

MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
April 6, 2022

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, April 6, 2022 via Zoom and in the Board’s Hearing Room, located in Suite 750, 1015 Half Street, SE, Washington, D.C. 20003. Board Chair Gary Thompson and Board Members Karyn Greenfield and Mike Gill were present. The Board’s Executive Director Monica Holman Evans (“Director Evans”), General Counsel Terri Stroud, Director of the Office of Campaign Finance (“OCF”) Cecily Collier-Montgomery, and OCF General Counsel William SanFord were also.

CALL TO ORDER (10:37 a.m.)

ASCERTAINMENT OF QUORUM

- Board Chair Thompson and Board Members Greenfield and Gill 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 March 2, 2022.

BOARD MATTERS

- The Chair offered a resolution acknowledging the contributions to the Board of former Chair D. Michael Bennett and thanking Mr. Bennett for his years of outstanding public service in support of the Board.

BOARD ACTION: The Board unanimously adopted the foregoing resolution.

- Hearing on Appeal from Adverse Preliminary Determination of Eligibility for Ballot Access (Lori Furstenburg). Lori Furstenburg appealed a decision by Executive Director Evans finding that Ms. Furstenburg’s petition for the office of Mayor in the June 21, 2022 Republican Primary Election contained insufficient signatures to qualify her for ballot access. While acknowledging that she received from Board staff a list of 28,900 registered voters and that she needed signatures from 1% of that pool of voters, Ms. Furstenburg insisted that she was never told that she needed 290 signatures and she expressed uncertainty about the accuracy of the voter roll used to determine the necessary signature requirements for her contest. She argued that the inaccuracies in the D.C. voter rolls combined with the 1% determination is vague, unconstitutional, and discriminatory, and amounts to voter suppression under the Voter Rights Act and the Constitution.

BOARD ACTION: The Chair moved to accept the recommendation of the General Counsel to affirm the preliminary determination. The Board unanimously agreed and denied the appeal.

- **Petition Verification Results for Initiative Measure No. 82: “District of Columbia Tip Credit Elimination Act of 2021”** Director Evans reported that the Board staff found that the petition for Initiative No. 82 contains the minimum number of signatures necessary to qualify for the ballot. Director Evans explained that the required minimum is five percent of the registered voters in D.C. and in five of the eight wards based on the number of voters as of December 31, 2021. After determining that the petition had sufficient numbers and an initial random sampling, Director Evans stated that the signatures for Wards 1, 3, and 4 were accepted, the signatures for Wards 5, 7, and 8 were rejected, and no decision could be made as to Wards 2 and 6. Following additional random sampling of Wards 2 and 6, it was determined that Ward 2 could be accepted but that there was still no decision as to Ward 6. Further sampling still resulted in no decision for Ward 6. Thereafter, the Data Management Division (“DMD”) of the Office of Planning recommended that the entire universe of Ward 6 signatures be tested. Director Evans stated that, at the time of the recommendation, Ward 6 contained 4,656 otherwise valid signatures. On review Board staff, Director Evans reported that the signatures for Ward 6 was 5,135 and that all 5,135 signatures were reviewed for signature authentication. The results of the review of Ward 6 were provided to DMD for statistical analysis, and DMD concluded that the results supported acceptance in five of the eight wards. She noted that the petition review was conducted based on the District’s wards prior to redistricting. Director Evans recommended, based on the results of the petition verification process, that Initiative Measure No. 82 be found numerically sufficient and should be certified for ballot access.

General Counsel Stroud advised that, pursuant to D.C. Official Code § 1-1001.16(p)(1), the initiative will appear on the ballot for the general election.

BOARD ACTION: The Board unanimously found the petition for Initiative Measure No. 82 to be numerically sufficient and certified it for ballot access. The Board also unanimously adopted a written memorandum opinion of its decision.

DCBOE EXECUTIVE DIRECTOR’S MARCH 2022 REPORT (DIRECTOR EVANS)

- **Voter Education and Outreach**
 - During March, 31 outreach and recruitment events were conducted, with 15 of those events taking place in Wards 7 and 8.
- **Voter Registration**
 - In March, 2,261 new voters were registered and 1,709 registration changes were processed. In total, the Board mailed out 3,970 registrations cards. 37,811 voters were moved from active to inactive status resulting in 483,257 voters.
- **Online Voter Registration**
 - 3,087 voters were registered through the Board’s on-line portal.

- **Update on Preparations for the June 21, 2022 Primary Election**
 - The candidate petition pick-up started on January 28, 2022 and petition filing ended on March 23, 2022.
 - The ballot will be finalized after the ballot lottery which will be held on April 29, 2022.
 - Every registered voter will receive a mail-in ballot for the June 21, 2022 primary. The tentative plan is to mail ballots from May 16, 2022 through June 10, 2022.
 - There will be 55 mail ballot drop box locations that will open on May 27, 2022.
 - 40 early vote centers will be open from June 10, 2022 through June 19, 2022.
 - Vote centers will be closed on June 20, 2022 in observation of Juneteenth.
 - Ninety vote centers will be open on election day, June 21, 2022.

- **Challenges**
 - The challenge period began on March 26 and ended on April 4, 2022. 23 challenges have been received.

- **Election Worker Recruitment and Training**
 - Training began March 22, 2022.
 - Between 2,000 and 2,500 election workers will be recruited.
 - As of April 2, 2022, 211 election workers have been fully trained.

- **Communications**
 - The website has been improved to make it more user-friendly

BOE OGC MARCH 2022 REPORT (GENERAL COUNSEL STROUD)

- **Rulemaking to Title 3 of the DC Municipal Regulations**
 - Emergency and Proposed Rulemaking
 - Title 3, Chapters 30, 33, 37 and 42 are proposed to be amended to achieve consistency between the regulations and recent legislation. The changes allow the continuation of OCF on-line training, limit campaign contributions from government contractors, impose fines for failure to remit unexpended campaign funds, and adjust the basis upon which Fair Election matching funds are calculated.
 - The rulemaking will be published in the DC Register on April 15, 2022, and will be available on-line so the public can submit comments. The emergency rulemaking will remain in effect until August 13, 2022.
 - **BOARD ACTION:** Unanimously approved the motion for emergency and proposed rulemaking to be submitted to the D.C. Register for publication.

- **Litigation Status**
 - **Long v. D.C. Board of Elections**
 - This matter was filed in D.C. Superior Court on July 2, 2021 and is a civil complaint seeking \$10,000 in damages. Mr. Long claims negligence and unjust enrichment, and alleges that the Board issued him a check without

informing him not to deposit it, then had payment of the check stopped, causing him to have a negative balance and a returned check fee.

- The Board is being represented in this matter by the Office of the Attorney General (OAG), which serves as counsel for the Office of Finance and Resource Management (OFRM), the entity that handled the issuance of poll worker checks for the Board.
 - There was an initial hearing on August 9, 2021. The matter has been continued to June 17, 2022.
- **Henderson v. D.C. Board of Elections**
 - Kathy Henderson filed a Recall Petition against Sydelle Moore, Advisory Neighborhood Commissioner for Single-Member District 5D05. The petition was rejected due to an insufficient number of signatures.
 - Ms. Henderson appealed the matter to the DC Court of Appeals.
 - On January 25, the Court issued an order directing the Board to file the administrative record by May 23, 2022.
 - **Public Interest Legal Foundation (PILF) v. Monica Evans**
 - This matter was filed in the US District Court for the District of Columbia under the National Voter Registration Act (NVRA).
 - The suit alleges that the Board is out of compliance with the NVRA's public records provision.
 - PILF requested records from the Board, which were denied due to requested records not being subjected to public disclosure.
 - The OAG filed a motion to dismiss on February 3, 2022. The plaintiff filed a response on February 17, 2022. The OAG responded on March 17, 2022.

OFC MARCH 2022 REPORT (DIRECTOR COLLIER-MONTGOMERY)

- The Fair Elections Program (FEP) and Traditional Campaign Finance Program (TCFP) revised fact sheets and information sheets are posted on the OCF Website.
 - **Community Outreach**
During March OCF attended 5 advisory neighborhood commission meetings.
 - **Fair Elections Program (FEP) Division Report for March 2022**
- The division is preparing for debates for Mayor, OAG, and Council positions that will be scheduled after the challenge period and before ballots are mailed.
 - Authorized Base Amount and Matching Payments
 - During the 2020 election cycle, the FEP Division authorized for disbursement \$4,016,797.64 in Base Amount and Matching Payments to 36 candidates certified to participate in 2020 election cycle, and to four additional candidates certified to participate in a special election held during that year.

- **Remitted Funds**
 - As of March 30, 2022, \$153,261.39 has been remitted for deposit in the Fair Elections Fund from the campaign operations of candidates who participated in the 2020 Election Cycle.
 - Mary Che, Che 2022 Principle Campaign Committee, remitted \$65,590.51 because the candidate has withdrawn from the 2022 Primary Election.

- **Ongoing Post-Election (Full Field) Audits**
 - Post-Election Audits – Primary Election
 - There are currently 33 ongoing Post-Election Audits of candidates who were certified to participate in the June 2, 2020 Primary Election, the June 16, 2020 Special Election, and the November 3, 2020 General Election. These audits are at various stages.
 - The Draft Audits for 17 of the Post-Election Audits are currently under the review of the Audit Manager for Issuance of the Final Audit Report.
 - The names and status of each are listed in the report.

- **Public Information and Records Management Division (PRIM) Report for March 2022**
 - Legal Defense Committees – 24th R&E Report
 - 1 required filer
 - 1 timely filer
 - 1 electronically filed their report
 - 1 certified E-filing

 - Principal Campaign Committees (PCCs) & Political Action Committees (PACs) – March 10th -- R&E Report
 - 63 required filers
 - 57 timely filers
 - 3 late filers
 - 1 extensions of time requested and granted
 - 3 failures to file
 - 6 referrals to the OGC

 - FEP PCCs – March 10 R&E Report
 - 37 required filers
 - 35 timely filers
 - 7 extensions of time requested and granted
 - 2 failures to file
 - 2 referrals to OGC

 - Independent Expenditure Committees – March 10th R&E Report
 - 3 required filers

- 3 timely filers
- FEP Principal Campaign Committees (PCCs) – March 30th R&E Report (Optional Report)
 - 7 timely filers
- New Candidates/Committees – registered in March 2022
 - 62 registered candidates
 - 36 new candidates registered during February 2022
 - New candidates:
 - Paul Trantham – Candidate for At-Large Member of the Council – March 2
 - Henry Cohen -- Candidate for Ward 3 Member of the Council – March 24
 - John Flanning – Candidate for Ward 2 Member of the Council – March 25
 - Brian Romanowski -- Candidate for Ward 2 Member of the Council – March 24
 - Janice Ferebee -- Candidate for Ward 2 Member of the Council – March 25
 - Margaret Roggensack -- Candidate for Ward 2 Member of the Council – March 24
 - Hugh Allen – Candidate for Ward 3 Democratic State Committee – March 7
 - Michael Haresign -- Candidate for Ward 3 Democratic State Committee – March 4
 - Elizabeth Mitchel -- Candidate for Ward 3 Democratic State Committee – March 4
 - Shelley Thomkin -- Candidate for Ward 3 Democratic State Committee – March 7
 - Charles Gaither -- Candidate for Ward 4 Democratic State Committee – March 28
 - Renee Bowser -- Candidate for Ward 4 Democratic State Committee – March 1
 - Paul Johnson -- Candidate for Ward 4 Democratic State Committee – March 1
 - Antoine Kirby -- Candidate for Ward 4 Democratic State Committee – March 1
 - Anne Strauss -- Candidate for Ward 4 Democratic State Committee – March 1
 - Timothy Thomas -- Candidate for Ward 5 Democratic State Committee – March 28
 - Frank Avery -- Candidate for Ward 6 Democratic State Committee – March 29

- Dorinda White -- Candidate for Ward 6 Democratic State Committee – March 7
- Dorothy Douglas -- Candidate for Ward 7 Democratic State Committee – March 22
- Sirraya Grant -- Candidate for Ward 7 Democratic State Committee – March 23
- Jimmie Williams -- Candidate for Ward 7 Democratic State Committee – March 30
- David Meadows -- Candidate for Ward 8 Democratic State Committee – March 30
- Wanda Lockridge -- Candidate for Ward 8 Democratic State Committee – March 30
- Anthony Muhammad -- Candidate for Ward 8 Democratic State Committee – March 30
- Joseph Johnson -- Candidate for Ward 8 Democratic State Committee – March 30
- Regina Pixley -- Candidate for Ward 8 Democratic State Committee – March 30
- Sandra Williams -- Candidate for Ward 8 Democratic State Committee – March 30
- Karl Von Batten -- Candidate for Ward 3 Republican State Committee – March 15

- FEP Candidates

- There are 42 candidates registered (37 Primary and 5 General)
- Eight new candidates registered during March 2022
 - Graham McLaughlin – At-Large Member of the Council – March 17
 - Elizabeth Silverman – At-Large Member of the Council – March 18
 - Karim D. Marshall – At-Large Member of the Council – March 25
 - Eric Goulet – Ward 8 Member of the Council – March 1
 - Beau Finley – Ward 8 Member of the Council – March 4
 - Monte Monash – Ward 8 Member of the Council – March 15
 - Isabella S. Pimienta – Ward 1 Member of the State Board of Education – March 14
 - Carisa S. Beatty – Ward 5 Member of the State Board of Education – March 30

- Four Active Initiative Committees

- Traditional Audit Program & FEP

- 38 new candidates and treasurers completed the mandatory OCF Entrance Conference in March. The 38 who participated are listed in the OCF report.

- **Reports Analysis and Audit Division (RAAD) -- March 2022**

- 8 referrals to the OGC for failure to timely file
- 95 desk reviews and other activities

- 15 requests for additional information
- 0 audit reports were issued during the March:
- **Ongoing Audits**
 - There are 8 ongoing audits

OFFICE OF CAMPAIGN FINANCE: (GENERAL COUNSEL WILLIAM SANFORD)

- **Intake/Output Report**
 - 11 referrals for an informational hearing were received
 - 4 orders were issued
 - \$2,150 in fines were imposed
 - \$100 in fines were collected from Harry “Tommy” Thomas Works

Open Investigations

- NONE

Interpretative Opinions

- NONE

Show Cause Proceedings

- NONE

PUBLIC MATTERS

- Dorothy Brizill
 - Inquired of General Counsel Stroud about the how the Board would proceed with the Spiva v. McDuffie matter (the challenge to Candidate McDuffie’s qualifications for OAG), particularly with respect to public access to the proceedings.
 - Board Response -- General Counsel Stroud advised that the matter would be handled in accordance with procedures for nominating petition challenges. Ms. Stroud states that there would be a pre-hearing conference that would not be open to the public, and that the matter would be resolved by April 18, 2022.
- John Capozzi
 - Commented/inquired on the following:
 - (1) Could the Board ask the Council to allow Initiative 82 to be placed on the June 21 Primary Election ballot?
 - (2) Could the Board consider enlisting the public in a door-to-door resident/address verification campaign to help update the voter roll?
 - (3) Could the Board post on the website immediately the nominating petition challenges that have been filed?
 - Board Response – The Chair expressed appreciation of the comments as to updating the roll and said he would look into whether the

Council could change the election for Initiative Measure No. 82. General Counsel Stroud advised of the practice of notifying the candidates of the challenges before posting them publicly on the website. Director Evans read a list of the challenges that had been filed.

ADJOURNMENT (1:14 p.m.)