

# MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING

May 5, 2021

The District of Columbia Board of Elections (the Board) held its Regular Monthly Meeting on Wednesday, May 5, 2021, telephonically. Board Chairman Michael Bennett, Board Member Michael Gill, and Board Member Karyn Greenfield were present. The Board's Executive Director, Alice Miller, the Board's General Counsel, Terri D. Stroud, the Director of the Office of Campaign Finance (OCF), Cecily Collier-Montgomery, and the OCF's General Counsel, William Sanford, were also present.

## CALL TO ORDER (10:36 am)

### ASCERTAINMENT OF QUORUM

- Board Chairman Bennett and Board Members Gill and Greenfield constitute a three-member quorum to conduct business.

### ADOPTION OF AGENDA/APPROVAL OF MINUTES

- **BOARD ACTION:** The Board unanimously adopted the amended agenda and minutes from the last meeting held on April 7, 2021.

### BOARD MATTERS

- NONE

### OCF APRIL 2021 REPORT (DIRECTOR COLLIER-MONTGOMERY)

The OCF continues to operate under a modified status. All services are being provided remotely via email and telephone (202-671-0547). All candidate and committee reports will continue to be received online at the OCF website on the required deadlines. Candidates and committees may also contact the office for instructions concerning the registration process.

- **Fair Elections Program Division (FEP)**
  - Authorized Base Amount and Matching Payments
    - As of April 30, 2021, the total sum of \$4,016,797.64 has been disbursed from the Fair Elections Fund in Base Amount and Matching Payments to the 36 candidates certified in the FEP to participate in the June 2, 2020 Primary Election ("the Primary Election"), the June 16, 2020 Special Election ("the Special Election"), and the November 3, 2020 General Election ("the General Election"). The 2020 Election Cycle closed on November 3, 2020, and the 2020 Special Election Cycle closed on June 16, 2020.
    - During April 2021, there were no disbursements authorized for Base Amount and Matching Payments from the Fair Elections Fund.

- **Desk Reviews and Other Activities**

- 11 desk reviews of termination and amended Reports of Receipts & Expenditures (R&E reports)
- 6 Requests for Additional Information (RFAI) letters were sent.

- **Remitted Funds**

- \$132,148.07 were the total funds remitted for deposit in the Fair Elections Fund from the campaign operations of participating candidates from the three elections held in 2020.
  - Funds remitted by committees from the Special Election:
    - Patrick Kennedy for Ward 2 Special Election, \$39,252.38 received on January 11, 2021
    - Jordan Grossman for Ward 2 Special Election, \$20,510.08 received on January 21, 2021
  - Funds remitted by committees from the Primary Election:
    - Evans 2020, \$795.64 received on December 10, 2020
    - Patrick Kennedy for Ward 2, \$30,201.49 received on January 11, 2021
    - Jordan Grossman for Ward 2, \$3,937.94 received on January 21, 2021, and \$120.84 received on February 9, 2021
    - Yilin Zhang for Ward 2, \$5,782.05 received on February 12, 2021, and \$5,782.05 received on February 21, 2021.
  - Funds remitted by committees from the General Election:
    - Let's Reid 2020, \$876.04 received on December 10, 2020
    - Frazier for Ward 4, \$409.58 received on December 10, 2020
    - Friends of Christina Henderson, \$17,457.49 received on December 29, 2020
    - Karen for Seven SBOE 2020, \$6.50 received on January 21, 2021
    - Committee to Elect Jeanne' Lewis for City Council, \$1,439.94 received on February 9, 2021
    - Chander for Council, \$5,696.88, received on February 11, 2021
- The OCF did not receive any Remission Payments during April 2021.

- **April Ongoing Audits**

- Post-Election Audits - Primary Election
  - There are ten post-election audits of the campaign operations of candidates and committees who participated in the Primary Election but did not proceed to the General Election. The audits were initiated on June 19, 2020. The names of the candidates and audit status are posted on the OCF website.
- Post-Election Audits - Special Election
  - There are four post-election audits of candidates and committees who participated in the Special Election. The audits were initiated on July 6, 2020.
  - The names of the candidates and audit status are posted on the OCF website.
- Post-Election Audits - General Election
  - There are 20 post-election audits of candidates and committees who participated in the General Election. The audits were initiated on March 30, 2021.
  - The names of the candidates and audit status are posted on the OCF website.

- **Public Information and Records Management Division (PIRM)**

- April 2021 Filing of R&E Reports:
  - Constituent Services Committee – R&E Report due April 1
    - 8 required filers
    - 8 timely filers
    - 8 electronically filed their report
    - 8 certified E-filing
  - Senator/Representative Statehood Funds – R&E Report due April 1
    - 3 required filers
    - 3 timely filers
    - 3 electronically filed their report
    - 3 certified E-filing
  - Legal Defense Committee – Fifteenth R&E Report due April 1
    - 1 required filer
    - 1 timely filer
    - 1 electronically filed their report
    - 1 certified E-filing
  - Political Action Committees (PACs) – R&E Report due April 10
    - 51 required filers
    - 50 timely filers

- 1 extension requested
  - 1 extension granted
  - 50 electronically filed their report
  - 50 certified E-filings
- Independent Expenditure Committees – R&E Report due April 12
  - 3 required filers
  - 3 timely filers
  - 3 electronically filed their report
  - 3 certified E-filings
- ANC Candidates – ANC Financial Summary Statement due March 26
  - 426 required filers
  - 363 timely filers
  - 2 extensions granted
  - 60 failures to file
  - 60 OGC referrals
  - 364 electronically filed their report
  - 364 certified E-filing
- Three new candidates/committees registered with the OCF during April 2021
  - Fair Elections Candidate, Ryan Jones/Ryan Jones for AG, registered April 25
  - Statehood Fund Committee, Oye Owolewa, U.S. Shadow Representative, registered April 23
  - Initiative Committee, Elizabeth Davis Education Equity Pathway Policy Act of 2022, registered April 23
- One new candidate and treasurer have completed the OCF Entrance Conference Presentation for April 2021
  - Ryan Jones/Candidate, Ryan Jones for AG
- 60 referrals to the OGC for failure to timely file the ANC Financial Summary Statement
  - Candidates’ names are posted on the OCF website.
- **Reports Analysis and Audit Division (RAAD) – April 2021**
  - 96 desk reviews of R&E Reports filed during April
  - 13 matters were resolved by the audit branch
  - April 2021 Audits Issued
    - ABC of Metro Washington PAC, issued April 15
    - Ward 3 Constituent Service Fund, issued April 23

## OCF APRIL 2021 REPORT (GENERAL COUNSEL WILLIAM SANFORD)

- **Intake/Output Report**

- 60 referrals were received by the OGC
- 14 informal hearings were completed
- 14 orders were issued
  - 3 orders issued in which no fines were imposed
    - 11 orders issued in which fines totaling \$15,750.00 were imposed
- Fines Imposed
  - 2020 Elect Dorothy Douglas fined \$100
  - Citizens to Elect Bill Lewis 2020 fined \$2,450
  - Kishan for DC fined \$1,500
  - Dorothy Douglas At-Large SBOE fined \$500
  - Fred for Ward 4 fined \$1,600
  - John Fanning for Ward 2 fined \$2,050
  - John Fanning for Ward 2 Special Election fined \$2,500
  - Patrick Kennedy for Ward 2 Special Election fines \$1,000
  - Committee to Elect Stuart Anderson fined \$2,150
  - Ed Lazere for DC Council At-Large fines \$750
  - Committee to Elect Chris Edu Tech fined \$1,150

- **Open Investigations:**

- NONE

- **Interpretative Opinions**

- NONE

- **No Show Cause Proceedings**

- NONE

**BOE EXECUTIVE DIRECTOR'S APRIL 2021 REPORT (EXECUTIVE DIRECTOR MILLER)**

- **General Information**

- The Board is still updating canvass cards as they are being received in the office from voters that did not vote in the General Election.
- By law, the Board is required to canvass individuals who choose not to vote in the General Election, requesting current voter registration information. Cards that are not returned are presumed to be valid registration information. For any undeliverable

cards, the Board will send a second canvass card that can be forwardable. No voter can be removed from the registration system for choosing not to vote.

- 4,562 cards were returned as undeliverable, 953 cards were returned as confirmed voters, and 40 returned cards for deceased voters.
- Canvass cards are mailed to the address on file with the Board's records.
- If a voter currently/no longer lives at address the on file, the Board requests that the card is mailed back indicating voter status.
- During April, the Board mailed 5,146 new or updated voter identification cards to individuals within the District.
- The Board has a new voter registration system that has gone through division testing for implementation and functionality. Further testing will be conducted on May 6<sup>th</sup> on the election worker portal.
- The Board's goal is to have all units ready for testing by mid-June for usage by September. Once the new system is implemented, this will be the first time in over 20 years the voter registration system has been updated.
- The voter outreach division has begun engaging with District residents about voter registration requirements and voting within the District.
- The Board's outreach division events participated in a virtual Back to Work DC Jobseekers resource fair with the DC Department of Employment Services (DCOE) on March 9<sup>th</sup>, and the Court Services and Offender Supervision Agency (CSOSA) National Second Chance Month virtual forum, a program intended to inform the reentry community about the rights and resources available to returning District residents, on April 30<sup>th</sup>.
- In April, the Board hosted two town hall meetings to obtain voters' opinions and experiences during the General Election.
- On April 28, Executive Miller served as a panelist on the Carter-Baker Commission's virtual event, "16 Years Later: Voting by Mail," which discussed the pros and cons of voting by mail, safeguards currently in place, and additional ways to enhance mail-in voting security.

## **BOE OGC APRIL 2021 REPORT (GENERAL COUNSEL STROUD)**

- **General Matters**

- There is currently no active litigation within the OGC.
- The OGC is currently working on proposed rulemaking.

- The processing of FOIA requests is currently ongoing, along with providing general support to the administrative side of the Board and responding to inquiries relating to ballot access measures.
- On April 17, the homegoing service for Senior Staff Attorney, Rudolph (Rudy) McGann, was held.

## **PUBLIC MATTERS**

- Dorothy Brizill
  - Requested further details regarding the upgrade to the voter registration system.
  - Asked if there are any plans for the Board to update other computers that are used to tabulate votes.
  - Asked if the upgraded system is a direct result of the June 2016 report of the DC Auditor criticizing the Board's current voter system.
  - Inquired as to identity of Board staff member who is overseeing the procurement process and testing for the new voter system.

**ADJOURNMENT (11:16a.m.)**

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