

# MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING

September 3, 2024

The District of Columbia Board of Elections (“the Board” or “DCBOE”) held its Regular Monthly Meeting on Tuesday, September 3, 2024, 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 also 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.

## I. CALL TO ORDER

The meeting was called to order at 9:41 a.m.

## II. ASCERTAINMENT OF QUORUM

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

## III. ADOPTION OF AGENDA/APPROVAL OF MINUTES

**BOARD ACTION:** The Board unanimously adopted the agenda and approved the minutes from the last meeting held on August 2, 2024.

## IV. DIRECTOR’S REPORT (DIRECTOR EVANS)

### A. General Matters

On August 29, Director Evans attended a briefing for election and law enforcement officials at the FBI headquarters in Manassas, Virginia. The briefing included a security roundtable to ensure preparations for the general election.

### B. Voter Registration Rolls

In August, the Board registered 4498 new voters and processed 7897 registration changes. In total, 12,395 voter registration cards were prepared to be mailed. Additionally, 131 registered voters moved out of DC, 514 voters canceled their DC registrations and registered with other jurisdictions, and 2541 voters registered in DC after canceling their registrations in other states. We currently have 436,085 active registered voters. We are continuing to register voters using our website portal. To date, we have processed over 60,695 applications using the portal, including new voter registrations and updates to existing registrations.

### C. Local Resident Voting Rights Amendment Act

In August, 89 non-citizens were registered to vote in local elections. Total non-citizen registration is at 681.

### D. Primary Election Undeliverable Mail Ballots

The Board is still receiving undeliverable mail ballots from the U.S. Postal Service from the June

primary election. To date, we have received over 41,000 undeliverable mail ballots. The Data Services Division has completed processing these returned ballots by updating voter addresses in the database using information from the Postal Service. The Board continues to work with the postal office to determine why ballots that were properly addressed were returned as undeliverable.

#### **E. 2024 Election Cycle**

The general election calendar for 2024 is posted on the Board's website. The candidate qualifying period for the November 5, 2024 General Election ended on August 7. The Board is in the process of addressing challenges to candidate nominating petitions. The general election will mirror the primary election process, with all registered DC voters receiving a mail-in ballot. Voters can choose to vote by mail, in person, or by depositing their ballot in one of the 55 mail ballot drop boxes placed throughout the city. The Board will also operate 25 early vote centers and 75 Election Day vote centers.

Key dates include:

- Ballot Lottery – [TENTATIVELY] Friday, September 13
- Mailing of Ballots – [TENTATIVELY] Monday, September 30
- Ballot Proofing - [TENTATIVELY] Saturday, September 14
- Start of Logic and Accuracy testing of voting equipment - Monday, September 16
- Drop Boxes Open – Friday, October 11
- Early Voting - Monday, October 28, through Sunday, November 3

#### **F. Vendor Engagement**

The Board has begun planning meetings with our vendors to prepare for the upcoming general election.

#### **G. Election Worker Division**

The Election Worker Division, in collaboration with the Voter Education and Outreach Division, has begun recruiting new election workers for the November general election. The call center is now open, and election workers are being scheduled for training classes, which began on August 13, 2024. There has been a significant increase in new election worker applications. During the first three weeks of election worker training, 896 individuals were trained. The goal is to train 2000 election workers. Additionally, we are working with 10 organizations who have agreed to participate in our Election Day Adopt-a-Vote Center program.

#### **H. Voter Education and Outreach (VEOD)**

During August, the VEOD conducted forty (40) outreach events. Events included outreach with Legal Aid DC and the Armed Forces recruitment home. In addition, events were held at Compass Coffee and Busboys and Poets to recognize National Poll Worker Recruitment Day.

#### **I. Initiative Measure No. 83**

On August 2, Initiative Measure No. 83, the Ranked Choice Voting and Open the Primary Elections to Independent Voters Act of 2024, was determined to be numerically sufficient and was certified for ballot access.

## **J. Recall Petition of Charles Allen Ward Six, Member of DC Council**

On August 12, 2024, Miss Jennifer Squires timely filed the petition in support of the effort to recall Charles Allen, Ward Six Member of the DC Council. The petition was not accepted as it contained only 4,548 signatures, which is 1,677 signatures below the required amount for ballot access (6,225 signatures).

## **VI. GENERAL COUNSEL'S REPORT (TERRI STROUD)**

### **A. Nominating Petition Challenge Hearings**

#### **1. Karen Wirt v. Rasheedah Hasan, Candidate for Advisory Neighborhood Commissioner, Single Member District 6C03**

The candidate submitted a petition containing 28 signatures, and the challenger challenged 13 of the signatures. The Registrar of Voters found 11 challenges valid, leaving the candidate with 14 valid signatures, 11 short of the required 25. Ms. Hassan emphasized the importance of her candidacy in addressing public safety, advocating for minority small businesses, and educating new citizens, but she did not challenge the Registrar's findings. Jay Adelstein, Ms. Wirt's designated representative, expressed agreement with the Registrar's findings.

**Board Action:** The Board upheld the Registrar's findings and denied ballot access to Rasheedah Hasan for insufficient valid signatures.

#### **2. Scott Kuechenmeister v. Ashleigh Fields, Candidate for Advisory Neighborhood Commissioner, Single Member District 1B07**

The candidate submitted a petition containing 32 signatures, and the challenger challenged 26 of the signatures. The Registrar of Voters found 24 challenges valid, leaving the candidate with 8 valid signatures, 17 short of the required 25. Ms. Fields argued that the challenge was not made in good faith and raised concerns regarding the lack of a Board signature on a receipt document, but she did acknowledge the Registrar's findings. Mr. Kuechenmeister defended the validity of the challenge.

**Board Action:** The Board upheld the Registrar's findings and denied ballot access to Ashleigh Fields for insufficient valid signatures.

#### **3. James Harnett v. Chrysanthe "CC" Courniotes, Candidate for Advisory Neighborhood Commissioner, Single Member District 4D04**

The candidate submitted a nominating petition containing 30 signatures, and the challenger challenged 14 of the signatures. The Registrar of Voters found 13 challenges valid, leaving the candidate with 17 valid signatures, 8 short of the required 25. Ms. Courniotes expressed frustration with the process, noting her personal hardships, and requested an extension to cure the defects. Mr. Harnett expressed agreement with the Registrar's findings, confirming that the challenges were properly substantiated.

**Board Action:** The Board upheld the Registrar's findings and denied ballot access to Chrysanthe “CC” Courniotes for insufficient valid signatures.

## **B. Litigation Status**

### **1. Stacia Hall, et al., v. D.C. Board of Elections (U.S. Court of Appeals for the D.C. Circuit)**

This case concerns an appeal from the DC Superior Court's denial of the appellant's challenge to legislation allowing non-citizens to vote in local elections. The Solicitor General filed a notice of cross-appeal, and the cases have been consolidated. The petitioner's brief and appendix were filed on August 22, 2024. The Solicitor General's initial cross-appeal brief is due on October 21, 2024. Hall's reply cross-appeal response is due December 5, 2024, and the Solicitor General's cross-appeal reply is due January 6, 2025.

### **2. District of Columbia Democratic Party, et al., v. Muriel Bowser, et al. (D.C. Court of Appeals)**

This case involves an appeal from the D.C. Superior Court's denial of the appellant's challenge to Initiative Measure No. 83 on the grounds that it was untimely filed. On August 12, the court accepted the amicus brief submitted by Make All Votes Count DC and directed that the case be calendared for October. Oral argument is set for Wednesday, October 23, 2024.

### **3. Dr. Shiva Ayyadurai v. Merrick Garland, et al. (U.S. Court of Appeals for the D.C. Circuit)**

This matter concerns an appeal from the U.S. District Court for D.C.'s order rejecting the plaintiff-appellant's complaint. The appellant seeks a declaration of eligibility to serve as President despite the constitutional Natural Born Citizen clause or, alternatively, a ruling that this qualification represents a non-justiciable political issue for voters. The court denied the plaintiff's request to expedite the case on July 31, 2024. The court issued an order directing the plaintiff to address filed motions for summary affirmance by August 30, 2024 or face dismissal.

### **4. Jason Christopher Long v. D.C. Board of Elections (D.C. Superior Court)**

This matter, currently before the D.C. Superior Court, involves a resubmission of a previously dismissed claim. The plaintiff is seeking \$10,000 in damages related to overdraft fees incurred after a stop payment was imposed on a \$500 check issued for his service as an election worker. The case has been referred to an associate judge, and a mediation process is underway. A status hearing is scheduled for September 27, 2024.

### **5. John Page v. Monica Evans (U.S. Dist. Ct. for D.C.)**

The plaintiff filed a complaint on March 8, 2024 seeking to prevent Donald Trump from appearing on the ballot. The plaintiff argues that the recent Supreme Court decision in *Trump v. Anderson* does not apply to D.C., as it pertains to the rights of states under the 14th Amendment, and D.C. is not a state. Docketing statements and certificates are due on September 6, 2024, with dispositive motions due on September 23, 2024.

## **VII. CAMPAIGN FINANCE REPORT (CECILY COLLIER-MONTGOMERY)**

### **A. Office of the Director**

## **1. 2024 Election Cycle Debates**

The Office of Campaign Finance will conduct a debate in the contested race for the Office of At-Large Member of the Council on September 18, 2024 at 7:00 p.m. Any candidates in the Traditional Campaign Finance Program (TCFP) who have qualified for ballot access are invited to participate. Where there is no other FEP participating candidate or willing non-participating candidate, the mandatory debate requirement is waived.

## **2. Community Outreach**

During August, the agency participated in seven community outreach events. These included educating the public about the Fair Elections Program and other campaign finance regulations. The OCF report is posted on the OCF website, [www.ocf.dc.gov](http://www.ocf.dc.gov).

## **B. Fair Elections Program (“FEP”) Division**

### **1. Authorized Base Amount and Matching Payments**

#### **a) 2024 Election Cycle**

There are 20 certified participating candidates in the FEP. OCF has authorized the disbursement of the total sum of \$2,695,984.50 from the FEP fund in base amount and matching payments.

### **2. Candidates Certified/Disbursements Made During the Month for the 2024 Election**

OCF authorized 11 disbursements to certified participating candidates. A listing of these disbursements is available in the report posted on the OCF website.

There are two new certified participating candidates in the FEP:

- a) Sherice A. Muhammad for Ward 7 State Board of Education - certified on August 26, 2024.
- b) Tony Creiner for Ward 7 State Board of Education - certified on August 25, 2024.

Matching Payments in the amount of \$12,245 were authorized for disbursement on August 26, 2024.

### **3. Desk Reviews and Other Activities**

There were 42 desk reviews of Reports of Receipts and Expenditures (“R & E Reports”), and 11 Requests for Additional Information (“RFAI”) letters were issued.

### **4. Remitted Funds**

As of August 31, 2024, a total of \$72,590.80 has been remitted to the FEP Fund during Fiscal Year 2024.

### **5. Audits**

#### **a) Ongoing Post-Election Full Field Audits**

There are no changes in the status of ongoing audits during the last month. All final audit reports are available for review by members of the public at the OCF website, [www.ocf.dc.gov](http://www.ocf.dc.gov).

## **6. Candidate Debates**

A debate for FEP candidates for the Office of At-Large Member of the Council is scheduled for September 18, 2024 at 7:00 p.m.

## **C. Public Information and Records Management Division (PIRM)**

### **1. R&E Reports**

There was one filing date for R&E Reports: August 10 for active Principal Campaign Committees and Political Action Committees.

### **2. New Candidates/Committees**

#### **a) Traditional Campaign Finance Program**

There are 41 candidates registered to participate during the 2024 election cycle. There were no new registrations in August.

#### **b) FEP Candidates**

There are 32 candidates registered to participate during the 2024 election cycle. There were no new registrations in August.

## **D. Reports Analysis and Audit Division (RAAD)**

### **1. Desk Reviews and Other Activities**

a) 105 desk reviews of R&E Reports were conducted and 19 RFAI letters were sent.

### **2. Audits**

- a) Hotel Organization to Elect Leaders Political Action Committee
- b) D.C. Political Action Committee
- c) Credit Union Pac of Washington, D.C.

## **E. OCF OFFICE OF THE GENERAL COUNSEL REPORT (WILLIAM SANFORD)**

### **1. Monthly Intake/Output Report**

In August, the OGC collected one fine of \$100 from the Citizens for Andrew Haynesworth Committee.

### **2. Open Investigations**

- a) In OCF-FI-2023-003, docketed May 16, Complainant Gail J. Sonnemann alleges that the Veda for Ward 7 Committee accepted excessive contributions. The order dismissing the matter was issued on August 9, 2024.
- b) In OCF-FI-2023-004, docketed June 18, Complainant Tommy Wells, Chair, Neighbors United for Ward alleges that The Committee to Recall Charles Allen, the DC Neighborhood Alliance, and the D.C. Republican Party made improper expenditures and illegally coordinated. The matter is pending.

**3. Show Cause Proceedings**

None occurred during August 2024.

**VIII. PUBLIC COMMENT**

The discussion in the public matters portion of the meeting can be found on pages 62-67 of the transcript.

**IX. ADJOURNMENT**

The meeting was adjourned at 10:58 a.m.