GOVERNMENT OF THE DISTRICT OF COLUMBIA

BOARD OF ELECTIONS

REGULAR BOARD MEETING

TUESDAY

FEBRUARY 13, 2024

The District of Columbia Board of Elections convened via Videoconference, pursuant to notice at 9:30 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
MARISSA CORRENTE, Registrar of Voters
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Adjournment
P-R-O-C-E-E-D-I-N-G-S

(9:32 a.m.)

CHAIR THOMPSON: Good morning, everybody. I see we have a couple dozen participants by Zoom. Welcome. And welcome to everybody here. Been a while since all three Board members have been here together, so welcome.

My name is Gary Thompson, the Chair of the D.C. Board of Elections. Before I call the meeting to order, I wanted to make a few remarks about Michael Gill, our former Board member. I think as most everybody knows, Mike tragically passed away recently. And we miss him dearly, and our thoughts and our condolences continue to go out to his family and his friends.

Mike sat up here and at our prior location through dozens, maybe hundreds, of Board meetings; I’m not sure how many over the course of seven years. And engaged in so many ways with our commission at the Board of
Elections to better our democracy and keep our elections strong. And the success of our BOE is, in many respects, one of his legacies.

We thank him deeply for his public service. And we know that Mike had so many successful parts of his life, first and foremost his family life, but in his profession, at his job, and at his church, and in so many of his endeavors throughout life.

And among those many successes was his time here at the Board of Elections. We’ll always remember him and celebrate Mike, and go forward and fulfill our mission with Mike in mind. So, before we jump into the formal agenda, I wanted to call for a moment of silence, about one minute. People can reflect and pray or send their best wishes to his family in silence, thank you.

(Moment of silence.)

CHAIR THOMPSON: Okay. Thank you everybody. With that we will -- oh, and I mentioned this recently when I appeared before
in our Oversight hearing, that we are dedicating our 2024 election season to Mike Gill. So, we’ll think of him in everything we do. We’ll surely mention him many times as we go forward in our meetings. We’ll certainly think of him very much on evenings when our election results come in, when Mike was a really big part of the team here.

So, I want everybody to know that our 2024 election season is dedicated to Mike Gill. And we’re also thinking about other ways to remember Mike. His funeral is Friday. And after that passes, we’re going to think about some ways perhaps we can create some lasting institutional memory or ways of remembering Mike here.

Okay, so, with that, we have a quorum. All three Board members are here. The first thing we do is adopt our agenda. It’s been distributed, and a notice to the public. And at this time, I would move we adopt our agenda.
MEMBER GREENFIELD: Second.

CHAIR THOMPSON: All right, all in favor. Aye.

MEMBER GREENFIELD: Aye.
MEMBER BOGGS: Aye.

CHAIR THOMPSON: It’s adopted. We also circulated our minutes from our January 10th meeting. We’ve all had a chance to review those and make any corrections if needed. And at this time, I would move that we adopt those minutes.

MEMBER BOGGS: Second.

CHAIR THOMPSON: All in favor?

MEMBER BOGGS: Aye.
MEMBER GREENFIELD: Aye.

CHAIR THOMPSON: Any Board matters that anyone wants to raise before we carry on?

(No response.)

CHAIR THOMPSON: Okay, all right, so with that, onto the Executive Director’s Report from Monica Evans.

MS. EVANS: Thank you and good
morning. Executive Director’s Report for January 2024, I will begin with January engagements. In January I attended the Joint Election Official Liaison Conference of Virginia. I was able to engage with other elections officials and staff members from the Hill. Cyber-security, election funding, and mail security were some of the topics highlighted.

On January 30, at the request of the Election Assistance Commission’s Vice Chair, I was a panelist for the EAC and the University of Maryland’s 2024 election summit. My panel was entitled "Serving All Voters" and covered our experience with military voters, voters with disabilities, student voters, and language-minority voters. I was able to provide insight regarding voting practices of special populations within the District of Columbia, to a national audience.

2024 Performance Oversight, our Performance Oversight hearing was scheduled for
February 7. We provided written responses to the Performance Oversight questions on January 31. Particular areas of interest included implementation of the local Voter Rights Amendment Act, precinct mapping, and preparations for the 2024 election cycle.

Precinct mapping, as required by our regulations, the Board looked at our current precinct boundaries to divide the district into appropriate voting precincts based on our election wards. Our plan to make precinct boundaries synonymous with SMD boundaries, was sent to Councilmember Bonds for review on November 7th.

We’ve had several meetings with the Councilmember and her staff, to explain modifications based on the new requirements of the Elections Modernization Amendment Act. We’re currently awaiting action from the Council.

ANC vacancies, we currently have 11 ANC vacancies for the 2023/2025 term. These
positions are in different stages of being filled. Of course, after the candidate filling requirements are met, an open vote of registered voters of the affected SMD, will be held during regularly scheduled ANC meetings.

List maintenance, as previously reported, our 2023 list maintenance process is ongoing. In total, we removed 108,698 individuals from our voter registry in 2023. We’ve moved another 92,772 active voters to an inactive status. We will continue to move voters from an active to an inactive status, until we reach the 90-day-blackout window before the June primary.

Our Communications and Outreach Divisions are working to establish partnerships with local universities to aid and maintain the accuracy of our voter roll. These divisions are identifying ways to utilize university registrars, alumni associations, and housing offices in the process. A flyer is being developed to assist with our outreach efforts.
Voter registration rolls, in January we registered 4,359 new voters, and processed 5,415 registration changes. In total, we prepared 9,774 voter registration cards to be mailed. Additionally, 519 registered voters moved out of D.C. and 29 voters cancelled their registrations and registered with other jurisdictions. And 1,150 voters registered in D.C., after cancelling their registrations in other states.

Online voter registration, we’re continuing to register voters using our website portal. To date, we have processed over 42,000 applications using the portal. These new voter registrations and updates to -- these are new voter registrations and updates to existing voter registrations.

2024 election cycle year planning, our draft, primary and general election calendars for the 2024 election cycle are posted on our website. Our vote center and mail ballot drop-off locations are also posted
on our website. The first day for candidate pickup was Friday, January 12th. Nominating petitions may be returned from January 12th through March 6th, 2024.

ESNS, election system and software vendor, the installation and testing of the two new DS950 tabulation units have been successfully completed. Onsite training was conducted by ESNS, on January 30th, 2024.

KNOWiNK, we are regularly meeting with KNOWiNK as we prepare for the 2024 election cycle. Current conversations are primarily focused on testing the workflow for processing non-citizens in our poll pads. We are also working with Runbeck to coordinate the shipment of the new Agilis mail sorter. The expected delivery time is approximately eight weeks.

For our mail house vendor, the contract for our mail house vendor has been granted to K&H Printing Company, located in Seattle, Washington. In conjunction with our
K&H engagement, we are meeting with our additional election security partners, including BallotTrax, Democracy Live, and the Department of Motor Vehicles.

Election Registration Information Center, or ERIC, we are collaborating with the membership states and ERIC on the 2022 Voter Participation Initiative to investigate the possibility of double voting.

Local Resident Voting Rights Amendment Act, there are -- systems provide a database solution to house non-citizens who registered to vote in local elections. We have deployed the online registration of non-citizens for local elections.

However, non-citizens may also continue to register to vote in our office at 1015 Half Street, SE, using a paper registration form. The paper form has been translated into Spanish, Vietnamese, Chinese, Korean, Amharic, and French. The translations for the online form are in progress. We have
developed a flyer to assist with our outreach efforts, and we are exploring the possibility of having a town hall.

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 be placed 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 2024 vote centers before the primary election, to ensure they are accessible. We have partnered with Disability Rights at University of Legal Services and the Office of Disability Rights to conduct surveys. As is our practice, we will also work with DGS to ensure vote centers are structurally accessible.

Election Worker Division, the
Election Worker Training Division has revised the election worker handbook and training curriculum based on recently passed legislation. The handbook is currently with the printer. During the 2024 election cycle, our goal is to recruit and train between 2000 and 2500 election workers.

We will deploy approximately 1,700 election workers to serve at our vote centers. Election worker training will begin on Tuesday, March 12th, 2024. Election workers are also able to access an online training module to compliment the required in person classes. And we are currently conducting interviews for our election worker training classes.

Voter Education and Outreach, during the month of January, the Voter Education and Outreach Division conducted five outreach events on behalf of the Agency. Events included, the Naturalization Ceremony at the U.S. District Court, and the D.C. Army National Guard Career Fair. Outreach event requests are
increasing as we get closer to the primary election. And that concludes my report.

CHAIR THOMPSON: All right. Thank you, Director Evans. And perhaps you heard this, but we’re in the period now where candidates are submitting their nominating petitions and declarations of candidacy. Yesterday was the first day for those papers to be dropped off. And March 6th is the last day for declarations and nominating petitions to be submitted.

So, we are building a ballot. There’s a challenge process that follows that, but by Friday, April 12th, when the public lottery is conducted to determine ballot positions, we will have a ballot for the primary election. So, that’s only two months away.

There’s a very clear and regimented process for how this happens. And I’m always impressed with our Board of Elections staff, because they have to keep pace with a series of
deadlines that do not change. They can’t be deferred. We can’t say, oh, well, let’s push this one off to next week.

All of it is driven by law, and our calendar is online. And when I look at it, I’m amazed. For example, you look at it, there are deadlines on March 6th, 7th, 9th, 10th, 11th, 12th, 18th, April 5th, 8, 11, and 12th leading up to that public lottery on the ballot positions. And then after that it’s, you know, nearly every day, all the way through June.

So, it’s a fast-moving cycle with an incredible amount of detail involved for our 60 plus brilliant election professionals to handle. So, our continuing thanks go out to Monica Evans, our Director, and everybody else, who every day is working so hard to make all of this happen.

And I’m pleased to report, as I did at our Oversight hearing, that it’s going extremely well at the Board of Elections. We are on pace. We are energized. And we have no
concerns or issues that are in our way to achieving these objectives. So, you know, as far as our oversight goes, I think we’re an A+. And I said as much, and I think we demonstrated as much at our Oversight hearing. That we are the finest election agency in the country, so.

With that, we’ll proceed with our General Counsel’s Report from Terri Stroud.

MS. STROUD: Good morning, everyone. The first item on my agenda is the issuance of the petition and support of the recall of Charles Allen, Ward 6 Member of the Council of the District of Columbia. By way of background, the Notice of Intent to Recall was timely filed on January 18th, 2024, by Jennifer M. Squires, qualified registered elector who resides in Ward 6.

Charles Allen filed a response to the Notice of Intent to Recall on January 29th, 2024. Both his statement and support of the recall, and the statement in response to such statement will be on the petition that will be
circulated in support of the recall.

The sole action that must be taken today, with respect to this matter is the issuance of the petition form, subsequent to its adoption by the proposer. The Board staff has prepared and is prepared to issue to the proposer an original petition form for her adoption. And she was provided a courtesy draft of the original petition form for her review prior to the meeting.

The proposer was informed on February 1st, 2024, that the issuance of the petition form would take place at today’s meeting. The proposer responded that she could not attend today’s meeting. The proposer was then advised that the issuance of the petition could be deferred to the Board’s March meeting, which is currently scheduled for March 6th.

She was also informed that under Section 403 of the Board’s regulations, any person or party in a Board proceeding, may be represented by any other person duly authorized
in writing to do so, provided that such authorization shall state specifically, that the authorization includes the power of the agent or representative to bind the person, or proposer in this case, in the matter before the Board.

On February 7th, the proposer provided a letter to the Board in which she authorized April Brown, the treasurer of the Recall Committee, to adopt the petition on her behalf. This morning, a representative from the Office of General Counsel sent a draft of the recall petition to both the proposer and her agent in this proceeding, April Brown, for review.

So, the adoption, through adopting this form, we’re asking the proposer through her authorized agent to adopt the form. And what they should look at is whether the information that they provided on the recall, their name, the statement of reasons to recall, their address, et cetera, is correctly and
accurately reflected on the petition form prepared by the Board.

If that information is not correct, the proposer or the agent in this matter, should advise the Board accordingly. And so, I see today, that we have April Brown present.

If you could unmute her. Ms. Brown, okay.

MS. BROWN: Yes.

MS. STROUD: Ms. Brown, you are present?

MS. BROWN: I’m present. Hello, how are you?

MS. STROUD: How are you? And if you could just state your name and address for the record.

MS. BROWN: Yes, my name is April Brown, and my address is 54 Buchanan Street, NE, Washington, D.C. 20011.

MS. STROUD: Okay, thank you. And so, it is the Board’s understanding, based on the information that we sent, specifically, the authorization provided by Ms. Squires, that you
will be acting as her agent in this adoption of
the petition this morning. Is that correct?

    MS. BROWN: Correct, yes.

    MS. STROUD: Okay, thank you. Have you had the opportunity to review the petition?

    MS. BROWN: Yes, ma’am. I’ve reviewed it. General Counsel sent it to me
this morning.

    MS. STROUD: Okay. And is the information that is reflected on the petition,
the proposer’s name, the statement of reasons
to recall, the address, et cetera, is that correctly and accurately reflected on the petition form?

    MS. BROWN: Yes, everything is correct, ma’am.

    MS. STROUD: Okay. Thank you. And at this point, I’ll have the Chair ask whether
or not you adopt the petition as -- whether you adopt the petition on behalf of the proposer
for issuance in support of the recall of Mr. Allen.
MS. BROWN: Okay.

CHAIR THOMPSON: So, I pass along the question.

MS. BROWN: Yes, we, I am adopting the petition for the proposer, yes. Everything is correct on the form.

MS. STROUD: Okay, thank you.

CHAIR THOMPSON: And just so people understand, this is what voters see, when they’re asked to sign a petition. This is the words on the form, whether you want to sign it or don’t want to sign it. This has all been, you know, vetted and now adopted by the proposer as what the actual voters on the street will see when they’re asked to consider signing.

MS. STROUD: Okay. And we have shared for the benefit of the public, the petition form that was just adopted for purposes of circulating the recall measure. As you can see, it has the information, the statement of grounds for recall. It has the
subject of the recall’s response. It will be printed in double sided and allowing for space for 20 individuals to sign the particular, to sign the form. And so, just for the public’s benefit, here is what the petition form looks like. And right now --

CHAIR THOMPSON: Also, if I could, also just make sure it’s clear, the words on the statements themselves, either for or opposed, we did not draft them.

MS. STROUD: We did not draft them.

CHAIR THOMPSON: Those do not come from the Board of Elections, those come from the proposer, or --

MS. STROUD: And the subject of the recall.

CHAIR THOMPSON: Or the subject of the recall, we review them to make sure they’re, you know, make sure that they’re fair. Nothing is inflammatory or improper, but those are their words.

MS. STROUD: We also look to see
whether or not the word counts were met. And so, I would ask the Board at this time to -- actually what I’m going to do now, is ask the Registrar of Voters, in light of the form having been adopted, I’m going to ask the Registrar of Voters to outline the remainder of the recall process. So, we have Ms. Marissa Corrente here, who is a Registrar of Voters, and she will outline the process.

MS. CORRENTE: Good morning, thank you. So, I have a memo dated for today. The beginning of the memo goes over the information that Counselor Stroud has already shared, about leading up to this moment. So, I’m going to share, I’m going to read the second half of this memo, which talks about what happens from here.

So, pursuant to D.C. Official Code 1-204.112, a petition for the recall of an elected official from a Ward seat shall include the valid signatures of 10 percent of the registered qualified electors of the affected
Ward. The number of registers voters used to compute these requirements is, quote, the latest official count of registered electors by the Board of Elections, which was issued 30 or more days prior to submission of the signatures for the particular recall petition.

While the signature requirement cannot be determined yet, the current calculations using the published December 31st, 2023, monthly voter registration statistics report, are as follows. So, in Ward 6, as of December 31st, there were 61,439 voters. And that would mean, based on that calculation, 10 percent of those registered voters in Ward 6, the signature requirement would be 6,144.

Both the proposer of the recall measure and the elected official, who is the subject of the recall, are advised to check with the Board on a monthly basis, as new statistics are issued to get up-to-date estimates of the signature requirement. In addition, since the petition has been adopted
at today’s Board meeting, the 180-day period
for circulating the petition, pursuant to D.C.
Official Code 1-1001.17(g), expires on Monday,
August 12th, 2024, at 5:00 p.m.

And so the petition will be issued
to the proposer via email today, following this
Board meeting. It will be sent in a pdf
format. Again, as Counselor Stroud outlined,
the format when it printed needs to match the
original format. And so, that’s double sided.
And in this case, it’s on 8.5 by 14-inch size
paper. So, it’s bigger than kind of your
normal paper, so.

We’ll follow up with that email
after the Board meeting.

MS. STROUD: Thank you, Ms.
Corrente.

CHAIR THOMPSON: A quick question,
if they collect 10 percent, and turn that in by
August 12th, I think you said, then what’s the
timeline after that, 90 days?

MS. CORRENTE: I’d have to consult
the regulations. I think that it’s actually a
30-day review period.

MS. STROUD: Yes, just to --

MS. CORRENTE: To certify the
recall.

CHAIR THOMPSON: Thirty days to
review in there, yes.

MS. CORRENTE: Has to be, and then
it also gets posted for a challenge period as
well.

CHAIR THOMPSON: Okay.

MS. STROUD: Okay, with that, I will
ask Ms. Brown if you have any questions?

MS. BROWN: I don’t at the moment.

Thank you very much.

MS. STROUD: Okay, thank you, and
certainly if you do, you have the Office of the
General Counsel’s contact information, as well
as Ms. Corrente’s information. If you have any
questions, we’re happy to answer them.

MS. BROWN: Thank you, thank you so
much.
MS. STROUD: Okay, the next item on my agenda is Rulemaking for Title III of the D.C. Municipal Regulations. The first item is a final rulemaking that adopts amendments to Chapters 1-5, and 16 of the D.C. Municipal Regulations, Title III. The purpose of the amendments to these regulations is to correct errors to a rule that expresses the elections in which non-citizens can participate.

And a rule that indicates which offices non-citizens can vote for, and to conform certain of the Board’s regulations regarding its notice, an agenda, closed session, and the minutes procedures to the D.C. Government’s Open Meetings Act.

A Notice of Proposed Rulemaking with respect to this rulemaking, was published in the D.C. Register on December 15th, 2023. No written comments on the proposed rules were received during the public comment period. And no substantive changes have been made to the regulations as proposed.
I request that the Board adopt these rules as final, and allow for them to be submitted to the D.C. Register for publication. Just for information, the projected publication date is Friday, February 16th, 2023 -- I mean 2024. And upon the regulation’s publication, in the D.C. Register, they will become effective.

MS. STROUD: Do you want to take up both, before you make the motion?

CHAIR THOMPSON: We may as well do them one at a time.

MS. STROUD: Okay.

CHAIR THOMPSON: I’ll go ahead and move that we adopt this final rulemaking, that you’ve described, and forward it onward for final publication.

MS. STROUD: And so, I would ask for a roll call vote on that. So, Mr. Chair, your vote.

CHAIR THOMPSON: Aye.

MS. STROUD: Ms. Greenfield, your
vote.

MEMBER GREENFIELD: Aye.

MS. STROUD: Mr. Boggs, your vote.

MEMBER BOGGS: Aye.

MS. STROUD: Okay. And, with that, the motion carries, and I will send the final rulemaking upward to the D.C. Register for publication.

The next item is a proposed rulemaking. The purpose of the rulemaking is to conform the Board’s regulations to the Elections Modernization Amendment Act of 2022. Provide for consistency between Board regulations, adopt rules of conduct for attendees at Board meetings, and make other non-substantive housekeeping updates and corrections of typographical errors.

This rulemaking will be published in the D.C. Register on February 23rd. And the comment period will close on March 25th, after publication in the D.C. Register -- but actually, I misspoke with respect to these
rulemaking.

The purpose of these amendments is to conform the Board’s regulations to existing law and current practice regarding the ballot access and initiative processes, and qualified petition circulators. This will be published on our website for review and comment. And it will also be published in the D.C. Register, and the comment period will close on March 25th.

And so, at this time, I ask that the Board permit this rulemaking to be submitted to the D.C. Register for publication. There will be again, the 30-day review period upon publication, and that period will close on March 25th. And so, I’d ask for a roll call vote with respect to that.

CHAIR THOMPSON: Yes. And thank you for clarifying what it’s about. This has to do with non-resident circulators. And I will so move that we adopt this proposed rulemaking and forward it to be published in the D.C.
Register, and for the public to comment.

MEMBER BOGGS: Will second.

MS. STROUD: Okay, we’ll take a roll call vote.

CHAIR THOMPSON: The Chair votes, aye.


MEMBER GREENFIELD: Aye.

MS. STROUD: Mr. Boggs.

MEMBER BOGGS: Aye.

MS. STROUD: Thank you. And with that, the motion carries. And the proposed regulation will be sent to the D.C. Register for the 30-day review period, during which the public may comment.

The final item on my agenda is litigation status. The first matter is Public Interest Legal Foundation v. Monica Evans, in her official capacity as the Executive Director of the Board of Elections. This matter was filed in U.S. District Court under the NVRA, the National Voter Registration Act. The suit
alleges that the Board is out of compliance
with the NVRA’s public records provision.

PILF requested records from the
Board which were denied. On July 21st, on
behalf of the Board, the OAG filed a motion to
dismiss. On August 18th, PILF filed an
opposition to that motion. On October 6th,
2023, the OAG filed a reply. On December 4th,
the court denied the motion to dismiss, and
stayed the case pending settlement
negotiations.

A status report was filed by the
parties on January 17th, and the next status
report is due on March 18th.

The next matter is Stacia Hall v.
the Board of Elections. This is a challenge to
the legality of the Local Residents Voting
Rights Act. On June 7th, 2023, the OAG filed a
motion to dismiss. On July 14th, the Plaintiff
filed a response to that motion. On August
18th, the OAG filed a reply. And there has
been no action on the matter since the filing
The third matter is the District of Columbia Democratic Party v. Muriel Bowser and the Board of Elections. This is a challenge to Initiative 83. On October 23rd, the Defendants filed a joint motion to dismiss. The Plaintiff’s opposition was filed on November 3rd, 2023. The Defendants filed a reply on November 13th. The record in the matter was filed on November 16th, 2023. The initial hearing, which had been set for December 1st, 2023, was continued to February 23rd, 2024.

The next item is Dr. Shiva Ayyadurai v. Merrick Garland, the District of Columbia and the Board of Elections. The Plaintiff here 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 non-justiciable political issue for the voters.

On February 1st, 2024, the OAG filed
a motion to dismiss on behalf of the Board. On February 2nd, Defendant Garland, Merrick Garland, sought an extension of time to respond to the complaint. Also, on February 2nd, Defendant Garland -- I mean, the court granted an extension to February 20th, 2024. And noted that it would set a briefing schedule on the OAG’s motion to dismiss, after the response to the complaint submitted by Defendant Garland is filed.

The final matter is Long v. the Board of Elections. This is the re-submission of a matter previously dismissed without prejudice. Mr. Long is seeking $10,000 in damages based on a claim concerning an overdraft cost to his bank account, when a stop payment was imposed on a $500 check for his service as an election worker.

An initial hearing was held on February 2nd, 2024. At that time, the Plaintiff declined to proceed before a magistrate judge. So, the case was referred to
an associate judge, and a status hearing set for March 1st, 2024. The OAG will be filing a motion to dismiss on behalf of the Board in this matter, in due course. And that concludes my report.

CHAIR THOMPSON: All right, yes. Thank you so much. And one thing I want to say about those legal cases is, in several of these cases, the appeals come from actions that we have as a Board. And I have come to appreciate the fact that there is an appellant avenue above us. I’m glad that there is. Our D.C. Court of Appeals and our Superior Court, to the extent they’re involved, are excellent courts. And, you know, we welcome their review of our actions. We want to make sure that everything we do is correct.

So, in the case of Stacia Hall, for example, that matter is purporting to challenge under the Constitution, the right of non-citizens to vote. It’s pending. There’s a pending motion to dismiss. I don’t think they
ever filed for an injunction. So, while that
case winds its way through the court system,
we’re obviously continuing to prepare and will
conduct the elections according to the law,
which includes the participation of non-
citizens in local elections.

So, I don’t know what’s going to
develop in that case. But we’re proceeding
with respect to non-citizen voters and likewise
with respect to Initiative 83. That’s on
appeal as well and we’ll see where that case
goes. But in the meantime, there are several
steps ahead for the proposers to gather
signatures. And the process is ongoing with
respect to our Board, I guess unless and until
the court may rule otherwise.

So, but, yes, just I’ve always --
I’m always glad when people appeal, because I
think it’s good to have our courts review our
work. And let us know whether we got it right,
or maybe didn’t get it right. And I think, so
far in my tenure, we’ve been upheld every time.
So, you know, it’s a pretty good record on our part.

Okay, anything else from BOE?

MS. CORRENTE: No, thank you.

MS. STROUD: No, thank you.

CHAIR THOMPSON: Then onto the Office of Campaign Finance. General Counsel Bill SanFord is here, who I think will give us his part of the report for starters.

MR. SANFORD: Good morning, Mr. Chairman and distinguished Board members. My name is William SanFord, General Counsel for the Office of Campaign Finance. During the month of January 2024, the Office of General Counsel received 14 referrals, issued 14 orders, which included the following. Five orders to vacate prior notices of hearings where orders were issued, six orders in which a total of $36,400 in fines was imposed. And three orders in which no fines were imposed.

During the month of January 2024, the Office of the General Counsel, imposed a
total of $36,400 in fines against the following respondents. Fine of $2,200 was imposed against Randy Downs for Ward 2. Fine of $2,200 was imposed against Monica Palacio, City Council. A fine of $20,000 was imposed against the Committee to Elect Trayon White. A fine of $4,000 was imposed against the Committee to Elect Alpha Bah. A fine of $4,000 was imposed against Friends of Courtney Snow. And finally, another fine of $4,000 was imposed against the Committee to Elect Alpha Bah.

During the month of January 2024, the Office of the General Counsel received a total of $900 in payments of fines. They include the following. Former Ward 5 Council candidate, Art Lloyd, paid a $200 fine. Former mayoral candidate and current Councilmember Robert White paid a fine of $450. And former candidate for Ward 5 State Board of Education, Bill Lewis, paid an installment of $250 towards fines of $1200 -- $1,050.

During the month of January 2024,
the Office of General Counsel completed one investigation. And during the month, 2024 the Office of General Counsel was engaged with four open investigations. And they included the following.

OCF Docket Number FY2023002, docketed on October 23rd, 2023. The Complainant was Edward Hanlon. The Respondent’s Committee to Re-elect Brooke Pinto 2024. And the allegation was the use of Government resources for campaign related purposes. The order in this matter was issued on January 17, 2024.

The second matter is Docket Number LCF2023003. It was docketed on the 13th of November 2023. The Respondents, Brooke Pinto for Ward 2, 2020 principal campaign committee. The allegation is the use of Government resources for campaign related purposes. And the Office of the General Counsel has requested that the Board extend the investigative period, for an additional 30 days
to give the Respondents a final opportunity to respond to the complaint.

And I don’t know if the Board would like to take that matter up at this time.

CHAIR THOMPSON: So, you’re, right now, you’re asking about your Matter 003?

MR. SANFORD: That’s right.

CHAIR THOMPSON: Yes, let me, I have a question that may relate to four and five as well. Why don’t you finish, and then we’ll -- all right?

MR. SANFORD: Oh, sure. The third complaint is OCF Docket Number FY2023004. It was docketed on the 29th of December 2023. The Complainant again is Edward Hanlon. The Respondent’s Committee to Re-elect Brooke Pinto 2024. And the allegation is the use of Government resources for campaign-related purposes.

The fourth complaint is OCF FY2023005. It was docketed on the 29th of December 2023. The Complainant again is Edward
Hanlon. The Respondent again, is the Committee to Re-elect Brooke Pinto. And the allegation again is the use of Government resources for campaign related purposes.

And the last three that I read into the record are pending.

CHAIR THOMPSON: Right. Thank you so much, and I believe that on the date they’re docketed, in normal course, you take 90 days, or up to 90 days to issue a ruling.

MR. SANFORD: That’s correct, we have 90 days to complete the investigative period. And issue a ruling.

CHAIR THOMPSON: So, in the case of Matter 3, docketed on November 13th, that 90 days would be today, I believe, February 13th or thereabouts. And the other two matters that were docketed on December 29th, it looks like March 29th roughly.

MR. SANFORD: That’s approximately right then.

CHAIR THOMPSON: A 90-day window,
so.

MR. SANFORD: Yes.

CHAIR THOMPSON: So, here’s my question is, I’ve noticed that in various agencies, the Department of Justice and other agencies around the country, I often read that they have a window of time in which they don’t issue rulings about a particular candidate. So, within, I think the policy of DOJ is within 90 days of the federal election, they don’t issue rulings that could impact how voters perceive a candidate. They defer or, you know, wait to consider those matters.

So, I was thinking about that because our primary election is June 4th, and 90 days prior is March 4th, or maybe it’s sooner than that, if you consider when early voting and mail ballot voting commence.

So, we may already be within that 90-day window, so, my question is, do you have a similar policy about holding or deferring rulings on matters about a particular
candidate? And if so, that gets to my ultimate question is, do you want an extension beyond June 4th?

MR. SANFORD: Well, we do not have a similar policy. But we would not under any circumstances, want to play an outsize role in any election. And so, we would take that into consideration. Our objective, is to complete the investigations as expeditiously as possible. Sometimes the Respondents didn’t make that possible. However, if we have sufficient information in the case file, we will be able to prepare and issue an order indicating our position, or our findings.

We don’t necessarily believe at this point, we would need additional time, because as you can see, most of the complaints are related, and the allegations are the same. And the Complainant in all cases, is the same Complainant.

So, in some cases, we look at the pending cases, we would think that actually if
one case is resolved, it might resolve the other companion case. And that would be, we would not have a separate need for an extension to resolve the subsequent case. Because they’re essentially the same allegations.

CHAIR THOMPSON: Right.

MR. SANFORD: And if it’s resolved, then I think, specifically, docket numbers four and five. They were both filed on the same day, the allegations are the same. And in all likelihood, we would resolve them, hopefully, before 90 days prior to the election. But if not, we would not think that it would play an outsize role in the election. Because the Respondent has been put on notice.

This is the fifth of a series of complaints. There are five of them. And they’re all, the allegations are all about the same alleged activity. And so, we would hope that we would have sufficient information to resolve these matters.

CHAIR THOMPSON: Matters 4 and 5 are
linked. Are they also linked to Matter 3?

MR. SANFORD: Matter 3 is separate, but Matters 4 and 5 are linked to Matter 1, 002. Because our order, which is posted at the OCF website, asked or ordered the Respondent to cease and desist from using her government account to re-tweak her personal account, and then to the campaign account. The allegations in four and five are very similar.

And so, there’s a, if there’s compliance, there’s a possibility that Matters 4 and 5 could be resolved as well.

CHAIR THOMPSON: Okay. So, at least with respect to Matter 3, you’re asking us to grant an extension on your time?

MR. SANFORD: At this stage, we think that we’d like to give Respondent an additional opportunity.

CHAIR THOMPSON: Okay.

MR. SANFORD: We would establish approximately a 10-day deadline to receive, a final deadline to receive the response. And
then we will commence to preparing and issuing the order.

CHAIR THOMPSON: Okay. Well, I’m glad you said 10 days, because I’m going to suggest, and I guess also formally move that your extension be to March 3rd, in that regard. And I say, March 3rd, because it’s more than 90 days prior to --

MR. SANFORD: Well, we’re giving the Respondent 10 days.

CHAIR THOMPSON: Right.

MR. SANFORD: So, but we would need additional time to write the order -- to prepare and issue the order.

CHAIR THOMPSON: Okay.

MR. SANFORD: You know, assuming that the Respondent, you know, rigorously defends against these allegations.

CHAIR THOMPSON: Well, nevertheless, it strikes me that there’s enough time in that window, whether you give them, five more days, or 10 more days. I mean, they’ve had, already
had whatever, 60 days, 70 days. So, I’ll leave
care to your discretion, how much additional
time you’d like to give the Respondent.

But even if it’s up to 10 more days,
from today, I think that leaves enough time for
you to release whatever opinion you might
release by March 3rd. And I do, I just want to
stress that I think that that’s important to
stay outside of that 90-day window.

I, so, that’s my motion with respect
to the Matter 3. With respect to Matters 4 and
5, you technically have until March 29th, and
I, we can’t govern when you release an opinion
in those matters. But I would simply urge you
to think about March 3rd as a common --

MR. SANFORD: I’ll consider that.

CHAIR THOMPSON: -- deadline for
that. And to think about the concept that I
brought up, that we not rule on anything else,
especially within that 90-day window. Because
I’m sure there’s more complaints that will be
filed in the next month or so. And they will
all naturally fall within this window of time that will push up against, you know, late May. So, that’s my, I’m just sharing my thinking on that.

MR. SANFORD: I understand. I’d just like to make one comment. I think it’s very important that we do not appear that, you know, to be favoring any particular candidate, under any circumstances. Because if we have given them sufficient time, and even if it goes beyond March 3rd, for us, I’m just concerned about the ethics of us holding a decision until after an election. Because I don’t know that that would be appropriate either.

And not that we want to play an outsize role, but I just don’t believe that the Office of Campaign Finance should be holding a decision because there’s a pending election one way or the other. We should not hold a decision that might exonerate the Respondent. The voters have a right to know whether or not this Respondent, these allegations are
accurate. And we should not withhold a
decision that may cast some doubt on the, you
know, the fitness of that candidate to serve,
or to receive the confidence of the vote.

So, I don’t think we should be
playing that --

CHAIR THOMPSON: Yes.

MR. SANFORD: -- outsize role, one
way or the other.

CHAIR THOMPSON: Yes, well, thank
you for sharing your thoughts on that. I
suppose there’s a couple ways to look at it. I
would suggest that other government offices,
like the Department of Justice, I’m sure have
thought through the same exact issue, the
ethics of either ruling upon or holding a
matter until after the election.

And I believe in large part, most
agencies believe that the correct policy is to
hold a ruling until after the election date
passes. I can’t, you know, can’t speak for
them. I’m just the guy that reads the paper
and reads articles about this kind of stuff.

But that seems to be the prevailing approach.

But I, we once again, just so anyone
listening knows we don’t control or govern what
you do, that’s within your discretion. I'm --

MR. SANFORD: No, I’d just like to
say one more thing, and not to belabor these
points. I think we have an ethical imperative
to do what’s right under all circumstances. In
the event, we withhold, and then later you saw
a violation did indeed occur. I don’t think
that casts us in a very favorable light
ethically, as the ones who are charged with the
responsibility of investigating matters,
complaints that are filed with the Agency. In
the interest, in the public interest.

And then by the same token, if we
have found evidence that exonerates the
Respondent, I don’t think it would be
appropriate for us to withhold that from them.

CHAIR THOMPSON: Well, I certainly
respect your view on that. I guess I have a
motion to allow you an extension to March 3rd on Matter 3. That’s the technical motion that’s been made. Are any seconds, or comments. I mean anything you guys want to --

MEMBER BOGGS: I think it’s been a good discussion. And very thoughtful around the whole issue. I mean so I guess there’s not discretion without Board approval to change the date, to extend the time period.

CHAIR THOMPSON: Correct, if we don’t extend it, I believe that complaint would, there would be no ruling on the complaint as of today.

MEMBER BOGGS: It sounds like that’s not anybody’s preferred option.

CHAIR THOMPSON: I don’t think so. I don’t mean -- is that what would happen, Mr. SanFord, if we didn’t give you an extension, would the matter die on the vine?

MR. SANFORD: The reason why we requested the extension, prior to the expiration of the investigative period, was to
get additional time, to give the Respondent additional time, one final opportunity to respond. We could have issued an order, sustaining the allegations, without a response from the Respondent. But we believe in the interest of fairness, we would give a final extension, final opportunity.

MEMBER BOGGS: And do you believe, without any conversations, the Respondent could within, given an extra 10 days, that you’d receive --

MR. SANFORD: Well, we intend to deal with them, contact them and explain to them that the deadline to respond is a fixed date. And, you know, irrespective of what action they take or don’t take, we will be issuing an order by a certain date.

MEMBER BOGGS: But that should have maybe been clear already, rather than --

MR. SANFORD: Yes, it should be.

MEMBER BOGGS: Yes.

MR. SANFORD: Because we have
advised the Respondent initially of the requirements. But in this case, we consider five complaints by one Complainant, against one Respondent. We just thought we’d give it an additional --

MEMBER BOGGS: Then the question is, we’re asking for additional time, it’s just how much time, right?

MR. SANFORD: Yes, so it’s 10 days, or is it until March 3rd?

MEMBER GREENFIELD: Yes, that’s the clarity I was asking, is the March 3rd, you’re talking about that’s the time by which the order needs to be filed?

CHAIR THOMPSON: Correct.

MEMBER GREENFIELD: He can decide how much time he wants to give Respondent to respond. But you’re asking that the order be filed by March 3rd?

CHAIR THOMPSON: Yes. If they have 10 more days from today to respond, then Mr. SanFord and his team would have about 10 days
to draft an order, which, you know. In the law, the legal world, you can do anything in 10 days.

MR. SANFORD: Well, that would definitely, if that’s the extent, that would definitely shorten the amount of time we’ll provide the Respondent. Because we do need time to prepare and issue the order.

CHAIR THOMPSON: Well, how you calibrate that is up to you. I’m just, I’m suggesting March 3rd for the reasons I explained it. I personally think it would be best that any, for any opinion, whether it’s upholding or disagreeing with the allegation, that it come out publicly before that 90-day period.

MEMBER BOGGS: It makes sense to me.

MEMBER GREENFIELD: Yes.

MEMBER BOGGS: And then, let him figure out, like calibrate how much time you need and how much time the Respondent needs.

CHAIR THOMPSON: Sounds like a
second.

MEMBER BOGGS: Second.

CHAIR THOMPSON: So, all in favor.

MEMBER BOGGS: Aye.

MEMBER GREENFIELD: Aye.

CHAIR THOMPSON: Aye. Thank you, Mr. SanFord. Anything else?

MR. SANFORD: Shall I complete my --

CHAIR THOMPSON: Oh, please yes, sorry.

MR. SANFORD: The balance of my report. So, the extension is granted until the 3rd of March, is that correct?

CHAIR THOMPSON: Correct.

MR. SANFORD: Okay, thank you very much.

CHAIR THOMPSON: That should give some time for you to issue your order.

MR. SANFORD: Okay. Thank you.

And during the month of January 2024, there were no requests for interpretative opinions. No show cause proceedings were
conducted. And that should conclude my report. And the content of my report will be published at the Office of Campaign Finance website by close of business on today’s date, February 13th, 2024. And that concludes my report.

CHAIR THOMPSON: Thank you very much.

MR. SANFORD: Thank you.

CHAIR THOMPSON: And we also welcome, OCF Director, Cecily Collier-Montgomery. Welcome. And I believe you also have your report.

MS. COLLIER-MONTGOMERY: For the record, I would indicate that the full report of the activity of the Office of Campaign Finance, for the month of January 2024, will be posted at our website, www.ocf.dc.gov before the close of business today. But I will at this time, highlight a few matters, items of interest for the public, from the report.

First, in the Office of the Director, even though this activity occurred in
February, I did want to point out that on February the 7th, 2024, I did appear before the Council’s Committee on Executive Administration and Labor, and provide testimony on the Fiscal Year ‘23 report of the Office of Campaign Finance, and the Fiscal Year 2024 Plan.

Also, I wanted to indicate on the record, that on February the 8th, 2024, the D.C. Auditor issued a report on the recommendations that she had made on 19 audits, which were conducted during a specified period of time. And that also included a report on the Office of Campaign Finance and its implementation of, The Fair Elections Act.

And with respect to that, the auditor did indicate that the Office of Campaign Finance with respect to the recommendations which were made by the auditor, on the Fair Elections Program, that the recommendations were either in progress or had been implemented.

And with the recommendations, we
must submit documentation of exactly the steps that we have taken, with respect to those recommendations, which we will submit to the D.C. Auditor within the next couple of weeks.

With respect to the activity that has occurred during January, the month of January 2024, I would point out that the office did present at two Advisory Neighborhood Commission virtual meetings, as part of our Community Outreach Program. And that was on January the 8th, at ANC 6D. And on January the 10th at ANC 1A.

In our Fair Elections Program Division, during the month of January 2024, I would point out that there are nine currently certified participating candidates in the Fair Elections Program. And that during the month of January, we certified two candidates in the program for the 2024 election cycle.

And we made disbursements as follows. First, Friends of Salim Adolfo, Principal Campaign Committee, matching payments
in the amount of $27,330 were authorized for
disbursement on January the 8th, 2024.

Veda for Ward 7, 2024, Principal
Campaign Committee, matching payments in the
amount of $39,100 were authorized for
disbursement on January the 8th, 2024.

Robert White, the Re-elect Robert
White 2024 Principal Campaign Committee, the
candidate Robert White was certified on January
18th, 2024, to participate in the Fair
Elections Program, in the June 4th, 2024,
primary election. And matching payments in the
amount of $153,410. And the first half of the
base amount payment in the amount of $20,000
were authorized for disbursement.

Ebony Payne, the Ebony Payne for
Ward 7, Principal Campaign Committee, the
candidate Ebony Payne was certified on January
the 18th, 2024, to participate in the Fair
Elections Program in the June 4th, 2024,
primary election. And matching payments in the
amount of $32,825, and the first half of the
base amount in the amount of $20,000 were authorized for disbursement.

Last, Re-elect Janeese Lewis George Principal Campaign Committee, matching payments in the amount of $9,675 were authorized for disbursement on January the 18th, 2024.

The division conducted 35 desk reviews of Reports of Receipts and Expenditures, which had been filed. And also issued 11 requests for additional information as a result of the reports, which were reviewed.

There were two candidate consultations during the month of January. The first was with Robert White, the Re-elect Robert White 2024, PCC on January the 18th. And then Ebony Payne, the Ebony Payne for Ward 7, PCC on January the 18th.

The amount of remitted funds that we have received for deposit in the Fair Elections Fund, from the campaign operations of the candidates who participated in the 2022
election cycle, is at this time, $803,207.20.

With the ongoing 2020 post-election full-field audit, at this time, there is no change in the status, but I would again indicate that the Fair Elections Division has issued a total of 23 final audit reports of the post-election audits, which were initiated for the cycle.

There are currently 11 which remain ongoing. And the status of the reports is available at, or will be available in the report that is presented or posted at the website this afternoon.

With the 2022 post-election full-field audits, there was no change in the status of the audits during the month of January. Again, to date, the FEP has issued 20 preliminary statements of audit findings and 15 final audit reports for the 2022 election cycle.

The division did initiate 42 post-election audits. Again, of the candidates were
certified to participate in both the primary and the general elections, which were conducted during the 2022 election cycle. All final audit reports are available at our website for review by the public.

In our Public Information and Records Management Division, I would indicate on the record, that there were two filing dates in January 2024 for the filing of the Reports of Receipts and Expenditures by our Constituent-Service and Statehood Fund Programs on January the 1st.

And on January 31st, the report of candidate, the report by Candidates and the Principal Campaign Committees in both the Traditional Campaign Finance and Fair Elections Program, our Political Action Committee, our Independent Expenditure Committees, and our Ballot Committees, including our Initiative, Referendum, and Recall Committees, and all Reports of Receipts and Expenditures that are filed with the Agency are available, real-time
at the OCF website. Again, for review by the public.

With new candidates and committees for the 2024 election cycle, in the Traditional Campaign Finance Program, there is currently a total of 19 candidates who are registered to participate in the June 2024 primary election, including the following new registrations for the month of January 2024.

For the Office of Council At-large Member, for the primary election, Christian Anderson registered on January the 18th. And George Jackson registered on January the 25th.

For the Office of Council Ward 7, the primary election, Roscoe Grant registered on January the 12th. And Denise Reed registered on January the 22nd. Dwight Deloatch registered on January the 25th.

For Office of the Council Ward 8, for the primary election, Armonte Wilson registered on January the 12th, 2024. For the Office of U.S. Shadow Representative for the
primary election, Linda Gray registered on January the 31st.

    For the Office of U.S. Shadow Senator, the primary election, Franklin Garcia registered on January the 19th. And Eugene Kinlow registered on January the 31st.

    For the Republican National Committeeman for the primary election, José Cunningham registered on January the 12th. For the D.C. Republican Committee Ward 7, the primary election, Michael Bekesha registered on January the 24th.

    In our Fair Elections Program, there are currently 22 candidates who are registered to participate in the program. And the following new candidates registered in January 2024. For Office of the Council Ward 7 for the primary election, Nate Fleming registered on December the 29th. He was not previously reported. Tyrell Holcomb registered on January the 8th. Villareal Johnson registered on January the 25th.
For the Office of Council Ward 8

primary election, Trayon White registered on January the 12th. And Kevin Kennedy registered on January the 18th. There were no new committee registrations during the month of January.

The division also, referred 14 committees to the Office of General Counsel for enforcement for the failure to file the December 10th, Report of Receipts and Expenditures. And there were 9 candidates and treasurers who completed the OCF Entrance Conference for the month of January. And their names are listed in our report.

In our Reports Analysis and Audit Division, which is our Traditional Campaign Finance Program, during the month of January, there were no final audit reports which were issued. However, the following audits are ongoing.

And the first one is of newly elected officials. And this is a full-field
audit. Kenyan McDuffie, 2022, the Principal Campaign Committee, and that is an ongoing audit. But the audit division has issued the preliminary draft statement of finding. And the committee has been in the office to discuss those findings.

There is also, an Inaugural Committee for which we are conducting a full-field audit. And that is D.C. Proud Inaugural Committee. And with that particular full-field audit, the audit field work is complete and under review. And a preliminary draft audit report is being drafted.

With our Constituent-Service periodic-random audits of the October the 1st, 2023 report, there are two ongoing periodic-random audits. And the first is for the Ward 5 Council, Office Constituent-Service Program. And with that particular one, the field audit has been completed. And the final audit report is being drafted.

The second is the Citizens Outreach
Fund. And that particular program was referred to the General Counsel for the initiation of enforcement action. And I would also indicate that with the Traditional Campaign Finance Program, it did conduct, during the month of January 2024, 99 desk reviews, of Reports of Receipts and Expenditures that have been filed with the Agency.

And the division also issued 16 requests for additional information based on the desk reviews, which were conducted. And that would complete my report.

CHAIR THOMPSON: All right. Thank you so much. Just like with the BOE, that reflects an incredible amount of hard work by the OCF staff. It strikes me that the Fair Elections Program continues to be enormously popular with candidates, passed by our council, signed by our mayor.

But the rubber hits the road in administration. And it’s not a small task to organize the way the Fair Elections Program
operates and disseminates funds to candidates. I’m always impressed with how the OCF has addressed that flawlessly. Now, I’m seeing it in a second election cycle, where I think it’s going to probably be more popular than ever with candidates.

So, it’s an incredible amount of work by a relatively small staff. So, kudos to OCF as well. Anything else?

MEMBER BOGGS: Now, we’re going to get into public comment?

CHAIR THOMPSON: Yes.

MEMBER BOGGS: Before we do that, I do have, I thought I’d just, maybe share an observation and then, and I love the public comment part of this, probably the best. Because I’ve just been so impressed by the thoughtfulness and really civil nature of just about everybody who is engaged with this process. And that’s so important.

Just a general observation, it’s around that, your discussion earlier, I think
more generally the role and responsibilities of the Board. And I’ve had people come to me, either in these settings or just independently, and, you know, why did you do that? And why are you supporting open primary, or semi-closed primary, or ranked-choice voting? And I said, we’re not.

I mean our role is very limited in, we’re administering the process. We’re trying to make sure that we’re doing this the right way. We’re not making policy decisions on any of these big issues. And although we may, I’m sure we have views on that, perspectives on that, but that’s a policy decision. We want to make sure we’re doing this the right way.

This is an independent Board. It’s a bi-partisan Board, really a non-partisan Board, or it should be a non-political Board. And we make these decisions, you know, using our best judgment. And I think we’re actually all attorneys up here. Not that you need to be an attorney, to have good judgment. And
sometimes, it’s just the opposite.

But, you know, we look at this, and kind of, I guess, sort of in a quasi-judicial way, as calling balls and strikes. And just one piece on that, I think in today’s measure, the petition for recall, you know, it’s important that our role is very limited in the sense that we’re making sure that petition, you know, we cross the t’s and dot the I’s. And it meets the statutory requirements.

We’re not taking a position on whether Councilman Allen should be recalled. We’re not favoring that, or against that. And I think that’s just important to underscore, but there’s a process in place under the statute of the law. And we, and it was delivered to us in a way that everything met the requirements. And we just oversee that and make sure that’s correct.

So, I just wanted to add that here, and certainly that was my observation, but you can provide a colloquy if you want to add
anything to that.

CHAIR THOMPSON: And that was very well stated. You know, we try to emphasize that with each matter. That we don’t have a position, on the issue, or the candidate. We are indeed shepherds or the referees, if you will.

And I think, I like the word, non-partisan better than bi-partisan. We are truly non-partisan, as my goal always was. We’re very objective and we try to approach things from the position of just basic fairness. It’s candidate A and it’s candidate B. It’s voter initiative X, or voter initiative Y. It doesn’t matter what it is, it’s just there’s a process.

So, lawyers are, you know, tend to be focused and obsessed with process, which is what we’re all about. It’s just the transparency and then the neutrality of the process.

Okay. So, turning then to public
comment, which we always welcome. We welcome comments from our D.C. residents. We kindly ask that the comment be polite. Hopefully, not insulting to anyone personally. We ask that you limit your comments to three minutes. And include all of your comments or questions in one comment.

The Board of the staff may or may not respond at this time. But please know that your comments will be considered. And also, the public may send written comment in lieu of any verbal comments to our email, communications@dcboe.org.

So, with that, we will turn to our D.C. residents. If you could raise your Zoom hands, if you’d like -- if you’re a D.C. resident and would like to comment. And we’ll ask, we’ll start by asking you to state your personal address in D.C.

You can scroll along, is there any – all right, Nikolas Schiller. Thanks for being here. Thanks as always for your
MR. SCHILLER: Hey, there. Can you hear me okay, today?

CHAIR THOMPSON: We sure can.

MR. SCHILLER: A couple questions, real fast. One of them is about the proposed regulations. We’re looking at a timeline in which that goes onto the Board of Elections website, in advance of it being published in the D.C. Register.

You alluded to non-resident petition circulators, and the Initiative 83 campaign currently has a couple. And I’m curious if these proposed regulations go into effect, will their signatures potentially be disqualified, or we’d have to ask them to not circulate petitions if the proposed regulations go into effect, while, during the signature collection effort? That’s question Number 1.

And question Number 2, is about the D.C. jails. There are -- yes, I’m sorry.

CHAIR THOMPSON: I just want to
remind you to state your D.C. --

MR. SCHILLER: Oh, Nikolas Schiller, 2448 Massachusetts Avenue, NW, Washington, D.C. 20008.

CHAIR THOMPSON: Thank you, go ahead.

MR. SCHILLER: So, yes, the question Number 2 is on the D.C. jails. They’re included in the voter roll. And I’m just curious if the Board of Elections has any processes for outreach to these voters? The campaign has considered mailing voters that are incarcerated a petition pre-filled out with, you know, areas for them to sign.

But the question, is will it ultimately get to the voters? Is there a means that the Board of Elections has to ensure that all the incarcerated individuals will receive mail that’s campaign or political in nature? And is the Board is actually doing outreach to register incarcerated individuals as well? And those are the two.
I appreciate your time and your service. And as a parting note, I really was shocked to hear about Mr. Gill’s passing. And it really saddened me, I really enjoyed his presence on the Board. He was actually really good, the questions that he asked. I didn’t know of the passing until a week or so later, I’m really sad. I send my condolences to the Board and to his family as well. Thank you.

CHAIR THOMPSON: Thank you, thank you so much for saying that. We appreciate that. Okay, so we have two questions. One about publication. Terri, do you want to address that?

MS. STROUD: Sure. So, I misspoke when I talked about the topic of the proposed rulemaking that will be published in the D.C. Register. So, the one that -- the proposed rulemaking which will be posted on our website today, does not concern the local residents non-voting, non -- Local Residents Voting Rights Act.
The proposed rulemaking concerns ballot access and initiative process, and qualified petition circulators. And the change with respect to the qualified petition circulators, is just a change that was made to state that, what the age of the qualified petitioner circulator has to be.

So, they have to swear or affirm that they are at least 17 years of age, and will be 18. So, it’s not pertinent to the non-resident citizens. So, that’s not the rulemaking that will be published in the D.C. Register for the comment period.

And just again, the Public Rulemaking should be sent to the D.C. Register today, and will be published in, not this Friday, but next Friday’s D.C. Register.

MS. EVANS: And if there are no follow-up questions about that, as far as your comments regarding the D.C. Jail. We do conduct outreach to the D.C. Jail. And I’m happy to report that we have a liaison with
whom we work. And that individual has been really great as far as helping us develop materials, and a platform that are accessible to those who are incarcerated.

And so, where you don’t have access to, directly to the internet, we are working with them to get a version of our voter registration application that they can place on iPads that does not provide any type of connection to the outside internet.

So, we’re working with them to modify some of our forms and processes, and outreach materials so that they comply with the requirements of the D.C. Jail, and how they engage with their residents.

But I am very encouraged with the new liaison. And we are working very well together. And I think that we have assurance that those residents in the D.C. Jail will get the information they need. And will get outreach opportunities so that they fully understand their rights. And how to reach out
with any additional questions they may have to D.C. Board of Elections, through that liaison.

CHAIR THOMPSON: All right, thank you. Yes, we have a very impressive team that conducts that outreach. It’s led by Scott Sussman?

MS. EVANS: Yes. Scott Sussman is over our restorative vote unit. And that is a very small but active and engaged unit.

CHAIR THOMPSON: Yes, thank you. Okay, well, not seeing any other D.C. residents wishing to make comment at this time. I move that we adjourn.

CHAIR THOMPSON: No second?

MEMBER BOGGS: Second.

CHAIR THOMPSON: All in favor.

MEMBER GREENFIELD: Aye.

MEMBER BOGGS: Aye.

CHAIR THOMPSON: Aye. Thank you so much everybody. We’ll see you next time.

(Whereupon, the above-entitled matter went off the record at 10:55 a.m.)
CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DC BOE

Date: 02-13-24

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