

# MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING

June 2, 2021

The District of Columbia Board of Elections (the Board) held its Regular Monthly Meeting on Wednesday, May 5, 2021, 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 OCF's General Counsel, William Sanford, were also present.

## CALL TO ORDER (10:08 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 May 5.

## BOARD MATTERS

- NONE

## OCF MAY 2021 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 and committees may also contact the office for instructions concerning the registration process.

Commencing June 7, the OCF managerial staff will return to the office for at least 50% of their scheduled weekly tour of duty.

As of June 2, the OCF line staff is scheduled to return on July 12.

On May 21, the OCF published at its website fact sheets for the Fair Elections Program (FEP) and the Traditional Campaign Finance Program (TCFP) for the 2022 election cycle.

- **Community Outreach**

- The OCF continues to focus its efforts on sharing information about the TCFP and FEP with Advisory Neighborhood Commissions (ANCs) across the city. During the Month of May 2021, the OCF managers participated in the following ANC virtual meetings:
  - Tuesday, May 4 – ANC 4A
  - Wednesday, May 12 – ANC 1C and – ANC 6C
  - Wednesday, May 19 – ANC 5A
  
- **FEP Division**
  - Authorized Base Amount and Matching Payments
    - During the 2020 election cycle, the total sum of \$4,016,797.64 was disbursed from the Fair Elections Fund in Base Amount and Matching Payments to the 36 candidates certified in the FEP to participate in the June 2, 2020 Primary Election (“the Primary Election”), the June 16, 2020 Special Election (“the Special Election”), and the November 3, 2020 General Election (“the General Election”). The 2020 election cycle closed on November 3, 2020, and the 2020 Special Election Cycle closed on June 16, 2020.
    - During May 2021, there were no disbursements authorized for Base Amount and Matching Payments from the Fair Elections Fund for candidates who have registered seeking to participate in the FEP during the 2022 election cycle.
  
  - **Desk Reviews and Other Activities**
    - Nine desk reviews of termination and amended Reports of Receipts & Expenditures (R&E reports).
    - Four Requests for Additional Information (RFAI) letters were sent.
  
  - **Remitted Funds**
    - As of May 31, 2020, \$132,148.07 have been remitted for deposit in the Fair Elections Fund from the campaign operations of participating candidates from the three elections held in 2020.
    - The OCF did not receive any remission payments during May 2021.
  
  - **Ongoing Post-Election Audits**
    - Post-Election Audits - Primary Election
      - There are ten post-election audits of the campaign operations of candidates who participated in the Primary Election but did not proceed to the General Election. The audits were initiated on June 19, 2020.
      - The names of the candidates and audit status are posted on the OCF website.



- Brooke Pinto for Ward 2 – Audit Notification Letter sent February 8; records were due March 15; extension approved until March 30; audit initiated April 8; audit fieldwork is in progress.
- Jacque4DC At-Large SBOE – Audit Notification Letter sent February 8; records were due March 8, second reminder sent March 12; audit initiated April 5. The Audit Manager is in the process of reviewing the audit fieldwork and the Draft Preliminary Statement of Findings.
- Political Action Committees (PACs) and Continuing Committees (2020 Election) – Random Periodic Audits (2):
  - Oye 4 US Representative – The Preliminary Draft Statement of Findings was issued on April 14. The Audit Manager is in the process of reviewing the Committee’s response and the Final Audit Report.
  - Committee to Elect Alex Padro – The Preliminary Draft Statement of Findings was issued on April 1. The Audit Manager is in the process of reviewing the Committee’s response and the Final Audit Report.
- Constituent Service Programs– Random Periodic Audits (2):
  - Phil’s Fund for Citizen Service – Audit records were due to the Audit staff on May 3. Extension approved until May 18. Records received May 14. Audit fieldwork is in progress.
  - Evans Constituent Services Fund – The Audit records were due on May 3 (Termination Report). The Audit staff has requested that the Committee request the Final Bank Statement from its depository.

**OCF MAY 2021 REPORT (GENERAL COUNSEL WILLIAM SANFORD)**

**• Intake/Output Report**

- No referrals for informal hearings were received
- 35 informal hearing orders were issued
  - Seven Notices of Hearings and Statements of Violation that were vacated
  - 28 orders were issued for which fines totaling \$52,600 were imposed
- Fines Imposed
  - \$1,000 Vote Fria Moore 2020
  - \$2,850 Markus for DC
  - \$2,100 Markus for DC
  - \$2,100 Washington for Ward 8
  - \$2,100 Committee to Elect Stuart Anderson
  - \$2,100 Martin for Ward 4
  - \$2,100 Vote Fria Moore 2020
  - \$2,100 Keith Silver for DC

- \$2,100 Randy Downs for Ward 2
- \$2,100 James for Ward 2 SBOE
- \$2,100 Seniors United PAC
- \$2,100 Economic & Protection Party
- \$2,100 US Citizens Recovery Alliance
- \$2,100 DC Recovery Act for Living Descendants
- \$2,100 Money Supply Increase Initiative & Referendum
- \$1,650 Patterson for Ward 8
- \$1,650 Cmte. to Elect Jacque Patterson 2016
- \$1,650 Kinlow Ward 8 Strong
- \$1,650 Friends of Courtney Snowden
- \$1,650 Committee to Elect Alpha Bah
- \$1,650 Carter At-large
- \$1,650 Tolliver for Ward 4
- \$1,650 Edwards for Ward 4
- \$1,650 Fred 4 Ward 8
- \$1,650 Committee to Elect Perry Redd
- \$1,650 Bonita Good 2016
- \$1,650 Monica Palacio for City Council
- \$1,650 Ivan Cloyd for U.S. Representative

- **Fines Collected**
  - NONE
- **Open Investigations:**
  - NONE
- **Interpretative Opinions**
  - NONE
- **No Show Cause Proceedings**
  - NONE

**BOE EXECUTIVE DIRECTOR’S MAY 2021 REPORT (EXECUTIVE DIRECTOR MILLER)**

- **General Information**
  - Redistricting
    - On May 24, the Board appeared before the DC Council subcommittee on redistricting to provide comments on the Board's responsibilities regarding that process.
    - District law requires the Board to assist ward task forces with the drawing of SMD boundaries, and provide them with technical and analytical services necessary for the decennial redistricting.

- Under current law, the Board must have the necessary materials in place by December 23, 180 days before the June 21, 2022 primary election.
- On May 27, the Board held its first in-person outreach event at Harriet Tubman Women’s Shelter. Twenty individuals were registered.
- The Board will conduct the ANC 7F07 election on June 15 from 3:30 pm to 7:30 pm at Park Kennedy Apartments, located at 1901 C St SE, Washington, DC 20003.

**BOE OGC MAY 2021 REPORT (GENERAL COUNSEL STROUD)**

- **Final Rulemaking**

- The purpose of the rulemaking is to amend Chapter 10 and place it into conformity with the Initiative and Referendum Process Improvement Act of 2020, which took effect on March 16.
- The emergency and proposed rulemaking was introduced at the Board’s April meeting and published in the DC Register on April 16. The Board did not receive any written comments on the rulemaking during the public comment period, and no substantive changes were made.
- The updated rules reflect the new legislation, which requires the Board to draft a summary statement written in plain language, request a fiscal impact statement from the Office of the Chief Financial Officer, request advisory opinions within a defined timeframe from the Attorney General and General Counsel of the Council, publish formulations adopted at a public meeting in the D.C. Register and at least one newspaper of circulation, and publish the measure on the Board’s website.
  - **BOARD ACTION:** Unanimously approved motion to transmit final rulemaking to the DC Register for publication.

**PUBLIC MATTERS**

- Dorothy Brizill
  - Asked about the status of the Chairman’s plans to reorganize the Board and the OCF, changes to election processes and procedures, and the plans for incorporating input from the public and elected officials. (Chairman Bennett responded that he would put out recommendations for the Board’s reorganization to both the Mayor, the Council, and the public within 30 days, and confirmed that the current budget before the council does not reflect these recommendations.)
  - Asked about reference in the proposed budget to funding “for temporary warehouse space and to install an IT infrastructure for BOE’s voting equipment, systems, and activity,” and also about the use of the Board’s warehouse for election administration activity, including ballot tabulation. (Chairman Bennett and Executive Director Miller responded that the Board has a permanent warehouse and a temporary warehouse, and that the budget reference pertains to the latter. Specifically, the temporary warehouse is currently being used to store ballot drop boxes, but will be able to be used more robustly for election administration purposes with the IT infrastructure upgrades referenced.)

**ADJOURNMENT (10:53 a.m.)**