

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

APRIL 5, 2023

+ + + + +

The District of Columbia Board of Elections convened via Zoom, pursuant to notice at 10:30 a.m. EDT, Gary Thompson, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

- GARY THOMPSON, Chair
- J.C. BOGGS, 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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1 P-R-O-C-E-E-D-I-N-G-S

2 (10:31 a.m.)

3 CHAIRMAN THOMPSON: Thank you so much
4 for joining us for our April Board of Elections
5 meeting. Hold on one second.

6 (Pause.)

7 CHAIRMAN THOMPSON: All right, good
8 morning. My name is Gary Thompson, the chair of
9 the Board of Elections. We have a full house
10 today. Everybody's here for, I think, the first
11 time in a while.

12 We have a quorum, all three board
13 members here, Karyn Greenfield, and Board Member
14 J.C. Boggs are here. So we're three for three,
15 as usual. Oh, and the court reporter's here. I
16 see the word Court Reporter, so we're good, and
17 we're also recording on Zoom as well.

18 It's a pretty light agenda. The
19 agenda's been distributed to the board members
20 and others. I would move that we adopt the
21 agenda as distributed.

22 MEMBER GREENFIELD: So moved.

1 CHAIRMAN THOMPSON: All right, all in
2 favor?

3 (Pause.)

4 CHAIRMAN THOMPSON: All right, our
5 agenda's adopted. Quick housekeeping matter.
6 Our minutes from the last meeting of March 7th
7 have been distributed. We've had a chance to
8 review them. I would move we adopt those
9 minutes.

10 MEMBER GREENFIELD: Second.

11 CHAIRMAN THOMPSON: All in favor?

12 MEMBER GREENFIELD: Aye.

13 CHAIRMAN THOMPSON: Okay. Minutes are
14 adopted.

15 Next, we have board matters. Nothing
16 on the Agenda, but we've been talking over the
17 last few meetings about bringing the public --
18 inviting the public back in to our monthly
19 meetings, and we'd like to go ahead, I think, and
20 proceed with that welcomed development in this
21 post-pandemic environment.

22 Obviously for many years, the public

1 attended meetings, and it was the only way you
2 could attend a BOE meeting was in person. What
3 I'm, I guess, moving for at this time is that we
4 resume having the public attend if they would
5 like, live, or they would always have the option
6 to attend by Zoom with a hybrid approach and
7 would also be possible for board members or any
8 directors as well to attend by Zoom.

9 So we'll all always have that option,
10 including for purposes of establishing a board
11 quorum if needed. And as for members of the
12 public, we'll have to release some details on how
13 to gain access to the building and get into this
14 room.

15 It might take an extra 10 or 15
16 minutes in advance of the meeting to arrive and
17 get through security, et cetera, but we'll come
18 up with some pretty clear guidelines on how that
19 all will work, and I believe have that in place
20 in time for our main meeting on the first
21 Wednesday in May. I guess that's in manner of a
22 motion, any seconds or comments in that regard?

1 MEMBER BOGGS: (Audio interference) put
2 Covid behind us. But also as a public board, we
3 want to make it accessible, and I think they have
4 that dual approach where you can come in person
5 or visit us virtually online (simultaneous
6 speaking.) Sorry about that.

7 CHAIRMAN THOMPSON: Okay, can I repeat
8 all that? I think we got it okay, but I --

9 MEMBER BOGGS: I think we heard it
10 (simultaneous speaking) the public (simultaneous
11 speaking) but that was a comment in favor.

12 MEMBER GREENFIELD: No, I'm in
13 agreement. I like the hybrid approach and having
14 the public come back in. It's been a long while.

15 CHAIRMAN THOMPSON: All right for
16 formality sake, all in favor?

17 (Chorus of ayes.)

18 CHAIRMAN THOMPSON: All right. Okay.
19 Any other board matters before we proceed?

20 (Pause.)

21 CHAIRMAN THOMPSON: Hearing none,
22 we'll turn to the executive director's report

1 from Monica Holman Evans.

2 MS. EVANS: Thank you, and good
3 morning. The Board had its budget oversight
4 hearing with the Council on Tuesday, March 28th.
5 Our answers to the pre-hearing questions were
6 submitted on Friday, March 24.

7 This was our first budget hearing
8 under the Committee on Executive Administration
9 and Labor with Chairperson Anita Bonds. We
10 largely discussed the need for resources to
11 become compliant with the Elections Modernization
12 Amendment Act and the Local Resident Voting
13 Rights Amendment Act.

14 We specifically discussed the need for
15 staff, equipment and software upgrades. We are
16 appreciative of the constructive testimony that
17 was provided during the hearing, and we have
18 followed up with the Councilmember's office, and
19 we're gathering the information she requested
20 during the hearing.

21 ANC vacancies. We have 11 ANC
22 vacancies for the 2023-2025 term. These

1 positions are in different stages of being
2 filled. After candidate filing requirements are
3 met, an open vote of registered voters of the
4 affected SMD (phonetic) are held during regularly
5 scheduled ANC meetings.

6 As far as our 2023 next steps and off-
7 election year planning, we did have VR systems on
8 site during the week of March 13. We discussed
9 native (phonetic) enhancements to Voter Focus.
10 They provided training. And specifically, we
11 discussed the need to address system upgrades due
12 to the recently passed legislation.

13 We're looking at returned and
14 undelivered ballots from the November general
15 election and are placing them into categories.
16 Ballot information is being categorized and
17 entered into Voter Focus. We are processing the
18 87,921 ballots returned as undeliverable, and
19 these ballots have all been scanned into our
20 voter registration database.

21 We are in the process of manually
22 updating the in-state and out-of-state addresses.

1 To date, we have processed over 10,000 ballots.
2 The next step is to send final notices. We have
3 also processed the records of 566 D.C. voters.

4 We are reviewing the requirements of
5 the Elections Modernization Amendment Act, or
6 EMA, and the Local Resident Voting Rights
7 Amendment Act, or LRVR, to ensure we become
8 compliant. We have met with vendors, and we are
9 requesting funding as needed.

10 We are also in the process of revising
11 our brochures, and we met with our vendor to
12 discuss website improvements, and we do have a
13 rubric to move forward with some changes.

14 Additionally, we're updating the
15 election worker training manual, developing the
16 2024 voter education and outreach plan, and
17 assessing our plan for vote center and mail
18 ballot drop box locations.

19 We've recently joined a cross-state
20 data workgroup to explore ways to share voter
21 history to address cross-state voter fraud. Even
22 though we are a member of ERIC, the Electronic

1 Registration Information Center, many states are
2 not members. Our participation with this
3 workgroup will allow us to cast a wider net by
4 engaging with more states.

5 Voter education outreach. During the
6 month of March, the voter education outreach
7 division conducted seven outreach events on
8 behalf of the Agency. Events included voter
9 registration drives at various schools and at the
10 Department on Aging and Community Living.

11 In March, we also registered 2,196 new
12 voters and processed 2,962 registration changes.
13 In total, we prepared 5,158 voter registration
14 cards to be mailed. Additionally, 38 registered
15 voters moved out of D.C., 12 voters canceled
16 their registration and registered with other
17 jurisdictions, and 574 voters registered in D.C.
18 after canceling their registrations in other
19 jurisdictions.

20 We are continuing to register voters
21 using our website portal. To date, we have
22 processed over 34,611 applications using the

1 portal. These include new voter registrations
2 and updates to existing registrations.

3 And that concludes my report. Thank
4 you, Mr. Chair.

5 CHAIRMAN THOMPSON: I have a question.
6 I read in the news about certain states, I think,
7 exiting the ERIC system.

8 I don't really understand their
9 thinking, but it struck me as very relevant to
10 our jurisdiction in that we're a particularly
11 transient jurisdiction, and I think probably more
12 than any state, have a need to communicate with
13 other jurisdictions to ensure that citizens are
14 registered to vote in only one place.

15 And you just mentioned, in lieu of
16 ERIC, a workgroup with other states, and I'm just
17 curious, what is that and will that entail?

18 MS. EVANS: Yes. It's a new
19 workgroup. We are actually trying to address the
20 fact that some member states have exited ERIC,
21 but we want to ensure that we're still getting
22 that rich data, and we have a method of

1 communicating with states who have either left
2 ERIC or were never members of ERIC.

3 So it is our goal to engage in efforts
4 in addition to ERIC so that we're getting the
5 information we need to keep our voter rolls
6 current and accurate, but then also to address
7 the possibility of cross-state voter fraud.

8 CHAIRMAN THOMPSON: All right, well
9 that's good to hear. I know that this year in
10 particular, we're focused on addressing our voter
11 roll.

12 There's obviously a process ahead of
13 us in the calendar to move individuals who are no
14 longer active into inactive status, and I think
15 that probably has a lot to do with identifying
16 people who have moved on elsewhere, registered
17 elsewhere, so that by the end of the year, we'll
18 hopefully have some pretty significant numbers
19 moving off of our official voter registration
20 list.

21 MS. EVANS: Absolutely.

22 CHAIRMAN THOMPSON: All right. Any

1 questions from anybody?

2 (Pause.)

3 CHAIRMAN THOMPSON: Okay. Moving on
4 then to the General Counsel's report from Terri
5 Stroud.

6 MS. STROUD: Thank you, Mr. Chair.

7 The only item on my agenda is
8 litigation status. We have six active cases,
9 currently. The first is Public Interest Legal
10 Foundation v. Monica Evans in her official
11 capacity as the executive director of the board.
12 That's in the U.S. District Court for D.C.

13 This was filed under the National
14 Voter Registration Act, and the suit alleges that
15 the Board is out of compliance with the NVRA's
16 public record provision. PILF had requested
17 records from the Board pertinent to ERIC, and
18 that request was denied due to the requested
19 records not being subjected to public disclosure.

20
21 The Board is being represented by the
22 OAG in this matter. All pleadings have been

1 filed. In September of 2022, the U.S. District
2 Court, Florence Pan, to whom the case was
3 assigned, was appointed to the D.C. Circuit, and
4 the case has been reassigned to Judge Reyes.

5 The next four matters have to do with
6 enforcement of orders originating in the Office
7 of Campaign Finance having to do with failure to
8 file particular reports' receipts and
9 expenditures. The first is the D.C. Board of
10 Elections v. Marlana Edwards, and all four of
11 these cases are in the Superior Court for the
12 District of Columbia.

13 This matter was filed in the D.C.
14 Superior Court on February 15th at a March 20th
15 show cause hearing. Judge Mitchell-Rankin
16 granted the Board's requested and entered a
17 judgment of \$1,650 against Ms. Edwards.

18 The next matter is D.C. Board of
19 Elections v. Courtney Snowden. This was filed on
20 February 15th at a March 21st show cause hearing.
21 Judge Mitchell-Rankin granted the Board's
22 requested and entered a judgment of \$1,650

1 against Ms. Snowden.

2 The next matter is D.C. Board of
3 Elections v. Lamont Harrell. This was also filed
4 on February 15th. A March 17th 2023 show cause
5 hearing before Senior Judge Dixon (phonetic) was
6 continued to April 4th to allow the Board to
7 pursue service of process on Mr. Harrell.

8 We sent mail to him at his last known
9 address, but that was returned by the U.S. Postal
10 Service. On April 4th, the Court continued this
11 matter to July 5th to allow another chance for
12 service.

13 The next matter is D.C. Board of
14 Elections v. Jacque Patterson. This was filed in
15 D.C. Superior Court on January 25th. The case
16 has been set for an initial status hearing before
17 Judge Dayson on April 28th.

18 And the final matter is Stacia Hall v.
19 The D.C. Board of Elections. On March 14th,
20 plaintiffs filed a challenge to the Local
21 Resident Voting Rights Amendment Act on the
22 ground that the constitution precludes non-

1 citizens from voting.

2 An initial status hearing is scheduled
3 before Judge Puig-Lugo on June 23rd. As this is
4 a challenge to the validity of a provision of the
5 District's election statute, the Board is being
6 represented by the Office of the Attorney General
7 in this matter.

8 And that concludes the litigation
9 status and my report.

10 CHAIRMAN THOMPSON: All right, thank
11 you so much.

12 All right, and now we'll turn to
13 Cecily Collier-Montgomery for the Office of
14 Campaign Finance.

15 MS. COLLIER-MONTGOMERY: For the month
16 of March 2023 will be posted at the OCF website,
17 www.ocf.dc.gov, before the close of business
18 today. I will, however, at this time highlight a
19 few items of interest for the public from the
20 report.

21 First, in the Fair Elections Program
22 Division, the Office of Campaign Finance as of

1 this date has authorized a total sum of
2 \$13,557,106.70 for disbursement from the Fair
3 Elections Fund and base amount and matching
4 payments to the 42 candidates who were certified
5 in the program to participate in the 2022
6 election cycle. The 2022 election cycle closed
7 on November the 8th, 2022.

8 For the 2024 election cycle during the
9 month of March '23, the OCF certified the
10 candidate, Salim Adofo, on March the 21st, 2023,
11 as the participating candidate in the Fair
12 Elections Program in the June 25th 2024 primary
13 election for the covered office of member the
14 council from Ward 8.

15 The Agency authorized for a
16 disbursement to the candidate the sums of
17 \$56,244.40 and matching payment and \$20,000 for
18 the base amount payment, which is the first one-
19 half of the authorized \$40,000 statutory amount
20 that is prescribed for this covered office.

21 I would also mention that the
22 candidate did meet the minimum requirements for

1 certification for this covered office and
2 basically for the office of ward member of the
3 council, the candidate must obtain at least
4 (audio interference) qualify small dollar
5 contributions from residents of the District of
6 Columbia from at least 150 small dollar
7 contributors with an aggregate total of \$5,000 or
8 more.

9 The desk reviews (phonetic) in the
10 fair elections program, the fair elections
11 division conducted 46 desk reviews of the January
12 31st 2023 reports of receipts and expenditures,
13 which should have been filed with the Office, and
14 also issued ten requests for additional
15 information based on the reviews of those
16 financial reports.

17 We've remitted funds as of March 2023.
18 The total sum of \$686,433.82 has been remitted
19 for deposit in the fair elections fund from the
20 campaign operations of candidates who were
21 certified to participate in the 2022 election
22 cycle.

1 And for members of the public, I would
2 also indicate that Fair Elections Act requires
3 candidates who are certified to participate in
4 election cycle to return surplus funds at the end
5 of the cycle.

6 With the post-election full field
7 audits in the fair election division, there are
8 currently 18 post-election audits for the 2022
9 election cycle, which are ongoing at various
10 stages in the audit process. The audits and the
11 status of each are listed in the OCF report.

12 I would also indicate that the FEP has
13 completed a total of 16 final audit reports for
14 the 2020 election cycle, which are posted at the
15 website and are available for review by the
16 public.

17 The FEP also issued 42 post-election
18 audit letters on March 13th, 2023, and March
19 24th, 2023, to the candidates who were certified
20 to participate in the June 2022 primary election
21 and the November 2022 general election.

22 Our public information and records

1 management division for month of March 2023,
2 there was one due date for the filing of reports
3 of receipts and expenditures, and that was the
4 March 31st, 2023, final due date for filing of
5 the ANC summary financial statement by the
6 candidates for advisory neighborhood commission
7 member who participated in the November 2022
8 general election. The realtime images of the
9 reports that were filed are available again at
10 our website for review by the public.

11 For the 2024 election cycle during the
12 month of March 2023, there were no new candidates
13 or committees who registered to participate in
14 either the traditional campaign finance program
15 or the fair elections program.

16 The PIRM division also referred 28
17 committees to the Office of the General Counsel
18 on March the 3rd, 2023, for the initiation of
19 enforcement action for the failure to file the
20 January 31st, 2023, report of receipts and
21 expenditures. The list of the committees
22 referred is included in our full report, which

1 will again be posted before the close of business
2 today.

3 In our traditional campaign finance
4 program for the audits of financial reports, our
5 reports analysis and audit division during the
6 month of March, the traditional program conducted
7 60 desk reviews of receipts and expenditures,
8 which have been filed during the month of January
9 and issued two requests for additional
10 information as a result of the desk reviews.

11 There are ongoing audits in the
12 traditional campaign finance program. First,
13 there are four full field audits before the audit
14 branch, which were initiated in February 2023 of
15 the campaign operations of the candidates who
16 were newly elected to office during the 2022
17 general election and also of any other committees
18 which were active during the 2022 election cycle,
19 which the audit manager selected for audit.

20 The full field audits are being
21 conducted of the following campaign operations.
22 First, Mendelson for Chairman 2022, Kenyan

1 McDuffie 2022, Eric Goulet, State Board of
2 Education, and Oye for U.S. representative.

3 The audit branch is also in the
4 process of conducting periodic audits of the
5 January 31st 2023 financial report, which were
6 filed by political action committees. There are
7 two ongoing reports. The first is the D.C.
8 Engineers PAC.

9 The second is the D.C. for Democracy
10 PAC. And that completes the report for the
11 Office of the Director. I would ask the General
12 Counsel, William Sanford, to now give the report
13 for the Office of the General Counsel for the
14 Office of Campaign Finance.

15 MR. SANFORD: Thank you, Director.

16 Good morning, Mr. Chairman and
17 distinguished board members, Greenfield and
18 Boggs. I am William Sandord, General Counsel for
19 the Office of Campaign Finance.

20 The Office of Campaign Finance
21 appeared before the District of Columbia Council
22 Committee on executive administration and labor

1 (phonetic) during an oversight hearing on the
2 budget and provided testimony regarding the
3 fiscal year 2024 budget on March 28th, 2023.

4 Our primary concern during that
5 hearing is to secure sufficient financing for the
6 fair elections program during the 2024 election
7 cycle during fiscal year 2024.

8 During the month of March 2023, the
9 Office of the General Council received 30
10 referrals, completed 18 informal hearings which
11 included the following.

12 Eight orders were issued in which a
13 total of \$10,750 were fines was imposed. Seven
14 orders were issued in which no fines were
15 imposed. And three orders in which the notice of
16 hearings and status of violations were vacated or
17 issued.

18 During the month of March 2023, the
19 Office of the General Counsel imposed fines
20 against the following respondents. Fine of
21 \$2,450 was imposed against Butler Tamiah
22 (phonetic) Principle Campaign Committee. A fine

1 of \$650 was imposed against Oye, U.S.
2 Representative.

3 A fine of \$350 was imposed against
4 Citizens for Safer D.C. A fine of \$1,475 was
5 imposed against Better Leadership D.C. A fine of
6 \$3,450 was imposed against the Ward 7 democrat.
7 A fine of \$500 was imposed against Food Service
8 Political Action Committee.

9 A fine of \$1,025 was imposed against
10 the Committee to Elect Karim Marshall. And a
11 fine of \$850 was imposed against Friends of Best
12 (phonetic) Principle Campaign Committee.

13 During the month of March 2023, the
14 Office of Campaign Finance collected a total of
15 \$3,025 from the following respondent committees.
16 A fine of \$500 was paid by Food Service Political
17 Action Committee.

18 A fine of \$1,025 was paid by the
19 Committee to Elect Karim Marshall. A fine of
20 \$650 was paid by Oye, a U.S. representative. And
21 finally a fine of \$850 was paid by Friends of
22 Best Principal Campaign Committee.

1 During the month of March 2023, the
2 Office of the General Counsel issued orders in
3 the final two open investigations. They are as
4 follows.

5 OCF Docket 2022-009 in the matter of
6 Respondent Tricia Duncan and Benjamin Bregman.
7 The allegation was receipt of illegal in-kind
8 contributions. The order was issued on the 16th
9 of March 2023 dismissing the complaint.

10 The second matter was OCF Docket 2022-
11 0012, complaint filed by Eric Goulet. The
12 respondent was Elissa Silverman and the Elissa
13 Silverman for D.C. Principal Campaign Committee.
14 The allegation was a violation of the fair
15 elections act on making an illegal contribution
16 to another principal campaign committee. That
17 order was issued on March 23rd, 2023. And the
18 complaint was dismissed.

19 During the month of March 2023, there
20 were no request (audio interference) opinion and
21 no show cause proceedings were conducted.

22 The contents of this report will be

1 published at the OCF website later on on today's
2 date, April 5th, 2023. And that should conclude
3 my report.

4 CHAIRMAN THOMPSON: Thank you so much.
5 Quick question. The March 16th dismissal of the
6 Duncan Bregman complaint and the March 23rd
7 dismissal of the Goulet complaint, what is their
8 timeline for appeal if they would like to do
9 that? Or has it passed?

10 MR. SANFORD: Well, the complainants
11 are not parties, so they do not have a right to
12 appeal.

13 CHAIRMAN THOMPSON: Okay. There's no
14 appellate clock --

15 MR. SANFORD: There is no appellate
16 route for the complainants in matters that were
17 submitted.

18 CHAIRMAN THOMPSON: All right, thanks.

19 MR. SANFORD: Unlike in the initial
20 case with Silverman who was a party, and she had
21 a right to appeal.

22 CHAIRMAN THOMPSON: Okay. All right,

1 thank you so much.

2 MR. SANFORD: Sure.

3 CHAIRMAN THOMPSON: All right, that
4 concludes our reports. We'll turn now to comment
5 from the public. It looks like we've got 22
6 people joining us by Zoom. Thank you again for
7 joining us. We'll hear from anybody who would
8 like to speak. Let's start with D.C. residents.
9 Anyone who's a personal resident of D.C., just
10 raise your Zoom hand, if you will, and we'll
11 unmute you.

12 MS. BRIZILL: Chairman --

13 CHAIRMAN THOMPSON: And then we'll
14 turn to --

15 (Simultaneous speaking)

16 MS. BRIZILL: -- my name is Dorothy
17 Brizill. I would like to make a public comment.

18 CHAIRMAN THOMPSON: Ms. Brizill, we
19 can hear your voice very faintly, just barely.
20 Let me see if you -- I don't know if you can make
21 an adjustment on your end?

22 MS. BRIZILL: I just got notice that

1 your host unmuted me. Can you hear me better
2 now?

3 CHAIRMAN THOMPSON: Yes, we can hear
4 you a little bit better. And I wanted to start
5 with D.C. local residents. Can you give us your
6 address?

7 MS. BRIZILL: 1327 Girard Street
8 Northwest.

9 CHAIRMAN THOMPSON: Okay. So, why
10 don't you go ahead and make your comment. We try
11 to keep things to three minutes, but there's not
12 a strict clock here. But why don't you go ahead
13 and make your comment, and when you're done,
14 we'll address whatever it is.

15 MS. BRIZILL: I would like to bring to
16 the Board's attention, and I indeed I seek your
17 assistance regarding securing information that is
18 requested from the Board of Elections, namely its
19 public information officer.

20 Over the past two, three months,
21 there's been a performance hearing and there's
22 been a budget hearing before the Council. Issues

1 have arisen. I have followed up with details,
2 emails requesting information, and I have been
3 denied information at every turn, okay.

4 Let me give you an example. At the
5 performance and budget hearing, the Board of
6 Elections testified that it needed certain budget
7 enhancements, okay. In the written testimony,
8 the only thing that referenced those budget
9 enhancements were 15 additional FTEs. I followed
10 up with an email to Nick Jacobs asking would 15
11 FTEs do.

12 The only other reference in the
13 testimony was three FTEs needed at the vote mail
14 processing center at the warehouse, which we know
15 only would be operative during election season.

16 Moreover, during the performance and
17 budget hearing, issues were raised regarding the
18 conditions at the warehouse and the number of
19 staff working at the warehouse. An allusion was
20 made to problems regarding lack of toilet
21 facilities.

22 I followed up with an email to Mr.

1 Jacobs, and he has refused to indicate what the
2 problems are at the warehouse. I am asking that
3 question because if you are processing thousands
4 and thousands of mail-in ballots, does the Board
5 at this time prior to the 2024 election need to
6 find another location, a vacant school building,
7 a vacant D.C. government facility to process
8 those ballots?

9 Moreover, in the performance hearing
10 and budget hearing, the Board of Elections
11 indicated it was going to revamp its website and
12 improve security with the elections system.

13 In emails to Mr. Jacobs, he has
14 refused to indicate what the revamp would be,
15 whether or not it's going to be done in-house,
16 whether or not it's going to be contracted,
17 whether or not the BOE has the staff.

18 My final concern has to do with the
19 maintenance and cleaning of the voter rolls. I
20 have asked specific information as regard what
21 that process would be. I know that you are
22 mandated by law to begin the process by the month

1 of March.

2 I specifically wanted, and other
3 people want to know, why and when you are going
4 to begin that process, especially since you have
5 had so many mailed in ballots that have been
6 returned as either not deliverable or not
7 returned at all.

8 I was surprised to review records on
9 the Federal Election Assistance Commission
10 website that indicated that the D.C. Board of
11 Elections had applied to use \$75,000 out of a
12 million-dollar grant to engage a credit reporting
13 agency to assist in cleaning up the voter roll.

14 Now, it is universally known that
15 credit reporting agencies, the information on the
16 system, is marginally, marginally accurate at
17 best. Why would the D.C. Board of Elections
18 engage a credit reporting agency to do this
19 important work?

20 The bottom line, I would like specific
21 answers to my multiple requests to the PIO and
22 the executive director of the Board of Elections

1 to these questions.

2 But moreover, the Board, the Board
3 itself, has to assume responsibility for the fact
4 that the staff at the Board of Elections will not
5 respond to emails, will not provide information,
6 and this is contrary to D.C. law, specifically
7 mandated in D.C. law.

8 MS. EVANS: Thank you, Ms. Brizill.
9 I can address some of the matters that you
10 raised. The information you requested, excuse
11 me, regarding our enhancement request and
12 warehouse conditions, all of that is included in
13 our official response to the D.C. Council, and
14 our response is posted on the website.

15 All of the details of the
16 enhancements, that is the same information we
17 provided to the Office on Budget and Performance
18 Management, and the exact same information we
19 provided to the Council, and it articulates all
20 of the positions and the enhancements and
21 warehouse conditions.

22 As far as revamping the website, we

1 are still exploring options, and so we do not
2 have a definitive answer as far as whether we
3 will have to contract out with the changes to the
4 website. As soon as those decisions have been
5 made, they will be shared.

6 As far as maintenance of our voter
7 rolls, we've actually provided a portion on our
8 website that is specifically devoted to
9 maintenance of voter rolls, and so that
10 information is being updated as we have updates
11 to provide to the public.

12 And finally with the credit reporting
13 agency, Orange County in California has been
14 engaged and has a working relationship with a
15 credit reporting agency to assist in the clean-up
16 and maintenance of voter rolls. It has proven to
17 be a very successful tactic.

18 It is by no means the only tactic we
19 will use to ensure our voter rolls are updated
20 and maintained, but we are trying to cast the
21 widest net we can to ensure we getting
22 information timely, particularly because all

1 states are not member states of ERIC. Thank you.

2 CHAIRMAN THOMPSON: All right, yes.

3 Thank you, Director Evans. Thank you so much

4 (simultaneous speaking) for your comment --

5 MS. BRIZILL: Mr. Chairman --

6 CHAIRMAN THOMPSON: Hold on, please.

7 Thank you so much for your comment. It's not
8 really the Board's job to micromanage emails or
9 email requests or responses, but I have seen an
10 enormous amount of effort expended by BOE staff,
11 including the PIO, responding to your request.

12 And it's my observation that their
13 responses have been timely and thorough,
14 notwithstanding the regular request for
15 information and more information, much of which
16 is public, and has been transparent and explained
17 on the record at board meetings and otherwise
18 made available at Council Oversight meetings, et
19 cetera.

20 Although it's not really my role, I am
21 100 percent fully satisfied that every request
22 you've made has been addressed in a timely and

1 thorough manner, and I want to thank the PIO and
2 the BOE staff generally for all their efforts in
3 that regard.

4 And then regarding the issues that
5 you've ticked off, we've heard a lot about all
6 these issues over these many months. I've
7 learned a lot, and I know for a fact that there's
8 been great transparency and discussion about, for
9 example, the warehouse which came up in the
10 Council Oversight hearing and budget hearing,
11 improving to the website, and especially
12 regarding voter roll maintenance.

13 There's been longstanding discussions
14 on that in our monthly meetings and at Council
15 Oversight hearings, and it's quite clear what's
16 happening from this very transparent process.

17 There's a process that will take place
18 throughout this year to send notices out to
19 voters on the list whose ballots were returned,
20 et cetera, so that in due course after another
21 postcard goes out, there will be a moment later
22 this year where thousands, if not tens of

1 thousands of voters are moved from the active to
2 the inactive list.

3 That in turn will reduce the active
4 voter roll, which plays a role in establishing
5 the denominator for voter initiatives and a lot
6 of other things for statistics that are
7 important. But just by way of personal
8 observation, I recently attended a voter
9 registration drive. It was a high school.

10 I really like voter registrations.
11 It's a lot of fun to see young people especially
12 registered to vote for the first time, and it's
13 very meaningful, and it's very important from my
14 observation that our citizens are registered to
15 vote. So they have the opportunity to vote if
16 they so choose.

17 And voting, of course, is not a use-
18 it-or-lose-it right. You don't have to vote,
19 even though you're registered. You don't have to
20 vote in one cycle or two cycles or three cycles.
21 We welcome all of our residents on the voter
22 registration list.

1 And, you know, we aren't trying --
2 it's not our goal to reduce the number of people
3 on the registration list. We put a lot of effort
4 and resource into registering voters. That said,
5 we're a transient town. We really can't be
6 compared to states like Oregon or Washington
7 State.

8 We have our own very unique
9 circumstance with a lot of people coming and
10 going. Maybe some of those kids will soon be off
11 to college and never actually vote here, who
12 knows. But we balance that out with a process to
13 reduce our voter rolls, move people on to the
14 inactive list.

15 Even if somebody's on the inactive
16 list, it's not obviously fatal to their right to
17 vote. It would be very easy to them to recapture
18 their active registration, or if need be we have
19 same-day registration as well.

20 So nobody would be disenfranchised,
21 but all that said, yes, we're obviously focused
22 on the issue of addressing the accuracy of the

1 voter rolls both internally from all the
2 information we have here in D.C. and externally
3 through the ERIC system and otherwise, and
4 there's a lot of focus on that.

5 It's been the subject of great
6 discussion with Councilmember Bonds and others.
7 There's been a lot of information released on
8 that in our reports that have been made public.
9 It's something we're obviously addressing.

10 It's something that's very clearly
11 spelled out in our regulations as well in terms
12 of a process that's being followed. And a lot of
13 work is going into it this year.

14 And once again, I would like to thank
15 the BOE staff who are hard at work on that issue
16 and will be especially for the rest of this year
17 in advance of the next election cycle. And in
18 terms of the information about that process as
19 this is happening, it's all public.

20 It's been made public, and the
21 information requests that I've seen have been
22 addressed and will continue to be addressed in a

1 timely and thorough manner as it has been from
2 everything that I've seen. I just wanted to say
3 it out on the record as well.

4 And with that, turn to any other
5 public comment that might be out there at this
6 time.

7 MR. AMENE: And if I may, Chairman.
8 This is Abel Amene. I am a resident of D.C. at
9 506 Longfellow Street. I just wanted to talk
10 about a few things. I am myself a non-citizen.
11 I'm not registered to vote, and I cannot register
12 to vote until full implementation of the Local
13 Residents Voting Rights Act. I'm here to just
14 encourage continued work on this.

15 I was heartened to hear the comments
16 earlier by Director Evans, and I also have
17 knowledge of the last item mentioned by the
18 general counsel as well. But I just wanted to
19 continue to encourage implementation of this law
20 and so we can get to the point where we can start
21 to register non-citizens as soon as possible.

22 I know that's still quite a bit away,

1 but the sooner we can do that, the sooner we can
2 register folks in time for the elections. I also
3 wanted to point out that I believe the Council
4 has given authority to start using the D.C.'s
5 healthcare finance databases as a source of voter
6 registration, and I wanted to encourage use of
7 that.

8 Specifically, there's one program
9 under there called the D.C. Health Alliance,
10 which is entirely made up of non-citizens. I
11 just wanted to, not to be the ideas guy, but to
12 really acknowledge that particular database. I
13 think there was discussion of sending mailers.

14 I would highly encourage sending
15 mailers to every single person on that list since
16 the entire list is known to be non-citizens.
17 And, yes, generally just encourage implementation
18 of this law as soon as possible, and with the
19 highest speeds. Specifically, to update the
20 methods of registering as soon as funding becomes
21 available so that we can start registering folks.

22 I've reached out to the director and

1 offered -- we have quite a few organizations that
2 are focused on immigrants, and we're happy to
3 connect you with those, and I'm very heartened to
4 get a response and to -- hopeful that you'll use
5 us as a resource. There are many organizations
6 that are connected to non-citizens that could be
7 a resource for you. Thank you for that.

8 MS. EVANS: Yes, and thank you for
9 your comments and also for your efforts to assist
10 us with this as we move forward.

11 CHAIRMAN THOMPSON: Yes, I also wanted
12 to say thank you, Mr. Amene. It's much
13 appreciated. You know, obviously, our board, our
14 staff implements the law as its been passed, and
15 that's what we're doing. I noticed that, as an
16 aside, there's a lawsuit by Ms. Stacia Hall that
17 General Counsel Stroud mentioned brought before
18 the D.C. Superior Court.

19 And at some point, that court and
20 probably the D.C. Court of Appeals will opine on
21 the propriety of the D.C. Local Resident Voting
22 Rights act. But our assumption is that unless

1 and until a court says otherwise, it's law, and
2 we're following it and we're implementing it.

3 On the implementation side, I heard at
4 the council budget hearing some questions about
5 whether the act is adequately funded. From what
6 I heard, the proposed budget anyway, is reducing
7 our budget at the same that we're being asked to
8 do more under both the Modernization Act as well
9 as the D.C. Local Resident Voting Rights Act.

10 But I heard Councilmember Bonds very
11 positively address that issue, and I assume that
12 in due course the funding will be put in place to
13 ensure that we have all the financial resources
14 we need to implement the D.C. Local Resident
15 Voting Rights Act, and we will with all the staff
16 and resources that hopefully will be made
17 available to us.

18 There's obviously a lot to do and a
19 plan for it during the rest of the year, and
20 you're right, when that moment comes,
21 registration is going to be a vital threshold
22 step to bring new voters into the system. So I

1 want you to know we're committed to it. I just
2 wanted to give you my comments. Any other detail
3 or anything else you want to add?

4 MS. EVANS: No, thank you for that
5 summary.

6 CHAIRMAN THOMPSON: All right.
7 Anybody else out there?

8 MS. McCLURE: Yes, this is Nicole. I
9 live at 1345 South Capitol Street. I just have a
10 question, actually. I'm going to circle back to
11 the cross-state workgroup, it's very interesting
12 that you're going to be joining that.

13 My questions to that are how big is
14 that workgroup, how many states are involved,
15 what states are involved? Do you guys have
16 golden metrics? Are you looking to create like
17 another version of ERIC so you have two systems
18 running at the same time? And what do you expect
19 the expectation is on the voter rolls, on
20 cleaning it up?

21 MS. EVANS: Thank you. Currently,
22 there are 26 states and the District of Columbia

1 participating in the workgroup. We've actually
2 only had one meeting, and we really discussed the
3 goal. And the goal is to make sure we have a
4 mechanism to share data, particularly with those
5 states who are not ERIC member states.

6 Nothing has been finalized as far as
7 how that will work. It's likely this will not be
8 a membership organization such as ERIC where you
9 are working primarily with technology individuals
10 in this space to see what secure mechanisms we
11 can use to share data across states so that we
12 are confident that we are addressing individuals
13 who attempt to vote in multiple jurisdictions.

14 At this point, I think the focus is
15 going to be on cross-state voting and the
16 potentials of fraudulent voting, but we do plan
17 to eventually look at using the cross group to
18 address list maintenance efforts as well.

19 But as far as the individual states,
20 I don't have all 26 before me, but I can
21 absolutely follow up with you if you're
22 interested in the states that are participating

1 in the workgroup. Some of them are current ERIC
2 members, some of them are former ERIC members,
3 and some of them were never ERIC members.

4 CHAIRMAN THOMPSON: All right, thank
5 you so much for your comment. All right, good
6 questions today. Anybody else? Any other
7 comment from the public?

8 (Pause.)

9 CHAIRMAN THOMPSON: All right, well,
10 hearing none and hearing no other business before
11 us, so at this time I move that we adjourn.

12 All in favor?

13 (Chorus of ayes.)

14 CHAIRMAN THOMPSON: Thank you.

15 (Whereupon, the above-entitled matter
16 went off the record at 11:22 a.m.)

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In the matter of: Board Meeting

Before: DC BOE

Date: 04-05-23

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.



Court Reporter

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