

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

+ + + + +

REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

JANUARY 6, 2021

+ + + + +

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

BOARD OF ELECTIONS MEMBERS PRESENT:

MICHAEL BENNETT, Chair
MIKE GILL, Member
KARYN GREENFIELD, Member

BOARD OF ELECTIONS STAFF PRESENT:

CECILY COLLIER-MONTGOMERY, Director
ALICE P. MILLER, Executive Director
TERRI STROUD, General Counsel
WILLIAM SANFORD, General Counsel
SYLVIA GOLDSBERRY-ADAMS, Operations
Manager
KAREN F. BROOKS, Registrar of Voters
LINDA JOHNSON, Assistant to the Executive
Director
RANDY LEGETTE, IT Specialist

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

2 10:38 a.m.

3 CHAIR BENNETT: Let me call the meeting
4 to order and ascertain the quorum. Can I get a
5 here from Ms. Greenfield?

6 MEMBER GREENFIELD: Here.

7 CHAIR BENNETT: Can I get a here from
8 Mr. Gill?

9 MEMBER GILL: This is Mike Gill here.

10 CHAIR BENNETT: Okay. Great. So, we
11 have a quorum. I'm Michael Bennett, Chair of the
12 Board and I am here. I'd like to get a (1) I'd
13 like to get a motion to adopt the minutes from
14 the last meeting and I'd like to amend the agenda
15 to move the report from Campaign Finance from
16 Item Number 2 to just after Board Matters. So,
17 if I can get a motion to approve the minutes from
18 the December meeting as well as the amending of
19 the agenda that would be great. Mr. Gill?

20 MEMBER GILL: Motion to approve to
21 change the agenda and the minutes from the last
22 meeting.

1 CHAIR BENNETT: Can I get a second, Ms.
2 Greenfield?

3 MEMBER GREENFIELD: I second.

4 CHAIR BENNETT: It's been properly
5 moved and seconded. Can we get a board vote.
6 Mr. Gill?

7 MEMBER GILL: Aye.

8 CHAIR BENNETT: Ms. Greenfield?

9 MEMBER GREENFIELD: Aye.

10 CHAIR BENNETT: Aye as well so it's
11 unanimous. Great. So, next thing on the agenda
12 are Board Matters. Is there anything from Ms.
13 Greenfield?

14 MEMBER GREENFIELD: I just want to wish
15 everyone a Happy New Year and hope you had a nice
16 restful holiday.

17 CHAIR BENNETT: Great, thank you. Mr.
18 Gill?

19 MEMBER GILL: Same thing, Happy New
20 Year. It just good to be past, looking forward
21 to 2021.

22 CHAIR BENNETT: Absolutely. And I echo

1 that and don't have any other matters for the
2 Board other than from the Board at least from me
3 other than the fact that it was gratifying to see
4 how straightforward our diligence. Apparently
5 our colleagues in Georgia were with regard to
6 insuring that they a successful vote. I was
7 really surprised that they broke --- I think they
8 broke their record by almost three percent and
9 had no lines at the polls from the final day of
10 election which says a lot of the efforts in terms
11 of early voting which, I think, is very
12 instructive for the entire nation and certainly
13 for us. So, kudos to the election administration
14 in Georgia.

15 So, if that is it we can go to Board
16 Matters. So, if I could go to Ms. Montgomery and
17 get the report from the Office of Campaign
18 Finance.

19 MS. MONTGOMERY: Good morning and,
20 again, Happy New Year to everyone. First, I will
21 report from the Office of Campaign Finance that
22 is still operating under a modified status. All

1 of our services are being provided remotely by
2 email and also by telephone. We can be reached
3 at 202-671-0547. And that number is being manned
4 by Resident Williams who is the Manager of our
5 Public Records and Information Division.

6 In the Fair Elections Program Division
7 during the month of December the activity of the
8 division is as follows. As of December the 31st,
9 2020, the total sum of \$6,009,449.90 has been
10 disbursed and base amount in matching payments to
11 36 candidates who were certified in the Fair
12 Election Program to participate in the General
13 Session 2020 primary election, the June 16, 2020,
14 special election and the November the 3rd, 2020,
15 general election.

16 During December 2020 the total sum of
17 \$8,105 were distributed in matching payments to
18 the following five FEP participating candidates.
19 One, on December the 16th two matching payments
20 were made to Friends of Allister Chang. The
21 first amount was \$100. The second was \$300. On
22 December the 17th a matching payment of \$1,780

1 was made to Christina Henderson. Also on
2 December 17th three matching payments were made
3 to Washington Ward 8 in the amount of \$250, \$200
4 and \$100. On December the 17th, 2020, the amount
5 of \$5,050 was paid to elect Janeese Lewis. On
6 December the 17th, 2020, the amount of \$325 was
7 authorized in matching payments to re-elect
8 Trayon White 2020.

9 In all there were 20 candidates who
10 were certified as participating candidates in the
11 program for the November 2020 General Election.
12 Twelve candidates were certified in the June 2nd,
13 2020, Primary Election and four were certified in
14 the June 16th, 2020 Special.

15 The following FEP candidates were
16 elected to office in the November General
17 Election and certified as winners by the Board on
18 December the 2nd, 2020. The first was Christina
19 D. Henderson, At-Large Member of the Council.
20 The second was Janeese Lewis George, Ward 4,
21 Member of the Council. The third was Trayon
22 White, Ward 8, Member of the Council. Fourth was

1 Allister Chang, Ward 2, Member of the State Board
2 of Education. The fifth was Frazier O'Leary,
3 Ward 4, Member of the State Board of Education.
4 The sixth was Eboni Rose Thompson, Ward 7, Member
5 of the State Board of Education and the seventh
6 was Dr. Carlene D. Reid, Ward 8, Member of the
7 State Board of Education.

8 Also in the Division during the month
9 of December the Division conducted 42 desk
10 reviews of the mandatory December the 10th, 2020,
11 report and also amended reports that were
12 received in Receipts and Expenditures which was
13 received in the Agency. They also issued nine
14 requests for additional information letters.

15 During the month of December the Division
16 forwarded 20 recommendations for the division of
17 funds to the Office of the General Counsel on
18 December the 2nd, 2020, to the 20 candidates who
19 participated in the General Election. And the
20 names of those candidates are listed in our
21 report and the report will be posted this
22 afternoon at the website of the Office of

1 Campaign Finance.

2 There are 14 ongoing audits in the
3 division and there are 10 post election audits
4 with respect to the June 2nd, 2020, Primary
5 Election. The audits were initiated on June the
6 19th, 2020, of the campaign operations of those
7 candidates who did not proceed to the General
8 Election. Those names of those candidates are
9 listed in the report as well as the status of the
10 ongoing audits and, again, that information will
11 be posted at the website this afternoon.

12 This the post election audit of the
13 June 16th, 2020, Special Election. There are
14 four ongoing audits. The audits were initiated
15 on July the 6th, 2020, and, again, those audits
16 are of the Campaign Operations of the Candidates
17 who participated in the Special Election and the
18 status of those audits is listed in our report.
19 And, again, the report will be posted at the end
20 of the day for view by members of the public.

21 In our Public Information and Record
22 Management Division, during the month of December

1 there were four filing deadlines for the filing
2 of reports of Receipts and Expenditures. The
3 first report was due on December the 1st, 2020,
4 and that was by our Legal Defense Committee that
5 are registered with the Agency. At this time
6 there's one required filer that were timely filed
7 and also electronically filed their report.

8 With our Principal Campaign Committee
9 and Political Action Committee who were active
10 during the 2020 election cycle. The Report of
11 Receipts and Expenditures was due on December the
12 10th. There are 78 replied files, 67 timely
13 filed, 3 late files, 2 requested extensions and
14 extensions were approved, 7 failed to file.
15 There were 10 referrals to the Office of General
16 Counsel for enforcement and 70 of the filers
17 electronically filed their report.

18 With the Fair Elections Program
19 December the 10th was also the filing deadline
20 for the filing of the Report of Receipts and
21 Expenditures for those Campaign Committee. There
22 were 42 required filers, 30 timely filed, 2 late

1 filed, 8 requested extensions and the extensions
2 were granted. Nine failed to file. There were
3 11 referrals to the Office of General Counsel and
4 30 of the campaigns electronically filed their
5 report.

6 December the 10th was also the filing
7 deadline for the filing of the Report of Receipts
8 and Expenditures by our Independent Expenditure
9 Committee. There were three required filers.
10 All three timely filed. One did late file. With
11 respect to the referrals there was one referral
12 to the Office of the General Counsel and all
13 three electronically filed their reports.

14 During the month of December we also
15 had new committees who registered with the Office
16 of Campaign Finance. The first was the D.C.
17 Black Democratic Caucus which is a Political
18 Action Committee and that committee registered on
19 December the 18th, 2020. We also had a Recall
20 Committee which registered Mayor Muriel Bowser,
21 Default Committee registered on December the
22 24th, 2020. We also conducted mandatory

1 conference during the month of December and the
2 candidates and treasurers who completed the
3 presentations for December number one, Dawn
4 Crawford, Treasurer of the Committee to Elect
5 Mysiki Valentine. Two, Lauren Cain for Treasurer
6 of election meeting 2020.

7 Again there were 21 referrals to the
8 Office of the General Counsel due to the failure
9 to file the December 10th Report of Receipts and
10 Expenditures. And the names of those committee
11 and treasurer are listed in our report and,
12 again, they will posted on our website at the end
13 of the day.

14 In our report of Analysis and Audit
15 Division which is responsible for our traditional
16 program. The activity during the month of
17 December was as follows. The Audit Division
18 conducted 95 desk reviews of the Report of
19 Receipts and Expenditures that had been filed
20 with the Agency that included 51 reports filed by
21 the Political Action Committee and 37 reports
22 filed by principals on campaign committees. The

1 Division issued 22 requests for additional
2 information. The Division resolved 16 of those
3 matters and deferred three matters to the Office
4 of the General Counsel.

5 Also during the month of December the
6 Audit Branch issued five final audit reports.
7 The first, and these were periodic audit reports.
8 The first one was a committee who participated in
9 the 2020 election cycle and they were of the
10 January 31st filing. The first was Friends of
11 Robert White. The audit report was issued on
12 December the 17th, data from Ward 7. The report
13 was issued on December the 4th. The third was a
14 committee to elect Rogers for Council. Report
15 was issued on December the 17th.

16 The fourth report was Firefighters
17 Committee on Political Activities and that was
18 issued on December the 4th. That was a periodic
19 random audit of Political Action Committee of
20 their January 31st filing. And the last was of a
21 Constituent Service Program and that was of the
22 October the 1st, 2020, filing. That was the Do

1 Something Constituent Fund Program and that
2 report was issued on December the 4th, 2020.

3 All of the reports are available at
4 our website to be reviewed by members of the
5 public and all the reports were compliant audit
6 reports which means that the committees complied
7 with all of the requirements of the Audit Branch.
8 So, that concludes my report, but I would ask
9 that the General Counsel now provide his report
10 for the public and that would be Bill Sanford.

11 CHAIR BENNETT: Thank you. Mr.
12 Sanford?

13 MR. SANFORD: Good morning, Mr.
14 Chairman and distinguished Board Members. My
15 name is William Sanford. I'd like to wish
16 everyone a safe, happy and healthy New Year.
17 During the month of December 2020, the Office of
18 the General Counsel received 23 referrals,
19 completed 20 informal hearings and issued 20
20 orders which included the following.

21 Twelve orders were issued in which no
22 fines were imposed. Seven orders were issued in

1 which fines totaling \$12,200 were imposed and one
2 order was issued which vacated the Notice of
3 Hearing Statements of Violation. During the
4 month of December 2020, the Office of the General
5 Counsel imposed fines totaling \$12,200 against
6 the following respondents.

7 A fine of \$1,800 was imposed against
8 Develop Freemore 2020 Principal Campaign
9 Committee. A fine of \$1,600 was imposed against
10 D.C. Dental Park. A fine of \$1,800 was imposed
11 against the Friends for Ward 8, Principal
12 Campaign Committee. A fine of \$1,800 was imposed
13 against the Ivan Floyd for U.S. Representative,
14 Principal Campaign Committee. A fine of \$1,800
15 was imposed against Committee to Elect Harry Red.
16 A fine of \$1,600 was imposed against the Senior
17 United Pact and a fine of \$1,800 was imposed
18 against the Edwards Award for Principal Campaign
19 Committee.

20 During the month of December 2020
21 there were no open investigations in the Office
22 of the General Counsel and during the month of

1 2020 there were no requests for interpretive
2 opinion and no show cause proceedings were
3 conducted. And that should complete my report.

4 CHAIR BENNETT: Thank you, Mr. Sanford.

5 Ms. Montgomery, does that conclude
6 your full report?

7 MS. MONTGOMERY: Yes, it does.

8 CHAIR BENNETT: Okay. Great. Any
9 questions from Mr. Gill?

10 MEMBER GILL: No questions, thank you.

11 CHAIR BENNETT: Ms. Greenfield?

12 MEMBER GREENFIELD: No questions.

13 CHAIR BENNETT: I agree and I have no
14 questions.

15 Thank you so much, Ms. Montgomery.

16 MS. MONTGOMERY: Thank you.

17 CHAIR BENNETT: Next on the Agenda is
18 the Executive Director's Report for the Board of
19 Elections, Ms. Alice Miller.

20 MS. MILLER: Yes. Thank you, everyone
21 and let me join in with the previous comments and
22 I wish everyone a Happy New Year and hope that

1 you all remain safe and healthy. I will begin by
2 going to the fact that we did certify the
3 November Election on December 2nd. The result of
4 the certification was sent to Secretary of the
5 City, Beverly Bacchus and the Mayor Muriel Bowser
6 as we are required to do. The city then went
7 forth and held the formal electoral vote of the
8 District of Columbia election on December 14th
9 and all of that is conducted under the auspices
10 of the Secretary of the City.

11 Those results were also from our
12 office is sent over to the President of the
13 Senate and the Congress so all of our
14 certification processes with respect to the
15 November election were finally complete by the
16 middle of December. I want to put on the record
17 the status of poll worker payments. There have
18 been issues associated with that and so I want to
19 just make clear what exact has occurred since the
20 poll worker's checks were mailed out in early
21 December.

22 There were 5,057 checks mailed to

1 election workers from information provided from
2 our office to the Office of Finance and Resource
3 Management which is the Board's physical office
4 entity. So, the Office of Finance and Resource
5 Management handles and processes all of the
6 information that we provide them. We mailed ---
7 we gave them --- they processed checks for
8 election workers on December 4th, December 11th
9 and December 17th. On December 21st the Board
10 was notified by the Office of Finance and
11 Resource Management that there was a processing
12 error with some of the election worker payments.

13 There were some election workers who
14 were overpaid, 337. And there were 339 workers
15 who were underpaid. So, the Board staff then
16 emailed all of the election workers who were
17 issued incorrect checks, a little over 600
18 obviously of what the problem was and that the
19 fact that the Office of Finance and Resource
20 Management was working to try to correct this
21 error because that was totally within their
22 authority to do that within your hands.

1 With that process there had to be stop
2 payments put on checks of those individuals who
3 were issued overpayments. Supplemental checks in
4 the meantime were mailed to those who received
5 under payments. So, OFRM issued the stop
6 payments on the overpayment checks and they then
7 began immediately to process the supplemental
8 payments for those individuals who were under
9 paid.

10 There were approximately 339
11 supplemental checks that were issued. OFRM has
12 informed the Board and we've been working very
13 closely with them to get this matter resolved.
14 They informed the Board that as of January 4th
15 all of the checks have, in fact, been reissued.
16 So, I want to put on the record that this has
17 been an extremely frustrating process for the
18 election workers who, of course, had been
19 entitled to or expecting their money and under
20 the circumstances that they were certainly should
21 not have dealt with any challenges with respect
22 to getting their money. This was not acceptable.

1 They worked hard for this General
2 Election under circumstances that were very
3 challenging to them in light of the health
4 emergencies that were in place and the delay was
5 absolutely unacceptable for whatever reason it
6 happened. I do know that OFRM has accepted
7 responsibility for the error and they have been
8 working to resolve it as quickly as they can.
9 I'm just going to say going forward errors of
10 this magnitude should not and cannot be repeated.
11 We need to work to make certain that our workers
12 are paid on time with the correct amount without
13 any challenges to them receiving their checks.

14 I know that there have been a few
15 delays with respect to our Postal Service from
16 some of the batches of checks that were issued.
17 I'm told that most of those are coming from
18 checks that were issued on December 11th. That
19 is obviously without any control that either the
20 Government Agency, OFRM, or the Board has and
21 we're addressing issues as well. With those
22 workers we need them to work with us to make a

1 decision as to whether or not they want us to put
2 a stop payment on the checks which would result
3 in additional delays. If they get the checks
4 they wouldn't be able to cash it because we would
5 have to do a whole another reissue of the checks.

6 So, I just want to put that on the
7 record because it is an ongoing issue and we're
8 working hard to resolve it and we want to
9 apologize to our workers who supported us without
10 question for the November election. Any
11 questions on that? No?

12 CHAIR BENNETT: No. No questions.

13 MS. MILLER: All right. So, just a
14 little bit about some of our populations that we
15 worked with for the November election and I'll
16 just give you some stats. We had to restore the
17 vote enacted by the Council which required the
18 Board to have voters registered to vote who were
19 incarcerated in Federal prison and both the
20 Bureau of Federal Prisons and in D.C. who may
21 have been incarcerated for a felony.

22 With that, even though we were not

1 required to work with the Federal prison so in
2 2021 we actually got that in place this year and
3 these voters were able to get registered and vote
4 for the November 2020 election. And the results
5 of that show that we had issued 513 ballots to
6 the Federal prisoners of which we received back
7 248 ballots that were counted and were returned
8 back to the office. So, I want to recognize that
9 because it was a heavy lift. It was lot of work.
10 We did not have immediate access to the
11 information and the data and my staff working
12 directly with the Bureau of Federal Prisons and a
13 number of other independent agencies who were
14 able to get information that allowed us to get
15 that in place a year before it was required or at
16 least before it was required to be in place.

17 We also had numbers come back from the
18 D.C. jail with respect to prisoners who were
19 incarcerated for felonies or for raids for that
20 matter and with respect to those numbers we sent
21 out 401 ballots and we received 333 ballots back.
22 So, again, you know, the credit goes to the staff

1 who worked hard to get that done and to get this
2 process started. We have work to do in order to
3 clean it up and to make certain that it moves
4 forward in a more positive way as we move ahead.

5 With respect to our ward coordinator
6 and our senior residential ballot election
7 program I think everyone knows we worked hard
8 with that. We tried to get seniors to vote who
9 were not comfortable with going out or who did
10 not want to leave their ballots to the mail or
11 the ballot drop processes for one reason or
12 another. At the end of the day we had 57
13 participating senior buildings for us to work
14 with them to receive their ballots in person. So
15 the senior buildings, most of which were
16 collected from convalescing and nursing home
17 facilities and, of course, our long-standing
18 partnership with individual communities that we
19 have with the senior homes.

20 We were able to collect from those
21 numbers about 1,200 ballots over a period of a
22 week. Where staff actually went in as well as

1 the ward coordinators to physically pick up those
2 ballots and collect them the bring them back to
3 the Board's offices. We found that most of the
4 senior were, in fact, relying on the mail and
5 were helpful with putting their ballots in the
6 mail. But as I said close to 1,200 ballots were
7 physically hand collected.

8 And just one more thing with respect
9 to our student population. We did have 828
10 student applications who submitted their
11 applications to work with the election worker
12 division during the General Election and to
13 assist us during the process for getting through
14 pollworker processes with the November election.
15 So, we're happy with that. We hope those numbers
16 will increase and, of course, elevate, escalate
17 and in light of COVID all of this is commendable
18 and the staff should be recognized for it. So,
19 that's why I wanted to put it on the record. And
20 that concludes our report.

21 CHAIR BENNETT: Great. Thank you, Ms.
22 Miller. Are there any questions from the Board.

1 Ms. Greenfield?

2 MEMBER GREENFIELD: I don't have any
3 questions.

4 CHAIR BENNETT: Mr. Gill?

5 MEMBER GILL: No questions. Just
6 Alice, thanks for that update I wasn't aware of
7 that. It sounds like we are, you know, standing
8 between us and the Office of Finance that issued
9 them which I fought and I know that it's not our
10 error and it's not our procedure. But for our
11 workers they're going to us to fix it. And so I
12 know that you have to sort of stand between the
13 two entities. But I appreciate it. It sounds
14 like that's what you've been doing and I
15 encourage you to continue that so that our
16 workers don't have to go directly to the
17 Government to try to figure out that we're a
18 resource and an advocate for them.

19 MS. MILLER: Well, we've involved OFRM
20 pretty -- pre-election as well and, again, we'll
21 give credit to the staff who has put up and had
22 to unfortunately deal with, you know, a lot of

1 angry and frustrated pollworkers understandably.
2 So OFRM is very much in the midst of this.
3 Emails have gone it and have indicated that
4 because we want to make sure that they understand
5 the breath of the problem as well so they can
6 hurry and get it addressed and resolved.

7 MEMBER GILL: Got you. Thank you.

8 CHAIR BENNETT: I have a little bit on
9 that Mr. Gill, on that so this particular
10 election cycle where we had far more poll workers
11 than we've ever had before. It's important to
12 make sure that they get paid and that we work
13 with them -- that the administrative process to
14 work with them, you know, continues and we get
15 them paid appropriately because I would imagine
16 going forward we are going to need more poll
17 workers than we had before based on how we have
18 to collect elections in the future. So, thanks,
19 Ms. Miller, for making sure those things are
20 ironed out. And to Mr. Gill's point, you know,
21 making sure that the poll workers know that we're
22 working on their behalf in trying to get paid

1 both promptly and efficiently.

2 So, with that, I'll move onto the next
3 report of the General Council. Ms. Stroud.

4 MS. STROUD: Good morning, everyone,
5 and Happy New Year. The first item on my agenda
6 is the issuance and formal adoption of a petition
7 to the Samuel Troper for the proposed recall of
8 Muriel Bowser, the Mayor of the District of
9 Columbia.

10 So, byway background pursuant to D.C.
11 Official Code 1-1001.17(e), the Board must
12 approve a recall petition form before it can be
13 circulated. The Board is required to prepare and
14 provide to the proponent an original petition
15 form at a public meeting which is what we're
16 doing today which the proponent must formally
17 adopt as their own. And the adoption of that
18 form by the proponent triggers the 180 day period
19 during which the proponent must collect
20 signatures in support of a petition so that the
21 measure, the recall measure may be placed on the
22 ballot.

1 I just wanted to give some background
2 on the current state of the law with respect to
3 the recall petition. Under current law the
4 recall petition that we are discussing today must
5 be circulated in person. So, during the 2020
6 election cycle there was legislation in place
7 that allowed for the electronic circulation of
8 initiative referendum and nominating petition but
9 the law was not similarly admitted with respect
10 to recall petition. So, currently the status of
11 the law provides that the petition form must be
12 circulated in person.

13 Now, we've notified the Council as to
14 the status of the law so that they could take
15 action with respect to if they, you know, choose
16 to but the Board has communicated with Council
17 staff with respect to this issue. But as it
18 stands, the Board issuance of the petition form
19 and the adoption by the proponent triggers the
20 180 day period. Are there questions or does
21 anyone --- do the Board members have any comments
22 with respect that?

1 MEMBER GILL: I don't have questions,
2 Terri, thanks.

3 CHAIR BENNETT: Yeah, no questions or
4 comments. Wanted to get some input from the
5 proponent relative to how they'd like to proceed.

6 MR. TROPER: Yeah, this is Sam. I was
7 curious if we could, I wonder, I do not know that
8 the law that was issued last year did not pertain
9 to recall elections as well. So, I'm curious if
10 we have an issue but delay the adoption of this
11 until I communicate or you communicate with the
12 Council and learn their intentions to adopt a law
13 for recall elections or not.

14 MS. STROUD: Thank you, Mr. Troper.
15 There is an actual precedent for the delay of the
16 Board's issuance of a form. It happened with
17 respect to Initiative 81 for precisely this
18 reason. The petitioners had requested that the
19 Council enact legislation with respect to
20 initiative measure circulation in light of the
21 fact that there was a pandemic.

22 And so the Council as you are aware

1 did enact legislation eventually but in the
2 meantime the board did hold the issuance of the
3 petition in abeyance. And is that what you're
4 requesting that the Board not issue the petition
5 today and do a docket today which would trigger
6 another 180 day circulation period?

7 MR. TROPER: That's correct.

8 MS. STROUD: Okay. So, before the
9 Board is to assess on the part of the proponent
10 and it's similar to delay the issuance of the
11 recall petition.

12 CHAIR BENNETT: Are there any questions
13 by the Board Members? Ms. Greenfield?

14 MEMBER GREENFIELD: No, I don't have
15 any other questions.

16 CHAIR BENNETT: Mr. Gill?

17 MEMBER GILL: No questions. Thank you
18 very much.

19 CHAIR BENNETT: Okay. And I don't
20 have any questions. Is there a question with
21 regard to
22 the delay of the petition issuance.

1 Ms. Stroud, do you not want to bring
2 it before the Board today relative to the
3 issuance of that petition and have them take it
4 off the agenda?

5 MS. STROUD: Yes. I think we should
6 proceed the same that we did with respect to
7 Initiative 81. And the Board during its meeting
8 on February 5th with respect to that measure
9 acted to delay the issuance of a decision. It is
10 ready. The Board could issue it but we have a
11 request that the Board not issue the petition.
12 There's no --- the proponent is a registered
13 qualified elector who properly verifies the
14 contribution with the Office of Campaign Finance
15 and all were proper in all with respect from Mr.
16 Troper that the Board issue to whether or not to
17 issue the actual petition. We received from the
18 Mayor the form has been reviewed but we just
19 wouldn't issue it today.

20 CHAIR BENNETT: Okay. All right. Any
21 other comments? I see Ms. Cameron is muted. Do
22 you have any comments, Ms. Cameron?

1 MS. CAMERON: No objection to a brief
2 delay for this reason that it has to go before
3 the Mayor for an opportunity to consult on the
4 matter.

5 CHAIR BENNETT: Okay. Thanks.

6 Ms. Stroud, I will call for a vote. I
7 don't need to but I will anyway. A motion to
8 delay the issuance of this petition. I need a
9 motion, Mr. Gill, to delay the issuance of this
10 petition.

11 MEMBER GILL: Yes. I move that we
12 delay the issuance based on the Council's
13 summary.

14 CHAIR BENNETT: Ms. Greenfield, a
15 second?

16 MEMBER GREENFIELD: I second it.

17 CHAIR BENNETT: It's been properly
18 moved and seconded. I'll get a Board vote. Mr.
19 Gill?

20 MEMBER GILL: Aye.

21 CHAIR BENNETT: Ms. Greenfield?

22 MEMBER GREENFIELD: Aye.

1 CHAIR BENNETT: And aye from me as
2 well.

3 So, the petition is merely delayed and
4 we will explore it going forward until Council
5 recommends.

6 All right. Ms. Stroud?

7 MS. STROUD: Thank you. The next item
8 on my agenda is Litigation Status. The first
9 case in litigation status is Phillip Hammond v.
10 DC BOE. This matter which was filed in the D.C.
11 Court of Appeals is an appeal of Board Order
12 Number 19-032 which upheld the resolution of ANC
13 7(b) that found no vacancy and FMD 7004 on the
14 basis that Mr. Hammond did not meet the burden of
15 proving that Commissioner Nicole Smith-McDermott
16 did not meet residency qualifications necessary
17 for her as an advisor and move her as
18 commissioner and form the District 7(b)04. This
19 case was consolidated with the next case in
20 litigation status. Marlin v. DC BOE, by order of
21 the Court of Appeals dated September 24th, 2019.
22 The petitioner filed their brief in

1 this matter on December 16th and their appendix
2 on March 4th. We filed our response on April 5th
3 and we expect the court to decide the merits of
4 this matter soon.

5 The next case which was consolidated
6 with the aforementioned case is Robin Marlin v DC
7 BOE. This was filed in the D.C. Court of Appeals
8 and it's an appeal of Board Order 19-033 which
9 upheld the resolution of ANC-7(b) finding the
10 vacancy as a Single Member District 7(b)05 on the
11 basis that Ms. Marlin did not meet the burden of
12 providing that Commissioner Valerie Johnson was
13 not qualified to serve as ANC Commissioner for
14 ANC7(b)05 on the basis of residency.

15 The next matter is Alliance Party v DC
16 BOE. This was filed in D.C. District Court and
17 was handled by the District Office of the
18 Attorney General. It was a complaint against the
19 Board that sought to preclude the Board from
20 enforcing the August 5th, 2020, ballot access
21 filing deadline against independent influence by
22 candidates for the Office of United States

1 President.

2 And what happened was the Council had
3 passed legislation that lowered the signature
4 requirements for every office except for the
5 Office of President. And so it was a challenge
6 to that statute.

7 The Court denied the plaintiff's
8 motion for a TRO, a Temporary Restraining Order
9 on on September 3rd, but the plaintiff still
10 sought to litigate the case on the merits. On
11 November 5th the Office of the Attorney General
12 filed a motion to dismiss and that motion was
13 granted on December 7th, 2020.

14 And the last case is Kathy Henderson
15 v. DC BOE. Ms. Henderson asked the D.C. Court of
16 Appeals to review the outcome of the At-Large
17 Member of the Council contest on the form.

18 My computer is acting a little bit
19 slow. Sorry about that.

20 This matter was filed in the District
21 Court of Appeals --- actually it was single
22 district 5B05. It was filed in the D.C. Court of

1 Appeals on December 9th, 2020. It's a petition
2 for review of ANC --- the ANC contest and formed
3 in the District 5B05. The Board filed a motion
4 to dismiss for failure to stake a claim that
5 Congress release be granted on December 15th.
6 The motion was held in abeyance by the court on
7 December 22nd because Ms. Henderson had failed to
8 pay the filing fee for the petition or
9 alternatively file a motion in forma pauperis.
10 Ms. Henderson filed in opposition to the Board's
11 motion on December 23rd and she filed a motion in
12 forma pauperis on December 29th. The decision is
13 on the Court of Appeals on this matter.

14 And that concludes my litigation
15 status and that concludes the Report of the
16 Office of the General Council.

17 CHAIR BENNETT: Great. Thank you. Any
18 question from the Board. Ms. Greenfield?

19 MEMBER GREENFIELD: No questions.

20 CHAIR BENNETT: Mr. Gill?

21 MEMBER GILL: No questions. Thank you.

22 CHAIR BENNETT: Great. Thank you. And

1 I have no questions. Thank you, Ms. Stroud.

2 Now we are and I believe the way we
3 assess the (audio interference) but if I'm not
4 mistaken, Randy, people can get just unmute
5 themselves if they have a matter for the Board?

6 MR. LEGETTE: Correct. If they are on
7 the phone they do *3 to raise their hand and I
8 can recognize them or if you already want to keep
9 it, you just hover over your name and there is a
10 hand icon that you select to raise your hand.

11 CHAIR BENNETT: Okay. Great.

12 So, let me go to --- Randy, can you
13 just unmute each person as we go --- that you
14 see?

15 MR. LEGETTE: Yeah, anybody who raises
16 their hand I can unmute them or they can unmute
17 themselves.

18 CHAIR BENNETT: Okay.

19 MR. LEGETTE: It's probably better if
20 they unmute themselves.

21 CHAIR BENNETT: Okay. I see a hand or
22 I'm not sure who.

1 MR. LEGETTE: That's me, sorry.

2 CHAIR BENNETT: All right.

3 MR. LEGETTE: So far no one has raised
4 their hand so far.

5 CHAIR BENNETT: Okay. All right.

6 Going once? Going twice? Nobody
7 raised their hand yet, Randy?

8 MR. LEGETTE: No, sir.

9 CHAIR BENNETT: Okay. Well, I will
10 conclude the meeting with just one comment. And
11 I want to thank you, Randy, Randy Legette, for
12 probably the best technology driven meeting we
13 have had to date. I think Webex is probably
14 working pretty good. But I also know that it's
15 not easy and you've done a great job making sure
16 that this is probably the smoothest call out to
17 everyone in a long time relative to work and
18 regardless whether it's the Board of Elections or
19 not. And I've been on a lot, you know, like most
20 have. So, thank you very much. And with that
21 unless there are any comments from other Board
22 Members, Ms. Greenfield, Ms. Gill.

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DC BOE

Date: 01-06-21

Place: teleconference

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Court Reporter

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