

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

+ + + + +

REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

JANUARY 10, 2024

+ + + + +

The District of Columbia Board of Elections convened via Video Teleconference, pursuant to notice at 10:30 a.m. EST, 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
CECILY COLLIER-MONTGOMERY, Office of
Campaign Finance
MARISSA CORRENTE, Registrar of Voters

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1 P-R-O-C-E-E-D-I-N-G-S

2 (10:32 a.m.)

3 CHAIR THOMPSON: Good morning. Hello
4 everybody. Happy Wednesday, January 10, 2024, if
5 you can believe that. My name is Gary Thompson,
6 the Chair of the DC Board of Elections.

7 With us today by Zoom are my fellow
8 Board Members Karyn Greenfield and J.C. Boggs.
9 We have a quorum so we are open for a regular
10 monthly meeting.

11 The very first thing we do is adopt
12 our agenda which has been distributed to the
13 Board members in advance and we've all had a
14 chance to look at that. At this time I would
15 move that we adopt the agenda.

16 MS. GREENFIELD: I second.

17 CHAIR THOMPSON: All in favor.

18 MR. BOGGS: Aye.

19 MS. GREENFIELD: Aye.

20 CHAIR THOMPSON: Second quick
21 housekeeping measure is we've distributed the
22 meeting minutes from our meeting of December 6,

1 2023. We've had a chance to review those and I
2 would also move that we adopt those minutes.

3 MS. GREENFIELD: I second.

4 CHAIR THOMPSON: All in favor.

5 (Chorus of aye.)

6 CHAIR THOMPSON: Three ayes. Moving
7 onto Board matters, just a few brief remarks.
8 Happy New Year to everybody. We are in the
9 election calendar year obviously. We're very
10 excited about it.

11 What I want everybody to know is the
12 DC Board of Elections is ready. We are ready
13 with respect to all of the many date milestones
14 that are coming up, and ultimately with respect
15 to the primary and general elections in June and
16 November respectively.

17 We have a big day on Friday, January
18 12th, just two days from now. Candidates will be
19 able to pick up nominating petitions so our
20 calendar is well underway. It's posted on our
21 website.

22 If you look at it, you'll see that we

1 have important calendar-driven dates almost every
2 week that we will keep pace with in order to stay
3 on track for the primary election. We are very
4 excited about it.

5 We had a tremendously productive 2023
6 where a whole lot of detail and important matters
7 were addressed, and now we're ready.

8 We're excited that the election year is
9 here.

10 We obviously have a long way to go and
11 we have the work ethic and the tenacity to see it
12 through. Thank you in advance everybody because
13 there's a lot of great work ahead.

14 One person I wanted to thank in
15 particular is we've had an intern the last couple
16 weeks. Jill Jones has joined us as an intern
17 from a D.C. high school and we really appreciate
18 Jill's fabulous contributions, especially with
19 respect to preparing for this meeting so thank
20 you, Jill.

21 That's it for me in terms of opening
22 comments. Anything from you, Karyn, or J.C.,

1 that you would like to say at the outset of the
2 calendar year?

3 MS. GREENFIELD: Just wishing
4 everybody a happy new year and hope you had safe
5 and happy holidays. I am looking forward to a
6 successful election process and election year
7 thanking Monica and her team what they've done so
8 far and what they are going to be doing
9 throughout the next year.

10 MR. BOGGS: Karyn, you said it all and
11 we've got a big year in front of us. I really
12 enjoy working with you and Gary and the whole
13 team, Monica and Terri. You make our job a lot
14 easier and I think better. I've enjoyed the
15 experience so far and look forward to a very
16 productive 2024.

17 CHAIR THOMPSON: Okay. Well, thank
18 you.

19 With that we'll turn now to the
20 Executive Director's Report from Monica Evans.

21 MS. EVANS: Thank you and good
22 morning. Happy 2024. I am providing the

1 Executive Director's Report for December 2023.

2 First addressing the data breach. As
3 previously reported, BOE became aware that a
4 hacking group known as Ransom VC claimed to have
5 breached BOE's records and accessed U.S. photo
6 data including D.C. voter records.

7 The incident occurred as a result of
8 a compromise to Datanet, our website hosting
9 provider. The update is as follows:

10 Notification. Between December 22nd
11 and December 24, 2023, Datanet sent out an email
12 notification to approximately 400,000 District of
13 Columbia registered voters whose voter data may
14 have been part of the October data breach. The
15 notification provided steps that voters can take
16 to protect their personal information including
17 details about credit monitoring.

18 In addition to this email, Datanet
19 engaged a public relations firm to distribute a
20 press release to the media and establish a
21 customer service number for voters to call.

22 Additional information can be found on Datanet's

1 website.

2 Per recommendations and requirements
3 from legal counsel, their insurance company and
4 other cybersecurity partners, Datanet led the
5 voter contact process including the timing of the
6 release, methods of distribution, and media
7 outreach efforts.

8 If voters have questions, they may
9 reach out to Datanet at 1-888-817-5125 Monday
10 through Friday. That's 9:00 a.m. to 9:00 p.m.
11 eastern time. Datanet also provided an email
12 address to receive questions. BOE issued a press
13 release on December 27, 2023, detailing the
14 information provided by Datanet.

15 Website status. Datanet successfully
16 deployed the latest version of Kentico Experience
17 for BOE on November 15. The platform now posts
18 both the previous and updated content. The
19 essential check your voter registration status
20 link is fully operational providing users with a
21 reliable resource to check their voter
22 registration status.

1 As previously stated, BOE set up an
2 email account where residents can ask questions
3 about the breach. That email address is
4 questions@dcboe.org. Throughout this process it
5 remains safe and secure to register to vote in
6 the District of Columbia. D.C. residents can
7 still register to vote online using a paper form
8 or in person at BOE offices.

9 Precinct mapping. As required by our
10 regulations, the Board is looking at our current
11 precinct boundaries to divide the District into
12 appropriate voting precincts based on our
13 election wards.

14 A file has been sent to the OCTO to
15 verify the SMDs and precinct alignments. As I
16 previously mentioned, the precinct mapping plan
17 was sent to Councilmember Bonds for review on
18 November 7. We have a meeting scheduled with
19 Councilmember Bonds to discuss the proposal.

20 ANC vacancies. We currently have 11
21 ANC vacancies for the 2023/2025 term. These
22 positions are in different stages of being filled

1 and after candidate filing requirements are met,
2 an open vote of registered voters of the affected
3 SMD will be held during regularly scheduled ANC
4 meetings.

5 As stated, we have been working with
6 the Department of Corrections to fill the vacancy
7 at the ANC that represents the jail and that is
8 7F08. This election was held on December 13 and
9 Shameka Hayes won that election.

10 List maintenance. Our 2023 list
11 maintenance process is ongoing. A nonforwardable
12 and a second forwardable postcard were sent to
13 voters who did not vote in the November 2022
14 general election. The forwardable postcard was
15 also mailed to voters who had a ballot returned
16 as undeliverable in 2022. We are still receiving
17 responses to our postcard mailers.

18 Prior to December we removed 65,544
19 voters from our voter rolls. In December, an
20 additional 37,962 inactive voters were removed as
21 a result of our list maintenance process. Based
22 on reports we received regarding deceased voters,

1 we removed 5,192 voters in December.

2 In total, we removed 108,698
3 individuals from our voter registry in 2023. We
4 moved another 92,772 active voters to an inactive
5 status. Our Communications and Outreach
6 Divisions are working to establish partnerships
7 with local universities to aid in maintaining the
8 accuracy of our voter roll.

9 These divisions are identifying ways
10 to utilize university registrars, alumni
11 associations, and housing offices in the process.
12 They are also exploring ways to leverage
13 university newsletters, mailing lists, and
14 graduation ceremonies.

15 2024 election cycle year planning.
16 Our draft primary and general election calendars
17 for the 2024 election cycle are posted on our
18 website. As mentioned by our chair, the first
19 day for candidate pickup is Friday, January 12th.

20 ES&S, one of our election vendors, on
21 December 14, 2023 concluded the preventative
22 maintenance and software upgrades for express

1 vote, touch screens, and DS200 units. Those are
2 the ballot counters at the vote centers.

3 Additionally, the installation and
4 testing of the two new DS950 units, the machines
5 that count voted ballots, have been successfully
6 completed and training is set for Tuesday,
7 January 30th.

8 We are regularly meeting with KNOWiNK
9 as we prepare for the 2024 election cycle. We
10 are focusing on testing the workflow for
11 processing noncitizens in the poll pads. Runvac
12 has completed preventative maintenance on the
13 ballot-on-demand units and the existing mail
14 sorter.

15 We are maintaining a regular schedule
16 of bi-weekly meetings with VR Systems to address
17 priority tasks. VR Systems conducted onsite
18 training in December to review how noncitizen
19 attributes that will be displayed in the voter
20 registration database will be completed.

21 Local Resident Voting Rights Amendment
22 Act. VR Systems provided a database solution to

1 house noncitizens who registered to vote in local
2 elections. We plan to deploy online voter
3 registration of noncitizens for local elections
4 this week. However, noncitizens may currently
5 register to vote in our office at 1015 Half
6 Street, Southeast, using a paper registration
7 form.

8 2024 voting options. During the 2024
9 election cycle all registered voters will receive
10 a mail-in ballot. Voters may vote by mail, in
11 person, or by depositing a ballot in a dropbox.
12 BOE will have 55 mail ballot dropboxes that will
13 be placed throughout the city. We will also
14 operate 25 early vote centers and a total of 75
15 election day vote centers.

16 Accessibility. We are conducting an
17 accessibility survey of all 2024 vote centers
18 before the primary election to ensure they are
19 accessible. We have partnered with disability
20 rights at University of Legal Services and the
21 Office of Disability Rights to conduct surveys.
22 As is our practice, we will also work with DGS to

1 ensure vote centers are structurally accessible.

2 Election Work Division. The Election
3 Workers Training Division is revising the
4 Election Worker Handbook and the training
5 curriculum based on recently-passed legislation.
6 During the 2024 election cycle, our goal is to
7 recruit and to train between 2,000 and 2,500
8 election workers.

9 We will deploy approximately 1,700
10 election workers to serve at vote centers.

11 Election worker training will begin on Tuesday,
12 March 12, 2024, and election workers are also
13 able to access an online training module to
14 complement the required in-person classes.

15 Voter education and outreach. During
16 the month of December the Voter Education and
17 Outreach Division conducted 11 outreach events on
18 behalf of the agency. The events included the
19 naturalization ceremony at the U.S. District
20 Court.

21 In December, we registered 1,701 new
22 voters and processed 3,089 registration changes.

1 In total we prepared 4,790 voter registration
2 cards to be mailed. Additionally, 728 registered
3 voters moved out of D.C., and 350 voters canceled
4 their registrations and registered with other
5 jurisdictions. And 843 voters registered in D.C.
6 after canceling their registrations in other
7 states.

8 We are continuing to register voters
9 using our website portal. To date we have
10 processed over 40,567 applications using the
11 portal. These include new voter registrations
12 and updates to existing registrations.

13 That concludes my report. Thank you.

14 CHAIR THOMPSON: All right. Thank you
15 very much.

16 Turning now to General Counsel Terri
17 Stroud who is going to lead us through a series
18 of matters.

19 MS. STROUD: Thank you and good
20 morning. Happy new year to everyone.

21 The first item on my agenda is the
22 issuance of the petition in support of Initiative

1 Measure No. 83, ranked-choice voting and open the
2 primary elections to independent voters, active
3 2024. I see that Lisa Rice, who is the proposer
4 of the initiative, is present.

5 Hi, Lisa.

6 If you could unmute her for this part
7 of the proceeding.

8 Lisa Rice. There she is.

9 MS. RICE: Good morning and happy new
10 year.

11 MS. STROUD: Good morning. Happy new
12 year.

13 I'm going to lay out how we're going
14 to proceed with respect to this matter. I'm
15 going to have the proposer state her name and
16 address for the record. I'm going to have our
17 Voter Services representative come forth and
18 state her name and work address for the record.

19 Marissa, you can come up now if you
20 want.

21 Then I'm going to provide some
22 background on how we got to where we are today

1 with the issuance of the petition from the time
2 that the measure was submitted. Then we're going
3 to have the proposer adopt the form. Then the
4 registrar voters will read some information into
5 the record regarding next steps for this measure,
6 and the petition in particular.

7 Okay. So, Ms. Rice, if you could
8 state your name and address for the record.

9 MS. RICE: My name is Lisa Rice. My
10 address is 1205 33rd Place, Southeast,
11 Washington, D.C. 20019.

12 MS. STROUD: Thank you.

13 Ms. Corrente.

14 MS. CORRENTE: Good morning. My name
15 is Marissa Corrente. I serve as the registrar of
16 voters here at the D.C. Board of Elections. The
17 address of the building is 1015 Half Street,
18 Southeast.

19 MS. STROUD: Thank you.

20 Okay. So by way of background, Ms.
21 Rice filed a measure which was a revised version
22 of a previous measure which was then titled Make

1 All Votes Count Act of 2024 on June 16, 2023.

2 The measure seeks to implement ranked-
3 choice voting for District elections for
4 President of the United States and all District
5 elected officials in contest with three or more
6 candidates on the ballot.

7 And open primary elections to voters
8 who have not affiliated with any party by the
9 21st day prior to a primary election. The measure
10 was approved as a proper subject on July 21,
11 2023, at a public Board hearing, a written order
12 issued on July 25, 2023.

13 On August 23, 2023, the Board
14 formulated the short title and summary statement
15 and legislative form for the measure. On
16 September 1, 2023, the formulations for the
17 measure were published in the D.C. Register.

18 The notice informed the public in that
19 notice that any registered qualified elector who
20 objected to the summary statement short title in
21 our legislative form could seek review in the
22 Superior Court for the District of Columbia ten

1 calendar days from the date such formulations
2 were published in the D.C. Register.

3 It also informed the public that
4 registered qualified electors could also file
5 objections on other grounds during this period
6 including the Board's proper subject
7 determination.

8 Notwithstanding that the 10-day period
9 for challenging Initiative Measure No. 83 began
10 on September 1st and expired on September 11th,
11 the time frame during which no challenge was
12 filed to the measure, the D.C. Democratic Party
13 chair Charles Wilson and Keith Silver filed an
14 untimely challenge against the measure on August
15 1, 2023.

16 That challenge is the subject of an
17 ongoing litigation in D.C. Superior Court as I
18 will mention later during the litigation status.
19 There is an initial hearing set for Friday,
20 February 23rd.

21 After the challenge period during
22 which, again, no challenge was filed to the

1 measure, the Board prepared to issue the petition
2 in support of the measure to the proposer at its
3 Board meeting which was held on September 13th.

4 However, at that meeting the proposer
5 requested that the Board hold the issuance of the
6 petition in abeyance until January 2024 and the
7 Board agreed to do so. So we are now in January
8 and the Board is prepared to issue the petition.

9 I have provided a courtesy copy of the
10 petition to the proposer for her review and no
11 changes have been made to that petition. Now it
12 remains for the proposer to indicate whether or
13 not she adopts the petition as her own.

14 I'll ask you, Ms. Rice, you did
15 receive a courtesy copy of the petition.
16 Correct?

17 If you could unmute her. Okay.

18 CHAIR THOMPSON: We'll get there.

19 MS. STROUD: Okay.

20 MS. RICE: Yes, I received the
21 courtesy copy.

22 MS. STROUD: Did you adopt it as your

1 own, the petition for Initiative Measure 83?

2 MS. RICE: Yes, I adopt it as my own.

3 MS. STROUD: Thank you. So we will --
4 the registrar of voters is going to read the next
5 steps with respect to the petition, and also
6 inform you of how you can obtain it at this time.

7 MS. RICE: Okay. Thank you.

8 MS. CORRENTE: Good morning. So first
9 I'm going to read a memo that will be provided to
10 you later today after this meeting for your
11 records. The memo is titled Initiative 83,
12 Ranked-Choice Voting and Open the Primary
13 Elections to Independent Voters Act of 2024.

14 With the preparation of the petition
15 form, it is important to note that in order for
16 the measure to be placed on the ballot, the
17 petition submitted in support of Initiative 83
18 must contain the valid signatures of at least
19 five percent of registered District of Columbia
20 voters provided that this total includes five
21 percent of the registered voters, and at least
22 five of the eight wards.

1 Pursuant to D.C. Official Code 1-
2 204.102A the number of registered voters used to
3 compute these requirements is the latest official
4 count of registered voters by the D.C. Board of
5 Elections which was issued 30 or more days prior
6 to the submission of signatures.

7 While the signature requirement cannot
8 be determined yet, current calculations can be
9 determined using the published December 31, 2023
10 monthly voter registration statistics report. I
11 won't go through and outline each individual
12 ward's numbers but that notation is included in
13 the memo.

14 The proponent is advised to check with
15 the Board on a monthly basis as new statistics
16 are issued to get up-to-date estimates of the
17 signature requirement. In addition, the 180-day
18 period for circulating the petition pursuant to
19 D.C. Official Code 1-1001.16J1 expires on Monday,
20 July 8th, 2024, at 5:00 p.m.

21 That concludes the memo. Then we will
22 follow up with an email to you, Ms. Rice, with

1 your petition attached, the memo attached, and a
2 link to a secure link to other documents that are
3 helpful for the ballot access process.

4 MS. RICE: Okay. Thank you.

5 MS. STROUD: Of course.

6 CHAIR THOMPSON: I just wanted to also
7 add my thanks to the proposer for working with us
8 on the petition form. Thank you for suggesting
9 some changes. We've been able to improve the
10 form in a few respects. You know, create some
11 more space for the signers. Small things but
12 important things. Thank you for that.

13 And I also wanted to remind everybody
14 about something obvious. We at the Board, our
15 three-member Board and our Board of Elections,
16 we're shepherds of this process. We don't
17 endorse, or oppose, or have any position
18 whatsoever on the substance of the initiative
19 itself.

20 The right of D.C. voters to propose
21 laws is part of our charter itself. It's in the
22 D.C. Code and there's a number of standards steps

1 to follow before a proposal appears on the
2 ballot. We are going through those steps.

3 The first step was the proper subject
4 matter determination. The second step was the
5 adoption of the short title and summary
6 statement. I guess I would call this the third
7 major step which is the issuance of the petition.

8 Now, as the registrar explained, the
9 proposers have to go forth and gather proper
10 signatures, being five percent of the denominator
11 which currently is the December 31st published
12 voter rolls.

13 That will change a little bit on
14 January 31st and so forth. We all know that the
15 denominator is a fixed number and we can track it
16 over the next month or two or three as you gather
17 signatures and try to meet your thresholds.

18 Just so people know, it's your option
19 but February 5th, I believe, is the deadline for
20 submission of those signatures if you wanted to
21 appear on the primary election ballot. All that
22 has to happen 90 days in advance of an election.

1 That's marked on our calendar, but that's
2 optional. Obviously it can take additional time,
3 all the way up through July 8th, I think the
4 registrar said, in which case you would appear on
5 the general election ballot.

6 Do I need to make a motion?

7 MS. STROUD: No, that was the action
8 for the proposer to take to adopt it.

9 CHAIR THOMPSON: Okay. No motion
10 required. Anything else?

11 MS. STROUD: Not with respect to that
12 matter, no.

13 MS. RICE: I would like a moment to
14 thank the Board for your guidance and for your
15 patience. I'm very new at this and so I
16 appreciate the work that you helped me understand
17 I needed to do to make this happen. It's not
18 just me, it's a team of people and we are very
19 excited to really make democracy work here in
20 D.C.

21 I am absolutely thrilled that we are
22 here today and I appreciate the work each and

1 every one of you have done at the Board. Thank
2 you so much.

3 To quote my favorite children's book,
4 let the wild rumpus start.

5 CHAIR THOMPSON: Okay.

6 MS. STROUD: Thank you.

7 CHAIR THOMPSON: Thank you.

8 MS. STROUD: And so next on my agenda
9 we have, in fact, a proper subject hearing for an
10 initiative that was submitted. This proposed
11 subject matter determination hearing is going to
12 be conducted for the proposed initiative measure
13 Humane Environment Block Up Plan S.W.A.P.O.U.T.
14 for Movements & Minds for the Bad for the Good
15 Amendment Act of 2024.

16 At this meeting the Board will conduct
17 a hearing to determine whether the proposed
18 initiative measure presents a proper subject of
19 initiative in the District of Columbia. Here in
20 the District voters are permitted to participate
21 directly in the legislative process via the right
22 of initiative.

1 The term initiative is defined in the
2 District charter which is the constitution for
3 the District as the process by which the electors
4 of the District of Columbia may propose laws --
5 emphasis on the word laws -- except for laws
6 appropriating funds and present such proposed
7 laws directly to the registered qualified
8 electors of the District for their approval or
9 disapproval. It's clear that at a minimum a
10 proposed measure must propose a law.

11 Pursuant to D.C. Official Code Section
12 1-1001.16 the Board upon receipt of a proposed
13 initiative measure must refuse to accept the
14 measure if it determines that the measure does
15 not meet certain criteria. This is what the
16 Chair was referring to when he talked about how
17 the Board is the gatekeeper of this process.

18 They look at these criteria and
19 examine the measure to see whether or not it
20 meets these qualifications. If it does not, then
21 it cannot be placed on the ballot for the voters
22 to vote up or down on.

1 The measure can't conflict with or
2 seek to amend Title 4 of the D.C. Home Rule Act,
3 the District Charter. The measure cannot
4 conflict with the U.S. Constitution. The measure
5 must have been properly filed in the proper form.
6 The proposer must have filed a verified statement
7 of contributions which is the measure's committee
8 statement of organization and report of
9 receipts/expenditures. That has to be timely
10 filed. The measure cannot authorize
11 discrimination in violation of the D.C. Human
12 Rights Act. The measure cannot negate or limit a
13 budgetary act of the D.C. Council. And the
14 measure cannot impermissibly appropriate funds
15 under applicable D.C. Court of Appeals rulings.

16 Let me just check and see if the
17 proposer of the initiative, Demanne Cutchin, Sr.
18 (phonetic), is present. I see that there is an
19 iPhone. I'm not sure if that individual is the
20 proposer of the initiative measure. If you are,
21 please raise your hand. It does not appear that
22 Demanne Cutchin, Sr. is here.

1 Okay. I see a couple of numbers,
2 telephone numbers. If either of those numbers
3 belongs to Mr. Cutchin, if you could so indicate
4 either in the chat or by raising your hand.

5 I see there is a comment in the chat. Okay.

6 Ms. Pembroke, if you could come forth.
7 I'm going to have the senior staff attorney come
8 forth and indicate the means by which we tried to
9 reach Mr. Cutchin, Sr.

10 MS. PEMBROKE: So the Board is --

11 (Simultaneous speaking.)

12 MS. PEMBROKE: I'm sorry, yes. My
13 name is Christine Pembroke. I work in the Office
14 of General Counsel for the Board of Elections.

15 Once the notice of this meeting and
16 the proper subject hearing did appear in the
17 Federal Register and we knew that it had been
18 posted I attempted to contact Mr. Cutchin.

19 Although the Board's regulations
20 require that proposers provide an attestation as
21 to their contact information, including a phone
22 number, Mr. Cutchin had included only the address

1 of the D.C. Jail, which we knew was essentially a
2 temporary address for him.

3 So I reached out to the D.C. Jail and
4 confirmed that he had been released just shortly
5 before the notice appeared in the D.C. Register.
6 I then researched his voter files and found that
7 the address there was also the D.C. Jail address
8 but there was a phone number.

9 I contacted the person who had that
10 phone number, it was a third party, and that
11 individual advised me of a mail address that
12 could be used for Mr. Cutchin.

13 I then sent him a copy of the notice
14 and instructions on how to access the Board
15 Meeting through Zoom. I have had no response
16 from him.

17 MS. STROUD: Okay. Thank you, Ms.
18 Pembroke. Notwithstanding Mr. Cutchin's lack of
19 appearance here today with respect to his
20 measure, the Board can proceed with this Proper
21 Subject Hearing.

22 So we received the measure via U.S.

1 mail on November 15th and the first page
2 indicated the title of the measure and that it
3 was proposed by Mr. Cutchin.

4 The measure did not comply with
5 several initiative measure filing requirements.
6 Specifically, the measure was not filed in person
7 at the Board's office. It did not include five
8 printed or typewritten copies of its full text.

9 It did not include the sworn affidavit
10 that Ms. Pembroke referenced as to the proposer's
11 name, telephone number, and residence address and
12 status as a registered qualified elector in the
13 District of Columbia and it did not include a
14 copy of the statement of organization and report
15 of receipts and expenditures filed with the
16 Office of Campaign Finance.

17 Although the measure failed to comply
18 with the aforementioned filing requirements the
19 Board's Office and the General Counsel proceeded
20 with processing of the measure as pertinent
21 election laws do not authorize the Board to
22 summarily reject a purported proposal because it

1 is facially defective.

2 What we do is we receive the measure
3 but the Proper Subject Hearing is the point at
4 which the measure is either refused or accepted.

5 So we sent notice of a Proper Subject
6 Hearing to the D.C. Register to inform the public
7 that the Board would hold a meeting on January
8 3rd to determine whether the measure presented a
9 proper subject.

10 That notice was published in the D.C.
11 Register on December 8th. Due to the Board's
12 January meeting being rescheduled from January
13 3rd to January 10th an updated notice was
14 published in the D.C. Register on December 22nd
15 indicating that the Board would hear this matter
16 today.

17 On November 16th we requested advisory
18 opinions from the Attorney General for the
19 District of Columbia and the D.C. Council's
20 general counsel as to whether the proposed
21 initiative met certain proper subject
22 requirements as required by law.

1 On December 6th the General Counsel
2 for the Council provided an advisory opinion on
3 the measure which concluded that the measure was
4 not a proper subject of initiative primarily
5 because the proposed initiative, and I quote,
6 contains lengthy and confusing narrative
7 discussions, but nothing that could be construed
8 as legislative text that could be adopted or
9 implemented.

10 She further noted that an initiative
11 must propose a law but that the measure contains
12 no text that could be construed as a legislative
13 proposal.

14 On December 7th the Attorney General
15 for the District of Columbia provided his
16 advisory opinion to the Board.

17 That opinion states because we
18 conclude that the proposed initiative does not
19 meet the threshold requirements to propose a law
20 it is not a proper subject and the Board must
21 refuse to accept it.

22 The measure is not legislative in

1 nature. It does not propose to make new law. It
2 consists primarily of commentary on policy,
3 problems, theory, and the need for solutions.

4 It does not cite any law that it seeks
5 to amend or add. Even construing the initiative
6 right liberally the proposed initiative does not
7 propose law.

8 I just want to indicate that both of
9 these opinions will be a part of the record for
10 this proceeding.

11 We have not seemed to obtain the
12 presence of the proposer for the measure, but I
13 want to ask now if there are any representatives
14 from either the Office of the Attorney General or
15 the General Counsel for the D.C. Council who are
16 present that wish to comment on the proposed
17 measure beyond what they provided in their
18 advisory opinions and if there are individuals
19 from those offices if they could raise their hand
20 through the Zoom platform.

21 They do not appear to be present.
22 Okay. Does the Board have any questions about

1 anything thus far?

2 CHAIR THOMPSON: I don't have any
3 questions. I just want to note for the record
4 that, you know, we carefully read the proposed
5 initiative that was handwritten but quite
6 legible.

7 I carefully reviewed the two opinions,
8 one from the Attorney General and one from the
9 General Counsel to the D.C. Council. They each
10 conclude that the proposed initiative contains no
11 text that could be construed as a legislative
12 proposal.

13 I am inclined to agree with that
14 analysis and, therefore, at this time I will make
15 a motion --

16 MS. STROUD: Make a recommendation
17 first, yes.

18 CHAIR THOMPSON: Apologies. Go ahead.
19 I'll wait for the General Counsel to respond.

20 MS. STROUD: Yes. So, the Board
21 Office's and the General Counsel also analyzed
22 the opinion, the measure, as the Chair indicated,

1 and the Office of the General Counsel agrees with
2 the opinions rendered by both the OAG and the
3 General Counsel for the Council and also offers
4 that the measure did not comply with several
5 initiative measure filing requirements as noted
6 earlier.

7 Accordingly, it is the Office of the
8 General Counsel's recommendation that the Board
9 refuse to accept the measure on the grounds that
10 it isn't a proper subject under the terms of
11 Title IV of the D.C. Home Rule Act because it
12 does not propose a law, because the verified
13 statement of contributions has not been filed,
14 and because the measure is not in the proper form
15 as required by the law on initiatives.

16 So at this time I would ask for the
17 motion from the --

18 CHAIR THOMPSON: All right. Thank you
19 very much, sorry to jump the gun.

20 MS. STROUD: Mm-hmm.

21 CHAIR THOMPSON: Yes, for all the
22 reasons General Counsel Stroud just recited I

1 would make a motion at this time that we reject
2 the proposed voter initiative as a proper subject
3 matter. I think we're going to have to --

4 MS. STROUD: Oh, we'll unmute.

5 CHAIR THOMPSON: We're going to have
6 to unmute the Board Members.

7 MS. STROUD: Yes. And first I will
8 ask -- The Chair has given his vote and then I
9 will ask Ms. Greenfield whether she adopts the
10 motion made by the Chair.

11 MS. GREENFIELD: Yes, I do. Also, I
12 think there is a question in the chat about it,
13 but, yes, I do adopt the motion.

14 MS. STROUD: And, Mr. Boggs, if you
15 could indicate whether or not you adopt the
16 motion of the Chair.

17 MR. BOGGS: I do.

18 MS. STROUD: Okay. I think he was
19 speaking generally. There was a question. I
20 don't know if he was speaking generally about the
21 meeting entirely or just this part.

22 CHAIR THOMPSON: Probably a public

1 comment. So if anybody has a comment
2 specifically about this voter initiative, I was
3 unclear from the chat question if that's what
4 somebody was asking about.

5 Well why don't we recognize Mr. Amene
6 for your comment regarding this initiative.
7 We'll unmute you, Abel Amene. There you go.

8 MR. AMENE: Thank you for this
9 opportunity. My name is Abel Amene. I live at
10 506 Longfellow Street.

11 My comment is just from a personal
12 perspective as a resident here. I don't dispute,
13 you know, the opinions or what the motion has
14 been made or anything that is about to happen.

15 I just wanted to comment on some of
16 the difficulties a resident of the D.C. Jail or
17 someone being held at the D.C. Jail would have to
18 propose an initiative in that, you know, it would
19 be a laudable goal for us to ensure that that
20 continues to happen, that that opportunity
21 continues to happen.

22 So I wonder if the Board would, you

1 know, consider this an opportunity to do some
2 outreach. I know there is photo registration
3 outreach already done, but to educate, you know,
4 the people that may in the future propose
5 initiatives from while, you know, being held at
6 the D.C. Jail about the proper way to do that,
7 you know.

8 Things like having an address of
9 contact after release and things like that are
10 things, you know, that the Board may want to
11 recommend to people that in the future propose
12 things.

13 And then also just ensuring that, you
14 know, someone who is at the D.C. Jail currently
15 doesn't have as much access to this meeting
16 itself, so, you know, there is many opportunities
17 and many ways that those, you know, people living
18 or being held at the D.C. Jail are in some ways
19 disenfranchised by this, so I just wanted to
20 comment on that and leave that for your later
21 consideration. Thank you.

22 CHAIR THOMPSON: Yes, thank you so

1 much, Mr. Amene. I think, indeed, in this
2 situation we waived I think four different
3 process requirements in this case under the
4 circumstances of the proposer being incarcerated
5 with respect to, you know, the need for five
6 copies and some other process requirements.

7 So I was pleased to hear that our
8 Board set those aside and went straight to the
9 substance of what was being proposed and, you
10 know, the next step in our process with respect
11 to the substance is to reach out to the Attorney
12 General and D.C. Council's GC and ask for their
13 opinions on whether this is, indeed, a proper
14 subject matter.

15 So I mean I am pleased we got to the
16 merits of the proposal and did not reject it on,
17 you know, one or more of the process grounds
18 that, you know, technically it didn't meet.

19 So hopefully that speaks to your point
20 and I am positive that in the future we would, we
21 will always be sensitive to that issue, not just
22 with respect to a proposer, you know, that

1 happens to be incarcerated, but in other
2 situations as well.

3 We really do want to get to the merits
4 of what is being proposed, and we have done that
5 here, and, you know, asked for outreach and
6 we'll, you know, that's a great comment and we'll
7 take that under advisement with our project in
8 that regard. Thank you.

9 MS. STROUD: Thank you. So in light
10 of the fact that the Board has moved to refuse to
11 accept the proposed measure as it does not
12 present a proper subject of initiative I just
13 wanted to lay out what the proposer's appeal
14 rights are.

15 The proposer may within ten days after
16 the Board's refusal apply to the Superior Court
17 of the District of Columbia for a writ in the
18 nature of mandamus to compel the Board to accept
19 the measure, so that opportunity is available for
20 Mr. Cutchin, Sr., and with that we can move on to
21 the next matter.

22 The next item on my agenda is the

1 referral hearing for Ashley Harris, if Ms.
2 Pembroke could come forward again. This matter
3 involves, is a continuation of a matter that was
4 held before the Board during the last hearing
5 involving a double voting incident that occurred
6 in the 2020 general election, so, Ms. Pembroke,
7 if you could state the matter.

8 MS. PEMBROKE: Thank you. Christine
9 Pembroke again for the Office of General Counsel.
10 Yes, this matter was continued from the December
11 6th Board Meeting.

12 It involved evidence presented by the
13 Office of General Counsel that Ashley McArthur
14 Harris had voted in person in the Florida 2020
15 general election and that a ballot had been
16 passed in her name by mail but under the name
17 Ashley Godwin Harris in that same election.

18 The evidence at the last hearing
19 indicated that Ms. Harris was in Florida at the
20 time the mail ballot was sent in, so the Office
21 of General Counsel presented evidence regarding
22 the premises where the mail ballot was sent,

1 which were owned by Elby Godwin at the time of
2 that election, and had made a recommendation
3 based on the available information that this
4 matter be referred for enforcement.

5 That recommendation was based in part
6 on the fact that we were not able to interview
7 Mr. Godwin because he would not make himself
8 available.

9 He only provided a residential lease
10 that covered the period of the time of the 2020
11 general election for the property where the
12 ballot was sent.

13 We also noted for the Board that the
14 signature on the D.C. ballot did not match other
15 examples of Ms. Harris' signature and that the
16 middle initial used on that ballot appeared very
17 clearly to be the Letter M, although the ballot
18 was issued to Ashley Godwin Harris and the middle
19 name of M is associated with her Florida voter
20 file.

21 The Board had continued the matter to
22 provide Mr. Godwin with a further opportunity to

1 appear. So I reached out to him and his counsel
2 to set a pre-hearing conference for December
3 28th. The day before that hearing I received an
4 email from new counsel for Mr. Godwin asking if
5 the pre-hearing conference could be continued.

6 I reminded him that the Board had
7 given 30 days for this matter to be continued,
8 and so he agreed to a pre-hearing to be scheduled
9 for January 2nd.

10 Shortly before the pre-hearing was to
11 commence I received an email from counsel which
12 said we are declining your offer to participate
13 in a voluntary interview at this time.

14 So although Mr. Godwin has been
15 provided with an opportunity to provide details
16 about his access to the property where that mail
17 ballot was sent during the 2020 general election,
18 he has declined to do that.

19 At this time the Office of General
20 Counsel is recommending, as the Board indicated
21 it would at the last meeting, that it be referred
22 for further investigation and possible

1 prosecution by law enforcement.

2 CHAIR THOMPSON: Thank you for that.
3 So at this time I will make a motion that we do
4 refer this to the U.S. Attorney's Office for
5 further investigation.

6 Just to state the obvious, we are not
7 making any factual determinations, we are not
8 drawing any conclusions, not with respect to Ms.
9 Harris, not with respect to Mr. Godwin or anyone
10 else.

11 That said, to me the circumstances are
12 such that it appears that somebody intercepted
13 that mail ballot and filled it out and it's
14 possible knowingly, you know, voted improperly
15 and may constitute voter fraud under the relevant
16 statutes.

17 That is all something we will leave
18 for the U.S. Attorney's Office to consider as
19 they further investigate the facts and they may
20 or may not decide that there are charges to bring
21 against somebody, whose name we might not even
22 know at this point.

1 There is certainly enough
2 circumstances here to warrant us passing this on
3 to the U.S. Attorney. That's what we do. That's
4 our role in the process. We don't reach
5 conclusions or make determinations, we just
6 refer.

7 I just wanted to explain my reasons
8 for accepting the recommendation and moving that
9 we refer this matter to the U.S. Attorney's
10 Office.

11 MS. STROUD: Okay. And then we'll do
12 another roll call vote. The Chair has made his
13 motion. Ms. Greenfield, do you vote yes or no
14 with respect to the motion?

15 MS. GREENFIELD: Yes.

16 MS. STROUD: Mr. Boggs?

17 MR. BOGGS: Yes.

18 MS. STROUD: Thank you.

19 CHAIR THOMPSON: Thank you, Ms.

20 Pembroke.

21 MS. PEMBROKE: Thank you.

22 MS. STROUD: The next item on my

1 agenda is Rulemaking for Title 3 of the D.C.
2 Municipal Regulations.

3 The purpose of this rulemaking is to
4 conform the Board's regulations to the Elections
5 Modernization Act of 2022, provide for
6 consistency between Board regulations, adopt
7 rules of conduct for attendees at Board meetings,
8 and to clarify the commencement of the appeal
9 process with respect to Board decisions, and to
10 make other non-substantive housekeeping updates
11 and corrections of typographical errors.

12 So we will publish this rulemaking on
13 the Board's website. We will also send it for
14 publication to the D.C. Register and it should
15 appear in the January 19, 2024 edition of the
16 D.C. Register.

17 So we will publish it on our website
18 immediately after this meeting once the Board
19 moves that we can transmit it to the D.C.
20 Register for appearance in the D.C. Register
21 which will lead to this public comment period.

22 So although the public comment period

1 won't end until 30 days after January 19th it
2 will be available for review, so the public will
3 have an even longer amount of time to review the
4 regulations.

5 So with that I ask that the Board
6 allow for the Office of the General Counsel to
7 submit the proposed rulemaking to the D.C.
8 Register for publication for a 30-day public
9 comment period during which the public may weigh
10 in with respect to the regulations, and they,
11 again, will be available today.

12 The Board Members have had the
13 opportunity to review and so if they want to
14 discuss anything with respect to the rulemaking
15 they are, of course, able to do so.

16 We just clarified some meeting
17 requirements. We included some rulemaking that
18 has to do with the conduct of the meeting so that
19 we can ensure the safety and orderly conduct of
20 meetings and the consequences of not permitting
21 the orderly conduct of a meeting.

22 We also, again, had some changes that

1 we needed to make with respect to changes to the
2 ballot access process. A major one is that
3 declarations of candidacy will be required to be
4 filed before petitions are issued as opposed to
5 at the end of the, I suppose at the time of the
6 filing deadline for nominating petitions and
7 ballot access materials.

8 We made additional changes to correct
9 errors that have been made with respect to
10 certain other matters, including clarifying who
11 could sign petitions for federal candidates as
12 opposed to local candidates.

13 So those are some of the things that
14 the rulemaking covers, but, again, it will be
15 available on the Board's website today and will
16 be published in the D.C. Register on January 19th
17 for a 30-day comment period.

18 CHAIR THOMPSON: Would you like a
19 motion?

20 MS. STROUD: Yes, please.

21 CHAIR THOMPSON: All right. Thank you
22 so much. Thank you to General Counsel Stroud and

1 Christine Pembroke and others. I know everybody
2 put a lot of thought into these proposed changes
3 to our regulations, so it's very much
4 appreciated.

5 You know, indeed, it's perhaps a
6 timely moment in history to revisit the roles
7 that govern the safe and orderly conduct of
8 public election meetings and I was really pleased
9 to see this and I think it was really well and
10 thoroughly prepared.

11 You know I love to explain things as,
12 you know, with the intern around lately I just
13 like to explain things, so I think everybody
14 might know this, but when you go through the
15 level of laws, we've got a D.C. Charter, which is
16 like our Constitution, and that's not what this
17 is, and then our D.C. Code, we don't change that,
18 that's up to the D.C. Council, but below that and
19 sort of the third level of laws, if you will,
20 these are our regulations that are promulgated
21 pursuant to the, you know, D.C. Municipal
22 Register.

1 So at the agency level the agencies
2 propose their own changes to their own rules, so
3 that's what this is and, as the General Counsel
4 mentioned, this will now go out for publication
5 in the D.C. Register and will have a very robust
6 and transparent opportunity for public comment.

7 So, you know, there will be plenty of
8 time ahead for anybody who is listening today or
9 otherwise to make comment on these proposed
10 changes.

11 So with that I will make my formal
12 motion that we transmit these to the D.C.
13 Register for publication and for public comment.

14 MS. STROUD: Okay. Again I will take
15 the roll call vote with respect to the motion
16 that was made by the Chair. Ms. Greenfield, do
17 you vote yes or not to adopt the motion of the
18 Chair?

19 MS. GREENFIELD: Yes.

20 MS. STROUD: Mr. Boggs?

21 MR. BOGGS: Yes.

22 MS. STROUD: Thank you. With that we

1 will be publishing in the D.C. Register. Again,
2 it will be the January 19, 2024 edition of the
3 D.C. Register, not this coming Friday but the
4 next Friday, and then we will also have it on our
5 website today.

6 The final item on my agenda is
7 Litigation Status. The first matter is PIL,
8 Public Interest Legal Foundation versus Monica
9 Evans in her capacity as the Executive Director
10 for the Board of Elections. This matter is in
11 the U.S. District Court.

12 So we had a Motion to Dismiss that was
13 filed and there were pleadings filed after that.
14 On December 4th at a hearing the Court denied the
15 Motion to Dismiss and stayed the case pending
16 settlement negotiations. There is a status
17 report due next Wednesday on January 17th.

18 The next matter is Stacia Hall versus
19 the Board. All pleadings have been filed in this
20 matter and there has been no action on the matter
21 since the filing of the Reply and we await the
22 Court's ruling in this matter.

1 This involves the challenge to the
2 section of the Code that allows non-citizens to
3 participate in local elections in the District of
4 Columbia.

5 The next matter is the D.C. Democratic
6 Party versus Muriel Bowser, et al., including the
7 Board, and this is a case that I referenced
8 earlier in connection with Initiative 83.

9 This was a challenge to Initiative 83
10 that was untimely filed. All pleadings in this
11 case have been filed. An initial hearing which
12 had been set for December 1, 2023 has been
13 continued to February 23, 2024.

14 The next matter is Dr. Shiva Ayyadurai
15 versus Merrick Garland, et al., including the
16 District and the Board. This matter is in the
17 U.S. District Court for the District of Columbia.

18 This is a matter in which the
19 Plaintiff seeks a declaration that he is eligible
20 to serve as President of the United States,
21 notwithstanding the constitutional natural born
22 citizens clause, or, alternatively, that this

1 qualification matter presents a non-justiciable
2 political issue for the voters. The OJ is
3 coordinating with the OAG on next steps regarding
4 this matter.

5 The final matter is Long versus the
6 D.C. Board of Elections. This is in the D.C.
7 Superior Court. This is the re-submission of a
8 matter previously dismissed without prejudice.

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

14 There is an initial hearing date set
15 for February 2, 2024. OGC is coordinating with
16 the OAG on next steps for this matter as it
17 involves actions by the Office of Finance and
18 Resource Management for the District of Columbia.

19 That concludes this item and my report
20 in its entirety.

21 CHAIR THOMPSON: Well thanks very
22 much, that was a lot. Turning now then to our

1 Campaign Finance Report from Director Collier-
2 Montgomery.

3 MS. COLLIER-MONTGOMERY: Good morning
4 and Happy New Year. For the record the full
5 report of the activity of the Office of Campaign
6 Finance for the month of December 2023 will be
7 posted at our website before the close of today.
8 The website is www.ocf.dc.gov.

9 I will, however, at this time
10 highlight a few matters of interest for the
11 public from the report.

12 First, in the Office of the Director
13 during the month of December information on the
14 Agency's Judicial and Fair Elections Program were
15 presented at the virtual meeting of Advisory
16 Neighborhood Commission 1D in furtherance of our
17 Community Outreach Program.

18 In our Fair Elections Program Division
19 for the 2024 election cycle as of this date there
20 are five certified participating candidates in
21 the Fair Elections Program and 12 registered
22 candidates who are seeking to participate in the

1 Fair Elections Program for the 2024 election
2 cycle.

3 During the month of December 2023 the
4 OCF certified two candidates in the Fair
5 Elections Program for the 2024 election cycle and
6 disbursements were made to participating
7 candidates as follows.

8 First, Veta Rasheed, The Veta for Ward
9 7 Principal Campaign Committee. On December 9,
10 2023 the candidate Veta Rasheed was certified as
11 a participating candidate in the June 4, 2024
12 primary election for the covered office of Member
13 of the Council for Ward 7.

14 Matching payments in the amount of
15 \$35,450 and the first half of the base amount
16 payment in the amount of \$20,000 were authorized
17 for disbursement on December 9, 2023.

18 Brooke Pinto, the Re-Elect Brooke
19 Pinto 2024 Principal Campaign Committee. On
20 December 19, 2023 matching payments were
21 authorized in the amount of \$32,825 and the first
22 half of the base amount payment was authorized in

1 the amount of \$20,000.

2 Christina Henderson, Re-Elect
3 Christina Henderson. On December 19, 2023 the
4 candidate Christina Henderson was certified as a
5 participating candidate in the November 5, 2024
6 general election for the covered office of At-
7 Large Member of the Council.

8 Matching payments in the amount of
9 \$102,005 and the first half of the base amount
10 payment in the amount of \$20,000 were authorized
11 for disbursement.

12 With respect to desk reviews and other
13 activity, the Fair Elections Program Division
14 conducted 31 desk reviews of amended reports of
15 receipts and expenditures which have been filed
16 with the Agency and also issued 15 requests for
17 additional information letters to committees
18 based on the review of the report.

19 There was one candidate, Treasurer of
20 Consultation, for the month of December and that
21 was with Wendell for Ward 7, 2024 on December 28,
22 2023.

1 The amount of remitted funds which has
2 been remitted for deposit in the Fair Elections
3 Fund from the campaign operations of
4 participating candidates in the 2022 election
5 cycle has not changed. The total sum of
6 \$803,207.20 remains a constant.

7 With our ongoing 2020 post-election
8 full field audits in the Fair Elections Division,
9 again, for background information I would point
10 out that the OCF initiated 34 full field audits
11 of the campaign operations of the candidates who
12 were certified to participate in the program
13 during the 2020 election cycle.

14 There are currently 11 2020 post-
15 election audits which are ongoing in the Division
16 at various stages of the audit process. The
17 status of the ongoing audits is listed in our
18 activity report for this month.

19 For this record I would point out that
20 the FEP Division has issued a total of 23 final
21 audit reports of the post-election audits which
22 were initiated for the 2020 election cycle.

1 With the ongoing 2022 post-election
2 audits for the 2022 election cycle we issued 42
3 post-election audit letters for the primary,
4 which was conducted on June 21, 2022, and for the
5 general election, which was conducted on November
6 8th, to the candidates who were certified to
7 participate in this 2022 election cycle.

8 To date the FEP has issued 20
9 preliminary statements of audit findings and 19
10 final audit reports for the 2022 election cycle,
11 including the following which were issued during
12 the month of December, D.C. for Sharece Crawford
13 final audit report was issued on December 11,
14 2023. Beyond for D.C. final audit report was
15 issued on December 12th, David for Ward 3 the
16 final audit report was issued on December 20th,
17 and the Committee to Elect Sabel Harris the final
18 audit report was issued on December 20, 2023.

19 All of the final audit reports are
20 available at the OCF website for review by the
21 public and I would also point out that the final
22 audit reports which were issued that I just

1 referenced were all compliance audit reports,
2 meaning that the committees did comply with the
3 reporting requirements of the Campaign Finance
4 Act.

5 In our Public Information and Records
6 Management Division during the month of December
7 there was one due date on December 10, 2023 for
8 the filing of reports of receipts and
9 expenditures by candidates and principal campaign
10 committees in both the traditional campaign
11 finance and the Fair Elections Program by
12 Political Action Committees and also by our
13 Independent Expenditure Committee.

14 All reports were received and
15 expenditures are available by members of the
16 public at our website. The reports are available
17 in real time once the reports are filed at the
18 website.

19 With new candidates and committees for
20 the 2024 election cycle and traditional campaign
21 finance program there are currently a total of
22 eight candidates who are registered to

1 participate in the June 2024 primary election.

2 There were no new registrations for
3 the month of December in our traditional program.
4 In the Fair Elections Program there are currently
5 17 candidates who are registered to participate
6 in the program, including the five new candidates
7 who registered during the month of December 2023.

8 First, Lisa Gore, candidate for Member
9 of the Council for Ward 4, who registered to
10 participate in the June 4, 2024 primary election.
11 The candidate registered on December 4th.

12 Eboni-Rose Thompson, who is a
13 candidate for Member of the Council for Ward 7 in
14 the June 7, 2024 primary election. The candidate
15 registered on December 4th.

16 Wendell Felder, who is a candidate for
17 Member of the Council for Ward 7 in the June 4,
18 2024 primary election. The candidate registered
19 on December 4th.

20 Last, Allister Chang, candidate for
21 the Office of the State Board of Education for
22 Ward 2 in the November 5, 2024 general election.

1 The candidate registered on December 11, 2023.

2 There also were two new ballot
3 committees that registered during the month of
4 December. The first is the vote no on Initiative
5 83 and that's Initiative Committee, Nina Murphy
6 marked as the Treasurer. The committee
7 registered on December 12, 2023.

8 The second is the Committee to Re-call
9 Charles Allen. That is a re-call committee. The
10 Treasurer is April Randall and the registration
11 date was December 13, 2023.

12 Also during the month of December we
13 had 12 candidates and treasurers who attended the
14 mandatory entrance conference. The names of
15 those candidates and treasurers are listed in our
16 activity report.

17 In our report the Analysis and Audit
18 Division, and that is our traditional campaign
19 finance program, during the month of December the
20 program conducted desk reviews of 51 reports of
21 receipts and expenditures and issued ten requests
22 for additional information based on the review of

1 the reports.

2 There were no final audit reports
3 which were issued by the traditional program
4 during the month of December, but there are
5 ongoing audits.

6 First, there is the ongoing audit of
7 a newly elected official, and that is a full
8 field audit. It is the Kenyan McDuffie 2022
9 principal campaign committee. The audit field
10 work has been completed and the Division has
11 issued a preliminary draft statement of findings
12 on November 21st to the Committee.

13 A meeting was held with the Committee
14 on January 4, 2024 to discuss the findings and
15 the recommendations are noted in the preliminary
16 draft statement of findings.

17 The second is the inaugural committee,
18 and this is a full field audit, and it is of the
19 D.C. Proud and Noble Committee. The audit
20 notification letter was issued on September 9th
21 with a due date of October 11, 2023.

22 For the record the records were

1 received on November 28th and the audit field
2 work is in progress.

3 Last, with our Constituent Service
4 Program we do have two ongoing periodic random
5 audits and these were initiated with respect to
6 the October 1, 2023 report of receipts and
7 expenditures which was filed with the Agency.

8 The first is the Ward 5 Council Office
9 Constituent Service Fund Program. The records
10 were received on October 16, 2023, and the audit
11 field work has been completed.

12 Second is the Citizens Outreach Fund.
13 The records have not been received and a reminder
14 email was sent in October with a due date of
15 October 17th.

16 In this particular case the
17 Constituent Service Program was referred to the
18 Office of the General Counsel on November 22,
19 2023 for the initiation of the enforcement
20 process.

21 That concludes my report, but I would
22 ask our General Counsel to present the report,

1 the legal report for the Office of Campaign
2 Finance.

3 CHAIR THOMPSON: All right. Mr.
4 Sanford, welcome.

5 MR. SANFORD: Good morning, Mr.
6 Chairman and esteemed Board Members Greenfield
7 and Boggs. I am William Sanford, General Counsel
8 for the Office of Campaign Finance.

9 During the month of December 2023 the
10 Office of the General Counsel completed four
11 informal hearings and issued four orders which
12 included the following, one order to vacate was
13 issued and three orders in which a total of
14 \$3,850 in fines was imposed.

15 During the month of December 2023 the
16 Office of the General Counsel imposed fines
17 against the following respondents, a total of
18 \$3,850 was imposed against the following
19 respondents, Dems for Progress, a fine of \$2,200
20 was imposed, Dems for Progress again, a fine of
21 \$1,450 was imposed, and further, a fine of \$200
22 was imposed.

1 During the month of December 2023 the
2 Office of Campaign Finance collected a total of
3 \$3,450 in fines from the following respondents,
4 Butler for Mayor, Principal Campaign Committee
5 paid a fine of \$200, and 1199SEIU New York State
6 Political Action Fund paid a fine of \$3,250.

7 During the month of December 2023 the
8 Office of the General Counsel maintained four
9 docketed investigation and they included the
10 following.

11 Docket Number FI2023002 was docketed
12 on the 23rd of October 2023. The Complainant was
13 Edward Hanlon. The Respondent was Committee to
14 Elect Brooke Pinto, to Re-Elect Brooke Pinto
15 2024. The allegation, use of government
16 resources for campaign-related purposes. The
17 status of that investigation is pending.

18 The second investigation was also
19 filed by Edward Hanlon also identifying the
20 Respondent Brooke Pinto, however, Brooke Pinto
21 for Ward 2 2020 Principal Campaign Committee,
22 that docket number is FI2023003 and that was

1 docketed on the 13th of November 2023, the same
2 allegation, use of government resources for
3 campaign-related purposes.

4 Mr. Hanlon filed a third and fourth
5 complaints that are docket numbers 2023004 and
6 2023005. Both were filed on December 29th. They
7 were both filed against the Committee to Re-Elect
8 Brooke Pinto 2024.

9 Here again the allegation is the use
10 of government resources for campaign-related
11 purposes and the status of those investigations
12 is pending.

13 During the month of December 2023
14 there were no requests for interpretative
15 opinions and no show cause proceedings were
16 conducted. That should conclude my report.

17 The contents of my report will be
18 published at the Office of Campaign Finance
19 website by close of business on today's date, the
20 10th of January 2024.

21 CHAIR THOMPSON: Okay. And just a
22 quick question, those investigations relating to

1 these complaints that date back to October 23rd,
2 I believe that's something that takes place in
3 the 90-day window?

4 MR. SANFORD: That's correct.

5 CHAIR THOMPSON: Okay. And they're
6 all pending, obviously, so --

7 MR. SANFORD: Yes. For the record
8 there was a fifth complaint that was filed that
9 was not docketed because that was a matter that
10 we believe the Council of the District of
11 Columbia has jurisdiction over.

12 The expenses that were cited and
13 questioned were approved by the Council and we
14 have received verification from the Council that
15 they did approve, that the Secretary of the
16 Council, that those expenses were approved.

17 CHAIR THOMPSON: Okay. Thank you, Mr.
18 Sanford.

19 MR. SANFORD: Thank you.

20 CHAIR THOMPSON: Thank you very much.
21 Okay, so we are at the conclusion. If anybody
22 else out there has any general comments or

1 further comments they would like to make you can
2 email us at opengovoffice@dc.gov. Oh, that's for
3 the meeting, okay. So what's our email for that
4 purpose?

5 MS. STROUD: If anybody has comments
6 that they wish to send me, email them to
7 ogc@dcboe.org.

8 CHAIR THOMPSON: Okay. All right,
9 well thank you for that. So, yes, please let us
10 know if you have any comments or questions. You
11 can email us and we'll follow up.

12 So once again Happy New Year. I'll
13 give it a thumbs up even though my hand is
14 injured, 2024, and with that I would move we
15 adjourn. Do I hear a second?

16 MS. GREENFIELD: Second.

17 CHAIR THOMPSON: All in favor?

18 MR. BOGGS: Aye.

19 MS. GREENFIELD: Aye.

20 CHAIR THOMPSON: Thank you, everybody.

21 MR. BOGGS: Thank you.

22 MS. GREENFIELD: There is a question,

1 guys. I don't think they heard me.

2 MR. SCHILLER: Yes, I'm sorry to --
3 Usually the Board of Elections publishes in
4 December the calendar of monthly meetings in the
5 D.C. Register and I was unable to find that
6 calendar of public meetings last month and I was
7 curious if that will be published in the D.C.
8 Register.

9 MS. EVANS: We will follow up with
10 that. The individual who does that is on
11 extended medical leave and so that may have been
12 something that was not reassigned, but I will
13 follow up with that. Thank you for bringing that
14 to my attention.

15 MR. SCHILLER: My pleasure. Thank you
16 again for all of your work.

17 MS. EVANS: Mm-hmm.

18 OPERATOR: The recording has stopped.

19 (Whereupon, the above-entitled matter
20 went off the record at 11:51 a.m.)
21
22

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In the matter of: Board Meeting

Before: DC BOE

Date: 01-10-24

Place: teleconference

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