

MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING

April 5, 2024

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Friday, April 5, 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.¹ The Board’s Executive Director, Monica Holman Evans (“Director Evans”), General Counsel, Terri Stroud, and OCF General Counsel, William SanFord, were also present.

I. CALL TO ORDER

The meeting was called to order at 9:35 a.m.

II. ASCERTAINMENT OF QUORUM

Board Chair Thompson, Board Member Greenfield, and Board Member Boggs were present, which constituted a quorum.

III. ADOPTION OF AGENDA/APPROVAL OF MINUTES

BOARD ACTION: The Board adopted the agenda and minutes from the last meeting on March 6, 2024.

IV. BOARD MATTERS

V. GENERAL COUNSEL’S REPORT (TERRI D. STROUD)

A. Issuance of Petition in Support of the Recall of Brianne Nadeau, Ward 1 Member of the Council of the District of Columbia

On March 8, 2024, Diana Alvarez, a qualified registered elector who resides in Ward 1, filed a Notice of Intent to Recall Brianna Nadeau, Ward 1 Member of the Council of the District of Columbia (“the Notice”). Ms. Alvarez’s filing met all pertinent requirements. Ms. Nadeau timely filed a response to the Notice. The proposer adopted the petition form, which she will use for circulation. The Board’s Registrar of Voters advised the proposer as to next steps.

B. Nominating Petition Challenge Hearings

1. James Harnett v. Wendy Hamilton, Candidate for U.S. Senator (Democratic Party)

¹ Board Member Boggs voted in the Nominating Petition matters before leaving the meeting at the conclusion of those matters. A quorum remained as Board Member Greenfield joined the meeting at 12:04 p.m., and participated in all voting matters thereafter.

The Registrar presented her findings that the nominating petition submitted by Candidate Hamilton contained 1,833 signatures less than the number required for ballot access in the contest at issue. After the parties presented their responses to the Registrar's report and the Board heard from a representative of the Board's Office of General Counsel regarding the issues presented at the prehearing conference held in the matter, the General Counsel recommended that the Board accept the Registrar's findings and deny ballot access to Candidate Hamilton.

BOARD ACTION: Board Members Thompson and Boggs voted unanimously to accept the General Counsel's recommendation and deny the Candidate ballot access.

2. Trezell Ragas v. Wendy Hamilton, Candidate for U.S. Senator (Democratic Party)

The Registrar presented her findings that the nominating petition submitted by Candidate Hamilton contained 1,881 signatures less than the number required for ballot access in the contest at issue. After the parties presented their responses to the Registrar's report and the Board heard from a representative of the Board's Office of General Counsel regarding the issues presented at the prehearing conference held in the matter, the General Counsel recommended that the Board accept the Registrar's findings and deny ballot access to Candidate Hamilton.

BOARD ACTION: Board Members Thompson and Boggs voted unanimously to accept the General Counsel's recommendation and deny the Candidate ballot access.

3. Trezell Ragas v. Ankit Jain, Candidate for U.S. Senator (Democratic Party)

The Registrar presented her findings that the nominating petition submitted by Candidate Jain contained 383 signatures more than the number required for ballot access in the contest at issue. Challenger Ragas presented evidence that one circulator forged voter signatures on several petition sheets and argued that the entire petition should be rejected based on the fraudulent activity of that circulator. After the parties presented their cases and the Board heard from a representative of the Board's Office of General Counsel regarding the issues presented at the prehearing conference held in the matter, the General Counsel recommended that the Board accept the Registrar's findings, reject 77 signatures on the petition sheets that were circulated by the circulator at issue, and grant ballot access to Candidate Jain.

BOARD ACTION: Board Members Thompson and Boggs voted unanimously to accept the General Counsel's recommendation and grant the Candidate ballot access.

*All parties to these hearings were advised of their right to appeal and the expiration period for filing claims with the D.C. Court of Appeals.

C. Referral Hearings (concerning allegations of double voting in the 2020 General Election)

1. In Re Kelechi Ahaghotu

This matter involves a case of potential double voting/illegal voting activity in the 2020 General Election brought to light through the Board's participation in the Electronic Registration Information Center's ("ERIC's") Voter Participation Project. ERIC provided information that indicated the possibility that Ms. Ahaghotu voted in D.C. and Texas. The Board's investigation into the matter indicated that while Ms. Ahaghotu did vote in Texas, she more than likely did not vote in D.C.; rather, an unknown individual cast a ballot in her name in D.C. In light of this and based on precedent, the General Counsel recommended that this matter should not be referred for prosecution.

BOARD ACTION: Board Members Thompson and Greenfield voted unanimously to accept the General Counsel's recommendation.

2. In Re Barbara Duncan

General Counsel Stroud reported that this matter was continued until May 2024.

D. Rulemaking to Title 3 of the D.C. Municipal Regulations (Elections and Ethics)

1. Final Rulemaking to amend Chapters 1, 4-5, 7, and 13-17

The purpose of this rulemaking is to conform the Board's regulations to the Elections Modernization Amendment Act of 2022, provide for consistency between Board regulations, provide clarity regarding the commencement of the appeal period for Board decisions, adopt rules of conduct for attendees at board hearings, and make other non-substantive housekeeping updates and correction of typographical errors. A second notice of proposed rulemaking with respect to this rulemaking was published in the D.C. Register on March 15, 2024, at 71 DCR 002192 for a seven-day comment review period in accordance with 1 DCMR 309.5. The Board received public comments concerning the validity of the rulemaking.

Chair Thompson noted that the rulemaking as presented had been amended to exclude a section titled "Barring Notices" so that the Board could study the issue further in light of public comments received.

BOARD ACTION: Board Members Thompson and Greenfield voted unanimously to adopt and submit the final rulemaking for publication in the D.C. Register.

2. Proposed Rulemaking to amend Chapter 5

The purpose of this rulemaking is to clarify the obligations of the district voter registration agencies under the National Voter Registration Act ("NVRA") of 1993 and the enforcement process that applies in the event of non-compliance with the Act.

BOARD ACTION: Board Members Thompson and Greenfield voted unanimously to submit the proposed rulemaking for publication in the D.C. Register for a 30-day review period.

E. Litigation Status

1. Public Interest Legal Foundation (PILF) v. Monica Evans (U.S. Dist. Ct. for D.C.)

This matter was filed under the NVRA. The suit alleges that the Board is out of compliance with the NVRA's public records provision. On February 20, 2024, the parties filed a joint proposed order to settle the matter. The court accepted the settlement filed and this matter is now closed.

2. Stacia Hall, et al., v. D.C. Board of Elections (U.S. Dist. Ct. for D.C.)

This case concerns a challenge to the legality of the Local Resident Voting Rights Amendment Act. On March 20, 2024, the court granted the Board's Motion to Dismiss. This matter is subject to appeal.

3. 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. The initial hearing was set for December 1, 2023, and was continued to February 23, 2024. On March 28, 2024, the court granted the Board's Motion to Dismiss and the matter is now closed.

4. 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 are a non-justiciable political issue to be determined by the voters. Defendant Garland filed a motion to dismiss on February 20, 2024. On February 21, 2024, the U.S. District Court Judge ordered that the plaintiff respond to the motion to dismiss by March 22, 2024. On March 21, 2024, the plaintiff filed his response with the court. On March 27, 2024, the Justice Department filed for an extension of time to reply.

5. Jason Christopher Long v. D.C. Board of Elections (D.C. Superior Court)

This matter is the refiling of a complaint 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 the February 2, 2024 hearing, the plaintiff declined to proceed before a magistrate judge. The case was referred to an associate judge, and a scheduling conference hearing was set for March 1, 2024. At the conference, it was established that the Office of the Attorney General ("OAG") would file a motion to dismiss by March 8, 2024, the plaintiff would file a response by March 20, 2024, and any reply would be due by March 29, 2024. In the absence of a resolution, the next scheduling conference is set for May 31, 2024.

6. John Page v. Monica Evans (U.S. District Court for D.C.)

On March 8, 2024, the Plaintiff filed a complaint that seeks to prevent Donald Trump

from appearing on the ballot. The complaint alleges that the U.S. Supreme Court’s decision in *Trump v. Anderson* does not apply to the District of Columbia because that decision pertains to the state’s rights under the Fourteenth Amendment and the plaintiff states that the District of Columbia is not a state. The OAG is filing a motion to dismiss on the Board’s behalf in this matter.

VI. EXECUTIVE DIRECTOR’S REPORT (MONICA EVANS)

A. General Matters

1. March Engagements

On March 6, 2024, the Journal of National Security, Law and Policy held a symposium at Georgetown University Law Center where Director Evans served as a panelist. The discussion was on lessons learned and challenges to election integrity as a result of the 2020 election cycle. On March 18, 2024, the Council’s Committee on Executive Administration and Labor convened a public roundtable with the Board to discuss 2024 election cycle readiness. The focus of this discussion was on communications, election worker recruitment and training, equipment purchases, and staff vacancies. Key dates and timelines were also discussed about the June 2024 Primary Election.

2. Precinct Mapping

As required by our regulations, the Board looked at current precinct boundaries to divide the district into appropriate voting precincts based on our election wards. Current precinct assignments will be maintained for the 2024 election season.

3. Advisory Neighborhood Commissioner (“ANC”) Vacancies

There are currently 14 ANC vacancies for the 2023-2025 term. These positions are in different stages of being filled after candidate filing requirements are met, and an open vote of registered voters of the affected single-member districts (“SMD”) will be held during regularly scheduled ANC meetings.

4. List Maintenance Process

We are now in the 90-day “blackout” window before the June 2024 Primary Election. Accordingly, we will not be removing any additional voters from the registry as a result of list maintenance during this time. During the 2023 list maintenance process, DCBOE removed 108,698 individuals from our voter registry and moved another 95,220 active voters to inactive status. As of March 31, 2024, we have 451,499 active voters. We are still in the process of updating addresses and validating new addresses within the District of Columbia. The Communications and Voter Education and Outreach divisions are working to partner with local universities to aid in maintaining the accuracy of voter rolls.

5. Voter Registration Rolls

In March, 2,884 new voters were registered and 2,010 registration changes were processed. 4,894 voter registration cards were prepared for mailing. 50 registered voters moved out of D.C. 209 voters canceled their registrations and registered with other jurisdictions. 1,175 voters registered in D.C. after canceling their registrations in other states.

6. Online Voter Registration

Online voter registration is continuing through the website portal. To date, 44,898 registrations have been processed using the portal, which includes new voter registrations and updates to existing registrations.

7. Implementation of the Local Resident Voting Rights Amendment Act

Registration of non-citizens to vote in local elections is in progress. We are utilizing the database solution developed by VR Systems. Non-citizens may register through the website portal or in person at the DCBOE office using a paper registration form. Translations are available in Spanish, Vietnamese, Chinese, Korean, Amharic, and French. DCBOE has developed a flyer to assist in outreach efforts and a town hall is being planned. In March, we registered 122 non-citizens to vote in local elections. To date, 208 non-citizens have been registered for local elections.

8. Media and Information Requests

As mentioned during the March 2024 Board Meeting, DCBOE has developed a policy regarding media and information requests that we receive. This policy was developed to provide transparency and convey the process to the public. DCBOE prefers that public information requests and media questions be submitted in writing. Requests are most often answered in the order in which they are received. Requests with immediate deadlines from official media publications may be considered a higher priority. Response times and answers for public release may vary depending on competing deadlines, external and internal factors, and accessibility to information. Opinions or comments that require information from DCBOE leadership may require additional time for completion. Inquiries may be converted to a Freedom of Information Act (“FOIA”) requests as needed or as determined by the FOIA Officer and/or the Communications Director. Requestors will be notified if an information request has been converted and notified of any change in deadlines.

9. 2024 Election Cycle Year Planning

Draft primary and general election calendars for the 2024 election cycle are posted on the Board website. Vote Center and Mail Ballot Drop Box locations are posted on the Board’s website. The last day to submit candidate nominating petitions was March 6, 2024. We are currently in the nominating petition challenge period.

10. 2024 Voting Options

During the 2024 election cycle, all D.C. voters will receive a mail-in ballot. Voters may vote either by mail, in person, or by depositing a ballot in designated Drop Boxes. DCBOE will operate 55 Mail Ballot Drop Boxes throughout the city and 25 Early Vote Centers. A total of 75 Election Day Vote Centers will operate. DCBOE is coordinating security efforts with the Metropolitan Police Department (“MPD”) and the Department of Public Works (“DPW”) to place Mail Ballot Drop Boxes. We are working with our mail house to begin mailing ballots during the week of April 29, 2024.

11. Accessibility

The Board is conducting an accessibility survey of all 2024 Vote Centers before the primary election to ensure they are accessible to voters. We have partnered with Disability Rights DC (“DRDC”) at University Legal Services and the Office of Disability Rights (“ODR”) to conduct surveys. The Board will also work with the Department of General Services (“DGS”) to ensure Vote Centers are structurally accessible. The Accessibility Coordinator has begun site visits to the Vote Centers.

12. Democracy Live

DCBOE has been meeting with Democracy Live to discuss the implementation of the OmniBallot Return for Americans with Disabilities (“ADA”) and Uniformed and Overseas Citizens Absentee Voting Act (“UOCAVA”) voters. The OmniBallot portal will enable qualified voters to submit their ballots electronically. To ensure safeguarding the integrity of the voting process, these voters will receive a unique PIN code for portal access. This system is slated to go live no later than April 19, 2024.

13. D.C. Office of the Chief Technology Officer (“OCTO”)

DCBOE is working with the Office of the Chief Technology Officer’s (“OCTO’s”) Geographic Information Systems (“GIS”) to update the ArcGIS platform with the most recent data on Vote Center and Mail Ballot Drop Box locations. The “Where Can I Vote” locator tool provides a user-friendly interface where individuals can input any address and immediately find information regarding the closest Vote Center or Mailbox Drop Box location within the city. This information is available on the DCBOE website under the “Voter” section.

14. Election Worker Division Activities

The Election Worker Training division is actively recruiting and training election workers during the 2024 election cycle. Our goal is to recruit and train between 2,000-2,500 election workers. We will deploy approximately 1,700 election workers

to serve at Vote Centers. Election Worker training began on Tuesday, March 12, 2024. As of March 30, 2024, we have trained 841 election workers.

15. Voter Education and Outreach Division (VEOD)

During March, the VEOD conducted 41 outreach events on behalf of the agency. Outreach was conducted with the DC Department of Employment Services, George Washington University's GW Latino Voice, the DC Bar Pro Bono Center, and American University Athletics. VEOD celebrated Civic Learning Week from March 11, 2024 - March 15, 2024. The purpose of this week is to focus on the importance of becoming active in civic engagement and democracy. The division visited schools in Wards 5 and 6 where students completed election worker applications and tested their voter registration knowledge.

16. Restore the Vote Division

In March, the RTV division held five outreach events. The division partnered with Court Services and Offender Supervision Agency ("CSOSA") for three events as we addressed re-entering citizens. The division participated in events with the Federal Pre-Trial Services Agency and the Federal Correctional Institute in Hazelton, West Virginia. The event in Hazelton was the second event of its kind that tested the viability of future WebEx meetings with those incarcerated in the Federal Bureau of Prisons. Discussions are in process regarding additional events.

17. Website Status

On March 25, 2024, DCBOE met with DataNet to discuss the homepage redesign. DataNet presented a visual design and shared a PDF file containing the proposed layout which is under review by the DCBOE Communications Team.

VII. CAMPAIGN FINANCE REPORT (GENERAL COUNSEL WILLIAM SANFORD on behalf of DIRECTOR CECILY COLLIER-MONTGOMERY)

A. Office of the Director

1. Community Outreach

On March 14, 2024, OCF partnered with the D.C. Public Library and other district agencies to participate in a civic fair. On March 27, 2024, OCF presented at an ANC meeting at SMD-1E07 and shared information regarding campaign finance programs.

B. Fair Elections Program (FEP) Division

1. Authorized Base Amount and Matching Payments

a) 2024 Election Cycle

- i. As of April 5, 2024, there are fourteen candidates certified to participate in the FEP.

2. Candidates Certified/Disbursements Made During the Month for the 2024 Election Cycle

OCF has authorized the disbursement of the total sum of \$1,782,253.95 from the FEP in base amounts and matching payments.

3. Desk Reviews and Other Activities

During March 2024, 32 desk reviews were completed and 11 Requests for Additional Information (“RFAI”) letters were sent out.

4. Remitted Funds

As of March 2024, the total sum of \$871,502.58 has been remitted for deposit in the Fair Elections Fund. The following amounts from the following parties were remitted to the Fund in March:

- a) Erin for DC Principal Campaign Committee remitted \$68,215.85 on March 22, 2024.
- b) Carissa Stanley Beatty Principal Campaign Committee remitted \$79.53 on March 25, 2024.

5. Audits

a) Ongoing 2022 Post-Election Full Field Audits

During March 2024, 42 Post-Election Audit letters were issued for the June 21, 2022, Primary Election and November 8, 2022, General Election to candidates who were certified to participate in the 2022 Election Cycle. (These audits were initiated on March 13, 2023, and March 24, 2023). 21 Preliminary Statements were issued for Audit Findings and 21 Final Audit Reports were issued for this cycle.

C. Public Information and Records Management Division (PIRM)

1. Reports of Receipts and Expenditures (“R & E Reports”)

March 10, 2024, was the required filing date for R & E Reports during March.

a) Traditional Program

17 candidates in the Traditional Program were required filers for March 2024. 14 candidates timely filed reports. Three candidates failed to file reports and were referred to the Office of General Counsel.

b) Political Action Committees

43 committees were required filers for March 2024. 33 committees timely filed reports. One committee requested an extension of time to file; that request was granted. Nine committees failed to file reports and were referred to the Office of General Counsel.

c) Independent Expenditure Committees

Eight committees were required filers for March 2024. All eight committees timely filed reports.

d) Fair Elections Candidate Committees

22 committees were required filers for March 2024. 19 committees timely filed reports. Three committees failed to file reports and were referred to the Office of General Counsel.

2. New Candidate/Committees

During March 2024, eight new candidates registered to participate in the 2024 Primary Election. Two new candidates registered to participate in the General Election.

a) Traditional Program Candidates

i) Office of Member of Council, Ward 7

Yolanda Fields, registered on March 5, 2024
David Gatling, registered on March 11, 2024
Villareal Johnson, registered on March 14, 2024

ii) Office of Member of Council, Ward 8

Michael Reese, registered on March 7, 2024
Nathan Derenge, registered on March 7, 2024
Trayon White, registered on March 28, 2024

iii) Office of U.S. Shadow Senator

Quinn K. Nii registered on March 6, 2024

iv) Republican National Committee

Joanne Young, registered on March 4, 2024

v) State Board of Education, Ward 7

Sherice Muhammad, registered on March 20, 2024

vi) State Board of Education, Ward 8

LaJoy Johnson-Law registered on March 6, 2024

D. Reports Analysis and Audit Division (RAAD)

1. Desk Reviews and Other Activities

36 desk reviews of Political Action Committees were conducted. One desk review was conducted for a Constituent Services Fund and 28 desk reviews were conducted for the Principal Campaign Committees. Eight desk reviews of Independent Expenditure Committees and eight desk reviews of Initiative Recall Committees were conducted.

2. Audits

a) Audits Issued

11 Audit letters and RFAI's were issued. Three cases were referred to the Office of the General Counsel.

b) Ongoing Audits

i) Periodic Random Audits (Political Action Committees)

Ward Three Democratic Committee
Metro Washington D.C. PAC

ii) Periodic Random Audits (Principal Campaign Committees)

Friends of Ebbon Allen (Ward 7), letter issued on March 18, 2024
Committee to Elect Roscoe Grant Jr., Ward 7-letter issued on March 18, 2024

E. OCF OFFICE OF THE GENERAL COUNSEL (WILLIAM SANFORD)

1. Monthly Intake/Output Report

During March 2024, 16 referrals were received. 16 informal hearings were conducted. 19 orders were issued which included two orders to vacate, two orders with a total sum of \$18,550 in fines imposed, and 15 orders with no fines imposed. During March, \$450 in fines was imposed against the Service Employees International Union and an \$18,100 fine was imposed against the Trayon for Mayor Principal Campaign Committee.

2. Open Investigations

- a)** OCF FI 2023-004: The complainant is Edward Hanlon and the Respondent is the “Committee to Elect Brooke Pinto 2024”. This matter was docketed on December 29, 2023, with the allegation of the use of government resources for campaign related to campaign-related purposes. The Order was issued on March 22, 2024.
- b)** OCF-FI-2023-005: The complainant is Edward Hanlon and the Respondent is the “Committee to Elect Brooke Pinto 2024”. This matter was docketed on December 29, 2023, with the allegation of the use of government resources for a campaign related to campaign-related purposes. The Order was issued on March 25, 2024.

3. Requests for Interpretive Opinions

None were requested during March 2024.

4. Show Cause Proceedings

None were requested during March 2024.

VIII. PUBLIC COMMENT PERIOD

The discussion in the public matters portion of the meeting can be found within the transcript for this hearing once it becomes available.

IX. ADJOURN

The meeting was adjourned at 1:34 p.m.