

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

WEDNESDAY,
JANUARY 12, 2022

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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
MIKE GILL, Member
KARYN GREENFIELD, Member

BOARD OF ELECTIONS STAFF PRESENT:

MONICA HOLMAN EVANS, Director
TERRI STROUD, General Counsel
CECILY COLLIER-MONTGOMERY, Office of
Campaign Finance
WILLIAM SANFORD, General Counsel

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

(10:42 a.m.)

CHAIR THOMPSON: Good morning, everybody. Hello. My name is Gary Thompson. I am the new Chair of the Board of Elections, and I'm really, really pleased and excited to be here.

It's now 10:42 a.m. on January 12th, and I'd like to call this meeting to order.

The meeting is being recorded here on Zoom, and I believe we also have a court reporter present. Is that right? Looks like it.

And, you know, especially welcome to all of you, the members of the public who are here for today's meeting.

I'll make a brief opening introductory statement, but first let me make sure we do have a quorum. Let me make sure first we have a quorum.

If two other members of the Board could please introduce themselves and make sure we're all present.

Mike, you're unmuted. Mike Gill.

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MEMBER GILL: It looks like Karyn is on mute. So this is Mike Gill, and I am present through video.

CHAIR THOMPSON: All right. Karyn? Trying to unmute. She is here, we can see.

MEMBER GREENFIELD: Okay. Sorry. It wouldn't let me unmute myself. I'm here.

CHAIR THOMPSON: Okay. So we have -- we're three for three. We have a full quorum. I think it has been several months with Mike Gill and Karyn Greenfield conducting these meetings. So, first, thank you so much for steering the Board along through the last several months. I think you've been taking turns cheering.

You know, in terms of my opening statement, I'll be brief, you know, and start by thanking Mayor Bowser for nominating me. A couple months ago, one day I was mowing my grass and I got a call from someone asking if I would be interested. And, you know, I was interested and I started to read, and the more I read and the more

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I got up to speed, the more I felt like I could make a contribution here.

I also want to thank the D.C. Council for their consent to the nomination, especially Charles Allen and his staff, through their Committee on the Judiciary that, you know, led the vetting and talked to me about the process.

So, you know, thank you to all of them, and especially thank you to Executive Director Monica Holman Evans and General Counsel Terri Stroud for welcoming me, getting me information, helping me get up to speed, and also to Alice Miller and Cecily Collier-Montgomery, and a whole lot of other people for taking some time to chat with me and help me make sure I knew what I was getting into. I think I do.

And, you know, in terms of the substance of what we do on the Board of Elections, you know, I'm really -- really, I'd like to contribute to the mission, and I like mission statements and I think we've got a good one, which is to enfranchise

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eligible residents, conduct elections, and ensure the integrity of the electoral process.

And a whole lot of detail to that, a whole lot of laws and regulations, but I always try to keep in mind, you know, the broader mission.

I=ve done a lot of reading about elections lately.

There=s a lot in the news, especially this week, about the election process all across the country.

And it=s interesting to read about, but what I=ve learned preparing for this and moving forward is, you know, in D.C., we=ve got an excellent set of values about our elections. I think what we share in common is -- and this is something that is my philosophy, is we want to register as many voters as possible.

We want to engage in as much outreach as possible, fulfill the voter registration rolls with the highest percentage that we can obtain of eligible voters to get out and vote. And that starts all the way down at the high school level with pre-registration, you know, and through --

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anybody that moves to D.C. is welcome. We want them to register immediately. That=s a fabulous effort.

And then, once people are registered, we want to make it as easy as possible for everybody who is eligible to vote, and to do that through as many reasonable and practical means as possible, whether that includes in-person voting, early voting, absentee voting, mailed ballots. All of the above is my own philosophy, and I am pleased to see that=s really where we are in D.C.

And, you know, thanks to the BOE=s staff, led by Executive Director Monica Holman Evans, you know, we are at the forefront of election agencies around the country in that regard.

Our news is we support the vote, we cherish the vote, we expand the vote, and we want to keep the doors as wide open as possible for everyone to vote. And I think maybe today more than ever that stands in contrast with what=s happening in other parts of the country.

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But I'm not so concerned about right now -- I mean, what's happening in other parts of the country and at the federal level will work itself out, but here in our city, you know, we are treating -- we are respecting the vote, and that's our mission.

You know, there's a lot of detail to that. There's quite a lot to work out at the forefront, the vanguard, which is where we are, on how we get through changes. There's a lot of changes.

You know, in my 30-something years in the District I've seen all of those changes. You know, once upon a time, you could only vote on one day, and you had to go there to your precinct, and only that precinct, and fill out a ballot by hand.

So, you know, I've seen all of those changes in my adult life as a D.C. voter, and I'm really excited about where we are now.

And I'm really excited to dive in and talk about how we can continue to make the vote

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accessible to everybody through as many means as possible, physically through language barriers. Whatever the barriers are, we want to shatter the barriers, eliminate the barriers, and keep the vote open.

So those are my introductory comments, just to kind of start to give people a sense of who I am and what is my philosophy.

I'm also a lawyer. I'm very driven by laws and regulations and very process-oriented. So I have a high degree of respect for our parameters as a Board, what the D.C. election laws and regulations tell us we can and can't do, or where we have discretion what is our process, including the adjudicatory functions.

I will always have a high degree of respect for that process, those procedures, and, you know, how we should conduct ourselves.

But with that introduction, I guess we'll dive in. And I guess my first sort of formal motion as a Board member, a very unexciting one,

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is to adopt the minutes from the last meeting.
Always the first agenda item at any meeting.

MEMBER GILL: I=ll second.

CHAIR THOMPSON: Okay. And we=ve all received a copy of those minutes from the December 8th, 2021, meeting that cites what happened at the meeting and the Director=s reports. I=m going to abstain I guess because I wasn=t at the meeting, which is appropriate for me to do.

But the motion having been made and seconded, all in favor of adopting those minutes?

(Chorus of ayes.)

CHAIR THOMPSON: Okay. That=s two in favor and one abstention. The minutes passed.

All right. Let see, so next -- before we get to Director's report, I think it=s time for Board matters. So, I guess Board matters, here at the outset of the meeting, is, you know, an opportunity for Board members to comment on pending matters.

MEMBER GREENFIELD: Mr. Thompson, I=m

sorry to interrupt, but we have the matter of the adoption of the agenda.

CHAIR THOMPSON: Oh, I -- okay. Excellent point. We've all received an agenda, pretty straightforward. Obviously, everything I just mentioned, including Board matters, and then reports from the Executive Director, the General Counsel, and Campaign Finance report, from Director Collier-Montgomery, and then public matters.

I would move the agenda.

MEMBER GREENFIELD: I second.

CHAIR THOMPSON: All in favor?

(Chorus of ayes.)

CHAIR THOMPSON: And I'll just say that there is a segment after the -- after the Director's reports for public comment, and I want to say how important that is.

I see there's a number of people here by Zoom. Thank you again for attending. We want to hear from you. We want public comment. It's highly valued. And, you know, I would love it if

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attendance at BOE meetings went up. We want more public participation, more public comment, and I promise that we'll -- you know, we'll always listen and take that into account, and it will impact our thinking, our decisions, and any -- subject to review the next agenda as well, if something comes up that, you know, is obvious that should be addressed at the Board level.

So with that, turning to Board matters, I -- it's my first meeting. I don't have any -- anything to add, so I guess I'll turn to Mike Gill for any comments he would like to make.

MEMBER GILL: Thanks, Gary, and welcome. You're -- we're excited to have you here.

We're exciting to have a Chairman. We're excited to turn over the duties of running the minutes and everything else to you.

And I will just echo your comments. It is a really great staff. It's a great agency.

Tremendous strides have been made over the last couple of years in all of the areas in terms of

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voter outreach and getting more folks, you know, the ability to register and to get out and vote.

So really good news there.

So segueing -- and my Board matters is I want to make a comment for the minutes in terms of the mail voting. And Terri will get the nomenclature correct, but it=s my understanding that through the Mayor=s Contingency Fund we have received the funding that was requested last year in testimony for conducting mail voting.

My concern, for the record, is I think that this decision really should come from either public referendum initiative or through the Council and the Mayor and not through simply a request for funding that has been -- that has been basically accepted and granted by the Council and the Mayor.

I feel like it=s on them as the elected officials to sort of weigh in on these changes. And so I don=t like the way we=ve come to mail voting, but I want to separate -- I don=t like the way we=ve come to it from the success we had. And

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it was very popular; it worked very, very well. The states that do this and have been doing it for a while have seen increases in voter participation, which is all good, and I support all that.

I'm just concerned that we haven't had any sort of, you know, affirmative action from the Council and the Mayor to support what is going on in terms of mail voting. And I think that, in the end, we're going to wish we had that.

I know there is a bill that is making its way through the Council. I don't know if -- I don't think it's necessary, but they obviously have proposed it. What I think is necessarily is the -- you know, some sort of public input that shows that we are expanding the system.

And so that's all I want to say for Board matters.

MEMBER GREENFIELD: Okay. First of all, welcome, Gary. Thank you. I think Mike and I were going to try to figure out how we could continue on when it was just the two of us. I also

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want to thank Mike for working with me as we tag teamed chairing the meetings and getting everything done until we actually got a Chair and a third person, because this is a very small Board meeting.

I am very supportive of mail voting.

It does make a lot of things easier, and especially not just for people who travel or move but also for seniors. And I think we do need to have some further discussions.

I'm not necessarily sure whether a bill or litigation -- not litigation -- legislation is required. I want to make it clear that the Board does have the authority to do this, and we do want to make sure, though, that we're transparent and that we communicate out to everybody, to the public, and I think they've done it.

They've had some town halls, but we need to continue to do that, not just on mail voting but how we're going to run the election the next time. And I know the Board is putting together their plan and making sure everybody is aware.

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The goal at the end of the day is what you've talked about, Gary, is to make it easy for everyone to vote however they decide or that they need to vote, but also making sure we maintain the integrity of our system overall and the trust in our system.

And I think the team did a very good job last year, especially in November where we had to -- we didn't have a lot of time to make some decisions on how we were going to do things, and it did end up working out very well.

So that's all I have to say.

MEMBER GILL: Looks like Gary has been muted.

MEMBER GREENFIELD: Oh.

MEMBER GILL: Someone muted him.

MEMBER GREENFIELD: Yeah.

MEMBER GILL: I guess I'll also -- for Board matters --

MEMBER GREENFIELD: There he is.

MEMBER GILL: -- I look forward to us

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doing this in person.

MEMBER GREENFIELD: Yeah. Me, too.

CHAIR THOMPSON: Thank you. I didn't realize once you mute you can't unmute yourself.

That's a good rule with a lot of participants. Especially if we have a lot more in the future, it will be important.

So, yeah, thank you. You know, we're still in the middle of a pandemic, obviously, and, you know, that was a fabulous development last fall for the mailed ballots to be issued. And there seems to be a strong sense of support for that to continue. In fact, as mentioned, the D.C. Council has a pending bill that would make that requirement, not just discretionary on the BOE's part but required going forward.

And, you know, as always, we welcome D.C. Council guidance and direction. If that bill passes, among other measures in it, it makes the BOE's job easier because there is a clear, unmistakable set of directions from the Council

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about what we must do.

In the meantime, in the realm of discretion, it appears to me from my review that BOE has the discretion to proceed with mailed ballots, but, you know, we'll watch that legislation closely that I think Council Member Allen is sponsoring, see if it moves along.

But otherwise, if it doesn't move along, be prepared to put out amongst ourselves what is our discretion and how we -- how should we exercise it to achieve the broader mission that Karyn underscored.

Okay. Any other Board matters that, Mike or Karyn, you want to raise, or should we proceed with reports?

Okay. Yeah. Moving on, then, to the Executive Director's report from Director Holman Evans from the BOE. Please proceed.

MS. HOLMAN EVANS: Thank you, and good morning. Before I begin, I would like to officially welcome our new Board Chair, Gary

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Thompson. We are very excited you're on board. Looking forward to working with you.

At this point, I can just say buckle up because I think we're in store for a very exciting election season. So, again, welcome.

I will begin with BOE operations and just note that due to the recent COVID surge we have had to modify our operating status. Until further notice, our offices are open by appointment only, and this will help us limit the number of people in our office at any given time.

Petition pickup begins January 28th, and in addition to scheduling an appointment, petitions will also be available online. Appointments can be made by calling our main number, (202) 727-2525.

As far as our Voter Focus voter registration system, we are still tweaking the new system and identifying enhancements. Even though Voter Focus is fully operational, the Integrity system is still functioning to allow us to conduct

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parallel testing and reviews to ensure Voter Focus is producing accurate data and reports.

We plan to maintain the Integrity system through the end of March just to ensure that there are no glitches, but to date all testing has yielded correct information.

Voter outreach. During the month of December, the Voter Education and Outreach Division participated in many outreach events on behalf of the agency. Overall, we participated in 12 formal outreach events, and five of these events were held in Wards 7 and 8.

Vote registration. We are currently processing new registrations in Voter Focus and producing registration reports. In December, we registered 2,877 new voters and processed 3,392 address changes. In total, we mailed 6,269 voter cards.

Election worker training. We are currently working with our vendor to develop content for our online training component for

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election workers. The vendor was onsite during the month of December. The online training will complement the mandatory four-hour in-person training class.

As previously mentioned, online training component will be available for any election worker as a refresher to the in-person training.

Elections Modernization Amendment Act of 2021. On January 6th, I testified at a hearing for the Elections Modernization Act. The legislation introduced by Council Member Allen is co-sponsored by a majority of the Council.

As quoted in the introductory letter to the legislation, and I do quote, AIn 2020, the District navigated many unprecedented challenges created by the COVID-19 pandemic, including safely ensuring access to the polls.

AThe Board of Elections, or Board, pivoted to offer innovative, hybrid, mail-in and in-person elections, which entailed sending voters

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mail-in ballots using ballot drop boxes and making in-person voting available during early voting and on election day at vote centers. Polling places opened to voters regardless of their residential precinct.

And due to these approaches, the District was able to hold safe and secure elections during the public health emergency. This legislation would make the most successful approaches from the 2020 election cycle permanent.

Most importantly, the bill requires the Board to mail every voter a mail-in ballot with a postage-paid envelope and provide an alternative for voters with disabilities.

As usual, we take no position on specific legislation. However, I did provide a commentary regarding the impact the legislation would have on the Board.

As you can see, the Board's actions are aligned with what we have received from the Council and the public. We also held town hall meetings

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to ascertain the pleasure of voters, and we continue to move forward with complete transparency.

And that concludes my report.

CHAIR THOMPSON: All right. Thank you so much. Anybody have any questions from the Board? Mike or Karyn?

Okay. General Counsel, Terri Stroud.

MS. STROUD: Good morning, everyone. Good morning, Board members, fellow staff members, the public. And welcome, Chairman Thompson.

I just want to state for the record that, you know, we met with him initially when he came to visit our offices, and, you know, we thought that we were going to be informing Gary about our programs and stuff, and talk a little about the law.

And he came in with a binder with the statute and the regulations all tabbed, ready to go. So welcome, Gary, and I look forward to working with you. This is the infamous binder.

Okay. So the only item I have on my

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agenda is litigation status. The Board has three active cases. Long versus the D.C. Board of Elections. This matter was filed in D.C. Superior Court, and it=s a civil complaint.

CHAIR THOMPSON: Terri, I think we lost you.

MS. STROUD: Hello? Okay.

CHAIR THOMPSON: Now you=re back.

MS. STROUD: I=ll start -- I hope everyone heard the wonderful things I said about our Chair. No?

CHAIR THOMPSON: No.

MS. STROUD: Okay. Long v. Board, the matter was filed in D.C. Superior Court. The plaintiff claims negligence and unjust enrichment and alleges that the Board issued 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.

The Office of Finance and Resource Management was responsible for the issuing of poll

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worker checks, and so the Board is being represented by the Office of the Attorney General, which represents OFRM.

The matter -- there was an initial hearing in the matter in August of 2021, and that matter has been continued to February of this year.

The second matter is Henderson versus the Board. Kathy Henderson filed a recall petition against Seidel Moore, Advisory Neighborhood Commissioner for Single Member District 5D05. The petition was rejected pursuant to a Board order due to an insufficient number of signatures, and Ms. Henderson has appealed the matter to the D.C. Court of Appeals, and we are awaiting a briefing schedule in this matter.

The final matter is Public Interest Legal Foundation, or PILF, versus Monica Evans in her official capacity as the Executive Director of the Board. This matter was filed in the District=s Federal District Court under the National Voter Registration Act.

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The suit alleges that the Board's decision not to release requested documents violates the National Voter Registration Act's public records disclosure provision. The Board is being assisted by the Office of Attorney General, and the responsive pleading, which we are jointly working on, is due on February 4th of this year.

And that concludes the litigation status and my report. I am happy to answer any questions the Board may have.

CHAIR THOMPSON: Okay. Hearing no questions, before we turn to Campaign Finance report, you know, I just want to say -- and I said this to Director Cecily Collier-Montgomery, you know, I read in great detail about the new federal elections program, and it's just so impressive how it is coming together. This is no small task.

You know, I know we've been through one election cycle with it, and we're now in our second election cycle. Everything I read, as kind of a newcomer to understanding the program, I thought

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all the materials were really clear. If I were a candidate, I think I would know exactly what to do to utilize the program.

I mean, obviously, candidates can choose between traditional financing and the fair elections program, but the new publicly financed program is, you know, another one of those things that puts us in D.C. on, you know, the cutting edge of supporting elections.

And it=s really exciting to see it unfold. It=s exciting to see more candidates choose to utilize the funding and the logistics of exactly how that happens, what=s your source money, what=s your match money, what have you got to do to -- to harness, and I -- you know, it=s not -- it=s not simple, but it seems pretty straightforward, and it=s really -- it really is remarkable how it=s kind of -- it=s almost quietly happening.

But, you know, I just wanted to emphasize what an achievement to watch this program

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take off down here in what's going to be a pretty busy year. So I wanted to start by paying my compliments to the whole campaign, you know, finance team that I know has been working so hard to put that together.

So with that compliment, I guess we'll turn to Cecily Collier-Montgomery for her report.

MS. COLLIER-MONTGOMERY: Thank you. Again, good morning, and also I would echo the remarks of Terri Stroud as well as of Monica Evans and welcome you to the Board of Elections, Mr. Chairman, and the Office of Campaign Finance looks forward to working with you.

In the Office of Campaign Finance, during the month of December 2021, I would report that the office continues with its outreach community program, that the office on December 15th, 2021, accompanied the Board at the 23rd Annual Senior Holiday Celebration at the Walter E. Washington Convention Center.

The Board held a voter registration

event on that date, and gave, of course, the Office of Campaign Finance the opportunity to distribute information on the traditional campaign finance program as well as on the fair elections program.

In our Fair Elections Program Division during the month of December 2021, before I start again, I would indicate for members of the public that the 2020 election cycle was the first election cycle during which the fair elections program was fully implemented, that the total sum of \$4,016,797.64 was disbursed from the fair elections fund in base amount, and also in matching payment to the 36 candidates who were certified to participate in the program during the primary election in June 2021, the special election also held in June 2021, and in the November 3rd, 2020, general election.

As of this date, during the 2022 election cycle, the total sum of \$5,279,142.05 has been authorized for disbursement from the fund, again, base amount, and matching payment to the

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12 candidates who have been certified to participate in the June 21st, 2022, primary election.

As of this date, during the month of December 2021, the agency certified three new candidates in the fair elections program and made several payments from the program to candidates who were previously certified.

First, the agency certified on December 20th, 2021, Muriel Bowser, reelect Muriel Bowser our Mayor 2022, as a participating candidate in the fair elections program in the June 2022 primary election for the covered office of Mayor.

The sums of \$1,855,130 and matching payment, and 80,000 for the base amount, which was basically the amount to the first one-half of the authorized 160,000, which is provided for in the Fair Elections Act for contested offices of the Mayor with respect to the base amount payment for this covered office.

Also, second, Vincent Orange, Ward 5,

the candidate was certified on December 21st, 2021, and the fair elections program has participating candidate in the June 2022 primary election for the covered office of member of the Council for Ward 5, and the sums of \$47,110.30 and matching payment, and 20,000 for the base amount -- again, that equals the first one-half of the authorized 40,000 which is allowed for this office under the Fair Elections Act -- were authorized for disbursement.

The third candidate who was certified for the program was Bradley Thomas, Bradley Thomas for D.C. Council 2022. The candidate was certified on December 21st as a participating candidate in the June =22 primary election for the covered office of member of the Council at large, and the sums of \$75,945 and matching payments, and 20,000 for the base amount for this covered office were authorized for disbursement.

Again, the office also made several recommendations for disbursement of the public

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funds to candidates who were previously certified, and those payments are listed in our report, and the report will be posted at the OCS website before the close of business today.

Again, I would mention to the members of the public that as of December 31, 2021, the sum of \$140,686.88 has been remitted for deposit in the fair elections fund from the campaign operations of candidates who participated in the 2020 election cycle and in the June 2020 special election.

There are currently 34 post-election audits which are ongoing in the fair elections program, and those audits at this point are at varying stages, including the audit documentation has been received and the audit is in progress. The audit is complete, and the preliminary statement of findings has issued, an oral response was received and is under review by the audit manager, or there has been a failure a submit documentation and the matter has been referred to

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the Office of the General Counsel.

Again, with respect to the 34 audits, the status of the audits is listed in the report, and that will be available for members of the public at the close of business today. I would also indicate that with the primary election, the Fair Elections Program Division initiated 14 audits of the candidates who participated in that election.

With the June 16th, 2020, special election, the Fair Elections Program Division initiated four audits of the candidates who participated in that election. And with the November 3rd, 2021, general election, the fair elections programs initiated 20 audits of the candidates who participated in that program.

Also, in the fair elections program, during the month of December, the branch conducted 42 desk reviews of the December 10th reports of receipts and expenditures as well as amended reports of receipts and expenditures which were filed with the Office of Campaign Finance.

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In our Public Information and Records Management Division, during the month of December 2021, there were four filing dates. The first one, the filing deadline for legal defense committees -- and that was the 22nd report of receipts and expenditures, which was due on Wednesday, December 1st, 2021.

There was one required filer, and the filer timely filed.

December 10th was the deadline for the filing of the report of receipts and expenditures by our principal campaign committee and also our political action committees. There were 57 required filers; 54 timely filed. Two requested extensions, which were granted, and three failed to file.

There were three referrals to the Office of the General Counsel. With our independent expenditure committee, December 10th was the deadline for the filing of their report of receipts and expenditures. There were three

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requiring filers, and all timely filed.

In our fair elections program, with our principal campaign committee, December 10th was the filing deadline for filing of their report of receipts and expenditures. There were 25 required filers, and 25 timely filed. We also had 16 requests for extension, and the requests for extensions were granted.

Again, there were three referrals to the Office of the General Counsel for failure to file the December 10th report of receipts and expenditures. The first was of a principal campaign committee, Oye for U.S. Representative 2022, Adeoye Owolewa Treasurer, with the political action committees.

There were two referrals: Capital Stonewall Democrats, Derrick Campbell, Treasurer; D.C. Libertarian Party, Ethan Bishop, Treasurer.

With respect to new candidates and committees who have registered to participate in the 2022 election cycle, as of this time -- as of

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this date rather -- there are 13 candidates and committees who have registered in the judicial program to participate in the 2022 election cycle.

Newly registered during the month of December is Lori Furstenberg for the Office of Mayor, who registered on December 3rd, 2021.

In our fair elections program, there are currently 28 candidates who have registered seeking to participate in the program. During the month of December, there were six newly registered candidates as follows: Sabel Harris for Council, Ward 1, who registered on December 2nd; Guiseppe Niosi, who registered for Council at large on December 2nd; Andrew Davis, who registered for the Office of Mayor on December 3rd; Gary Johnson registered on December 8th for Council, Ward 5; Brian Schwalb, who registered on December 13th for the office of Attorney General; Ambrose Lane, who registered on December 16th for the office of Council at large.

We currently have three initiative

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committees who are -- which are registered with the office, but there were no new registrations during the month of December.

Also, during the month of December, the office reports that 14 candidates registered -- 14 candidates and treasurers who are newly registered have completed the OCS entrance conference presentation for the month of December.

And the names of those candidates and treasurers, again, are listed in our report, and the report will be made available before the close of business on today=s date.

In our Reports Analysis and Audit Division -- and that is the traditional campaign finance program -- during the month of December, the Audit Branch conducted 58 desk reviews of reports of receipts and expenditures which have been filed with the agency.

There were no audits which were issued during the month of December. There are three ongoing audits in the traditional Audit Branch.

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Two are on new -- newly elected officials, and these are full field audits. The first is Brooke Pinto for Ward 2, and with that particular full field audit the audit report is being prepared.

And, in fact, the audit report was issued on January 5th, 2022. The audit report was a full compliance audit. And with respect to that audit, it is available at our website for review by members of the public. The second is Jacque for D.C. at large, State Board of Education. With respect to that field audit, the preliminary draft audit report was issued on November 30th, 2021, and the committee's response was due on December 30th, 2021.

With our constituent service program, there is an ongoing periodic random audit of the October 1st, 2021, report of receipts and expenditures, which was filed by Mayor Bowser's constituent service program.

With respect to the audit, the preliminary draft statement of findings was issued

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on November 29th, 2021. The committee responded to the report on December 14th. A partial response was received, and documentation is still necessary.

Again, I indicated to members of the public that the activity report of the Office of Campaign Finance will be posted at our website before the close of business today, and the final audit report is available at the website for viewing as well.

And also, the certifications of any candidates who have been certified into the fair elections program are available for review, as well as any financial report. The images of those reports are available at the website for public review as well.

At this time, I would ask the General Counsel, William Sanford, to provide the report of the Office of the General Counsel -- of the Office of Campaign Finance to -- for the record.

MR. SANFORD: Good morning, Mr. Chairman, and a warm campaign finance welcome

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to the Board of Elections.

And good morning, distinguished Board Members Gill and Greenfield.

My name is William Sanford, General Counsel for the Office of Campaign Finance.

During the month of December, the Public Information and Records Management Division referred three committees to the Office of the General Counsel for failing to timely file December 10th, 2021, reports of receipts and expenditures.

The committees referred included the following: Oye for U.S. Representative, principal campaign committee, Adeoye Owolewa, Treasurer; Capital Stonewall Democrats, Political Action Committee, Detrick Campbell, Treasurer; and D.C. Libertarian Party, Political Action Committee, Ethan Bishop, Treasurer.

During the month of December 2021, the Office of the General Counsel did not impose or collect any fines. During the month of December 2021, there were no open investigations, and during

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the month of December 2021 there were no requests for interpretable opinions and no show cause proceedings were conducted.

The contents of my report will be published at the Office of Campaign Finance website by the close of business today, and that should conclude my report.

MS. COLLIER-MONTGOMERY: And that should conclude the report of the Office of Campaign Finance.

CHAIR THOMPSON: All right. Well, thank you very much. There=s a lot of detail in there, a lot of excellent staff members at OCF who are making all of this happen.

One thing that is very heartening to me is, if I understand it, everybody that utilized this program in the 2020 cycle is subject to audit, and that=s taking place or has taken place, and funds get remitted if they=re not used. I think it=s sort of a Use it or lose it@ system. Everything has to tick and tie.

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This is public money, so our money is being returned as well to replenish the program for future use. So that sort of back-end work is really important as well, so it=s much appreciated.

I don=t have any questions. Karyn or Mike, anything?

MEMBER GILL: I don=t have any questions. Great reports.

MEMBER GREENFIELD: Yeah. Great reports. I don=t have any questions.

CHAIR THOMPSON: Okay. Well, with that, we=ll turn to the public for comment. Is that what we do next? Just checking in with Ms. Stroud or others.

MS. STROUD: That=s correct. Public matters.

CHAIR THOMPSON: All right. And so thank you for bearing with us, everybody. Some introductory remarks from me and other things. You know, we=re more than an hour into the meeting, so we really appreciate you sticking around.

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And with that, I assume the process is people raise a hand, and someone allows them to speak, and so forth?

UNKNOWN BOE EMPLOYEE: Chairman, they can either unmute themselves or right-click on their names and raise their hand.

MS. BRIZILL: This is Dorothy Brizill, and I would like to raise a public matter.

CHAIR THOMPSON: Okay. Ms. Brizill, welcome so much to our meeting. And generally we have a three-minute limit. I mean, I'm not going to run a clock or anything, but if you could, you know, sort of generally be aware of that. Please proceed. Thank you so much.

MS. BRIZILL: My name is Dorothy Brizill. I'm the Executive Director of D.C. Watch. I have a question as well as a request.

My question goes to comments Mr. Gill made earlier in the meeting in which he specifically states he doesn't like the way we have come to mail voting. I would like Mr. Gill, during the course

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of this meeting, to clarify what he means exactly.

Is it that he believes that the Board should look to the Council to enact specific legislation approving mail balloting? Because mail balloting has been on the books in the District of Columbia for a long time.

But I wasn't clear what he was concerned about or what his objections are. And so I would like a clarification on that, if possible, as well as I have a question, another question.

MEMBER GILL: So I'll be quick. My concerns are that -- not that we require Council legislation, but that there ought to be some input.

We've now come to a decision, and we're moving forward with mail balloting, but there has been no public announcement on that. I think people are going to have a lot of questions about that.

And the way that we've achieved it is through a contingency fund through the Mayor. In the last election, there was legislation that referenced mail balloting for 2020. Again, I'm

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not arguing whether we need it or not. I trust that we have the authority to make this decision.

What I'm concerned about is that the decisions being made -- and there is not a larger sort of public hearing -- the Council and the Mayor are a better place to have those types of discussions and hearings as to whether we should move to mail balloting in this capacity.

I know balloting works. In the jurisdictions that run it, the voting numbers have gone up. All good stuff. But all those jurisdictions came to that system through a legislative effort or through a public referendum. That's my concern.

MS. BRIZILL: Thank you. Mr. Gill's response to me leads me to the broader issue which I want to raise with the Board and hope I can get the Board to take some action. And Mr. Gill's major objection apparently is that there has been no public announcement regarding mail voting, and he believes that there should be a broader community

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discussion on the issue.

I would ask, since we're under new leadership at the Board, that at a future meeting there be a more detailed discussion and information provided to voters regarding the upcoming elections in 2022.

Despite some of the comments to date, there were serious, serious problems regarding the management and the conduct of the elections in 2022.

I appreciate that -- or 2021.

I appreciate that the Executive Director has made a very brief, though cryptic, report on where certain things stand. But, for example, we need a more detailed report of where things stand regarding the recruitment and training of poll workers as well as additional staff, especially since a number of the poll workers we had last year, and in the past, will not be returning because of the problem with their non-payment last year.

We need information about logistical

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issues. Are there going to be early vote centers?

Where? How many? Are there going to be mail-in ballots? Where are they going to be sent out?

Contracts. Has the Board issued contracts for a press or public information consultant? In the past, the Board has finalized its contract for a public information officer as late as two -- two months before an election. What are going to be the hours of operation for the elections in the Office of Campaign Finance?

Essentially, both offices are essentially closed down right now. On occasion, there has only been one person in the office. What happens if someone needs to file papers or get information sheets?

What has the Board decided on a communications strategy, how to reach out to voters for the =22 election? Again, another point of disaster in 2021.

Has there been a discussion with OCTO regarding cybersecurity issues?

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Finally, what is the status of the new so-called BOE Act? Over the past three years, we have had two iterations of an act for the Board of Elections. Both have failed miserably. Failed voters miserably.

And, finally, a full report on what the current status is of the Board's new computer system. Is it just focused on voter registration? Is it fully operational? You are running the old system alongside the new system.

I would like -- Mr. Chairman, you speak about getting the public to attend and participate more widely in your Board meeting. They would if they knew that coming to the meetings they could get real information, they could ask real questions and get answers.

The upcoming elections should not be a repeat of the problems we had in 2021. To some extent, that can be averted as people feel as though they are informed, that their opinions are solicited and not pushed aside.

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I ask that in a future meeting of the Board that the Executive Director and the General Counsel give a full, detailed report on where things stand as regards these many issues, as regards the planning for the 2022 elections.

Thank you.

MS. HOLMAN EVANS: Yes. Thank you, Ms. Brizill, and I just wanted to respond briefly.

I absolutely agree with your request for transparency and information. We have actually discussed providing that information with a detailed plan for the 2022 election cycle. And I have taken note of the items that you mentioned, and so it is absolutely our intent to provide information and be transparent.

Thank you.

MS. BRIZILL: Can I ask a question? How do you intend to provide that information? Will you provide it at a Board meeting? Because I will tell you --

MS. HOLMAN EVANS: Yes.

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MS. BRIZILL: -- in the past -- in the past, whenever I've asked a question of your public information officer, the first response I get is, "Why do you want to know that?" And "File a FOIA." This is information that should not be subject to a FOIA request.

MS. HOLMAN EVANS: Yes, Ms. Brizill. I answered your question, and, yes, we will provide it at a future Board meeting. So it will be on the record.

CHAIR THOMPSON: All right. Well, thank you so much, Ms. Brizill. Those are all excellent questions. There's a lot of detail, of course, in answering all of them. I've taken notes of everything you just asked. I share some of those questions.

At the same time, I know that BOE staff is very, very much engaged in working out all the details of the logistics of the upcoming election, early voting, but, yes, to the extent it's not out there already -- and I think a lot of it is -- you

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know, more information, you know, will be disseminated.

It=s January 12th. The clock is running. We=re going to blink and it will be June.

But over the next couple of months especially a lot of those details I trust will be worked out, and with more information relayed in February and in other meetings.

And I share your question, so I just want to assure you that, you know, we will -- Awe,@ the staff, will -- are attending to those issues and will continue to do so. And we=ll talk -- as a Board, we=ll talk about what in the next Board meeting or two, you know, how much time to take.

We could take hours. We could take a whole day.

You know, what should be out there in terms of agenda for the next series of meetings? So we thank you.

With that, I guess other members of the public want to unmute and make a comment?

MS. HOLMAN EVANS: Yes. And just as

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a reminder for members of the public, if you would please state your name and address for the record before you speak.

Thank you.

MR. SCHILLER: Hello. My name is Nikolas Schiller. Address is 2448 Massachusetts Avenue, Northwest, Washington, D.C.

I'm currently serving as the field director for the D.C. Committee to Build a Better Restaurant Industry. We are the political campaign that has been working with Ballot Initiative 82.

I am asking questions today concerning the inconsistency of the voter rolls. On November 17th, I emailed the Board of Elections seeking a voter roll file in XLS format in order to create watch sheets for my petition circulators. I have hired 100 -- and trained 150 petition circulators to help put Initiative 82 on the ballot.

I waited two weeks to get a response, and on December 2nd, I was provided a voter file

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which contains only 427,965 voters, which is a reduction of 91,947 registered voters. That=s -- 18 percent of the voter roll was removed.

I waited a week and emailed the Board of Elections, and I was provided a voter file from December 1st, which contained 484,427 registered voters, a reduction of 38,729.

Now, I bring these numbers up because, as a ballot initiative campaign, we are required to submit five percent of the registered voters= signatures and five percent of the registered voters in five of the eight wards. Based on these numbers that I was provided, we can stop circulating petitions right now. We have well over the amount.

However, there is concern that the voter numbers that were publicly stated on the Board of Elections website and published in the D.C. Register are completely different than the numbers that have been provided to the campaign.

So I am asking, why is there voter roll inconsistencies? Why are there inactive voters

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still on the border rolls?

Now, I bring up the concern of inactive voters. For example, 1900 F Street, Northwest, is a freshman dorm at The George Washington University, and it's been closed since of May of 2020. However, we are required to collect signatures from these registered voters, even though none of them live there.

And there are voters at universities across the District of Columbia who have -- are unable to be reached by the campaign. And one of those voters registered to vote in 1998, who is a friend of mine. I contacted the Colorado Board of Elections, and he is still on the voter roll that was provided in a different copy to the campaign.

But these two files that I was provided -- and I'm going to post them into the chat for you to see -- these are the links in there that were provided to me by the Board of Elections.

This person is not in these two files

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that I was provided. However, he was in a file that was provided to the campaign by -- to a different person on November 17th. So he is an inactive voter, even though he has never voted in D.C. He has been on the roll for 20 years. He is removed from these, which is great news, but the voter file that we were given by -- to a different member of the campaign on the 17th of November, he is still listed in there.

And there is a concern of thousands of what I call ghost voters, which are on the voter rolls but are not able to be reached.

(Audio interference.)

MR. SCHILLER: Sorry. I believe Mr. Fitzgerald is trying to bomb this meeting.

CHAIR THOMPSON: Yeah. Sorry about that.

MR. SCHILLER: It's okay. So my main concern is, when are we going to be able to get the up-to-date voter numbers? Have inactive voters been removed now?

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The D.C. Code says that ballot initiative campaigns are not required to use those inactive voters when it comes to the actual five percent count. So if there have been 91,000 or 38,000 voters removed, that would be very important for the campaign because we can stop our circulation of petitions now.

The petitions are due Tuesday, February 22nd. We have until April 8th to turn them in. But in order to get on the primary ballot, we need to turn them in on what I call Super Tuesday, Tuesday, the 22nd of February.

So I just would like to get to the bottom of this information in order to really help this campaign. And also, as it was stated earlier, that the campaigns are going to be seeking their petitions on the 28th of January, and they are going to have to collect signatures from registered voters. So it's important that the voter roll is up to date. It's an even year. Under the current law, they are required to update the voter rolls

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on odd-numbered years, and citizens are not able to remove known inactive voters from the voter rolls.

So it's real important that we get to the bottom of this. And I really thank you for your time, and I would like to welcome Mr. Thompson to the Board.

CHAIR THOMPSON: Thank you so much. I really appreciate your question, and I deeply appreciate your effort. The voter initiative and referendum process is -- it's a part of our laws, and it's meant for the voters to take initiative to propose legislation, as you've done through your initiative.

And, you know, I've read about the process. I've read the details. It seems straightforward, but I really appreciate that, you know, what you're going through should be easy. I didn't really think about that, that it's five percent of what? Your denominator can't be in constant motion, and so I really appreciate your

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need to sort of get this -- get to know with certainty if you've got your five percent, because if somebody challenges your petition, you know, you've got to clear that hurdle.

So, and I'm interested in the answer to your question. It's probably not easy because voter rolls are also in flux, but I just wanted to say thank you for the initiative and the effort.

And I hope to engage in some outreach and spur on citizens to take up, you know, themselves, take up -- take up other initiatives that might be of interest to them.

And if you're a member of the public and you've got an idea for legislation, you know, it's not -- it's not easy, but it should be -- it should be a series of steps that, you know, are relatively easy to implement and follow and gather signatures to get something on the ballot.

So thank you. And I guess the question itself I will defer to the BOE.

MS. HOLMAN EVANS: Yes. Thank you,

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Mr. Schiller. Definitely appreciate your comments and also understand your frustration. There is a process for removing voters, and it's not a process that we created, but we do have to adhere to the steps that are part of that process.

I can't speak to the information you received on the exact dates. I would have to do a little research to see exactly what you got when, and to what extent that includes inactive versus active voters. But I would be happy to follow up on this matter just to get some resolution, but I can assure you that this is a top priority of the Board, particularly as we move to mailing ballots to everyone.

We have started a very active information campaign to have individuals review and correct voter registration, to the extent that they can, and we've also been sending mailers. And I know that there has been an issue with those mailers being returned to Board of Elections with the correct information that will allow us to take

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steps to remove people from voter rolls.

However, you know, we do understand that this is a serious problem, and we do take it seriously. Appreciate your comments, and I personally would be happy to listen to any additional feedback, or if you=d like to just articulate your experience in more detail, so that we can capture that and make sure that we are addressing all of your concerns as we move to resolution.

MR. SCHILLER: If you=d like me to follow up? So the main concerns right now is, first off, with petition circulation, we have a big problem where people are writing down their old -- or their new address.

And this is an ongoing problem that I=ve dealt with with thousands of registered voters, where they -- when we check the voter registration information, we=ll find that they are a unique voter in the system. There is only person with that one name, and we see that their address is a mismatch.

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Under current rules and regulations, as long as the signature of the voter is signed on the petition, then the proper information can be entered by the circulator. So we have the circulator correct that person=s address, because oftentimes people move within the District of Columbia and they are registered to vote. So they are a qualified elector under the terms of the law.

So one big issue is just that people move and their information is not up to date.

We also, when we are making watch sheets, we end up sometimes with a house that has five or six registered voters at that house. We knock on the door, and one person lives there, and the five people that are registered to vote there have all moved.

The biggest problem I would say -- one of the biggest problems is -- of the universities in the District Columbia, they have centralized mail systems. So a letter will not be rejected and sent back to the voter -- to the Board of

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Elections because, for example, The George Washington University's mail system will take all of the mail, and they will just toss aside the stuff that's not valid.

So what you end up with are thousands of ghost voters, which are registered to vote at dorms in a previous election cycle, but not one of those voters actually lives there.

And I believe they should still be registered voters. The process, I believe, that's in the D.C. Code is that after two election cycles -- federal election cycles, then they are supposed to be made inactive. In my personal experience, I have seen people last there over 20 years and still be active within the voter rolls.

So the biggest problem is just making sure that the voter rolls are kept up to date as much as possible. And the numbers that I provided here were provided to me, and it makes it more difficult because we have to get five percent of the registered voters in five of the eight wards.

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If we just got five percent of the registered voters in those five wards, that yields about 16,000 registered voters. We have to collect, based on the -- let's say we run off the November 31st (sic), which is about 23,000 registered voters. That's about 26,000 valid signatures from registered voters in the District of Columbia spread out over five of the eight wards at least.

The variance for the amount -- for example, the November 5th number -- 91,000 registered voters, that's all of Ward 6. Ward 6 is 90,000 registered voters. So we have one entire ward of the District of Columbia -- I mean, it's spread out all around. We have an entire ward of the District of Columbia that has like vanished.

And I understand that you're transitioning to different databases, but it's super important that voters or campaigns specifically are able to access the most up-to-date

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data. I don't believe the Board of Elections is going to be removing any new voters in this election cycle because the Code says that it's supposed to be done during an odd numbered year.

But we could -- if we went off of the December 1st voter roll data, we would be done, and we could stop the circulation. I pay people to collect valid signatures. It's provided -- it's allowed under the law, and it's a way a lot of campaigns operate throughout the United States and the District of Columbia.

But we are required to turn in that five percent based on the voter rolls published by the Board of Elections 30 days prior to the submission of the petitions. So there is quite a bit of uncertainty in which -- how much father do we have to go? And this hurts the campaign because we potentially would be spending thousands of dollars on labor costs for something that is already done.

And so if we're unable to be provided the most up-to-date voter roll once a month, then

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it makes everything a lot more difficult. And I appreciate everyone=s time, and I won=t use any more of it.

Thank you so much.

MS. HOLMAN EVANS: Yes, thank you. And we will follow up with you, and we can sit down with the registrar and just make sure we have properly captured your concerns. And we can provide just our steps as far as addressing this issue during a future Board meeting.

CHAIR THOMPSON: Yes. Thank you. Once again, thank you so much. Really important questions, and now I=m doubly motivated to understand the process better myself and try to put myself in your shoes and figure out how this could be -- maybe can be easier, for your sake and for the sake of future initiatives.

Okay. Next, anybody else out in the public like to make a comment? Okay. It looks like we=ve got about half a dozen members of the public remaining. Just give it another half a

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minute in case someone is having a hard time unmuting or something.

Okay. Well, yeah. Obviously, as I -- as I reacted to those two public comments, they're really helpful, and, you know, they get my brain going as well on wanting to learn and research some of these issues.

So I promise we'll follow up. Or if we don't follow up publicly or directly, trust that we're -- we are following up, me, the BOE, et cetera.

So --

MS. STROUD: Chairman Thompson, I'm sorry to interrupt, but if I could just say one thing in response to Mr. Schiller.

The Council has talked about, you know, the sort of moving target date with respect to the count that is used prior to the -- to determine what the count of voters that would get you to the percentage you need to get on the ballot.

And one issue is that that language that specifies that you have to use the count that is

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30 days prior to the submission of the signatures is in the Home Rule Act, which is not a simple act of, you know, Council legislation. That has to be brought before the voters, so that=s one thing, one issue, with respect to the moving target. So I just wanted to highlight that.

But, you know, we will follow up with respect to Mr. Schiller=s concerns.

CHAIR THOMPSON: That=s a really good point. Yeah. Once you go back to 1-204 in the Code and get into the Home Rule Act, it=s immutable without voter -- without actual voter change, referendum change, charter amendment. I=ll take a close look at that, too.

Okay. Well, hearing no other comments from the public, before we adjourn, do we have a meeting date set for February?

MS. STROUD: The first Wednesday in February. So that=s currently the date of the Board meeting, unless of course the Board members wish to change it. But, you know, we typically

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have meetings the first Wednesday of the month, and so that=s when it=s scheduled for.

CHAIR THOMPSON: Okay. So that=s February 2nd, Groundhog Day, 10:30 -- 10:30 a.m.? That=s always the start time?

MS. STROUD: Typically. But, again, subject to change.

CHAIR THOMPSON: Sure, sure. Yeah. Or special meetings in between as needed. But just so everybody knows, our next meeting is February 2nd, Wednesday, 10:30 a.m. Put it on your calendar. There will be an agenda at some point that will be circulated, and minutes of this meeting will be circulated.

Before we adjourn, I don=t have any further comments. Board Members Greenfield or Gill, or any of the directors, any final comments before we adjourn?

MEMBER GREENFIELD: No, I don=t have any.

CHAIR THOMPSON: Okay. And Mike looks

like he=s engaged in an important discussion.

So with that, I would move that we adjourn.

MEMBER GREENFIELD: I second.

CHAIR THOMPSON: Okay. All in favor of adjourning?

(Chorus of ayes.)

CHAIR THOMPSON: Two to zero, one abstention it looks like.

So, thank you so much, everybody, for welcoming me. I was nervous about this. I overprepared, as a lawyer does sometimes. So I=m glad to get through it, and I=m excited to carry forward.

And special thanks to the directors and general counsels for being here and making their reports. And thank you to members of the public who hung with us this long. Look forward to seeing everybody again soon.

So with that, our meeting is adjourned.

(Whereupon, the above-entitled matter

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went off the record at 11:56 a.m.)