GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

OCTOBER 13, 2021

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The District of Columbia Board of Elections convened via Videoconference pursuant to notice at 11:00 a.m. EDT, Karyn Greenfield, Board Member, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

KARYN GREENFIELD, Member
MIKE GILL, Member

BOARD OF ELECTIONS STAFF PRESENT:

MONICA H. EVANS, Executive Director
TERRI D. STROUD, General Counsel
CECILY COLLIER-MONTGOMERY, Director,
    Office of Campaign Finance
WILLIAM SANFORD, General Counsel, Office
    of Campaign Finance

MYISHA THOMPSON, Election Service
    Specialist
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P-R-O-C-E-E-D-I-N-G-S

(11:10 a.m.)

MEMBER GREENFIELD: We'll go ahead and ascertain a quorum. I'm here, Karyn Greenfield. Mike Gill is also --

MEMBER GILL: Mike Gill is present, also.

MEMBER GREENFIELD: -- also present, okay. We're going to go ahead and move to adopt the agenda, as you see, here, and the approval of the minutes, from the meeting on August 26th, can I get a motion?

MEMBER GILL: Motion to adopt the agenda.

MEMBER GREENFIELD: And, can I get a vote, Mike?

MEMBER GILL: I'm in favor.

MEMBER GREENFIELD: I am in favor also, so that's going to be accepted. We'll move on to Board matters. Mike, do you have any Board matters?

MEMBER GILL: I do not have any.
MEMBER GREENFIELD: And I don't, either. So now, we'll go ahead with the General Counsel's Report. We'll start with the issuance of the petition, in support of the Initiative Measure Number 82, the District of Columbia Tip Credit Elimination Act 2021.

Can I have the initiative proposer and then the registrar state their names and addresses, we'll start with the proposer, state your name and address, for the record.

MR. O'LEARY: My name is Ryan O'Leary and my address is 1665 Lamont Street, Northwest, Washington, DC.

MEMBER GREENFIELD: And can I have the registrar? State your name and address for the record.

Are you still on the line?

Yes.

(Pause.)

MEMBER GREENFIELD: Karyn, can you unmute?

Karyn, registrar?
Okay, we'll hold on a minute.

(Pause.)

MEMBER GREENFIELD: Do we have the registrar, yet?

Okay. We can hold on a few minutes, everybody.

(Pause.)

MEMBER GREENFIELD: So the registrar's designee is Myisha Thompson, an employee with the Board of Elections.

That's all fine, I just wanted you to state your name and address, just for the address.

MS. STROUD: Can everyone hear Ms. Thompson?

MEMBER GREENFIELD: Oh, he's going to give her a microphone.

(Pause.)

MEMBER GREENFIELD: He's here?

Okay, so yes, all I needed was your name and address, right now.

MS. THOMPSON: Myisha Thompson, 1015
MEMBER GREENFIELD: Okay. And, now, we'll go ahead and, Terri, give the -- provide the background, with respect to where we are, in the process.

MS. STROUD: Okay, thank you. Good morning, everyone. Monday, September 20th, 20 -- on Monday, September 20th, 2021, the Board formulated the language for the District of Columbia Tip Credit Elimination Act of 2021, which was approved, as a proper subject, in an oral ruling issued on Thursday, August 26th.

The formulations were published in the DC Register, on Friday, October 1st, 2021, for a ten-day review period, during which, any registered voter could challenge the Board's formulations, in the DC Superior Court.

The review period ended on Tuesday, October 12th, in light of the holiday, on Monday, October 10th. We have been in contact with the DC Superior Court's Clerk Office, generally, and for the Civil Division, and have checked the
Superior Court docket, online, and we have not
been served with anything, and so no challenges
have been filed, it appears.

Accordingly, the Board's formulations
are deemed approved. I will now read into the
record the formulations for the initiative, as
they were published in the DC Register.

Initiative Measure Number 82, short
title, District of Columbia Tip Credit
Elimination Act of 2021, the summary statement is
as follows.

Under current law, employers of
employees classified, as tip workers, may take a
credit against tip wages received by workers, to
satisfy the minimum wage guarantee to all
workers, by law.

If enacted, the initiative would
gradually eliminate the credit, such that, the
mandatory base wage, open parens, currently
$5.05, per hour, indexed to inflation, close
parens, paid by employers shall increase until
2027, when the mandatory base wage matches the
minimum wage, established by District of Columbia law, open parens, currently $15.20, per hour, indexed to inflation, close parens, tips continue, as property of employees and will be an addition to the statutory minimum, statutory minimum hourly wage.

And Brandon, if you could show the petition? Okay, so this is the petition that we have drafted, in support of the circulation of Initiative Measure Number 82.

I just wanted to note that, it is a one-sided petition sheet. There used -- our Board issued petitions used to be and may still be double-sided, with space for 20 signatures.

That was a requirement that was removed from the law in recent legislation affecting the initiative and referendum process in the District of Columbia.

And so this is a single sheet that is one-sided that has a space for five signatures, which enables, allows more easily for electronic provision of the petition to the proposers and
initiative circulators.

And, Mr. O'Leary, you have seen a copy of the Initiative, which is what appears on the screen, right now, is that correct?

(Pause.)

MR. O'LEARY: Yes, I have.

MS. STROUD: Okay.

MEMBER GREENFIELD: Okay. So Mr. O'Leary, I'm going to -- you formally adopt the petition as your own?

(Audio interference.)

MR. O'LEARY: I do.

MEMBER GREENFIELD: Okay. So can I get a motion that the Board approve for issuance the petition form adopted, by the proposer, for the District of Columbia's Tip Credit Elimination Act of 2021?

MR. O'LEARY: I make a motion to adopt.

MEMBER GREENFIELD: Can I get a vote?

MR. O'LEARY: I vote aye.

MEMBER GREENFIELD: I also vote aye,
so that's one -- that's going to pass. Can I --

(Audio interference.)

MEMBER GREENFIELD: -- I have the registrar read the signature requirement report for the Initiative into the record?

MS. STROUD: Yes. As you are aware, the petition submitted, in support of Initiative Measure Number 82, District of Columbia Tip Credit Elimination Act of 2021, must contain the valid signatures of five percent of the voters, of the voters registered in the District of Columbia.

Provided that this total includes five percent of the registered voters and each of five or more wards, in order for the measure to be placed on the ballot.

Pursuant to DC Official Code Section 1-204.102, the number of registered voters used to compute these requirements is the latest official counts of the registered voters, by the Board of Elections, which was issued 30, or more, days, prior to this admission of signatures.
While the signature requirement cannot, yet, be determined, I have calculated the information of the proponent and the public, what these requirements would be, if the most recent voter registration figures published, by the Board, were used.

The proponent is advised to check with the Board, on a monthly basis, as new statistics are issued, to get up-to-date estimates of the signature requirement.

In addition, the 180-day period, for the circulation petition, pursuant to DC Code, DC official Code, Section 1-1001.16(j)(1) expires on Monday, April 11th, 2022, at 5 o'clock p.m.

MEMBER GREENFIELD: Okay. Thank you. Mr. O'Leary, do you have any questions?

MR. O'LEARY: No, no questions. I just wanted to thank the Board of Elections, I, as much as I can, for how easy this process was and for all of the support that you were able to offer me in, in the process. Thank you very much.
MEMBER GREENFIELD: Okay, thank you.

We'll go on with the General Counsel's Report.

MS. STROUD: Okay. Thank you. The first -- well, the second item on my, my agenda is rulemaking and I have three pieces of final rulemaking and one piece of proposed rulemaking.

The notices of emergency, under proposed rulemaking, with respect to each of these three pieces of final rulemaking, which I will discuss, were published in the DC Register, on September 3rd, 2021.

The first would amend Chapter 6, to reconcile it with the Initiative and Referendum Process Improvement Amendment Act of 2020, which provides that a write-in candidate must declare their candidacy, no later than 4:45 p.m., on the third day, immediately following a primary election, and no later than the seventh day, following the general, or special, election.

The second piece of legislation of rulemaking would amend Chapter 7, to reconcile it with the primary date Alteration Amendment Act of
2019, which mandates that an election's early
voting period may last for no more than 12 days.

And the final piece of final
rulemaking would amend Chapter 11, to outline the
rules that shall apply to the counting of words
in a proposer's statement in a recall notice, as
well as, to the elected official's response
thereto.

No comments were received, with
respect to any of these notices, so I would ask
that, with respect to each of them, the Board
take action to allow for the submission of these
notices to the DC Registers, so that they may
become final, upon publication.

MEMBER GREENFIELD: Okay, can I get a
motion to submit the final rulemaking to the DC
Register?

(Pause.)

MEMBER GILL: I'm sorry. I make a
motion to submit to the DC Register the three
rulemakings, as listed in the published agenda.

MEMBER GREENFIELD: Okay. Can I get
a vote, Mr. Gill?

MEMBER GILL: I vote aye.

MEMBER GREENFIELD: I also vote aye.

So that's passed. Can we go on?

MS. STROUD: Okay. Next, I have

proposed, proposed rulemaking for Chapter 7, the

Board's Regulations. It has been Board practice

and policy, to allow for curing of special

ballots, with respect to individuals, who for

purposes of registering, other than in person, at

the Board, or individuals, who are same-day

registrants, these individuals are required to

show proof of residence or identity at the time

of voting.

And, if they do not, the Board has

allowed, up to two days, after the election, for

them to provide such proofs, so that their

ballots may be cast -- may be counted.

And so this rule will simply codify

the Board's policy and practice and establish

that, individuals, who must show proof, which is

not all District voters, this is only two
discreet categories of voters.

Again, same day registrants, who do not provide proof of residence, at the time of voting, and individuals, who registered by mail, or online, and who, for circumstances surrounding the inability to provide, or for the Board to locate a match for them, in an existing database, are required to provide proof of identification.

It is not the Board of Elections, or District Government policy to require residents, generally speaking, to provide proof of identification, at the poles.

So this rule would allow for voters to provide proof of residence, within -- by the second day, after the election in which they have voted.

And so I will ask the Board, now, to take action to allow for the submission of this notice of proposal rulemaking to the DC Register to commence the comment period.

MEMBER GREENFIELD: Okay. So I'm going to ask for a motion to submit this proposal
into the DC Register?

MEMBER GILL: So I, I was going to ask, Terri, to make sure she explained it, but you did explain it.

MS. STROUD: Yes.

MEMBER GILL: So -- so just reiterating that the -- that, typically, that's not required.

MS. STROUD: Yes.

MEMBER GILL: If you're a registered voter and everything's in order, to provide ID. So I make a motion to allow for the proposed rulemaking to be sent to the DC Register.

MEMBER GREENFIELD: Okay, can I get a vote, Mr. Gill?

MEMBER GILL: I vote aye.

MEMBER GREENFIELD: And I, also, vote aye. Thank you.

MS. STROUD: Okay. So this rulemaking, just for informational purposes, will be published, not in this Friday's edition of the DC Register, but in next Friday's edition of the
DC Register, which will begin a 30-day comment period, with respect to the rulemaking, and if no comments are received, we will take final rulemaking action, after that point.

And, the final matter on my agenda is litigation status. We have one active case, Long versus the DC Board of Elections. I brought this to the Board's attention, at the last regular meeting.

This matter was filed in DC, Superior Court, on July 2nd, of this year, and it's 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 the check stopped, causing him to have a negative balance and a return check fee.

(Audio interference.)

MS. STROUD: The Board is being represented in this matter, by the Office of the Attorney General, which serves, as counsel, for the Office of Finance and Resource Management,
the entity that handled the issue, once a pole
worker checks for the Board.

There was an initial hearing, an
initial hearing, on August 9th, it was continued
to yesterday, October 12th, and now has been
continued to December 14th.

MEMBER GREENFIELD: Okay.

MS. STROUD: And that concludes the
report of the Office of the General Counsel.

MEMBER GREENFIELD: Okay, thank you.
Can we go on to the Executive Director's Report,
Monica?

MS. EVANS: Yes. Good morning. As
you know, we've been working on the
implementation of a new voter registration
system, for the past few years.

There were a number of challenges that
we faced, as the system was going through the
implementation process, including the biggest
challenge of all, the unpredictable events,
brought on by COVID.

Even though, we halted the full
transition to the new system, at the end of 2019, there were nonetheless, some aspects of the project that were ongoing, which had to be halted, as well. The process resumed in 2021.

Subsequent to going through extensive user testing and mock elections, to ensure the readiness of the system, on September 28, the new voter registration system, Voter Focus, was fully implemented and has replaced the former Integrity System that has been in operation for 20 years.

That system operated off of Legacy technology that required many patches to meet our needs. The enhancement is quite an achievement and the new system provides many upgraded features to our voter registration system that the staff is very excited about.

Voter Focus provides a greater bandwidth, on a new platform, to add more users to the process, provides ease, with navigation, through the registration process, and gives automatic error checking when voter information is processed.
For instance, when inputting an address, the system will provide an automatic flag like -- that something is incorrect with the address.

Overall, the system will provide much better functionality, on the user side, and better security. There will be very little, if any, difference noticed on the recipient end.

Voters will probably not recognize anything significantly different, but operationally, it is a step in the 21st Century that was long overdue.

Of course, there's still a learning curve, as staff members work through navigating the changes with the new system. But, so far, it appears to be very user friendly and everyone is gaining confidence, as they continue daily use of Voter Focus.

Vaccine status. As reported last month, BOE is following the Mayor's order of requiring everyone to be fully vaccinated, or undergo weekly COVID testing. As of now, BOE is
over 90 percent compliant, with staff vaccination status reporting.

This is over the 60 percent that was reported last month. As I indicated then, I will continue to monitor and ensure that the Agency complies fully with the Mayor's order.

Voter Outreach. During the month of September, the Voter Education and Outreach Division participated in many outreach events, on behalf of the Agency. As you may recall, September brings National Voter Registration Day, which this year was held on September 28.

The Agency took part in a number of events that highlight the National Voter Registration Day, including events at United Medical Center, Georgetown University, George Washington University, and Ron Brown College Prep High School, in North East.

Overall, we've participated in 22 outreach events, during the month of September. Other events included the Eighth Street Festival, high school registration events, and the grand
reopening of Martin Luther King, Jr. Memorial Library.

Voter Registration. The Board Status Services Division has been busy, over the past month, and has processed 3,532 voter ID cards, 166 cure letters for incomplete registration, and that would include things like missing signature, or illegible applications, and 1,844 cancellation notices sent to other jurisdictions and states for voters registered in DC.

The Division has also processed 3,002 address changes, within DC, based on information received from the Post Office. These are for voters to update their voter registration information.

This information has been processed in-house and the next mailer has not been released from the vendor, as an expected to be mailed this week.

Election Worker Training. Election workers will be introduced to online training, as a compliment to in-house hands-on training this
The four-hour mandatory training will still take place in person. The online training will be used, as a tool to assist and provide an introduction to the in-class training, for all election worker positions.

Further, the online training will be accessible for any election worker, who would like to refer to it, as a refresher, once they have completed their in-person training.

And that concludes my report.

MEMBER GREENFIELD: Thank you.

Rolling out of the Campaign Finance Report, Cecily?

MS. COLLIER-MONTGOMERY: Yes. Good morning. The first thing I would just like to point out, to members of the public, is that the revised fact sheet, information sheets, for the Peer Elections Program and, also, for the Traditional Program, have been posted at the, at the OCS Website.

And these fact sheets pertain to
information that candidates and, also, other
interested parties may need, for 2022 election
cycle.

Information is, also, concerning the
contribution limits, as well as, the following
deadlines in both programs. There were no
community outreach events, during the month of
September, 2021, in which the Office
participated.

In the Fair Elections Program
Division, for the month of September, 2021,
again, I would report, on the record that, during
the 2020 election cycle and the 2020 special
election cycle, the total sum of $4,016,797.64
was disbursed from the Fair Elections Fund, base
amount and matching payment, to the 36
candidates, who participated in the Fair
Elections Program, during those elections, which
were held, during the 2020 election cycle.

As of September the 30th, 2021, during
the '22 election, 2022 election cycle, the total
sum of $97,555 has been disbursed, from the Fair
Elections Fund, in base amount and matching payment, to the two candidates, who have been certified to participate in the program, in the June 21st, 2022 primary election.

We did certify two candidates in the Fair Elections Program, for the 2022 election cycle, during the month of September. They are Gordon Fletcher for Ward 5, he was certified on September the 1st, 2021.

The candidate was certified, as participating candidate in the program, for the covered office of member of the council, from Ward 5, during the June 21st, 2021 primary election. The sums of $29,430 in matching payments and $20,000 for one-half of the base amount payment was authorized for disbursement.

The second candidate, who was certified, during the month of September, was Cheh 22 -- 2022, on September the 1st, 2021. The candidate, Mary Cheh, was certified, as a participating candidate in the program, for the covered office of member of the council, from
Ward 3, during the June 21st, 2021 primary election. The sum of $48,125 in matching payments was authorized for disbursement to the candidate.

Also, in the Fair Elections Program, during the month of September, the program conducted three desk reviews of termination and amended reports of receipts and expenditures, which had been filed and it issued one request for additional information, with respect to the desk review on the financial reports.

As of September the 30th, 2021, the total sum of $140,686.88 has been remitted for deposit in the Fair Elections Fund, from the campaign operations of those candidates, who participated in, both, the 2020 special elections and the 2020 election cycle.

There are 34 post-election audits, which are currently ongoing, in the Fair Elections Program, at various stages, including, the audit documentation has been received and the audit is in process, or matters have been
referred to the Office of the General Counsel, for enforcement proceedings, where there has been a failure to comply with audit requests for additional information.

The status of each of those audits is contained in the report and the report will be posted at the OCF Website, before the end of business, today.

In our Public Information and Records Management Division, there was one financial report, which was due, during the month of September, and that was by our legal defense committees and is the 18th report of receipts and expenditures, it was due on Wednesday, September the 1st, 2021, and the report was timely filed.

Also, the Public Information and Records Manage Division referred 28 committees to the Office of the General Counsel, for the failure to timely file the July 31st Report of Receipts and Expenditures and that includes, principle campaign committees, from both programs, as well as, Political Action
Committees, Initiative Committees, and one Referendum Committee.

During the month of September, there were new candidates and committees, who registered with the Agency. In our traditional program, we currently have nine candidates, who are registered to participate, during the 2022 election cycle.

And, most recently, Anita Bonds, Counsel at Large, registered on September the 1st, 2021, in the Traditional Program. There are currently eight candidates, who are registered to participate in the Fair Elections Program, during the 2022 election cycle.

Most recently, the following candidates registered in September, 2021, Erin Palmer, for Council Chairperson, registered on September the 23rd, 2021.

Sharece Crawford registered, as a candidate for Counsel at Large, on September the 3rd, 2021. Brianne Nadeau registered for Board Member of the Council, on September the 14th,
2021, and Faith Gibson Hubbard registered for
Member of the Council, from Ward 5, on September
the 28th, 2021.

There were no new registrations, for
our initiative, so maybe -- there are currently
three, who are registered. With our candidates
in Treasury, to have completed the OCF, Entrance
Conference presentation, for September, 2021,
there were nine candidates and treasurers, who
participated in the mandatory conference program
and their names, again, are listed at our, in our
report, and our report will be posted, before
close of business, today.

In our Reports Analysis and Audit
Division and that is our traditional audit
program, during the month of September, actually,
from August the 23rd through October the 8th, the
Reports Analysis and Audit Division conducted 68
desk reviews of reports of receipts and
expenditures that had been filed with the Agency.

There are no audits issued, however,
there are ongoing audits, which are, presently,
being conducted in the Traditional Audit Program and they are as follows.

We have two full-field audits, which are being conducted of newly-elected officials. The first is Brooke Pinto, from Ward 2. The second is Jack for DC, at-large, school, State Board of Education.

As far as candidates in the upcoming 2022 election and political action committees, we did initiate two audits of the July 31st, 2021, report and those audit notification letters were issued on August the 6th, 2021. The two committees which are involved in the audit process are Mendelson 2022 and the Ward 6 Democrats.

With our Constituent Service Programs, we initiated two audits of the October the 1st, 2021, report of receipts and expenditures. The first is Mayor Bowser's Constituent Service Program, the -- an audit notification letter was issued, on October the 8th.

And the second is the Our Ward 5
Constituent Service Program and the notification letter was issued, on October the 8th. In terms of the status of each of the ongoing audits, which are currently in the Traditional Audit Program that, the status of each audit is reported in our reports as well.

And again, I will post the audit report before the end -- I'm sorry, not the audit report, the activity report of the Office of Campaign Finance, before the close of business, today.

And, again, the last thing I would like to indicate to Members of the Public is that the financial reports, which are received by us, which are submitted electronically by registered candidates and committees, are available for review at our Website.

And, also, our audits, once they become final, they are also posted, at the Website, for public review. I would ask, Mr. Sanford, to give the Report of the Office of the General Counsel, for the Agency.
MR. SANFORD: Thank you. Good morning, distinguished Board Members. My name is William Sanford, General Counsel, for the Office of Campaign Finance.

During the month of September, 2021, the Office of the General Counsel received 37 referrals and issued 34 others, which included the following.

Twenty-nine orders were issued, in which, fines totaling $52,900 were imposed. One order was issued, in which, the fine was suspended, and four orders were issued, in which, the notice of hearing statement of violations were vacated.

I will not read all 29 orders that imposed the fines, into the record, but they will be -- they are available for review, at our -- at the LCF Website.

During the month of September, 2021, the Office of the General Counsel collected a total of $2,250 in fines, they include the
following.

A $200 installment on the fine of $1,000 that was imposed against the candidate and Treasurer of the Patrick Kennedy for Ward 2 2020 Special Election Principle Campaign Committee was received.

And, a $2,050 fine was received and that fine had been imposed against the John Fanning for Ward 2 2020 Principle Campaign Committee.

During the month of September, the Office of the General Counsel received and issued two requests for interpretive opinion. The requests were both submitted by Thorn Pozen, Esquire. Mr. Pozen is a partner in the law firm of Goldblatt, Martin and Pozen.

The first request was submitted on the 26th of August, 2021, and the issue was, whether or not, funds received by Fair Election candidates, from non-residents of the District of Columbia may be segregated and used to establish constituent services fund, at the conclusion of
an election cycle, if the candidate is successful.

The Office of the General Counsel issued an opinion, indicating that that was not acceptable, or allowable, because the law and statute does not provide for any segregation of funds, by -- that are donated, by non-residents in the Fair Election Program.

The second request was also submitted by Mr. Pozen, on -- and it was submitted on August 31st. By the way, the first request was issued on the September 10, 2021.

Second request was submitted on the 31st of August, 2021, and the issue was, whether or not, an a 501(c)(4) nonprofit organization may be used to fund an independent expenditure committee that would, in turn, make expenditures in campaigns.

In an Opinion, issued on the 30th of September, the Office -- 2021, the Office of the General Counsel indicated that that would not be advisable, because it would, perhaps, and most,
more than likely, circumvent the disclosure provisions, under the Campaign Finance Act, regarding disclosure and the bundling provisions.

Both Opinions are available at the Office of Campaign Finance Website and they were issued, as I indicated, on September 10th and September 30th, 2021.

During the month of September, 2021, there were no open investigations and, during the month of September, 2021, there were no show cause proceedings adopted by the Office of the General Counsel. And that should conclude my report.

MEMBER GREENFIELD: Thank you. With that done, we can now move on to public matters. If anyone has questions, or, or something they want to bring up, please make sure you start with your name and address. I would say if you can raise your hands, so we can figure out who to unmute.

(Audio interference.)

MEMBER GREENFIELD: Just unmute.
MS. BRIZILL: This is Dorothy Brizill, I would like raise a public matter.

MEMBER GREENFIELD: Okay, go ahead.

MS. BRIZILL: I would like to ask the General Counsel a couple of questions, regarding her proposed rulemaking. But, let me make a general comment.

When the agenda is prepared and there is rulemaking indicated, what is happening on the agenda is, it says, for example, on today's agenda it says, amend Chapter 6, amend Chapter 7, amend Chapter 10, amend Chapter 7.

I have received inquiry from people saying, where are these chapters? It wouldn't add too much to the agenda to indicate that, what you're saying is, amend Chapter 6 of Title 3 of the DC Municipal Elections, regarding elections in essence.

I -- I think that, in terms of your shorthand notation, it makes it very difficult for people, who are interested in the subject, to do any research.
That is just a suggestion and I don't know, why the shorthand notations are being used. Can I get a comment, from Ms. Stroud?

MS. STROUD:  Not a bad suggestion, thank you.

MS. BRIZILL: I have a, a particular question, regarding the proposed rulemaking. The proposed rulemaking, which will be published in the DC Register, gives an individual, until the second day, after the election, to provide proof of identity and address.

Given the times we find ourselves in, where much, much of District Government is still closed and one of the items that you suggest for providing this proof, is a DC, Government-issued ID, how do you anticipate people, within a two-day turnaround period, would be able to get a, a DC Government ID?

Especially, since most instances, it's, it's a matter of getting an appointment to go to DMV, the Department of Motor Vehicles, and as you know, appointments are taking weeks to
Moreover, in terms of utility bills, there are horror stories of people being on hold for two, three, four, five hours, to get through to the Washington Gas.

So my question is, is that, was there something that prompted this proposed rulemaking and is it actually realistic to suggest that people have, in essence, less than two days to provide this identity and/or address?

MS. STROUD: Well, the individuals have notice, at the time that they go and vote, because it's something that, you know, we publicized that, you're supposed to bring proof of identification, when you vote.

And in most instances, the reason they don't have it, is because they left it at home, they forgot to bring it. So this is, really, not expecting people to go around, go, you know, from the time of voting, and only have two days to request this form of ID.

So this is really for those instances,
in which, people have forgotten to bring it, which is more often than not, the reason why they don't have it, at the time.

And individuals have taken advantage of this curing process. And this has been something that we've done, I think, since about 2010, but we just didn't have a rule to codify that practice and so this is all that is.

MEMBER GILL: Well and, I guess, let's, let's, let's talk through this. So the, the, the people that are being effected by the two days and the Government shutdown would be somebody, who does not have a DC driver's license and votes --

MS. STROUD: But that's not the only form of --

MEMBER GILL: -- the day of the -- right, so --

MS. STROUD: -- you know -- okay.

MEMBER GILL: -- so they, they manage not to have a utility bill and, and so yes, it takes a long time to get through the power
company, but if you're a resident, you get a bill, so --

MS. STROUD: You do get a bill.

MEMBER GILL: -- so this is somebody who has moved and not had time to get a bill, who has moved here and not had time to get a driver's license, and then votes essentially the day of the election and now has two days to cure. I -- I -- I think the rule fits.

I mean, I can't imagine that that's a large group percentage of people that move and don't get a bill, within the first month, or move and don't get a driver's license, within the first month. So I, I don't know how to make it any clearer than it is.

(Simultaneous speaking.)

MS. BRIZILL: I -- I would like to comment to Mr. Gill's statement. Mr. Gill, I don't know if you're aware of it, but many people, who are renters, are living with relatives do not in fact receive a separate utility bill.
In many instances, if you are a renter, for example, your utility may be included in, in, in, in your lease arrangement, or if you're living with a relative, you probably don't even have a lease.

My question is, is that, it was my understanding that, to vote in the District of Columbia, proof of identity and/or address is not required to be shown, at a polling site, am I correct, Ms. Stroud?

MS. STROUD: It's only for a limited category of voters. It's not for -- this is not a broad, as I explained, when I was talking about the rulemaking, initially.

This is for a category of voters that is carved out under the Help America Vote Act, which says that, if you are a first time voter, in the District, who registered, other than in person, the law expressly says by mail, and we've not been able to match you in database against an existing database, then, for this finite, for this small group of voters, they are required to
provide proof of identification.

MS. BRIZILL: I appreciate your amendment of your statement. What your statement initially suggested was that, voters in the District of Columbia coming to the polls are supposed to come prepared with proof of identity and an address.

(Audio interference.)

MS. BRIZILL: What it is is essentially a situation wherein a small segment of these people may be asked or required to provide it.

But your initial statement indicated that everyone was supposed to come to the polls, and that is simply not the law in District of Columbia.

MEMBER GILL: That's not what she said, because I made a point of asking for this clarification, earlier, before we started the hearing and Terri did make that clear that this was a small percentage of people that would be bound by this.
MS. BRIZILL: Well, Mr. Gill, the
great thing about the Board of Elections, it has
a court reporter. Ms. Stroud's initial response
to my question was, through its facts, state
that, people are not coming to the polls with the
required documentation, in terms of identity
and/or address, and that is not a requirement in
District law.

She amended her statement to say that
she was actually speaking of a small segment of
individuals, who are first time voters. Now, I
have no idea what she discussed with you, in your
closed door meeting, but that is not what she
stated on the record, when I asked the question.

MEMBER GREENFIELD: Actually, Ms.
Brizill, your two minutes are up. But, when she
did present the proposed rulemaking, she did
state that on the record.

I -- I'm not saying that she answered
your question, but when she presented the
proposed rulemaking, she clarified that, at that
time, so I think we now understand it and have
clarity, so we will move on.

Just so -- everyone, you have two minutes, in terms of public matters. Do we have anyone else?

We don't have anyone else, we can go ahead and adjourn, and I'll ask for a motion to adjourn.

MEMBER GILL: I make a motion to adjourn.

MEMBER GREENFIELD: A vote?

MEMBER GILL: I vote aye.

MEMBER GREENFIELD: I vote aye. Thank you and thank, everyone, for attending.

(Whereupon, the above-entitled matter went off the record at 11:57 a.m.)
CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DC BOE

Date: 10-13-21

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

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Court Reporter