

**MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING  
December 6, 2023**

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, December 6, 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 J.C. Boggs and Karyn Greenfield 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 (10:36 a.m.)**

**ASCERTAINMENT OF QUORUM**

- Board Chair Thompson and Board Members Boggs and Greenfield 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 November 8, 2023.

**BOARD MATTERS**

- NONE

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

- **Allegations Regarding Violation of Sexual Harassment Laws**
  - During the DC Council Roundtable held on October 31, statements were entered into the official record regarding “repeated violations of sexual harassment laws” by BOE. BOE’s Sexual Harassment Officer contacted staff to share information and solicit feedback. Additionally, BOE reached out to the party who made the allegations. No response was received, and the investigation was closed without any evidence of sexual harassment or violations of sexual harassment laws found.
- **Data Breach**
  - On October 5, BOE became aware that a hacking group known as RansomVC claimed to have breached BOE’s records and accessed 600,000 lines of US voter data, including DC voter records. No internal BOE databases, networks, or servers were directly compromised. BOE vendor DataNet is working with Booz Allen Hamilton to conduct an analysis summary.
  - BOE approved production and the new website went live on December 5. DataNet is working with the Office of the Attorney General (“OAG”) to finalize necessary breach notifications and determine optimal delivery methods.

- **Precinct Mapping**
  - The Board is working to review current precinct boundaries to divide the District into appropriate voting precincts based on election wards. Precinct Mapping Plans has been sent to Councilmember Anita Bonds for review.
  
- **ANC Vacancies**
  - There are 13 Advisory Neighborhood Commission (“ANC”) vacancies for the 2023/2025 term, all in different stages of being filled. On December 13, an election will be held to fill the vacancy at the ANC Single Member District that represents the DC Jail (7F08).
  
- **List Maintenance**

The Board’s 2023 list maintenance process is still actively underway. To date, 65,544 voters have been removed from our voter rolls, and 92,772 voters have been moved to an inactive status. On December 12, an additional 37,962 inactive voters will be removed. Our Communications and Voter Education and Outreach divisions are working to establish partnerships with local universities to aid in maintaining the accuracy of our voter roll.
  
- **2024 Election Cycle Year Planning**
  - Draft calendars for the 2024 Primary and General elections are now posted on the Board’s website.
  - On November 27, our election equipment vendor, ES&S, began on-site preventative maintenance and software upgrades.
  - Our voter registration system vendor, VR Systems, is providing a database solution to house non-citizens who register to vote in local elections. The current timeline to implement that solution is January 2024.
  
- **2024 Voting Options**
  - All registered DC voters will receive a mail-in ballot. Voters may vote by mail, in-person, or by placing a mailed ballot in a drop box.
  - BOE plans to have 55 Mail Ballot Drop Boxes placed throughout the city, 25 Early Vote Centers, and a total of 75 Election Day Centers.
  
- **Accessibility**
  - The Board is currently partnering with the Disability Rights at University Legal Services and the Office of Disability Rights to conduct an accessibility survey of all prospective Vote Centers ahead of the 2024 Primary Election to ensure that the Vote Centers remain accessible.
  - The Board is partnering with the DC Department of General Services (“DGS”) to ensure that Vote Centers are structurally accessible and that election workers are aware of the Americans with Disabilities Act (ADA) guidelines.
  
- **Election Worker Division**
  - The Election Worker Training Division is revising the Election Worker Handbook and the training curriculum based on recently-passed legislation.

- During the 2024 Election Cycle, the Board's goal is to recruit and train between 2,000 and 2,500 election workers, deploying approximately 1,700 election workers to serve at Vote Centers.
  - Election worker training will begin on March 12, 2024. Election training can also be accessed via online training modules to complement the required in-person classes.
- **Voter Education and Outreach (VEOD)**
    - During November 2023, VEOD conducted 14 outreach events.
  - **Voter Registration Rolls**
    - In November, the Voter Services Division registered 2,312 new voters and processed 3,333 registration changes.
      - In total, 5,228 voter registration cards have been prepared for mailing.
      - 2,697 registered voters moved out of D.C.
      - 419 voters canceled their D.C. registrations and registered with other jurisdictions.
      - 995 voters registered in D.C.
  - **Online Voter Registration**
    - 40,054 applications have been processed to date.

**DCBOE GENERAL COUNSEL’S NOVEMBER 2023 REPORT (GENERAL COUNSEL STROUD)**

- **Enforcement Hearings**

The Board held 10 hearings involving individuals who allegedly voted twice (in D.C. and another jurisdiction) to determine whether to take enforcement action against these individuals.
- **Rulemaking**
  - Final Rulemaking to Title 3 of the D.C. Municipal Regulations (Elections and Ethics)
    - The Board took final rulemaking action to adopt amendments to Chapters 1 and 3-20 of Title 3 of the D.C. Municipal Regulations, to conform the Board’s regulations to District law, including the Local Residents Voting Rights Amendment Act of 2022. The rulemaking also reflects court decisions rendered in cases concerning Initiative Measure No. 82, “the “District of Columbia Tip Credit Elimination Act of 2021.” In addition, the rulemaking updates and/or clarifies Board procedures for various activities, including meetings (including hearings), the issuance of Board orders and advisory opinions, and ballot access for candidates and ballot measures. The amendments also make other non-substantive housekeeping updates and corrections of typographical and formatting errors.
    - **BOARD ACTION:** Voted unanimously for the final rulemaking to be submitted to the D.C. Register for publication in the December 15, 2023 edition.

- Proposed Rulemaking to Title 3 of the D.C. Municipal Regulations (Elections and Ethics)
  - The Board took proposed rulemaking action to adopt amendments to Chapters 1, 5, and 16 of Title 3 of the D.C. Municipal Regulations to correct errors to a rule that expresses the elections in which non-citizens can participate and a rule that indicates which offices non-citizens can vote for, and to conform certain of the Board’s regulations regarding its notice/agenda, closed-session, and minutes procedures to the District of Columbia government’s Open Meetings Act.
 

**BOARD ACTION:** Voted unanimously for the proposed rulemaking to be submitted to the D.C. Register for publication in the December 15, 2023 edition.
  
- **Litigation Status**
  - **Public Interest Legal Foundation (“PILF”) v. Monica Evans (U.S. Dist. Ct. for D.C.)**
    - This matter was filed under the National Voter Registration Act (“NVRA”).
    - The suit alleges that the Board is out of compliance with the NVRA’s public records provision.
    - The Board’s motion to dismiss was denied after a hearing on December 4.
    - The Board is reviewing next steps in the matter.
  
  - **Stacia Hall, et al., v. D.C. Board of Elections (U.S. Dist. Ct. for D.C.)**
    - This is a challenge to the Local Residents Voting Rights Act.
    - On June 7, the OAG filed a motion to dismiss on behalf of the Board.
    - On July 14, the plaintiff filed an opposition to the motion to dismiss.
    - The OAG filed a reply to the opposition on August 18.
    - The parties are waiting for the court’s opinion.
  
  - **District of Columbia Democratic Party, et al., v. Muriel Bowser, et al. (D.C. Superior Court)**
    - This is a challenge to Initiative Measure No. 83.
    - All pleadings and the designation of record have been filed in this matter.
    - On November 30, the initial hearing was rescheduled from December 1 to February 23, 2024.
  
  - **Dr. Shiva Ayyadurai v. Merrick Garland, et al. (U.S. Dist. Ct. for D.C.)**
    - On November 14<sup>th</sup>, the USDC clerk’s office served the Board with a complaint for declaratory and injunctive relief that was filed on June 21, 2023.
    - The Plaintiff, born in India, seeks a declaration of eligibility to serve as President of the United States notwithstanding the “natural born citizens clause”, or that the qualifications is a non-justiciable political issue to be determined by the voters.
    - The Board will be working with the OAG to determine next steps in the matter.

- **Jason Christopher Long v. D.C. Board of Elections (D.C. Superior Court)**
  - This matter is the refiling of a complaint that was dismissed without prejudice in August 2022.
  - The complainant is seeking \$10,000 in damages, claiming negligence and unjust enrichment and alleging that the Board issued him a check without informing him not to deposit it, then had payment of the check stopped, causing a negative balance and returned check fee.
  - A hearing has been set for February 2, 2024.

## **OCF NOVEMBER 2023 REPORT (DIRECTOR COLLIER-MONTGOMERY)**

- **Community Outreach**
  - During November, information on OCF’s Traditional and Fair Elections Programs was presented during two virtual ANC meetings held on November 1 and 8.
- **Fair Elections Program (FEP) Division Report**
  - There are three certified participating candidates in the FEP for the 2024 election cycle.
  - One candidate was certified into the program for the 2024 election cycle.
  - Disbursements were made to the following candidates:
    - Re-Elect Brooke Pinto 2024, Principal Campaign Committee (“PCC”) - \$33,600
    - The Friends of Salim Adofo, PCC - \$13,085
    - Janeese Lewis George, the Committee to Re-elect Janeese Lewis George, PCC - \$105,195 and \$20,000
- **Ongoing 2020 Post-Election Full Field Audits**
  - 11 audits are currently ongoing.
  - 23 Final Audit Reports have been issued.
  - The details of these audits are listed on the OCF website.
- **2022 Ongoing Post-Election Full Field Audits**
  - 42 Post-election Audits Letters have been issued.
  - To date, 20 Preliminary Statements of Audit Findings have been issued.
  - To date, 15 Final Audit Reports have been issued.
  - The details of these audits are listed on the OCF website.
- **Public Information and Records Management Division (PIRM)**
  - There were no due dates for the filing of R&E reports.
  - **New Candidate/Committees**
    - Traditional Program Candidates
      - 8 total; one new for 2024 Primary Election
        - Yolanda Anderson – Office of the U.S. Shadow Senator
    - FEP Candidates

- 12 total; three new for 2024 Primary Election
  - Paul Johnson – Ward 4 Council
  - Ebony Payne – Ward 7 Council
  - Patricia Eguino – At-Large Member of the Council
- **New Candidates/Treasurers Who Completed OCF Entrance Conference**
  - Christina Henderson/Candidate, Council At-Large
  - Patricia Eguino/Candidate, Council At-Large
  - Joyce DeCerco/Treasurer, Patricia Eguino for DC Council
  - Thomas Maloney/Treasurer, Friends of Christina Henderson 2024
  - Isabella Ariza/Treasurer, Ankit Jain for Senate
- **Reports Analysis and Audit Division (RAAD) Program**
  - 16 desk reviews were conducted during November 2023.
  - Two Request for Additional Information (“RFAI”) letters were sent.
- **Audits Issued**
  - None
- **Ongoing Audits**
  - Full Field Audits - Newly Elected Officials
    - Kenyan McDuffie 2022
  - Full Field Audits – Inaugural Committees
    - DC Proud Inaugural Committee
  - Random Periodic Audits – Constituent Services Programs
    - Ward 5 Council Office Constituent Service Fund
    - Citizens Outreach Fund

**OCF NOVEMBER 2023 GENERAL COUNSEL REPORT (GENERAL COUNSEL WILLIAM SANFORD)**

- **Intake/Output Report**
  - November 2023
    - One full investigation was initiated.
    - Nine informal hearings were held and nine orders were issued:
      - Two orders to vacate
      - Six orders in which a total of \$5,225 in fines were imposed:
        - Markus for DC - \$1,350
        - Friends of Robert White - \$2,100
        - Friends of Robert White - \$1,125
        - Campaign to Elect Ed Lawson - \$200
        - Campaign to Elect Ed Lawson - \$200
        - Citizens to Elect Bill Lewis - \$250
      - One order in which no fines were imposed.

- **Fines Collected**
  - Ward 7 Democrats Act - \$300
- **Open Investigations**
  - Complainant: Edward Hanlon, Respondent: Committee to Re-Elect Brooke Pinto 2024 (Docketed October 23)
    - Allegation: Use of Government Resources for Campaign Related Purposes
  - Complainant: Edward Hanlon, Respondent: Brooke Pinto for Ward 2, 2020 PCC (Docketed November 13)
    - Allegation: Use of Government Resources for Campaign Related Purposes
- **Interpretative Opinions**
  - NONE
- **Show Cause Proceedings**
  - NONE

## **EXECUTIVE SESSION**

- After the OCF report, the Board voted unanimously to enter into Executive Session to deliberate upon a decision in an adjudication action or proceeding by a public body exercising quasi-judicial functions pursuant to D.C. Official Code § 2-575(b)(13).

## **RESUMPTION OF PUBLIC MEETING**

- The public meeting resumed at 1:45 p.m.
- The Board rendered the following decisions in the enforcement hearings:
  - *In the matter of ballots cast in the name of Vanessa Rubio*
    - **BOARD ACTION:** Imposed \$500 civil fine for voting in D.C. and Maryland
  - *In the matter of ballots cast in the name of Renee Diggs*
    - **BOARD ACTION:** Imposed \$100 civil fine for voting in D.C. and Maryland
  - *In the matter of ballots cast in the name of Jessica Miser*
    - **BOARD ACTION:** Imposed \$100 civil fine for voting in D.C. and Maryland
  - *In the matter of ballots cast in the name of Marcella Gooding*
    - **BOARD ACTION:** Imposed \$100 civil fine for voting in D.C. and Maryland

- *In the matter of ballots cast in the name of Barbara Ann Melvin Mason Duncan*
  - **BOARD ACTION:** Deferred consideration to allow additional time to contact respondent
  
- *In the matter of ballots cast in the name of Eddie Bishop*
  - **BOARD ACTION:** Imposed \$100 civil fine for voting in D.C. and Maryland
  
- *In the matter of ballots cast in the name of Margaretta Sibert-Dean*
  - **BOARD ACTION:** Imposed \$100 civil fine for voting in D.C. and Maryland
  
- *In the matter of ballots cast in the name of Ashley Harris*
  - **BOARD ACTION:** Deferred consideration for 30 additional days to allow 3<sup>rd</sup> party respondent to address OGC questions
  
- *In the matter of ballots cast in the name of David Linfield*
  - **BOARD ACTION:** Linfield and third party respondent found not culpable; No enforcement action
  
- *In the matter of ballots cast in the name of Hannah Brown*
  - **BOARD ACTION:** No enforcement action; Respondent found to lack any intent to vote twice

**ADJOURNMENT (1:58 p.m.)**