

MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING

January 10, 2024

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, January 10, 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 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 (10:36 a.m.)

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 held on December 6, 2023.

BOARD MATTERS

- Board Chair Thompson stated that the agency is ready for the 2024 election season, beginning with the pick-up of nominating petitions starting Friday, January 12, 2024.
- Board Chair Thompson thanked Jill Jones for her contributions to the agency during her internship.

DCBOE EXECUTIVE DIRECTOR’S DECEMBER 2023 REPORT (EXECUTIVE DIRECTOR EVANS)

- **Data Breach**
 - On October 5, 2023, BOE became aware that a hacking group known as RansomVC claimed to have breached BOE's records and accessed lines of US voter data, including DC voter records. No internal BOE databases, networks, or servers were directly compromised.
 - Between December 22 and December 24, 2023, DataNet sent e-mail notifications to 400,000 DC registered voters whose data may have been compromised. The notifications contained steps voters can take to secure their personal information.
 - DataNet also engaged a public relations firm to distribute a press release to the media and establish a customer service number for voters to call.
 - Additional information can be found on DataNet’s website.
 - On November 15, 2023, DataNet successfully deployed the latest version of Kentico Xperience for BOE. The platform now hosts previous and updated content.
 - The “Check Your Voter Status” link on the Board’s website is fully operational.

- BOE established an e-mail account, questions@dcboe.org, where voters can ask questions regarding the breach.
 - Registering to vote via the BOE website remains safe and secure.
- **Precinct Mapping**
 - The Board is reviewing current precinct boundaries to divide the District into appropriate voting precincts based on election wards. A file has been sent to the Office of the Chief Technology Officer (“OCTO”) to verify the single-member districts (“SMDs”) and precinct alignment. On November 7, the precinct mapping plan was sent to Councilmember Anita Bonds for review, and a meeting has been scheduled to discuss the plan.
- **ANC Vacancies**
 - There are 11 Advisory Neighborhood Commission (“ANC”) vacancies for the 2023/2025 term, all in different stages of being filled. On December 13, 2023, an election was held to fill the vacancy at the SMD that represents the DC Jail (7F08); Shameka Hayes won the election.
- **List Maintenance**
 - The Board’s 2023 list maintenance process is still actively underway. Prior to December 2023, 65,544 voters were removed from the voter rolls. In December 2023, an additional 37,962 inactive voters were removed as a result of the list maintenance process. Per the deceased voters report, 5,192 additional voters were removed in December. In total, 108,698 voters were removed in 2023, and 92,772 voters were moved to inactive status.
 - Our Communications and Voter Education and Outreach divisions are working to establish partnerships with local universities to aid in maintaining the accuracy of our voter roll.
- **2024 Election Cycle Year Planning**
 - Draft calendars for the 2024 Primary and General elections are now posted on the Board’s website. Candidate pick-up starts Friday, January 12, 2024.
 - On December 14, 2023, our election equipment vendor, ES&S, concluded the preventative maintenance and software upgrades for the ExpressVotes (touch screens) and DS200 units (the ballot counters at the Vote Centers).
 - Installation and testing of the DS 950 ballot counting machine has been successfully completed, and training will occur on January 30.
 - The Board regularly meets with our electronic pollbook vendor, KNOWink, to test the workflow for processing non-citizens.
 - Vendor Runbeck has completed preventive maintenance on the Ballot-On-Demand units and the existing mail sorter.
 - We meet with our voter registration database vendor VR Systems biweekly to address priority tasks. VR Systems provided a database solution to house non-citizens who register to vote in local elections. We plan to deploy online registration of non-citizens for local elections this week. However, non-citizens

may currently register to vote in our office at 1015 Half Street Southeast using a paper registration form.

- **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**

- The Election Worker Division is revising 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 December 2023, VEOD conducted 11 outreach events.

- **Voter Registration Rolls**

- In December, the Voter Services Division registered 1,701 new voters and processed 3,039 registration changes.
 - In total, 4,790 voter registration cards have been prepared for mailing.
 - 728 registered voters moved out of D.C.
 - 350 voters canceled their D.C. registrations and registered with other jurisdictions.
 - 843 voters registered in DC after cancelling their registrations in other states.

- **Online Voter Registration**

- 40,567 applications have been processed to date.

DCBOE GENERAL COUNSEL’S DECEMBER 2023 REPORT (GENERAL COUNSEL STROUD)

- **Issuance of Petition in Support of Initiative Measure No. 83, the “Ranked Choice**

Voting and Open the Primary Elections to Independent Voters Act of 2024.”

- On July 21, 2023, the measure was approved at a public board hearing and a written order was issued on July 25, 2023. On August 23, 2023, the Board formulated the measure’s short title, summary statement, and legislative form. On September 21, 2023, the formulations for the measure were published in the DC Register. An untimely challenge was filed against the measure on August 1, 2023; a hearing in that matter is set for February 23, 2024.
 - Petitioner Lisa Rice adopted the petition issued in support of the measure as her own.
- **Proper Subject Matter Determination Hearing for Proposed Initiative Measure, “Humane Environment “Back up Plan” “S.W.A.P. O.U.T.” for Movement & Minds for “THE BAD for THE GOOD” Amendment Act, 2024.**
 - The measure, which was received via US Mail on November 15, 2023, failed to comply with several initiative measure filing requirements. Although the requirements were unmet, the Office of the General Counsel (“OGC”) processed the measure, and sent a notice for publication in the December 8, 2023 edition of the DC Register on December 8, 2023 instructing that the Board would hold a hearing on January 3 to determine if the measure was a proper subject. On December 20, 2023, an updated notice was sent to the DC Register indicating the hearing would take place on January 10.
 - On November 16, 2023, OGC requested advisory opinions from the DC Office of the Attorney General (“OAG”) and the DC Council’s General Counsel (“CGC”) as to whether the Proposed Initiative met certain proper subject requirements as required by law.
 - On December 6 and 7, 2023, the CGC and the OAG, respectively, provided opinions that concluded that the measure did not present a proper subject.
 - Staff Attorney Pembroke addressed steps taken to make contact with the proposer, who was not present during the hearing.
 - **BOARD ACTION:** Unanimously rejected the proposed initiative on the grounds that it did not present a proper subject.
- **Referral Hearing**
 - **In Re Ashley Harris**
 - This matter was continued from the December 6, 2023 board meeting involving alleged double voting in Florida and Washington, DC during the 2020 General Election.
 - The Board continued the matter for 30 days to allow a 3rd party respondent to address OGC questions.
 - On December 19, 2023, the 3rd party responded through their attorney to request a continuance of the December 20, 2023 pre-hearing conference scheduled for the matter. A second pre-hearing conference was scheduled for January 2, 2024.
 - Prior to the second pre-hearing conference, Staff Attorney Pembroke received an e-mail from the attorney for the 3rd party respondent declining participation in the pre-hearing conference.
 - **BOARD ACTION:** Unanimously voted to refer the matter to the US Attorney Office for further investigation.

- **Rulemaking**
 - Proposed Rulemaking to Title 3 of the D.C. Municipal Regulations (Elections and Ethics)
 - The purpose of the rulemaking is to conform the Board's regulations to the Elections Modernization Amendment Act of 2022, provide for consistency between Board regulations, adopt rules of conduct for attendees at Board meetings, and make other non-substantive housekeeping updates and corrections of typographical errors.
 - **BOARD ACTION:** Voted unanimously for the proposed rulemaking to be submitted for publication in the January 19, 2024 edition of the D.C. Register.
- **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’s motion to dismiss was denied at a December 4, 2023 hearing.
 - A status report is due on January 17, 2024.
 - **Stacia Hall, et al., v. D.C. Board of Elections (U.S. Dist. Ct. for D.C.)**
 - This case concerns the constitutionality of an act of the Council that allows non-citizens 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. (U.S. Dist. Ct. for D.C.)**
 - 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 is 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 that was filed on June 21, 2023.
 - The OGC is coordinating with the OAG to determine next steps in the matter.
 - **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.
- A hearing has been set for February 2, 2024.

OCF DECEMBER 2023 REPORT (DIRECTOR COLLIER-MONTGOMERY)

- **Fair Elections Program (FEP) Division Report for December 2023**
 - Authorized Base Amount and Matching Payments/Certified Candidates/Disbursements to Certified Candidates
 - There are five certified participating candidates in the FEP for the 2024 election cycle and 12 registered candidates seeking to participate in the program.
 - Two candidates were certified into the program for the 2024 election cycle.
 - Disbursements were made to the following certified candidates:
 - Veda Rasheed, Veda for Ward 7 Principal Campaign Committee - \$35,450 and \$20,000 in base amount.
 - Brooke Pinto, Re-Elect Brooke Pinto 2024 Principal Campaign Committee - \$32,825 and \$20,000 in base amount.
 - Christina Henderson, Re-Elect Christina Henderson 2024 Principal Campaign Committee - \$102,005 and \$20,000 in base amount.
 - **Desk Reviews and Other Activities**
 - 31 desk reviews were conducted.
 - 15 Requests for Additional Information (“RFAI”) letters were sent.
 - **Candidate/Treasurer Consultations**
 - Wendell for Ward 7 2024 - December 28, 2023
 - **Remitted Funds**
 - The total sum of \$803,207.20 has been remitted for deposit in the Fair Elections Fund (“FEF”) from the campaign operations of Participating Candidates in the 2022 Election Cycle.
 - **Ongoing 2020 Post-Election Full Field Audits**
 - There are 11 current post-election audits.
 - 23 final audit reports were issued.
 - The details of those audits are listed on the OCF website.
 - **Ongoing 2022 Post-Election Full Field Audits**
 - 42 post-election audit letters were issued.
 - 20 Preliminary statements of audit findings were issued.
 - 19 final audit reports were issued.
 - The details of those audits are listed on the OCF website.
- **Public Information and Records Management Division (PIRM) Report**
 - **Filing of R & E Reports**

- R & E Reports were due on December 10, 2023 for the committees listed below:
 - Traditional Candidate Committees
 - Political Action Committees
 - Independent Expenditure Committees
 - Fair Election Candidate Committees
- **New Candidate/Committees for the 2024 Election Cycle**
 - Traditional Program Candidates (8 to date)
 - FEP Candidates (17 to date)
 - Committee Registrations
 - Initiative Committees (2): Make All Votes Count DC and Vote No on Initiative 83
 - Recall Committees (1): Committee to Recall Charles Allen
- **OCF Entrance Conference Completions in December**
 - 12 candidates and treasurers completed training.
 - All names are posted on the OCF website.
- **Reports Analysis and Audit Division (RAAD) Program**
 - 51 desk reviews were conducted during December 2023.
 - 10 RFAI letters were sent.
 - No audits were issued.
 - Ongoing Audits
 - Full Field Audits - Newly Elected Officials
 - Kenyan McDuffie 2022
 - Full Field Audit – Inaugural Committee
 - DC Proud Inaugural Committee
 - Random Periodic Audits
 - Ward 5 Council Office Constituent Service Fund
 - Citizens Outreach Fund

OCF DECEMBER 2023 GENERAL COUNSEL REPORT (GENERAL COUNSEL WILLIAM SANFORD)

- **Intake/Output Report**
 - **Four informal hearings were held and four orders were issued:**
 - One order to vacate
 - Three orders in which a total of \$3,850 in fines were imposed:
 - Dems for Progress - \$2,200
 - Dems for Progress - \$1,450
 - Butler for Mayor - \$200
 - **Fines Collected**
 - Total sum of \$3,450 was collected:
 - Butler for Mayor - \$200
 - 1199 SEIU NYS Political Action Fund - \$3,250
 - **Open Investigations**

- Complainant: Edward Hanlon, Respondent: Committee to Re-Elect Brooke Pinto 2024 (Docketed October 23, 2023)
 - Allegation(s): Use of Government Resources for Campaign Related Purposes
- 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
- 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
- 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

ADJOURNMENT (11:55 a.m.)