

**MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
June 20, 2023**

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Tuesday, June 20, 2023 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 J.C. Boggs 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’s General Counsel, William SanFord, were also present.

CALL TO ORDER (10:38 a.m.)

ASCERTAINMENT OF QUORUM

- Board Chair Thompson and Board Members Greenfield and Boggs 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 May 3, 2023.

BOARD MATTERS

- The Make All Votes Count Act of 2024 initiative proper subject hearing will be held on July 18, 2023 due to the withdrawal and resubmission of the measure on June 16, 2023.
- The notice of the July 18, 2023 public hearing will be submitted to the DC Register for publication in the June 30, 2023 edition.
- Proposed testimony will be accepted until July 13, 2023 at 4:45 p.m.
- Director Evans testified before a Joint U.S. House of Representatives Oversight & Administration Hearing along with three other individuals on June 7, 2023. For the record, the Board Chair praised Director Evans’ representation of the Board at the hearing.

DCBOE EXECUTIVE DIRECTOR’S MAY 2023 REPORT (EXECUTIVE DIRECTOR EVANS)

- **Budget Oversight Hearing**
 - As indicated during the budget oversight hearing, the Board is currently finalizing proposed precinct boundaries that will divide the District into appropriate voting precincts based on election wards. Results will be posted for review.
- **ANC Vacancies**
 - There are 13 Advisory Neighborhood Commission (“ANC”) vacancies for the 2023-2025 term, all of which are in different stages of being filled. After candidate filing requirements are met, an open vote of registered voters within the affected single

member districts (“SMDs”) will be held during regularly scheduled ANC meetings.

○ **2023 Next Steps/Off-Election Year Planning**

- The requirements for the Elections Modernization Amendment Act (“EMA”) and the Local Resident Voting Rights Amendment Act (“LRVR”) are being reviewed to ensure the Board’s compliance.
- The Board is in talks with its voter registration database vendor, VR Systems, regarding the data visualization interface that the EMA requires be included on the Board’s website.
- Brochure revisions are currently in process. So far, brochures have been drafted for Voting, the District of Columbia Voting Guide for Incarcerated Citizens, Guide for Returning Citizens, High School and College Students Voting Guides, Student Election Worker, and Conducting a Voter Registration Drive.
- Brochures used to assist with outreach to non-citizens in the District of Columbia are also being crafted.
- The Board is updating the Election Worker Training Manual, developing the 2024 Voter Education and Outreach Plan, and assessing our Vote Center and Mail Ballot Drop Box locations plan.
- Dropbox locations will be posted this summer for public comment.
- Although the Board is an ERIC member, it has also joined a cross-state data working group to explore ways to share voter history and address cross-state voter fraud.
- The Board is engaged in conversations with Maryland, Virginia, and North Carolina to discuss the best ways to share data and update information outside of ERIC.
- Detailed information regarding the 2024 election planning will be conveyed during a roundtable before Councilmember Bonds that will be held on Monday, June 26, 2023.

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

- During May, eight outreach events were conducted, including voter registration drives at the Senior Fest in Ward 8 and Bread for the City.
- VEOD formed a new community partnership with DC Greens, an organization that seeks to build a more resilient food system in the District.
- VEOD is preparing a voter education/outreach strategy to be used in the implementation of the LRVR.

○ **Voter Registration Rolls**

- In May, the Voter Services Division registered 1,172 new voters and processed 2,093 registration changes.
- In total, 3,265 voter registration cards have been prepared for mailing.
- 30 registered voters moved out of D.C.
- 1,197 voters registered moved into D.C.
- 20 voters canceled their D.C. registrations and registered with other jurisdictions.

- **Online Voter Registration**
 - 35,515 applications have been processed to date.

DCBOE GENERAL COUNSEL’S MAY 2023 REPORT (GENERAL COUNSEL STROUD)

- **Rulemaking to Title 3 (Elections and Ethics) of the D.C. Municipal Regulations**
 - Proposed Rulemaking
 - Chapters 1-2, 5-19, and 99 of Title 3 of the DC Municipal Regulations are proposed to be amended to have them conform with the EMA, and to make non-substantive housekeeping updates to terminology and corrections for typographical errors.
 - **BOARD ACTION:** Voted unanimously for the proposed rulemaking to be submitted to the D.C. Register for the June 30, 2023 publication.
- **Litigation Status**
 - **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.
 - In February 2022, the OAG filed a motion to dismiss which was denied on April 10, 2023.
 - Judge Reyes issued an order directing the parties to file a joint status report to update the court on any developments, including settlement discussions, and to propose a briefing schedule that would address the refiling of motions. That status report was timely filed and was followed by a status conference at which the judge directed the parties to file an updated status report that is due on today.
 - **Petitions for Enforcement of OCF Orders**
 - The next two matters involve petitions for enforcement of OCF Orders imposing fines for failure to timely file the January 31, 2021 Report of Receipts and Expenditures (“R & E Report”).
 - At its January 2023 meeting, the Board authorized its Office of General Counsel to file the petitions in D.C. Superior Court.
 - **D.C. Board of Election v. Lamont Harrell**
 - This matter was filed in D.C. Superior Court on February 15, 2023.
 - A show cause hearing was held on March 17, 2023 before Judge Dixon and was continued to April 4, 2023 to allow the Board additional time to pursue service of the defendant.
 - On April 4, 2023, the Court continued the matter to July 5, 2023 to allow the Board additional time to pursue service.

- **D.C. Board of Elections v. Jacques Patterson**
 - This matter was filed in D.C. Superior Court on January 25, 2023.
 - An initial status hearing was scheduled for May 19, 2023. Following a discussion on the record, Judge Dayson granted the Board’s petition for enforcement.
- **Stacia Hall, et al., v. D.C. Board of Elections (D.C. Superior Court)**
 - On March 14, 2023, the plaintiffs filed a challenge to the LRVR in D.C. Superior Court.
 - The challenge alleges that the Constitution precludes non-citizens from being voters.
 - On May 4, 2023, ahead of the initial status conference scheduled for June 23, 2023, the OAG removed the case to the US District Court for the District of Columbia.
- **Stacia Hall, et al., v. D.C. Board of Elections (U.S. Dist. Ct. for D.C.)**
 - On June 7, 2023, the OAG filed a motion dismiss the complaint in the above-removed case.
 - The case is currently awaiting the court’s decision.

OCF MAY 2023 REPORT (DIRECTOR COLLIER-MONTGOMERY)

- **Community Outreach**
 - OCF presented at four ANC meetings and a branch of the District of Columbia Public Library:
 - ANC8E – May 1
 - ANC6E – May 2
 - ANC7D – May 9
 - ANC3F – May 16
 - Anacostia Neighborhood Library – May 17
- **Fair Elections Program (FEP) Division Report for May 2023**
 - A total sum of \$13,557,106.70 has been authorized for disbursement from the FEP Fund in base amounts and matching payments to the 42 candidates certified in the FEP to participate in the June 21, 2022 Primary Election and in the November 8, 2022 General Election.
 - Two candidates have registered for the FEP with respect to the 2024 election cycle, and one, Salim Adofo, candidate for Ward 8 Member of the Council (Friends of Salim Adofo), has been certified and has received \$76,244.40 from the FEP Fund.
 - All names are listed on the OCF website.
- **Desk Reviews and Other Activities**

- The FEP Division conducted 36 desk reviews of Reports of Receipts and Expenditures (“R & E Reports”) and amended R & E Reports.
 - Seven request for additional information (“RFAI”) letters were sent.
- **Remitted Funds**
 - As of May 31, 2023, the total sum of \$686,433.82 has been remitted back to the FEP fund from candidates who were certified to participate in the 2022 election cycle.
- **Ongoing 2020 Post-Election Full Field Audits**
 - There are currently 16 post-election audits in process.
 - The details of those audits are listed on the OCF website.
 - 18 final audit reports have been issued for post-election audits initiated for the 2020 election cycle.
- **Ongoing 2022 Post-Election Full Field Audits**
 - Seven preliminary audit findings reports and three final audit reports were issued in May 2023. The three final audit reports were issued to:
 - Beau Finely for Ward 3 (issued on May 2, 2023)
 - Elissa for DC (issued on May 14, 2023)
 - Ryan Jones for AG (issued on May 16, 2023)
- **Public Information and Records Management Division (PIRM)**
 - There were no due dates for the filing of R & E Reports during May 2023.
- **New Candidate/Committees**
 - Traditional Campaign Finance Program (“TCFP”)
 - Candidate Committee
 - Brandaun Douglass – U.S. Shadow Representative, registered May 26, 2023
 - Initiative Committee
 - Make All Votes Count D.C. - Phillip E. Pannell (treasurer), registered May 17, 2023
- **Mandatory Training Program for Candidates and Treasurers**
 - Ebbon Allen, candidate for Ward 7 City Council
 - Nia M. Thomas, treasurer, Friends of Ebbon Allen
- **Reports Analysis and Audit Division (RAAD) Program**
 - Conducted 17 reviews of R & E Reports during May 2023
 - One RFAI letter was sent
 - **Audits Issued**
 - Eric Goulet - State Board of Education (issued on May 26, 2023)
 - **Ongoing Audits**
 - Mendelson for Chairman 2022

- Kenyan McDuffie 2022
 - Status of audits can be location on OCF website.

OCF MAY 2023 GENERAL COUNSEL REPORT (GENERAL COUNSEL WILLIAM SANFORD)

- **Intake/Output Report**
 - OGC received two referrals from PIRM.
 - Six informal hearings were held and 6 orders were issued:
 - Three orders were issued in which a total of \$3,000 in fines was imposed:
 - Capital Stonewall Democratic PAC - \$1000
 - Partisans for Ward 8 - \$1000
 - Partisans for Ward 8 - \$1000
 - Three orders were issued in which no fines were imposed.
- **Open Investigations**
 - NONE
- **Interpretative Opinions**
 - NONE
- **Show Cause Proceedings**
 - NONE

PUBLIC MATTERS

- The discussion in the public matters portion of the meeting can be found on pages 43-69 transcript for this hearing.

ADJOURNMENT (11:54 a.m.)