

**MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
May 2, 2024**

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Thursday, May 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 Karyn Greenfield were present. The Board’s Deputy Director, Sylvia Goldsberry-Adams, 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 10:32 a.m.

II. ASCERTAINMENT OF QUORUM

Board Chair Thompson and Board Member Greenfield constituted a quorum.

III. ADOPTION OF AGENDA/APPROVAL OF MINUTES

BOARD ACTION: The Board unanimously adopted the agenda for the pending meeting and minutes from the last meeting held on April 5, 2024.

IV. BOARD MATTERS

Board Chair Thompson addressed the agency's readiness for the 2024 Primary Election and thanked both the Board and OCF staff for their work in preparing for the elections.

V. DIRECTOR’S REPORT (SYLVIA GOLDSBERRY-ADAMS)

A. General Matters

In April, Director Evans attended the monthly DC Homeland Security meeting of the Emergency Preparedness Council to address challenging issues related to emergency preparedness and disaster relief. Director Evans attended an election briefing series hosted by the Meridian International Center.

B. Budget Oversight

On April 26, the DC Council’s Committee on Executive Administration and Labor (“CEAL”) conducted a budget oversight hearing. The Board addressed budget oversight issues for FY 24 and proposed the FY 2025 budget. The Board emphasized the lack of funding in both the current fiscal year 2024 and the FY 2025 budget to conduct a special election.

C. Advisory Neighborhood Commissioner (“ANC”) Vacancies

There are currently 12 ANC single-member district (“SMD”) vacancies for the 2023-2025 term, with seven becoming active before the blackout period for filling such vacancies began. These positions are all in different stages of being filled. After the candidate filing requirements are met, an open vote of registered voters of the affected SMD will be held during regularly scheduled ANC meetings.

D. List Maintenance

The Board is now in the 90-day list maintenance “blackout” window before the June primary during which no voters will be removed from the registry as a result of a list maintenance removal program. During the 2023 list maintenance process, 108,698 individuals were removed, and 95,220 voters were moved to inactive status. As of April 30, there are 455,088 active voters.

E. Voter Registration Rolls

In April, 2,912 new voters were registered and 6,159 registration changes were processed. 9,071 voter registration cards were prepared for mailing. 152 registered voters moved out of DC. 348 voters canceled their registrations and registered with other jurisdictions. 1,141 voters registered in DC after canceling their registrations in other states.

F. Online Voter Registration

Online voter registration is continuing through the website portal. To date, 46,735 registrations, including new and updated registrations, have been processed using the portal.

G. Local Resident Voting Rights Amendment

VR Systems has provided a database solution to house noncitizen voters in a separate database system. Noncitizen voters may also register online or in person using a paper registration form. Paper registration forms are also available in Spanish, Vietnamese, Chinese, Korean, Amharic, and French.

On April 30, the Board hosted a Town Hall to discuss the Local Resident Voting Rights Amendment Act. The event included an overview of the legislation, registration, and voting options for noncitizens in the district.

In April 2024, 163 noncitizens registered to vote in local elections. To date, there are a total of 376 noncitizens registered to vote.

H. 2024 Election Planning

Draft primary and general election calendars for the 2024 election cycle are posted on the Board's website. The Board's vote center and mail ballot drop box locations are also posted on the Board's website.

The new landing page to provide 2024 election information has been launched. The ballot lottery was held on Friday, April 12, and ballot proofing was completed on Saturday, April 13.

I. 2024 Voting Options

During the 2024 election cycle, all registered DC voters will receive a mail-in ballot. Voters may vote by mail-in ballot, in person, or by depositing a ballot in a drop box. BOE will have 55 mail-ballot drop boxes that will be placed throughout the city. The Board will operate 25 early vote centers and 75 election day vote centers.

The Board is coordinating with the Metropolitan Police Department ("MPD") for security and the Department of Public Works for placing mail ballot drop boxes.

K&H Mail House started sending ballots out on April 26, and mail ballot drop boxes will open May 10.

J. Accessibility

An accessibility survey is being conducted of all 2024 Vote Centers before the primary election to ensure accessibility for voters. The Board has partnered with Disability Rights DC ("DRDC") at University Legal Services and the Office of Disability Rights to conduct surveys. The Board is also working with Department of General Services ("DGS") to ensure Vote Centers are structurally accessible. The accessibility coordinator has begun site visits to the Voter Centers.

K. Democracy Live

The setup for the electronic ballot return designed for ADA and UOCAVA voters is now operational. All UOCAVA and ADA voters can now submit their ballots electronically to BOE via a secure online web portal hosted by Democracy Live. A unique VIN code along with a secure link needed to access the system is provided exclusively to voters who opt for electronic ballot submission.

L. Election Worker Division

The division is actively recruiting and training election workers, with a goal of recruiting and training between 2,000 and 2,500 workers. Approximately 1,700 election workers will be deployed to serve at vote centers. Election worker training

began on Tuesday, March 12. As of April 30, 1,630 election workers have been trained.

J. Voter Education and Outreach (VEOD)

In April, the VEOD conducted 49 outreach events on behalf of the agency, including outreaches to DC Housing Authority, UnitedHealthCare, and Events DC.

K. Restore the Vote (RTV)

In April, the RTV Division held 10 outreach events, including attending the DC Correctional Treatment Facility's ("CTF") resident orientation, providing voter education and registration opportunities to Federal Bureau of Prisons facilities in Virginia and Pennsylvania, and participating in CSOSA's Community Resource Day re-entry event.

RTV provided in-person registration opportunities at county facilities in Arlington, Virginia, Montgomery County, MD, and Prince George's County, MD. Leading up to the election, the RTV staff conducted weekly meetings with the DC Department of Corrections staff.

VI. GENERAL COUNSEL'S REPORT (TERRI STROUD)

A. Rulemaking to Title 3 (Elections and Ethics) of the D.C. Municipal Regulations

1. Final Rulemaking

a. Chapters 4, 6, 10, 11, and 14 through 17

The purpose of the amendments to these regulations is to conform the Board's regulations to existing law and current practice regarding the ballot access and initiative processes and qualified petition circulators.

BOARD ACTION: Voted unanimously for the final rulemaking to be submitted to the D.C. Register for the May 10 publication.

b. Chapter 7

The purpose of the rulemaking is to implement the provisions of the Leave to Vote Amendment Act of 2020.

BOARD ACTION: Voted unanimously for the final rulemaking to be submitted to the D.C. Register for the May 10 publication.

2. Proposed Rulemaking

a. Chapter 5

The purpose of the regulation is to clarify the address that may

be used by unhoused DC residents for voter registration purposes and the process for challenging registered voters' status.

BOARD ACTION: Voted unanimously for the proposed rulemaking to be submitted to the D.C. Register for the May 10 publication.

B. Litigation Status

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

This case concerns an appeal from the U.S. District Court's denial of a challenge to legislation allowing noncitizens to vote in local elections. The Solicitor General is expected to file a dispositive motion in the near future.

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

This case concerns an appeal from the D.C. Superior Court's denial of the appellant's challenge to Initiative Measure No. 83. The appeal was filed on April 22. A briefing schedule has been set by the Court; the appellant's brief is due on June 10 and the appellee's brief is due on July 10.

3. Dr. Shiva Ayyadurai v. Merrick Garland, et al. (U.S. Dist. Ct. for D.C.)

The Plaintiff, born in India, seeks a declaration of eligibility to serve as President of the United States notwithstanding the "natural born citizens clause" or that the qualification is a non-justiciable political issue to be determined by the voters. Defendant Garland filed a motion to dismiss on February 20. On February 21, the U.S. District Court judge ordered that the Plaintiff respond to the pending motions to dismiss by March 22. Defendant Garland's reply was filed on March 21, and the OAG and the Department of Justice responded to the Plaintiff's motion on April 12.

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

This matter is the refiling of a complaint that was dismissed without prejudice. The complaint is seeking \$10,000 in damages based on claims concerning an overdraft cost to his bank account when a stop payment was imposed on a check that he was issued for his service as an election worker. On March 25, the court dismissed all of the plaintiff's claims except for the claim for liquidated damages on breach of contract. On April 8, the OAG filed an answer to the

complaint. On April 15, the plaintiff filed a motion for sanctions, and the court has set a status conference for May 31.

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

On March 8, the plaintiff filed a complaint to prevent Donald Trump from appearing on the 2024 general election ballot. The complaint alleges that the recent Supreme Court decision in *Trump v. Anderson* does not apply to D.C. because that decision pertains to states' rights under the 14th Amendment, and D.C. is not a state. The OAG filed a motion to dismiss on April 5, and the plaintiff replied on April 23.

6. Ragas v. the D.C. Board of Elections (D.C. Court of Appeals)

This case concerns an appeal from a Board decision granting ballot access to Ankit Jain, a candidate in the Democratic Party primary contest for nominee for the office of U.S. senator. The Board filed a motion for summary affirmance on April 9. The petitioner filed an opposition on April 10. The Board filed a reply on April 11, and on that same day, the Board's motion for summary affirmance was granted.

VII. CAMPAIGN FINANCE REPORT (COLLIER-MONTGOMERY)

A. Office of the Director

The OCF will host a debate in the contested race for the office of At-large Member of the Council today, May 2, at 7:00 p.m. The Office of At-Large Member of the Council is scheduled for election during the June 4, 2024 Primary Election. All candidates certified to participate in the FEP who are in contested citywide elections must participate in the debate, and any candidates in the traditional campaign finance program (“TCFP”) who have qualified for ballot access are invited to attend.

To date, based on those candidates who have achieved ballot access for the primary election, two certified participating candidates in the FEP are seeking the office of at-large member of the Council as a nominee of the Democratic Party. No TCFP candidates qualified for ballot access in the Democratic Primary Election.

Information on the debate is available on the OCF Website, www.ocf.dc.gov, and the dcdebates.com website.

B. Fair Elections Program (FEP) Division

1. Authorized Base Amount

a. 2024 Election Cycle

There are 15 certified participating candidates in the FEP. The OCF has authorized the disbursement of the total sum of \$2,234,313 from the FEP fund in base amount and matching payments.

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

The OCF authorized 29 disbursements to certified participating candidates. The listing of those disbursements is posted on the agency's website.

3. Desk Reviews and Other Activities

There were 39 desk reviews of Reports of Receipts and Expenditures (R & E Reports”), and 21 Requests for Additional Information (“RFAI”) letters were issued due to the review of those reports.

4. 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 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, including the final audit report for the Re-Elect Muriel Bowser, Our Mayor 2022 principal campaign committee, which was the final compliance audit report issued on April 22, 2024.

b. Ongoing 2022 Post-Election Full-Field Audits

There are no reports of ongoing audits.

C. Public Information and Records Management Division (PIRM)

1. R & E Reports

There were two filing dates for R & E reports in April: April 1 for the Constituent Services and Statehood Fund programs, and April 10 for the Candidates and Principal Campaign Committees registered in the FEP.

2. New Candidate/Committee

a. TCFP Candidates

There are 37 candidates who registered to participate during the 2024 election cycle. There were four new registrations in April 2024:

- i. Office of Council, At-Large
Darryl Moch
- ii. Office of Member of the Council, Ward 8
Khadijah Long
- iii. Office of Member of the Council, Ward 4
Addison Sarter
- iv. Office of U.S. Shadow Representative
Ciprian Ivanof

b. FEP Candidates

25 candidates are registered to participate in the program, including the following new registrants during April 2024:

- i. Office of State Board of Education, Ward 7
Sherice Muhammed
- ii. Office of State Board of Education At-large
Karley Sessoms

D. Reports Analysis and Audit Division (RAAD)

1. Desk Reviews and Other Activities

- a. 18 desk reviews of R&E Reports were conducted and six RFAI letters were sent.

2. Audits

a. Audits Issued

- i. The final audit report for the January 31, 2024 R&E Report for Ward 3 Democratic Committee was issued on April 12.
- ii. The final compliance audit report for the January 31, 2024 R&E Report for the Metropolitan Washington Political Action Committee was issued on April 12.

b. Ongoing Audits

- i. Inaugural Committee Audit, The DC Proud Inaugural Committee
- ii. Friends of Ebbon Allen, Ward 7.
- iii. Committee to Elect Roscoe Grant Jr., Ward 7

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

1. Monthly Intake/Output Report

Three referrals and four orders were issued, including three orders without fines and one imposing a \$200 fine. Eleven petitions for enforcement were referred to the BOE OGC.

2. Open Investigations

None occurred during April 2024.

3. Request for Interpretive Opinions

One interpretive opinion was issued citing the statute and the regulation that indicate that the only dependent care expenses permissible as campaign expenses are child care expenses. See Interpretive Opinion 2024-01, the Lajoy Johnson-Law Interpretive Opinion.

4. Show Cause Proceedings

None occurred during April 2024.

VIII. PUBLIC COMMENT

The discussion in the public matters portion of the meeting can be found on pages 38 – 51 of the transcript.

IX. ADJOURNMENT

The meeting was adjourned at 11:29 a.m.