GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

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WEDNESDAY,

NOVEMBER 8, 2023

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The District of Columbia Board of Elections convened via Video-Teleconference, pursuant to notice, at 10:30 a.m. EST, Gary Thompson, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

GARY THOMPSON, Chair
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 Finance
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P-R-O-C-E-E-D-I-N-G-S
(10:32 a.m.)

CHAIR THOMPSON: All right. Good morning, everybody.

We have -- Zoom is open now. I see we have a number of participants. I see the court reporter is present. Thank you very much. And we have a number of people here with us today in the Board Room.

My name is Gary Thompson, the Chair of the D.C. Board of Elections. With me is J.C. Boggs of the Board, and also I believe Karyn Greenfield is on by Zoom. Let me pause for a second to make sure of that.

(Pause.)

CHAIR THOMPSON: I don't see her. Well, we do have a quorum, so we'll go ahead and start. If Board Member Greenfield joins us, we'll note it for the record.

It is a light agenda, regular agenda today. No special issues.

So we do have a quorum. Quick
housekeeping measure, we have distributed the minutes of our former meeting on October 4th. We reviewed them, and at this time I would move that we adopt those minutes.

    MEMBER BOGGS: Second.

    CHAIR THOMPSON: All in favor?

    MEMBER BOGGS: Aye.

    CHAIR THOMPSON: Okay. So that's done.

    All right. Any Board matters from - - I don't have any. Any Board members? From you?

    All right. So we'll move on with the Executive Director's Report from Monica Evans.

    MS. EVANS: Thank you, and good morning. This is the Executive Director's Report for October 2023.

    On Monday, October 2nd, we recognized five recent graduates of the CERA Program, which is the nation's first professional certification program for election
and voter registration professionals. Since
1994, the Election Center, in partnership with
Auburn University in Alabama, has offered
professional certification as Certified
Elections Registration Administrator, CERA,
status.

The Professional Education Program is the only program of continuing professional
education which specializes in voter
registration and elections administration.
Participants receive continuing education units
from Auburn University and Election Center
credits toward the achievement of the
profession's highest designation.

Our 2023 graduates are Melissa
Alexander, Duan Jones, Randy Legette, Richard
Thompson, and Ladawne White. Congratulations
to our graduates.

As far as data breach, on
October 5th, 2023, BOE became aware that a
hacking group known as RansomVC claimed to have
breached BOE's records and accessed 600 lines
of U.S. voter data, including D.C. voter records. While BOE is still investigating this matter, we know that voter records were accessed through a breach of the web server of DataNet Systems, BOE's website host. No internal BOE databases, networks, or servers were directly compromised.

BOE has taken the following actions during the initial phase of our investigation. BOE initiated an internal assessment and began working with its data security and federal government partners to investigate the breach. These partners include, but are not limited to, the Multi-State Information Sharing and Analysis Center, or MS-ISAC, the Federal Bureau of Investigation, and Homeland Security.

BOE collaborated with MS-ISAC's computer incident response team to resolve the issue. BOE has also received support and guidance from the Office of Chief Technology Officer. BOE directed DataNet to take down our website and replace it with a maintenance page.
upon learning that our website was the source
of the breach. A static website is now up, and
we are continuing to populate it with
additional content.

BOE conducted weekly vulnerability
scans on our database, server, and other IT
networks. We have set up an email account
where residents can ask questions, and that is
questions@dcboe.org.

During the investigation, 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. It should also be
noted that in the District of Columbia some
voter registration data, such as voter names,
addresses, photo records, and party
affiliation, all public information, unless it
has been made confidential in accordance with
District of Columbia rules and regulations.
BOE shares this information upon request and in
compliance with the law.
At this point, we know that DataNet Systems' breached database server did contain a copy of D.C. BOE's voter roll. Therefore, out of an abundance of caution, BOE is working with DataNet Systems to contact all registered voters.

MS-ISAC has completed their engagement and issued a report stating the vulnerabilities with DataNet's practices. Specifically, DataNet Systems failed to deploy security updates and patches and failed to conduct routine vulnerability scans.

Next steps. BOE will engage in a system penetration testing at least annually. BOE is exploring options for a permanent website hosting solution, and these current options do include conversations with OCTO. BOE is working with DataNet to ensure a comprehensive response to the breach, including notifying all registered D.C. voters that that plan is in place.

On October 31st, 2023, the Committee
on Executive Administration and Labor of the Council of the District of Columbia held a roundtable on the BOE data breach in preparation for the 2024 election cycle. BOE provided information regarding the data breach, the investigation, and next steps.

BOE also updated information that was given during the June 2023 roundtable on 2024 election planning. BOE is preparing a response to the Council that provides additional information. The official record closes on November 10, 2023, at 5:00 p.m.

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, and the precinct mapping plan has been sent to Councilmember Bonds for review.

ANC vacancies. We have 14 ANC vacancies for the 2023-2025 term. These
Positions are in different stages of being filled. After candidate filing requirements are met, an open vote of registered voters of the affected SMD will be held during regularly scheduled ANC meetings.

We have been working with the Department of Corrections to fill the vacancy at the ANC that represents the jail, and that is 7F-08. The petition and challenge processes have ended. The ANC will be conducting the special election in December.

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 before December 31st. We have moved another 73,522 to an inactive status.

We are in the process of sending a second batch of forwardable mailers. Once that second batch is sent, an additional 20,000 voters will be moved to an inactive status.

Next steps and off-year election planning. Our draft primary and general election calendars for 2024 are posted on our website. We are implementing the requirements of the Elections Modernization Amendment Act and the Local Resident Voting Rights Amendment Act. We have met with VR Systems, our voter registration database vendor, to provide a database solution to house non-citizens who registered to vote in local elections.

Our current timeline to implement the database to register non-citizens for local elections includes delivery of initial software updates to BOE, BOE review of software updates, and we will provide feedback, revision of
software date -- revision of the software based on our feedback, and then of course training BOE staff.

We are preparing to register non-citizen residents to vote in January 2024. We will acquire additional equipment to assist with our mail ballot processing activities. We receive funding in our FY2024 budget to purchase an additional Agilis machine to sort the ballots and signature verification software. We are also acquiring DS950 equipment that will be used to tabulate ballots.

The Agilis and DS950 equipment purchases are currently with the Office of Contracting and Procurement.

The comment period for our proposed vote center and mail ballot dropbox locations closed on October 2nd. We are in the process of reviewing comments received. BOE plans to have 55 mail ballot dropboxes that will be placed throughout the city. We also plan to
operate 25 early vote centers and a total of 75
election day vote centers.

Accessibility. We are conducting an
accessibility survey of all prospective vote
centers before the 2024 election cycle,
regardless of whether they have been used
previously or not, to ensure the 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 both centers are
structurally accessible. We will also ensure
that election workers are aware of the
Americans with Disabilities Act guidelines, as
well as the operational accessibility concerns
that have been raised, and that they are
trained to promptly and effectively address
these issues as they arise.

The Election Worker Training
Division is revising the election worker
handbook and the training curriculum based on recently passed legislation. The recruitment of quality election workers is important, and their presence at vote centers requires attention to detail.

During the 2024 election cycle, our goal is to recruit and train between 2,000 and 2,500 election workers. We will deploy approximately 1,700 election workers to serve at both centers. Election worker training will begin on Tuesday, March 2nd, 2024.

We will provide training classes for registration clerks, ballot clerks, voter assistance clerks, site coordinators, and area reps. Classes will be offered six to seven days a week for 10 weeks. Election workers are also able to access online training -- the online training module to complement the required in-person classes.

Voter education and outreach. During the month of October, the Voter Education and Outreach Division conducted 19
outreach events on behalf of the agency. Events included the 2023 Disability Tech Summit at the Convention Center and a naturalization ceremony held at the United States District Court on October 10th.

Voter registration rolls. In October, we registered 2,071 new voters and processed 17,008 registration changes. In total, we prepared 19,079 voter registration cards to be mailed. Additionally, 2,697 registered voters moved out of D.C., 492 voters canceled their registration and registered with other jurisdictions, and 1,045 voters registered in D.C. after canceling their registrations in other states.

We are continuing to register voters using our website portal. To date, we have processed over 39,294 applications using the portal. These include new voter registrations and updates to existing registrations.

And that concludes my report. Thank you.
CHAIR THOMPSON: All right. Thank you very much. It's great to hear about new voters registering to vote. Critical thing.

And I was just reflecting on the fact that a year ago, here we were in the wake of the general election talking about our list maintenance and how many potential names were on that list that were no longer active or had moved out of D.C., et cetera. There was quite a lot of talk about that, and we promised to drill down on the details and spend careful time following our processes, to meticulously improve the list.

And, you know, it's just great to hear that after a lot of hard work, here we are talking about improving the list with voters who no longer live here or who are no longer active having been confirmed through that meticulous process being moved to inactive status or off the rolls completely, and it really -- it will have a significant impact on what I always call the denominator when a voter
initiative or a candidate has to obtain a
certain percentage or a certain number of
signatures driven by percentages.

So it's really important work. It's
detailed work. It's one of the major things
that happens in between election cycles, and
it's really great to hear we are nearly
concluded that very laborious process. So
thank you for that.

That was just a comment. And with
that, General Counsel's report from Terri
Stroud.

MS. STROUD: Good morning, everyone.

Before I get into the substance of my report, I
just wanted to introduce two new staff
attorneys who began with the Office of the
General Counsel on October 23rd. We have Jorge
Quintana and LaKetha Walker.

Jorge comes to us from the District
Court of Maryland where he served as a
commissioner. He practiced law in Montana for
about 20 years, including serving as chief
legal counsel in the Montana Secretary of
State's office for about seven years where he
had exposure to election law and
administration.

LaKetha Walker comes to us from
Louisiana where she practiced law for about
12 years, most recently as an administrative
law judge in the state's Division of
Administrative Law. She has also served as an
attorney with the Louisiana Department of
Health and as assistant DA in several counties.

So welcome, Jorge and LaKetha.

We are very happy to have you here, and we
all look forward to working with you.

So for litigation status, we have
four matters. The first is Public Interest
Legal Foundation versus Monica Evans in her
official capacity as the Executive Director for
the Board. This matter is in the U.S. District
Court for the District of Columbia.

It was filed under the National
Voter Registration Act, and it alleges that the
Board is out of compliance with the NVRA's public records provision because the Board denied a request for particular records related to the electronic registration information center, and we denied that request based on the records not being subjected to public disclosure.

All of the pleadings in this matter have been filed, and a hearing has been scheduled on the pending motion to dismiss for December 4th.

The next matter is Stacia Hall versus the Board. This is also in the U.S. District Court for the District of Columbia. This is a challenge to the Local Resident Voting Rights Act. As this is a challenge to the constitutionality of an act of the Council, the Board is being represented by the Office of the Attorney General.

All pleadings have been filed in this matter, and we are awaiting the Court's ruling.
The next matter is District of Columbia Democratic Party versus Muriel Bowser, et al. The Board and the District government are also named defendants. This case was in the D.C. Superior Court. It was a challenge to initiative measure number 83.

And prior to the initial hearing, which was set for November 6, the plaintiffs withdrew the complaint. And that is because an additional complaint was filed in the same matter, and the caption is the same, with the addition of an additional plaintiff.

On October 3rd, the defendants filed a joint motion to dismiss, and we notified the court that the statute requires that the case be expedited. The plaintiffs filed their opposition on November 4th, and the defendant's reply is due on November 13th. An initial hearing has been set for December 1st.

And that concludes the litigation status and my report.

CHAIR THOMPSON: Thank you very
much.

Turning now to campaign finance, Cecily Collier-Montgomery.

MS. COLLIER-MONTGOMERY: There were no new certifications or disbursements from the Fair Elections Fund which were authorized by the agency during the month of October 2023. In terms of desk reviews, the office -- the Fair Elections Division conducted 19 desk reviews of reports of receipts and expenditures, and also issued 11 requests for additional information concerning the review of the amended reports of receipts and expenditures.

The Fair Elections Division also conducted four candidate treasurer consultations during the month of October, first for Markus for One Ward 8, Committee to Re-elect Janeese Lewis-George, Veda for Ward 7 2024, and for Rodney "Red" Grant for City Council.

As of October 31, 2023, with respect
to remitted funds from the Fair Elections Program, the total sum of $803,207.20 has been remitted for deposit in the fund from the campaign operation of the candidates who were certified to participate during the 2022 election cycle.

With the ongoing 2020 post-election full field audits, again, the OCF initiated 34 full field audits of the campaign operation of the candidates who were certified to participate in the Fair Elections Program during the 2020 election cycle.

There are currently 11 of these post-election audits which are ongoing before the division at various stages of the audit process. And, again, with respect to the status of those audits, that is detailed in our report, which again will be filed or posted on our website this afternoon.

FEP Division has issued a total of 23 final audit reports of the post-election audits which were initiated for the 2020
election cycle, and those audits are available for review by the public at our website.

With the ongoing 2022 post-election full field audits, the Office of Campaign Finance issued approximately 42 post-election audit letters for the candidates who participated in the June 2022 primary election and the November 2022 general election. To date, the FEP has issued 19 preliminary statements of audit findings and 12 final audit reports for the 2020 election cycle, including for the month of October the following: Nina O'Neill for D.C., the final audit report was issued on October 12th, 2023, which was a compliance audit report.

Together with Wiley, the final audit report was issued on October 12th, 2023, which was also a compliance audit report. Elect Ms. Carisa Stanley Beatty for D.C. Board of -- State Board of Education, Ward 5, preliminary audit findings were issued on October 13th, 2023. And for Elect Mr. Ben Michael Williams
for D.C. State Board of Education, Ward 1, the preliminary audit findings were issued on October 27th, 2023.

Again, all final audit reports are available at our website for review by the public. In our Public Information and Records Management Division during the month of October, there were two due dates for the filing of reports of receipts and expenditures. The first was the October 2nd, 2023 due date for the filing of the financial reports by the constituent service programs at our senator or representative statehood fund program.

And the October 10th, 2023 due date for the filing of the financial reports for our Political Action Committee, the Independent Expenditure Committee, and the Fair Elections Program Candidate Committees. The real-time images of the reports are available at our website for review by the public.

For the 2023 election cycle, with respect to new candidates and committees, and
the traditional Campaign Finance Program, there are currently a total of seven candidates who have registered to participate in the 2024 primary election. There were no new registrations in the traditional Campaign Finance Program during October 2023.

In our Fair Elections Program, again, there are currently nine candidates who are registered to participate in the program, including four new registrations for the month of October.

And those registrations are Kevin Rapp, candidate for At-Large Member of the Council, the June 4th, 2024, primary election. The candidate registered on October 1st, 2023.

Janeese Lewis-George, candidate for Member of the Council from Ward 4, the June 4th, 2024, primary election. The candidate registered on October 4th, 2023.

Markus Batchelor, candidate for Member of the Council from Ward 8, in the June 4th, 2024, primary election. The candidate
registered on October 4th, 2023.

And, last, Christina Henderson, candidate for At-Large Member of the Council for the November 8th, 2024, general election. The registration date was October 11th, 2023.

Also, in the traditional program, four candidates and treasurers completed the OCF entrance conference, and those candidates were Kevin Rapp, candidate Council At-Large; Janet McHale (phonetic), treasurer, Committee to Re-elect Janeese Lewis-George; Kevin Rapp, Treasurer, Kevin Rapp for Council At-Large; and Jonathan D. Hill, Treasurer, Markus for One Ward 8.

The Public Information and Records Management Division, during the month of October, also referred four Political Action Committees for the failure to follow the October 10th report of receipts and expenditures to the Office of the General Counsel for the initiation of the enforcement process.
The names of those committees are listed in our report, again, which will be posted on -- today.

For the report's Analysis and Audit Division, that is our traditional campaign finance audit program. The Audit Branch conducted 64 reviews of reports of receipts and expenditures that have been filed, and also issued eight requests for additional information letters concerning the review of those reports.

The traditional Audit Branch issued two final audit reports during the month of October. The first was the D.C. Latino Caucus PAC, and the audit report was issued on October 31st, '23, and that was a compliance audit report. And the audit was a periodic random audit which was conducted on the July 31st, 2023, report of receipts and expenditures, which had been filed by the Political Action Committee.

The second was D.C. Young Democrats,
and that final audit report was issued on October 31st, '23, and was a compliance audit report. And, again, the report was of the July 31st report of receipts and expenditures, which had been filed by the committee.

There are currently three ongoing full field audits before the traditional Audit Branch. The first is a full field audit of a newly elected official, and that is of the Kenyan McDuffie 2022 Principal Campaign Committee, and that is ongoing.

The second is a random periodic audit, which is being performed of a Political Action Committee as July 31st, 2023, report of receipts and expenditures. The Political Action Committee is the Citizens for Empower (phonetic), and basically I would also note for the record that the bank account of the committee was closed.

And we have received a letter from the bank which confirms that the third full field audit is of the D.C. Proud Inaugural
Committee, and that particular field audit is ongoing.

And that concludes my report, but I would ask Mr. SanFord to provide the report of the Office of the General Counsel for the Office of Campaign Finance.

CHAIR THOMPSON: Good morning, Mr. SanFord.

MR. SANFORD: Good morning, Mr. Chairman, and good morning, distinguished Board Member Boggs.

I'd first like to start by introducing the newest members of the Office of the General Counsel for the Office of Campaign Finance, and they are Narita Gonzalez (phonetic) and Tina Ball (phonetic). They both bring a wealth of experience to the agency.

They both commenced their journey with the Office of Campaign Finance in September, and we are looking forward to having them on board. And we have high expectations of their contributions they will make during
their tenure at the Office of Campaign Finance.

CHAIR THOMPSON: Welcome. Welcome to everybody starting.

MR. SANFORD: Thank you very much.

Regarding the reporting, during the month of October, the Office of the General Counsel received four referrals from the Public Information and Records Management Division, completed 21 informal hearings, and issued one order, including -- which included -- issued 10 orders, which included the following: two orders to vacate were issued, two orders to vacate notices of hearings or prior orders, three orders in which a total of $950 in fines was imposed, and five orders were issued in which no fines were imposed.

During the month of October 2023, the Office of the General Counsel imposed fines against the following respondents. A fine of $50 was imposed against Thaddeus James, former Advisory Neighborhood Commissioner candidate. A fine of $850 was imposed against
Friends of Best, a Principal Campaign Committee in the 2022 election cycle.

And a fine of $50 was imposed against Robin McKinney, a former Advisory Neighborhood Commission candidate.

During the month of October 2023, the Office of the General Counsel collected $100 in fines from McKinney, former Advisory Neighborhood Commission candidate. That has changed, former Neighborhood Commission candidate.

And also collected a $500 payment towards a repayment that former candidate and current Council Member Zachary Parker is required to repay the Fair Elections Program.

During the month of October 2023, the Office of General Counsel transmitted eight petitions for enforcement to the Office of General Counsel for the Board of Elections. The petitions were for the following respondents: James Ward 2 State Board of Education, Evan Redd PAC (phonetic), Markus for
D.C., Kishan for D.C. 2020 primary election,
Citizens for Bill Lewis 2020 election, Ward 3
Amore (phonetic) 2020 election, Ed Lazere for
D.C. Council At-Large 2020, and John Fanning
for the Ward 2 special election in 2020.

During the month of October 2023,
the Office of General Counsel opened one
investigation. In this investigation, the
complainant was Edwin Hanlon. The date the
investigation was docketed was October 23rd.
The respondent is Committee to Re-elect Brooke
Pinto 2024, and the allegation is use of
government resources for campaign-related
purposes. And the status of that investigation
is pending.

During the month of October,
2024 (sic), there were no requests for
interpretative opinions, and no show cause
proceedings were conducted.

The contents of my report will be
published at the Office of Campaign Finance
website by close of business on today's date,
November 8th, 2023, and that should conclude my remarks.

CHAIR THOMPSON: All right. Thank you very much.

MR. SANFORD: Thank you.

CHAIR THOMPSON: We will turn now to public comment. We love to hear from our D.C. residents. And looking at the Zoom screen, and I would ask a hand to be raised. I think Nikolas Schiller's hand went up first, so we'll hear from Mr. Schiller.

MR. SCHILLER: Greetings. Can you hear me okay?

CHAIR THOMPSON: Yeah.

MR. SCHILLER: All right. First off, I just want to thank the Board for their hard work on updating the voter roll. I want to echo what you said, Chairman Thompson, that I know it has been a lot of work and a long time coming, and it was great to see the voter roll updated.

I received a copy -- I requested in
writing a copy on October 19th, and I was able
to look over. And I heard during the report
that there was still potentially another 20,000
that will be removed or at least placed into
the inactive status. If I can get confirmation
on what that number is, that would be great.

I do know that there are still some
more work to be done. I used 1900 F Street as
an example throughout this process, because
it's a freshman dorm at George Washington
University. And when I was looking over the
voter roll, I still noticed that there are
still people that are registered to vote there
in 1998. So there's -- I know there's still
some more work to be done.

Number two, I'm going to post in the
chat real fast a link. I know the website is
under maintenance, and I just have a quick
follow-up on that is that this link here is a
check your voter registration status.

When we start the signature
collection effort, one way that petition
circulators are able to engage voters in a way
to ensure that they have a valid -- collect a
valid signature from a registered voter is
being able to use that link. I create QR codes
that we put on the clipboards, so if a voter is
not sure where they're registered to vote, they
can just, you know, whip out their phone and be
able to check to see if they're -- where
they're registered to vote.

Right now, because the website is
under maintenance, that page is not available.
And it would be really -- it's very important
that that interactivity is added or possibly an
app is created by the Board so that a voter who
is out in the field can be able to check their
voter registration immediately. Because if
someone writes down the wrong address, you
know, that signature might not count. And that
tool that the Board of Elections had available
was very useful for political campaigns.

And then the last mention is that
the press release that was issued I believe on
October 6th about the hack, it said that the Board was made aware on October 5th. I brought the attention to the Board on October 4th that there was malicious code that had been added to the Board of Elections website. And I'm just curious if the malicious code that I discovered is the same related to the hack that took place or if they are totally not related or if they are related.

Thank you so much for your time, and keep -- I appreciate your service to the District of Columbia. Thank you.

CHAIR THOMPSON: Thank you. Three questions.

MS. EVANS: Yes. Thank you for your questions. So, first, about the number of additional votes that will be moved to an inactive status, we do not have an exact number right now, because that is part of the active campus, so we do expect a second mailer to go out this week, and then we will be able to have that exact number once we know what is in that
batch that goes out, which would signal for
those individuals to be moved to an inactive
status. But that information will be posted on
our website.

As far as the hack and the
information --

CHAIR THOMPSON: Can I just ask real
quick, he mentioned an address of a GW dorm.
Is that something we can look at?

MS. EVANS: Yes. And of course the
universities, that is always our biggest
challenge, just making sure we have accurate
information, but we are looking into that. So
we're working with all of the universities,
because some universities have one address that
actually signals different SMDs, if you will.

So there are a number of issues
we're working with universities to correct in
short order.

In reference to the hack, the date
that we reported was the date that we had some
indication that the voter roll was hacked. Of
course, there was potentially some other activity, including the activity that you reported earlier that week. And so it is likely part of the same group, but based on the information we have from MS-ISAC, there could be multiple players involved.

And so since we are referencing what we know today from the RansomVC group, that is the information that was in the October 6th press release that we put out.

I hope that provided clarification to your questions.

CHAIR THOMPSON: And he also asked about fixing the check your registration status.

MS. EVANS: Oh, yes. And that is also something -- thank you, Chair -- that will be corrected. We have been working on updating and getting a new temporary website launched, and we hope to have that pretty much underway by next week.

We're working on some minor issues
and some irregularities that we have identified as we have gone through the full site. But our target is next week, and then voters will be able to check their registration from that as well.

CHAIR THOMPSON: All right. Thank you.

I see -- excuse me, I'll recognize you in a -- I will. I will. I'll get to it. I see it. Abel Amene with a hand up for comment. Welcome.

MR. AMENE: Thank you. Thank you very much. I hope you can hear me well.

CHAIR THOMPSON: Yes.

MR. AMENE: Like you said, my name is Abel Amene. First, before I go into my comments, just a quick question for the General Counsel. Is it still possible to make comments about the rulemaking? And then I can go into more detail about my comments.

MS. STROUD: Yes. The comment period I believe closes on Sunday, so you are
able to make comments with respect to the proposed rulemaking. And I think you submitted a comment already with respect to some language regarding the Local Resident Voting Rights Act, which we have taken into account.

So, yes, you are still able to make -- submit comments through the portal, and I can -- you know, you can certainly email ogc@dcboe.org, but I will check with our Director of Communications to see whether or not the portal that is on our website that allows for comments to be submitted in writing is still up in light of the issues that we're having with the website due to the breach.

MR. AMENE: Yeah. I made that -- I made that comment using the same form after the breach, so I believe it seems to be still operational.

I am just going to reiterate what I said in my comments and just go through them a little bit. I'm just going to drop for people who are paying attention some links in the --
from what I'm going to be talking about.

In particular, I want to talk about page 15 of the rulemaking, and this is the most important part when it comes to Local Resident Voting Rights Act. The way you have it written here, it's -- I'm looking at 500.2, subsection B. What I am concerned about is the use of the term "ballot measures."

MS. STROUD: The word should have been "ballot question," "question" as opposed to "ballot measure." Because a ballot question encompasses charter amendments, which is what you pointed out. So that is something that will be corrected, not with the final rulemaking that we're going to put forth because I don't want to delay the entirety of the rulemaking from going forward, since that could be considered a substantive change.

And so what we're going to do is submit that as part of another proposed rulemaking, so that should have said "ballot question" as opposed to "ballot measure."
MR. AMENE: That is great. And, thankfully, we don't have any charter amendments coming up, so that shouldn't be an issue. I appreciate you taking my comments.

MS. STROUD: Yeah.

MR. AMENE: Thank you.

MS. STROUD: That regulation would have been in conflict with the statute. That wouldn't have been an issue because we -- you know, it wouldn't have -- that statute would have trumped the regulation that would've been in error. So there wouldn't have been an issue in terms of ensuring that local residents could vote on a charter amendment were one to have come down the pike.

MR. AMENE: I appreciate it very much. Thank you very much.

Just to follow up, as far as the -- is there any update on the registration process, I guess this would be more a question for the Director, any clear timeline besides definitely before January 1st? I know that you
have a little bit more detail. I would love it.

MS. EVANS: Yes. And in my report I did just briefly list the number of steps that will take us to the deployment of that portal. And we expect to complete staff training with that additional database in mid-December. And so no later than the beginning of January we are anticipating going live with that.

So some of it just depends on the revisions that are presented to BOE and walking through and testing those revisions and just determining how many there are. So it's a somewhat fluid timeline, but definitely by mid-December with a deployment date early January. However, we said at least by early January. So in the event we get fewer revisions, then it is possible that we can move forward with that, even in December.

MR. AMENE: Now, to ask this of the Board I guess and their interpretation of these rules, I am considering running for office, and
technically right now I am not a registered voter. How will you be interpreting the requirement that I need to be a registered voter? Even though I'm eligible, I'm just physically not able to because the process is not ready.

I will, by the time I take office, if I do take office, be a registered voter. How will you be interpreting that requirement that, you know, an elected official when they take office has to be a registered voter. But right now -- the vacancy is open now, and the vacancy petition collection would be now.

So how will you deal with this discrepancy and the fact that I cannot physically say that I am a registered voter until this process is ready, but that is a prerequisite of running for office that is currently open that I am technically, you know, legally eligible for but physically not able to because the registration process is not ready.

I would love any input on that and
any advice on that.

MS. EVANS: I would defer to my General Counsel, but prior to candidate pickup, the registration process for non-citizens will be active. And so before that date, there will be no issues with stating you are a registered voter.

MR. AMENE: Just to clarify, this would be a vacancy and the process would be -- I believe the petition collection process has started as of yesterday. You said they could --

MS. EVANS: So if you -- we can talk to you offline about that, just to ensure that you have the proper information going forward.

MR. AMENE: I appreciate it. Thank you for your service.

MS. EVANS: Absolutely.

CHAIR THOMPSON: All right. Thank you, Mr. Amene. I'm just looking at the Zoom board to see if there is any other hands raised. And seeing none, we'll turn here in
the Board Room to hear from Dorothy Brizill.

MS. BRIZILL: Good morning. My name is Dorothy Brizill, and I'd like to raise a few issues with the Board, time permitting.

First and foremost, can you tell me whether or not Board of Elections meetings are in fact open to the public? I arrived today for the second or third time and found that the doors to the meeting room were locked. And I only gained access by getting a staff person who knew me to use their passkey to let me in.

When I approached you, Mr. Chairman, your counsel responded, "The meeting is not open. The meeting is Zoom."

So several months -- weeks -- several months ago, meetings ago, you welcomed people back to Board of Elections meetings. Are in fact Board of Elections meetings open to the public?

CHAIR THOMPSON: Okay. Are those all your questions? If you could --

MS. BRIZILL: No. I'd like to go --
CHAIR THOMPSON: If you could --

MS. BRIZILL: -- one by one.

CHAIR THOMPSON: Yeah. Just please let us know your points, and then we'll address them, kind of in the way Mr. Schiller did. If you could finish your comment, please.

MS. BRIZILL: The second thing is is that I'd like to get some clarification on what the role of your Communications Director is. As you know, she is new to the staff. I had not met her. I approached her before the start of the meeting and indicated I would like to introduce myself and to speak with her after the meeting.

She told me she'd have to consider it. What does that mean? I had thought that with the hiring of a new Communications Director, especially prior to the 2024 election, we would improve -- I stress improve -- communications between this Board and the public. Have you directed Communications Director not in fact to speak to members of the
public until they get prior approval of the Board or the Executive Director?

My last points concern planning for the 2024 election. Can I get an update as regards to what the real status is currently at the warehouse? Are there working toilets? Is there running water? What are the plans for using the warehouse for the storage of equipment and the tabulation of votes in 2024?

Moreover, can Ms. Evans give a more detailed rendition as regards what equipment is still to be purchased, what equipment needs to be repaired, and what the future of backup equipment for the 2024 election is, because we have situations where, at least in Ward 1, machines went down, especially printers, and they were not repaired or replaced for several hours.

Thank you very much.

CHAIR THOMPSON: Okay. Thanks for your comments. I will just briefly address the issue of our meetings. It's, obviously,
entirely within our discretion whether to have meetings be physically open to the public here in our Board Room or just by Zoom. We have shifted back and forth. Mostly recently, we shifted back to a remote or Zoom-only format, not just due to pandemic concerns but to some extent safety concerns that I don't want to go into.

But it felt like the right call to proceed remotely, at least for a while, until we feel like it would be safe to have the meetings open to the public. That's something we'll think about for future meetings, especially as we head into special issues that might be raised.

I'm sure they will be raised in the next election cycle, so thank you for your comment. It's something we will continue to take under advisement.

The other matters you raised are within the province of the Executive Director and her staff, so I would defer to Ms. Evans.
MS. EVANS: Yes. And good morning, Ms. Brizill. The first question you asked was about clarification of the role of the Director of Communications. And, no, the Director of Communications has not been directed to have no comment or interaction with members of the public.

I don't know what she said to you, so I can't really comment about what she said or didn't say to you, but I don't know what her schedule is after the meeting. So I don't know if that had to do with her schedule or what she has planned for the day.

So because I wasn't a part of that, it's difficult for me to address the specifics of that engagement. But, no, there was no directive for our Director of Communications to withhold meetings with members of the public or you in particular.

MS. BRIZILL: Can I respond to that before we go on?

CHAIR THOMPSON: Hold on. Let her
finish. I think you wanted to --

MS. BRIZILL: Something to finish?

CHAIR THOMPSON: Yeah. Just maybe

address the warehouse question, and we'll

permit one brief follow up.

MS. EVANS: As far as planning for
the 2024 election and status of the warehouse,
we did receive a quote from the landlord about
modifications to the current warehouse space.
We also had viewed and toured other locations
in the District of Columbia that provide
temporary suggestions for location of our mail
ballot processing unit and logic and accuracy
testing, et cetera, for 2024.

And so I had to submit an updated

scope of work, which I have done. DGS is now

looking at costing that out, and so the two

options that are currently available is just a

temporary move for 2024 or looking to see if we

have enough time for a permanent move, and then

continue renovations with portions of the space

as we occupy areas that are currently able to
be used in a safe manner.

MS. BRIZILL: Can I respond, first, to Mr. Thompson? You made a statement at a Board meeting that you welcomed people back because the Board was back and open. I don't recall your making a statement saying that the Board meetings were closed. And, as I said, this is not the first time I've arrived to find the doors locked.

Can you elaborate on what -- the safety concerns you have, as regards locking the doors?

CHAIR THOMPSON: No. But I appreciate the spirit of your comment. I'll think about it. We'll think about it as we move forward. And really appreciate your comments.

So thank you very much. It's not -- it's not a cross-examination.

MS. BRIZILL: I'm not cross-examining.

CHAIR THOMPSON: You've had a
comment --

MS. BRIZILL: I just have a question.

CHAIR THOMPSON: -- and a follow up.

MS. BRIZILL: I'd like to follow up with Ms. Evans.

CHAIR THOMPSON: Going on eight minutes.

MS. BRIZILL: Ms. Evans, you indicated that the Communications Director is free to -- essentially free to interact. Prior to her being brought on, was she given any instructions as regards -- or directed regarding interacting with the public?

CHAIR THOMPSON: As lawyers say, asked and answered.

MS. BRIZILL: Oh. She just --

CHAIR THOMPSON: She has directly answered that question from you, and it's not a cross-examination. We're not taking a deposition.

MS. BRIZILL: This is a public
meeting of this Board.

CHAIR THOMPSON: To conduct --

MS. BRIZILL: I have a question about the work of the Communications Director.

CHAIR THOMPSON: Well --

MS. BRIZILL: Ms. Evans, can you answer that? Was she given --

CHAIR THOMPSON: She just did.

MS. BRIZILL: -- instructions as regards how to act -- interact with the public?

MS. EVANS: No.

MS. BRIZILL: She was not even any instruction.

MS. EVANS: No. There was no formal instruction about how to or not to interact with the public.

MS. BRIZILL: She came from another --

MS. EVANS: She is a seasoned -- she is a seasoned communications officer, and so she acts within the parameters of what a director of communications would do. But as
far as direction one way or another, that was not discussed with her.

MS. BRIZILL: And for --

CHAIR THOMPSON: Thank you. Thank you.

MS. BRIZILL: With regard to the warehouse, you've indicated --

CHAIR THOMPSON: Ms. Brizill?

MS. BRIZILL: -- point of saying --

CHAIR THOMPSON: Now you're --

MS. BRIZILL: -- other locations for relocating the warehouse --

CHAIR THOMPSON: That was answered.

MS. BRIZILL: -- for the tabulation of votes? What about the other employees, the other issues at the warehouse in terms of the use of the warehouse for the storage of election equipment?

MS. EVANS: Yes. As I said, for the space we currently occupy, we have received a quote for improvements and upgrades to that current space. And so we're working with DGS
to move forward with a timeline of March 2024.

CHAIR THOMPSON: Thank you.

MS. BRIZILL: Is it moving that space or improving that space?

MS. EVANS: Improving that space.

CHAIR THOMPSON: All right. Listen, thank you so much. We've been patient. So your comment is appreciated.

So I'm looking to make sure on Zoom if there are -- see if there's any other hands raised.

And I don't see anybody else here who would like to comment, so with that, I would move we adjourn.

MEMBER BOGGS: Second.

CHAIR THOMPSON: All in favor?

MEMBER BOGGS: Aye.

CHAIR THOMPSON: Aye. Thank you.

Thank you so much, everybody. And, once again, welcome to our new staff members.

(Whereupon, the above-entitled matter went off the record at 11:29 a.m.)
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In the matter of: Board Meeting

Before: DC BOE

Date: 11-08-23

Place: videoconference

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