

**MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
July 18, 2023**

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Tuesday, July 18, 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’s 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 June 20, 2023.

BOARD MATTERS

- None

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

- **Hearings**
 - On June 7, Director Evans appeared before The Joint House Administration Committee and Committee on Oversight and Accountability to discuss election integrity in the District.
 - On June 26, Director Evans testified at a roundtable before the D.C. Council Committee on Executive Administration and Labor (“CEAL”), where preparations for the 2024 election cycle and implementation of newly-passed legislation were addressed.
- **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 Single Member Districts (“SMDs”), which involves several simulations, before mapping finalization.
- **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 Advisory Neighborhood Commission (“ANC”) meetings.

- At the end of the month, vacancies are expected to increase based on current resignation notifications.
- **2023 Next Steps/Off-Election Year Planning**
 - Draft calendars for the 2024 Primary and General elections are now posted on the Board’s website.
 - 2024 election cycle worker applications are currently being processed, and worker assignment and training forms are being updated.
 - The Board is updating special ballot envelopes and Poll Pad prompt screens to facilitate non-citizen voting consistent with new legislation.
 - The Elections Modernization Amendment Act (“EMA”) and Local Resident Voting Rights Amendment Act (“LRVR”) requirements are being reviewed to ensure the Board’s compliance.
 - The Board is in talks with its voter registration database vendor, VR Systems, regarding the data visualization interface that the EMA requires be included on 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.
 - Brochures used to assist with outreach to non-citizens in the District of Columbia are also being crafted.
 - 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.
 - Dropbox locations will be posted late August/early September for public comment.
 - Although the Board is an ERIC member, it has also joined a cross-state data working group to explore ways to share voter history and address cross-state voter fraud.
 - The Board was informed by the D.C. Department of Motor Vehicles (“DMV”) that they are not utilizing the state-to-state data sharing program that reports cancelled licenses.
 - 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 received recent voting history from ERIC, along with a list of voters who have moved within D.C. and a list of voters identified as deceased.
- **Voter Education and Outreach (VEOD)**
 - During June, six outreach events were conducted, including voter registration drives at Pennsylvania Avenue Baptist Church and the Mayor’s 12th Annual Senior Symposium.

- The VEOD is preparing a voter education/outreach strategy to be used in the implementation of the LRVR.
 - The Board has received funding to hire a multilingual outreach specialist.
- **Voter Registration Rolls**
 - In June, the Voter Services Division registered 2,163 new voters and processed 5,145 registration changes.
 - In total, 7,308 voter registration cards have been prepared for mailing.
 - 39 registered voters moved out of D.C.
 - 617 voters registered moved into D.C.
 - 321 voters canceled their D.C. registrations and registered with other jurisdictions.
 - **Online Voter Registration**
 - 36,125 applications have been processed to date.

OCF JUNE 2023 REPORT (DIRECTOR COLLIER-MONTGOMERY)

- On June 26, Director Collier-Montgomery gave testimony on the Fair Elections Program (“FEP”) at a roundtable regarding elections before Councilmember Anita Bonds.
- **Fair Elections Program (FEP) Division Report**
 - A total sum of \$13,557,106.70 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.
 - All names are listed on the OCF website.
 - **Desk Reviews and Other Activities**
 - The FEP Division conducted 29 desk reviews of Reports of Receipts and Expenditures (“R & E Reports”) and amended R & E Reports.
 - Four request for additional information (“RFAI”) letters were sent.
 - **Remitted Funds**
 - As of June 2023, the total sum of \$686,433.82 has been remitted back to the FEP fund from candidates who were certified to participate in the 2022 election cycle.
 - **Ongoing 2020 Post-Election Full Field Audits**
 - There are currently 15 post-election audits.
 - The details of those audits are listed on the OCF website.
 - The FEP has issued a total of 19 final audit reports; the details of those audits are listed on the OCF website.
 - **Ongoing 2022 Post-Election Full Field Audits**
 - The FEP issued 42 Post-Election audit letters to candidates who were certified to participate in the 2022 Election Cycle.
 - The FEP issued eight Preliminary audit findings reports and three Final audit reports; the details of those audits are listed on the OCF website.

- **Public Information and Records Management Division (PIRM)**
 - **Filing of R & E Reports**
 - There were no due dates for the Filing of Reports of Receipts & Expenditures during the Month of June 2023.
 - **New Candidates/Committees**
 - **Traditional Program Candidates**
 - Oye Owolewa, Office of U.S. Shadow Representative (Primary Election)
 - **FEP Candidates**
 - Brooke Pinto, Office of Council, Ward 2 (Primary Election)
 - **Committees**
 - Make All Votes Count DC (Initiative Committee), Philip E. Pannell, Treasurer
 - **June 2023 Entrance Conference**
 - Brooke Pinto/Candidate for Ward 2 City Council
 - Gretchen Wharton/Treasurer, Re-Elect Brooke Pinto 2024
 - Rahman Branch/Candidate for Ward 8 City Council
 - Rahman Branch/Treasurer, Friends and Family to Elect Rahman Branch
 - Philip E. Pannell/Treasurer, Make All Votes Count DC
- **Reports Analysis and Audit Division (RAAD) Program**
 - 23 desk reviews of R & E Reports.
 - Two ongoing audits (Status of audits can be location on OCF website.)
 - Mendelson for Chairman 2022
 - Kenyan McDuffie 2022

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

- **Intake/Output Report**
 - OGC received two referrals.
 - Eight informal hearings were held and eight orders were issued:
 - One order issued in which no fines were imposed.
 - Six orders were issued in which a total of \$9,850 in fines was imposed.
 - Committee to elect Jacque Patterson - \$1,300
 - Committee to elect Jacque Patterson - \$1,000
 - Committee to elect Bill Lewis - \$1,000
 - Committee to elect Bill Lewis - \$1,050
 - Friends of Courtney Snowden - \$2,750
 - Marcus for D.C. - \$2,750
 - One order for a reduced fine from \$3,450 to \$1,725.
 - **Petitions for Enforcement Referrals to BOE**
 - Nine referrals to the BOE's OGC

- **Open Investigations**
 - None
- **Interpretive Opinions**
 - None
- **Show Cause Proceedings**
 - None

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

- **Litigation Status**
 - **Public Interest Legal Foundation (“PILF”) v. Monica Evans (U.S. District Court for the District of Columbia)**
 - The suit alleges that the Board is out of compliance with the NVRA’s public records provision.
 - The motion to dismiss filed by the Office of the Attorney General (“OAG”) on behalf of the Board was denied; the next step will be the issuance of a briefing schedule.
 - **D.C. Board of Election v. Lamont Harrell (D.C. Superior Court)**
 - This matter is a petition for enforcement of a fine imposed by OCF for failure to file a campaign finance report.
 - The Court granted the Board’s petition for enforcement, and a judgment was entered.
 - **Stacia Hall, et al., v. D.C. Board of Elections (U.S. District Court for the District of Columbia)**
 - This case involves a challenge to the LRVR on the grounds that the Constitution precludes non-citizens from voting.
 - The OAG filed a motion to dismiss on July 14, and any reply is due July 28.
- **Proper Subject Matter Determination Hearing for proposed initiative measure, “Make All Votes Count Act of 2024”**
 - On June 16, 2023, Lisa Rice filed a proposed initiative measure that seeks (1) to implement ranked-choice voting and (2) to open primary elections to voters whose voter registrations are not affiliated with any party.
 - The submission triggered a statutory requirement that the Board determine whether the proposed measure meets certain requirements (known as proper subject matter requirements) such as the requirement that initiatives cannot interfere with the Council’s discretion over spending, conflict with Home Rule or the Constitution, or authorize conduct that would constitute discrimination in violation of the law.
 - As required by law, the OAG and the General Counsel to the Council have submitted advisory opinions as to whether the pending measure presents a proper subject.

- The Board opened the floor to comments from the public as to whether the measure satisfies proper subject matter requirements.
- The following individuals gave oral testimony either in favor or against the initiative. All testimony can be located within the transcript.

➤ **IN FAVOR OF INITIATIVE**

- | | |
|------------------------|------------------------|
| ▪ Lisa Rice (proposer) | ▪ Brianna McGowan |
| ▪ Joseph Sandler, Esq. | ▪ Kymone Freeman |
| ▪ Rev. Wendy Hamilton | ▪ Nolan DiFrancesco |
| ▪ Peter Wood | ▪ Nikolas Schiller |
| ▪ David Krucoff | ▪ Keshini Ladduwahetty |
| ▪ Barbara Zia | ▪ Adam Eidinger |
| ▪ Ankit Jain | ▪ Bryan Strege |
| ▪ Ryan Prince | ▪ Dariel Cruz |
| ▪ Victoria Pelletier | ▪ Abele Amene |
| ▪ Philip Pannell | |

➤ **AGAINST INITIATIVE**

- | | |
|----------------------|-------------------|
| ▪ Charles Wilson | ▪ Anita Shelton |
| ▪ Robert King | ▪ Dorothy Brizill |
| ▪ Renee Bowser | ▪ David Meadows |
| ▪ Brandaun L. Dean | |
| ▪ Keith Hasan-Towery | |

BOARD ACTIONS: The Board left the record open until 12:00 p.m. on Friday, July 21 to allow additional testimony to be received in the OGC. Once all testimony is received, the Board will go into Executive Session and reconvene at 2:00 p.m. on July 21 to render a final decision.

PUBLIC MATTERS

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

ADJOURNMENT (1:34 p.m.)