRA’s public records provision.

- The OAG filed a motion to dismiss on behalf of the Board.
- PILF has an extended deadline of October 6 to respond.
- **Stacia Hall, et al., v. D.C. Board of Elections (U.S. Dist. Ct. for D.C.)**
 - This case concerns the constitutionality of the LRVR Act.
 - On June 7, the OAG filed a motion to dismiss on behalf of the Board.
 - On July 14, the plaintiff filed an opposition to the motion to dismiss.
 - On August 18, the OAG filed a reply to the opposition.
 - The parties are waiting for the court’s ruling.
- **District of Columbia Democratic Party, et al., v. Muriel Bowser, et al. (D.C. Superior Court)**
 - The Board has not yet been served with the complaint filed in this case.
 - An initial hearing is scheduled for November 3.
- **District of Columbia Democratic Party, et al., v. Muriel Bowser, et al. (D.C. Superior Court)**
 - On September 12, the OAG was served; the Board has not yet been served.
 - An initial hearing is scheduled for December 1.

OCF JULY/AUGUST 2023 REPORT (DIRECTOR COLLIER-MONTGOMERY)

- **Office of the Director**
 - The 2022 Post-Election Cycle Report was published on the OCF Website on September 1 as required by D.C. law.
 - The data presented in this report is based on information reported in the Reports of Receipts & Expenditures (“R&E Reports”) filed from the start of the candidate campaigns referenced through December 31, 2022.
- **Community Outreach**
 - During July and August, 12 Beat the Streets (“BTS”) Community Outreach Events organized by the DC Metropolitan Police Department were conducted in Wards 3 through 8.
- **Fair Elections Program (FEP) Division Report for July/August 2023**
 - A total sum of \$12,358,606.95 has been authorized for disbursement from the FEP Fund in base amounts and matching payments to the 42 candidates certified in the FEP to participate in the June 21, 2022 Primary Election and in the November 8, 2022 General Election.
 - There are two certified participating candidates in the FEP program for the 2024 election cycle.
- **August 2023 FEP Disbursements**

- Re-Elect Brooke Pinto 2024 Principal Campaign Committee (“PCC”) - certified on August 28, 2023 for the Covered Office of Member of the Council from Ward 2. Matching Payments in the amount of \$74,450.00 were authorized.
 - The Re-Elect Brooke Pinto 2024 PCC. Matching Payments in the amount of \$2,000.00 were authorized.
 - The Friends of Salim Adofo PCC. Matching Payments in the amount of \$24,045.00 were authorized.
- **Desk Reviews and Other Activities**
 - The FEP conducted 48 desk reviews of initial and amended R&E Reports.
 - The FEP sent out 22 requests for additional information (“RFAI”) letters.
- **Remitted Funds**
 - As of July 30, the total sum of \$803,207.20 has been remitted back to the FEP fund from candidates who were certified to participate in the 2022 election cycle.
- **2020 Ongoing Post-Election Audits**
 - There are currently 12 post-election audits, the details of which are posted on OCF’s website.
- **Final Audits Issued**
 - 22 final audit reports were issued between July and August 2023; the details of the audits are posted on OCF’s website.
- **Ongoing 2022 Post-Election Full Field Audits**
 - 42 Post-Election audits letters have been issued.
 - 16 Preliminary Statements of Audit Findings have been issued.
 - 5 Final Audit Reports have been issued.
 - The details of these audits and reports are posted on OCF’s website.
- **Public Information and Records Management Division (PIRM)**
 - There were two due dates for the filing of R & E Reports during the months of July and August 2023:
 - July 1
 - Constituent Services Program
 - Senator/Representative Statehood Funds
 - July 31
 - PCC & Political Action Committee (PACs)
 - Fair Elections Candidate Committees
 - Independent Expenditure Committees
 - Initiative/Referendum Committees
 - Recall Committees
- **New Candidate/Committees**
 - **2024 Election Cycle**
 - **Traditional Program**

- July:
 - Wendy Hamilton –U.S. Shadow Senator
 - Andrew Haynesworth - U.S. Shadow Senator
 - August:
 - None
 - **FEP**
 - July:
 - None
 - August:
 - Robert White – At-large Councilmember
 - Rodney Grant – At-large Councilmember
- **Referral to the OGC**
 - 21 referrals were made to OGC between July and August 2023 for failure to timely file the July 31 R&E Report.
 - All committee names are listed on OCF website.
- **July/August 2023 Entrance Conferences**
 - Andrew Haynesworth/Candidate, U.S. Shadow Senator
 - Wendy Hamilton/Candidate, U.S. Shadow Senator
 - Josh Jacobson/Treasurer, Rev. Wendy Hamilton for Senate
 - Brandon Dean/Candidate, U.S. Shadow Senator
 - Johnathan A. Moore/Treasurer, Our Friend Brandon Douglass Commonwealth Shadow Senator
- **Reports Analysis and Audit Division (RAAD) Program**
 - 91 desk reviews were conducted during July/August 2023.
 - 15 RFAI letters were sent.
 - **Audits Issued**
 - Mendelson for Chairman 2022 – Compliance Audit issued August 7, 2023
 - **Ongoing Audits**
 - **Full Field Audits** – Newly-elected officials (The 2022 Election Cycle)
 - Kenyan McDuffie 2020
 - **Random Periodic Audits**
 - DC Latino Caucus PAC
 - DC Young Democrats
 - Citizens for Empowerment
 - **Full Field Audit – Inaugural Committee (The 2022 Election Cycle)**
 - DC Proud Inaugural Committee. Audit pre-work has started.

OCF JULY/AUGUST 2023 GENERAL COUNSEL REPORT (OCF GENERAL COUNSEL WILLIAM SANFORD)

- **Intake/Output Report**
 - OGC received three referrals during July 2023

- Six informal hearings were held, and six orders were issued in which fines totaling \$11,800 were imposed:
 - Jacque4DC - \$1,300
 - Jacque4DC - \$1,000
 - Dems for Progress - \$2,200
 - Markus for D.C. - \$2,400
 - Fred Hill 4 Council At-Large - \$ 2,700
 - The Committee to Elect Ravi K. Perry - \$2,200
 - **Fines Collected**
 - Total sum of \$2,162.50 was collected from:
 - Ward 7 Dems - \$862.50
 - Patrick Kennedy - \$800
 - The Committee to Elect Ravi K. Perry - \$500
- **Open Investigations**
 - NONE
- **Interpretative Opinions**
 - NONE
- **Show Cause Proceedings**
 - NONE
- **Intake/Output Report**
 - OGC received 22 referrals during August 2023
 - 14 informal hearings were held, and 14 orders were issued:
 - Four orders to vacate
 - Two orders in which no fines were imposed
 - Eight orders in which a total of \$15,475.00 in fines was imposed:
 - US Citizens Recovery Initiative - \$2,750
 - EDEE Pathway Policy Act- \$2,750
 - Black Autonomy Movement - \$2,750
 - DC Recovery Act for Living Descendants - \$2,750.00
 - Money Supply Increase - \$2,750.00
 - Committee to Elect Art Lloyd - \$850.00
 - Rodney Red Grant for Mayor - \$825.00
 - Dascha Cleckley - \$50.00
 - **Fines Collected**
 - Total sum of \$1,908.39 was collected from:
 - Jeremy David Wood - \$208.39
 - Daniel Wittels - \$50.00
 - Marlena Edwards - \$1,650.00
- **Open Investigations**
 - NONE

- **Interpretative Opinions**
 - NONE

- **Show Cause Proceedings**
 - NONE

PUBLIC MATTERS

- The discussion in the public matters portion of the meeting can be found on pages 56-60 of the transcript for this hearing.

ADJOURNMENT (11:34 p.m.)