

MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING

February 5, 2025

The District of Columbia Board of Elections (“the Board” or “DCBOE”) held its Regular Monthly Meeting on Wednesday, February 5, 2025 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 Executive Director, Monica Holman Evans (“Director Evans”), General Counsel Terri Stroud, the Director of the Office of Campaign Finance (“OCF”), Cecily Collier-Montgomery, and OCF General Counsel, William SanFord, were also present.

I. CALL TO ORDER

Board Chair called the meeting to order at 10:34 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 and minutes from the last meeting held on January 15, 2025.

IV. DIRECTOR’S REPORT (DIRECTOR EVANS)

A. January Engagements

The Election Center organized the Joint Election Officials Liaison Committee Conference in Pentagon City from January 8 to January 10. Several members from our office participated in the conference. During this event, the Board hosted a tour of its offices for conference attendees, during which our staff provided insights into the unique aspects of the District of Columbia's election processes compared to other jurisdictions.

On January 16, Director Evans met with advocates of the Local Resident Voting Rights Amendment Act. They expressed concerns regarding the requirements of the current legislation. We are exploring the possibility of rulemaking and other adjustments to better align with the intended goals of the legislation.

B. Voter Registration Rolls

In January, the Board registered 2,500 new voters and processed 4,228 registration changes. In total, 6,728 voter registration cards were prepared to be mailed. 50 registered voters moved out of D.C., 180 voters canceled their D.C. registrations and registered with

other jurisdictions, and 869 voters registered in D.C. after canceling their registrations in other states.

We are continuing to register voters using our website portal. To date, we have processed over 95,915 applications using the portal, including new voter registrations and updates to existing registrations.

C. Local Resident Voting Rights Amendment Act

In January, no non-citizens registered to vote in local elections. Total non-citizen registration is at 980. Since the general election, there has been a noticeable decline in non-citizen registrations.

D. Restore the Vote Legislation

The Restore the Vote Division has finalized statistics from the general election. Previously, Director Evans reported that 1,173 DC residents in the Federal Bureau of Prisons were registered to vote, with 654 participating, marking a significant increase. Director Evans now reports that the Department of Corrections had 655 registered voters, with 544 casting their votes. This reflects an approximate 225% increase over the 2022 general election. Of the 544 votes from the Department of Corrections, 428 were cast in person, and 116 were submitted via mail-in ballots. The Department of Corrections' efforts are commendable; the number of in-person voters doubled compared to the previous election. Additionally, 172 individuals utilized same-day registration and voted immediately afterward. The Division is now focusing on collaborating with the Corrections Information Council ("CIC") to report various statistics and develop any necessary legislative recommendations as mandated by the Restore the Vote Act.

E. 2026 Election Planning

DCBOE is actively taking steps to fully implement new legislation ahead of the 2026 election cycle. This includes the Automatic Voter Registration Expansion Act. Additionally, we are exploring updates to the election worker training manual, developing the 2025 Voter Education and Outreach Plan, and assessing our strategy for vote center and mail ballot drop box locations. Furthermore, we plan to convene all our vendors to develop a strategy for conducting a mock election later this year.

F. List Maintenance

Our data team will continue to focus on key tasks such as identifying registrants who have moved, whether in-state or out-of-state, verifying deceased individuals, addressing duplicate records, and identifying ineligible and active voters. We are collaborating with the Electronic Registration Information Center ("ERIC"), the Department of Motor Vehicles, the U.S. Postal Service, and the Department of Health Vital Records to verify and cross-check data, ensuring the accuracy of the voter registration database.

G. Biennial Mail Canvas

DCBOE is conducting our biennial mail canvas to confirm the residential addresses of eligible voters who did not participate in the 2024 presidential election. This process involves mailing a first-class, non-forwardable canvas postcard to the mailing addresses listed in our records. We are in the final stages of preparing the address confirmation postcards and plan to mail approximately 135,000 canvas postcards in February. The cards will be sent to our vendor next week.

H. Technology and Cybersecurity

We are actively assessing our technology infrastructure to identify necessary replacements or upgrades to ensure readiness for the next election cycle. In collaboration with our election partners, we are conducting a nationwide cybersecurity risk assessment to evaluate our current environment. Following the assessment, we will receive a customized report with recommendations to strengthen our threat environment.

I. Voter Education and Outreach

During the month of January, the Voter Education and Outreach Division participated in two events on behalf of the agency. These events included the Naturalization Ceremony at the U.S. District Court and a Day of Action with the American Association of People with Disabilities.

J. Election Worker Division

DCBOE is reviewing feedback from site coordinators and analyzing takeaways from the 2024 election cycle. In response, we are exploring updates to election worker recruitment and training. Our materials are also being updated based on feedback and new legislation.

K. ANC Vacancies

There are currently 21 ANC vacancies for this term, with these positions at various stages of being filled. Once the candidate filing requirements are satisfied, an open vote by registered voters of the affected SMD will take place during the regularly scheduled ANC meetings.

L. Special Election

DCBOE has been addressing inquiries and providing information regarding the possibility of a special election. Yesterday, the DC Council voted to expel the Ward Eight council member. Once we receive the expulsion resolution from the Council, we will take steps to certify a vacancy at our meeting scheduled for Friday, February 14.

V. GENERAL COUNSEL'S REPORT (TERRI STROUD)

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

1. Proposed Rulemaking
 - a) Chapter 5
 - i. The purpose of the amendment is to include tuition and housing statements from District of Columbia colleges and universities as valid and acceptable proof of residence.

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

B. Litigation Status

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

This is an appeal from the U.S. District Court’s denial of the appellant's challenge to legislation allowing non-citizens to vote in local elections. The Solicitor General's cross-appeal reply is due on February 19, 2025. There has been no new activity in this matter since the Board’s January 15, 2025 meeting.

2. Charles Wilson v. Muriel Bowser, et al. (D.C. Court of Appeals)

This case involves an appeal from the D.C. Superior Court’s denial of the appellant's challenge to Initiative Measure No. 83 on the grounds that it was untimely filed. This matter has been fully briefed. There has been no new activity since the Board's January 15, 2025 meeting.

3. Jason Christopher Long v. D.C. Board of Elections (U.S. District Court for D.C.)

This is the resubmission of a case previously dismissed without prejudice. Mr. Long seeks \$10,000 in damages for an overdraft fee caused by a stop payment on a \$500 check issued for his service as an election worker. On November 26, 2024, Mr. Long requested the case be removed to federal court, claiming procedural violations. The removed action is pending in the District Court. There has been no new activity since the Board's January 15, 2025 meeting.

4. Deirdre Brown vs. D.C. Board of Elections (D.C. Court of Appeals)

This matter involves the review of the Board’s certification of Initiative Measure No. 83. This matter has been fully briefed. There has been no new activity since the Board's January 15, 2025 meeting.

5. Calvin Gurley vs. D.C. Board of Elections (D.C. Superior Court)

On November 18, 2024, Mr. Gurley filed a complaint challenging Initiative Measure No. 83 on various grounds. There has been no new activity since the Board's January 15, 2025 meeting.

6. Jeffrey Young-Bey vs. D.C. Board of Elections (D.C. Court of Appeals)

On November 18, 2024, Young-Bey, an inmate at the DC Department of Corrections, filed a *pro se* action in the D.C. Court of Appeals in which he sought to challenge the outcome of the 2024 general election concerning the ANC SMD 7F08 seat. On January 15, the court denied the Office of General Counsel’s request for reconsideration of the case due to a timing issue and also denied a rehearing request from Young-Bey. The court previously ruled in the board’s favor on the merits. This case is now closed.

7. Sobin v. D.C. Board of Elections (D.C. Court of Appeals)

Dennis Sobin petitioned to overturn the 2024 election results in the ANC SMD 2A09 contest. On January 15, 2025 the court denied Sobin’s request for rehearing as well as the General Counsel’s motion for leave to oppose and file a response to Sobin’s request for rehearing. The case was dismissed, and this matter is now closed.

8. Sobin v. D.C. Board of Elections (U.S. District Court for D.C.)

Sobin filed a complaint alleging that the petition circulation process requiring candidates to gather signatures and support of their ballot access efforts violates the Americans with Disabilities Act. There has been no new activity since the Board's January 15, 2025 Meeting.

VI. CAMPAIGN FINANCE REPORT (CECILY COLLIER-MONTGOMERY)

A. Office of the Director

1. The full report of the January 2025 activities of the OCF will be posted at ocf.dc.gov.
2. On January 28, 2025, the DC Auditor issued a report detailing the status as of December 31, 2024 regarding the recommendations made in its January 31, 2022 final audit report for several entities of the District government, including the Office of Campaign Finance. As mandated by the Fair Elections Act, the DC Auditor conducted an audit of the Fair Elections Program following its first cycle of administration. The audit found that, overall, the Fair Elections Program was well-managed, though there was room for improvement, leading to 11 recommendations. In the most recent report, the Auditor noted that six of the 11 recommendations have been fully implemented, while five are still in progress. The report is currently under review, and OCF intends to fully comply with the Auditor's findings.

B. Fair Elections Program (“FEP”) Division

1. Authorized Base Amount

a) 2024 Election Cycle

There were 20 certified participating candidates in the FEP. OCF has authorized the disbursement of the total sum of \$2,830,041.15 from the FEP fund in base amount and matching payments. The 2024 election cycle closed on November 5, 2024.

2. Candidates Certified/Disbursements Made During the Month of January for the 2026 Election

There were no new candidates certified in the FEP for the 2026 election cycle, and no disbursements were authorized.

3. Desk Reviews and Other Activities

There were 34 desk reviews of Amended Reports of Receipts and Expenditures (“R & E Reports”) and 16 Requests for Additional Information (“RFAI”) letters were issued.

4. 2022 Post-Election Full Field Audits

OCF has been conducting ongoing post-election full field audits for the 2022 election cycle. A total of 42 post-election audit letters were issued to candidates certified to participate in the June 21, 2022 primary election and the November 8, 2022 general election. These audits were initiated in March 2023.

To date, the FEP has completed 26 final audit reports for the 2022 election cycle. Among these, a compliance audit report for the Brian Schwalb, Brian for DC Principal Campaign Committee was issued on January 14, 2025.

C. Public Information and Records Management (“PIRM”) Division

1. R&E Reports

There were two filing dates for R&E Reports in January: January 1 for the Constituent Service and the Statehood Fund Programs and January 31 for Political Action Committees, and Principal Campaign Committees.

2. New Candidates/Committees

a) Traditional Campaign Finance Program (“TCFP”) Candidates

- i. Office of Mayor - Nicholas Dorsey

b) Committee Registration

- i. Committee to Recall DC Attorney General Brian Schwalb

D. Reports Analysis and Audit Division (“RAAD”)

1. Desk Reviews and Other Activities

- a) 26 desk reviews of R&E Reports were conducted and 9 RFAI letters were sent.

2. Audits Initiated

- a) The audits of newly elected officials who participated in the 2024 election cycle were begun; these audits include the following committees: Re-Elect Trayon White 2024, Jacque for DC 2024, T. Michelle Colson, SBOE Ward 4, and Re-Elect Eboni-Rose for Ward 7.

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

1. Monthly Intake/Output Report

During January, OGC received 29 referrals, completed 12 informal hearings, and issued 12 orders. In three orders, no fines were imposed and nine orders imposed fines of \$2,000 against the principal campaign committee McDuffie 22, \$2,700 against the Friends of VJ4 Ward 4, \$2,050 against Our Friend Brandon Douglass, \$800 against Ward Seven Democrats, \$1,475 and \$2,000 against Robert for DC, \$1,500 against Team Michelle Colson for SBOE, and \$1,400 and \$750 against Jacque 4 DC 2024.

2. Request for Interpretive Opinions

In January 2025, there was one request for an interpretative opinion, docketed as number 2025-01. The request concerned whether the prohibitions regarding the use of government resources apply to a recall measure related to pending litigation involving the Office of the Attorney General of the District of Columbia. This matter was docketed on January 24, 2025, and the opinion was issued on January 27, 2025. The Office of the General Counsel concluded that, given the context of this recall measure, the provisions did not apply to the Office of the Attorney General.

3. Open Investigations

None.

4. Show Cause Proceedings

None.

VII. PUBLIC COMMENT

No public comments were made.

VIII. ADJOURNMENT

The meeting was adjourned at 11:03 a.m.