

MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
June 12, 2024

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Thursday, June 12, 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 J.C. Boggs and Karyn Greenfield were present. The Board’s Senior Policy Advisor Alice Miller, 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.

I. CALL TO ORDER

The meeting was called to order at 10:32 a.m.

II. ASCERTAINMENT OF QUORUM

Board Chair Thompson and Board Members Greenfield and Boggs constituted a quorum.

III. ADOPTION OF AGENDA/APPROVAL OF MINUTES

BOARD ACTION: The Board unanimously adopted the agenda and minutes from the last meeting held on May 2, 2024.

IV. BOARD MATTERS

The Board members recognized the Board’s leadership, staff, election workers, and OCF for their outstanding efforts in administering the 2024 Primary Election.

V. DIRECTOR’S REPORT (PRESENTED BY ALICE MILLER ON BEHALF OF DIRECTOR EVANS)

A. General Matters

In May, Director Evans presented at the monthly DC Homeland Security Emergency Management Agency (“DC HSEMA”) meeting of the Emergency Preparedness Council. Director Evans attended and presented on two panels at the Election Science Research Administration (“ESRA”) conference.

B. Voter Registration Rolls

In May, 3,596 new voters were registered and 4,077 registration changes were processed. 7,673 voter registration cards were prepared for mailing. 229 registered voters moved out of DC, 290 voters canceled their DC registrations and registered with other jurisdictions, and 1,225 voters registered in DC after canceling their registrations in other states.

C. Online Voter Registration

Online voter registration is continuing through the website portal. To date, 50,592 registrations, including new and updated registrations, have been processed using the portal.

D. Local Resident Voting Rights Amendment

Noncitizen residents continue to register to vote using the database solution provided by VR Systems. They may also register at our office using paper registration forms.

In May, 127 noncitizen residents were registered to vote. To date, a total of 529 noncitizen residents have been registered.

E. 2024 Election Planning

The 2024 general election calendar is posted on our website, as well as vote center and mail ballot drop box locations.

The candidate qualification period for the 2024 general election opens Friday, June 14. The qualifying period for ANC candidates opens July 1. The qualifying deadline for all candidates to file nominating petitions is August 7 at 5 p.m.

A complete summary of the primary election results will be provided after all ballots have been counted. Mail ballots postmarked by June 4 and received by the Board by June 14 will be counted. To date, the Board has tabulated 96,634 ballots. With 378,821 currently registered voters, turnout is currently 25.5%. Of those voters, 28.5% voted in person and 71.5% voted by mail.

Today is the deadline for the final determination on the validity of special ballots. June 21 is the deadline to cure mail ballots. The Board's post-election audit is tentatively scheduled to begin on June 26. Certification of the election is scheduled for July 3.

F. 2024 Voting Options

All registered DC voters will receive a mail-in ballot for the general election. Voters may vote by mail-in ballot, in person, or by depositing a ballot in a drop box. BOE will have 55 mail-ballot drop boxes placed throughout the city. The Board will operate 25 early vote centers and 75 election-day vote centers.

G. Accessibility

During the primary election, teams visited our vote centers to review accessibility measures and address concerns. The Board will continue to work with Disability Rights at University Legal Services and the Office of Disability Rights to conduct surveys.

H. Democracy Live

UOCAVA and ADA voters were able to submit their ballots electronically to BOE via a secure online web portal hosted by Democracy Live. A unique pin code and a secure link needed to access the system are provided exclusively to voters who opted for electronic ballot submission.

I. Election Worker Division

The division is meeting with Site Coordinators to solicit their feedback from the primary election. The division is also actively recruiting election workers for the general election, with a goal of recruiting and training between 2,000 and 2,500 workers. Approximately 1,700 election workers will be deployed to serve at vote centers. Election worker training will begin on August 13.

J. Voter Education and Outreach (VEOD)

In May, the VEOD conducted or participated in 40 outreach events on behalf of the agency, including the WPGC 99.5 Live Morning Show at Ben's Chili Bowl, the Ward 7 Community Consortium Candidates Forum, and the Benning Ridge Civic Association monthly meeting.

K. Restore the Vote (RTV)

The RTV Division conducted in person voting at the Department of Corrections ("DOC"). In addition to mail ballots received, 252 in-person votes were cast in the primary election. DOC residents also served as election workers.

VI. GENERAL COUNSEL'S REPORT (TERRI STROUD)

A. Proper Subject Matter Determination Hearing for Proposed Initiative Measure, "The Vermelle Paid Maternity Leave Act."

General Counsel Stroud presented the background on the processing of the measure, which was received on April 26, 2024. Advisory opinions provided by the DC Office of the Attorney General ("OAG") and the DC Council's General Counsel ("CGC") as to whether the Proposed Initiative met proper subject requirements concluded that the measure did not present a proper subject. General Counsel Stroud indicated that OGC also concluded that the measure did not present a proper subject and thus recommended that the Board reject the measure.

BOARD ACTION: Unanimously accepted the General Counsel's recommendation and rejected the proposed initiative on the grounds that it did not present a proper subject.

B. Approval of Political Party Name

Patricia Kinch applied for approval of “Justice for All” as the name for a new political party. General Counsel Stroud stated that the application satisfied all filing requirements, and recommended that the proposed name be approved as it would neither confuse nor mislead the public.

BOARD ACTION: Unanimously approved “Justice for All” as the name for a new political party.

C. Referral Hearings

1. **In re Barbara Duncan** - General Counsel Stroud reported that this matter was continued until July 3, 2024.
2. **In re Kersey Manliclic** - The Office of the General Counsel presented a stipulation that had been entered between the General Counsel and Kersey Manliclic in which Mr. Manliclic acknowledged that he unintentionally voted a mail ballot that was for a former resident of his apartment. The General Counsel recommended a fine for Mr. Manliclic’s voting another voter’s mail ballot.

BOARD ACTION: The Board unanimously agreed to impose a fine of \$100.

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

1. Final Rulemaking
 - a) Chapter 5
 - i. The purpose of the amendments to these regulations is to clarify the obligations of D.C. Voter registration Agencies under the National Voter Registration Act of 1993 [52 §U.S.C. 20501 et seq.] and the enforcement process that applies in the event of noncompliance with that act.

BOARD ACTION: Voted unanimously for the final rulemaking to be submitted to the D.C. Register for publication.

- ii. The purpose of the amendments to these regulations is to clarify the address that may be used by unhoused D.C. residents for voter registration purposes and the process for challenging registered voter status.

BOARD ACTION: Voted unanimously for the final rulemaking to be submitted to the D.C. Register for publication.

E. Litigation Status

1. Stacia Hall, et al., v. D.C. Board of Elections (U.S. Court of Appeals for the D.C. Circuit)

This case concerns an appeal from the DC Superior Court's denial of the appellant's challenge to legislation allowing non-citizens to vote in local elections. The appeal was filed on April 16. The Solicitor General for DC filed a Notice of Cross Appeal on May 1. The clerk consolidated the cases and ordered that initial filings be filed by May 31.

2. District of Columbia Democratic Party, et al., v. Muriel Bowser, et al. (D.C. Superior Court)

This case concerns an appeal from the D.C. Superior Court's denial of the appellant's challenge to Initiative Measure No. 83. The appeal was filed on April 22. The court has set a briefing schedule; the appellant's brief was filed on June 7, and the appellee's brief is due July 8.

3. Dr. Shiva Ayyadurai v. Merrick Garland, et al. (U.S. Court of Appeals for the D.C. Circuit)

This is an appeal from the dismissal of a complaint filed in the U.S. District Court where the plaintiff sought a declaration that he is able to serve as President of the United States notwithstanding the "natural born citizens clause" or that the qualification is a non-justiciable political issue to be determined by the voters. On May 15, the court ordered the appellant to file his docketing statement and other initial submissions by June 14, and also ordered that dispositive motions be filed on July 1. Both the Solicitor General for DC and the Department of Justice will seek extensions of time for the filing of dispositive motions. The Solicitor General will seek summary affirmance and possibly file a cross-appeal on the merits.

4. 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. The complaint sought \$10,000 in damages based on claims concerning an overdraft cost to his bank account when a stop payment was imposed on a check that he was issued for his service as an election worker. On March 25, the court dismissed all of the plaintiff's claims except for a claim for liquidated damages on breach of contract. On April 8, the OAG filed an answer to the complaint. On April 15, the plaintiff filed a motion for sanctions, and the court has set a mediation conference for June 25.

5. John Page v. Monica Evans (U.S. Dist. Ct. for D.C.)

On March 8, the plaintiff filed a complaint to prevent Donald Trump from appearing on the 2024 general election ballot. The complaint alleges that the recent Supreme Court decision in *Trump v. Anderson* does not apply to DC because that decision pertains to states' rights under the 14th Amendment, and DC is not a state. The OAG filed a motion to dismiss on April 5, and the plaintiffs replied on April 23. The OAG sought and was granted leave to file a Surreply to the Plaintiff's filing, which the Court accepted on May 2.

VI. CAMPAIGN FINANCE REPORT (COLLIER-MONTGOMERY)

A. Office of the Director

On May 14, OCF participated in MPD’s Beat the Streets/DPR Late Night Hype orientation session, held an outreach event at the Anacostia Library Branch, and presented at a meeting of Advisory Neighborhood Commission (“ANC”) Single-Member District (“SMD”) 5E02 providing information on the Traditional Campaign Finance Program (“TCFP”) and the Fair Elections Program (“FEP”).

OCF hosted a debate in the contested race for the office of At-large Member of the Council on May 2. Two FEP-certified candidates seeking the office participated in the debate. The debate was held virtually and streamed live online. The recording of the debate will remain online for the remainder of the calendar year at dcdebates.com.

OCF visited 21 Early Vote Centers and 46 Election Day Vote Centers during the Primary Election to provide guidance where necessary concerning the application of the Campaign Finance Laws. Many centers showcased large numbers of campaign literature, but all appeared to be appropriately placed outside of the electioneering markers. The OCF teams randomly selected campaign literature to ensure the appropriate identification disclaimers were present and satisfactory. OCF Teams did not observe nor were alerted to any conflict of interest activities or any complaints involving campaign-related activities.

B. Fair Elections Program (FEP) Division

1. Authorized Base Amount

a) 2024 Election Cycle

There are 15 certified participating candidates in the FEP. The OCF has authorized the disbursement of the total sum of \$2,353,743.10 from the FEP fund in base amount and matching payments.

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

OCF authorized 18 disbursements to certified participating candidates. The listing of those disbursements is posted on the agency’s website.

As of May 31, the total sum of \$871,502.58 has been remitted for deposit in the Fair Elections Fund.

3. Desk Reviews and Other Activities

There were 57 desk reviews of Reports of Receipts and Expenditures (R & E Reports”), and 14 Requests for Additional Information (“RFAI”) letters were issued due to the review of those reports.

4. Audits

a) Ongoing 2020 Post-Election Full Field Audits

There are currently 10 ongoing post-election audits. A total of 24 final audit reports of the 34 post-election audits initiated for the 2020 election cycle have been issued. The FEP has issued 20 preliminary statements of audit findings and 22 final audit reports for the 2020 election cycle.

b) Ongoing 2022 Post-Election Full-Field Audits

OCF issued 42 post-election audits letters to candidates for the 2022 election cycle. To date, the FEP has issued 23 final audit reports for the 2022 election cycle.

C. Public Information and Records Management Division (PIRM)

1. R&E Reports

There was one filing date for R&E Reports: May 10 for the Candidates and Principal Campaign Committees registered in the Fair Elections Report program.

2. New Candidates/Committees

a) TCFP Candidates

There are 37 candidates registered to participate during the 2024 election cycle. There were no new registrations in May 2024.

b) FEP Candidates

There are 27 candidates registered to participate in the program, including the following two new registrations during May 2024.

- i. Office of Council, At-Large
He'lichie Koton Watts
- ii. Office of Member of the Council, Ward 2
Rondell Magic Jordan

c) Committee Registration

- i. Initiative Committees
 - DC Cash Payment Reparations
 - Vermelle Paid Maternity Leave Act

D. Reports Analysis and Audit Division (RAAD)

1. Desk Reviews and Other Activities

- a) Seven desk reviews of R&E Reports were conducted and six RFAI letters were sent.

2. Audits

a) **Audits Issued.**

- i. The compliance audit report for Friends of Ebbon Allen (Ward 7) was issued on May 6, 2024.

b) **Ongoing Audits**

- i. Inaugural Committee Audit, The DC Proud Inaugural Committee
- ii. Committee to Elect Roscoe Grant Jr., Ward 7

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

1. Monthly Intake/Output Report

In May, the OGC received five referrals, completed 15 informal hearings, and issued 15 orders, including 11 orders without fines and four orders imposing a total of \$11,550 in fines. These included a \$4,000 fine against the Toliver for Ward 4 Principal Campaign Committee, a \$4,000 fine against Carter at Large Principal Campaign Committee, a \$50 fine against the Elizabeth Davis Education Equity Pathway Policy Act 2020 Initiative Committee, and a \$3,500 fine against the Money Supply Increase and Initiative & Referendum Committee.

2. Open Investigations

In OCF-FI-2023-005, docketed May 16, Complainant Vail J. Solomon alleges that the Veda for Ward 7 Committee accepted excessive contributions. The matter is pending.

3. Request for Interpretive Opinions

On May 20, Gregory Pemberton, Chairman of the D.C. Police Union, requested an interpretive opinion on the issue of whether the D.C. Police Union should register as a Political Action Committee or, alternatively, as an Independent Expenditure Committee. The matter, OCF No. 2024-02, is pending.

4. Show Cause Proceedings

None occurred during May 2024.

F. PUBLIC COMMENT

The discussion in the public matters portion of the meeting can be found on pages 67-78 of the transcript.

G. ADJOURNMENT

The meeting was adjourned at 12:00 p.m.