

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

APRIL 7, 2021

+ + + + +

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

BOARD OF ELECTIONS MEMBERS PRESENT:

MICHAEL BENNETT, Chair  
MIKE GILL, Member

BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director  
TERRI D. STROUD, General Counsel  
WILLIAM SANFORD, Office of Campaign  
Finance

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

2 (10:38 a.m.)

3 CHAIR BENNETT: All right. I call the  
4 meeting to order. I want to make sure we have a  
5 quorum. So if I can get Mr. Gill to acknowledge  
6 his presence, Mr. Michael Gill, board member.

7 MR. GILL: And, Mr. Chairman, this is  
8 Mike Gill and I am present.

9 CHAIR BENNETT: I don't believe Karen  
10 Greenfield is on the line. She contacted us  
11 yesterday and indicated that she would not be  
12 able to attend this meeting.

13 But with two board members, myself,  
14 Michael Bennett, chair of the board, and Michael  
15 Gill, board member, we have a quorum to be able  
16 to conduct business with this meeting.

17 So I'd like to call the meeting to  
18 order. Ascertaining the quorum, I'd like to get  
19 an adoption. I want to amend the agenda for  
20 today and to add under the general counsel's  
21 report a -- to include emergency proposed  
22 rulemaking for the board to vote on under the

1 general counsel's report.

2 And so with that, I'd like to request  
3 a motion to approve the agenda as amended from  
4 Mr. Gill.

5 MR. GILL: I move that we approve the  
6 amended agenda.

7 CHAIR BENNETT: I second. Mr. Gill,  
8 can I get an aye from you, sir?

9 MR. GILL: Aye.

10 CHAIR BENNETT: Aye as well, so the  
11 agenda is approved.

12 Also, I'd like to get a motion to --  
13 from Mr. Gill to adopt the minutes from our last  
14 meeting, which was on March 3rd -- Wednesday,  
15 March 3rd, 2021. Mr. Gill, can I get a motion to  
16 approve those minutes?

17 MR. GILL: I move to adopt the March  
18 3rd meeting minutes.

19 CHAIR BENNETT: Okay, and it is  
20 properly moved and seconded. I second it. Mr.  
21 Gill, can I get a voice vote?

22 MR. GILL: Aye.

1 CHAIR BENNETT: Aye for me as well.  
2 So it's unanimous. Both the agenda for today and  
3 the minutes from last meeting are approved.

4 Board matters. I'd like to start off,  
5 if I may, with board matters and to acknowledge  
6 the passing of Mr. Rudy McGann from our general  
7 counsel's office. He was a longtime member of  
8 the D.C. Board of Elections. He passed away on  
9 April --

10 MS. MILLER: March. Monday.

11 CHAIR BENNETT: I'm sorry. Monday,  
12 March 29th. From about a year and a half battle  
13 with a tumor in his brain. He was an incredible  
14 soldier in terms of just, you know, pushing  
15 through everything.

16 You never saw him without a smile on  
17 his face. He had come back to work even after  
18 his first surgery.

19 But succumbed to the illness on March  
20 29th. So there will be -- last week General  
21 Counsel Terri Stroud held a virtual opportunity  
22 for us to express ourselves and to talk about Mr.

1 McGann's -- Rudy, as everybody knows him as --  
2 talk about Rudy and his contributions to the --  
3 to the agency and to all of us as individuals.

4 So I'd like to take this time, if  
5 there's anyone who'd like to acknowledge Mr.  
6 McGann on the record, I'd like to take this time  
7 to recognize the persons who would like -- who'd  
8 like to do so.

9 MR. GILL: Mr. Chair?

10 CHAIR BENNETT: Yes, sir.

11 MR. GILL: Mr. Chairman, it's Mike  
12 Gill. So I didn't have the opportunity to  
13 participate in the sort of open memorial that  
14 Terri put together, unfortunately.

15 So I want to just to say a few quick  
16 words about Rudy. You're spot on. I never saw  
17 him without a smile, and I don't think folks  
18 realize that, you know, besides being a  
19 tremendous attorney, you know, part of Rudy's  
20 role was to meet with all the people that want to  
21 be candidates on the ballot, and more than not,  
22 he's meeting with people that were unsuccessful

1 for a reason -- you know, a technical issue,  
2 didn't have the right signatures, signatures were  
3 challenged, didn't do the form.

4 And it's difficult because, you know,  
5 everyone at the Board of Elections wants to err  
6 on the side of -- we want ballot access. We want  
7 people to get on ballots and we want to help  
8 them, and it fell to Rudy with a smile on his  
9 face to sort of be the enforcer and the bad news  
10 guy to explain, well, you didn't get it in time  
11 and, no, this signature didn't count, and it  
12 could be a really tough job to have to do that  
13 over and over again.

14 And Rudy knew the law and he was able  
15 to sort of explain the law. Each person comes in  
16 with a very limited knowledge of our regulations  
17 and it was up to Rudy to explain it, give bad  
18 news, and always did so in a professional manner.  
19 You know, just a great personality to be around.

20 And I just, you know, my heart's  
21 broken. You know, just a tremendous loss for the  
22 board. Thanks, Chairman.

1 CHAIR BENNETT: Thank you. Are there  
2 others who would like to acknowledge Mr. McGann?

3 And Ken McGhie, did you want to --

4 MS. MILLER: You have to unmute.

5 CHAIR BENNETT: You have to unmute  
6 yourself.

7 MR. MCGHIE: Hello?

8 CHAIR BENNETT: Yes.

9 MR. MCGHIE: Can I be heard?

10 CHAIR BENNETT: Yes, you're -- you're  
11 on.

12 MR. MCGHIE: Okay. But I will say  
13 something for Rudy but it's going to take about  
14 at least five minutes.

15 CHAIR BENNETT: Go for it. That's  
16 fine.

17 MR. MCGHIE: All right. So good  
18 morning. As you may know, I was the general  
19 counsel for the Board of Elections from 1997 to  
20 2019.

21 So I'm the person that hired Rudy  
22 McGann. Therefore, I appreciate you giving me



1 this opportunity to pay my respects to Mr.  
2 McGann.

3 I can't give an obituary and tell you  
4 about his family and all the great things that he  
5 did from birth, even though I do know about his  
6 mother, Beverly, who is deceased, his father,  
7 Rudolph, Sr., his wife, Madeleine, two children,  
8 Maverick and Maven, and my heartfelt condolences  
9 goes out to all of them during this time of  
10 sorrow.

11 I can only tell you about his more  
12 than 20 years at the Board of Elections.

13 Rudolph Michael Delano McGann first  
14 came to the Board of Elections as a second-year  
15 law student at Howard University. Back then, the  
16 Board of Elections was a relatively small agency.

17 There were not a lot of initiatives  
18 being filed and there were very few court cases.  
19 So back then the legal department was very small.  
20 It consisted of one office manager and me.

21 So I decided that I would spread some  
22 of the work around by hiring a part-time law

1 student. I received a number of applications,  
2 but I recall only interviewing three people.  
3 Rudy had a solid GPA. His writing sample was  
4 very well written and he was very articulate.

5 Now, I know there are some people that  
6 think I hired Rudy because he had a New York  
7 connection or that his father was a Jamaican,  
8 which is just a coincidence, or that he was a  
9 member of Alpha Phi Alpha fraternity, another  
10 coincidence.

11 But I assure you, none of these  
12 factors entered into my consideration. Rudy was  
13 a solid candidate and he was my choice. He came  
14 in at least three days a week and he was a fast  
15 learner.

16 He was so good that if I had a court  
17 case, Rudy wrote almost the entire brief by  
18 himself and I would argue it. He didn't need a  
19 lot of supervision. Rudy would just take off and  
20 start researching and do the work.

21 Eventually, I decided that I needed  
22 another staff attorney. Enter Terri Stroud,

1 another very talented person who had just  
2 graduated from law school. When Rudy graduated  
3 from law school, I offered him a full-time law  
4 clerk position until he passed the bar.

5 At first, Rudy was not interested in  
6 election law because he said he wanted to be an  
7 entertainment lawyer, but said that he would work  
8 for me until he passed the bar.

9 I don't know when he changed his mind,  
10 but when he passed the bar on the first try, of  
11 course, a full-time staff attorney position. For  
12 the next 15-plus years it was just the three of  
13 us -- Terri, who was my writing expert who I  
14 referred to often as my editor-in-chief, and Rudy  
15 was my litigator, who to this day had a perfect  
16 record.

17 I do not recall Rudy ever losing any  
18 cases in court. Rudy even argued before the U.S.  
19 Federal Court of Appeals less than one year after  
20 passing the bar, and that case, Marlin v. the  
21 D.C. Board of Elections, which deals with the  
22 prohibition of wearing campaign paraphernalia in

1 a polling place on election day, is cited to this  
2 day by numerous jurisdictions throughout the  
3 country.

4 That was Rudy the professional. Rudy  
5 the person was even better. Rudy the person was  
6 a wonderful young man full of life and promise.  
7 He always provided positive examples to everyone  
8 around here, even in his illness. He had an  
9 incredible personality and spirit.

10 Let me try and highlight the many  
11 faces of Rudolph "Rudes" McGann. Rudy was the  
12 Howard alumni. Rudy went to both Howard  
13 undergrad and the law school. He was the  
14 ultimate Bison.

15 He never missed a homecoming. He  
16 would always host a homecoming party at his  
17 house, which would last way into the morning  
18 hours. And he was the exclusive caterer, which  
19 brings me to now Rudy the chef.

20 Boy, Rudy could cook. He would make  
21 Southern meals. He would make mac and cheese.  
22 He would make greens. He would make chicken, all

1 of restaurant quality. If he wanted to, I'm sure  
2 he could have owned his own successful  
3 restaurant.

4 Then there was Rudy the professor. He  
5 taught election law as an adjunct professor at  
6 the David Clark School of Law, and on several  
7 occasions his students could be seen in the back  
8 of the courtroom. If Rudy was arguing a case, he  
9 invited his students to come and listen to him.

10 Then there was Rudy the athlete. Rudy  
11 completed the D.C. National Triathlon, which is a  
12 swim in the Potomac River, bike, and run. He  
13 could often be seen in the office doing his one-  
14 and two-handed pushups. Rudy stayed in shape.

15 And there was Rudy the sports fan. He  
16 was a diehard Redskins fan who followed every  
17 major sport. He would do the office pool for  
18 the Super Bowl and the brackets for March  
19 Madness.

20 I'm sure if he was able to have  
21 participated in this March Madness, he would have  
22 picked Baylor as the winner.

1 Rudy was also a tattoo aficionado.  
2 Rudy's tattoos were on both his legs and arms.  
3 It seems like Rudy got a new tattoo almost every  
4 other month. He had -- he had tattoos  
5 representing the Bill of Rights and, of course,  
6 his beloved Alpha Phi Alpha.

7 Last but not least, Rudy was a family  
8 man. He adored his wife and kids. He often  
9 bragged about his distinguished Natalie Hopkins,  
10 Ph.D., and her many publications.

11 Then there was his two student  
12 athletes, his star 6'3" collegiate soccer player  
13 at VCU, Maverick, and his star travel volleyball  
14 player, Maven.

15 Both Rudy's daughter and my daughter  
16 play travel volleyball, and there were many times  
17 that I was at the same all-day tournament for  
18 volleyball. But that gave us a chance to sit  
19 down together and really just talk about our  
20 daughters and how they were growing.

21 I could go on and on about Rudy. But  
22 he was a good son, husband, father, friend, and

1 all-around good person. Rudy fought his illness  
2 with great courage and hope. His spirits were  
3 always high. He never complained.

4 The quality of one's life is  
5 determined not by the length of time but by the  
6 number of people one touches. He was a unique  
7 person who leaves a great legacy.

8 He has earned his eternal reward in  
9 heaven. He was a great guy and he will be missed  
10 by many. Thank you for letting me share my  
11 thoughts about Mr. McGann.

12 CHAIR BENNETT: Thank you for sharing,  
13 and it is more than worth the time and thanks for  
14 getting those comments on the record. Rudy is  
15 definitely going to be missed and has had a huge  
16 contribution.

17 And so thank you for your  
18 contribution, not just your own personal  
19 contribution but the contributions of bringing on  
20 such incredible bright people that would be as  
21 successful in any venue, in any field -- legal  
22 field in the country in Rudy and also Terri.

1           So thank you for that and thanks for  
2 taking the time to do it, Ken. I appreciate it.

3           MR. MCGHIE: Sure.

4           CHAIR BENNETT: Okay. Any other  
5 comments or acknowledgments from anybody with  
6 regard to Mr. McGann?

7           I know you couldn't -- you really --  
8 we need a comment from you, Terri.

9           No, you can you really comment from  
10 you, Terri.

11          MS. STROUD: Yeah. I think Ken said,  
12 you know, it all, but I just couldn't, you know,  
13 let the moment pass without acknowledging just  
14 how wonderful Rudy was.

15          And, you know, I didn't have a  
16 brother. I had five sisters. I now have four.  
17 He didn't have any sisters, and I felt like we  
18 became, you know, that for one another over our  
19 decades-long professional relationship.

20          It evolved into a sibling relationship  
21 with all of the joy and frustration that goes  
22 along with that. And, you know, the moments for



1 me that I think about are how, when I lost my  
2 mom, Rudy brought his entire family to New York  
3 to share in that moment with me, and I will never  
4 forget that.

5 And when the time came when he was  
6 facing, you know, his mother's transition, I was  
7 able to be there for him and, you know, so many  
8 stories, so many memories.

9 And I was watching a TV show, I think,  
10 last week or the week before last, and one of the  
11 characters said that we don't really lose people.  
12 Everybody is with us all the time. Everybody  
13 that ever was is still with us all the time.

14 And so I feel like I needed to hear  
15 that because I feel like Rudy will always be with  
16 me, with us, and I'm just grateful to have had  
17 the opportunity to have our paths cross.

18 So I feel grateful. I feel grateful  
19 to feel -- to have somebody that I loved so much  
20 that I -- it feels good to feel that way about a  
21 friend.

22 CHAIR BENNETT: Thank you, Terri.

1                   What I'd like to do now is just, if I  
2 may, in memory, Rudy McGann just to have 30  
3 seconds of silence.

4                   MS. MILLER: Can I say something?

5                   CHAIR BENNETT: I'm sorry. Ms.  
6 Miller?

7                   MS. MILLER: Before you do that, I  
8 just -- I just want to put briefly on the record  
9 -- oops, sorry.

10                  Just wanted to chat a little bit about  
11 what I said last week when we did this and that  
12 is that Rudy always said to us, at least to me,  
13 after his surgery -- his initial surgery -- when  
14 he came back, in conversations that we had he  
15 always said, "It's okay. It's okay. I'm going  
16 to be alright. Don't worry about it. It'll be  
17 all right."

18                  I think it's important that he wanted  
19 us to know and to think that he was going to be  
20 okay. I'm not sure that he really knew the  
21 magnitude of what his illness was.

22                  And Terri and I were talking a little

1 bit about it yesterday and going through some  
2 things, and there, clearly, was some misdiagnosis  
3 going on with his medical care and what he was  
4 told, and that was realized six months later, as  
5 we appreciate it, based on some information that  
6 we looked at.

7 But that aside, even as he came to  
8 know what the true status was six months later,  
9 he still always wanted it thought that he was  
10 going to be okay. He wanted us to know  
11 everything was going to be all right.

12 So I think we need to know now that he  
13 believes everything's okay, and I want to know  
14 and I want to acknowledge and appreciate all of  
15 the kind words that we received from everyone  
16 about Rudy.

17 I got a lot of emails, a lot of  
18 outreach, from individuals acknowledging and  
19 recognizing Rudy and I want to thank people for  
20 that, and it came from far and near and members  
21 of the Council as well and I want to put that on  
22 the record and I appreciate it, the outreach of

1           condolences that we received.

2                       And while I won't get into  
3 specifically who all they came from, I do want to  
4 put it on the record and thank everyone for that  
5 because it means a lot and we do appreciate it.

6           CHAIR BENNETT:   Okay.  I'm sorry.  Was  
7 there anyone else?

8                       (No response.)

9           CHAIR BENNETT:  With that then, I'm  
10 going to ask that in memory of Rudy McGann that  
11 we just take a 30-second moment of silence for  
12 you to have a private moment to think about Mr.  
13 McGann and to wish his family well and support  
14 them in your thoughts.

15                      (Pause.)

16           CHAIR BENNETT:  Thank you.  Well, we  
17 have to move on, and thanks for all those  
18 acknowledgments.

19                      Next item on the agenda, were there  
20 any other board members, Mr. Gill?  Did you have  
21 any other matters for the board?

22           MR. GILL:  No, I'm good.  Thank you.

1 CHAIR BENNETT: Okay, thank you. Next  
2 on the agenda is a report from the Office of  
3 Campaign Finance, and Ms. Montgomery is not here  
4 today to provide that, but we're going to have  
5 the general counsel of the Office of Campaign  
6 Finance, Mr. William SanFord, to provide that  
7 report.

8 Mr. SanFord?

9 MR. SANFORD: Good morning, Mr.  
10 Chairman, and distinguished Board Member Gill.  
11 This is William SanFord appearing on the behalf  
12 of the director of the Office of Campaign Finance  
13 --

14 CHAIR BENNETT: Mr. SanFord, you are  
15 more than welcome to continue as you are.  
16 However, just so you know, if you wanted to show  
17 your face the light is not sufficient. But  
18 you're more than --

19 MR. SANFORD: Well, I'm a very shadowy  
20 figure right now. I try not to be.

21 CHAIR BENNETT: No, indeed. I just  
22 want to make sure that were aware. So but you're

1 more than welcome to continue as you are. We can  
2 -- we can hear you fine. Thank you, sir.

3 MR. SANFORD: I'll try to share a  
4 little lighter.

5 CHAIR BENNETT: You're fine. You  
6 don't have to do it for our benefit. I just  
7 wanted to make sure you were aware.

8 MR. SANFORD: I'm aware. Thank you.

9 CHAIR BENNETT: Mm-hmm.

10 MR. SANFORD: The Office of Campaign  
11 Finance continues to operate under a modified  
12 status. All services are being provided  
13 remotely, wire, email and telephone. My  
14 telephone number is 202-671-0547.

15 The following is an accounting of the  
16 Fair Elections program stats from March 2021. As  
17 of March 31st, 2021, the total sum of  
18 \$4,016,797.64 has been disbursed for Fair  
19 Elections Fund and base amount of \$1,120,000 and  
20 matching payments of \$2,896,797.64 with 36  
21 candidates certified in the Fair Elections  
22 program to participate in the June 2nd, 2020,

1 primary, June 16th, 2020, special election and  
2 November 3rd, 2020, general election.

3           During the month of March 2021, there  
4 were no disbursements authorized for base amount  
5 and matching payments through the Fair Elections  
6 Fund.

7           During the month of March 2021, there  
8 were 14 desk reviews and five requests for  
9 additional information in connection with the  
10 Fair Elections program.

11           During the month -- as of March 31st,  
12 2021, total funds remitted were deposited in the  
13 Fair Elections Fund from the campaign operation  
14 of participating candidates in the June 16th,  
15 2020, special election, the June 2nd primary  
16 election, and the November 3rd, 2020, election is  
17 \$132,268.90. The details on each remission will  
18 be available at the Office of Campaign Finance  
19 website.

20           There are currently 10 ongoing post-  
21 election audit of committees involved in the June  
22 2nd primary election. They include the

1 following.

2 Green for Ward 7. That audit is in  
3 progress. Kelvin Brown for D.C. Council, Ward 7.  
4 That audit is in progress. Evans 2020 audit is  
5 complete. It is under review by the Fair  
6 Elections Manager. Yilin for Ward 2, the audit  
7 is complete, under review by the Fair Elections  
8 Manager.

9 Patrick Kennedy for Ward 2. The  
10 matter was referred to the Office of the General  
11 Counsel and the audit is also in progress. Mike  
12 for Ward 8 audit is complete and under review by  
13 the Fair Elections Manager.

14 Kishan for D.C. 2020, a hearing was  
15 held by the Office of the General Counsel on  
16 March 10th, 2021. There was no response, and a  
17 second hearing was held on the 25th of March  
18 2021, and there was no response.

19 Jordan Grossman for Ward 2, audit is  
20 complete. It is under review by the Fair  
21 Elections Manager. John Fanning for Ward 2, the  
22 matter was referred to the Office of the General



1 Counsel on February 12th, 2021.

2 And finally, Elect Renee Bowser, the  
3 audit is complete and is under review by the Fair  
4 Elections Manager.

5 There are currently four ongoing audit  
6 of committees that were involved in the June  
7 16th, 2020, special election in Ward 2. They  
8 include the following.

9 Kishan Putta, Kishan Putta for Ward 2  
10 special election, the audit is complete and under  
11 review by the Fair Elections Manager -- the Fair  
12 Elections Manager.

13 John Fanning, John Fanning for Ward  
14 2 special election, referred to the Office of the  
15 General Counsel on February 12th, 2021. Jordan  
16 Grossman, Jordan Grossman worked for Ward 2  
17 special election.

18 The audit is complete and under review  
19 by the Fair Elections Manager, and Patrick  
20 Kennedy, Patrick Kennedy for Ward 2 special  
21 election and the audit is in progress.

22 There were 20 post-election audit

1 campaign operations during the November 3rd,  
2 2021, general election. The details regarding  
3 those committees will be available at the Office  
4 of Campaign Finance website today with this  
5 report at the end of the day.

6 In the Public Information and Records  
7 Management Division, there was one required  
8 filers with the Legal Defense Committee. The  
9 committee timely filed its report on March 1st,  
10 2021. There were a total of 426 required filers  
11 in the Advisory Neighborhood Commission financial  
12 summary statement program.

13 A total of 363 timely filed, and  
14 there's a correction on the report. There were a  
15 total of 63 who failed to timely file.

16 During the month of March 2021, James  
17 Butler, treasurer of the Butler Mayoral  
18 Exploratory Committee, and Detrick Campbell,  
19 treasurer of the Capital Stonewall Democrats,  
20 formerly the Gertrude Stein Democratic Club,  
21 completed Office of Campaign Finance entrance  
22 conferences.

1                   In the reports, analysis and audit  
2 division, there were a total of 10 desk reviews  
3 completed during the month of March 2021, which  
4 included four political action committees, one  
5 U.S. Senate or Representative committee, and five  
6 principal campaign committees.

7                   During the month of March 2021, the  
8 Reports Analysis and Audit Division also issued  
9 the following audit. Democrats for Education  
10 Reform political action committee's audit was  
11 issued on March 18th, 2021. D.C. Chamber of  
12 Commerce political action committee audit was  
13 issued on March 31st, 2021.

14                   During the month of March 2021, the  
15 Office of the General Counsel completed nine  
16 informal hearings and issued 11 orders, which  
17 included the following:

18                   Two orders were issued in which no  
19 fines were imposed. Seven orders were issued in  
20 which fines totaling \$5,800 were imposed, and two  
21 orders were issued in which notices of the  
22 hearings and statements of violations were

1 vacated.

2           During the month of March 2021, the  
3 Office of General Counsel imposed fines against  
4 the following respondents:

5           A fine of \$800 was imposed against the  
6 James from Ward 2 State Board of Education  
7 principal campaign committee. A fine of \$300 was  
8 imposed against the Peter Bolton for Ward 2  
9 principal campaign committee. A fine of \$1,200  
10 was imposed against Fred for Ward 8 principal  
11 campaign committee. A fine of \$600 was imposed  
12 against Jacques for D.C. principal campaign. A  
13 fine of \$1,200 was imposed against the Goodwin  
14 for D.C. 2020 principal campaign committee. A  
15 fine of \$1,200 was imposed against Edwards for  
16 D.C. principal campaign committee and, finally, a  
17 fine of \$500 was imposed against the Elect Yaida  
18 Ford principal campaign committee.

19           During the month of March 2021, the  
20 Office of General Counsel collected a fine of  
21 \$500 from the Ward 1 Democrats for failure to  
22 timely file a report and that -- well, sorry.

1                   During the month of March 2021, there  
2                   were no open investigations, there were no  
3                   requests for interpretive opinions, and no show  
4                   cause proceedings were conducted.

5                   And that should conclude my report.

6                   CHAIR BENNETT: Great. Thank you, Mr.  
7                   SanFord. Mr. Gill, do you have any questions for  
8                   Mr. SanFord with the Office of Campaign Finance  
9                   report?

10                   (No response.)

11                   CHAIR BENNETT: Mr. Gill, make your --

12                   MR. GILL: Sorry. Sorry, Michael.

13                   No questions for William. Thanks.

14                   CHAIR BENNETT: All right. Thank you.  
15                   And I don't have any questions? Thank you, Mr.  
16                   SanFord.

17                   MR. SANFORD: Thank you.

18                   CHAIR BENNETT: Next item on the  
19                   agenda is the Executive Director's -- the  
20                   Executive Director's Report.

21                   Ms. Miller?

22                   MS. MILLER: Thank you. Thank you,

1 Mr. Bennett.

2 First thing I want to talk a little  
3 bit about is where we are with respect to our  
4 voter maintenance process. We have sent out  
5 letters for in-state and out-of-state and  
6 undeliverables as a result of the mail ballot  
7 returns from the November elections.

8 The returns have been coming in in  
9 response to those mailings, which, of course,  
10 provides the final mechanism for the board to  
11 update those individuals with valid voter  
12 addresses and information and to permanently  
13 remove them from the registry in conformance with  
14 the process for doing so.

15 From those ballot envelopes of  
16 individuals that were undeliverable, in other  
17 words, mailed ballots that went out that were not  
18 deliverable but returned to the board, there were  
19 52,000 of those.

20 Of those that we have canvassed a  
21 second time, we have received 10,286 back at this  
22 point, so we can consider that a second mailing

1 and can begin to remove those individuals from  
2 the voter roll.

3 This is an ongoing process. As you  
4 know, we will continue to receive mail back from  
5 these individuals as this process continues. But  
6 as of this point, of those 52,000 we have  
7 received 10,286 back.

8 As it relates to the canvass itself of  
9 individuals who did not vote -- who chose not to  
10 vote in the November election, there were 101,968  
11 individuals who were mailed ballots that did not  
12 vote in the November election.

13 In accordance with the canvass  
14 process, we have mailed those individuals  
15 notifications requesting they confirm their voter  
16 information since they did not vote in the  
17 general election.

18 The information on those cards are now  
19 beginning to come back. This process involves  
20 multiple mailers, one that -- this first one is  
21 not forward able.

22 The second one will as the law

1 requires. With respect to the first one, we have  
2 so far received 5,271 returned cards. We are  
3 processing those as the law requires.

4           Once we have a good sense of moving  
5 forward, we will begin sending a second mailer,  
6 which would be the forwardable mailer, which is  
7 what the list maintenance process requires.

8           Again, this is an ongoing process.  
9 It's a process that takes about six to eight  
10 months to complete.

11           As we have put out on our social media  
12 page and our website, if anyone receives these  
13 cards for someone who does not live at your home  
14 and you receive it, we ask that you take time and  
15 return it back to us indicating that the  
16 individual does not live there so that we can  
17 take the proper action and update the voter  
18 registry or do the maintenance that we need to do  
19 with respect to the voter registry.

20           It is what the law requires us to do  
21 with respect to updating and conforming to the  
22 process to keep the registry clean. So it



1 requires attention from everyone with respect to  
2 the list maintenance process.

3 Also I want to talk a little bit about  
4 ANC legislation. Last month, the council  
5 introduced and the mayor signed emergency  
6 legislation that provided the board to support  
7 the vacancy-filling process for SMDs within the  
8 ANC in conjunction with the Office of Advisory  
9 Neighborhood Commissioner.

10 What that essentially means from our  
11 end is that we will conduct those elections for  
12 now during the regularly scheduled meetings of  
13 the ANC as long as the emergency -- public state  
14 of emergency exists as proclaimed by Mayor's  
15 order.

16 We will work with the staff of the  
17 office of ANC and provide a COVID-safe election  
18 process for the residents of the SMD to have  
19 those elections conducted.

20 As of now, we know there are eight  
21 vacancies. We have published notice of vacancies  
22 in three SMDs, which will appear in the D.C.

1 Register on Friday. Those vacancies are 4E05,  
2 7F07, and 8E03.

3 With respect to 7F07, that SMD sits  
4 within the Department of Corrections and there  
5 are some specific directives within the  
6 legislation with respect to that SMD since at  
7 this time no one has access to the jail.

8 However, anything outside of the jail  
9 that is within the SMD will be responsible for  
10 conducting that election as well with respect to  
11 those registered voters.

12 This information won't be on the  
13 website. But once the notice is published on  
14 Friday, there will be 21 days for petition  
15 circulation to begin, which will begin on Monday,  
16 April 12th. It will end on May 3rd.

17 There will then be a five-day  
18 challenge period beginning on May 6th. It will  
19 end on May 12th. And, as I have said, the  
20 information will be posted on our website.

21 The elections will be conducted at  
22 their regularly scheduled meeting of ANC with the

1 proper notice given by the ANC. We are not  
2 involved with that. That's up to the ANC. We  
3 will be only involved with the actual conduct of  
4 the elections.

5 As I said, it will be over a specified  
6 period of time, within a window of time, to  
7 conduct those elections at their meetings.

8 Also, we are in the process of  
9 developing a few short videos for posting on our  
10 website and sharing and educating with various  
11 populations such as returning citizens and  
12 incarcerated residents for information on the  
13 voting process and the election process in  
14 general.

15 We're just in the development stages.  
16 I want to show you a little bit of what it's  
17 going to look like, for example, on how to  
18 register to vote, how to complete your ballot,  
19 qualifying for ballot access. This one I'm going  
20 to show you is one that we are working on on how  
21 to register to vote.

22 Ready?

1 (Video played)

2 MS. MILLER: Stop. This is just an  
3 idea of what it's going to look like. These are  
4 just short videos that we will share on our  
5 website just to get through the -- to give to  
6 various populations such as the returning  
7 citizens.

8 Incarcerated residents have their own  
9 website for individuals to go through. We'll  
10 have where to register to vote, how to complete  
11 your ballot, how to qualify for ballot access,  
12 and other like things.

13 So just to give an idea of what  
14 they'll look like.

15 And one other thing I want to mention  
16 is that we on, I think it was Friday, March --the  
17 last Friday in March the -- we were visited by  
18 the state director of the Maryland Board of  
19 Elections and other local election officials.

20 The Montgomery County and Prince  
21 George's County local election officials reached  
22 out to us to ask if they could tour our warehouse

1 facility to observe the process that we operate  
2 during the November election with respect to our  
3 Agilis equipment.

4 That was the equipment that was our  
5 mail sorter and was used to separate the mailed  
6 ballots by ward and capture our scanned  
7 signatures that we use to verify and to compare  
8 signatures on file.

9 They're interested in also using that  
10 process in their elections, and so they just  
11 wanted to see how it worked. So we just kind of  
12 hosted them for that day and I think they're  
13 going to move in that direction with their  
14 elections, going forward.

15 So that's it.

16 CHAIR BENNETT: Thank you. Okay.

17 Mr. Gill, do you have any questions  
18 for Ms. Miller from her report?

19 MR. GILL: No questions. Thank you.

20 CHAIR BENNETT: Thank you. Thank you,  
21 Ms. Miller.

22 MR. GILL: Thanks. Thanks, Alice.

1 MS. MILLER: Sure. Thank you.

2 CHAIR BENNETT: Next is the General  
3 Counsel report.

4 Ms. Stroud?

5 MS. STROUD: Good morning, everyone.

6 The item that I have on my agenda is  
7 an emergency and proposed rulemaking. These  
8 amendments will replace -- oh.

9 CHAIR BENNETT: Your speaker.

10 MS. STROUD: I apologize.

11 MR. GILL: Ah, thank you.

12 MS. STROUD: The time on my agenda is  
13 emergency and proposed rulemaking. The purpose  
14 of these amendments are to place the board's  
15 regulations into conformity with the newly-  
16 enacted Initiative and Referendum Process  
17 Improvement Amendment Act of 2020, which became  
18 effective on March 16th.

19 And so this rulemaking makes  
20 adjustments to the board's regulations to reflect  
21 the legislation. It requires, among other  
22 things, that the board's drafted summary

1 statement for the initiative be written in plain  
2 language.

3 We are required to request a fiscal  
4 impact statement with respect to initiative  
5 measures from the Office of the Chief Financial  
6 Officer and to request within a defined time  
7 frame advisory opinions from the Office of the  
8 General Counsel for the council as well as the  
9 Attorney General and other interested parties.

10 It requires us to publish in the D.C.  
11 Register divorce formulations, which were adopted  
12 at a public meeting in the D.C. Register, at  
13 least one newspaper of general circulation and it  
14 requires a posting on the board's website.

15 So these are some of the changes that  
16 have been made to the regulations, and I'm  
17 requesting that the board approve that they be  
18 sent to the Register for publication so that they  
19 can take effect in emergency and proposed form.

20 CHAIR BENNETT: Okay. Can I get a  
21 motion from you, Mr. Gill, with regard to the  
22 proposed emergency rulemaking just described?

1 MR. GILL: So, Michael, I don't -- I  
2 can't hear you. I don't know if others can hear  
3 you.

4 CHAIR BENNETT: I'm sorry. It was my  
5 -- I had my speaker off. I said can I get a  
6 motion from Mr. Gill from you with regard to the  
7 emergency rulemaking that Ms. Stroud just  
8 described?

9 MR. GILL: So I move that we vote on  
10 the emergency rulemaking.

11 CHAIR BENNETT: Okay, it's been  
12 properly moved. I second. Can I get a voice  
13 vote from you, Mr. Gill?

14 MR. GILL: Aye.

15 CHAIR BENNETT: An aye from me as  
16 well.

17 Ms. Stroud, you have approval to move  
18 forward with the emergency rulemaking.

19 MS. STROUD: Thank you.

20 CHAIR BENNETT: Okay. Any other items  
21 on your agenda?

22 MS. STROUD: No, that's it.



1 CHAIR BENNETT: Okay. That's a short  
2 agenda from you.

3 Okay. So last item on the agenda --

4 MS. STROUD: Oh, Mr. Chair, I would  
5 add that a big reason why my agenda is so short  
6 is that we don't have any cases right now. And  
7 just last week, I got a mandate for the court  
8 with respect to a case that -- the last case that  
9 we had pending, which was Rudy's last case.

10 CHAIR BENNETT: Okay.

11 MS. STROUD: Which he won.

12 CHAIR BENNETT: Okay. A perfect  
13 record.

14 Great. I'll have -- the last item on  
15 the agenda are public matters and so I'd ask for,  
16 one, the public to either, I guess, raise your  
17 hand in the chat as well as when you do speak  
18 please help us focus on the matter and indicating  
19 what your name and address is for the record.

20 Okay. So if you could -- let's start  
21 out. Who do we have on the -- who raised their  
22 hand in the chat?

1 (No response)

2 CHAIR BENNETT: No one? Okay. Since  
3 we have no one to raising their hand in the chat,  
4 we will close the meeting. I'll also -- just a  
5 final item is to put on the record that our next  
6 town hall we want to hear from registered voters  
7 in the district relative to their experience that  
8 they have had and that they would like to have,  
9 going forward.

10 We had, I think, a very good town  
11 hall. We got a lot of good information on  
12 yesterday and I'm looking forward to the next one  
13 that's scheduled on April 20th.

14 If you have something specific that  
15 you'd like to talk about and you're registered  
16 voter in the district, then please, please,  
17 please contact Nick Jacobs, and Nick will help  
18 you kind of focus the topic that you want to talk  
19 about.

20 These town halls are opportunities for  
21 us to hear from voters in the district and to be  
22 able to focus our efforts administratively, going

1 forward, based on what works or doesn't work for  
2 the voters.

3 So thanks so much for the  
4 participation on yesterday and we look forward to  
5 participation on April 20th.

6 The meeting is now adjourned. Thank  
7 you so much.

8 (Whereupon, the above-entitled matter  
9 went off the record at 11:25 a.m.)

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C E R T I F I C A T E

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In the matter of: Board Meeting

Before: DCBOE

Date: 04-07-21

Place: teleconference

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



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Court Reporter

**NEAL R. GROSS**

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