

MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
August 2, 2024

The District of Columbia Board of Elections (“the Board” or “DCBOE”) held its Regular Monthly Meeting on Friday, August 2, 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 Member J.C. Boggs were present. The Board’s Senior Policy Advisor, Alice Miller (“Senior Policy Advisor Miller”), General Counsel, Terri Stroud, Office of Campaign Finance (“OCF”) Director, Cecily Collier-Montgomery, and OCF General Counsel, William SanFord, were also present.

I. CALL TO ORDER

The meeting was called to order at 10:31 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 minutes from the last meeting held on July 3, 2024.

IV. BOARD MATTERS

A. Petition Verification Results for Initiative Measure No. 83: "Ranked Choice Voting and Open Primary Elections to Independent Voters Act of 2024"

Senior Policy Advisor Alice Miller, on behalf of Executive Director Monica Evans, reported that the Board staff found that the petition submitted in support of Initiative Measure No. 83 (“I83”) contains the minimum number of signatures necessary to qualify for the ballot and has met all numerical and ward distribution requirements. Based on the results of the petition verification process, Senior Policy Advisor Miller recommended that I83 be found numerically sufficient and should be certified for ballot access.

General Counsel Stroud advised that D.C. Official Code § 1-1001.16(p)(1) mandates that the Board certify the sufficiency of an initiative or referendum petition once the number and validity of signatures meet the established qualification standards. She clarified that this mandatory language means that the Board action to be taken is a ministerial action; the Board must certify the sufficiency of the petition and confirm that the measure will appear on the ballot. She further noted that the initiative will appear on the ballot for the general election.

BOARD ACTION: The Board unanimously found the petition for I83 to be numerically sufficient and certified it for ballot access.

V. EXECUTIVE DIRECTOR’S REPORT (PRESENTED BY SENIOR POLICY

ADVISOR ALICE MILLER ON BEHALF OF EXECUTIVE DIRECTOR MONICA EVANS)

A. General Matters

From July 22 through July 25, 2024, Executive Director Monica Evans attended the National Association of State Election Directors Conference in Minneapolis. The conference covered topics including working with election security advisors, community engagement strategies, and election audits. Executive Director Evans, a member of the executive board of the organization, also delivered a presentation during the conference.

B. Voter Registration Rolls

In July 2024, the Board registered 1,125 new voters and processed 7,374 registration changes. A total of 8,499 voter registration cards were prepared and mailed. Additionally, 97 registered voters moved out of DC, 536 voters canceled their DC registration, and 906 voters registered in DC after canceling their registration in other states. The Board continues to register voters through the website portal; to date, over 55,756 applications have been processed, including new registrations and updates to existing registrations.

C. Local Residents Voting Amendments Act

In July, seven non-citizens were registered to vote in local elections, bringing the total number of non-citizen registrations to 592.

D. Undeliverable Mail Ballots

During the 2024 primary election cycle, over 41,000 undeliverable mail ballots were returned to the Board. The Data Services Division has completed processing these returned ballots by updating voter addresses in the database using information from the Postal Service. As part of this process, 30,040 final notice address confirmation cards were issued to voters to verify their residential addresses.

E. 2024 Election Planning

The general election calendar for 2024 is posted on the Board's website. The candidate qualifying period for the November 5, 2024 general election is currently open, with the qualifying deadline set for Wednesday, August 7, 2024 at 5:00 PM. 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 operate 25 early vote centers and 75 Election Day vote centers.

Key dates include:

- Mailing of Ballots – [TENTATIVELY] Monday, September 30
- Early Voting - Monday, October 28, through Sunday, November 3

- Ballot Lottery – [TENTATIVELY] Friday, September 13
- Ballot Proofing - Saturday, September 14
- Logic and Accuracy Testing - Monday, September 16
- Mail Drop Boxes Open – Friday, October 11

F. Election Worker Recruitment

The Election Worker Division, in collaboration with the Voter Education and Outreach Division (VEOD), 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 will begin on August 13, 2024.

G. Voter Education and Outreach (VEOD)

During July, the VEOD conducted 18 outreach events, including a naturalization ceremony at the U.S. District Court, the annual Roving Leader Day with the Department of Parks and Recreation, and the Minnesota Avenue Take Back Tuesday event in Ward 7.

H. Ongoing Work

Senior Policy Advisor Miller highlighted the hard work and dedication of the staff despite the intensive work required for processing 83. The Board's staff continued with other essential duties, including handling nominating petitions and processing returned ballots.

VI. GENERAL COUNSEL’S REPORT (TERRI STROUD)

A. Referral Hearings

1. **In re Barbara Duncan** – General Counsel Stroud presented a stipulation that had been entered into between the Office of the General Counsel and Barbara Duncan, who was represented by Carmen Mitchell, Esq. Ms. Duncan acknowledged that she unintentionally voted in both Maryland and D.C during the 2020 General Election. The General Counsel recommended a civil fine for this violation of election law.

BOARD ACTION: The Board unanimously voted to impose a \$100 civil fine on Barbara Mason Duncan for voting in multiple jurisdictions during the 2020 general election.

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 court established a briefing schedule in this matter, which has since been extended. According to the updated schedule, Hall's brief and appendix are due on August 22, 2024. The Solicitor General's initial cross-appeal brief is due on October 21, 2024, with Hall's reply to the cross-appeal due on December 5, 2024. The Solicitor General's reply to Hall's cross-appeal is due on 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 a DC Superior Court decision that denied the appellant's challenge to I83 due to the filing being untimely. The Board is a co-appellant in this matter. Following the grant of an extension of time, the Solicitor General and the Board filed their initial briefs on July 22, 2024. The appellant submitted a reply on July 25, 2024, and on July 30, 2024, "Make All Votes Count DC" filed a motion for leave to file an amicus brief, which was subsequently granted.

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 a U.S. District Court 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 DC Circuit Court Clerk ordered the appellant to file his docketing statement and other initial submissions by June 14, 2024. The Solicitor General filed a motion for summary affirmance on July 1, 2024. A cross-appeal was filed by the Solicitor General on July 10, 2024, followed by a motion for summary affirmance by the Department of Justice on July 12, 2024. The court denied the appellant's request to expedite, and on July 31, 2024, issued an order directing the appellant to address the 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 involves the 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 is now in mediation. Initially scheduled for June 25, 2024, the mediation session was rescheduled to August 1, 2024. The mediation was unsuccessful, and a status hearing has been set for August 23, 2024.

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

In this case, 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 DC, as it pertains to the rights of states under the 14th Amendment, and DC is not a state. The Office of the Attorney General (“OAG”) filed a motion to dismiss on April 5, 2024, arguing that, in light of *Trump v. Anderson*, the Board lacks the authority to decide presidential candidate eligibility for the ballot, a power reserved to Congress. The plaintiff responded on April 23, 2024, asserting that Congress had delegated this authority to the Board. The OAG filed a sur-reply, which was accepted by the court. On July 25, 2024, the District Court granted the OAG's motion to dismiss. To date, the plaintiff has not appealed the decision.

VII. CAMPAIGN FINANCE REPORT (CECILY COLLIER-MONTGOMERY)

A. Office of the Director

During July, the agency participated in five community outreach events, with details listed in the OCF report posted on the OCF website, www.ocf.dc.gov.

B. Fair Elections Program (“FEP”) Division

1. Authorized for Base Amount and Matching Payments

a) 2024 Election Cycle

There are 18 certified participating candidates in the FEP. OCF has authorized the disbursement of the total sum of \$2,661,179.50 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 is one new certified participating committee:

- Frazier O’Leary for Ward 4 2024 Principal Campaign Committee - certified on July 23, 2024 as a Participating Candidate in the 2024 General Election for the Covered Office of Member of the D.C. State Board of Education from Ward 4.
- Matching Payments in the amount of \$12,000 were authorized for disbursement on July 23, 2024.

3. Desk Reviews and Other Activities

There were 32 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 July 31, 2024, a total of \$72,590.80 has been remitted in the Fair Elections Fund during Fiscal Year 2024.

5. Audits

a) Ongoing 2020 Post-Election Full Field Audits

There are currently 10 ongoing post-election audits. A total of 24 final audit reports of the 34 post-election audits initiated for the 2020 election cycle have been issued. The FEP has issued 20 preliminary statements of audit findings and 22 final audit reports for the 2020 election cycle.

b) Ongoing 2022 Post-Election Full-Field Audits

OCF issued 42 post-election audit letters to candidates for the 2022 election cycle. To date, the FEP has issued 23 final audit reports for the 2022 election cycle.

6. Candidate Debates

Debates for FEP candidates for the General Election are tentatively scheduled for September 17 and 18.

C. Public Information and Records Management Division (PIRM)

1. R&E Reports

There were two filing dates for R&E Reports: July 1 for Citizen Services and the Senator/Representative Statehood Funds Program, and July 31 report for Continuing Traditional Candidate Committees, Political Action Committees (“PACs”), Independent Expenditure Committees, Continuing FEP Candidate Committees, Initiative/Referendum Committees, and Recall Committees.

2. New Candidates/Committees

a) Traditional Campaign Finance Program

There are 41 candidates registered to participate during the 2024 election cycle. There were four new registrations in July:

- i) Office of Council, At-Large, He’lchie Koton Watts
- ii) D.C. State Board of Education, At-Large Jacque Patterson
- iii) D.C. State Board of Education, Ward 4, T. Michelle Colson
- iv) D.C. State Board of Education, Ward 7, Charles Boston

b) FEP Candidates

There are 32 candidates registered to participate during the 2024 election cycle. There were three new registrations in July:

- i) Office of Council, Ward 4 Addison Sarter
- ii) Office of Council, Ward 7 Noah Montgomery
- iii) Office of State Board of Education, Ward 7 Toni Criner

D. Reports Analysis and Audit Division (RAAD)

1. Desk Reviews and Other Activities

- a) 40 desk reviews of R&E Reports were conducted and six RFAI letters were sent.

2. Audits

- a) None

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

1. Monthly Intake/Output Report

In July, the OGC received 18 referrals, completed ten informal hearings, and issued ten orders, including six orders without fines and four orders imposing a total of \$4,250 in fines. These included:

- \$4,000 against the Capital Stonewall Democrats PAC
- \$150 against Citizens for Andrew Haynesworth
- \$50 against Friends of Mr. Smith
- \$50 against the Committee to Elect Darryl Mush

One fine of \$100 was collected from former Advisory Neighborhood Commissioner candidate Eline Austin.

The Office of General Counsel also issued nine orders requiring the remission of remaining Fair Elections funds and the donation of equipment from candidates who were unsuccessful in the June 2024 primary election.

These candidates include:

- Friends of Salim Adolfo
- Rodney "Red" Grant for City Council
- Veda for Ward 7
- Committee to Elect Paul Johnson
- Ebony Payne for Ward 7
- Friends of Lisa Gore
- Committee to Elect Ebony Rose Thompson 2024

- Kelvin Brown for DC Council Ward 7 2024
- Knight Fleming for Ward 7

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 matter is pending.
- 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 DC Republican Party made improper expenditures and illegal coordination. The matter is pending.

3. Show Cause Proceedings

None.

VIII. PUBLIC COMMENT

The discussion in the public matters portion of the meeting can be found on pages 47-51 of the transcript.

IX. ADJOURNMENT

The meeting was adjourned at 11:39 a.m.