

**MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
February 13, 2024**

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Tuesday, February 13, 2024 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 J.C. Boggs and Karyn Greenfield 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 (9:32 a.m.)

- Board Chair Thompson acknowledged the recent passing of past Board Member, Michael Gill, and his contributions to the Board of Elections with a moment of silence. Chair Thompson stated that the 2024 Election Season would be dedicated in honor of Michael Gill.

ASCERTAINMENT OF QUORUM

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

ADOPTION OF AGENDA/APPROVAL OF MINUTES

- **BOARD ACTION:** The Board unanimously adopted the agenda and minutes from the last meeting on January 10, 2024.

BOARD MATTERS:

- NONE

DCBOE EXECUTIVE DIRECTOR’S JANUARY 2024 REPORT (EXECUTIVE DIRECTOR EVANS)

- **January Engagements**
 - In January, Director Evans attended the Joint Election Official Liaison Conference in Arlington, VA. On January 30, 2024, Director Evans was a panelist for the Election Assistance Commission’s (“EAC”) and the University of Maryland’s 2024 Elections Summit where she provided insight regarding the voting practices of special populations within the District.
- **2024 Performance Oversight**
 - On February 7, 2024, the Board had its performance oversight hearing before the Council’s Committee on Executive Administration and Labor (“CEAL”).
- **Precinct Mapping**

- **Election Registration Information Center (“ERIC”)**
 - The Board is collaborating with ERIC membership states regarding the 2022 General Election voter participation initiative to investigate possible double voting.

- **Implementation of the Local Resident Voting Rights Amendment Act**
 - VR Systems provided a database solution to house noncitizens who register to vote in local elections. We have deployed online registration of non-citizens for local elections this week. Non-citizens may currently register to vote in our office at 1015 Half Street Southeast using a paper registration form. Paper forms are also available in Spanish, Vietnamese, Chinese, Korean, Amharic, and French.
 - A flyer has been created to assist with outreach efforts along with the possibility of a Town Hall.

- **2024 Voting Options**

All registered DC voters will receive a mail-in ballot. Voters may vote by mail, in-person, or by placing a ballot in a drop box. 55 Mail Ballot Drop Boxes will be placed throughout the city, and we will operate 25 Early Vote Centers and 75 Election Day Vote Centers.

- **Accessibility**
 - The Board is currently partnering with Disability Rights at University Legal Services and the Office of Disability Rights to conduct an accessibility survey of all prospective Vote Centers ahead of the 2024 Primary Election to ensure that the Vote Centers remain accessible.
 - The Board is partnering with the Department of General Services (“DGS”) to ensure that Vote Centers are structurally accessible.

- **Election Worker Division Activities**
 - The Election Worker Division has revised the Election Worker Handbook and the training curriculum based on recently-passed legislation.
 - During the 2024 Election Cycle, the Board's goal is to recruit and train between 2,000 and 2,500 election workers, and deploy approximately 1,700 election workers to serve at Vote Centers.
 - Election worker training will begin on March 12, 2024. Election training can also be accessed via online training modules to complement the required in-person classes.

- **Voter Education and Outreach (“VEOD”)**
 - During January 2024, VEOD conducted five outreach events.

DCBOE GENERAL COUNSEL'S JANUARY 2024 REPORT (GENERAL COUNSEL STROUD)

- **Issuance of Petition in Support of the Recall of Charles Allen, Ward Six Member of the Council of the District of Columbia.**
 - A notice of intent to recall Charles Allen was timely filed by Jennifer M. Squires, a registered qualified elector who resides in Ward Six, on January 18, 2024.
 - On January 20, 2024, Charles Allen filed a response to the notice of intent to recall.
 - The Board is prepared to issue an original petition form for circulation after adoption by the proposer.
 - The proposer was provided a courtesy draft copy of the original petition form for review before today's meeting.
 - The proposer could not attend today's meeting and authorized April Brown, treasurer of the recall committee, to adopt the petition on her behalf.
 - Before today's Board meeting, a representative from the Office of the General Counsel ("OGC") sent a draft of the recall petition to the proposer and acting agent.
 - **ACTION:** April Brown adopted the petition on behalf of proposer Jennifer M. Squires.
- **Rulemaking to Title 3 (Elections and Ethics) of the D.C. Municipal Regulations**
 - Final Rulemaking
 - Amend Chapters 1, 5, and 16 to correct errors to a rule that expresses the elections in which non-citizens can participate and a rule that indicates which offices noncitizens can vote for, and to conform certain of the Board's regulations regarding its notice/agenda, closed-session, and minutes procedures to the District of Columbia government's Open Meetings Act.
 - **BOARD ACTION:** Voted unanimously for the final rulemaking to be submitted for publication in the February 16, 2024 edition of the D.C. Register.
 - Proposed Rulemaking
 - Amend Chapters 6, 10-11, and 14-17 to conform the Board's regulations to existing law and current practice regarding the ballot access and initiative processes and qualified petition circulators.
 - **BOARD ACTION:** Voted unanimously for the proposed rulemaking to be submitted for publication in the February 23, 2024 edition of the D.C. Register.
- **Litigation Status**
 - **Public Interest Legal Foundation (PILF) v. Monica Evans**
 - This matter was filed in the US District Court for the District of Columbia ("USDC") 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 Office of the Attorney General’s (“OAG’s”) motion to dismiss was denied at a December 4, 2023 hearing.
 - A status report was filed by parties on January 17, 2024.
 - The next status report is due March 18, 2024.
- **Stacia Hall, et al., v. D.C. Board of Elections (USDC)**
 - This case concerns the constitutionality of an act of the Council that allows noncitizens to vote in local elections.
 - On June 7, 2023, the OAG filed a motion to dismiss on behalf of the Board.
 - On July 14, 2023, the plaintiff filed an opposition to the motion to dismiss.
 - The OAG filed a reply to the opposition on August 18, 2023.
 - The parties are waiting for the court’s opinion.
- **District of Columbia Democratic Party, et al., v. Muriel Bowser, et al. (D.C. Superior Court)**
 - This is a challenge to Initiative Measure No. 83.
 - All pleadings and the designation of record have been filed in this matter.
 - On November 30, 2023, the initial hearing was rescheduled from December 1, 2023, to February 23, 2024.
- **Dr. Shiva Ayyadurai v. Merrick Garland, et al. (USDC)**
 - The Plaintiff, born in India, seeks a declaration of eligibility to serve as President of the United States notwithstanding the “natural born citizens clause” or that the qualifications are a non-justiciable political issue to be determined by the voters.
 - On November 14, 2023, the USDC clerk’s office served the Board with a complaint for declaratory and injunctive relief filed on June 21, 2023.
 - On February 1, 2024, the OAG filed a motion to dismiss on behalf of the Board.
 - On February 2, 2024, the defendant sought an extension to respond to the complaint. On the same day, the courts granted the extension until February 20, 2024, and noted a briefing schedule would be set on the OAG’s motion to dismiss.
- **Jason Christopher Long v. D.C. Board of Elections (D.C. Superior Court)**
 - This matter is the refiling of a complaint that was dismissed without prejudice in August 2022.
 - The complainant is seeking \$10,000 in damages, claiming negligence and unjust enrichment, and alleging that the Board issued him a check without informing him not to deposit it, then had payment of the check stopped, causing a negative balance and returned check fee.
 - At a hearing on February 2, 2024, the plaintiff declined to proceed before a magistrate judge. The case was referred to an associate judge, and a status hearing was set for March 1, 2024.
 - The OAG plans to file a motion to dismiss on behalf of the Board.

OCF JANUARY 2024 GENERAL COUNSEL REPORT (GENERAL COUNSEL WILLIAM SANFORD)

- **Intake/Output Report**
 - 14 referrals were received from the Reports and Analysis Division (“RAAD”) for failure to timely respond to requests for additional information (“RFAI”) letters.
 - One open investigation was completed with a corresponding order issued.
 - Five Orders to Vacate were issued. Three orders were issued with no fines imposed. Six orders were issued which imposed a total of \$36,400 in fines:
 - Randy Downs for Ward 2 - \$2,200
 - Monica Palacio City Council - \$2,200
 - Committee to Elect Trayon White - \$20,000
 - Committee to Elect Prof Alpha Bah - \$4,000
 - Friends of Courtney Snow - \$4,000
 - Committee to Elect Prof Alpha Bah \$4,000.00
 - **Collected Fines:**
 - \$900
 - Arthur Lloyd - \$200.00
 - Robert White - \$450.00
 - Citizens for Bill Lewis - \$250.00
 - **Open Investigations:**
 - **OCF-FI 2023-002: Complainant:** Edward Hanlon, Respondent: Committee to Re-Elect Brooke Pinto 2024 (Docketed October 23, 2023)
 - Use of Government Resources for Campaign Related Purposes
 - **OCF-FI 2023-003: Complainant:** Edward Hanlon, Respondent: Brooke Pinto for Ward 2, 2020
Principal Campaign Committee (Docketed November 13, 2023)
 - Allegation(s): Use of Government Resources for Campaign Related Purposes
 - OCF General Counsel SanFord requested an extension of time in which to complete this investigation.
BOARD ACTION: The Board voted unanimously to grant an extension until March 3, 2024.
 - **OCF-FI 2023-004: Complainant:** Edward Hanlon, Respondent: Committee to Re-Elect Brooke Pinto 2024 (Docketed December 29, 2023)
 - Allegation(s): Use of Government Resources for Campaign Related Purposes
 - **OCF-FI 2023-005: Complainant:** Edward Hanlon, Respondent: Committee to Re-Elect Brooke Pinto 2024 (Docketed December 29, 2023)
 - Allegation(s): Use of Government Resources for Campaign Related Purposes
 - **Interpretative Opinions**

- NONE
- **Show Cause Proceedings**
 - NONE

OCF JANUARY 2024 REPORT (DIRECTOR COLLIER-MONTGOMERY)

- **Office of the Director**
 - On February 7, 2024, OCF had its performance oversight hearing before the CEAL.
 - On February 8, 2024, the auditor issued a report on the recommendations of 19 audit reports that were conducted during a specific period.
- **Community Outreach**
 - The agency participated in two virtual meetings on January 8, 2024 (ANC-6D) and January 10, 2024 (ANC-1A).
- **Fair Elections Program (FEP) Division Report for January 2024**
 - There are nine candidates certified to participate in the FEP.
 - Two candidates were certified in the FEP in January.
 - OCF authorized six disbursements from the FEP fund for the 2024 election cycle:
 - Friends of Salim Adofo - \$27,330
 - Veda for Ward 7 2024 - \$39,100
 - Robert White, the Re-Elect Robert White 2024 - \$20,000
 - Ebony Payne, the Ebony Payne for Ward 7 - \$20,000
 - Re-Elect Janeese Lewis George - \$9,675
 - **Desk Reviews and Other Activities**
 - 35 desk reviews of initial and amended Reports of Receipts and Expenditures (“R & E Reports”) were conducted.
 - 11 RFAI letters were sent.
 - **Candidate/Treasurer Consultations**
 - Robert White, the Re-Elect Robert White 2024 Principal Campaign Committee - January 18, 2024.
 - Ebony Payne, the Ebony Payne for Ward Seven Principal Campaign Committee - January 18, 2024.
 - **Remitted Funds**
 - As of January 2024, the total sum of \$803,207.20 has been remitted for deposit in the Fair Elections Fund from candidates who were certified to participate in the 2022 election cycle.
 - **2020 Ongoing Post-Election Audits**
 - There are 11 current ongoing post-election audits.
 - To date, 23 total final audit reports of the post-election audits initiated for the 2020 election cycle have been issued.
 - The statuses of all reports are posted on the OCF website.

- **2022 Ongoing Post-Election Audits**
 - 42 post-election audits were initiated.
 - To date, 20 preliminary statements of findings and 15 final audit reports have been issued.
 - Final audit reports are posted on the OCF website.
- **Public Information and Records Management Division (PIRM)**
 - There were two dates for filing R & E Reports for January 2024:
(*Full reports can be found on the OCF website*)
 - January 1, 2024
 - Constituent Services Program
 - Senator/Representative Statehood Funds
 - January 31, 2024
 - Traditional Candidate Committees
 - Political Action Committees (“PACs”)
 - Independent Expenditure Committees
 - Fair Election Candidate Committees
 - Initiative/Referendum Committees
 - Recall Committees
- **New Candidate/Committees**
 - Traditional Program Candidates
 - Office of Councilmember At-Large
 - Christian Anderson
 - George Jackson
 - Office of Councilmember, Ward Seven
 - Roscoe Grant
 - Denise Reed
 - Dwight Deloatch
 - Office of Councilmember, Ward Eight
 - Armonte Wilson
 - Office of U.S. Shadow Representative
 - Linda Gray
 - Office of U.S. Shadow Senator
 - Franklin Garcia
 - Eugene Kinlow
 - Republican National Committeeman
 - Jose’ Cunningham

- D.C. Republican Committee, Ward Seven
 - Michael Bekesha
 - FEP Program
 - Office of Councilmember, Ward Seven
 - Nate Fleming
 - Tyrell Holcomb
 - Villareal Johnson
 - Office of Councilmember, Ward Eight
 - Trayon White
 - Kevin Cannaday
 - **Referrals to the OGC**
 - There were 14 referrals for failure to timely file the December 10, 2023 R & E Report.
 - All names are posted on the OCF website.
 - **Candidate/Treasure Completion of the OCF Entrance Conference**
 - Nine candidates/treasurers completed the OCF Entrance Conference.
 - All names are posted on the OCF website.
 - **Reports Analysis and Audit Division (RAAD)**
 - 99 desk reviews were conducted during January 2024.
 - 16 RFAI letters were sent.
 - **January Audits Issued**
 - None
 - **Ongoing Audits**
 - Kenyan McDuffie 2022
 - DC Proud Inaugural Committee
 - Ward Five Council Office Constituent Service Fund
 - Citizens Outreach Fund

PUBLIC MATTERS

- The discussion in the public matters portion of the meeting can be found within the transcript for this hearing starting at page 70.

ADJOURNMENT (10:55 a.m.)