

MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING

December 2, 2020

The District of Columbia Board of Elections (The Board) held its Regular Monthly Meeting on Wednesday, December 2, 2020, telephonically. Board Chairman Michael Bennett, Board Member Michael Gill, and Board Member Karyn Greenfield were present. The Board's Executive Director, Alice Miller, the Board's General Counsel, Terri D. Stroud, the Director of the Office of Campaign Finance (OCF), Cecily Collier-Montgomery, and the General Counsel of the OCF, William SanFord, were also present.

CALL TO ORDER 11:14 am

ASCERTAINMENT OF QUORUM

- Board Chairman Bennett and Board Members Gill and Greenfield constitute a three-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 October 7, 2020.

BOE EXECUTIVE DIRECTOR'S NOVEMBER 2020 REPORT (EXECUTIVE DIRECTOR MILLER)

- The November election had a voter turnout of 66.9 percent of eligible voters.
 - Approximately 30,000 voters citywide cast ballots on Election Day.
- Ballots were overwhelmingly cast by both return mail and by the use of the 55 mail ballot drop boxes located through the District.
- Between October 27 and November 2, 32 early vote centers were used, and on November 3, 95 centers were utilized.
- There were 60,349 ballots returned by mail; 160,221 ballots returned by drop box; and 82,586 ballots received at early vote centers.
- Super vote centers allowed quicker voter processing, access to more voting equipment, and more election workers to service them.
- The Board thanks all the volunteers that served as election workers for their commendable service during the November election.
- Due to residents willing to volunteer, the Board exceeded the goal of needed volunteers and received over 3,000 applications.

Certification of the November 3, 2020 Presidential General Election Results

- On November 23 and 24, the Board conducted the mandated manual audit of one randomly selected precinct per Ward, two Ward-based contests, and one citywide contest.
 - Results were made available to the public by press release on November 30.

- There are several write-ins that the Board needs to certify for ANC positions, and there is one contest within the ANC that is a tie.
- Presidential Election Results
 - Joseph R. Biden and Kamala Harris - 317,323 votes
- Delegate to the U.S. House of Representatives
 - Eleanor Holmes-Norton - 281,831 votes
- At-large member of the Council
 - Robert White - 139,208 votes
 - Christina Henderson - 79,189 votes
- United States Senator
 - Paul Strauss - 251,991 votes
- United States Representative
 - Oye Owolewa - 240,553 votes
- At-large member of the State Board of Education
 - Jacque Patterson - 83,782
- Initiative 81 contest
 - Voted yes to approve - 214,885 votes

Certification of Write-Ins for Advisory Neighborhood Commission Results

These individuals timely and properly filed Declarations of Candidacy, and the Board now needs to certify them as winners.

- Jason W. Clark, 1A12
- Yannik Omictin, 2A01
- Donna Barbisch, 2A04
- Evelyn Hudson, 2A05
- Adam Friend, 2A07
- Hannah Untereiner, 2D02
- Matias Burdman, 2E08
- Peter Gosselin, 3G06
- Eric Smith, 4D05
- Edward Ryder, 6B07
- Pranav Nanda, 6C04
- Andrew Bossi, 6D01
- Jared Weiss, 6D02
- Wendall Felder, 7D07
- Whitney Weston, 7F03
- Shirley Thompson-Wright, 7F06
- Khadijah Watson, 8B01
- Paul Trantham, 8B02
- Rhonda Edwards-Hines, 8C06
- Ellen Armstead, 8D05
- The contest of ANC7B03 resulted in a tie vote between Lindsey Botts and Wenterly Wood-Peacock.

- Lindsey Botts was declared the winner by random lot selection.
- Board Member Greenfield moved that the Board certify the candidates that received the highest number of votes, as reflected by the Executive Director, as the winners of their respective contests.
 - **BOARD ACTION:** The Board unanimously approved a motion to certify the winners of the November 3 General Election as the winners.

Swearing-In of the Electors

- The Board certified the oath for the presidential electors so they can move forward with their duties.
 - Meedie Bardonille
 - Barbara Helmick
 - Jacqueline W. Thompson-Echavarria
- The election has been certified, electors have been sworn in, and the Board will forward information to the Mayor and to the Secretary of the District of Columbia, who will inform the electors as to their next responsibility, where and when they will cast their votes, and how the process will move forward.
- Any candidate in a contest who would like to file for a recount of the results with the registrar of voters has seven days from today to do so.
 - Anyone filing and requesting a recount will have to pay for the staff time conducting the recount if the vote difference is more than 10%.
 - The seventh day expires on December 9, and the Board will conduct any requested recount, on Friday, December 11 and 12, if needed.

General Matters

- The election worker training and recruitment division trained 3712 election workers over 12 weeks that began on August 4 and ended on October 20.
 - About 1553 more workers were trained than needed as site coordinators, registration clerks, ballot clerks, voter assistance clerks, and area representatives.
 - The division conducted 58 registration classes, 33 ballot clerk classes, 54 voter assistance classes, and 12 site coordinator classes.
- During early voting, there were 2120 election workers assigned to the 32 early vote centers throughout the week, with alternative morning and afternoon work shifts.
- There were 2150 election workers that managed the vote centers all day on Election Day.
- There were 55 mail ballot drop boxes that were available to voters to deposit their ballots between October 5 and November 3, and an interactive map that allowed voters to locate both the closest drop boxes and the vote centers for them to vote based on their address or location.
 - Drop boxes were placed at every public library except Lamond-Riggs due to construction, making it easy for voters to know where to go to drop off their mail ballots.

- Ballot tracker on the Board’s website allowed voters to track their ballots from the point of deposit through USPS or the mail drop boxes through receipt by the Board.
- The voter education and outreach division collected 1191 ballots from 57 senior buildings and facilities from October 27 through November 2.
- Staff and Board Members participated in a number of ANC meetings, civic association meetings, and other types of general meetings to ensure the November election processes would be as seamless as possible.
- There were over 200 media inquiries and interviews with the Board Chair and staff from outlets including The Washington Post and all local T.V. stations.
- The Board ran two 30-second ads produced for television in 2700 airings on local T.V. stations and cable.
- Online advertising was targeted and reached about 300,000 District residents with T.V. ads and transit advertising.
- Four different digital live broadcast ads were placed inside Metro stations, mostly in Wards 6, 7, and 8.
- Radio ads played multiple times daily, totaling over 1800 airings on Weather and Traffic Radio, iHeartRadio, WAMU Radio, and Radio One.
- Four different robocall messages were recorded, targeting approximately 400,000 registered voters.
- Text messages went out to 200,000 District residents, and there were 11 print ads, including weekly e-blasts to the Washington Business Journal, The City Paper, Washington Informer, Afro-American, Georgetown, El Tempo, Washington Play, HillRag, East of the River, and the Met City D.C.
- Over 10,000 yard signs were distributed to residents and posted on major roads, and about 20,000 door hangers were distributed.
- Four informational post cards were mailed to every registered voter informing them of how, when, and where to vote.
 - One post card was sent to eligible but unregistered voters, and it informed them of their opportunities to register and cast their ballot.

OCF OCTOBER/NOVEMBER 2020 REPORT (DIRECTOR COLLIER-MONTGOMERY)

The OCF continues to operate under a modified status. All services are being provided remotely via email and telephone (202-671-0547). All candidate and committee reports will continue to be received online at the OCF website on the required deadlines. Candidates may also contact the office for instructions concerning the registration process.

- **Fair Elections Program Division (FEP)**
 - Authorized Base Amount and Matching Payments
 - As of October 31, 2020, the total sum of \$3,932,063.90 has been disbursed in Base Amount and Matching Payments to the 36 candidates certified in the FEP to

participate in the June 2, 2020 Primary Election, the June 16, 2020 Special Election, and the November 3, 2020 General Election.

- There are currently 20 candidates certified as “participating candidates” in the FEP for the General Election; 12 candidates certified as participating candidates in the Primary Election, and 4 candidates certified as participating candidates in the Special Election.
- During October 2020, the total sum of \$404,246.90 was authorized in 49 transactions for the disbursement of base and matching payments to FEP participating candidates.
 - The information, which includes the name of the candidate, payment made, and the date of payment, is included in the report of the Office of Campaign Finance, which will be posted on the OCF website.

○ **October Desk Reviews and Other Activities**

- 78 desk reviews of the reports filed
- 24 request for additional information (RFAI) letters were sent.
- 5 status reports denied matching payments to certified participating candidates who reached the cap on the distributions for matching payments.

○ **October Ongoing Audits**

- There are currently 14 ongoing audits, and 10 of those audits are post-election audits of candidates and committees who participated in the Primary Election, and those were initiated on June 19, 2020:
 - Kelvin Brown for DC Council Ward 7 – Partial Audit documentation received on October 31, 2020. Audit in progress.
 - Green for Ward 7 – Audit documentation received on August 6, 2020. Audit in progress.
 - Evans 2020 – Audit documentation received on July 31, 2020. Audit in progress.
 - Yilin for Ward 2 – Audit documentation received on August 29, 2020. Audit in progress.
 - Patrick Kennedy for Ward 2 – Extension approved until October 12, 2020. Documentation not yet received.
 - Mike for Ward 8 - Audit documentation received on August 14, 2020. Audit in progress.
 - Kishan for DC 2020 – Audit documentation received on August 6, 2020. Audit in progress.
 - Jordan Grossman for Ward 2 – Audit documentation received on August 5, 2020. Audit in progress.
 - John Fanning for Ward 2 – Extension approved until October 12, 2020. Documentation not yet received.
 - Elect Renee Bowser – Audit documentation received on September 24, 2020, Audit in progress.
- There are four post-election audits of candidates and committees who participated in the Special Election, and those audits were initiated on July 6, 2020.

- Kishan Putta, Kishan Putta for Ward 2 Special Election 2020 – Extension approved until October 12, 2020. Documentation not yet received.
- John Fanning, John Fanning for Ward 2 Special Election 2020 – Extension approved until October 12, 2020. Documentation not yet received.
- Jordan Grossman, Jordan Grossman for Ward 2 Special Election – Audit documentation filed on August 14, 2020. Audit in progress.
- Patrick Kennedy, Patrick Kennedy for Ward 2 Special June 16, 2020 - Extension approved until October 12, 2020. Documentation not yet received.

● **Public Information and Records Management Division (PIRM) – October 2020**

- October 2020 Filing of R&E Reports:
 - Constituent Service Program - October 1st Report of Receipts & Expenditures (R&E Report)
 - 9 required filers
 - 9 timely filers
 - 2 request for extension
 - 2 extension granted
 - 9 electronically filed their report
 - 9 certified E-filing
 - Senator/Representative Statehood Funds - October 1 R & E Report
 - 3 required filers
 - 3 timely filers
 - 3 electronically filed their report
 - 3 certified E-filing
 - Legal Defense Committee – Tenth R & E Report due October 1
 - 1 required filers
 - 1 timely filers
 - 1 electronically filed their report
 - 1 certified E-filing
 - Political Campaign Committees (PCCs) & Political Action Committees (PACs) – R&E Report due October 10
 - 79 required filers
 - 72 timely filers
 - 1 late filers
 - 3 request for extensions
 - 3 extensions granted
 - 6 Failure to file
 - 7 referrals to OGC
 - 73 electronically filed their report
 - 73 certified E-filing

- FEP PCCs – R&E Report due October 10
 - 44 required filers
 - 36 timely filers
 - 3 request for extensions
 - 3 extensions granted
 - 8 Failure to file
 - 8 referrals to OGC
 - 36 electronically filed their report
 - 36 certified E-filing

- Independent Expenditure Committees – R&E Report due October 10
 - 4 required filers
 - 3 timely filers
 - 1 late filers
 - 1 referral to OGC
 - 4 electronically filed their report
 - 4 certified E-filing

- PCCs & PACs – Eight Day Pre-General R&E Report due October 26^t
 - 71 required filers
 - 56 timely filers
 - 1 late filers
 - 3 request for extensions
 - 3 extensions granted
 - 14 Failure to file
 - 15 referrals to OGC
 - 57 electronically filed their report
 - 57 certified E-filing

- FEP PCCs – Eight Day Pre-General R&E Report due October 26
 - 26 required filers
 - 19 timely filers
 - 2 request for extensions
 - 2 extensions granted
 - 7 Failure to file
 - 7 referrals to OGC
 - 19 electronically filed their report
 - 19 certified E-filing

- Independent Expenditure Committees (IECs) – Eight Day Pre-General R&E Report due October 26
 - 4 required filers
 - 3 timely filers
 - 1 late filers
 - 1 referral to OGC
 - 4 electronically filed their report
 - 4 certified E-filing

- Registration of new candidates/committees in October 2020
 - Traditional Campaign Finance Program Candidates
 - Citizens to Elect Bill Lewis, registered on 10/28/2020

- 3 candidates & treasurers have completed the OCF Entrance Conference Presentation for October 2020:
 - Tanika Washington/Treasurer, 2020 Elect Dorothy Douglas for At Large SBOE
 - Christopher Etesse/Candidate, Chris Edu Tech Ward 2
 - Stephen Gilfus, Treasurer, Chris Edu Tech Ward 2

- There were 16 committee referrals to the OGC for failure to file October 10th R & E Report
 - PCCs
 - Ivan Cloyd for US Representative
 - Edwards for Ward 4 2020
 - The Committee to Elect Perry Redd
 - Ashley for DC
 - Fred 4 Ward 8
 - Elect Yaida Ford

 - FEP
 - Patrick Kennedy for Ward 2
 - Markus for DC
 - Vote Fria Moore
 - Committee to Elect Stuart Anderson
 - Patrick Kennedy for Ward 2 Special Election
 - Keith Silver for DC
 - Friends of Patricia Stamper
 - Washington for Ward 8 DC

 - PACs
 - Seniors United Political Action Committee
 - Ward 4 Democrats

 - IECs
 - Common Sense for DC

- There were 23 committee referrals to the OGC for failure to file October 8th Pre General Elections R&E Report
 - PCCs
 - Nate Ward 8
 - Fred 4 Ward 8
 - The Committee to Elect Perry Redd
 - Peter Bolton for Ward 2
 - Committee to Elect Chris Edu Tech Ward 2
 - 2020 Elect Dorothy Douglas for At-Large SBOE

- FEP
 - Committee to Elect Janeese Lewis George Christopher
 - Cole for Ward 8
 - Committee to Elect Mario Cristaldo
 - Washington for Ward 8 DC
 - Committee to Elect Dontrell Smith
 - Keith Silver for DC
 - The Committee to Elect Mysiki Valentine

- PACs
 - Seniors United Political Action Committee
 - Better Leadership
 - Credit Union PAC of Washington, D.C.
 - Citizens for Empowerment
 - ABC of Metro Washington D.C. PAC
 - D.C. Dental PAC
 - Gertrude Stein Democratic Club Pol Acct.
 - D.C. Pol. Act. Candidate Election (PACE)
 - Service Employees Intl Union MD/DC State Council

- IECs
 - Common Sense for DC

- **Reports Analysis and Audit Division (RAAD) – October**
 - 131 desk reviews of reports filed during October 2020
 - 39 request for additional information (RFAI) letters sent
 - 28 matters were resolved by the audit branch
 - One matter was referred to the OGC for enforcement
 - Nine ongoing Audits from September 2020
 - Periodic Random Audits – Candidates in the Upcoming 2020 Election – January 31 filing
 - Friends of Robert White – The Preliminary Draft Statement of Findings was under review.
 - Veda for Ward 7- The Preliminary Draft Statement of Findings was under review.
 - Committee to Elect Rogers for Council - Audit fieldwork to continue 10/05/20. The audit fieldwork is partially complete.
 - Periodic Random Audits – PACs - January 31st filing
 - Verizon Communications Inc. Good Gov’t Club PAC- The Audit Report is under review.
 - DC Libertarian Party – The Audit Report was issued on October 8, 2020.
 - Firefighters Committee on Political Activities – The Preliminary Draft Statement of Findings was issued on November 2, 2020.
 - Periodic Random Audits – Constituent Services (CS) – October 1st filing
 - Citizens Outreach Fund – The Audit Report was issued on October 30, 2020.
 - Do Something Constituents Fund – The Preliminary Draft Statement of Findings was under review.

- Ward 7 Constituent Services Fund – The Audit Report was under review.
- Audits Issued
 - DC Libertarian Party PAC – issued October 30, 2020
 - Citizens Outreach Fund – issued October 30, 2020
 - Ward 7 CS Fund – issued November 12, 2020.
 - Verizon Communications Inc. Good Gov’t Club PAC – issued November 13, 2020.
- On November 23, 2020 – The OCF attended the virtual introductory meeting of the DC Auditor who will be conducting a financial audit of the Fair Elections Program, as required by D.C. Official Code § 1-1163.32j(b). The Report will also evaluate the extent to which the FEP and the candidates met the requirements of the Fair Elections Act, and will make recommendations to improve the Program.

OCF OCTOBER/NOVEMBER 2020 REPORT (GENERAL COUNSEL WILLIAM SANFORD)

● **Intake/Output Report**

- 17 referrals were received by the OCF OGC
- 13 informal hearings were completed
- 13 orders were issued
- Eight orders were issued in which no fines imposed
- Five orders were issued in which fines totaling \$8500 to the following:
 - Urban Red PAC \$2,050.00
 - Money Supply Initiative \$2,050.00
 - DC Recovery Act \$2,050.00
 - US Citizens Recovery Init. \$2,050.00
 - Dump Trump \$300.00
- 16 petitions for enforcement was sent to the BOE OGC

● **Open Investigations:**

- Complainant: Jenny Malloy
 - Date received: May 19, 2020
 - Respondent: Karl Racine for Attorney General 2018
 - Allegation: Inappropriate use of campaign funds
 - Status: Investigation completed Order issued October 26, 2020
- Complainant: Chuck Thies
 - Date received: May 28, 2020
 - Respondent: Anthony Lorenzo Green, PCC
 - Allegation: Inappropriate use of a government resource
 - Status: The investigation is completed and the order is pending.

● **Interpretative Opinions**

- NONE

- **No Show Cause Proceedings**
 - NONE

OCF NOVEMBER 2020 REPORT (GENERAL COUNSEL WILLIAM SANFORD)

- **Intake/Output Report**
 - 24 referrals were received by the OGC
 - 13 informal hearings were completed
 - 13 orders were issued
 - One order issued in which no fines were imposed
 - 12 orders issued in which fines totaling \$13,600 were imposed against the following
 - Committee to Elect Stewart Anderson fined \$500
 - Elect Stewart Anderson fined \$300
 - Callie for State Board of Education fined \$1800
 - Toliver for Ward 4 fined \$1800
 - Reid for Ward 1 2018 fined \$300
 - Vote Fria Moore 2020 fined \$250
 - Committee to Elect Alpha Bah fined \$1800
 - D.C. Choice fined \$1850
 - Ivan Cloyd for U.S. Representative fined \$1400
 - Trayon White fined Ward 8 \$400
 - Edwards for Ward 4 fined \$1400
 - Ivan Cloyd, U.S. Representative fined \$1800
 - 3 petitions for enforcement was sent to the BOE OGC
- **Open Investigations:**
 - Complainant: Chuck Thies
 - Date received: May 28, 2020
 - Respondent: Anthony Lorenzo Green, PCC
 - Allegations: Inappropriate use of a government resource
 - Status: The investigation is completed and the order was issued on November 30, 2020.

- **Interpretative Opinions**
 - NONE

- **No Show Cause Proceedings**
 - NONE

BOE OGC OCTOBER/NOVEMBER 2020 REPORT (GENERAL COUNSEL STROUD)

- **Rulemaking**
 - Final Rulemaking

- Amend Title 3 DCMR Chapters 5 and 7 to place the chapters into conformity with the General Elections Preparation Emergency Amendment Act of 2020.
 - Would clarify that cameras may be used in voting and counting locations as long as they do not disrupt or interfere with the election administration process, and to establish that requests for absentee ballots must be received by the 15th day before Election Day.
 - Notice of the proposed rulemaking was published in the DC Register on September 11, at 67 DCR 010977. 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.
 - Request Motion from Board to approve rulemaking to be published in the D.C. Register, upon which they will become effective immediately.
 - **BOARD ACTION:** Unanimously approved Motion for final rule making to be published in the DC Register

- **Litigation Status**

- **William v. Hunt. D.C. Board of Elections**

- This matter was filed in US District Court on October 18, 2018 and is a complaint regarding the counting of write-in votes cast in the November 6, 2018, general election.
 - Mr. Hunt requested that the Board count the write-in votes cast in the mayoral contest. The Board was not obligated to do so because the number of write-in votes cast was not sufficient to elect a write-in candidate.
 - The Board filed a motion to dismiss on Wednesday, April 24, 2019.
 - The Court granted the Board's motion on March 10, 2020.
 - Mr. Hunt appealed to the D.C. Court of Appeals on April 16, 2020, beyond the 30-day period under federal rules for appealing.
 - Mr. Hunt's appeal was dismissed as untimely on September 29, 2020.
 - The matter is no longer being litigated and is final.

- **Hammond v. D.C. Board of Elections**

- This is an appeal of Board Order 19-32, upholding the resolution issued by ANC 7B which found no vacancy in the office of Advisory Neighborhood Commissioner for ANC SMD 7B04.
 - On September 6, 2019, the Court of Appeals consolidated this case with *Robin Marlin v. the D.C. Board of Elections* (see below)
 - On October 9, 2019, the Court issued a briefing schedule ordering the Appellants to file the appendix and their brief on November 18, 2019, and the Board to file its response on December 18, 2019, in both matters. The Appellants filed their briefs on December 16, 2019, and their appendix on March 4, 2020.
 - The Board filed a response on April 5, 2020 via electronic case file (ECF).
 - Waiting for the Court's decision in both matters.

- **Robin Marlin v. D.C. Board of Elections**
 - This is an appeal of Board Order 19-33, upholding the resolution issued by ANC 7B which found no vacancy in the office of Advisory Neighborhood Commissioner for ANC SMD 7B05.

- **Alliance Party, et al v. D.C. Board of Elections**
 - This matter, which was held in the District's Federal District Court, involves the signature requirement for the office of US President.
 - The complaint seeks to preclude the Board from enforcing the August 5, 2020 deadline to file nominating petitions against independent and third-party candidates for the Office of President, because although the signature requirement was lowered for several citywide offices and ward offices through the passage of the General Election Preparation Emergency Amendment Act of 2020, that did not occur until after the August 5th deadline for ballot access had passed.
 - The plaintiffs sought to have the Board accept the petition with the requisite number of signatures if it was filed by noon on Tuesday, September 8.
 - On September 3, the Court held a hearing on the plaintiff's request for a temporary restraining order, in which the Court denied the request.
 - This matter is being handled by the District's Office of the Attorney General who filed a motion to dismiss on September 23.
 - The matter is still pending.

BOARD MATTERS

- Board Chair Bennett thanked the OCF staff for the incredible work done during the election process and for meeting the needs of candidates since the FEP was new.
- Board Chair Bennett thanked the BOE staff for the administration of the election, and discussed comments from voters about how easy the voting process was for them, and from the former deputy Postmaster General, Ron Stroman.
- The Board received one of only two A's issued by the Brookings Institute after they conducted a study about the mail process for every jurisdiction in the United States.
- Board Chair Bennett thanked Board Members Gill and Greenfield for being incredibly engaged and supportive in the process over the course of the last six months.
- The Board thanked all media for the incredible support for ensuring the Board's mission was met.
- The Board thanked senior staff Alice Miller and Terri Stroud for working late hours with a limited number of staff.

- Board Member Gill thanked Board Chairman Bennett for protecting the independence of the Board over the course of the election.

BOARD ORDERS

- **Aaron Landry and Daniel Warwick v. The Office of Campaign Finance**
 - This is a request for a hearing de novo regarding the OCF's decision and OCF order 2019-001.
 - This matter came before the Board pursuant to Title 3, DCMR 3709.11, in August.
 - The OCF found that ANC Commissioners Warwick and Landry and several other ANC 2B commission members, violated D.C. Official Code 1-1163.36(a) and 3 DCMR 3301.1(a) by using the ANC Twitter page for campaign-related activity.
 - In September 2019, a complaint was filed by Edward Hanlon against the ANC 2B commissioners alleging they misused the ANC 2B Twitter account to promote the candidacy of Patrick Kennedy.
 - Mr. Hanlon alleged Commissioners Warwick and Landry violated the aforementioned statutes by allowing the Twitter account to re-tweet a tweet from Commissioner Landry's personal Twitter account.
 - The account contained a statement that read, "I love the 17th Street festival", and a photograph that showed activity taking place during the 17th Street festival, including Patrick Kennedy campaigning, and tagged Patrick Kennedy, such that the tag, if it were clicked, led to Patrick Kennedy's Twitter page, which indicated that he was running for Ward 2 ANC council in 2020.
 - In executive session, the Board deliberated the question of whether or not there was a violation of the relevant statutes and regulations when ANC 2B allowed the re-tweet to be posted from that private account.
 - **BOARD ACTION:** Two to one vote that there was a violation when ANC 2B allowed a re-tweet to be posted from a private account.
- **New Modern-Day Criminal Justice Cannabis Reform Act of 2020**
 - On September 2, the Board held a proper subject matter hearing regarding the initiative.
 - Initiative is the process by which the electors of the District of Columbia may propose laws, except laws appropriating funds and present such laws directly to the voters of the District of Columbia for their approval or disapproval.
 - On July 14, 2020, the initiative was submitted in the proper form, and was supported by a timely filed verified statement of contributions with the OCF.
 - The initiative seeks to: 1) terminate all investigations and prosecutions regarding cannabis as it applies to recreational use, legal cultivation, sales and consumption; 2) make unlawful search, seizure, arrest of person, or vehicle pertaining to cannabis; 3) prohibit arrests, searches, seizures of citizen's property based on reasonable suspicion, probable cause indicating the presence of cannabis; 4) retroactively apply to persons currently arrested, previously convicted for possession, sale, purchase of cannabis be expunged, and; 4) create an execution board that will propose these amendments in existing law and rules for the execution of this initiative.

- The Office of the Attorney General (OAG) submitted a written opinion to the Board on the propriety of the initiative which concluded that the initiative does not present a proper subject for initiative because it is an impermissible law appropriating funds.
- At a special board meeting the Board heard testimony from the proposer, Ms. Dawn Lee-Cary and numerous other witnesses, all of whom support the initiative, but their testimony did not address the question of whether the measure presents a proper subject. The Board also heard a summary of the OAG opinion as well as the recommendation from the OGC that the initiative be rejected on the ground that it does not present a proper subject because it amounts to a law appropriating funds. The OAG opinion was the only statement or testimony received in opposition to the initiative.
- The matter has been deliberated by the Board, which can only consider whether an initiative is a proper subject under the terms specified in the District Charter and the Election statute. Specifically, a proposed measure must:
 - Comply with the terms of Title IV of the District of Columbia Home Rule Act
 - Have been accompanied by a verified statement of contributions
 - Be submitted in the proper form
 - Not authorize or have the effect of authorizing discrimination prohibited under the Human Rights Act
 - Not negate or limit a budgetary act of the council of the District of Columbia
 - **BOARD ACTION:** Unanimous vote that the initiative is not a proper subject for ballot access.
- The initiative, the New Modern-Day Criminal Justice Cannabis Reform Act of 2020 is therefore not accepted, pursuant to D.C. Official Code 1-1001.16(B)(2) and the full opinion will be posted on the BOE elections website.

PUBLIC MATTERS

- Dorothy Brizill
 - Raised concerns about citizens and observers not being allowed into the audit conducted by the BOE on November 23 and 24 due to the public health emergency, although D.C. Code §1001.09a(f) states “the audit shall be conducted in public view so that members of the public are able to verify that votes are correctly classified and tallied.”
 - Feels the law was violated because, although the Board made observation of the audit available online for citizens and observers by placing cameras in both audit rooms to view in real time, viewers could not see what was being done, could not see ballots, and there was no audio.
 - Raised additional concerns about the Board limiting the view of the public and press who were invited to view the calibration and preparation of the voting machines on September 14, and denying access to see and observe the tabulation of the votes on November 3.

- **BOARD RESPONSE:** The Board focused on being in compliance with CDC recommendations relative to social distancing due to the pandemic, while following the rules regarding the observation and tabulation of votes. Since the Board provided cameras to view the audit process, there was no violation of the law.
- Gary Griffith
 - Asked the Board to repeat the winner for ANC 2A01
- Ms. Gaal
 - Asked who was declared the winner between Lindsey Botts and Walter Peacock, and the district they represented.

ADJOURNMENT (1:07 p.m.)