

MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING

December 8, 2021

The District of Columbia Board of Elections (the Board) held its Regular Monthly Meeting on Wednesday, December 8, 2021, telephonically. Board Members Karyn Greenfield and Mike Gill were present. The Board's Executive Director, Monica Evans, the Board's General Counsel, Terri D. Stroud, the Director of the Office of Campaign Finance (OCF), Cecily Collier-Montgomery, and the OCF's General Counsel, William Sanford, were also present.

CALL TO ORDER (10:30 am)

ASCERTAINMENT OF QUORUM

- Board Members Greenfield and Gill constitute a two-member quorum to conduct business.

ADOPTION OF AGENDA/APPROVAL OF MINUTES

- **BOARD ACTION:** The Board unanimously adopted the amended agenda and minutes from the last meeting held on November 3, 2021.

BOARD MATTERS

- NONE

BOE EXECUTIVE DIRECTOR'S NOVEMBER 2021 REPORT (EXECUTIVE DIRECTOR EVANS)

● General Information

- On November 18, 2021, testimony was given regarding the VOICE Amendment Act, which was introduced to bring ranked-choice voting (RCV) to the District of Columbia.
- The new Voter Focus Registration system is fully running, and the election worker portal is operational.
- Staff training is still taking place with the Voter Focus system. During training, new enhancements for generating reports were discovered.
- The previous voter system, Integrity, is currently still used to ensure Voter Focus is producing accurate reports and data.
- During November, the Voter Education and Outreach Division (VEOD) participated in 14 formal outreach events, including a voter registration drive on November 19, 2021, held at the Voice of America Men's Halfway House in Baltimore, MD. The event allowed for the registration of 11 D.C. residents.
- During November, a total of 3,064 new voters were registered. Also, in November, 4,575 voter cards were processed and mailed.
- The development of online training content for election workers is progressing. Online training will augment the mandatory 4-hour in-person training.

BOE OGC NOVEMBER 2021 REPORT (GENERAL COUNSEL STROUD)

- **Rulemaking to Title 3 of the DC Municipal Regulations**
 - Final Rulemaking
 - Amend Chapter 7 to establish that voters who cast special/provisional ballots due to failure to provide required proof of residence or identity at the time of voting must provide such proof by no later than the second day after the election at issue in order for their ballots to be counted.
 - Notice of Emergency and Proposed Rulemaking was published in the D.C. Register on October 22, 2021.
 - No written comments were received during the public comment period.
 - Emergency and Proposed Rulemaking
 - Amend Chapters 10-11 and 14-17 to reflect statutory provisions that permit electronic petition circulation.
 - **BOARD ACTION:** Unanimously approved the motions for final and emergency and proposed rulemaking to be submitted to the D.C. Register for publication.
- **Litigation Status**
 - **Long v. D.C. Board of Elections**
 - This matter was filed in D.C. Superior Court on July 2, 2021 and is a civil complaint seeking \$10,000 in damages. Mr. Long claims negligence and unjust enrichment, and alleges that the Board issued him a check without informing him not to deposit it, then had payment of the check stopped, causing him to have a negative balance and a returned check fee.
 - The Board is being represented in this matter by the OAG, which serves as counsel for the Office of Finance and Resource Management, the entity that handled the issuance of poll worker checks for the Board.
 - There was an initial hearing on August 9, 2021. The matter was continued to October 12, 2021 and on that date it was continued to December 14, 2021.
 - **Henderson v. D.C. Board of Election**
 - Kathy Henderson filed a Recall Petition against Sydelle Moore, Advisory Neighborhood Commissioner for Single-Member District 5D05. The petition was rejected due to an insufficient number of signatures.
 - Ms. Henderson appealed the matter to the DC Court of Appeals.
 - **Public Interest Legal Foundation (PILF) v. D.C. Board of Elections**
 - This matter was filed in the District's federal district court under the National Voter Registration Act (NVRA).

- The suit alleges that the Board’s decision not to release requested documents violates the NVRA’s public records disclosure provision.

OCF NOVEMBER 2021 REPORT (DIRECTOR COLLIER-MONTGOMERY)

- The Fair Elections Program (FEP) and Traditional Campaign Finance Program (TCFP) revised fact sheets and information sheets are posted on the OCF Website.
- **Community Outreach**

The OCF continues to focus its efforts on sharing information about the TCFP and FEP with residents across the city. During November 2021, OCF accompanied the Board at a voter registration event at the Central Union Mission in Northwest D.C.

- **Fair Elections Program Division (FEP) Report for November 2021**

- Authorized Base Amount and Matching Payments
 - The total sum of \$4,016,797.64 was disbursed from the Fair Elections Fund in Base Amount and Matching Payments to the 36 candidates certified in the FEP to participate in the June 2, 2020 Primary Election (“the 2020 Primary Election”), the June 16, 2020 Special Election (“the 2020 Special Election”), and the November 3, 2020 General Election (“the 2020 General Election”). The 2020 Election Cycle closed on November 3, 2020, and the 2020 Special Election Cycle closed on June 16, 2020.
 - As of December 8, 2021, a total sum of \$1,338,527.55 has been authorized for disbursement from the Fair Elections Fund in Base Amount and Matching Payments to nine candidates certified to participate in the FEP in the June 21, 2022 Primary Election (“the 2022 Primary Election”).
 - Four candidates were certified in the FEP for the 2022 Election Cycle:
 - Charles Allen, Re-Elect Charles Allen for Ward 6, certified on November 5, 2021, for the office of Member of the Council from Ward 6.
 - \$74,212.55 in Matching Payments was authorized for disbursement.
 - Kenyan McDuffie, McDuffie 2022, certified on November 5, 2021, for the Office of Attorney General.
 - \$308,535.00 in Matching Payments and \$20,000.00 for the Base Amount Payment were authorized for disbursement.
 - Robert White, Robert for DC, certified on November 5, 2021, for the Office of Mayor.
 - \$381,185.00 in Matching Payments and \$80,000.00 for the Base Amount Payment were authorized for disbursement.

- Zachary E. Parker, Friends of Zachary Parker 2022, certified on November 18, 2021, for the office of Member of the Council from Ward 5.
 - \$67,405.00 in Matching Payments and \$20,000.00 for the Base Amount Payment were authorized for disbursement.
- Charles Allen, Re-Elect Charles Allen for Ward 6, certified on November 18, 2021.
 - \$1,975.00 was authorized for disbursement.

- **Desk Reviews and Other Activities**

- Fourteen desk reviews of termination and amended Reports of Receipts & Expenditures (R&E Reports).
- Nine Request for Additional Information (RFAI) letters were sent.

- **Remitted Funds**

- As of November 30, 2021, \$140,686.88 has been remitted for deposit in the Fair Elections Fund from the campaign operations of Participating Candidates who participated in the 2020 Election Cycle and/or the June 16, 2020 Special Election.

- **Ongoing Post-Election Audits**

- Post-Election Audits - Primary Election
 - There are currently 10 post-election audits of candidates who did not proceed to the 2020 General Election. The audits were initiated on June 19, 2020.
 - The names of the candidates and audit status are posted on the OCF website.
- Post-Election Audits - Special Election
 - There are currently four post-election audits of candidates and committees who participated in the Special Election. The audits were initiated on July 6, 2020.
 - The names of the candidates and audit status are posted on the OCF website.
- Post-Election Audits - General Election
 - There are currently 20 post-election audits of candidates and committees who participated in the General Election. The audits were initiated on March 30, 2021.
 - The names of the candidates and audit status are posted on the OCF website.

- **Public Information and Records Management Division (PIRM) Report for November 2021**

- November Filing of Reports of Receipts and Expenditures (R&E Reports):

- Legal Defense Committees – 20th R&E Report

- 1 required filer
- 1 timely filer
- 1 electronically filed their report
- 1 certified E-filing

- Referrals to the Office of General Counsel:

- One candidate, Trayon White, was referred for failure to timely register as a candidate.

- New Candidates/Committees

- TCFP Candidates

- Bruce Spiva (Attorney General) – registered November 16, 2021
- Lauren Rogers (Council, Ward 5) – registered November 19, 2021

- FEP Candidates

- Muriel Bowser (Mayor) – registered November 4, 2021
- Lisa Gore (Council, At-Large) – registered November 4, 2021
- Harry Thomas (Council, Ward 5) – registered November 9, 2021
- Dexter Williams (Council, At-Large) – registered November 10, 2021
- Trayon White (Mayor) – registered November 12, 2021
- Bradley Thomas (Council, At-Large) – registered November 15, 2021
- Anita Bonds (Council, At-Large) – registered November 16, 2021
- David Krucoff (Council, Ward 3) – registered November 29, 2021

- Initiative Committees

- Elizabeth Davis Education Equity Pathway Policy Act of 2022, registered April 23, 2021
- DC Committee to Build a Better Restaurant Industry, registered June 21, 2021
- The Black Autonomy Movement, registered July 12, 2021

- Fourteen new candidates and treasurers have completed the mandatory OCF Entrance Conference Presentation for November 2021:

- Kenyan McDuffie/Candidate for Attorney General
- Patrick Swygert, Jr./Treasurer, McDuffie 2022
- Charles Allen/Candidate for Council, Ward 6
- Fria Moore/Treasurer, Trayon White for Mayor 2022

- Leniqua Dominique/Candidate for Council, At-Large
- Paul Orange/Treasurer, Orange Ward 5
- Kevin D. Judd/Treasurer, Bradley Thomas for Council 2022
- Bradley Thomas/Candidate for Council, At-Large
- Muriel Bowser/Candidate for Mayor
- Trayon White/Candidate for Mayor
- Sandy Washington/Treasurer, Harry Thomas Works
- Jodi Ovca/Treasurer, Re Elect Muriel Bowser Our Mayor 2022
- Harry Thomas/Candidate for Council, Ward 5
- Dexter Williams/Candidate for Council, At-Large

- **Reports Analysis and Audit Division (RAAD) – November 2021**

- 10 desk reviews and other activities
- Two audit reports were issued during November:
 - Mendelson 2022
 - Our Ward 5 CSP
- Ongoing Audits
 - Newly-elected officials:
 - Brooke Pinto for Ward 2 – Preliminary Draft Audit Report issued August 25, 2021. The Committee met with the Audit staff on October 8, 2021 to discuss the findings, recommendations, and the response to the Preliminary Draft Audit Report. The audit report is being prepared.
 - Jacque4DC At-Large SBOE – Hearing held on August 18, 2021 to reinforce request for additional records. Records were received September 2, 2021. The Preliminary Draft Audit Report issued on November 30, 2021.
 - Candidates and Political Action Committees (PACs) in the upcoming 2022 election:
 - Mendelson 2022 – The Preliminary Draft Statement of Findings was issued on September 24, 2021. The Committee requested an extension to respond until October 24, 2021, and provided its response on. The Audit Report was issued on November 12, 2021.
 - Two Audits – Constituent Service Programs (CSPs):
 - Mayor Bowser’s CSP – Audit Notification Letter issued on October 8, 2021. The audit records were received on October 25, 2021, and audit fieldwork is completed. The Preliminary Draft Statement of Findings issued on November 29, 2021.
 - Our Ward 5 CSP – Audit Notification Letter issued on October 8, 2021. The audit is complete and the report was issued on November 12, 2021.

OCF NOVEMBER 2021 REPORT (GENERAL COUNSEL WILLIAM SANFORD)

- **Intake/Output Report**

- One referral for an informal hearing was received
- Nineteen orders were issued which included:
 - 7 orders vacated
 - 5 orders were issued in which the fines were suspended
 - 7 orders imposing a total of \$11,550 in fines against:
 - \$1,650.00 Monica Palacio for City Council
 - \$1,650.00 Capitol Stonewall Democrats
 - \$1,650.00 Markus for DC
 - \$1,650.00 Committee to Elect Stuart Anderson
 - \$1,650.00 James for Ward 2 SBOE
 - \$1,650.00 Keith Silver for DC
 - \$1,650.00 Randy Downs for Ward 2

- **Open Investigations**

- NONE

- **Interpretative Opinions**

- NONE

- **Show Cause Proceedings**

- NONE

PUBLIC MATTERS

- NONE

ADJOURNMENT (10:59 a.m.)