

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

+ + + + +

REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

FEBRUARY 3, 2021

+ + + + +

The District of Columbia Board of Elections convened via Videoconference, pursuant to notice at 10:00 a.m. EST, Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

MICHAEL BENNETT, Chair
MIKE GILL, Member
DIONNA MARIA LEWIS, Member

BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director
KENNETH MCGHIE, General Counsel
SYLVIA GOLDSBERRY-ADAMS, Operations
Manager
KAREN F. BROOKS, Registrar of Voters
LINDA JOHNSON, Assistant to the Executive
Director

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

2 (10:03 a.m.)

3 CHAIR BENNETT: Good morning. We are
4 social distancing with everybody. I will pull my
5 mask down so they can hear me. I want to call
6 this meeting to order. This is the February
7 meeting of the DC Board of Elections, February
8 the third, and it is 10:03 for the meeting. Thank
9 you all for attending. The first thing I want to
10 do is to ascertain a quorum and I see Mr. Gill
11 and Ms. Greenfield. If I could get Mr. Gill to
12 acknowledge his presence. Mr. Gill, are you
13 present?

14 MEMBER GILL: This is Mike Gill, I am
15 present.

16 CHAIR BENNETT: Okay, Ms. Greenfield,
17 are you present?

18 MEMBER GREENFIELD: Yes, I am present.

19 CHAIR BENNETT: Great. We have a
20 quorum. I would like to adopt the agenda with an
21 amendment and the minutes from the January 6
22 meeting. I would like to move, if it is okay

1 with Ms. Montgomery and Ms. Miller--that is
2 already done? Okay.

3 MEMBER GREENFIELD: Yes.

4 CHAIR BENNETT: All right, I am sorry.
5 We are switching the campaign finance report to
6 first as we have already done on the amended
7 agenda.

8 MEMBER GILL: Okay.

9 CHAIR BENNETT: I would like to adopt
10 the agenda and also the minutes of the January
11 meeting and hear today motions from Ms.
12 Greenfield about the agenda and the January
13 minutes.

14 MEMBER GREENFIELD: Yes, I move that we
15 adopt the agenda and the minutes from the January
16 meeting.

17 CHAIR BENNETT: Can I get a second?

18 MEMBER GILL: Second.

19 CHAIR BENNETT: It has been properly
20 moved and seconded. Vote, Ms. Greenfield?

21 MEMBER GREENFIELD: Aye.

22 CHAIR BENNETT: Mr. Gill?

1 MEMBER GILL: Aye.

2 CHAIR BENNETT: It is aye for me as
3 well so it is unanimous, the agenda and the
4 minutes from the January meeting have been
5 adopted. What I would like to do now, before we
6 go to Board matters, is just to make sure, ask
7 the court reporter if you can hear okay. Can I
8 get a response from the court reporter? I think
9 everybody is off mute, aren't they, Randy? You
10 have to unmute yourself, court reporter. Okay,
11 great, thank you so much.

12 Next item on the agenda are Board
13 matters. Ms. Greenfield, do you have any Board
14 matters? Ms. Greenfield, any Board matters?

15 MEMBER GREENFIELD: No, I don't.

16 CHAIR BENNETT: Mr. Gill, any Board
17 matters?

18 MEMBER GILL: No.

19 CHAIR BENNETT: All right and I have
20 none as well. Next item on the agenda is the
21 campaign finance report.

22 Ms. Montgomery? I think you have to

1 unmute yourself, Ms. Montgomery.

2 MS. MONTGOMERY: Okay. Good morning.

3 All right, on behalf of the Office of Campaign
4 Finance, I would like to again report that we are
5 continuing to operate under a modified status.
6 However, all of our services are being provided
7 remotely, either by email or by telephone. We
8 can be reached at 202-671-0547. Again, all of
9 our candidate and committee reports are being
10 filed online at the OCF website and also
11 candidates and committees may contact our office
12 for instructions concerning the registration
13 process and also for instructions concerning the
14 mandatory entrance conference.

15 With the Fair Elections Program
16 Division, I would like to report during the month
17 of January, that as of January 29, 2021, the
18 total sum of \$4,009,449.90 has been dispersed in
19 base amount and matching payments to 36
20 candidates who are certified by the Office of
21 Campaign Finance in the Fair Elections Program to
22 participate in the June 2nd Primary Election, the

1 June 16th Special Election and the November 3rd,
2 2020 General Election.

3 During the month of January, the total
4 sum of \$9,429 was disbursed in matching payments
5 to the following FEP participating candidates.

6 On January 25, 2021, Martin for Ward Two, \$979 in
7 matching payment. On January 25, 2021, to Vincent
8 Orange 2020, the sum of \$7,375 in matching
9 payment. On January 26, 2021, Karen For Seven
10 State Board of Education, \$100 in matching
11 payment. On January 26, 2021, Chander for
12 Council, \$625 in matching payment and on January
13 26, 2021, Let's Read 2020, \$350 in matching
14 payment. One thing I would like to point out is
15 that these matching payments were for qualified
16 small-dollar contributions, which were collected
17 by the candidates on or before the November 3rd
18 General Election.

19 Overall, there were 20 candidates who
20 were certified as participating candidates in the
21 Fair Elections Program for the November 3rd
22 General Election, 12 candidates who were

1 certified in the June 2, 2020 Primary Election
2 and four candidates who were certified as
3 participating candidates in the June 16, 2020
4 Special Election.

5 During the month of January, the Fair
6 Elections Program Division also conducted 39 desk
7 reviews of the mandatory December 10, 2020 and
8 also of amended reports of Receipts and
9 Expenditures. They issued 16 requests for
10 additional information based on their review of
11 the reports which had been filed.

12 Also, I would like report that the
13 total funds remaining in participating
14 candidates' campaign accounts, which were
15 remitted for deposit in the Fair Elections Fund
16 from the three elections which were conducted in
17 2020, totaled \$113,973.14 as of this date. The
18 following committees remitted funds from the June
19 30, 2020 Special Election. The first was Patrick
20 Kennedy for Ward Two Special Election, \$39,252.38
21 was received on January 11, 2021. Jordan
22 Grossman for Ward Two Special Election,

1 \$20,510.08 was received on January 21, 2021.

2 With respect to the candidates who
3 participated in the June 2nd Primary Election,
4 and I will correct the dates that are showing on
5 the report. For the committees who remitted
6 funds from the June 2nd Primary Election, Evans
7 2020, \$795.64 on December 10, 2020; Patrick
8 Kennedy for Ward Two, \$30,201.49 on January 11,
9 2021; Jordan Grossman for Ward Two, \$3,937.94 on
10 January 21, 2021. With respect to the November
11 3, 2020 General Election, the following
12 candidates remitted surplus funds: Chander For
13 Council, \$500, which was received on August 3;
14 Let's Read 2020, \$876.04, which was received on
15 December 10, 2020; Frasier for Ward Four,
16 \$409.58, which was received on December 10th;
17 Friends of Christina Henderson, \$17,457.49, which
18 was received on December 29, 2020; and Karen For
19 Seven State Board of Education 2020, \$6.50, which
20 was received on January 21, 2021.

21 I just again would like to point out,
22 for the record, that participating candidates,

1 who were certified to participate in these
2 elections by the Office of Campaign Finance are
3 required by the Fair Elections Act to remit any
4 surplus funds remaining in their campaign
5 accounts to the Office of Campaign Finance for
6 deposit in the elections fund.

7 In the Fair Elections Division also,
8 I would report that there are 14 ongoing post-
9 election audits as of January 21, and these are
10 post-election audits, which were initiated of the
11 June 2, 2020 primary election, the candidates who
12 participated in the election or their campaign
13 operations, the audits were initiated on June
14 19th and they are ongoing. The status of the
15 audits is reported in our report and our report
16 will be published at our website by the end of
17 today. Again, there are ten candidates whose
18 campaign operations are under audit, who
19 participated in the June 2nd primary election.
20 With the June 16, 2020 special election, there
21 are four ongoing post-election audits. Again,
22 the status of those audits is indicated in our

1 report and the report will be published by the
2 close of business today.

3 In our Public Information and Records
4 Management Division for the month of January,
5 there were several report dates. The first date
6 was January 1st, which was the deadline for the
7 filing of the report of receipts and expenditures
8 by our constituent services program. There were
9 nine required filers, all nine timely filed and
10 electronically filed their report. One of the
11 constituent service programs filed a termination
12 report and that was from former council member
13 Jack Evans. January 1st was also the deadline
14 for our senator representative statehood fund.
15 There are three required filers, all three timely
16 filed and also electronically filed their report.

17 With the Legal Defense Committees,
18 there were two report dates during the month of
19 January. The first was for the 13th report of
20 receipts and expenditures, which was due on
21 January 4, 2021, and that report was filed and it
22 was filed timely and it was electronically filed.

1 On January 31st, the second report for the Legal
2 Defense Committees was due. There was one
3 required filer. The report actually fell on the
4 due date of February 1, 2021, because the 31st
5 fell on the weekend.

6 All I would like to point out for the
7 record is that there were several reports which
8 were due on January 31st and with respect to
9 those reports, I will be giving you the required
10 number of filers, but with respect to the timely
11 filers or the actual filers, that information I
12 will update you on with respect to the February
13 stats for the office, which will be presented in
14 March.

15 So, January 31st was the filing of the
16 report for the Principal Campaign Committees and
17 also for our Political Action Committees and that
18 is in our traditional Campaign Finance Report
19 Program. The report was due February 1. There
20 are 109 required filers.

21 With our Fair Elections Program
22 Principal Campaign Committees, again, January

1 31st was the due date for the filing of the
2 financial reports and it fell on February 1,
3 2021, and there were 36 required filers.

4 With our Independent Expenditure
5 Committees, again, January 31st was the date for
6 the filing of the report of receipts of
7 expenditures, which was actually due on February
8 1, 2021, and there were three required filers.

9 With our Exploratory Committees,
10 again, the report was due on January 31st, and it
11 fell due on February 1st.

12 There was one required filer with our
13 Initiative Referendum Committee. The report was
14 due on January 31st but fell on Monday, February
15 1st. There were three required filers. With our
16 Recall Committees, January 31st, again, was the
17 filing deadline. The report was due Monday,
18 February 1. The required filers was one.

19 We did have two candidates and
20 treasurers who completed the OCF Entrance
21 Conference Presentation for January 2021. The
22 first was Samuel Troper, treasurer for Mayor

1 Muriel Bowser Recall Committee. The second was
2 Eric Rogers, treasurer, the DC Black Democratic
3 Caucus.

4 In terms of referrals to the Office of
5 the General Counsel, with respect to reports
6 which were due on December 10th, failure to file
7 those reports of receipts and expenditures.
8 Additional referrals were made on January 6,
9 2021, and with the Fair Elections Program, James
10 for Ward Two State Board of Education, James
11 Harnett, treasurer, was referred for the failure
12 to file the report.

13 In our Reports Analysis and Audit
14 Division for the traditional program, during the
15 month of January 2021, the Audit Branch conducted
16 29 desk reviews of reports of receipts and
17 expenditures, which were filed. The Audit Branch
18 also delivered or issued 11 requests for
19 additional information and they resolved all 11
20 of those requests for additional information.
21 During the month of January, there were no
22 ongoing audits in our traditional audit program

1 and consequently, there were no audits which were
2 issued. That completes the report, but I would
3 ask the General Counsel, William Sanford, to give
4 the report of the Office of the General Counsel
5 for the Office of Campaign Finance.

6 CHAIR BENNETT: Thank you, Ms.
7 Montgomery. Mr. Sanford?

8 MR. SANFORD: Yes, good morning, Mr.
9 Chair and distinguished Board Members. I am
10 William Sanford, General Counsel for the Office
11 of Campaign Finance.

12 During the month of January 2021, the
13 Office of the General Counsel received two
14 referrals, conducted 22 informal hearings, and
15 issued 24 orders which included the following.

16 Eighteen orders were issued in which
17 no fines were imposed. Four orders to vacate
18 Notices of Hearing that were violated were issued
19 and two orders were issued pursuant to motions
20 for reconsideration.

21 Regarding the motions for
22 reconsideration, one order resulted in the

1 suspension of the fine and the second order
2 resulted in the reduction of the original fine of
3 \$1,850 to a fine of \$500. During the month of
4 January 2021, there was a total of \$500 in fines
5 imposed and that is that fine that was reduced
6 from \$1850.

7 During the month of January 2021, the
8 Office of the General Counsel collected a fine of
9 \$50 and that fine was paid by Aaron Landry.

10 During the month of January 2021,
11 there were no open investigations and during the
12 month of January 2021, there were no requests for
13 interpretive opinions and no show cause
14 proceedings were conducted and that should
15 conclude my report.

16 CHAIR BENNETT: Thank you, Mr. Sanford.
17 Does that conclude your report, Ms. Montgomery?

18 (No response.)

19 CHAIR BENNETT: You're on mute, Ms.
20 Montgomery. Are you on mute? Let's take
21 yourself off it.

22 MS. MONTGOMERY: Yes, that completes

1 our report for the Office of Campaign Finance.

2 CHAIR BENNETT: Okay. Thank you. Ms.
3 Greenfield, do you have any questions for Ms.
4 Montgomery?

5 MEMBER GREENFIELD: No, I don't have
6 any questions.

7 CHAIR BENNETT: Mr. Gill, do you have
8 any questions for Ms. Montgomery?

9 (No response.)

10 CHAIR BENNETT: Mr. Gill, you may be
11 on mute. I will take that as a no, okay? I
12 think we lost Mr. Gill somewhere.

13 Next on the agenda is Ms. Miller's
14 report.

15 MS. MILLER: Thank you. Can you hear
16 me?

17 I want to follow up with where I left
18 off in January with the status of poll worker
19 payment. As I indicated at that time, we were
20 having a bit of a challenge with poll workers
21 receiving their payments from the Office of
22 Finance and Resource Management. All the data,

1 as you know, had been sent, but there were
2 challenges from them not being forwarded that
3 data to Treasury to get paid. At this point, all
4 poll worker payments are now with OFRM. OFRM
5 requires us to communicate directly with our poll
6 workers regarding the status of the checks and
7 that includes stop payments, processing dates and
8 the difference between the good and the canceled
9 checks as well. This past Friday, January 29,
10 BOE sent 19 payment requests to OFRM for
11 processing, a combination of reissues and
12 supplementals all regarding the sent fees to the
13 Accounts Payable Department for processing. As of
14 Monday, OFRM that BOE had filed containing 229
15 payments that are currently en route to the
16 election workers. Those checks are dated January
17 8th and January 28, 2021. I do know that OFRM
18 set up an email portal for the poll workers to
19 communicate directly with them so that they can
20 follow up and have ongoing conversations
21 regarding the status of their checks. I know they
22 have been doing that throughout this process this

1 past month.

2 Yesterday, OFRM sent us a file
3 containing 936 payments that have yet to be
4 cashed by our election workers. So OFRM is in
5 the process of placing a stop payment on those
6 checks and reissuing them. Now that is payments
7 that have stopped, we could have poll workers
8 received more than one check depending on if they
9 worked both election day and early voting. I
10 haven't received a timeline of when those checks
11 should be reissued, but again that's clearly in
12 the hands of OFRM. The majority of the calls to
13 BOE now are about processing, like how do they
14 recoup bank fees for checks of which we have to
15 get information and data to find that and at that
16 point I can say that definitely the calls to this
17 office have not slowed. Are there any questions
18 on that?

19 CHAIR BENNETT: No. Ms. Greenfield, do
20 you have any questions on the checks for poll
21 workers?

22 MEMBER GREENFIELD: No, no, I don't.

1 Thanks for updating us, Alice.

2 MS. MILLER: We are required after
3 every general election to submit the Election
4 Administration Voting Survey report data to the
5 Elections Commission and so we did submit that
6 data Friday. That data is the total number of
7 registered voters, voter turnout, technology
8 used, our election policies, things such as mail-
9 in ballots, permanent access ballot processing
10 and that is as far as the numbers we used, excuse
11 or no excuse absentee ballot process. This is a
12 calculation of data for all jurisdictions and the
13 EAC compiles this and then as data is available,
14 it submits to Congress at the beginning of the
15 spring, so we have met that deadline (audio
16 interference).

17 CHAIR BENNETT: Any questions, Ms.
18 Greenfield?

19 (No response.)

20 CHAIR BENNETT: I think you're on
21 mute.

22 MEMBER GREENFIELD: Yeah, I was. No,

1 I don't have any questions. Thank you.

2 CHAIR BENNETT: Questions, Ms. Miller?

3 (No response.)

4 CHAIR BENNETT: I think you're
5 cycling out. Mr. Gill, are you there, any
6 questions from you for Ms. Miller? Okay. I have
7 no questions so we will move on.

8 Next on the agenda is the General
9 Counsel's report. Ms. Stroud?

10 MS. STROUD: Good morning, everyone.
11 I have two items on my agenda. The first is
12 final rulemaking. The Board has final
13 rulemaking with respect to the Office of Campaign
14 Finance. These amendments were submitted in
15 emergency and proposed form during the Board's
16 May 2020 meeting and was published in the DC
17 Register on May 15, 2020. (Audio interference)
18 Emergency Amendment Act of 2020 and I will defer
19 to the Office of Campaign Finance's General
20 Counsel for an explanation of the rulemaking for
21 the record.

22 MR. SANFORD: Thank you. Good

1 morning, again, Mr. Chairman and distinguished
2 board members. This is William Sanford again,
3 General Counsel for the Office of Campaign
4 Finance. The amendment before the Board would
5 amend the applicable subsections of Title 3 of
6 the District of Columbia Municipal Regulations in
7 Chapters 30, 38, 39, 40, 41, and 42. To provide
8 that candidates and treasurers may fulfill their
9 obligation to complete mandatory training offered
10 by the Office of Campaign Finance, either in
11 person or online. As the General Counsel for the
12 Board has indicated, these amendments were
13 previously approved by the Board in May and there
14 was no public comment.

15 In addition, the amendment amends
16 subsections of Chapter 42, which pertains to the
17 Fair Elections Act to change the five calendar
18 day verification process that the Office of
19 Campaign Finance was under, to a five business
20 day period. It extends it to a five business day
21 period. It also provides that the five business
22 day verification process applies for

1 disbursement, recommendations to the Office of
2 the Chief Financial Officer by the Director of
3 the Office of Campaign Finance for the base
4 amounts and disbursement directives actually to
5 the Office of the Chief Financial Officer from
6 the Director for disbursement of matching funds.
7 That is the summary of the basis for these
8 amendments.

9 MS. STROUD: Thank you, Mr. Sanford,
10 and so with that I would ask the Board to move,
11 so that we can forward the final rulemaking to
12 the Office of Documents and Administrative
13 Issuances for publication in the DC Register, so
14 that the rulemaking will become final.

15 CHAIR BENNETT: Okay. We lost Mr. Gill
16 for about five minutes and so what I am going to
17 ask is that --

18 MEMBER GILL: Michael, I'm back. Sorry
19 about that.

20 CHAIR BENNETT: Okay, great. That's
21 okay. Can I get a motion for the adoption of the
22 final rulemaking as presented by Ms. Stroud and

1 Mr. Sanford? Ms. Greenfield, can I get a motion?

2 MEMBER GREENFIELD: Yes, I move that
3 we adopt the final rulemaking as presented by
4 Ms. Stroud and Mr. Sanford.

5 CHAIR BENNETT: Great. Mr. Gill, can
6 I get a second?

7 MEMBER GILL: Second.

8 CHAIR BENNETT: It's been properly
9 moved and seconded. All in favor, aye. Ms.
10 Greenfield?

11 MEMBER GREENFIELD: Aye.

12 CHAIR BENNETT: Mr. Gill?

13 MEMBER GILL: Aye.

14 CHAIR BENNETT: Aye for me as well so
15 it's unanimous. Thank you, Ms. Stroud. We'll
16 move on with your agenda. Motion passed.

17 MS. STROUD: Sure. Thank you. The
18 next item on my agenda is litigation status. The
19 first consolidated matter is Hammond and Marlin
20 versus the DC Board of Elections. This
21 consolidated matter is comprised of appeals of
22 Board orders 19-32 and 19-33, which upheld the

1 resolutions issued by ANC 7B that found that no
2 vacancies existed in the ANC offices for single
3 member districts 7B04 and 7B05. In each matter,
4 the Board found that the petitioners did not meet
5 the burden of proving that the incumbent
6 commissioners did not meet the residency
7 qualifications necessary to hold the offices they
8 held. On January 13, 2021, DC Court of Appeals
9 asked the parties to show cause why the matter
10 should not be dismissed for mootness since the
11 incumbents were no longer in office as of January
12 2, 2021. On January 27, 2021, my office filed a
13 motion to dismiss for mootness and that motion
14 was granted on February 1, 2021.

15 Kathy Henderson v Board of Elections
16 is the second matter. This matter was filed in
17 the DC Court of Appeals on December 9th and it
18 was petitioned for review of the context for ANC
19 Commissioner in single member districts 5B05 on
20 December 15th, the Board filed a motion to
21 dismiss for failure to state a claim upon which
22 relief could be granted and that motion was

1 granted on January 12, 2021, and so as of Monday,
2 the court currently has no active litigation
3 cases.

4 CHAIR BENNETT: You have no more
5 cases? Okay.

6 MS. STROUD: I would like to address,
7 as the Executive Director mentioned, we did post
8 the November 3 General Election After Action
9 Report and we also, of course, back in June, we
10 posted one with respect to the June election,
11 although we were not required to and that report
12 which is posted on the Board's website is
13 complete. It had been augmented to include a
14 report that was given concerning the general
15 election. Once we augmented the June election
16 report with that, that report was complete. I'd
17 also note that the Board is not required to do
18 After Action Reports with respect to Primary
19 Elections but it is our practice to do so and so
20 we did and so that report is complete.

21 With respect to the November General
22 Election After Action Report, all of the required

1 data was filed and that was posted again on
2 February 1, 2021. The Executive Director has
3 reported extensively at each Board meeting since
4 on the general election and as to matters that
5 have come up since then including the matter of
6 poll worker payments.

7 With respect to the poll worker and
8 items found by the precinct captains or area
9 representatives logs, there were no logs because
10 of changes in our procedures and the ward did not
11 debrief, but is planning to assemble the report
12 so that we can augment the report with that
13 information about issues identified during the
14 general election. What information we do have
15 from the poll worker division indicates that we
16 addressed issues that had arisen during the June
17 elections, both the primary and the special
18 election and that they reported on activities
19 that we had undertaken to address the concerns
20 that were raised at that time. So, we will be
21 augmenting the report with information that we
22 collect and that we can provide shortly, but all

1 of the data that was required is a part of the
2 report. I will also note that the ease report
3 that the Executive Director mentioned is a far
4 more comprehensive account of the general
5 election than is required by the counsel with
6 respect to the After Action Report and we can
7 provide the response that we submit so that an
8 even broader accounting of the general election
9 can be provided to the public. And that
10 concludes my report.

11 CHAIR BENNETT: Okay. Any questions,
12 Ms. Greenfield?

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

15 CHAIR BENNETT: Any questions, Mr.
16 Gill?

17 MEMBER GILL: No questions, thanks,
18 Terri.

19 CHAIR BENNETT: Yeah, I have no
20 question, but one comment is that what I want,
21 and I should have done it earlier during Board
22 matters, but I do want, on behalf the city,

1 apologize to all the poll workers. It was not
2 the Board of Elections' responsibility to get
3 payments out to you. One of the things that was
4 such a just heartfelt and so wonderful that the
5 public turned out and we had more poll workers
6 than were required en masse.

7 Also, to note the demographic of the
8 poll workers, particularly for the November
9 election, was very different in that it included
10 a large number of younger citizens to work the
11 polls than we had had before. We want to
12 continue to encourage young people to come out,
13 having problems with getting paychecks out does
14 not encourage anybody, so we are going to make
15 sure that on the next election, that we work very
16 closely with the city's finance office to ensure
17 that there is a smooth process in getting
18 paychecks out. Again, that is not what the DC
19 Board of Elections does, but at the end of the
20 day, poll workers showed up because we asked and
21 we want to make sure that every part of the city
22 responds accordingly and to make sure all those

1 things goes smoothly. People worked, they worked
2 hard, they came out during a pandemic and gave
3 just incredible support to ensure that we had a
4 smooth election week process.

5 Again, I want to thank all the poll
6 workers for all the things that they did to
7 ensure we had a smooth election week, but also to
8 apologize to them for some of the challenges that
9 have arisen through our finance organization
10 making sure that they got paid. I'll close your
11 report, Ms. Stroud, with that comment.

12 I think now we are at the part of the
13 agenda for public matters. I'd like to, if you
14 could bring them up or ask them to raise their
15 hands or are they on mute. If I could, I'm sure
16 we're going to have a few comments, opinions so
17 if I could get somebody to raise their hand and
18 speak up and I'll try and address you. The floor
19 is open. Everybody, you've got to unmute
20 yourself if you want to speak.

21 MS. BRIZILL: This is Dorothy Brizill.

22 CHAIR BENNETT: Okay, Ms. Brizill, you

1 have the floor. Identify yourself with your name
2 and address, please, ma'am. Ms. Brizill? You
3 have to unmute yourself, Ms. Brizill. Thank you.

4 MS. BRIZILL: Can you hear me now?

5 CHAIR BENNETT: Yes, I can, ma'am.

6 MS. BRIZILL: This is Dorothy Brizill,
7 B-R-I-Z-I-L-L. I represent DC Watch. Our
8 address is 1327 Gerard Street NW. I would like
9 to ask Ms. Stroud to go through an element of her
10 report. Unfortunately, I received a telephone
11 call while she was doing it. But, my basic
12 question has to do with the report that was filed
13 on February 1, by the Board of Elections known as
14 the After Action Report. Is it my understanding
15 that Ms. Stroud believes that the report that's
16 on the Board's website is complete?

17 MS. STROUD: I was referring to the
18 June 2nd report when I was talking about the
19 completeness of the report. I understand that
20 you have a question about when the June 2nd
21 primary election report was going to be augmented
22 and it has, so that report is complete.

1 MS. BRIZILL: So, regarding the June
2 2nd report, when it says that additional
3 information will be provided shortly, the
4 addition of that single page, sheet of paper that
5 was added, that is the updating of that report?

6 MS. STROUD: Yes, it is.

7 MS. BRIZILL: Okay, now my major issue
8 concerns the November report that's on the Board
9 of Elections website. What is the status of that
10 because it's supposed to be in compliance with
11 provisions of DC Code and DC Regulations. What
12 do you view the status of that report? Because
13 all it does is list ballots cast, registration
14 activity, election workers and election night
15 report.

16 MS. STROUD: Okay and yeah, I'm not
17 sure whether you heard my comments earlier as I
18 indicated. So which items are you referring to
19 as missing because, as I indicated with respect
20 to the precinct captains and area representative
21 logs due to a change in our process, we don't
22 have those logs, but we do debrief site

1 coordinators and that's happening and it has not
2 been completed yet. So, we have then there is a
3 description of any irregularities experienced on
4 Election Day and aside from slight minor issues
5 with equipment which were replaced, there were no
6 irregularities on Election Day.

7 MS. BRIZILL: Go on, Ms. Stroud.

8 MS. STROUD: And so what items are
9 missing?

10 MS. BRIZILL: First, let me say this,
11 this is not the first After Action Report I
12 reviewed. Indeed, in addition to provisions in
13 the DC Code and the DC Municipal Regulations
14 regarding the After Action Report and what is
15 supposed to be included, there are also After
16 Action Reports which I have in my possession and
17 which are posted on the website that go back
18 several years. I was surprised by this After
19 Action Report for the November election that you
20 have posted, that you simply list the number of
21 ballots cast, the registration activity, the
22 number of election workers and election night

1 returns.

2 You make no mention of any issues that
3 arose before the election, issues that arose
4 during the election process and lessons learned.
5 There is no narrative, no narrative whatsoever
6 and especially given the issues that arose in the
7 June primary, I would've thought that you
8 would've wanted to include that. I take
9 exception to the fact that you say that you
10 couldn't include any information from precinct
11 captains. My understanding is the precinct
12 captains still have to submit a detailed, written
13 report regarding activities that occurred at the
14 poll. Is that not true?

15 MS. STROUD: Ms. Brizill, I indicated
16 that we were debriefing the site coordinators and
17 I indicated that we would be taking the reports
18 that the Executive Director gave and augmenting
19 the report with that information, which of course
20 is in the transcript and minutes from the
21 meetings that we've held since December so I
22 indicated that. I did indicate that we would be

1 using that information that was provided and has
2 been provided to update the report.

3 MS. BRIZILL: Are you saying there are
4 minutes that are available of these after action
5 comments, after election comments by the precinct
6 captains? Because they certainly weren't
7 discussed at any public Board meeting.

8 MS. STROUD: Yeah, that's not what I
9 said, Ms. Brizill.

10 MS. BRIZILL: Okay. How does one see,
11 let me be very specific, do you believe that the
12 report that you filed on February 1 called an
13 After Action Report for the November election, is
14 complete? And, if it's not complete, what are
15 you going to add?

16 MS. STROUD: I'm going to stand on my
17 comments and I'm going to say that, with respect
18 to the statutory provisions that indicate what
19 the After Action Report is required to have, we
20 are almost completely in compliance.

21 MS. BRIZILL: What do you think you're
22 not in compliance with regard?

1 MS. STROUD: I'm going to stand on the
2 comments that I made. I indicated what
3 information was going to be included, Ms.
4 Brizill.

5 MS. BRIZILL: I told you I received a
6 telephone call, can you go through that again?
7 What are you going to include?

8 MS. STROUD: We're going to include
9 reports that were given by the Executive Director
10 in Board meetings held since December and the
11 information that is culled from the debriefing of
12 the site coordinators.

13 MS. BRIZILL: The debriefing by the
14 site coordinators, is that a written debriefing
15 that is submitted?

16 MS. STROUD: No, it is not. It will be
17 eventually, but we have interviews and
18 conversations with the site coordinators.

19 MS. BRIZILL: What are you doing with
20 the reports submitted by the precinct captains?

21 MS. STROUD: There are no reports that
22 were submitted by the precinct captains.

1 MS. BRIZILL: The precinct captains did
2 not submit incident reports regarding breakdown
3 of machinery, for example?

4 MS. STROUD: I'm not sure that they
5 were written, Ms. Brizill. I'm sure that they
6 were taken because, on Election Day, they report
7 incidents as they occur and we respond to them.

8 MS. BRIZILL: So, how does one develop
9 a historical record of what happened and what
10 didn't happen?

11 MS. STROUD: Ms. Brizill, we have
12 records that were not generated from the precinct
13 captains and area representative logs. As I
14 indicated, the process occurs differently.

15 MS. BRIZILL: So, if I file a FOIA
16 seeking those records, how should I reference
17 those records?

18 MS. STROUD: Any records that the
19 Board, you can use the statutory provisions which
20 indicate what we have, Ms. Brizill. You can ask
21 for whatever documents you wanted and we have,
22 then we disclose them.

1 MS. BRIZILL: I want to know how you're
2 referencing. What do you title those records
3 regarding reports from area reps, precinct
4 captains? So, don't do a dance in terms of I
5 apply for something and you tell me that it
6 doesn't exist. How do I reference those records?

7 CHAIR BENNETT: Ms. Brizill, I think
8 what Ms. Stroud is saying though is that there
9 are two things that will be augmenting the
10 report. One is other reports from the Executive
11 Director relative to the status and the election
12 day process and election week process, but also
13 there are interviews that will occur with the
14 precinct captains as to what the activities were
15 during that week. Those interviews and
16 debriefings will be documented and included in
17 the report. So you can ask for those documents.

18 MS. BRIZILL: Have those interviews
19 taken place already?

20 CHAIR BENNETT: They're in the process
21 of taking place now.

22 MS. BRIZILL: With all the precinct

1 captains?

2 CHAIR BENNETT: Some have taken place,
3 some have not.

4 MS. STROUD: But let me just say this,
5 we didn't have captains for this election because
6 we didn't have precincts, just for clarity. They
7 were site coordinators and we had multiple
8 leaders that may have been around for each of the
9 sites. We are talking about Election Day only,
10 that's what the After Action Report --

11 (Simultaneous speaking.)

12 MS. BRIZILL: -- include early voting
13 issues?

14 MS. STROUD: No, that's not the
15 requirement, but I'm sure if there's something
16 there that needs to be included, it will be.

17 MS. BRIZILL: So you believe that
18 you're adhering to the legal requirement?

19 CHAIR BENNETT: Yes.

20 MS. BRIZILL: I just want to make sure
21 that when I repeat what you're saying, you
22 believe you're adhering to the legal requirement

1 and the DC Code and the DC Municipal Regulations,
2 as regards the information you're providing in
3 the After Action Report. Is that an accurate
4 statement?

5 CHAIR BENNETT: Yes.

6 MS. BRIZILL: When will the report be
7 complete then, since it was due February 1?

8 CHAIR BENNETT: We'll have to get
9 back to you on that, Ms. Brizill. We don't have
10 a date as of yet for a complete.

11 MS. BRIZILL: Will it (audio
12 interference).

13 CHAIR BENNETT: I'm sorry, I didn't
14 understand your question.

15 MS. BRIZILL: Will the report be
16 completed before the performance budget hearing,
17 before the Council in the next couple of weeks?

18 CHAIR BENNETT: Yes.

19 MS. BRIZILL: Okay.

20 CHAIR BENNETT: All righty. Thank you.
21 Is there someone else? Anybody want to raise
22 their hand or I think everybody's on mute so you

1 can speak up if you'd like, unmute yourself. Oh,
2 there's a chat question, I can't read it. Would
3 you read it?

4 MS. STROUD: Stephanie Scott has a
5 question. Why does OCF make FEP payments at this
6 late date? If the committees will return extra
7 funds, are there outstanding expenses from June
8 or November that haven't been paid?

9 CHAIR BENNETT: Okay, Ms. Montgomery,
10 can you respond to that? Ms. Montgomery, maybe
11 you're on mute. Can you unmute yourself? Ms.
12 Montgomery, unmute yourself, Ms. Montgomery.
13 Hold on one second, we're trying to make sure Ms.
14 Montgomery is available.

15 Ms. Montgomery?

16 MR. SANFORD: Hello, Mr. Chairman?

17 CHAIR BENNETT: Yes, Mr. Sanford, can
18 you answer that question, sir?

19 MR. SANFORD: Yes. I will try, but
20 could you please repeat that question?

21 CHAIR BENNETT: Okay, can you read it?

22 MS. STROUD: Yes, why does OCF make FEP

1 payments at this late date if the committees will
2 return extra funds? Are there outstanding
3 expenses from June or November that haven't been
4 paid?

5 MR. SANFORD: Well there's a statutory
6 requirement that we make payments based upon the
7 last report filed. If the last report shows that
8 there were some donors that were prior to the
9 election and the last report was filed on January
10 31st. If it shows that the committee received
11 contributions prior to the election but they were
12 not reported until after the election, we would
13 make the disbursement and the committee can use
14 it to retire their debts or to return it. But we
15 have a statute requirement to make those
16 disbursements as long as they have submitted
17 evidence that they received qualified small
18 donations during the last reporting period.

19 CHAIR BENNETT: Thank you, Mr. Sanford.
20 Does that answer the question?

21 MR. SANFORD: And in some cases the
22 committee has negative balance sheets and

1 actually they receive the final disbursement and
2 they use it to retire the negative balance.

3 CHAIR BENNETT: Okay. Great. Thanks,
4 Mr. Sanford. I think that answers the question
5 as I read it, yes, thank you. Okay, great. Are
6 there any other persons with public matters
7 questions? You can either put a question in the
8 chat or you can unmute yourself and ask the
9 question. Anything else in the chat room? Okay,
10 great. Thank you so much. I will get a motion
11 to adjourn the meeting from Mr. Gill.

12 MEMBER GILL: Motion to adjourn the
13 meeting.

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

16 MEMBER GREENFIELD: I second.

17 CHAIR BENNETT: It's been properly
18 moved and seconded to adjourn this meeting,
19 February 3. I think this is probably the
20 earliest meeting we've had. It has been
21 efficient. We've gotten through it. So, I will
22 accept that motion and second. Can I get a vote

1 from Ms. Greenfield?

2 MEMBER GREENFIELD: Aye.

3 CHAIR BENNETT: Can I get a vote from
4 Mr. Gill to adjourn the meeting?

5 MEMBER GILL: Aye.

6 CHAIR BENNETT: It is unanimous. I
7 vote to adjourn the meeting as well. Thank you
8 so much. Meeting's adjourned.

9 (Whereupon, the above-entitled matter
10 went off the record at 10:54 a.m.)

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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: 02-03-21

Place: teleconference

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Court Reporter

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