GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS
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REGULAR BOARD MEETING
+ + + + +

WEDNESDAY

DECEMBER 6, 2023
+ + + + +

The District of Columbia Board of Elections convened via Video/Teleconference, pursuant to notice at 10:34 a.m. EST, Gary Thompson, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

GARY THOMPSON, Chair
KARYN GREENFIELD, Member
J.C. BOGGS, Member

BOARD OF ELECTIONS STAFF PRESENT:

MONICA HOLMAN EVANS, Director
TERRI STROUD, General Counsel
CECILY COLLIER-MONTGOMERY, Office of Campaign Finance
WILLIAM SANFORD, Office of Campaign
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Adjournment
GOOD morning, everybody. I see a lot of people by Zoom. Hopefully you can hear me okay. My name is Gary Thompson. I'm the Chair of the D.C. Board of Elections. And welcome to our regular monthly meeting for the month of December 2023. We're being recorded on Zoom. And there's also a court reporter present, I can see. Also, today's meeting is by Zoom only. And I do see that our -- my fellow board members, Karyn Greenfield and J.C. Boggs, are present. So we have all three board members. We have a quorum.

And our first order of business is to adopt our agenda, which was published in advance. We've all had a chance to look it over. At this time, I would move that we adopt the agenda.

MEMBER GREENFIELD: I second.

CHAIR THOMPSON: All in favor?
(Chorus of aye.)

CHAIR THOMPSON: Okay. The agenda's adopted.

Another quick housekeeping matter.

We've also had a chance to review the minutes from our last meeting of November 8th. There's a transcript of that available, as well, on our website. At this I time, I would move that we adopt our minutes.

MEMBER GREENFIELD: I second.

CHAIR THOMPSON: All in favor?

(Chorus of aye.)

CHAIR THOMPSON: Okay. That's the easy stuff. On board matters, I don't have anything to bring up. Anything from my fellow board members at this time?

MEMBER GREENFIELD: No. I don't have anything.

CHAIR THOMPSON: Okay. Well, then, in that case, on to the Executive Director's report, Monica Evans.

MS. EVANS: Thank you, and good
morning.

I will begin my November 2023 report with allegations regarding violations of sexual harassment laws. During the December counsel roundtable held on October 31, statements were entered into the official record regarding repeated violations of sexual harassment laws by BOE. We take such allegations very seriously. Therefore, in November, we opened an official investigation to look into the matter. BOE's Sexual Harassment Officer reached out to staff to share information and solicit feedback. Additionally, BOE reached out to the party who made the allegations. We received no response. The investigation was closed without any evidence of sexual harassment or violations of sexual harassment laws found.

Data breach. As reported in November, BOE became aware that a hacking group known as Ransomed.vc claimed to have breached BOE's records and accessed 600,000 lines of
U.S. photo data, including D.C. voter records.
The incident occurred as the result of a compromise to DataNet, our website hosting provider. An update is as follows: Booz Allen Hamilton has been assigned to work with DataNet. DataNet will provide the Booz Allen analysis summary to the Office of the Attorney General by December 18th. And that's the deadline. Booz Allen is projecting to have this finalized sooner than the deadline, and a copy will be provided to BOE once it is completed.

As far as our website status, DataNet released the latest version of the Kentico Experience Platform on November 15. On November 28, the BOE completed website testing and requested DataNet to conduct an environment scan through Octo. On November 30, Octo confirmed the scan's completion, revealing two vulnerabilities. On November 4, DataNet confirmed a successful completion of the website scan by Octo with all identified issues.
addressed. Octo provided approval for release, clearing the website to go live. BOE approved production and the new website went live on December 5th.

Additionally, DataNet finalized the relaunch of the Check Your Voter Registration Status module. A demonstration took place on December 1. The ability to check voter registration status is expected to be operational by the end of this week.

Breach notification. BOE gave DataNet suggested modifications to the breach notification letter, and that letter will be sent to D.C. voters. DataNet is working with the Office of the Attorney General to finalize the necessary notifications and determine optimal delivery methods. Once legal counsel at DataNet and the OHE finalize the notification letter, it will be sent to BOE. As previously stated, BOE set up an email account where residents can ask questions about the breach. And that email is:
Throughout this process, it remains safe and secure to register to vote in the District of Columbia. D.C. residents can still register to vote online by using a paper form or in person at BOE offices.

Precinct mapping. As required by regulations, the Board is looking at our current precinct boundaries to divide the district into appropriate voting precincts based on our election wards. A file has been sent to Octo to verify the SMDs and precinct alignment. As I mentioned last month, the precinct mapping plan has been sent to Counsel Member Bonds for review and we are awaiting feedback.

ANC vacancies. We currently have 13 ANC vacancies for the 2023, 2025 term. These positions are in different stages of being filled. And after the candidate filing requirements are met, an open vote of registered voters of the affected ANC will be
held during a regularly scheduled ANC meeting.
We have been working with the Department of
Corrections to fill the vacancy at the ANC that
represents the D.C. Jail. And that's 7FO8.
And that election is scheduled to be held on
December 13.

List maintenance. Our 2023 list
maintenance process is still actively underway.
A non-forwardable postcard was sent to every
voter who did not vote in the November 2022
general election. Based on that data, we
mailed a second postcard that was forwardable
to those individuals. The forwardable postcard
was also mailed to voters who had a ballot
returned as undeliverable in 2022. To date, we
have removed 65,544 voters from our voter
rolls. An additional 37,962 inactive voters
will be removed from our voter rolls on
December 12. We have moved another 92,772
active voters to an inactive status. Based on
reports we received regarding deceased voters,
we should be able to remove an additional 5,000
voters from our voter rolls in December.

Our Communications and Outreach Divisions are working to establish partnerships with local universities to aid in maintaining the accuracy of our voter roll. These divisions are identifying ways to utilize university registrars, alumni associations, and housing offices in this process. They are also exploring ways to leverage university newsletters, mailing lists, and graduation ceremonies.

2024 election cycle year planning.

Our draft, primary, and general elections calendars for the 2024 election cycle are posted on our website. Our election equipment vendor, ES&S, began onsite preventative maintenance in software upgrades on November 27th.

Local Resident Voting Rights Amendment Act. VR systems is providing a database solution to house noncitizens who registered to vote in local elections. Our
current timeline to implement the database to register noncitizens for local elections is January 2024. However, noncitizens may currently register to vote in our offices using a paper registration form.

2024 voting options. During the 2024 election cycle, all registered D.C. voters will receive a mail-in ballot. Voters may vote by mail, in person, or by depositing a ballot in a drop box. BOE will have 55 mail ballot drop boxes that will places throughout the city. We will also operate 25 early vote centers and a total of 75 election day vote centers.

Accessibility. We are conducting an accessibility survey of all perspective vote centers before the 2024 primary election, regardless of whether they have been used previously or not, to ensure that vote centers remain accessible. We are partnering with Disability Rights at University Legal Services and the Office of Disability Rights to conduct
surveys. As is our practice, we will also
partner with DGS to ensure that vote centers
are structurally accessible. Our election
worker training division is revising the
election worker handbook and the training
curriculum based on recently passed
legislation. During the 2024 election cycle,
our goal is to recruit and train between 2,000
and 2,500 election workers. And we will deploy
approximately 1,700 election workers to serve
at vote centers. Election worker training will
begin on March 12th, 2024. And election
workers are also able to access an online
training module to complement the required in-
person training matters -- or classes. Excuse me.

Voter education and outreach.
During the month of November, the Voter
Education and Outreach Division conducted 14
outreach events on behalf of the Agency.
Events included the First Responders Career
Expo at the D.C. Army National Guard and Davis
Boxing Promotion at the Entertainment and Sports Arena.

Voter registrations rolls. In November, we registered 2,312 new voters and processed 3,333 registration changes. In total, we prepared 5,645 voter registration cards to be mailed. Additionally, 5,228 registered voters moved out of D.C.; 419 voters canceled their registrations and registered with other jurisdictions; and 995 voters registered in D.C. after canceling their registration in other states. We are continuing to register voters using our website portal. To date, we have processed over 40,054 applications using the portal. These include new voter registrations and updates to existing registrations. And that concludes my report.

Thank you.

CHAIR THOMPSON: Okay. Yeah. And I also wanted to highlight something that the Director mentioned is on our website. You can find a calendar of important dates and
deadlines pertaining to the June 4th, 2024 primary election. And we are already a couple of dates into the calendar. So the election cycle has started. Last Wednesday, November 30th, we determined four parties to be eligible to conduct congressional and council primary elections: namely Democrat, Republican, D.C. statehood, and Green parties. And it looks like tomorrow is the last day for those major parties to file a notice of intent to conduct a presidential preference primary and a comprehensive party plan for the selection of delegates and alternates to the national party conventions.

Now, I just was curious if you could maybe clarify the -- I think in some cases, the party conducts an open election in their primary. But in other cases, there's another alternate means where they convey their chosen candidate.

MS. STROUD: Yes. The parties can avail themselves of the District's primary
system or they can choose to select their candidates through their own means. So if they choose to -- for us to conduct their presidential preference primary election, then there are rules and regulations by which they have to abide. But they can also have their own means of selecting their candidates that will appear on the ballot.

CHAIR THOMPSON: And we'll find out tomorrow?

MS. STROUD: Yes.

CHAIR THOMPSON: All right. Okay. And also, I think -- I think you mentioned that noncitizen registration is now open for paper registrations here in our offices at 1015 Half Street SE?

MS. STROUD: That is correct.

CHAIR THOMPSON: And then, in January, I don't know exactly what day, you'll -- noncitizens will be registered to vote online or through other digital means?

MS. STROUD: That is correct.
CHAIR THOMPSON: All right. Great.

All right.

Well then, turning then, to our General Counsel's report from Terri Stroud. And before she commences, what we're going to be doing is considering a series of possible referrals to the U.S. Attorney's Office relating to possible double voting. I think all of it relates to the 2020 election cycle?

MS. STROUD: Yes, it does.

CHAIR THOMPSON: Yeah. So what I wanted to make clear before we start is, this is our Board of Elections considering whether to make a referral to the U.S. Attorney's Office for their further investigation and possible prosecution. We're not making any findings or determinations of any wrongdoing with respect to any of the people's names that will come up. We are simply reacting to information that's been provided to us through the ERIC system, which is an interstate system for identifying potential double voting.
You'll hear some information about whether it appears that there was double voting. And about meetings that we've had with these individuals involved. They've had a chance to -- they've been notified and had a chance to explain. And what we're doing is, considering whether to make a referral to the U.S. Attorney's Office, and that's it. That's all we're doing. I don't -- just wanted to say that at the outset before anybody maybe gets the impression that we are making findings of wrongdoing. We are simply clearing our own hurdle that there's enough information that warrants us passing this on to the U.S. Attorney's Office for their consideration.

Yeah. So with that, General Counsel's Terri Stroud.

MS. STROUD: Thank you, Mr. Chair.

So I'm going to provide some background as to how we arrived here. The Board is a member of the Electronic Registration Information Center, also known as
ERIC. ERIC is a nonprofit, nonpartisan list maintenance organization that is created by and comprised of state election officials, and it helps election officials maintain more accurate voter rolls. ERIC also has a Voter Participation Report, we'll call it VPR, program that allows its state members to request reports after each general election that will allow them to identify potential illegal voting activity. Specifically, voters who may have cast ballots in more than one state; more than one ballot in the same state, or Federal District as we are; or who may have voted on behalf of a deceased voter. Voting in two jurisdictions is a violation of federal law 52 USC, Section 10307, and it carries penalties of a fine of not more than $10,000 or imprisonment of not more than five years, or both, for each offense.

After the 2020 general election, the Board requested participation reports from ERIC. And over the next couple of years, did
its investigations with -- in conjunction with other states who received reports that -- from other states that also participated in the VPR project for that year. Based on the information that was received from the participating states, the Board's Data Services Division worked to determine whether individuals identified in the reports, who potentially voted in both D.C. and another jurisdiction, corresponded with individuals in our registration records by comparing data points such as dates of birth, social security numbers, driver's license numbers, contact information, et cetera. Once reports from all participating states who had information regarding double voting that implicated D.C. voters was received, the Office of the General Counsel reviewed and reverified the information and began to schedule prehearing conferences with the individuals at issue.

These conferences took place in August of 2023 and all of the persons or their
representatives who appear at these -- all of
the persons appeared at these conferences with
one exception. At these conferences, the
Office of the General Counsel presented the
individuals at issue with the material
information that was provided by Data Services
that indicated potential double voting in the
jurisdiction. The information consisted of
voter registration records from D.C., and the
other jurisdiction at issue, and materials that
indicated the individuals at issue potentially
voted in D.C. and in the other jurisdiction.

Based upon the information received
and information garnered at the prehearing
conferences, the Office of the General Counsel
decided to schedule for hearings the matters
that are identified in the agenda for today's
meeting. And we are prepared to make
recommendations as to whether these matters
should be referred to the U.S. Attorney's
Office.

In terms of notice of today's
hearings, on November 21st, 2023, the individuals who are the subject of today's hearings were sent notice of today's hearings via email, regular mail, and/or certified mail. And each of the individuals had actual notice of today's hearings with the exception of one individual.

We have affidavits from a board member staff, Mr. Mohammad Maeruf, who was the Agency Supervisory Information Technology Specialist. And he has submitted affidavits that attest to the authenticity of the records that are pertinent to each matter. So we will be submitting those affidavits for the record. But Mr. Maeruf is also here today to discuss, if necessary, the records that will be introduced into the record and that serve as the basis for the Office of General Counsel recommendations to the Board.

Just for information, seven cases involved double voting in Maryland, and there are two cases in Florida, and one in Illinois.
And so with that, I wanted to bring the first hearing, which is -- involves Vanessa Rubio and if the board members have any questions at this time about the background I provided, I'm happy to --

CHAIR THOMPSON: I'll just, you know, clarify for the record that we're going to follow a pretty straightforward process here. We'll go one at a time through ten different individuals. And in each case, General Counsel Stroud or her colleague will present the evidence of information and the recommendation. And then, any board member can ask questions after the evidence is presented. We'll follow that with an opportunity for the individual or their counsel, if they have counsel, to make comments, presentations, put additional evidence into the record, to ask to cross-examine Mr. Maeruf or anyone -- any other individual a testimony that's been offered. So they have a full and fair opportunity to present their defense, if you will. And then
any rebuttal that our General Counsel may have
or additional comment that anyone else may
have.

And then, I think we'll vote one at
a time. And -- and with -- in each case, I'll
ask my fellow board members, if anybody would
like to reserve deliberation in executive
session. In which case, we'll do that. We may
not need to go into executive session if, after
the presentation of the evidence, we feel like
we can go ahead and make a motion, and vote.
You know, we'll go that route instead. So
that's -- and that's the basic process through
ten individuals. We'll try to be efficient.
But we also want to be absolutely sure that
everybody involved gets a full and fair
opportunity to present their side of the story.
So we're not on a strict time clock here, and
we'll just dive in with the first case, which
is in the matter of ballots cast in the name of
Vanessa Rubio.

MS. STROUD: Okay. And I first want
to determine whether or not Ms. Rubio is present. So, I don't know if, if you can scroll to see.

CHAIR THOMPSON: Just raise a hand if -- if you're --

MS. STROUD: Okay. I see her under Vanessa.

CHAIR THOMPSON: Okay.

MS. STROUD: So yeah. If you keep scrolling, you'll see the V. Yeah -- the -- yeah.

CHAIR THOMPSON: And why don't we go ahead and unmute Ms. Rubio for the -- this portion.

MS. STROUD: Wait.

CHAIR THOMPSON: Oh, right. Okay. You want to say that?

MS. STROUD: Yes, okay.

So hi, Ms. Rubio. If you could state your name and address for the record.

MS. RUBIO: Good morning. My name is Vanessa Rubio. I am at 5749 13 Street NW,
Washington, D.C. 20011.

MS. STROUD: And if you would raise your right hand and swear or affirm that the testimony that you provide today will be the truth, the whole truth, and nothing but the truth?

MS. RUBIO: I do.

MS. STROUD: And I also want to make you aware of your right against self-incrimination under the 5th Amendment. Do you understand?

MS. RUBIO: I understand.

MS. STROUD: Okay. So --

CHAIR THOMPSON: Yeah. To be clear, you don't have to participate; you don't have to say anything. It's your choice. You have the right not to speak. We just wanted to make sure you understand that before we start.

MS. RUBIO: Yes, I do. Thank you.

CHAIR THOMPSON: Do you have an attorney?

MS. RUBIO: No.
CHAIR THOMPSON: All right. Go ahead, then.

MS. STROUD: Okay. So I wanted to give -- provide background into this matter. We did hold a prehearing conference with Ms. Rubio in August of this year. And the information that we received from Data Services, I just wanted to list them. And, Ms. Rubio, you were provided with the information that I'm about to discuss. So I just wanted you to, you know, let me know if you disagree with the information that I will read into the record. So it was either presented to you at the prehearing conference or subsequent to that, once we made you aware of this hearing.

And so the first is a Maryland voter registration record indicating a voter named Vanessa Rubio with a May birthdate. The second is a D.C. voter registration record, indicating a voter named Vanessa Rubio with the same May birthdate; a Maryland Voter Authority Card signed by an individual named Vanessa Rubio.
with the same May birthdate, that indicates that that individual voted in person in Maryland on November 1st of 2020; a record extracted from our check-in device called a Poll Pad that indicates that an individual named Vanessa Rubio with the same date of birth, checked in to vote at Emery Heights Community Center on November 3rd, 2020; and a signature from a Poll Pad associated with the aforementioned record that indicates that Ms. Rubio did check in to vote at the Emery Heights Community Center on November 3rd, 2020; and the review of the signatures indicated that -- indicated similarities in signatures that we found on our records, on the Voter Authority Card, and in the Poll Pad. And so, Ms. Rubio, were you presented with this information before today's hearing?

   MS. RUBIO: Yes, I was.

   MS. STROUD: And based on that information, it appears that, Ms. Rubio, there's substantial evidence to indicate that
Ms. Rubio voted in the Maryland 2020 general election as well as the District of Columbia 2020 general election. And so, at the prehearing conference, I will say that Ms. Rubio stated that she did not recall voting in Maryland, although acknowledging that she voted in D.C. during that election. And when presented with the images of the Maryland Voter Authority Card, she acknowledged that it was her signature. Albeit, a sloppier version, thereof. And she further acknowledged that she did own the property that was indicated as the address on the Maryland Voter Authority Card. And so that is the evidence that the General Counsel's office reviewed in preparation for this matter. I don't know if you want --

CHAIR THOMPSON: Okay. I don't -- and I think -- I don't think you mentioned this, but Ms. Rubio's middle name was included on -- in both of those? I think we've --

MS. STROUD: Let's see.

CHAIR THOMPSON: I think we just
don't want to say it on the record; right?

MS. STROUD: Yes.

CHAIR THOMPSON: Yeah. Okay. Well, I don't have any questions. I guess, turning then to Ms. Rubio.

You certainly have the right to comment, explain, put any evidence into the record you would like; or, as I mentioned a moment ago, you don't have to do any of that if you don't want to.

MS. RUBIO: Well, first of all, I'd like to apologize to the Board of Elections and our city. And an electoral vote was casted for both states under my behalf. I did do a transaction in the state of Maryland, which registered me as a voter there as well. Therefore I was in fact -- I did cast both votes. Exercising my voter rights. Not understanding that it is a -- against the law to cast a vote in the state and in the city, as D.C. is not a state, yet. So I'd like to say, you know, I apologize for this mistake on my
behalf. I have addressed the issue with the
State of Maryland, and I have requested for my
voter registration to be canceled there, as I
am a resident of the state of D.C.

CHAIR THOMPSON: Okay. I don't have
any questions.

CHAIR THOMPSON: Any board members
have any questions?

MEMBER GREENFIELD: No, I don't have
any.

CHAIR THOMPSON: Okay. Ms. Rubio,
thank you so much. I definitely heard what you
just said, and I -- my takeaway from it is that
you didn't have any intent, perhaps, at the
time. But thank you for your candor that you
did vote in both jurisdictions. We'll, you
know, take it under advisement.

You know, now that I think we've
concluded our first matter here, in terms of
hearing the evidence, I'm getting -- I get --
I'm getting the -- my takeaway is perhaps we
should talk about this in executive session.
Maybe we'll get through all ten of these, and
then -- try to keep good notes, and then come
back on the record later. Is that -- I'm
asking my fellow board members: Does that make
sense? Or does anybody want to make a motion
at this time?

            MEMBER BOGGS: That makes sense to
            me, Gary.

            CHAIR THOMPSON: Okay.

            MEMBER GREENFIELD: Yeah, it makes
            sense to me.

            CHAIR THOMPSON: All right. So
            amending my prior comment as to the process,
            we'll just go through all ten of these, and at
            the conclusion of each evidentiary portion,
            we'll take it under advisement. We'll go onto
            executive session, about an hour or so from
            now, and come back on the record and make our
            motions and conclusions at that time.

            So I think, Ms. Rubio, that's all we
            have with you right now. Thank you so much for
            appearing. And thank you again for your
candor.

MS. STROUD: Thank you, Ms. Rubio.

MS. RUBIO: Thank you. Thank you, for the Board. Thanks.

MS. STROUD: And the next matter is in re: Renee Diggs. Just checking to see if Ms. Diggs is present.

MS. DIGGS: Yes. Excuse me. I am present.

MS. STROUD: Hi, Ms. Diggs. If you would state your name and address for the record.

MS. DIGGS: Renee Diggs. 6906 West Park Drive, Hyattsville, Maryland 20783. Excuse me a second.

MS. STROUD: Thank you. And are you able to appear on camera?

MS. DIGGS: Yeah. I'm trying to switch over to another device. I wasn't able to get the camera working on my phone, so I'm just trying to switch over to another device that will work.
MS. STROUD: Okay.

MS. DIGGS: Okay. I was able --

MS. STROUD: I think you might need to turn off the other device audio.

MS. STROUD: Okay. I think it's working now. Thank you, Ms. Diggs. You provided your name and address for the record. If you could raise your right hand and swear or affirm that the testimony you provide today in connection with this matter will be the truth, the whole truth, and nothing but the truth?

MS. DIGGS: Yes, I do.

MS. STROUD: And I just wanted to, as the Chair indicated, I don't know if you were here for that portion. As a part of your 5th Amendment right against self-incrimination, you do not have to provide testimony with respect to today's hearing. That's your right to not participate and offer any testimony. Are you aware of that?

MS. DIGGS: Yes. I heard that.

MS. STROUD: Okay.
MS. DIGGS: I'm -- yes.

MS. STROUD: Okay. And you do not have any representation or counsel today with you; do you?

MS. DIGGS: Right. Correct.

MS. STROUD: So I just want to provide for the record, the information that the Office of the General Counsel was provided and reviewed in connection with this matter. Some of which was presented to you at the prehearing conference that we held in August. And other pieces of information were provided to you via mailing and email with respect to this hearing today. And so the items are a Maryland voter registration record, which indicated that a voter named Renee Diggs with a July birthdate; a D.C. voter registration record indicating a voter named Renee Diggs with the same July birthdate; a Maryland Voter Authority Card signed by an individual named Renee Diggs with the same July birthdate, that indicates that that individual voted in person
in Maryland on October 26, 2020; a record extracted from the Board's check-in device called a Poll Pad that indicates that an individual named Renee Diggs with the same date of birth checked in to vote at Turkey Thicket Recreation Center on October 28th, 2020; and a signature from a Poll Pad associated with the aforementioned record, indicating that an individual named Renee Diggs checked in to vote in that election on that date during the 2020 general election. Did you have the opportunity to review these records, Ms. Diggs?

MS. DIGGS: Yes. I'd say so. I think, yes.

MS. STROUD: Okay. And also, the signatures that were presented on each of the documents, to board staff's review, indicated similarities between the signatures. And that is the information that we reviewed and provided to the Board. And these will be introduced in -- these are requested to be introduced into the record. And that's the
information that we have indicating potential
double voting with this matter. And I would
also say that during the prehearing conference
that was held in August, Ms. Diggs acknowledged
that she did vote in Maryland in the 2020
election, but that she did not vote in D.C.
during that election.

    CHAIR THOMPSON: I'll just state for
the record, the Board accepts, in this case and
all of the other cases we'll go through today,
in case it's not clear, the Board accepts into
evidence the printout of the voting record from
D.C. as well as from Maryland or other --
another state that might be involved. As well
as an accompanying affidavit of Mohammad
Maeruf, our Supervisory Information Technology
Specialist, that essentially authenticates the
D.C. record that's been provided, so.

    MS. STROUD: As well as the Maryland
records that have been provided.

    CHAIR THOMPSON: As well as the
Maryland records.
MS. STROUD: They were obtained during the course of our investigation. And so, yes, with respect to each of these matters, Mr. Mohammad Maeruf, who is also here to testify, if necessary, did provide affidavits with respect to each matter, including this one, testifying or varying as to the authenticity of the documents that are presented for introduction into the record.

CHAIR THOMPSON: Okay. So the -- that evidence is accepted into the record with respect to Ms. Diggs, as it was with respect to Ms. Rubio. In case I don't say it each time, it will be accepted into the record with respect to the other individuals we'll talk about momentarily.

But so here, with respect, Ms. Diggs, you can comment or not comment. Once again, you don't have to say anything. But we certainly want to give you the opportunity to say anything you'd like about this potential double voting.
MS. DIGGS: No. I didn't really have anything further to say. I did ask, you know, checking in -- well, short answer, I don't recall double voting at all. But, you know, in speaking with my husband, who had actually cast a vote for D.C., he stated that we actually went the same time. So, again, I don't recall voting, but it's very -- it's been, you know, with the information that was received, it was very concerning because I just personally just don't recall, like, doing any such thing. So I don't know. I was kind of -- I'm still surprised, but I don't -- I feel like I cannot definitively state one way or the other, because what I remember versus, you know, the evidence that was presented to me. Yeah, so.

CHAIR THOMPSON: All right.

MS. STROUD: And, Ms. Diggs, did you have the opportunity to review the documents that were submitted that indicate your signature on the Maryland voting record?
MS. DIGGS: I did.

MS. STROUD: Go ahead.

MS. DIGGS: I did pull them up, yes.

MS. STROUD: Okay. And is it your testimony that the signature provided on the -- from the D.C. Poll Pad, the check-in device, is not consistent with your signature?

MS. DIGGS: To me it looks similar, but -- like, similar. But, again, I don't -- to me, again, like -- it's very -- because I, you know, I haven't had -- I don't know what the process is, like, for D.C. But I know for Maryland, it's, you know, you provide identification and not having D.C. identification and then seeing my -- or a similar signature, it's -- I don't want to, like, you know, I feel like I can't say, like, oh, no, that's not my signature; or like, that, yes, it is my signature. They're -- it's similar. But because based on, like, what I remember, it's just very hard for me to, like, claim that, yes, that is mine. If that -- I
don't know, it's -- it's -- I'm looking at it now, and it's, you know, it looks similar. But there are, you know, some differences.

MS. STROUD: Okay. Thank you.

CHAIR THOMPSON: Okay. Ms. Diggs, anything else you'd like to say at this time?

MS. DIGGS: No. Nothing else I'd like to say.

CHAIR THOMPSON: All right. Well, thank you so much for being here, as I mentioned, with respect to Ms. Rubio, we'll take this under advisement. We're going to -- in other words, we're going to think about it; we're going to have a separate meeting, the three board members, to decide what we're going to do. Whether we'll refer this or not refer this. So we've got -- we've got some consideration to do on our end. And I think not, unless anybody else has any questions or comments?

CHAIR THOMPSON: We'll proceed to the next individual, Jessica Miser.
MS. STROUD:  Thank you, Ms. Diggs.
And I do see that Jessica Miser is present.

MS. MISER:  Yes, I'm present.

MS. STROUD:  Hi, Ms. Miser, could you state your name and address for the record?


MS. STROUD:  Okay.  Thank you.  And if you could raise your right hand and swear to affirm -- swear or affirm that the testimony that you will provide today in connection with this matter is the truth, the whole truth, and nothing but the truth?

MS. MISER:  Yes.

MS. STROUD:  Okay.  And then, I just wanted to -- I know you've been present for the whole hearing, and so you -- wanted to make you aware that you are not required -- it is your right not to provide testimony in this matter if you choose not to.

MS. MISER:  Yes, ma'am.  I understand.
MS. STROUD: Okay. And so I, as with the previous matters, I will share for the record, the documentation that was provided to the Office of the General Counsel by our Data Services Division. And, again, we have an affidavit from Mr. Mohammad Maeruf testifying as to the authenticity of the documents that we are submitting for the record today that we reviewed. And they include a Maryland voter registration record indicating a voter named Jessica Miser with a January birthdate; a D.C. voter registration record indicating a voter with the same name and the same January birthdate; a Maryland Voter Authority Card signed by an individual with the same name and birthdate that indicates that that individual voted in person in Maryland on October 29th, 2020; a record extracted from the Poll Pad that indicates that an individual with the same name and birthdate checked in to vote at Deanwood Recreation Center on November 3rd, 2020; and a signature from the Poll Pad associated with the
aforementioned record indicating that an individual with the same name checked in to vote during the 2020 general election. And so the Board -- the Office of the General Counsel reviewed this information as the staff from the Data Services Division did prior to providing these records and examined the signatures and indicated that there were similarities across the signatures from the records indicated. And that was the information that we took into account with bringing this matter before the Board. And I'm requesting that these be accepted into the record as well as the affidavit provided from Mr. Mohammad Maeruf attesting to the authenticity of these documents.

CHAIR THOMPSON: Yep. So accepted.

MS. STROUD: Do you want to --

CHAIR THOMPSON: Yeah, go ahead.

MS. STROUD: Okay. So, Ms. Miser, do you have a response to the records? Some of which you reviewed or got in connection with
the prehearing conference that we had in August, and others were presented to you in connection with today's hearing when you received notice of the hearing.

MS. MISER: Yes, ma'am. Thank you for giving me the opportunity to speak. Again, as I mentioned in August when we met, I do not recall voting in either jurisdiction. I did look at the signatures, and they do present as my signature. I do not recall voting for either election and it was not my intent to vote twice. At that time, I know I was displaced from my home and staying with my parents who live in Maryland. But I don't recall voting. And so I just wanted to restate that again here, as I did back in August.

MS. STROUD: Thank you, Ms. Miser. And I will say, consistent with the testimony that you provided today, during our prehearing conference, you did state that you did not recall voting at all in 2020. However, you did acknowledge at that time that the signature on
the Maryland Voter Authority Card did look like your signature. You did state at that time, although, like, just as your stating today, that you do not recall voting in either jurisdiction. But when you reviewed the signatures on the documents that you had the opportunity to review, do they appear to be consistent with your signature, in your opinion?

MS. MISER: From what I recall when I was presented documentation in August, yes, ma'am. They do.

MS. STROUD: Okay. Thank you.

CHAIR THOMPSON: Okay. I think that concludes --

MS. STROUD: Yeah. That's the information that I have, and Ms. Miser has testified with respect to her recollection of the events both of our prehearing conference and voting in the general election, 2020.

CHAIR THOMPSON: All right. Ms. Miser, anything else you'd like to say?
MS. MISER: No, sir. Thank you.

CHAIR THOMPSON: All right. Thank you so much for appearing. We'll take this under advisement in going to executive session later on to think about it.

Obviously, from these first three cases, something we have to think about is intent. I'm not hearing a lot of intent so far, or as the statute says at one point, knowingly or willfully providing false information, is another part of the statute that doesn't have an intent element. We'll have to look at that and think about it.

But, thank you so much for sharing your recollection, or lack thereof, as the case may be. We appreciate it, and I think we'll move on now to Ms. Marcella Gooding.

MS. STROUD: Yes. The next matter is -- involves Marcella Gooding. Let me check to see if miss -- if Ms. Gooding is present, if you could raise your hand using the appropriate function on the Zoom so that we can recognize
you.

Okay. So it appears that Ms. Gooding is not present today. For the record, Ms. Gooding did appear at the prehearing conference, and we did get an indication that certified mail that we sent on November 21st in connection with this hearing was delivered on November 24th to Ms. Gooding at the address in the Board's records. And we did not receive a notification via email that the email was not delivered, and we did not receive the regular mail that was sent, back to the -- it was not sent back to the Board from our mailing on November 21st. Ms. Gooding did appear at the prehearing conference, and she did state that the signature on the Maryland ballot return envelope that we provided was hers. And she indicated that she did vote in the 2020 general election. She did acknowledge that she was always registered to vote in D.C. Even when she was registered in D.C., and this is consistent with her voting record. She did,
however, state that she does not recall voting in the 2020 general election in D.C.

The information that I would like to present for the record with respect to this matter is a Maryland voter registration record indicating a voter named Marcella Gooding with a November birthdate; a D.C. voter registration record indicating a voter with the same name with the same November birthdate; the mail -- the Maryland mail ballot return envelope that I previously discussed, signed by an individual named Marcella Gooding, which indicates that her ballot was dated, and perhaps returned, on October 25th, 2020; a record extracted from the Board's Poll Pad that indicates that an individual named Marcella Gooding checked in to vote at Allen AME Church on November 3rd, 2020; and a signature from the Poll Pad associated with the aforementioned record indicating that an individual with that name checked in to vote during the 2020 general election. And again, we have an affidavit from Mr. Mohammad Maeruf,
bearing to the authenticity of the documents that I wish to have -- request to have included in the record. And so --

CHAIR THOMPSON: So acknowledged, and included in the record.

MS. STROUD: And as Ms. Gooding does not appear to be present, we are able proceed in her absence. And we can offer -- I can offer you my recommendation with respect to this matter, after we've heard them all, consistent with your instructions.

CHAIR THOMPSON: Yeah. This -- in this record, and this may be the case in every record, when an individual signs their name at the voting location, it looks like there's a statement made that -- I'm trying to find the exact language here. But, I mean, maybe it's in fine print, but somewhere in there it says, I understand that I'm not voting -- that I can only vote in one location and not in multiple locations. Something to that effect.

MS. STROUD: I think -- so in this
matter, we had a ballot return envelope from Maryland that was signed. And I think that that's the language that you may be referring to.

CHAIR THOMPSON: Okay.

MS. STROUD: Let me --

CHAIR THOMPSON: Here it is. The ballot -- the Maryland ballot of return envelopes attestation field appears below a warning of the penalty for violating laws, and a voter's oath by which the voter attests that he or she, quote, has not voted and does not intend to vote elsewhere in this election, unquote.

MS. STROUD: Yes. And that was included in the mail-in -- mail ballot return envelope, which was signed --

CHAIR THOMPSON: Okay.

MS. STROUD: -- on October 25th, 2020, by an individual named Marcella Gooding. So that is the language from the Maryland ballot return envelope. And we do have similar
language on our mail ballot envelope, which is not at issue here.

CHAIR THOMPSON: Right. Right.

Okay.

MS. STROUD: Okay. And the -- so does the -- do you have any questions, or do the board members have any?

CHAIR THOMPSON: No questions.

MS. STROUD: Okay. And then, my final matter, and then our Senior Staff Attorney Christine Pembroke will be presenting the remaining matters, is Barbara Ann Melvin Mason Duncan.

Now we were not able to reach Ms. Duncan. She did not appear at the prehearing conference, and it appears that mail that we sent to her was returned. We do not have an indication that certified mail was delivered to Ms. Duncan, and -- and, yes. Mail sent to Ms. Duncan in August was returned, and we used the same addresses to notify her of this hearing. And, again, delivery failed, and
we do not have an email address for Ms. Duncan.

The information that we have with respect to her potentially voting in D.C. and Maryland are as follows. A Maryland voter registration record indicating that a voter with her name and a July birthdate; we have a D.C. voter registration record indicating a voter with the same name and birthdate; we have a signed Maryland Voter Authority Card indicating that an individual with the same name and birthdate voted in person in Maryland on October 26th, 2020; we have a record extracting -- extracted from our Poll Pad that indicates that an individual named -- with the same name and birthdate checked in to vote at Benning Stoddert Community Center on November 3rd, 2020; and we have the signature from the Poll Pad associated with the aforementioned record, indicating that an individual with the same name checked in to vote during that election. And, again, we have an affidavit from Mr. Mohammad Maeruf testifying to the
authenticity of the aforementioned documents that we request be admitted to the record.

CHAIR THOMPSON: Yeah. That information is admitted into the record. I have a question. Obviously, if this is referred to the U.S. Attorney's Office, and they decide that it's appropriate to bring charges or -- they would absolutely need to perfect service, or service of a warrant, whatever the case may be, on Ms. Duncan. But I believe that in this situation where our board is merely considering whether to make a referral, this procedural step that we're going through today does not require service of process. Is that right?

MS. STROUD: That's correct. And we did attempt, at several addresses that we had for Ms. Duncan, and was unable to -- we were unable to reach her at either address. Including the addresses listed on her voter registration records, so.

CHAIR THOMPSON: It's discretionary
on our part, whether we want to refer something
to the U.S. Attorney's Office. We can exercise
that discretion with or without serving the
individuals involved. I believe with or
without giving them an opportunity to present
their case. But we're choosing to exercise our
discretion to allow the individuals to come.
And, if they'd like, testify.

MS. STROUD: Yeah.

CHAIR THOMPSON: Consistent with
their 5th Amendment rights, if they choose not
to.

MS. STROUD: Yes.

CHAIR THOMPSON: But because, in the
case of Ms. Duncan, our inability to perfect
service on her does not preclude us from making
a referral, if that's what we decide to do.

MS. STROUD: Yes. And we can
continue to -- we can continue to reach out to
her, if that is, you know, what the Board
prefers. We can continue to try to make
contact with Ms. Duncan.
CHAIR THOMPSON: Okay. All right.

I think the next matter is the case of Eddie Bishop.

Is your mic on? Yeah, maybe move it a little closer. I do that too. Yeah, you got to -- yep. Even closer, actually. You got to kind of get up near to it.

CHAIR THOMPSON: Hold -- can we just make sure if he's -- see if he's here?

MS. STROUD: Oh, there's no audio.

CHAIR THOMPSON: Let's make sure he's unmuted.

MS. STROUD: You might actually have to come up here, Christine, because we're getting information that there's no audio.

CHAIR THOMPSON: You can sit here. And while Ms. Pembroke is coming up, looks like Mr. Bishop is present. Thank you for being here.

MS. PEMBROKE: Am I able to speak to Mr. Bishop?

CHAIR THOMPSON: All right. Why
don't you -- if you want to swear him, first?

MS. PEMBROKE: Yes.

CHAIR THOMPSON: Tell him about the 5th Amendment.

MS. PEMBROKE: Mr. Bishop, if you could state your name and address for the record.

MR. BISHOP: (No audible answer.)

MS. PEMBROKE: (Simultaneous speaking.)

Okay. Mr. Bishop, can you state your name and address for the record, please? I think we can hear you now.

MR. BISHOP: (No audible answer.)

MS. PEMBROKE: No, he's muted.

CHAIR THOMPSON: We can see you talking, so maybe we have an audio issue. I can see you're unmuted. It looks like you're definitely unmuted on our end and on your end. But you've got a mic issue, it looks like.

Yeah, no rush. No worries. Can you hear us? Can you give me a thumbs up that you can hear
me? Yep. Okay. You can hear us; we just
can't hear you. Oh, you can call in, yeah.
There's a separate dial-in number to create
audio.

Can we go on to the next one?

MS. PEMBROKE: Yes.

CHAIR THOMPSON: Tell you what.

We're going to go to the next case, and give
ourselves a few minutes to figure that out.
And, Mr. Bishop, for you to call in and make
sure you've got audio through your phone. So
take your time. And while you're doing that,
we'll proceed with the matter of Margaretta
Sibert-Dean.

MS. PEMBROKE: Yes. And, again, we
may have some technical issues here. I know
Ms. Sibert-Dean had expressed concern about
being able to join the call. So I don't see
her.

CHAIR THOMPSON: All right. It does
not appear that Ms. Sibert-Dean is present.
What did she say about her inability to join?
MS. PEMBROKE: Well, she -- just in my experience dealing with her, she seemed to be somewhat challenged with getting technology to work, but we did reach out to her and provide a number to call staff if she was not able to join. So, no. I don't know what more we can do. We provided a link to her a couple of times and also a phone number to call in.

CHAIR THOMPSON: Okay. Why don't you recite and enter the evidence into the record.

MS. PEMBROKE: Sure.

CHAIR THOMPSON: And then we'll just take it under advisement as to what we may or may not do --

MS. PEMBROKE: Yes.

CHAIR THOMPSON: -- at this point.

MS. PEMBROKE: So following receipt of the ERIC report that General Counsel described earlier, the BOE staff became aware that ballots were cast in the 2020 general election in the name of Margaret or Margaretta
Sibert-Dean in Maryland and then in D.C. The Board's Data Services Division reached out to the Maryland Board of Elections for records as to the ballot and identity of the voter. And also researched the D.C. voter files for the same. The records generated from this effort included voter identifying information from Maryland, showing that Margaret Sibert-Dean registered in that jurisdiction and had the same date of birth as Margareta Sibert-Dean, who registered in D.C. Both files showed that the middle name of Inetta for the individual. Maryland provided to our Data Services Division an image of a ballot return envelope issued to Margaret Sibert-Dean that was dated October 9th, 2020, with a signature that can be reasonably interpreted as showing the first letter of the signer's first name as M, the middle initial of I, and the first letter of the last name as S. A handwritten, printed name on the ballot return envelope from Maryland can readily be deciphered as Margaret...
I. Sibert-Dean. D.C.'s voter files contain an image of a Poll Pad signature, which was generated by our Data Services Division, that was entered on November 2nd, 2020, at the Kennedy Recreation Center for the voter with the same identifying information as Sibert-Dean. And the signature can be reasonably interpreted as showing a first letter of the signer's first name as M, the middle initial I, and the first letter of the last name as S. At this point, I would ask for the Board to accept Mr. Maeruf's affidavit as to the authenticity of the records providing this information.

CHAIR THOMPSON: Yep. That's accepted into the record.

MS. PEMBROKE: Sibert-Dean was contacted by the Office of General Counsel and appeared at a prehearing conference. She did not contest the evidence that she voted in Maryland. She expressed doubt as to voting in D.C., which, again, was done in person, based on her health issues. She explained that she
had been in a Metro bus accident and had mobility issues, which would've rendered it difficult for her to get to the polls in 2020. While I was able to independently find evidence corroborating Ms. Sibert-Dean’s claims of injury, I have been unable to confirm conclusively sufficient evidence of impossibility or alibi, mistake, or other innocent explanation. So based on the evidence showing that a ballot intended for and issued to Margaret Sibert-Dean, was voted in Maryland; and that a ballot intended for and issued to the same person was voted in D.C., we are recommending that this matter be referred to the U.S. Attorney’s Office for further investigation.

CHAIR THOMPSON: Okay. So she -- she did appear for the prehearing conference?

MS. PEMBROKE: Yes, she did.

CHAIR THOMPSON: Okay. And she mentioned maybe having been in an accident?

MS. PEMBROKE: Yes.
CHAIR THOMPSON: That might have impaired her judgment?

MS. PEMBROKE: Yes.

CHAIR THOMPSON: Or something like that?

MS. PEMBROKE: Yes. And there are court records. It's not so much her judgment as it was that she had injury to her legs, which make -- give her mobility issues.

CHAIR THOMPSON: Okay.

MS. PEMBROKE: Which caused her to be surprised that we had a record of her voting in D.C. in person.

CHAIR THOMPSON: Okay. All right. Well, I think we'll take this under advisement, based on that evidence, and we'll also -- in executive session, we'll obviously talk about, you know, what to do with -- regarding her inability to appear today and whether to defer decision, so.

MS. PEMBROKE: Okay. All right.

CHAIR THOMPSON: So maybe now let's
go back to Eddie Bishop to see if we've got his audio connection. Bear with us. There we go.

I think, Mr. Bishop, you can unmute your computer now. There you go. And we still can't hear you. Maybe there's a phone done there somewhere.

MS. STROUD: Mr. Bishop, if you could check the chat, I sent a -- the call-in number. And I think it was also placed in by our tech employee. So if you look in the chat function in the Zoom, I think it's a 3-1 -- 3-0-1 number that you can call into, and we can, you know, hear -- have your audio that way.

CHAIR THOMPSON: So it's a phone number, and you just got to dial it to get -- dial in to the audio line so we can hear your voice. And --

MS. STROUD: Mr. Bishop, can you see the chat in the Zoom?

MR. BISHOP: (No audible answer.)

MS. STROUD: No? Okay. Let me give you the call-in number so you can call in on
your phone. Okay. It is (301) 715-8592. And
if you need to enter it, the meeting ID is 554
621 5828. Okay. That's -- might be them.

MR. BISHOP: Hello?

MS. PEMBROKE: Okay. Hello,

Mr. Bishop.

MR. BISHOP: Yes.

MS. PEMBROKE: If you could state

your name and address for the record.

MR. BISHOP: Yes, ma'am. 78 --

MS. PEMBROKE: And I think you'll

need to -- you'll need to mute your computer,

Mr. Bishop. So that we don't have the --

MR. BISHOP: Oh. Okay. Can you

hear me?

CHAIR THOMPSON: You got to mute the

computer. You just unmuted it.

MR. BISHOP: Can you hear me?

CHAIR THOMPSON: There you go. That

should work.

MR. BISHOP: Hello?

CHAIR THOMPSON: That should work.
Yeah.

MR. BISHOP: Hello?

CHAIR THOMPSON: Yeah, we can hear you.

CHAIR THOMPSON: There you go. We can hear you.

MR. BISHOP: Hello?

CHAIR THOMPSON: Yeah, we can hear you.

MR. BISHOP: Hello?


MR. BISHOP: Yes. My address is 7804 Guildberry Court, Apt 102, Gaithersburg, Maryland 20879.

MS. PEMBROKE: Thank you, Mr. Bishop. And I think you've been present during some of the earlier proceedings, but just to reiterate, you have a right against self-incrimination; you don't have to say anything. If you want to proceed, however, we can put you under oath. Do you want to proceed?

MR. BISHOP: Yes.
MS. PEMBROKE: Okay. Well, I can't see you, but if you would raise your right hand.

MR. BISHOP: Yes.

MS. PEMBROKE: And swear or affirm that what you are about to say is the truth, the whole truth, and nothing but the truth.

MR. BISHOP: Yes.

MS. PEMBROKE: Thank you, Mr. Bishop. So with the Chair's permission, I'll proceed to go over the evidence that we have in this case.

CHAIR THOMPSON: Yes.

MR. BISHOP: Yes.

MS. PEMBROKE: Upon receipt, again, of the ERIC report described by General Counsel, we became aware about ballots that were cast in the 2020 general election in the name of Eddie Bishop in Maryland and then in D.C. The board's Data Services Division reached out to the Maryland Board of Elections for records as to the ballot and identity of
the voter, and also researched the D.C. voter
files for the same. The records generated from
this effort included voter identifying
information from Maryland, showing that the
Eddie Bishop registered in that jurisdiction
had the same date of birth as the Eddie Bishop
registered in D.C. Maryland provided an image
of a ballot return envelope issued to Eddie
Bishop, dated September 29th, 2020, with a
handwritten name and a signature that are
clearly decipherable as the name of Eddie
Bishop. D.C.'s voter file contains an image of
the ballot return envelope issued to Eddie
Bishop, dated October 20th, 2020, with a
signature that can be readily decipherable as
the name of Eddie Bishop. As noted previously,
the ballot return envelopes in both of these
jurisdictions contain warnings that there are
penalties for voting twice. Mr. Chair, I'd ask
that the Board accept the record evidence of
these documents into evidence.

CHAIR THOMPSON: So accepted into
evidence, with a question. Did you mention
signatures matching?

MS. PEMBROKE: I didn't express an
opinion on that, but it is true that the
signatures on the Maryland ballot return
envelope and the D.C. ballot return envelope
are very well matched in this case.

CHAIR THOMPSON: Okay. Please
proceed.

MS. PEMBROKE: Yes. Mr. Bishop was
contacted by the Office of General Counsel and
appeared at a prehearing conference along with
his spouse. Mr. Bishop did not contest the
evidence that he voted in Maryland. He stated
that he was now a Maryland resident and he'd
lived in Maryland since 2018. He denied voting
in the D.C. ballot. He stated that he --
because he'd moved from the apartment where he
lived in D.C. in 2018, he would not have had
access to the ballot that was mailed to his
D.C. address. Mr. Bishop's spouse corroborated
these statements regarding the relocation to
Maryland, and I was provided with documentation regarding the ownership of the property in Maryland by the Bishops. Which included, most notable, property tax insurance records predating the 2020 election. The Bishops also informed me that the building that they were living in was sold in 2020 and was probably under renovation at the time of the 2020 general election. I ascertained from D.C. Recorder of Deeds records that the D.C. property where Mr. Bishop lived was indeed sold in February 2020. Despite further efforts on my part, however, I wasn't able to obtain any information as to how mail addressed to the former residents of that building might have been handled. I have been unable to confirm conclusively sufficient evidence of impossibility or alibi, mistake, or other innocent explanation. Based on the evidence showing that a ballot was intended for and issued to Eddie Bishop and was voted in Maryland; and that a ballot intended for and
issued to the same Eddie Bishop was voted in
D.C. in the 2020 general election, the General
Counsel is recommending that this matter be
referred to the U.S. Attorney's Office for
further action.

CHAIR THOMPSON: And I guess my
question is, this is a little different in that
in the D.C. general election of 2020, an
individual signed a mail ballot, Eddie Bishop,
rather than voting in person?

MS. PEMBROKE: That's correct.

CHAIR THOMPSON: Okay. So it's
possible the ballot -- the D.C. ballot was
intercepted by another individual and
fraudulently signed the name Eddie Bishop.

MS. PEMBROKE: That's correct. We
just can't ascertain through evidence what
specifically happened.

CHAIR THOMPSON: But that being said
that, although some people can mimic a
signature rather well, the signatures appear to
be the same?
MS. PEMBROKE: Yes.

CHAIR THOMPSON: All right. I hope you understood all that, Mr. Bishop, and heard all that.

MR. BISHOP: I do.

CHAIR THOMPSON: I guess you are free to comment.

MR. BISHOP: Yes.

CHAIR THOMPSON: Explain, say anything you want or nothing at all, if you'd rather not comment. But please go ahead if you'd like.

MR. BISHOP: No comment.

CHAIR THOMPSON: Did you say you have no comment?

MR. BISHOP: No comment. I didn't vote in D.C.

CHAIR THOMPSON: All right. Well, I appreciate that, and I -- perhaps I've identified the issue that we have to think about. And -- but -- okay. So we'll leave it at that, unless you'd like to say anything
else.

MR. BISHOP: No. And I have nothing else to say. I just didn't vote -- I had no need to vote in D.C.

CHAIR THOMPSON: Okay. Well, thank you so much. We appreciate you being here. Thank you for dialing in and your patience with the Zoom technology.

MR. BISHOP: I'm sorry. I'm sorry I couldn't get it unmuted.

CHAIR THOMPSON: Oh, it's not you, sir, it's just the modern age of Zoom calls. So thank you so much.

We're going to move on, then, to Ms. Ashley Harris. And I'll note for the record that the original agenda that was published did make reference to this.

MS. PEMBROKE: Yes. There was a case involving Kelechi Ahoghutu which we've taken off the agenda because of the (audio interference).

CHAIR THOMPSON: Okay. So Kelechi
Ahoghutu is now off the agenda. So we'll proceed with Ashley Harris.

MS. PEMBROKE: Yes. In the matter of Ashley Harris, I believe there may be an attorney on the call. A Mr. Sheehy?

MS. NORWOOD: Hello?

MS. PEMBROKE: Someone's trying to speak.

CHAIR THOMPSON: So we're going to find Ashley Harris or an attorney named Sheehy?

MS. NORWOOD: It's not Mr. Sheehy. It's Sharon Norwood, I'm a paralegal with the firm.

CHAIR THOMPSON: Ah, okay. There you are. Ms. Norwood?

MS. NORWOOD: Yes. And I am not authorized to speak on behalf of Ms. Harris. I'm only here to observe.

MS. PEMBROKE: Okay.

CHAIR THOMPSON: Okay. Very well. Then is Ms. Harris here?

MS. NORWOOD: No, she's not.
CHAIR THOMPSON: Okay.

MS. PEMBROKE: All right.

CHAIR THOMPSON: Was she notified?

MS. PEMBROKE: Yes. Notifications were sent to Ms. Harris that owned the property where -- to which her D.C. ballot was sent, as well as Attorney Sheehy, who's been -- we had authorizations from Ms. Harris and from that property owner where Mr. Sheehy's going to represent in this matter. I believe that's the correct pronunciation of his name, but please do let me know if that's mispronounced.

CHAIR THOMPSON: So there -- just to be clear, there's Mr. Sheehy confirmed that he's authorized to represent Ms. Harris?

MS. PEMBROKE: Yes. We have both written authorizations from Ms. Harris and from Mr. Godwin for Mr. Sheehy to represent.

CHAIR THOMPSON: Oh, both of them?

MS. PEMBROKE: Both.

CHAIR THOMPSON: Okay. But he's not here; rather, this paralegal that's simply
observing?

MS. PEMBROKE: Yes.

CHAIR THOMPSON: Okay. All right. Well, then I guess we'll proceed. Ms. Pembroke, if you could recite the evidence into the record?

MS. PEMBROKE: Yes, thank you, Mr. Chair. Following receipt of the ERIC report, BOE staff became aware that ballots were cast in the 2020 general election in the name of Ashley Harris in Florida and then in D.C. The board's Data Services Division then reached out the Florida Department of State for records cast ballot and identity of the voter, and also researched the D.C. voter files for the same. The records generated from this effort included voter identifying information from Florida that Ashley Harris registered in that jurisdiction, had the same date of birth and social security number as Ashley Harris registered in D.C. The voter shows -- Florida files show that the middle name for Ms. Harris
was that of McArthur-Godwin, while the D.C.
middle name was that of Godwin. The Florida
records show the signature produced by the
voter on election day during in-person voting
there. The D.C. voter files contain an image
of a ballot return envelope issued to Ashley
Harris, dated November 3rd, 2020, with a
signature that is consistent with Ashley M.
Harris. At this point, I would ask the Chair
to accept into evidence the records showing
this information and as supported by the
affidavit of Mr. Maeruf.

CHAIR THOMPSON: It's accepted into
evidence. Thank you.

MS. PEMBROKE: OGC reached out to
Ms. Harris, and while she didn't appear at the
initial prehearing, she did call and inform OGC
that she did not -- that she lived in Florida
at the time of the 2020 general election and
would not have been in D.C. to sign and return
the ballot envelope mailed. As a result of
that, the investigation was expanded to the
owner of the property to where her ballot was sent in D.C., to try and ascertain how that ballot was obtained by anyone and signed. We determined that the property where Ms. Godwin's D.C. ballot -- Ms. Harris's D.C. ballot was sent was owned by Elby Godwin, an individual who appeared to be a relative of hers. Mr. Godwin also owned a property two or three doors down from the residence of Ms. Harris at the time of the 2020 general election. We scheduled a further prehearing conference to which Mr. Godwin and Ms. Harris were asked to attend. Neither of them appeared. Instead, Attorney Sheehy appeared. Attorney Sheehy also submitted a number of documents and letters on behalf of each individual. The documents he submitted on Ms. Harris's behalf included a number of financial records, credit card statements, et cetera, for transactions that occurred at the time of the 2020 general election in which took place in Florida. The documents that he submitted on behalf of Mr.
Godwin included a lease arrangement under which the property at which Ms. Harris -- to which Ms. Harris's ballot was sent was leased to a third party. Neither -- as neither Mr. Godwin or Ms. Harris appeared at the prehearing conference, we did not have an opportunity to ask them material questions about this -- these documents. And as a result, at the conclusion of the prehearing, the record was kept open to provide them with an opportunity to submit affidavits, sworn statements, if their position was denying the ballot being cast in D.C., to attest to that. And also if they wished to have a further prehearing on this. In response, we did receive what, in effect, is affidavits from Ms. Harris and Mr. Godwin. However, those affidavits fairly attested to the authenticity of the records that were provided previously. So at this time, again, we have not been able to conclusively determine if there's an innocent explanation for the ballot being sent to Ms. Harris being voted in
D.C. And so we are recommending referral.

CHAIR THOMPSON: First, for the record. I don't think it was clear. Is Mr. Godwin here? I don't think so. I just wanted to be sure.

So it sounds like Ms. Harris, through her counsel, submitted some records that suggest that she was in Florida at the time, because -- what is it, shopping or credit card receipts or something?

MS. PEMBROKE: Yes. I believe also there were some hotel receipts.

CHAIR THOMPSON: Okay.

MS. PEMBROKE: She was apparently between housing, having --

CHAIR THOMPSON: So there's some -- there's some evidence that's been submitted into the record that suggests the Ms. Harris was shopping or staying in hotels in Florida. And, further, that her prior residence in D.C. had been leased to somebody else entirely. So it's possible that -- and, once again, this is
a situation where the D.C. vote was cast by mail, not in person.

MS. PEMBROKE: Correct.

CHAIR THOMPSON: So it's possible somebody intercepted the mail ballot, filled it out. And that might be the explanation.

MS. PEMBROKE: Yes. But critically, whoever filled out the D.C. ballot, apparently knew that her middle initial was M when that middle initial does not appear on the ballot printed address and is not a middle name that's associated with her in her D.C. record.

CHAIR THOMPSON: Right.

MS. PEMBROKE: It's only associated with her in her Florida records.

CHAIR THOMPSON: And are there matching signatures?

MS. PEMBROKE: The signatures do not appear to match.

CHAIR THOMPSON: Okay.

MS. PEMBROKE: So whoever signed the ballot of, you know, the logical inference is,
whoever signed the ballot, knew Ms. Godwin --

Ms. Harris well enough to know that her middle
initial was M.

CHAIR THOMPSON: So this is a
situation where, if we make a referral, we
might do so and state that we don't believe Ms.
Harris personally signed the D.C. ballot. But
rather, we're referring it for the U.S.
attorney to conduct further investigations to
determine who this third person is that --

MS. PEMBROKE: Or if she authorized
it.

CHAIR THOMPSON: Or she may have
authorized it. Or another person with
knowledge about Ms. Harris's name, et cetera,
may have, without her knowledge, intercepted
the ballot, signed it; and that might be the
person that has violated the statute; correct?

MS. PEMBROKE: Correct.

CHAIR THOMPSON: So just so the
record's clear, if we're making a referral, it
doesn't, like in this case, perhaps, we'll talk
about it. But in this case, perhaps, it doesn't necessarily mean we're suggesting that Ms. Harris engaged in voter fraud. Although she might have, if she authorized the third person to do this. But it might be somebody else entirely that, unbeknownst to her, got the mail ballot and signed it. Okay. All right. Just wanted to make sure I understood that.

The issues on this one is a little different. So I don't -- neither Ms. Harris nor Mr. Godwin are here, and I know, Ms. Norwood, you're here to observe, but I just wanted to make sure, do you -- did you want to say anything on behalf of Ms. Harris?

MS. NORWOOD: No.

CHAIR THOMPSON: All right.

MS. PEMBROKE: And, Mr. Chair, I would just like to also place on the record that all the documentation which Attorney Sheehy provided, as well as the letters he sent, have been provided to all of the board members.
CHAIR THOMPSON: Okay. And those are accepted into evidence. In case I didn't say it before, the retail receipts, hotel receipts, the third-party lease, it's all in the record, so. All right. So I think the next matter is David Linfield.

MS. PEMBROKE: Yes. So in the matter of David Linfield, the Board became aware through ERIC of evidence of voting in the name of David Edward Linfield in Florida and in D.C. The board's Data Services Division reached out to the Florida Department of State --

CHAIR THOMPSON: Hold on. If I could interrupt you, sorry. Is he here?

MS. PEMBROKE: Oh. I'm sorry. I don't believe Mr. Linfield is here, but a third party interested in the matter, I see, Mr. Works is on the phone. I was informed by Mr. Linfield's attorney that he would not be attending. But Mr. John Works is here.

CHAIR THOMPSON: And he's just a
friend that's observing?

MS. PEMBROKE: No. He's not a friend, no. Mr. Works is the owner of the address to which Mr. Linfield's ballot was sent. He has no other connection with Mr. Linfield.

CHAIR THOMPSON: Okay. All right. So we'll unmute you Mr. Works, just to confirm you that are present.

MS. PEMBROKE: Mr. Works, can you -- are you able to speak, Mr. Works?

MR. WORKS: Yes, I'm here.

MS. PEMBROKE: Okay. Thank you. And could you state your name and address for the record?


MS. PEMBROKE: Mr. Chair, do you want to put Mr. Works under oath right now?

CHAIR THOMPSON: No. No need to put him under oath, he's not the subject of the
matter.

MS. PEMBROKE: All right.

CHAIR THOMPSON: But when you recite the evidence, then we'll see if we have questions for him. And if we do, then we can put him under oath.

MS. PEMBROKE: Okay. Well. So the information we received from the Florida Department of State showed that the David Edward Linfield registered there had the same last four social security number digits and date of birth as the David Edward Linfield who was registered with the District of Columbia. We also obtained from Florida, the ballot return envelope for an absentee ballot cast in the name of David Edward Linfield. And in the District of Columbia, our records show a ballot return envelope that was cast in the name of David Linfield. Based on this information, we reached out to Mr. Linfield and he responded with counsel at a prehearing conference. Mr. Linfield explained that he was not in the
country during the 2020 election, but he acknowledged that he did vote absentee from Florida. He denied voting in D.C. and claimed he had not lived in D.C. for many years. He said when he did live in D.C., he lived at the address which Mr. Works just identified. He sublet that apartment from a colleague of his, and that he had moved out a number of years before the 2020 election. We were able to somewhat independently verify that information through sales records, D.C. property records, showing that the owner that Mr. Linfield rented from had sold to Mr. Works. So the party that Mr. Linfield rented from no longer owned the unit in the 2020 election. And also, to some extent from Internet information showing that Mr. Linfield worked for the Department of State and was stationed abroad in that period.

Based on the information provided by Mr. Linfield, we then looked to see how his D.C. mail ballot may have been obtained and voted. And so we reached out to Mr. Works, the
owner of the unit, and also a D.C. voter, who we could see voted in the 2020 election under his own name, to set up a further prehearing conference. At that further prehearing conference, Mr. Works, Mr. Linfield, and Mr. Linfield's attorney appeared. Mr. Works made it very clear that he did not know Mr. Linfield; he had no connection with Mr. Linfield. And he also explained that he had not even seen the ballot addressed to Mr. Linfield. I inquired of Mr. Works about the mailroom procedures in the building, and Mr. Works explained that the mailboxes for that building have, on the inside, of the unit number -- the unit number is on the outside, and the addressees' names are on the inside. And if a -- mail is addressed to someone who's name is not indicated in the box, it can often be set aside in the mailroom area, and accessible to numerous third parties. So based on this information -- well, let me add one other fact. There were numerous signature
samples for Mr. Linfield in both the D.C. voter files and the Florida files. There were at least four in Florida, and I believe at least four in the District of Columbia. All of those signatures are very, very close. They match closely, except the ballot return envelope that was cast in the 2020 election has a signature that doesn't match any of his other signature samples. So based on this information we were unable to conclude that there was any innocent explanation for the ballot being cast in D.C., and we are recommended referral. I would also add that Mr. Works provided considerable amount of information regarding the processing of mail ballots in the 2020 election. And also ask that the Board look at his voter file signatures to compare them to the signature on the 2020 general election ballot return envelope for Mr. Linfield. And I don't -- I mean, it's for the Board to say, but I don't think there's any necessary similarities between Mr. Works's signature and Mr.
Linfield's signature. But based on the similarity largely of the signatures, and the dissimilarity to the one 2020 D.C. ballot return envelope from Mr. Linfield, we did advise Mr. Linfield that we did not believe he was a target in this matter. And so hence his counsel has informed me that he did not believe it was necessary for him to attend.

CHAIR THOMPSON: All right. Well, it certainly sounds convincing that Mr. Linfield did not conduct any wrongdoing here. And neither did Mr. Works. I guess, if anything, this is a case where possibly an unknown third party intercepted the ballot at the address in question and forged a signature of David Linfield. Is that what it looks like?

MS. PEMBROKE: That is what the evidence suggests.

CHAIR THOMPSON: Okay. And Mr. Works, thanks for being here. I don't know if you'd like to say anything or add anything that you haven't said already. But we'd appreciate
hearing from you. You don't have to speak. I don't think you're -- you're not a target of this, so -- but just in case you're worried about that, you certainly don't have to speak if you don't want. But we certainly would appreciate hearing anything you have to offer.

MR. WORKS: No. No, I -- this is one of these worst nightmare scenarios, I think, for a D.C. voter, where, you know, it certainly appears that the ballot was intercepted by somebody else and voted. And, you know, mailroom procedures are pretty lax in our building. I don't know how it works in others. But bottom line, I also submitted an affidavit a few days ago to show my signature compared to the signature on this contested ballot, and it doesn't match, either. So whoever had got a hold of this ballot, I mean, I don't know what their intent was, but it didn't match Mr. Linfield's apparently; and it certainly didn't match mine. And I don't know why anybody would try to submit a duplicate
ballot in someone else's name. Also assuming
that they would know that you-all would verify
signatures on the voting records compared to
the mail-in ballot. So this whole thing's a
mystery to me.

But for the record, I've said it in
the affidavit, I've said it in the prehearings,
I'll say it here: I didn't vote this second
ballot. This disputed ballot. Someone
intercepted this in our mailroom, if it got to
me at my address in question. But I certainly
didn't vote it. And I'm sorry to take the
Board's time for this matter.

CHAIR THOMPSON: Thank you so much.
We really appreciate that. And I, I mean, if
the U.S. Attorney's Office were to investigate
this further, is there any way they could
figure out who intercepted the ballot? Like,
is there a camera in the lobby or mailroom area
or something like that? Or what are your
thoughts on that?

MR. WORKS: No. I think we have one
at the front door, but it doesn't go into the mailroom area. And, you know, as Ms. Pembroke explained, what happens is, you know, it's not a perfect system. You know, D.C. is a transient city. I think the records show that 11 percent of the ballots that were mailed out were, you know, returned or not deliverable. Which is become par with like, Las Vegas, and places like that that are very transient. My point is, when -- we often get misdirected mail. And so there's one bin that you -- you're supposed to put, you know, forwarded mail in. The mail that got to you that wasn't supposed to get to you, you're supposed to drop it one bin. And then, if it's just garbage, there's a second one on the other side. They're in plain view. They're accessible to anybody in the building, you know, contractors, including tenants. So anybody could, if they saw a ballot, could just pick it up and then, you know, complete it. And I think that's, frankly, what happened here.
CHAIR THOMPSON:  All right.  I don't have any other questions.  Anything else?

MS. PEMBROKE:  Nothing.

CHAIR THOMPSON:  All right. Thank you so much, Mr. Works. We appreciate you being here, and seeing no other -- hearing no other comments on this matter, we'll turn to the last one. The matter of Hannah Brown.

MS. PEMBROKE:  Thank you, Mr. Chair. So in this case, the ERIC report indicated that a ballot was cast in the 2020 general election in the name of Hannah Brown in the State of Illinois and also in the District of Columbia. We obtained information regarding both of those ballots. We haven't really -- we haven't supported those records with an affidavit, because in this case the evidence basically isn't contested. And so to explain why, I'll just talk about what happened when we reached out to Ms. Brown and the prehearing conference that resulted --

CHAIR THOMPSON:  Oh, wait. Sorry.
Let's make sure she's here and --

MS. PEMBROKE: Yes. Miss -- there are a number of witnesses here, I think, on Ms. Brown's behalf. So, Hannah Brown is there.

CHAIR THOMPSON: Ms. Brown, could you just tell us your name and your address?

MS. BROWN: Hi. My name is Hannah Brown, and my address is 2201 L Street NW, Apartment 416, Washington, D.C. 20037.

MS. PEMBROKE: And the other witness that is here for Ms. Brown is Adrian Vuckovich. Who's, I believe, appearing in the capacity of a character witness.

MR. VUCKOVICH: In the capacity as a character witness. I'm also a lawyer licensed in Illinois. Last time I appeared at the prehearing, I indicated that I'm not licensed in Washington, D.C. But to the extent that I can be useful, both as a witness and as a character witness and as, maybe, a lawyer, then I would like to be.

MS. PEMBROKE: And, lastly, I
believe Ms. Brown has a Mark Brown, who is her father. And he's there.

MR. BROWN: I am. Thank you. Thank you, to the Board. Thanks to everybody. And if anybody has any questions for me. And I can explain, and everybody can make a decision.

MS. PEMBROKE: Mr. Chair, do you believe it's necessary to place these people under oath?

CHAIR THOMPSON: Well, let's hear the evidence first from Ms. Pembroke. And then, all three of you are free to speak. If you do speak, we'll place you under oath. And, once again, as you've heard before, this is -- especially for Ms. Brown, you don't have to speak if you don't want to. You have a right not to incriminate yourself under the 5th Amendment. You can say nothing, or just a few things. It's up to you. And also, with respect to Mr. Vuckovich, you are hereby admitted pro hac vice, if you'd like to say anything in your capacity as an attorney, I
certainly have that discretion as board Chair
to recognize your U.S. counsel being a member
in good-standing, I assume, of the bar of
Illinois, so.

MR. VUCKOVICH: Yes, Your Honor.

Thank you. Thank you.

CHAIR THOMPSON: You're welcome.

When the moment comes, you can speak for Ms.
Brown or in addition to Ms. Brown. Whatever
y'all would like to do. So let's hear, first,
the evidence from Ms. Pembroke because it's --
as you mentioned, it's not really disputed.

MS. PEMBROKE: Right, right. Fast-
forward to the prehearing conference. Ms.
Brown appeared along with her father, Mark
Brown, and Attorney Vuckovich. And the
evidence that was presented was that Ms. Brown
had mailed her ballot into the Illinois ballot
election officials. That would be the Lake
County's Clerk's Office. But had been unable
to confirm that the ballot had been received,
and so on election day, she reached out to the
Illinois authority to ask about whether or not they had received her ballot. She -- there at the prehearing conference that she spent a fair amount of time on the telephone with a woman at the Lake County Clerk's Office trying to ascertain the status of her ballot. The woman informed Ms. Brown that her ballot could not be located. Ms. Brown then asked at that point what she could do in order to secure her enfranchisement. And the woman advised Ms. Brown to go to a polling site in D.C., she happened to be a student in the District of Columbia at the time, and vote in person. So Ms. Brown followed the directions of the Illinois election official's advice. And she stated she had no intention of voting twice, but only wanted to make sure that her right to vote was not forfeited because Illinois had lost her ballot.

Mr. Vuckovich appeared as did Ms. Brown's father, and echoed sentiments that Ms. Brown is a very civic-minded person and she
would never intentionally vote twice. And both
witnesses commented on the Lake County Clerk's
Office being overwhelmed during the 2020
general election with mail ballots. As a
result of this evidence, I reached out to the
Illinois election officials and received an
e-mail communication that Ms. Brown had had with
the Clerk's Office in Illinois about --
regarding her efforts to get her mail-in
ballot. And these communications show that on
October 13th, 2020, Ms. Brown expressed a
concern in an e-mail that the voter power
website showed that a ballot was mailed to her
on September 24th, but she had not received it.
And the responding Clerk's Office staff e-mail
stated that the ballot would be reissued her --
to her. This evidence tended to corroborate
Ms. Brown's claims as to her effort to verify
the status of her ballot in Illinois.

More importantly, we inquired with
the Lake County Clerk Office about their
ability to inform voters who might have
inquired at that time about the status of their ballots. And this is what the clerk responded with. And I'm going to quote this language.

Quote, this took place under the prior administration before our office instituted more thorough policies to account for vote-by-mail ballots. But what Ms. Brown is claiming sounds entirely feasible. I can include an audit log for the vote-by-mail ballot with other documentation which shows that Ms. Brown's ballot did not have a return status of good until November 12th. Well after -- which is well after the general election. But I do not believe that there is any other process that would have indicated that Ms. Brown's ballot had been received on November 3rd, back in 2020. Close quote.

So based on this evidence, it appeared to us that Ms. Brown did not have the requisite criminal intent to warrant referral to the U.S. Attorney's Office. So we had not recommended referral in this case. You know,
she clearly -- the evidence clearly indicated
that she only intended to vote once. Just this
morning before this hearing, Ms. Brown also
submitted a letter from an acquaintance of hers
who was with her on the day she voted in person
in the D.C. election. And that statement was
consistent with Ms. Brown's claims that she was
following up on what she'd been instructed to
do by the Illinois election authorities. And
just attempting to make sure that her right to
vote in the 2020 election was not entirely
forfeited because Illinois had lost her ballot.

That said, there is this other
provision of the election laws which the Chair
referred to previously that is a -- can trigger
civil penalties. And so the question before
the Board would be whether or not the actual
voting twice in the 2020 general election by
Ms. Brown would warrant a civil penalty. I
would defer to the Board on where they want to
go with that issue. I'm not making any
specific recommendation at this time.
CHAIR THOMPSON: Okay. Well, to summarize what seems to be extremely obvious is that Ms. Brown did not vote twice. She certainly had no intent whatsoever. She had every reason to believe she had not successfully cast a ballot in Illinois. In fact, in Illinois, I think you mentioned that ballot wasn't recognized as, quote, good, until November 12th. So even in a technical sense, it doesn't sound like she voted twice, at least at the moment she voted in D.C. So I mean, it's obviously thoroughly convincing that there was no double voting here.

You know, we can talk in executive session about the civil penalty statute, whether there's some kind of strict liability aspect to it, regardless of intent. We'll talk about that as lawyers. But anyway, that's the evidence I'm hearing. But I just wanted to make clear on the record that -- for Ms. Brown's sake and the sake of her family and friends who have submitted affidavits, that
there's no finding here whatsoever of double voting or an intent in any way to vote twice.

But having said that, of course, everybody is free to speak. So why don't I -- I'll start with Mr. Vuckovich's -- perhaps his counsel, or -- and if you'd like to speak on your behalf as a character witness as well, please go ahead, and you can let us know how you'd like to proceed from here.

MR. VUCKOVICH: Not much. Although we like to vote twice in Chicago, Ms. Brown, in D.C., did not vote twice. Known her since she was born. She's a painfully strict rule follower her whole life and remains so. I don't have anything to say. I don't -- I think it's -- she relied upon a voting official in Lake County. I live in the same county in Illinois. We had the same problem, by the way, in 2022. My daughter goes to American University in D.C., and almost voted, like Ms. Brown, you know, a second time because of a loss of a ballot. So it's an ongoing problem.
I don't have anything else to say other than your board is extremely well run. The analysis is excellent. And thank you.

CHAIR THOMPSON: Okay. Ms. Brown, would you like to speak?

MS. BROWN: I don't have anything else to add, just want to thank the Board. And thanks, Mr. Vuckovich.

CHAIR THOMPSON: And thank you. And Mr. Brown, I think you're here still.

MR. BROWN: Thank you, folks. I've been involved in politics and things, and I'm just impressed, always, with people that -- elections blow my mind. I can never -- they're just -- it's -- it's really a credit. You know, party has nothing to do with it. It's just these elections are amazing, and thanks for your service. And God bless. I hope everybody stays well. But glad you're able to, you know, work through these technical problems that are very important. Thank you.

CHAIR THOMPSON: Okay. Thank you.
Did I miss anybody? Was there anyone else present? And we'll -- just to be clear for the record, we've accepted into evidence everything that Ms. Pembroke made reference to, as well as, I think, an affidavit or a letter that came in this morning from Jamie Allen along the lines of a character witness. So before we move on, anything else? Ms. Pembroke, anything else?

MS. PEMBROKE: No.

CHAIR THOMPSON: Okay. I think that concludes our review of the evidence respecting these ten people. Anything else, Ms. Stroud?

MS. STROUD: No, Mr. Chair. You know, as you're aware, we have the rest of the agenda to get through, but I think that it would be best if we said, you know, we'll proceed with the rest of the meeting and then --

CHAIR THOMPSON: Yeah.

MS. STROUD: -- we'll go into executive session. So that --
CHAIR THOMPSON: Yeah.

MS. STROUD: -- we can do that at

the end of the day.

CHAIR THOMPSON: Yeah. We've got

about 20, 25 minutes left on our agenda for

other matters. So we're going to proceed to

hear about those issues, some rulemaking, some

litigation updates. And then we'll go into

executive session about 20 to 30 minutes from

now. Yeah, we also obviously have the report

from the Office of Campaign Finance as well,

before we go into executive session. And, you

know, we'll see what the timing is. But then

we'll come back on the record and make some

rulings as to whether we're going to refer

anything to the U.S. Attorney's Office. Thanks

very much. That was a lot.

MS. STROUD: Thank you. And so the

next item on my agenda is rulemaking. And we

have first, final rulemaking action to adopt

amendments to Chapter 1 and Chapters 3 through

20 of Title 3 of the D.C. municipal
regulations. And then we have proposed
rulemaking action to adopt amendments to
Chapter 1, Chapter 5, and Chapter 16 of Title
C.

But before I go into the specifics
of these rulemakings, Mr. Chair, I wanted to
state for the record, the provision D.C.
official code Section 2-505(a) which provides
that the mayor and each independent agency
shall, prior to the adoption of any rule or the
amendment or repeal thereof, publish in the
District of Columbia Register, notice of the
intended action. So as to afford interested
persons opportunity to submit data and views
either orally or in writing, as may be
specified in such notice. It goes on to say
that the notice shall also contain a citation
to the legal authority under which the rule is
being processed. And so when we offer
rulemakings that the Board approves for
submission to the D.C. Register, that
publication in the D.C. Register constitutes
the notice that the statute requires. And I just wanted to make that clear so that when we introduce these rulemakings, it will list all of the -- regulations that are being amended, specifying the chapters, the title. It'll indicate what the purpose of the rules is, and we will -- the rulemaking will include, if it's a final rulemaking, when the notice of proposed rulemaking was published. And the final rulemaking that we're offering today, I mean, I'll say this later on as well. But it was published in the D.C. Register on October 13th, for a 30-day notice period, and we're taking final action on it today.

So with that, we have a final rulemaking to adopt amendments to Chapters 1 and 3 through 20 of the Title 3 of the DCMR. The purpose of this final rulemaking is to conform these regulations with District law, including the Local Residents Voting Rights Amendment Act of 2022. The rulemaking also reflects court decisions rendered in cases
concerning initiative measure number 82. The District of Columbia Tip Credit Elimination Act of 2021. In addition, the rulemaking updates and/or clarifies Board procedures for various activities, including meetings, the issuance of Board orders and advisory opinions, and ballot access for candidates and ballot measures. The amendments also make non-substantive housekeeping updates and corrections of typographical and formatting errors.

Again, we published in the D.C. Register on October 13th, a notice of proposed rulemaking. The Board received one comment from a registered voter during the public comment period, regarding the omission of the phrase, quote, or charter amendments, close quote, in Subsection 500.2(b), and correspondence from the office of open government regarding proposed rulemaking provisions that address the Board's notice, slash, agenda, closed session, and minutes procedures.
And so these concerns that were submitted to the Board will be addressed in the proposed rulemaking that I'm introducing today. And that is proposed rulemaking action to adopt amendments to Chapter 1, Chapter 5, and Chapter 16 of Title 3 of the DCMR. The purpose of these amendments is to correct errors to a rule that expresses the elections in which noncitizens can participate. And a rule that indicates which offices noncitizens can vote for. And to conform certain of the Board's regulations regarding its meetings' procedures, to the District of Columbia government's Open Meetings Act.

And so, Mr. Chair, with that description, I wanted to ask if the Board would move that we submit these rulemakings to the D.C. Register, and they would be published a week from this coming Friday in that addition of the D.C. Register. And, again, these notices will include the requisite information and will serve as notice to the public both of
the filed rulemaking action, and of the proposal making action in accordance with District law.

CHAIR THOMPSON: Together in the same notice?

MS. STROUD: They are two separate notices.

CHAIR THOMPSON: Two separate notices.

MS. STROUD: Yes.

CHAIR THOMPSON: Published on the same --

MS. STROUD: Published to the D.C. Register on the same addition.

CHAIR THOMPSON: Okay.

MS. STROUD: Yes.

CHAIR THOMPSON: All right.

MS. STROUD: Because we'll submit them by the deadline for next week's addition.

CHAIR THOMPSON: Okay. So I would so move that you proceed to issue public notices for the filed rulemaking you described
and the proposed rulemaking you described, both
to be simultaneously published in the D.C.
Register.

MEMBER GREENFIELD: I second it.

CHAIR THOMPSON: Okay. I mean, I --
it's -- tremendous work went into all of this.
We've been looking at the rulemaking for, I
think, most of this year. It's really an
incredible amount of work. So, I think said
this last time, once again, thank you. This is
a lot. I mean, when -- like, with respect to
voter initiative 82, we stumbled across a
couple of interpretation issues that I guess no
one had thought about before. Like, the
December 31st publication date of the voter
rolls. Is that one or is it a sort of a moving
target as the month goes by? I think we've
cleared up all those -- the little issues that
we stumbled over, along with respect to I-82,
some of which were adjudicated by us and then
by court appeals. So it's all been captured in
this rulemaking.
And thank you for also following up on the details about noncitizen voting, exactly what elections noncitizens can vote in of a local nature, not a federal nature. And what offices the noncitizen can run for of a local nature. I think that's all been captured in great detail. So I just -- my way of compliment. I renew my motion. There's been a second. Unless there's any other comment, I would call the vote. All in favor?

(Chorus of aye.)

MS. STROUD: And my final agenda item is litigation status. We have five cases. The first is Public Interest Legal Foundation versus Director Monica Evans in her official capacity. That's in the U.S. district court for the District of Columbia, and it was filed under the National Voter Registration Act. The suit alleges that the Board is out of compliance with the NVRA's public records provision. PILF requested certain records from the Board, which were denied due to requested
records not being subjected to public
disclosure. The board is being represented by
the Office of the Attorney General in this
matter. There was a hearing on the motion to
dismiss on December 4th, and the Board's motion
to dismiss was denied. So we are looking at
next steps with respect to this matter.

The second matter is Stacia Hall
versus the Board. And that is in the U.S.
district court for the District of Columbia.
This matter involves a challenge to the Local
Residents Voting Rights Act which allows
noncitizen District residents to vote in
certain local elections. As of August 18th,
all pleadings have been filed in this matter,
and we are awaiting the court's ruling.

The third matter is the D.C.
Democratic Party versus Muriel Bowser, et al.
The board is a defendant in this matter as
well. This is a challenge to initiative
measure number 83, in which the Board is a
codefendant along with the mayor and the D.C.
government. The board is jointly defending this matter with the OAG.

Updates since the last board meeting are that, on November 13th, the defendants filed a reply to the plaintiff's opposition to the defendant's motion to dismiss. On November 16th, the Board filed the designation of agency record, and an initial hearing was set for December 1st, 2023. But a court order issued on November 30th, rescheduling the hearing for February 23rd.

The fourth item is Dr. Shiva Ayyadurai versus Merrick Garland, et al. The board is a codefendant in this matter. On November 14th, the U.S. district court Clerk's Office served the Board with a complaint for declaratory and injunctive relief that had been filed on June 21st, 2023. The plaintiff, who was not born in the United States, seeks a declaration that he is eligible to serve as President, notwithstanding the constitutional natural born citizens clause; or,
Alternatively, that this qualification matter presents a nonjusticiable political issue for the voters. And we are going to be working with OAG to coordinate on next steps as this is a case that would typically be handled by the Office of the Attorney General.

Finally, we have Jason Christopher Long versus the Board. This is in D.C. superior court. This is a refiling of a complaint that was initially filed on July 2nd, 2021, and dismissed on August 12th, 2022, without prejudice. The complaint was refiled on November 28th. The complainant, who is seeking $10,000 in damages, claims negligence and unjust enrichment, and alleges that the Board issued him 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 return check fee. A hearing is set for February 2nd, 2024. That is the final matter, and that concludes my very long report today.
CHAIR THOMPSON: Okay. Thank you very much.

And now, campaign finance report from Director Collier-Montgomery.

MS. COLLIER-MONTGOMERY: Yes. Good afternoon. For the record, the full report of activity of the Office of Campaign Finance will be posted at our website before the close of business today. www.ocf.DC.gov. And also, the report is for the activity, other agencies for the month of November 2023. I will, however, at this time, highlight a few items of interest for the public from the report.

First, with respect to the community outreach for the month of November, information on the Agency's traditional and Fair Elections Program were presented during the two virtual ANC meetings which were held on November the 1st and the 8th. And these meetings were held by Advisory Neighborhood Commissions 3D and 1A. In the Fair Elections Program division, for the 2024 election cycle, to date, there are three
certified participating candidates and nine registered candidates who are seeking to participate in the program for the 2024 election cycle. During the month of November 2023, one candidate was certified into the program for the 2024 election cycle. And disbursements were made to participating candidates as follows:

First, the reelect Brooke Pinto 2024 principal campaign committee on November the 1st, 2023, matching payments in the amount of $33,600 were authorized for disbursement from the elections fund.

Second, the friends of Celine Rudolfo principal campaign committee, on November the 7th, 2023, matching payments were authorized in the amount of $13,085 for disbursement from the elections fund.

Third, Janeese Lewis George, the committee to reelect Janeese Lewis George, principal campaign committee. The candidate, Janeese Lewis George, was certified on November
the 7th, 2023, as a participating candidate in 
the Fair Elections Program in the June 4th, 
2024, primary election for the covered office 
of member of the counsel from Ward 4. Matching 
payments will authorize for disbursement from 
the elections fund in the total amount of 
$105,195, and the first half of the base amount 
payment in the total amount of $20,000 was also 
authorized because the election in Ward 4 is a 
contested event.

With respect to the post-election 
full field audits for the 2020 election cycle, 
I would indicate that the OCF initiated 34 full 
field audits of the campaign operations of the 
candidates who were certified to participate in 
the Fair Elections Program during the 2020 
election cycle. There are currently 11 post-
election audits which are ongoing, before the 
division at various stages of the audit 
process. The status of the ongoing audits is 
stated in our activity report, which, again, 
will be posted this afternoon. For the record,
the FEP division has issued a total of 23 final audit reports of the post-election audits which were initiated for the 2020 election cycle.

For the 2022 election cycle, the agency issued 42 post-election audit letters for the June 2021 -- I'm sorry. The June 21, 2022, primary election, and also for the November 2022, general election to the candidates who were certified to participate in the program during this election cycle. To date, the FEP has issued 20 preliminary statements of audit timings, and 15 final audit reports for the 2022 election cycle, including for the month of November.

First, the committee to elect Sabel Harris, the preliminary audit report was issued on November the 2nd, 2023. Robert for D.C., preliminary audit report was issued on November the 6th, 2023. Brand for D.C., preliminary audit report issued on November the 7th, 2023. And friends of Lisa Gore, preliminary audit report issued on November the 7th, 2023. All
of the audit reports -- the final audit reports are available at the website for review by the members of the public.

In our Public Information and Records Management Division, I would first report that there were no due dates for the filing of reports of receipts and expenditures during the month of November. With respect to new candidates' committees, for the 2024 election cycle in the Traditional Campaign Finance Program, there are currently a total of eight candidates who are registered to participate in the June 2024, primary election, including the following new registration for the month of November. Yolanda Anderson, candidate for the office of U.S. Shadow Representative in the June 4th, 2024, primary election. The candidate registered on November the 28th, 2023.

And in the Fair Elections Program, there are currently 12 candidates who are registered to participate in the program,
including the following new three registrations
for the month of November 2023. The first is
Paul Johnson, who is a candidate for member of
the council from Ward 4, the June 4th, 2024,
primary election. The candidate registered on
November the 1st, 2023. Ebony Payne, who is a
candidate for member of the council for Ward 7,
the June 4th, 2024 primary election. The
candidate registered on November the 15th,
2023. And Patricia Eguino, who is a candidate
for at-large member of the council. The
candidate registered on June the -- I'm sorry.
On November the 3rd, 2023. And the candidate
has registered to participate in the June 4th,
2024, primary election.

We had five candidates and
treasurers who completed the OCS entrance
conference during the month of November. The
first was Christina Henderson who's a candidate
for the council at-large; Patricia Eguino who
is a candidate for council at-large; Joyce
DeCerce, treasurer for Patricia Eguino for D.C.
council; Thomas Malone, treasurer of friends of Christina Anderson, 2024; Isabella Ariza, treasurer for Ankit Jain.

In our reports analysis and audit division, and that's our Traditional Campaign Finance Program, the audit branch conducted 16 reviews and also issued two requests-for-additional-information letters as a result of the desk reviews reports of receipts and expenditures which were issued. There were no final audit reports which were issued during the month of November 2023, but there are ongoing audits in the traditional audit branch.

And the first is a full field audit of a newly elected official, and that is the Kenyan McDuffie, 2022. The second is a full field audit of an inaugural committee, and that is of the D.C. Proud inaugural committee. Third, we have periodic, random audits which are ongoing, of our constituent service programs. And that is with respect to the October the 1st, 2023, report of financial
receipts and expenditures, which was filed by
the program. The first is of the Ward 5
council office constituent service fund
program, and the second is of the citizens
outreach fund. And again, with the audits,
when the audits are completed, the final audit
reports will be presented at our website for
review by members of the public. The status of
all of the ongoing audit reports is also
reported in our activity report for the month
of November as well. I would ask the General
Counsel William Sanford to present the report
of the Office of the General Counsel for the
Agency.

MR. SANFORD: Thank you. Good
afternoon, Mr. Chairman and distinguished
board members Greenfield and Boggs. My name is
William Sanford, General Counsel for the Office
of Campaign Finance.

During the month of November 2023,
the Office of the General Counsel initiated one
full investigation, completed nine informal
hearings, and issued nine orders which included the following: Two orders to vacate, prior orders or notices of hearings were issued; six orders in which a total of $5,225 in fines was imposed; and one order in which no fine was imposed.

During the month of November 2023, the Office of General Counsel imposed a total $5,225 in fines against the following respondents: The fine of $1,350 was imposed against Marcus for D.C. principal campaign committee; a fine of $2,100 was imposed against friends of Robert White principal campaign committee; a fine of $1,125 was imposed against friends of Robert White, principal campaign committee; a fine of $200 was imposed against the campaign to elect Ed Lawson; another fine of $200 was imposed against the campaign to elect Ed Lawson; and finally, a fine of $250 was imposed against the citizens to elect principal campaign committee.

During the month of November, the
Office of General Counsel received one payment for a fine of $300 from the Ward 7 Democratic PAC, political action committee.

During the month of November, there were two open investigations before the Office of General Counsel and they included the following: Docket number OCF Full Investigation 2023 002 was docketed on the 23rd of October 2023. The respondent, reelect Brooke Pinto committee 2024, the complainant was Edwin (audio interference), and the allegation was use of government resources for campaign related purposes. The second investigation is docket number OCF Full Investigation 2023 003. It was docketed on the 13th of November 2023. The respondent was Brooke Pinto for Ward 2, 2020, principal campaign committee. The complainant was (audio interference), again the allegation was use of government resources for campaign related purposes. The status of both investigations is pending.
During the month of November 2023, there were no requests for interpretive opinions, and there were no show cause proceedings conducted. The contents of this report will be published at the OCF website by close of business on today's date, December 6th, 2023. And that should conclude my report.

CHAIR THOMPSON: All right. Thank you so much for the report from the Office of Campaign Finance.

MS. COLLIER-MONTGOMERY: That concludes my report.

CHAIR THOMPSON: Okay. Thank you. All right. It's been a long morning. We've got some executive session work to do. What we'll do at this point is go into executive session. I'll just note for the record if any members of the public have any general comment, you can submit those by way of our website in writing. And we'll certainly read those closely.

So with that, at this time, I will
move under D.C. official code 2-575(e)13.
Okay. That for the Board to enter into executive session, for the purpose of deliberating upon a decision whether to make referrals to the U.S. Attorney's Office in the ten matters that we considered earlier.

(Chorus of second.)

CHAIR THOMPSON: Okay. All in favor?

(Chorus of aye.)

CHAIR THOMPSON: Okay. So that's what we'll do. I don't -- I, you know, we might need some lunch or something. But it's hard to say how long we're going to need. You know, maybe half an hour, maybe longer. But if anybody would like to stay on and wait, we'll be somewhere between half an hour and an hour is my best guess. Yeah, 45 minutes; 1:45 we'll come back on the record. We'll come back on the record at 1:45. We'll let you know if we need more time, if we're still deliberating. But we'll come back on the record at 1:45. You
can dial back into the same link, if you want
to take your link down. Or you can just leave
it open. And we will -- well, no, we're going
to close the link; right? Because we use it
for our executive session.

MS. PEMBROKE:  Yeah.

CHAIR THOMPSON:  So you'll have to
dial back in at 1:45, yeah. Okay. So. All
right. Thank you everybody for your patience
and your attention this morning. Thank you.

(Whereupon, the above-entitled
matter went off the record at 12:56 p.m. and
resumed at 1:55 p.m.)

CHAIR THOMPSON:  Sorry. Let me
start over. We're re-recording, and we're back
from executive session. My name's Gary
Thompson, the Chair. Board member Karyn
Greenfield and board member J.C. Boggs are both
here. So I'll start with a motion that we come
out of executive session and back onto the
record. Is there a second?

MEMBER GREENFIELD:  I second.
CHAIR THOMPSON: All in favor, raise your hand or say aye.

(Chorus of aye.)

CHAIR THOMPSON: Everybody's good.

All right. So we're back on the record. Thank you everybody for returning. And thanks for bearing with us. We have made our determinations and we'll go through all ten cases one at a time. I'll start with the overview point that, you know, this process is, I think, has worked really well. The first step in the process, and maybe one of the main takeaways from today is the importance of an interstate identification system like ERIC. And when that information is identified by ERIC in a very neutral way, and reported to election agencies like ours, we look into it. So we've looked into these matters. And pending before us are the possibility of referrals to the U.S. Attorney's Office or other action that we have the discretion to take. We are looking at both the federal and the D.C. statute in this
regard. I think earlier, I made reference to the federal statute which is 52 US Code 10307. In Subpart C, it refers to false information in voting with the requirement that the individual knowingly or willfully gives false information in registering to vote and certain other actions. Subsection E has to do with voting more than once in an election. That subsection has been interpreted to also require intent on the part of the individual to vote more than once. We've taken note of that legal requirement.

We've also looked at our own D.C. code statute which is at, I mentioned, I believe, 1-1001.18, which gives our board the discretion to assess civil fines for violations of the subchapter and specifically, that would be 1-1001.09 Subparagraph G which says, no person shall vote more than once in any election. A requirement that we also interpret to necessitate some degree of intent on the part of the individual who votes twice. So
we've thought about intent, we've taken all the
evidence into account.

So I'll turn to the first matter.
In the matter of Vanessa Rubio, and make a
motion at this time that we not refer this
matter to the U.S. Attorney's Office for
possible criminal prosecution. But rather,
impose a civil fine against Ms. Rubio in the
amount of $500. Is there a second?

MEMBER GREENFIELD: Second.

CHAIR THOMPSON: And I should
clarify, obviously, as I pretty much just said,
the $500 civil fine is being assessed under
D.C. code 1-1001.18, Subsection B. We have the
discretion to impose a civil fine. If it were
a criminal matter, even under the D.C. code,
that would also be referred to the U.S.
Attorney's Office. So we're not referring any
criminal matter to the U.S. Attorney's Office
on this matter. But rather, we're imposing a
civil fine of $500. So I'll -- there having
been a second, I'll call the vote. All in
favor?

MEMBER GREENFIELD: Aye.

CHAIR THOMPSON: Raise a hand. I have 2 votes. Did we lose J.C. Boggs?

MEMBER GREENFIELD: I don't see him.

CHAIR THOMPSON: He's iPhone 10. Just say -- ask to unmute. Well, we'll clear it up on the record shortly, but two votes --

MEMBER BOGGS: Hello?

CHAIR THOMPSON: There he is. So all in favor?

MEMBER BOGGS: Gary?

CHAIR THOMPSON: Yes.

MEMBER BOGGS: Yes. All right.

Thank you.

CHAIR THOMPSON Okay. It's three to nothing. Turning then to the matter of Renee Diggs the motion there is, once again, to not make referral to the U.S. Attorney's Office to investigate potential criminal violations, but rather, to impose a civil fine. In the case of Ms. Diggs, my motion is to impose a civil fine
of $100. There a second?

(Chorus of second.)

CHAIR THOMPSON: All in favor?

(Chorus of aye.)

CHAIR THOMPSON: That's three to nothing. Turning then, to Jessica Miser, the same motion is made that we not refer the matter to the U.S. Attorney's Office for a potential criminal prosecution, but rather, impose a civil fine. And in her case, of $100. Is there a second?

MEMBER GREENFIELD: Second.

CHAIR THOMPSON: All in favor?

(Chorus of aye.)

CHAIR THOMPSON: That's three. All three to nothing. Fourth is the matter of Marcella Gooding, who is not present, but she did appear at a prehearing conference. The same motion is made there. That we not make referral to the U.S. Attorney's Office for potential criminal prosecution, but rather, impose a civil penalty of $100. Is there a
second?

(Chorus of second.)

CHAIR THOMPSON: All in favor?

(Chorus of aye.)

CHAIR THOMPSON: Three to nothing.

The fifth matter is the matter of Barbara Ann Melvin Mason Duncan. She was not successfully served with process, and probably had -- or possibly had no opportunity to appear at this hearing. So my motion is to defer consideration of that matter to allow our General Counsel additional opportunity to make contact with Ms. Duncan, and if need be, re- present that matter in our next hearing, or some future hearing.

MEMBER GREENFIELD: I second that.

CHAIR THOMPSON: All in favor?

(Chorus of aye.)

CHAIR THOMPSON: Okay. Turning then to the sixth matter, Mr. Eddie Bishop. My motion is to not make referral to the U.S. Attorney's Office for potential criminal
prosecution, but rather, to impose a civil penalty of $100. Is there a second?

MEMBER GREENFIELD: I second.

CHAIR THOMPSON: All in favor?

(Chorus of aye.)

CHAIR THOMPSON: Next case is the case of Margareta Sibert-Dean. She was not present today, but she was at the prehearing conference. So same motion there, that we not make referral to the U.S. Attorney's Office for potential criminal prosecution, but rather, impose a civil penalty of $100. Is there a second?

MEMBER GREENFIELD: Second.

CHAIR THOMPSON: All in favor.

(Chorus of aye.)

CHAIR THOMPSON: Three to nothing.

Turning then to the eighth matter involving Ashley Harris. My motion is to defer and provide 30 additional days to hear from Mr. Godwin, or potentially third parties, that can shed some light on what may have happened with
this mail ballot. So at this time to take no
action to refer the matter for potential
criminal prosecution, nor to impose any civil
penalty. Is there a second?

MEMBER GREENFIELD: I second.

CHAIR THOMPSON: All in favor?

(Chorus of aye.)

CHAIR THOMPSON: Three to nothing.

MEMBER BOGGS: So, Gary, quick
question. We would -- we're holding that open
for a certain amount of time? Thirty days,
definitely?

CHAIR THOMPSON: Thirty days. Thirty days, and I guess, you know, take this
as a friendly amendment to my motion, we hold
it open for 30 days to provide Mr. Godwin or
another third party the opportunity to
communicate with us. If we don't hear from Mr.
Godwin within that 30-day window, we will make
referral to the U.S. Attorney's Office for
potential criminal prosecution and I say that,
taking note of the fact that Ashley Harris
herself would not be the subject -- or at least in our opinion, would not be the proper subject for investigation. She's submitted sufficient evidence that she was in Florida at the time, that she did not sign the D.C. ballot in question, and our determination to provide a 30-day window for Mr. Godwin or others relates to the fact that this ballot may have been intercepted by somebody else improperly and improperly filled out. So we mean no aspersions on Ms. Harris in this regard. So I just wanted to make that clear. So I guess, having explained all that, maybe I should recall the motion in case there's any changes.

Is there a second?

MEMBER GREENFIELD: Second.

CHAIR THOMPSON: All in favor?

(Chorus of aye.)

CHAIR THOMPSON: All right. So that's three to nothing. The ninth matter is the matter of David Linfield. In light of the evidence submitted that Mr. Linfield did not
fill out the D.C. ballot, nor did the current owner, Mr. Works, obviously. There being nothing else to do, really, in this regard, my motion would be to not refer this to the U.S. Attorney's Office or take any other action.

MEMBER GREENFIELD: I second.

CHAIR THOMPSON: All in favor?

(Chorus of aye.)

CHAIR THOMPSON: And finally, with respect to the tenth matter of Hannah Brown, the evidence is clear that Ms. Brown did not vote twice and had no intent whatsoever of casting a second ballot in D.C. So in her case, my motion is that we make no referral to the U.S. Attorney's Office for potential criminal prosecution, nor impose any civil fine, or take any other action. Is there a second?

(Chorus of second.)

CHAIR THOMPSON: All in favor?

(Chorus of aye.)

CHAIR THOMPSON: Okay. That's all
ten of the matters that we heard. There's, I think, just two pending potential revisitation at our next meeting. Our next meeting would normally be the first Wednesday in the month, which is January 3rd. I think we're still considering whether we might move that to January 10th in light of holiday time or for other reasons. So we'll follow-up on that.

Anything else before we close?

MS. STROUD: Just that written orders, regarding the matters that we just discussed, we'll issue forthwith.

CHAIR THOMPSON: Okay. Written orders will be issued with respect to the eight matters that we've addressed. And thank you everybody for hanging with us for this meeting.

And at this time, I move we adjourn.

(Chorus of second.)

CHAIR THOMPSON: All in favor.

(Chorus of aye.)

CHAIR THOMPSON: Thanks.

MEMBER BOGGS: Thank you.
MEMBER GREENFIELD: Thank you

(Whereupon, the above-entitled matter went off the record at 2:09 p.m.)
CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DC BOE

Date: 12-06-23

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.

[Signature]

Court Reporter

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