

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

+ + + + +

REGULAR BOARD MEETING

+ + + + +

THURSDAY

AUGUST 26, 2021

+ + + + +

The District of Columbia Board of Elections convened via Video Teleconference, pursuant to notice at 10:30 a.m. EDT, Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

MICHAEL BENNETT, Chair
MIKE GILL, Member
KARYN GREENFIELD, Member

BOARD OF ELECTIONS STAFF PRESENT:

MONICA EVANS, Executive Director
TERRI STROUD, General Counsel
CECILY COLLIER-MONTGOMERY, DC Office of
Campaign Finance

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- b. Amend Chapter 7 to reconcile it with the Primary Date Alteration Amendment Act of 2019, which mandates that an election's early voting may last for no more than 12 days
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1 P-R-O-C-E-E-D-I-N-G-S

2 (10:31 a.m.)

3 CHAIR BENNETT: Hi, good morning. This
4 is Michael Bennett, and we are -- I'm opening the
5 call to order, the Meeting of the DC Board of
6 Elections.

7 This is September the -- no, it's
8 August, jeez -- 27th, and this is actually our
9 August and September meeting.

10 We combined meetings this year. We are
11 going to have a special meeting to cover some
12 other things I believe on the 20th of September,
13 but that'll be announced at a later point, do
14 some clean up.

15 I want to make sure we have a quorum.
16 So Mr. Gill is here, and I'll just ask him to say
17 present.

18 MEMBER GILL: Present.

19 CHAIR BENNETT: And, Ms. Greenfield, are
20 you on?

21 MEMBER GREENFIELD: Yes, present.

22 CHAIR BENNETT: Great, thank you. We

1 have a quorum, the three of us here.

2 Before adopting the agenda and the
3 minutes from the last meeting, what I'd like to
4 do is to notice that we're going to change the
5 order just a bit, and we're going to move board
6 matters from Item 8, move it up to after we go
7 through the general counsel's report or the
8 general counsel's list of items, which are
9 numerous today.

10 So board matters will be right after
11 general counsel's items, and then we'll move on
12 with the rest of the meeting accordingly.

13 So -- yes, I want to get a motion from
14 Ms. Greenfield to adopt the agenda as I just
15 amended.

16 MEMBER GREENFIELD: Yes, I move that we
17 adopt the agenda as you just amended it.

18 CHAIR BENNETT: Second, Mr. Gill? You
19 want to do that next?

20 MEMBER GILL: Second.

21 CHAIR BENNETT: It's been properly moved
22 and seconded. Voice vote is aye for Ms.

1 Greenfield, correct?

2 MEMBER GREENFIELD: Yes, aye.

3 MEMBER GILL: Aye.

4 CHAIR BENNETT: And aye for me, so it's
5 unanimous. The agenda is adopted as amended just
6 a minute ago.

7 The next thing to adopt is the minutes
8 from the previous meeting, which was July 7th.

9 Can I get a motion to adopt the minutes
10 from the meeting from July 7? Mr. Gill?

11 MEMBER GILL: Motion to approve the
12 minutes. Motion to approve the minutes from July
13 7.

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

16 MEMBER GREENFIELD: I second it.

17 CHAIR BENNETT: It's been properly moved
18 and seconded. Voice vote. Mr. Gill?

19 MEMBER GILL: I wasn't here last time,
20 so I'm going to abstain.

21 CHAIR BENNETT: Okay. Ms. Greenfield?

22 MEMBER GREENFIELD: Aye.

1 CHAIR BENNETT: And aye for me as well,
2 so one abstention and two votes for -- so the
3 minutes from the last meeting is approved.

4 The one thing I did not do before moving
5 on to the general counsel's agenda, is 00 is our
6 court reporter on the line?

7 Can you identify yourself, please? And
8 I want to make sure you can hear okay.

9 COURT REPORTER: I can hear you, I'm
10 here.

11 CHAIR BENNETT: Okay, great. Thanks so
12 much. You can go back on mute now.

13 With that, I'd like to start out and go
14 to the general counsel's report. Ms. Terri
15 Stroud.

16 MS. STROUD: Thank you. Good morning,
17 everyone. The first item on my agenda is
18 rulemaking. I have three pieces of rulemaking of
19 notice of emergency and proposed rulemaking.

20 The first rulemaking is to Section 602
21 of Chapter 6 of the board's regulations
22 pertaining to eligibility of candidates. This

1 rulemaking to Section 602 is to have it reflect
2 the provisions in the initiative in referendum --

3 CHAIR BENNETT: Your voice -- we got to
4 -- I'm sorry.

5 MS. STROUD: I'm sorry.

6 The purpose of the amendment to Section
7 602 is to have it reflect the provisions in the
8 Initiative and Referendum Process Improvement Act
9 that provide that a write-in candidate must
10 declare their candidacy no later than 4:45 p.m.
11 on the third day following a primary election,
12 and no later than 4:45 on the seventh day
13 following a general or special election.

14 And I'll just go through the summaries
15 for each of the rulemakings, and then lay out
16 what the next steps are with respect to each.

17 The second piece of rulemaking amends
18 Chapter 7 so that it conforms with the Initiative
19 and Referendum Process Amendment Act, which
20 provides that District government employees who
21 are not D.C. residents or qualified electors may
22 serve as polling place officials.

1 That had been a part of some legislation
2 that only pertained to the November 2020 general
3 election, but it was subsequently amended, the
4 statute, to make that be the case for all
5 subsequent elections.

6 And the final piece of rulemaking is the
7 Subsection 1100 of Chapter 11, recall of elected
8 officials, and the purpose of this amendment to
9 Subsection 1100 is to outline the rules that
10 shall apply to the counting of words in a
11 proposer's statement and a recall notice, and
12 also to the elected official's response to that
13 statement.

14 There's a similar section in the chapter
15 pertaining to initiatives and referenda, and I
16 thought it would be prudent that it apply also to
17 statements in recall measures and responses.

18 And so those are the three pieces of
19 rulemaking, and what will happen is they will be
20 placed in the DC Register, and they will remain
21 in effect until Friday, December 24, 2021, unless
22 they are superseded by publication of a notice of

1 final rulemaking in the DC Register with respect
2 to each.

3 And so those are the items that I would
4 like to have the board approve for submission to
5 the DC Register so that they can take effect upon
6 publication.

7 CHAIR BENNETT: With that, those
8 summaries, Ms. Greenfield, do you have any
9 questions for Ms. Stroud relative to the proposed
10 rulemaking?

11 MEMBER GREENFIELD: No, I don't have any
12 questions.

13 CHAIR BENNETT: Mr. Gill, do you have
14 any questions for Ms. Stroud?

15 MEMBER GILL: No questions.

16 CHAIR BENNETT: Okay, I don't have any.
17 We've had a chance to review those in advance, so
18 thank you for that.

19 Can I get a motion to approve going
20 forward with rulemaking from Mr. Gill?

21 MEMBER GILL: That we approve the
22 emergency and proposed rulemaking as laid out in

1 the agenda.

2 CHAIR BENNETT: Can I get a second from
3 Ms. Greenfield?

4 MEMBER GREENFIELD: I second.

5 CHAIR BENNETT: It's been properly moved
6 and seconded. Voice vote. Ms. Greenfield?

7 MEMBER GREENFIELD: Aye.

8 CHAIR BENNETT: Mr. Gill?

9 MEMBER GILL: Aye.

10 CHAIR BENNETT: And aye from me. It's
11 unanimous, we'll go forward.

12 But before going through your next item,
13 what I failed to do in opening was to recognize
14 the new executive director of the Board of
15 Elections, Ms. Monica Evans, as her first board
16 meeting. And so welcome and thank you.

17 I think most of you know here that as of
18 August 1st, Ms. Miller stepped down and took
19 another role supporting Ms. Evans as the
20 executive director, and the board provided the
21 citizens of the District of Columbia with the
22 continued outstanding directorship in Ms. Monica

1 Evans that we enjoyed with Ms. Miller for so many
2 years this time, and previous times as well.

3 So we're happy and thankful that you are
4 here, and glad that you are moving forward and
5 you have taken the reigns with expert expedience,
6 and I think everybody is going to be -- will
7 continue to be very happy with the leadership of
8 the Board of Elections.

9 So thank you for being here, and pardon
10 me for not acknowledging that at the very first
11 of the meeting. So if you'd like to say
12 something before your report, please do.

13 MS. EVANS: No, not at all, just thank
14 you, Mr. Chair. I'll let you go on in the
15 essence of time.

16 CHAIR BENNETT: Okay. Thanks. Ms.
17 Stroud, I'm sorry, continue with your agenda.

18 MS. STROUD: Okay. So the next item on
19 my agenda is the continuation of the proper
20 subject matter determination hearing for the
21 Elizabeth Davis Education Equity Pathway Policy
22 Act of 2022.

1 That measure was submitted by Mr.
2 Charles Boston, and it was entertained by the
3 board at a proper subject hearing that took place
4 on Wednesday, July 7, 2021.

5 At that time, Mr. Boston was given the
6 opportunity to -- the board provided Mr. Boston
7 with an opportunity to have a more in-depth
8 opportunity to review the advisory opinion
9 submitted by the general counsel for the D.C.
10 Council, as well as the Office of the Attorney
11 General, both of which indicated their opinions
12 that the initiative did not meet proper subject
13 requirements because it constituted a law
14 appropriating funds, and Mr. Boston was given an
15 opportunity to submit a responsive filing, which
16 he did submit on -- I believe it was August 1st.

17 And in the -- in his response, Mr.
18 Boston indicated his belief that the measure
19 would not require the appropriation of funds to
20 implement since all of the employees are current
21 DCPS and Department of General Services
22 employees, and many are trade professionals

1 licensed through the D.C. Board of Industrial
2 Trades, which would create a pathway qualifying
3 students for apprenticeship licenses.

4 And I believe that Mr. Boston is on the
5 line, and if the board members would approve, I
6 would like to give Mr. Boston three minutes to
7 explain or to articulate his response to the
8 measure in his own words.

9 So I believe he's on the line.

10 CHAIR BENNETT: Yes, please go ahead.

11 (Simultaneous speaking.)

12 MS. STROUD: -- Mr. Boston.

13 MR. BOSTON: I am, good morning. How
14 are you doing?

15 CHAIR BENNETT: Good morning. We're
16 great, thanks.

17 MR. BOSTON: I just want to again thank
18 you for the opportunity to respond and to try to
19 get this measure in front of the voters of the
20 District of Columbia, the taxpayers and parents
21 that actually deserve a voice in setting the
22 education of their children.

1 As we know, as it pertains to like
2 vocational education, trade skill training, we
3 can see that as with the recent closure of the
4 Third Street Tunnel, infrastructure's a big
5 issue, and what's sad is that no one is really
6 prepared for it.

7 You know, there was a divide of trades
8 -- most of the career high schools in the
9 District of Columbia were closed for financial
10 reasons only, not because the trade was obsolete
11 or anything to that effect.

12 And, you know, the fact that the average
13 age welder is 64, and yet we have able young body
14 men and women killing themselves, you know,
15 fighting over crimes, and out here feeling as
16 that they have no pathway to success, and
17 essentially have no hope for the future, makes
18 really no sense.

19 And so even as it pertains to a cost,
20 can you imagine the cost if we don't do something
21 now? If you look at a lot of the laws and the
22 policies and the procedures in this city, they

1 create the context that perpetuates the cycle of
2 poverty and violence.

3 And this initiative itself will begin
4 the process of restoring the opportunity to
5 actually be productive and to be professional,
6 which I believe all children in this city have
7 the capability of being.

8 And so, again, trying to find ways to
9 make it work. I mean, clearly the city has
10 unlimited resources.

11 You know, they contract out over 3
12 billion annually, and yet the majority of
13 District high school students remain unemployed
14 or undirected as it pertains -- or unprepared as
15 it pertains to going to college.

16 And so the initiative response ideally
17 is to simplify it. I mean, you know, even as it
18 pertains to nursing, which was left out, which,
19 you know, is a part of the allied health portion
20 of it, like you have the professionals in the
21 building, and there's no reason why that there
22 cannot be a measure or pathway in which young

1 people are exposed to these opportunities, as
2 they were many decades ago.

3 The reason why we have a thriving
4 district now -- you know, I live in Hillcrest.
5 Most of the residents on my street are of color
6 in their eighties and nineties and late
7 seventies, they got a quality education.

8 Although through segregation, they got
9 a quality education, and that's why they're
10 homeowners. And so it tells me that things in
11 society changed.

12 Nothing is wrong with these young people
13 out here. They have no hope, they see no hope,
14 and so they don't care.

15 You know, I provide training at the New
16 Beginnings Youth Development Center.
17 Construction training now. So I know, I know
18 what the problems are, I know what the struggles
19 are, and if the city can pay for incarcerated or
20 adjudicated youth to receive construction
21 training, although knowing they're returning back
22 to very troubling communities, so there's very

1 little chance that they'll really get to live out
2 that dream they may have of a new life, because
3 of the context of their community or the politics
4 within their community, then I think we
5 definitely can make the investment, or look at
6 policies that may can be changed or modified to
7 ensure that there's an equal opportunity to be a
8 productive and professional member of society.
9 And so --

10 (Simultaneous speaking.)

11 MR. BOSTON: -- I hope that was
12 articulated within my response, and I'm available
13 to answer any questions the board may have as it
14 pertains to its -- effect of this measure.

15 CHAIR BENNETT: Yes, sir. Let's see.
16 Is there -- are there any questions from any of
17 the board members? Mr. Gill? Or comments?

18 MEMBER GILL: So just a quick comment.
19 So I wasn't able to be at the last meeting.

20 I apologize, but I read the materials,
21 and I was hoping that with some extra time,
22 there'd be a way to get this petition through in

1 terms of the appropriated funds issue, and
2 unfortunately it doesn't, and so we're
3 constrained, and we make the point of not
4 commenting on the merits of various referendums
5 that come forth because our job is to simply
6 decide whether or not they fit the parameters or
7 not.

8 But I wanted to take this opportunity
9 just to say personally, I think this is a
10 tremendous idea, and I hope that you keep at it,
11 and I think there is a way to at least get a
12 referendum on this concept without --

13 MS. STROUD: Initiative.

14 MEMBER GILL: Initiative. Without
15 actually directing that it be done, I think the
16 city having the opportunity to vote on whether or
17 not this is a priority, and should be at least
18 considered by the Council is a value in itself.

19 But unfortunately, legally it still
20 reads as if we're appropriating funds here, and I
21 just want to take a few minutes to say I
22 encourage you to keep up the effort with the

1 Council and other places.

2 Thanks, Mr. Chairman.

3 CHAIR BENNETT: Sure. Ms. Greenfield,
4 do you have any comments?

5 MEMBER GREENFIELD: Yeah. No, I like
6 this initiative, but you're right, we're not
7 looking at the merits of it necessarily, that's
8 not our job.

9 And I looked at the write-up, Mr.
10 Boston. Thank you very, very much, because it
11 did provide some more clarity on your thinking on
12 how it could be done, but I'm still not sure it
13 gets over the hurdle with having to appropriate
14 funds in order to make it run or in order to make
15 sure that this measure or this program becomes a
16 program.

17 And so that is still a little of my
18 concern about it, but, you know, I would, you
19 know, encourage you to keep working and pushing
20 it, and maybe even making it something the
21 Council may need to look at because I think it's
22 a great idea. And probably a much needed idea.

1 CHAIR BENNETT: And now, let me ask
2 general counsel. Do you have a recommendation to
3 the board?

4 MS. STROUD: I do. In light of the
5 analysis that the Board's Office of General
6 Counsel undertook, as well as the advisory
7 opinions submitted by the Office of the Attorney
8 General and the general counsel for the D.C.
9 Council, my recommendation would still be that
10 the proposed initiative measure, the Elizabeth
11 Davis Education Equity Pathway Policy Act of 2022
12 not be accepted on the grounds that it is not a
13 proper subject for initiative because it is a law
14 appropriating funds.

15 CHAIR BENNETT: Okay, with that -- and
16 I'll make a comment after we take a vote -- but
17 can I get a motion from Ms. Greenfield to accept
18 or reject the general counsel's recommendation?

19 MEMBER GREENFIELD: I move that we
20 accept the general counsel's recommendation.

21 MEMBER GILL: Second.

22 CHAIR BENNETT: It's been properly moved

1 and seconded. Voice vote, Mr. Gill?

2 MEMBER GILL: Aye.

3 CHAIR BENNETT: Ms. Greenfield?

4 MEMBER GREENFIELD: Aye.

5 CHAIR BENNETT: Aye? And aye for me as
6 well. Mr. Boston --

7 MEMBER GILL: Okay, so general counsel
8 reminds me that even though I read all the
9 materials, I wasn't actually at the hearing, so I
10 probably should abstain.

11 CHAIR BENNETT: Okay. Okay, great. So
12 we have one abstention and two voice votes as
13 yes.

14 And, Mr. Boston, I'm not sure if you
15 know, I've never actually -- I've never in my
16 term commented on the merits of a particular item
17 or initiative, but I do feel compelled to comment
18 on this in that while we were not able to move
19 your initiative forward and have the citizens of
20 the District of Columbia vote on it, I personally
21 am incredibly compelled by it, and it hurts me
22 actually to have to vote to decline putting this

1 initiative on the ballot because I agree
2 something like this is so needed, but as both
3 other board members have said, we don't have the
4 ability to make these decisions based on the
5 merits.

6 We have to do them based on whether or
7 not they meet the narrow standards of the statute
8 relative to being an initiative.

9 So it is with much regret that I have to
10 tell you that your initiative will not be on the
11 ballot as written, but I do encourage you to hear
12 the comments of the other board members as well,
13 and thank you for bringing it forward.

14 MR. BOSTON: Thank you.

15 CHAIR BENNETT: Okay. Ms. Stroud, next
16 item on your agenda?

17 MS. STROUD: Okay. I just want to say
18 that with respect to the last matter, a written
19 order will issue after this meeting, although the
20 board has issued its oral ruling.

21 At this meeting -- so the next item on
22 my agenda is a hearing, a proper subject hearing

1 to determine whether the proposed initiative
2 measure titled District of Columbia Full Minimum
3 Wage for Tipped Workers Amendment Act of 2022
4 presents a proper subject of initiative in the
5 District of Columbia.

6 This measure was filed with the board's
7 Voter Services Office on June 22, and it was
8 accompanied by a verified statement of
9 contributions which had been filed with the
10 Office of Campaign Finance on 6/21.

11 And so what we're doing here is to
12 consider whether or not the measure submitted
13 presents a proper subject for initiative under
14 the requirement that the board is required to
15 consider under the law.

16 And I'll just read that into the record.
17 Pursuant to D.C. Official Code 1-1001.16, the
18 board, upon receipt of a proposed initiative
19 measure, must refuse to accept the measure if it
20 determines that the measure conflicts with or
21 seeks to amend Title IV of the D.C. Home Rule
22 Act, which is the D.C. Charter, if it determines

1 that the measure conflicts with the U.S.
2 Constitution, has not been properly filed, was
3 not accompanied by a verified statement of
4 contributions, would authorize discrimination in
5 violation of the D.C. Human Rights Act, would
6 negate or limit a budgetary act of the D.C.
7 Council, or would impermissibly appropriate funds
8 under applicable D.C. court rulings.

9 And I'll state for the record to the
10 board members and the public that the statutory
11 requirements with respect to the filing of the
12 measure were met.

13 CHAIR BENNETT: Okay. So --

14 MS. STROUD: And I just would ask to
15 determine whether or not the proposer is on the
16 call?

17 MR. O'LEARY: Yes, I am on the call.

18 MS. STROUD: Okay.

19 CHAIR BENNETT: Okay, well, you have
20 three minutes to --

21 (Simultaneous speaking.)

22 CHAIR BENNETT: Sorry? Oh, five

1 minutes.

2 MS. STROUD: Yes.

3 CHAIR BENNETT: Okay. And can you give
4 your name and address for the record?

5 (Simultaneous speaking.)

6 MR. O'LEARY: Yes. My name is Ryan
7 O'Leary. I live at 1665 Lamont Street,
8 Northwest, in Washington, D.C.

9 CHAIR BENNETT: Okay. And you have five
10 minutes to -- oh, okay, I'm sorry. Do we have
11 any opponents of the measure that are here today?

12 I guess that's a no.

13 MS. STROUD: And I will just state for
14 the record that this, again, the measure was
15 filed on 6/22, and initially the hearing was
16 going to be held on August 4th of 2021 before the
17 board meeting was changed or rescheduled to
18 today, and the notice of that meeting was
19 published in the D.C. Register on July 2nd of
20 2021.

21 And so individuals were informed that
22 they should submit testimony regarding that

1 measure by -- it was the Friday before the August
2 4th meeting, which would've been -- one second,
3 please -- that would've been Friday, July 30th,
4 and when the meeting was rescheduled, we posted
5 notice of the rescheduled meeting on our website
6 and sent out notice to our subscribers, as well.

7 And so individuals were on notice about
8 the meeting and about the proper subject hearing
9 since July 2nd, and so we have individuals who
10 have submitted requests to testify, and I think
11 there are about six of those today, and we didn't
12 receive any written testimony, but just notice
13 that people wanted to testify at today's hearing
14 regarding the measure.

15 And so, yeah --

16 CHAIR BENNETT: Okay, are there any
17 opponents? I guess I'm getting the script right
18 now.

19 Are there any opponents to the measure
20 that are here today to testify?

21 Okay. Hearing none, then I think that
22 we should move forward with the proponents.

1 MS. STROUD: Okay. So, Mr. O'Leary, did
2 you want to speak with respect to the measure
3 today, or is another individual representing your
4 endeavor?

5 MR. O'LEARY: I would like to speak.

6 MS. STROUD: Okay.

7 CHAIR BENNETT: Great.

8 MS. STROUD: And as the proposer, you
9 have five minutes.

10 MR. O'LEARY: Thank you very much.
11 Hello, everyone, my name is Ryan O'Leary. I'm a
12 former tipped worker in D.C. and the proposer of
13 this ballot initiative.

14 This initiative, if passed, would
15 effectively eliminate the subminimum wage paid to
16 the District -- paid in the District to tipped
17 workers and bring it to full parity with minimum
18 wage for other workers, which is \$15.20, with
19 tips on top.

20 In D.C., the subminimum wage for tipped
21 workers stands at only \$5.20, only a third of the
22 full \$15.20 minimum wage.

1 As a result of low wages and the
2 instability of tips, tipped workers in D.C. are
3 over three times as likely to live in poverty,
4 and more than twice as likely to rely on Medicaid
5 compared to the rest of the local workforce.

6 Nearly nine percent of tipped workers
7 live on food stamps, which is also twice the rate
8 of most other workers.

9 This hearing is to decide whether this
10 initiative is proper subject matter. As it is
11 written, this initiative does not appropriate
12 city funds in any way, nor does it discriminate
13 against D.C. residents or violate their human
14 rights.

15 In fact, it eliminates discrimination
16 and enhances the civil and human rights of D.C.
17 residents and workers.

18 At emancipation, the restaurant lobby
19 sought to hire newly freed slaves, not pay them
20 anything, and have them live entirely on tips, a
21 mutation of the original concept of tips, which
22 were meant to be a bonus on top of wages, not a

1 wage replacement.

2 There are seven states that have
3 rejected this legacy of slavery and have raised
4 the tipped minimum wage to the full minimum wage
5 with tips on top. In those states, poverty is
6 lower, restaurant receipts are higher, and
7 tipping is the same, if not higher, than
8 everywhere else.

9 Those seven states also have half the
10 rate of sexual harassment in the restaurant
11 industry, as the states with the subminimum wage
12 of \$2.13 federally, or such as in D.C., where it
13 is \$5.20.

14 The subminimum wage is thus the source
15 of the fact that the restaurant industry has the
16 highest rate of sexual harassment claims in the
17 country, which have only increased with masks and
18 the coronavirus pandemic.

19 D.C. residents have in the past
20 proposed, voted on, and passed this initiative,
21 only for it to be gutted by the D.C. Council in
22 part after heavy lobbying from the restaurant

1 industry, particularly RAMW. I am confident that
2 with our new Council and with the hindsight of
3 the COVID economic crisis, this will not happen
4 again.

5 So thank you so much for letting me
6 speak, and I yield the rest of my time back to
7 the board.

8 CHAIR BENNETT: Thank you, Mr. O'Leary.
9 Do you want to report the --

10 MS. STROUD: Yes. I have a list of
11 witnesses that have signed up to testify today
12 with respect to these measure, and so I guess we
13 should do a roll call to see which individuals
14 are here.

15 Is Adam Eidingger present at the meeting?

16 MR. EIDINGER: Here.

17 MS. STROUD: Okay. James Parnet?

18 James Parnet?

19 Thomasina Beverly?

20 Dia King?

21 MR. KING: Here.

22 MS. STROUD: Okay. Julian Johnson?

1 MR. JOHNSON: Here.

2 MS. STROUD: Okay. Hergaze Longun
3 (phonetic)?

4 Okay. Mr. Eidinger, we'll hear from you
5 first. You have five minutes.

6 CHAIR BENNETT: Three minutes.

7 (Simultaneous speaking.)

8 CHAIR BENNETT: Oh, I'm sorry. Okay.

9 (Simultaneous speaking.)

10 MR. EIDINGER: Well, I'll be brief.

11 I'm not going to repeat all the points
12 that Ryan made, but I am the treasurer of the
13 D.C. Committee to Build a Better Restaurant
14 Industry, and for me this is very much a redo of
15 this measure. You know, we passed it by the
16 voters in 2018.

17 It was overturned by the D.C. Council,
18 and then as you all on this board might recall,
19 we attempted a save our vote referendum,
20 Referendum Number 8, and we turned in
21 approximately 35,000 signatures to only have the
22 measure referendum stopped by D.C. Superior Court

1 due to a lawsuit from the restaurant industry's
2 representatives and saying that the Board of
3 Elections did not properly handle the referendum.

4 And so as we go through this process
5 again, I just want to urge the board to pay
6 crystal clear attention to the regs, to stay in
7 constant communication with us if something seems
8 out of line or out of whack, because we really
9 are trying to follow everything to the letter of
10 the law, and we hope that the board will do the
11 same.

12 It was a travesty of democracy that
13 35,000 District residents signed a petition to
14 reverse -- the decision to reverse raise of the
15 minimum wage in 2018, and we had this COVID
16 pandemic with thousands of restaurant workers
17 laid off, and they were paid only based off of
18 their take-home pay, not based off of their tips.

19 And a lot of workers really were making
20 a lot less money and having a hard time
21 surviving, and received, you know, assistance
22 from members of the community, and from the

1 industry (phonetic) (audio interference).

2 But they would've been better off if
3 they'd been making the full wage, and not tips
4 making up the majority of their wages, is my
5 point, and we would've had that had this
6 referendum been placed on the ballot, and it
7 probably would've passed because the voters were
8 more outraged that the D.C. Council overturned
9 the will of the voter.

10 So, as we go through this again, I just
11 want to urge the Board of Elections and really
12 the Office of Campaign Finance, too, if they're
13 listening, to really try to follow the letter of
14 the law perfectly.

15 People's livelihoods are at stake, and
16 that's all I have to say. Thank you very much.

17 MS. STROUD: All right. Mr. Parnet, are
18 you on the call?

19 I wanted to give you another opportunity
20 in case you got on.

21 Thomasina Beverly?

22 Dia King. And you have three minutes.

1 MR. KING: Hi, good morning, happy
2 Thursday. My name is Dia King. I am a native
3 Washingtonian, and I live in Ward 7.

4 This ballot initiative is proper subject
5 matter because it does not appropriate government
6 funds, does not violate the U.S. Constitution,
7 does not negate or limit any budgetary act by the
8 D.C. Council, and does not violate D.C.'s Human
9 Rights Act.

10 This initiative impacts me personally
11 because I have been (audio interference). I'm
12 sorry, because -- I'm sorry, this initiative
13 impacts me personally because I have worked as a
14 tipped valet driver since 2014, and I have been
15 working to advocate for fair wages for tip
16 workers in D.C. for many years.

17 Parking valets like me earn the
18 subminimum wage for tipped workers in over 40
19 states, including Washington, D.C.

20 When I first got this job, I thought
21 because it was mostly tips, it would be more
22 lucrative. When you get tips, people

1 automatically think you're making a killing, but
2 in reality my checks aren't that great.

3 Allow me to move on to focus on why this
4 does not violate D.C.'s Human Rights Act. The
5 current law allows discrimination because the
6 subminimum wage for tipped workers perpetuates
7 harassment and discrimination against women,
8 people of color, and immigrants.

9 The subminimum wage is a legacy of
10 slavery and has always been unjust, but the
11 pandemic made a bad situation worse, tips went
12 down, health risks and harassment went up, and
13 it's been even worse for our city's most
14 vulnerable who work in the service industry.

15 We have an opportunity to rebuild a
16 post-pandemic D.C. restaurant, hospitality
17 industry and economy that is just and fair and
18 values everyone for how hard they work.

19 Right now, a lot of restaurants and
20 hotels have been talking about how they are short
21 staffed because no one wants to work. The
22 reality is that restaurant workers aren't facing

1 a worker shortage; they're facing a wage
2 shortage.

3 We love working in restaurants, hotels,
4 and tourism, and we want to come back. We just
5 want to be paid a full, fair wage with tips on
6 top, like everyone else.

7 Many of us don't even get unemployment
8 insurance because our wages were too low to
9 qualify. If we had a full minimum wage, that
10 wouldn't be the case, and we have been in -- I'm
11 sorry, we would have been in a better place at
12 the onset of the pandemic.

13 It just doesn't make sense to go back
14 for higher risk and substantially worse customer
15 aggression and hostility, and so much fewer tips.

16 We're fed up, and we're asking DCOE
17 (phonetic) to rule that this is proper subject
18 matter so that we can take this to the ballot and
19 let the voters decide.

20 It is time to end this legacy of slavery
21 and unfair system once and for all. Thank you.

22 MS. STROUD: Thank you, Mr. King.

1 Julian Johnson?

2 MR. JOHNSON: Hello. Here, here, sorry.

3 Good afternoon, my name is Julian Johnson, and I
4 have been employed as a tipped worker within the
5 restaurant industry for the better part of ten
6 years.

7 As a worker within the subminimum pay
8 scale, I've experienced a wide breadth of the
9 benefits and losses that extend from this type of
10 employment.

11 As a restaurant worker living off of
12 tips, my actual take-home is entirely dependent
13 on the guests' knowledge of the industry and
14 their appreciation of my service.

15 The drawbacks of this type of employment
16 is the amount of hours that were requested by my
17 employers. Overtime is a tricky subject when it
18 comes to scheduling tipped employees.

19 Front of house employees are paid the
20 least and are usually required to work more hours
21 due to the fact that paying them overtime is more
22 affordable than paying an hourly employee.

1 This in turn leads to the overworking of
2 the tipped staff, decreases in staff morale, and
3 an overall decrease in labor conditions.

4 While tipped employees working more
5 hours does mean the possibility of more money,
6 the major variable is the volume of the
7 establishment.

8 Fewer guests in any business does not
9 bode well for success, however, to a tipped
10 employee, a lack of guests means you barely get
11 paid at all.

12 The taxes that go into your check often
13 result in tipped employees not being able to
14 maintain a livable wage based on hourly wages
15 alone. The ability of a worker to be able to
16 afford basic necessities should not be dependent
17 on the business's guest count.

18 When front of house employees don't at
19 least make minimum wage within a set pay period,
20 the restaurant is supposed to pay the difference
21 so that workers are fairly compensated. However,
22 the math behind this can be overly convoluted,

1 and rarely does this ever work in the laborer's
2 benefit.

3 Passing on fair wage (audio
4 interference) peace of mind for tipped employees
5 across the board.

6 This ballot measure is critical and can
7 do much to help alleviate the stress of working
8 in tipped labor environments.

9 There is no labor shortage. There is a
10 shortage of wages, and it is time to finally
11 correct that. Thank you.

12 MEMBER GILL: So I don't have any
13 questions. As the general counsel's report
14 indicated, it does meet all the requirements for
15 a lawful petition.

16 Karyn, do you have any questions?

17 MEMBER GREENFIELD: No, I don't have any
18 questions. Thanks for the testimony.

19 MEMBER GILL: Great. Well, so can the
20 general counsel give her recommendation as to the
21 initiative?

22 MS. STROUD: Yes, the recommendation of

1 the Office of General Counsel would be that the
2 initiative measure, the District of Columbia Full
3 Minimum Wage for Tipped Workers Amendment Act of
4 2022, be accepted as a proper subject of
5 initiative in the District of Columbia as it
6 meets all of the proper subject requirements, and
7 this is consistent with both the advisory
8 opinions that were filed by the general counsel
9 for the D.C. Council and the Office of the
10 Attorney General.

11 And so that is the Office of the General
12 Counsel's recommendation with respect to whether
13 the measure should be accepted as a proper
14 subject.

15 MEMBER GILL: So should we wait for
16 Michael? I know we can vote. We have a quorum,
17 and we have -- I think I know the votes, but I
18 think Michael probably wants to be on record.

19 MS. STROUD: Yes, I propose that we --

20 MEMBER GILL: All right. So if everyone
21 can just bear with us? We're going to wait a few
22 seconds. Michael got called away.

1 (Pause.)

2 MEMBER GILL: Accept or reject the
3 general counsel's recommendation?

4 CHAIR BENNETT: If you don't mind, would
5 you repeat the general counsel's recommendation
6 for a second so I can properly vote and hear it?
7 Thanks.

8 MS. STROUD: The recommendation of the
9 Office of the General Counsel would be to accept
10 the measure as a proper subject having conducted
11 (audio interference) analysis of the measure, as
12 well as taking into account the advisory opinion
13 submitted by the Office of the General Counsel
14 for the D.C. Council, as well as the Office of
15 the Attorney General for the District of
16 Columbia.

17 CHAIR BENNETT: Okay. Let me first
18 apologize to the proponents and those speakers.
19 I had to step out for a minute.

20 I did hear and read your testimonies
21 before, so I'm familiar with it. So, if I may,
22 Mr. Gill, resume?

1 (Simultaneous speaking.)

2 CHAIR BENNETT: Okay. Can I get a
3 motion from Ms. Greenfield to accept the
4 recommendation of the general counsel?

5 MEMBER GREENFIELD: Yes, I move that we
6 accept the recommendation of the general counsel.

7 CHAIR BENNETT: Can I get a second from
8 Mr. Gill?

9 MEMBER GILL: Second.

10 CHAIR BENNETT: And it has been properly
11 moved and seconded.

12 Before we have the voice vote, I do want
13 to acknowledge Mr. Eidinger's comments relative
14 to the court matter.

15 We didn't agree with the court, but we
16 certainly understand and appreciate your
17 thoughts, and be assured that that was something
18 that we were not comfortable with and will be
19 extra focused on making sure that all the
20 administrative matters that we are responsible
21 for are carried out, you know, in a way that
22 gives no question to our activities.

1 So thank you for that, but it's been
2 properly moved and seconded to get the -- to
3 accept the general counsel's recommendation, so
4 voice vote.

5 Ms. Greenfield?

6 MEMBER GREENFIELD: Aye.

7 CHAIR BENNETT: Mr. Gill?

8 MEMBER GILL: Aye.

9 CHAIR BENNETT: And it's aye for me, so
10 that's unanimous. Ms. Stroud?

11 MS. STROUD: Thank you. So the measure
12 has been accepted as a proper subject and a
13 written order will be issued forthwith.

14 And so just to give you an outline of
15 the next steps, we will in addition to
16 administrative steps (audio interference) take
17 subsequent to the acceptance of an initiative
18 measure, new initiative law requires that we
19 request a fiscal impact statement from the Office
20 of the Chief Financial Officer.

21 And if we were to issue a request today,
22 the earliest -- or the latest that the OCFO would

1 have to issue this fiscal impact statement would
2 be on September 17 because they have to submit it
3 within 15 business days after we request it.

4 And so after that, we would have a
5 public meeting to adopt (audio interference) for
6 the measure in a special proceeding similar -- as
7 they have similarly with respect to previous
8 initiative measures.

9 And so we will be scheduling a hearing
10 for the formulations which we anticipate could
11 take place on September 20, 2021, and so we'll
12 notify the public and the parties with respect to
13 when that date will be so that we can issue and
14 follow the necessary steps with respect to moving
15 this initiative forward.

16 And so the measure's been accepted, and
17 I think unless any of the -- proposer has any
18 questions, this matter is concluded with respect
19 to the proper subject hearing.

20 MR. O'LEARY: I do have a few questions,
21 if you don't mind?

22 MS. STROUD: Sure.

1 MR. O'LEARY: When is the primary
2 election being held? Do we have a date on that
3 yet?

4 MS. STROUD: It is scheduled now for --
5 let's see --

6 (Simultaneous speaking.)

7 MS. STROUD: -- 21st.

8 CHAIR BENNETT: 21st.

9 MS. STROUD: June 21st of 2021.

10 MR. O'LEARY: Okay.

11 MS. STROUD: And so -- oh, 2022. 2022.

12 And so we actually have draft calendars,
13 and I will share that with you because it
14 indicates the last day that an initiative measure
15 can be filed so that it can appear on that
16 ballot.

17 If you give me (audio interference) I
18 can pull up that calendar.

19 MR. O'LEARY: Okay, thank you.

20 MS. STROUD: Mm-hmm. That would be
21 Tuesday, February 22, 2022, assuming that date
22 remains.

1 MR. O'LEARY: Okay, great. And when do
2 you anticipate that the petitions will be issued
3 to us?

4 MS. STROUD: So there's a process for
5 that, and we can talk about that offline.

6 We have to publish in the D.C. Register
7 as well as on our website, and it has to include
8 the fisc (phonetic), which we wouldn't get before
9 -- we might not get before September 17.

10 And then, of course, as you know, there
11 is a period during you have -- the formulations
12 can be challenged in court, and so we have to
13 work through that, you know, calendar assuming, I
14 mean, because if there's no challenge -- but we
15 can provide you that.

16 We can provide you the schedule, if
17 everything goes according to schedule and there
18 are no objections and no litigation of course.

19 MR. O'LEARY: Okay, great. Those were
20 my only questions.

21 MS. STROUD: Okay. Thank you.

22 CHAIR BENNETT: Thanks. Ms. Stroud?

1 MS. STROUD: Okay.

2 CHAIR BENNETT: This is your day.

3 MS. STROUD: The next item on my agenda
4 are recall petitions, the issuance of recall
5 petitions, and we have two.

6 The first item is the adoption of a
7 petition to recall Sydelle Moore, Advisory
8 Neighborhood Commissioner for Single Member
9 District 5D05, and it was filed by Kathy
10 Henderson, a duly registered voter in that Single
11 Member District. That measure was filed on --
12 one second -- that measure was filed on July 22.

13 And so what we're doing today is the
14 board is prepared to issue the original petition
15 form for adoption. And today's proceeding is
16 only for the purpose of determining whether or
17 not the petition will be adopted by the proposer
18 for the recall petition.

19 We're only inquiring -- or the board is
20 only inquiring us to whether or not the proponent
21 adopts the measure prepared by the board as their
22 own, and, if so, the board will entertain a

1 motion to issue the recall petition form as
2 adopted by the proponent of the recall.

3 Is Ms. Henderson on the line?

4 MS. HENDERSON: I am.

5 MS. STROUD: Hi, Ms. Henderson. So you

6 --

7 MS. HENDERSON: Good morning.

8 MS. STROUD: Good morning. You were
9 issued -- can you state your address for the
10 record, Ms. Henderson, your name and address for
11 the record?

12 MS. HENDERSON: Yes. Kathy Henderson,
13 1807 L Street Northeast, Washington, D.C., 20002.

14 MS. STROUD: Okay. And you have had the
15 opportunity to review the petition form?

16 MS. HENDERSON: I have. My petition
17 form meets the requirements that the board has
18 specified in the relevant section, Chapter 11 of
19 the District of Columbia Municipal Regulations,
20 and I accept that they are transcribed accurately
21 as I submitted them.

22 My only concern is that the response

1 from our elected representative, Ms. Moore, is
2 defamatory.

3 My petition content is actually based on
4 verifiable public records and information, and it
5 is accurate, and, again, it's verifiable.

6 But Ms. Moore has responded not with
7 complaints or concerns about the actual
8 allegations, she has responded with defamatory
9 information, including a bogus website which uses
10 an altered picture of myself that I didn't
11 authorize.

12 I mean, it's really defamatory, and my
13 only concern is that the board, in approving this
14 petition, I believe potentially exposes the Board
15 of Elections to defamation because I will move
16 forward with filing a complaint against Ms. Moore
17 regarding her defamatory response, and it's just
18 so inappropriate, and I think it underscores the
19 content of why it's important for our community
20 to recall her because she's unethical, unfit, and
21 she has engaged in gross malfeasance while using
22 an elected office in the District of Columbia.

1 CHAIR BENNETT: Okay. Ms. Henderson,
2 it's now time for me to ask, and you've already
3 said so, but I need to ask for the record, do you
4 accept the petition, notwithstanding your
5 concerns?

6 And I certainly appreciate those. Do
7 you accept the petition as issued?

8 MS. HENDERSON: I do. As far as I
9 understand in my reading of the general
10 provisions regarding Chapter 11, there are no
11 provisions for the board to amend or remove Ms.
12 Moore's defamatory response, so I'm willing to go
13 forward, and I certainly adopt the petition.

14 CHAIR BENNETT: That is correct. Thank
15 you.

16 MS. HENDERSON: -- accordingly.

17 CHAIR BENNETT: Okay. The board
18 approved the petition form submitted by the
19 proponent of the recall measure, and, okay, can I
20 get a motion to accept the -- to issue the
21 petition to the proponent? Can I get a motion
22 from Mr. Gill?

1 MEMBER GILL: Motion to -- what, accept
2 the petition?

3 CHAIR BENNETT: Accept it -- issue the
4 --

5 MEMBER GILL: Issue the petition.

6 CHAIR BENNETT: Yeah, thank you. Sorry
7 for that. Ms. Greenfield, can I get a second?

8 MEMBER GREENFIELD: I second.

9 CHAIR BENNETT: It's been properly moved
10 and seconded. Voice vote. Ms. Greenfield?

11 MEMBER GREENFIELD: Aye.

12 CHAIR BENNETT: Mr. Gill?

13 MEMBER GILL: Aye.

14 CHAIR BENNETT: And aye for me as well,
15 so it's unanimous, Ms. Henderson.

16 (Simultaneous speaking.)

17 MS. HENDERSON: Thank you.

18 (Simultaneous speaking.)

19 MS. HENDERSON: And my only question is
20 when will the petition be available for
21 circulation?

22 MS. STROUD: And so you've anticipated

1 the next portion, which is when a representative
2 from the Voter Services Division will read into
3 the record a memorandum outlining the next steps
4 for this process.

5 CHAIR BENNETT: Okay.

6 MS. HENDERSON: Thank you.

7 MS. STROUD: I believe Millicent Greene
8 from the Registrar's Office is on the line.

9 MS. GREENE: Yes, I am. Hello. With
10 today's memorandum, the subject being the notice
11 of intention to recall Sydelle Moore, Advisory
12 Neighborhood Commissioner, Single Member District
13 5D05.

14 On July 22, 2021, Kathy Henderson, a
15 duly registered voter in Single Member District
16 5D05 timely filed a notice of intention to recall
17 Sydelle Moore, Advisory Neighborhood Commissioner
18 for Single Member District 5D05.

19 The notice specified Commissioner Moore
20 as the elected officer whose recall is sought,
21 contained a statement in support of the recall
22 that did not exceed the 200-word count limit, and

1 included the proposer's name, telephone number,
2 email address, resident's address, and an
3 affidavit that the proposer is a registered,
4 qualified elector in the same single member
5 district as the elected officer whose recall is
6 sought.

7 Commissioner Moore timely filed a
8 response to Ms. Henderson's statement of reason
9 to recall with the board on Thursday, July 29,
10 2021.

11 The response did not exceed the 200-word
12 count limit. Pursuant to DC Official Code,
13 Section 1-1001.17G, the proposer of the recall of
14 an ANC shall have 60 days to circulate the recall
15 petition and file the same with the board
16 beginning on the date when the proposer of the
17 recall formally adopts the original petition form
18 as his or her own.

19 Accordingly, in the event the board
20 issues the petition today, Ms. Henderson must
21 file the recall petition with the board no later
22 than 5:00 p.m. on Monday, October 25, 2021.

1 Pursuant to DC Official Code 1-
2 1001.17H3, a petition for the recall of an ANC
3 shall include the ballot signatures of ten
4 percent of the registered, qualified electors of
5 the affected single member district.

6 The ten percent must be computed from
7 the total number of registered voters in the
8 single member district according to the latest
9 official count of registered voters, and made by
10 the board 30 or more days prior to the submission
11 of the signatures for the recall petition.

12 While the signature requirement cannot
13 yet be determined, if the most recent
14 registration figures published by the board were
15 used, the petition filed in support of the notice
16 of intent to recall Commissioner Moore would be
17 required to include the signatures of 159 duly
18 registered voters in Advisory Neighborhood
19 Commission, Single Member District 5D05.

20 The total number of registered voters in
21 ANC Single Member District 5D05 as of July 31,
22 2021 was 1,596.

1 The signature requirement of ten percent
2 of registrations in ANC Single Member District
3 5D05 is equivalent to 160.

4 Both the proposer of the recall measure
5 and the elected official who is the subject of
6 the recall are advised to check with the board's
7 Voter Services Office on a monthly basis as new
8 statistical reports are published. Thank you.

9 MS. STROUD: Thank you, Ms. Greene. Ms.
10 Henderson, do you have any questions?

11 MS. HENDERSON: I don't. I just simply
12 -- yes, actually I do.

13 Just when will I receive an updated copy
14 of the properly registered electors within Single
15 Member District 5D05?

16 MS. STROUD: Okay, and we'll have the
17 Voter Services Division provide you a copy of
18 that. Thank you.

19 MS. HENDERSON: Thank you very much.

20 CHAIR BENNETT: Thank you, Ms.
21 Henderson. I'm going to make another request and
22 ask that we amend the agenda a little bit.

1 I'm going to take the last couple of
2 items from Ms. Stroud's agenda and insert board
3 matters now.

4 I personally have to leave shortly, and
5 I wanted to make sure we had a chance to focus on
6 one thing before I go.

7 And so, if I can get a motion from Ms.
8 Greenfield to amend the agenda again and place
9 board matters as the next item.

10 MEMBER GREENFIELD: Yes, I move that we
11 amend the agenda again and place the board
12 matters as our next item.

13 MEMBER GILL: Seconded.

14 CHAIR BENNETT: It's been properly moved
15 and seconded. Voice vote. Ms. Greenfield?

16 MEMBER GREENFIELD: Aye.

17 CHAIR BENNETT: Mr. Gill?

18 MEMBER GILL: Aye.

19 CHAIR BENNETT: And aye for me as well.

20 So now we're going to do board matters, and I
21 have one item that I just wanted to share at this
22 meeting, and that is it was reported in the Post

1 today, which is true, that I am stepping down as
2 chair of the Board of Elections as of September
3 30.

4 This is my last official monthly
5 meeting, but it is not my last meeting.

6 I will be, and I'm sure we'll have at
7 least one, maybe even two special meetings
8 between now and the end of September.

9 I gave notice to the council and the
10 mayor on August 10 that I was stepping down and
11 asked that they nominate and confirm somebody as
12 soon as possible for this position.

13 I think it's an incredibly important
14 position for the District.

15 There is nothing behind my deciding to
16 turn down -- whoops, sorry.

17 There is nothing behind my decision to
18 step down as of September 30 other than the fact
19 that I fundamentally believe that people
20 shouldn't sit in these jobs but so long.

21 And I've been here five and a half
22 years.

1 It has been an incredible blessing, and
2 I think it's time for someone else to move in and
3 do this job going forward.

4 I have been blessed by the citizens and
5 especially blessed by the persons and the staff
6 and all the people in the Office of Campaign
7 Finance and the Board of Elections staff.

8 So I thank all of them and I thank all
9 of you, whether you have been supportive or given
10 me a hard time over the course of time, I think
11 you made it better.

12 One of the things I have done is to
13 recommend a reorganization of both the Office of
14 Campaign Finance and the Board of Elections in
15 that I recommended that both those agencies now
16 become one agency.

17 It is not my call. It will be up to
18 whoever the new chair is to push that agenda
19 forward if they choose to, or someone in the
20 mayor's office or the council.

21 But anyway, all that information is
22 publicly available. The Washington Post will

1 probably report on it, and I just wanted to
2 personally thank all of you.

3 There are many of you that are on the
4 line now that have been participating in board
5 meetings and the things that we've been doing
6 over the course of my tenure, and you all have
7 been very supportive, and I certainly appreciate
8 that.

9 You have helped us to I think do the
10 right things for the citizens, and that's the
11 reason why I came, was to be able to give back to
12 my city that has given me so much.

13 I am not going anywhere until the end of
14 September, except I am going to leave right now,
15 and turning the rest of the meeting over to Mr.
16 Gill to chair through. But as most of you
17 have worked with me over time, I'm pretty open
18 and transparent about most things.

19 My cell phone number, it's probably
20 available to everybody in the world, so I don't
21 mind phone calls, I don't mind emails, I don't
22 mind texts. I've gotten lots.

1 So thank you, thank you all, but I
2 didn't want to walk away without at least letting
3 people know publicly instead of simply reading
4 the paper.

5 Nobody's asked me to leave, other than
6 my kids and my wife. But no, they haven't.

7 (Laughter.)

8 CHAIR BENNETT: They haven't done so.
9 But anyway, thank you, thank you all for all the
10 things that you've done to support me and the
11 Board of Elections, and I'm sure you're going to
12 be very happy with whoever the mayor nominates
13 and the council confirms as the next chair of the
14 DC Board of Elections.

15 But I'm here until the end of September.
16 Thank you guys so much.

17 Mr. Gill, I'll turn the meeting over to
18 you. If you'd like to continue with board
19 matters, that's fine. If not, then you can
20 continue on.

21 MEMBER GILL: So Karyn, do you have any
22 board matters?

1 MEMBER GREENFIELD: No, other than to
2 thank Michael for all of his leadership and time
3 and his hard work.

4 It's been a definitely interesting past
5 year with everything that's going on, especially
6 the election and COVID and the pandemic and
7 whatever, but just his leadership and his just
8 dedication to Board of Elections, I really
9 appreciate that.

10 And then I would just like to welcome
11 Monica. Congratulations on her executive
12 director position.

13 She and I have had a conversation, so a
14 great, great leader we have moving in now. So
15 I'd just like to say that.

16 MEMBER GILL: Thanks Karyn, and second
17 to that from myself on Monica.

18 Michael, I said it earlier, but I'll be
19 quick, and I know you want to leave, so I won't
20 be long.

21 Your leadership has made a difference.
22 Thank you for your five and a half years of

1 service.

2 You have really protected this agency
3 from those who don't always understand the rules.

4 You've taken lots of slings and arrows
5 on everyone's behalf and never flinched from it,
6 so we all thank you, and as I said earlier, it's
7 been a pleasure to be your colleague and an honor
8 to be your friend.

9 CHAIR BENNETT: Thank you. All right,
10 I'll see you soon. Thank you.

11 MEMBER GILL: With that, I'm going to go
12 back to our general counsel to bring up the
13 petition for the Single Member District 8A01.

14 MS. STROUD: As Board Member Gill
15 indicated, the next item is the adoption of the
16 petition to recall Holly Muhammad, Advisory
17 Neighborhood Commissioner for Single Member
18 District 8A01.

19 On July 23, Mr. Donohue filed a notice
20 of recall, and it was submitted with the
21 appropriate statement and support, and it
22 included all of the required information, as well

1 as an affidavit that Mr. Donohue resides in the
2 same single member district as the elected
3 official whose recall is sought.

4 And so as I indicated during the last
5 matter involving the previous recall petition,
6 the sole purpose is to inquire whether or not the
7 proponent adopts the petition form as it was
8 prepared by the board as their own, and if so,
9 the board will entertain a motion to issue the
10 recall petition form.

11 The only inquiry is whether or not the
12 information submitted is correctly and accurately
13 reflected on the petition form that the board
14 prepared, which the proponent has had the
15 opportunity to review.

16 Is Mr. Thomas Donohue on the line?

17 MR. DONOHUE: Yes, I am.

18 MS. STROUD: Hi, Mr. Donohue, how are
19 you?

20 MR. DONOHUE: I'm well, thank you.

21 MS. STROUD: Okay.

22 MEMBER GILL: So the general counsel's

1 informed the board that they've prepared an
2 original petition form for the recall measure,
3 and I'd like now to ask you, Mr. Donohue, if the
4 measure that is in our agenda and you have a copy
5 of, is the correct language that you would like
6 to use.

7 MS. STROUD: And if you could state your
8 name and address for the record.

9 MR. DONOHUE: Sure. Again, my name is
10 Tom Donohue. I reside at 2200 Prout Street,
11 Southeast, here in Ward 8.

12 And my concerns are very similar to the
13 discussion on the last applicant.

14 There's information within her statement
15 that simply does not have anything to do with my
16 grounds for asking to be recalled, and are just
17 unnecessary.

18 It has nothing to do with the recall,
19 and nor is it even correct, so given the fact
20 that this is released publicly and this is
21 something that I would be using on the grounds of
22 collecting my signatures -- and again, I

1 apologize if this is online, but, you know, is
2 there a way to compel or remove the items that
3 have nothing to do with the actual grounds for
4 recall?

5 She basically didn't even respond to
6 anything within my recall itself.

7 MEMBER GILL: So do you want to answer
8 this?

9 MS. STROUD: Yes. I --

10 MR. DONOHUE: Like, I don't want to be
11 personally attacked for something that -- you
12 know, and that being publicized of information
13 that's not true, and I don't think that that's
14 fair, and it's against the best interest of any
15 voter to have to, you know, tolerate information
16 that a, doesn't have anything to do with the
17 recall, and b, is false information.

18 There was information within her
19 statement that has no reflection of anything that
20 I had even said in regards to the recall, and it
21 should not be included.

22 MS. STROUD: And so, to answer your

1 question, it's not within the board's purview to
2 compel the elected official to amend or remove
3 her statement.

4 There's --

5 MR. DONOHUE: With that said, that --
6 I'm sorry, with that said, the response can't
7 just say anything.

8 She could have wrote that, you know,
9 anything in that. Would that mean that you guys
10 would accept that terminology?

11 MS. STROUD: So, a couple of things.
12 The first is that while circulation is ongoing,
13 both sides have the opportunity to put their
14 messages out for in support of or against each
15 party.

16 And so there's that opportunity, and so
17 that's what could occur, and the other thing is -
18 --

19 MR. DONOHUE: So --

20 MS. STROUD: You don't have to adopt the
21 petition to --

22 (Simultaneous speaking.)

1 MS. STROUD: -- was formulated.

2 MR. DONOHUE: Okay, so, and I'm just
3 going to say this from a -- I am, you know, not
4 attached to any sort of -- this is the first
5 political thing I have ever done in my life, but
6 I would voice the fact that this would honestly
7 keep voters, such as myself, from taking on this
8 process.

9 Ms. Muhammad could have put as her
10 response that I'm a murderer, and that is what I
11 would have to accept today as far as what goes on
12 the recall.

13 That would be irresponsible of the Board
14 of Elections, and it wouldn't be right to me.

15 Now, given the fact that if we move
16 forward with the way that this is stated, if it
17 doesn't relate to anything that is mentioned in
18 the recall whatsoever, I see no reason for it to
19 even be on her response.

20 And it should be the board's right to be
21 able to remove something that's unrelated. I'm
22 not the one being recalled.

1 So, but then you're telling me that if
2 I don't accept this, then I can't move forward
3 with it.

4 So in one sense, I don't want this false
5 information unrelated to a recall to be, you
6 know, publicly smearing me around my single
7 member district, and two, I don't want to not go
8 forward with a person that deserves to be
9 recalled.

10 So that does put me in a conundrum, and
11 it makes it a very unfair process for me as a
12 voter or future voters to even want to take part
13 in that process if this is what they may have to
14 endure.

15 By just having false information like
16 this unrelated in any way, shape, or form onto
17 this sheet of paper that I'm going to be walking
18 around and meeting my neighbors and getting to
19 know, the information doesn't have anything to do
20 with me.

21 Like, and it shouldn't be there. If
22 it's unrelated, then it shouldn't be there.

1 MS. STROUD: Okay, and I will say that
2 you have the opportunity to say exactly that
3 while you are circulating.

4 MR. DONOHUE: Okay, you're right, I do
5 have that right, but it also could be circulated
6 to people that I'm unaware or that I don't get
7 the opportunity to reach.

8 There's no reason that the information
9 unpertinent to the recall, out of her statement,
10 should be there.

11 And it's not fair to me as a voter to
12 have to defend something that I'm not supposed to
13 be even in a position to be -- it's not behavior
14 that anyone's defending, it's hers.

15 She needs to defend her behavior and the
16 reasons I've asked the board to recall her, or my
17 neighbors to recall her.

18 But I'll be in a position to have to
19 defend myself?

20 I don't know that that's appropriate, I
21 don't know that that's the impression that I
22 would want my neighbors to have, and it's not

1 fair to me as a voter.

2 MEMBER GILL: So, we've heard you. I'll
3 tell you when I first came to the board and was
4 first presented with these a number of years ago,
5 we've come to this situation, and that was one of
6 my first questions was is this process so open
7 that anyone can throw anything down there?

8 And the first opportunity I had to look
9 on was a number of years ago when they were sort
10 of criticizing the staff of a member, which I
11 thought was a bit unfair.

12 The staff had nothing to do with any of
13 this, but they sort of picked on that.

14 And the reality is the court precedents
15 that we rely on for this decision are whatever
16 fits within the white space can be put down, and
17 that's what we're bound to sort of accept.

18 So I can't make any judgments as to
19 whether things are true or false, but the system
20 that's set up is each side has the ability to
21 fill that white space with whatever words they
22 want.

1 And I've answered in terms of whether we
2 can make a determination of whether what they're
3 saying is truthful, appropriate, or not.

4 MR. DONOHUE: Well, the only thing I
5 would say is that you also determine that we have
6 to say it within 200 words or not.

7 So I would say that you folks do have
8 some leverage at some point to make changes, and
9 I'm not saying that this -- to my application is
10 appropriate, I'm just saying that it's very easy
11 to be able to read the grounds that I'm asking
12 for the recall versus what her response is, and
13 if there's something being said that has nothing
14 to do with the recall, like illegal surveillance
15 with my camera, I don't mention anything like
16 that in my grounds for recall.

17 It's false, it's not true, and I
18 shouldn't have to defend it, and the Board of
19 Elections should not be the one helping to push
20 that agenda or that false information along, and
21 you're almost forcing me to have to commit to
22 doing that against my will, or the petition

1 doesn't go forward, and that's not fair either.

2 You know, and I don't have a problem
3 speaking up for others that may in the future
4 want to do the same thing, but you folks have to
5 understand that this very thing could be the
6 reason why somebody who has a fair reason for
7 recalling somebody doesn't go through because
8 they can write anything.

9 I mean, if you can limit it to 200, then
10 somebody can -- you know, there has to be a way
11 that -- what if a respondent says, you know, such
12 and such murdered somebody? You would literally
13 allow that to move forward?

14 I mean, and I just hope you all
15 understand where I'm coming from.

16 I'm a first-time, you know, voter that
17 thinks that my elected representative, the person
18 who speaks for me, is not speaking right on my
19 behalf and on the behalf of my neighbors, but
20 it's not fair for you give me the opportunity to
21 voice that concern and recall her, yet in doing
22 so, you subject me to her or somebody else being

1 able to make false claims, and the Board of
2 Elections seems to be the engine that allows it
3 to move forward.

4 I mean, it's irresponsible. I don't
5 know what the fix is, but it certainly -- it's
6 not fair and it's not right to me whatsoever.

7 MEMBER GILL: Well, I appreciate your
8 comments, and as I've said, we don't have the
9 authority to decide what goes in that space for
10 the text.

11 And so unfortunately, you have the
12 opportunity now to either approve the petition as
13 it's been submitted, or you can choose not to
14 approve it.

15 MR. DONOHUE: So if I choose not to
16 approve it, what happens at that point?

17 MEMBER GILL: Then it disappears.

18 MR. DONOHUE: And so, do I have the
19 option to resubmit it?

20 MEMBER GILL: Sure.

21 MS. STROUD: Yes, you can of course
22 resubmit it.

1 MEMBER GILL: Yeah, sure.

2 MR. DONOHUE: Is the board able to table
3 this matter?

4 MS. STROUD: So you're asking if the
5 board would table this petition so that you can
6 come back and adopt it at a later meeting, or are
7 you going to adopt it now or reject it now, or do
8 you want time to think about it?

9 Is that what you're asking?

10 MR. DONOHUE: Yes.

11 It's not only do I want time, but I want
12 to see what legal recourse I may have to
13 interject this process before false information
14 such as what she's published is forcefully
15 transmitted to my neighbors, which there has to
16 be a legal interception of some sort that I need
17 to look into pursuing.

18 MS. STROUD: Well, nothing has happened
19 yet. The petition is here. Are you asking the
20 board to delay the issuance of the petition?

21 MR. DONOHUE: Yes, if it can be tabled
22 to -- In the next meeting, I think that that

1 would be appropriate, or give me some time to --
2 I didn't realize that this was the actual
3 verbiage that would be shared with all of my
4 neighbors.

5 And I understand that I too, you know --
6 the same thing goes with me, but I'm not the
7 elected official.

8 I'm not the one that has ran for public
9 office and that is subject to these types of
10 scrutiny.

11 I'm just a person that says, hey, what's
12 happening here with the person who's elected and
13 represents my voice, is not representing me well,
14 so I'm going to ask for my neighbors to remove
15 her from office.

16 That does not necessarily subject me to
17 having somebody else make up lies or unrelated
18 things to what's even in my petition.

19 I mean, most of what she has said has
20 nothing to do with my petition.

21 MR. KARIM: Madam Chair, is there a
22 limit to Mr. Donohue's speaking today?

1 MR. DONOHUE: And I'll move on. If the
2 board wants to, if you're able to, table it for
3 the next meeting.

4 That'd be great, I would like that. If
5 not, let me know.

6 MS. STROUD: So we --

7 MR. KARIM: Madam Chair, I'd also like
8 to find out whether the public can speak today
9 and --

10 MS. STROUD: No, this is only for the
11 question of the adoption of the issuance of a
12 petition.

13 MEMBER GILL: So what I'm hearing is
14 that you want to withdraw your -- issuance, and
15 then Karyn, do you want to have a comment on
16 whether you want to do that or not?

17 MEMBER GREENFIELD: I'm okay with delay
18 if he wants to delay the issuance of the petition
19 because I'm --

20 MEMBER GILL: And I appreciate you want
21 to get some legal advice on it, and, you know,
22 that's fine.

1 As I said, when I first came to the
2 board, I was surprised at the parameters that we
3 allow in this, but it is because of the precedent
4 that it's already been set, and that's why we
5 allow what we do.

6 We can't get into the business of
7 adjudicating truth and falsehood.

8 It really is up to -- and honestly,
9 there's an expectation of civil discourse that
10 goes in here that I don't think the authors of
11 the statute ever thought that they would have to
12 get that granular, but that's the situation we're
13 in.

14 You are welcome to go get that legal
15 advice, and we will delay matters on this.

16 Oh. Karyn, can I entertain a motion to
17 delay?

18 MEMBER GREENFIELD: Yes, I move that we
19 delay the issuance of this petition.

20 MEMBER GILL: Motion seconded. All in
21 favor? Aye.

22 MEMBER GREENFIELD: Aye.

1 MEMBER GILL: All right. There we go.

2 MR. DONOHUE: Board, I thank you very
3 much for hearing me out. I appreciate it.

4 MS. STROUD: Okay, and so the petition
5 has been delayed in the matter of the adoption of
6 petition to recall Holly Muhammad, Advisory
7 Neighborhood Commissioner for Single Member
8 District 8A01.

9 And the last item on my agenda is
10 litigation status, and the only matter in that
11 section is Jason Christopher Long versus the DC
12 Board of Elections.

13 On July 2, 2021, Mr. Long filed a civil
14 complaint in DC Superior Court against the board,
15 requesting \$10,000 in damages.

16 He claimed negligence and unjust
17 enrichment. He alleges that the board issued a
18 check to him without informing him not to deposit
19 it, then had payment of the check stopped,
20 causing him to have a negative balance and a
21 returned check fee.

22 The board is being represented in this

1 matter by the Office of the Attorney General
2 because the OAG is counsel for the Office of
3 Finance and Resource Management, the entity that
4 handled the issuance of poll worker checks for
5 the board.

6 There was an initial hearing in this
7 matter on August 9, and it was continued to
8 October 12, and that concludes my general
9 counsel's report.

10 MEMBER GILL: Thank you, Terri. Karyn,
11 any questions for Terri?

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

14 MEMBER GILL: Great. With that, I will
15 turn it over to our Office of Campaign Finance
16 report. Cecily?

17 MS. COLLIER-MONTGOMERY: Yes, good
18 afternoon.

19 The first thing that I would report is
20 that on August the second, 2021, the Office of
21 the DC Auditor issued the report entitled the
22 District of Columbia Fair Elections Program.

1 The report found that the Fair Elections
2 Program, notwithstanding the COVID-19 pandemic,
3 met its goals, which included increasing
4 candidate participation, reducing corporate
5 contribution, creating greater access to funding,
6 and amplifying the voices of everyday voters.

7 The DC Auditor was required by the Fair
8 Elections Act to conduct an evaluation of the
9 Fair Elections Program following the 2020
10 election cycle, and that of course was the first
11 year of the implementation of the program.

12 With the community outreach of the
13 Office of Campaign Finance, that continues. The
14 agency participated in four events during the
15 months of July and August 2021 with the Board of
16 Elections at events which were sponsored by the
17 Metropolitan Police Department under its Beat the
18 Streets Program.

19 In the Fair Elections Program division,
20 during the month of July and August 2021, a
21 report that the amount of public funds, which was
22 disbursed during the 2020 election cycle and the

1 2020 special election cycle, remains unchanged in
2 the total sum of \$4,016,797.64.

3 Also during the months of July and
4 August 2021, there were no disbursements from the
5 fund authorized for this amount in matching
6 payment to candidates who have registered to
7 participate in the Fair Elections Program during
8 the 2022 election cycle.

9 As of August 25, 2021, the total sum of
10 \$140,686.88 has been remitted for deposit in the
11 Fair Elections Fund, again from candidates who
12 participated in the 2020 election cycle and the
13 2020 special election cycle.

14 This was a slight increase over the
15 amount that I reported at the June 2021 board
16 meeting.

17 In the Fair Elections Division, there
18 are currently 34 post-election audits, which are
19 ongoing, and they're at various stages, which
20 includes -- we have 11 audits where the audit
21 documentation has been received and the audit is
22 in progress.

1 We have 14 audits that are complete and
2 the preliminary statement of findings has issued.

3 And we have nine audits where the
4 matters have been referred to the Office of the
5 General Counsel due to the failure to submit
6 audit documentation.

7 I would report that there are, in terms
8 of the stats, which will be placed on our website
9 this afternoon, there's more specific information
10 as to each of those audits, which can be reviewed
11 by members of the public.

12 In our Public Information and Records
13 Management Division, I would report that there
14 were several filing deadlines during the months
15 of July and August 2021, where financial reports
16 were due to be filed by our constituent service
17 program, our senator/representative statehood
18 fund, as well as from our principal campaign
19 committees that are continuing, and our political
20 action committees.

21 Again, the exact information with
22 respect to those stats is contained in my report,

1 which will be posted.

2 Also, the images of the financial
3 reports, which were filed on the filing dates,
4 are available for review by members of the public
5 at our website.

6 We also had, during the month of July,
7 new candidates and committees who registered. As
8 of this date, there are six candidates who have
9 registered in the traditional program to
10 participate in the 2022 election cycle.

11 During the month of July, the new
12 candidate who registered was Rodney Red Grant,
13 Rodney Red Grant for Mayor, registered on July
14 the 6, 2021.

15 In our Fair Elections Program, at the
16 current time we have of this date, we have three
17 candidates who have registered to participate in
18 the program during the 2020 election cycle, and
19 most recently, Gordon Fletcher, Gordon Fletcher
20 for Ward 5, registered on July the 13th, 2021.

21 With our new initiative committees, we
22 currently have three, and the most recently

1 registered on July the 12th, 2021, and that was
2 The Black Autonomy Movement.

3 In terms of candidates and treasurers
4 who completed the mandatory training program
5 during the months of July and August 2021, there
6 were nine, and their names are also listed in the
7 report, which will be posted this afternoon.

8 In our traditional audit program, during
9 the months of June and -- I'm sorry, during the
10 months of July and August 2021, the traditional
11 program conducted 100 desk review reports of
12 receipts and expenditures, which had been filed
13 with the agency.

14 Also, the audit branch issued four final
15 reports or four audits, and those audits were in
16 fact compliance audits, and they are available
17 for review by members of the public at our
18 website, and also the information pertinent to
19 the names of the committees is listed in the
20 report, as well as the specific report, which was
21 audited by the Audit Branch.

22 There are two ongoing audits, and two

1 are full-field audits of the candidates who were
2 newly elected to office, and those audits are at
3 various stages in the audit process.

4 And also, there are two periodic random
5 audits, which are currently ongoing as well.

6 And again, all of this information will
7 be posted at the website of the Office of
8 Campaign Finance this afternoon for members of
9 the public, along with the audit reports, which
10 were adopted or approved during the months of
11 July and August, as well as the financial reports
12 which were filed, are available for review.

13 I would ask our general counsel, William
14 Sanford, to summarize the report of the Office of
15 the General Counsel at this point.

16 MR. SANFORD: Thank you. Good
17 afternoon.

18 MEMBER GILL: I think the microphone is
19 actually -- the microphone is the other --

20 MR. SANFORD: Oh, this is it.

21 MEMBER GILL: There you go.

22 MR. SANFORD: Thank you.

1 MEMBER GILL: It looks like the old
2 walkie-talkie days, so.

3 MR. SANFORD: Oh, I see. Good
4 afternoon, distinguished board members. My name
5 is William Sanford, general counsel for the
6 Office of Campaign Finance.

7 During the month of July 2021, the
8 Office of the General Counsel did not receive any
9 referrals and did not issue any orders.

10 During the month of July 2021, the
11 office did not have any open investigations, did
12 not receive any request for interpretive
13 opinions, and did not conduct any show-cause
14 proceedings.

15 Nearing the month of August 2021, the
16 Office of the General Counsel issued 22 orders,
17 which included the following.

18 Sixteen orders were issued, in which
19 fines that totaled \$19,200 were imposed, and six
20 orders were issued in which no fines were
21 imposed.

22 The specifics regarding those orders

1 will be posted at the Office of Campaign Finance
2 website, which will be available later today.

3 During the month of August 2021, there
4 were no requests for interpretive opinions, there
5 were no open investigations, and no show-cause
6 proceedings were conducted, and that should
7 conclude my report.

8 MEMBER GILL: Thank you very much.
9 Karyn, do you have any questions for Bill or
10 Cecily?

11 MEMBER GREENFIELD: No, I don't.

12 MEMBER GILL: Nor do I. Thank you very
13 much for your report.

14 With that, let's move over to the
15 executive director's report. Welcome, Monica
16 Evans.

17 MS. EVANS: Thank you. And I have been
18 asked to provide a brief summary of the executive
19 director's report. The full report will be given
20 to the court reporter to be entered into the
21 record. BOE, of course, will be following the
22 mayor's order with respect to COVID guidance,

1 which goes into effect on September 19.

2 Essentially all employees must be
3 vaccinated or submit to weekly testing, and so we
4 are following the mayor in that regard.

5 As far as voter education and outreach,
6 the division attended over 20 events during the
7 months of July and August.

8 They're currently working on plans for
9 National Voter Registration Day, which will be
10 held on September 28.

11 NVRD activities will occur throughout
12 the month of September.

13 Our Poll Worker and Recruitment Training
14 Division is reporting that they have received
15 about 7,000 applications in the queue, and we are
16 continuing to receive those applications daily,
17 and based on this trend, we do not anticipate any
18 problems for 2022 with respect to staffing or
19 polling locations.

20 Our canvas process is in the final
21 stages. The second mailer will be sent to
22 relevant voters in the next few weeks.

1 As far as voter registration, the
2 board's Data Services Division sent out about
3 3,900 voter ID cards during the past month, and
4 finally, ahead of the 2022 election cycle, we are
5 working on a communications plan for internal and
6 external communications.

7 That is my report, and as I said, the
8 full report will be given to the court reporter.
9 Thank you.

10 MEMBER GILL: Great. Thank you, Monica.
11 Karyn, do you have any questions for Monica?

12 MEMBER GREENFIELD: No, I don't, thank
13 you.

14 MEMBER GILL: And nor do I. With that,
15 that concludes that portion of our agenda today.

16 Michael already touched on board
17 matters, so I'm going to move now to public
18 matters, and we are still mostly virtual.

19 So I'm going to ask folks that are on
20 the phone and would like to speak for three
21 minutes during the public matter portion to click
22 the raise your hand button.

1 And I'm going to work with Randy, who's
2 going to help me out going through the order as
3 we announce folks that raise their hand.

4 If you do not have the ability to push
5 the raise your hand button, you can unmute
6 yourself.

7 We'll unmute all and we'll try to
8 organize this in a civilized manner. Is there
9 anyone from the public who'd like to --

10 MS. BRIZIL: This is Dorothy.

11 MEMBER GILL: Oh, I heard Ms. ---

12 MS. BRIZIL: This is Dorothy Brizil.
13 I'd like to speak.

14 MEMBER GILL: Okay, Ms. Brizil, you know
15 the drill. Can we get your full name and address?

16 MS. BRIZIL: Okay. My name is Dorothy
17 Brizil, I'm executive director of DC Watch.

18 The mailing address is 1327 Girard
19 Street, Northwest. I had a couple of matters I'd
20 like to ask about -- regarding the --

21 MEMBER GILL: Okay, you have three
22 minutes.

1 MS. BRIZIL: I understand. Can I get a
2 brief explanation for certain personnel actions
3 that have taken place over the past 30, 45 days
4 in terms of Ms. Miller's departure as executive
5 director, and Ms. Evans's new appearance as the
6 executive director?

7 What rules and regulations were
8 followed?

9 Were any rules and regulations of the
10 board or the DC personnel rules and regulations
11 followed in terms of this process?

12 MEMBER GILL: So, if you want a brief
13 explanation, I can turn it over to our general
14 counsel.

15 If you'd like a fuller explanation, I'm
16 sure she'd be happy to take that question and
17 send you a written report, but Terri?

18 MS. STROUD: Yes.

19 The short of it is that the former
20 executive director Alice Miller stepped down from
21 her post, and the board appointed, pursuant to
22 its independent personnel authority power,

1 appointed Monica Evans as the executive director
2 of the Board of Elections.

3 MS. BRIZIL: I understand that the board
4 has independent authority as an independent
5 agency, but my understanding is is that the board
6 still must follow DC personnel laws and
7 regulations.

8 Were those laws and regulations followed
9 in terms of this entire process?

10 MS. STROUD: Yes, they were.

11 MEMBER GILL: Thank you. Do you have
12 another question?

13 MS. BRIZIL: So you are claiming that
14 the vacancy was posted and that there was an open
15 solicitation of applicants for the position?

16 MS. STROUD: I am saying that the process
17 was consistent with the DPM.

18 MEMBER GILL: Thank you, Terri.

19 MS. BRIZIL: Okay.

20 With regards to the budget that was just
21 approved by the council, at the June 17 judiciary
22 committee hearing, Ms. Miller and Mr. Bennett

1 gave what I thought was some startling testimony,
2 and in addition to the budget for Board of
3 Elections being at \$11,000,000 with 60 FTEs, Ms.
4 Miller went on to list a number of items,
5 critical items, which are not -- I stress not --
6 funded for the 2022 budget, including the fact
7 that if, for the 2022 election we were to do mail
8 ballots, there's no provisioning for mail
9 ballots, and that's at a cost of \$750,000.

10 There's no funding for super vote
11 centers, there's no funding for ballot drop boxes
12 and their security.

13 Ms. Miller went on to say that the board
14 is in need of serious IT upgrades. She referred
15 to it as a new voter platform. That is not
16 funded.

17 She indicated that the board needs
18 additional office space for additional employees,
19 and that's at a cost of \$675,000.

20 Can you explain to me why these items,
21 if they're so critical to the operation of the
22 Board of Elections, were not included in the

1 mayor's budget, and how going forward, especially
2 since we have an important election next year,
3 they will be funded and provision made for those
4 important services?

5 MEMBER GILL: Monica?

6 MS. EVANS: Yes, thank you, Ms. Brizil.
7 Of course we are hoping to get funding for the
8 additional items.

9 The council is not currently in session,
10 and we will address those outstanding matters
11 with them, and we do hope that funding will be
12 provided for critical matters in accordance with
13 what they approve through legislation.

14 MS. BRIZIL: I understand that you, Ms.
15 Evans, were not a key player prior to your
16 appointment regarding the budget, but if these
17 are in fact critical items, and if in fact each
18 agency, including the Board of Elections, has
19 lengthy discussions with the Office of the Chief
20 Financial Officer in the mayor's budget office
21 prior to the preparation of the budget and the
22 presentation of that budget to the council, why

1 weren't these items included, or were they deemed
2 by the mayor's budget office as not worthy of
3 being funded?

4 MS. EVANS: Yes, Ms. Brizil. I
5 absolutely appreciate your concern. Of course,
6 we do not have the ability to fund ourselves, and
7 so we have been in communications with the
8 council, and we do hope that money will be
9 appropriated for these critical items.

10 They had other items on their priority
11 list, and so we will address all of these matters
12 with them as they return to session.

13 MS. BRIZIL: My final item concerns the
14 proposed reorganization of the Board of
15 Elections.

16 Mr. Bennett has indicated since the
17 month of February, and again during the budget
18 hearing, that he had in place a reorganization
19 plan that he was going to, quote, reveal shortly
20 with a matter of a couple of weeks.

21 That would have put it at the end of
22 June when the plan should have been revealed.

1 Can you enlighten us citizens, voters,
2 as it regards what the status of that plan is and
3 who is being consulted regarding the development
4 of the plan, and when that plan will actually see
5 the light of day?

6 MEMBER GILL: So, the plan that Michael
7 referenced in his resignation letter was his
8 opinions and thoughts after five and a half years
9 as chairman on what he would propose the council
10 look at, but this is not a plan that the Campaign
11 of Office of Finance or the Board of Elections
12 (audio interference).

13 So, he's offered his advice and opinion
14 to the council for things that he would consider
15 important for them to look at, but that's where
16 the matter stands, whether they (audio
17 interference), but this organization is not
18 working on any reorganization plans.

19 MS. BRIZIL: One last thing. You
20 mentioned --

21 MEMBER GILL: If you're not speaking,
22 can you hit mute on your phone, please? Thank

1 you. Just Ms. Brizil is speaking.

2 MS. BRIZIL: You mentioned that Mr.
3 Bennett has submitted a resignation letter.

4 Is that letter available, and will it be
5 posted on the Board of Elections website?

6 (Audio interference.)

7 MEMBER GILL: So again, if people can
8 push mute. We're getting some other folks. Just
9 push mute on your phone if you're not speaking.
10 I acknowledge, Ms. Brizil ---

11 (Audio interference.)

12 MEMBER GILL: I mean, it's a letter from
13 Michael announcing his resignation. I'm just
14 wondering if it's an official letter as chairman.

15 MS. STROUD: Well, you know, we could
16 take a FOIA request for it and review it.

17 (Simultaneous speaking.)

18 MEMBER GILL: Yeah, that's a good way to
19 do it. Why don't you make a FOIA request?

20 MS. BRIZIL: I'm sorry. Wait a minute,
21 I'm sorry, I didn't understand. Who is the
22 letter addressed to?

1 MEMBER GILL: It's addressed to the
2 mayor and to Mr. Allen, I believe.

3 MS. BRIZIL: It's addressed to the mayor
4 and to Mr. Allen?

5 MEMBER GILL: Yes.

6 MS. BRIZIL: And will you make the letter
7 available today, since it is breaking news?

8 MEMBER GILL: Well, honestly, it's a
9 letter from Michael, and he's not here any
10 longer, so I would have to ask him, but I think
11 if you make a FOIA request --- oh, I'm getting
12 general counsel legal advice that we can make it
13 available.

14 So we will make it available on the
15 website.

16 MS. BRIZIL: You will make it available
17 today on your website?

18 MEMBER GILL: We can make it available.
19 The website's another level, we can make it
20 available to you if you request it.

21 MS. BRIZIL: I'd make a request that it
22 be sent to me by email by this afternoon. Thank

1 you.

2 MEMBER GILL: Do we have other matters
3 from the public?

4 Not hearing any, I'm going to assume
5 that we are --

6 (Audio interference.)

7 MEMBER GILL: I'm going to view that as
8 not relevant to our hearing, as much as I'd love
9 to answer.

10 So, with that, Karyn, can I get a motion
11 to adjourn?

12 MEMBER GREENFIELD: Yes, I move that we
13 adjourn the meeting.

14 MEMBER GILL: Thank you, I second that.
15 All in favor?

16 MEMBER GREENFIELD: Aye.

17 MEMBER GILL: Aye. Motion carried,
18 meeting adjourned. Thank you everyone.

19 MEMBER GREENFIELD: Thank you.

20 (Whereupon, the above-entitled matter
21 went off the record at 12:14 p.m.)
22

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In the matter of: Board Meeting

Before: DC BOE

Date: 08-26-21

Place: teleconference

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Court Reporter

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