

MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING

April 7, 2021

The District of Columbia Board of Elections (the Board) held its Regular Monthly Meeting on Wednesday, April 7, 2021, telephonically. Board Chairman Michael Bennett and Board Member Michael Gill were present. The Board's Executive Director, Alice Miller, the Board's General Counsel, Terri D. Stroud, and the OCF's General Counsel, William Sanford, were also present.

CALL TO ORDER (10:44 am)

ASCERTAINMENT OF QUORUM

- Board Chairman Bennett and Board Member Gill constitute a two-member quorum to conduct business.

ADOPTION OF AGENDA/APPROVAL OF MINUTES

- **BOARD ACTION:** The Board unanimously adopted the amended agenda and minutes from the last meeting held on March 3, 2021.

BOARD MATTERS

- Acknowledgement of the recent passing of Board of Elections Senior Staff Attorney, Rudolph "Rudy" McGann by Board Members and colleagues

OCF MARCH 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 by the required deadlines. Candidates and committees may also contact the office for instructions concerning the registration process.

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

- **Fair Elections Program Division (FEP)**
 - Authorized Base Amount and Matching Payments
 - As of March 31, 2021, the total sum of \$4,016,797.64 has been disbursed from the Fair Elections Fund (Base Amount Payments: \$1,120,000; Matching Payments: \$2,896,797.64) 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").
 - During March 2021, there were no disbursements authorized for Base Amount and Matching Payments from the Fair Elections Fund.

- **Desk Reviews and Other Activities**

- 14 desk reviews of the mandatory January 10, 2021 and Amended Reports of Receipts & Expenditures (R&E Reports)
- 5 Requests for Additional Information (RFAI) letters were sent.

- **Remitted Funds**

- \$132,268.90 were the total funds remitted for deposit in the Fair Elections Fund from the campaign operations of Participating Candidates in 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

- **Ongoing Audits, 2020 Election Cycle**

- 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 Special 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)**

- March 2021 Filing of R&E Reports:

- Legal Defense Committee – R&E Report due March 1st

- 1 required filer
 - 1 timely filer
 - 1 electronically filed report
 - 1 certified E-filing

- ANC Candidates – ANC Financial Statement Summary due March 26th

- 426 required filers
 - 363 timely filers
 - 65 late filers
 - 65 failures to file
 - 363 electronically filed reports
 - 363 certified E-filing

- Two candidates and treasurers have completed the OCF Entrance Conference Presentation for March 2021

- James Butler/Treasurer, Butler Mayoral Exploratory Committee
 - Detrick Campbell/Treasurer, Capital Stonewall Democrats (formerly Gertrude Stein Democratic Club PAC)

- **Reports Analysis and Audit Division (RAAD) – March 2021**

- 10 desk reviews of R&E Reports were completed during March
- March 2021 Audits Issued
 - Democrats for Education Reform PAC – issued March 18th
 - DC Chamber of Commerce PAC – issued March 31st

OCF MARCH 2021 REPORT (GENERAL COUNSEL WILLIAM SANFORD)

- **Intake/Output Report**

- 9 informal hearings were completed
- 11 orders were issued
 - 2 orders issued in which no fines were imposed
 - 7 orders issued in which fines totaling \$5,800 were imposed
 - 2 orders issued in which the Notice of Hearing and Statements of Violation were vacated
- Fines Imposed
 - James for Ward 2 SBOE fined \$800.00
 - Peter Bolton for Ward 2 fined \$300.00
 - Fred for Ward 8 fined \$1,200.00
 - Jacque for DC fined \$600.00
 - Goodwin for DC 2020 fined \$1,200.00
 - Edwards for DC fined \$1,200.00
 - Elect Yaida Ford fines \$500.00
- OGC collected a \$500 fine from Ward One Democrats

- **Open Investigations:**

- NONE

- **Interpretative Opinions**

- NONE

- **No Show Cause Proceedings**

- NONE

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

- **General Information**

- Correspondence has been mailed to voters, in-state and out-of-state, whose ballots were undeliverable during the 2020 General Election.
- The agency is receiving responses to this correspondence from voters, which will allow the Board to update registration information, including removing voters from the registry.
- There were 52,000 mail ballot envelopes marked as undeliverable and returned to the agency.
- The Board has received 10,286 canvass cards after conducting a second canvass mailing to voters.
- During the General Election, 101,968 voters who were mailed ballots elected not to vote. Notifications have been mailed to those individuals requesting confirmation of their voter information.
- The canvass process involves multiple mailers, one which cannot be forwardable, and another that can be. The first canvass process returned 5,271 cards, which are currently being processed.
- If a current resident receives a canvass card for someone that does not live there, the Board requests that the card be filled out to so indicate and returned so that voter information can be updated.
- In March, the Council introduced emergency legislation, signed by the Mayor, that requires the Board to support the vacancy filling process for SMD's within the ANC in conjunction with the Office of the ANC Commissioner. The Board will conduct those elections during the regularly scheduled ANC meetings until the public state of emergency is over.
- The Board has published notices regarding the vacancies in three SMD'S with vacancies: 4A05, 7F07, 8E03.
- Due to the Department of Corrections (DOC) sitting within SMD 7F07, the new legislation has specific directives for this SMD, since access to DOC cannot be obtained during a public health emergency.
- On April 9, 2021, vacancy notifications were posted on the Board's website. Nominating petitions may be circulated for 21 days, from April 12, 2021 through May 3, 2021.
- The ANC vacancy challenge period will run from May 6, 2021 through May 12, 2021.

- The Board is currently developing educational videos for various populations, including returning citizens and incarcerated residents, regarding information about the voting and election process.
- Last month, the state director of the Maryland Board of Elections toured the Board's warehouse to observe the operation process of the Agilis mail ballot sorting equipment from the General Election.

BOE OGC MARCH 2021 REPORT (GENERAL COUNSEL STROUD)

- Rulemaking
 - Emergency and Proposed Rulemaking
 - To place the Board’s regulations into conformity with the newly amended Initiative and Referendum Process Improvement Act of 2020, which became effective on March 16, 2021.
 - Pursuant to this rulemaking, adjustments will be made to the Board’s regulations to reflect the legislation. The new legislation will require the Board to draft a summary statement written in plain language, request a fiscal impact statement from the Office of the Chief Financial Officer, to request advisory opinions within a defined timeframe from the Attorney General and General Counsel of the Council, to publish formulations adopted at a public meeting in the D.C. Register and at least one newspaper of circulation, and to publish the measure on the Board’s website.
 - Request approval for changes to be sent to the D.C. Register for publication and be effective in emergency and proposed form.
 - **BOARD ACTION:** Unanimously approved motion to transmit rulemaking to the Office of Documents and Administrative Issuances for publication in the D.C. Register.

PUBLIC MATTERS

- NONE

ADJOURNMENT (11:26 a.m.)