

MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING

September 2, 2026

The District of Columbia Board of Elections (“the Board” or “DCBOE”) held its Regular Monthly Meeting on Wednesday, September 2, 2026 via Zoom and in the Board’s Hearing Room located at 1015 Half Street, SE, Washington, D.C. 20003, Suite 750. Board Chair Gregory McCarthy and Board Members Karyn Greenfield and Mike Wakefield were present. The Board’s Executive Director, Monica Holman Evans (“Director Evans”), General Counsel, Terri Stroud, Office of Campaign Finance (“OCF”) Director, Cecily Collier-Montgomery, and OCF General Counsel, William SanFord, were also present.

I. CALL TO ORDER

Board Chair McCarthy called the meeting to order at 10:33 a.m.

II. ASCERTAINMENT OF QUORUM

Board Chair McCarthy and Board Members Greenfield and Wakefield constituted a quorum.

III. ADOPTION OF AGENDA/APPROVAL OF MINUTES

BOARD ACTION: The Board unanimously adopted the agenda and minutes from the prior Regular Board Meeting.

IV. BOARD MATTERS

A. Board Member Mike Wakefield Recusal from Matters Involving Initiative Measure No. 88

Board Member Wakefield read into the record a recusal memorandum advising the Board that a partner at his law firm represents a party in *Douglass v. D.C. Board of Elections*, which concerns Initiative Measure No. 88, the Rent Control and Housing Eligibility Adjustment Amendment Act of 2026. Following consultation with the Board's General Counsel and the D.C. Board of Ethics and Government Accountability, Board Member Wakefield recused himself from all matters involving the litigation and Initiative Measure No. 88. The recusal will remain in effect for the duration of the litigation and related administrative proceedings, or for as long as the circumstances giving rise to the conflict continue to exist.

V. EXECUTIVE DIRECTOR’S REPORT

A. General Matters

Director Evans presented the [Executive Director's Report for August 2026](#).

VI. GENERAL COUNSEL’S REPORT (TERRI STROUD)

A. Initiative Matters

1. Proper Subject Hearing – “The DC Equal Homeownership Act”

General Counsel Stroud presented the proposed initiative measure, “The DC Equal Homeownership Act,” for the Board’s determination as to whether it presents a proper subject for initiative pursuant to D.C. Official Code § 1-1001.16. Notice of the Board’s consideration of the measure was published in the D.C. Register on July 31, 2026, at 73 DCR 010812. The Board received no requests from members of the public to participate in the proceeding.

Proposer Addison Sarter filed the original version of the measure on December 23, 2025. The Board rejected that version in February 2026, concluding that its essential actions were discretionary authorizations that could occur only after separate Council action, and that the measure therefore did not constitute a law. Mr. Sarter filed the revised measure on June 29, 2026. The revised measure removes the provisions requiring separate Council authorization and provides in section 3(b) that the District “shall give preference” to developing public homeownership units whenever qualifying District-owned land is disposed of or developed. Advisory opinions from the Office of the Attorney General and the General Counsel for the Council concluded that the revised measure presented a proper subject of initiative.

On June 29, 2026, the Office of the General Counsel requested the advisory opinions required by D.C. Official Code § 1-1001.16(b)(1)(A). The General Counsel for the Council of the District of Columbia (“the Council”) and the Office of the Attorney General (“OAG”) each concluded that the revised measure presents a proper subject of initiative.

Mr. Sarter appeared and urged the Board to accept the revised measure as a proper subject, noting that it had undergone legal review and that implementation would remain subject to the District’s ordinary budgeting and appropriations process. Board members raised questions concerning the measure’s mandatory and discretionary language and whether the revised provisions were sufficiently self-effectuating. The Board determined that additional deliberation and consultation with the General Counsel were appropriate and took the matter under advisement to be discussed in closed executive session.

B. Litigation Status

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

This is a remand from the D.C. Circuit’s June 20, 2025 reversal of a district court denial of a challenge to legislation allowing non-citizens to vote in local elections. We are awaiting the court’s decision.

2. U.S. Dept. of Justice v. D.C. Board of Elections (U.S. District Court for D.C.)

This action sought to compel the Board to produce confidential personally identifying information concerning District voters. On August 6, 2026, the Court dismissed the matter, concluding that Title III does not authorize the U.S. Attorney General to compel the Board to produce the voter registration list.

3. U.S. Dept. of Justice v. D.C. Board of Elections (U.S. Court of Appeals for the D.C. Circuit)

The Department of Justice filed an appeal on August 17, 2026 from the District Court order dismissing the action described above.

4. John Guggenmos v. D.C. Board of Elections (D.C. Court of Appeals)

This is an appeal from the D.C. Superior Court's June 25, 2026 order granting summary judgment in favor of the Board in a challenge to the Board's determination that Initiative Measure No. 87, the D.C. Living Wage for All Amendment Act of 2026, met proper subject requirements and to the Board's adoption of the measure's formulations. The Board is awaiting a briefing order.

5. Talib Muhammad v. D.C. Board of Elections (D.C. Superior Court)

This matter concerns a complaint and request for a temporary restraining order directing the Board to accept the plaintiff's general election nominating petition. The Board opposed the request. Following argument on August 27, 2026, the Court denied the plaintiff's request for injunctive relief on September 1, 2026. An initial scheduling conference concerning the complaint is set for November 20, 2026.

6. Douglass v. D.C. Board of Elections (D.C. Superior Court)

Board Member Wakefield left the meeting for consideration of this matter consistent with his recusal.

This matter challenges the Board's determination that Initiative Measure No. 88, the "Rent Control and Housing Eligibility Adjustment Amendment Act of 2026," met proper subject requirements and the Board's adoption of the measure's formulations. Pursuant to the Court's July 9, 2026 briefing schedule, dispositive motions were filed on August 7. The Court has scheduled an initial status hearing for October 9, 2026.

VII. CAMPAIGN FINANCE REPORT (PRESENTED BY DIRECTOR COLLIER-MONTGOMERY)

- A. Director Collier-Montgomery presented the [Office of Campaign Finance \(OCF\) report](#) for August. The full report will be posted on the OCF website(www.ocf.dc.gov).

- B.** OCF General Counsel SanFord presented the report of the Office of the General Counsel (“OGC”).

1. Monthly Intake/Output Report

During August, OGC received 49 referrals. Twenty referrals concerned the failure to timely file the July 31 Report of Receipts and Expenditures (“R & E Report”). Reminder notices were issued on August 10, and an extension was granted through August 22; the reports remained unfiled by the extended due date. OGC also received 29 referrals for failure to timely file R & E Reports required on August 10 for committees active during the 2026 election cycle.

OGC completed 15 informal hearings and issued 15 orders. Four orders were issued in which a total of \$10,000 in fines were imposed, and 11 orders were issued in which no fines were imposed. OCF imposed a fine of \$4,000 against Neighborhoods DC Action Fund, a fine of \$2,000 against the Campaign Committee of Randy Downs for Ward 2, a fine of \$2,000 against the Committee to Reelect Janeese Lewis George, and a fine of \$2,000 against LaJoy for Ward 8.

2. Investigations

- a. Docket No. OCF-FI-2026-006: Complainant Douglas Ticker alleges failure to report expenditures by respondent Jacqueline Reyes-Yanes. The matter was docketed April 20, 2026 and expanded following an additional referral from the Fair Elections Program Division received May 11, 2026. The matter remains pending.
- b. Docket No. OCF-I 2026-007: Complainant Kevin Sobkoviak alleges improper coordination by respondents Janeese Lewis-George PCC, Safe and Affordable PAC, Unite Here Local 25 Union, and SEIU 32BJ. An order was issued on June 12, 2026, and a request for a hearing de novo remains pending before the Board. General Counsel Stroud advised that pre-hearing conferences have been scheduled in the matters.
- c. Docket No. OCF-I 2026-008: Complainant Shelly Jackson alleges no disclaimer on campaign literature and failure to register with OCF by respondent YAZAM d/b/a Empower. The matter was docketed April 28, 2026. A cease-and-desist order to Show Cause was issued May 11, 2026. The matter remains pending.
- d. Docket No. OCF-FI-2026-009: Complainant William Singer alleges failure to identify political advertisements and failure to report an independent expenditure by respondent A United DC Research Council. The matter was docketed May 7, 2026. A cease-and-desist order and an order to show cause were issued May 13, 2026. The matter remains pending.

3. Request for Interpretive Opinions

None

4. Show Cause Proceedings

None

VIII. PUBLIC COMMENT

The discussion in the public matters portion of the meeting can be found on pages 62 - 63 of the transcript.

IX. CLOSED/EXECUTIVE SESSION AND ADJOURNMENT

At the conclusion of the public comment portion of the meeting, the Board voted unanimously to enter into Executive Session to consult with the General Counsel to obtain legal advice and to preserve the attorney-client privilege between an attorney and a public body pursuant to D.C. Official Code § 2-575(b)(4)(A) and to deliberate on a decision in which the Board will exercise quasi-judicial functions pursuant to D.C. Official Code § 2-575(b)(13).

Following the vote to enter into Executive Session, the meeting adjourned at 11:39 am.