GOVERNMENT

OF

THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

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WEDNESDAY

OCTOBER 2, 2024

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The District of Columbia Board of Elections convened via Videoconference, 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:

MONICA HOLMAN EVANS, Director TERRI STROUD, General Counsel WILLIAM O. SANFORD, Office of Campaign Finance, General Counsel

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1	P-R-O-C-E-E-D-I-N-G-S
2	(10:31 a.m.)
3	CHAIR THOMPSON: It is Wednesday,
4	October 2nd. Welcome to our regular Board
5	meeting. Only about a month to go before general
6	election day. Hope everybody's having a good
7	week.
8	We have a quorum. In addition to
9	myself, Gary Thompson, the Chair of the Board of
10	Elections, we have Board members Karyn Greenfield
11	and J.C. Boggs with us by Zoom.
12	And with our quorum, the first thing
13	we do is adopt our agenda, which has been
14	distributed. We've had a chance to review it and
15	I would move that we adopt the agenda.
16	MEMBER GREENFIELD: I second.
17	CHAIR THOMPSON: All in favor?
18	(Chorus of aye.)
19	CHAIR THOMPSON: Agenda passes. Also,
20	the minutes. There's an aye from J.C. Boggs.
21	MEMBER BOGGS: Aye.
22	CHAIR THOMPSON: Reviewed our minutes

1 from our last meeting, September 3rd. I will 2 move that we adopt our minutes, please. 3 MEMBER GREENFIELD: Second. CHAIR THOMPSON: All in favor? 4 5 (Chorus of aye.) All right, this is 6 CHAIR THOMPSON: 7 Okay. Moving along to the Executive 8 Director's Report from Monica Holman Evans. 9 MS. EVANS: Thank you and good 10 morning. The Executive Director's Report for 11 September 2024. Executive Director September 12 13 engagements. During the month of September, I 14 presented to members of Washington, D.C., Alumni 15 Chapter of Delta Sigma Theta Sorority, Inc. met with members of the Social Action Committee 16 17 to discuss voter education and outreach, plans 18 for the general election, and ways we engage with 19 special populations in the District of Columbia. 20 During the second week of September, 21 I attended the Election Center Conference in

Detroit. Workshop sessions covered election

security, the delivery of election mail, and nuances of election administration. I serve on the Ethics and Practice Committee. The committee conducted a workshop to discuss standards of conduct and ethics in elections.

On September 26th, the Committee on Executive Administration and Labor of the D.C. Council hosted a roundtable on preparations for the 2024 general election. I presented testimony for the record.

The general counsel and I fielded questions regarding election administration,

Initiative 83, and partnerships with other agencies. The D.C. Office of Planning was also invited to testify.

Voter registration rolls. In September, we registered 6,050 new voters and processed 6,090 registration changes. In total, we prepared 12,140 voter registration cards to be mailed.

Additionally, 1,499 registered voters moved out of DC, 622 voters canceled their DC

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registrations and registered with other jurisdictions, and 2,849 voters registered in DC after canceling their registrations in other states. We currently have 443,335 active registered voters.

Online voter registration. We're continuing to register voters using our website portal. To date, we have processed over 75,400 applications using the portal. These include new voter registrations and updates to existing registrations.

Local Resident Voting Rights Amendment Act. In September, we registered 77 non-citizens to vote in local elections. Total non-citizen registration is 760.

2024 Election Cycle. The general election calendar for the 2024 election cycle is posted on our website.

The candidate qualifying period for the November 5, 2024, general election ended on August 7th, and we held the ballot lottery on September 13th.

Voting Options. As previously stated, the November 5 general election will mirror the primary. All registered DC voters will receive a mail-in ballot. Voters may vote by mail, in person, or by depositing a ballot in a mail ballot dropbox.

DCBOE has 55 mail ballot dropboxes that are placed throughout the city. We will also operate 25 early-vote centers and a total of 75 Election Day vote centers.

The general election landing page has been posted on our website. Voters may check their registration status, use sample ballots, and access the vote center locator tool.

Uniformed and Overseas Citizens

Absentee Voting Act, or UOCAVA Voters. The Board successfully mailed ballots to individuals eligible to vote under UOCAVA, and ballots were mailed by the September 20 deadline.

Public Library Voter Lists. The voter lists have been made available in public libraries, as required. One citywide listing can

be found at the main public library, and one ward-specific listing is at each branch library within the respective wards. This was completed on Monday, September 23rd.

Key Election Dates. Logic and accuracy testing began on Monday, September 16th. Each piece of voting equipment is tested against the approved ballot, to ensure it produces the correct election results. Voting equipment must pass this process before it is deployed to a vote center. We began mailing ballots on Monday, September 30.

Many voters have already received updates from the ballot-tracker system regarding the status of their ballots. Dropboxes are scheduled to open on Friday, October 11th.

The deadline to receive voter registration applications online or by mail is October 15. Voters will still have the option to register in person or at our main headquarters.

Additionally, individuals may register to vote at vote centers during early voting, or

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on Election Day. Early voting will take place from October 28th to November 3rd.

We encourage all voters to take advantage of this opportunity to vote early and avoid potential lines on Election Day.

We are actively meeting with our vendors to prepare for the upcoming general election. We have weekly planning calls scheduled with KNOWiNK, Runbeck, BallotTrax, and Democracy Live.

Election Worker Division. The
Election Worker Division has experienced
increased interest from individuals who want to
be election workers.

The call center is open and election workers are being scheduled for our remaining training classes.

Election worker training began on August 13th. We are ahead of schedule and have already met our goal of training over 2,000 election workers.

Election Day schedules will be sent on

1 October 11, and the final site coordinator 2 training will be held on Tuesday, October 15. 3 Additionally, we are working with ten 4 organizations that will adopt a vote center on 5 Election Day. Voter Education and Outreach. 6 Durina 7 the month of September, the Voter Education and Outreach Division conducted 66 outreach events on 8 9 behalf of the agency. 10 We recognized National Voter 11 Registration Day on September 17 with seven 12 events. 13 September events included attendance 14 at Teen State of Wellness and Well-Being at MLK 15 Library and the H Street Festival. 16 We also had touch points with Howard 17 University, Springfield Baptist Church, Potomac 18 Job Corps Center, and the Girl Scouts. 19 Recall petition of Brianne Nadeau, 20 Ward 1 member of the D.C. Council. 21 registered proposer did not timely file a

petition by October 1 for the recall of Brianne

1 Nadeau, or one member of the D.C. Council. 2 Since the deadline has passed without 3 the petition being filed, this matter is considered closed. 4 5 And that concludes my report. 6 you. 7 All right, thank you CHAIR THOMPSON: 8 so much. Turning to General Counsel's Report with Terri Stroud. 9 10 MS. STROUD: Good morning, everyone. 11 The only item on my agenda is litigation status. 12 We have nine cases that were active or resolved 13 in the month of September. 14 The first one is Stacia Hall v. D.C. 15 Board of Elections. This is an appeal from the 16 U.S. District Court's denial of a challenge to 17 legislation allowing non-citizens to vote in 18 local elections. 19 There is a briefing scheduled for this 20 The appeal was filed on April 16th. 21 Solicitor General for the District filed a Notice

of Cross-Appeal and the cases have been

consolidated.

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Hall's brief and appendix were filed on August 22nd, the Solicitor General's initial cross-appeal brief is due on October 21st, and Hall's reply cross-appeal response is due

December 5th. The Solicitor General's cross-appeal reply is due January 6, 2025.

The next matter is Charles Wilson v. Muriel Bowser, et al. That's in the D.C. Court of Appeals.

And, excuse me, the first case is in the U.S. Court Appeals for the D.C. Circuit. The Stacia Hall v. the Board.

Wilson v. Bowser is in the D.C. Court of Appeals. This is an appeal from a decision by the D.C. Superior Court denying appellant's challenge to initiative measure number 83, for the reason that it was untimely filed. Briefing is complete and oral argument is set for October 23, 2024.

The third matter is Dr. Shiva

Ayyadurai v. Merrick Garland, et al. This is in

the U.S. Court of Appeals for the D.C. Circuit.

This is an appeal from the U.S.

District Court order rejecting a plaintiff's complaint for a declaration that he is eligible to serve as President of the United States, notwithstanding the constitutional natural-born citizens clause or, alternatively, that this qualification matter presents a non-justiciable political issue for the voters.

On May 15th, the D.C. Circuit clerk ordered the appellant to file his docketing statement and other initial submissions by June 14th.

The Solicitor General for the District and the Department of Justice filed motions for summary affirmance on July 1st and July 12th, respectively. On July 10, 2024, the Solicitor General also filed a cross-appeal.

On July 31st, the Court issued an order directing the appellant to address the motions for summary affirmance by August 30th or face dismissal. The Court found that the

appellant did not so-file, and on September 19th dismissed his appeal for want of prosecution.

Also, on September 19th, the Court ordered the government to address the disposition of the cross-appeal.

On September 25th, the appellant filed for reconsideration of the dismissal, in part for the reason that he claims that he did file a timely response.

On September 26th, the Solicitor

General moved for dismissal without prejudice,

and the Solicitor General's response to the

Motion for Reconsideration is due on October 7th.

The next matter is Long v. The Board of Elections. This is the resubmission of a matter previously dismissed without prejudice.

Mr. Long is seeking \$10,000 in damages based on a claim concerning an overdraft cost to his bank account when a stop payment was issued or imposed on a \$500 check issued for his service as an election worker.

This case has been on a mediation

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track since June of 2024. Since that time, the plaintiff has filed three motions for summary judgment, all of which have been denied. A status conference is set for October 25th.

And there is currently the potential that the Office from the Attorney General will have to substitute another attorney to represent the Board due to some credentialing issues with the current attorney that's serving, or that's working with the case from the Office of the Attorney General.

The next matter is John Page v. Monica Evans. This is in the U.S. Court of Appeals for the D.C. Circuit.

On August 7th the Plaintiff appealed the U.S. District Court's order granting the Office of the Attorney General's motion to dismiss his complaint on standing grounds.

In the District Court, the plaintiff claimed that the recent Supreme Court decision in Trump v. Anderson, which basically held that states do not have the authority to disqualify

1 federal candidates under Section 3 of the 2 14th Amendment, does not apply to D.C. because 3 that decision pertains to the rights of states 4 under the 14th Amendment, and D.C.'s not a state. 5 Dispositive motions were filed on September 23rd, at which time the Solicitor 6 7 General for the District moved to affirm the 8 District Court ruling that Page lacked standing. 9 And the next four cases were all the 10 D.C. Court of Appeals and they all involved 11 efforts to gain ballot access in the November 2024 general election. 12 13 The first matter is Deirdre Brown v. 14 Actually, this case has to do with the Board. 15 Initiative Measure Number 83. 16 On August 7th, the petitioner sought 17 review of the Board's certification of Initiative 18 Measure Number 83. 19 On August 14th, the petitioner filed 20 a motion for expedition or stay. On August 30th, 21 the Court denied the request for a stay. And 22 while it did expedite the matter, including by

ordering that the Board file the administrative record on September 9th -- and we did so file -- the Court declined to resolve the case before the finalization of the ballot.

This means that the ballots that are going out will contain Initiative Measure

Number 83.

On September 12th, the Court ordered that the petitioner's brief be filed in 40 days, or on October 22nd, and that the Board's brief be filed 30 days thereafter.

The next few cases involve ballot access matters for nominating candidates who are seeking to be put on the ballot as candidates in the 2024 general election. The first matter is Ashleigh Fields v. the Board.

On September 5th, the petitioner sought review of the Board's order denying her ballot access in her bid for the office of advisory neighborhood commission for singlemember district 1B07.

The Board filed a motion for summary

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affirmance, the agency record, and a motion to expedite on September 6th. On September 9th and 10th, the petitioner filed, respectively, a motion for summary reversal and an opposition to the Board's motion for summary affirmance.

On September 11th, the petitioner filed a motion to dismiss her appeal and that motion was granted by the Court that same day, closing the matter.

The next matter is Sherice Muhammad v. the Board. On September 9th, the petitioner sought review of the Board's order denying her ballot access in her bid for the Ward 7 seat on the State Board of Education.

On September 10th, the Board filed a motion for summary affirmance, the agency record, and a motion to expedite.

On September 11th, the petitioner filed an opposition to the Board's motion for summary affirmance, and the Board's motion for summary affirmance was granted on September 12th.

The next matter is Kevin Rapp v. the

Board. On September 9th, petitioner sought review of the Board's order denying him ballot access in his bid for councilmember-at-large seat.

The next day, the petitioner sought a stay of the Board's order and expedited consideration, and the Board filed a motion for summary affirmance, the agency record, and a motion to expedite. The challenger below, Joe Bishop-Henchman, also sought amicus status in the matter.

On September 11th, the petitioner filed an opposition to the Board's motion for summary affirmance. On September 12th, the Board's motion for summary affirmance was granted and the petitioner was denied ballot access.

And those are all of the matters that are currently, or were, before the Board as of September. And that concludes my litigation status report.

CHAIR THOMPSON: All right, thank you so much. Everything is going very, very well,

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with only about a month to go before Election Day.

So, once again, thank you to everybody at the BOE for doing everything that you do to keep this ball moving down the field. And, wow, thank you to the over 2,000 election workers who are now teed up and just about ready to fill up early voting centers. So, we'll continue to thank them for their amazing efforts.

So, with that, we turn to the Campaign Finance Report. Director Collier Montgomery couldn't make it but we have General Counsel Bill SanFord.

MR. SANFORD: Thank you. Good morning, Mr. Chairman and distinguished Board members Greenfield and Boggs.

I'm William SanFord, General Counsel for the Office of Campaign Finance. I will provide an abbreviated version of the Director's Report, but the entire report will be published at the OCF website by close of business today.

CHAIR THOMPSON: Your mic on?

MR. SANFORD: It is.

CHAIR THOMPSON: Yeah, okay.

MR. SANFORD: The Office of Campaign
Finance hosted a debate on September 18, 2024, in
the contestant race for the office of at-large
member of the Council, which is scheduled for
election during the November 5, 2024, general
election in the District of Columbia. The debate
was moderated by Michael Brice Saddler, a
reporter for the Washington Post who covers local
District of Columbia affairs and the city's
government for the Washington Post metro desk.

The participants in the debate included Democratic candidate Robert White, independent candidate Christina Henderson, and Statehood Green Party candidate Darryl Moch. The recording of the OCF-sponsored debate will remain online for viewing throughout the remainder of the calendar year at dcdebates.com.

In September 2024, the Office of Campaign Finance actively engaged with community through a series of events to promote its

traditional Campaign Finance in Free Elections program.

On September 17, 2024, the Office of Campaign Finance held an informational session at the Woodridge Public Library branch.

The Office of Campaign Finance

participated in two annual Community Day events

at the Mount Moriah Baptist Church on

September 21st, and Gethsemane Baptist Church on

September 28th.

Additionally, on September 23, 2024, the Office of Campaign Finance presented at Advisory Neighborhood Commission 3A monthly meeting, focusing on the Fair Elections program in the Fair Elections Division.

As of today's date, there are twenty certified participating conduits in the Fair Elections program, and the Office of Campaign Finance has authorized the disbursement in total sum of \$2,777,584.50, from the Fair Elections fund, with base amount and matching fund payments.

During the month of September, the

Fair Elections Division conducted 22 desk reviews

and issued six requests for additional

information letters.

As of September 30, 2024, the total sum remitted of the Fair Elections Fund is \$871,502.58.

In the Public Information and Records Management Division, with regard to initiative committees during the month of September, there were two recorded filers who timely filed their reports on September 10, 2024.

In the Reports Analysis and Audit
Division during the month of September, that
division conducted 108 desk reviews, which
included the following: 35 reviews of political
action committees were conducted, 45 desk reviews
of principal campaign committees were conducted,
16 desk reviews of independent expenditure
committees were conducted, and nine desk reviews
of initiative referenda and recall committees
were conducted.

During the month of September 2024, the Reports Analysis and Audit Division issued 18 audit letters and requests for additional information. They resolved 26 cases and approved four cases determination.

Currently, the Reports Analysis and Audit Division has two ongoing audits and they include D.C. Political Action Committee and a Credit Union PAC of Washington, D.C..

In the General Counsel's Division during the month of September 2024, the Office of the General Counsel received three referrals and issued one order, in which a fine of \$3,000 was imposed.

The fine of \$3,000 was imposed against the Vincent Orange 2020 Principal Campaign Committee.

During the month of September, the Office of the General Counsel had one open investigation pending. And that investigation was docket number LCFFI2024-004. It was docketed on the 18th of June, 2024.

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The complainant was Tommy Wells,
Chairman of Neighbors United for Ward 6. The
respondents were Committee to Recall Charles
Allen, D.C. Neighborhood Alliance, and the D.C.
Republican Party.

The allegation? Possible improper expenditures and illegal coordination. And the current status is the investigation has been completed. The orders are pending, because at least two orders will be issued as a result of this investigation.

During the month of September 2024, there were no requests for interpretive opinions, and no show-cause proceedings were conducted.

And that should conclude my report, contents of my report, and the Director's Report will be posted at the Office of Campaign Finance website by close of business on today's date, the 2nd of October, 2024.

CHAIR THOMPSON: All right, thank you so much, Counsel SanFord. Appreciate that.

Before we jump into public comment, I just wanted

to note for the record that the next time we meet will probably be Monday, December 2nd. That will be the morning where we certify election results after having waited the necessary amount of time, et cetera.

We are probably not going to meet before then, skipping our regular November monthly meeting, which would otherwise fall on the morning of Wednesday, November 6th, the morning after the election. We'll probably be, hopefully, asleep at that time. Might be a late night.

But we will certainly have a meeting if we need to. If there's any particular reason or special reason to come together and have a Board meeting, as always, we'll assemble for that purpose. But, otherwise, we'll next meet Monday, December 2nd.

So, with that, ready for public comment. I see we've got 25 people here by Zoom. So, if you just raise your Zoom hand, try to limit your comment to three minutes, please. And

1 get all your comments in, in one comment period 2 up to three minutes, and then we'll respond if 3 needed. 4 And I see James Harnett raising his 5 So, we'll call on James. Welcome back to 6 the BOE. 7 Thank you. And sorry, MR. HARNETT: 8 I don't think the hand-raise button is available 9 for us lowly participants. 10 Thank you, everybody. Good morning. 11 My name is James Harnett and I'm a Ward 2 12 resident. I live at 2221 I Street, NW, Unit 321, 13 Washington, D.C. 20037. 14 I would like to bring to the Board's 15 attention that the District of Columbia is not 16 currently in compliance with an important 17 component of federal election laws. 18 Specifically, Title II, U.S. Code, Chapter 1, 19 Section 8, Part B, which is titled, Special Rules 20 and Extraordinary Circumstances. 2.1 Part A of this statute states that the 22 laws of the several states and territories may

set out the timeline for how vacancies in the House of Representatives may be filled.

Part B is an exception to that requirement, which states, and quote, a special election shall take place not later than 49 days after the Speaker of the House of Representatives announces that the vacancies in the representation from the states in the House exceed 100.

The statute further states that the timing of this requirement applies to the District of Columbia.

This law was passed in 2005 to aid in the timely reconstituting of the House of Representatives in the event of a catastrophic attack against the U.S. Government.

That fear came frighteningly close to reality four years ago, as we all watched a violent mob, seeking to overthrow our government, descend on the Capitol to stop the counting of the votes, and we now know, in an attempt to kill the Vice-President.

Last month the Government

Accountability Office polled 50 state election

officials about their knowledge of this

requirement.

More than half of the election officials who responded were unaware this federal requirement existed. And many expressed concern that they lacked legal authority from their state to comply with this federal law.

The D.C. Board of Elections was not contacted as part of that survey.

The Board must take this opportunity to bring our special election regulations -- specifically, Title III, DCMR, Section 910.1 and 910.3, into compliance with federal law.

The Council must also update their companion statute that prescribes a minimum of 70 days to establish a special election after a vacancy is certified.

This Board should immediately issue a proposed rule that would rectify this oversight and help protect our government and the

District's representation in Congress, in the event of a catastrophic attack on the U.S. government, which robs the residents of the District of Columbia of their delegate and voice in Congress.

Thank you, and I welcome any questions.

CHAIR THOMPSON: All right, thank you so much for your comment. Yeah, I saw the GAO report and looks like a whole lot of states, maybe all of them, didn't pick up on this particular detail.

And it's certainly something that our D.C. Council would have to change, so that we in turn could alter our regulations. But we really appreciate you alerting us to this issue, and defer to our General Counsel for any other comment.

MS. STROUD: Yes. James, thank you for bringing this to the attention. We did get notice of the GAO report. And of course, if such a circumstance arose, we would comply with the

federal statute, which is supreme over all laws.

The Section 5-A14 of the statute indicates that our regulations derive from the statute, the election statute. And so, any regulations would have to be consistent with that.

So, I think that the first step that could be taken -- and I'm not even sure it'd be necessary for anybody to do anything in the way of, like, legislative amendment or rulemaking in such an event, because clearly, the federal law would trump our regulations and the election statute.

But I know that you brought this to the attention of the Council. And so, if they deem it necessary to amend the relevant portion of the statute, which I think is 10D2, then we would, of course, conform our regulations with that.

CHAIR THOMPSON: All right. Yeah, thanks again. Yeah, I understand the Council's aware and may be considering legislation in this

regard.

And makes me wonder what else is out there in the fine details of federal statutes that legislative bodies haven't picked up on yet. But thank you so much.

All right, any other public comment out there? If the hand-raise function of Zoom isn't working for you, you can just go into chat and let us know, or turn on your video and wave your hands around.

We're looking through the screen to see if anybody is signaling us. Doesn't look like it.

But just in case there's a technical issue, we'll wait a minute here. You could just use the chat or turn on your video and let us know.

All right, thank you so much, everybody. Everybody have a great rest of your week and great October.

We're doing great here at the BOE and the Office of Campaign Finance. And we'll

1	continue to work hard and around the clock to
2	make sure we have a safe and fair election on
3	November 5th. With that, I'd move that we
4	adjourn.
5	MEMBER GREENFIELD: I second.
6	CHAIR THOMPSON: All in favor?
7	(Chorus of aye.)
8	CHAIR THOMPSON: Thanks, everybody.
9	MS. STROUD: Please vote early.
10	(Whereupon, the above-entitled matter
11	went off the record at 11:05 a.m.)
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<u>C E R T I F I C A T E</u>

This is to certify that the foregoing transcript

In the matter of: Regular Board Meeting

Before: DC BOE

Date: 10-02-24

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.

Court Reporter

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