

MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
April 5, 2023

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Tuesday, April 5, 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 (10:31 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 March 7, 2023.

BOARD MATTERS

- In addition to being able to attend via Zoom, the general public can appear in person at monthly Board meetings starting May 3, 2023.

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

- **Budget Oversight Hearing**
 - On March 24th, the Board submitted responses to prehearing questions to the DC Council’s Committee on Executive Administration and Labor (“CEAL”) ahead of its Budget Oversight Hearing on March 28th.
 - The Budget Oversight Hearing marked the Board’s first budget hearing before CEAL and its Chairperson, Councilmember Anita Bonds. At the hearing, Executive Director Evans discussed the need for resources to comply with the Elections Modernization Amendment Act (“EMA”) and the Local Resident Voting Rights Amendments Act (“LRVR”), as well as the need for funding for more staff and equipment and software upgrades.
- **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 to elect Commissioners.

- **2023 Next Steps/Off-Election Year Planning**
 - During the week of March 13th, the Board’s voter registration system vendor, VR Systems, was at the Board to provide training and discuss needed enhancements to the Voter Focus database and the need to address system upgrades to reflect recently passed legislation.
 - The Board is reviewing and categorizing returned and undeliverable ballots from the 2022 General Election. All in and out-of-state addresses are manually being updated into Voter Focus. Currently, 87,921 undeliverable ballots have been returned.
 - To date, the Board has processed over 10,000 ballots and 566 records of deceased voters.
 - The EMA and LRVV requirements are being reviewed to ensure Board compliance.
 - Brochure revisions and website improvements are currently in process.
 - 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 March, seven voter registration drives were conducted at various DC public schools and the Department on Aging and Community Living.
- **Voter Registration**
 - In March, the Voter Services Division registered 2,196 new voters and processed 2,962 registration changes.
 - In total, 5,158 voter registration cards have been prepared for mailing.
 - 38 registered voters moved out of D.C.
 - 574 voters registered moved into D.C.
 - 12 voters canceled their D.C. registrations and registered with other jurisdictions.
- **Online Voter Registration**
 - 34,611 applications have been processed to date.

DCBOE GENERAL COUNSEL’S MARCH 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.
 - On February 21st, the matter was reassigned to Judge Reyes.

- All substantive pleadings have been filed, and the case is currently awaiting the court’s decision.
- **Petitions for Enforcement of OCF Orders**
 - The next four 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. Marlana Edwards**
 - This matter was filed in D.C. Superior Court on February 15th.
 - A show cause hearing was held on March 20th before the Judge in Chambers (“JIC”). The JIC granted the Board’s request for a judgment of \$1,650 against the defendant.
 - **D.C. Board of Election v. Courtney Snowden**
 - This matter was filed in D.C. Superior Court on February 15th.
 - A show cause hearing was held on March 21st before the JIC. The JIC granted the Board’s request for a judgment of \$1,650 against the defendant.
 - **D.C. Board of Election v. Lamont Harrell**
 - This matter was filed in D.C. Superior Court on February 15th.
 - A show cause hearing was held on March 17th before the JIC and was continued to April 4th to allow the Board additional time to pursue service on the defendant.
 - On April 4th, the Court continued the matter to July 5th 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 25th.
 - An initial status hearing will be held on April 28th before Judge Dayson.
- **Stacia Hall, et al., v. D.C. Board of Elections**
 - On March 14th, the plaintiffs filed a challenge to the LRVR in D.C. Superior Court.
 - The challenge alleges that the Constitution precludes non-citizens from voting.
 - A status hearing has been scheduled for June 23rd before Judge Puig-Lugo.

- The Board is being represented by the DC Office of the Attorney General (“OAG”).

OCF MARCH 2023 REPORT (DIRECTOR COLLIER-MONTGOMERY)

The Office of Campaign Finance did not participate in Community Outreach events during the month of March 2023.

- **Fair Elections Program (“FEP”) Division Report for March 2023**
 - To date, OCF has authorized a total sum of \$13,557,106.70 for disbursement from the FEP Fund in base amounts and matching payments to the 42 candidates certified in the FEP to participate in the 2022 election cycle.
 - All names are listed on the OCF website.
 - On March 21st, OCF certified Salim Adofo as a participating candidate in the FEP in the 2024 Primary Election for the Covered Office of Member of the Council from Ward 8 and authorized the sums of \$56,244.40 in Matching Payments and \$20,000 for the Base Amount for disbursement.
- **Desk Reviews and Other Activities**
 - There were 46 desk reviews conducted of the January 30, 2023 R & E Reports filed.
 - Ten requests for additional information (“RFAI”) letters issued.
- **Remitted funds**
 - As of March 31st, the total sum of \$686,433.82 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 18 post-election audits.
 - All names and statuses are posted on the OCF website.
- **Final Audits Issued**
 - 16 final audit reports were issued in March.
 - All names are posted on the OCF website.
- **Ongoing Audits**
 - There are currently 42 Full Field Audits.
 - All names are posted on the OCF website.
- **Public Information and Records Management Division (PIRM)**
 - There was one filing deadline covered by the March 31st reporting period of R & E Reports for Advisory Neighborhood Commissioner (ANC) Candidates.
- **Referrals to the OGC**
 - 28 committees were referred.
 - All names are posted on the OCF website.

- **Reports Analysis and Audit Division (RAAD) Program**

- During March 2023, RAAD's activity included:
 - 60 desk reviews
 - 2 RFAI letters issued

- **March Audits**

- Full-Field
 - Mendelson for Chairman 2022
 - Kenyan McDuffie 2022
 - Eric Goulet SBOE
 - Oye for US Representative
- Periodic
 - DC Engineers PAC
 - DC for Democracy PAC

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

- **General Matters**

- OCF provided testimony before CEAL regarding securing sufficient financing for the FEP program for the 2024 election cycle during fiscal year 2024.

- **Intake/Output Report**

- OGC received 30 referrals.
- 18 informal hearing orders were issued:
 - 8 orders were issued in which a total of \$10,750 in fines was imposed:
 - Butler for Mayor - \$2,450
 - Oye US Representative - \$650.00
 - Citizens for a Safer DC - \$350.00
 - Better leadership DC - \$1,475.00
 - Ward 7 Democrats - \$3,450.00
 - Food Service PAC - \$500
 - Committee to Elect Karim Marshall - \$1,025
 - Friends of Best - \$850
 - 7 orders were issued in which no fines were imposed.
 - 3 orders were issued in which the Notices of Hearings and Statements of Violations were vacated.
- Other Fines Collected:
 - Food Service PAC - \$500
 - Committee to Elect Karim Marshall - \$1,025
 - Oye US Representative - \$650
 - Friends of Best - \$850

- **Open Investigations**

- Complainant: Chuck Thies
 - Date Docketed: September 1, 2022
 - Respondents: Patricia “Tricia” Duncan and Benjamin Bergmann
 - Allegation: Receipt of an illegal “in kind” contribution
 - Status: Order Issued March 16, 2023 – **Complaint Dismissed**

- Complainant: Eric Goulet
 - Date Docketed: December 29, 2022
 - Respondents: Elissa Silverman and The Elissa for DC PCC
 - Allegation: Violation of the Fair Elections Act by making an illegal contribution to another Principal Campaign Committee
 - Status: Order Issued March 23, 2023 – **Complaint Dismissed**

- **Interpretative Opinions**

- NONE

- **Show Cause Proceedings**

- NONE

PUBLIC MATTERS

- The discussion in the public matters portion of the meeting can be found on pages 27-45 of the transcript for this hearing.

ADJOURNMENT (11:22 a.m.)