

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

JUNE 12, 2024

+ + + + +

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

BOARD OF ELECTIONS MEMBERS PRESENT:

- GARY THOMPSON, Chair
- KARYN GREENFIELD, Member
- J.C. BOGGS, Member

BOARD OF ELECTIONS STAFF PRESENT:

- TERRI STROUD, General Counsel
- CECILY COLLIER-MONTGOMERY, Office of Campaign Finance

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

2 (10:32 a.m.)

3 MR. THOMPSON: All right. Good
4 morning, everybody. Good morning everybody
5 joining us by Zoom. It's a beautiful day out
6 there. Hope you get some time to enjoy it. So
7 it's a fabulous day.

8 Our Primary Elections are nearly
9 concluded. We're still counting some remaining
10 mailed ballots through Friday, as long as they're
11 postmarked by election day. But for intents and
12 purposes, we made it. So that's a fabulous thing.
13 Some words on that in a second. Let me go ahead
14 and, for the record, note that we do have a quorum.

15 I see Board member Karyn Greenfield by
16 Zoom. And next to me, of course, is Board Member
17 J.C. Boggs. So all three of us are here. The
18 first thing we do is adopt our agenda, which has
19 been distributed, and we've all had a chance to
20 review it. And barring any amendments, I move we
21 adopt the agenda. As a second, all in favor, aye?

22 MS. GREENFIELD: Aye.

1 MR. THOMPSON: The ayes have it. And
2 very quickly, we've also had a chance to review the
3 minutes from our prior meeting of May 2nd. We've
4 all had a chance to review those. And barring any
5 edits, I would move we adopt those minutes.

6 MR. BOGGS: Second.

7 MR. THOMPSON: Second. All in favor?

8 MS. GREENFIELD: Aye.

9 MR. BOGGS: Aye.

10 MR. THOMPSON: All right. That was
11 easy. Okay. Onto board matters where we each
12 have a chance to make some comments. So I'll
13 continue mine about congratulating all of our BOE
14 and OCF staff for working so hard to achieve such
15 fantastic Primary Election results. There were
16 really no major issues or problems or concerns that
17 I heard about. It all seemed to go off very, very
18 well.

19 And I also wanted to, also, state a huge
20 thank you to our election workers. There are about
21 1,700 election workers that we train in the several
22 months leading up to the election so that they'll

1 be prepared to assist in every voting center on
2 election day, and also during early voting.

3 I personally went to 40 voting centers
4 this last cycle. On Sunday, early voting, I rode
5 my bike to about 20 of them in all 8 wards, so it
6 was a pretty healthy bike ride. And then on
7 election day, I managed to make it to about 20 more
8 in all 8 wards. So I really saw a lot of the action
9 out there, and I probably said hello or shook hands
10 with, I don't know how many, hundreds, but a lot
11 of our election workers out there.

12 And everybody is so cheerful and just
13 very pleased to be assisting with our elections.
14 And doing a fabulous job in everything that they
15 were assigned. Just everywhere I went, everything
16 seemed to be going very well. I didn't see any
17 lines. Our workers were eager to welcome any voter
18 that walked in and make sure they understood the
19 process.

20 I, myself, voted at Turkey Thicket. I
21 wanted to see what all the action was about, so I
22 can check that one off my list. So I really,

1 really, I gained a lot of, more appreciation for
2 our election workers out there. And, of course,
3 there were more than a few BOE employees at our vote
4 centers; in some cases, acting as site coordinators
5 and election workers themselves.

6 We also welcomed a few, maybe a few
7 dozen non-citizen voters in accordance with the act
8 that the D.C. Council passed. I don't know the
9 final count yet on how many non-citizens voted, but
10 it doesn't seem like too many. Probably a few
11 dozen. People who are our neighbors and allowed
12 to vote, only in our local elections, of course,
13 not for federal offices.

14 And, you know, the sky didn't fall.
15 The Russian Embassy didn't take over our nation.
16 These are people we know in our neighborhoods, and
17 that we welcome in our democracy in D.C.

18 And finally, just to repeat, I mean, a
19 massive thank you to our full-time, you know,
20 day-in-day-out, month-in-month-out employees here
21 at the Board of Elections and the Office of Campaign
22 Finance. Everybody's worked incredibly hard for

1 many, many months to pull off this election
2 success. So a huge note of gratitude for everybody.

3 And also, the thanks is that the
4 calendar keeps moving rapidly, as soon as this
5 Friday, June 14th. With respect to the general
6 election in November, you know, there's already the
7 first major thing on the calendar: to make
8 nominating petitions available. So we're moving
9 in real time right away towards what will
10 ultimately be the November 5th general election.
11 So, you know, the ball never stops moving.

12 So those are my opening remarks. Any
13 -- I don't know if J.C. or Karyn, anybody wants to
14 say anything?

15 MR. BOGGS: I will. Karyn, do you want
16 to weigh in?

17 MS. GREENFIELD: Yeah. I'm going to
18 reiterate what Gary said. That's the response I
19 got when I went to various sites. They were very
20 positive election workers. We have some new ones.
21 We had some that were in new roles of everything,
22 and they just did a great job.

1 Also, I wanted to give a shout out to
2 the Board of Election staff and all the employees
3 because I heard a lot of very good things of you
4 all from the election workers, who rely a lot on
5 you all to get them the information and the training
6 and all those things they need so they're
7 successful. So I just want to thank everybody for
8 doing this, for this role, for making this, you
9 know, primary successful.

10 MR. BOGGS: Thank you, Karyn. I'm
11 just going to tag along with those comments. Sorry
12 about that. I'm going to tag along with those
13 comments. This was my first time in cycle as a
14 board member, and I got around to about ten or so
15 voting stations in all parts of the city. Gary,
16 that's -- what? -- 25 percent of what you did. I
17 guess that's why you're chairman, and I'm just a
18 regular board member.

19 And Gary said he got on his bicycle and
20 did a lot of that on Sunday, so maybe next time,
21 I'll join you on that and --

22 MR. THOMPSON: Sure, come on.

1 MR. BOGGS: -- try to keep up with you.

2 But I just want to echo Karyn's comments

3 and Gary's comments. I was -- I learned a lot.

4 And I was so impressed with our pole workers, the

5 folks that do this year-in-year-out or maybe every

6 other year at least. And just so experienced.

7 It's not their first rodeo, they know what to do.

8 There's a myriad of folks that came along to help

9 out too, but really, each of those stations run by

10 somebody with, often, decades of experience.

11 So it's a lot of -- it just -- so

12 everything I saw was running very smoothly. It was

13 easy for the voters to get there. There were no

14 lines that I saw at any of those voting stations

15 I got to. And they couldn't have been more

16 welcoming. So they didn't know who I was for the

17 most part; I think one person recognized me. Gary,

18 I think you're probably a lot more famous coming

19 up on your Schwinn.

20 But it was a good experience, so I just

21 want to thank everybody I met and applaud the city

22 for having a well-run machine.

1 MR. THOMPSON: All right. Thank you.
2 All right. Well, on with the agenda. Next is our
3 executive director's report. Our director,
4 Monica Holman Evans, couldn't be here today due to
5 family matters. And should we defer this? Oh, is
6 Alice on --

7 MS. STROUD: It's Alice --

8 MR. THOMPSON: Oh, our Senior Advisor
9 Alice Miller is on somewhere out there in Zoom.
10 We'll make sure --

11 MS. MILLER: I'm here.

12 MR. THOMPSON: Okay. Well, welcome,
13 Former Director and Senior Advisor Alice Miller.

14 MS. MILLER: Thank you, Mr. Chair. I
15 am going to give the report for the Executive
16 Director on behalf of Monica -- excuse me -- Monica
17 Evans.

18 On May 9th, the executive director
19 presented at the monthly D.C. Homeland Security
20 Emergency Management Agency, HSEMA, meeting of the
21 Emergency Preparedness Council. The purpose of
22 the presentation was to demystify elections and

1 describe partnerships with other D.C. agencies.

2 On May 16th and 17th, the executive
3 director attended and presented at the Elections
4 Science, Research, and Administration, that's
5 ESRA, conference at the University of Southern
6 California. She spoke on two panels. The forums
7 included election officers as emergency managers
8 and solving practitioner's problems through
9 applied research partnerships.

10 I want to talk about our voter
11 registration rolls. In May, we registered 3,596
12 new voters and processed 4,077 registration
13 changes. In total, we prepared 7,673 voter
14 registration cards to be mailed. Additionally,
15 229 registered voters moved out of D.C.; 290 voters
16 cancelled their D.C. registrations and registered
17 with other jurisdictions; and 1,225 voters
18 registered in D.C. after cancelling their
19 registrations in other states.

20 We are continuing to register voters
21 using our website portal. To date, we are
22 processed over 50,592 applications using the

1 portal. These include new voter registrations and
2 updates to existing registrations.

3 We are also continuing to register
4 non-citizens to vote in local elections using the
5 database solution developed by VR Systems. We
6 have deployed online registrations. And
7 non-citizens may also register to vote in our
8 office using a paper registration form. We have
9 developed outreach materials to assist with our
10 outreach efforts. In May, we registered 127
11 non-citizens to vote in local elections. The
12 total non-citizen registration is 529.

13 The 2024 election cycle. The general
14 election calendar for 2024 election cycle is posted
15 on our website. Our vote center and mail ballot
16 drop box locations are also posted. The new
17 landing page to provide 2024 election information
18 has also been launched.

19 The candidate qualification period, as
20 you mentioned, Mr. Chair, for the November 2024
21 general election opens this Friday, June 14th.
22 And for the ANC contest, the qualifying period will

1 open on Monday, July 1st.

2 The qualifying deadline for all
3 candidates to file nominating petitioners will be
4 Wednesday, August 7th, at 5:00 p.m. For the June
5 4th Primary Election, a complete summary of the
6 Primary Election will be provided after all ballots
7 have been counted and all activities concluded.
8 As long as all mail ballots are postmarked for the
9 June -- by June 4th, and we receive those by June
10 14th, they will be counted.

11 We had 378,821 eligible registered
12 voters. To date, we have counted 96,634 ballots.
13 Turn out is currently 25.5 percent. Of that, 28.5
14 percent voters voted in-person and 71.5 percent
15 voters voted by mail.

16 Today is the deadline for the final
17 determination on the validity of special ballots.
18 June 21st is the deadline to cure mail ballots.
19 And our post-election audit is tentatively
20 scheduled to begin on June 26. We are scheduled
21 to certify the election on June 3rd.

22 2024 voting options. In many ways, the

1 general election will mirror the primary. All
2 D.C. registered voters will receive a mail ballot.
3 Voters may vote by mail, in person, or by depositing
4 a mail ballot in a drop box.

5 D.C. BOE has 55 mail drop boxes that are
6 placed throughout the city. We will also operate
7 25 early vote centers and a total of 75 election
8 day vote centers.

9 Accessibility. During the Primary
10 Election, teams visited our vote centers to review
11 accessibility measures and address concerns. We
12 will continue to work with disability rights at
13 University Legal Services and the Office of
14 Disability Rights to conduct surveys and rectify
15 issues.

16 Democracy Live. Electronic ballot
17 return designed for the American Disability Acts
18 in UOCAVA voters was operational for the Primary
19 Election. UOCAVA and ADA voters were able to
20 submit their ballots electronically to D.C. BOE
21 through a secure web portal hosted by Democracy
22 Live. A unique pin code alone with a secure link

1 to access the system was provided exclusively to
2 voters who opted for electronic ballot submission,
3 safeguarding the integrity of the voting process.

4 Election worker division. The
5 Election Worker Training Division is meeting with
6 site coordinators to solicit feedback from the
7 Primary Election. The division has also begun
8 recruiting election workers for the November
9 general election. Election worker training will
10 begin on August 13th.

11 Voter education and outreach. During
12 the month of May, the Voter Education and Outreach
13 Division conducted 40 outreach events on behalf of
14 the agency. Events included the WPGC 95.5 live
15 morning show broadcast; Ben's Chili Bowl; the Ward
16 7 Community Consortium Candidate Forum; and the
17 Benning Ridge Civic Association monthly meeting.
18 The division also held Voter Education events and
19 reached non-citizen residents.

20 Restore the vote. Once again, the
21 Restore the Vote Division conducted in-person
22 voting at the Department of Corrections. In

1 addition to mail ballots, we have received -- we
2 had -- excuse me -- 252 in-person votes in the
3 Primary Election. Once again, DOC residents
4 served as election workers.

5 Post-election meetings. In
6 preparation for the general election, we have
7 conducted a series of post-election review
8 meetings with our vendors, including KNOWiNK,
9 ES&S, VR Systems, and Runbeck to assess performance
10 and identify areas for improvement. We have
11 additional meetings scheduled to follow up on
12 issues that were identified.

13 And to highlight some of our Primary
14 Election successes; this was the first time we
15 utilized two Agilis mail sorter machines coupled
16 with the automatic signature recognition software.
17 This was effective and enhanced efficiency. We
18 deployed upgraded tabulation equipment; the use of
19 two DS950 served time and eliminated the need to
20 flatten ballots before tabulation.

21 As previously mentioned, the
22 incorporation of the electronic ballot return

1 through Democracy Live marked a significant
2 milestone, enabling UOCAVA and ADA qualified
3 voters to conveniently submit their ballots online
4 through the secured portal.

5 And that would conclude the report for
6 the executive director.

7 MR. THOMPSON: Thank you very much,
8 Ms. Miller. Appreciate that. That was
9 impressive; the new technology and all of our
10 workers over at the warehouse were able to process
11 a lot of ballots on election day to make sure that
12 count got out.

13 I don't know if we set a new record, but
14 it was something like 10:00 p.m. when we were able
15 to get all the results we could release on election
16 night, you know, obviously, except for mailed
17 ballots to be received in subsequent days. So it
18 was very good turnaround, I think, on our part,
19 thanks to a lot of preparation. Because, you know,
20 people are eager. They want to know the results
21 right away. So that's only about two hours after
22 the polls closed. It was pretty impressive.

1 And, of course, I didn't mention it
2 earlier, but we all remembered our colleague, Mike
3 Gill, on election night. And we remember him
4 today. As we said earlier this year, we're
5 dedicating our election season to Mike, and his
6 memory lives on.

7 Okay. With that, our General Council,
8 Terri Stroud.

9 MS. STROUD: Thank you, Mr. Chair. So
10 first, I just want to acknowledge that we have some
11 interns with us this summer. So if they could just
12 stand so that the board members can greet them.
13 There are five here, but we have more throughout
14 the agency; some at the warehouse. And we
15 appreciate having them here and look forward to
16 them learning a lot about how the election sausage
17 gets made.

18 I think a lot of people think that you
19 just show up and vote, and then everybody's job is
20 just over, but that's not how it works. And you'll
21 see that in short order. So thank you for being
22 here.

1 So the first item on my agenda is a
2 proper subject matter determination hearing for
3 proposed initiative measure titled The Vermelle
4 Paid Maternity Leave Act. And I believe
5 Mr. Addison Sarter is present, and so if we could
6 just highlight him, or pin him.

7 MR. SARTER: Hello.

8 MS. STROUD: Thank you. So as
9 indicated, the Board is going to conduct a hearing
10 to determine whether the proposed initiative
11 measure titled The Vermelle Paid Maternity Leave
12 Act presents a proper subject of initiative in the
13 District of Columbia.

14 So first, I'm going to discuss the
15 statutory background, unless -- yeah. So here at
16 the District, voters are permitted to participate
17 directly in the legislative process via the right
18 of initiative.

19 The term "initiative" is defined in the
20 District's Home Rule Act as the process by which
21 the electors of the District of Columbia may
22 propose laws -- and the emphasis is on the word laws

1 -- except for laws appropriating funds. And they
2 may present such proposed laws directly to the
3 registered voters of D.C. for their approval or
4 disapproval.

5 Pursuant to our statute, upon the
6 receipt of a proposed initiative measure, the Board
7 must refuse to accept such measure if it determines
8 that the measure conflicts with or seeks to amend
9 Title IV of the D.C. Home Rule Act, otherwise known
10 as the District Charter; the measure conflicts with
11 the U.S. Constitution; the measure has not been
12 properly filed; the verified Statements of
13 Contributions has not been timely filed, and the
14 verified Statement of Contributions consists of
15 the measures Committee Statement of Organization
16 and report the expenditures.

17 A measure cannot authorize
18 discrimination in violation of the D.C. Human
19 Rights Act; the measure cannot negate or limit the
20 Budgetary Act of the D.C. Council. And again, the
21 measure cannot impermissibly inappropriate funds
22 under applicable D.C. Court of Appeals rules.

1 So on April 26th, Mr. Sarter, a
2 registered voter in D.C., submitted the measure to
3 the Board. According to a summary statement, the
4 measure would allow pregnant women working in D.C.
5 to receive one year of full paid maternity leave
6 once they start their third trimester.

7 It would allow pregnant women working
8 in D.C. to receive nine months of full paid leave
9 after giving birth and allow the significant other
10 or spouse of a pregnant woman to receive full pay
11 while working only half days during their third
12 trimester to care for their spouse. By its terms,
13 this measure would only apply to significant others
14 who work in D.C.

15 According to its legislative text, the
16 measure will allow pregnant women working in D.C.
17 to receive paid maternity leave once they start
18 their third trimester, and to receive nine months
19 of paid leave. Will allow significant others or
20 spouses to receive full pay while only working half
21 days. And again, the legislative text asserts
22 that the measure would not appropriate funds

1 because it is the same funds that would already be
2 used for employees if they were not on leave.

3 Shortly after we received this measure,
4 we submitted a notice to the D.C. register to inform
5 the public that the Board would be holding a meeting
6 today to determine whether the measure presented
7 a proper subject. And that notice was published
8 in the D.C. Register on May 10th.

9 On April 29th, the Office of the General
10 Council requested advisory opinions, as it is
11 required to do so by law, from the Attorney General
12 for the District of Columbia and the D.C. Council's
13 General Counsel as to whether the proposed
14 initiative met certain proper subject
15 requirements.

16 On May 19th, the General Counsel for the
17 Council provided an advisory opinion on the
18 measure, which concluded that the measure was not
19 a proper subject of initiative because the proposed
20 initiative was an impermissible law appropriating
21 funds because it would require the provision of
22 additional employment benefits to all employees in

1 the District, including District government
2 employees.

3 The General Counsel for the Council
4 also said that the initiative would violate section
5 602(a)(3) of the Home Rule Act, which prohibits the
6 Council from passing any act that concerns the
7 functions or property of the United States. And
8 the General Counsel for the Council concluded that
9 it did because it purported to apply to all
10 employees in the District of Columbia, including
11 federal employees.

12 And just as the Council lacks the
13 authority to legislate with respect to the level
14 of employment benefits provided to federal
15 government employees, use of the initiative
16 process for the same purpose would be
17 impermissible.

18 On May 20th, the Office of the Attorney
19 General provided an advisory opinion which
20 concluded that the measure was not a proper subject
21 of initiative because it is not legislative in
22 nature; because it merely seeks to enact a policy

1 that would entitle a woman or her significant other
2 or spouse to a certain duration of paid maternity
3 leave before or after a triggering event; but it
4 does not provide enough specificity to set in
5 motion the effectuation of that policy.

6 The Office of the Attorney General also
7 determined that the initiative would violate the
8 Home Rules Act prohibition against the Council
9 enacting any act which concerns the functions of
10 the United States by entitling pregnant women and
11 their significant others or spouses working in D.C.
12 to paid leave without exception, which would
13 necessarily require the federal government to
14 provide paid leave to its employees working in the
15 District.

16 And Mr. Sarter was provided with both
17 of these advisory opinions, which are, of course,
18 submitted for the record. And so Mr. Sarter is
19 present, Mr. Chair, and Board Members. And in
20 light of the fact that -- I just wondered if you
21 had any response to the submissions by the Office
22 of the Attorney General and the Council for the

1 District -- the General Counsel for the Council of
2 the District of Columbia, as you've been provided
3 with these opinions and have had the opportunity
4 to read them.

5 And these are just advisory opinions.
6 And the Board today will rule on whether or not --
7 or will begin to deliberate on whether or not the
8 measure is a proper subject.

9 MR. THOMPSON: Okay. Mr. Sarter,
10 welcome. Thanks for being here. I think perhaps,
11 as you know, our role in this is to rule whether
12 the proposed initiative is or is not a proper
13 subject matter under the standards that the General
14 Counsel just explained.

15 We don't consider or rule upon the
16 merits of the proposed law itself. We don't need
17 to express any opinion one way or another whether
18 we think the benefits that are the subject of your
19 proposal should or should not be adopted. We're
20 just trying to put this to the filter of our
21 Charter, which is given more detail in the statute
22 and the regulations.

1 And the hurdle seems to be around the
2 appropriations point for the reasons that are laid
3 out in the opinions by both the Counsel of the D.C.
4 Council, as well as the Attorney General.

5 So at this time, I would recognize you
6 to, you know, give us your thoughts on that or
7 anything else you'd like to talk about for, you
8 know, three to five minutes or, you know, however
9 long you need. Go ahead.

10 MR. SARTER: All right. Well, thank
11 you. I appreciate that. And thank you for having
12 me here today. I guess, so I definitely, you know,
13 have read through and heard the feedback from you
14 all regarding the appropriate funds. And my only,
15 I guess, question about the appropriating funds is,
16 I guess, for me, trying to see how it appropriated
17 funds.

18 So I'm, for example, so if I'm working
19 at a company and, you know, a coworker is, you know,
20 would happen to need that maternity leave, I guess
21 what I'm saying is I'm not necessarily asking for
22 the employer or, like, the D.C. Gov to appropriate

1 new funds or come up with any extra funds. It would
2 just be simply them using their current funds that
3 would, that are already in place to, for the paid
4 maternity leave.

5 For example, if a coworker, if my
6 coworker who's actually been out for about six
7 months or so, you know, it would simply be -- I
8 don't, I guess I don't view it as appropriating
9 funds. It's just simply the employer, because
10 those funds would be paid out to that coworker of
11 mine who's currently pregnant, they would be paid
12 if they came to work or if they weren't at work.

13 So I guess I'm just having a little
14 trouble seeing how it's appropriating funds if it's
15 funds that are already there in place.

16 MS. STROUD: Well, I would say, if I
17 may, two things. First, I think with respect to
18 the opinion of the Office of the Attorney General,
19 they would not have -- they would not even get there
20 because the first thing that they have determined
21 is that this proposal is not a law. It's a, merely
22 a policy. So it doesn't even arrive at the

1 threshold that it proposes a law, which it's
2 required to be legislative in nature.

3 And the other thing was you have -- so
4 the initiative, as written, draws into it federal
5 government employees. And so the bigger issue for
6 both of the entities that provided, you know,
7 advisory opinions are that the measure, as written,
8 violates the provision of the Charter that dictates
9 that neither the Council nor the people through the
10 right of initiative can legislate on acts or
11 functions of the United States.

12 And because of the way that the
13 initiative is written, federal government
14 employees are drawn into the -- or drawn into the
15 legislation. And so those were really the primary
16 reasons.

17 The Council said that, primarily, if
18 it's not a law, it can't be a law appropriating
19 funds. And there are ways that this could be
20 corrected. Through which -- something the Board
21 cannot do, but you could do as the drafter;
22 implement language or include language that would

1 say that the measure, by its terms, is subject to
2 appropriations.

3 So they didn't arrive at the question
4 of whether or not it's a law appropriating funds
5 because they did not view it as a law such that it
6 could appropriate funds. So those were the two
7 main things.

8 And, yes, the General Counsel of the
9 Council did say that, assuming that it did present
10 a law, it is, it would be a law appropriating funds
11 because it would require the appropriation of
12 funds. And I know that you don't agree with their
13 opinion on that, but they decided or recommend that
14 it would require the provisional, the provision of
15 additional employment benefits to all employees in
16 the District of Columbia, including, most
17 importantly, for purposes of law appropriating
18 funds, District Government employees.

19 MR. SARTER: Yeah, I see. Okay.

20 MR. THOMPSON: And, yeah, if I could
21 add to that. I mean, first off, thank you for
22 submitting this. I mean, the voter initiative

1 process is part of our Charter. Our laws welcome
2 and invite citizens to propose changes in the law.
3 It's not easy. I wish it were a little easier, but
4 the laws, as designed in the Home Rule Act, are what
5 they are. So they do have these kinds of
6 complexities in it to govern what can be proposed
7 and what can't.

8 So but setting that comment aside, I
9 mean, thank you for caring about this issue and
10 putting it in the form of a proposed voter's
11 initiative.

12 I think to build on what General Counsel
13 Stroud said, I think this is curable. And there's
14 a roadmap in the opinions that have been issued.
15 And the biggest clue, and I'm not trying to give
16 you legal advice or advise you what to do, but there
17 is an existing act: the Universal Paid Leave
18 Amendment Act of 2016. That's the act that creates
19 the payroll tax for private employers. It
20 requires private employers to provide certain
21 levels of benefits.

22 And it seems like what you're

1 suggesting and what you're proposing is there to
2 be more benefits than what exist in the law. So
3 you would have, you'd probably -- you might try your
4 hand at trying to rewrite your proposal to fit more
5 as an amendment to the existing legislative act,
6 such that it only applies to private employers and
7 not the public employees, neither D.C. public
8 employees nor federal public employees.

9 And I mean, you're going to have to take
10 a really close look at these opinions, but it's --
11 and I'm not saying you can get there, but it's
12 possible that it's curable. But as your proposal
13 is written presently, I think for the reasons that
14 these two opinions state, you know, just it's not
15 quite there. That's my initial take on it.

16 But I wanted to, A, thank you and
17 applaud your care and concern on this issue. And
18 B, kind of give you a, some suggestions on how you
19 might go back to the drawing board.

20 MR. SARTER: I see. And I truly
21 appreciate your suggestions and your feedback on
22 that. I definitely will take all that into

1 consideration and try to redraft the proposal. So
2 thanks again for that advice on there.

3 MS. STROUD: Okay. Thank you,
4 Mr. Sarter. And so in light of the Board's review
5 on the measure, as well as the advisory opinions
6 considered, I would recommend to the Board that it
7 reject the proposed measure because it does not
8 present a law as much as it presents a desired
9 policy that does not have the mechanisms through
10 which to affect that policy included in the
11 measure.

12 Therefore, it is not legislative in
13 measure. Even if it could become construed as
14 proposing a law, to the extent that that law would
15 require the District Government to expand paid
16 maternity leave for district government employees,
17 it would be impermissible as a law appropriating
18 funds.

19 And also to the extent that that law
20 would require federal government to provide paid
21 leave to those of its employees who are working in
22 the District. It would be impermissible as an Act

1 of the District of Columbia that concerns the
2 functions of the United States in violation of the
3 Home Rule Act.

4 In light of this recommendation, I
5 recommend that the Board refuse to accept the
6 measure because it does not present a proper
7 subject under the terms of Title IV under the D.C.
8 Home Rule Act because it is not legislative. And
9 if it were, it would appropriate funds and
10 represent an attempt to legislate on matters
11 concerning the functions or property of the United
12 States.

13 And that's my recommendation to the
14 Board.

15 MR. THOMPSON: I'll accept that
16 recommendation, and I will so move that we, with
17 all due respect and, you know, as politely as we
18 can, refuse acceptance of the proposed initiative.

19 MS. STROUD: Okay. Mr. Chair, as
20 you've made the motion, your vote is clearly aye.
21 Member Boggs?

22 MR. BOGGS: I'll second that motion.

1 MS. STROUD: Okay. Thank you.

2 MR. BOGGS: Aye.

3 MS. STROUD: A second. And Member
4 Greenfield?

5 MS. GREENFIELD: Aye.

6 MS. STROUD: And the ayes have it. And
7 therefore, the Board has hereby ruled that the
8 proposed initiative, the Vermelle Paid Maternity
9 Leave Act has been rejected as not meeting proper
10 subject matter requirements.

11 MR. THOMPSON: Okay.

12 MS. STROUD: And an order will issue in
13 due course. The next item on my agenda -- and thank
14 you, Mr. Sarter.

15 MR. THOMPSON: Thank you. Thank you
16 so much.

17 MS. STROUD: The next matter on my
18 agenda is the approval of party name; the Just for
19 All party. And I am looking for Ms. Tricia Kinch.
20 Or Tricia Kinch. Okay. Also, I understand that
21 Dr. Derek Leebaert is also -- L-E-E-B -- oh, he was
22 here. Okay. And Mike McCorkle. I'm not sure --

1 okay. I see Mr. McCorkle. Okay.

2 So this matter is an action for approval
3 of a party name. On April 22nd, Tricia Kinch, a
4 registered voter in D.C., submitted to the Board
5 an application for approval of the name of a
6 political party in the District of Columbia. The
7 name desired by the party is Justice for All.

8 As required, the application contained
9 the name, address, telephone number, and voter
10 registration number of the chairperson, treasurer,
11 other principal officers, and each member of the
12 duly authorized local committee of such party in
13 the District.

14 On June 10th, Kristin Furnish, who's
15 designated as the party's treasurer on the
16 application, filed the appropriate paperwork with
17 the Office of Campaign Finance. This paperwork
18 included a statement of organization, a statement
19 of acceptance of position of treasurer, a statement
20 of acceptance of position of chairperson, and an
21 affirmation statement.

22 In response to the application, I

1 reviewed the Board's list of approved parties to
2 determine whether the desired name was already
3 associated with another party of the District of
4 Columbia and determined that it was not. That is
5 an inquiry that is standard, and that the Board may
6 reject any name that, in its judgement, would tend
7 to confuse or mislead the public.

8 As the name desired is not associated
9 with another party in the District of Columbia, and
10 it being my opinion that the name would not tend
11 to confuse or mislead the public, it is my
12 recommendation that the Board accept the
13 application submitted and approve Justice for All
14 as a party name -- as the name of a political party
15 in the District of Columbia via a roll call vote.

16 MR. THOMPSON: Maybe before we vote, we
17 could --

18 MS. STROUD: Okay.

19 MR. THOMPSON: -- hear from the
20 proposers. Yeah.

21 MS. KINCH: Good morning. Good
22 morning.

1 MR. THOMPSON: Good morning.

2 MS. KINCH: My name is Tricia Kinch.
3 I'm the Chair of the Justice for All Committee in
4 the District of Columbia. Are there specific
5 questions that you'd like me to answer?

6 MR. THOMPSON: No. Just give you a
7 chance to talk about, you know, your, the party
8 you're proposing and what it's about or anything
9 like that. Just, if you'd like.

10 MS. KINCH: Okay. Sure. I would love
11 to do that. I have been a resident of the District
12 of Columbia for over 40 years. And I've
13 participated in many of the different elections and
14 petition gathering. And I, too, would like to say
15 I am so proud and honored to be working with the
16 Board because I have always found them to be helpful
17 and supportive of the residents of the District of
18 Columbia and our aspirations politically.

19 So I'm so happy to be here. Happy to
20 be submitting our committee.

21 MS. STROUD: Mr. McCorkle?

22 MR. MCCORKLE: Thank you. Yeah, I am

1 here as a friend of this group. I am a legal
2 counsel with Cornel West's presidential campaign,
3 so I have the privilege and the burden of working
4 with every election office in the whole country.

5 So I would like to -- I'm not going to
6 pick on any of them by name, but I have told Ms.
7 Stroud that I wish she and her team, if I could
8 transplant them to a couple others, that would
9 really help me out.

10 But I wanted to congratulate you all on
11 having a really fine team. And to thank Ms.
12 Stroud and all of her colleagues for their
13 friendly, efficient, and expert help throughout
14 this process. It's been a pleasure. Thank you.

15 MS. STROUD: Thank you, Mr. McCorkle.
16 And with that, having my recommendation --

17 MR. THOMPSON: Yeah, I mean.

18 MS. STROUD: -- if you could --

19 MR. THOMPSON: I'll accept the
20 recommendation and so move that we recognize the
21 Justice for All party.

22 MS. STROUD: Ms. Greenfield?

1 MS. GREENFIELD: Yes, aye.

2 MS. STROUD: Okay.

3 MR. BOGGS: And yes.

4 MS. STROUD: Okay.

5 MR. THOMPSON: And the ayes have it.

6 MS. STROUD: The ayes have it. We had
7 a roll call vote. Thank you.

8 MS. KINCH: Thank you.

9 MS. STROUD: Thank you, Ms. Kinch and
10 Mr. McCorkle.

11 MR. MCCORKLE: Thank you very much.

12 MS. STROUD: As the Chair indicated,
13 you are now a minor party -- or have been approved
14 as a minor party in the District of Columbia. And
15 the Chair indicated that candidate pick-up will be
16 on this Friday, June 14th. And so you will be able
17 to pick up nominating petitions in your party's
18 name for purposes of circulating.

19 MR. THOMPSON: And can you remind us,
20 what does it take to achieve major party status?
21 There's, like, a threshold.

22 MS. STROUD: There is. There's a

1 threshold, 7,500 votes cast in one of several
2 citywide offices during a general election. And
3 so that's 7,500 votes that if your candidate was
4 to get, they would become, be able to have Primary
5 Elections in the District of Columbia and field,
6 you know, Primary Election Candidates.

7 MR. THOMPSON: Excellent. This is
8 fascinating. Lately, I've been digging up history
9 in the 1830s and '40s, and there was a slew of third
10 parties that emerged called the Anti-Masonic
11 Party, the Free Soil Party, the Liberty Party, and
12 the Know Nothings that had major impacts on the
13 political wins of the times. So it's fascinating
14 to see a third-party debut.

15 MS. STROUD: Okay.

16 MR. THOMPSON: Yes, thank you.

17 MS. STROUD: Thank you, Mr. McCorkle.

18 And thank you, Ms. Kinch.

19 And the next matter on my agenda are --
20 is a referral hearing. We were going to have two,
21 but the first one involving Barbara Mason Duncan
22 has been rescheduled for the July 3rd Board

1 meeting.

2 And the next one involves, it's the
3 matter of Kersey Manliclic. And I'm going to have
4 Senior Staff Attorney Christine Pembroke present
5 on this matter.

6 MR. THOMPSON: Your mic on?

7 MS. STROUD: Is it green? Okay.

8 MR. THOMPSON: Yeah, just kind of pull
9 it up --

10 MS. STROUD: A little bit closer. One
11 second. Let me see.

12 MS. PEMBROKE: Oh, oh. It's fine.
13 We've got it. It's good. Thank you.

14 So this past February, the Board was
15 contacted by the Federal Bureau of Investigation
16 with regard to a complaint they had received from
17 a D.C. voter, who I'll refer to as the Complainant.

18 She had received text messages from the
19 Board indicating that a ballot was sent to her.
20 And another text message indicating that the ballot
21 had been cast and was not being accepted by the
22 Board. And she reached out to the FBI because she

1 was not a resident of the District of Columbia
2 during that election cycle. She had moved away
3 several months before.

4 And so she was concerned that there was
5 some fraudulent activity going on. We looked into
6 it and discovered that, yes, indeed, she had
7 cancelled her registered voter status with D.C.,
8 but long after the election took place. So she was
9 automatically sent a ballot.

10 And the question then became: who had
11 access to that ballot? When we checked her
12 address, we discovered that an individual that was
13 living there, registered to vote there during the
14 election, had signed her ballot envelope. It was
15 very clear that the signature on the envelope was
16 for a voter named Kersey Manliclic.

17 So we reached out to Mr. Manliclic, and
18 he fully cooperated with our investigation and
19 acknowledged that he had cast that ballot. He did
20 not do so intentionally. He did not intend to vote
21 the ballot that was issued to the complainant, but
22 because he did technically violate the rules about

1 whose ballot can be cast, we put this matter on the
2 agenda for the General Counsel to make a
3 recommendation as to any enforcement action.

4 MR. THOMPSON: Okay.

5 MS. PEMBROKE: And Mr. Manliclic is
6 here. I think he does want to speak to the Board.

7 MR. THOMPSON: Okay. Well, let's go
8 ahead and recognize Mr. Manliclic. Yeah, please,
9 go ahead. Can you hear us?

10 MR. MANLICLIC: Yes. Good morning,
11 Board Members. Good morning, General Counsel
12 Stroud. Good morning, Ms. Pembroke. I hope you
13 can hear me okay. Thank you for the opportunity.
14 I think I just wanted to make the same points I think
15 that I made during the prehearing.

16 I just made an honest mistake and may
17 have used the wrong ballot. Again, certainly
18 never my intent to do so, so I apologize. You know,
19 that apartment, my apartment was a studio at the
20 time, so nearly all of the mail was mine. And I
21 do try to check it, but I think I just might have
22 missed it.

1 So I apologize. And, again, yeah.

2 MS. STROUD: And, you know,
3 Mr. Manliclic has stipulated as to the facts that
4 were outlined and agrees that he did, in fact --

5 MR. THOMPSON: Yeah.

6 MS. STROUD: -- vote the wrong ballot.

7 MR. BOGGS: Just to clarify, there was
8 not a second ballot voted by the same individual.

9 MS. PEMBROKE: Oh, he did not vote
10 twice --

11 MR. BOGGS: Yeah.

12 MS. PEMBROKE: -- in that election.
13 He had registered -- he had requested an absentee
14 ballot be sent to him, and that ballot was not voted
15 by him. He just voted the one ballot that was
16 actually addressed to the former resident.

17 MR. BOGGS: Yeah.

18 MR. THOMPSON: Well, clearly, there
19 was no intent. There was nothing -- no intention
20 or, you know, improper misconduct here. It sort
21 of falls into the category, the new category of a
22 world with thousands, tens of thousands of mailed

1 ballots, you know, inadvertent mistakes that may
2 be made out there such as this one.

3 I mean, people have asked me questions
4 like, well, my kid's at college, can I just fill
5 out her ballot for her? And I say, no. No, but
6 it's an honest question. I mean, people, you know,
7 there's a lot of -- and I can see situations where
8 someone would just go ahead and do that, you know,
9 thinking that's fine, you know, because I asked my
10 daughter, and she said it was okay.

11 So the world of mailed ballots are
12 creating some of these, you know, gray areas. I
13 think it's, you know, obviously, the
14 responsibility is on the resident, the eligible
15 voter who receives a ballot, to read it carefully
16 and make sure that you are, in fact, voting your
17 own ballot.

18 So it's a mistake; not a, you know, not
19 an intentional one, but a mistake nonetheless. So
20 you know, that's, I guess, I'm sort of suggesting
21 this may be a modest civil penalty.

22 MS. STROUD: Yeah.

1 MR. THOMPSON: I don't know if anybody
2 has a recommendation as to --

3 MS. STROUD: I don't have a
4 recommendation as to the amount, but I do recommend
5 that a civil penalty be --

6 MR. THOMPSON: Yeah.

7 MS. STROUD: -- imposed in light of the
8 fact that mistake or not, even though there was no
9 intent --

10 MR. THOMPSON: Right.

11 MS. STROUD: -- care was not exercised.
12 And a ballot was voted, that was issued to another
13 voter was voted by another person.

14 MR. THOMPSON: Right. I'm going to --

15 MS. STROUD: And I would --

16 MR. THOMPSON: I'm going to --

17 MS. STROUD: -- read my --

18 MR. THOMPSON: -- suggest \$100.

19 MS. STROUD: -- recommendation.

20 MR. THOMPSON: I'll move it. I'll
21 make a motion that, to --

22 MS. STROUD: Okay. And the motion is?

1 MR. THOMPSON: For --

2 MS. STROUD: To impose the civil
3 penalty.

4 MR. THOMPSON: Impose the civil
5 penalty of \$100.

6 MS. STROUD: Okay. Is there a second
7 to the motion?

8 MR. BOGGS: Yeah, I'll second that. I
9 mean, I agree with Gary. It seems like an honest
10 mistake. Things happen. But, you know, we need
11 to recognize the integrity of the ballot and care
12 needs to be expressed.

13 MS. STROUD: So I will call, with
14 respect to the motion, that a civil penalty of \$100
15 be imposed against Mr. Manliclic for erroneously
16 voting a ballot that was issued to another voter.

17 MR. THOMPSON: Aye.

18 MS. STROUD: Mr. Chair. Member Boggs?

19 MR. BOGGS: Aye.

20 MS. STROUD: Member Greenfield?

21 MS. GREENFIELD: Aye.

22 MS. STROUD: All right.

1 MR. THOMPSON: Think of it like a speed
2 camera, you know, inadvertently going over the
3 speed limit. Got it in the mail. A hundred bucks.

4 MS. STROUD: Okay.

5 MR. THOMPSON: Thank you so much for
6 being so candid and straightforward with us, sir.
7 We really appreciate it.

8 MS. STROUD: Thank you.

9 MR. MANLICLIC: Board Members, I
10 appreciate it. And I'm receptive to that. Will
11 pay the penalty.

12 MS. STROUD: Thank you.

13 MR. THOMPSON: Thanks.

14 MS. STROUD: Okay. The next item on my
15 agenda, and I promise I'll be done shortly, three
16 of the D.C. Municipal Regulations. We have two
17 rule makings, both of which were to Chapter 5.

18 The subject -- the purpose of the first
19 set of amendments is to clarify the obligations of
20 the District of Columbia's Voter Regulation
21 Agencies under the National Voter Regulation Act
22 of 1993 and the enforcement process that applies

1 in the event of noncompliance with that Act.

2 A notice of proposed rulemaking with
3 respect to this rulemaking was published in the
4 D.C. Register on April 19th of 2024 at 71 DCR
5 004486. No written comments on the proposed rules
6 were received during the public comment period.
7 And no substantive changes have been made to the
8 regulations as proposed.

9 The second set of rulemaking, the
10 purpose of those is to clarify the address that may
11 be used by unhoused D.C. residents for voter
12 registration purposes and the process for
13 challenging registered voter status.

14 A notice of proposed rulemaking with
15 respect to this rulemaking was published in the
16 D.C. Register on May 10, 2024, at 71 DCR 005509.
17 No written comments on the proposed rules were
18 received during the public comment period, and no
19 substantive changes have been made to the
20 regulations as proposed.

21 I would ask that the Board move that I
22 can submit both of these rulemakings to the D.C.

1 Register for publication in the Friday, June 21st
2 edition thereof, at which point, they would become
3 final.

4 And so I ask for a motion to publish both
5 sets of rulemaking to Chapter 5 dealing with the
6 NVRA agencies and addresses for unhoused voters,
7 be submitted to the D.C. Register for publication.

8 MR. THOMPSON: All right. The Chair
9 so moves.

10 MS. STROUD: Is there a second?

11 MR. BOGGS: Second.

12 MS. STROUD: And the roll call vote?

13 MR. THOMPSON: Aye.

14 MS. GREENFIELD: Aye.

15 MS. STROUD: Member Boggs?

16 MR. BOGGS: Aye.

17 MS. STROUD: Member Greenfield?

18 MS. GREENFIELD: Aye.

19 MS. STROUD: Motion carries, and the
20 rulemakings will be published in the D.C. Register
21 on Friday, June 21, 2024, at which point they will
22 become final.

1 The final item on my agenda is
2 litigation status. And the first matter is Stacia
3 Hall versus the Board. And this is in the U.S.
4 Court of Appeals for the D.C. Circuit. This is an
5 appeal from the U.S. District Court's denial of the
6 appellant's challenge to legislation allowing
7 non-citizens to vote in local elections.

8 The appeal was filed on April 16, 2024.
9 The Solicitor General for D.C. filed a notice filed
10 a notice of cross appeal. On May 1st, the clerk
11 consolidated the cases and ordered that initial
12 submissions be filed by May 31st.

13 I think there's an update to that, but
14 I'll come back to that. The next case is District
15 of Columbia Democratic Party versus Muriel Bowser.
16 And this is also in the -- this is the D.C. Court
17 of Appeals. This is an appeal from the D.C.
18 Superior Court's denial of the appellant's
19 challenge to initiative measure 83 on the grounds
20 that it was untimely filed.

21 The appeal was filed on April 22nd.
22 The court set a briefing schedule with respect to

1 this appeal. The appellant's brief was due on June
2 10th, and it was filed on June 7th. The appellee's
3 brief is due on July 8th.

4 The next matter is Dr. Shiva Ayyadurai
5 versus Merrick Garland, which is in the U.S. Court
6 of Appeals for the D.C. Circuit. This is an appeal
7 from the dismissal of a complaint filed in the U.S.
8 District Court where the plaintiff sought a
9 declaration that he's eligible to serve as
10 President of the United States notwithstanding the
11 constitutional natural-born citizen's clause. Or
12 alternatively, that this qualification matter
13 presents a nonjusticiable political issue for the
14 voters.

15 On May 15th, the D.C. Circuit Court
16 ordered the appellant to file his docketing
17 statement and other initial submissions by
18 June 14th. The clerk also ordered that
19 dispositive motions should be filed by July 1,
20 2024.

21 Both the Solicitor General for D.C. and
22 the Department of Justice will seek extensions of

1 time for filing the dispositive motions. The D.C.
2 Solicitor General's Office will seek some
3 reaffirmance and possibly file a class appeal on
4 the merits.

5 The next matter is Long versus the D.C.
6 Board of Elections. This is the submission of a
7 matter previously dismissed without prejudice
8 where the plaintiff is seeking \$10,000 in damages
9 based on a claim concerning an overdraft cost to
10 his bank account when a stop payment was issued on
11 a \$500 check issued for his service as an election
12 worker.

13 At a status conference hearing held on
14 May 31, 2024, the plaintiff requested mediation.
15 And the OAG who was representing the Board in this
16 matter did not oppose that request. A mediation
17 proceeding has been set for June 25, 2024.

18 The last matter is John Page versus
19 Monica Evans in her official capacity as the
20 Executive Director for the Board. This is in the
21 U.S. District Court.

22 This, on March 8th, the plaintiff filed

1 a complaint seeking to prevent Donald Trump from
2 appearing on the 2024 general election ballot on
3 the grounds that the court's decision in Trump v.
4 Anderson, which was issued this year, does not
5 apply to D.C. because that decision pertains to the
6 rights of states under the 14th Amendment, and the
7 District is not a state.

8 On -- the OAG filed a motion to dismiss
9 on April 5th. The plaintiff replied on April 23rd
10 arguing that congress has delegated to the Board
11 control over presidential candidate access to the
12 ballot. On April 29th, the OAG filed a motion for
13 leave to file in a surreply to plaintiff's reply.

14 On May 2nd, the court accepted the OAG's
15 surreply. On May 20th, the plaintiff filed a
16 motion to admit the Colorado decision that was
17 appealed in Trump v. Anderson and the House report
18 on the January 6 events.

19 The OAG let the court know that the
20 plaintiff did not seek OAG's position on the motion
21 to admit but did not oppose admission of the court
22 decision and the report. And that's where we stand

1 with respect to that.

2 Let me see. I will report back on the
3 pending updates to Stacia Hall after the Office of
4 Campaign Finance presents, if that's okay with the
5 Board.

6 MR. THOMPSON: Yeah.

7 MS. STROUD: Thank you. And that
8 concludes my report, except for the update that
9 will come later.

10 MR. THOMPSON: Okay. All right.
11 Thank you very much. Turning, then, to Campaign
12 Finance Report --

13 MS. MILLER: Excuse me, Mr. Chair.
14 Before you move to the Campaign Finance Report, may
15 I make an amendment to my report for the executive
16 director?

17 I'm told I may have stated that
18 certification is June 3, I just want to make sure
19 the record is clear that the certification for the
20 June 4th election is July 3rd and not June 3rd in
21 the event that I could have said that. It is
22 July 3rd.

1 MR. THOMPSON: Thank you for that.

2 MS. STROUD: Okay.

3 MR. THOMPSON: That will be our next
4 regular Board meeting, I believe.

5 MS. MILLER: Correct.

6 MR. THOMPSON: We'll go over the
7 Primary Election results. Thank you very much.
8 Okay. Ms. Collier-Montgomery.

9 MS. COLLIER-MONTGOMERY: Good
10 morning. For the record, the full report of the
11 activity of the Office of Campaign Finance for the
12 month of May 2024 will be posted at the Campaign
13 Finance website before the close of this meeting
14 today. And our website address is www.ocf.dc.gov.

15 I will, however, at this time, just
16 highlight a few items of interest from the report
17 for the public. First, the Office of Campaign
18 Finance hosted the debate on May 2, 2024, in the
19 contested race for the Office of At-Large Member
20 of the Council, which was scheduled for election
21 during the June 4, 2024 Primary Election in the
22 District of Columbia.

1 All candidates who were certified to
2 participate in the Fair Elections Program in
3 contested city-wide elections are required under
4 the Fair Elections Act to participate in the
5 debate, and candidates who are registered in the
6 Traditional Campaign Finance Program who qualify
7 for valid access in these elections are invited to
8 participate.

9 For the June 4, 2024, Primary Election,
10 based on the candidates to achieve valid access,
11 there are a total of two certified participating
12 candidates in the Fair Elections Program seeking
13 the Office of At-Large Member of the Council who
14 participated in the debate.

15 There were no candidates in the
16 Traditional Campaign Finance Program who qualified
17 for valid access in the Democratic Primary
18 Election. The debate was moderated by Sam Ford,
19 former Bureau Chief for ABC News.

20 The debates were held virtually and
21 streamed live online at the dcdebates.com website.
22 Recordings of the OCF sponsored debates will remain

1 online for viewing throughout the remainder of the
2 calendar year, again, at dcdebates.com.

3 Also, the Office of Campaign Finance
4 conducted onsite visits to 21 of the Early Vote
5 Centers from May 25, 2024 through June 2, 2024; and
6 to 46 of the Vote Centers on June 4, 2024, Primary
7 Election Day to promote guidance when necessary
8 regarding the application of the Campaign Finance
9 laws.

10 Many centers showcase large numbers of
11 campaign literature, but all appear to be
12 appropriately placed outside of the electioneering
13 markers. The OCF Team randomly selected campaign
14 literature to ensure that the appropriate
15 disclaimers were present and satisfactory.

16 Finally, the OCF Teams did not observe
17 and were not alerted to any conflict-of-interest
18 activities or to any complaints involving
19 campaign-related activities.

20 In our Fair Elections Program Division
21 during the month of May 2024, I would report for
22 the 2024 election cycle, as of this date, there are

1 15 to 35 participating candidates in the Fair
2 Elections Program. And the OCF has authorized the
3 disbursement of the total sum of \$2,353,743.10 from
4 the Fair Elections Fund in Base Amount and Matching
5 Payments.

6 Through the month of May 2024, there
7 were no new candidates who were certified in the
8 Fair Elections Program for the 2024 election cycle.
9 The agency did, however, authorize 18
10 disbursements from the funds during the month of
11 May to the participating candidates who have been
12 certified in the program during this 2024 election
13 cycle.

14 The listing of those disbursements is
15 provided in our report which, again, will be posted
16 at our website before the end of the day of today.
17 With respect to the ongoing 2020 post-election
18 full-field audits Fair Elections Program, there
19 has been no change in the status of those audits
20 and the status is reported in the report.

21 With our 2022 ongoing post-election
22 full-field audit, the Fair Elections Division did

1 release two final audit reports during the month
2 of May. The first was submitted to elect Robert
3 White from D.C. Principal Campaign Committee. And
4 that was a non-compliance audit report which was
5 issued on May the 20th, 2024.

6 The second was the Committee to allege
7 Karim D. Marshall for Council At-Large Principal
8 Campaign Committee, and that was a compliance final
9 audit report. And the report was issued on May the
10 20th of 2024.

11 And I would indicate on the record that
12 all of the final audit reports which are issued by
13 the agency are available at our website for review
14 by the public.

15 In our Public Information and Records
16 Management Division, there was one due date in the
17 month of May 2024 for the filing of reports of
18 receipts and expenditures. And that was the
19 May 10, 2024 report, which was due by candidates
20 of the Principal Campaign Committee in the Fair --
21 who are registered in the Fair Elections Program.
22 All reports of receipts and expenditures furnished

1 in the report of the agency are available at our
2 website for review by the public.

3 With new candidates/committees for the
4 2024 election cycle for the month of May 2024, there
5 were no new candidate registrations in the
6 Traditional Program, Campaign Finance Program.

7 There are currently a total of 37
8 candidates who registered to participate in the
9 June 2024 Primary Elections and the November the
10 5th, 2024 General Election.

11 In our Fair Elections Program, there
12 are currently 27 candidates who are registered to
13 participate in the program, including the
14 following new candidates who registered for the
15 2024 General Election of November during the month
16 of May.

17 And the first candidate registered for
18 the Office of Member of the Council At-Large in the
19 general election, and that's He'lchie Koton Watts,
20 registered on May the 20th, 2024.

21 The second candidate registered for the
22 Office of Members of the Council from Ward 2 for

1 the General Elections, the name of the candidate
2 is Rondell Magic Jordan who registered on May the
3 3rd, 2024.

4 As far as Committee Registrations are
5 concerned, we have two initiative committees who
6 registered during the month of May. The first is
7 the D.C. Cash Payment Reparation; Maria Lopez is
8 the treasurer. The initiative committee
9 registered on May 14, 2024.

10 The second initiative committee
11 registered was the Vernelle Paid Maternity Leave
12 Act; Maria Lopez, treasurer. The committee
13 registered on May the 22nd of 2024.

14 In our Reports Analysis and Audit
15 Division, which is our Traditional Campaign
16 Finance Program, there was one audit which was
17 issued during the month of May, and that was the
18 Friends of Ebbon Allen, that's in Ward 7.

19 Traditional Campaign Committee, that
20 was a Compliance Audit Report, and that report was
21 issued on May the 6th, 2024. That audit report was
22 the report which had been filed by the Committee

1 on March the 10th, 2024, and that was an active
2 Principal Campaign Committee, and that was a Random
3 Periodic Audit.

4 In terms of the ongoing audits in the
5 Traditional Campaign Finance Program, there are
6 two. The first is the Inaugural Committee, and
7 that is a full-field audit. And that is of the D.C.
8 Proud Inaugural Committee. The Preliminary Draft
9 Audit Report was issued on February the 26th, 2024.
10 The Committed filed its response to the Preliminary
11 Draft Statement of Findings on May 27, 2024. And
12 the response is under review.

13 We also have a second Periodic Random
14 Audit which is ongoing, and that is the Committee
15 to Elect Roscoe Grant Junior., Ward 7. And that,
16 again, is an active Principal Campaign Committee
17 and the Random Audit is in March of 2024 for the
18 receipts and expenditures, which was filed by the
19 committee. And again, that audit is ongoing.

20 And that concludes my report. I would
21 ask the General Counsel, William SanFord, to give
22 the reports for the Office of the General Counsel

1 for the Agency.

2 MR. SANFORD: Good morning,
3 Mr. Chairman, Board Members Greenfield and Boggs.
4 My name is William SanFord, General Counsel for the
5 Office of Campaign Finance.

6 During the month of May 2024, the Office
7 of the General Counsel received five referrals and
8 pleaded fifteen informal hearings and issued
9 fifteen orders, including the following:

10 Eleven orders were issued in which no
11 fines were imposed. And four orders were issued
12 in which a total \$11,550 in fines was imposed.

13 During the month of May 2024, the Office of the
14 General Counsel imposed fines against the
15 following respondents:

16 A fine of \$4,000 was imposed against
17 Toliver for Ward 4 Principal Campaign Committee.
18 A fine of \$4,000 was imposed against the Carter
19 At-Large Principal Campaign Committee. A fine of
20 \$50 was imposed against the Elizabeth Davis
21 Educational Equity Initiative. And finally, a
22 fine of \$3,500 was imposed against the Money Supply

1 Initiative.

2 During the month of May 2024, the Office
3 of Campaign Finance collected one fine that totaled
4 \$500 from the Committee to elect Claudia Barragan.

5 During the month of May 2024, the Office
6 of the General Counsel opened one investigation in
7 which the complainant was Gail J. Sonnemann. The
8 Docket number assigned was OCF-FI 2024-003. The
9 date the matter was docketed was May 16th. The
10 respondents were Veda Rasheed and the Veda for Ward
11 7 Principal Campaign Committee. And the
12 allegation is accepting excessive contributions.
13 The status of that matter is pending.

14 During the month of May, the Office of
15 the General Counsel received one request for an
16 interpretive opinion. The request was received on
17 the 20th of May. The opinion number assigned was
18 2024-02. The requester was Gregory Pemberton,
19 Chairman of the D.C. Police Union. And the issue
20 raised was whether the D.C. Police Union is
21 required to register as a Political Action
22 Committee or that in the alternative, an

1 Independent Expenditure Committee. The status of
2 that matter is pending. During the month of May
3 2024, no show cause proceedings were conducted.

4 And that should conclude my report.
5 The contents of this report will be published at
6 the OCF website by close of business on today's
7 date, the 12th of June 2024. Thank you.

8 MR. THOMPSON: All right. Thank you
9 so much for the report from the OCF.

10 MS. COLLIER-MONTGOMERY: And that
11 concludes our --

12 MR. THOMPSON: And congratulations to
13 you all for another successful election.

14 MS. COLLIER-MONTGOMERY: Yes.

15 MR. THOMPSON: Thanks to the -- I just
16 was thinking, thanks to the Fair Election Program
17 and your administration of it, I mean, I think we
18 saw a lot of great candidates out there this year
19 that would not otherwise have been able to raise
20 the funds to participate. So I think maybe
21 especially in Ward 7, there was such an impressive
22 field of candidates. And I think all of them

1 availed themselves of the FEP.

2 So it's really a continuing testament
3 to you all's hard work and, I guess, at one point,
4 the wisdom of our council to pass that law.

5 MR. SANFORD: Yes.

6 MR. THOMPSON: Thank you.

7 MR. SANFORD: The goal of the program
8 is to emphasize ideas over fundraising.

9 MR. THOMPSON: Yeah.

10 MR. SANFORD: And hopefully, it's
11 demonstrated that that's a lofty goal that we're
12 in the process of achieving.

13 MR. THOMPSON: Yeah, it's impressive.
14 Okay. Well, with that, we have some time today for
15 public comment. There are still a lot of people
16 there by Zoom. We welcome comments from the
17 public, especially from our registered voters here
18 in D.C. We're going to ask you to limit your
19 comments to three minutes and include all of your
20 comments or questions or whatever they are within
21 one three-minute comment period.

22 And, of course, you can always submit

1 written comments to our email address,
2 communications@dcboe.org. So I'll just ask folks
3 to put up their Zoom hand, and I'll call people out
4 as I see the hands go up.

5 And I see Ms. Dorothy Brizill has her
6 hand raised. So we'll unmute Ms. Brizill and
7 welcome your comments.

8 MS. BRIZILL: Thank you, Mr. Chairman.
9 I have a couple of questions I would like to ask
10 and, hopefully, maybe get an initial response and
11 a more detailed response, if needed. First of all,
12 I would like to ask about the processing of ballots
13 at the warehouse.

14 When you look at the report on the Board
15 of Elections website, there are at least four days
16 in which zero ballots were received by mail from
17 the U.S. Postal Service. That's May 21, May 25th,
18 May 30th, and June 1. I would like to know why
19 there is a report of zero ballots being received
20 from the Post Office. Other days, it goes up to
21 as many as 2,200 ballots received.

22 The second thing I would like to ask

1 about is the issue of the ballot box that was in
2 front of the Board of Elections Headquarters on
3 Half Street. As you know, numerous media outlets
4 reported that the ballot box was unlocked. And,
5 indeed, the locks for the ballot box were sitting
6 there right next to the ballot box. How did that
7 happen? And were there other incidences where
8 ballot boxes were left on the street unlocked?

9 The third issue I'd like to ask is how
10 many non-U.S. citizens actually vote in the Primary
11 Election? And where are those votes going to be
12 recorded? I've perused the Board of Elections
13 website, and I can't see where they are separately
14 being recorded.

15 The other thing I would like to ask is
16 with regard to tabulating the votes for
17 incarcerated individuals, how and when are those
18 recorded?

19 And my final question has to do with the
20 Office of Campaign Finance. Several months ago,
21 you imposed a substantial funds in the amount of
22 several thousand dollars against Trayon White, a

1 councilmember of Ward 8.

2 Has any of that fine been paid by Mr.
3 White? If you could, give some indication if it
4 has been paid; the amount paid; and what is the
5 status of those fines being paid. Thank you.

6 MR. THOMPSON: Thank you, yeah. I
7 wrote down five questions, so let's, I guess, start
8 with the last one about the OCF with respect to
9 Councilmember White. It looks like Mr. Sanford's
10 going to answer that one.

11 MR. SANFORD: Thank you, Mr. Chairman.
12 Regarding Councilmember White, the fine, the first
13 fine that was imposed is still pending before the
14 Board because Councilmember White did file an
15 appeal with the Board. And so that matter is still
16 pending.

17 The second fine was recently imposed.
18 Councilmember White did not appeal it as the
19 specific time period within which to pay. If not,
20 that fine is not paid or resolved in some other way
21 that's acceptable to both parties, then the matter
22 will be transmitted to the Board for petition to

1 enforce --

2 MS. STROUD: You can answer to the
3 ballots. Yeah.

4 MR. THOMPSON: All right. Thank you
5 for that. All right. That answers that question.
6 There were four that concerned the BOE. I don't
7 know if Alice Miller's still on.

8 MS. MILLER: Yes, I am here. I can
9 attempt to answer some of them. With respect to
10 the mailed ballots that Ms. Brizill asked about,
11 there was no mail that came in on those days, so
12 that's why they're a zero count. We didn't have
13 any mail ballots to count for those days.

14 We do not have a count as of yet on the
15 number of non-citizens that voted. That
16 information is still being processed, as far as I
17 know.

18 And what was the -- oh, the box in front
19 of the office, yes. That was one of our workers.
20 When they pulled the mail -- when they pulled the
21 ballots from the box, the ballot drop box, he
22 inadvertently left the locks on the ground. There

1 were no ballots in the box. Every ballot had been
2 taken. And yes, that was a mistake on our behalf.
3 That was acknowledged.

4 We did put protocols in place to make
5 sure that that was not repeated. And that was the
6 only one that we knew about that that has happened
7 to.

8 And the incarcerated citizens, those
9 ballots were counted already. They were counted
10 with all of our other ballots with the election day
11 ballots.

12 MR. THOMPSON: All right. Thank you.
13 That answers all the questions. Are there any
14 other hands raised on Zoom for any kind of comment?
15 Oh, Mr. Amene.

16 MR. AMENE: Hello, there. Thank you
17 very much, Board. My name's Abel Amene. I serve
18 as ANC Commissioner for 4D02, but I'm here on my
19 personal capacity.

20 First, a quick, as for the General
21 Council Board, the initiative, the proposal that
22 was just considered earlier in this meeting, I know

1 it was noticed in the register, and I see it on May
2 10th. If it would be possible to also post it on
3 your website. I know that's not a requirement, but
4 it is a convenience that we enjoy along with the
5 advisory opinions. If you could include those in
6 the website link, those advisory opinions are very
7 useful to the general public.

8 I do -- I see the initiative 83, what
9 is now initiative 83 was posted there. And the
10 now-rejected proposal on swap out is included, but
11 I do not see the maternity leave there. That would
12 be the only complaint I will be lodging today.

13 I will, I just want to take the rest of
14 this time to thank and congratulate the Board on
15 this election and the opportunity you've given me,
16 personally, to participate in this election.

17 I got to vote during the early ballot,
18 the early voting. And, in fact, actually, the
19 director and the assistant director, the former
20 director who was here with us today was there, and
21 I got to meet her. And it was a great, you know,
22 it went smoothly. There was very minor issues that

1 were handled.

2 And I really want to thank the Board.
3 I know you've been getting a lot of hate about
4 non-citizens voting and I don't want you to only
5 get hate. I want you to get some love as well. I
6 wanted to thank you for that. And thank the Board.
7 And thank Director Evans, who's not here. Thank
8 the General Council and all your staff for all the
9 work you've done on this. I really want to
10 congratulate you on this. And even if a few people
11 voted, it's a great achievement.

12 I also want to thank you for something
13 I've been complaining about in Board meetings
14 before that you've already handled or are starting
15 to handle, which is adding additional languages for
16 non-citizen voting on the website.

17 I saw that Spanish is now one of the
18 languages that is available. And Spanish is
19 definitely the top priority, even though I speak
20 Amharic, and many non-citizens speak Amharic,
21 Spanish was definitely the top priority. So I want
22 to thank you for adding Spanish. And I want to

1 encourage you to add additional languages on that
2 voter registration online.

3 That's the end of my comments. Thank
4 you very much.

5 MR. THOMPSON: All right. That is
6 very much appreciated. Thank you so much for that.
7 Yeah. I've been thinking a lot about this issue
8 as well. And I, being a history buff, I recently
9 saw something that 222 years ago today, just about,
10 June 7, 1802 was the first elections in the District
11 of Columbia.

12 For the City Council of Washington,
13 where those eligible to vote in three polling
14 places elected a twelve-member council. I don't
15 even know if there was a Board of Elections Agency
16 of any kind at the time, but we've had local
17 democracy here for a very long time.

18 When I saw that, I kind of scoffed at
19 it as well because, I mean, the franchise was so
20 severely limited, obviously, in 1802, only to white
21 male substantial property owners. So it was
22 hardly an inclusive election.

1 But for those of us who are holding onto
2 the concept of the arc of justice, you know, the
3 franchise is continuing to expand. And you know,
4 on the far end of not quite -- but on the other end
5 of that arc is the, you know, what we just saw; the
6 decision by our City Council in local elections to
7 permit non-citizens to vote.

8 So that's quite a long journey.
9 Probably too long of a journey. But it's quite an
10 arc from where it started centuries ago to where
11 we just, what we just went through. So like I said
12 in my opening comments, and speaking for myself
13 only, you know, we welcome our local non-citizen
14 residents.

15 All we've done is we've said, is I've
16 said to the press is we must administer the law that
17 was passed. I mean, if a different law got passed
18 or if the courts decided otherwise, we would change
19 what we do. We just implement the law; we don't
20 decide it.

21 But it was something -- even one of my
22 own neighbors came over to talk to me about it, a

1 non-citizen who's been my neighbor for 15 years,
2 and you know, just very excited to have the
3 opportunity to be able to vote in local elections.
4 So it was a pretty momentous occasion in D.C.

5 I don't see any other hands raised.

6 MS. STROUD: Mr. Chair, I do not have
7 an update on the Stacia Hall --

8 MR. THOMPSON: Yes.

9 MS. STROUD: -- matter, so I just
10 wanted --

11 MR. THOMPSON: Okay. Well, speaking
12 of, it's still being challenged in the D.C.
13 circuit. The District Court Judge at the District
14 Court level dismissed the challenge, which was on
15 constitutional grounds. And it was a very
16 thorough opinion that, I suppose, the D.C. Circuit
17 will soon consider, and it might to the Supreme
18 Court.

19 So who knows where we'll be in November
20 on this issue. So we'll just continue to roll with
21 the legal developments as they come in. See what
22 happens. Okay.

1 Well, not seeing any other hands at this
2 time, I will wish everybody a good day. Enjoy the
3 beautiful weather. And I move that we adjourn.

4 MR. BOGGS: Second.

5 MR. THOMPSON: All in favor of
6 adjournment, aye.

7 MS. GREENFIELD: Aye.

8 MR. BOGGS: Aye.

9 MR. THOMPSON: Thank you.

10 MR. BOGGS: Thank you.

11 (Whereupon, the above-entitled matter
12 went off the record at 11:59 a.m.)

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This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DC BOE

Date: 06-12-24

Place: teleconference

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