

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ELECTIONS

+ + + + +

BOARD MEETING

+ + + + +

WEDNESDAY

APRIL 6, 2022

+ + + + +

The District of Columbia Board of Elections convened a Special Board Meeting via Video-Teleconference, pursuant to notice at 10:30 a.m. EST, Gary Thompson, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

GARY THOMPSON, Chair  
MIKE GILL, Member  
KARYN GREENFIELD, Member

BOARD OF ELECTIONS STAFF PRESENT:

MONICA HOLMAN EVANS, Director  
TERRI STROUD, General Counsel

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1 P-R-O-C-E-E-D-I-N-G-S

2 (10:37 a.m.)

3 CHAIR THOMPSON: All right. Good  
4 morning, everybody. We are now connected with  
5 the public. Welcome everybody for --

6 AUTOMATED VOICE: This meeting is  
7 being recorded.

8 CHAIR THOMPSON: This meeting is being  
9 recorded. Today is April 6, 2022. And this is a  
10 regularly scheduled meeting of the District of  
11 Columbia, Board of Elections. My name is Gary  
12 Thompson, I'm the Chair of the three-member  
13 board, and if the other board members could each  
14 please introduce themselves as well.

15 MEMBER GILL: Mike Gill, I'm here.

16 CHAIR THOMPSON: Okay.

17 MEMBER GREENFIELD: And Karyn  
18 Greenfield on virtual.

19 CHAIR THOMPSON: Okay. So all three  
20 of us are present. We have a forum, and the  
21 first quick thing we do is adopt the agenda. The  
22 agenda has been distributed and advance to

1 everybody. I move that we follow the agenda.

2 MEMBER GILL: Second.

3 CHAIR THOMPSON: All right, all in  
4 favor?

5 (Chorus of aye.)

6 CHAIR THOMPSON: A second quick thing  
7 is to approve our minutes from the last meeting  
8 of Wednesday, March 2nd, so I would -- would have  
9 been distributed, everybody's had a chance to  
10 review them and make any corrections. So at this  
11 time I would move we adopt those minutes.

12 MEMBER GILL: Second.

13 CHAIR THOMPSON: All in favor?

14 (Chorus of aye.)

15 CHAIR THOMPSON: Okay. Well, thank  
16 you so much for the preliminary matters. And  
17 next on the agenda, under board matters, we  
18 wanted to start by welcoming and saying thank you  
19 in many ways to former board chair Michael  
20 Bennett. Welcome, Michael.

21 MR. BENNETT: Thank you.

22 CHAIR THOMPSON: Well known to

1 everybody here at the BOE, six years, the Chair  
2 of the Board of Elections. So we wanted to  
3 present Mr. Bennett with the resolution of  
4 appreciation, to honor him, and come up with some  
5 whereas clauses that hopefully summarize, as  
6 well, your contributions to the BOE. So if I  
7 may, I'd like to read it into the record and for  
8 everybody out there to hear.

9 And it is as follows: A resolution  
10 honoring D. Michael Bennett, Whereas D. Michael  
11 Bennett has been a long time resident of the  
12 District of Columbia with a distinguished career  
13 as an attorney and business executive. Whereas,  
14 in 2016, Mayor Muriel Bowser nominated, and the  
15 DC Council unanimously confirmed, Michael to be  
16 on the three-member Board of the DC Board of  
17 Elections;

18 Whereas from 2016 to 2021, Michael  
19 served two three-year terms as Chair of the  
20 Board; whereas in such role, Michael devoted  
21 significant time and effort to many monthly and  
22 special board meetings, staff meetings,

1 interacting with DC officials, voter education  
2 and outreach, registration drives, media  
3 interviews, events, and countless other  
4 interactions and communication;

5           Whereas Michael oversaw the board's  
6 work through three major election cycles in 2016,  
7 2018 and 2020, which included elections to choose  
8 the US president, the delegates in the House of  
9 Representatives for the District of Columbia, the  
10 Mayor of the District of Columbia, and many other  
11 DC offices;

12           Whereas Michael oversaw a period of  
13 major change in how citizens vote, shifting from  
14 an era, where nearly all votes were cast on a  
15 single election day, to a new era, where most  
16 votes are now cast through mail or absentee  
17 ballots, early voting, and other means;

18           Whereas at the height of the COVID-19  
19 pandemic, Michael guided the board through an  
20 11th hour overhaul of its election administration  
21 plan, so as to ensure a safe and secure election  
22 for the voters of the District of Columbia;

1 utilizing creative solutions that were new to DC,  
2 including vote by mail, mail ballot drop boxes,  
3 and super vote centers;

4           Whereas Michael oversaw a period where  
5 the vote in DC was also expanded in many ways to  
6 ensure full access to all citizens, regardless of  
7 physical ability, age, language, and any other  
8 barriers to voting with ease;

9           Whereas Michael conducted himself with  
10 integrity, wisdom, and congeniality at all times,  
11 and guided the board through many years of  
12 excellent service to the citizens of the District  
13 of Columbia; whereas the board and every staff  
14 member at the agency deeply appreciates Michael  
15 for his years of dedication and leadership. Now,  
16 therefore, be it resolved, the DC Board of  
17 Elections commends and recognizes D. Michael  
18 Bennett for his exemplary years as its dedicated  
19 Chair. And before I read the last part, I would  
20 move that the board adopt this resolution.

21           MEMBER GILL: Second.

22           CHAIR THOMPSON: Second, all in favor?

1 (Chorus of aye.)

2 CHAIR THOMPSON: It's unanimous.

3 MR. BENNETT: The last part is about  
4 UNC-Duke basketball.

5 CHAIR THOMPSON: All right. This  
6 regulation was duly considered and passed by the  
7 board at its public meeting by the unanimous vote  
8 of three to nothing. The resolution is  
9 individually signed by and attested to by each of  
10 the board members below, as well as the two  
11 Executive Directors during Michael's tenure,  
12 Monica Hollman Evans and Alice Miller. We've all  
13 signed this, and we're very pleased to adopt it.  
14 You know, it's only a piece of paper, but I think  
15 it summarizes a lot of incredible work and  
16 dedication that better the Board of Elections,  
17 and most importantly, served well the people of  
18 the District of Columbia.

19 We've recently met, after I was  
20 nominated, and I want to thank you personally for  
21 reaching out to me and helping me with this  
22 transition, and I know everybody thinks

1       incredibly highly of you, and with that I would  
2       ask my fellow board members if they have any  
3       words at this time?

4                   MEMBER GILL: Well, I guess, I feel  
5       like I've said great things about Michael, four  
6       or five goodbye parties now. So I'm starting to  
7       wonder, you know -- no. Michael, you are -- the  
8       word I think of is consequential. You have been  
9       consequential in the evolution of this Board of  
10      Elections, and I'm very honored to have you as a  
11      colleague, and more honored to have you as a  
12      friend.

13                   CHAIR THOMPSON: Thank you for that.  
14      Karyn?

15                   MEMBER GREENFIELD: Yeah. I  
16      definitely want to thank Michael for his  
17      guidance, especially when I first came on the  
18      board and was trying to figure things out. I  
19      also want to thank him just for his energy he had  
20      with the board, and all the things he did in  
21      terms of supporting the board, working with them.  
22      The 2020 election was my first one and it would

1 happen to have been in a pandemic, and so I got  
2 to see all the very quick changes that we had to  
3 do and that the board had to do under Michael.  
4 And he was just so supportive of them and  
5 definitely very involved in it, and easy for me  
6 to just call when I had questions, or needed  
7 advice, or whatever. I'm really very grateful to  
8 the Chair so, I want to thank him for all of  
9 that.

10 CHAIR THOMPSON: Turning to my left,  
11 Terri or Monica, any words, or --

12 MS. STROUD: So I -- you know, Michael  
13 was a dear friend and had become so over the  
14 years. But the most recent thing that I want to  
15 thank him for is for calling me when my squad  
16 whooped his squad on Saturday night, and allowing  
17 me to -- he said I'm going to give you ten  
18 seconds to gloat. And I think I might have gone  
19 on, but I really appreciate you allowed me to do  
20 that. I was going to do it any way, but thank  
21 you for being so amenable to me doing it on  
22 Sunday, because you did not call on Saturday

1 night. But Michael, you know how I feel about  
2 you. I think you're just the consummate person.  
3 You're just a wonderful person despite the fact  
4 of your bad choices in alma maters. So thank  
5 you. Ah, yes. Thank you very much.

6 CHAIR THOMPSON: Monica?

7 MS. EVANS: And I really just want to  
8 say thank you. That's the most meaningful thing  
9 I can say. Because it's not just thank you for  
10 being the chair of this board, but thank you for  
11 serving with integrity. Thank you for caring  
12 about staff and caring about the residents in  
13 District Columbia. Thank you for going above and  
14 beyond the call of duty with everything you said,  
15 everything you do. I want to just let you know  
16 that you are appreciated. And I appreciate you  
17 as a colleague and as a friend. Even though I  
18 only got to serve as EP for about two months  
19 under your leadership, those were a very  
20 meaningful two months and I really can't thank  
21 you enough for your confidence in me, and for  
22 what you have poured into me, so --

1 CHAIR THOMPSON: Cecily Collier-  
2 Montgomery.

3 MS. COLLIER-MONTGOMERY: Yes, hi.  
4 Michael, on behalf of the Office of Campaign  
5 Finance, I would thank you for the assistance and  
6 the guidance that you gave us during the first  
7 cycle of the implementation of the Fair Elections  
8 Act. You were in contact with us practically on  
9 a weekly basis. And so we appreciate your  
10 assistance in that regard. And as everyone  
11 knows, the program was tremendously successful.  
12 So thank you again.

13 CHAIR THOMPSON: And last but  
14 certainly not least, Alice Miller.

15 MS. MILLER: So last but not least.  
16 Thank you, Gary. So Michael, I guess everybody  
17 said everything that needs to be said. But I  
18 will say this: When it comes to support, you are  
19 Superman, Okay? It is non-stop and definitely  
20 continues. Everybody on the staff know it,  
21 everybody will definitely attest to it. And I  
22 think that was the biggest fear when you

1 announced that you were going to step down, is  
2 that, you know, are we going to still have the  
3 support that we had with you? And I do think  
4 that we're seeing that with this current board,  
5 but God knows. I know that I could not have done  
6 this job without you standing beside me and I do  
7 appreciate that. And I want to thank you for  
8 that sincerely.

9 CHAIR THOMPSON: All right. Well, I  
10 know there's about 50 other, 60, 100 other people  
11 at the BOE and elsewhere that would love to say a  
12 few words, but in the interest of time, we'll --  
13 I think I'll pass off this resolution to Michael  
14 and then invite you to grab the mic as well and  
15 share any final words.

16 MR. BENNETT: Thank you.

17 CHAIR THOMPSON: Absolutely.

18 MR. BENNETT: I won't -- I won't sit  
19 down but -- because if I do I'll probably cry,  
20 But two things -- well there's a lot of stuff.  
21 One is, the very first thing I had to do when I  
22 got here, Terri was doing an incredible job as

1 Acting Director, and she was screaming, Hear me  
2 out, hear me out. So we tried, you know, she was  
3 going to stay, but I'm so thankful that we were  
4 ultimately able to convince her to take the role  
5 of General Counsel. She is the best in the  
6 country. Ain't nobody better. And Gary, you are  
7 so fortunate now, and the board is fortunate to  
8 have Terri Stroud as your General Counsel.  
9 People around the country look up to her in terms  
10 of her capabilities in this area, and there is no  
11 one better, absolutely no one better.

12 And so the other thing I wanted to say  
13 in general about the organization is that, most  
14 of you know, I had a really long career in  
15 corporate. And one of the things I did in my  
16 corporate life was mergers and acquisitions and  
17 so Karyn knows, because Karyn was with me a lot  
18 during that, is I bought and sold a lot of  
19 companies over the years. A lot of companies  
20 over the years. And in fact -- and I ran a  
21 number of organizations over the years. One of  
22 the organizations I ran was close to a billion

1 dollars a year in budget. I have never, in all  
2 of my career, been involved in the organization  
3 that was better run than the DC Board of  
4 Elections. One of things that used to aggravate  
5 me, and still does sometimes, is how so often,  
6 people, not just in the city, but around the  
7 country, make not so flattering comments about DC  
8 Government. I don't know all of DC Government, I  
9 know the DC Board of Elections. And there is not  
10 a better run organization in the country, private  
11 or public, than the DC Board of Elections. And  
12 the citizens of this city and borders are very  
13 fortunate to have an organization run so well.

14 I had the pleasure of selecting, and  
15 with the other board members, we selected Ms.  
16 Miller as our Director, and -- on her second tour  
17 in that spot. One of the former chairs called me  
18 and said, if you need to select somebody, you  
19 really need to select Alice Miller. And he was  
20 right. You know, the way we were able to work  
21 together. In fact, everybody knows, in fact, I  
22 still do work for Alice, and it wasn't the other

1 way around.

2 But it was such a cohesive, well run,  
3 but always focused on what was important. And  
4 what was important are the voters of the city,  
5 not the politicians, you know, not all of the  
6 hullabaloo, but it's really, it's the voters.  
7 And I can say, without question, that there's not  
8 one person in this organization that ever took  
9 their eye off the ball, and the ball is making  
10 sure that the voters are well taken care of. And  
11 that's also Campaign Finance, as well as the  
12 Board of Elections. Cecily and her team, and  
13 Bill, they were constantly focused on that. It  
14 wasn't hard making sure that their elections  
15 program was successful because that's where their  
16 focus was.

17 My job was to make sure that they had  
18 what they needed, because I know they were  
19 focused on making sure that it was a successful  
20 program. It was so different than anything that  
21 they ever had to do before. And the success is  
22 just, you know, kudos to everybody in that

1 organization that make sure -- and they made sure  
2 everything else kept going well, too. And that's  
3 the function of the people in the organization.  
4 And I was able to, on my way moving forward,  
5 Monica Evans, along with the board members, they  
6 were also a pleasure. And I think that we found  
7 by far the best replacement for Ms. Miller that  
8 existed in the country.

9           So I don't -- you know, DC is the  
10 focus and is looked at by lots and lots of people  
11 around the country, relative to how we do things.  
12 And the DC Board of Elections is simply a model  
13 for the rest of the country. I say it every time  
14 I get a chance to, The Brookings Institute graded  
15 us -- graded all 51 jurisdictions, in the primary  
16 in 2020, as well as the general. They gave out  
17 six As in the primary and they gave out eight As  
18 in the general. And DC received an A on both  
19 occasions, A, B, C, D, and F.

20           And our neighbors were not as -- there  
21 were only two As in the general on the east  
22 coast. One is DC, the other was New Jersey. So

1 I am proud to have served. It was time for me to  
2 go. My basic philosophies are that, you know,  
3 people shouldn't sit in those roles for so long.  
4 And it's important to have other people come in  
5 and to give new blood and fresh eyes to the  
6 processes. But those six years were, certainly,  
7 some of the most exciting times of my life,  
8 especially 2020, and I still think about those  
9 long lines during the primary, and we still got  
10 an A.

11 But one thing that I guess I wanted to  
12 share about those, is that I probably talked to  
13 1,500 people on that day, and I walked those  
14 lines until probably 11:00 or 12:00 at night.  
15 And one occasion, I remember, and of those 1500  
16 or 1600 people that I talked to, there was only  
17 probably four or five people that actually gave  
18 me a hard time. And I told everybody who I was,  
19 and I thanked them for being in line, and I  
20 thanked them for their waiting, you know, we  
21 would, you know, getting people through as fast  
22 as we could.

1                   And as I was walking down one line, I  
2 believe it was over at Ouray, I didn't even know  
3 it, but tears were coming down my face, because  
4 one lady said to me, she said, it's okay, Mr.  
5 Bennett, we don't mind -- we don't mind waiting.  
6 Thank you for being here. And that, I think, I  
7 remember that probably as much as I do anything  
8 over the term period, is that the citizens and  
9 the voters were responsive to us. And responsive  
10 to the things that we were trying to do, and  
11 appreciated that, and that meant a lot to me.

12                   And it's not to say everything  
13 happened, you know, perfectly, and it would've  
14 been great had things had gone well, that nobody  
15 had to wait in line for all those time periods.  
16 But at the end of the day, I think we did a great  
17 job. I appreciate all the people. I'll miss you  
18 guys more than you can possibly imagine. It is,  
19 you know, I think about you all -- I don't miss  
20 having sitting in that chair and make some of the  
21 decisions that we had to make. But, you know,  
22 you do what you have to do. And I think we have

1 great leadership going forward.

2 And all I can do is just thank the  
3 organization, and thank the support that -- the  
4 staff, and especially the senior leadership, you  
5 know, gave me during those time periods.

6 Unfortunately, I'd call people late at night, and  
7 poor Alice had to suffer. Terri suffered quite a  
8 bit, and still does. Monica didn't have to worry  
9 about me but two months. And Cecily, I'd call  
10 her ten times because she wouldn't answer her  
11 phone the first time. She'd called me right  
12 back. She'd say, what does he want now? But we  
13 had just an amazing relationship, and still do.  
14 You know, which is why I can tease now.

15 So anyway, I'll stop talking. This is  
16 a wonderful, wonderful resolution, I certainly  
17 appreciate that. And, you know, at the end of  
18 the day, you know, it's all about service and,  
19 you know, leaders, and I know this leadership  
20 team is that way, you know, leaders are the  
21 number one service. I think when I came in, I  
22 told everybody, I work for everybody else,

1 because that's what leaders are supposed to do.  
2 Our job is to make sure that everybody has what  
3 they need, or have what they need to get the job  
4 done. And I hope I did that. So thank you.  
5 Thank you for that resolution. And thank you for  
6 giving me a couple of minutes -- in fact, I think  
7 I took 15, to say thank you to everybody else.

8 CHAIR THOMPSON: Thank you so much.  
9 Thank you, Michael. You're welcome anytime,  
10 virtual by Zoom, if you'd like. Your hard work  
11 and dedication is deeply appreciated. And thank  
12 you for your comments about the BOE and the  
13 Office of Campaign Finance. People ask me, oh,  
14 how's it going? You know, you've been the Chair  
15 now for a couple of months. How's it going? And  
16 I have nothing but enthusiasm to provide to my  
17 colleagues and friends that ask that question.  
18 And the main reason I'm so upbeat when I answer  
19 that question is because of the excellence of  
20 everybody here -- up here, in the BOE, and in the  
21 OCF. It is an extraordinarily well-run,  
22 excellent organization, which makes, you know our

1 job as board members, easy. I think I shouldn't  
2 say easy, because it's maybe, in a few minutes,  
3 you'll see it's not going to be -- maybe not be  
4 so easy, but --

5 So with that, I guess we'll turn to  
6 the first substantive issue on the agenda today.  
7 It is a hearing on an appeal from an adverse  
8 preliminary determination of eligibility for  
9 ballot access by Ms. Lori Furstenberg, who picked  
10 up petitions to be in the Republican primary for  
11 the Office of Mayor of the District of Columbia.  
12 Apparently did not return a sufficient numbers of  
13 signatures to qualify, received an adverse  
14 determination, and we received a letter of appeal  
15 on April 3rd. We're here today to address that  
16 issue. And with that set up, I would ask General  
17 Counsel Terri Stroud to address the matter.

18 MS. STROUD: Yes. Good morning,  
19 everyone. Is Ms. Furstenberg present?

20 CHAIR THOMPSON: Yes. We can see her.  
21 Yes.

22 MS. STROUD: Okay. Hi, Ms.

1 Furstenberg, and I will now ask the Registrar of  
2 Voters, Mrs. Karen Brooks, to come and give her  
3 report of the circumstances around the filing of  
4 the nominating petition submitted by Ms.  
5 Furstenberg, and then we'll hear from Ms.  
6 Furstenberg.

7 MS. BROOKS: Good morning. I'm Karen  
8 Brooks, the Registrar of Voters for the Board of  
9 Elections. Ms. Furstenberg received her  
10 nominating petitions on January 28th to run for  
11 the Office of the Mayor of the District of  
12 Columbia as a Republican candidate. She was --  
13 received information of the required number of  
14 signatures for the office, and was given enough  
15 specificity to collect more than the required  
16 number of ballot signatures just in case she'd  
17 get challenged. She filed her number of  
18 petitions on March 23rd. She did not file the  
19 required number of valid signatures to have her  
20 name placed on the primary ballot for the general  
21 election.

22 MS. STROUD: Okay. So Mrs. Brooks,

1 what was the required number of signatures for  
2 the office in the Republican Primary?

3 MS. BROOKS: 290 signatures.

4 MS. STROUD: Okay. And how many were  
5 filed?

6 MS. BROOKS: 240.

7 MS. STROUD: Okay. Thank you.

8 MS. BROOKS: You're welcome.

9 MS. STROUD: Do you have any  
10 questions? Do the board members have any  
11 questions for Mrs. Brooks?

12 CHAIR THOMPSON: And 290 being one  
13 percent of roughly --

14 MS. BROOKS: The rest of the voters at  
15 the time she received her petition.

16 CHAIR THOMPSON: Which was 28,900 --

17 MS. BROOKS: Yes.

18 CHAIR THOMPSON: -- of registered  
19 Republicans as of what date?

20 MS. BROOKS: As of January 28th.

21 CHAIR THOMPSON: Okay. Well, thank  
22 you so much.

1 MS. BROOKS: You're welcome.

2 CHAIR THOMPSON: Karen, any questions?

3 No. Okay. Well, with that, we'll turn to Ms.

4 Furstenberg.

5 MS. STROUD: Yes. Good morning, Ms.

6 Furstenberg. And if you could state your name

7 and address for the record.

8 MS. FURSTENBERG: Can you hear me?

9 Yes. Excellent. Good morning, Lori Furstenberg,

10 3 Tingley Square SE, Washington, DC, 20003.

11 MS. STROUD: Okay, Ms. Furstenberg,

12 and you can present your position.

13 MS. FURSTENBERG: Okay. So there's

14 two questions that I have. First set of

15 questions. So this is the first time that I've

16 heard the exact amount of signatures that a

17 Republican candidate running for mayor was to

18 attain, or obtain. That said, Ms. Brooks just

19 said it was 290. The list I had, provided to me

20 by the BOE, which was what Mr. Thompson said, was

21 28,900. Therefore, right now, I've just heard

22 that, and correct me if I'm wrong, the BOE

1 expected me to get 289 signatures; is that  
2 correct?

3 MS. BROOKS: I stated the requirement  
4 was 290 when you received your petition.

5 MS. FURSTENBERG: Well, no, that was  
6 never told to me. It's not in writing anywhere.  
7 I received the list from the BOE that had 28,900  
8 signatures on it. Do you-all recall giving me  
9 that list?

10 MS. BROOKS: I don't know when you  
11 received your list, Ms. Furstenberg. I think you  
12 received the list before you received your  
13 petition?

14 MS. FURSTENBERG: No. That's not  
15 correct.

16 MS. BROOKS: Yeah, I was asking a  
17 question.

18 MS. STROUD: Well, what's your second  
19 question?

20 MS. FURSTENBERG: So these are my two  
21 questions -- so that's my first question. Just  
22 saying that I'm glad to know that you all stated

1 today that I needed 290 signatures. The list  
2 that I received had 28,900 people on it. But  
3 that goes into my second point, why was that list  
4 that the BOE sent me so absolutely inaccurate?

5 MS. BROOKS: I don't know. I can't  
6 explain that to you, Ms. Furstenberg, I didn't  
7 see your list. So I'd have to see what list you  
8 were seeing, and then do an assessment of what  
9 was in it.

10 MS. FURSTENBERG: Well, please --

11 MS. BROOKS: But -- excuse me, but I  
12 know my staff, and I know what they are taught,  
13 and they are taught to instruct the candidates to  
14 what the signature requirement is. And to give  
15 them enough petition pages to collect double the  
16 amount of what's required. And I know you  
17 received 60 pages, but you only turned in 33, so  
18 it's only as to that.

19 MS. FURSTENBERG: So my question is:  
20 Why was the list so inaccurate that I did receive  
21 from the BOE? When I went to these houses of the  
22 addresses that the BOE gave me -- first, to

1 address the BOE list, there were numerous  
2 duplicate names, duplicate addresses with  
3 different names. There were dead people. There  
4 were dead people on the list. There were houses  
5 that I went to on the list that supposedly had  
6 registered Republican, but they were actually  
7 registered Democrat, that had lived there for at  
8 least ten to 20 years. So my question is: Why is  
9 this list so inaccurate when this organization,  
10 Mr. Bennett just said, is extraordinarily run  
11 very, very well. So why is this list so  
12 inaccurate, Ms. Brooks?

13 MS. BROOKS: Again, as I explained to  
14 you a couple minutes ago, I would need a copy of  
15 the list to see what you received so I can do an  
16 assessment of it. I can't base it on just what  
17 you said, I can't base it on your words, I need  
18 to see the document.

19 MS. FURSTENBERG: Okay. The list that  
20 your office sent me. Sure, I'm happy to resend  
21 it back to you, Ms. Brooks.

22 CHAIR THOMPSON: How many, I guess, so

1       how many signatures did you believe you were  
2       supposed to get?

3                   MS. FURSTENBERG: Well, that's a great  
4       question, Mr. Thompson. That's a great question  
5       because I'm not a lawyer, I'm just a citizen.  
6       But when the BOE never gave me a number, it's on  
7       you to have -- roll, correct? So therefore, the  
8       list that you gave me was so inaccurate, how am I  
9       supposed to know what the accurate number is when  
10      you all don't even know what your list contains?

11                   MEMBER GILL: The quick answer to that  
12      is, everyone gets a list, and that's the official  
13      list. And then you are to get one percent or  
14      whatever from that. And so you weren't  
15      discriminated in any way with that, everyone gets  
16      the same thing. But if you didn't -- I guess  
17      what I'm trying to get to is, you had to know  
18      that there was a number you needed while you're  
19      out getting signatures. And so what did you  
20      think it was, 250? Did you think it was 200?

21                   MS. FURSTENBERG: You know, it seemed  
22      very evident to me, Mr. --

1 MEMBER GILL: Gill.

2 MS. STROUD: That's Mr. Gill.

3 MS. FURSTENBERG: Okay. Mr. Gill,  
4 excuse me. I apologize. It became very clear to  
5 me that the list that you all gave me was so  
6 inaccurate. The 28,900 signatures, or 900,  
7 registered Republicans, so to speak, was so  
8 inaccurate, that it became very clear to me that  
9 you didn't even know the registered Republicans  
10 in DC. And in fact, my team, that consisted of  
11 seven members, all having lived here from ten to  
12 40 years, all being registered Republicans, were  
13 not even on that list.

14 The list that the oldest member of my  
15 team, who has worked with the Republican Party  
16 for years, he thought that list to be at least  
17 ten to 12 years old. The list that the BOE gave  
18 me. It became clear to me down the line, when I  
19 was told that another list that was given out to  
20 another candidate, had 30 -- Republican  
21 candidate, had 37,000 registered Republicans on  
22 it.

1           So I throw it back at you, Mr. Gill,  
2           which list was I to get? 289 or 370? Does that  
3           mean I never saw that 37,000 supposed registered  
4           Republicans updated list? But I can tell you  
5           from the 28,900 list that I had, that was very  
6           nefarious. Complete wrong information. So I  
7           just throw it back to you, how many signatures,  
8           provided these lists, does a candidate running  
9           for Mayor, Republican candidate, supposed to get?

10           MEMBER GILL: So that, the quick  
11           answer is one percent. But no, you should not,  
12           there should not be two lists for the same  
13           primary election. So I don't know what the issue  
14           is there.

15           MS. STROUD: The pertinent list,  
16           pursuant to the statute. And I'm going to just  
17           read the statute for you, Ms. Furstenberg. Let's  
18           see. It's a District of Columbia code. Do you  
19           see Official Code, section 1-1001.08 I1B provides  
20           that: Each individual in a primary election,  
21           candidate for the office of Mayor shall be  
22           nominated for any such office by a petition

1 that's signed by, in terms of the Republican  
2 Party, which is signed by one percent of the duly  
3 registered members of such political party,  
4 whichever is less, as shown by the records of the  
5 board as of the 144th day before the date of such  
6 election. The 144th day before the date of the  
7 June 21, 2022 primary election is January 28th.

8 So the list that was in effect as of  
9 January 28th is the list that you were  
10 accountable for collecting signatures based on  
11 that count. And so that would be the one percent  
12 of the 28,900 -- the list that contained that  
13 number of voters on it. And so one percent of  
14 that is 289. And so maybe that's the amount of  
15 signatures. I mean, you know, I think that you  
16 said that the list that you received said 290.

17 MS. FURSTENBERG: No, I said --

18 (Simultaneous speaking.)

19 MS. STROUD: And so that -- even if  
20 you thought it was 289, which was one percent of  
21 that list, you would have to collect one percent  
22 of that. And so my understanding is that your

1 petition that was filed, I believe, on March  
2 23rd, which was, I believe, the last day that you  
3 could submit a nominating petition. That was the  
4 last day. And yeah, I just want to say that  
5 that's the list that should apply.

6 MS. FURSTENBERG: Okay. So --

7 MEMBER GILL: Are you aware of a list  
8 of 37,000?

9 MS. STROUD: No. I wasn't.

10 MEMBER GILL: Okay.

11 MS. FURSTENBERG: So that being said,  
12 and thank you, ma'am, for your comments on the  
13 statute. So that being said, you just said that  
14 the records of the board indicated that the list  
15 I got -- and I would agree, if that list were  
16 valid, that I should get 289 signatures. I would  
17 absolutely agree with that, that would be one  
18 percent. But that list wasn't valid.

19 The Board of Elections -- and I just  
20 heard how great you all are, and you're a model  
21 for the country. Okay. Your model for the  
22 country gave me a complete inaccurate list. Now,

1 us scrubbing that list to the best that we could,  
2 with my small team, me working full-time, getting  
3 signatures before, after work, and on weekends,  
4 right? Aside from my full-time job.

5 We determined that that list may be  
6 in-between -- the accuracy of that list may only  
7 be 13,000, a little bit above that, we don't  
8 know. It's not our job to keep that list, it's  
9 the Board of Elections to keep a valid list to  
10 give to candidates that are running for office,  
11 correct?

12 Correct? It's your job to keep that  
13 list accurate. That said, again, dead people,  
14 people that had never lived at that address,  
15 duplicate addresses, duplicate names. So when  
16 the BOE scrubs that list, which they should be  
17 doing all the time, I know you will see  
18 inaccuracies. That list is inaccurate.

19 So I ask you: If our preliminary  
20 figures of 13,000 and some change, seem to be the  
21 accurate amount of registered Republicans in  
22 District Columbia, then we could go off that

1 number, right? The 13,000? So that would be  
2 130. So we just throw arbitrary numbers all day  
3 because I'm telling you that list that you gave  
4 me is absolutely inaccurate. Therefore, I demand  
5 to be on the ballot. You provided me an  
6 inaccurate list. I demand to be on the ballot.

7 MS. STROUD: Thank you for your  
8 comments. The one thing I would just like to add  
9 is, we do have procedures that we are required to  
10 follow regarding this maintenance and moving  
11 voters from an active to an inactive status, and  
12 I don't disagree that there were inaccuracies on  
13 the list. However, we do have a process we must  
14 follow in order to conduct and update our voter  
15 registration rolls, and we do follow that  
16 process. And it may not always coincide with  
17 petition pick-up and the time that we make voter  
18 rolls available to the candidate, however we are  
19 bound by the rules that are in place.

20 MS. FURSTENBERG: And thank you for  
21 saying that, you're bound by the rules that are  
22 in place. So I just told you that there was a

1 list that had 37,000 signatures on that someone  
2 else was giving to the Republican Party. Then I  
3 was told that there was another list, 300 more  
4 names were added to that list. So the list of  
5 37,000 signatures was evidently up to speed on  
6 August of 2021 -- or I'm sorry, August of 2020.  
7 Then there was evidently 300 more signatures were  
8 added to a list that was given to another  
9 Republican that had 300 more signatures. And  
10 that list was provided in May -- or that list was  
11 supposedly up-to-date May of 2021. So the 28,900  
12 signatures I've had, that I was given, how old  
13 was that? Since you are supposed to keep these  
14 records up to date. How old was that list?

15 MS. BROOKS: I don't know when you  
16 would see the list, Ms. Furstenberg.

17 MS. FURSTENBERG: Ma'am, it was  
18 January of 2022. And let me just also say this,  
19 let me back up a little. In my appeal, I wrote  
20 that this is not a personnel problem that I'm  
21 having with the BOE. I want to tell you that.  
22 Everybody has been absolutely polite to me. This

1 is not a personnel problem. This is a process  
2 problem, and this is a legal problem. So again,  
3 that list that I received in January of 2022,  
4 with 28,900 names on it. When was that list  
5 created? How old is that list?

6 MS. STROUD: That list was current as  
7 of January 28, 2022. That is the list that is  
8 set forth, and that is the date that the statute  
9 specifies the list that's provided. The numbers  
10 are based on the list as of that date. And so  
11 that is the date, January 28, 2022.

12 And pursuant to that list, the number  
13 of signatures that you had to collect was 289  
14 because it's one percent of the 28,900. I'm not  
15 sure whether that's the 28,900, I'm not sure of  
16 the exact -- whether that was off by one or two,  
17 such that it would have been rounded up to 289, I  
18 don't know. But they would have at least been  
19 289 signatures, which would mean that your  
20 petition, if you turned in 240 signatures, was  
21 below.

22 MS. BROOKS: Yes.

1 MS. EVANS: And I also want to just  
2 speak to other documentation that you received as  
3 part of your pick-up packet, where the  
4 instructions were that you, as individuals,  
5 should check, they should, you know, attempt to  
6 file early if they could've, and supplement, if  
7 they did not have the number of ballot signatures  
8 on that list. Were you provided with the  
9 documentation with respect to tips on circulating  
10 and filing nominating petitions?

11 MS. FURSTENBERG: I was. And let me  
12 just hold your word, ma'am. Valid signatures.  
13 Well, I didn't receive a valid list. So I --  
14 here's what we agree on. I agree that I should  
15 get one percent of whatever valid list, up-to-  
16 date of registered Republicans, are in the  
17 District of Columbia. I did not receive a list  
18 with a valid voter role list for registered  
19 Republicans. I did not receive that list. That  
20 said, I demand that -- you don't know what the  
21 accurate number is. You don't know, I don't  
22 know. Therefore, I demand I'm on that list -- or

1 I demand that I'm on the petition.

2 CHAIR THOMPSON: Ms. Furstenberg,  
3 thank you so much. I think the board is going to  
4 have a long discussion now about this. So we  
5 really appreciate you bringing this issue before  
6 us, and we appreciate you filling out the papers,  
7 and being willing to run for office. Our city  
8 needs, you know, more qualified candidates from  
9 multiple parties and perspectives. So you know,  
10 thank you for going down this road.

11 MS. FURSTENBERG: Thank you, Sir. And  
12 I just -- before you make your decision, I just  
13 want to say the following, and I appreciate you  
14 thanking me for running because, (audio  
15 interference) be a two-party system everywhere in  
16 the United States, at least. So in closing, the  
17 inaccuracy of the DC voter rolls, combined with  
18 the one percent determination rule, is vague,  
19 unconstitutional and discriminatory, and amounts  
20 to voter suppression under the Constitution and  
21 the Voting Rights Act of 1965. Therefore, again,  
22 I demand that the BOE overturn its preliminary

1       determination, and that the BOE place my name on  
2       the ballot for the Office of the Mayor of the  
3       District of Columbia for the June 21, 2022,  
4       primary election. Thank you for your time today.

5               CHAIR THOMPSON: Thank you so much.  
6       And just for the record, we also, of course, have  
7       your April 3, 2022 letter that, besides many  
8       other points you've made, and some off the  
9       constitutional due process arguments you've made.

10              MS. FURSTENBERG: Thank you.

11              CHAIR THOMPSON: So with that, I  
12       think, my board members, I'll go ahead and make a  
13       motion and some comments to explain it. And my  
14       motion is to -- go ahead.

15              MEMBER GILL: One more question.

16              CHAIR THOMPSON: Yes, please go ahead.

17              MEMBER GILL: So the issue here is  
18       duplicate lists. You said you're not aware of a  
19       list of 37,000?

20              MS. BROOKS: I don't know what list  
21       she received. I can't confirm that.

22              MEMBER GILL: So everyone gets the

1 same list --

2 MS. BROOKS: Correct.

3 MEMBER GILL: -- when they go out to  
4 get signatures, right? Okay. So at least that's  
5 the procedure, that's your knowledge of how this  
6 played out? Okay, all right, thanks.

7 CHAIR THOMPSON: Karyn, any questions  
8 before I make a motion?

9 MEMBER GREENFIELD: No, I don't have  
10 any more questions.

11 CHAIR THOMPSON: Okay. So my motion  
12 is to respectfully decline the appeal that's been  
13 made by Ms. Furstenberg. And I'll just share my  
14 comments to explain why I am so moving to decline  
15 the appeal. As General Counsel Stroud indicated,  
16 it's very clear that when you run for the Office  
17 of Mayor in a party primary, you must collect  
18 either 2,000 signatures or one percent of the  
19 voters, as they exist on the registry on the  
20 144th day prior to the primary, which is January  
21 28, 2022. So in short, it's either 2,000 or one  
22 percent of that January 28th list, whichever is

1 less. And in the case of the Republican primary,  
2 one percent is probably less than 2,000.  
3 Specifically, one percent of 28,900 or 289 valid  
4 signatures, maybe it was rounded up to 290. That  
5 little issue doesn't matter because 240  
6 signatures were returned.

7 So the candidate, of course, knew that  
8 number that was in that list that was provided to  
9 her of 28,900. So it was known to a certainty  
10 that one percent of that is 289. So going out,  
11 collecting the signatures, there was a known  
12 target of 289. If the list had been 37,000, it  
13 would be 370, but 289 was communicated, it was  
14 known. And there's, of course, some  
15 responsibility on the candidate to understand  
16 what these requirements are and to gather the  
17 necessary signatures, at least equal to or  
18 preferably well above the required number, to  
19 make sure that the threshold is going to be  
20 cleared. That clearly wasn't done here.

21 I hear the sort of underlying  
22 complaint which is that the list of 28,900 names

1 was "not valid." And I don't agree with that. It  
2 was the official list in the voter registry as of  
3 January 28, 2022. It may not have been perfect.  
4 No list is 100 percent perfect at any given  
5 moment in time, because the world is constantly  
6 changing. Voters to some extent have to keep  
7 their registrations updated. When somebody dies,  
8 there's a lag time of information that's shared  
9 between agencies, et cetera. So at any given  
10 moment in time, there's always going to be  
11 imperfections on that list. You can always go  
12 through a list and find names of people who are  
13 no longer registered for the party, or deceased,  
14 et cetera.

15           And I certainly agree that we should  
16 try make that list as perfect as possible. But  
17 we certainly don't scrub lists, we don't purge  
18 lists, we try to maintain them to the greatest  
19 degree of accuracy possible, and that's always an  
20 effort that's a work in progress. Then, this is  
21 another example of how important it is for our  
22 agency to try to keep those lists as perfect as

1 possible. We're not going to get there, but, you  
2 know, it's an ongoing effort.

3 You know, that said, one percent of  
4 28,900 was a knowable number of signatures to  
5 obtain 289. If you run through this list all  
6 week long with a lot of people trying to perfect  
7 it, maybe it was 287, or 288, or 298, whatever it  
8 is. The number that was known and knowable as of  
9 the date the petitions were -- the signatures was  
10 picked up, was 289, and only 240 were turned in.  
11 And it wouldn't be fair to the other candidates,  
12 who in many cases have to get 2,000 signatures,  
13 to view the list as -- because it's imperfect,  
14 that's quote, invalid, and therefore, there was  
15 no real requirement for collecting signatures.

16 We would obviously aggregate the  
17 letter and spirit of the statute in that regard.  
18 So unfortunately, this is one of those chores you  
19 have to do when you're a candidate. I did it  
20 when I was an A&C commissioner, I only needed 25,  
21 but I got there eventually -- sorry, I'm walking  
22 my dog. It's not easy, I know. It's just not

1 easy. So unfortunately, the number submitted  
2 fell short, and notwithstanding your concerns  
3 about the accuracy of the registration list,  
4 which I hear, and I think puts another, you know,  
5 spark under us to try and improve those.

6 Notwithstanding your concerns in that regard, I  
7 have to respectfully move that we decline your  
8 appeal.

9 MEMBER GILL: So let me -- I'm sorry.  
10 I second the motion, but let me -- just a couple  
11 of comments. One, the fact that they have a  
12 Republican candidate fighting to get on the  
13 ballot is positive sign in that this city has  
14 struggled to get folks from other parties to run,  
15 period. And so good for the city over the long-  
16 term to have a diversity of parties on these  
17 ballots. The voting lists and the accuracy, to  
18 go back to the minutes of the last six, seven  
19 meetings, my largest concern about mail balloting  
20 is that it is hard to keep these lists updated  
21 and, you know, it's incumbent on the Board of  
22 Elections to do this. But it's not for lack of,

1 you know, interest on our part.

2 The rules, and this is why I think  
3 before we move to mail balloting, the rules need  
4 to be updated. It's very difficult -- we had the  
5 issue with the GW dorm, that it was clear that  
6 the folks that had registered to vote were all in  
7 a dorm that wasn't open. There was no way to get  
8 those signatures. And candidates are sort of  
9 left with, you know, being in limbo.

10 But in this instance, the lists are  
11 the same, everyone gets the same requirement,  
12 everyone gets the same list. I don't know how,  
13 you know, recognizing that I think those lists  
14 are probably more imperfect than the Chairman  
15 does. But even recognizing that, everyone's got  
16 to have the same rules of the game going in. And  
17 so I just don't see how we can -- but we don't  
18 know what the true number is to an exact moment.  
19 And therefore, we have to go by what the official  
20 tally is every month. And so short of any other  
21 answers, I think it's the same rules for  
22 everybody.

1 CHAIR THOMPSON: Karyn Greenfield?

2 MEMBER GREENFIELD: Yes. I think he  
3 seconded it, or if you want, I was going to  
4 second it because I do think, you know, we  
5 understand no list is really ever going to be 100  
6 percent perfect. The board works very hard in  
7 getting an updated list and maintaining one. And  
8 it is the -- on them to work on getting that  
9 listed as well as every single citizen of the  
10 District of Columbia. Because if I were to move,  
11 and not file anything, or tell anyone, they may  
12 not know. I'm not an active voter anymore for a  
13 while, and so they work very hard with a lot of  
14 other sources to make sure that list stays  
15 updated. It will never be 100 percent perfect.  
16 I don't think any list such as that would ever  
17 be, but I think they do a good job in trying to  
18 keep it updated.

19 And I do think it's a little bit of a  
20 responsibility also on those seeking signatures  
21 and petitions, that if someone starts seeing huge  
22 errors in the list, to contact the board.

1       Because you're trying to get petitions and you're  
2       trying to get on the ballot. And I think that it  
3       is, you know, unfair for the other candidates  
4       that did hit the signatures, and did work hard to  
5       get this on. I'm in agreement with the Chair on  
6       this issue.

7                   CHAIR THOMPSON: Thank you. So I  
8       think that that is, just to be clear, all in  
9       favor of the motion?

10                   (Chorus of aye.)

11                   UNKNOWN\_MALE: Accepting the General  
12       Counsel's --

13                   CHAIR THOMPSON: Accepting General  
14       Counsel's recommendation?

15                   (Chorus of aye.)

16                   CHAIR THOMPSON: All right. So that  
17       passes, three to nothing. Again, thank you to  
18       Ms. Furstenberg. Kind of like with the Voter  
19       Initiative 82 issue, which we're about to talk  
20       about, you know, it's another reminder of the  
21       importance of trying to get the voter  
22       registration list as accurate as possible. But

1 there's a tension here that I've now picked up on  
2 over a couple of these matters, which is, on the  
3 one hand, if your job is to get one percent or  
4 five percent of signatures on a list, you want  
5 the denominator to be lower, you want the list to  
6 be reduced, so your job is easier. On the other  
7 hand, the more important, maybe, consideration is  
8 be very careful before you remove somebody from  
9 the voter registration list, because you're  
10 disenfranchising a person. And there's a very  
11 careful process for removing somebody from those  
12 lists. A lot of it has to do with the fact that  
13 this election takes place.

14 There's a number of rounds of review  
15 to improve and try to perfect that voter  
16 registration list. And, you know, you just have  
17 to have some tolerance in a system for that list  
18 to be imperfect, because you want to err on the  
19 side of inclusion, not rush to exclusion driven  
20 by this need to have fewer signatures to get.  
21 But it's attention, and both goals are important.  
22 So I just want to tell everybody, including the

1 Initiative 82 people who are listening, we get  
2 it, and especially after this election cycle,  
3 when that's another round of scrutiny regarding  
4 the accuracy of the list, you know, we're going  
5 to double down our efforts to try to improve upon  
6 it in every way possible, because it adds so many  
7 downstream implications for other issues. Okay.  
8 Thank you so much.

9 MS. BROOKS: You're welcome.

10 CHAIR THOMPSON: Appreciate you being  
11 here.

12 MS. BROOKS: You're welcome.

13 CHAIR THOMPSON: Okay. With that,  
14 we'll turn to the Executive Director's report,  
15 Monica Hollman Evans, and I believe she's going  
16 to start with the petition verification results  
17 for Initiative Measure Number 82.

18 MS. EVANS: Yes. Thank you, and good  
19 morning. So as our Chair indicated, I will begin  
20 by giving the petition verification report on  
21 Initiative Measure 82, District of Columbia Tip  
22 Credit Elimination Act of 2021, and we'll make

1 the determination as to whether to accept the  
2 petition as numerically sufficient. After  
3 executing the board's standard procedure for  
4 verifying registered voters' signatures contained  
5 in the above referenced initiative petition, the  
6 board staff has determined that this petition  
7 does meet the statutory requirements for  
8 certification to the ballot. It is therefore my  
9 recommendation that the board accept the petition  
10 as numerically sufficient, because it does  
11 contain the required minimum number of registered  
12 voters. An overview of the petition verification  
13 process and a summary of its results will being  
14 briefly discussed now.

15 So as far as the overview of the  
16 petition verification process, the petition  
17 verification process is conducted to determine  
18 whether a petition to present an initiative  
19 measure to the electorate, contains the minimum  
20 number of registered voters' signatures required  
21 to place the measure on the ballot. The required  
22 minimum is five percent of the duly registered

1 voters citywide, and five percent of duly  
2 registered voters, in at least five of the eight  
3 wards. This numerical requirement is based on  
4 the board's published registration totals in  
5 effect at least 30 days before the petition was  
6 filed. And in this case, that registration total  
7 list was December 31, 2021.

8 I'm going to start the summary of our  
9 findings. The petition for Initiative Measure 82  
10 contains 7,966 pages. And those were filed on  
11 February 22, 2022. The petition contains 33,228  
12 signatures. After completing the procedures for  
13 verifying the voter registration status of  
14 petition circulators and signers, the total  
15 number of eligible signatures counted for  
16 qualifying the initiative for the ballot, was  
17 initially found to be 26,935. A subsequent  
18 review found the initiative to actually have  
19 27,026 valid signatures. This total exceeded the  
20 required five percent minimum of 26,204 by 822.

21 A random sample procedure is conducted  
22 to determine the required level of confidence in

1       whether or not a sufficient number of valid  
2       signatures of registered voters are contained in  
3       the petition. To help facilitate the sampling  
4       process, the Office of Planning, Data Management  
5       Division, randomly selected a sample of 100  
6       petition signatures from each ward. Their  
7       initial findings are noted, but it was determined  
8       that we could not certify as of that first  
9       sampling. As a result of the initial random  
10      sample, Wards 1, 3, and 4, were accepted. Wards  
11      5, 7, and 8, were rejected, and no decision could  
12      be made regarding Wards 2 and 6. As a result, a  
13      subsequent sample was done for Wards 2 and 6.  
14      The result of that sampling, consisting of both  
15      100 and 150 signatures, concluded to accept Ward  
16      2, but no decision could be made for Ward 6.

17               The sampling of 150 voters from Ward  
18      6 similarly resulted in no decision. Based on  
19      the no decision determination for Ward 6, the  
20      Department of Planning recommended a signature  
21      validation by BOE of all registrants in the  
22      sampling universe, which at the time, represented

1 4,656 signers. On review of the signatures by  
2 BOE, it was determined that 5,135 Ward 6  
3 registered voters should have actually been  
4 assigned to the Ward 6 universe, and increase  
5 that universe by 479 additional signatures. And  
6 that was at the time that the petition was  
7 signed, and that was prior to the boards re-  
8 districting process.

9 So that correction was made to the  
10 universe in the Ward, prior to the sampling of  
11 signatures. At the conclusion of the petition  
12 signature validation of Ward 6 petition signers,  
13 it was determined that 5,135 registered voter  
14 signatures were reviewed, and 4,761 were  
15 validated. These results were provided to  
16 Planning, DMD for statistical analysis. And it  
17 is the determination from DMD that the initiative  
18 shows acceptance in five of the eight wards and  
19 rejection of three wards.

20 In conclusion, based on the petition  
21 verification process, the random sample of  
22 signatures, the sampling of the universe of

1 signatures conducted for Ward 6, and the  
2 statistical analyses of the sampling of the  
3 district as a whole, and by ward, it is my  
4 recommendation that Initiative Measure 82,  
5 District of Columbia Tip Credit Elimination Act  
6 of 2021, is numerically sufficient, and should be  
7 certified for ballot access by the board. And of  
8 course, we will be available to answer questions  
9 and provide additional information during public  
10 matters. And at this point, I turned it over to  
11 our board chair. Thank you.

12 CHAIR THOMPSON: All right. Director  
13 Evans, thank you so much. Thank you everybody  
14 out there for bearing with us. A lot of you  
15 listening have followed this process over the  
16 last several special hearings, and now this  
17 hearing. I think as many people may recall, when  
18 we were last together on this issue on March  
19 24th, in the morning, when the hearing commenced,  
20 as the director said, there were three of the  
21 necessary five wards were confirmed as meeting  
22 the signature requirement. Mid-way through the

1 day, a fourth ward, Ward 2 passed and was  
2 accepted, and Ward 6 was going through a series  
3 of random sampling, none of which could arrive at  
4 the necessary 95 percent level of confidence.  
5 And eventually, it was determined that the only  
6 way to really get to the accurate answer was to  
7 do a complete re-review of all the signatures  
8 submitted, and that's what took place since March  
9 24th up to this date by a lot of people working  
10 extremely hard to get the answer correct.

11 So I want to publicly thank everybody  
12 who pitched in to conduct that review, not just  
13 since March 24th, but throughout this entire  
14 process. And it was important, we realized, to  
15 be as accurate as possible, because it appeared  
16 to be extremely close, at least as of March 24th.  
17 And as the director just explained, there was  
18 also a need to readjust ward assignments for  
19 signatories to the petitions, to ensure that  
20 there was a consistency of viewing signatories as  
21 of the ward boundaries, prior to the most recent  
22 adjustment.

1           The curve ball in the middle of all  
2 this is the Council adopted new ward boundaries  
3 that impacted Ward 6, among other places, and  
4 that was implemented at the BOE level in late  
5 January I believe, January 28th. But the way  
6 this is counted 30 days prior to the submission  
7 of the petition on February 22nd, that's January  
8 22nd. And the locked official registry in place  
9 as of that date was December 31, 2021. The  
10 difference between that and January 22nd is  
11 immaterial, it's extremely insignificant. That  
12 issue has been raised and it's not outcome  
13 determinative here.

14           So it wasn't until the January 28th  
15 rolls that the new ward boundaries were adjusted.  
16 So clearly, the recommendation incorporates the  
17 use of the December 31st rolls as the denominator  
18 here. It's even if that was shifted to January  
19 22nd, or 19th, or whatever the date it is, it  
20 would be immaterial, I believe. But at the end  
21 of the day, once those ward adjustments were  
22 made, and all the signatures were compared, the

1 proposers cleared the necessary five percent  
2 threshold in the five wards indicated, and DC as  
3 a whole, by a pretty decent margin. I think in  
4 Ward 6, it ended up being 4,761 out of 4,656  
5 needed, which clears it by 122 signatures.

6 So I mean, on that day, March 24th, we  
7 weren't ready to reach any determination with a  
8 level of confidence. So we needed to take the  
9 extra time. I'm glad we did, because we're not  
10 owed the answer, we owe that accurate answer to  
11 the public. And I believe we have it now. And  
12 so those are my comments, and I guess it's a  
13 precursor to therefore, make the motion that we  
14 adopt the recommendations of the Executive  
15 Director and ourselves, as the three-member  
16 board, issue a memorandum opinion, which was  
17 drafted, which largely incorporates everything  
18 that Director Evans just read.

19 The core of it incorporates the  
20 procedures and the procedural history that's been  
21 noted, and the ultimate numbers that were found  
22 after the ward adjustment is all set forth in our

1 memorandum opinion, making it clear that the  
2 requisite number of signatures were all  
3 collected. And I'll talk for a moment what that  
4 means in terms of when this goes on the ballot.  
5 So for now, my motion incorporates everything  
6 that has been reported, and to likewise determine  
7 that Initiative 82 meets the statutory  
8 requirements for certification to the ballot, in  
9 accordance with district law.

10 MEMBER GILL: And I can go second, so  
11 I second the acceptance of this Executive  
12 Director's determination. I guess, you know, the  
13 interesting issue on, are the rolls dynamic or  
14 are they official to the last of the month? I  
15 think the fact that if they're dynamic, then the  
16 January 22nd date is important and it doesn't  
17 affect the outcome. And I think to me, that's --  
18 because I do think this issue of when the roll is  
19 official, you know, equity would say everyone  
20 went into this with December 31st as the official  
21 date.

22 And so I think we would be hard

1 pressed to say, oh even though I understood the  
2 rules as one way, we're going to change them  
3 later. That being said, I think it's important  
4 to recognize that, you know, the rolls, we accept  
5 same-day voting, and therefore, that means the  
6 roll is updated to that point. But on the date  
7 this was filed, under that argument, and that was  
8 the sequential date. And under that it's not  
9 determinative, therefore I accept.

10 CHAIR THOMPSON: Karyn, any comment?

11 MEMBER GREENFIELD: I just want to  
12 thank everybody who worked on this. I know when  
13 we got down to this that the sampling wasn't  
14 working for Ward 6, it was a lot of work that had  
15 go into getting what that accurate number was to  
16 make sure that we got the accurate result back.  
17 So I'm going to thank everybody for doing that  
18 effort. Yes, and I agree and concur with your  
19 motion, so --

20 CHAIR THOMPSON: Yes. And I'm also  
21 told it's rare for the board to issue a written  
22 opinion in a situation like this. But given the

1 heightened attention that we've received, and  
2 concern by both the proposers and the challengers  
3 who are paying attention to every detail, and  
4 thank you for that, because it's helped improve  
5 our attention to detail as well. We thought it  
6 was important to set forth in one memorandum  
7 opinion, the board's determination. It's been  
8 circulated among the board members, we've all had  
9 a chance to review it. And so just to be clear  
10 for the record, I would also move that we adopt  
11 the written memorandum opinion and order that has  
12 been circulated among us.

13 MEMBER GILL: Second.

14 CHAIR THOMPSON: All in favor?

15 (Chorus of aye.)

16 CHAIR THOMPSON: Okay. With that, I  
17 don't have anything else we need to address in  
18 that regard. We'll move on to --

19 MEMBER GILL: I know some folks want  
20 to --

21 CHAIR THOMPSON: Yes.

22 MEMBER GILL: -- comment on this, so

1 are we going straight to that or are we waiting  
2 for public matters?

3 CHAIR THOMPSON: Yes, I think, we've  
4 got other issues, General reports, and OCF  
5 report. And then usually we do public comment at  
6 the end, but --

7 MEMBER GILL: I think we could do it  
8 now.

9 CHAIR THOMPSON: It's a good comment.  
10 It seems like it's most pertinent to hear from  
11 the public on this issue now. If someone might  
12 want to address that little footnote issue as  
13 between January 22nd and December 31st. And I  
14 know there's probably also questions about, not  
15 just the details, but about when Initiative 82  
16 will be on the ballot. Before I open this to the  
17 public, anything you want --

18 MEMBER GILL: I think it was -- I  
19 think maybe one representative from each. We  
20 know Andrew and Ms. Adams available also, maybe  
21 just to hear from both.

22 CHAIR THOMPSON: So we'll hear from

1 the proposer first, and then the challenger, and  
2 then anybody else. So anybody on behalf of the  
3 proposer would like to speak first.

4 MR. O'LEARY: Sure. I'm happy to  
5 speak. My name is Ryan O'Leary, I live at 1665  
6 Lamont Street NW, Washington, DC. All I have to  
7 say is thank you to the board and the staff for  
8 all of your hard work. I know it hasn't been  
9 easy and I've been with you in the offices for a  
10 lot of it. And so I just appreciate all the work  
11 you've put into this, and I'm excited for this to  
12 be on the primary ballot.

13 CHAIR THOMPSON: Thank you, Ryan.  
14 Anyone for the challenger? I think Andrew Kline  
15 is here with us?

16 MR. KLINE: Yes, good morning, thank  
17 you. I just want to confirm that the board will  
18 be following the statute and having this  
19 initiative that's (audio interference) certified  
20 on the next city-wide ballot, which is at least  
21 90 days after the date of certification. I did  
22 not see the primary ballot, the general election

1 ballot, that is the new statute. It seems to us  
2 that's the appropriate time when this matter  
3 would be on the ballot if the certification be  
4 formed.

5 MEMBER GREENFIELD: I'm sorry, Mr.  
6 Kline, if you could state your name and address  
7 for the record or the address for your firm.

8 MR. KLINE: Sure, absolutely. Andrew  
9 Kline, K-L-I-N-E, 1225 19th Street, Northwest,  
10 Suite 320, Washington, DC, 20036.

11 MS. STROUD: I will speak to the issue  
12 of when the measure will appear on the ballot.  
13 Pursuant to DC Official Code Section 1-1001.16P1,  
14 the statute reads that, the board shall conduct  
15 an election on an initiative measure at the next  
16 primary, general, or citywide special election,  
17 held at least 90 days after the date on which the  
18 measure has been certified, as qualified to  
19 appear on the ballot. The certification is  
20 occurring today, and the board members have just  
21 voted to certify it as qualified to appear on the  
22 ballot. And so since we are beyond the 90 day

1 time-frame, the measure would not appear on the  
2 primary election ballot, but rather instead, on  
3 the general election ballot, in accordance with  
4 the law. That would be when the measure would  
5 appear on the ballot.

6 CHAIR THOMPSON: Right. Yes, thank  
7 you for that. This is something we looked at  
8 very closely, because I believe the proposers, at  
9 least initially, were helpful to see it on the  
10 primary ballot. When you go back and look at the  
11 code sections that Terri Stroud just cited, it  
12 clearly says 90 days after the date on which the  
13 measure has been certified, which is today, which  
14 is beyond June 21st, and therefore, places the  
15 matter on the general election ballot in  
16 November.

17 And when you go back and look at the  
18 regulations of 1009.9.11.12, there's clearly a  
19 process whereby the board has 30 days to either  
20 accept, or reject, or declare, there's not enough  
21 information, basically, you have to keep taking  
22 random sampling to arrive at an answer. And it's

1 a little unfair. What do you do if the random  
2 sampling continues to produce inconclusive  
3 results? And I'll just read some of the key  
4 language in that regard from our written opinion  
5 that we just adopted.

6           Despite best efforts, that  
7 determination could not be reached within the 30-  
8 day time frame, faced with the unprecedented  
9 likelihood that continued random sampling, even  
10 those progressively larger sample sizes, would,  
11 for statistical reasons related to the narrow  
12 margin of signatures over the number required for  
13 Ward 6, also generates inconclusive results. The  
14 board ordered that the entire universe of valid  
15 signatures for Ward 6 to be reviewed for  
16 signature authentication, and that led to this  
17 last almost two-week period where that additional  
18 review took place.

19           So following the letter of the  
20 statute, the petition was not certified  
21 positively as of March 24th, and therefore could  
22 not be certified in a timely manner for purposes

1 of appearing on the primary ballot. However, the  
2 statute quite clearly provides that, whenever  
3 that certification date takes place, which is  
4 today, it goes on the ballot next after the 91st  
5 day, which is the general election. So the  
6 bottom line is Initiative 82 is going to be on  
7 the ballot for the voters to decide in November.  
8 And I think that's the correct reading of the  
9 statutes in terms of the timing.

10 I'm so glad we got the answer right.  
11 And thank you to the proposers for all the work  
12 you did. It's really up to the voters to decide  
13 and that's really kind of an overriding  
14 philosophical principle that I think we have,  
15 that I know I have, which is, on all these  
16 issues, trying to err on the side of the vote of  
17 democracy and let the voters decide, not us. So  
18 that's where we are. I'm sorry, I just kind of  
19 went in with a speech my own Mr. Kline, anything  
20 else?

21 MR. KLINE: The only other issue I  
22 would raise is the one that you spoke to. Is it

1 the board's position that the official records as  
2 of January 22nd are closer to the numbers that  
3 existed as of December 31st, rather than those  
4 that existed as of January 31st?

5 CHAIR THOMPSON: I think, yes, I think  
6 if you go back the precise number of days, you  
7 land on January 22nd, and the last official  
8 registry in place was the one published on  
9 December 31st. And to Mr. Gill's point, there is  
10 an element of equity here because the proposers -  
11 - that's what the proposers knew about, that  
12 December 31st publication date. That's what was  
13 knowable to them. And therefore, they hit the  
14 streets with certain targets in mind, based on  
15 those officially published lists. There was no  
16 way of knowing what it was on January 18th, or  
17 19th, or 20th, or 22nd, as the case may be. If  
18 you can capture that moment in time -- clearly,  
19 in hindsight, forensically, you can.

20 But the equity argument, the equity  
21 point is that, it wouldn't be fair to adopt a  
22 denominator based on an unknowable list that's

1 not published. With all of that said, they were  
2 fairly minor changes between December 31st and  
3 January 22nd. If you forensically reconstruct  
4 the last half of January 22nd, it's extremely  
5 close, in some cases, I think even identical to  
6 the ward numbers from December 31st. Very sort  
7 of minor changes in the numbers, so by January  
8 31st, there were more significant changes because  
9 of the ward boundaries shifting.

10 But that is not -- just because it was  
11 closer to the 22nd, it's kind of like the price  
12 is right rules or something, like, I don't think  
13 you take that and apply it retroactively as a  
14 pro-proxy for January 22nd. From the 22nd, you  
15 look back to the 31st or at a minimum, you just  
16 look to the 22nd. So I think, I think it becomes  
17 a footnote issue in terms of numbers, eventually.

18 MR. KLINE: We respectfully disagree  
19 in terms of what responsibilities are in the  
20 statute and I've also noted the matter of equity.  
21 We re-requested the voter rolls, in connection  
22 with preparing the challenge, we were provided

1 with numbers that reflected the new ward  
2 distribution, not the old numbers. So after the  
3 (audio interference) information, certainly under  
4 any circumstance, given the way that the statute  
5 is worded, one might not know this decision, how  
6 many signatures would be needed on a certain  
7 date. That is why one attempts to collect more  
8 signatures, and submit them, so that there is a  
9 margin of error. I don't think that that so-  
10 called equity changes what's in the statute, nor  
11 changes the responsibility of the Board of  
12 Elections to accurately maintain a uniform,  
13 interactive, computerized, voter registration  
14 list, which is the official voter registration  
15 list for all elections.

16 The December 31st publishing is merely  
17 informational, it is not official in any way.  
18 It's never been certified, the board has never  
19 voted on it, it's never been before this board  
20 request as being official. It is merely a number  
21 that was published for informational purposes.  
22 And now the district relies on it as official,

1 contrary to the language of the statute.

2 MS. STROUD: Mr. Chair, we do have  
3 Cliff Tatum in the room, who is prepared to give  
4 additional information regarding the numbers and  
5 the list that have been referenced.

6 CHAIR THOMPSON: Please go ahead, Mr.  
7 Tatum.

8 MR. TATUM: Thank you, Mr. Chair. The  
9 board took a look at the numbers that were  
10 published in the register as of December 31st,  
11 2021. And that number of total registered voters  
12 was 524,088. We also took a look at the numbers  
13 as of January the 19th, 2022, and the citywide  
14 numbers were 524,482. And for January the 27th,  
15 2022, the numbers were 524,790.

16 MS. STROUD: Mr. Tatum, I would just  
17 like to interrupt for one second. I would like  
18 to state that these were published in response to  
19 request for voter files, which is the reason why  
20 we printed or took snapshots on those days,  
21 because that's because individuals call in or  
22 write in requesting the voter file in its

1 entirety. And so we had occasion, pursuant to  
2 those requests, to have those snapshots for  
3 January 19th and January 27th.

4 MR. TATUM: That is correct. So we  
5 did not generate a snapshot for January the 22nd,  
6 2022, so we do not have those numbers available.  
7 But based on the general mat that you've  
8 indicated there, the difference between the  
9 December 2022 number -- 2021 numbers, and the  
10 February 2022 numbers, is roughly 5,864. If you  
11 take five percent of that, would be the signature  
12 requirements, that number drops down to about  
13 293. Break that down into Ward 8, into 8 for  
14 distribution, that turns out to be roughly 293  
15 divided by 8, roughly --

16 MS. STROUD: But do we have the ward  
17 breakdowns for those dates, the 19th and the  
18 27th, when we actually did do the voter  
19 registration files in response to the --

20 MR. TATUM: I do not have that file,  
21 those numbers in front of me here, but yes, we  
22 would have the breakdown, yes. Turns out roughly

1 to be about 35 voters per ward.

2 CHAIR THOMPSON: You're comparing  
3 December 31st with January 27th?

4 MR. TATUM: February.

5 CHAIR THOMPSON: February?

6 MR. TATUM: Yes. February 28th.

7 CHAIR THOMPSON: And I take it if you  
8 were to compare December 31st with January 22nd,  
9 It's a much much smaller --

10 MR. TATUM: That is correct.

11 CHAIR THOMPSON: -- margin. So it  
12 appears to me, from all the numbers, that this is  
13 an immaterial or moot point. We could be  
14 interesting to debate about, I suppose. If you  
15 were to deem the January 22nd voter rolls as the  
16 quote official list, the chip and numbers would  
17 be so inconsequential, it would not the outcome  
18 determinative on this issue, either with respect  
19 to DC as a whole, Ward 6, or any other given  
20 ward; is that correct?

21 MR. TATUM: That's correct. It's  
22 roughly 954, the difference is 954. And then you

1 break that down into eight wards and it becomes  
2 how many voters would sign in the eight wards.

3 CHAIR THOMPSON: It also appears to be  
4 the case, even if you used the February list,  
5 it's still going to be immaterial and not outcome  
6 determinative on this issue.

7 MR. TATUM: That's correct.

8 CHAIR THOMPSON: So it's just -- I  
9 keep calling it a footnote point, because it  
10 doesn't determine the outcome. But for what it's  
11 worth, the statute, the charter itself, quite  
12 clearly says to use, in this case, as of January  
13 22nd, the "latest" official count. So the  
14 charter and the corresponding statute and  
15 regulation all fairly contemplate the notion that  
16 it's something prior. This isn't necessarily on  
17 that date. And I certainly don't read code  
18 section 1-1001.05A1 to the contrary, as mandating  
19 a dynamic list on any given moment, not just any  
20 day, but any given moment in time, there's an  
21 official list that can be, you know, pegged under  
22 the Help America Vote Act, but I guess that's a

1 legal debate, if we have to have it for another  
2 time.

3 I think we got the answer right as a  
4 matter of law, and as the facts show, it really  
5 doesn't matter where you've gone with this date  
6 issue. The proposers still have the requisite  
7 number of signatures. But I understand the  
8 argument's been made and preserved. I haven't  
9 paid attention to other public comments out  
10 there, are there other hands raised?

11 MR. EIDINGER: Yes. Adam Eidinge.  
12 2448 Massachusetts Avenue NW, Washington, DC.  
13 I'm the Treasurer of the campaign, To Build a  
14 Better Restaurant Industry. Overall, I mean,  
15 we're excited that we're qualifying for the  
16 ballot, but there's a huge concern with our  
17 campaign that we played by the rules, we  
18 submitted the signatures on time to qualify for  
19 the primary ballot, and you may have heard the  
20 proposer, Ryan O'Leary already say, we look  
21 forward to being on the primary ballot. If you  
22 look on the DC BOE website right now, on the top

1 of the page, it says, all voters will have the  
2 ability to vote in the primary ballot on the  
3 Initiative 82, it's said that now for a few days.  
4 The only reason that statutorily that we're being  
5 denied the primary ballot is because of the way  
6 that the board reviews the wards, and using  
7 sampling.

8 I just don't understand -- my question  
9 is: Why aren't you just tracking the wards as  
10 you're going along with validations and then just  
11 running the result? Instead of having to do this  
12 complex sampling method, why not just check wards  
13 as you go along? We do that with our own  
14 internal validation. And because I understand a  
15 whole different process and that's what caused  
16 the delay. And now we're like 77 days out from  
17 the primary and we're only determining today and  
18 your client has a point, and you're making the  
19 right call, putting it on the general election  
20 ballot.

21 Our lawyers have said the same thing,  
22 but it still isn't fair how this is going down.

1 I mean, we could have had a bigger surplus, I  
2 suppose. I acknowledged that. But we still had  
3 a healthy surplus, and this question of the ward  
4 boundaries shouldn't even be that hard to  
5 determine. So can I get an answer as to why it's  
6 done this way with the sampling and not just  
7 tracking as you go along with the entire ballot  
8 validation?

9 MS. STROUD: The statute allows for  
10 the bona fide random and statistical sampling  
11 method leading up. And I just want to state for  
12 the record that we had never been faced with a  
13 situation where we could not accomplish the up or  
14 down determination within 30 days. This is not  
15 to say that we are required to adhere to this  
16 process, but that's the process that is allowed  
17 for by statute, and that's what we did in this  
18 instance. And that's, yeah, I mean --

19 CHAIR THOMPSON: Yes, the random  
20 sampling process is outlined in the DC code, that  
21 1-1001.16 in the corresponding regulation at  
22 title 3-1009, sorry, which lays out this two-step

1 process that the director referred to earlier,  
2 where first, basic condition of qualifications  
3 are reviewed and determined, regarding  
4 duplicates, and dates, and that sort of thing.  
5 And the final step, the signature verification  
6 itself, while clearly, lays out this process of  
7 using the random sampling approach, which, on  
8 every occasion up to now, allowed the board to  
9 achieve 95 percent certainty. That's a really  
10 high threshold, by the 30th date, and you can  
11 make the final determination up or down.

12           However, the regulation clearly tells  
13 you to keep going until you can get to 95 percent  
14 certainty, and so we just ran out of time.  
15 Because it was so close, and unfortunately we had  
16 to take an extra -- and they used something in  
17 that neighborhood to reach the final and correct  
18 determination, and it's unprecedented in terms of  
19 the process on our part, certainly not the first  
20 -- I'm sure not the first, election result, or  
21 signature verification result, or whatever the  
22 case may be that, where the election board needed

1 more time to get it right. So when all is said  
2 and done, it's important that we got it right and  
3 that one would be on the general ballot.

4 MS. EVANS: I think, you know,  
5 arguably if we didn't do a sampling and looked at  
6 -- because we do have to validate the signatures.  
7 And I do think that that process could take  
8 longer, were it not for the ability to do a  
9 random sample and just take on the random sample  
10 universe. So arguably, it could take, but that's  
11 -- I don't think the issue is the sampling. I  
12 will say that.

13 CHAIR THOMPSON: Okay. All right.  
14 Yes. Anybody else? Just on this issue, because  
15 we've got general matters in OCF, and then more  
16 public comment at the end. But on this  
17 particular issue regarding Initiative 82, who's  
18 ever next.

19 MR. BIANCO: Mr. Chair, this is  
20 Richard Bianco. I represent John Bagwell. We  
21 filed the motion to intervene in this matter. I  
22 didn't receive a copy of whatever memorandum has

1       been circulated. I assume, just based on the  
2       discussion that's being had here, that our motion  
3       was either not considered or denied. I don't  
4       expect to re-argue it, we fully briefed the  
5       matter, and I believe there was an opposition  
6       filed on Friday. I just wanted to ensure that I  
7       note for the record our objection to the either  
8       denial or non-consideration of our motion to  
9       intervene, to ensure that the issue was preserved  
10      for appeal.

11               MS. EVANS: Mr. Bianco, you did not  
12      intervene with respect to this matter. This is a  
13      matter that is separate from the challenge, to --  
14      regarding more to where you did intervene. So  
15      this is not that matter. The parties agreed to  
16      table the hearing on the challenge until after  
17      this was resolved. And so when we take up that  
18      matter, that's when your motion to intervene will  
19      be entertained.

20               MR. BIANCO: Thank you so much,  
21      Counsel. I appreciate that clarification. I  
22      just wanted to make sure that our issue was

1 preserved. I see that it has. Thank you very  
2 much.

3 MS. EVANS: You're welcome.

4 CHAIR THOMPSON: Okay. Who is next?

5 MR. KLINE: Yes. We would just  
6 formally object to certification at this time as  
7 to the challenge that was properly filed and has  
8 been determined (audio interference).

9 CHAIR THOMPSON: And yes. Thank you  
10 for that. I understand there will be a pre-  
11 hearing process on the challenge and then, if  
12 necessary, another hearing by the board to  
13 address the challenge itself, which in relevant  
14 part, I think pertains to Ward 2, and to the  
15 extent that that goes forward, at that time we  
16 will roll out the motion to intervene as well.

17 MR. SCHILLER: This is Nikolas  
18 Schiller, 2448 Massachusetts Avenue NW,  
19 Washington, DC. I'm chiming in about two things.  
20 Number one, Friday, April 8th, in two days, is  
21 the 180th day for the Initiative 82 petition,  
22 which means the campaign could've been collecting

1 signatures all the way up until this Friday. The  
2 campaign followed the published calendar on the  
3 Board of Elections' website to the tee. We  
4 submitted our petitions on the deadline. And  
5 because of the Board of Elections' internal error  
6 when it comes to the Ward 6 boundaries, we are  
7 being denied ballot access to the primary. I was  
8 at the Board of Elections on June of 2021, to  
9 submit the petition. When the -- I'm sorry  
10 dismiss the ballot initiative language. The  
11 ballot initiative language provides a pay raise  
12 to tipped workers.

13           And the first pay raise goes into  
14 effect on the 1st of January, 2023. If this  
15 issue was voted on during the general election,  
16 it will be transferred to congress in January of  
17 2023, and will not become effective until at  
18 least the end of February or the first week of  
19 March of 2023, thereby delaying the pay raise.  
20 The ballot initiative was supposed to give  
21 workers, assuming it gets passed by the voters  
22 this general election. The entire point of this

1 ballot initiative was to be placed on the primary  
2 ballot. And it was due to the Board of  
3 Elections' error that we're now denying voters  
4 the opportunity to take part on this in the  
5 primary, and delay tip workers raises if this  
6 ballot initiative passes. It's clearly unfair.  
7 And I was a person who worked the Referendum  
8 Number 8 back in 2018, and it was also Board of  
9 Elections' error that denied voters the  
10 opportunity to take part in that referendum,  
11 which was aimed to overturn the board of the DC  
12 counsel's repeal of Initiative 77, which this  
13 ballot initiative does.

14           So this is, like, again and again, we  
15 have seen Board of Elections' errors, denying  
16 voters the opportunity to give tipped workers,  
17 hard workers in the District of Columbia, the  
18 fair pay raise that they deserve. And we didn't  
19 do anything wrong, but we are being penalized for  
20 an error that was made by the Board of Elections  
21 with respect to Ward 6, in the counting of the  
22 signatures that we turned in on time. The

1 statute is clear, 90 days, I get it. But there  
2 needs to be some mechanism that the Board of  
3 Elections can except an error and be able to  
4 provide ballot initiative campaigns the ability  
5 to be placed on the ballot when they follow the  
6 rules that have been published. That's all I  
7 have to say. Thank you for your time.

8 MS. EVANS: Thank you for your  
9 comment. The only thing that I just wanted to  
10 make sure I include on the record, is the fact  
11 that the areas that you referred to really had to  
12 do with re-districting. And the way re-  
13 districting happened at the time and not having  
14 all of the data in place before we started this  
15 process. And so we needed to go back and just  
16 make sure people were in the correct ward, as the  
17 list we were using. And so I wouldn't  
18 necessarily classify it as an error, but we just  
19 wanted to make sure we got it 100 percent right.  
20 Thank you.

21 CHAIR THOMPSON: Thank you. I mean,  
22 I also wish we could have leniency here and sort

1 of do this retroactively to March 24th, sort of  
2 deem that to be, in hindsight, the date of  
3 certification, because I certainly hear you, what  
4 you just said. But the statutes are really  
5 clear. I mean, we can only -- we have to follow  
6 the letter of the statute in this particular  
7 case. It's the 90th day after certification,  
8 which is today. And I can only guess as to the  
9 reason for waiting 90 days is that the DC Council  
10 had in mind when they passed 1-1001.16, but  
11 that's what it tells us to do, so we have to do  
12 it.

13 You know, obviously, with the point  
14 being made that the initiative's going to the  
15 voters on the issue here, June 21st or November  
16 8th. So it will be on the ballot and -- rest  
17 assured. Well, barring a successful challenge,  
18 which we have yet to address.

19 MR. CAPOZZI: Hello, this is John  
20 Capozzi, 3612 Austin Street, proud member of the  
21 Hill Crest community. My comments actually are  
22 similar to Nick Schiller's comments, but I think

1 a couple of things. First of all, I think it's  
2 been clear from the beginning that this  
3 initiative faced some strong legal challenges.  
4 So not living within the 30 days of verifying the  
5 signatures and wards, it was clear that I didn't  
6 even know there was sampling. I thought you guys  
7 checked all the signatures and did exactly what  
8 we did, which is you verify where each person  
9 lives to make sure the five percent is achieved.  
10 But apparently this other, you know, procedure,  
11 is what delayed us to get pass this 90 days.

12 And so, Mr. Chairman, when you're  
13 congratulating the board in terms of, like, the  
14 efficiency of the group, I mean, clearly what's  
15 happened is, a lot of time and effort was spent  
16 to collect the signatures, and knowing that there  
17 was a determined legal challenge against them,  
18 you still are able to go past 90 days.

19 So there are two remedies for this  
20 that I want to recommend you consider. One is,  
21 the Council can put this at issue on the ballot  
22 for the primary. I ask you to consider going to

1       them and asking them to do that, based on the  
2       fact that due to the inefficiency of the  
3       procedures of verifying the signatures within 90  
4       days, that would actually solve this problem.

5               And secondly, you know, based on what  
6       Mr. Kline said, and other legal representation,  
7       it's clear that this is not going to be over.  
8       Your confidence that this is going to be on the  
9       November ballot, I think is misplaced, because  
10      they're going to say, hey, you know what? They  
11      followed the procedures for the primary ballot,  
12      but you know what, now it's going to November, so  
13      they're going to challenge it based on that.

14             So I want you to consider having your  
15      counsel go to court and represent this challenge  
16      in a way that ensures that it will be on the  
17      November ballot if that is your wish at this  
18      time. Because, you know, either way, like you  
19      can go to court now and say, hey, it's 90 days,  
20      but, you know, it's 77, because the fact is that  
21      we were inefficient in our procedures. Or you  
22      can defend it for November ballot so that it

1 actually does appear before the voters.

2 But it's clear that the people who  
3 oppose this initiative are not going to end at  
4 the end of this hearing. I mean, Mr. Kline just  
5 said that he's determined to continue, so I need  
6 your legal counsel to be in court with, you know,  
7 the people from the initiative, to defend it, to  
8 ensure that it does make it on the ballot. Thank  
9 you.

10 CHAIR THOMPSON: Thank you so much for  
11 your comment. Anyone else have their hand raised  
12 on this issue?

13 MR. CAPOZZI: Mr. Chairman, it was a  
14 request, it was not a comment.

15 CHAIR THOMPSON: And I understand. I  
16 mean, there's a lot of steps to this process.  
17 What's before us today is whether the certified  
18 petition is eligible for the ballot and we've now  
19 certified it as eligible for the ballot, and  
20 addressed some of the detailed issues involved in  
21 that result. Next, we'll take up the challenge  
22 that's been filed, unless it's resolved or

1 withdrawn, which focuses on Ward 2 and hear what  
2 they have to say and hear what the intervenor has  
3 to say if that motion is granted and, you know,  
4 everybody gets their due say and -- and this  
5 process and procedures allow for challengers.  
6 And there's nothing wrong with what they're  
7 doing. They have a right to do it and we'll hear  
8 their challenge and consider the merits of the  
9 arguments they make.

10           If they have additional arguments to  
11 make, that are timely and that we're allowed to  
12 address, we'll address them at that time. But,  
13 you know, we can only -- we can only sort of  
14 comment on where we are today, which is  
15 certification is achieved and you know, onward  
16 from here in terms of next steps. And you're  
17 right to be -- to point out that it's not yet  
18 clear exactly what's happening next. We haven't  
19 even heard the challenge for that matter.

20           But, you know, this thing all comes in  
21 steps and it's, hopefully, a good day for the  
22 proposer of Initiative 82 to find out that

1 they've now been formally -- that their  
2 initiative has now been formally approved to be  
3 on the ballot. And we'll certainly continue to  
4 think hard and seriously about the date of the  
5 vote. So, you know, we've reached our  
6 preliminary determination in that regard  
7 obviously, as just explained, I promise you,  
8 we'll continue to think about it. Well --

9 MR. AMENE: Mr. Chair?

10 CHAIR THOMPSON: Yeah, go ahead.

11 MR. AMENE: My name is Abel Amene, I  
12 live at 506 Longfellow Street, Northwest, in  
13 Washington DC. I was a volunteer for this  
14 campaign and helped collect signatures, I was out  
15 in the cold weekend after weekend, as a  
16 volunteer. I'm a former restaurant worker. This  
17 is very disappointing and I would like an  
18 acknowledgment from this board that -- that it  
19 caused this problem.

20 I remember attending the meeting, in  
21 which the chair, I remember saying that if the  
22 worst that can happen is that we miss the 30-day

1 period, I'm not worried about that. And if you  
2 go back in your recording you will see that. And  
3 now earlier you acknowledged that -- that the  
4 statute over and over again warrants this board  
5 to get this done within 30 days, and this board  
6 failed to do that. And not only failed, but  
7 failed to recognize this campaign several times  
8 acknowledging during those meetings that you were  
9 looking at the wrong maps. So I would like the  
10 board to acknowledge that the error came from you  
11 and that not -- that the campaign had no problem  
12 there.

13 CHAIR THOMPSON: Thank you so much for  
14 your time out gathering signatures. It's a --  
15 it's a valuable process. The BOE followed the  
16 statutes and the regs and I -- I respectfully  
17 disagree that any errors were committed. There  
18 was -- nothing was remiss, nobody was  
19 irresponsible and quite -- quite the contrary, a  
20 lot of people worked around the clock for a lot  
21 of days to get -- to get this right. And I  
22 believe they did and I remain impressed by that

1 and proud of that effort.

2 Okay. Any other public comment on  
3 this issue? Okay. Thank you. I really  
4 appreciate everybody's patience. There's --  
5 there's more to this process as we've -- as we've  
6 noted. So we -- we may be together again soon  
7 and in another hearing, possibly with respect to  
8 the challenge at hand. With that, we'll move on  
9 to general matters and hear from the Executive  
10 Director Evans in that regard.

11 MS. EVANS: Thank you, Mr. Chair, good  
12 afternoon. I will begin with voter education and  
13 outreach. During the month of March, the Voter  
14 Education and Outreach Division conducted 31  
15 outreach or recruitment events on behalf of the  
16 agency. 15 of the events were conducted in Wards  
17 7 and 8. One notable event was Let It Ride and  
18 Walk Senior Popup. And that was held in  
19 conjunction with the Department of Aging and  
20 Community Living. And the event highlighted the  
21 various modes of transportation available to  
22 seniors. Resource agencies such as the Board of

1 Elections participated in that event. In  
2 addition to educating seniors, we provided voter  
3 registration services.

4 In regards to our voter registration  
5 rolls, we are currently processing new voter  
6 registrations and voter focus in producing  
7 registration reports. In March, we registered  
8 2,261 new voters, and processed 1,709  
9 registration changes. In total, we mailed 3,970  
10 voter registration cards. As we are preparing to  
11 mail ballots for the June primary, we are  
12 encouraging voters to review and update their  
13 voter registration information. We are also  
14 working on the accuracy of our voter registration  
15 rolls by reviewing files and moving voters to an  
16 inactive status.

17 As a result of voter maintenance  
18 efforts, we moved 37,811 registered voters from  
19 an active to an inactive status in March. The  
20 number of current active voters is now 48,257  
21 voters. As far as our online voter registration,  
22 our online voter registration portal continues to

1 gain popularity. Those registering to vote can  
2 complete the process with a cell phone, tablet,  
3 laptop, or desktop computer. To date, we have  
4 registered 3,087 voters using that portal. As  
5 far as an update regarding the process and what  
6 we're doing to prepare for the June primaries, as  
7 mentioned, of course, the June primary will be  
8 held on June 21, 2022. Candidate pick up began  
9 on January 28th, and petitions were filed on  
10 March 23, 2023. The challenge process began on  
11 March 26th, and the challenge period ended on  
12 Monday, May 4th. We have received a total of 23  
13 challenges.

14 Also as indicated, we will mail a  
15 ballot to every registered voter in the district  
16 for the June primary. We're working with K&H  
17 Mailhouse to prepare the documents that will be  
18 mailed to registered voters. The ballot will be  
19 finalized after the ballot lottery that will be  
20 held on Friday, April 29th. Our tentative plans  
21 to begin mailing ballots on May 16th and the  
22 final mailing of ballots will occur on June 10th.

1 Also as indicated, we have 40 vote centers that  
2 will be open for early voting June 10th through  
3 June 19th, and there will be no in-person voting  
4 on June 20th in observation of Juneteenth. 90  
5 vote centers will be opened on election day, June  
6 21st.

7 I just want to say we appreciate  
8 everyone who commented on the location of our  
9 proposed vote centers, mail ballot drop-boxes and  
10 we have taken all of that feedback very seriously  
11 and we have finalized the location for the 55  
12 mail ballot drop-boxes, the 40 early vote  
13 centers, and the 90 election day vote centers.  
14 As previously mentioned, mail ballot drop-boxes  
15 will open on May 27th, and voters can deposit  
16 ballots at any vote center during early voting  
17 and on election day.

18 We are currently recruiting election  
19 workers and election worker training began on  
20 March 22nd. Our goal is to recruit and train  
21 between 2,000 and 2,500 election workers for the  
22 primary. As of Saturday April 2nd, we had 207

1 election workers fully trained. And we do have  
2 our online training portal that is available to  
3 supplement in-person training.

4 As far as communications, I'd like to  
5 say, ready, set, vote, which is the thing you  
6 will see on our website. We have revised  
7 portions of our website to make it easier and  
8 more user friendly. We went to ensure  
9 information can be found and that it is clear.  
10 As we continue the process, we appreciate the  
11 public to exercise their right to provide  
12 feedback so that we can continue with any  
13 improvements that are needed. And that concludes  
14 my report.

15 CHAIR THOMPSON: Thank you. Any  
16 questions from any board members? None here.

17 MEMBER GILL: No questions.

18 CHAIR THOMPSON: Okay.

19 MEMBER GREENFIELD: No questions.

20 CHAIR THOMPSON: Okay. Turning now to  
21 the General Counsel's report.

22 MS. STROUD: Okay. I have the first

1 item on my agenda as the Emergency and Proposed  
2 Rulemaking. And the -- an incorrect caption is  
3 in the rulemaking, we'll publish the -- we'll  
4 have copies of the rulemaking available for the  
5 public. But it is actually rulemaking to amend  
6 Chapter 30 -- Chapters 30 -- Chapters 30, 33, 37,  
7 and 42 of the DCMR. And these are -- this is a  
8 rule amendments to the OCF's regulations and so  
9 I'll defer to Bill Sanford to explain the purpose  
10 of the rulemaking.

11 CHAIR THOMPSON: Thank you, Mr.  
12 Sanford.

13 MR. SANFORD: Morning, Mr. Chairman,  
14 and distinguished Board Members Gill and  
15 Greenfield. My name is William Sanford, General  
16 Counsel for the Office of Campaign Finance. The  
17 Office of Campaign Finance is requesting that the  
18 board approve emergency and prepares rulemaking  
19 which will achieve consistency between the  
20 regulations and legislation that has recently  
21 been approved by the Counsel and the Mayor.  
22 Section 30 -- Section 3001 will be amended to

1 allow candidates and treasurers of political  
2 committees to continue to fulfill their required  
3 OCF training online.

4 Section 3008 be amended to include the  
5 common contractor provisions of the Campaign  
6 Finance Reform Amendment Act of 2018. It has an  
7 applicability date after the November 22nd  
8 general election. The covered contractor  
9 provisions prohibit principles of entities that  
10 have contracts with the District government or  
11 are competing for contracts with the District  
12 government, with an aggregate value of \$250,000,  
13 from making contributions to political campaigns  
14 in the District of Columbia throughout the  
15 duration of the contract or the competition for  
16 the contract.

17 Section 3011 provides for  
18 reimbursement of childcare expenses from campaign  
19 funds. Section 3301 extends and further explains  
20 the prohibition on the use of government services  
21 for campaign related purposes. This was the  
22 result of the board's request as a result of a

1 case that was before the board involving this  
2 issue during the last election year, 2020. This  
3 provision will include and expands the  
4 restrictions to e-mail accounts, social media  
5 accounts, web pages, Internet domains, linking to  
6 candidates' political groups or websites,  
7 Tweeting or re-Tweeting a link or an article on  
8 candidate of office, posting photographs or  
9 cartoons of a candidate or political group in  
10 support of or opposition of that candidate or  
11 political group to a District government account.

12 Section 3711 imposes fines of \$4,000  
13 each against fair election candidates who fail to  
14 remit unexpended funds from a campaign account or  
15 fail to remit unexpended matching funds from  
16 campaign accounts, and fail to donate equipment  
17 purchased by the fair elections campaign. And  
18 finally, Section 4200 authorizes mandatory OCF  
19 training online during public health emergencies  
20 that have been declared by the Mayor.

21 Section 4201A gives the recalculation  
22 for matching funds for candidates in the fair

1 elections program based upon the legislation that  
2 was recently passed, in which the calculation  
3 will be the most recent general elections as  
4 opposed to specific election cycles or specific  
5 offices. And that should conclude the issues  
6 involved in this proposed rulemaking.

7 MS. STROUD: Okay. So I would request  
8 that the board permit this rulemaking to be  
9 submitted to the DC Register. It means that it  
10 will appear in the DC Register next Friday, which  
11 is April 15th, and because it's emergency and  
12 proposed rulemaking, they will remain in effect  
13 until August 13th, which is the 120th day after  
14 publication of the DC Register. And we will  
15 actually begin to make rulemaking available  
16 online for review and comment. And so members of  
17 the public will have the ability to pick them up  
18 from offline, and make comments, submit comments  
19 to the board with respect to the rulemakings. So  
20 that is my recommendation. I request that the  
21 board move to permit the rulemaking to be  
22 submitted to the DC Register for publication and

1 comment.

2 CHAIR THOMPSON: So mote.

3 MEMBER GILL: Second.

4 CHAIR THOMPSON: All in favor?

5 (Chorus of aye.)

6 CHAIR THOMPSON: Okay. Thank you so  
7 much for that.

8 MR. SANFORD: Thank you.

9 MS. STROUD: Yeah. And the next item  
10 on my agenda is litigation status. The first  
11 matter is Jason Christopher Long v. Board of  
12 Elections. This matter involves a poll worker  
13 payment. An individual filing a complaint  
14 seeking \$10,000 in damages, claiming negligence  
15 and unjust enrichment, alleging that the board  
16 issued a check inappropriately, then had the  
17 payments stopped, causing him to have a negative  
18 balance and a return check fee. This matter is  
19 being continued to June 17th.

20 The next matter is Henderson v. Board  
21 of Elections. Henderson filed a recall petition  
22 against advisory neighborhood commissioner

1       Sydelle Moore, commissioner in single-member  
2       district 5B05. The petition was rejected due to  
3       an insufficient number of signatures and the  
4       matter was appealed. On January 25th, the court  
5       issued an order ordering the board to file the  
6       administrative record in this matter by May 23rd.

7                   And the final matter is Public  
8       Interest Legal Foundation v. Executive Director  
9       Evans in her official capacity. This has to do  
10      with the denial of a request for records under  
11      the National Voter Registration Act. The suit  
12      alleges that the board is out of compliance with  
13      the NVR-based public records provision. The  
14      board is being represented by the Office of the  
15      Attorney General. They filed a motion to dismiss  
16      on February 3rd. The plaintiff filed a response  
17      on February 17th, and the OAG filed a reply on  
18      March 17th. And so we're still just awaiting to  
19      see what happens next in the court. And that  
20      concludes my report.

21                   CHAIR THOMPSON: Okay. Thank you for  
22      that. Unless you have questions.

1 MEMBER GILL: No questions.

2 CHAIR THOMPSON: Moving on down to the  
3 campaign finance report. Thank you, Cecily, for  
4 being so patient throughout all this.

5 MS. COLLIER-MONTGOMERY: Yeah.

6 CHAIR THOMPSON: Please -- please  
7 proceed.

8 MS. COLLIER-MONTGOMERY: Good  
9 afternoon. (Simultaneous speaking) the Office of  
10 Campaign Finance and during the month of March,  
11 we attended -- thank you -- five Advisory  
12 Neighborhood Commission meetings. And basically,  
13 at those meetings, we present information on the  
14 programs in the Office of Campaign Finance,  
15 including the traditional campaign finance  
16 program, and the fair elections program. And the  
17 dates were March 2nd, ANC 1C; March 9th, ANC 1A;  
18 March 9th also, ANC 3C; March 15th, ANC 3F; and  
19 on March 28th, ANC 3G.

20 In the Fair Elections Program  
21 Division, during the month of March, I would  
22 first point out that we are in the process of

1 planning for the debate -- the virtual debates  
2 that we will be conducting in the -- in each of  
3 the contested citywide races. The -- under the  
4 fair elections program, the candidates who are in  
5 contested citywide races are required by the act  
6 to participate in the debate.

7 And as of this day, we will be holding  
8 debates for the covered offices of the Mediary,  
9 the Attorney General, the Council Chairman, as  
10 well as for the at-large members of the Council.  
11 The debates, and I will provide more information  
12 at the May meeting for the debates, probably,  
13 more than likely will be scheduled after the end  
14 of the challenge period once we know who in fact,  
15 has qualified for ballot access. I would also  
16 indicate that the candidates in the traditional  
17 program who achieve ballot access will also be  
18 invited to participate in the debates.

19 Also, we want -- we intend to schedule  
20 the debates before the beginning of the mailing  
21 of the ballots to the voters, so that voters will  
22 have the information about the candidates in

1 these races before then. As of this date, during  
2 the 2022 election cycle, and again, I will just  
3 mention that this is the second election cycle  
4 during which the fair elections program has  
5 become fully operational, the agency has  
6 disbursed -- authorized for disbursement, the  
7 total sum of \$7,183,808.50 from the fair election  
8 fund in base amount and matching payments to the  
9 23 candidates who have been certified to  
10 participate in the June 21, 2022, primary  
11 elections.

12           During the month of Mach, we certified  
13 six new additional candidates in the fair  
14 elections program, and we also authorized 26  
15 disbursements from the fund. I will basically  
16 provide the information concerning the six new  
17 candidates. The information concerning the 26  
18 disbursements is listed in our report and for  
19 members of our public, I would indicate that the  
20 report will be posted on our website by the end  
21 of the day.

22           The first was Nate Fleming, Committee

1 to Elect Nate Fleming. The candidate was  
2 certified on March 1, 2022, as a participating  
3 candidate in the fair elections program. Again,  
4 in in the June 21, 2022, primary election for the  
5 covered office of at-large member of the Council.  
6 And the sums are \$20,000 for the first half of  
7 the base amount payment for this covered office.  
8 And also \$67,602.25 was authorized in matching  
9 payments.

10 Brian L. Schwalb, Brian for DC. The  
11 candidate was certified on March 1, 2022, as a  
12 participating candidate in the June 21, 2022,  
13 primary election for the covered Office of  
14 Attorney General. And the sums are \$20,000 for  
15 the first half of the base amount payment, and  
16 \$432,160 in matching payments were authorized for  
17 disbursement. And I'll just mention on the  
18 record, too, that as far as the base amount  
19 payment is concerned, the second-half is  
20 authorized once the candidates have in fact  
21 achieved ballot access.

22 The third candidate who was certified

1 during the month of March is William Phillip  
2 Thomas, Phil for Ward 3. The candidate was  
3 certified on March 15th, as a participating  
4 candidate in the fair elections program in the  
5 June 21st primary elections for the covered  
6 office of council member from Ward 3. And the  
7 sums of \$20,000 in the first half of the base  
8 amount payment was authorized for disbursement.  
9 And \$48,850 in matching payments.

10 The fourth candidate is Patricia  
11 Dunkin, Tricia Duncan for Ward 3. The candidate  
12 was certified on March 15th, again, in the fair  
13 elections program to participate in the June 21st  
14 primary election for the covered office of Member  
15 of the Council from Ward 3. And the sums of  
16 \$20,000, which again, represent the first half of  
17 the base amount payment for this covered office,  
18 and \$40,125 in matching payments were authorized  
19 for disbursement.

20 The next candidate is Matthew Frumin,  
21 Matthew Frumin for Ward 3. The candidate was,  
22 again, certified on March 18th in the fair

1 elections program to participate in the June 21st  
2 primary election for the covered office of  
3 council member from Ward 3. And the sums of  
4 \$20,000 for the first half of the base amount  
5 payment, and \$88,375 in matching payments were  
6 authorized for disbursement.

7 The last candidate that was certified  
8 during the month of March was David Krucoff,  
9 David for Ward 3. The candidate was certified on  
10 March the 26th, as a participating candidate in  
11 the primary election for the covered office of  
12 Member of the Council from Ward 3. And the sums  
13 are \$20,000 for the first half of the base amount  
14 payment, and \$32,332 in matching payments were  
15 authorized for disbursement.

16 Also during the month of March, the  
17 Fair Elections Division conducted 58 reviews of  
18 the reports of receipts and expenditures which  
19 were filed on March 10th. I also issued 31  
20 requests for additional information as a result  
21 of those staff reviews and it conducted six  
22 candidate treasurer consultations. And those are

1 conducted after the filing of the first report,  
2 as well as the participation of the candidate  
3 treasury in the mandatory training program.

4 Also, I would mention, with remitted  
5 funds, again, as of March 30, 2022, the total sum  
6 of \$153,261.39 has been remitted to a deposit in  
7 the Fair Elections Fund from those candidates who  
8 participated during the 2020 election cycle.

9 Also on March 18, 2022, Mary Cheh, Cheh 2022  
10 Principle Campaign Committee remitted the sum of  
11 \$65,509.51 from the campaign operation because  
12 the candidate has withdrawn as a participating  
13 candidate in the primary election.

14 With the ongoing post-election full  
15 field audit in the Fair Elections Division, I  
16 would just again mention the status of the 33  
17 audits is in the report and again, the report  
18 will be posted this afternoon. But I would  
19 indicate that the audits at this point are at  
20 various stages including the audit documentation  
21 has been received and the audit is in progress or  
22 the audit is complete and the preliminary

1 statement of fines have been issued or the  
2 response has been received and under review by  
3 the audit manager. And also, I would indicate  
4 where there's the failure to submit audit  
5 documentation, those matters have been referred  
6 to the Office of the General Counsel for  
7 enforcement.

8 Also, it's important to note that as  
9 of this date, 17 draft audits of the post-  
10 election audits are currently under the review of  
11 the office manager for issuance of the final  
12 audit report and we expect that several of those  
13 were in fact issued this week. In our Public  
14 Information and Records Management Division  
15 during the month of March, I would report that  
16 there were several filing dates. The first was  
17 with the Legal Defense Committee, it was the 24th  
18 report of received expenditures.

19 There was one report filer and the  
20 required filed a timely file. With our principle  
21 campaign committees and our political action  
22 committees, March 10th was the date for the

1 report of the filing of receipts and  
2 expenditures. There were 69 required files, 67  
3 timely files, three late files, one requested an  
4 extension, which was granted. And there was  
5 three failure to file, and six referrals to the  
6 Office of the General Counsel.

7 With our Fair Elections Program, the  
8 Principle Campaign Committee, March 10th was also  
9 a required filing deadline for the report of  
10 receipts and expenditures. There were 37  
11 required filings, 35 timely files, seven  
12 requested extensions which were granted, two  
13 failed to file, and there were two -- two  
14 referrals to the Office of the General Counsel.

15 With our independent expenditure committee, also  
16 March 10th was the deadline for the filing of  
17 their report of receipts and expenditures. There  
18 were three required filings and all three timely  
19 filed.

20 With our Fair Elections Program and  
21 Principle Campaign Committee, March 30th was an  
22 optional date for the filing of the March 30th

1 report of receipts and expenditures and seven  
2 timely filed that report. With new candidates  
3 and committees who registered during the month of  
4 March, I will indicate who they are. This is a  
5 running list that is published in our reports,  
6 which indicate all of the registrations as of  
7 this date.

8           So with the traditional campaign  
9 finance program, we currently have 62 candidates  
10 who are registered. For the primary, we have 59  
11 candidates, and I would point out that 44 of  
12 those candidates have registered as candidates  
13 for U.S. Shadow Representative and also for  
14 national and local party offices. The 15  
15 remaining candidates who are registered have  
16 registered for the covered offices of Mayor,  
17 Attorney General, Counsel, Chairman, and At-  
18 Large, and more council offices.

19           So in the traditional program, the new  
20 registrants for the office of the Council At-  
21 Large in the primary election is Paul Trantham,  
22 who registered on March the 2nd, 2022. In the

1 Office of the Council Ward 3, for the primary  
2 election, Henry Cohen, who registered on March  
3 the 24th, 2022. With the Office of Ward 2, DC  
4 Democratic State Committee, primary election,  
5 John Fanning registered on March the 25th. Brian  
6 Romanowski registered on March the 24th. Janice  
7 Ferebee registered on March the 25th. Margaret  
8 E. Roggensack registered on March the 24th. And  
9 the -- for the Office of Ward 3, on the  
10 Democratic State Committee, for the primary  
11 election, Hugh Allen registered on March the 7th.

12 On March the 4th, Michael Haresign  
13 registered and also Elizabeth Mitchel and Shelley  
14 Tomkin. For the Office of Ward 4, the DC  
15 Democratic State Committee, for the primary  
16 election, Charles Gaither registered on March the  
17 24th. Renee Bowser, Paul Johnson, Antoine Kirby,  
18 and Anne Strauss all registered on March the 4th.  
19 In the Office of Ward 5, DC Democratic State  
20 Committee, for the primary election, Timothy  
21 Thomas registered on March the 28th. For the  
22 Office of Ward 6, DC Democratic State Committee,

1 for the primary election, Frank Avery registered  
2 on March the 29th, Dorinda Wright registered on  
3 March the 30th.

4 For Office of Ward 7, DC Democratic  
5 State Committee, for the primary election,  
6 Dorothy Douglas registered on March the 22nd.  
7 Sirraya Grant registered on March the 23rd, and  
8 Jimmie Williams registered on March the 30th.

9 For the Office of Ward 8, DC Democratic State  
10 Committee, for the primary election, David  
11 Meadows, Wanda Lockridge, Anthony Muhammad,  
12 Joseph "Jack" Johnson, Regina Pixley, and Sandra  
13 Williams all registered on March the 30th. For  
14 the Office of Ward 3, DC Republican Committee,  
15 for the republic -- for the primary election,  
16 Carl Van Atkins (phonetic) registered on March  
17 the 15th. Office of Ward 4, the DC Republican  
18 Committee, for the primary election, Nicolle Lyon  
19 registered on -- I'm sorry. That was a  
20 registration in February.

21 But one thing I did also want to point  
22 out that with respect to our traditional primary

1 with our traditional candidates, we also have  
2 three candidates who are registered to  
3 participate in the general election as of this  
4 date, too. With our fair elections program, we  
5 currently have 42 candidates who are registered  
6 in the program, 37 are registered in the primary,  
7 and five have registered to participate in the  
8 general election.

9 In terms of the new registrants for  
10 the month of March, Office of the Council At-  
11 Large, for the general election, we have Graham  
12 McLaughlin who registered on March the 17th,  
13 Elissa Silverman who registered on March the  
14 18th, Karim D. Marshall who registered on March  
15 the 25th. For the Office of the Council Ward 3,  
16 for the primary election, Eric Goulet registered  
17 on March the 3rd, Beau Finley registered on March  
18 the 4th, and Monte Monash registered on March the  
19 15th.

20 For the Office of the State Board of  
21 Education from Ward 1 in the general election,  
22 Isabella S. Pimienta registered on March the

1 14th. For the Office of the State Board of  
2 Education, Ward 5 for the general election,  
3 Carisa S. Beatty registered on March the 30th,  
4 2022. There are currently four initiative  
5 committees that are registered in the office.  
6 During the month of March, there were 38  
7 candidates and treasury who completed the OCF  
8 entrance conference -- conference presentation.  
9 And the names of those candidates and treasurers  
10 are listed in our report. Again, the report will  
11 be available this afternoon.

12           Again, there were eight referrals to  
13 the Office of the General Counsel for enforcement  
14 of the failure to timely file or to file the  
15 March 10th report of receipts and expenditures  
16 and the names of those committees and their  
17 treasurer is listed in the report as well. In  
18 the traditional audit program, the Reports  
19 Analysis and Audit Division, during the month of  
20 March, the audit branch conducted 95 desk reviews  
21 of the reports of receipts and expenditures that  
22 have been filed in the -- with the agency, and it

1 also issued 15 requests for additional  
2 information with respect to those desk reviews.

3           There were no audit issues during the  
4 month of March. There are currently eight  
5 ongoing audits in our traditional program. There  
6 are four candidates in the upcoming '22 -- 2022  
7 election, and these periodic random audits were  
8 conducted or being conducted of the January the  
9 31st, 2022 report. There were four. The audit  
10 notification letter were issued on February the  
11 11th with a due date of March 7th for the  
12 submission of the finance reports, and those  
13 committees, their names are listed and also the  
14 status of each audit.

15           With our candidates in the upcoming  
16 2022 election, we currently initiated two  
17 periodic random audits of March 10, 2022,  
18 reports. With those audits, the letters were  
19 issued on March the 24th, with a due date of  
20 March -- April the 11th for the submission of  
21 financial records. We also have two ongoing  
22 audits of Political Action Committee. The

1 January 31, 2022, report, the audit notification  
2 letters were issued on February the 25th, with a  
3 due date of full financial records of March 14,  
4 2022. And again, the particulars with each of  
5 those committees is listed in our report and will  
6 be posted this afternoon. I would ask the  
7 General Counsel to now provide the report of the  
8 Office of the General Counsel to the Office of  
9 Campaign Finance.

10 MR. SANFORD: Thank you, Director.

11 Good -- good afternoon, again, Mr. Chairman and  
12 distinguished board members. My name is William  
13 Sanford, General Counsel for the Office of  
14 Campaign Finance. During the month of March  
15 2022, the Office of the General Counsel received  
16 11 referrals which included eight referrals from  
17 the Public Information and Records Management  
18 Division, and three referrals from the reports,  
19 announced as an audit division. The office  
20 completed four informal hearings and issued four  
21 orders in which the agency impounds \$2,150 in  
22 fines.

1                   The Office of the General Counsel  
2           imposed fines against the following respondents:  
3           A fine of \$1,200 was imposed against the Capital  
4           Stonewall Democrats. A fine of \$250 was imposed  
5           against the DC Libertarian Party. A fine of \$600  
6           was imposed against Oye for Representative 2022.  
7           And a fine of \$100 was -- was imposed against  
8           Harry "Tommy" Thomas Works, candidate for shadow  
9           representative. And during the month of March  
10          2022, the office collected \$100 in fines and that  
11          fine was paid by Harry Thomas -- Harry "Tommy"  
12          Thomas Works' principle campaign committee.

13                   During the month of March 2022, the  
14          Office of the General Counsel transmitted nine  
15          petitions for enforcement to the Office of the  
16          General Counsel for the Board of Elections, and  
17          the petitions were filed against the following  
18          respondents: Ken Ludlow, Ward 8 Strong, based  
19          upon a fine of \$1,650. Friends of Courtney  
20          Snowden, based upon a fine of \$1,650. Committee  
21          to Elect Shawn Patterson based upon a fine of  
22          \$1,650. (Audio interference) for Ward 4, based

1 upon a fine of \$1,650. Patterson for Ward 8,  
2 based upon a fine of \$1,650. Carter At-Large,  
3 based upon a fine of \$1,650. Bonita Goode, based  
4 upon a fine of \$1,650. Committee to Elect Harry  
5 Red, based upon a fine of \$1,650. And Edwards  
6 for Ward 4 2020, based upon a fine of \$1,650.

7 Conditions for enforcement are  
8 transmitted from the Office of Campaign Finance  
9 to the General Counsel for the Board of Elections  
10 in matters in which the respondent has neither  
11 satisfied the outstanding fine or filed an appeal  
12 or a notice for review within the prescribed time  
13 period. During the month of March 2022, there  
14 are now open investigations carried by the Office  
15 of the General Counsel. There were no requests  
16 for an interpretive opinions and there was no  
17 show cause proceedings conducted. And that  
18 should conclude my report. The contents of this  
19 report will be published at the Office of  
20 Campaign Finance website by close of business  
21 today, April 6, 2022.

22 CHAIR THOMPSON: All right. Thank you

1 very much, both of you.

2 MS. STROUD: Thank you.

3 CHAIR THOMPSON: I don't have any  
4 questions. Any questions?

5 MEMBER GILL: No questions.

6 CHAIR THOMPSON: Okay. With that, the  
7 final item on the agenda is general public  
8 comment. We probably exhaustively covered  
9 Initiative 82, so but -- but, you know, anybody  
10 out there can still raise -- make a comment on  
11 anything they would like.

12 MS. BRIZILL: Mr. Chairman, this is  
13 Dorothy Brizill, and I would like to raise a  
14 public comment.

15 CHAIR THOMPSON: Okay. Go ahead, Ms.  
16 Brizill.

17 MS. BRIZILL: I would like to ask  
18 Terri Stroud, what is the plan going forward  
19 regarding handling the complaint that was  
20 recently filed by Mr. Spiva regarding Kenyan  
21 McDuffie's eligibility to be a --

22 MS. STROUD: That matter is scheduled

1 to -- for a board hearing, but that matter has to  
2 be resolved by April 18th. And so it will be by  
3 then. And we'll proceed with -- in the same  
4 manner as we proceed with challenges to not name  
5 petitions in terms of the time frame, but it will  
6 be resolved by the 18th.

7 CHAIR THOMPSON: Thank you. Anybody  
8 else? I have a hand raised it looks like.

9 MR. CAPOZZI: Yeah, this is John  
10 Capozzi again, 3612 Boston Street, Southeast  
11 Hillcrest community member. I did have a few  
12 recommendations. I don't get to join the Board  
13 too often, so I appreciate getting to talk to you  
14 today. I don't want to come off as too angry.  
15 My first comments, it's just disappointment that  
16 based on how things went that we're not going to  
17 see this on the ballot in June. And based on the  
18 legal challenges I heard about today, they're  
19 going to continue to try to keep it off the  
20 ballot in November. So I did want to go back to  
21 my question that you didn't answer, which is,  
22 writing to the City Council and asking them to

1 resolve this issue by placing it on the ballot in  
2 June, which they have the perfect right to do.

3 But I'm also focused on the list that  
4 was talked about for the first challenge that  
5 came up today. I guess in a rare case of  
6 bipartisanship as an ardent Democrat, I agreed  
7 with Ms. Furstenberg, as a Republican, that the  
8 list that is out there for the people who are  
9 voters, is serious problem of the city. And I  
10 think, you know, Ms. Evans just pointed that out  
11 today by saying that 37,000 plus people are being  
12 removed from that list. And Mr. Chairman, I  
13 would also caution you, like, the language they  
14 use is very important and when you use the word  
15 disenfranchisement to say that when people are  
16 taken off that list, that is an issue. We  
17 actually resolved that here in the city a long  
18 time ago by having same-day registration here in  
19 the District.

20 So even if no one was on this list,  
21 everyone could come and vote that day and still  
22 be, you know, have their democratic rights

1 preserved. And so in this case, there is a  
2 nuance to this, which is, right now, a postcard  
3 has to be returned for people to be taken off the  
4 list as a registered voter, which puts the onus  
5 on someone who lives at an address of someone  
6 who's moved to return it. Otherwise, those  
7 people stay on the rolls indefinitely. I would  
8 look at how you can change that. I think that  
9 would be an important update to get this list to  
10 be more accurate.

11 And it's not just the fact that people  
12 have to collect a whole bunch more signatures  
13 because the list is so inaccurate and I'm, you  
14 know, like when you remove 37,000 people, that's  
15 probably what like, eight percent. I think it's  
16 more like a 20 or 30 percent inaccuracy rate. It  
17 just does a disservice to all the people running  
18 for office, because they have to mail it to all  
19 these people who are no longer here or not alive.  
20 And so that is an issue that I think is really  
21 important to focus more on that.

22 And then, ask the public to get

1 involved. You know, I've volunteered to do it.  
2 I've talked to other people in Ward 7 who -- we  
3 can go door to door to the voters who have not  
4 returned, you know, who have not voted in, let's  
5 say two cycles and get an affidavit from that  
6 individual who lives at that current address and  
7 say, this person's just not here anymore, they  
8 moved a long time ago. We don't even know who  
9 they are. That would be one way we could get  
10 these lists to be more accurate. I think that  
11 should be a goal of the board to really enlist  
12 the public to do that.

13 Just asking at a board meeting like  
14 this when we have, you know, 40 people that they  
15 update their registration, I just don't feel that  
16 that is going to change this level of  
17 dissatisfaction with the voter rolls that you're  
18 hearing. And finally, on the COVID side, I mean,  
19 I was out collecting signatures for the  
20 initiative. And one of the ways I collected  
21 signatures is to go to the lines at the libraries  
22 of people looking for COVID tests. You know,

1 there'd be between 50 and 100-and-some people in  
2 line when those things would open.

3 And so as an example, at least a few  
4 voters pointed out to me, listen, I mean, we're  
5 here during the pandemic. You're collecting  
6 signatures, you're getting close to me. That's  
7 an issue. So if the board had actually made it  
8 easier for people to be able to identify voters  
9 that supported the initiative versus actually  
10 collecting in-person signatures, I -- I think  
11 that's something that just wasn't looked at  
12 enough because, you know, some voters were  
13 unhappy with the idea that we were actually  
14 coming to them with a clipboard and a petition to  
15 get their signature.

16 And then, I do -- I also -- and I did  
17 learn something today which I really appreciate  
18 which Ms. Evans mentioned there's 23 people that  
19 have had challenges filed against them by Monday  
20 at 5:00. Now, I'm not sure what the big secret  
21 is, but can she read those 23 names of the  
22 candidates or because there are candidates

1 sitting out there now and people that I've talked  
2 to that have no idea who these people are that  
3 are challenged. And I don't know why they can't  
4 be posted on the website within a few hours of  
5 when the challenges are filed.

6 Now if there is a procedure to  
7 preliminarily look at them to see if the  
8 challenges are legitimate, I can understand that,  
9 but it -- it's another thing to not notify a  
10 candidate immediately, as well as the general  
11 public that someone's been challenged and then,  
12 you know, determine at some point whether they're  
13 going to actually be on the ballot. So -- so if  
14 I could request that those 23 names be read now,  
15 I would really appreciate that.

16 And also, the answer to my question  
17 about writing to the council and letting them  
18 know that due to our inefficiency of verification  
19 within 30 days, it won't be on the June ballot,  
20 but they can correct that by actually placing the  
21 other ballots themselves. And thank you for  
22 listening. Thank you.

1 MS. EVANS: Yes. Thank you. And just  
2 a couple of quick things. We do have measures in  
3 place for electronic collection of signatures,  
4 particularly with COVID in place. And as far as  
5 the challenges, they have been placed on the  
6 website. They are currently on our website. I'm  
7 going to see if I have the list before me. So, I  
8 mean, there are 23 names. I think in the  
9 interest of time, they are and have been listed  
10 on the website. So it would be acceptable for  
11 those to be accessed instead of me reading them.

12 Okay. So I have then Heather Lye.  
13 Candidate Kenyan McDuffie for Attorney General.  
14 James Harnett. Candidate Corren Brown, Mayor,  
15 Green Party. Patricia Stamper. And please  
16 forgive me if I mispronounce the names. I don't  
17 have the candidate list with how names are  
18 pronounced in front of me. Sirraya Gant, Ward 7  
19 committeewoman challenging Celeste Biagini,  
20 candidate for Ward 2, chairperson, Republican  
21 Party. James Harnett. Candidate Nicolle S.A.  
22 Lyon, for Ward 4 chairperson, Republican Party.

1 James Harnett. Candidate Andrew Zesser Ward 1  
2 chairperson, Republican Party.

3 James Harnett. Lori Furstenberg,  
4 Mayor, Republican Party. James Harnett. Bruce  
5 Majors, delegate to U.S. Rep. James Harnett.  
6 Linequa'dominique Jenkins, At-Large. James  
7 Harnett. Bruce Majors, chair, Libertarian Party.  
8 Dorothy Douglas. Candidate Villareal Johnson,  
9 Ward 7 committeeman. Luz Martinez-Munoz  
10 challenging candidate Trayon White, mayor.  
11 Jimmie Williams challenging candidate Tyrell  
12 Holcomb, Ward 7 committeeman. David Meadows  
13 challenging candidate Anthony Muhammad, Ward 8  
14 committee.

15 Sirraya Gant challenging candidate  
16 Dorothy Douglas, Ward 7 committeewoman. Lisa  
17 Gore challenging Lenequia'dominique Jenkins, for  
18 At-Large City Council. Denise Reed challenging  
19 candidate Mary Eva Candon, Democratic National  
20 Committeewoman. Linda Gray challenging Oye  
21 Owolewa for US Representatives. Dennis Jaffe  
22 challenging candidate Bradley Thomas At-Large

1 City Council. Nathan Fleming challenging  
2 Linequa'dominique Jenkins, At-Large City Council.  
3 Nathan Fleming challenging candidate Bradley  
4 Thomas, At-Large City Council. Nathan Fleming  
5 challenging candidate Dexter Williams At-Large  
6 City Council. And Mysiki Valentine challenging  
7 candidate Dexter Williams At-Large City Council.  
8 Thank you.

9 MR. CAPOZZI: And -- and Ms. Evans,  
10 and the board, I apologize if I raised this and  
11 asked you to read them because to be honest, I  
12 couldn't find them on the website anywhere. I'm  
13 hoping you're going to put that in the chat as to  
14 where it's found because it's not under the list  
15 of candidates, which is where you would normally  
16 look to find this information.

17 MS. STROUD: I mean, we opted to make  
18 sure that we notified all of the candidates  
19 first, and after all of the candidates had been  
20 notified, so we had planned to put it up on  
21 Friday. And so the candidate should have been  
22 known by now. So if they have all been notified,

1 then we can place that up earlier, but we just  
2 wanted to make sure that we timely notified all  
3 of the candidates and apparently, they have all,  
4 at this point, they've all been notified and so  
5 we can place that list on the website now.

6 MS. EVANS: My apologies. I thought  
7 it was already posted.

8 MS. BRIZILL: Mr. Chairman, this is  
9 Dorothy Brizill --

10 CHAIR THOMPSON: Thank you, Mr. -- if  
11 I could just comment, Mr. Capozzi, thank you for  
12 all your comments. There was -- there was a bit  
13 more in there that you mentioned and I will  
14 certainly look into your idea of whether the DC  
15 Council has some ability to take action here. I  
16 just don't know on the fly what the answer to  
17 that is, but I'm going to look into it. And you  
18 know, thank you again for your emphasis on voter  
19 registration accuracy. You know, I appreciate  
20 that there's the ultimate safeguard of same --  
21 day registration, but I am -- I'm keenly  
22 interested in -- in a process for, improving the

1 accuracy as I talked about earlier. So thank you  
2 for your comments there. I think with that,  
3 anyone else out there for a public comment?

4 MS. BRIZILL: This is Dorothy Brizill,  
5 I was inadvertently cut off, I'm on my computer.

6 CHAIR THOMPSON: Go ahead -- go ahead,  
7 Ms. Brizill.

8 MS. BRIZILL: I wanted to ask Ms.  
9 Stroud, what would be the process and procedure  
10 that will be followed regarding handling Mr.  
11 Spiva's challenge to Mr. McDuffie's candidacy and  
12 qualifications for candidacy? The reason I ask  
13 that is that I have not participated in a  
14 candidate challenge for some time, but in the  
15 past, they usually have been because of one  
16 person challenging another one's signatures in  
17 terms of whether or not they have a sufficient  
18 number of signatures or the validity of those  
19 signatures. And in the past, General Counsel's  
20 Office has had a standard practice of restricting  
21 who has access to the hearings, namely  
22 restricting it to the candidate and the

1 individual bringing the challenge.

2           Given the broad scope of this  
3 particular challenge, what is the intention of  
4 the General Counsel on this matter and will you  
5 post in it there when the proceedings will be  
6 held and will you open it up either -- either by  
7 Zoom or in an in-person meeting to people in the  
8 general public who might be interested?

9           CHAIR THOMPSON: All right. And thank  
10 you, just for the record, what's your -- what's  
11 your address?

12           MS. BRIZILL: Dorothy Brizill, the  
13 organization is DC Watch and the address is 1327  
14 Girard Street Northwest.

15           CHAIR THOMPSON: Okay. Go ahead.

16           MS. STROUD: Thank you. We will  
17 proceed in the same manner as we do with respect  
18 to nominating position challenges. The matter  
19 will be resolved by the 20th day after the  
20 challenge was filed, which would be on April  
21 18th. There will be a pre-hearing conference in  
22 the matter. It will not be open to the public.

1 That's not how we normally proceed, but the  
2 hearing will of course be open. The hearing --  
3 the pre-hearing conference begins with settlement  
4 conference, where we sort of narrow the issues  
5 that are -- that will be before the board, so  
6 that -- that proceeding will only be open to the  
7 parties, as well as individuals who both parties  
8 consent to having be present. And so notice has  
9 been given to the pre-hearing conference and  
10 notice will be given with respect to the public  
11 meeting that will take place when the hearing  
12 will be held.

13 CHAIR THOMPSON: Thank you. Anyone  
14 else out there still with their hand raised,  
15 after -- okay, well, seeing no other hands for  
16 public comments and thank you, Mr. Capozzi, for  
17 your words I see coming up there. Thank you to  
18 everybody else who's hung with us for -- well,  
19 it's been a pretty long hearing, I think  
20 everybody is ready for lunch. So with that, I  
21 would move we adjourn.

22 MEMBER GILL: Second.

1 CHAIR THOMPSON: All in favor?

2 (Chorus of aye.)

3 CHAIR THOMPSON: Thanks again,  
4 everybody.

5 (Whereupon, the above-entitled matter  
6 went off the record at 1:14 p.m.)

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## A

- A&C** 44:20  
**a.m** 1:12 3:2  
**Abel** 90:11  
**ability** 7:7 76:2 79:8  
84:4 100:17 131:15  
**able** 14:4 15:20 17:4  
84:3 86:18 126:8  
**above-entitled** 135:5  
**absentee** 6:16  
**absolutely** 13:17 14:11  
27:4 33:17 35:4 36:22  
64:8  
**accept** 51:1,9 53:15  
60:4,9 65:20  
**acceptable** 128:10  
**acceptance** 54:18  
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In the matter of: Board Meeting

Before: DC BOE

Date: 04-06-22

Place: teleconference

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Court Reporter

**NEAL R. GROSS**

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