

**MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING  
July 7, 2021**

The District of Columbia Board of Elections (the Board) held its Regular Monthly Meeting on Wednesday, July 7, 2021, telephonically. Board Chairman Michael Bennett 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 (10:05 am)**

**ASCERTAINMENT OF QUORUM**

- Board Chairman Bennett and Board Member Greenfield constitute a two-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 June 2, 2021.

**BOARD MATTERS**

- NONE

**OCF JUNE 2021 REPORT (DIRECTOR COLLIER-MONTGOMERY)**

Starting July 12, 2021, the OCF staff will return to the Office full-time for their scheduled weekly tour of duty.

On June 17, 2021, the OCF presented testimony on the Proposed OCF Fiscal Year 2022 Budget. The Budget proposes the total sum of \$19,964,671.00: \$3,999,000.00 for Personal Services Budget and 38 Full-Time Equivalents; and \$15,966,000.00 for the Non-Personal Services Budget.

- **Community Outreach**

The OCF continues to focus its efforts on sharing information about its Traditional Campaign Finance Program (TCFP) and the new Fair Elections Program (FEP) with Advisory Neighborhood Commissions (ANC) across the city. During June 2021, there were no community outreach events scheduled.

- **Fair Elections Program Division (FEP)**

- 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 June 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**
  - Four 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 June 30, 2021, \$136,996.85 has 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 June 2021.
- **June Ongoing Post-Election Audits**
  - Preliminary Statement of Findings
    - Seven Preliminary Statements of Findings were issued in on-going audits.
    - The status of the reported audits is posted on the OCF website.
  - Primary Election
    - There are currently ten post-election audits of candidates and committees who participated in the Primary Election. The audits were initiated on June 19, 2020.
    - The names of the candidates and audit status are posted on the OCF website.
  - Special Election
    - There are four post-election audits of candidates and committees who participated in the Special Election. The audits were initiated on July 6, 2020.
    - The names of the candidates and audit status are posted on the OCF website.



- Two audit reports were issued during June
- June 2021 Audits Issued:
  - Committee to Elect Alex Padro, issued June 15, 2021
  - Phil’s Fund for Citizens Services, issued June 11, 2021
- Ongoing Audits
  - Newly elected officials:
    - 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
    - Jacques4DC 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 fieldwork is pending submission of additional documents by the Committee.
  - Political Action Committees (PACs) and Continuing Committees (2020 Election) – January 31, 2021 Report:
    - Oye 4 US Representative – The Preliminary Draft Statement of Findings was issued on April 14, 2021. A 2<sup>nd</sup> Preliminary Draft Statement of Findings was issued on 06/17/21 based on the Audit Manager’s review of the Committee’s response.
    - Committee to Elect Alex Padro – The Audit is complete. The final Audit report was issued on June 15, 2021.
  - Constituent Service Programs (CSPs) – April 1, 2021 Reports:
    - Phil’s Fund for Citizen Service – The audit is complete. The Audit Report was issued on June 11, 2021.
    - Evans CSF – The audit records were due to the audit staff on May 3, 2021 (Termination Report). The Committee has stated that all documents have been shredded. The Audit staff requested that the Committee request the Final Bank Statement from its depository. The Final Bank Statement was received on June 24, 2021 and is under review.

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

**• Intake/Output Report**

- No referrals for informal hearings were received
- Three informal hearing orders were issued
  - Two motions were denied
  - One motion was partially granted and resulted in the reduction of the original fine of \$1,150 to \$575
- Fines Imposed
  - \$500 Dorothy Douglass At-Large, SBOE
  - \$1,000 Patrick Kennedy for Ward 2 Special Election
  - \$575 Committee to Elect Chris Edu Tech

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

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

- **General Information**
  - On June 17, the Board presented FY 2022 budget testimony at the oversight hearing before the Committee on the Judiciary and Public Safety.
  - On June 30, the Committee held a budget hearing and issued the FY 2022 budget report which included recommendations on the Board’s budget, including support for 60 full-time employees, IT infrastructure upgrades with \$203,000 in one-time funding, and \$1.3 million for a new mobile app for voters.
  - In June, the Voter Education and Outreach Division participated in five events within the city: Beat the Street event on June 16 in Ward 8, So Others May Eat (SOME) event on June 17 in Ward 5, Beat the Street event June 23 in Ward 7, a high school voter registration event on June 26 in Ward 7, and the final Beat the Street event on June 30 in Ward 8.
  - On June 15 from 3:30 pm to 7:30 pm, the Board provided support with election ballots and voting materials to the Department of Corrections (DC Jail) staff who conducted the special election to fill the vacancy in Single-Member District 7F07. All election ballots were hand-delivered, retrieved, and tabulated by Board staff.
  - The Board received an award from the Election Assistance Commission for best practices in election administration for the most creative and original “I Voted” sticker. The sticker, which had a superimposed image of Frederick Douglass, was given to voters in the 2020 General Election.

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

- **Proper Subject Matter Determination Hearing: “Elizabeth Davis Education Equity (EDEE) Pathway Policy Act of 2022” Initiative**
  - The proposed initiative was filed in the proper form and was posted in the D.C. Register on May 14, 2021.
  - The Office of the Attorney General (OAG) for the District of Columbia and the Office of the General Counsel for the D.C. Council issued advisory opinions opposing the proposed measure because it appropriates funds by requiring new expenditures for the new pathway program that it creates.
  - The Board is not bound to adhere to the opinions of the OAG or the Office of the General Counsel for the D.C. Council.

- The Board did not receive any opinions in support of or opposed to the initiative from the public or organizations by the Friday, July 2 deadline.
- The proposer, Charles Boston, testified:
  - The OAG and the D.C. Council General Counsel’s reliance on *Hessey v. District of Columbia Bd. of Elections & Ethics*, 601 A.2d 3, 20 (D.C. 1991) is mistaken because that case deals with creating a new trust fund, an explicit added allocation of money that does not have any implication on the proposed initiative.
  - Both the OAG and the D.C. Council’s General Counsel arguments reinforce a mistaken idea that uplifting critical knowledge in the form of vocational training or blended learning, infrastructure development, or agriculture, allied health, other vocational trades is mutually exclusive from traditional credit, and thus necessarily detracts from the core curriculum.
  - Another cited case, *District of Columbia Bd. of Elections & Ethics v. Jones* (“*Jones*”), 481 A.2d 456, 460 (D.C. 1984), is explicitly about allocating increased or separated funds, which is not a part of the proposed initiative.
  - The proposed initiative doesn't require public schools to implement anything new, it just requires schools to do things differently, while allowing taxpayers to have a little say or involvement.
  - This initiative seeks to address the failures of vocational education, help close the achievement gap, increase high school graduation rates, and change the trajectory for the lion's share of District charter and public school students.
  - Vocational training prepares students for the 21st century, which can be blended with traditional academics.
- The Board conducted an independent analysis of the initiative and agrees with the OAG and D.C. Council General Counsel advisory opinions that indicate that the proposed initiative would require the expenditure of funds and thus is a law appropriating funds in violation of the law governing initiatives.
- The portion of the proposed initiative that is most indicative regarding the appropriation of funds is the requirement to establish mandatory middle school alternative option introductory classes and learning experiences for grades 6 through 8.
- It is the Board’s recommendation that the proposed measure does not present a proper subject of initiative.
  - **BOARD ACTION:** The Board voted unanimously to leave the record open for 30 days to give Mr. Boston an opportunity to respond and address the matters noted by the two advisory opinions and the opinion of its Office of the General Counsel.

**PUBLIC MATTERS**

- NONE

**ADJOURNMENT (10:59 a.m.)**