

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

+ + + + +

REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

OCTOBER 7, 2020

+ + + + +

The District of Columbia Board of Elections convened via Teleconference, pursuant to notice at 10:32 a.m. EDT, 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
- TERRI D. STROUD, General Counsel
- WILLIAM SANFORD, General Counsel of the
Office of Campaign Finance
- CECILY COLLIER-MONTGOMERY, Director of the
Office of Campaign Finance

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P-R-O-C-E-E-D-I-N-G-S

(10:03 a.m.)

MEMBER GREENFIELD: We're going to go ahead and call meeting to order. First I want to make sure we have a quorum. The chairman is not here. I am here, Karyn Greenfield. Mike Gill, you're here?

MEMBER GILL: I'm here, Karyn.

MEMBER GREENFIELD: Okay.

MEMBER GILL: Can you hear me?

MEMBER GREENFIELD: Yes, I sure can, Thank you.

MEMBER GILL: All right.

MEMBER GREENFIELD: So we do have a quorum. We'll move on to a motion of the approval of the minutes. We'll first move to approve the minutes. Can I get a motion to move -- approve the minutes from the last Board meeting?

MEMBER GILL: Yes, I make a motion to -- can I approve the agenda at the same time? I'd like to make a motion to approve the agenda

1 and approve the minutes from the September Board
2 meeting.

3 MEMBER GREENFIELD: We have a amendment
4 to the agenda, so I'm going to do the minutes and
5 then we'll go back to the agenda.

6 MEMBER GILL: All right.

7 MEMBER GREENFIELD: Okay.

8 MEMBER GILL: All right, so a motion to
9 approve the minutes from the last Board meeting.

10 MEMBER GREENFIELD: Okay, I second.

11 All in favor?

12 (Chorus of ayes.)

13 MEMBER GREENFIELD: Okay. The minutes
14 have been approved and passed. Now to the
15 adoption of the agenda. I want to amend it to
16 include final rulemaking on this agenda, so we'll
17 address that. Can I have a motion to approve the
18 agenda as amended?

19 MEMBER GILL: I make a motion to
20 approve the agenda as amended.

21 MEMBER GREENFIELD: I second the
22 motion. All in favor?

1 (Chorus of ayes.)

2 MEMBER GREENFIELD: Okay. That has
3 been moved and properly passed.

4 Okay, we will now move into Board
5 Matters. Mr. Gill, do you have anything for
6 Board Matters?

7 MEMBER GILL: Just quickly -- and Alice
8 maybe I'll just think about it now, and I'll ask
9 the question during your report, but I'm just
10 curious where we are now with and who, you know,
11 hired employees for the actual election date, and
12 then volunteers for the election date. I'm
13 curious on those.

14 Also, Alice, I want to ask the
15 question on your report regarding -- I know we've
16 called -- we started the process a couple years
17 ago in terms of, you know, voters who have passed
18 away and things like that, and as that process is
19 ongoing. We also have a process that if you
20 don't vote for a number of elections you get
21 brought off the rolls, but none of that took into
22 account that suddenly we would be doing mail in

1 ballots, which we've decided that -- as a Board
2 that that's the right thing to do because of
3 health concerns, sending everyone a ballot.
4 Invariably there's going to be people who have
5 passed away who are getting ballots, and I want
6 to just ask about addressing that and giving
7 people comfort that that's not a surprise that's
8 part of the calling of the system that's been
9 ongoing, but there's going to be that issue. It
10 is fraud to take one of those ballots and turn it
11 in. In the past, before we had the pandemic, the
12 way we handled this is that dead people have a
13 strong preponderance not to show up at the polls,
14 and so it's something we deal with, but it's not
15 something that has been a fraud problem in
16 previous elections. Just the heads up that I
17 also want to talk about those things.

18 MS. MILLER: Sure.

19 (Simultaneous speaking.)

20 MEMBER GILL: I don't have any
21 questions right now.

22 MS. MILLER: Some of that is actually

1 covered in my prepared report.

2 MEMBER GILL: I can barely hear you,
3 Alice. I don't know if others are having
4 trouble.

5 MS. MILLER: I said some of that is
6 actually covered in my prepared report.

7 MEMBER GILL: Oh, good. Well see I'm
8 ahead of things.

9 (Laughter.)

10 MS. MILLER: Yes, you are, as always.

11 MEMBER GREENFIELD: Okay. The only
12 thing I would like to say is just thank the team
13 for everything they've done so far getting ready
14 for this election, and thank you in advance for
15 all the hard work that's coming and that's going
16 forward to get us to November 3rd.

17 We'll now move on to the Campaign
18 Finance Report. Cecily, will you report.

19 (No audible response.)

20 MEMBER GREENFIELD: We can't hear you
21 Cecily. Hold on.

22 (Whereupon, the above-entitled matter

1 went off the record at 10:36 a.m. and
2 resumed at 10:40 a.m.)

3 MS. COLLIER-MONTGOMERY: The first
4 thing I will report is that the Agency continues
5 to operate under a modified status. All of our
6 services continue to be provided remotely via
7 email and also by telephone. We can be reached
8 at 202-671-0547.

9 I would report that on September the
10 29th and the 30th, 2020, the office of Campaign
11 Finance hosted the virtual 2020 DC debates for
12 the November the 3rd, 2020 general election
13 contest for at-large member of the State Board of
14 Education and at large member of the Council of
15 the District of Columbia.

16 The debates were the normal debates
17 under the Fair Elections Program, and were live
18 streamed at 2020dcdebates.com. All candidates
19 certified in the Fair Elections Program were
20 required to participate in the debate, and all
21 candidates who achieved ballot access in the
22 traditional Campaign Finance Program were invited

1 to participate.

2 On September the 29th the At Large
3 Member of the State Board of Education Candidate
4 Debate was moderated by Perry Stein, the
5 Washington Post Reporter for Education, and a
6 total of six candidates participated. The
7 September the 29th and 30th debates for At Large
8 Member of the council were moderated by the
9 Washington Post reporter, Fenit Nirappil, and a
10 total of 18 candidates participated. Debate one,
11 which again was the Board of Education debate,
12 was held on September the 29th from 4:30 to 6:00
13 p.m. There were six participants.

14 The first debate for the at large
15 member of the council was held on September the
16 29th from 7:30 to 9:00 p.m. There were five
17 participants. The second debate for the At Large
18 Member of the Council was held on September the
19 30th, again, from 5:00 to 6:30 p.m. There were
20 seven participants, and the last debate for the
21 at large member of the council was held again on
22 September the 30th from 8:00 to 9:30 p.m., and

1 there was six participants.

2 Advertisements for the debates were
3 placed on bus exteriors on various routes
4 throughout the District of Columbia area, and on
5 15 area radio stations, and digital ads were
6 placed on the Internet. Press release and
7 information on the debates was also published on
8 the website at 2020dcdebates.com. There were 14
9 partners affiliated with the 2020 DC debates.

10 The videos of the debates are
11 available at OCF's 2020 DC Debates' website.
12 Again, www.2020dcdebates.com for continuous
13 viewing, and will remain online through the
14 November 3rd general election.

15 In the Fair Elections Program during
16 the month of September I would report that the
17 total sum of \$72,752.00 was authorized for
18 distribution in base and matching payments to the
19 following FEC participating candidates, on nine -
20 - on September the 10th a payment of \$600.00, a
21 matching payment, was authorized to James for
22 Ward 2, State Board of Education.

1 On September the 10th a matching
2 payment of \$400.00 was authorized for Lex Reed
3 (phonetic) 2020. On September the 11th a
4 matching payment of \$21,877.00 was authorized for
5 the Committee to Elect Mysiki Valentine. On 9/11
6 a base amount payment of \$10,000.00 was
7 authorized for the Committee to Elect Mysiki
8 Valentine.

9 On 9/11 a matching payment in the
10 amount of \$1,375.00 was authorized for Franklin
11 Garcia for DC 2020, as well as a matching payment
12 for the amount of \$1,150.00. On September the
13 16th a matching payment of \$15,650.00 was
14 authorized for Randy Downs, Ward 2.

15 On September the 28th a matching
16 payment of \$20,100.00 was authorized for the
17 Friends of Christina Henderson, and on September
18 the 29th a matching payment of \$600.00 was
19 authorized for the Committee to Elect Dontrell
20 Smith.

21 As of September the 30th, the total
22 sum of \$3,612,451.00 has been disbursed in base

1 amount and matching payments to the 35 candidates
2 who have been certified in the Fair Elections
3 Program to participate in the elections which
4 were held during this calendar year, the June
5 2nd, 2020 primary election, the June 16, 2020
6 special elections, and the November the 3rd
7 general election.

8 There are currently, again, 20
9 candidates certified as participating candidates
10 in the program for the November the 3rd general
11 election. Eleven candidates were certified in
12 the June 2nd, 2020 primary elections. Ten of
13 these candidates were defeated and, again, will
14 not continue to participate in the general
15 election. The four candidates who were certified
16 as participating candidates in the June 15th
17 special election were defeated.

18 During the month of September we also
19 certified three new candidates into the Fair
20 Elections Program for them to participate in the
21 November the 3rd, 2020 general election. The
22 first is the Committee to Elect Mysiki Valentine.

1 The Committee and the candidate were certified on
2 September the 11th, Ebony Rose Thompson for DC
3 State Board of Education Ward 7 were certified on
4 September the 11th, 2020. The Committee to Elect
5 Friends of Allister Chang were certified on
6 September the 11th, 2020.

7 Also the Fair Elections Program
8 conducted 29 desk reviews, and basically those
9 were of the optional August 31st to September
10 30th, and amended reports of receipts and
11 expenditures as a result of the desk request for
12 additional information.

13 Ongoing audits. In the Fair Elections
14 Program for the 2020 primary election the Fair
15 Elections Program is in the process of conducting
16 post-election audits. Notice of full field
17 audits were issued on June the 19th, 2020.

18 The status of the full field audits is
19 as follows, Kelvin Brown for DC Council, Ward 7.
20 The audit documentation has not been received as
21 of September the 4th. The matter was referred to
22 the Office of the General Counsel. A hearing on

1 the failure to file documents is scheduled for
2 October the 8th. Green for Ward 7, the audit
3 documentation was received on August the 6th,
4 2020. The audit is in progress. Evans 2020, the
5 audit documentation was received on July 31st.
6 The audit is in progress. Yilin for Ward 2,
7 audit documentation was received on August the
8 29th. The audit is in progress. Patrick Kennedy
9 for Ward 2, an extension was approved until
10 October the 12th for a commission of the
11 documents. Mike for Ward 8, audit documentation
12 was received on August the 14th. The audit is in
13 progress. Kishan for DC 2020, the audit
14 documentation was received on August the 6th.
15 The audit is in progress. Jordan Grossman for
16 Ward 2, the audit documentation was received on
17 August the 5th, and the audit is in progress.
18 John Fanning for Ward 2, an extension was
19 approved until October the 12th for submission of
20 the documents. Elect Renee Bowser, audit
21 documentation was received on August the 24th.
22 The audit is in progress, and it was referred to

1 the General Counsel and the hearing is scheduled
2 on the failure to timely file the documents, and
3 that's scheduled for October the 8th.

4 Again, I would point out that these
5 are the post-election audits that are being
6 conducted at the campaign operations of those
7 candidates who participated in the primary
8 election, and who were certified in the Fair
9 Elections Program and were defeated.

10 Also, we are conducting post-election
11 audits of the candidates who participated in the
12 special election. The notice of the full field
13 audits was issued on July 6, 2020, and the
14 candidates who are under audit are as follows: 1)
15 Kishan Putta, Kishan Putta for Ward 2 special
16 election 2020, an extension was approved until
17 October the 12th for the submission of documents.
18 John Fanning, John Fanning for Ward 2 special
19 election, an extension was approved until October
20 the 12th for the submission of documents. Jordan
21 Grossman, Grossman for Ward 2 special elections,
22 the audit documentation was filed on August the

1 14th, and the audit is in progress. Patrick
2 Kennedy, Patrick Kennedy for Ward 2 special
3 election, the extension was approved until
4 October the 12th for the submission of documents.

5 In our Public Information and Records
6 Management Division during the month of September
7 2020, there were three filing dates for the
8 reports of receipts and expenditures. The first
9 one was for the Legal Defense Committee. The
10 ninth report of receipts and expenditures was due
11 on September the 1st, 2020. There is one
12 required filer. The filer timely filed and
13 report was electronically filed with our
14 Initiative Referendum Committee.

15 A second report of receipts and
16 expenditures was due on September the 10th.
17 There was one required filer, and the filer did
18 timely file and electronically filed the report
19 with our Fair Elections Program for our Principal
20 Campaign Committee. September the 30th was an
21 optional report date for the candidates who were
22 certified in that program. We had ten who filed

1 the optional report, and all of the ten
2 committees electronically filed their report.

3 During the month of September we had
4 one candidate and committee that registered with
5 us, that is an exploratory committee, the Butler
6 Mayoral Exploratory Committee registered on
7 September the 21st, 2020. We also had two
8 candidates and treasurers who completed the
9 Entrance Conference presentation. The first was
10 Sarah Mehrotra, Candidate and Treasurer Committee
11 to Elect Sarah Shanti Mehrotra, Ward 2, State
12 Board of Education, Cathy Henderson, Candidate
13 and Treasurer Committee to Elect Cathy Henderson
14 for At Large City Council.

15 In our Reports Analysis and Audit
16 Division during the month of September 2020 the
17 audit branch conducted 36 reviews of reports of
18 receipts and expenditures that had been filed.
19 Again, I would just mention, or clarify for the
20 record, that this is the audit of the -- or desk
21 review of the reports that are filed in our
22 traditional campaign finance program.

1 The following are the ongoing audits
2 in the audit branch, and the first are the
3 periodic random audits, and these are of
4 candidates in the upcoming 2020 election, and of
5 the January 31st filing. The first is Friends of
6 Robert White. Audit records were received in
7 March 2020. The field work continues. Veda for
8 Ward 7 was initiated on March the 2nd. The field
9 work continues.

10 Committee to Elect Rogers for Council
11 for initiated March 2nd. Again, the audit field
12 work continued in that matter as well. We also
13 are conducting periodic random audits of a filing
14 by our Political Action Committee on January
15 31st. The first is Verizon Communications Inc.,
16 The Government Club Pact, which was initiated on
17 March the 2nd. The audit work is ongoing, the
18 field work. The DC Libertarian Party, which was
19 initiated March 2nd, again, the audit field work
20 continues. The Firefighters Committee on
21 Political Activities, which was initiated on
22 March 2nd, the audit field work continues.

1 We issued one audit during the month
2 of September, and that was of the Ward 4
3 Continuant Service Program. The audit report was
4 issued on September the 22nd, 2020. That was a
5 compliance audit, and the audit is available at
6 our website for review by members of the public.

7 That completes my report, but I would
8 now ask the General Counsel for the Agency,
9 William Sanford, to present his report.

10 MR. SANFORD: Hello, good morning.

11 (No audible response.)

12 MR. SANFORD: Hello, good morning.

13 (No audible response.)

14 MR. SANFORD: Hello, good morning.

15 MEMBER GREENFIELD: Hello, we can hear
16 you.

17 MR. SANFORD: Okay. Good morning,
18 Madam Chairman and distinguished Board Member
19 Gill. My name is William Sanford, General
20 Counsel for the Office of Campaign Finance.
21 During the month of September the Office of the
22 General Counsel received five referrals and

1 conducted six informal hearings, and issued six
2 orders in which no fines were imposed and no
3 fines were collected during that month. During
4 the month of September 2020, the Office of the
5 General Counsel maintained three open
6 investigations. They include the following:
7 Complaint filed by Jennie Malloy against Karl
8 Racine for Attorney General 2018. The allegation
9 is inappropriate use of campaign funds.

10 The investigation in this matter is
11 completed, however, we have been unable to issue
12 the order, because there's one missing report
13 that the Committee has been unable to provide
14 because their accountant became gravely ill and
15 expired during the process of this investigation,
16 and so we have extended the time for them to
17 provide that final document.

18 The second complaint is a complaint
19 filed by Chuck Thies. The Respondent was Anthony
20 Lorenzo Green. The allegation was inappropriate
21 use of a government resource. The final draft of
22 that order is under review and it will be issued

1 shortly.

2 The final investigation that was
3 opened in the month -- during the month of
4 September is a complaint that was filed by Lauren
5 Wolfe. The Respondent was candidate Brooke
6 Pinto, who is currently Council Member Brooke
7 Pinto. The allegation was failure to report
8 excessive contributions. The investigation was
9 completed. The Order was issued on the 25th of
10 September 2020, and the order dismissed the
11 complaint due to insufficient evidence to support
12 the allegations.

13 During the month of September there
14 were no requests for interpretative opinions, and
15 no show cause proceedings were conducted during
16 the month of September 2020. And that should
17 conclude my report.

18 MEMBER GREENFIELD: Okay. Thank you.
19 Thank you very much.

20 MR. SANFORD: Thank you.

21 (Simultaneous speaking.)

22 MEMBER GILL: No comments for -- no

1 questions for Bill or Cecily.

2 MEMBER GREENFIELD: Okay. Thank you.
3 We'll then now move forward to the Executive
4 Director's Report, Alice Miller.

5 MS. MILLER: Thank you. Good morning,
6 everyone. I want to begin by thanking all of
7 District of Columbia residents who've answered
8 our call, stepped up, signed up to be election
9 workers for this election. We have not only met,
10 but well exceeded our goal thanks to all of the
11 DC residents who willingly volunteered. We have
12 over 3,000 applications now that are still
13 sitting in the queue to be contacted for training
14 and placement at a vote center -- in one of the
15 95 vote centers citywide. We're fortunate and
16 definitely appreciative of this.

17 The individuals who have answered our
18 request represent a much younger workforce than
19 the average older workers that we normally
20 employ, in fact, many of these workers average
21 between 25 and 40 years of age, and for that
22 we're grateful. Of course, we continue to need

1 the support and appreciate the support of our
2 veteran workers who really know how to get the
3 job done, and they'll help guide the younger
4 workers and our new workers as we go through this
5 process; we will definitely rely on them.

6 With that said, as of yesterday
7 Election Worker Training and Recruitment Division
8 has trained 3,081 election workers. There are
9 655 election workers that are still scheduled to
10 attend an upcoming training class. According to
11 the allocation list, we estimated that we needed
12 a minimum of 2,159 workers, so at this point we
13 have trained 922 more, and with the 655 that are
14 scheduled to be trained that'll take us to about
15 1,500-plus over, which we will have on a reserve,
16 and use and have a few of them come down and meet
17 us in the warehouse to be available if we need to
18 deploy them out for election day for the 95
19 sites.

20 Our last and final training class has
21 been scheduled for Saturday, October 24th. All
22 of the workers have been trained and will be

1 trained in the following positions: as site
2 coordinators, registration clerks, ballot clerks,
3 voter assistance clerks. And since August 4th we
4 have conducted 45 registration clerk classes.
5 There are nine more classes that are scheduled to
6 be conducted, 53 ballot clerk classes, nine more
7 scheduled to be conducted, 47 voter assistant
8 classes, seven more scheduled, three site
9 coordinator classes, and there are nine more
10 scheduled.

11 We also are scheduled to have six
12 precinct technician classes, and we'll have 95
13 technicians scheduled to be at each of the 95
14 vote centers, as well as technicians scheduled
15 for early vote centers as well.

16 The election day assignment letters
17 were mailed out by USPS mail on Friday, October
18 2nd to 90 percent of the workers that have been
19 assigned to one of the 95 election day vote
20 centers. We're scheduling right now a few more
21 registration clerks to fill vacancies in Ward 7
22 and 8. We have the people we're just -- I'm

1 scheduling them, so don't get upset we do have
2 the people we're just trying -- need to schedule
3 them for Ward 7 and 8, but the response from
4 those wards was not quite as high as from the
5 citywide, so we're looking to see how we can
6 navigate some of the other individuals to go over
7 to Ward 7 and 8.

8 Early voting assignment letters are
9 now being finalized, and should be ready to be
10 emailed prior to the end of this week, and our
11 training on the processes will continue through
12 October 24th. So that's with the training. I'll
13 stop and see if Mr. Gill wants to ask questions
14 on that, or you want me to continue?

15 MEMBER GILL: What was your question to
16 me, Alice?

17 MS. MILLER: Do you want to question on
18 the votes -- on the staffing, or you want me to
19 continue with the report?

20 MEMBER GILL: Just finish the report.
21 I guess what I'm hearing though is that we're
22 looking good. The queue -- is the queue because

1 we have way more applications than we thought, or
2 needed, or is the queue something we need to be
3 concerned about?

4 MS. MILLER: No, the queue is there
5 because at this point we really can't place
6 anymore people, and so we have those voter
7 records. We'll keep those, and we're telling
8 them that we will keep them, and if we need them
9 we'll call them, to have for upcoming elections.

10 MEMBER GILL: All right. That's a good
11 problem to have.

12 MS. MILLER: And just to move on as we
13 previously reported they'll be 32 early vote
14 sites, 95 election day sites, and we will now
15 have six super vote centers with the recent
16 addition of the Entertainment and Sports Arena in
17 Southeast. I will add that there will be no
18 curbside voting at any of the super vote centers,
19 but the remaining 89 will all have curbside
20 voting available.

21 As of yesterday, all 55 mail drop
22 boxes were available for voters to deposit their

1 ballots. They will be available 24 hours up
2 through and including election day. The ballot
3 drop boxes will close at 8:00 p.m. on November
4 3rd. There is an interactive map that will allow
5 voters to locate both the closest drop box, and
6 the vote centers based on their address -- based
7 on the address that they put on the website to
8 direct them to the closest vote center or drop
9 box.

10 Ballot Trax is -- or let me do this
11 first, we mailed 463,422 ballots to registered
12 voters from our mail house in Washington State on
13 September 25th. Those ballots were delivered to
14 the USPS in DC on 9/27, and started delivering --
15 and USPS here started delivering our ballots on
16 September 28th. Just a breakdown of that, 18,031
17 have been returned as undeliverable. The
18 undeliverable are broken down into the following
19 categories, 6,610 in the city have address
20 changes or have moved, and that move has been
21 since July or August which was when we did our
22 last national change of address update in our

1 system, 8,422 are out of state movers, of which
2 we have no information on, 2,461 have no
3 forwarding address, 534 have a stamp that says
4 temporary away, return to sender, and we have
5 four that have come back as deceased, so our
6 ballots will continue to be mailed out on a
7 rolling basis to voters through the middle of
8 October from the mail house, like to remind
9 voters to check their mailboxes. If you receive
10 a ballot at your home that does not belong to you
11 or anyone in your household please mark it as you
12 would with any mail that you receive at your home
13 to return to sender, put it back in the mailbox,
14 or in this case you can drop it in mail ballot
15 drop box, one of ours, and we'll get it.

16 As of yesterday the United States Post
17 Office -- Postal Service has returned 7,674
18 ballots to us, and our ballot boxes as of
19 yesterday we had 7,861 ballots returned. Ballot
20 Trax is operating for voters to track their
21 ballots. The ballots deposited through the USPS,
22 or the mail ballot drop box will be tracked, and

1 voters can follow the travel path of their ballot
2 back to our offices through the website. Ballot
3 Trax will show the ballot has been received and
4 accepted to be counted. You can go to our
5 website available through our splash page, type
6 in your name and sign up for notifications as you
7 deem necessary. That's it's for the ballots.

8 I'll talk a little bit about restore
9 the vote. Restore the vote process, as you know,
10 the city enacted the law to restore and to have
11 voters who were incarcerated to have their rights
12 restored. Back in August we mailed 2,400
13 registration applications to 107 federal prisons
14 where we knew DC voters were incarcerated. We've
15 been working with the Federal Bureau of Prisons
16 to get those registration applications back. To
17 date since we sent those out we've gotten -- 400
18 communications have been received back, but those
19 are not necessarily applications, but
20 communications, registration applications,
21 request for information, and request for
22 applications for DC residents within the federal

1 prison. Three hundred and fifty-two DC residents
2 incarcerated within the federal prison have
3 successfully completed the voter registration
4 application, and approximately 85 applications
5 are being returned to federal prison through BOP
6 for correction for missing information. We're
7 working closely with BOP re-entry affairs
8 coordinators to complete this task, and hopefully
9 we'll have all the information that we need by
10 the October 13th deadline.

11 With respect to the DC jail, to date
12 we have 42 ballots that have been returned from
13 the DC Jail, and we have been working closely
14 with them as well to make sure that these
15 individuals are registered, and that their
16 ballots will be sent to them in a timely fashion.

17 Outreach activities, there have been
18 quite a few outreach activities, and we continue
19 to do those through -- I will mention that we
20 will have one -- last one scheduled for September
21 -- October, I'm sorry, October 13th, which will
22 be our last day for voter registration, and that

1 will be held at the Entertainment and Sports
2 Arena, and we're going to partner with the
3 Washington Football Team, with the teams at the
4 Capital Arena, and we're going to do an all out
5 splash to get voters one last time to register to
6 vote. We plan on it being a pretty hype event.
7 There'll be a lot of media, and going out to the
8 meeting and get them there. We'll have a disc
9 jockey there, and there's going to be an
10 opportunity for people to meet some of the alumni
11 players who will also be there, and just really
12 get that promoted as we move into next week as
13 well. That's going to be scheduled for Tuesday.
14 The time frame is from 10:00 to 2:00, and that's
15 at the Entertainment Sports Arena in Southeast.

16 I also want to indicate that we have
17 sent out a number of information and postcards
18 with flyers. I'm sure many of you, but not
19 everyone, has received at least two of the
20 postcards that we've sent out. Postcards went
21 out -- the first went out on September 16th to
22 all registered voters. The second one was mailed

1 out on September 25th to households. We sent e-
2 flyers for distribution to all ANCs through --
3 Gottlieb Simon as you know is the ANC executive
4 director, and he has helped us get the e-flyers
5 out by using email addresses that he has for all
6 the ANC officers, so the e-flyers have gone out
7 to them. We will send additional e-flyers, I
8 think, by the end of this week or next week we'll
9 have that scheduled.

10 We have 500 yard signs that will be
11 delivered to individual yards scheduled for,
12 actually, tomorrow for October 8th. One hundred
13 thousand door hangers will be delivered on
14 October 9th, and another 100,000 on October 13th.
15 The second e-flyers, I just mentioned, will go
16 out on October 14th, and then another e-flyer for
17 all of our registered voters with whom we have an
18 email address will go out on October 15th, and
19 additional yard signs will be delivered between
20 the 19th and 20th with 400,000 door hangers --
21 additional door hangers to be delivered on
22 October 25th.

1 I just want to talk a little bit about
2 some of the events that the Board members and
3 staff members have been participating in. A
4 number of different webinars with local and
5 national federal partners. I had the privilege
6 of serving on a panel sponsored by Harvard with
7 election officials and others in crisis
8 management this week. I also participated
9 earlier this week as a panelist with experts in
10 elections and election fraud issues from the U.S.
11 Attorney's Office, the FBI, the Public Corruption
12 Civil Rights Section of the United States
13 Attorney's Office of DC. That panel -- the topic
14 of that was protecting our vote as well as a
15 group that I participated in with the -- through
16 the lawyers division of the DC Bar Association, I
17 believe that was last month.

18 We will -- DC BOE and along with the
19 U.S. Attorney's Office and the Black Prosecutors
20 of the U.S. Attorney's Office and National Bar
21 Association Young Lawyer's Section will host an
22 event on October 20th titled Navigating the 2020

1 Election, What You Need to Know to Protect Your
2 Vote. This will be -- panelist for this will
3 include both our general counsel and myself, and
4 what I wanted to indicate was all of this, all
5 these webinars, all of these meetings, and all
6 these things that we're doing is all about
7 messaging and ensuring that voters have the right
8 information that they need from trusted sources
9 and who those trusted sources are that they
10 should rely on when getting this information.

11 I think that concludes my report. Oh,
12 I forgot to mention the voter guides have gone
13 out, so people should have that as well.

14 MEMBER GREENFIELD: Okay. Board Member
15 Gill, you have any questions?

16 MEMBER GILL: No questions for me.
17 Thanks, Alice.

18 MEMBER GREENFIELD: Chairman Bennett is
19 now here. Do you have any questions?

20 CHAIR BENNETT: No questions. Thank
21 you.

22 MEMBER GREENFIELD: Go ahead.

1 (Simultaneous speaking.)

2 MEMBER GREENFIELD: We're going to the
3 General Counsel's report from Terri.

4 MS. STROUD: Thank you. Good morning,
5 everyone.

6 The first item on my agenda is
7 litigation status. The first case in the status
8 is William V. Hunt versus the Board. This matter
9 was a complaint regarding the counting of write-
10 in votes in the mayoral contest in the November
11 2018 general election. Mr. Hunt, who was a write
12 in candidate for mayor, filed a complaint to
13 request that the Board count the write in votes
14 cast in the mayoral contest, which the Board was
15 not required to do, because that amount was not
16 sufficient to elect a write in candidate. The
17 Board filed a motion to dismiss in April of 2019,
18 which were granted on March 10th of this year.
19 Mr. Hunt filed an appeal on April 16th of 2020,
20 which was beyond the 30-day period provided for
21 in the rules. The court gave Mr. Hunt until May
22 22nd to show cause why the case should not be

1 dismissed as untimely, and subsequently extended
2 that deadline to July 1st. Mr. Hunt's re-file on
3 June 25th did not address the question of why the
4 appeal should not be dismissed as a matter of
5 law. We're awaiting the court's decision in this
6 matter.

7 The second two matters which are
8 combined are Phillip Hammond v. the Board, and
9 Robin Marlin v. the Board. These matters are
10 appealed Board Orders 19-032 and 19-033, both of
11 which upheld the resolutions of ANC 7B, which
12 found no vacancies in single member district 7B04
13 and 7B05 respectively. These matters are at the
14 DC Court of Appeals. The petitioners filed their
15 briefs on December 16th of 2019 and their
16 appendices on March 4th. We filed our response
17 on April 5th of this year via electronic case
18 filing, and we expect the court to decide the
19 merits for both cases on the papers.

20 The last -- the next matter is
21 Alliance Party v. The Board. This was a matter
22 that was filed in the District's Federal District

1 Court, and is being handled by the District's
2 Office of the Attorney General. It involved a
3 complaint for declaratory and injunctive relief
4 against the Board, and it seeks to preclude -- it
5 sought to preclude the Board from enforcing the
6 August 5th, 2020, ballot access filing deadline
7 against independent and third-party candidates
8 for the Office of U.S. President, because
9 although the signature requirement for that
10 office was lowered by the passage of the General
11 Election Preparations Emergency Amendment Act of
12 2020, that did not occur until after the August
13 5th deadline had passed, thereby precluding
14 independent and third-party candidates from being
15 able to take advantage of the reduced signature
16 requirement. Plaintiff sought to have the court
17 order the Board to accept a petition with the
18 requisite number of signatures filed by noon on
19 Tuesday, September 8th. On September 3rd, the
20 court held a hearing on the Plaintiff's request
21 for a temporary restraining order, and in that
22 hearing the court denied the Plaintiff's request

1 for the TRO. Plaintiffs are still litigating
2 this case on the merits, and the Office of the
3 Attorney General filed an answer and a motion to
4 dismiss on September 23rd, and the matter is
5 still pending.

6 The final case is Henderson v. the DC
7 Board of Elections. That matter involved an
8 appeal by Plaintiff Kathy Henderson from a Board
9 order granting ballot access to Bernice
10 Blacknell, a candidate in the office -- a
11 candidate in the contest for ANC commissioner in
12 Single Member District 5D04. The Board filed a
13 Motion for Summary Affirmance in this matter in
14 the DC Court of Appeals on September 9th, and it
15 was granted on September 11th.

16 The next item on my agenda is
17 Rulemaking, and I have final rulemaking and
18 emergency and proposed rulemaking. The final
19 rulemaking would amend Chapters 5 and 7 to
20 replace those sections into -- those chapters
21 into conformity with the General Elections
22 Preparation Emergency Amendment Act of 2020. It

1 would clarify that cameras may be used in voting
2 accounting locations as long as they do not
3 disrupt or interfere with the election
4 administration process, and it would establish
5 that request for absentee ballots must be
6 received by the 15 day before election day. This
7 is with respect to ballots that have been
8 misplaced, or have not been received, because we
9 did mail ballots to all registered voters, so
10 requests are not required, but in certain
11 circumstances you can request a ballot by the
12 15th day before election day. That is the final
13 rulemaking. A notice of proposed -- emergency
14 proposed rulemaking with respect to this
15 rulemaking was published in the DC Register on
16 September 11th at 67 DCMR 010977. No written
17 comments on the proposed rules were received
18 during the public comment period, and no
19 substantive changes have been made to the
20 regulations as proposed. The Board adopted these
21 rules as -- well, I'm done with that. That's the
22 final rulemaking for the consideration by the

1 Board.

2 The next item is Emergency and
3 Proposed Rulemaking, and pursuant to this
4 rulemaking Chapter 7 would be amended to place it
5 into conformity with the Election Worker
6 Residency Requirement Waiver Emergency Amendment
7 Act of 2020, which provides that District
8 government employees who are not district
9 residents, or qualified electors may serve as
10 polling place officials, and so I would ask the
11 Board for a motion to adopt both the Final and
12 Emergency and Proposed Rulemaking.

13 MEMBER GILL: I make a motion to the
14 Board to adopt the Final and Proposed Rulemaking.

15 CHAIR BENNETT: I second your motion.

16 MEMBER GREENFIELD: Okay. All in
17 favor.

18 (Chorus of ayes.)

19 MEMBER GREENFIELD: Okay, that has been
20 moved and passed.

21 Is that all?

22 MS. STROUD: That's all on my agenda.

1 MEMBER GREENFIELD: Okay. We're done
2 with that part of the agenda. What we have next
3 is Public Matters. I don't know how we'll
4 decide. We'll give each person 2 minutes.

5 MEMBER GILL: Hey, Karen, it's Mike
6 Gill. I was just trying on my own phone to see
7 where I would click the hand and I couldn't find
8 it, so maybe Antoine could give us some help --

9 (Pause.)

10 MEMBER GREENFIELD: Currently I'm
11 seeing -- not hearing from anyone, so I've got no
12 public matters.

13 MEMBER SINDRAM: Hello.

14 MEMBER GREENFIELD: Yes.

15 MEMBER SINDRAM: Hello.

16 MEMBER GREENFIELD: Yes.

17 MEMBER SINDRAM: Madam Chair.

18 MEMBER GREENFIELD: Yes, I can hear
19 you.

20 MEMBER SINDRAM: Yes, Michael Sindram.
21 Disabled veteran, served our country more than
22 most. A question for you all regarding early

1 voting over here in Ward 4, and as you all know,
2 we don't have an election, we just have the
3 primary, which is the election, but in any event,
4 there was early voting at Emory Rec, drive up, is
5 that going to be the same -- same way it's going
6 to be done, and what are the days, and is there
7 going to be drive up as well? I'm crippled, and
8 mobility is clearly a challenge, so if you could
9 shed some light on that for me -- for us, that
10 would be helpful.

11 MS. MILLER: Ward 4, let me see, I
12 believe Emory Rec Center is a drive up curbside
13 accessible vote location. Early voting will
14 begin on October 27th, and the last day to vote
15 is November 3rd.

16 MR. SINDRAM: And the times beginning
17 October 27th.

18 MS. MILLER: From October 27th from
19 8:30 to 7:00, and on November 3rd from 7:00 a.m.
20 to 8:00 p.m.

21 MR. SINDRAM: Great. You did a good
22 job previously.

1 Mr. Gill, how are you, sir? We need
2 an elephant in the room. Are you there?

3 (Laughter.)

4 MEMBER GILL: I'm here.

5 MR. SINDRAM: Wake up, wake up, wake up
6 poll sleeper. Are you familiar, Mr. Gill, with
7 Constance Owens?

8 (No audible response.)

9 MEMBER SINDRAM: I take that as meaning
10 no with your wait time.

11 (Simultaneous speaking.)

12 MEMBER SINDRAM: I want you -- that's
13 your homework assignment for next go around. I
14 want you to connect -- there's a book she's
15 written, it's called Black Out. Constance, C-O-
16 N-S-T-A-N-C-E, Owens, O-W-E-N-S. She will
17 support the effort of an elephant in the room.
18 You must read it.

19 MEMBER GILL: I will add it to my
20 reading list.

21 MEMBER SINDRAM: Very easy reading,
22 very insightful, and the only regret you'll say

1 is, wow, why didn't I get this -- why didn't I
2 know about this sooner, so let's read it.

3 MEMBER GILL: Okay.

4 MEMBER SINDRAM: All right, sir?

5 MEMBER GREENFIELD: Thank you, Mr.

6 Sindram:

7 MEMBER GILL: Thank you, Mr. Sindram.

8 MEMBER SINDRAM: Yes. All right, guys.

9 Keep up the good work, continue fighting the good
10 fight, and the good fight is the one you win.

11 MEMBER GREENFIELD: Okay. Thank you.

12 MEMBER SINDRAM: Yes, ma'am, thank you.

13 MEMBER GREENFIELD: That's it? Okay,
14 thank you everyone. Thanks for participating.

15 I'm going to make -- I'm going to ask for a
16 motion to adjourn the meeting.

17 CHAIR BENNETT: I move the meeting be
18 adjourned. This is Michael Bennett.

19 MEMBER GREENFIELD: Yes.

20 MEMBER GILL: Mike Gill, I second that.

21 MEMBER GREENFIELD: Okay, all in favor.

22 (Chorus of ayes.)

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MEMBER GREENFIELD: The meeting has
been adjourned. Thank you. Thanks everyone.
(Whereupon, the above-entitled matter
went off the record at 11:24 a.m.)

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In the matter of: Board Meeting

Before: DC BOE

Date: 10-07-20

Place: teleconference

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

Neal R Gross

Court Reporter

NEAL R. GROSS

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