

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

MAY 3, 2023

+ + + + +

The District of Columbia Board of Elections convened via Video Teleconference, pursuant to notice at 10:00 a.m. EDT, Gary Thompson, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

GARY THOMPSON, Chair  
J.C. BOGGS, Member  
KARYN GREENFIELD, Member

BOARD OF ELECTIONS STAFF PRESENT:

MONICA HOLMAN EVANS, Director  
TERRI STROUD, General Counsel  
WILLIAM SANFORD, Office of  
Campaign Finance, General Counsel

## C-O-N-T-E-N-T-S

	PAGE
Call to Order and Quorum	3
Adoption of Minutes	4
Board Matters	4
Executive Director's Report	4
General Counsel's Report	9
Campaign Finance Report	12
Public Matters	17
Adjournment	43

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2  
3  
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11  
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P-R-O-C-E-E-D-I-N-G-S

(10:06 a.m.)

CHAIRMAN THOMPSON: All right. Good morning everybody. I see we have a court reporter on and this meeting's also being recorded. This is our first in-person meeting since the COVID pandemic's over.

So welcome, we have a couple members of the public here with us and also it looks like a few dozen by Zoom. So we'll continue this hybrid approach as we go forward and I think it will work out nicely, you know, including for those who can't make it down here physically and would still like to participate by Zoom. So a continued welcome for everybody out there in Zoom land.

My name's Gary Thompson, the Chair of the Board of Elections. All three members of our Board are here today, so we have a quorum.

We don't have a very full agenda today. One quick housekeeping item, our

1 minutes from our last meeting of April 4th have  
2 been distributed and reviewed by the Board  
3 members, and at this time, I would move we  
4 adopt those minutes.

5 CHAIRMAN THOMPSON: All right, all  
6 in favor?

7 (Chorus of aye.)

8 CHAIRMAN THOMPSON: All right.  
9 Thank you, Karyn. So the minutes are adopted.  
10 No, I don't have any Board matters to raise or  
11 anything. So hearing no Board matters, we will  
12 turn to the executive director's report from  
13 Monica Evans.

14 MS. EVANS: Thank you, Mr. Chair and  
15 good morning to all. Even though the Board of  
16 Elections had its budget oversight hearing on  
17 March 28th, we continue to answer questions and  
18 provide information to the Council.

19 Yes, ma'am. Even though the Board  
20 of Elections had its budget oversight hearing  
21 on March 28th, we continued to answer questions  
22 and provide information to the Council in

1 April.

2 In particular, we provided  
3 additional information and clarification  
4 regarding needed resources to become compliant  
5 with the Elections Modernization Amendment Act  
6 and the Local Resident Voting Rights Amendment  
7 Act. Council committees concluded budget mark-  
8 ups on April 28th, and we are waiting to  
9 receive information regarding final decisions  
10 about our FY-2024 budget.

11 On April 3rd, I participated on a  
12 panel as part of the Vote at Home webinar  
13 series. I talked about the Board's signature  
14 verification and cure processes. I also  
15 attended the Election Assistance Commission  
16 Standards Board meeting on April 18th and April  
17 19th.

18 As required by our regulations, the  
19 Board is looking at our current precinct  
20 boundaries to divide the District into  
21 appropriate voting precincts based on our  
22 election wards. We are working with Gottlieb

1 Simon to complete this task.

2 We have 11 ANC vacancies for the  
3 2023-2025 term. These positions are in  
4 different stages of being filled. After  
5 candidate filing requirements are met, an open  
6 vote of registered voters of the affected SMD  
7 will be held during regularly scheduled ANC  
8 meetings.

9 As far as 2023 next steps and  
10 planning for the 2024 election cycle, we are  
11 reviewing the requirements of the Elections  
12 Modernization Amendment Act and the Local  
13 Resident Voting Rights Amendment Act to ensure  
14 we become compliant.

15 We have had several conversations  
16 with our database vendor to determine what is  
17 needed to augment our current systems. We will  
18 need to create a data visualization interface  
19 on our website and create a database solution  
20 to house non-citizens who register to vote in  
21 local elections.

22 We are in the process of revising

1 our brochures ahead of the 2024 election cycle.  
2 We have completed drafts of the following  
3 brochures: Voting in the District of Columbia,  
4 Voting Guide for Incarcerated Citizens, Quick  
5 Guide for Returning Citizens, College Student  
6 Voting Guide, High School Student Voting Guide,  
7 Being a Student Election Worker, and Conducting  
8 a Voter Registration Drive.

9           Additionally, we are updating the  
10 election worker training manual, developing the  
11 2024 voter education and outreach plan, and  
12 assessing our plan for vote center and mail  
13 ballot drop box locations. We joined a cross-  
14 state data work group to explore ways to share  
15 voter history to address cross-state voter  
16 fraud.

17           Even though we are a member of ERIC,  
18 the Electronic Registration Information Center,  
19 many states are not members. Our participation  
20 with this work group will allow us to engage  
21 with more states.

22           Subgroups have met to discuss the

1 development of a legal MOU and data sharing.  
2 During the month of April, the Voter Education  
3 and Outreach Division conducted five outreach  
4 events on behalf of the agency.

5 Events included a voter registration  
6 drive at the Department on Aging and Community  
7 Living, and a voter registration drive voting  
8 equipment and accessibility resources  
9 demonstration with the Mayor's Office of Deaf,  
10 Deaf Blind, and Hard of Hearing.

11 In April, we registered 2,087 new  
12 voters, and processed 3,515 registration  
13 changes. In total, we prepared 5,602  
14 registration cards to be mailed.

15 Additionally, 30 registered voters  
16 moved out of D.C., 20 voters cancelled their  
17 registrations and registered with other  
18 jurisdictions, and 1,197 voters registered in  
19 D.C. after cancelling their registrations in  
20 other states.

21 We are continuing to register voters  
22 using our website portal. To date, we have

1 processed over 35,000 applications using the  
2 portal. These include new voter registrations  
3 and updates to existing registrations, and that  
4 concludes my report. Thank you.

5 CHAIRMAN THOMPSON: All right.  
6 Thank you very much. Terri Stroud, General  
7 Counsel?

8 MS. STROUD: Good morning, everyone.  
9 The only item I have on my agenda is litigation  
10 status. We have four current matters, the  
11 first is Public Interest Legal Foundation v  
12 Monica Evans in her official capacity as  
13 Executive Director for the Board, and that is  
14 in the U.S. District Court for the District of  
15 Columbia.

16 This matter was filed under the  
17 NVRA, the National Voter Registration Act. The  
18 suit alleges that the Board is out of  
19 compliance with the NVRA's public records  
20 provision.

21 The Office of the Attorney General  
22 filed a motion to dismiss on the Board's behalf

1 on February 3rd of 2022. The plaintiff filed a  
2 response on February 17th, and the OAG filed a  
3 reply on March 17th.

4 On April 10th, 2023, Judge Reyes, to  
5 whom the case was assigned after the initial  
6 Judge was appointed to the D.C. circuit denied  
7 the motion to dismiss and issued a standing  
8 order directing the parties to file a joint  
9 status report that updates the court on any  
10 developments including settlement discussions,  
11 and to propose a briefing schedule that may  
12 address the refiling of motions. The status  
13 report was timely filed on May 1st.

14 And the next three matters have to  
15 do with petitions for Enforcement of Office of  
16 Campaign Finance Orders related to the January  
17 31st, 2021, report of receipts and  
18 expenditures.

19 The first matter is the D.C. Board  
20 of Elections v Lamont Ferrell, and all of these  
21 matters are in Superior Court for the District  
22 of Columbia. D.C. Board of Elections v Lamont

1 Ferrell was filed in the court on February 15th  
2 of this year. March 17th, show cause hearing  
3 was continued to April 4th to allow the Board  
4 to pursue Service of Process on Mr. Ferrell.  
5 And on April 4th, the Judge in chambers granted  
6 a further extension until July 5th, 2023, to  
7 allow the Board to pursue service because mail  
8 has been returned undeliverable.

9 The D.C. Board of Elections v Jacque  
10 Patterson, this was filed on January 25th,  
11 2023. The case had been set for an initial  
12 status hearing before Judge Dayson on April  
13 28th, but on April 6th, the Court sua sponte  
14 continued the date for the initial status  
15 hearing to May 19th, 2023.

16 And finally, we have Stacia Hall v  
17 the D.C. Board of Elections. This is in the  
18 Superior Court as well. On March 14th, the  
19 plaintiffs filed a challenge to the Local  
20 Resident Voting Rights Amendment Act of 2022 on  
21 the grounds that the Constitution precludes  
22 non-citizens from voting. An initial status

1 hearing is scheduled before Judge Puig-Lugo on  
2 June 23rd, 2023. And that concludes my report.

3 CHAIRMAN THOMPSON: All right. Thank  
4 you so much. I guess with respect to the  
5 latter case, Stacia Hall, there's plenty of  
6 time left in the year for the Court to address  
7 that matter, but we're essentially moving full  
8 speed ahead with implementation of the  
9 Council's act in that regard unless and until  
10 the Court finds otherwise. Is that a fair  
11 statement?

12 MS. STROUD: Well, there's a funding  
13 issue with respect to the legislation, so --

14 CHAIRMAN THOMPSON: Yes, apart from  
15 funding.

16 MS. STROUD: Apart from funding.

17 CHAIRMAN THOMPSON: Hopefully that  
18 will fall into place soon, okay. I guess we're  
19 up to the campaign finance report. General  
20 Counsel Bill Sanford is here.

21 MR. SANFORD: Good morning, Mr.  
22 Chairman, and distinguished Board members,

1 William Sanford representing the Office of  
2 Campaign Finance this morning.

3 I will give the director's report a  
4 summary of that report. In the Office of  
5 Campaign Finance, there are currently 16 post-  
6 election audits that are in progress from the  
7 2020 general election campaign.

8 In addition to the 16 audits from  
9 the 2020 election cycle, there are two  
10 completed audits from the 2022 election cycle,  
11 and they include the following. The Elissa for  
12 D.C. principal campaign committee, that audit  
13 statements was issued on the 23rd of April  
14 2023. On the Reelect Charles Allen, Ward 6  
15 principal campaign audit, that audit statement  
16 was issued on the 25th of April 2023.

17 In the Constituent Services Program,  
18 there were six reports of receipts and  
19 expenditures that were required. All six were  
20 timely filed. Senators, representatives, and  
21 state head funds, there were three required  
22 filers, all three were timely filed.

1           And the Political Action Committee,  
2           there were 45 required reports that were due by  
3           April 10th -- 43 were timely filed, one  
4           extension was granted, and there was one  
5           failure to timely file which was referred to  
6           the Office of the General Counsel.

7           Independent Expenditure Committees,  
8           there were eight required filers, and all eight  
9           timely filed.       And under the Advisory  
10          Neighborhood Commission filers, there was a  
11          total of 458 required filers during the 2022  
12          election cycle with 352 timely filed, six  
13          requested extensions, and 100 were referred to  
14          the Office of the General Counsel.

15          That's a pretty high number, but we  
16          are getting feedback from a lot of the Advisory  
17          Neighborhood Commissioners who seem to confuse  
18          filing the summary financial statement for the  
19          ANC race with the financial disclosure  
20          statements.       So some believe that they are  
21          filing their FDS with BEGA. They admit their  
22          obligations to the Office of Campaign Finance.

1 So we're in the process of resolving those  
2 outstanding 100 reports.

3 In the Office of the General  
4 Counsel, during the month of April 2023, the  
5 Office of the General Counsel received 1,100  
6 referrals of Advisory Neighborhood  
7 Commissioners who failed to timely file, and  
8 those matters are currently under review.

9 The office completed 17 informal  
10 hearings and issued six orders, which include  
11 the following: four orders were issued in  
12 which a total of \$10,550 in fines were imposed,  
13 and two orders were issued in which no fines  
14 were imposed.

15 During the month of April 2023, the  
16 Office of the General Counsel imposed fines  
17 against the following respondents. A fine of  
18 \$3,500 was imposed against the Money Supply  
19 Initiative Committee. A fine of \$3,500 was  
20 imposed against the U.S. Citizens Recovery  
21 Initiative Committee. A fine of \$3,500 was  
22 imposed against the D.C. Recovery Act for

1 descendants, and finally a fine of \$50 was  
2 imposed against the Elizabeth Davis Pathway  
3 Policy Act of 2022.

4 During the month of April 2023,  
5 there were no requests for interpretive  
6 opinion, no investigations were opened, and no  
7 show cause proceedings were conducted.

8 The contents of the director's  
9 report and the General Counsel's report will be  
10 published at the Office of Campaign Finance  
11 website by close of business today, May 3rd,  
12 2023, and that should conclude my report.

13 CHAIRMAN THOMPSON: Sounds like with  
14 respect to the ANC Commissioners, there's some  
15 improvement in communication somewhere between  
16 OCF and BEGA that is forthcoming?

17 MR. SANFORD: Yes, we actually  
18 conduct a training for ANCs, and we go out into  
19 the commissions, and we emphasize -- and one is  
20 actually going to occur this evening. We  
21 emphasize if you have not filed your summary  
22 financial statement for the 2023 election

1 cycle, you could face fines. So it's  
2 imperative that they file those, and so we have  
3 -- our training officer is in regular contact  
4 with the commissions.

5 CHAIRMAN THOMPSON: All right.  
6 Great. Anything else? Okay. Well, that  
7 concludes the regular part of our agenda. Like  
8 I said, it's pretty a light agenda today, so  
9 we'd like to hear from our D.C. residents,  
10 starting with those who are present.

11 You don't have to comment but if  
12 you'd like, you can come up to the mic and  
13 state your name and address and please take,  
14 you know, three minutes or so to give us your  
15 comment, and welcome.

16 MS. BRIZILL: Good morning, my name  
17 is Dorothy Brizill, I'm the Executive Director  
18 of D.C. Watch. Our mailing address is 1327  
19 Girard Street NW. Mr. Chairman, I would like  
20 to take a few moments to essentially review  
21 some issues that arose at the last Board  
22 meeting which occurred on April the 5th, not

1 only to raise them but to make sure I correct  
2 the record.

3 And let me hand something up to you  
4 prior to doing that. I apologize that some of  
5 the sheets are blank. At the last Board  
6 meeting, I raised matters that are of concern  
7 to me, and they revolved around essentially  
8 four issues. I made an inquiry and indicated  
9 that I had repeatedly been seeking information  
10 from the staff of the Board of Elections  
11 regarding four issues. What were the budget  
12 enhancements that the agency was seeking for  
13 the 2024 budget?

14 The condition of the warehouse and  
15 what that condition was, and whether or not  
16 there were any contingency plans to move out of  
17 the warehouse prior to the '24 election,  
18 updates and repairs that needed to in cleaning  
19 up the website as well as the voter rolls.

20 The great thing about the Board of  
21 Elections as opposed to dealing with most other  
22 D.C. government agencies is there is a record.

1 You have a court reporter who keeps a  
2 transcript, as well as it is possible to review  
3 the record on Zoom.

4 When I reviewed the record, it  
5 refreshed my memory as regards to the response  
6 I got to my reasonable inquiry about the  
7 budget, about the warehouse, about the website,  
8 and about the voter rolls. Namely, Monica  
9 Evans responded that all the information I was  
10 seeking had been made available to the Council.

11 All of the information I was seeking  
12 was on the Board of Elections website and/or  
13 had been provided to the D.C. Office of Budget  
14 and Performance Management. Of course, she  
15 didn't acknowledge or want to admit that I was  
16 asking the Board for that information, not the  
17 Council, and not the Office of Budget and  
18 Performance Management.

19 I must tell you that the Chairman's  
20 response to me was the most earth shattering  
21 that I had experienced in all my years of  
22 dealing with the Board of Elections.

1           Falsely, you claim that the Board  
2 staff has responded to all my emails, telephone  
3 calls, and requests for information in a timely  
4 and thorough manner, that the Board's process  
5 was in fact transparent, and that all of the  
6 information I could want was available from the  
7 Council or on the Board of Elections website.  
8 That is patently not true.

9           Even if some of the information is  
10 available through the Council, the point is  
11 D.C. law specifically states that it is the  
12 public policy of the District of Columbia that  
13 citizens are entitled to request information  
14 from the government.

15           Section 2-532 also goes on to  
16 specifically mention access to public records  
17 and information which must be made public. Now  
18 I frankly don't know what has led to this  
19 transformation of the Board of Elections, which  
20 used to be open and transparent and a pretty  
21 well-run agency, but this will not stand.

22           I will tell you this will not stand.

1 So you've either got to realize that you answer  
2 to the public, and when the public requests  
3 information, especially in a detailed email or  
4 in a telephone call, that you have to respond.

5 And you cannot take an adversarial  
6 position regarding citizens. That will not  
7 stand. I await the response.

8 CHAIRMAN. THOMPSON: All right.  
9 Thank you so for your comment, much  
10 appreciated. As I mentioned in the last  
11 meeting, I'm not necessarily privy to email  
12 exchanges with information requests.

13 It's not really the Board's job to  
14 micromanage those types of communications,  
15 although from everything I've personally seen,  
16 all of your email requests have been answered.  
17 You sound frustrated.

18 Nevertheless, you of course are  
19 fully entitled to file a formal D.C. FOIA  
20 request. If you feel like the agency is not  
21 responsive to your FOIA request, you obviously  
22 have rights to take the matter to court to have

1 a court scrutinize whether we have in fact been  
2 adequately responsive, and I think you  
3 obviously understand that.

4 So in the meantime, your email  
5 requests of I guess of an informal nature, some  
6 of which I've seen asking for information, you  
7 know, ASAP, today. I mean the agency's busy,  
8 there's a lot to do.

9 Nevertheless, I've seen people react  
10 quickly and thoroughly and provide you  
11 information that's responsive to your requests,  
12 so I don't, you know. I don't know if we can -  
13 - this isn't like really the place to debate  
14 whether, you know, every aspect of what you  
15 would like to see has been answered to your  
16 satisfaction.

17 I can only say that from everything  
18 I've seen, I commend our agency staff for being  
19 responsive, and, you know, you obviously have  
20 rights to carry on with requests for  
21 information.

22 I don't know if you're a D.C.

1 citizen, and I don't know if you personally  
2 reside in D.C., but I know you're affiliated  
3 with a media organization that you say has  
4 offices at 1327 Girard Street NW. I tried to  
5 look it up, and it looks like it's an inactive  
6 organization, so I don't know what kind of  
7 standing it would have. But somewhere between  
8 you and your organization, I'm sure you have  
9 the ability to raise issues further.

10 MS. BRIZILL: Mr. Chairman, if I  
11 could just respond. I mean, Mr. Chairman, do  
12 you know how inappropriate and outrageous your  
13 comments are? The reason why I came down here  
14 today is because you cannot cut me off; you  
15 cannot cut the microphone off as you do during  
16 the Zoom meetings.

17 But let me just say this, the good  
18 thing about the Board of Elections is -- one,  
19 there is a transcript of the meeting, you can  
20 go and try to request a copy of the meeting  
21 through Zoom. But moreover, with regard to my  
22 request for information from the Board, I have

1       tried to do it solely by email.

2                   I have never, Mr. Chairman, never  
3       asked for information and asked and said I want  
4       it that day, or I want it immediately, I have  
5       never said that. Moreover, Mr. Chairman, for  
6       you to do research on me, Mr. Chairman, do you  
7       realize the important role you as Chairman of  
8       the Board of Elections have?

9                   And for you to try to turn the  
10       tables on me and say, oh, well, your  
11       organization is inactive, or what have you, who  
12       the hell cares? I believe the Council and the  
13       Mayor at her press conference call on me and  
14       believe I have an active organization.

15                   So for you to try to denigrate me by  
16       making a personal -- what you think is a  
17       personal slight, it just confirms that you are  
18       inappropriate and should be immediately removed  
19       as Chairman of the Board of Elections. You  
20       don't know how to do the job. You don't know  
21       how to represent citizens.

22                   CHAIRMAN THOMPSON:       All right.

1 Thank you for your comment.

2 MS. STROUD: Ms. Brizill, to the  
3 extent -- that you send repeated requests for  
4 information, and in my responses, I have said  
5 that to the extent that these can be construed  
6 as FOIA requests, we will provide records that  
7 are responsive to your request, but I've also  
8 indicated that FOIA does not require the Board  
9 to respond to queries.

10 FOIA does not require the Board to  
11 create records in response to queries, so I've  
12 given you the standard response. We have a  
13 FOIA page, we have a FOIA portal that citizens  
14 can go to to request information formally.

15 There is a process for that, and you  
16 can send email, which you have, and to the  
17 extent that I have construed them as records, I  
18 don't know that we haven't provided records  
19 that were responsive to your requests, but you  
20 can go back through your correspondence, and if  
21 there are instances where records have not been  
22 provided, please bring them to my attention,

1 and we can, you know, work to resolve that  
2 issue.

3 MS. BRIZILL: Are you familiar with  
4 Section 2-532 of the D.C. Code?

5 MS. STROUD: Yes, I am.

6 MS. BRIZILL: Right of access to  
7 public records.

8 MS. STROUD: Yes, I am.

9 MS. BRIZILL: It specifically says  
10 the citizens have the right to public records.

11 MS. STROUD: You're correct.

12 MS. BRIZILL: Without having to file  
13 a FOIA. You have decided that every request  
14 for information is turned into a FOIA request,  
15 and that is not in keeping with D.C. law.

16 MS. STROUD: What you're citing is  
17 the Freedom of Information Act statute, which  
18 deals with public records. So you're citing  
19 the FOIA statute. So the provision that you're  
20 citing is the Freedom of Information Act. So  
21 since you're citing that, what else should I  
22 look through to determine? What else should I

1 look to?

2 MS. BRIZILL: You should look to  
3 Section 2-531, that says the public policy of  
4 the District of Columbia is to make all records  
5 available.

6 MS. STROUD: Okay.

7 MS. BRIZILL: Okay, okay? And what  
8 you have tried to do, and what your so-called  
9 public information office has done is either  
10 ignore or drag it out and deny.

11 I mean, if I ask for something I  
12 know you readily have, I either get no  
13 response, or you try to turn to into a FOIA,  
14 okay? The bottom line is this: regardless of  
15 you, me, Mr. Thompson, or whatever, the Board  
16 of Elections must be the most public, friendly,  
17 accessible entity in the District of Columbia,  
18 and it's not.

19 MS. STROUD: To the extent that we  
20 have not provided records, please bring them to  
21 my attention.

22 MS. BRIZILL: I'm not talking about

1 records, I'm talking about the general attitude  
2 of you people sitting up there. You don't  
3 understand the extent to which you need to  
4 listen to the public, you need to be responsive  
5 to the public, and you don't need to create an  
6 adversarial position with the public.

7 I have never, even when I have  
8 testified before the Council on a bill that I  
9 strongly disagreed with, have had such an  
10 adversarial relationship with a government  
11 entity, and I don't know why you're doing this.

12 I think I know why you're doing it.  
13 And since Mr. Thompson wants to go there, I  
14 will tell you. You guys are hiding something,  
15 you guys are hiding something. And I'll be  
16 damned if it's not found out.

17 The situation over at the warehouse  
18 is deplorable. You had one warehouse, and then  
19 what do you do? You lease another adjacent  
20 warehouse that has no potable water, doesn't  
21 have toilets, poor lighting, no ventilation.  
22 We should not be working in those conditions,

1 and you know it, but when Dorothy asked about  
2 the warehouse, oh, don't respond.

3 CHAIRMAN THOMPSON: Ms. Brizill,  
4 thank you.

5 MS. BRIZILL: Mr. Thompson, have you  
6 been to the warehouse?

7 CHAIRMAN THOMPSON: Thank you.  
8 Excuse me, all right, excuse me.

9 MS. BRIZILL: Would you work in that  
10 condition? Especially during COVID, when  
11 people were supposed to be washing their hands,  
12 and you don't have potable water for people to  
13 wash their hands. Would you work in that  
14 condition?

15 CHAIRMAN THOMPSON: It's a public  
16 meeting, everyone from the public is welcome to  
17 comment, we limit comments, well, we try to,  
18 for approximately three minutes. It's the same  
19 way that the D.C. Council conducts their  
20 committee and subcommittee hearings.

21 You've had well over 10 minutes now,  
22 you know, to let us know your thoughts in a

1 couple rounds now. So thank you for being  
2 here. It's not really appropriate to have an  
3 open debate with you on a number of these  
4 issues. So it's time for me to turn --

5 MS. BRIZILL: They didn't want to  
6 seem to get down in the gutter, so if you want  
7 to get down in the gutter, Mr. Thompson, we can  
8 get down in the gutter, and I know I have an  
9 arsenal at my disposal that I can use, but you  
10 need to be removed as Chairman of the Board of  
11 Elections because you haven't got a clue --

12 CHAIRMAN THOMPSON: All right.

13 MS. BRIZILL: -- you haven't got a  
14 clue what you're doing.

15 CHAIRMAN THOMPSON: So, thank you so  
16 much for your comment, and we'll see if there's  
17 other members of the public that would like to  
18 comment. Obviously, all citizens are entitled  
19 to information about our Board of Elections.

20 We receive information requests on a  
21 regular basis from yourself and many others.  
22 Often they're email requests. Sometimes

1 they're FOIA requests, and that they cite the  
2 FOIA statute. Sometimes they're on letterhead,  
3 sometimes they're phone calls.

4 We respond to the public's need for  
5 information. Anything we provide to the  
6 Council, any information, any reports that we  
7 have created is all transparent. It's all  
8 publicly available. Obviously, information  
9 about the warehouse is available, and that's  
10 important to us, and it's something that the  
11 Board of Elections takes very seriously and  
12 works very hard on a daily basis through our  
13 excellent public information officer and  
14 otherwise to respond to members of the public.

15 In your particular case I've seen  
16 your emails have been treated respectfully, and  
17 there have been responses to everything to I've  
18 seen. Nothing is being hidden, and we'll  
19 continue to respond to all requests from  
20 members of the public in the way the Board  
21 always has, thoroughly and efficiently, so  
22 thank you.

1 MS. STROUD: Ms. Brizill, to the  
2 extent again that there are requests that have  
3 not been responded to, I await your response to  
4 mine, which is that we have provided to my  
5 knowledge, all, you know, responded to all  
6 requests for information.

7 If there are records that you think  
8 we haven't disclosed, if there are requests  
9 that are outstanding, please bring them to my  
10 attention, and I'm happy to respond.

11 MS. BRIZILL: Tell me what you want  
12 the process to be going forward. An issue will  
13 come up or will be brought to my attention, and  
14 I will seek an answer or response from your  
15 public information office.

16 MS. STROUD: I'm addressing FOIA  
17 requests.

18 MS. BRIZILL: But hold on.

19 MS. STROUD: Let me finish, let me  
20 finish.

21 MS. BRIZILL: I want to ask this  
22 question. I want to ask this question.

1 MS. STROUD: And here's my answer to  
2 your question.

3 MS. BRIZILL: But I'm not even done  
4 with my question.

5 MS. STROUD: You're asking me about  
6 the process, we have a page on our website,  
7 which I think people have directed you to. We  
8 have a FOIA express portal, you can submit  
9 requests through that portal like other  
10 citizens do, like other people that have  
11 requested information do.

12 So if you go to that portal and  
13 submit your request for information, and we  
14 have records that are responsive, we will  
15 provide them. That is the process.

16 MS. BRIZILL: D.C. government, open  
17 government process, also speaks to making  
18 information available to citizens without the  
19 need to file a FOIA, okay? That has been an  
20 underlying principle of D.C. government since  
21 Muriel Bowser was chairman of the committee  
22 that passed the legislation.

1           In my case, when there are issues  
2 that come up, whether it's trying to get a copy  
3 of the report Mr. Sanford gave or what have  
4 you, I will send an email to Mr. Sanford, or I  
5 will send an email to the public information  
6 office or the Office of Campaign Finance.

7           I don't think I need to then draft a  
8 formal FOIA request, since it is already a  
9 document and information that has been  
10 disclosed, that is presumably readily  
11 available.

12           Now what you're telling me without  
13 letting me ask my question is when an issue  
14 arises I need to transmit that to the Board of  
15 Elections as a request that is a FOIA request,  
16 and that I cannot go through your public  
17 information office. Is that correct?

18           MS. STROUD: No, that's not what I  
19 said. I'm talking about FOIA requests, I'm  
20 talking about the section that you cited in the  
21 statute.

22           MS. BRIZILL: And I asked if an

1 issue comes up in a number of forms regarding  
2 the situation at the warehouse, and it comes up  
3 in reference to testimony Monica Evans gives at  
4 the Council during the budget hearing, but she  
5 only says it, and we plan to address the  
6 condition at the warehouse, I then say  
7 conditions at the warehouse, I become concerned  
8 because I know that's where you have moved and  
9 have your tabulation and view of mail-in  
10 ballots.

11 I then send an email to Mr. Jacobs  
12 saying, what is the situation at the warehouse?  
13 I know nothing more than that. What is the  
14 situation at the warehouse? That needs to be  
15 addressed. No, I want Ms. Stroud to answer  
16 this.

17 CHAIRMAN THOMPSON: Now, hold on,  
18 hold on.

19 MS. BRIZILL: You cannot send an  
20 email to Mr. Jacobs asking for a situation at  
21 the warehouse? I have to convert that to a  
22 FOIA?

1 CHARIMAN THOMPSON: No, hold on. I  
2 think we get what you're saying. I think we've  
3 said what we need to say.

4 MS. BRIZILL: You haven't said  
5 anything.

6 CHAIRMAN THOMPSON: You are free to  
7 communicate additional requests for  
8 information, whether you caption them as FOIA  
9 requests or they're just email requests, it  
10 doesn't matter either way, we're going to be  
11 responsive.

12 You have been asked to follow up  
13 with Ms. Stroud or with Mr. Jacobs if you think  
14 they're outstanding requests for information  
15 that haven't been answered. It's pretty  
16 straightforward. You've asked for information  
17 about various things including (audio  
18 interference) additional information that you  
19 need or that hasn't been provided, just send an  
20 email and ask for it.

21 I mean, that's it. Just follow up  
22 and ask us what else you would like to receive,

1 we don't need to debate whether something is  
2 formally a FOIA request or it's not a FOIA  
3 request.

4 MS. BRIZILL: It's an effort to find  
5 out what's really going on.

6 CHAIRMAN THOMPSON: Okay.

7 MS. BRIZILL: We have a right to  
8 know what's going on.

9 CHAIRMAN THOMPSON: All right.  
10 We've been going for twenty minutes, and it's  
11 not, you know, it's not really supposed to be a  
12 cross-examination. We have other members of  
13 the public that would like to make a comment,  
14 and we completely understand what you're saying  
15 about --

16 MS. BRIZILL: No, you don't, no you  
17 don't, because you don't want to.

18 CHAIRMAN THOMPSON: And I would like  
19 you to try to reflect on simply following up  
20 with a additional request for an information.  
21 By email is fine, you don't have to invoke  
22 FOIA, you can just send an email and ask for

1 whatever it is you think you need, and we'll be  
2 responsive, and you can CC me on that email,  
3 and I will --

4 MS. BRIZILL: I don't want to CC  
5 you. You sent me an email saying please don't  
6 CC me anymore on your emails to the Board of  
7 Elections.

8 CHAIRMAN THOMPSON: That's not what  
9 I said. I said, no, I said don't send --

10 MS. BRIZILL: Don't lie, because I  
11 have the records.

12 CHAIRMAN THOMPSON: I said don't  
13 send emails to my private email, use my BOE  
14 email address. So for FOIA purposes, we can  
15 always have a record of communications with  
16 myself and others affiliated with the BOE, but  
17 anyway, so we'll sit tight and await your  
18 further requests for information and of course  
19 be responsive.

20 So anyway, okay, any other public  
21 comment in here in our hearing room, so I'm now  
22 turning to those with us by Zoom. Thank you

1 for your patience, and the mic belongs to  
2 anybody who would like to raise their Zoom  
3 hand.

4 All right. Any other comments from  
5 anybody else?

6 MR. BOGGS: I'll make a comment.  
7 You know, I'm the new kid on the block on this  
8 Board. I would just have to say, not as a  
9 response so much, but just an observation and a  
10 comment that I could not be more impressed with  
11 this group of commissioners and staff here, it  
12 makes my job very easy.

13 They're people with integrity and  
14 very professional. Before I came on the Board,  
15 I had high expectations based on people I knew  
16 involved with the Board, and my expectations  
17 have only been exceeded. And Gary, your role  
18 as Chairman of the Board here, it's a public  
19 service.

20 I think we should recognize folks  
21 for that, but you deal with folks civilly and  
22 professionally and -- as everybody here does.

1 So, again, I'm just pleased and proud to be a  
2 part of this organization.

3 I can be somewhat critical of  
4 particular government organizations from time  
5 to time, but this is one that I won't be  
6 critical of at all, I want to commend everybody  
7 I've met here and work with. So, I just wanted  
8 to make that comment.

9 And I think that the history of this  
10 organization I think bodes well for the future.  
11 Again, I'm just pleased and honored to be part  
12 of this group, and as far as the transparency,  
13 it seems that we have a lot of information  
14 available for anybody to see who has a computer  
15 and can Google public information, if not here,  
16 then other parts of the D.C. government that  
17 are available.

18 So, a lot of that information, you  
19 know, people can come to us directly, but it's  
20 available if you just sit down and pull it up  
21 on a public website, which I think is great  
22 too. To the extent that it's not available,

1 anybody's free to come to us and request that,  
2 so I just wanted to share that observation.  
3 Thank you.

4 MS. EVANS: Yes, and Mr. Chair, if I  
5 may have just a moment, I take exception to the  
6 statement that we are trying to hide  
7 information. In my personal life, in my  
8 professional life, I lead with integrity.

9 And to have such an accusation made,  
10 I just want to indicate that I do not agree  
11 with the accusation, and we have made efforts  
12 to become increasingly transparent and provide  
13 more information on our website, so I just  
14 wanted to state that for the record and thank  
15 you for allowing me that time.

16 CHAIRMAN THOMPSON: Thank you,  
17 Director Evans and Board Member Boggs. Karyn,  
18 do you have your hand raised?

19 MS. GREENFIELD: Yeah, I'm going to  
20 reiterate what J.C. said. This has been a  
21 fantastic Board. The people at the Board of  
22 Elections work very hard. I agree. I took

1 great umbrage at the fact that we're trying to  
2 hide information, which is not what's being  
3 done. And so I do take great exception to that  
4 remark and exception to any remarks about you  
5 not being competent to be the Chair of the  
6 Board, you've been a fantastic Chair.

7           There's a lot that we have done,  
8 there's a lot that we have to get done, and I  
9 think this team has worked very hard towards  
10 that, so I wanted to make sure everybody's  
11 aware of that.

12           CHAIRMAN THOMPSON: Thank you so  
13 much for saying that. Yes, I mean, obviously  
14 our focus is on the election that's ahead of us  
15 in 2024. With integrity and a lot of hard  
16 work, we're going to get there.

17           The calendar is moving, important  
18 dates will be upon us soon enough. We're  
19 working hard on the voter registration list.  
20 Everything that OCF has to do as candidates  
21 start to position themselves will be critical.

22           So, you know, in a thousand

1 different ways, we're really looking forward to  
2 the 2024 election season and helping to  
3 administer and conduct a fair and transparent  
4 election as we did last year in 2022. It went  
5 off, I think, really, really well, and I'm  
6 really excited as this year goes by, as I look  
7 towards 2024.

8 And I'm excited and confident,  
9 because I know as J.C. mentioned, and has Karyn  
10 has mentioned, we've got an incredible agency.  
11 It really makes our job as Board members pretty  
12 easy on a day-to-day basis and during these  
13 monthly meetings, so, I guess with that, I  
14 would move we adjourn.

15 MR. BOGGS: Second.

16 CHAIRMAN THOMPSON: All in favor of  
17 adjourning?

18 (Chorus of aye.)

19 (Whereupon, the above-entitled  
20 matter went off the record at 10:53 a.m.)  
21  
22

<b>A</b>	<p>32:14 33:1 35:15  <b>answered</b> 21:16 22:15          36:15  <b>anybody</b> 39:2,5 40:14  <b>anybody's</b> 41:1  <b>anymore</b> 38:6  <b>anyway</b> 38:17,20  <b>apart</b> 12:14,16  <b>apologize</b> 18:4  <b>applications</b> 9:1  <b>appointed</b> 10:6  <b>appreciated</b> 21:10  <b>approach</b> 3:11  <b>appropriate</b> 5:21 30:2  <b>approximately</b> 29:18  <b>April</b> 4:1 5:1,8,11,16,16          8:2,11 10:4 11:3,5,12          11:13 13:13,16 14:3          15:4,15 16:4 17:22  <b>arises</b> 34:14  <b>arose</b> 17:21  <b>arsenal</b> 30:9  <b>ASAP</b> 22:7  <b>asked</b> 24:3,3 29:1 34:22          36:12,16  <b>asking</b> 19:16 22:6 33:5          35:20  <b>aspect</b> 22:14  <b>assessing</b> 7:12  <b>assigned</b> 10:5  <b>Assistance</b> 5:15  <b>attended</b> 5:15  <b>attention</b> 25:22 27:21          32:10,13  <b>attitude</b> 28:1  <b>Attorney</b> 9:21  <b>audio</b> 36:17  <b>audit</b> 13:12,15,15  <b>audits</b> 13:6,8,10  <b>augment</b> 6:17  <b>available</b> 19:10 20:6,10          27:5 31:8,9 33:18          34:11 40:14,17,20,22  <b>await</b> 21:7 32:3 38:17  <b>aware</b> 42:11  <b>aye</b> 4:7 43:18</p>	<p><b>blank</b> 18:5  <b>Blind</b> 8:10  <b>block</b> 39:7  <b>Board</b> 1:3,5,10,13,16          2:5 3:18,19 4:2,10,11          4:15,19 5:16,19 9:13          9:18 10:19,22 11:3,7          11:9,17 12:22 17:21          18:5,10,20 19:12,16          19:22 20:1,7,19 23:18          23:22 24:8,19 25:8,10          27:15 30:10,19 31:11          31:20 34:14 38:6 39:8          39:14,16,18 41:17,21          41:21 42:6 43:11  <b>Board's</b> 5:13 9:22 20:4          21:13  <b>bodes</b> 40:10  <b>BOE</b> 38:13,16  <b>Boggs</b> 1:14 39:6 41:17          43:15  <b>bottom</b> 27:14  <b>boundaries</b> 5:20  <b>Bowser</b> 33:21  <b>box</b> 7:13  <b>briefing</b> 10:11  <b>bring</b> 25:22 27:20 32:9  <b>Brizill</b> 17:16,17 23:10          25:2 26:3,6,9,12 27:2          27:7,22 29:3,5,9 30:5          30:13 32:1,11,18,21          33:3,16 34:22 35:19          36:4 37:4,7,16 38:4          38:10  <b>brochures</b> 7:1,3  <b>brought</b> 32:13  <b>budget</b> 4:16,20 5:7,10          18:11,13 19:7,13,17          35:4  <b>business</b> 16:11  <b>busy</b> 22:7</p>	<p><b>cares</b> 24:12  <b>carry</b> 22:20  <b>case</b> 10:5 11:11 12:5          31:15 34:1  <b>cause</b> 11:2 16:7  <b>CC</b> 38:2,4,6  <b>center</b> 7:12,18  <b>Chair</b> 1:12,14 3:17 4:14          41:4 42:5,6  <b>chairman</b> 3:3 4:5,8 9:5          12:3,14,17,22 16:13          17:5,19 21:8 23:10,11          24:2,5,6,7,19,22 29:3          29:7,15 30:10,12,15          33:21 35:17 36:6 37:6          37:9,18 38:8,12 39:18          41:16 42:12 43:16  <b>Chairman's</b> 19:19  <b>challenge</b> 11:19  <b>chambers</b> 11:5  <b>changes</b> 8:13  <b>CHARIMAN</b> 36:1  <b>Charles</b> 13:14  <b>Chorus</b> 4:7 43:18  <b>circuit</b> 10:6  <b>cite</b> 31:1  <b>cited</b> 34:20  <b>citizen</b> 26:16,18,20,21  <b>citizen</b> 23:1  <b>citizens</b> 7:4,5 15:20          20:13 21:6 24:21          25:13 26:10 30:18          33:10,18  <b>civilly</b> 39:21  <b>claim</b> 20:1  <b>clarification</b> 5:3  <b>cleaning</b> 18:18  <b>close</b> 16:11  <b>clue</b> 30:11,14  <b>Code</b> 26:4  <b>College</b> 7:5  <b>Columbia</b> 1:1,10 7:3          9:15 10:22 20:12 27:4          27:17  <b>come</b> 17:12 32:13 34:2          40:19 41:1  <b>comes</b> 35:1,2  <b>commend</b> 22:18 40:6  <b>comment</b> 17:11,15 21:9          25:1 29:17 30:16,18          37:13 38:21 39:6,10          40:8  <b>comments</b> 23:13 29:17          39:4  <b>Commission</b> 5:15          14:10  <b>commissioners</b> 14:17          15:7 16:14 39:11</p>
<b>B</b>	<p><b>back</b> 25:20  <b>ballot</b> 7:13  <b>ballots</b> 35:10  <b>based</b> 5:21 39:15  <b>basis</b> 30:21 31:12 43:12  <b>BEGA</b> 14:21 16:16  <b>behalf</b> 8:4 9:22  <b>believe</b> 14:20 24:12,14  <b>belongs</b> 39:1  <b>bill</b> 12:20 28:8</p>	<p style="text-align: center;"><b>C</b></p> <p><b>C-O-N-T-E-N-T-S</b> 2:1  <b>calendar</b> 42:17  <b>call</b> 2:3 21:4 24:13  <b>calls</b> 20:3 31:3  <b>campaign</b> 1:18 2:8          10:16 12:19 13:2,5,7          13:12,15 14:22 16:10          34:6  <b>cancelled</b> 8:16  <b>cancelling</b> 8:19  <b>candidate</b> 6:5  <b>candidates</b> 42:20  <b>capacity</b> 9:12  <b>caption</b> 36:8  <b>cards</b> 8:14</p>	
<p><b>\$10,550</b> 15:12  <b>\$3,500</b> 15:18,19,21  <b>\$50</b> 16:1  <b>a.m</b> 1:11 3:2 43:20  <b>ability</b> 23:9  <b>above-entitled</b> 43:19  <b>access</b> 20:16 26:6  <b>accessibility</b> 8:8  <b>accessible</b> 27:17  <b>accusation</b> 41:9,11  <b>acknowledge</b> 19:15  <b>act</b> 5:5,7 6:12,13 9:17          11:20 12:9 15:22 16:3          26:17,20  <b>Action</b> 14:1  <b>active</b> 24:14  <b>addition</b> 13:8  <b>additional</b> 5:3 36:7,18          37:20  <b>Additionally</b> 7:9 8:15  <b>address</b> 7:15 10:12          12:6 17:13,18 35:5          38:14  <b>addressed</b> 35:15  <b>addressing</b> 32:16  <b>adequately</b> 22:2  <b>adjacent</b> 28:19  <b>adjourn</b> 43:14  <b>adjourning</b> 43:17  <b>Adjournment</b> 2:10  <b>administer</b> 43:3  <b>admit</b> 14:21 19:15  <b>adopt</b> 4:4  <b>adopted</b> 4:9  <b>Adoption</b> 2:4  <b>adversarial</b> 21:5 28:6          28:10  <b>Advisory</b> 14:9,16 15:6  <b>affiliated</b> 23:2 38:16  <b>agencies</b> 18:22  <b>agency</b> 8:4 18:12 20:21          21:20 22:18 43:10  <b>agency's</b> 22:7  <b>agenda</b> 3:21 9:9 17:7,8  <b>Aging</b> 8:6  <b>agree</b> 41:10,22  <b>ahead</b> 7:1 12:8 42:14  <b>alleges</b> 9:18  <b>Allen</b> 13:14  <b>allow</b> 7:20 11:3,7  <b>allowing</b> 41:15  <b>Amendment</b> 5:5,6 6:12          6:13 11:20  <b>ANC</b> 6:2,7 14:19 16:14  <b>ANCs</b> 16:18  <b>and/or</b> 19:12  <b>answer</b> 4:17,21 21:1</p>			

**commissions** 16:19  
 17:4  
**committee** 13:12 14:1  
 15:19,21 29:20 33:21  
**committees** 5:7 14:7  
**communicate** 36:7  
**communication** 16:15  
**communications** 21:14  
 38:15  
**Community** 8:6  
**competent** 42:5  
**complete** 6:1  
**completed** 7:2 13:10  
 15:9  
**completely** 37:14  
**compliance** 9:19  
**compliant** 5:4 6:14  
**computer** 40:14  
**concern** 18:6  
**concerned** 35:7  
**conclude** 16:12  
**concluded** 5:7  
**concludes** 9:4 12:2  
 17:7  
**condition** 18:14,15  
 29:10,14 35:6  
**conditions** 28:22 35:7  
**conduct** 16:18 43:3  
**conducted** 8:3 16:7  
**Conducting** 7:7  
**conducts** 29:19  
**conference** 24:13  
**confident** 43:8  
**confirms** 24:17  
**confuse** 14:17  
**Constituent** 13:17  
**Constitution** 11:21  
**construed** 25:5,17  
**contact** 17:3  
**contents** 16:8  
**contingency** 18:16  
**continue** 3:10 4:17  
 31:19  
**continued** 3:15 4:21  
 11:3,14  
**continuing** 8:21  
**convened** 1:11  
**conversations** 6:15  
**convert** 35:21  
**copy** 23:20 34:2  
**correct** 18:1 26:11  
 34:17  
**correspondence** 25:20  
**Council** 4:18,22 5:7  
 19:10,17 20:7,10  
 24:12 28:8 29:19 31:6  
 35:4  
**Council's** 12:9

**Counsel** 1:17,18 9:7  
 12:20 14:6,14 15:4,5  
 15:16  
**Counsel's** 2:7 16:9  
**couple** 3:8 30:1  
**course** 19:14 21:18  
 38:18  
**court** 3:4 9:14 10:9,21  
 11:1,13,18 12:6,10  
 19:1 21:22 22:1  
**COVID** 3:7 29:10  
**create** 6:18,19 25:11  
 28:5  
**created** 31:7  
**critical** 40:3,6 42:21  
**cross** 7:13  
**cross-examination**  
 37:12  
**cross-state** 7:15  
**cure** 5:14  
**current** 5:19 6:17 9:10  
**currently** 13:5 15:8  
**cut** 23:14,15  
**cycle** 6:10 7:1 13:9,10  
 14:12 17:1

---

**D**


---

**D.C.** 8:16,19 10:6,19,22  
 11:9,17 13:12 15:22  
 17:9,18 18:22 19:13  
 20:11 21:19 22:22  
 23:2 26:4,15 29:19  
 33:16,20 40:16  
**daily** 31:12  
**damned** 28:16  
**data** 6:18 7:14 8:1  
**database** 6:16,19  
**date** 8:22 11:14  
**dates** 42:18  
**Davis** 16:2  
**day** 24:4  
**day-to-day** 43:12  
**Dayson** 11:12  
**Deaf** 8:9,10  
**deal** 39:21  
**dealing** 18:21 19:22  
**deals** 26:18  
**debate** 22:13 30:3 37:1  
**decided** 26:13  
**decisions** 5:9  
**demonstration** 8:9  
**denied** 10:6  
**denigrate** 24:15  
**deny** 27:10  
**Department** 8:6  
**deplorable** 28:18  
**descendants** 16:1  
**detailed** 21:3

**determine** 6:16 26:22  
**developing** 7:10  
**development** 8:1  
**developments** 10:10  
**different** 6:4 43:1  
**directed** 33:7  
**directing** 10:8  
**directly** 40:19  
**Director** 1:17 9:13  
 17:17 41:17  
**director's** 2:6 4:12 13:3  
 16:8  
**disagreed** 28:9  
**disclosed** 32:8 34:10  
**disclosure** 14:19  
**discuss** 7:22  
**discussions** 10:10  
**dismiss** 9:22 10:7  
**disposal** 30:9  
**distinguished** 12:22  
**distributed** 4:2  
**District** 1:1,10 5:20 7:3  
 9:14,14 10:21 20:12  
 27:4,17  
**divide** 5:20  
**Division** 8:3  
**document** 34:9  
**doing** 18:4 28:11,12  
 30:14  
**Dorothy** 17:17 29:1  
**dozen** 3:10  
**draft** 34:7  
**drafts** 7:2  
**drag** 27:10  
**drive** 7:8 8:6,7  
**drop** 7:13  
**due** 14:2

---

**E**


---

**earth** 19:20  
**easy** 39:12 43:12  
**EDT** 1:11  
**education** 7:11 8:2  
**efficiently** 31:21  
**effort** 37:4  
**efforts** 41:11  
**eight** 14:8,8  
**either** 21:1 27:9,12  
 36:10  
**election** 5:15,22 6:10  
 7:1,7,10 13:6,7,9,10  
 14:12 16:22 18:17  
 42:14 43:2,4  
**elections** 1:3,11,13,16  
 3:18 4:16,20 5:5 6:11  
 6:21 10:20,22 11:9,17  
 18:10,21 19:12,22  
 20:7,19 23:18 24:8,19

27:16 30:11,19 31:11  
 34:15 38:7 41:22  
**Electronic** 7:18  
**Elissa** 13:11  
**Elizabeth** 16:2  
**email** 21:3,11,16 22:4  
 24:1 25:16 30:22 34:4  
 34:5 35:11,20 36:9,20  
 37:21,22 38:2,5,13,14  
**emails** 20:2 31:16 38:6  
 38:13  
**emphasize** 16:19,21  
**Enforcement** 10:15  
**engage** 7:20  
**enhancements** 18:12  
**ensure** 6:13  
**entitled** 20:13 21:19  
 30:18  
**entity** 27:17 28:11  
**equipment** 8:8  
**ERIC** 7:17  
**especially** 21:3 29:10  
**essentially** 12:7 17:20  
 18:7  
**Evans** 1:17 4:13,14  
 9:12 19:9 35:3 41:4  
 41:17  
**evening** 16:20  
**events** 8:4,5  
**everybody** 3:4,15 39:22  
 40:6  
**everybody's** 42:10  
**exceeded** 39:17  
**excellent** 31:13  
**exception** 41:5 42:3,4  
**exchanges** 21:12  
**excited** 43:6,8  
**excuse** 29:8,8  
**executive** 2:6 4:12 9:13  
 17:17  
**existing** 9:3  
**expectations** 39:15,16  
**Expenditure** 14:7  
**expenditures** 10:18  
 13:19  
**experienced** 19:21  
**explore** 7:14  
**express** 33:8  
**extension** 11:6 14:4  
**extensions** 14:13  
**extent** 25:3,5,17 27:19  
 28:3 32:2 40:22

---

**F**


---

**face** 17:1  
**fact** 20:5 22:1 42:1  
**failed** 15:7  
**failure** 14:5

**fair** 12:10 43:3  
**fall** 12:18  
**Falsely** 20:1  
**familiar** 26:3  
**fantastic** 41:21 42:6  
**far** 6:9 40:12  
**favor** 4:6 43:16  
**FDS** 14:21  
**February** 10:1,2 11:1  
**feedback** 14:16  
**feel** 21:20  
**Ferrell** 10:20 11:1,4  
**file** 10:8 14:5 15:7 17:2  
 21:19 26:12 33:19  
**filed** 9:16,22 10:1,2,13  
 11:1,10,19 13:20,22  
 14:3,9,12 16:21  
**filers** 13:22 14:8,10,11  
**filing** 6:5 14:18,21  
**filled** 6:4  
**final** 5:9  
**finally** 11:16 16:1  
**finance** 1:18 2:8 10:16  
 12:19 13:2,5 14:22  
 16:10 34:6  
**financial** 14:18,19  
 16:22  
**find** 37:4  
**finds** 12:10  
**fine** 15:17,19,21 16:1  
 37:21  
**finer** 15:12,13,16 17:1  
**finish** 32:19,20  
**first** 3:6 9:11 10:19  
**five** 8:3  
**focus** 42:14  
**FOIA** 21:19,21 25:6,8  
 25:10,13,13 26:13,14  
 26:19 27:13 31:1,2  
 32:16 33:8,19 34:8,15  
 34:19 35:22 36:8 37:2  
 37:2,22 38:14  
**folks** 39:20,21  
**follow** 36:12,21  
**following** 7:2 13:11  
 15:11,17 37:19  
**formal** 21:19 34:8  
**formally** 25:14 37:2  
**forms** 35:1  
**forthcoming** 16:16  
**forward** 3:11 32:12 43:1  
**found** 28:16  
**Foundation** 9:11  
**four** 9:10 15:11 18:8,11  
**frankly** 20:18  
**fraud** 7:16  
**free** 36:6 41:1  
**Freedom** 26:17,20

**friendly** 27:16  
**frustrated** 21:17  
**full** 3:21 12:7  
**fully** 21:19  
**funding** 12:12,15,16  
**funds** 13:21  
**further** 11:6 23:9 38:18  
**future** 40:10  
**FY-2024** 5:10

---

**G**

**Gary** 1:11,14 3:17 39:17  
**general** 1:17,18 2:7 9:6  
 9:21 12:19 13:7 14:6  
 14:14 15:3,5,16 16:9  
 28:1  
**getting** 14:16  
**Girard** 17:19 23:4  
**give** 13:3 17:14  
**given** 25:12  
**gives** 35:3  
**go** 3:11 16:18 23:20  
 25:14,20 28:13 33:12  
 34:16  
**goes** 20:15 43:6  
**going** 16:20 32:12  
 36:10 37:5,8,10 41:19  
 42:16  
**good** 3:3 4:15 9:8 12:21  
 17:16 23:17  
**Google** 40:15  
**Gottlieb** 5:22  
**government** 1:1 18:22  
 20:14 28:10 33:16,17  
 33:20 40:4,16  
**granted** 11:5 14:4  
**great** 17:6 18:20 40:21  
 42:1,3  
**GREENFIELD** 1:15  
 41:19  
**grounds** 11:21  
**group** 7:14,20 39:11  
 40:12  
**guess** 12:4,18 22:5  
 43:13  
**Guide** 7:4,5,6,6  
**gutter** 30:6,7,8  
**guys** 28:14,15

---

**H**

**Hall** 11:16 12:5  
**hand** 18:3 39:3 41:18  
**hands** 29:11,13  
**happy** 32:10  
**hard** 8:10 31:12 41:22  
 42:9,15,19  
**head** 13:21  
**hear** 17:9

**hearing** 4:11,16,20 8:10  
 11:2,12,15 12:1 35:4  
 38:21  
**hearings** 15:10 29:20  
**held** 6:7  
**hell** 24:12  
**helping** 43:2  
**hidden** 31:18  
**hide** 41:6 42:2  
**hiding** 28:14,15  
**high** 7:6 14:15 39:15  
**history** 7:15 40:9  
**hold** 32:18 35:17,18  
 36:1  
**HOLMAN** 1:17  
**Home** 5:12  
**honored** 40:11  
**Hopefully** 12:17  
**house** 6:20  
**housekeeping** 3:22  
**hybrid** 3:11

---

**I**

**ignore** 27:10  
**immediately** 24:4,18  
**imperative** 17:2  
**implementation** 12:8  
**important** 24:7 31:10  
 42:17  
**imposed** 15:12,14,16  
 15:18,20,22 16:2  
**impressed** 39:10  
**improvement** 16:15  
**in-person** 3:6  
**inactive** 23:5 24:11  
**inappropriate** 23:12  
 24:18  
**Incarcerated** 7:4  
**include** 9:2 13:11 15:10  
**included** 8:5  
**including** 3:13 10:10  
 36:17  
**increasingly** 41:12  
**incredible** 43:10  
**Independent** 14:7  
**indicate** 41:10  
**indicated** 18:8 25:8  
**informal** 15:9 22:5  
**information** 4:18,22 5:3  
 5:9 7:18 18:9 19:9,11  
 19:16 20:3,6,9,13,17  
 21:3,12 22:6,11,21  
 23:22 24:3 25:4,14  
 26:14,17,20 27:9  
 30:19,20 31:5,6,8,13  
 32:6,15 33:11,13,18  
 34:5,9,17 36:8,14,16  
 36:18 37:20 38:18

40:13,15,18 41:7,13  
 42:2  
**initial** 10:5 11:11,14,22  
**Initiative** 15:19,21  
**inquiry** 18:8 19:6  
**instances** 25:21  
**integrity** 39:13 41:8  
 42:15  
**Interest** 9:11  
**interface** 6:18  
**interference** 36:18  
**interpretive** 16:5  
**investigations** 16:6  
**invoke** 37:21  
**involved** 39:16  
**issue** 12:13 26:2 32:12  
 34:13 35:1  
**issued** 10:7 13:13,16  
 15:10,11,13  
**issues** 17:21 18:8,11  
 23:9 30:4 34:1  
**item** 3:22 9:9

---

**J**

**J.C** 1:14 41:20 43:9  
**Jacobs** 35:11,20 36:13  
**Jacque** 11:9  
**January** 10:16 11:10  
**job** 21:13 24:20 39:12  
 43:11  
**joined** 7:13  
**joint** 10:8  
**Judge** 10:4,6 11:5,12  
 12:1  
**July** 11:6  
**June** 12:2  
**jurisdictions** 8:18

---

**K**

**Karyn** 1:15 4:9 41:17  
 43:9  
**keeping** 26:15  
**keeps** 19:1  
**kid** 39:7  
**kind** 23:6  
**knew** 39:15  
**know** 3:12 17:14 20:18  
 22:7,12,12,14,19,22  
 23:1,2,6,12 24:20,20  
 25:18 26:1 27:12  
 28:11,12 29:1,22,22  
 30:8 32:5 35:8,13  
 37:8,11 39:7 40:19  
 42:22 43:9  
**knowledge** 32:5

---

**L**

**Lamont** 10:20,22

land 3:16  
 law 20:11 26:15  
 lead 41:8  
 lease 28:19  
 led 20:18  
 left 12:6  
 legal 8:1 9:11  
 legislation 12:13 33:22  
 letterhead 31:2  
 letting 34:13  
 lie 38:10  
 life 41:7,8  
 light 17:8  
 lighting 28:21  
 limit 29:17  
 line 27:14  
 list 42:19  
 listen 28:4  
 litigation 9:9  
 Living 8:7  
 local 5:6 6:12,21 11:19  
 locations 7:13  
 look 23:5 26:22 27:1,2  
 43:6  
 looking 5:19 43:1  
 looks 3:9 23:5  
 lot 14:16 22:8 40:13,18  
 42:7,8,15

---

**M**


---

ma'am 4:19  
 mail 7:12 11:7  
 mail-in 35:9  
 mailed 8:14  
 mailing 17:18  
 making 24:16 33:17  
 Management 19:14,18  
 manner 20:4  
 manual 7:10  
 March 4:17,21 10:3  
 11:2,18  
 mark 5:7  
 matter 9:16 10:19 12:7  
 21:22 36:10 43:20  
 matters 2:5,9 4:10,11  
 9:10 10:14,21 15:8  
 18:6  
 Mayor 24:13  
 Mayor's 8:9  
 mean 22:7 23:11 27:11  
 36:21 42:13  
 media 23:3  
 meeting 1:5 3:6 4:1  
 5:16 17:22 18:6 21:11  
 23:19,20 29:16  
 meetings 3:5  
 meetings 6:8 23:16  
 43:13

member 1:14,15 7:17  
 41:17  
 members 1:13 3:8,18  
 4:3 7:19 12:22 30:17  
 31:14,20 37:12 43:11  
 memory 19:5  
 mention 20:16  
 mentioned 21:10 43:9  
 43:10  
 met 6:5 7:22 40:7  
 mic 17:12 39:1  
 micromanage 21:14  
 microphone 23:15  
 mine 32:4  
 minutes 2:4 4:1,4,9  
 17:14 29:18,21 37:10  
 Modernization 5:5 6:12  
 moment 41:5  
 moments 17:20  
 Money 15:18  
 Monica 1:17 4:13 9:12  
 19:8 35:3  
 month 8:2 15:4,15 16:4  
 monthly 43:13  
 morning 3:4 4:15 9:8  
 12:21 13:2 17:16  
 motion 9:22 10:7  
 motions 10:12  
 MOU 8:1  
 move 4:3 18:16 43:14  
 moved 8:16 35:8  
 moving 12:7 42:17  
 Muriel 33:21

---

**N**


---

name 17:13,16  
 name's 3:17  
 National 9:17  
 nature 22:5  
 necessarily 21:11  
 need 6:18 28:3,4,5  
 30:10 31:4 33:19 34:7  
 34:14 36:3,19 37:1  
 38:1  
 needed 5:4 6:17 18:18  
 needs 35:14  
 Neighborhood 14:10  
 14:17 15:6  
 never 24:2,2,5 28:7  
 Nevertheless 21:18  
 22:9  
 new 8:11 9:2 39:7  
 nicely 3:12  
 non-citizens 6:20 11:22  
 notice 1:11  
 number 14:15 30:3 35:1  
 NVRA 9:17  
 NVRA's 9:19

NW 17:19 23:4

---

**O**


---

OAG 10:2  
 obligations 14:22  
 observation 39:9 41:2  
 obviously 21:21 22:3  
 22:19 30:18 31:8  
 42:13  
 occur 16:20  
 occurred 17:22  
 OCF 16:16 42:20  
 office 1:18 8:9 9:21  
 10:15 13:1,4 14:6,14  
 14:22 15:3,5,9,16  
 16:10 19:13,17 27:9  
 32:15 34:6,6,17  
 officer 17:3 31:13  
 offices 23:4  
 official 9:12  
 oh 24:10 29:2  
 okay 12:18 17:6 27:6,7  
 27:7,14 33:19 37:6  
 38:20  
 open 6:5 20:20 30:3  
 33:16  
 opened 16:6  
 opinion 16:6  
 opposed 18:21  
 order 2:3 10:8  
 orders 10:16 15:10,11  
 15:13  
 organization 23:3,6,8  
 24:11,14 40:2,10  
 organizations 40:4  
 outrageous 23:12  
 outreach 7:11 8:3,3  
 outstanding 15:2 32:9  
 36:14  
 oversight 4:16,20

---

**P**


---

**P-R-O-C-E-E-D-I-N-G-S**  
 3:1  
 page 2:2 25:13 33:6  
 pandemic's 3:7  
 panel 5:12  
 part 5:12 17:7 40:2,11  
 participate 3:14  
 participated 5:11  
 participation 7:19  
 particular 5:2 31:15  
 40:4  
 parties 10:8  
 parts 40:16  
 passed 33:22  
 patently 20:8  
 Pathway 16:2

patience 39:1  
 Patterson 11:10  
 people 22:9 28:2 29:11  
 29:12 33:7,10 39:13  
 39:15 40:19 41:21  
 Performance 19:14,18  
 personal 24:16,17 41:7  
 personally 21:15 23:1  
 petitions 10:15  
 phone 31:3  
 physically 3:14  
 place 12:18 22:13  
 plaintiff 10:1  
 plaintiffs 11:19  
 plan 7:11,12 35:5  
 planning 6:10  
 plans 18:16  
 please 17:13 25:22  
 27:20 32:9 38:5  
 pleased 40:1,11  
 plenty 12:5  
 point 20:10  
 policy 16:3 20:12 27:3  
 Political 14:1  
 poor 28:21  
 portal 8:22 9:2 25:13  
 33:8,9,12  
 position 21:6 28:6  
 42:21  
 positions 6:3  
 possible 19:2  
 post 13:5  
 potable 28:20 29:12  
 precinct 5:19  
 precincts 5:21  
 precludes 11:21  
 prepared 8:13  
 present 1:13,16 17:10  
 presiding 1:12  
 press 24:13  
 presumably 34:10  
 pretty 14:15 17:8 20:20  
 36:15 43:11  
 principal 13:12,15  
 principle 33:20  
 prior 18:4,17  
 private 38:13  
 privy 21:11  
 proceedings 16:7  
 process 6:22 11:4 15:1  
 20:4 25:15 32:12 33:6  
 33:15,17  
 processed 8:12 9:1  
 processes 5:14  
 professional 39:14  
 41:8  
 professionally 39:22  
 Program 13:17

**progress** 13:6  
**propose** 10:11  
**proud** 40:1  
**provide** 4:18,22 22:10  
 25:6 31:5 33:15 41:12  
**provided** 5:2 19:13  
 25:18,22 27:20 32:4  
 36:19  
**provision** 9:20 26:19  
**public** 2:9 3:9 9:11,19  
 20:12,16,17 21:2,2  
 26:7,10,18 27:3,9,16  
 28:4,5,6 29:15,16  
 30:17 31:13,14,20  
 32:15 34:5,16 37:13  
 38:20 39:18 40:15,21  
**public's** 31:4  
**publicly** 31:8  
**published** 16:10  
**Puig-Lugo** 12:1  
**pull** 40:20  
**purposes** 38:14  
**pursuant** 1:11  
**pursue** 11:4,7

---

**Q**


---

**queries** 25:9,11  
**question** 32:22,22 33:2  
 33:4 34:13  
**questions** 4:17,21  
**quick** 3:22 7:4  
**quickly** 22:10  
**quorum** 2:3 3:20

---

**R**


---

**race** 14:19  
**raise** 4:10 18:1 23:9  
 39:2  
**raised** 18:6 41:18  
**react** 22:9  
**readily** 27:12 34:10  
**realize** 21:1 24:7  
**really** 21:13 22:13 30:2  
 37:5,11 43:1,5,5,6,11  
**reason** 23:13  
**reasonable** 19:6  
**receipts** 10:17 13:18  
**receive** 5:9 30:20 36:22  
**received** 15:5  
**recognize** 39:20  
**record** 18:2,22 19:3,4  
 38:15 41:14 43:20  
**recorded** 3:6  
**records** 9:19 20:16 25:6  
 25:11,17,18,21 26:7  
 26:10,18 27:4,20 28:1  
 32:7 33:14 38:11  
**Recovery** 15:20,22

**Reelect** 13:14  
**reference** 35:3  
**referrals** 15:6  
**referred** 14:5,13  
**refiling** 10:12  
**reflect** 37:19  
**refreshed** 19:5  
**regard** 12:9 23:21  
**regarding** 5:4,9 18:11  
 21:6 35:1  
**regardless** 27:14  
**regards** 19:5  
**register** 6:20 8:21  
**registered** 6:6 8:11,15  
 8:17,18  
**registration** 7:8,18 8:5  
 8:7,12,14 9:17 42:19  
**registrations** 8:17,19  
 9:2,3  
**regular** 1:5 17:3,7 30:21  
**regularly** 6:7  
**regulations** 5:18  
**reiterate** 41:20  
**related** 10:16  
**relationship** 28:10  
**remark** 42:4  
**remarks** 42:4  
**removed** 24:18 30:10  
**repairs** 18:18  
**repeated** 25:3  
**repeatedly** 18:9  
**reply** 10:3  
**report** 2:6,7,8 4:12 9:4  
 10:9,13,17 12:2,19  
 13:3,4 16:9,9,12 34:3  
**reporter** 3:5 19:1  
**reports** 13:18 14:2 15:2  
 31:6  
**represent** 24:21  
**representatives** 13:20  
**representing** 13:1  
**request** 20:13 21:20,21  
 23:20,22 25:7,14  
 26:13,14 33:13 34:8  
 34:15,15 37:2,3,20  
 41:1  
**requested** 14:13 33:11  
**requests** 16:5 20:3 21:2  
 21:12,16 22:5,11,20  
 25:3,6,19 30:20,22  
 31:1,19 32:2,6,8,17  
 33:9 34:19 36:7,9,9  
 36:14 38:18  
**require** 25:8,10  
**required** 5:18 13:19,21  
 14:2,8,11  
**requirements** 6:5,11  
**research** 24:6

**reside** 23:2  
**Resident** 5:6 6:13 11:20  
**residents** 17:9  
**resolve** 26:1  
**resolving** 15:1  
**resources** 5:4 8:8  
**respect** 12:4,13 16:14  
**respectfully** 31:16  
**respond** 21:4 23:11  
 25:9 29:2 31:4,14,19  
 32:10  
**responded** 19:9 20:2  
 32:3,5  
**respondents** 15:17  
**response** 10:2 19:5,20  
 21:7 25:11,12 27:13  
 32:3,14 39:9  
**responses** 25:4 31:17  
**responsive** 21:21 22:2  
 22:11,19 25:7,19 28:4  
 33:14 36:11 38:2,19  
**returned** 11:8  
**Returning** 7:5  
**review** 15:8 17:20 19:2  
**reviewed** 4:2 19:4  
**reviewing** 6:11  
**revising** 6:22  
**revolved** 18:7  
**Reyes** 10:4  
**right** 3:3 4:5,8 9:5 12:3  
 17:5 21:8 24:22 26:6  
 26:10 29:8 30:12 37:7  
 37:9 39:4  
**rights** 5:6 6:13 11:20  
 21:22 22:20  
**role** 24:7 39:17  
**rolls** 18:19 19:8  
**room** 38:21  
**rounds** 30:1

---

**S**


---

**Sanford** 1:18 12:20,21  
 13:1 16:17 34:3,4  
**satisfaction** 22:16  
**saying** 35:12 36:2  
 37:14 38:5 42:13  
**says** 26:9 27:3 35:5  
**schedule** 10:11  
**scheduled** 6:7 12:1  
**School** 7:6  
**scrutinize** 22:1  
**season** 43:2  
**Second** 43:15  
**section** 20:15 26:4 27:3  
 34:20  
**see** 3:4 22:15 30:16  
 40:14  
**seek** 32:14  
**seeking** 18:9,12 19:10  
 19:11  
**seen** 21:15 22:6,9,18  
 31:15,18  
**Senators** 13:20  
**send** 25:3,16 34:4,5  
 35:11,19 36:19 37:22  
 38:9,13  
**sent** 38:5  
**series** 5:13  
**seriously** 31:11  
**service** 11:4,7 39:19  
**Services** 13:17  
**set** 11:11  
**settlement** 10:10  
**share** 7:14 41:2  
**sharing** 8:1  
**shattering** 19:20  
**sheets** 18:5  
**show** 11:2 16:7  
**signature** 5:13  
**Simon** 6:1  
**simply** 37:19  
**sit** 38:17 40:20  
**sitting** 28:2  
**situation** 28:17 35:2,12  
 35:14,20  
**six** 13:18,19 14:12  
 15:10  
**slight** 24:17  
**SMD** 6:6  
**so-called** 27:8  
**solely** 24:1  
**solution** 6:19  
**somewhat** 40:3  
**soon** 12:18 42:18  
**sound** 21:17  
**Sounds** 16:13  
**speaks** 33:17  
**specifically** 20:11,16  
 26:9  
**speed** 12:8  
**sponte** 11:13  
**Stacia** 11:16 12:5  
**staff** 1:16 18:10 20:2  
 22:18 39:11  
**stages** 6:4  
**stand** 20:21,22 21:7  
**standard** 25:12  
**Standards** 5:16  
**standing** 10:7 23:7  
**start** 42:21  
**starting** 17:10  
**state** 7:14 13:21 17:13  
 41:14  
**statement** 12:11 13:15  
 14:18 16:22 41:6  
**statements** 13:13 14:20

**states** 7:19,21 8:20  
20:11  
**status** 9:10 10:9,12  
11:12,14,22  
**statute** 26:17,19 31:2  
34:21  
**steps** 6:9  
**straightforward** 36:16  
**Street** 17:19 23:4  
**strongly** 28:9  
**STROUD** 32:16  
**Stroud** 1:17 9:6,8 12:12  
12:16 25:2 26:5,8,11  
26:16 27:6,19 32:1,19  
33:1,5 34:18 35:15  
36:13  
**Student** 7:5,6,7  
**sua** 11:13  
**subcommittee** 29:20  
**Subgroups** 7:22  
**submit** 33:8,13  
**suit** 9:18  
**summary** 13:4 14:18  
16:21  
**Superior** 10:21 11:18  
**Supply** 15:18  
**supposed** 29:11 37:11  
**sure** 18:1 23:8 42:10  
**systems** 6:17

**T**

**tables** 24:10  
**tabulation** 35:9  
**take** 17:13,20 21:5,22  
41:5 42:3  
**takes** 31:11  
**talked** 5:13  
**talking** 27:22 28:1  
34:19,20  
**task** 6:1  
**team** 42:9  
**Teleconference** 1:11  
**telephone** 20:2 21:4  
**tell** 19:19 20:22 28:14  
32:11  
**telling** 34:12  
**term** 6:3  
**Terri** 1:17 9:6  
**testified** 28:8  
**testimony** 35:3  
**thank** 4:9,14 9:4,6 12:3  
21:9 25:1 29:4,7 30:1  
30:15 31:22 38:22  
41:3,14,16 42:12  
**thing** 18:20 23:18  
**things** 36:17  
**think** 3:12 22:2 24:16  
28:12 32:7 33:7 34:7

36:2,2,13 38:1 39:20  
40:9,10,21 42:9 43:5  
**Thompson** 1:12,14 3:3  
3:17 4:5,8 9:5 12:3,14  
12:17 16:13 17:5 21:8  
24:22 27:15 28:13  
29:3,5,7,15 30:7,12  
30:15 35:17 36:1,6  
37:6,9,18 38:8,12  
41:16 42:12 43:16  
**thorough** 20:4  
**thoroughly** 22:10 31:21  
**thoughts** 29:22  
**thousand** 42:22  
**three** 3:18 10:14 13:21  
13:22 17:14 29:18  
**tight** 38:17  
**time** 4:3 12:6 30:4 40:4  
40:5 41:15  
**timely** 10:13 13:20,22  
14:3,5,9,12 15:7 20:3  
**today** 3:19,22 16:11  
17:8 22:7 23:14  
**toilets** 28:21  
**total** 8:13 14:11 15:12  
**training** 7:10 16:18 17:3  
**transcript** 19:2 23:19  
**transformation** 20:19  
**transmit** 34:14  
**transparency** 40:12  
**transparent** 20:5,20  
31:7 41:12 43:3  
**treated** 31:16  
**tried** 23:4 24:1 27:8  
**true** 20:8  
**try** 23:20 24:9,15 27:13  
29:17 37:19  
**trying** 34:2 41:6 42:1  
**turn** 4:12 24:9 27:13  
30:4  
**turned** 26:14  
**turning** 38:22  
**twenty** 37:10  
**two** 13:9 15:13  
**types** 21:14

**U**

**U.S** 9:14 15:20  
**umbrage** 42:1  
**undeliverable** 11:8  
**underlying** 33:20  
**understand** 22:3 28:3  
37:14  
**updates** 9:3 10:9 18:18  
**updating** 7:9  
**ups** 5:8  
**use** 30:9 38:13

**V**

**v** 9:11 10:20,22 11:9,16  
**vacancies** 6:2  
**various** 36:17  
**vendor** 6:16  
**ventilation** 28:21  
**verification** 5:14  
**Video** 1:11  
**view** 35:9  
**visualization** 6:18  
**vote** 5:12 6:6,20 7:12  
**voter** 7:8,11,15,15 8:2,5  
8:7 9:2,17 18:19 19:8  
42:19  
**voters** 6:6 8:12,15,16  
8:18,21  
**voting** 5:6,21 6:13 7:3,4  
7:6,6 8:7 11:20,22

**W**

**waiting** 5:8  
**want** 19:15 20:6 24:3,4  
30:5,6 32:11,21,22  
35:15 37:17 38:4 40:6  
41:10  
**wanted** 40:7 41:2,14  
42:10  
**wants** 28:13  
**Ward** 13:14  
**wards** 5:22  
**warehouse** 18:14,17  
19:7 28:17,18,20 29:2  
29:6 31:9 35:2,6,7,12  
35:14,21  
**wash** 29:13  
**washing** 29:11  
**Watch** 17:18  
**water** 28:20 29:12  
**way** 29:19 31:20 36:10  
**ways** 7:14 43:1  
**we'll** 3:10 30:16 31:18  
38:1,17  
**we're** 12:7,18 15:1  
36:10 42:1,16,18 43:1  
**we've** 36:2 37:10 43:10  
**webinar** 5:12  
**website** 6:19 8:22 16:11  
18:19 19:7,12 20:7  
33:6 40:21 41:13  
**WEDNESDAY** 1:7  
**welcome** 3:8,15 17:15  
29:16  
**well-run** 20:21  
**went** 43:4,20  
**William** 1:18 13:1  
**work** 3:12 7:14,20 26:1  
29:9,13 40:7 41:22  
42:16

**worked** 42:9  
**worker** 7:7,10  
**working** 5:22 28:22  
42:19  
**works** 31:12

**X**

**Y**

**Yeah** 41:19  
**year** 11:2 12:6 43:4,6  
**years** 19:21

**Z**

**Zoom** 3:10,15,16 19:3  
23:16,21 38:22 39:2

**0**

**1**

**1,100** 15:5  
**1,197** 8:18  
**10** 29:21  
**10:00** 1:11  
**10:06** 3:2  
**10:53** 43:20  
**100** 14:13 15:2  
**10th** 10:4 14:3  
11 6:2  
12 2:8  
**1327** 17:18 23:4  
**14th** 11:18  
**15th** 11:1  
**16** 13:5,8  
**17** 2:9 15:9  
**17th** 10:2,3 11:2  
**18th** 5:16  
**19th** 5:17 11:15  
**1st** 10:13

**2**

**2-531** 27:3  
**2-532** 20:15 26:4  
**2,087** 8:11  
**20** 8:16  
**2020** 13:7,9  
**2021** 10:17  
**2022** 10:1 11:20 13:10  
14:11 16:3 43:4  
**2023** 1:8 6:9 10:4 11:6  
11:11,15 12:2 13:14  
13:16 15:4,15 16:4,12  
16:22  
**2023-2025** 6:3  
**2024** 6:10 7:1,11 18:13  
42:15 43:2,7  
**23rd** 12:2 13:13  
**24** 18:17

**25th** 11:10 13:16  
**28th** 4:17,21 5:8 11:13

---

**3**

---

**3** 1:8 2:3  
**3,515** 8:12  
**30** 8:15  
**31st** 10:17  
**35,000** 9:1  
**352** 14:12  
**3rd** 5:11 10:1 16:11

---

**4**

---

**4** 2:4,5,6  
**43** 2:10 14:3  
**45** 14:2  
**458** 14:11  
**4th** 4:1 11:3,5

---

**5**

---

**5,602** 8:13  
**5th** 11:6 17:22

---

**6**

---

**6** 13:14  
**6th** 11:13

---

**7**

---

---

**8**

---

---

**9**

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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: Regular Board Meeting

Before: DC BOE

Date: 05-03-2023

Place: teleconference

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



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Court Reporter

**NEAL R. GROSS**

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