

**MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
February 1, 2023**

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, February 1, 2023, via Zoom and in the Board’s Hearing Room, located at 1015 Half Street, SE, Washington, D.C. 20003, Suite 750. Board Chairman Gary Thompson and Board Members Karyn Greenfield and J.C. Boggs were present. The Board’s Executive Director Monica Holman Evans (“Director Evans”), General Counsel, Terri Stroud, the Director of the Office of Campaign Finance (OCF), Cecily Collier-Montgomery, and OCF General Counsel, William SanFord, were also present.

CALL TO ORDER (10:30 a.m.)

ASCERTAINMENT OF QUORUM

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

ADOPTION OF AGENDA/APPROVAL OF MINUTES

- **BOARD ACTION:** The Board unanimously adopted the agenda and minutes from the last meeting held on January 4, 2023.

BOARD MATTERS

- The Board recognized Michael Gill for his seven years of service as a Board Member.
- Motion for Reconsideration of Administrative Hearing Order No. 22-028, In Re: Elissa for DC and Elissa Silverman, Petitioners
 - On January 6, 2023, the Board issued an order that memorialized its December 12, 2022 oral ruling reversing OCF Order in OCF docket 2022 FI-006.
 - On January 20, 2023, OCF filed a motion for reconsideration.
 - Petitioner filed a response on January 20, 2023.
 - **BOARD ACTION:** Unanimously denied the motion for reconsideration.

DCBOE EXECUTIVE DIRECTOR’S JANUARY 2023 REPORT (EXECUTIVE DIRECTOR EVANS)

- **General Matters**
 - The Board is currently finalizing the 2022 Election Administration and Voting Survey (EAVS) to submit to the Election Assistance Commission (EAC).
 - The EAC National Clearinghouse Awards submission period is open until February 28, 2023. The categories include:
 - Outstanding Use of Help America Vote Act (HAVA) Grants and Elections Modernization; Outstanding Election Official State Association Program or Local Office; Improving Accessibility for Voters with Disabilities; Outstanding Innovations in Elections; Best Practices in Recruiting, Retaining,

and Training Poll Workers; Creative and Original “I Voted” Stickers; and Outstanding Innovation and Election Cybersecurity and Technology.

- The Board posted 24 Advisory Neighborhood Commission (ANC) vacancies for the 2023-2025 term. Twenty-three were posted in the D.C. Register on January 6, 2023, and one was posted on January 20, 2023.
 - The Board has met with all vendors regarding the 2022 General Election, and we are currently exploring areas for improvement and assessing the need for new equipment.
 - In March, the Board will begin voter roll maintenance activities to update the voter registration database. Returned ballots are now being entered into Voter Focus, which is the first step towards updating the voter registration database.
 - The Board is preparing to fully implement new legislation for the 2024 election cycle, *i.e.*, the Elections Modernization Amendment Act of 2022 and the Local Resident Voting Rights Amendment Act of 2022, should they pass the congressional review period.
 - The Board has begun meeting regarding the Automatic Voter Registration Amendment Act, which will become effective for the 2026 election cycle.
 - The Board is undergoing the procurement process for mail houses for each election and seeking to expand its ballot-on-demand program.
 - Brochure revisions and website improvements are currently in process.
- **Voter Education and Outreach (VEOD)**
 - During January, four outreach events were conducted at:
 - Voter Registration Drive at Mary’s Center
 - The Department of Aging and Community Living
 - Thrive DC
 - Central Union Mission
 - **Voter Registration Rolls**
 - In January, the Voter Services Division registered 2,439 voters and processed 5,050 registration changes.
 - In total, 7,489 registration cards were mailed out.
 - 43 registered voters moved out of D.C.
 - 528 voters registered moved into D.C.
 - 28 voters canceled their D.C. registrations and registered with other jurisdictions.
 - **Online Voter Registration**
 - 33,270 applications were processed in January.

DCBOE GENERAL COUNSEL’S JANUARY 2023 REPORT (GENERAL COUNSEL STROUD)

- **Litigation Status**
 - **Public Interest Legal Foundation (PILF) v. Monica Evans**
 - This matter was filed in the US District Court for the District of Columbia under the National Voter Registration Act (NVRA).

- The suit alleges that the Board is out of compliance with the NVRA’s public records provision.
 - In September 2022, the US District Court Judge assigned to the case was appointed to the DC Circuit Court, and the case is currently awaiting reassignment.
 - All briefing has been submitted.
- **Williams v. District of Columbia**
 - This matter, which was filed in the D.C. Superior Court on September 2, 2022 against the District of Columbia, concerns the Board's publication of certified election results.
 - The Plaintiff alleges that the Board's publication of certified election results only on the Board's website instead of the D.C. Register makes past certifications invalid.
 - Plaintiff's prayer for relief includes new elections and the nullification of certain actions taken by previous administrations, specifically mayoral decisions regarding zoning and property disposition.
 - The OAG filed a motion to dismiss on November 8, 2022.
 - On December 1, 2022, the motion to dismiss was granted and the case is now closed.
- **Dorothy Douglas v. D.C. Board of Elections**
 - On December 7, 2022, Dorothy Douglas, a candidate who lost her election bid to become Advisory Neighborhood Commissioner for Single-Member District 7C07, filed a *pro se* petition in the D.C. Court of Appeals seeking to decertify the election results in that race.
 - Ms. Douglas alleges that she lost votes due to voters in SMD 7C07 being given ballots for SMD 7D03.
 - On December 2, 2022, the Court ordered that Ms. Douglas' petition be filed, expedited the case, and set filing deadlines.
 - On January 9, 2023, the Board filed the agency record.
 - On January 11, 2023, Ms. Douglas filed a motion for summary reversal and filed an amendment to the motion on January 23, 2023, challenging SMD 7D03 results.
 - On January 20, 2023, the Board filed an Opposition to Ms. Douglas’ motion and cross-motion for summary affirmance.
 - We are currently awaiting a ruling on the matter.
- **D.C. Board of Election v. Patterson**
 - This matter is a petition for enforcement of an OCF order imposing a fine for failure to timely file the January 31, 2021 Report of Receipts and Expenditures (R & E Report).

OCF JANUARY 2023 REPORT (DIRECTOR COLLIER-MONTGOMERY)

- **Fair Elections Program (FEP) Division Report for January 2023**
 - To date, OCF has authorized a total sum of \$12,356,756.95 for disbursement from the FEP Fund in base amounts and matching payments to the 42 candidates certified in the FEP to participate in the June 21, 2022 Primary Election and in the November 8, 2022 General Election.
 - OCF authorized four disbursements from the FEP fund to participating candidates who were certified during the 2022 election cycle. All names are listed on the OCF website.
 - **Desk Reviews and Other Activities**
 - There were eight desk reviews conducted of December 10, 2022 R & E Reports filed.
 - Six requests for additional information (RFAI) letters were sent.
 - **Remitted Funds**
 - As of January 31, 2023, the total sum of \$691,818.64 has been remitted for deposit in the FEP fund from campaign operations of candidates who were certified to participate in the 2022 election.
 - **Ongoing Post-Election Audits**
 - There are currently 25 post-election audits.
 - All names and status are posted on the OCF website. All names and status are posted on the OCF website.
- **Public Information and Records Management Division (PIRM)**
 - There were three filing deadlines for R & E Reports/ANC Financial Summary Statements in January for the committees/individuals listed below:
 - January 1 (due January 3)
 - Constituent Services Programs
 - Senator/Representative Statehood Fund Programs
 - January 30 (ANC Financial Summary Statement)
 - ANC Member Candidates
 - January 31
 - Principal Campaign Committees (PCCs) & Political Action Committees (PACs)
 - FEP Candidate Committees
 - Independent Expenditure Committees
 - Initiative/Referendum Committees
 - Recall Committees
 - Inaugural Committees

- **New Candidate/Committees**
 - Traditional Candidates
 - Rahman Branch, January 23, 2023, City Council, Ward 8
- **Referrals to the OGC**
 - NONE
- **Reports Analysis and Audit Division (RAAD) Program**
 - OCF conducted 117 desk reviews in January 2023.
 - Four RFAI letters were sent.
 - **January Audits Issued**
 - NONE
 - **Ongoing Audits**
 - Periodic
 - NONE
 - Full Field
 - NONE

OCF JANUARY 2023 GENERAL COUNSEL REPORT (GENERAL COUNSEL WILLIAM SANFORD)

- **Intake/Output Report**
 - OGC received one referral from the RAAD division for failure to timely respond to an RFAI letter.
 - Eight informal hearing orders were issued:
 - Six orders were issued in which a total of \$13,850 in fines was imposed:
 - Capital Stonewall Democrats - \$2,000.00
 - Kinlow Ward 8 Strong - \$2,250.00
 - Randy Downs for Ward 2 - \$3,000.00
 - James Ward 2 SBOE - \$2,950.00
 - Committee to Elect Renee Bowser - \$1,000.00
 - Capital Stonewall Democrats - \$2,650.00
 - Two orders of settlement were issued:
 - D.C. Republican Party - \$850.00
 - Citizen for Empowerment - \$ 950.00
 - Other Fines Collected:
 - Kinlow for Ward 8 - \$125.00
- **Open Investigations**
 - No new investigations opened.
- **Interpretative Opinions**
 - NONE

- **Show Cause Proceedings**
 - NONE

PUBLIC MATTERS

The discussion in the public matters portion of the meeting can be found on pages 38-44 of the transcript for this hearing.

ADJOURNMENT (11:19 a.m.)