GOVERNMENT

OF

THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

MARCH 3, 2021

+ + + +

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

BOARD OF ELECTIONS MEMBERS PRESENT:

MICHAEL BENNETT, Chair

MIKE GILL, Member

KARYN GREENFIELD, Member

BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director CECILY COLLIER-MONTGOMERY, Director, OCF WILLIAM SANFORD, General Counsel, OCF

JACK GILMORE, Staff Attorney

MONICA EVANS, Special Assistant

CLIFTON PRINCE, Staff Attorney

TERRI STROUD, General Counsel

SYLVIA GOLDSBERRY-ADAMS, Operations

Manager

KAREN F. BROOKS, Registrar of Voters

LINDA JOHNSON, Assistant to the Executive

Director

NICK JACOBS, Public Information Officer

RANDY LEGETTE, IT Specialist

ALSO PRESENT:

JAMES HOWLETT

DOROTHY BRIZILL, DC WATCH

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1	P-R-O-C-E-E-D-I-N-G-S
2	(10:44 a.m.)
3	CHAIR BENNETT: Okay. Good morning.
4	This is the March meeting of the D.C. Board of
5	Elections. Thank you all. We are still virtual,
6	but I tell you with all of the vaccines coming
7	out I am hopeful that we will not be doing this
8	in a few months, so thanks for your patience and
9	continuing to kind of stick with it.
10	I want to open the meeting with a
11	motion from Ms. Greenfield relative to the agenda
12	and the minutes from the last meeting. Can I get
13	a motion to accept the agenda for today and the
14	minutes from the last meeting from Ms.
15	Greenfield?
16	MEMBER GREENFIELD: Yes, I move that
17	we accept the agenda for the day for today,
18	and minutes from the last meeting.
19	CHAIR BENNETT: Can I get a second Mr.
20	Gill?
21	MEMBER GILL: Second.
22	CHAIR BENNETT: It is properly has

been properly moved and seconded, and I am going 1 2 to put a hold on that because I forgot to do the notice that we have a quorum. So I will come 3 4 back and call for a vote on the agenda and the 5 minutes once we establish a quorum. So, Ms. Greenfield, can you say aye that you are here? 6 7 MEMBER GREENFIELD: Aye. CHAIR BENNETT: Mr. Gill. 8 MEMBER GILL: Aye. 9 10 CHAIR BENNETT: And I am here, Michael 11 Bennett, and so we have a quorum, and I will get 12 a vote on the agenda and the minutes from the 13 last meeting. Mr. Gill. 14 MEMBER GILL: Aye. 15 Ms. Greenfield. CHAIR BENNETT: 16 MEMBER GILL: Aye. 17 CHAIR BENNETT: And aye for me, it is 18 unanimous. The minutes have been properly -- has 19 been properly moved, and seconded, and voted, and 20 so it is unanimous that agenda and the minutes 21 from last week are -- or last month are accepted. 22 Before I go any further, with regard

to the agenda, I want to make sure that the court reporter is here and able to be heard -- or can hear everybody. Can I hear from the court reporter that they are here, and able to be heard?

(Off the record response.)

CHAIR BENNETT: Great. Thank you very First item on the agenda -- or next item much. on the agenda is -- after the adoption of the minutes and the agenda for the day are Board matters. Are there any board matters from you, Mr. Gill?

MEMBER GILL: No Board matters.

CHAIR BENNETT: Great. Ms.

Greenfield, any Board matters for you?

MEMBER GREENFIELD: No, no Board

17 matters.

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CHAIR BENNETT: Okay, great. There are no -- well, the only Board matters for me is just to -- for the record, I am starting to take a look at, and we are starting to talk about -- the Board and senior staff talk a little bit about if

-- a potential reorganization and that kind of things we want to put in a report relative to going forward, but this is the chairman's initiative, nobody else's, and so at some point in the next couple months we intend to have public meetings just to talk about the election, and activities about the campaign finance in November and this last election season so that we can make some recommendations to the Council, if we need to, and also to the mayor relative to the operation of those entities going forward.

Nothing to report, nothing
earthshattering, nothing is going on, but I just
feel the need to -- since we had such a momentous
2020 I feel the need to try and address that in
some way relative to how we look as a
organization going forward. So anyway just that
and for those in the public we will -- just as we
did with public meetings in -- prior to the last
election in getting public input on things we
will certainly do that going forward. There is
nothing to talk about at this point, just to give

everybody a heads up that we are going to start 1 2 looking at that, okay? So, there have been no more Board 3 4 First report we have is from Ms. matters. 5 Montgomery, Office of Campaign Finance. Montgomery, you have the floor. 6 7 MS. COLLIER-MONTGOMERY: Yes, good morning. You can hear me? 8 9 CHAIR BENNETT: Yes. 10 MS. COLLIER-MONTGOMERY: Okay, good. For the record, the Office of Campaign Finance, 11 12 we are continuing to operate under a modified status. All of our services are still being 13 14 provided remotely, by email and telephone at 202-671-0547. All candidates and committee reports 15 16 will continue to be received online at our 17 website on the required deadlines, and candidates 18 can contact the office for instructions 19 concerning the registration process. 20 On February the 18th, 2021 I attended 21 the hearing on the fiscal year 2020 performance report, and the fiscal year 2021 performance plan 22

of the Agency before the Committee on the

Judiciary and Public Safety of the Council of the

District of Columbia.

In the Fair Elections Program Division during the month of February I would report that as of February 24th, 2021 the total sum of \$4,016,797.64 has been disbursed from the fair elections fund in base amount and matching payments to the 36 candidates who were certified in the fair elections program to participate in the June 2nd, 2020, primary election, the June 16th, 2020, special election, and the November 3rd, 2020, general election.

During the month of February 2021
there were no disbursements authorized in
matching payments to the Fair Elections Program
participating candidates. During the month of
February the other activities in the Fair
Elections Program consisted of the desk reviews
of the mandatory January 10th, 2021 reports and
also other amended reports of receipts and
expenditures. They reviewed a total of 21.

There were 11 requests for additional information.

I would also note for the record that as of this date the total funds remitted for deposit in the Fair Elections Fund, the Campaign Operations of the participating candidates in the elections which were conducted during calendar year 2020. That amount is \$132,268.90. The following committees to date remitted funds from the June 16th, 2020, special elections, Patrick Kennedy for Ward 2 special elections, \$39,252.38 on January the 11th, 2021, Jordan Grossman for Ward 2 special elections, \$20,510.08.

On January 21st, '21, the following committees to date have remitted funds from the June 2nd, 2020, primary elections. First Evans 2020, \$795.64 on December the 10th, 2020, Patrick Kennedy for Ward 2, \$30,201.49 on January the 11th, 2021, Jordan Grossman for Ward for Ward 2, \$3,937.94 on January the 21st, '21, and \$120.84, which was received on February the 9th, 2021, Yilin Zhang for Ward 2, \$5,782.05, which

was received on February the 12th, 2021, and \$5,782.05, which was received on February the 21st, 2021.

To date, the following committees have remitted funds from the November the 3rd, 2020 general elections. Fitz Reid 2020 \$876.04 on December the 10th, 2020, Frasier for Ward 4, \$409.58 on December the 10th, 2020, Friends of Christina Henderson, \$17,457.49 on December the 29th 2020, Karen for Ward 7 State Board of Education 2020, \$6.50 on January 21st, Committee to Elect Jane Lewis for City Council, \$1,439.94 on February the 9th, 2021, Tander for Council, \$5,696.88, which was received on February the 11th, 2021.

I would just say for the record and for the public's information, that candidates who are certified in the Fair Elections Program, and who receive public funds, are required to remit whatever the surplus is in their campaign operations following the elections in which they participated.

In the Fair Elections month -- Fair
Elections Program during the month of February I
would report that there are 14 ongoing postelections audits. There are 10 audits of the
Campaign Operations of the candidates who
participated in the June 2nd, 2020, primary
election, and there are also four ongoing audits
of the candidates who participated in the special
election.

I will not read it into the record in terms of the status, but our report will be posted at our website this afternoon, and the public can review exactly the committees that are under audit, and also the status of the audits.

I would again just note for the record that during the month of March it is the intent of the Fair Elections Program to also initiate audits of the campaign operations of those candidates who participated in the November 2020 general election. In our Public Information and Records Management Division, as I reported last month,

registrants in the Office of Campaign Finance, but because the 31st fell on a Sunday, the filing of the reports was due -- became due on February the 1st, which was the first business day after the weekend.

There were eight groups of filers as follows. Due -- Monday, February the 1st the report was due from the Legal Defense Committees, and, again, that was the January 31st report of receipt from expenditures. It was one required filing and the filer timely filed, and also the filer electronically filed.

With our principal campaign committees and political action committees, again, the actual filing deadline was January 31st, it fell on February the 1st. There were 115 required filers. Ninety-eight timely filed. There were 17 failures to file, and they were referred to the Office of the General Counsel for enforcement, and all of the required filers electronically filed their report.

With our Fair Elections Program,

again, the report was due on January the 31st.

It fell on the Monday, February 1. There were 36 required filers, 26 timely filed. There were 10 failures to file, and those committees were referred to the General Counsel, again, for enforcement, and all of the required filers electronically filed their reports.

With our Independent Expenditure

Committees for the January 31st report it was due on February the 1st. There were three required filers, all three timely filed and electronically filed their report.

With our Exploratory Committees, again, the report is a January 31st report which fell due on February the 1st 2021. There is one required filer, who timely filed, and the report was electronically filed.

With our Initiative Referendum

Committee, again, the report is a January 31st

report. It fell due on Monday, February the 1st,

2021. There were seven required filers who were

timely filed, and three -- there were three

failures to file, and those were referred to the Office of the General Counsel, and all of the timely filers also electronically filed their reports.

With our Recall Committees, again, the report is a January 31st report, which was due on February the 1st, 2021. There is one required filer and the filer timely filed and electronically filed the report.

financial summary statement was due on February the 22nd, 2021. There are 430 required filers, 300 timely filed. We have 130 failures to file, and those failures to file were referred to the General -- will be referred to the General Counsel. The exact number has not been determined as of this date. With the ANC candidates, we will send a delinquency letter to them to give them the extended opportunity to file their report. With the timely filers, all 300 also electronically file their reports. So, again, with the referrals to the Office of the

General Counsel there were 30 referrals. The list of the committees and the treasurers who failed to file, or failed to timely file, will be posted at our website for review by members of the public before the end of the day. Again, there were eight continuing principal campaign committees who failed to timely file.

There were six principal campaign committees 2020 who failed to file with the Fair Elections Program. There were 10 principal campaign committees who failed to file. There were three political action committees who failed to file, two initiative committees who failed to file, and one referendum committee, which failed to file.

In our Reports Analysis and Audit
Division during the month of February, and this
is the Division of the Office of Campaign
Finance, which is charged with the audit, and
also the desk review of the traditional -- in the
traditional Campaign Finance Program, and, of
course, that would be our committee, and also our

constituent service programs, and -- who are not a part of the Fair Elections Program.

So during the month of February the Reports Analysis and Audit Division conducted 306 desk reviews of reports that have been filed with the Agency, and that would include 47 reports which were filed by political action committees including amended reports, two reports filed by our Constituent Service Fund, 47 reports, and it would also include amended reports filed by our Principal Campaign Committees, and 203 reports filed by our Advisory Neighborhood Commission candidates, two expenditure reports, three initiative referendum and recall reports, and the one report filed by the Legal Defense Fund.

Also the Division sent out seven requests for additional information, and they resolved 17 cases, referred one case to the Office of the General Counsel. There were no audits which were issued during the month of February by the traditional program.

That concludes my report, but I would

at this time request that the General Counsel,
William Sanford, provide his report to the Board.

MR. SANFORD: Good morning.

CHAIR BENNETT: Thank you, Ms.

Montgomery. Mr. Sanford.

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MR. SANFORD: Good morning, Mr. Chairman and distinguished Board members. William Sanford, General Counsel for the Office of Campaign Finance. During the month of February the Office of the General Counsel received 31 referrals, completed 12 informal hearings, and issued 12 orders, which included the following: five orders were issued in which no fines were imposed. Four orders were issued in which fines that totaled \$4,950.00 were imposed, and three orders were issued pursuant to motions for reconsideration. The original order was vacated, and the fine was suspended in the The original fine of \$1,800 was first case. affirmed in the second case, and the original fine of \$1,800 was reduced to \$200.00 in the third case.

During the month of February 2021 the Office of the General Counsel imposed fines against the following respondents. A fine of \$1,600 was imposed against the Keith Silver For D.C. Principal Campaign Committee. A fine of \$1,600 was imposed against Randy Downs, Ward 2, Principal Campaign Committee. A fine of \$1,800 that was imposed against Edwards for Ward 4 was affirmed after the denial of a motion for reconsideration. A fine of \$1,600 was imposed against the Seniors United Political Action Committee. A fine of \$150 was imposed against the Ward 2 Democrats, and a fine of \$200 was imposed as a reduced fine pursuant to the granting of a motion for reconsideration that was filed by the Callie for State Board of Education Principal Campaign Committee.

During the month of February 2021 the Office of the General collected a \$200 fine from the Callie for State Board of Education Principal Campaign Committee. During the month of February 2021 there were no open investigations, there

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1	were no requests for interpretive opinions, and
2	no show cause proceedings were conducted.
3	That should conclude my report.
4	CHAIR BENNETT: Thank you, Mr.
5	Sanford. Ms. Montgomery, does that conclude your
6	report?
7	MS. MONTGOMERY: Yes, it does.
8	CHAIR BENNETT: Okay. Ms. Greenfield,
9	any questions for Office of Campaign Finance?
10	MEMBER GREENFIELD: No, I don't have
11	any questions.
12	CHAIR BENNETT: Mr. Gill, any
13	questions?
14	MEMBER GILL: No questions.
15	CHAIR BENNETT: Okay. I have none as
16	well. Thank you, Ms. Montgomery.
17	MS. MONTGOMERY: You're welcome.
18	CHAIR BENNETT: The next item on the
19	agenda is, let me pull it up, is the Ms.
20	Miller, D.C. Board of Elections.
21	MS. MILLER: Thank you. Good morning.
22	I am going to start with the ongoing side of the

co-worker payments. Basically, at this point all of our election day and early voting checks have been received by election day workers.

CHAIR BENNETT: Yay, wow, great.

MS. MILLER: We are still dealing with a few residual issues involving some supplemental payments and bank fees for checks that were stopped by the treasurer's office subsequent to their deposit. So being that some co-workers would have deposited checks, spent money against those checks, but those checks were stopped, and there were fees that were incurred, so the treasurer's office is now reimbursing some of those workers for those fees that were incurred by the workers. So those are limited in number, and they are handling those as they come up, but I guess we can say we are almost there four months later, and we hopefully will never have to deal with this kind of situation again. has been a bit of a challenge to get that taken care of, but it is almost resolved.

CHAIR BENNETT: Good.

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I want to talk about the MS. MILLER: EAC CARES Act Fund. As you know, we received \$3 million from the EAC in support of the 2020 The funds were to be used for the administration of federal elections to prevent, prepare, and respond to COVID-19. We submitted a final report to the EAC documenting the use of the funds as we address the pandemic and the challenges we faced as we responded to it. highlights of our report indicated that the money was used to secure the services of the mail house, to track ballots, and use of the intelligent sale bar code, purchase of a high speed ballot sorter machine, 55 valid drop boxes, ballot-on-demand printers, postage to mail ballot packet to every registered voter, and the voters to return their ballots, and other things along those lines.

EAC also requested that the report include recommendations for future elections in the jurisdiction. In our recommendations we included that the district looked at changing

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from precinct-based to voting themes, such as vote centers that serve all voters regardless of residences, automatically mail-in ballots all registered voters, maintaining the mail ballot drop boxes, mail ballots being deposited in the online tracking system voting election week versus election day, and the continued use of super vote centers.

We also included the fact that we found it extremely helpful to get feedback through meetings in the community and with community leaders as a great way to exchange ideas. Also that kind of meeting helps voters understand the legal requirements that allows us to understand what the voters needed, and the desires of the voters going forward to help kind of communicate with each other and understand the needs of each other so we were all on the same page going forward and everyone understood what the kind of back and forth was as we prepared for the election and went forward with basic planning

So the report was submitted last week.

A complete list of the expenditures along with the required narrative will at some point be available on the website once they get every income.

also as Ms. Montgomery indicated, we also did provide testimony at the performance oversight hearing on February 18th. My testimony as well as the chairman did provide testimony to the committee on public safety. That testimony was live streamed on a councilmember's Facebook live account, and to the best I know I believe it will be available on the Council website.

CHAIR BENNETT: Ms. Miller, if you could speak a little closer to the mic that might be -- well, may be good. You kind of go in and out periodically.

MS. MILLER: Actually, I'm done.

CHAIR BENNETT: Oh, so you -- okay, great. That's why I didn't hear you. All right, sorry about that. Mr. Gill, any questions for Ms. Miller?

MEMBER GILL: Yes, so Alice, I'm going

to ask to unpack a few things. There is a lot in there in your testimony. I now we have talked, you and I, but I just wanted to get it sort of into the minutes. So two points on that, the question of going from precinct voting to kind of a universal database, right? So you can go in anywhere and get your name pulled up. It will then create the correct ballot for you. Is that something the Board of Elections can do on their own, or does it need a statutory change to our code?

MS. MILLER: We can do that on our own. There is no changes needed in the law to do that.

MEMBER GILL: And then I think we should -- I know we don't have sort of notice and comments type hearings, but I think if we decide to investigate that, we should probably ask for comments from the public before we do. I think it is a great idea. I think absolutely, yes, we would be way ahead of the game to be able to go anywhere in the city, walk in -- especially if we

stay -- if we don't go to the all-mail voting, we are going to have some sort of super center regardless, but if there is a line one place. I can remember people leaving a parish where there is a voting center to go around the block to another precinct voting center because the line was short only to be frustrated and told, nope, nope, sorry, you have got to go back to that long line, no, or you do a special ballot. So I think it is great, but I do not think -- I think we need to at least get some input on that.

My second question is on the decision to mail a ballot to everybody, again, that is something we can do on our own, or does that require a change from the Council?

MS. MILLER: We can also do that on our own. I will refer back to the previous special election where we did in fact mail everybody a ballot without any legislation. We decided on our own to do that when we looked at the issues that came up with the June primary, we did in fact mail everybody from the Ward 2

special elections ballot. There was no legislation needed for that, but, yes, we can do that.

I will say also at the hearing that we had on the 18th there was testimony from members of the public, although I agree with you. need to certainly get input, a lot more input than what we had, but the Chairman can speak on this as well. For those individuals that did participate in that hearing they were all very supportive of the vote centers and the mail ballot process, but wasn't a lot of, with respect for the number of people that we have in the district, but we did have individuals that spoke at that hearing, that testified at that hearing, and they were all very supportive of that process going forward, so these are those meeting requirements.

MEMBER GILL: Right. I would recommend we do some sort of -- allow for the pubic to either contact us through a notice of comment, or at least have a hearing specific to

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this issue. On the --

CHAIR BENNETT: If I could interrupt you for one second, Mr. Gill. I just want to remind us all though that in the general election the Council enacted emergency legislation that required, even though we had intended to do it anyway, but that required that we mail ballots to all citizens without a request. We didn't think it was necessary, but that was in the statute for November, and that was a requirement.

MEMBER GILL: Well, but that sort of begs the question of we think we can do it, and, yet, they required -- they changed the law to require -- I mean, it seems like we should get input on that.

CHAIR BENNETT: Oh, no, I agree, but

I just want to make sure that that was on the

record that it was a legal requirement at that

point.

MEMBER GILL: Right. So -- and just for the record then, also on mailing out the ballots. We were going to do that, and the

pandemic was such that I think that was the right call. I still think opening up to 80 precincts was not necessarily the right call. I think that you are going to do ballots where you are mailing everyone a ballot to then turn around and open up 140 precincts was just a -- it is duplicative, and a waste of resources, and it sends the wrong message. Either we are migrating to jurisdictions like Oregon and other places where they do 100 percent mailing out the ballot, and then maybe we have 10 super centers open for a I think you got to pick one or the other, week. and so when it comes to this particular issue, we did it during the pandemic, and our voter rolls were not to the level I think that the jurisdictions that do this on regular basis are at.

Some of the research that was presented it takes many, many years and some cycles before you get those voter rolls up and accurate, and it requires much more sort of intensive action to understand who has moved out

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of your jurisdiction and who has moved in. And I don't know that we have all those things in place. Maybe we will have them all in place by 2022 or 2024, the next big election we have in place, but I don't know that we are currently able to do it, and I supported mailing out the ballots because of the pandemic and the fact that because we hadn't -- our system of improving our voter rolls, we had put money towards it, we had gotten better, but there were still plenty of folks -- I am on a Listserv for Crestwood, and we got plenty of little Listserv messages saying somebody who lived here six years ago, and has dead just got a ballot in the mail.

And my sort of casual conversations amongst my neighbors are when you vote in person dead people have an amazingly consistent habit of not showing up. So there is not a fraud issue.

There is not sort of an issue from dead people voting. We don't have that problem in the District of Columbia on a scale that is even remotely worth talking about, but optically, when

you have people on the rolls who have been dead for a number of years, and then suddenly you move to a mail voting system where everyone gets a ballot you are going to cause all sorts of public perception problems.

So my observation analysis is I think if we start moving on this track, a big part of it is one or the other. Either we are going to have 144 precincts, or 146 precincts, or we are going to have a limited number of super centers, and we are going to really, really spend all our resources on making sure the voter rolls are up to date, which is a fraught process, because as soon as you say scrubbing the rolls then you get voter disenfranchisement becoming an issue.

But if you don't scrub the rolls then you are going to have all these perceptions of dead people that are getting ballots, so I just - I don't take -- I want us to get to a universal ballot so you can go anywhere and vote. I think that is great. I think mailing a ballot to everybody is someplace the District should get

to. That is no -- technology wise that makes more sense, and we should always try to lean on the side of being a in the forefront there. My worry is we can't just -- we can't pick the last link in this chain and lead with it. There's a lot that leads up to it.

So that's my soapbox. I will leave it there.

CHAIR BENNETT: Okay.

MEMBER GILL: You will know where I am going with my comments later on in the year.

CHAIR BENNETT: Ms. Greenfield?

MEMBER GREENFIELD: I think Mike touched on a couple of issues that I was going to raise. One is, yes, I would like on the number changing from precinct to vote center, which I am favorable for, if I could vote anywhere if I wanted to go into a vote center, but I think, yes, it would be good to get some public input on that, because I do know there are some people who are used to walking around a corner and didn't like they couldn't walk around the corner even

though, I will be honest, there is no great distance between any vote center and us, especially when you look at other states and the distances they go to vote even in sometimes their own areas, but -- and so that is the only -- I agree, just get some public input, and I know we will.

The mail-in ballot my only question was what are we doing, and we probably need to get a plan on how we continue to clean up voter rolls and all of that. I traveled a lot, so it always made sense for me to vote by mail or absentee so I can ensure I can vote. And I know a lot of people this time, and I know pandemic during, but I also know a lot of people just preferred it, and are now probably going to stay that way going forward anyway, but I think it would be good that we start getting a plan on how we clean up and make sure, as much as we can, consistently know we have good voter rolls.

I like the recommendation, so, yes, and thank everybody for all the work on election

day on doing this, so thanks.

CHAIR BENNETT: The only thing I will add -- thanks, Mr. Gill and Ms. Greenfield. The only thing I will add is what I said at the hearing -- gosh, I'm not even sure, was it last week or the week before, but is we threw the kitchen sink at the election in November, and clearly it was overkill, but we had to because we didn't know exactly what was going to work, and we really -- and I think that the staff and the team did a great job, but going forward I think we need to really do some discernment, if you will, in looking at the various processes.

Mail in balloting was reasonably viable, or voting by mail was reasonably viable when you had a post office that was reasonably reliable, now you don't. Who knows what is going to happen going forward, so having the vote centers were great. Having the super vote centers were even better. Well, in a pandemic those facilities were not being used, but when there's not a pandemic, those facilities have

other things going on, and it doesn't make sense to try and use that same number. So I think that we have got to -- that we have to do some assessment of the kinds of things that we need to settle in. Clearly we cannot go backwards. Clearly the pandemic has changed things forever, but how things look going forward I think will be a combination of some of the things that we have done -- that we have had to do over the last year here that seem to make sense, but I agree with both of you. We need to do some -- add some analytics on that, and then also to get some input and feedback from the public as to what they really want and what makes sense. I mean, I had lots and lots of people who were just happy as pie when it comes to getting their ballot in mail, so -- and being able to put it in a drop box.

So, anyway, that's it. Those are comments, and not necessarily questions, Ms.

Miller. Did you have something else you wanted to add to that, Ms. Miller.

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Yes, just a few things. MS. MILLER: One, we are in the middle of our canvas process with respect to canvassing voters who did not vote in the general election, and so that assists with cleaning up the voter roll. And I say that to say this, often times we do the canvas and we never get a response back from voters, or individuals who received that mail. And it may be going to a household, or home, or somewhere where the voter no longer lives there. We would clearly suggest that if mail comes to that place, to that household and the voter does not live there, or the voter is deceased, that you please, please, please respond to the canvas for us so that we can -- that would assist us with getting the voter roll cleaned.

We cannot remove anyone from the voter roll when we don't have information that we need. That is not something we can do. We cannot just take a voter off the voter roll because they elect not to vote. That's called failed to vote. The idea is they choose not to vote, so the

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canvas process is really, really important to us with respect to cleaning the voter roll up, so canvas process is underway now.

It consist of a couple of mailings
that we will do. If you get a card that comes to
your household, and the voter no longer lives
there please request that you just return the
canvas card back to us, checking the information
that's appropriate, indicating that the voter
does not live there, and we can do what we need
to do on our end and assist us in getting the
rolls clean.

Also, to Mr. Gill's point, I agree
that we would never, ever generally mail a ballot
to everybody and open as many vote centers as we
did. That is, as you said, counterproductive.
That's not a system that works. Most
jurisdictions that do that would never do that.
We did that this time just because we were trying
to make sure we had enough of what we needed. As
Chairman said, kind of like throwing the kitchen
sink out there, but that is not the way most

jurisdictions do it. It's usually you mail everybody a ballot, and you limit the number of vote centers. Now what we did do is mailing everybody a ballot and limit the number of days that we had those centers open. Normally vote centers would be open for 10 days, and we had them open for 14 days. I think this time we had them open after December, and we had them open for a week. So all of those, as you said, are analytics that we have to look and make some determinations. You are absolutely right that all that all that needs to be looked at and examined and then final determinations can be made on that.

That's it. Thank you.

CHAIR BENNETT: Thank you. Well, that concludes the Executive Director's report of D.C.

BOE. I think we are at the General Counsel's report. Ms. Stroud?

MS. STROUD: Good morning everyone.

I don't have substantive matters for them having
no litigation status for the first time in a long

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while, nor rulemaking, but what I do have is two 1 2 new staff attorneys --CHAIR BENNETT: 3 Good. 4 MS. STROUD: -- that I have to 5 introduce to you. First we have Clifton Prince, who comes to us from the U.S. Department of 6 7 Veterans' Affairs where he was an appellate 8 litigation attorney, and 9 CHAIR BENNETT: Awesome. 10 MS. STROUD: Yes, and then I have Jack 11 Gilmore, who is coming to us from the D.C. 12 Superior Court where he served on several panels, the Criminal Justice Act, Persons in Need of 13 14 Supervision, and Guardian Ad Litem Panels, and so 15 I will say for the record, Mr. Chairman, that 16 Jack is from North Carolina, and he is a rabid 17 Tar Heel fan. 18 CHAIR BENNETT: That's unfortunate. 19 MS. STROUD: And I don't know about 20 Clifton, but I am sure he is as well, so just 21 wanted to let you both know that -- let you all

I know, Mike, you're a basketball fan too,

know.

1 and Karen goes to that other school as well, so I 2 just wanted to get for the record that we have another Tar Heel fan in the house. 3 4 I'm looking forward to working with 5 They are here in the office today, and them. 6 they are in the VA, and so they -- we are happy to have them on board. 7 8 Well, since they are CHAIR BENNETT: 9 there -- I can't see the people very well in the office, but I would like for both new --10 11 Clifton and Jack. MS. STROUD: 12 CHAIR BENNETT: -- attorneys to say 13 hello in some way or another. 14 MS. STROUD: They are on their 15 desktops, so I am not sure the way that our 16 desktop is set up that they can be heard. 17 CHAIR BENNETT: Okay. 18 MS. STROUD: I think that they --19 CHAIR BENNETT: I see Prince is on mute, but I'm not sure if he can take himself 20 21 off. Okay. 22 MEMBER GILL: He just texted hello, so

they figure it out. 1 2 CHAIR BENNETT: Okay. All right. (Laughter.) 3 Well, thankfully --4 CHAIR BENNETT: 5 hello, and -- there we go. MR. STROUD: I see Jack. There's Jack 6 7 with his mask on with the iPhone. 8 (Laughter.) 9 Okay, great. CHAIR BENNETT: Well, 10 welcome to both of you. Is the other person 11 there? 12 MEMBER GILL: He said he doesn't have 13 a microphone. CHAIR BENNETT: 14 Okay, no problem. 15 Well, welcome to both, and you are joining a 16 incredible group of professionals that are second 17 to none, and so we look forward to your service, 18 and your sage advice, so. Now, just remember you 19 got a bunch of other people who are not sitting 20 in attorney roles who are also attorneys, so we 21 often have -- we often know better than we do, so

we look forward to your sage advice, so thank you

1	so much, and welcome, okay?			
2	Ms. Stroud, do you have anything else?			
3	MS. STROUD: No, that wraps up the			
4	general counsel's report for the Board meeting.			
5	CHAIR BENNETT: Okay, so I assume that			
6	there are no questions, Mr. Gill or Ms.			
7	Greenfield for Ms. Stroud.			
8	MEMBER GILL: No, just good job Terri,			
9	you hired two attorneys and you cleaned up the			
10	pipeline. I mean, that's really a good			
11	(Laughter.)			
12	CHAIR BENNETT: Awesome.			
13	MEMBER GREENFIELD: I don't have			
14	anything else.			
15	CHAIR BENNETT: Okay, great. Okay, we			
16	are at public matter now, and I am not quite sure			
17	how I guess, Ms. Miller and Randy, you guys			
18	will figure out who is raising their hand so we			
19	can hear public matters.			
20	MS. BRIZILL: This is Dorothy Brizill.			
21	I'm trying to raise the public matter.			
22	CHAIR BENNETT: We can hear you, Ms.			

1	Brizill. Please go ahead.			
2	MS. BRIZILL: I have two areas I want			
3	to			
4	MR BENNETT: Can you identify			
5	yourself, please, and your address as usual?			
6	MS. BRIZILL: My name is Dorothy			
7	Brizill. I'm Executive Director of D.C. Watch,			
8	and mailing address of D.C. Watch is 1327 Girard			
9	Street Northwest.			
10	I have two public matters I would like			
11	to			
12	CHAIR BENNETT: Thank you.			
13	MS. BRIZILL: raise with the Board.			
14	First has to do with this proposed			
15	reorganization. Can you share at this monthly			
16	public meeting what you think the process and the			
17	timetable will be?			
18	CHAIR BENNETT: I don't have a process			
19	right now, and I don't have the timetable. I			
20	would like to I have just started taking a			
21	look at the organization and the things that we			
22	do, and thinking about the things that we do			

1	going forward. There is a report that was done.
2	We had an assessment done a couple of years ago
3	that was available to the public that took a look
4	at the organization, both organizations actually,
5	and various functionality, that kind of stuff. I
6	am hoping to get something to start talking
7	about it with the public in a month or so, and we
8	may end up saying, well we will just kind of
9	leave things as they are, but there is nothing to
10	report or to share at this point, because we
11	haven't really thought through. We just had a
12	introductory, or at least I just started looking
13	at old charts recently, just a few days ago.
14	MS. BRIZILL: Ms. Miller, do you know
15	what assessment or report Mr. Bennett is
16	referring to and what year, under what chairman
17	that report was done?
18	MS. MILLER: Yes, it was under him.
19	CHAIR BENNETT: Yes, it was done under
20	me. There is a it was 2018, I believe it was.
21	MS. BRIZILL: Was it ever made public?
22	CHAIR BENNETT: I'm sure it was. I'm

1	happy to provide it to you, Ms. Brizill, it's not
2	a problem.
3	MS. BRIZILL: But you think it was
4	made public.
5	CHAIR BENNETT: I think so. It's been
6	
7	MS. BRIZILL: Is it on is it on the
8	BOE website under reports?
9	CHAIR BENNETT: Ms. Brizill, I don't
10	have an answer for you except
11	MS. MILLER: I'm not sure.
12	MS. BRIZILL: Oh, okay. Since Mr.
13	Bennett has committed to making it available, I
14	would like to try to get it sent to me by email,
15	and your press person has my email address as
16	does Ms. Miller.
17	My second question goes to Ms. Miller
18	and Ms. Stroud. In response to comments by Mr.
19	Gill and Ms. Greenfield, you indicated that you
20	thought that some of the changes that the Board
21	wanted to make regarding the conduct of the
22	election, such as mailing ballots to every voter

in the District of Columbia, as well as opening vote centers as opposed to having precincts is something that the Board can do on its own without any need of legislation or changes in regulation.

MS. MILLER: Yes, and we have had that discussion with members of the Council, and with other attorneys, and additional stakeholders in the District of Columbia, and so, yes, it was our position that we could do that.

MS. BRIZILL: Doesn't the current law simply state that you can get -- receive an absentee ballot, but the voter has to request an absentee ballot, and it doesn't make any reference to the Board just blanketly mailing absentee ballots?

MS. MILLER: Well, the current statute specifies for the June 20 and November 3rd primary and general elections, so, of course, we are past that year. So it doesn't say anything about elections going forward.

MS. BRIZILL: Taking out the special

legislation that was adopted to conduct elections for the past calendar year, it's standing law, as I always understood it and has always been interpreted to other people, has been that, yes, the District does provide for absentee ballots to be mailed, but the voters themself has to request it.

What Mr. Gill and Ms. Greenfield are talking about are essentially what was done the last calendar year, where the Board did not wait for an individual to request a ballot, but that ballots were mailed to everyone. Now you seem to believe that if we were into the pre-pandemic laws and regulations that the Board of Elections has the ability just to mail ballots to every citizen even if they don't specifically request one?

MS. STROUD: Yes, I do.

MS. BRIZILL: Who is in -- I can't tell who the -- I do, who's saying that.

MS. STROUD: That was Terri Stroud.

MEMBER GILL: So, Terri, this is Mike

Gill, if I could ask a quick question here too.

When you say we can do it, we would vote on a change to our regulations and then that would allow us to do it, or we could do it because the regulations as they currently stand would allow us to do it?

MS. STROUD: I think that there is flexibility in the statute, and we would promulgate regulations that would support whatever the Board decided to do in accordance with the existing statute.

MEMBER GILL: All right.

CHAIR BENNETT: Yes, the point is I think, Ms. Brizill, is that the statute just simply says that the Board shall conduct elections, and it doesn't give the specificity as the emergency legislation did in 2020 as to how we conduct elections.

Right now we have the precinct system and people would request ballots to be mailed to them, but that's because we have the precinct system, but the statute itself does not require

that we maintain the precinct system. It just means that we will conduct elections.

MS. BRIZILL: Mr. Bennett, this is a division of code and in the regulations that has been discussed and activated many times. Council would not have enacted special COVID 19 emergency legislation if what you are saying were The Board does not have blanket authority true. to mail out ballots currently. It got that authority because the Council adopted emergency legislation. Under current law, the individual, the voter, has to request a ballot, and I believe, and I haven't had a chance to refresh my memory, you do not have the blanket authority just to do away with a polling precinct either. That was an issue that was debated several years ago and a plan was but forward by the Board of Elections to the Council, and the Council rejected it, so how are these things that Ms. Miller and Ms. Stroud are trying to convince you that you have the authority to do is not true, and can be documented because the issue has come

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1	before the Council before.				
2	CHAIR BENNETT: Ms. Brizill, I am sure				
3	you believe what you are saying is true, but I				
4	don't agree with you, so we will be talking about				
5	it a lot over the next few months, so				
6	MS. BRIZILL: That's the problem, Mr.				
7	Bennett, who is whispering in your ear and giving				
8	you the wrong advice?				
9	CHAIR BENNETT: Ms. Brizill, that's				
10	really kind of a inappropriate comment, but do				
11	you any other thing to say?				
12	MS. BRIZILL: No, I do not.				
13	CHAIR BENNETT: Thank you. Do we have				
14	any other public comment? Do you see anybody				
15	else, Randy?				
16	MR. LEGETTE: Yes, James, he is				
17	unmuting himself now. You can go ahead.				
18	CHAIR BENNETT: Okay, great.				
19	MR. HOWLETT: Hi, I was				
20	CHAIR BENNETT: Can you identify				
21	yourself, please?				
22	MR. HOWLETT: Sure. Can you hear me?				

1	CHAIR BENNETT: Yes.				
2	MR. HOWLETT: All right. My name is				
3	James Howlett. My address is 301 M Street				
4	Southwest.				
5	I was one of the site coordinators in				
6	last election.				
7	CHAIR BENNETT: I'm sorry, say again.				
8	You were who? You did what now?				
9	MR. HOWLETT: One of the site				
10	coordinators during the 2020 election.				
11	CHAIR BENNETT: Oh, yes.				
12	MR. HOWLETT: I was at the park.				
13	CHAIR BENNETT: Thank you for your				
14	service.				
15	MR. HOWLETT: Yes, thanks. I didn't				
16	receive any kind of email saying about the site				
17	coordinator's feedback, so I that's why I'm				
18	here today.				
19	One of the comments I noticed that was				
20	included is the previous elections there was				
21	something in the poll pads called advanced search				
22	that wasn't in the November election, and that				

kind -- there were fewer options to search for a Previously there was, say, you could look voter. up somebody's voter registration number, and that was taken away and that caused some issues with some voters who we couldn't find them any other way, but if they did have their voter registration number. I don't know if that was taken away because of maybe not wanting to overwhelm the worker so much information, but that was just me, first time issues. We had a --I had one voter who had his voter registration card, but he had no -- it was so old that the address no longer existed and had no bar code, so there was no way we -- I couldn't find him anywhere in the poll pad. So that would have been a way to find him -- well, there was no way to look.

CHAIR BENNETT: Okay.

(Simultaneous speaking.)

CHAIR BENNETT: Thanks for your input.

I'm sure -- I think Monica Evans is on the line.

I think she -- probably take note of that.

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1	MR. HOWLETT: Yes, so that would be					
2	really helpful. I know there were a lot of new					
3	poll workers, so I don't know if it was just made					
4	simpler to not confuse them and overwhelm them					
5	with so much information, but that would have					
6	been helpful for at least for me, who knew that					
7	existed previously.					
8	CHAIR BENNETT: Okay.					
9	MR. HOWLETT: Yes,					
10	MS. EVANS: Chairman Bennett, this is					
11	Monica					
12	CHAIR BENNETT: Yes.					
13	MS. EVANS: Evans, I am on the					
14	line, and I am taking notes. Thank you.					
15	MR BENNETT: Oh, yes, thank you. No					
16	problem. I'm sorry, sir, are there other inputs					
17	that you have?					
18	MR. HOWLETT: Just with the poll					
19	workers, there was a lot of issues with trying to					
20	get in contact with the hotline, and they would					
21	ask when am I scheduled to work, what days am I					
22	scheduled to work, where do I go, what is my					

position, so if there was some kind of online 1 2 system to be created for workers to find out where they are scheduled to work, what shifts 3 4 they are scheduled to work, if they needed to 5 switch their schedule around because something came up, they had child care needs, or something 6 7 that they could go online and make it easier to 8 get in contact, versus just calling on the 9 hotline, because they would ask me and, like, --10 CHAIR BENNETT: Yes. 11 MR. HOWLETT: You are going to have as 12 much luck as I am, because I would just be 13 calling the same number you just called, so --14 CHAIR BENNETT: Okay. MR. HOWLETT: Yes, and maybe having 15 16 some kind of online system where workers can look 17 at some kind of, like, training information to 18 refresh their memory between training sessions. 19 CHAIR BENNETT: Yes. 20 MR. HOWLETT: I know that with vote by 21 mail there probably going to still need to be at

least some vote centers for people who have

disabilities, or building access issues. So there is still going to be need for poll workers.

CHAIR BENNETT: Yes, one of the things we need to look at -- that is great input, but one of the things we need to look at is our systems going forward, and how do we make sure that we connect in ways that we will allow more people to connect, and have that connection be timely.

One of the things that is painfully obvious is that those who -- who are like me who really like to talk on the phone and to actually talk to a person, that is just beginning to be more and more difficult to connect in real time that way, so while I think -- I personally would be very sad to see telephone connectivity go away. We do have to figure out ways for there to be instant communication, and, like, in response in various circumstances, and I certainly appreciate and understand your point with regard to poll workers.

MR. HOWLETT: And just for -- I know,

like, I know with the vote by mail and all of
that that I was in their heavily advertised
public meeting, and public meetings are going to
be needed, because there is a lot of people who
were, like, I know we had some voters who
were, like, why can't I go to Friendship Baptist
Church, and then they didn't see any signage, so
they went home, and because they didn't see
any kind of signage and they were, like, Oh, no
you can at least at least on election day you
can go to the nearest one which was on (audio
interference) closest one, so I think it is going
to be needed a lot, signage, and just information
maybe with I know some super sites might not
be used, but many of these sites kind of have
advertising for the ADA meetings and all that.
Some sites might have the ASL, or other
languages, kind of advertise that beforehand, so
voters can tend to one center over another,
because especially with the ASL that needs
kind of an in-person interpretation. I know that
there is the iPads, but some people might not be

comfortable using the technology, so -CHAIR BENNETT: Yes.

MR. HOWLETT: -- we need something that can be advertised what sites have curbside, and any kind of other mobility or disability needs.

Yes, that's good CHAIR BENNETT: One of the things we did in June was when we -- we had signs up at the -- at every -- at all the precincts. There actually was a listing of all the vote centers that were open and available. Obviously in 2020 we were not able to open some of the locations, although we opened many in November, but some of the locations we couldn't open just simply because they were too small, or churches, and churches weren't having services, so of course they weren't allowing up to come in to have vote centers, but all those are really good inputs, and I think at the end of the day a lot of it boils down to how we communicate more effectively in various situations. Some of them are nuisanced, but some are not as you noted. So thanks for that input.

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MR. HOWLETT: Yes, I know, especially Friendship Baptist Church, that is small place. It was small in the best of times, and it's not it's not -- is not -- pandemic or not it was small, and a lot of voters would complain, why is it so cramped. They would feel claustrophobic, so --

CHAIR BENNETT: Well, we couldn't maintain the CDC requirements of 6 foot distancing in many of the places, so that's what drove a lot of that.

MR. HOWLETT: So I guess, yes, I think a lot of feedback with people wanting to know what locations would be best for them, and I guess just trying to get feedback from different disability groups and all of that to figure out what may be best for their particular disability and all that, because some sites are going to be better than others.

CHAIR BENNETT: Yes. Well, that's a real good point if we go to vote centers completely versus precincts, but we do actually

have a group where -- that regularly provides 1 2 comment and feedback when it comes to ADA requirements, so -- but we will engage in even 3 4 more, so thanks for that. 5 MEMBER GILL: Yes, thank you very 6 That's super helpful. much. 7 MR HOWLETT: I think that was all I 8 had unless someone have questions for me, I am 9 pretty much done. 10 CHAIR BENNETT: Okay. No, I don't 11 have any, but thanks for that. Anybody else 12 raise their hand? Randy, did you -- we have 13 anybody else? 14 MR. LEGETTE: No, that's it. 15 Okay. Well, thank you CHAIR BENNETT: 16 That concludes the -- it is now 11:50, 17 and so sorry we were a little bit late, but thank 18 you so much for your participation, and this 19 concludes the March meeting of the D.C. Board of 20 Elections. Thanks so much. 21 (Whereupon, the above-entitled matter 22 went off the record at 11:50 a.m.)

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In the matter of: Board Meeting

Before: DC BOE

Date: 03-03-21

Place: teleconference

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Court Reporter

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