

**MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
July 15, 2022**

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Friday, July 15, 2022 via Zoom and in the Board’s Hearing Room, located at 1015 Half Street, SE, Washington, D.C. 20003, Suite 750. Board Chairman Gary Thompson and Board Members Karyn Greenfield and Mike Gill were present. The Board’s Executive, Director Monica Holman Evans (“Director Evans”), General Counsel, Terri Stroud, the Director of the Office of Campaign Finance (“OCF”), Cecily Collier-Montgomery, and OCF General Counsel, William Sanford, were also present.

CALL TO ORDER (10:01 a.m.)

ASCERTAINMENT OF QUORUM

- Board Chair Thompson and Board Members Greenfield and Gill constituted a quorum.

ADOPTION OF AGENDA/APPROVAL OF MINUTES

- **BOARD ACTION:** The Board unanimously adopted the agenda and minutes from the last meeting held on June 1, 2022.

BOARD MATTERS

- None.

DCBOE EXECUTIVE DIRECTOR’S JUNE 2022 REPORT (EXECUTIVE DIRECTOR EVANS)

- **Executive Director Evans presented the June 21, 2022 Primary Election results as follows and as stated on the BOE website:**

- Democratic Party Results

Delegate US House	Eleanor H. Norton
Mayor	Muriel Bowser
Chair of the Council	Phil Mendelson
At-Large Member of the Council	Anita Bonds
Councilmember Ward 1	Brianne Nadeau
Councilmember Ward 3	Matthew Frumin
Councilmember Ward 5	Zachary Parker
Councilmember Ward 6	Charles Allen

- Republican Party Results

Delegate to the House of Representatives	Nelson Rimensnyder
Mayor	Stacia Hall
Chair of the Council	Nate Derenge
At-Large Member of the Council	Giuseppe Niosi

Councilmember Ward 3
Councilmember Ward 5

David Krucoff
Clarence Lee, Jr.

- Libertarian Party Write-in Contest Winners

Delegate US House

Bruce Majors

Mayor

Dennis Sobin

Chair of Libertarian Party for DC

Bruce Majors

- Statehood Green Party Write-in Contest Winners

Delegate US House

Natale Stracuzzi

Chair of the Council

Darryl LC Moch

At-Large Councilmember

David Schwartzman

Councilmember Ward 1

Chris Otten

US Representative

Joyce Robinson-Paul

- **BOARD ACTION:** The Board unanimously certified the June 21, 2022 Primary Election results as presented by Executive Director Evans.

- **Primary Election Data**

- The June election had a voter turnout of 32.26%.
- The total number of ballots cast was 132,182.
- 409,677 voters were registered to vote in the Primary Election.
- BOE operated 39 early vote centers and 90 election day vote centers.
- 43,987 ballots were cast in person, which accounts for 33.28% of the ballots.
- 88,195 ballots were mailed in, which accounts for 66.72% of the ballots.
- Approximately 40,000 mail-in ballots were returned as undeliverable, and half of those will require address changes.

- **Primary Election Audit**

- The election audit was conducted on July 6 and 7, 2022. The results are posted on the website.

- **Communications**

- Every household was mailed a Voter Guide and three postcards.
- 2,841 TV advertisements were aired on 27 different stations.
- 219,919 30-second streaming and video advertisements were issued.
- 969 radio advertisements were aired on five stations.
- 13 advertisements were printed in five publications.
- 1,500 yard signs and 25,000 door hangers were distributed.

- **Voter Education and Outreach (VEOD)**

- During June, 10 outreach events were conducted.
- VEOD partnered with nine senior facilities to receive 147 ballots from residents.

- **Voter Registration Rolls**
 - In June, the Voter Services Division registered 3,139 voters and processed 5,125 registration changes. In total, we mailed out 8,264 registrations cards.
- **Online Voter Registration**
 - 14,000 applications were processed in June.
- **Redistricting**
 - BOE received the new Advisory Neighborhood Commission (ANC) and Single Member District (SMD) boundaries on June 16, 2022.
 - Voter addresses will be associated with the new boundaries prior to the date for ANC candidates to pick up their petitions.
- **General Election Planning**
 - Independent and minor party candidate nominating petition pick-up began on June 17, 2022.
 - ANC nominating petition pick up will begin on July 20, 2022.
 - Every registered voter will be mailed a ballot.
 - A proposed list of early vote centers, election day vote centers, and drop box locations will be posted on the website on July 15, 2022 for a public comment period that will end on August 19, 2022.
 - Election Worker training will begin in August with the goal to train 2,000 to 2,500 workers for the General Election.
- **Registrar of Voters**
 - The Registrar of Voters vacancy created by the recent retirement of Karen Brooks was filled in June by the appointment of Marissa Corrente.

DCBOE GENERAL COUNSEL'S JUNE 2022 REPORT (GENERAL COUNSEL STROUD)

- **Rulemaking to Title 3 of the DC Municipal Regulations**
 - Final Rulemaking on an emergency and proposed rulemaking published in the May 13, 2022 (69 DCR 5266) which proposed amendments to Title 3 DCMR, Chapters 7 and 8 to more accurately reflect the Board's current practices and procedures including with respect to eligibility of electors, ballot appeal rights, etc.
 - Emergency and Proposed Rulemaking to amend 3 DCMR, Chapter 7 to reflect methods by which ballots may be returned to the Board.
 - **BOARD ACTION:** Unanimously approved the motion for the final rulemaking and the emergency and proposed rulemaking to be submitted to the D.C. Register for publication.

○ **Litigation Status**

● **Jason Christopher Long v. D.C. Board of Elections**

- This matter was filed in D.C. Superior Court on July 2, 2021 and is a civil complaint seeking \$10,000 in damages. Mr. Long claims negligence and unjust enrichment, and alleges that the Board issued him a check without informing him not to deposit it, then had payment of the check stopped, causing him to have a negative balance and a returned check fee.
- At a June 17, 2022 status hearing, Mr. Long initially failed to appear and the Court dismissed for failure to prosecute. Mr. Long later arrived at the hearing and the Court reversed its dismissal and granted Mr. Long until August 12, 2022 to complete service.

● **Kathy Henderson v. D.C. Board of Elections**

- Kathy Henderson filed a Recall Petition against Sydelle Moore, Advisory Neighborhood Commissioner for Single-Member District 5D05. The petition was rejected due to an insufficient number of signatures.
- Ms. Henderson appealed the matter to the DC Court of Appeals (“DCCA”).
- In May, the Court ordered Ms. Henderson to file a brief on or before July 5, 2022. No brief was filed; and, on July 11, 2022, the Court ordered Ms. Henderson to submit her brief by August 1, 2022.

● **Public Interest Legal Foundation (PILF) v. Monica Evans**

- This matter was filed in the US District Court for the District of Columbia under the National Voter Registration Act (NVRA).
- The suit alleges that the Board is out of compliance with the NVRA’s public records provision.
- PILF requested records from the Board, and the request was denied due to the requested records not being subjected to public disclosure.
- The Office of the Attorney General (OAG) filed a motion to dismiss on February 3, 2022. The plaintiff filed a response on February 17, 2022. The OAG responded on March 17, 2022. There has been no further action in the matter.

● **Valerie Graham v. DC Board of Elections**

- On June 3, 2022, Graham filed a petition for review in the DCCA of the Board’s June 1, 2022 order denying her challenge to Ward 2 signatures on the petition submitted in support of Initiative Measure No. 82 (“I82”).
- On June 13, 2022, the I82 proposer moved to intervene. On June 15, 2022, OGC filed the agency record and a motion to dismiss or alternatively for summary affirmance.
- The DCCA has ordered: (1) Graham to file a motion for summary reversal and response to the pending motion to dismiss by July 5, 2022; (2) the Board to file a motion for summary affirmance and reply to the response to the motion to dismiss by August 1, 2022; and (3) Graham to respond to the motion for summary affirmance by August 8, 2022.

- **Valerie Graham et al. v. DC Board of Elections, et al.,**
 - This matter was filed on June 7, 2022, in the D.C. Superior Court following the issuance of the Board’s decision denying Valerie Graham’s challenge to the Ward 2 signatures on the petition submitted in support of I82. In Counts I-III, Graham raises the same claims she raises in her appeal to the DCCA. In Count IV, John Bagwell complains of the denial of his motion to intervene in the Board’s proceedings on the Graham challenge and the limits on his access to the petition and signature cards. In Count V, the No to I82 Committee complains that its right to have watchers was denied. Finally, DC Nightlife Council seeks review under the FOIA of the denial of I82 related information.
 - On June 15, 2022, OGC filed an expedited motion to dismiss Counts I-V. On June 28, 2022, Plaintiffs filed an amended complaint and a praecipe that alleged that the amendments to the complaint mooted the motion to dismiss. On July 5, 2022, OGC filed a reply in opposition to the praecipe’s claim. On July 8, 2022, Plaintiffs filed a motion to strike the Board’s reply and discovery requests.
 - On July 15, 2022, the Superior Court dismissed Counts I-V, leaving only D.C. Nightlife’s FOIA complaint.

- **Calvin Gurley v. D.C. Board of Elections**
 - On July 12, 2022, Mr. Gurley filed in the D.C. Superior Court a complaint pertaining to the signature requirements for independent and minor party candidates, dates for elections, dates on which nominating petitions become available and petition signature validity requirements.
 - The OAG will represent the Board in this matter.

- **Primary Election Certification**
 - The certification begins the period for seeking judicial review and recounts of the Primary Election results.

OFC JUNE 2022 REPORT (DIRECTOR COLLIER-MONTGOMERY)

- **Primary Election Site Visits**
 - Between June 13 and 19, 2022, OCF visited 22 early vote centers.
 - On Primary Election Day, OCF visited 31 election day vote centers.

- **State Campaign Finance Index for 2022**
 - On June 21, 2022, the Coalition for Integrity issued its State Campaign Finance Index for 2022 (see www.coalitionforintegrity.org), which rates the states and the District on their campaign finance programs. D.C. ranked 5 in the nation with a score of 78.27 (the highest rank went to Washington State with a score of 83.99).

- **Fair Elections Program (FEP) Division Report for June 2022**
 - During the 2022 election cycle, the FEP Division authorized \$11,247,945.60 for disbursement to 33 certified candidates (31 Primary Election and 2 General Election candidates).
 - No new candidates were certified in June.
 - 33 disbursements from the FEP fund were authorized in June.

- **Public Information and Records Management Division (PIRM)**
 - Two dates for filing Reports of Receipts and Expenditure (“R & E Reports”) occurred in June.
 - No new candidate committees registered in June.
 - In the Traditional Program, there are currently 59 candidates registered for the Primary Election and four for the General Election.
 - The FEP has 45 candidates registering: 39 for the Primary Election (31 of which have been certified); and 6 for the General Election (2 of which have been certified).

- **Reports Analysis and Audit Division (RAAD) Program**
 - On June 3, 2022, a Compliance Audit issued regarding the Metro DC Democratic Socialist of America Solidarity PAC.
 - On June 10, 2022, a Non-Compliance Audit issued regarding DC Statehood Green Party. The audit findings were referred to the OCF General Counsel on June 13, 2022.
 - There is currently one on-going audit of a January 31 R & E Report.

OCF GENERAL COUNSEL REPORT (GENERAL COUNSEL WILLIAM SANFORD)

- **Intake/Output Report**
 - 15 referrals for an informational hearing were received
 - Two informal hearings were held
 - Three orders were issued: two orders imposed no fines and one revoked FEP status for Sharece Crawford, candidate for At-Large Councilmember

- **Open Investigations**
 - One investigation was opened in response to a June 9, 2022 complaint by Zachary Sawyer against Brian for DC, a principal campaign committee, regarding coordination with an independent expenditure committee.

- **Interpretative Opinions**
 - NONE

- **Show Cause Proceedings**
 - NONE

PUBLIC MATTERS

- **Dorothy Brizill**
 - Stated that neither the meeting agenda nor a notice of a change in the meeting's start time from 11:00 am to 10:00 am were posted on the Board's website 48 hours in advance. She also stated that the Board failed to inform the public of their ability to observe the audit process in person and the location of where the audit was being conducted.
 - Response -- General Counsel Stroud stated that the Board posted an updated notice and agenda for the Board meeting on its website 48 hours in advance of the meeting. She also read the relevant portions of the press release announcing the audit, which stated that “[m]embers of the media and the public who would like to observe the manual audit may contact Nick Jacobs ... The audit will also be available remotely, and can be viewed using the following information[.]” GC Stroud explained that the referred to information was a Zoom link. Chair Thompson and Executive Director Evans assured Ms. Brizill that the Board would consider ways to improve its communication, including with respect to observation opportunities.

ADJOURNMENT (11:05 a.m.)