

**MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
November 30, 2022**

The District of Columbia Board of Elections (the Board) held its Regular Monthly Meeting on Wednesday, November 30, 2022, 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 Mike Gill 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 (10:05 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 October 4, 2022.

BOARD MATTERS

- On Monday, December 12, 2022, at 9:30 a.m., a Special Board Meeting will be held in Elissa for D.C. v. D.C. Office of Campaign Finance.
- Board Chairman and members thanked the entire Board of Elections leadership, staff members, and temporary workers for all their hard work during the 2022 election season.
- Board Chairman also thanked OCF, the voters, all the candidates, and those who worked on Initiative 82.

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

- **Certification of the November 8, 2022 General Election Results**
 - The November General Election had 205,774 ballots cast, which constituted a 40.76% voter turnout. All contest results, including write-in winners, are currently listed on the Board’s website.
 - Delegate to the U.S. House of Representative
 - Eleanor Holmes Norton
 - Mayor of the District of Columbia
 - Muriel E. Bowser
 - Chairman of the Council
 - Phil Mendelson
 - At-Large Member of the Council
 - Anita Bonds
 - At-Large Member of the Council

- Kenyan McDuffie
 - Member of the Council, Ward 1
 - Brianne K. Nadeau
 - Member of the Council, Ward 3
 - Matthew Frumin
 - Member of the Council, Ward 5
 - Zachary Parker
 - Member of the Council, Ward 6
 - Charles Allen
 - Attorney General
 - Brian Schwalb
 - U.S. House of Representatives
 - Oye Owolewa
 - Member of the State Board of Education, Ward 1
 - Ben Williams
 - Member of the State Board of Education, Ward 3
 - Eric Goulet
 - Member of the State Board of Education, Ward 5
 - Robert Henderson
 - Member of the State Board of Education, Ward 6
 - Brandon Best
 - Initiative Measure # 82
 - Approved
 - **BOARD ACTION:**
 - The Board unanimously approved the 2022 General Election Results.
- **Election Figures**
- Director Evans thanked the entire Board staff, including temporary workers and election workers for all their hard work and the long hours they put into executing this election, especially during the redistricting process.
 - During the General Election cycle, there were 504,815 registered voters, and 25 early vote centers and 90 election day vote centers were utilized.
 - There were 74,976 individuals who voted in-person (36.4%), and 137,761 who used the mail-in ballot process (63.5%).
 - There were approximately 80,000 mail-in ballots returned as undeliverable, many due to address changes, and 430 special mail ballots processed.
 - On November 21-22, 2022, an audit of the election results was conducted; the results are listed on the Board’s website.
- **Communication**
- The Board mailed voter guides, informational postcards, and postcards to eligible but unregistered residents, and used television, radio, and print advertising.
 - Between October 4, 2022 and November 8, 2022, 1,265 television ads, 239,402 streaming, television, and video ads were run.
 - Twenty-five Metro live boards, 19 bus shelters, and 833 radio spots across five radio stations were utilized to increase awareness of the election.

- Advertisements ran in the Washington Post, Washington Informer, El Tiempo, East of the River Newspaper, and others.
 - There were 1,500 yard signs and 5,000 door hangers distributed.
- **General Matters**
 - The Board is currently debriefing with vendors regarding the pros and cons of the 2022 election season to improve future elections, including through equipment replacement and acquisition.
 - Technical difficulties were experienced with the ballot-on-demand printers at 12 of the 90 vote centers.
 - During the off-election cycle, maintenance updates to the voter registration database will occur.
 - Steps will be taken to implement new legislation ahead of the 2024 election cycle, specifically becoming compliant with Elections Modernization Amendment Act of 2022 and the Local Resident Voting Rights Amendment Act of 2022.
 - **Voter Education and Outreach (VEOD)**
 - During October and November, 41 outreach events were conducted.
 - VEOD participated in several events, including the Fall Block Party at the Skyland Town Center and ballot collection at nine senior living facilities.
 - **Voter Registration Rolls**
 - In October and November, the Voter Services Division registered 8,786 new voters and processed 10,255 registration changes. In total, we mailed out 19,041 registration cards.
 - **Online Voter Registration**
 - 32,800 applications were processed in October and November.

DCBOE GENERAL COUNSEL’S OCTOBER 2022 REPORT (GENERAL COUNSEL STROUD)

- General Counsel Stroud thanked the OGC staff and the entire BOE staff for the support each department provided across the Board during the election season and the OCF for their work on the Traditional Campaign Finance and Fair Elections programs. She also thanked the Board Members for their excellent guidance and oversight.
- During 2024, the Board will be working on implementing the legislation Director Evans referenced.
- The 7-day period during which voters may request judicial review and candidates may request recounts regarding the General Election is now effective and expires on Wednesday, December 7th.
- **Litigation Status**
 - **Kathy 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 (“DCCA”).
 - On September 20, 2022, the Court issued a notice calendaring the matter for November 15, 2022 at 2:00 p.m.
 - On November 10, 2022, the Court issued an order expediting the case and directing the parties to file briefs by November 25, 2022 addressing whether or not the case was moot in light of the November 8, 2022 General Election.
 - Briefs have been filed by both parties, and we are awaiting a decision by the Court.
- **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.
 - All briefing has been submitted and we are awaiting a ruling.
- **Williams v. District of Columbia**
 - This matter, which was filed in the D.C. Superior Court on September 2, 2022 against the District of Columbia, concerns the Board’s publication of certified election results.
 - The Plaintiff alleges that the Board’s publication of certified election results only on the Board’s website instead of the D.C. Register makes past certifications invalid.
 - Plaintiff’s prayer for relief includes new elections and the nullification of any actions, specifically mayoral decisions, regarding zoning and property disposition.
 - The OAG plans to file a motion to dismiss.

OCF OCTOBER 2022 REPORT (DIRECTOR COLLIER-MONTGOMERY)

- Director Collier-Montgomery thanked the OCF staff for their successful efforts administrating the Fair Elections Program (FEP) and the Traditional Campaign Finance Program during the 2022 election cycle.
- **November 8, 2022, General Election Site Review**
 - The OCF conducted onsite visits to 14 of the Early Vote Centers from October 31, 2022 through November 4, 2022, and to 51 of the Vote Centers on Election Day.
 - The OCF teams observed in general during this period that campaign disclaimers were appropriately placed on literature and posters.
 - The OCF teams did not observe or were not alerted to any conflict-of-interest activities, including complaints involving campaign-related activities.

- **Fair Elections Program (FEP) Division Report for October/November 2022**
 - To date, the OCF has authorized the total sum of \$12,307,039.75 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.
 - The OCF authorized 33 disbursements from the FEP Fund to participating candidates certified in the 2022 Election Cycle. The names and disbursements are posted on the OCF website.
 - **Desk Reviews and Other Activities**
 - 49 desk reviews were conducted of the September 30, 2022, October 10, 2022, and October 31, 2022 Reports of Receipts & Expenditures (R & E Reports).
 - 28 requests for additional information (RAI) letters were sent.
 - **Remitted Funds**
 - As of November 30, 2022, the total sum of \$667,679.43 has been remitted for deposit in the FEP Fund from the campaign operations of candidates certified to participate in the 2022 Election Cycle.
 - Five remissions were received between October 2022 through November 2022 from the following:
 - Committee to Elect Sable Harris, Remitted \$100.00 on November 8, 2022
 - Committee to Elect Sable Harris, Remitted \$5,478.63 on November 8, 2022
 - Ben for Ward 3, Remitted \$567.06 on November 8, 2022
 - Friends of Monte for Ward 3, Remitted \$9,999.00 on November 8, 2022
 - Friends of Monte for Ward 3, Remitted \$1,406.82 on November 8, 2022
 - **Ongoing Post-Election Audits**
 - There are currently 27 post-election audits.
 - The status of all audits is posted on the OCF website.
- **Public Information and Records Management Division (PIRM)**
 - October 1st R & E Report
 - Constituent Services Program
 - Senator/Representative Statehood Funds
 - October 10th R & E Report
 - Principal Campaign Committees (PCCs) & Political Action Committees (PACs).
 - FEP Candidate Committees
 - Independent Expenditure Committees
 - **New Candidate/Committees**
 - There were no new candidate registrations for the 2022 Election Cycle during the months of October and November 2022.
 - There were two new committee registrations during the months of October and November 2022:

- Independent Expenditure Committees
 - Opportunity DC IEC - Registration Date: 10/7/2022
 - Inaugural Committees
 - DC Proud 2023 - Registration Date: 11/18/2022
 - There was one new candidate registration for the 2024 Election Cycle:
 - Office of City Council, Ward 8
 - Salim K. Adofo - Registration Date: 11/18/2022
- **Entrance Conference**
 - Five new candidates and treasurers completed the mandatory training program in October/November.
- **Referrals to OCF's OGC**
 - **Failure to timely file the October 10th R & E**
 - 6 PCCs
 - 2 FEP Committees
 - 2 PACs
 - **Failure to timely file the 8 Day Pre-General Election Report of R&E**
 - 2 PCCs
 - 2 FEP Committees
 - 2 PACs
- **Reports Analysis and Audit Division (RAAD) Program**
 - 167 desk reviews were conducted during October/November 2022.
 - Thirty-one RFAI letters were sent.
- **October/November Audits Issued**
 - Ward 3 Constituent Service Program –issued October 28, 2022.
- **Ongoing Audits**
 - Kenyan 2022 - The Preliminary Draft Statement of Findings was issued on October 28, 2022.
 - Stacia 2022 - The Preliminary Draft Statement of Findings was issued on October 28, 2022.
 - Phil's Fund for Citizen Service - The Preliminary Draft Statement of Findings was issued on November 16, 2022.

OCF OCTOBER 2022 GENERAL COUNSEL REPORT (GENERAL COUNSEL WILLIAM SANFORD)

- **Intake/Output Report**
 - 10 referrals were received in October

- 22 referrals were received in November
- 3 orders were issued in October
- 6 orders were issued in November for a total of \$15,250 in fines

- **Fines Collected**
 - Two \$125 payments from Kinlow Ward 8 Strong in October and in November

- **Investigations**
 - Complainant: Zachary Sawyer
 - Date Received – June 9, 2022
 - Respondent: Brianne for DC Principal Campaign Committee
 - Allegation: Coordination with an Independent Expenditure Committee
 - Status: Order issued in October 14, 2022.

 - Complainant: Troy Kravitz
 - Date Received – August 5, 2022
 - Respondent: Eric Goulet for Ward 3 Principal Campaign Committee
 - Allegation: Coordination with an Independent Expenditure Committee
 - Status: Order issued in October 19, 2022.

 - Complainant: Karim Marshall
 - Date Received – August 23, 2022
 - Respondent: Elissa for DC Principal Campaign Committee
 - Allegation: Improper coordination and unreported in-kind contributions
 - Status: Order issued in October 26, 2022.

 - One investigation remains open and pending.
 - Complainant: Chuck Theis
 - Date Received – September 1, 2022
 - Respondent: Patricia “Tricia” Duncan and Benjamin Bergmann
 - Allegation: Receipt of an illegal “in kind” contribution
 - Status: Pending
 - **BOARD ACTION:** Unanimously granted OCF addition time to complete the investigation, pending the outcome in the Elissa for D.C. matter.

- **Interpretative Opinions**
 - October 2022 – NONE
 - November 2022
 - Requestors: Advisory Neighborhood Commissioners
 - Amy Hall and Matthew Cohen

- Subject: The use of DCPS Logos on Campaign Literature
- Docketed: November 1, 2022
- Status: Pending
- **Show Cause Proceedings**
 - October 2022 – NONE
 - November 2022 - NONE

PUBLIC MATTERS

- Nikolas Schiller
 - Thanked the Board for a well-run election cycle.
 - Inquired if the Board has a mechanism to track if someone votes in-person when their ballot is returned as undeliverable.
 - Would like the Board to follow up with registered college voters at Georgetown and George Washington University to see if the registered address is still valid.
 - The Chair responded that removing voters is a serious matter and Director Evans explained some of the mandatory steps that have to be taken before the Board can update its voter roll to reflect that a voter has moved out of the jurisdiction.
- Dorothy Brizill
 - Suggested the Board’s Executive Director and staff have been unresponsive to her from October 20, 2022 to present regarding to critical issues surrounding:
 - A locked ballot box outside of Stead playground in DuPont Circle.
 - Director Evans responded that the Board staff immediately investigated and determined that the ballot box was not in fact locked.
 - Repeated attempts made through the Board’s staff to monitor the tabulation of ballots being counted at the warehouse as a certified election observer and watcher.
 - Two early vote center locations that had issues printing ballots on demand, including one where a site coordinator had to wait for a technician. At the Marie Reed voting site, the site coordinator announced that electronic voting would take over an hour and suggested voting at other locations or finding the ballots that were mailed to them.
 - The Chair responded that the printing issue was expeditiously resolved and no one was disenfranchised by it.

ADJOURNMENT (11:15 a.m.)