

**MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING  
May 3, 2023**

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Tuesday, May 3, 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 (10:04 a.m.)**

**ASCERTAINMENT OF QUORUM**

- Board Chair Thompson and Board Members Greenfield and Boggs 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 April 5, 2023.

**BOARD MATTERS**

- NONE

**DCBOE EXECUTIVE DIRECTOR’S APRIL 2023 REPORT (EXECUTIVE DIRECTOR EVANS)**

- **Budget Oversight Hearing**
  - The Board is still in communication with the City Council regarding questions and answers from the March 28<sup>th</sup> Budget Oversight Hearing, specifically regarding the resources needed to comply with the Elections Modernization Amendment Act (“EMA”) and the Local Resident Voting Rights Amendment Act (“LRVR”).
  - The Board is awaiting information regarding final decisions about FY 2024 budget since the Council Committee concluded budget markups on April 20<sup>th</sup>.
  - On April 3<sup>rd</sup>, Director Evans participated in the Vote at Home webinar series as part of a panel to discuss the Board’s signature verification and cure processes.
  - On April 18-19<sup>th</sup>, Director Evans attended the Election Assistance Commissions Standards Board meeting.
  - Per regulations, the Board is reviewing the current precinct boundaries to divide the District into appropriate voting precincts based on election wards.
- **ANC Vacancies**
  - There are 11 ANC vacancies for the 2023-2025 term, all of which are in different stages of being fulfilled. After candidate filing requirements are met, an open vote of registered voters within the SMD will be held during regularly scheduled ANC meetings.

- **2023 Next Steps/Off-Election Year Planning**
  - The Elections Modernization Amendment Act (“EMA”) requirements and the Local Resident Voting Rights Amendment Act (“LRVR”) are being reviewed to ensure the Board’s compliance.
  - The Board spoke with the VR Database Systems vendor who determined that a website data visualization interface is needed as well as a database solution to house noncitizens who register to vote in local elections.
  - Brochure revisions are currently in process. So far, brochures have been drafted for Voting, the District of Columbia Voting Guide for Incarcerated Citizens, Quick Guide for Returning Citizens, High School and College Students Voting Guides, Student Election Worker, and Conducting a Voter Registration Drive.
  - The Board is updating the Election Worker Training Manual, developing the 2024 Voter Education and Outreach Plan, and assessing our Vote Center and Mail Ballot Drop Box locations plan.
  - Although the Board is an ERIC member, we have joined a cross-state data work group to explore ways to share voter history and address cross-state voter fraud.
- **Voter Education and Outreach (VEOD)**
  - During April, five outreach events were conducted, including Voter Registration Drives at the Department on Aging and Community Living and at the Mayor’s Office of Deaf, DeafBlind, and Hard of Hearing. The latter event also included a Voting Equipment Demonstration.
- **Voter Registration Rolls**
  - In April, the Voter Services Division registered 2,087 new voters and processed 3,515 registration changes.
  - In total, 5,602 voter registration cards have been prepared for mailing.
  - 30 registered voters moved out of D.C.
  - 1,197 voters moved into D.C.
  - 20 voters canceled their D.C. registrations and registered with other jurisdictions.
- **Online Voter Registration**
  - Over 35,000 applications have been processed to date.

**DCBOE GENERAL COUNSEL’S APRIL 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.
    - On February 3, 2022, the OAG filed a Motion to Dismiss.
    - On February 17, 2022, the plaintiff filed a reply to the Motion to Dismiss.
    - On March 17, 2022, the OAG filed a response to the plaintiff’s pleading.

- In September 2022, the US District Court Judge assigned to the case was appointed to the DC Circuit Court.
  - On February 21, 2023, the matter was reassigned to Judge Reyes.
  - On April 10, 2023, Judge Reyes denied the Motion to Dismiss and issued a standing order directing the parties to file a joint status report to update the court about any case developments and to propose a briefing schedule to address motions refiling.
  - On May 1, 2023, the Board’s status report was timely filed.
- **Petitions for Enforcement of OCF Orders**
    - The next two matters involve petitions for enforcement of OCF Orders imposing fines for failure to timely file the January 31, 2021 Report of Receipts and Expenditures (“R & E Report”).
    - At its January 2023 meeting, the Board authorized its Office of General Counsel to file the petitions in D.C. Superior Court.
      - **D.C. Board of Elections v. Lamont Harrell**
        - This matter was filed in D.C. Superior Court on February 15<sup>th</sup>.
        - A Show Cause Hearing was held on March 17<sup>th</sup> before the Judge in Chambers; it was continued to April 4<sup>th</sup> to allow the Board additional time to pursue service of the defendant.
        - On April 4<sup>th</sup>, the court continued the matter to July 5<sup>th</sup> to allow the Board additional time to pursue service.
      - **D.C. Board of Elections v. Jacques Patterson**
        - This matter was filed in D.C. Superior Court on January 25<sup>th</sup>.
        - An initial status hearing was scheduled for April 28<sup>th</sup> before Judge Dayson.
        - On April 6<sup>th</sup>, the court issued a continuance of the status hearing to May 19<sup>th</sup>.
  - **Stacia Hall, et al., v. D.C. Board of Elections**
    - On March 14<sup>th</sup>, the plaintiffs filed a challenge to the LRVR in D.C. Superior Court.
    - The challenge alleges that the Constitution precludes non-citizens from being voters.
    - A status hearing has been scheduled on June 23<sup>rd</sup> before Judge Puig-Lugo.
    - The Board is being represented by the OAG.

**OCF APRIL 2023 REPORT (DIRECTOR COLLIER-MONTGOMERY)<sup>1</sup>**

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<sup>1</sup> The complete April 2023 OCF Report can be found on OCF’s website here: [https://ocf.dc.gov/sites/default/files/dc/sites/ocf/release\\_content/attachments/Bd%20Meeting%20for%20May%202023.pdf](https://ocf.dc.gov/sites/default/files/dc/sites/ocf/release_content/attachments/Bd%20Meeting%20for%20May%202023.pdf).

*\*OCF General Counsel SanFord presented for Director Collier-Montgomery*

OCF did not participate in any Community Outreach events during the month of April 2023.

- **2020 Ongoing Post-Election Audits**
  - There are currently 17 post-election audits.
  - All names and the statuses of the audits are posted on the OCF website.
- **Final Audits Issued**
  - Two final audit reports were issued in March:
    - The Elissa for DC Principal Campaign Committee
    - The Re-Elect Charles Allen for Ward 6 Principal Campaign Committee
- **Public Information and Records Management Division (PIRM)**
  - R & E Reports for the committees/persons listed below were due in April 2023:
    - Constituent Services Programs (April 1<sup>st</sup>)
    - Senator/Representative Statehood Funds (April 1<sup>st</sup>)
    - Political Action Committees (PACs) (April 10<sup>th</sup>)
    - Independent Expenditure Committees (April 10<sup>th</sup>)
    - Advisory Neighborhood Commission (ANC) Candidates (March 31<sup>st</sup>)
- **Referrals to the OGC**
  - 100 committees were referred.
    - All names are posted on the OCF website.

## **OCF APRIL 2023 GENERAL COUNSEL REPORT (GENERAL COUNSEL WILLIAM SANFORD)**

- **Intake/Output Report**
  - OGC received 100 referrals.
  - 17 informal hearings were held and six orders were issued:
    - Four orders were issued in which a total of \$10,550 in fines was imposed:
      - Money Supply Increase Initiative - \$3,500
      - US Citizens Recovery Initiative - \$3,500
      - DC Recover Act Descendants - \$3,500
      - Elizabeth Davis Pathway Policy Act 2022 - \$50
    - Two orders were issued in which no fines were imposed.
  - Fines Collected:
    - NONE
- **Open Investigations**
  - NONE
- **Interpretative Opinions**
  - NONE

- **Show Cause Proceedings**
  - NONE

**PUBLIC MATTERS**

- The discussion in the public matters portion of the meeting can be found on pp. 17–43 of the transcript for this hearing.

**ADJOURNMENT (10:53 a.m.)**