

MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING

March 3, 2021

The District of Columbia Board of Elections (the Board) held its Regular Monthly Meeting on Wednesday, March 3, 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 (10:44 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 February 3, 2021.

BOARD MATTERS

- The Board intends on having public meetings to discuss the 2020 election cycle and activities within the OCF from the General Election so recommendations can be made to the Council and Mayor's office for future elections.

OCF FEBRUARY 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 and for instructions concerning the mandatory entrance conference.

The Hearing on the Fiscal Year 2020 Performance Report and the Fiscal Year 2021 Performance Plan of the OCF was held on February 18, 2021 before the Committee on the Judiciary & Public Safety of the Council of the District of Columbia.

• Fair Elections Program (FEP) Division

- Authorized Base Amount and Matching Payments
 - As of February 24, 2021, the total sum of \$4,016,797.64 has been disbursed in Base Amount and Matching Payments to the 36 candidates who were 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").

- During February 2021, there were no disbursements authorized in Matching Payments to the FEP participating candidates.
- **Desk Reviews and Other Activities**
 - The FEP Division conducted 21 desk reviews of the mandatory January 10, 2021 and amended Reports of Receipts & Expenditures (R&E reports).
 - 11 Requests for Additional Information (RFAI) letters were sent.
- **Remitted Funds**
 - \$132,268.90 in total funds remains in participating candidates' campaign accounts remitted for deposit in the Fair Elections Fund from the three elections held in 2020.
 - Funds remitted by committees from the Special Election:
 - Patrick Kennedy for Ward 2 Special Election: \$39,252.38 received on January 11, 2021
 - Jordan Grossman for Ward 2 Special Election: \$20,510.08 received on January 21, 2021
 - Funds remitted by committees from the Primary Election:
 - Evans 2020: \$795.64, received on December 10, 2020
 - Patrick Kennedy for Ward 2: \$30,201.49, received on January 11, 2021
 - Jordan Grossman for Ward 2: \$3,937.94, received on January 21, 2021, and \$120.84 received on February 9, 2021
 - Yilin Zhang for Ward 2: \$5,782.05 received on February 12, 2021, and \$5,782.05 received on February 21, 2021.
 - Funds remitted by committees from the General Election:
 - Let's Reid 2020: \$876.04, received on December 10, 2020
 - Frazier for Ward 4: \$409.58, received on December 10, 2020
 - Friends of Christina Henderson: \$17,457.49, received on December 29, 2020
 - Karen for Seven SBOE 2020: \$6.50 received on January 21, 2021
 - Committee to Elect Jeanne' Lewis for City Council: \$1,439.94 received on February 9, 2021
 - Chander for Council: \$500, received on August 3, 2020

- 3 timely filers
- 3 electronically filed their report
- 3 certified E-filings
- Exploratory Committees – R&E Report due February 1st
 - 1 required filer
 - 1 timely filer
 - 1 electronically filed their report
 - 1 certified E-filings
- Initiative/Referendum Committees – R&E Report due February 1st
 - 7 required filers
 - 4 timely filers
 - 3 failures to file
 - 3 referrals to the OGC
 - 4 electronically filed their report
 - 4 certified E-filings
- Recall Committees – R&E Report due February 1st
 - 1 required filer
 - 1 timely filer
 - 1 electronically filed their report
 - 1 certified E-filings
- ANC Candidates – ANC Financial Statement Summary due February 22nd
 - 430 required filers
 - 300 timely filers
 - 130 late filers
 - 130 failures to file
 - 300 electronically filed their report
 - 300 certified E-filing
- 30 referrals to the OGC for failure to file the January 31st R&E Report
 - 8 PCCs (Continuing)
 - 6 PCCs 2020
 - 10 PCCs 2020 (Public Finance)
 - 3 PACs
 - 2 Initiative Committees
 - 1 Referendum Committee
 - The list of committees and treasurers are posted on the OCF website.
- **Reports Analysis and Audit Division (RAAD) – February 2021**
 - 306 desk reviews of R&E Reports filed during February
 - 7 RFAI letters sent
 - 17 matters were resolved by the audit branch
 - 1 matter was referred to the OGC

- February 2021 Audits Issued
 - NONE

OCF GENERAL COUNSEL FEBRUARY 2021 REPORT (GENERAL COUNSEL WILLIAM SANFORD)

- **Intake/Output Report**

- 31 referrals were received by the OGC
- 12 informal hearings were completed
- 12 orders were issued
 - 5 orders issued in which no fines were imposed
 - 4 orders issued in which fines totaling \$4,950.00 were imposed
 - 3 orders issued pursuant to motions for reconsideration:
 - 1 order was vacated, and the fine was suspended
 - 1 order affirmed an original fine of \$1,800.00
 - 1 order reduced original fine of \$1,800.00 to \$200.00
- Fines Imposed
 - Keith Silver for DC fined \$1,600
 - Randy Downs for Ward 2 fined \$1,600.00
 - Edwards for Ward 4 fined \$1,800.00
 - Seniors United PAC fined \$1,600.00
 - Ward 2 Democrats fined \$150.00
 - Callie for SBOE fined \$200.00
- OGC collected a \$200 fine payment from Callie for SBOE

- **Open Investigations:**

- NONE

- **Interpretative Opinions**

- NONE

- **No Show Cause Proceedings**

- NONE

BOE EXECUTIVE DIRECTOR'S FEBRUARY 2021 REPORT (EXECUTIVE DIRECTOR MILLER)

- **General Information**

- All election day and early voting checks have been received by election day workers.
- The treasurer's office is now reimbursing some workers for bank fees incurred by the workers for checks that were stopped by the treasurer's office after their deposit.
- Last week, the Board submitted a final report to the Election Assistance Commission (EAC) documenting the usage of the 3 million dollars in funds from the CARES ACT Fund that was received and used for the administration of the federal elections to prevent, prepare, and respond to the pandemic.
- The Board's usage of the funds went towards securing a mail house, tracking ballots, intelligent mail bar codes, purchase of one high-speed ballot sorter machine, 55 ballot drop boxes, ballot on-demand printers, postage to mail ballot packages to and from registered voters, etc.
 - A complete list of expenditures and narratives will be posted on the Board's website.
- The Board submitted recommendations to the EAC regarding future election changes in the District, including moving from precinct-based voting to city-wide voter centers that would service voters regardless of their DC residence, automatically mailing ballots to voters, maintaining mail ballot drop boxes, ballot tracking, and the continued use of super vote centers.
- On February 14th, the Board participated in the Council's Judiciary and Public Safety Committee's performance oversight hearing and provided testimony regarding the 2020 election cycle.
- The Board is currently canvassing voters who did not vote in the 2020 General Election, which will assist with the Board's list maintenance program.
 - Canvass cards are mailed to the last address the BOE has on file.
 - If a voter currently/no longer lives at the address on file, the BOE requests that the card is mailed back indicating voter status.
- The BOE cannot remove voters from internal records based on lack of information provided to the agency, or lack of voting history.

BOE OGC FEBRUARY 2021 REPORT (GENERAL COUNSEL STROUD)

- **General Matters**

- The Board has hired two new staff attorneys, Clifton Prince and Jack Gilmore.

- Clifton Prince comes from the U.S. Department of Veteran Affairs, where he practiced as an appellate litigation attorney.
- Jack Gilmore comes from the DC Superior Court, having served on several panels including the Criminal Justice Act, Persons in Need of Supervision (PINS), and the Guardian Ad Litem.

PUBLIC MATTERS

- Dorothy Brizill
 - Asked if the Board knew what the process and timetables are as it relates to the proposed reorganization plan.
 - Questioned if the Board has the sole authority to make changes to election processes without the need for legislation or changes in regulation.
 - The Board, through its General Counsel, indicated that the Board had the authority to make changes to election processes in accordance with the election statute.
- James Howlett
 - Served as a site coordinator in the General Election and spoke to issues regarding poll pad search options, contacting the hotline, and workers' shift schedules.
 - Suggested the Board create an online system where election workers can look at training information as a refresher between training sessions.
 - Recommended that the Board advertise services offered at voting locations.

ADJOURNMENT (11:50 a.m.)